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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
SECOND SESSION.

SENATE.

TUESDAY, *January 6, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, reverently we take Thy name upon our lips. Thou art the author of our being. Thou art the judge of all men. With Thee we have to do in all the plans and purposes of life, and we have no plan or purpose that is not Thine. We simply invoke Thy blessing upon us, that the will of God may be wrought out through us and that the Nation may have the touch and blessing of God upon it from day to day as we labor together with God. For Christ's sake. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Assistant Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Pomerene
Ball	France	Lodge	Ransdell
Bankhead	Gerry	McCormick	Sheppard
Brandegee	Harris	McCumber	Sherman
Calder	Harrison	McKellar	Smith, Ga.
Capper	Henderson	McNary	Smoot
Chamberlain	Hitchcock	Nelson	Spencer
Colt	Johnson, S. Dak.	New	Sterling
Culberson	Jones, N. Mex.	Norris	Sutherland
Curtis	Kendrick	Nugent	Swanson
Dial	Kenyon	Overman	Thomas
Dillingham	Keyes	Page	Trammell
Edge	King	Phipps	Wadsworth
Elkins	Kirby	Pittman	Walsh, Mont.
Fernald	Knox	Poindexter	Williams

Mr. POMERENE. I desire to announce that the senior Senator from Iowa [Mr. CUMMINS], the junior Senator from Minnesota [Mr. KELLOGG], and the senior Senator from Arkansas [Mr. ROBINSON] are absent on business of the Senate. They are engaged in a conference on the railway legislation.

Mr. GERRY. The Senator from Tennessee [Mr. SHIELDS] is detained by illness in his family.

The Senator from Massachusetts [Mr. WALSH] is detained by illness of a member of his family.

The Senator from North Carolina [Mr. SIMMONS], the Senator from Arizona [Mr. SMITH], the Senator from Kentucky [Mr. STANLEY], and the Senator from Louisiana [Mr. GAY] are absent on official business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

CANADIAN GOVERNMENT RAILROADS IN THE UNITED STATES (S. DOC. NO. 162, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting as an appendix to the report of the commission submitted December 3, 1919, relative to the Canadian Government railroads in the United States, a copy of "An act respecting the acquisition by His Majesty of the Grand Trunk Railway System as finally assented to," which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2902) to amend section 5182, Revised Statutes of the United States.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across the Lumber River near the town of Lumberton, N. C.;

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases;

H. R. 10135. An act for the construction of a bridge across Rock River, at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 10746. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds for the construction, enlargement, and equipment of schools, the acquisition and construction of a water-supply system, the construction of a sewer system, the construction of a city dock and floating dock, and to levy and collect a special tax therefor;

H. R. 10873. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

The message further announced that the House had passed the bill (S. 2999) to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with an amendment, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the intelligence of the death of Hon. WALTER ALLEN WATSON, late a Representative from the State of Virginia, and transmitted resolutions of the House thereon.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH. I present a large number of petitions signed by members of the Women's Nonpartisan Committee for the League of Nations, urging the immediate ratification of the treaty of peace and the covenant of the league of nations. I move that the petitions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CAPPER presented a petition of sundry citizens of Bloom, Kans., praying that admissions to Lyceum courses be exempted from the provisions of the so-called "luxury tax," which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Arkansas City, Kans., remonstrating against the passage of the so-called Cummins and Esch railroad bills, and praying for a two-year extension of Government operation of railroads, which was ordered to lie on the table.

BALLOT ON PEACE TREATY.

Mr. CHAMBERLAIN. Mr. President, a correspondent of the Oregon Journal, one of the leading papers published in my city, received from the Journal by wire this morning a statement of the result of a ballot being taken by that paper on the peace treaty. I ask that it may be read and that the form of the ballot which is submitted to the readers of the paper, which is attached to the report, may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Assistant Secretary read as follows:

[Telegram.]

PORTLAND, OREG., *January 5, 1920.*

CARL SMITH,
Correspondent Oregon Journal:

Up to noon to-day totals in the Journal's treaty poll are as follows:

For compromise and immediate ratification, 374.
For ratification with Lodge reservations, 66.
For ratification substantially as presented by Wilson, 5,333.
Opposed to ratification in any form, 133.

To-day's count showed but 2 for compromise, 735 for Wilson plan, none for Lodge plan, none against ratification. Please communicate these results to Senators CHAMBERLAIN, MCNARY, LODGE, and HITCHCOCK.

JOURNAL.

BALLOT ON PEACE TREATY.

Vote one choice. Indicate preference by X mark in square.

1 [ ] I favor compromise on reservations and immediate ratification of peace treaty and league of nations covenant.

Or, 2 [ ] I favor ratification with Lodge reservations.

Or, 3 [ ] I favor ratification of the peace treaty and league of nations covenant substantially as presented to the Senate by President Wilson.

Or, 4 [ ] I am opposed to ratification in any form.

Name.....

Address.....

Fill in and mail to the Journal. Limitation of ballot to qualified voters is requested.

CANADIAN NEWSPRINT PAPER.

Mr. SHERMAN. Mr. President, I present a telegram from the Butterick Publishing Co., of Chicago, Ill. They had a contract with a newsprint paper company in Canada for a supply of newsprint paper. It is threatened now to be canceled by the Canadian authorities at the request of certain Canadian and British newspaper publishers who require all the newsprint for their purposes. In view of the fact that we are asked to loan immense credits to Europe, and especially to England as the clearing house of the Old World, I think it is material, and I ask that the telegram be printed at length without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *January 5.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

For the last 10 years we have purchased all our supplies of newsprint paper from Canada, the contracts having been made during the war through the Canadian Export Paper Co. (Ltd.), of Montreal. The contracts for the purchase of this paper have been made under and in accordance with the provisions of an agreement between the Attorney General of the United States as trustee and various American and Canadian manufacturers of newsprint paper, the agreement referred to bearing date November 26, 1917. We have not during the war increased our consumption of newsprint paper brought from Canada, but, on the contrary, have reduced it. We are to-day advised by the Canadian Export Paper Co. that the Canadian paper controller has directed Price Bros. & Co. (Ltd.), of Quebec, Canada, one of the largest paper manufacturers in Canada and from whom the Canadian Export Paper Co. obtains part of its supplies, to supply paper to Canadian newspapers, namely the Hamilton Spectator and the London Free Press, which papers are not by contract entitled to the paper demanded. And although to supply the paper demanded will make impossible for the Canadian Export Paper Co. (Ltd.) to furnish to us the paper contracted for by us, the Canadian paper controller threatens unless paper is furnished to the Hamilton Spectator and the London Free Press in accordance with his instructions to have passed an order in council prohibiting the export of any newsprint paper. His action is not supported by any war or other public necessity, but appears to be solely for the private benefit of the two Canadian newspapers. The effect of this action is to interfere for the private benefit of the two Canadian newspapers with existing contracts between Canadian and American firms. This threat to use the Government powers of Canada for the private benefit of Canadians seems to us an outrageous proceeding. We respectfully request you to protest in our behalf and in behalf of other American consumers similarly situated, making protest to Sir Henry Drayton, finance minister of Canada, at Ottawa.

THE BUTTERICK PUBLISHING CO.

THE BEET-SUGAR PRODUCT.

Mr. SMOOT. Mr. President, there seems to be a persistent propaganda going on through the United States to convince the American consumers of sugar that the cause of the high prices of sugar is on account of the beet-sugar producers holding back their product from the market. I have taken occasion to find out just what is the percentage of the beet-sugar production of this country disposed of by the 1st day of January, beginning with the year 1913–14 down to and including the crop of 1919–20. I am not going to take the time to read the tonnage or the pounds, but I will just call attention to the percentages of the production of beets in those years, showing the percentage of the crops sold on the 1st day of January of each of the years named.

In the year 1913–14 it was 31 per cent of the production of that year.
In 1914–15 it was 28 per cent.
In 1915–16 it was 34 per cent.
In 1916–17 it was 36 per cent.
In 1917–18 it was 48 per cent.
In 1918–19 it was only 29 per cent.
And in 1919–20 it was 65 per cent.

So, Mr. President, when anyone states that the reason for the high price that is being charged to the consumer for sugar in the United States is because the beet-sugar producers of the country are holding back their product from the market, it is an absolute falsehood. They have sold now 65 per cent of the whole production of the year 1919–20. It has been delivered, and if it is being hoarded the Attorney General of the United States ought to take action against the hoarders and profiteers and stop the unjustifiable price that is being charged to the people of the United States for sugar.

Even in the District of Columbia we are compelled, so I am told, to pay 23 cents a pound for sugar, and then only get 2 pounds at a time. There is no necessity for this condition. It ought to be handled in the most drastic way. There is plenty of law to do it, and the American people should not be compelled to pay these outrageous prices.

I ask to have inserted in the RECORD the following table giving the production, estimated deliveries, and per cent of United States beet sugar.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

	United States beet-sugar production.	Estimated deliveries.	Per cent.
	Bags.	*Bags.*	
1919–20 (estimated)	14,432,000	9,391,000	65
1918–19 (actual)	15,248,000	4,413,000	29
1917–18 (actual)	15,276,000	7,422,000	48
1916–17 (actual)	16,403,000	5,950,000	36
1915–16 (actual)	17,453,000	5,955,000	34
1914–15 (actual)	14,578,000	4,081,000	28
1913–14 (actual)	14,544,000	4,508,000	31

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3640) to provide for the establishment and maintenance of a forest experiment station in the State of Minnesota; to the Committee on Agriculture and Forestry.

By Mr. HENDERSON:

A bill (S. 3641) making an appropriation for the construction of drainage facilities in connection with the Newlands reclamation project, in the State of Nevada; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. HARRIS:

A bill (S. 3642) to provide for the return of the dead bodies of soldiers of the American Expeditionary Forces buried in France; to the Committee on Military Affairs.

A bill (S. 3643) providing for the purchase of a site and the erection thereon of a post-office building at the city of Monticello, Ga.;

A bill (S. 3644) providing for a site and public building for a post office at Sparta, Ga.;

A bill (S. 3645) for the purchase of a site for and the erection of a post-office building at Cairo, Ga.;

A bill (S. 3646) to increase the appropriation for the purchase of a site and erection of a building for a post office at Douglas, Ga.;

A bill (S. 3647) for the erection of a public building at Jesup, Ga.;

A bill (S. 3648) for the purchase of a site for and the erection of a post-office building at Camilla, Ga.;

A bill (S. 3649) for the erection of a public building at Blackshear, Ga.; and

A bill (S. 3650) providing for the purchase of a site and the erection of a public building thereon at Vidalia, Toombs County, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT:

A bill (S. 3651) to provide for the commission of Kerwin C. Lubs as a first lieutenant in the United States Army and an honorable discharge therefrom; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 3652) granting a pension to Edgar E. Rich; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 3653) for the relief of John P. Chesley; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3654) granting a pension to Eva Fifield (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 3655) to increase the cost of the public building at Prescott, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. CALDER:

A bill (S. 3658) for the relief of the next of kin of Edgar C. Bryon; to the Committee on Claims.

THE MERCHANT MARINE.

Mr. RANSDELL. Mr. President, I introduce a bill to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes. I shall make a very brief explanation of the bill.

This bill is the outgrowth of very serious consideration of the subject for a period of eight months by the National Merchant Marine Association, an organization of which I am president, formed about one year ago for the purpose of aiding in the development of a merchant marine under the American flag adequate to the needs of our country in peace and war, and including in its membership representative men from agricultural, commercial, and labor circles, and broadly representative of all classes of our citizenship. The bill provides for speedily substituting private ownership for Government ownership of vessels. The council of the association has gone on record as favoring the principles enumerated in the bill. Briefly, the bill requires, first, the repeal of certain sections of the shipping act and the transfer to the Shipping Board of property acquired by the President under resolutions passed by Congress.

Sections 3 and 4 provide that the merchant vessels now owned or controlled by the United States be placed under private ownership and operation by citizens of the United States as soon as practicable, except that such of the vessels of 6,000 dead-weight tons and less, as the Shipping Board shall decide are not required for the maintenance and development of American trade routes, and such vessels as the board shall deem unnecessary to the promotion and maintenance of an efficient merchant marine may be sold to aliens with privilege of transfer of flag.

Section 5 provides for the allocation to private operators of unsold tonnage, to be operated for Government account.

Section 6, as an encouragement to American operators, provides that the purchasers of Government tonnage shall be exempted in respect to the earnings of such vessels from excess-profits taxes for a period of 10 years.

Section 7 provides that pending the sale of the tonnage the Shipping Board shall be empowered through private operators to use such ships as may be needed to inaugurate and develop passenger and trade routes where it is deemed desirable in the national interest that such lines be established.

Section 8 deals with the terms of payment, insurance against loss or damage, and indemnity insurance.

Section 9 authorizes the board to sell miscellaneous property and vessels contracted for or under construction.

Section 10 directs the manner in which funds acquired by the board shall be disposed of.

Section 11 deals with vessels chartered to the War Department.

Section 12 suspends the building, requisition, or exchange of houses or buildings or the requisition of lands authorized by the act of March 1, 1918, and directs the disposition of property acquired thereunder.

The provisions of this bill, which have been drafted with some care, represent the conclusions I have come to after months of painstaking consideration of the question.

The subject is a complex one and it is not possible for anyone to assert with absolute confidence that the solution proposed by him is certainly correct in all particulars. While, therefore, as I have said, the provisions of this bill represent my conclusions after months of study, still I can not ignore the possibility that the ideas of my colleagues as they may be developed in conference or on the floor of the Senate or additional facts, may to some extent modify my present point of view. And I shall therefore feel myself free, in case I become convinced that some aspects of the subject have been overlooked, to advocate such modifications as may be necessary to remedy deficiencies which may thus become apparent.

I ask that the bill be referred to the Committee on Commerce.

The bill (S. 3656) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

SPECIAL COMMITTEE ON BUDGET SYSTEM.

Mr. McCORMICK submitted the following resolution (S. Res. 268), which was read, considered by unanimous consent, and agreed to:

Resolved, That the time for the submission of the report of the special committee of the Senate to devise a plan for a budget system is hereby extended to April 1, 1920.

COURTS IN NEW YORK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2969) to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was, on page 1, to strike out all after line 6 down to and including line 6 on page 4 and insert:

SEC. 97. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Rensselaer, Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin, as he may from time to time appoint. Such appointment shall be made by notice of at least 20 days published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions, and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of his court; and in such cases such judge shall have the same powers as are vested in the resident judge.

Mr. WADSWORTH. In making the motion that the Senate shall concur in the amendment made by the House I simply desire to say that the House amendment made to the bill which was introduced by myself is one which does not change the character of the legislation in the slightest degree. There are some very minor changes which I am sure will not arouse any objection whatsoever. It is a local bill, applicable only to certain

judicial districts in the State of New York. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across the Lumber River, near the town of Lumberton, N. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, was read twice by its title and referred to the Committee on Pensions.

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, was read twice by its title and referred to the Committee on Military Affairs.

A bill (H. R. 10746) to authorize the incorporated town of Wrangell, Alaska, to issue bonds for the construction, enlargement, and equipment of schools, the acquisition and construction of a water-supply system, the construction of a sewer system, the construction of a city dock and floating dock, and to levy and collect a special tax therefor, was read twice by its title and referred to the Committee on Territories.

A bill (H. R. 10873) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

THE AIR MAIL SERVICE.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Postmaster General in reference to the air mail service of the Post Office Department.

Mr. SMOOT. I will ask the Senator from Tennessee to whom is the letter addressed?

Mr. McKELLAR. It is a letter addressed to me, which describes the service, and is a matter in which, I think, the Senate will be interested.

Mr. SMOOT. It is not in any wise a departmental document?

Mr. McKELLAR. No; it is a letter addressed to me.

The PRESIDING OFFICER (Mr. NUGENT in the chair). Without objection, the request of the Senator from Tennessee is granted.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, January 6, 1920.

Hon. KENNETH MCKELLAR,
United States Senate.

MY DEAR SENATOR MCKELLAR: In pursuance to our recent conversation and in response to your request, I beg to submit the following as a history of the air mail service, its cost of operation, the savings effected thereby, and some reasons why it should not be consolidated with an air department:

There are pending in Congress two bills—S. 3348 and H. R. 9804—designed to take from the Post Office Department the operation of the air mail service and place it in the hands of a military department of air. The bills provide that the proposed department of air shall take over the air mail service, planes, property, and appropriation and perform every function performed by the Post Office Department in connection with aviation.

The air mail has been a financial and postal success and its efficiency has elicited high praise in Europe as well as in the United States, yet the pending bills propose to take it out of the hands of a civil department of the Government and place it under the control of a department military in character and personnel, and devised not to develop commercial aviation but military proficiency in the air.

The air mail has been in continuous operation since May 15, 1918, and has covered 473,210 miles. Its performance is 91.49 per cent.

It has carried 22,254,400 letters, advancing their delivery on an average by 16 hours, or one entire business day.

Its operating cost to date, including overhead and interest on investment for three routes, is as follows:

Washington to New York	$202,558.90
New York to Cleveland	112,796.57
Cleveland to Chicago	81,865.00
	397,220.47

AIR MAIL PAYS FOR ITSELF.

It is not customary for Congress to demand that the operations of the Postal Service shall be self-sustaining, yet the operations of the air mail service paid for itself in the sale of special airplane postage and the saving of car space and cost of distribution in trains. The mail is moved so rapidly by airplane that the distribution can be done in the post offices instead of on trains. The Post Office Department found that over the principal long-distance mail routes the air mail saving on the cost of train distribution is so great that it was possible to discontinue the extra airplane postage rates, and letters are now being carried by airplane at the regular postage rate.

The revenue and savings from the air mail operations have been $194,831.50 from the sale of extra-rate airplane postage—$2,448 in car space from May 15, 1918, to June 30, 1919. The saving on train distribution from July 1 to December 31, 1919, was at the rate of $176,000 per year, and since January 1, 1920, by the use of large weight-carrying planes, the saving is at the rate of $593,000 per year.

Nobody insists that the Rural Free Delivery Service, costing annually $66,031,487, or that the Railway Mail Service, created solely for the expeditious handling of the mails through working them on trains, and costing the Government $36,984,481 annually, shall be self-sustaining. Yet here is a remarkably rapid service, doubling the speed of the fastest trains, expediting the mails on long-distance runs by 16 hours or more in delivery to the public, that can pay for itself in savings on car space and train distribution.

EFFICIENCY OF AIR MAIL SERVICE.

In the operations of the air mail every effort has been made to eliminate the spectacular. Everything has been concentrated on obtaining results. Air mail fields are not show grounds; air mail planes are not gaud and tinsel, and there are no rides in air mail planes for advertising or propaganda purposes. The greatest handicap that commercial aviation faces to-day is the spectacular phase of flying, stunting, and racing. Aviation has so long been exploited as a sport and a show that the public has not been able to visualize it as a practical instrument of commerce. A few cities, like Chicago, whose bank mail reaches New York by air mail in time for bank clearings the following morning instead of too late for that important event had the mail continued by train, realize that the air mail is more than an instrument of war or plaything for the rich or a thrill maker for fair-ground crowds. But the public in general does not yet realize the daily commercial value of the airplane as demonstrated by the air mail. It is astounding how few people know that this epoch-making facility—the air mail—has been in daily operation for 19½ months, carrying to date more than 22,000,000 letters between Chicago, Cleveland, New York, and Washington at better than twice the speed of the Congressional Limited or the Twentieth Century, and in this 19½ months the air mail has to its credit a performance of 91½ per cent, summer and winter, across the mountains and up and down the seacoast.

No man who knows anything about aviation will contend that any air service, or any other branch of the Government, can exceed that record. A performance of 91½ per cent over 19½ months operation is all that any person or organization can get out of the airplane to-day with its limitations. On the route between Cleveland and Chicago the air mail accomplished a world's record of 205 consecutive 325-mile nonstop trips without a forced landing of any kind.

ECONOMY IN AIR MAIL OPERATIONS.

In the matter of economy, no man can study the cost of the air mail as operated by the Post Office Department and say that its equal has been approached by airplane operations by any organization anywhere—here or broad. At a cost to the Government of $397,220.47, the air mail has operated 507 flying days, covering an aggregate of 473,210 miles, at a cost of 84 cents a mile. This cost includes the value of every piece of material and every minute of time entering into the repair and upkeep of the planes; the cost of every smash-up and every forced landing; every cent of loss; every penny of overhead; and 6 per cent interest on the value of the field equipment and planes in actual use and in service on the fields. This is not all cash expenditures, but a large part of it represents the war-time cost of material salvaged out of the surplus Army and Navy material at the close of the war by the Post Office De-

partment. In the statistical reports on the cost of operating the routes this material is charged in the account at the cost price to the Government, as if it were paid for in cash out of the appropriations for the air mail.

Consider the accomplishment. Daily operation of a route 218 miles between New York and Washington for 19½ months; a route of 325 miles between Cleveland and Chicago for 7½ months; and a route of 430 miles between New York and Cleveland for 6 months; experimentation and development of a satisfactory commercial mail plane; the upkeep of seven aviation fields—all for $397,220.47; and the entire expenditure coming back to the Government in the shape of sale of special airplane postage and actual saving of car space, and thereby expediting annually more than 22,000,000 letters an entire business day. What could a militarized air service or any other organization do better than this?

FEW CASUALTIES IN AIR MAIL.

Then consider the safety of operations in the air mail as compared with any other aerial activity—military, exhibition, or aerial-passenger transport, either in America or abroad. In the daily opertions of the air mail over a period of 19½ months and covering 473,210 miles, four air mail pilots have lost their lives flying the mail, as follows: Frank S. McCusker, Cleveland, Ohio, May 25, 1919; Charles W. Lamborne, Dix Run, Pa., July 19, 1919; John P. Charlton, Long Valley, N. J., October 30, 1919; and Lyman W. Doty, Catonsville, Md., October 15, 1919. On the fields, one mechanic and one spectator have been killed by coming in contact with the whirling propellors of planes on the ground. Two pilots have been seriously injured—none permanently—and not more than half a dozen have been hurt or shaken up severely enough to lay them up for more than a few hours. And this record was achieved in the stern work of carrying the mail as a daily routine in storm, rain, sleet, and fog.

Compare with that the European military and civilian aviation death roll since the close of the war, and even the civilian and military record in the United States. It is not a reflection on our Army that its air force reports between 50 and 60 killed during the year 1919, or that 8 of these deaths occurred in the short period of the great transcontinental air race from October 8 to November 4, 1919. It simply shows that straight commercial flying as conducted by the air mail, with its pilots kept in constant practice and its mechanics trained to bring about one daily result, is a reasonably safe undertaking, considering the limitations and crudeness of the present-day airplane.

AIR SERVICE BILLS AFFECT AIR MAIL.

The development and extension of the air mail has been seriously hampered through failure of Congress to make substantial appropriations. This failure did not result from antagonism to an air-mail service, but was the result of a campaign conducted to force legislation for the creation of a department of air. The purpose of such proposed legislation clearly is to create a powerful independent military air force, instead of separate Army and naval air forces. The principal bills introduced and considered by the committees of Congress are nearly exclusively military in their character, usually with one paragraph, very general in tenor, dealing with the encouragement of commercial aeronautics. These bills, devoted almost entirely to creating a fighting air force, always seek to take from the Post Office Department the operations of its air-mail service. It is contended that money would be saved to the Government through the elimination of duplication, if the operations of the air mail were taken from the Post Office Department and merged with the operations of the independent military air service.

Everybody knows that the methods and practices obtaining the world over in military operations, and probably necessary for military efficiency, are not the practices and methods that make for commercial success, and no amount of consolidation under military practices can possibly cut the cost of operations down to the efficient economic basis of the air mail.

No one will contend that these bills, so strongly urged by military fliers, are anything but purely military in character. They are drawn for the purpose of creating an air military force, separate and distinct from land military establishment and from the Navy. It is apparently expected that the head of this proposed new department would be a civilian, but his whole organization would be military, and, in the language of two of the most strongly pressed bills, governed under the rules and regulations of the War Department in the proposed acts. These two bills even provide that the air routes shall be laid out, not to meet the needs of commerce in time of peace, but to meet the military needs in time of war.

WHY DO THEY WANT THE AIR MAIL?

What is the purpose then of attempting to take out of the hands of a civil department the efficient and economic operation of a commercial function? It is not necessary to the conduct of an efficient fighting force. In fact it would be a mere side-line activity of a military air department. It can not seriously be contended that a military air department can conduct the postal air service more economically and more efficiently than it is being conducted by the Post Office Department, as demonstrated by more than a year and a half of operation and as compared with the cost of air operations for military purposes here and abroad.

There is some other reason for this persistent desire to tie up the air mail service with a military air service. Whether it is the reason or not, it is easy to see that the proposed department of air would be likely to get larger appropriations if it transported mail from city to city than if it devoted itself to purely military work. It can not be in the interest of either economy or postal efficiency to take the air mail out of the hands of the Post Office Department and put it under a militarized air service, and certainly it can contribute nothing to military efficiency to carry mail sacks back and forth daily between certain cities; then, if it is not the hope of getting larger appropriations from Congress each year, what is behind this powerful and persistent campaign to turn over to the proposed separate military air force this mail-transporting function of the Post Office Department?

The idea that it would be a great thing if the military fliers in their air maneuvers could be put to work carrying mails instead of flying their planes empty appeals to some men.

Would those men vote to put the Infantry to work on the letter carriers' rounds, the Cavalry to patroling the cities, and the Artillery and transports to hauling street litter to the city dumps just to keep them busy at some civic function?

And what would happen if you turned the air mail over to a military department of air? Remember always that the pending bills would make it an Army and Navy consolidated separate fighting force for the expected purpose of greater military efficiency in the air.

WOULD SPEEDILY KILL AIR MAIL.

The first thing that would happen would be that while you might put the military fliers to work on some civic occupation it would cost the Government more per mile and per pound to carry the air mail than under an efficient postal administration.

The next thing that would happen would be an immediate loss of efficiency in postal service, not that the military operatives would not be capable men, but because, first, it would be an operation incidental to the main purposes of the proposed department of the air, which is sought to be created, not to jitney sacks of mail on strict daily schedules between given points but to develop and increase our military proficiency in the air; and, secondly and chiefly, because the Post Office Department could not compel a coordinate branch of the Government to render that degree of service which it could compel its own employees to render or which it could compel a bonded contractor to perform. This is not a groundless fear or imaginary eventuality. It is bitter experience in the Postal Service. The maintaining of schedules and the unfailing performance of service is the very soul of the mail transportation. Fines under the law and recovery on bonds have proven the only means of forcing that dependability of service which postal efficiency requires where the Post Office Department itself does not operate the service.

Long years of experience have taught the Post Office Department that it can not obtain the same efficient service from a coordinate branch of the Government over which it can not exercise direct authority as it can over its bonded contractors or its own employees, and in the light of that experience the Post Office Department serves notice now that Congress will kill the American air mail speedily and with certainty if it transfers its operations from the Post Office Department to the proposed department of air.

HOW THE AIR MAIL HAS PERFORMED.

The following table shows the percentage of performance and the cost of service by months from its inauguration on May 15, 1918, to November 30, 1919, a period of 18½ months:

Consolidated statement of operations of air mail service.

Month.	Miles traveled.	Per cent of performance.	Mails carried.	Cost of service.
1918.			*Pounds.*	
May (15 days)	5,324	78.87	4,750	$3,682.11
June	10,685	94.97	13,081	9,922.71
July	11,855	97.57	16,967	10,001.46
August	11,984	99.96	16,588	9,555.67
September	10,900	100.00	15,200	9,638.74
October	11,617	98.68	16,788	9,841.76
November	11,118	98.07	16,854	10,673.68
December	8,415	77.23	17,778	13,300.46

Consolidated statement of operations of air mail service—Continued.

Month.	Miles traveled.	Per cent of performance.	Mails carried.	Cost of service.
1919.			*Pounds.*	
January	9,653	82.00	18,105	$13,741.58
February	9,307	88.18	15,489	13,645.16
March	10,699	92.59	17,531	13,880.29
April	11,105	95.06	16,677	13,516.44
May [1]	22,578	96.92	26,626½	17,715.66
June [2]	30,835	99.65	35,647	30,891.62
July [3]	56,577	96.04	48,704	41,134.36
August	58,022	98.43	56,870	40,614.59
September	56,308	98.60	55,688	34,861.53
October	50,437	86.27	55,095	35,609.03
November	41,757	86.61	54,084	31,127.58
Average		92.93		

[1] Cleveland-Chicago route inaugurated May 15, 1919.
[2] New York-Cleveland service inaugurated July 1, 1919.
[3] Flight Washington-New York prior to July reported as two trips account exchange of mails at Philadelphia, and subsequent to that date nonstop flight reported as one trip.

NOTE.—Effective November 9, 1919, Sunday service on New York-Cleveland and Cleveland-Chicago routes was discontinued.

HOW LETTERS ARE SPEEDED BY AIR MAIL.

The air mail between Washington and New York, northbound, takes from trains Nos. 82 and 92 about 16,000 letters daily, distributed to New York City carrier routes, and delivers them in New York City in time for the bulk of afternoon carrier-delivery routes. This mail, had it continued to New York by train, would have reached that city, if on time, at 4.45 p. m., too late for delivery that day, and would not have been delivered until the following morning.

Southbound, the air mail takes from train No. 109 the Boston and New England night mail to the amount of about 16,000 letters daily and delivers them in Washington generally in time for the noon carrier delivery in the business district and for the 1.40 p. m. carrier delivery over the entire city of Washington. Before the air mail took over this work the letters from these trains reached Washington in time for the afternoon delivery only when the train was on time in New York City and in Washington, and provided the transfer of mail between the Grand Central Depot and the Pennsylvania Depot in New York City was accomplished in time. The train from New York to Washington missed the carrier delivery in Washington 26 per cent of the time, resulting in delivery the following morning. The immediate result of carrying this mail by airplane was the cessation of complaints from New England commercial centers that their night mail frequently was not delivered in Washington until the second day after mailing.

The air mail between New York and Cleveland leaves New York early in the morning and reaches Cleveland in the forenoon, resulting in an afternoon delivery of that day of mail for Cleveland. The plane also carries about 12,000 letters for the Middle West, which are placed on train No. 35 at Cleveland and arrive in Chicago at 8 p. m. instead of 8 a. m. the following day, had they gone the entire way from New York to Chicago by train, thus advancing these letters 16 hours to the Middle Western States. At Cleveland mail for Chicago and Chicago western connections is taken from train No. 19 and is delivered in Chicago usually at 1 p. m. instead of 4 p. m., had the mail remained on train No. 19, thus insuring delivery in the city of Chicago in the afternoon instead of the following morning and making train connections out of Chicago that would have been missed had the mail remained on the train.

From Chicago, eastbound, mail from the West and from Chicago city is brought to Cleveland in the afternoon, when the eastern mail is placed on the eastbound Twentieth Century Limited and delivered in New York at 9.40 o'clock the following morning instead of the following afternoon. At Cleveland the air mail is taken from train No. 90, which left Chicago at 11 p. m. the night before, and is delivered by plane in New York City early that afternoon instead of the following morning, had it remained on the train.

If it were possible for the railroads to expedite the mail in any such manner—which is not possible—the service would have to be put on, no matter if it did cost the department one or two hundred thousand dollars a year additional. In the case of the air mail, however, the expedition is much greater than could be accomplished by train, and a large saving in space and clerical hire is effected.

AIR MAIL VERSUS TRAIN TIME.

Thus the air mail has been worked in to supplement the Railway Mail Service in the expediting of letter mail over long runs. The possibility of the savings of the air mail in the matter of time and in the cost of distribution on trains arises from the fact that the airplane trips are made at an average speed of 80 miles an hour or better, while the average speed of the fastest mail and passenger trains is 40 miles an hour or less.

The following comparative table of possible air mail and train service illustrates this point:

Scheduled time of mail trains in 1913 and 1919.

From—	To—	1913	1919	Possible by air mail.
		H. m.	*H. m.*	*H. m.*
Boston	Detroit	18 10	21 55	8 20
Do	Chicago	25 50	27 00	8 45
Do	New York	5 36	6 50	3 00
New York	Chicago	23 50	24 20	9 30
Do	Omaha	36 20	38 30	15 20
Do	Minneapolis	35 42	36 54	13 30
Do	St. Louis	23 55	28 45	12 05
Do	Jacksonville	27 35	29 22	11 54
Do	Seattle	83 15	90 00	31 54
Do	Portland	84 30	90 30	32 51
Do	San Francisco	86 40	90 30	35 00
Washington	Jacksonville	22 00	24 40	8 56
Do	New Orleans	33 30	36 30	12 51
Do	Chicago	21 00	22 10	8 11
Do	St. Louis	23 35	27 55	9 30
Chicago	Minneapolis	10 17	11 24	4 48
Do	Omaha	11 20	12 45	5 30
St. Louis	Kansas City	7 10	7 25	3 06
Do	Fort Worth	24 00	26 10	7 25
Do	Omaha	12 14	13 26	4 42

Every means of transportation is subject to delays by accident and weather, but the performance of the air mail compares favorably with the average annual record of the railways. The New York-Washington route from its inauguration May 15, 1918, to January 1, 1920, has scored a performance of 94.5 per cent. The Chicago-Cleveland route from its inauguration May 15, 1919, to date has scored a performance of 95 per cent, and the New York-Cleveland route across the mountains, since its inauguration July 1, 1919, has scored a performance of 89 per cent. The important thing is that by reason of the great speed of the airplane the small per cent of failures did in no instance delay the mail beyond the time it would have taken to carry it by train.

EXTENSION PROGRAM FOR AIR MAIL.

The Post Office Department, responding to the demand from commercial centers for extension of this expeditious mail service, asks for an appropriation of $3,000,000 for the ensuing year. With this money it would extend the route from Chicago to the Pacific coast, thus reducing the present westbound mail service of 90½ hours and the eastbound service of 102 hours each to 59 hours. In order to get a letter from New York to San Francisco by Friday noon, it would have to be mailed some time before 6 p. m. on the previous Monday, whereas a letter mailed any time up to midnight Monday would be delivered by air mail to San Francisco on Thursday forenoon. Again, the train scheduled to arrive in San Francisco at 12.30 p. m. daily is generally so late that delivery of the mail by carriers can not be effected until the following morning. During the month of October the train with the heavy eastern mail arrived late in San Francisco 21 out of 25 days.

A second important route on the proposed air mail extension would operate from Pittsburgh to Kansas City via Indianapolis, Cincinnati, and St. Louis. This mail would leave Pittsburgh at 7 a. m. with the mail from Pittsburgh and from the night trains out of New York and make deliveries to Indianapolis and Cincinnati in the forenoon and in St. Louis at noon and in Kansas City that afternoon, cutting the railroad time between Pittsburgh and Kansas City from 24 hours and 50 minutes to 10 hours and 40 minutes.

A third extensive route contemplated would be from Minneapolis via Chicago to St. Louis, cutting the railway time from 20 hours and 35 minutes to 7 hours and 30 minutes.

A fourth important air mail service would extend from New York to Atlanta by extending the New York-Washington route south. This line would then be 850 miles long, and the time of transit would be reduced from 26 hours and 15 minutes to 10 hours and 40 minutes by air mail.

The following table summarizes the proposed extension of the air mail during the ensuing fiscal year as presented to the House Committee on the Post Office and Post Roads by the Post Office Department:

Routes.	Rail miles.	Air miles.	Rail time.	Air time.	Number letters.	Cost air mail.	Mail advanced.
New York and San Francisco	3,231	2,630	90.30	59.00	146,000,000	$1,043,363	Pacific coast, 48 hours; Ohio to Utah, from 12 to 36 hours.
New York and Atlanta	884	850	26.15	10.40	75,120,000	461,929	Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida, from 12 to 24 hours.
Pittsburgh and Kansas City	903	850	24.50	10.40	87,640,000	461,929	Kentucky, Tennessee, Missouri, Kansas, and Southwestern States, 12 to 24 hours.
Twin Cities and St. Louis (via Chicago).	703	600	20.35	7.30	73,920,000	282,452	Between Northwest and Southwest, one business day; from Chicago, 16 hours in delivery.

Operating cost of air service	$2,249,673
Reduction rail transportation	$1,726,790
Number letters all routes	382,680,000

The Post Office Department has also received a proposal to operate a hydroplane air mail line from St. Louis via Cairo, Memphis, and Vicksburg to New Orleans. Under this proposal the St. Louis and New Orleans mail would be delivered in Memphis to the public on the afternoon carrier deliveries instead of the following morning by trains, and there would be a like expedition of the mail from Memphis to New Orleans and St. Louis.

WOULD CONTRACT FOR AIR MAIL SERVICE.

There are other routes in which as great expedition of the mails could be effected, but the Post Office Department has not recommended their establishment, because it is not possible to show an important reduction in space and clerk hire on the trains in addition to the great saving of time. For some reason it is demanded of the Post Office Department that its air mail service should be self-sustaining. If you put that test to the Railway Mail Service, the City Delivery Service, or the Rural Free Delivery Service, these postal agencies, which cost millions but which do not bring sufficient new business to the Postal Service to pay any substantial part of their costs, would die instantly. Here, then, has suddenly arisen, through the epoch-making invention of the airplane, a mail transportation medium cutting in half the fastest railroad time between our commercial centers, yet so critical has Congress been of this utilization of the airplane for the mail service that the Post Office Department refrains from recommending the establishment of other important routes because it is impossible to show on them a substantial saving in the cost of railway transportation and distribution.

The Post Office Department has always taken the position that when American capital is ready to enter the aerial transport field, it will be glad to advertise for contracts for carrying mails by airplanes or airships over such routes as will greatly improve the mail service to the public and show a relatively substantial reduction in the cost of transportation and distribution on trains. The work that the Post Office Department is doing through the air mail service is the only effective aid and encouragement given to commercial aviation in this country. Its results and its records of operations are being constantly given to business men who are giving consideration to entering this transportation field.

COMMERCIAL OPERATIONS FOUNDATION FOR WAR PREPAREDNESS.

There has been a cry in the land that the United States is utterly unprepared for aerial warfare. Now, it is everywhere recognized that you can not during the long years of peace maintain a great aerial force that can instantly meet a dire national emergency. You must develop commercial aviation as the Post Office Department is doing, so that a permanent industry of magnitude may arise which in time of national emergency can rapidly expand to meet the demands of war. High military authority recognized this. In a report to the Secretary of War a board, composed of Maj. Gens. Menoher, Coe, Haan, and Snow, says:

On account of the short life of aircraft and the great cost of production and maintenance, no nation can in time of peace maintain military air fleets even approximating in size to such as will be necessary in time of war. Such military air fleets must therefore be provided after the beginning of the emergency. The nation which is prepared so that it can be the first to produce, equip, and maintain a superior air force will have an undoubted advantage.

If commercial aeronautics were a paying business large plants would be established in the United States for producing commercial aircraft without other governmental stimulation than that provided for other business affairs. These plants would develop expert aeronautical engineers, expert mechanics, and all classes of personnel necessary for aircraft production and maintenance. In time of war the Nation's producing capacity, already organized, would be diverted from the production of commercial aircraft to the production of military aircraft. This would be a comparatively simple proposition. The Nation would also have a great reservoir of commercial aviators from which, in a short period of time, military aviators could be selected and trained and a limited portion of its commercial fleet could be utilized without radical alterations for certain war purposes. Thus at the beginning of the war it would be possible to develop under military control in a most expeditious manner probably the largest and best military air force that any nation could produce.

The development of commercial aviation to the extent indicated by this Army board can be brought about in two ways—through subsidies, either direct or disguised, or by a rational development of commercial plane types and reduction of operation costs to a practical business basis, which has been a persistent policy with the air mail service.

AIR MAIL CONTRIBUTIONS TO AERONAUTICS.

Operating on a meager appropriation, the Post Office Department has already shown what commercial necessity may develop in the advancement of aviation. It was the first to demonstrate that it is possible to maintain a dependable schedule; that it is possible to fly in all kinds of weather; and at its instigations the Bureau of Standards has developed a device that will locate to the airplane in fog or rain or flying above the clouds the very center of the field in which it is to land.

As a result of its first year of operation there have been created and built in this country advanced types of two and three motored planes. One of these, which has already attracted the attention of foreign governments, is a plane no larger than our small training planes, but carrying a load of 1,500 pounds, capable of indefinite flight on one engine. It has a speed of more than 120 miles per hour and can wing its way through space at an altitude of 18,000 feet.

Another feat of the Post Office Department has been the reconstruction of the De Haviland airplane, built in large numbers for the war. The first thing the Post Office Department did with this plane was to make it a strong commercial machine, fit for rough cross-country work. The next thing it did was to convert it into a two-motored plane, capable of carrying 800 pounds of mail and capable not only of maintaining itself in the air on one motor with a full load of mail but of actually climbing on one motor with such a load. It is the only two-motored plane in this country that will climb on one motor with a full load.

Other contributions to aeronautics made by the air mail will be found enumerated in the annual report of the national advisory committee to this Congress.

UNITED STATES AIR MAIL APPLAUDED IN EUROPE.

The work of the Post Office Department in operating the air mail has not only been fully recognized by aviation experts in the United States but has been sincerely applauded in Europe and held up as a model to foreign governments. It is recognized not only that it is the only continuous and extensive air service in the world, but the dependability of its daily operations have challenged the admiration of the aviation experts abroad.

In a series of newspaper articles in the European press, Dr. Robert Paganini, of Switzerland, writes as follows of the air mail work of the Post Office Department of the United States:

Without going into particulars, in general outline the present standing of the air traffic may be held to be on a firm footing. At the head of all endeavors of this kind are the United States of North America. Beginning with the year 1911, until 1918, about 100 separate attempts at aerial post were carried out in that country. On May 15, 1918, the permanent aerial post Washington-Philadelphia-New York opened, and has been running uninterruptedly since. Other lines have been joined thereon. The great event of recent days was the flight across the ocean; with what relative good results is well known. The aviators also brought mail, to be sure only 2 pounds, and only official correspondence. The American aerial mail service is under the control of the Second Assistant Postmaster General, Otto Praeger, owing to whose zeal in the management of reports we are enabled to obtain the most minute informations and details concerning all the postal flights performed. The results were satisfactory in every respect. Above all, it was brought out that the failures feared through falls and the like have not occurred.

C. G. Grey, of London, in an article in the Illustrated London News of October 11, 1919, says:

Unlike our own casehardened officials, the American Postal Department itself took the first steps to prove the value of aerial postal lines. Some months before the end of the war an experimental postal line was tried between New York and Washington. The airplanes used were merely low-powered training machines fit only for work at elementary flying schools. In fact, according to our ideas, they were not fit even for such work, for we had turned down similar American machines a year or more before. In spite of this, the experimental service had an efficiency as great as that attributed by Mr. Illingworth (Postmaster General) to our most modern machines. The United States Postal Department, instead of being discouraged—as our officials would evidently

have been—were encouraged to try something better, so when, after the armistice, better machines (built, be it noted, to British designs) and better engines became available, the service was continued, and was extended to Chicago and Cleveland; and a few weeks ago the American Post Office published its figures for a whole year's running.

The service was to be extended from Chicago to St. Louis during September of this year, and to Minneapolis and Omaha in the spring. Be it remembered that all these lines are in direct competition with America's fastest railways, on which are run the crack trains of the New World, such as the Empire State Express and the Twentieth Century Limited.

Col. Thurman H. Bane, chief of the engineering division of the air service, at McCook Field, Dayton, Ohio, pays this tribute to the operations of the air mail service of the Post Office Department, in a letter to the Second Assistant Postmaster General, under date of November 30, 1919:

We were all watching with interest and are now pleased to note the great success you are having. I think your operation will do much to promote general interest throughout the country.

In concluding a chapter on the air mail service, the National Advisory Committee on Aeronautics in its fifth annual report to Congress says:

A statement of the work of the air mail service would be incomplete without reference to the service performance in the air. Early advices received by the Post Office Department were that there would be great difficulty in maintaining a daily schedule of mail flights, and the opinion was held that the service would be interrupted during the winter months and perhaps at other times when conditions might be considered unpropitious. However, the rapid development of aviation generally has made it possible to establish a reliable service, as is shown by the following record: During the last fiscal year only 4.4 per cent of the scheduled trips were not attempted, and out of a total of 138,310 miles possible there were flown 128,255 miles, or a performance of 92.73 per cent. During the same period there were only 37 forced landings, due to mechanical troubles during flight. It would seem, therefore, that the achievements of the air mail service may be regarded as a substantial contribution in the practical development of commercial aviation.

HISTORY OF THE AIR MAIL.

The air mail service was initiated by the Postmaster General, who directed the Second Assistant Postmaster General in 1917 to make a study of this subject with a view to establishing such a service, provided assurance could be given that the service would be practical, continuous, and efficient. As early as 1913 the Postmaster General recommended that Congress make an appropriation for an air mail service. The recommendation was frequently repeated, and in 1916 the Congress appropriated $100,000 for the fiscal year ending June 30, 1918. In the meantime a careful survey of the subject was made not only by the postal authorities but, at their request, by practical business men identified with the development of aviation, and particularly by the National Advisory Committee on Aeronautics, who detailed specialists on this investigation. Assurance being given the Postmaster General that such a service could be permanently maintained with efficiency, he directed the establishment of the first regular air mail route between New York and Washington, effective May 15, 1918.

Col. E. A. Deeds, chief signal officer and head of the military air service, expressed the fullest confidence in the plans of the Postmaster General, and urged that the Army be permitted to operate the line, in order to utilize the air mail operations for the final training of American flyers and mechanics in cross-country work before sending them to France. Accordingly, the operations were turned over to the Army on an agreement that the flights be made with that degree of regularity necessary for maintaining a dependable mail schedule.

About two weeks before the date set for the inauguration of the air mail service Col. Goodyear, then in charge of training and to whom was assigned the operation of the air mail, called upon the Second Assistant Postmaster General, in company with Col. Bloomfield, an English aviator, to persuade the postal authorities to recall their decision to operate the air mail, on the ground that the service could not be run in bad weather. The Post Office Department refused to recede from its position, and Col. Goodyear was informed that if the military authorities refused to carry out their part of the agreement made between the War Department and the Post Office Department, the Postmaster General would proceed with the purchase of equipment and operate the service with civilian flyers and mechanics.

The military authorities therefore proceeded with the inauguration of the work. The postal authorities, however, felt that with such antagonistic sentiment prevailing among the Army men who would be directly charged with the conduct of the air mail operations the service would be certain to fail in the end, notwithstanding the whole-hearted support given to the Post Office Department by the Secretary of War and the heads of the War Department. For that reason the Postmaster General purchased the necessary equipment for an air mail service, to be ready to relieve the Army of the air mail operations whenever the Army no longer desired to operate it, or was not in a position, by reason of the demands of the war, to operate the service in a manner to properly maintain mail schedules.

The Army placed Maj. Reuben H. Fleet in charge of the service. His tireless and efficient work gave the air mail a satisfactory start, but after the service had been in operation 10 days Maj. Fleet was detailed for other service elsewhere. The Army operated the air mail from May 15 to August 10, a period of 2 months and 25 days. In that time the service was in the hands of four different military heads, as follows:

Maj. Reuben H. Fleet until May 25; Capt. C. A. Willoughby, May 25 to July 24; Lieut. ———, July 24 to July 31; and Lieut. George J. Kinberg, July 31 to August 10. In that period—75 days—the air mail defaulted 13 trips on account of weather, failed to complete 13 trips on account of motor trouble or accidents, and had 20 forced landings. This was a record of 26 failures, or only 90.3 per cent of trips performed in summer flying. The prospects of the possible result in winter weather were very gloomy. During the month of July an agreement was reached with the War Department for the Post Office Department to take over the service and operate it with its own force of fliers and mechanics. In the entire Air Mail Service over the mountains, in the Great Lakes region, and along the Atlantic seaboard, covering a period of 16 months since August 10, 1918, when the Post Office Department took over the operations of the routes, only 30 out of 2,130 possible trips, or 3.75 per cent, were defaulted on account of weather conditions or trouble with equipment. Out of a possible mileage of 488,940, a total of 456,673 miles were flown, making a performance of 93.4 per cent, for 16 months continuous operation in all characters of country and all seasons of the year.

AIR MAIL EQUIPMENT.

The air mail operated 12 months with small Army training planes that carried 200 pounds of letters and could maintain a fairly satisfactory speed schedule of 70 miles an hour. After the close of the war, the Post Office Department obtained from the War Department and the Navy Department 100 De Haviland planes capable of carrying 400 pounds of letters and maintaining a steady speed schedule of better than 80 miles an hour. Only a portion of these planes are in actual use, the bulk of them being held as reserve for future needs. In order to insure greater certainty of operations and to make greater savings on train distribution and carriage of letters, the department has purchased 11 twin motor planes carrying 1,500 pounds or more of letters, and is converting 15 De Havilands into twin motor planes. These twin De Haviland planes will eliminate the fire risk usually present in single motor planes in which the engine and gas tanks are housed close together in one fuselage, will continue to destination with the loss of one motor, and will carry 800 pounds of mail instead of 400 now carried in a single motor De Haviland.

The air mail is operating out of its own landing fields adjoining Washington, Philadelphia, Newark, N. J., Bellefonte, Pa., Cleveland, Ohio, and Chicago.

In the service are 28 pilots and 121 field employees, including trained airplane mechanics. Pilots enter the service at $2,000 per annum, with automatic increases at the rate of $200 per year for each 30 hours of satisfactory flying, the top salary for pilots being $3,600 per year. The top salary for mechanics is $2,000 per year. All landing fields used in the Air Mail Service, except at Washington and Philadelphia, where a nominal rent is paid, have been contributed wholely or in part either by the municipalities or the business men of the communities to which the air mail is operated.

COMMUNITIES DESIRING AIR MAIL.

I beg to expressly direct your attention to the interest that is being manifested throughout the country in the development of this service as is shown by the applications transmitted to the Post Office Department by Members of Congress, city councils, and commercial organizations for the extension of the air mail to the following-named points: Alaska; Arkansas City, Kans.; Akron, Ohio; Atlanta, Ga.; Austin, Tex.; Adrian, Mich.; Albany, N. Y.; Argo, La.; Alva, Okla.; Altus, Okla.; Binghamton, N. Y.; Baltimore, Md.; Boise, Idaho; Boonville, Mo.; Bedford, Mass.; Bridgeport, Conn.; Boston, Mass.; Birmingham, Ala.; Bartlesville, Okla.; Bryan, Ohio; Buffalo, N. Y.; Chicago, Ill.; Canton, Ohio; Corning, N. Y.; Charleston, W. Va.; Corinth, Miss.; Corsicana, Tex.; Cheyenne, Wyo.; Chesterfield, S. C.; Concord, N. H.; Charlotte, N. C.; Covington, Ky.; Cleveland, Tenn.; Council Bluffs, Iowa; Chickasha, Okla.; Detroit, Mich.; Denver, Colo.; Dallas, Tex.; Elizabeth, N. J.; Eldorado, Kans.; Eau Claire, Wis.; Eureka, Calif.; Enid, Okla.; El Reno, Okla.; Elmira, N. Y.; Fort Smith, Ark.; Flint, Mich.; Gastonia, N. C.; Gainesville, N. C.; Grand Rapids, Mich.; Habana, Cuba; Hartford, Conn.; Haverhill, Mass.; Hobart, Okla.; Indianapolis, Ind.; Ithaca, N. Y.; Joplin, Mo.; Jefferson Barracks, Mo.; Key West, Fla.; Kendallville, Ind.; Kansas City, Mo.; Kelleys Island, Ohio; Lexington, Ky.; Lorain, Ohio; Livingston, Mont.; Ladysmith, Wis.; Little Rock, Ark.;

Lordsburg, N. Mex.; Little Falls, N. Y.; Los Angeles, Calif; Lake Charles, La.; Lawton, Okla.; La Crosse, Wis.; Minneapolis, Minn.; Madison, Wis.; Memphis, Tenn.; Millington, Tenn.; Marion, Ohio; Mangum, Okla.; Marshall, Mich.; Muskogee, Okla.; Marlin, Tex.; Mason City, Iowa; Mobile, Ala.; Montgomery, Ala.; Muskegon, Mich.; Morehead City, N. C.; Milwaukee, Wis.; New York City; New Orleans, La.; Nantucket, Mass.; Navasota, Tex.; Nashville, Tenn.; New Britain, Conn.; Omaha, Nebr.; Oklahoma City, Okla.; Ogden, Utah; Oakley, Kans.; Pittsburgh, Pa.; Philadelphia, Pa.; Parsons, Kans.; Phœnix, Ariz.; Pensacola, Fla.; Panama Canal Zone; Pasadena, Calif.; Quincy, Ill.; Rome, Ga.; Rochester, N. Y.; Spartanburg, S. C.; Scranton, Pa.; St. Paul, Minn.; St. Louis, Mo.; Sioux Falls, S. Dak.; Salt Lake City, Utah; Seattle, Wash.; San Francisco, Calif.; Temple, Tex.; Toledo, Ohio; Tulsa, Okla.; Tampa, Fla.; Texarkana, Tex. Takoma, Wash.; Union City, Tenn.; Wheeling, W. Va.; Waterbury, Conn.; Worcester, Mass.; Wilkes-Barre, Pa.; Winona, Minn.; Woodward, Okla.

In conclusion may I be permitted also to direct your attention to the fact that the Post Office Department was not invited to appear before any of the committees of Congress considering the two bills vitally affecting the air mail, with the result that what little information the committees elicited to enlighten Congress about the extension and successful operations of the air mail was obtained from military fliers and airplane manufacturers favorable to legislation which specifically provides for taking from the Post Office Department the air mail and all of its functions pertaining to aeronautics.

Sincerely, yours,

A. S. BURLESON.

LEAGUE OF NATIONS.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial in the American Economist concerning the treaty situation, being a brief extract from an editorial of Mr. Bryan's, as well as one or two other quotations which I will furnish now, and some hereafter.

There being no objection, the editorial referred to was ordered to be printed in the RECORD, as follows:

BRYAN ON THE LEAGUE OF NATIONS.

"We have differed from William Jennings Bryan so often that it is a pleasure to find ourselves able to agree with him on one important subject. In his paper, The Commoner, he has this to say concerning the attitude of the Senate minority anent the peace treaty and the league of nations:

"Is ratification to be defeated by a Democratic minority? Can the Democrats hope to escape responsibility if they prevent a compromise? It is mockery to talk about favoring a league of nations if we favor only such a league as is satisfactory to a minority of the Senate. We can not go before the people on such an issue. The Senate is a constitutional body, and the right of a majority to rule applies there as elsewhere. The people can change the Senate if they do not approve of its course, but a minority of the Senate can not disregard the will of the majority."

Mr. GORE. Demosthenes said more than 2,000 years ago:

Law and justice require that you hear both sides alike.

Let only truth accuse. Let only justice judge.

Speak truth to the people in the presence of the king, and speak truth to the king in the presence of the people.

He who saves his country saves all things, and all things saved will bless him. He who lets his country die lets all things die, and all things dead curse him.

American first. Seniority counts.

STREET RAILWAY CONDITIONS IN THE DISTRICT.

Mr. DIAL. Mr. President, we have been talking a good deal here about bettering conditions in the world. This is a new year, and I think it is a good time to make new resolutions to improve conditions in the District of Columbia, in which we are all so much interested. I have in mind more particularly improvement with reference to the street railway situation in the District. I do not believe especially in complaining, but as we are starting out on a new year I think the situation referred to ought to be remedied. I have been a passenger on the street car lines here recently, I think, seven times, and as I recall six out of the seven times the cars stalled, and the passengers did not get to their destinations on time.

There is no reason in the world why we should not have a magnificent system of railways in the District of Columbia. If any city in the world ought to have one, the city of Washington ought to have it. I am sorry for anybody who has to operate machinery. I was once engaged in that business to some extent myself and it is a pretty difficult proposition. You can not make machinery perfect, but there is no excuse whatever for the manner in which the street railway systems are operated here. The other night, going home, I counted 13 cars which were stalled on the track.

Mr. THOMAS. Mr. President, does not the Senator know that these companies are carrying a tremendous overload of water and have to stall sometimes?

Mr. DIAL. The cars to which I refer were stalled empty; 13 of them were on the tracks standing still. The companies can not make money for the stockholders in that way, and they can not serve the public in that way. Yesterday morning on one of the cars sitting in front of me were a lady and a little child trying to reach the depot. They would have had plenty of time if the car had gone on, but they had to get out and hire a taxi, and thus spend some extra money in the District. In front of them was a gentleman with his bag. He said he had been all the way to New Orleans and was trying to get back on time to Philadelphia. He could not see a taxi in sight, so he said he would have to miss his train and miss his engagement in Philadelphia.

Mr. President, the street railway systems here want more money; they say they can not run the cars under the present rate of fare and that they ought to have an increase. I do not care whether it is much or little; they ought to be paid a reasonable compensation; but some authority ought to see that they are doing their duty. They have the tracks; they have the current; they have the cars; but, due to some mismanagement or something of that sort, the systems do not seem to function properly. In saying this I do not claim to be an expert. I do know, however, that when a company gets a franchise it ought to use that franchise for the interest of the people, and if the street railways of Washington can not do that on the present rate of fare the rate should be increased.

It is a very serious matter. We can not get to our engagements on time. Some of us ride in automobiles, but I myself usually walk or ride on the street cars, and I would like to be able to get to my destination on time. Frequently, however, that is impossible on account of delays. One man's time is worth as much to him as is the time of another, and therefore we ought to be prompt in our engagements. I think that the District of Columbia Committee ought to take up the matter, and if the railroad companies of the District can not be properly operated, put them into the hands of receivers or put them out of business, or take some steps which will make them render better service.

Mr. JOHNSON of South Dakota. Mr. President, I should like to ask the Senator if he does not think it would be a good idea to guarantee them a certain rate of return on their capital as well as watered stock, as we have done in the case of the railroads under the bill recently passed?

Mr. DIAL. I do not know about that; that is a different question; but if the street railway companies do not render better service some drastic action should be taken.

WAR RISK INSURANCE BUREAU.

Mr. SMOOT. Mr. President, I ask unanimous consent of the Senate to make a statement in connection with a bill I am about to introduce to abolish the Bureau of War Risk Insurance. If that consent is given, I should like very much to have Senators listen to what I have to say in relation to this important measure.

Mr. JONES of New Mexico. Mr. President, I should like to ask the Senator if it will be a lengthy statement?

Mr. SMOOT. No; it will not be very long; I have condensed it as much as I could.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Utah? The Chair hears none.

Mr. SMOOT. Mr. President, I introduce the bill at this time.

The bill (S. 3657) to abolish the Bureau of War Risk Insurance and to confer the jurisdiction of allotments and family allowances, of compensation for death or disability, and of war-risk insurance upon other establishments, and for other purposes, was read twice by its title.

Mr. SMOOT. Mr. President, in presenting this bill it may not be inappropriate to review the considerations which have prompted me in introducing the bill and to outline with more definiteness than is apparent in the bill what savings and economies of administration may reasonably be expected to result therefrom.

Mr. THOMAS. Mr. President, I suggest the Senator suspend until private conversations are ended in the Chamber.

Mr. SMOOT. I should like to have the attention of the Senate. I know it is not very often the case that a proposition is presented to the Senate for the purpose not only of improving the work done by a Government agency but of saving millions of dollars by so doing, and if I can not convince the Senate that that will be the result of the bill introduced by me I want every Senator to vote against the bill.

The act of October 6, 1917, known as the war-risk insurance act, resulted in placing upon the Director of the Bureau of War Risk Insurance the responsibility for administering four almost entirely distinct functions of the Government, necessitated by our participation in the war with Germany. They were: (a) The payment of allotments and family allowances

to dependents of the enlisted personnel of the Army and Navy; (b) the payment of compensation to officers and enlisted men, or their dependents, for disability or death resulting from service with the armed forces of the country; (c) the insurance of officers and enlisted men against death or total permanent disability; and (d) the insurance of American vessels against loss or damage by the risks of war.

It has been said that the war-risk insurance act was enacted in haste and with inadequate deliberation, under the stress of the war emergency, which, Mr. President, I am perfectly willing to say is the fact, as Senators interested in that legislation well know.

At any rate the combination under a single administration of these quite unrelated functions, necessitating the admittedly unwieldy organization of the Bureau of War Risk Insurance, has not been satisfactory, although it is believed that in the main the functions entrusted to this bureau have been as effectively performed as was possible under the system established by law.

I have no feeling whatever against any officer of the bureau, nor have I any feeling against any employee, but all must admit that the work the bureau is doing to-day and which it has been doing in the past is not what Congress intended should be done, nor have the results been what the soldiers had a reason and a right to expect.

In the light of experience there now seems to be no question but that these functions should have been entrusted so far as possible to existing agencies of the Government already experienced in the performance of similar duties. The War and Navy Departments have for many years maintained allotment offices for the purpose of paying allotments to dependents of soldiers and sailors. The Bureau of Pensions has for generations paid compensation to soldiers and their dependents, although under a different name and under different regulations than prescribed in the compensation provisions of the war-risk insurance act. Much experimentation and confusion would certainly have been avoided had the responsibility for administering the allotment and allowance and compensation features of the war-risk legislation been placed upon these agencies. Only in the case of insurance was there any necessity for the establishment of new machinery. Moreover, the creation of the Bureau of War Risk Insurance not only resulted in a needless duplication of existing agencies but its establishment as an organization entirely separate from the War and Navy Departments, although practically dependent upon those departments for the information upon which its actions were taken, inevitably resulted in countless errors, delays, and misunderstandings.

While the war was in progress it would undoubtedly have been unwise to distribute to other agencies the functions being performed by the Bureau of War Risk Insurance. But for practical purposes the war is over, and it now becomes appropriate to give consideration to the program which the Government should follow with a view to obtaining the most economical and effective administration possible in the discharge of the obligations which it has incurred under the war-risk insurance act and its amendments.

Moreover, as a result of the termination of the war and the consequent demobilization of our armed forces, changes in the nature of the duties of the Bureau of War Risk Insurance have occurred, of such consequence that, without regard to the degree of effectiveness of that bureau during the war period, it is doubtful whether it is now or can be under existing law organized to perform effectively certain of the new duties imposed upon it.

To all intents and purposes war-risk allotments and allowances have been terminated. There remains in force at this time but an insignificant proportion of the millions of awards upon which payments were made during the course of the war. The Bureau of War Risk Insurance is now principally concerned in the review, adjudication, and settlement of cases involving accounting differences between the Government and allotters or their dependents, work which of necessity involves constant contact with and reference to the records of the military branches of the service.

The most radical change in the character of the work of the War Risk Insurance Bureau is to be noted, however, in the transformation of the conditions affecting military and naval insurance. During the period of the war the operations of the bureau with respect to this class of insurance were, practically speaking, restricted to receiving and recording applications for insurance and issuing certificates therefor. Premiums were collected by the War and Navy Departments. These agencies furnished the sole means of contact between the War Risk Bureau and insured persons or persons desiring insurance. Few individuals paid premiums direct to the bureau. Thus relieved of the necessity of carrying on the two principal activities essential in the conduct of private life insurance business—that is, solicitation of prospects and the collection of and accounting for premiums—the insurance branch of the War Risk Bureau became in reality merely a record division, and it was organized as such. With the termination of the war, however, and the return of insured men to private life the War Risk Bureau was abruptly confronted with the necessity of taking up the real work of life insurance, and, since it had suddenly been stripped of its collecting and contact agencies, to take up itself the problems relating to the collection of and accounting for insurance premiums and to the conservation of the insurance on its books. How far short of success in the conduct of these matters the bureau fell may perhaps be accurately gauged by a consideration of the relatively small amount of insurance which remains in force at this time. It is not to be presumed, of course, that this condition is wholly traceable to faulty organization. Under the most favorable conditions the lapse rate would have been high, for it must be remembered that the taking of insurance by the enlisted personnel of the Army and Navy was practically compulsory. And yet there is no doubt but that in the inadequate provision made to insured persons of facilities for the payment of premiums after their separation from the military service and for the reinstatement of lapsed insurance is found a principal cause for the wholesale abandonment of Government insurance by discharged soldiers and sailors. It may be conceded that during the period of the war the Bureau of War Risk Insurance functioned effectively as a records branch for insurance policies written upon the lives of soldiers and sailors. But it seems equally certain that that bureau, lacking, as it does, instrumentalities to facilitate generally a personal contact with insured persons and specifically the payment of insurance premiums by such persons, can not hope to achieve success in the administration of a real insurance business, especially since its clientele is largely composed of persons coming within the class usually insuring themselves under so-called industrial policies.

The following summary of the proposed bill is submitted to facilitate an understanding of its provisions:

Section 1 provides that the Bureau of War Risk Insurance shall cease to have the jurisdiction, powers, and duties conferred upon it by previous legislation.

Section 2 provides that allotments and allowances shall be administered by the War Department, the Navy Department, and the Coast Guard, respectively.

Section 3 transfers jurisdiction over the adjudication and payment of claims for compensation to the Commissioner of Pensions.

Section 4 transfers the administration of the military and naval insurance features to the Post Office Department.

Section 5 transfers to the Shipping Board the administration of the marine insurance functions.

Section 6 authorizes the Secretary of the Treasury to apportion the appropriations made for the Bureau of War Risk Insurance among the several departments to which the functions of the bureau are assigned.

Section 7 provides for the creation of a committee of five members, representing the Treasury, War, Navy, Interior, and Post Office Departments to supervise the distribution of the files, records, papers, furniture, and personnel of the bureau among the several departments.

Section 8 establishes the effective date of the proposed changes.

Section 9 repeals all acts or parts of acts inconsistent with this legislation.

The following tabulation shows the status of the allotment and allowance business of the War Risk Bureau as it stood on December 15, 1919:

Item. (Figures given are approximate.)	Army, Marine Corps, etc.	Navy.	Total.
Awards in force	23,000	34,000	57,000
Awards in suspense or in process of adjustment.	68,000	15,000	83,000
Awards closed	1,757,000	171,000	1,928,000
Total awards made	1,848,000	220,000	2,068,000

The proposed bill contemplates that this feature of the work of the Bureau of War Risk Insurance shall be transferred to the War Department, the Navy Department, and the Coast Guard. By way of illustration, the transfer to the War Department will result as follows: Approximately 23,000 active war-risk allotments and allowances will be merged with some 25,000 ordinary allotments, which is about the number now running in the Army, and thereafter both classes of allotments will be administered by the same agency; about 68,000 of the war-risk cases above described as in suspense or in process of adjustment will be merged with the cases of ordinary allot-

ments having similar status, and the two classes will be adjudicated and settled together; the files relating to approximately one and three-quarters millions closed war-risk cases will be merged with the files in about 1,200,000 closed cases of ordinary allotments, a procedure which will automatically result in lodging in the same file jacket the entire allotment history of each enlisted man serving in the Army during the late war; and finally there will be placed in this file all application forms filled out by enlisted men of the Army who had no dependents and who consequently made no war-risk allotments. The transfer to the Navy Department and to the Coast Guard would be similar but, of course, on a smaller scale.

No more convincing evidence can be found concerning the impropriety of intrusting the payment of war-risk allotments and allowances for both Army and Navy to a single agency, separate from the military services, than exists in the organization set up by the Bureau of War Risk Insurance itself to administer allotments and allowances. It might be imagined from a consideration of the arguments presented for the perpetuation of that bureau that Army allotments and allowances and Navy allotments and allowances must now pass through the same hands, follow the same channels, be administered together by the same personnel; in other words, that this independent agency has been able effectually to separate the war risk allotment and allowance business from the two branches of the military service and administer it in a single unit of organization entirely independent of the War and Navy Departments. However, such is not the case. We find to-day in the allotment and allowance division of the War Risk Bureau what is in reality an Army section, which deals only with Army cases, with application-files units, award-card-files units, a correspondence branch, a stenographic branch, a special service branch, a reviewing branch, and so on; and we find also a Navy section, which deals only with Navy cases and which in organization is the practical counterpart of the Army section. These are, practically speaking, unrelated sections, without common ground except for the fact that a single index has been set up for the application files of both sections, and both are served by the same supply and personnel sections.

Mr. NORRIS. Mr. President, will the Senator yield at that point?

Mr. SMOOT. Yes; I yield.

Mr. NORRIS. Without intending to offer any criticism, but for the purpose of having the subject more definitely elucidated, I want to ask the Senator if, instead of abolishing this particular part of the work, as his bill contemplates, it could not be perfected by doing what the Senator says the ordinary person would suppose was being done—having the work of the Navy and the Army combined under one head instead of separated as it is now?

Mr. SMOOT. I will say to the Senator that the only way in which that can be done is to have the allotment and allowance division transferred to the War and Navy Departments, as all the information as to the soldier and the sailor and the marine has to come to the Army and the Navy Departments in the first place and must be transferred as at present, and would be unless the transfer is made in the future to whatever agency is created for the purpose of taking care of these allotments and allowances. It is therefore a duplication of work, and in that duplication the mistakes have been made that have caused so much suffering among the dependents of the soldiers during the whole period of the war.

Mr. NORRIS. I understand that; but the Senator himself, in starting out on that particular branch of the matter, said that the ordinary person would suppose that the cases from the Army and the Navy would be handled by one head, and then he proceeded to show that under existing conditions they are not so handled. Now, why can they not be so handled, and why should they not be?

Mr. SMOOT. I will say to the Senator that it is impossible to handle them without duplicate work unless the work is transferred to the War and Navy Departments. To-day they handle the allotments and allowances of the Regular Army, and they have a complete organization, not only in the War Department but in the Navy Department, and all of these allotments and allowances should now be handled by those two departments.

Mr. NORRIS. I do not think the Senator gets the point I am trying to make. I realize that what the Senator says is also true, and again I want to say that I am not making these suggestions in any critical spirit.

Mr. SMOOT. Yes; I understand.

Mr. NORRIS. But the Senator started out by saying that it would be supposed that the allowances and allotments of the Navy and the allowances and allotments of the Army would be under the War Risk Insurance Bureau, handled by the same division, so that it would all be under one head, and he says they are not so handled now.

Mr. SMOOT. I said, "However, such is not the case."

Mr. NORRIS. I understand. The Senator said that was not the case. But would not the criticism which the Senator makes under present conditions be answered by having them so handled that it would be the case?

Mr. SMOOT. I can not see how it would be possible, without duplication, under the requirements made under existing law; or, in other words, there is no soldier but is under the direct charge of the officers in the field, and all reports of the soldier's condition is first made to the War Department before any allotment and allowance is made.

Mr. NORRIS. Let me see if I can make myself plain. Under existing conditions in the War Risk Bureau there is one division that handles allotments from the Army.

Mr. SMOOT. Allotments and allowances.

Mr. NORRIS. Allotments and allowances from the Army; and another division that handles allotments and allowances from the Navy.

Mr. SMOOT. That is correct.

Mr. NORRIS. Why could they not both be handled by the same division?

Mr. SMOOT. Within the War Risk?

Mr. NORRIS. Yes.

Mr. SMOOT. That could be done.

Mr. NORRIS. At least that would be one way of avoiding the difficulty.

Mr. SMOOT. That is, avoiding a part of the difficulty.

Mr. NORRIS. Yes; a part of it.

Mr. SMOOT. But it is only a part of it, I will say to the Senator.

Mr. NORRIS. I think myself it is not all of it.

Mr. SMOOT. I do not want to take the time of the Senate to go into the details as to the number of employees that would be required if these changes were made, as compared with the number of employees that the War Risk Bureau has to-day. But I will assure the Senator I will put the figures in the RECORD.

This organization, as I have just outlined, Mr. President, is logical and necessary and must be perpetuated so long as the War Risk Bureau functions. This is an important consideration in connection with the proposal to transfer the allotment and allowance work to the military service, inasmuch as the existing arrangement lends itself perfectly to the transfer. Except for the insignificant number of Coast Guard and Marine Corps cases, the Army section and the Navy section may be transferred in toto to the War Department and the Navy Department, respectively. Since the transfer would result in the permanent consolidation of the records, which under the existing arrangements are constantly required to be brought together for comparison in specific cases, material economy in the pay roll, in addition to the obvious saving of overhead, would be effected.

Mr. CHAMBERLAIN. How does the Senator know that the men and women who are working in the War Risk Insurance Bureau would not be transferred to these several departments at the same time the records were transferred? The Senator knows that each one of these departments that are now functioning claims every session of Congress that they need more help.

Mr. SMOOT. I will say to the Senator that I have here a list of the employees that the officials of these departments have stated they would require in case the activities outlined in the bill were transferred to their departments; and Senators know there is not one of them but what would give an estimate calling for the highest number. Just in passing I will say that on December 15, 1919, there were employed in the Bureau of War Risk Insurance 13,111 employees, and with the transfers made as outlined in the bill, all that would be necessary would be 6,962 employees, according to the statements made by officials of the departments as to the number of employees they want in case the transfers are made. I will assure every Senator that the work will be done better after the transfers are made than it is being done to-day, and the reasons are obvious. What I want to do is to get a service that will be acceptable to the soldier, to his dependents, and to those beneficiaries in case of his death who are entitled to reasonable service on the part of the Government.

A conservative estimate of the saving in personnel which would immediately result is 800 on the basis of the present total force of 2,654 in the allotment and allowance division, and 306 in other divisions who are engaged, directly or indirectly, in allotment or allowance work.

Mr. NORRIS. Mr. President, I would like to have the Senator make a little more plain just what the War Department, for instance, is doing in this same line; and why, under the law, it is necessary for the War Department or the Navy Department each to keep up separate organizations for this work that is in part being done by the War Risk. The Senator has said that these transfers would go to bureaus in these several departments where they are already kept up, and have been. Why have they been kept up, and why has it been necessary in the past to have separate bureaus independent of the War Risk doing the same kind of work?

Mr. SMOOT. The reason for that was, Mr. President, that all reports of a soldier in the Army, no matter where he may be, must be made to the War Department, and the soldier's record is there found complete. The history of the soldier from the day he enlists to the day that he dies, is released, or leaves the Army is found in one place, and allowances under certain conditions were made to soldiers by the War Department before the passage of the act of October 6, 1917. But when we passed the war-risk insurance act on October 6, 1917, different provisions for the payment of allotments and allowances to the soldiers were made. It was six months after America had entered the war, and it was to take care of the soldiers who joined the Army, Navy, or Marine Corps. The law provided, first, a family allowance and allotment; second, an insurance feature; and, third, a compensation, or, in other words, a pension.

Mr. NORRIS. The War Department did not do anything about the insurance feature.

Mr. SMOOT. It had nothing to do with the insurance feature, as that was a new undertaking on the part of the Government.

Mr. NORRIS. When the War Risk Bureau wanted to get information in regard to a soldier, for instance, in the Army, it had to get it from that bureau in the War Department.

Mr. SMOOT. They would have to get it from the War Department. They received the information they based their decision for allotments upon from the War Department. They had to go to the War Department for the evidence upon which to base any claim made by a soldier.

Mr. NORRIS. The Senator's bill proposes that the War Department itself shall attend to all that?

Mr. SMOOT. That the War Department, as to the allotment and allowance, shall attend to every case; and I will say to the Senator now that there are only something like 23,000 cases of awards in force to-day. The family allotment and allowance is virtually through with, and therefore I want to see it transferred to the War Department, where the agencies are in existence to take care of soldiers in the regular way.

It will be borne in mind that the provisions of war-risk insurance legislation relating to compensation are extremely complicated and difficult of administration, by comparison with the provisions of existing pension laws. Pending the coordination of compensation provisions with those now governing the payment of pensions, no material saving in personnel, except for overhead, may be expected to result from the transfer to the Pension Bureau of that portion of the work of the Bureau of War Risk Insurance which appertains to the adjudication and payment of claims for compensation. The following table shows the status of that feature on December 5, 1919:

Item.	Death claims.	Disability claims.	Total.
Awards made	37,552	102,761	140,316
Cases closed	1,167	22,578	23,745
Awards in force	36,385	80,186	116,571
Claims disallowed	73,285	23,153	96,438
Claims pending			88,238
Total claims received			321,992

Under the proposed bill the 116,571 awards in force and the 88,238 pending claims will be transferred to the Bureau of Pensions, which is now making payment in more than 600,000 cases.

The life insurance functions of the Bureau of War Risk Insurance, including the collection of and accounting for premiums, the adjudication and payment of claims, and the conversion of policies, it is proposed to transfer to the Post Office Department, which maintains agents in all sections of the country, however remote. The considerations which have prompted this proposal have been outlined above. It should, however, be said that the installation by the Post Office Department of a proper plan for the collection of insurance premiums would not merely aid in the restoration and conservation of the insurance; it would in addition eliminate the principal difficulties now attending the accounting for premiums collected and so simplify that task as to result in substantial pay-roll economies.

The proposal to transfer the marine and seamen's division of the Bureau of War Risk Insurance to the Shipping Board is of relatively small importance, since the work of that division, which now has a pay roll of but 12 employees, has practically ceased.

Attention is invited to the following table, which indicates the number of employees on the pay roll of the Bureau of War Risk Insurance at the time our investigations were undertaken on October 23, 1919, the number on the pay roll on December 15, 1919, and the annual cost of that pay roll.

I am going to ask that this table shall be printed in the RECORD.

Mr. NORRIS. I wish the Senator would give his totals from it. I would like to ask a few questions touching it.

Mr. SMOOT. This is the pay-roll summary, and the table shows that the employees on October 23, 1919, were 15,419.

Mr. NORRIS. That is just the insurance?

Mr. SMOOT. No; that is the whole bureau. I will say to the Senator that it was some time in September when I first called attention to the great number of employees at the bureau and the work that was being done, based upon the complaints by thousands and thousands of soldiers throughout the United States. At that time the bureau had 15,419 employees.

I want to say in passing that the director of the bureau promised me about the 10th day of December that on the 1st day of January—this month—the employees would have been decreased from 15,419 as of October 23, 1919, to 10,000 employees. I have not heard as to whether the number has been decreased to 10,000 or not. But I understand it is nearly down to that figure. I want to say in passing, however, that that is not a sufficient reduction. There is no doubt that if the bureau were reorganized better work could be done and the soldiers of the country better served if they had but 7,000 efficient employees in that bureau, but I make that statement based upon the requirement of a complete reorganization of the bureau.

Mr. THOMAS. I think that is unquestionably true, but does the Senator really believe that it will be possible to affect such a reduction?

Mr. SMOOT. If I did, I will say to the Senator frankly that I would not be undertaking to abolish the bureau, but I do not believe it is going to be done unless by new legislation.

Mr. THOMAS. I am in hearty sympathy with the Senator's purposes. In so far as I am able to judge, his argument is convincing; but the large number of employees who will be thrown out of a job in the event his bill is passed, to my mind, constitutes an insuperable obstacle to its success.

We know that every Member of the Senate and every Member of the House will be besieged by individual employees from their respective States and districts urging them to take care of their particular people, and it is a pretty hard appeal to resist. We have had some evidences of it. As a consequence, the chances are that instead of affecting a reduction to 7,000 employees, the 15,000 will, in all probability, be increased to 17,500, and perhaps more, and of course with every increase there is a decrease in the efficiency of the service rendered. It is one of the unfortunate obstacles to economy under our form of Government.

I hope the Senator will succeed, but I am not at all hopeful of doing anything in view of that condition.

Mr. SMOOT. I will say to the Senator that only two weeks ago, while they were discharging employees from the War Risk Bureau as agreed to by the director, there was printed in all parts of the United States a call for 3,000 employees to come to Washington to secure positions in the Census Bureau. There was not a paper in my State that did not have an announcement in it calling attention to the fact that the Census Bureau wanted at least 3,000 additional clerks here in Washington.

Mr. NORRIS. The employees of the War Risk Insurance Bureau were not selected as carefully as they probably would have been selected had there been more time. I can see how we ought to excuse a good many faults in the system. Now, the probabilities are that a great many of those employees would not be suitable, if the Senator is thinking about transferring them to the Census Bureau. As I understand it, the census employees will be selected under the civil-service rules, while these employees, or a great many of them, were not so selected. Is not that true?

Mr. SMOOT. It is true; but I am sorry to say, from information I have received, that some of the employees in the War Risk Bureau who are the least efficient remain there and some of the

very best employees in that department have been discharged. The efficient ones did not have "the pull," as the Senator from Colorado says.

Mr. NORRIS. Is not that always the result where we go outside of the civil-service law and allow heads of departments to select the army of employees without regard to the civil-service law? We must expect those to stay in who have "the pull," and that does not always mean that the efficient ones stay in.

Mr. SMOOT. The Senator is correct in that.

Referring again to the question propounded by the Senator from Nebraska as to a summary of the pay roll, from October 23, 1919, the employees were reduced from 15,419 down to 13,111 on December 15, 1919. The monthly pay roll, including the field force, amounts to $1,380,653.96. The yearly rate was $16,567,847.52. The average annual salary of the field force was $1,857. The grand total—that is, of those in Washington and the field force—shows an average salary of $1,264 in the bureau.

Mr. President, I also have a comparison of the number of employees on the pay roll of the Bureau of War Risk Insurance December 15, 1919, with the estimated number of employees required to carry on the same work under the plan of the bill which I have just introduced. I will just give the totals again, but I want to have it incorporated in the RECORD, as it gives each division and under those divisions the functions of each of the divisions.

The VICE PRESIDENT. Without objection, it is so ordered.

The tables referred to are as follows:

Pay-roll summary.

Division.	Employees Oct. 23, 1919.	Employees Dec. 15, 1919.			Average annual salary.
		Number.	Monthly pay roll.	Yearly rate.	
1. Actuarial	541	512	$54,074.06	$648,888.72	$1,267
2. Administration	382	363	38,472.82	461,673.84	1,272
3. Allotment and allowance	3,716	2,654	296,968.36	3,563,620.32	1,343
4. Chief clerk	359	365	26,488.12	317,857.44	$71
5. Compensation	1,960	1,575	180,416.12	2,164,993.44	1,375
6. Detail	71	60	6,148.60	73,783.20	1,230
7. Director	46	40	6,851.10	82,213.20	2,055
8. Finance	130	132	14,993.96	179,927.52	1,363
9. Insurance	5,363	4,434	466,164.90	5,593,978.80	1,262
10. Legal	387	336	42,327.26	507,927.12	1,512
11. Liaison	16	68	8,080.60	96,967.20	1,426
12. Marine	9	12	1,346.32	16,155.84	1,346
13. Medical	438	403	42,370.06	508,440.72	1,262
14. Personnel	217	218	24,936.88	299,242.56	1,373
15. Receipts and disbursements	1,679	1,821	152,758.10	1,833,097.20	1,007
Total	15,314	12,993	1,362,397.26	16,348,767.12	1,258
Field force	105	118	18,256.70	219,080.40	1,857
Grand total	15,419	13,111	1,380,653.96	16,567,847.52	1,264

Comparison of number of employees on pay roll of the Bureau of War Risk Insurance Dec. 15, 1919, with the estimated number of employees required to carry on the same work under the plan proposed.

Bureau of War Risk Insurance Dec. 15, 1919.		Estimated.	
Division.[1]	Employees.	Function.[1]	Employees.
1. Actuarial	512	1. Allotment and allowance (to be divided among the War Department, Navy Department, and Coast Guard)	2,150
2. Administration	363		
3. Allotment and allowance	2,654		
4. Chief clerk	365		
5. Compensation	1,575		
6. Detail	60	2. Compensation (to be transferred to the Bureau of Pensions)	1,600
7. Director	40		
8. Finance	132		
9. Insurance	4,434	3. Life Insurance (to be transferred to the Post Office Department)	3,200
10. Legal	336		
11. Liaison	68		
12. Marine	12	4. Marine and Seamen's Insurance (to be transferred to the Shipping Board)	12
13. Medical	403		
14. Personnel	218		
15. Receipts and disbursements	1,821		
Field force	118		
Total	13,111	Total	6,962

[1] The distinction between the words "Division" and "Function" should be noted, the four functions included in the second column comprehending all the duties of the 15 divisions listed in the first column.

Mr. SMOOT. As it appears by the table, on December 15, 1919, there were 13,111 employees. Under the bill proposed by me, the total—and it is all that is asked by the departments—is 6,962 employees.

Mr. OVERMAN. Mr. President, I should like to ask the Senator whether, in the making of these transfers, it will be necessary to create new divisions in the War Department, the Navy Department, the Shipping Board, and these other boards?

Mr. SMOOT. Not at all. The divisions are made in those departments to-day and doing similar work.

Mr. OVERMAN. Does the Senator think they can do the same work under the present organization with the divisions they now have?

Mr. SMOOT. There is no question about it. There will be no new division at all. Go into the War Department, I suggest to the Senator, and ask Gen. Lord. As the Senator knows, he is one of the men in the Government service who are capable of organizing help and who aim to conserve the public funds.

Mr. OVERMAN. I agree with the Senator, and I think there is something in what the Senator says.

Mr. SMOOT. In the Navy Department it will be the same.

Mr. OVERMAN. Is it the plan to take all these records over and do the same work without having to create a new division for this particular work?

Mr. SMOOT. Absolutely. Many of the records are there at present. The original records are sent there.

Mr. OVERMAN. But the War Risk records are not there. I know the record of the soldier is there, but the records of the War Risk Bureau will necessarily have to be transferred somewhere.

Mr. SMOOT. They will be transferred as the bill provides.

Mr. OVERMAN. To what division of the War Department will they be transferred?

Mr. SMOOT. To the War Department and to the Navy Department, allotments and allowances; to the Interior Department, compensation; and to the Post Office Department, insurance.

Mr. OVERMAN. Does the Senator think there will be no new chief of division? Does he think they will just be transferred there with the different employees?

Mr. SMOOT. If the Senator will take the time to read my remarks in the RECORD to-morrow morning and notice the table which I have just had incorporated in the RECORD he will see just the number of extra employees which the departments have asked for to take care of this very work.

Mr. OVERMAN. In view of the transfer?

Mr. SMOOT. Yes; in view of the transfer.

Mr. NORRIS. I wonder if the Senator from Utah will not have to modify a statement made in answer to the Senator from North Carolina as to whether it will not be necessary to have any new chief of division. I can see that the Senator will be correct as to the War Department and the Navy Department and the Pension Bureau probably; but take the Post Office Department, does not the Senator think that when the transfer is made there will have to be a division in the Post Office Department to look after the insurance?

Mr. SMOOT. No, I will say to the Senator; not at all.

Mr. NORRIS. They have not any division of that kind now.

Mr. SMOOT. What they will do will be to take a receipt for the monthly premium upon the insurance at the post office at which the soldier lives or at which he gets his mail. All the department will have to do will be to require that the allotment to every soldier shall be sent to the post office at which he resides and the amount of the monthly payment made, and that is reported to the Government by the postmaster just the same as if he sold so many stamps, but herein——

Mr. OVERMAN. To what department will they be sent?

Mr. SMOOT. To the Post Office Department.

Mr. OVERMAN. But they will have to go somewhere in the Post Office Department. As the Senator from Nebraska says, there is no work of this kind being done there, and therefore you will either have to establish a division for that particular work or take it under some division that already exists. What division exists in that department which can take care of this work?

Mr. SMOOT. I should perhaps modify the statement made to the Senator in this respect. There may be not a new division, but that work may be placed in a division already in the Post Office Department, with some specially qualified man who would be an employee from the number I have already stated that would be required.

Mr. NORRIS. There will be a great many of these, of course. They will handle all the insurance, and there will have to be somebody in the Post Office Department in Washington who will have charge of all the money that is coming in and to look after the details from all the post offices in the United States. I presume in some of the post offices in the large cities it will probably require the employment of some particular employee to look after it.

I think the Senator, while he will probably make a great saving, has exaggerated just a little by his statement that no new division or bureau in the Post Office Department will be necessary. I should think that the business accumulating here in Washington in the Post Office Department, if it amounts to what we all want it to amount to, would require the employment of quite a good many people, and a division or bureau in the Post Office Department would have to be established to look after it and do it properly.

Mr. SMOOT. The Postmaster General estimates for 3,200 additional employees to do the work. That is one-half of all the employees that is estimated for that will do the work that is being done now by the War Risk Bureau.

Mr. JOHNSON of South Dakota. Mr. President, I merely wish to ask the Senator whether he understands that under the provisions of the bill all the insurance of the soldiers all over the United States will be attended to by the local post offices?

Mr. SMOOT. That is, the premium payments can be made to the local post offices. Just for the information of the Senator I want to say that in the survey that has been made as to whether there would have to be an extra employee in every post office in the United States, the fact developed that the soldiers were distributed equally in every section of the country. Strangely, too, it developed that the deaths were almost equally distributed.

Another thing which it developed was that the allotments were about equally distributed according to numbers in all sections of the country. It developed that in many of the post offices, in a great number of them, there would be not more than eight or nine soldiers that would have to make payment of the premium monthly, and that work can be done by the employees they already have in the post office, without a question of doubt.

Why have 77 per cent of the soldiers allowed their insurance to lapse? There are some five or six reasons, but the one great reason is that soldiers have never had the experience of writing letters or doing business other than in person, and many of them that did write letters to the bureau never could get an answer.

Mr. NORRIS. That is true.

Mr. SMOOT. I had a case come into my office this morning. A soldier not only paid his insurance for the months past, but because he was going to leave his home he paid it up until June 30, 1920, but the War Risk Bureau has been after that man every month trying to get out of him the monthly payments of his premium that had already been paid.

I have copies of the letters which he has written to the bureau giving them exact copies of the receipts that they had given him, stating that the premium was paid until June 30, 1920; and yet they never ceased reminding him of his delinquencies. I have letters in which the bureau insists that men are dead when they are alive.

Mr. NORRIS. They will not believe the man is alive when he comes in person and tells them he is not dead.

Mr. SMOOT. A young Mr. Orem came into my office on his way home, and I have copies of letters which have been written to his wife insisting that he is dead.

However, Mr. President, the reason of all this is because of the plan of organization of the bureau. What can be expected when it is found that it is absolutely necessary in order to obtain the record of any soldier for any purpose to go to six jackets, traveling from one building to another, in order to get the record of the soldier? That is one reason why we have had nearly 20,000 employees at times in the bureau, tumbling over one another and making it impossible for even efficient clerks to do the proper kind of work.

Mr. President, what we need, unless this bureau is abolished, is for some one to make a complete reorganization of it from top to bottom. I know the director of the bureau; he is an honest man; he is doing the very best he can; but he has never had the experience which is necessary to organize an agency of the Government of that kind.

Mr. NORRIS. Mr. President, does the Senator from Utah think that this remarkable deficiency could have occurred if use had been made of the so-called Overman bill, which gave the President the power to transfer and consolidate the various bureaus and departments?

Mr. SMOOT. I must say that the President had nothing to do with the War Risk Insurance Bureau. It was Congress which provided for it.

Mr. NORRIS. Yes; Congress passed that law.

Mr. SMOOT. Congress passed the law creating the Bureau of War Risk Insurance, and Congress made the mistake at the time. Perhaps, I may say to the Senator, it was the best we could do then. We were embarking upon a new line of activity, and we, of course, thought the work would have to be put under one bureau. Therefore we created that bureau, and I want to take my share of the blame.

Mr. NORRIS. Let me ask the Senator if it is not true that under existing law everything which the Senator contemplates by his bill can be done?

Mr. SMOOT. Oh, there is no doubt about that at all. The President has the power. I repeat to the Senator, I want to take my share of the responsibility, for I was a member of the subcommittee that had that legislation in charge. To tell the truth, I did not know at that time that we had the agencies in the Government to do the work, or I should have insisted that the work be done by agencies which already existed.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator from Nebraska [Mr. NORRIS], if the Senator from Utah [Mr. SMOOT] will permit, whether that is one of the virtues of the Overman bill?

Mr. NORRIS. That is what I was inquiring about.

Mr. WALSH of Montana. Perhaps the Senator from Nebraska did not understand me. The Senator from Nebraska inquired whether the distribution contemplated by the bill under consideration could not be accomplished under existing law; and I wanted to know from the Senator if the existing law to which he referred is the Overman bill.

Mr. NORRIS. No; I was not thinking at that time about the Overman bill.

Mr. BRANDEGEE. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes.

Mr. BRANDEGEE. Under the terms of the Overman bill could not the powers and duties and functions of the War Risk Insurance Bureau be transferred to any department to which the President desires to transfer them?

Mr. SMOOT. That is true; but I do not know that the President's attention has ever been called to the matter. However, Congress, in the first place, made the mistake, and I am willing to let Congress rectify it.

Mr. OVERMAN. Mr. President, as reference has been made to the Overman bill, I desire to say that I think there ought to be some such general authority granted to the President, as was recommended by Mr. Taft, to carry out just such policies as now proposed without passing a law every time some such deficiency is made manifest as that which the Senator now proposes to remedy. The President ought to have such authority, to be exercised when it is patent that money can thereby be saved and efficiency promoted.

The Overman bill expires in a few months, and I think the Senator will agree with me that there ought to be a law passed by Congress giving general authority to the President, as is proposed in this case and as was recommended by Mr. Taft and also by Mr. Roosevelt, who appreciated the difficulties confronting the Government.

Mr. NORRIS. But such authority exists now.

Mr. OVERMAN. Yes, sir; it does exist now under the Overman bill, but that will shortly expire.

If this matter had been called to the attention of the President and patent facts had been shown to him, as the Senator from Utah [Mr. SMOOT] is to-day showing them to the Senate, probably action would have been taken along this line, because it would have been evident that something of the kind ought to have been done, and he, having the authority, would probably have exercised it.

Mr. SMOOT. Mr. President, as I was saying, the tables which I have asked to have printed in the RECORD without reading indicate that the proposed changes of organization would result in the elimination of practically 6,000 employees from the Government pay roll, with an annual saving in clerk hire alone of approximately seven and one-half million dollars. Not only that, but one of the best office buildings in the District of Columbia is occupied to-day by the employees of the War Risk Insurance Bureau. We are paying exorbitant rentals for office space in the District for other agencies of the Government. If we could get rid of this number of employees and utilize that space for other employees of the Government, while I have not figured as yet what the saving would be, it would be an immense amount of money.

Mr. OVERMAN. Mr. President, I concede that, and yet if the work now done by the War Risk Insurance Bureau is transferred to the War Department, as is proposed by the bill, they will have to have three or four thousand more employees. Is there room in the War Department for those clerks?

Mr. SMOOT. I will say to the Senator that both the War Department and the Navy Department would require an additional number of employees to the extent of 2,150. That is their estimate.

Mr. OVERMAN. I was mistaken in the figures.

Mr. SMOOT. I predict now that before the appropriation bills are framed for the fiscal year ending June 30, 1921, there will be as many employees eliminated from those departments because of the lack of appropriations to pay them as will equal at least the number that they have asked for to perform this extra work.

Mr. OVERMAN. So that the Senator thinks there will be plenty of room in the War Department for the additional employees and also in the Navy Department?

Mr. SMOOT. I have not any doubt of it.

No reference has been made in this connection to any subjects not directly related to the proposal to discontinue the Bureau of War Risk Insurance. There are, however, a number of matters which bear indirectly on the same problem which doubtless should have attention when the proposed bill is under consideration by the Senate. These include the transfer of the Public Health Service to the Interior Department, a change which is contemplated by pending legislation—Senate bill 3476—and the transfer of the functions of the Federal Board for Vocational Education to the same department, where they may be coordinated with the administration of compensation and pension legislation and with the activities of the Bureau of Education.

I thank the Senate for giving me its attention.

Mr. NORRIS. Mr. President, before the Senator concludes I wish to ask him about one feature of the proposed legislation which he has not discussed, a feature in which I think we all have a very deep interest. I refer to the transfer of the insurance part of the work of the War Risk Insurance Bureau to the Post Office Department. The Senator mentioned the fact that there has been a large number of lapses in insurance policies. I think that is regretted by everybody who has given it any consideration. It seems to me almost unthinkable that soldiers who were given the opportunity of taking out Government insurance have permitted it to lapse. After talking with many of them, I believe it is the fault to a great extent of the Government that that is the case. I know that neither the Senator from Utah nor the Senate nor the House would want to take any steps that would have a tendency to increase the number of such lapses; in fact, if we can do anything to prevent their increase we should do so.

Mr. SMOOT. And we should provide for the reinstatement of lapsed policies.

Mr. NORRIS. And as the Senator suggests, where lapses have taken place we ought to provide for their reinstatement, if possible, so that the insurance policies may be continued to the soldiers. Does the bill contemplate anything along that line?

Mr. SMOOT. The specific appropriations which have been made and which will be transferred to the Post Office Department in case the bill should become a law take care of all the necessary advertisement work, and of all the field work that would be required to look after the soldiers and endeavor to get them to reinstate their insurance. Not only that, but most liberal provisions are offered to the soldiers for the reinstatement of their insurance.

It is often said that it is the soldier only who is being looked after, but I wish to say that it is a mighty good thing for the Government as well, for every soldier who came back from the war came back in perfect health; they are all young men, and they are the best insurance risks in the world.

Mr. NORRIS. I think that is right.

Mr. SMOOT. And I think, if they all hold their insurance, say three or four million of them, that that branch of the work will be self-sustaining from now on.

Mr. NORRIS. There is no reason why it should not be.

Mr. SMOOT. No; and I will say to the Senator that we have provided ample means to take care of that feature.

Mr. NORRIS. Will there be any means provided by which the field work may be prosecuted so that the question may be taken up with each individual soldier with a view of inducing him to reinstate and carry his insurance?

Mr. SMOOT. There is no doubt about that.

Mr. NORRIS. I think one of the reasons—and there are a good many, perhaps—why soldiers have permitted their policies to lapse is inefficiency on the part of the War Risk Insurance Bureau. For instance, the Senator has referred to letters never having been answered; to soldiers who have paid their premiums in advance and yet are being dunned for premiums which they had already paid. Of course they become disgusted with such a proceeding and cease their connection with it. All that probably would be avoided by the Senator's bill—it would be by any efficient method that was invoked—but there ought to be something done, some sort of a campaign inaugurated, it may be, to induce the soldiers who have permitted their policies to lapse to reinstate them, and then the law ought to provide favorable means for their reinstatement.

Mr. OVERMAN. Mr. President, could not that be done by circularizing the soldiers?

Mr. NORRIS. I think that would help a great deal.

Mr. OVERMAN. I was once insured in a company, which I think is one of the most successful insurance companies in the world—and the reason the Senator's bill commends itself to me so strongly is because of the plan proposed for collecting the insurance—which can and does write insurance because they have no agents. They do it all by printed matter. It is a very strong company and is conducting a great business in this country. It is known as the Postal Insurance Co. Instead of employing special agents at $5 a day and expenses or $1,600 or $2,000 or $2,400 a year, they use the mails and printed matter. So by issuing circulars and sending them to each soldier and explaining the matter to him we could save a great deal of expense and call the matter to his attention in that manner.

Mr. SMOOT. Mr. President, I want it distinctly understood that my interest in this legislation is not only for the benefit of the Government, but is primarily for the benefit of the soldier who served the Government during the recent war.

The VICE PRESIDENT. The bill introduced by the Senator from Utah will be referred to the Committee on Finance.

RECLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. Mr. President, on yesterday I called attention to Senate joint resolution 135, and I believe it was understood that it would be taken up to-day during the morning hour. If there is no objection, I should like to have it taken up now.

The VICE PRESIDENT. The Senator from New Mexico asks unanimous consent that the Senate proceed to the consideration of Senate joint resolution 135. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 135) extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public, No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920, which was read, as follows:

Resolved, etc., That the time for filing of the final report to Congress of the Joint Commission on Reclassification of Salaries, created by section 9, Public, No. 314, Sixty-fifth Congress, approved March 1, 1919, be, and the same is hereby, extended to a date not later than March 12, 1920.

Mr. JONES of New Mexico. Mr. President, I will state that I am calling up this joint resolution at the request of the chairman of the Committee on Appropriations, the senior Senator from Wyoming [Mr. WARREN]. He is not present, and will not be here during the day; but before leaving the city he requested me to bring this matter to the attention of the Senate when an opportunity should be presented.

This joint resolution was considered by the Committee on Appropriations. There was a full attendance of the committee, and while I do not know that I should make any disclosure as to the attitude of the committee, I think I am safe in saying that only one member of the committee made any objection to the passage of the joint resolution.

The purpose of the joint resolution is simply to extend the time for filing the final report of the Joint Commission on Reclassification and Adjustment of Salaries in the District of Columbia. It does not require any additional appropriation, but simply extends the time for filing the report. It is the unanimous opinion of the commission that the time should be extended, and in my judgment it will be of very great service to the Committees on Appropriations of both the Senate and the House if the time is extended so that the commission may submit a rounded-out report.

Mr. GRONNA. Mr. President, may I ask the Senator if he believes that the work can be finished in the time that is asked for?

Mr. JONES of New Mexico. Oh, I think in even less time.

Mr. GRONNA. I am asking the question, because I believe an extension was granted last year.

Mr. JONES of New Mexico. No; the Senator must have something else in mind. This commission was only created on the 4th of last March, and was organized on the next day, and has been proceeding with its work all during the summer and up to the present moment. The commission is in the active discharge of its duties at the present time, and has quite a detailed force engaged in this work.

Mr. GRONNA. I am quite sure that an additional appropriation was asked. I think it was an appropriation of $50,000, if I am not mistaken.

Mr. JONES of New Mexico. The Senator is right about that; but there was no extension of time granted when that additional appropriation was asked.

Mr. GRONNA. I have no objection, as the Senator knows, to extending the time. I simply wanted to know if, in the judgment of the Senator, the time specified in the joint resolution is sufficient?

Mr. JONES of New Mexico. I have not the slightest doubt about it. On the contrary, I am quite sure that the final report will come in before the expiration of the 60 days requested in this joint resolution.

Mr. GRONNA. Then I have no objection.

Mr. JONES of New Mexico. I hope that the final report will be submitted in not exceeding 30 days from the present time.

Mr. SMOOT. Mr. President, on March 1, 1919, the joint resolution creating a Joint Commission on Reclassification of Salaries was enacted into law, and approved on the same date. The result of that legislation is not apparent to Senators or Congressmen unless they have followed its history from the time it was passed and the organization begun down to and including to-day.

I knew at the time that it would bring a great deal of trouble to the Government and dissatisfaction among the employees, and I had an idea just how the law would work out. This whole question has virtually been handled by one Keating, a former Congressman from Colorado, and Luther Steward, the head of the National Federation of Government Employees. I still am going to hope that the Members of the Senate who are on that commission will pay little attention to the reports that have been made through the two gentlemen I have mentioned, and so widely published through the press of the country. I have upon my desk the clippings of statements made through them, published in Washington papers and some outside papers; and I want to say that if there ever was a scheme or propaganda started here with the avowed purpose of bringing every employee of the Government into a labor organization and making them dissatisfied with the salaries they are receiving from the Government, it has been under the joint resolution of March 1, 1919.

On Saturday afternoon I wanted to get my home over the telephone. I tried to get the telephone operator here at the Capitol, and as I picked up the telephone receiver no one answered, but there were two parties talking on the phone. I put up the phone, thinking they would be through in a few minutes. I waited about five minutes, and took up the phone again, and the same two parties were talking. I tried the third time, and as I put the receiver to my ear I heard at one end the voice of a woman, and at the other end the voice of an employee of the Joint Commission on Reclassification of Salaries, and I heard the young lady say: "Well, are you going to take care of me? I want at least $1,200." The answer was: "My dear, you need not worry about $1,200. We are going to see that every employee of the Government gets $1,320."

There was a colored woman up at my house calling on our colored cook not so very long ago, and after she left we were informed that every charwoman in the United States was going to receive $1,320 per year from now on, and they were going to join the union, and the union was going to see that the lowest salary paid by the Government of the United States, no matter if it was a charwoman, and worked only four hours a day, should be $1,320. She asked the cook, "Why do you work for $50 a month? Why don't you get in with the union, and get employment with the Government at a salary of $1,320, with two months' leave of absence?"

The other day there was published in every newspaper in Washington, at least—and I noticed the same thing in the New York papers—an article headed, "United States clerks pay raised 72 cents from 1823 to 1916." Let me read what is said by these officials, if they can be so termed:

Average salaries of the Government clerical force increased from $1,137.28 in 1823 to $1,138 in 1916, an increase of 72 cents, according to figures presented to the Joint Congressional Commission on Reclassification of Salaries in the District to-day by the Government examiners.

While the pay of Congressmen has been increased more than 700 per cent since 1833 and the pay of Justices of the Supreme Court more than 300 per cent, examiners in the Government service to-day feel that they are "left at the post," U. J. Biller of the Pension Office told the commission at the hearing.

"Some of the examiners in the older bureaus are still working at approximately the same wage received by their predecessors for similar or less complicated work back in 1833, or even as early as 1822," declared the brief presented by Mr. Biller on behalf of the examiners.

Then they go on with a long story, which was printed throughout the United States.

I do not doubt, Mr. President, but what the people of the United States, seeing that bold statement, believe that it is true. Well, it is not true, and I want to make the statement now of the facts which examinations will show.

The Joint Commission on Reclassification of Salaries in the District of Columbia has released for publication the statement that "the average salaries of the Government clerical force increased from $1,137.28 in 1823 to $1,138 in 1916, an increase of 72 cents." This statement is thoroughly misleading and, in fact, involves actual distortion of the truth.

The number of employees in the Federal service in Washington in 1823, and for several decades afterwards, was very small. Twenty-eight years later, in 1851, according to a writer in the Saturday Evening Post, issue of December 13, 1919, there were in the whole Treasury Department only 437 employees. In the Department of the Interior there were 413 workers. In the Quartermaster's Department of the Army, in the War Department, there were 13 employees; in the Engineering Department, 6 employees; and in the Ordnance Department, 9. In the Navy Department there was a total of 54 employees. In the Department of State there were 27. The Postmaster General had a force of 80 persons, including himself. The force of the Department of Justice consisted of 4. Taken altogether, the entire departmental service in Washington amounted to about 1,100 people. This was in 1851. Eleven hundred employees is only 20 per cent of the number now working in only one division of one of the bureaus of the Treasury Department. The total number of Federal employees now working in Washington is about 100,000. It should be noticed, however, that the Reclassification Commission has compared the salaries of the whole Government service at different dates, not merely those of employees working in the District of Columbia. The figure for 1916, $1,138, "of all employees within the retirement group in all departments," is an average salary for a quarter of a million of Government workers, including postal carriers and clerks and all other Federal employees scattered throughout the country.

In 1851, and at earlier periods, the nature of the work performed by the handful of employees then engaged in the Government's business was very different from the work done at present. At that time, with only from six to a dozen employees in most bureaus or departments, every man had to be highly trained and had to perform duties equivalent to supervisory tasks. Now, one or two supervisors oversee the work of hundreds of clerks whose jobs have been reduced to routine by an elaborate subdivision of labor. In the Government as well as in commercial concerns introduction of labor-saving devices of many kinds has diluted the labor force by making it possible to utilize low-paid clerical labor, where formerly highly skilled workers were necessary. For example, the Treasury Department a number of years ago was still balancing its books and clearing its checks by laborious hand methods. A clerk could scarcely learn to do the work effectively within three or four years. After a more modern system was installed in the Treasurer's office the bulk of the work could be done more rapidly and economically by clerks operating calculating machines who were able to master their tasks in a week or two. Naturally this lower grade of clerical help does not need to be paid so much as the highly skilled office force of a generation or two generations ago.

The Reclassification Commission has compared the total pay roll as it stood in 1823 with the total pay roll in 1916, without knowing the kind of duties performed by the persons whose salaries are compared. In other words, an investigating body whose primary business is to classify salaries according to the nature of the work done is making an absurd attempt to contrast the pay of total groups without discrimination. No one can gather the faintest idea whether the kinds of work performed by a majority of the men and women on the Federal pay roll in 1823 is comparable with the kinds of work performed by those on the pay roll at present, for the reason that no information as to the nature of the work performed is available for more than a very few years previous to the present time.

The information, however, which is available indicates that the statements sponsored by the Reclassification Commission are false. It is possible to secure precise figures for the salaries paid on statutory rolls to the clerical force in a number of Government departments in the year 1893. These are the earliest figures that I have before me. A comparison reveals that in those offices where the nature of the work performed then and now is of the same grade there has been an actual increase in average annual pay. The figures further reveal when compared how easy it would be, taking offices where the nature and kind of task performed have radically altered, to show an apparent decrease. The figures of 1893 and 1920 that have been compared

have been taken of necessity from statutory rolls. If the statutory salaries have increased, certainly the salaries of persons paid from lump-sum appropriations have increased far more. No one familiar with departmental conditions would challenge this statement.

The following examples reveal the trend of salaries in the 27 years between 1893 and 1920. The 1893 figures are taken from compilations made by the Dockery Commission. The 1920 figures are taken from the current digest of appropriations. These figures are for the clerical forces in the Land Office, the Bureau of Pensions, and the Division of Loans and Currency. The Land Office and the Bureau of Pensions were chosen as examples because they were specifically mentioned in the statement given out by the Reclassification Commission. In each case the positions compared are purely clerical; that is to say, those below supervisory positions. In 1893 there were in the Land Office 316 employees whose average pay was $1,251 a year. In 1920 there are 449 employees in the Land Office receiving an average salary, including bonus, of $1,444 a year, an increase of 15 per cent in the average pay, and the increase in the average pay tells a Senator or a Congressman but little. Anyone who has been in the service of the Government and passing upon appropriations for the payment of the employees of the Government of the United States knows that the amount of salary which a man receives when he first enters the Government service does not remain at that figure long. It is one eternal advance from class 1 to class 2, from class 2 to class 3, and from class 3 to class 4, and then further increases in salary by advancements that are made by every head of every bureau of this Government.

In the Bureau of Pensions there were, in 1893, 1,613 employees whose average salary was $1,229 a year. In 1920 there are in the Bureau of Pensions 829 employees whose average basic pay is $1,315, and whose average pay including the bonus is $1,555 a year, showing an increase of 7 per cent in basic pay and 27 per cent in actual pay.

In the Division of Loans and Currency the statutory rolls carried, in 1893, 65 employees, whose average salary was $919. In 1920 there are in the Division of Loans and Currency 690 employees, whose average basic pay is $1,127, and whose compensation including bonus is $1,365 a year, showing an increase, within 27 years, of 23 per cent in basic pay and 49 per cent in total pay.

The foregoing examples show that, within the last quarter century there has undoubtedly been an increase of compensation to clerical employees where the work performed has remained comparable. On the other hand, it is possible, by selecting offices where great expansion has occurred and the work now is of a different nature from that of an earlier period, to reveal an apparent decrease in average pay. For example, in the Bureau of Engraving and Printing, in 1893, there were altogether only 11 employees on the statutory roll.

These 11 employees include a director at $4,500 a year, an assistant director at $2,250 a year——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The hour of 2 o'clock having arrived, the Senator will suspend for a moment while the Chair lays before the Senate the unfinished business, which is House bill 3184.

Mr. SMOOT. Mr. President, the Senator from New Mexico [Mr. JONES] is very anxious that the joint resolution shall pass to-day, and if the Senator from Minnesota [Mr. NELSON] does not object I should like to ask unanimous consent to lay aside the unfinished business until I can conclude my statement.

Mr. NELSON. How long does the Senator expect to take?

Mr. SMOOT. I think I can get through in half an hour. I am not going into all the details. I could talk, I will say to the Senator, for the next week, and defeat the joint resolution entirely, but I do not intend to do that. I do not want to have it said that I was responsible after this whole proposition comes to the Senate and proves to be an absolute failure and every employee of the Government is dissatisfied with Congress because it does not follow a report that has been virtually prepared by Mr. Keating and Mr. Luther Stewart, that, if additional time had been granted, the commissioners would have been able to have made a more exhaustive study of the work of these gentlemen and might have come to a different conclusion if the salaries of the employees had been continued two months longer.

Mr. NELSON. If the Senator will assure me that he will not take more than half an hour I will consent to have the unfinished business temporarily laid aside.

Mr. SMOOT. If at the end of half an hour the Senator wants to go on, I will suspend.

Mr. NELSON. Will the Senator let us have a vote then on the joint resolution?

Mr. SMOOT. I am perfectly willing to have a vote on it then.

Mr. JONES of New Mexico. I thank the Senator from Utah for making the request which he has made, and I beg to assure the Senator in charge of the unfinished business that we will not consume any great length of time in the consideration of the joint resolution.

Mr. NELSON. Then I ask unanimous consent, in view of what has been said, that the unfinished business be temporarily laid aside that the Senate may consider the pending joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. GRONNA. Mr. President, with the understanding that no other business will be transacted except the disposal of the joint resolution, I shall not object.

Mr. NELSON. That is my request.

Mr. SMOOT. I will assure the Senator that nothing else will be transacted.

Mr. NELSON. Is the request granted?

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota to temporarily lay aside the unfinished business is granted.

Mr. SMOOT. Mr. President, when the hour of 2 o'clock arrived I was calling attention to the example in the Bureau of Engraving and Printing and had stated that there were altogether only 11 employees on the statutory roll working in the Bureau of Engraving and Printing in 1893.

Those 11 employees included a director, at $4,500 a year; an assistant director, at $2,250 a year; a cost accountant at $2,000 a year; and a number of high-priced clerks. The average pay of those employees in 1893 was $1,586 a year.

At present, in 1920, there are 420 statutory employees in the Bureau of Engraving and Printing. The average pay of those employees is only $688 a year, whereas the average employee on the statutory roll of the Bureau of Engraving and Printing in the year 1893 received $1,586. The $688 a year is less than half the average pay of the 11 employees on the rolls in 1893. That is due to the fact, however, that while the number of higher-paid positions has expanded only slightly, there has been a vast increase in the number of lower-grade clerks and helpers.

In the figures for 1920, for example, there are included 94 charwomen at $300 a year, 85 laborers at $540 a year, and 80 watchmen at $720 a year. The great expansion in the number of the low-grade positions accounts for the low average pay of the group. Obviously such an example can not be held up to the public as a fair indication of the trend of Government salaries.

The figures that I have given cover the last 25 years of Government service. It is interesting to notice, however, that the Reclassification Commission, going back to 1823, released the statement that the average salary paid in the Pension Bureau, then a division of the War Department, amounted to $1,146.67 a year. The average salary of the clerical force of the Pension Bureau in 1920, taking the basic salary alone, amounts to $1,316 a year. Assuming that the Reclassification Commission is correct in its figures for 1823, there has been in the Pension Bureau an increase between 1823 and 1920 of $186 in the basic pay. Adding to this the bonus, the increase becomes $408 a year. The increase of $408 in the average pay occurred in the 100 years when in the Pension Bureau, as in every other governmental office, there was a steady decline in the degree of skill and special training needed to qualify for a position with the Government.

Any comparison between the salaries of other years and the present time must, to be statistically balanced, be based on pay for similar or identical work. A striking piece of evidence may be found in the figures which have been collected for the years 1914 and 1918. The figures which are given in an accompanying table show the compensation given to employees working on specific jobs, such as typing, stenography, correspondence, indexing and filing, the operation of calculating machines, and so on.

The table shows that in 1914 a group of 9,899 employees was receiving an average pay of $968 a year. Four years later, in 1919, a group of 17,853 employees, performing precisely the same tasks, received an average pay of $1,041 a year. These figures do not take into account the bonus which has been added. It is fair to assume that if the average pay of these employees was $1,041 in 1918, it is not less and it is probably more in 1920. If we should add the bonus allowed in 1920 to the average salary paid these various groups of employees, the total pay now would be $1,267 a year, an increase of $299 a year over the average pay of 1914. This disposes effectively of any claim that work of a given grade is to-day paid less than in former times.

These statistics show conclusively that the statement given publicity by the Reclassification Commission does not accord with the facts. It is based on most hasty and sloppy statistical methods and is only serving to mislead Government employees and the public.

Here I want to pause, Mr. President, to say that I know they have never been put out to the public as a result of an investigation made by the commissioners themselves, because I know the Senators who are members of that commission too well to believe that if they had gone into the details of this subject they ever would have allowed such a statement to be made.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. JONES of New Mexico. I am sure the Senator from Utah is making what he believes to be a very fair statement, and I would not interrupt him except for the fact that I feel quite sure he has not been fully informed as to the statement to which he has been referring.

The published statement which the Senator presented in his opening remarks was not issued by the Reclassification Commission. It went out by no authority from that commission. My recollection is that the statement only purports to be a statement gotten up by one group of employees who were seeking to have their salaries readjusted and it was only presented to the commission. The commission itself has never given any consideration to the statement which was presented to it further than to understand its contents and put the matter on file for future consideration and verification.

Mr. SMOOT. If the Senator will allow me, I will say that I have 200, at least, of the clippings, and I know from what source they come just as well as the Senator knows. It has been persistently given out to the public through the press that these are the figures and the results after investigation made by the Reclassification Commission. I know that the members of that commission have not given them consideration, as I have already stated.

Mr. KING. Will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to his colleague?

Mr. SMOOT. Certainly.

Mr. KING. I have heard the criticism made—and I have felt there was some little justice in it—that certain persons were taking the work out of the hands of Senators and some of the other responsible members of the commission and carrying on a propaganda looking toward securing certain benefits for the employees of the Government that perhaps might be in excess of what justice demands. At any rate, the columns of the press for weeks, and I was about to say for months, have teemed with statements from some persons or individuals with respect to reclassification and the work of this commission.

Mr. SMOOT. I dare say that there are nine hundred and ninety-nine employees of the Government out of every one thousand who believe that the statements which have been made through the press have been sanctioned and issued by the commission. Mr. President, I do not know what will be the effect of the dissatisfaction which is going to result amongst the employees of the Government when the final conclusions are made known. I know that no good effect can follow.

I know another thing, that the commissioners will never report to Congress the recommendations that have been made as recorded in the press for the last few months. I have sufficient confidence in them to say that no such recommendations will ever be made to Congress.

Mr. JONES of New Mexico. Mr. President——

Mr. SMOOT. I have only 10 minutes, if the Senator will pardon me.

Mr. JONES of New Mexico. I am sure the distinguished Senator from Minnesota [Mr. NELSON] will not limit the Senator from Utah to half an hour.

Mr. SMOOT. I think the Senator will do so. We are acting under a unanimous-consent agreement, and I do not want to trench upon the time.

Mr. JONES of New Mexico. I think it advisable at this time, Mr. President, if the Senator from Utah will permit, to make a statement that the commission itself has never authorized the giving out of any report which has been the foundation for the newspaper articles which have appeared. Those articles themselves, upon close examination, will absolve the commission from having taken any such action; but I must confess that a great many of them are so prepared that the casual reader would conclude that the commission is responsible for the statements made. I think it only fair, however, to the Senate and the country that they should understand that the commission is in no wise responsible for any of these statements.

Mr. SMOOT. I will say to the Senator from New Mexico that no ordinary citizen and no employee of the Government will read the statements as published in the newspapers without coming to the conclusion that the commission did authorize them, for many of them so state.

Mr. JONES of New Mexico. I think the Senator from Utah is quite right about that.

Mr. SMOOT. And I have thought many a time had I been a member of the commission I would have made a public announcement to the effect that such statements were not authorized by the commission.

Mr. JONES of New Mexico. And the purpose of my rising at this moment is to make precisely that statement.

Mr. SMOOT. Mr. President, I have here a statement showing the average salary paid to Government employees in 1914 and 1918 for certain classes of work; also the amount and percentages of salary increases between 1914 and 1918; and I ask unanimous consent that the table be published in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Statement showing average salaries paid in 1914 and 1918 for certain classes of work and the amount and percentage of salary increases between 1914 and 1918.

Description of duties performed.	1914			1918		
	Number of employees.	Average salary.	Total.	Number of employees.	Average salary.	Total.
1. Preparing schedules or registers of accounting documents or transactions	69	$1,244	$85,824	124	$1,235	$153,131
2. Posting and balancing detail ledgers	378	1,273	481,405	488	1,322	645,111
3. Journalizing routine transactions	91	1,309	119,093	163	1,314	214,165
4. Searching for errors, making trial balances	106	1,409	149,374	181	1,393	252,212
5. Plain copying on the typewriter	415	1,014	420,715	1,755	1,142	2,005,185
6. Taking and transcribing routine dictation	1,698	1,070	1,816,581	3,434	1,134	3,894,504
7. Expert stenography	89	1,292	114,988	563	1,311	737,874
8. Composing and typing routine correspondence	280	1,303	364,894	538	1,361	732,184
9. Composing and dictating correspondence	797	1,452	1,157,458	1,025	1,537	1,574,868
10. Secretaries to administrative officers	172	1,590	273,412	294	1,665	489,538
11. Plain copying—filling forms	377	1,076	405,285	588	1,121	658,992
12. Indexing and filing, comparing, verifying	1,454	1,156	1,681,147	2,120	1,145	2,428,035
13. Operating tabulating or calculating machines	140	998	139,662	209	1,096	229,085
14. Operating addressing and duplicating machines	97	870	84,424	265	994	263,410
15. Preparing and verifying pay rolls	125	1,251	156,315	807	1,161	937,104
16. Messengers	1,055	625	659,656	1,979	634	1,254,401
17. Unskilled laborers	2,135	550	1,174,635	2,502	615	1,537,931
18. Elevator operators	55	686	37,730	158	705	111,390
19. Watchmen	366	696	254,826	660	717	473,220
	9,899	968	9,577,423	17,853	1,041	18,592,400

Actual increase over 1914 salary (excluding bonus)	$73
Percentage increase over 1914 salary (excluding bonus)	per cent.. 8
Actual increase over 1914 salary if 1920 bonus were added	$299
Percentage increase over 1914 salary if 1920 bonus were added	per cent.. 31

Mr. SMOOT. In this connection I wish to say that the figures which are here presented do not in any way, shape, or form indicate what the individual employees have received by way of increase of salary or, as I stated a little while ago, the promotions of such employees.

Go into any department or bureau of the Government, particularly one created in the last four years, and see how many employees you can find who are drawing the same salary which they drew when they originally entered the service. I can not say what the average increase in salary has been, but I can say that the employees who have had the favor of the head of a division or of a bureau, no matter how incompetent or competent they may be, have been the ones who have received the increases.

I desire to say to the Senator from New Mexico [Mr. JONES] that ever since I have been a member of the Committee on Appropriations I have stated upon this floor time and time again that there were employees in the Government service who are underpaid, and that they ought to have received increases of compensation long ago; but for one that is underpaid there are ten who could not make as much money anywhere else on the earth as they are making here in the District of Columbia under Government employment. In making that statement I do not take into consideration the 30 days' leave of absence that is given to them all; I do not take into consideration the sick leave that is given them; and if the commission follows the report and adopts the recommendations of Mr. Keating and Mr. Steward every one of those employees will take the full 00 days' allowance. That would mean that the Government employees are to work but 10 months instead of 12 as in private institutions and industries.

I have time and time again stated that there ought to be an investigation into every bureau and every department of the Government as to the salaries that were being paid. Any Senator who is familiar with the workings of the departments, anyone who goes to the departments for information, soon becomes familiar with the employees who do the work. It is seldom the head of the department; it is not the man who gets the largest salary; but it is the man or the woman who has been there for years and years and who knows the workings of the department from A to Z.

In other words, in my opinion those employees were most unfortunate when they landed in positions in the departments of our Government. They ought to have entered into affairs of everyday life and business to battle for positions with their fellow men; but they came here and entered one of the departments, thinking that the Government was at least a safe and sure paymaster and would be as long as they remained. A man is not in the Government service for many years, however, before he becomes an absolute machine; he loses confidence in himself; he is fearful that if he loses his job in Washington he can not make a living for himself or his family elsewhere. It would be a godsend to every young man who has accepted a position under the Government with a view of remaining here and making Government service his life vocation if he were forcibly separated from the Government service and compelled to use his energy and talents in battling with the outside world. Any man who stands at the head of a bureau or department of the Government who will kick a young man out of the Government service and force him into the active business life of this country, unless he is here for the purpose of acquiring an education, will confer upon the employee the greatest favor that he could possibly render him.

The trouble is, Mr. President, that the employees of the Government soon learn that it is not the policy of the Government to keep work current; the policy is never to finish a job until it is absolutely necessary to do so; and they have always unfinished work as a basis every year for demands for larger appropriations. I wish to say to Senators now that if we do not call a halt, and if we do not exercise more care in spending the taxes of the American people than we have in the past, there is going to be more Bolshevism in the United States than there ever has been. There is extravagance on every hand; there is waste everywhere; and about the only bills concerning which there is any quibble in the Senate are bills carrying appropriations of less than $100. It is understood that if they carry $1,000,000 or more there will be no objection to them at all. I remember the time when a bill that carried $500,000 or $1,000,000 was scrutinized most closely by Congress, but now little attention is paid to a measure appropriating money unless the sum is less than $100,000.

Mr. President, I am going to allow the resolution to pass before the 12th of the present month; I am not going to occupy the time of the Senate further, but I wish to say that in looking up the record I find that there is just about money enough left from the appropriation to pay the salaries for the next 60 days, the extension asked for in the pending resolution. Why should we save that money? It would be a disgrace to Congress to save a dollar of an appropriation already made, but it would go back into the Treasury, and would relieve the taxpayers of this country just that much.

Mr. THOMAS. It would establish a bad precedent.

Mr. SMOOT. Yes, as the Senator from Colorado suggests, it would establish a bad precedent.

Mr. President, the hour of half past 2 o'clock has arrived, and I can not start upon another branch of this subject in the time allotted to me. I wish to thank the Senator from Minnesota for allowing the unfinished business to be temporarily laid aside until half past 2. We will just have time, I will say to the Senator from New Mexico, to pass the resolution now, and then take up the unfinished business.

Mr. JONES of New Mexico. Mr. President, I thank the Senator from Utah for his courtesy in permitting the resolution to come up at this time, and I also thank the Senator from Minnesota. I do not believe that it is necessary to make any statement further than has been made. I wish to assure the Senator from Utah, however, that I hope the decisions which he reached when this commission was first organized will not be proven to be erroneous. The Senator from Utah was a member of the committee which created this commission and knew what its personnel would be before the appropriation was made. The commission has rather looked upon the Senator from Utah as one of its patriarchs, one of the fathers of the movement, and we have been looking to the Senator from Utah for that hearty support for the work of the commission which the commission will hope to receive from the Senate. I still believe that when the result comes in the Senator from Utah will find that some of his apprehensions have proven to be misapprehensions.

Mr. SMOOT. I will say to the Senator that I am going to hope so.

Mr. JONES of New Mexico. I am sure the Senator will; and with all goodness of grace I again thank the Senator from Utah for his kindness in permitting this matter to come to a vote at this time.

Mr. President, I wish to say that a similar joint resolution has passed the House, and has come over to the Senate, and is in the hands of the Committee on Appropriations. The Committee on Appropriations considered the pending joint resolution and reported it out, and, of course, there is no reason why the Committee on Appropriations should further consider the joint resolution which came from the House. I therefore move that the Committee on Appropriations be discharged from the further consideration of House joint resolution 263, and that it be substituted for Senate joint resolution 135, now under consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 263) extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate joint resolution 135 will be postponed indefinitely.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. NELSON. Mr. President, I understand that the Senator from Wisconsin [Mr. LENROOT] desires to address the Senate on the pending bill. I will ask him if we can not first take up and dispose of the amendments over which there is no controversy; or does the Senator prefer to go on now?

Mr. LENROOT. I should prefer to go on now, because I have only been intending to discuss in this general debate some of the principal amendments, and I should not care to say

offhand that there would be no controversy about some of those that I have not discussed.

Mr. NELSON. If the Senator prefers to go on, very well.

Mr. LENROOT. I should like simply to conclude my speech.

Mr. President, yesterday when I yielded the floor I had been discussing the amendments proposed by the Senate committee that change the license that may be granted under this bill from a 50-year franchise or license to a perpetual license. I shall not discuss that matter further, because in conversation between the Senator from Minnesota and myself I think we will have no difficulty in coming to an agreement upon it.

The next matter to which I wish to call attention is the one relating to contracts extending beyond the life of the license. Under the terms of the House bill it is provided that the licensee may, with the joint approval of the State commission having authority and the commission created by this bill, approve contracts extending beyond the life of the franchise. That is to say, at the end of 45 years, we will say, it is proposed to make a new contract for 20 years for the power created by the dam licensed, and under the House bill that is permitted, provided both the Federal and State agencies approve; but I am very much surprised to find that the committee has proposed an amendment striking out the Federal approval of such a contract and permitting the State authority alone to approve a contract made by the licensee that may extend for any time. It might extend for 50 years beyond the term of the license.

That being so, of course, the argument that this is a 50-year franchise, and that the Government is free at the end of that term to take it over and utilize the power created by the dam as it sees fit, is absolutely fallacious, because the State authority might approve a contract running for 50 years, and the Government, if it took over the dam, would be compelled to carry out that contract, irrespective of whether it was a remunerative one or not. Of course, one can see that if the Government were to take it over, if the Government had given the two-year notice that it would take it over, the licensees would not be concerned with what the rates were. They perhaps would be perfectly willing, if the Government took it over, to agree with the State regulating commission for a rate that would be absurdly low, in order to punish the Government for taking over the property.

I hope, therefore, that that amendment proposed by the committee will not be adopted, and that the language found in the original House bill will stand.

This brings me to the only other proposition that I wish to discuss at this time, the one that was discussed at length yesterday by the Senator from Minnesota, and that relates to the compensation that may be charged under the license.

This proposition with reference to compensation and the duration of the license has been the stumblingblock for all these years between the House and the Senate.

Mr. CHAMBERLAIN. Mr. President, will the Senator please call attention to the section he is discussing?

Mr. LENROOT. Section 10, on pages 18 and 19.

The House has always insisted upon two things: First, that the franchise or license should be for a definite term, and that at the end of that term the Government should be free to deal with the subject matter; secondly, that the power that has authority under the legislation to grant the license should have the discretion—not a mandatory duty, but should have the discretion—to exact a charge for the consent or the privilege that is granted.

It has been contended, and was contended, I think, by the Senator from Minnesota [Mr. NELSON] yesterday, that the Federal Government had no constitutional authority to exact anything more than such compensation as was necessary to reimburse it for the administrative expenses that were incurred; but no one has ever been able to furnish to either House of Congress any authority from any court limiting the power of Congress in any such respect.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. LENROOT. I do.

Mr. CURTIS. I should like to call the attention of the Senator also to the fact that this bill covers water-power sites on Indian reservations, where the property clearly belongs to the Indians, and they are entitled to payment for whatever is taken.

Mr. LENROOT. Yes.

Mr. NELSON. That is left in the bill. Provision is made for that.

Mr. CURTIS. That is under the license clause only.

Mr. NELSON. Yes.

Mr. LENROOT. I might as well come to that now. Here is a power site on tribal lands belonging to Indians on a reservation. Under the language of the bill as it comes to us from the House this commission would have the authority and it would be its duty in protecting the rights of the Indians to make an annual charge based upon the value of that power site; but in the proposed Senate amendment striking out all of the House provision we find this language:

> That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission, for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

It will be observed that the policy of Congress, if this is adopted, will be that there shall be a maximum of 25 cents per horsepower upon public land, and while there is no limitation upon the amount that may be charged upon Indian land, the rule or standard is laid down that would undoubtedly be followed in the case of the Indian land.

But, Mr. President, to get back to the legal contention that is made that the Federal Government has no power or authority to exact a charge upon navigable streams over and beyond the reasonable cost of the administration of the law, the Senator from Minnesota yesterday very frankly admitted that wherever the United States itself erects the dam it may sell or utilize the surplus water, may itself create electric power and may sell that power; and when the Senator admits that it necessarily follows, it seems to me, that he must also admit that when we choose an agent to do that which the Government itself might do we may give to the agent the whole or any portion of that which the Government itself might take. That has been well established in numberless decisions. I have some of them upon my desk, but I am not going to take the time to read them. However, it is well settled that wherever the Government, State or Federal, either itself erects the dam or grants authority to some private individual to do so it may reserve to itself the surplus water power created by that dam and may dispose of it.

What is the theory of granting these licenses? So far as navigable streams are concerned, it is based wholly upon the theory that the erection of these dams will aid navigation. Otherwise it is admitted that we have no jurisdiction to authorize the obstruction of a navigable stream. All will admit that the Congress of the United States has no authority to authorize the creation of a dam on a navigable stream for the production of water power alone.

Unless navigation is connected with it in the legislation and is the primary purpose of it we are wholly without power. So whenever we grant a license under this bill to an individual or a corporation for the erection of a dam across a navigable stream it is upon the theory that that obstruction of the navigable stream will be an aid to navigation, that we delegate to an agency of the Government, which the licensee becomes, the right to do that which the Government itself might directly do if it saw fit. Conceded, as it is, that if the Government did it directly we could utilize all of the water power created and sell it on such terms as we saw fit, or refuse to sell it at all, it clearly follows that in selecting an agency to do that which the Government itself might do we may say to that agent, "As a reward for thus aiding in navigation by the creation of this dam you may retain for yourself 10 per cent, 15 per cent, or 75 per cent of the surplus water or the power created by the use of the surplus water." We may say to that agent, "In consideration of our delegating to you this authority, instead of doing it ourselves, you shall pay to us 10 per cent, or 25 per cent, as the case may be, of either your revenues, or a given sum, measured by the horsepower created." It seems so clear to me, Mr. President, that as a legal proposition I do not believe there can be any possible question concerning the right of the Congress to enact this legislation.

But it is said that it would be most inequitable to take compensation for the privilege thus granted. Let us see. I do not contend for a moment that the water powers of this country should be utilized for the purpose of securing revenue for the Government. I fully agree with those who contend that the consumer should have the benefit of the low-priced water powers of this country, and just in so far as the consumer does or will get the benefit of a nominal charge, I am in full agreement with those who so contend.

But, Mr. President, there are many, many cases where, under this amendment proposed by the Senate committee, the consumer will not get the benefit, but it is a clear gift to the water-power corporations who become licensees under this bill, enabling them to make vast profits and to cover up those profits so that under the terms of the bill relating to an investment and the right of the Government to take it over the Government itself at no time can secure any benefit from this great concession. The result would be, under the Senate committee amendment, that we would hand this great resource belonging to the people of this country over to these water-power companies, with the opportunity to make vast and exorbitant returns for themselves, with no power upon the part of either State or Federal Government to give to the consumer the benefit of this cheap utility, but merely make it possible for it to be used to enrich the licensees.

Mr. KING. Will the Senator yield?

Mr. LENROOT. Certainly.

Mr. KING. The Senator concedes, does he not, that if the utility to which he refers, the power plant or the electric-power establishment, develops power which is consumed in one State only the public utilities commission of that State would have the authority to regulate the price at which the power should be sold?

Mr. LENROOT. Yes.

Mr. KING. Does the Senator think, in that instance, the prices would be exorbitant? The public utilities commission, of course, would be jealous, as we know all State public utility commissions are, to see that the interests of the people are subserved and that extortionate prices are not charged by those engaged in activities of that character.

If I may be permitted another inquiry, assume that the product of the plant is utilized in various States, so that perhaps a State utilities commission did not have full jurisdiction over the plant and the output of the plant, so that it would have to come under Federal cognizance, does not the Senator believe that an organization, if one does not already exist, would speedily be created by Congress to fix a limit on prices charged by these power plants, so that extortionate prices would not be exacted from the public?

Mr. LENROOT. In reply to the Senator, the Senator from Wisconsin does not believe that either of those two things will follow, and that is why he takes the position he does; and I think I will be able to convince the Senator from Utah of the correctness of my position.

Let us first take the illustration that the Senator gives, or where the power is created and consumed wholly within a State. There are two classes of cases where regulation can not possibly give the consumer the benefit of the low-cost water power that will be provided by this bill. Let us suppose that there is a city in the Senator's own State that utilizes 15,000 horsepower. Five thousand of that horsepower is produced from a dam licensed under this act, and that is all the water power that can be produced tributary to that city. The other 10,000 horsepower is produced by steam. We will say that steam power actually costs $20 per horsepower to produce. A public utility gets a license under this bill. The demand in that city has increased and they secure 5,000 horsepower under the bill and propose to meet that increased demand in that city with this horsepower, developed by water power, which costs them only $10 per horsepower, or one-half of the cost of that which is produced by steam.

Now, does the Senator from Utah believe that this utility, having this 10,000 horsepower, will be held down to a rate one-half of that which is produced by the utility creating power by steam, where the water-power utility furnishes power to consumers upon one side of the street and the steam utility furnishes power to consumers upon the other side of the street? Does the Senator think there would be two different rates for that power? Of course not. The result would be, as it always has been, that the low cost water power utility would be permitted to charge the same rate that the steam utility charges, in order that there might not be discrimination and favoritism between individuals; exactly the same situation that we have, Mr. President, with reference to the railroads. What is our great trouble with the railroad situation to-day? We have discussed this so much that I just want to point to it.

Here is the Pennsylvania road, a great, strong road, with immense traffic upon its lines. Here is the Baltimore & Ohio road, paralleling it, which is a weak line. We do not have one rate for the Baltimore & Ohio and another rate for the Pennsylvania. Of course we do not. We have such a rate as will enable the Baltimore & Ohio to come somewhere near paying a fair return upon its investment; and the inevitable result is that the Pennsylvania, under those rates, is permitted to make an exorbitant return. That is the condition which is attempted to be remedied by the bill that has passed the Senate and has gone to conference.

But exactly the same situation will exist with reference to these water powers. Where one is created by steam and the other by water power, the rate that will be permitted to the water-power utility will be such rate as will enable the steam-power utility to exist and pay a fair return.

It is idle to talk about the utility commissions of the States so regulating that that the consumer will get the benefit of that low-priced power. It can not be done; it would not be done; and the result would be that you would have enormous earnings upon the part of the water-power utility, and under the committee amendment neither the consumer nor the Government, representing all the people of this country, would get any benefit from this privilege.

Now, I want to give another illustration. Suppose there is a great power development creating 100,000 horsepower, and there will be some, Niagara River, for instance, which I shall discuss a little later on. Niagara Falls comes under the terms of this bill; but that I will discuss later. That comes under the terms of this bill, and will some one tell me what good it would do the public to have the Public Utilities Commission of New York, where the same people may own the power plant who own the factories, the cyanide factory, or the fixed-nitrogen factory, where fertilizer is produced from these Falls, regulate the price that the power company of New York should charge to the manufacturing company when they own them both? There, again, is a case, Mr. President, where, under the terms of the committee amendment, neither the consumer nor the public can get any benefit from it, but it is a gift to these great water-power corporations.

Oh, but the Senator from Utah says when that time comes Congress itself would not be slow to create a body or enact legislation that would regulate the price of the product. Yet, if I understand the general position of the Senator from Utah, and I followed it very closely, he would fight to the last against any power of Congress to regulate the price of the product of any manufacturing industry in the country.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. HARRISON. I understood the Senator to say that the Niagara Falls proposition is included in the terms of the bill.

Mr. LENROOT. It is.

Mr. HARRISON. Was that the suggestion of the committee?

Mr. LENROOT. It was.

Mr. HARRISON. Did the committee give any special consideration to the Niagara Falls projects?

Mr. LENROOT. I do not know how far I am justified in stating what occurred in the committee. I think I am justified in stating that I offered an amendment in the committee excluding Niagara Falls, and it was rejected.

Mr. HARRISON. The reason why I asked the Senator is because he is quite as familiar with it as I am and knows that when the bill was up in the House in the last Congress, practically the same bill, I understand, it was provided by a rule offered in the House that the Niagara Falls proposition was not to be included in any general water-power legislation.

Mr. LENROOT. That is true.

Mr. HARRISON. For that reason the special committee at that time, to which was referred all the bills touching water-power development, did not give any consideration to the development at Niagara Falls, but left that exclusively to another committee which was then and had been for many years giving special consideration to the development at Niagara Falls.

I am a little surprised to hear the Senator say, therefore, that the Niagara Falls project is included in the present bill, because, as he knows, there is quite a different development there from that involved in any other project within the United States.

Mr. LENROOT. That is true. The Senator from Mississippi was then a Member of the House, as I was, and we were both upon the Committee on Rules. The Senator correctly states the situation with reference to the creation of the special committee about which the Senator from Minnesota [Mr. NELSON] spoke

on yesterday. Niagara Falls and all boundary waters were expressly excluded from the jurisdiction of that committee.

Nevertheless, under the all-inclusive language of the pending bill, both as it came from the House and as it is before the Senate to-day, not because there was any special consideration given to the Niagara Falls project, because there was none, I am satisfied, in either House, it is included only because the language is so all embracing that if it is not amended the Niagara Falls and St. Lawrence River will be included within the terms of the bill.

Mr. HARRISON. May I ask the Senator a question? I have not given the bill the degree of consideration that the Senator has, but from a casual reading of it I conclude that there is no provision in it that would touch this state of facts which exists at Niagara Falls, for instance. There is a plant up there which under contract could be utilized to develop so much water power. It is an antiquated institution. It does not develop the water power to its highest efficiency. There is another plant there that is developing water power to a high efficiency.

Is there anything in the bill, in the opinion of the Senator, that would allow the commission to compel the remodeling of that plant so that it migh develop water power there to its very highest efficiency?

Mr. LENROOT. I do not think they could do it, and yet I would not undertake to say absolutely what the power of the commission might be under such circumstances.

Mr. HARRISON. Is there anything in the bill which would give jurisdiction to the commission to allow them to levy higher charges for water-power development at Niagara Falls than at other places in view of the fact that it is more easily developed there than at any other place, and in view of the fact that power companies which have existed there for a long, long time have made thousands and thousands of dollars? Is there anything in the bill that would allow a heavier charge there than at other places?

Mr. LENROOT. Not only is there nothing in the bill that would allow it, but the bill with the Senate committee amendment would absolutely prohibit it. In other words, if the bill goes through in its present form, knowing what I do about the Niagara Falls power project, in my judgment it would be a gift of a clear million dollars a year to the Niagara Falls company.

Mr. HARRISON. May I say to the Senator that unless he or some other Senator offers an amendment to exclude the Niagara Falls development from the bill and the jurisdiction of the commission, I shall offer it at the proper time?

Mr. LENROOT. I sincerely hope the Senator from Mississippi will do so, because the Senator from Mississippi, I think, is more familiar with the Niagara Falls project, perhaps, than any other Member of the Senate, unless it be the Senators from New York, because the Senator from Mississippi while a Member of the House was a member of the Committee on Foreign Relations, which always had jurisdiction of the subject. I think that the Committee on Foreign Relations of the Senate has always had jurisdiction of the subject.

While we have reached this question, I might as well say now what I had intended to say upon the proposition at Niagara Falls.

Mr. KING. Will the Senator yield to me for a moment?

Mr. LENROOT. Certainly.

Mr. KING. I know the Senator desires to be and is a fair expositor of a proposition and is fair to those who differ from him and that he does not desire to put me in any improper light. I have expressed no particular views with respect to the bill or the theory upon which it is drawn other than in the question which I propounded yesterday to the distinguished Senator from Minnesota [Mr. NELSON].

The Senator from Wisconsin has just stated that he has no doubt the Senator from Utah, referring to myself, will be found opposing the creation of any Federal instrumentality for the purpose of fixing rates, or words to that effect.

Mr. LENROOT. No; I said fixing prices on the products of an industrial factory.

Mr. KING. I am not so sure what my position would be in a given case. It would be impossible for me to indicate in advance what position I should assume in the face of any given exigency, but I will say frankly to the Senator that I am not much of a believer in price fixing and I am not much of a believer in the right of the Federal Government to go into a State and attempt to fix the prices of industrial or other products.

I am jealous, I frankly confess, of the rights of the States, and I have looked with a great deal of apprehension upon the encroachments by the Federal Government upon the reserved rights of the people and upon the rights and powers of the States. It does occur to me that the States are becoming atrophied and that the people more and more are relinquishing rights which belong to them and to the States, and more and more to devolve upon the Federal Government a power which it does not possess.

But I recognize that there is a broad field for the active assertion of power by the Federal Government. I recognize with reference to railroads that the Federal Government has the right to and should create, as it has done, an Interstate Commerce Commission to see that fair and just freight and passenger rates are promulgated and enforced. I can conceive that there might be a power organization of such magnitude with such national ramifications as to call for the interposition of the Federal Government and the establishment of some board for the purpose of fixing rates, or at any rate for the purpose of prohibiting the imposition upon the people of unfair and unreasonable rates.

I did not want the broad statement of the Senator which was made a moment ago to go into the RECORD without some little word of explanation upon my part, and I thank the Senator for yielding.

Mr. LENROOT. I am glad to accept the Senator's qualifications, and while I did not wish to be unfair to the Senator at all, yet I did infer from his general attitude exactly as I stated. I do think from the Senator's very emphatic position that he has taken upon many occasions that we really would expect him to be about one of the last, at least, to sanction any kind of price fixing upon the part of the Government. That being so, I did suggest to him that I did not believe that we could very well rely upon that as a remedy for an evil condition that might arise in the future.

But I want to follow up the Niagara Falls proposition for just a moment. There is just one reason for the creation of a commission with the broad powers that are given in the bill to grant license to public utilities for the development of navigation and the creation of water power, and that is that in the great multitude of cases it would be impossible for the Congress to act upon each one of them separately with any degree of speed or with any assurance that within any reasonable time legislation would be enacted.

But that is the only reason, and wherever a case exists where the water power is of such magnitude that it ought to have the attention of Congress, then the Congress would be justified in devoting its time to the consideration of it and acting directly upon it. I say, in such case no authority should ever be delegated to any commission to handle it and dispose of it under general rules.

The Niagara Falls project and the St. Lawrence River boundary waters are of exactly that character. In addition to the magnitude of the project it is an international waterway. We have to depend upon agreements with the Dominion of Canada for the utilization of that water. A matter of that magnitude and involving international relations ought not to be delegated to this board of three secretaries. So I sincerely hope that the Senator from Mississippi [Mr. HARRISON] will offer an amendment excluding Niagara Falls and the boundary waters of the St. Lawrence River from the provisions of the bill so that it may be treated separately.

Let me say in this connection, and I think it is well known to Senators, that for years there has been legislation pending, sometimes passed by one House of Congress and sometimes the other, for the administration of the Niagara Falls project, and, while I have no evidence of the truth of what I am about to say, I have been convinced for a long time that it is this power company itself that has prevented legislation disposing of or regulating the project, because there have been times when the Senate and the House have been willing to have gotten together and agreed upon the legislation, as I think the Senator from Mississippi well knows.

Mr. HARRISON. Mr. President——

Mr. LENROOT. I yield to the Senator from Mississippi.

Mr. HARRISON. In this connection I might say—the Senator is familiar with the fact—that there is a treaty between this country and Canada appointing a joint commission to look after the Niagara Falls proposition.

Mr. LENROOT. There is, and in addition to that the international joint commission is now at work, I understand, upon a survey of the St. Lawrence River and the development of navigation upon it. I understand that there is 2,000,000 horsepower, equal to one-third of all the water power now developed in the entire United States, capable of development at Niagara Falls and in the St. Lawrence River to-day. That is a matter of such magnitude and of such importance to the

Nation that we ought not to delegate to three men the disposition of that under the terms of the bill.

Now, Mr. President, to get back to the matter of charges, the right of the commission to exact compensation, taking, for example, the case of the Niagara Power Co., which, if I recollect the testimony aright, is developing power for between $10 and $15 per horsepower per year—about one-half of what other power costs—which power enters into manufacturing and into the production of cyanamide and fertilizer, a monopoly in this country, except for the nitrates from Chile, charging what they pleased to the consumer, will any one tell me how the public is going to get any benefit from this gift, or from exacting only a nominal charge? I have said upon occasions in the past years that if these people would permit the incorporation in legislation of this character of the right upon the part of the Government to fix the price of the product created by water power, I would never ask for the imposition of the charge of a single penny; but they have repeatedly stated that, as between the right of the Government to fix the price and to exact a charge, they preferred the charge.

Mr. President, we have no right, as I see it, in dealing with this great subject, these water powers of so much importance to all the people of the United States, to give away to private individuals one thing further than is necessary in order to secure development. It is a betrayal of trust upon the part of the Congress of the United States if we go one step further than that. We are here representing the public interests; we are here representing the people of the United States. We ought not to stand here inquiring what the water-power people want and then get all we can for them. I have no quarrel with the water-power people; I do not blame the water-power people for trying to get everything they can in this legislation; that is human nature. They will not be the ones to blame if they get it; but we will be the ones to blame, that we have been considering their interests instead of the public interest if we give it to them.

So, Mr. President, the Senate committee amendment with reference to the nominal charge ought not to be agreed to, but the House provision should remain as it is, as it was agreed upon by Secretary Daniels, Secretary Lane, and Secretary Baker. That will not mean the imposition of a charge in every case; it will not mean the imposition of anything but a nominal charge where the power is distributed to the general public; but it will mean, or it should mean, the imposition of a charge in all cases where the public can not get the benefit of the low cost of the water power compared with the high cost of steam power. That is all there is to the proposition.

In the case of a water-power company developing a great power and the same stockholders erecting a factory alongside of it, using the developed power by themselves, where no regulating authority can give relief to the public, it would mean that the commission would exact a charge, so that the only way in which the public can secure any benefit from the granting of this enormously valuable privilege shall come to the public in the way of a reduction of taxation to the people of the United States.

Mr. President, these are the general observations which I have desired to make with reference to the pending bill. I shall have occasion to discuss some of the amendments as they come up. I do believe in the general theory of the bill as it passed the other House; I believe in the development of our water power; I believe it can be better developed under private ownership, in the first instance, than by the Government itself. For the Government itself to undertake to develop all the water power in this country would, I am afraid, mean criticism of the Congress of the United States compared to which criticism of the river and harbor bill would be regarded as infinitesimal. That is no reflection upon Congress. If Congress undertook to develop all of these water powers, we all know what would happen. Water powers would not be developed according to the market needs, according to the actual necessities of the case, but they would be developed in different parts of the country in the hope and the prospect that they would draw to them manufactures; they would be nothing but experiments. If private capital, however, goes in and develops, in the first instance, it is safe to say that only such water powers will be developed as there is a commercial need for. In doing that we ought not to go one step further than to give such inducements to private capital as will result in the investment of private capital, the development of power, and the production of electric current. Anything beyond that is giving to them something that belongs not to us to give, but for which we are merely trustees for the people of this great country. Because the Senate committee amendments go further than is necessary to secure this development, go further than the water-power people themselves have asked Congress to go less than a year since, I say the amendments which I have been discussing ought not to be agreed to.

The PRESIDING OFFICER (Mr. NUGENT in the chair). The Secretary will read the bill for committee amendments.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 2, on page 2, line 6, after the words "salary of," to strike out "$5,000" and insert "$6,000"; at the beginning of line 8 to strike out "in so far as practicable"; and in line 10, after the word "personnel," to insert "except as may be otherwise provided by law"; in line 16, after the word "by," to strike out "the commissioners or by their" and insert "its"; and in line 17, after the word "under," to strike out "their" and insert "its," so as to make the section read:

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of $6,000 a year, and prescribe his duties. The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

All of the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $4 in lieu of subsistence incurred by its employees under its orders in making any investigation, or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for that purpose; and in order to defray the expenses made necessary by the provisions of this act there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury upon order of the commission.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 6, after the word "meaning," to strike out "when found in" and insert "for the purposes of," and, after line 11, to strike out:

"'Reservations' means lands and interest in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws, and lands and interest in lands acquired and held for any public purpose."

And insert:

"'Reservations' means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose."

So as to read:

SEC. 3. That the words defined in this section shall have the following meaning for the purposes of this act, to wit:

"'Public lands' means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include 'reservations,' as hereinafter defined.

"'Reservations' means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose."

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to strike out:

That the term "navigable waters" as used in this act and as applied to streams shall be construed to include only such streams or parts of streams as are in their ordinary natural condition used for the transportation of persons or property in interstate or foreign commerce, or which through improvement heretofore or hereafter made have been or shall become usable in such commerce.

And insert:

"Navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

Mr. KING. Mr. President, I should like to ask the Senator from Minnesota if he considers the last four lines of the amendment, being lines 6, 7, 8, and 9, on page 5, to be necessary to perfect the bill. The words to which I am directing the Senator's attention are the following:

Together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

Mr. NELSON. Mr. President, I deem the words quoted by the Senator from Utah important and essential. There may be

a stream that is navigable for a certain distance; there may be interruptions by waterfalls or other obstructions and then another reach of the river may be navigable, and Congress may conclude that it will improve that river and extend navigation on it. This is to permit the Government to do that. That is the object of it:

Together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

This is to leave subject to Federal control in reference to water-power development those streams which the Federal Government has improved for purposes of navigation or has recommended and is about to improve.

I want to say in illustration of this that it is customary at the time of the consideration of each river and harbor bill for Senators desiring some river or stream in their States to be improved or made navigable to secure the insertion in the river and harbor bill of a provision for a preliminary examination and survey; and if after such preliminary examination and survey by the War Department they regard the stream as worthy of improvement they go on and make a further examination and an estimate; they go on and formulate the plans for the improvement and make an estimate of the cost, and after those preliminary steps are taken it is ripe for the action of Congress.

There are many places in the country where they are still expecting to improve streams; and this is to put those streams on which the Government has made or recommended improvements in the same list with other navigable waters.

Mr. KING. If the Senator will pardon me, I am afraid that the definition of "navigable waters" as found in lines 22 to 25, on page 4, and also lines 1 to 9, on page 5, will include practically every little rivulet and stream and creek that can be found within the limits of most of the States of the United States; and I am afraid that under this bill and under the definitions to which I have called the Senator's attention it will be asserted by those having the administration of the bill that every little stream or rivulet that finds its way directly or indirectly into a larger stream which may become navigable is under the jurisdiction of this commission, so that no man may go upon these little streams and utilize the waters therein flowing for power or other purposes contemplated by this bill, or within the scope of this bill, without obtaining permission from the commission which is created by the bill. It looks to me as though you are putting into the hands of this commission too much power to superimpose itself upon the States, and to control every little stream within the confines of the States.

Mr. NELSON. I think the apprehensions of the Senator from Utah are not warranted. If the whole paragraph be read and considered as an entirety, it will appear that it relates only to navigable streams. It starts out here with the phrase "over which Congress has jurisdiction." The authority of Congress over streams relates to utilizing them for navigation for commercial purposes under the interstate-commerce clause of the Constitution. This covers streams either in their natural condition or streams that Congress by appropriation has improved and made navigable. They are all subject to the provisions of this bill.

I want to call the attention of the Senator in this connection to another provision of the bill, in section 23, which relates to the construction of dams over portions of streams that are not navigable. The commission in that case is authorized to investigate, and if it finds that they are local streams, not navigable, not used for interstate commerce, it can grant authority for the improvement of the streams, subject to State laws. I will read the concluding paragraph of that part of the section.

Mr. KING. What section is the Senator referring to?

Mr. NELSON. Section 23. It is an amendment of the Senate committee. It commences in line 21, near the bottom of page 36, and reads as follows:

That any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in its discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this act.

And I call the Senator's attention particularly to this part of the amendment:

If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws.

It remits them in that case to the jurisdiction of the States; and I do not think there is any danger to be apprehended under the provision that we are now considering on pages 4 and 5. It only relates to navigable streams that are either navigable in their natural condition or that have been made navigable by an act of Congress, or that have been recommended for improvement; and there are many such streams in the country.

Mr. KING. Mr. President, the definition of navigability by the courts has not always been clear; and I assert now that under the definition which is given here, particularly in view of the language "parts of streams" which are to come within the jurisdiction of this organization, the Federal Government will assert control over every little rivulet, creek, and brook in every part of the United States that may be traced to some stream which, later on in its progress to the sea, becomes navigable at some point and somewhere; and it will assert this jurisdiction to the extent of denying to a man, where this little rivulet or brook or stream flows through his own farm, the right to utilize it for power purposes, even though he may develop only one or two horsepower, until and unless he comes to Washington and throws himself upon the mercy of the big autocracy or bureaucracy that is set up by this bill.

I call attention to this, and I warn the Senator that his constituents and the constituents of other Senators will find the galling chains of the Federal Government around their necks, and they will find interference upon the part of the Federal Government with their assertion of rights with respect to streams, small in character, that are contiguous to their own properties and within their own States.

Mr. LENROOT. Mr. President, the Senator from Utah [Mr. KING] seems to think that this amendment enlarges the jurisdiction of Congress and this commission over navigable streams. Exactly the contrary is true. This definition unquestionably restricts the technical jurisdiction which Congress would have if this language, instead of attempting to define navigable streams, should merely be the term "navigable streams." Under some of the decisions of the Supreme Court of the United States it may be that they would go to the very spring at the top of a mountain; but this definition very greatly restricts it, and, instead of this being a dangerous definition, the Senator from Utah upon the very ground that he urges his objection ought to favor it, because it certainly is true that the jurisdiction of this commission over the granting of licenses for dams will not be as great under this bill as if merely and only the term "navigable streams" had been used.

Mr. FLETCHER. Mr. President, I quite agree with the Senator from Wisconsin in his construction of this paragraph. Certainly it is limited to those waters over which Congress has jurisdiction, and then it goes on to define in what way that jurisdiction is evidenced, by the actual improvement of the stream itself. So it is not left to the broad general definition of navigable waters. It is specified what we mean by navigable waters, in that they are such waters as come within the commerce clause, and also where the streams have actually been taken over by Congress to the extent that they have been improved, or where Congress has in due process actually gone to work to improve them. It leaves out of consideration altogether, I think, such streams as the Senator from Utah has in mind, and confines the definition of navigable waters to those which are unquestionably and actually navigable waters.

Mr. KING. Mr. President, I perhaps was unfortunate in my expression if I conveyed the idea that I was quarreling with this definition in preference to some of the decisions which have been announced by the courts. I appreciate what the Senator from Wisconsin has said and agree entirely with him. I think that the decisions of some of the courts as to what are navigable streams press the limit of reason and common sense. I appreciate that this is somewhat of a limitation upon the definitions which have been prescribed by some of the nisi prius courts, if not some of the appellate Federal courts. But what I had in mind was a greater narrowing of the proposition, and if I had my way I should restrict the interpretations placed by the courts still further than what has been done by the language to which attention was called.

I referred a moment ago to the words "parts of streams," and I asserted that I was apprehensive that under those words, as well as the following words within this amendment, the instrumentality created by the bill would extend its power and its authority to little streams and rivulets and brooks within the States, upon the ground that they were a part of a stream which in some part of its progress toward the ocean became navigable.

I would like to see this definition of navigability very much narrowed, so that the power of this organization set up, this Federal machinery, might be restricted, and that it might confine its activities to the large streams, which, in fact, are navigable—streams like the Missouri and the Mississippi, the broad waterways of our country—so that it would be clear that they should not attempt to take jurisdiction over the little streams and rivulets within the States which minister so much to the welfare of the people, and which could be utilized by the people in a small way for the development of a limited amount of electric energy.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, in section 3, page 5, line 15, after the word "others," to strike out the words "from which flows surplus water not needed for Government purposes that may be disposed of under the provisions of this act," so as to make the paragraph read:

"Government dam" means a dam or other work constructed or owned by the United States for Government purposes, with or without contribution from others.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the words "additions or betterments," to insert the words "or used for the purposes for which such reserves were created," so as to make the paragraph read:

"Net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the words "or others," to insert the words "and said classification of investment of the Interstate Commerce Commission shall, in so far as applicable, be published and promulgated as a part of the commission's rules and regulations," so as to read:

The term "cost" shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall, in so far as applicable, be published and promulgated as a part of the commission's rules and regulations.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 9, after the word "concerning," to insert the words "the utilization of the water resources of any region to be developed"; in line 10, after the word "the," to insert the word "water"; and, in line 16, after the word "extent," to strike out the word "it" and insert the words "the commission," so as to make the paragraph read:

(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this act.

The amendment was agreed to.

The next amendment was, on page 10, line 2, after the word "act," to add the following additional proviso:

And provided further, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (e) of this section, notice shall be given and published as required by the proviso of said subsection.

The amendment was agreed to.

The next amendment was, on page 11, line 21, after the words "with the," to strike out the words "issuance of" and to insert the words "application for"; and, on page 12, line 10, after the word "commission," to insert the words "or by its executive officer," so as to read:

(g) To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the application for any permit or license, or the regulation of rates, service, or securities, or the making of any investigation, as provided in this act; and to require by subpœna, signed by any member of the commission, the attendance and testimony of witnesses and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any member, expert, or examiner of the commission may, when duly designated by the commission for such purposes, administer oaths and affirmations, examine witnesses and receive evidence. Depositions may be taken before any person designated by the commission or by its executive officer and empowered to administer oaths, shall be reduced to writing by such person or under his direction, and subscribed by the deponent.

The amendment was agreed to.

The next amendment was, in section 6, page 13, line 18, after the words "may be altered," to insert the words "or surrendered," so as to make the section read:

SEC. 6. That licenses under this act shall be issued for a period not exceeding 50 years. Each such license shall be conditioned upon acceptance by the licensee of all the terms and conditions of this act and such further conditions, if any, as the commission shall prescribe in conformity with this act, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this act, and may be altered or surrendered only upon mutual agreement between the licensee and the commission after 90 days' public notice.

The amendment was agreed to.

The next amendment was, in section 7, page 13, line 23, after the word "issued," to insert the words "and in issuing licenses to new licensees under section 15 hereof"; and, on page 14, line 2, after the word "shall," to insert the words "within a reasonable time to be fixed by the commission"; and, in line 9, after the word "region," to insert the words "if it is satisfied as to the ability of the applicant to carry out such plans," so as to make the section read:

SEC. 7. That in issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 15 hereof the commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the commission equally well adapted, or shall within a reasonable time to be fixed by the commission be made equally well adapted, to conserve and utilize in the public interest the navigation and water resources of the region; and as between other applicants, the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region, if it is satisfied as to the ability of the applicant to carry out such plans.

The amendment was agreed to.

The reading of the bill was continued to the bottom of page 14.

Mr. CHAMBERLAIN. Permit me to ask the Senator from Minnesota if the word "assign" ought not to be "assignee" on page 14, the first word in line 25, "any successor or assign of the rights"?

Mr. WALSH of Montana. I observe that the same form of language is used throughout the bill, and I think the expression is quite proper. It is very common to speak of heirs and assigns.

Mr. NELSON. "Assign" is proper and also the word "assignee."

Mr. CHAMBERLAIN. I do not insist upon it. It appears to me as though it ought to be assignee.

The reading of the bill was resumed.

The next amendment was, on page 15, in line 6, after the words "trust deed or," to insert the word "judicial," so as to make the proviso read:

Provided, That a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section.

Mr. WALSH of Montana. I think that the word "judicial" ought not to be in. I think the amendment ought to be disagreed to.

Mr. LENROOT. I will state to the Senator from Montana that the reason for putting the word "judicial" in there is to prevent a fraud under the terms of the bill against assignment or transfer unless it is a judicial sale. It might be used as a subterfuge for making a sale that the commission would not otherwise permit, but if it is a judicial sale the courts, of course, would see that it was a bona fide transaction.

Mr. WALSH of Montana. But the provision is that the sale must be made under a mortgage or trust deed. That, of course, shuts out a sale under a power and absolutely forbids the foreclosure of a mortgage through the usual power of sale given by the mortgagor.

Mr. LENROOT. It would be very easy, if for any reason the commission should decline to submit to a transfer that was sought by a licensee, to place a mortgage upon the property and then through connivance secure a transfer under that language, but if it is confined to a judicial sale the court would protect in all cases the bona fides of the proposition. I think the word "judicial" ought to stay.

Mr. WALSH of Montana. I scarcely think that there is any justification for that. It is a procedure that is authorized by the express statutes of many States and for the purpose of

reducing the cost of a foreclosure. There would be no advantage whatever secured by requiring the disposition to be made through a judicial sale. A mortgage is put upon the property, default made, and there is a foreclosure decree and the sale is made. The only thing the court inquires into is whether the default has been made in the payment. If the court finds default has been made in the payment, it does not even——

Mr. LENROOT. If it is a bona fide transaction. It might be a mere moot transaction as between the parties for this purpose alone, but the court would have to be satisfied that there was in fact a default before the court would order a foreclosure.

Mr. WALSH of Montana. The difficulty is just the same in one case as it is in the other. If the thing was in fact moot, if there was really no default, the party would be in a worse situation under the power of sale, because under the power of sale everything must be straightforward and perfectly in accordance with the statute. The slightest departure from it would invalidate the sale.

Mr. LENROOT. Not as between the parties if they were all agreed, of course.

Mr. WALSH of Montana. Of course not, if they were all agreed.

Mr. LENROOT. It then becomes a mere formality.

Mr. WALSH of Montana. Then we should assume that they are all agreed in the other case too.

Mr. LENROOT. No.

Mr. WALSH of Montana. Here is the situation: The licensee applies for leave to sell and the commission denies it. That is the case the Senator puts. Thereupon the licensee puts a mortgage upon the property. Default occurs in the mortgage. The Senator assumes that the default is collusive. Accordingly the public, or some one representing the public, goes into court and represents as a friend of the court that the proceedings are entirely collusive and the court dismisses the suit. That is what the Senator might expect.

In exactly the same way if the whole proceeding was collusive and the foreclosure attempted through exercise of the power of sale and not through a decree of foreclosure, the commission would equally declare the whole proceeding fraudulent and void, and would be authorized to go on and issue a license to some one else who would contest the right of foreclosure under the power, and charge, and very properly charge, that the whole thing was an evasion of the statute.

So there would not be any better opportunity to get a transfer of the property through the one proceeding than through the other, and you shut out the right to have a foreclosure under the power of sale which is authorized by the statutes of many States, because it has been found less expensive than the other method of procedure.

Mr. LENROOT. The mere matter of a little expense in a matter of this kind it seems to me ought not to have the slightest weight. The public has an interest in these transfers, and where the public has an interest it ought to be of sufficient importance that a judicial sale or a judicial sanction is required, because we prohibit exactly those things to be done voluntarily, and in so far as language can do it we ought to guard against the thing being done surreptitiously that the bill itself will directly prohibit.

Mr. WALSH of Montana. As a matter of course if any good is accomplished by it at all, I am not complaining about the expense. The point I am making is that you do not accomplish anything by it and you prohibit the less expensive method of making the sale.

Mr. NELSON. Will the Senator from Montana allow me to make a suggestion? It is that after the words "*Provided*, That a mortgage or trust deed" there be inserted the words "or obtaining a sale judicially," or you could make it more definite by providing for a sale under a mortgage or trust deed containing a power of sale. Would not that cover it?

Mr. WALSH of Montana. It would, but, of course, that would meet with exactly the objection that the Senator from Wisconsin urges to the language of the bill originally. I do not attach enough importance to it to press the objection I made. I am simply calling attention to the fact that you do not accomplish anything by the amendment and you force the adoption of the more expensive method of foreclosure.

Mr. NELSON. I want to call the Senator's attention to another matter. "Judicial sale" might apply to the enforcement of a mechanic's or a material man's lien. Suppose a mechanic or material man had acquired a statutory lien against the property and he should proceed to enforce that lien and there was a sale under it, that would be a judicial sale and would be covered by a mortgage or trust deed.

Mr. WALSH of Montana. But I call the Senator's attention to the fact that the words "judicial sales" are qualified by the language which follows, namely, "made thereunder"—that is, under a mortgage or trust deed. It must be a judicial sale made under a mortgage or trust deed and would not include a judicial sale made under a mechanic's lien.

Mr. NELSON. What amendment does the Senator suggest?

Mr. WALSH of Montana. My suggestion was that the committee amendment inserting the word "judicial" should be disagreed to, leaving it as it was, but, as I said, I do not care to press the point at all.

Mr. NELSON. I think the word ought to be in because of the cases I referred to a moment ago. They are not covered by a mortgage or trust deed. I refer to the enforcement of a mechanic's lien, a laborer's lien, or a material-man's lien. He may proceed in an action, acquire judgment, and have a sale under the judgment, and there is no reason why his judgment or a sale under that judgment should not have the same protection as a mortgage or trust deed.

Mr. WALSH of Montana. The Senator is quite right about that.

Mr. NELSON. That is the way I feel and that is why I think the word is proper.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was on page 17, in line 2, after the word "shall," to insert the words "establish and," and, in line 9 and line 10, to strike out the word "dam" and the word "reservoir," and insert in lieu thereof the words "project works," so as to make the paragraph read:

(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

The amendment was agreed to.

The next amendment was, on page 17, line 15, before the word "rate," to insert the word "reasonable," so as to read:

(d) That after the first 20 years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to strike out:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

And in lieu thereof to insert:

That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission, for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

Mr. NELSON. Mr. President, the amendment which has just been stated being in controversy, let it be passed over.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

Mr. WALSH of Montana. Mr. President, it is quite agreeable to me that this amendment should be passed over, but I express

the hope that when we come back to the consideration of it the Senate will conclude not again to precipitate this basic controversy concerning the matter of the charge that should be made or whether any charge should be made. That is the rock upon which all of this legislation has split for 10 years, and I had hoped that we had passed that difficulty. It was the main bone of contention, as is well known, in the conference committee that last considered this legislation. They finally worked out a provision which I think would have been entirely satisfactory to both Houses if the conference report had ever come before them for consideration. By "satisfactory" I mean that the two Houses would have adopted it without very much serious debate. That provision is found on page 7 of the report of the conference committee and reads as the original bill read, with a proviso. The committee saw fit again to introduce the contention that has brought us to grief in this legislation up to the present time. The conference report reads:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

Then follows this proviso, which is not in the bill as it comes to us from the other House, but I think is taken care of in another section:

Provided, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is used by such State or municipality for State or municipal purposes; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than 50 horsepower capacity, may be issued without charge; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

Mr. President, I do not desire to enter into any discussion at this time of the merits of the plan proposed by the committee, but we all recognize that it is exactly the plan that has blocked all water-power legislation during all of these years. The Senate, when similar legislation was last before it, concluded to recede from the position and adopt the contention thus far insisted upon by the other House and which will again be insisted upon by the House. Why now go through the formality of throwing this into the committee of conference again?

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Wisconsin.

Mr. LENROOT. I merely wanted to call the Senator's attention to the fact that the proviso he has read is substantially in the bill now.

Mr. WALSH of Montana. I so understood, but it is in another place.

I merely desire to say another word, Mr. President. There has always been a great deal of apprehension that the board in fixing the charge would fix it so high as to make development impossible. Of course, however, the charge will be fixed in the original license, and the man who invests his money will know in advance just exactly what his charge is going to be. I can not believe that a board constituted of the Secretary of Agriculture, the Secretary of War, and the Secretary of the Interior will be any less desirous of having this development go on than any of us here, who are vitally concerned in seeing these great natural resources developed for the use of the people. I can not believe that at least more than one of the three will be an obstructionist. I accordingly anticipate that there will be nothing unreasonable about the charges; indeed, I think they will be so graduated as to encourage construction.

I might here say that we could with profit utilize the lesson that we have learned in connection with the forest reserves. When those reserves were first established and the policy was inaugurated of charging stock growers a fee for the privilege of grazing their stock upon the forest reserves—an exaction which had never theretofore been made, perfect freedom having been given to everybody to utilize whatever forage there was upon the reserve without expense at all—a perfect uproar was raised all through our country; and I may say that I myself contributed somewhat to the general complaint against the system. But I stand here to assert that all of that opposition has practically gone; there is no longer in the West any complaint about the system in general, nor, as a rule, about the burden of the charge. I believe that the system has demonstrated, in a general way at least, its wisdom; and I believe that the officers charged with the administration of it now enjoy the confidence of the people of the West. So I have not myself the slightest fear that if we leave the matter entirely in the discretion of the board to fix such charges as they think reasonable and right and fair anybody will have any cause to complain about their action.

I recognize that there are some who contend that there is no right in the Government of the United States to make a charge in these matters; but that, as I say, precipitates the old controversy, which I had hoped we had passed. I entertain a very ardent hope that we shall leave the bill in that respect as it came to us from the other House.

Mr. SMOOT. I rise now simply to say that I can not agree with what the Senator from Montana has said. This is a very vital question to the future development of the water powers in the United States. I am not going to take the time of the Senate now to discuss the merit of the question; but I think that the position of the Senate in the past has been the proper one to take, and I certainly do not want, in the absence of the chairman of the committee, any change made in the amendment reported by the committee. I know that he is deeply interested in the question, and I know that other Senators are equally interested.

I simply wish to refer briefly to the suggestion made by the Senator from Montana.

Mr. NELSON. Mr. President, if the Senator will allow me, I have asked that the amendment may go over.

Mr. SMOOT. I understand; but I simply wish a moment or two to answer the Senator from Montana. I am quite sure the Senator from Montana has not of late received protests similar to those that I have received from the men who hold permits to graze upon the forest reserves. There has been a determined effort in the last two months not to raise the grazing fees 10 per cent or 20 per cent or 25 per cent, but the demand has been to raise them 100 per cent; and if 100 per cent increase is agreed to now, there can not be any question at all that another 100 per cent will be demanded later on.

The whole theory of controlling the forest reserves, of controlling the water powers, and controlling the oil and mineral production from all of the public lands has been changed in the last few years. When it was first formulated it was not designed that the Government should receive any appreciable amount of money on the production of oil or the grazing of cattle upon the hills of the intermountain country; all it was ever thought of charging was enough to care for the expenses of administration.

Now, particularly at the other end of the Capitol, the idea is that the Government ought to get every dollar out of such use that it is possible to get; to make the people of the West pay every cent that can be gotten out of them, the claim being that the natural resources of those States belong to the people as a whole, and therefore the Government ought to get out of them every cent that it can possibly wring out of the people who use them.

I wish to say that only last week Mr. Potter was in my office and we discussed the question of the doubling of the grazing fee for sheep and cattle upon the forest reserves. He himself stated to me that pressure was being brought upon the administration from all sources in order that they might secure more money out of the grazing privileges of the West, to be expended in other avenues of governmental endeavor.

There is a principle attached to this matter. I think the committee amendment is right, and I think that the Senate ought to stand by the committee in the amendment which it reported. I think also that if the Senate will do that there will be no failure of the bill again because of the House not acceding to the Senate amendment.

Mr. NELSON. Mr. President, let the amendment be passed over.

The VICE PRESIDENT. The amendment has already gone over.

The reading of the bill was resumed, and the Assistant Secretary read to the end of subsection (g), line 16, page 20.

Mr. CURTIS. Mr. President, would the Senator in charge of the bill mind letting the next amendment go over? The vote on the amendment on pages 17 and 18 may result in an amendment being offered to the next amendment, and yet that amendment may not be offered if the language on pages 17 and 18 is stricken out. I think it will not delay the matter, but will really save time.

Mr. NELSON. If the Senator desires, it can be passed over.

Mr. CURTIS. I think it will save time to have it go over.

Mr. NELSON. What about subsection (i)? Does the Senator desire to have both (h) and (i) go over?

Mr. CURTIS. Down to (i), yes.

Mr. NELSON. Subsections (h) and (i), on pages 20 and 21, may be passed over, then.

Mr. WALSH of Montana. Mr. President, I ask the attention of the Senator having the bill in charge. It occurs to me that the division here is not proper. It seems to me that subdivision (h) should be a separate section. It does not appear to be appropriate to the commencement of that section, which stipulates the conditions upon which the license is issued. It seems to me it would be appropriate if that were made a separate section, and the word "That" stricken out, and the subdivision read, as a separate section:

Combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy * * * are hereby prohibited.

It does not seem to me that that is appropriate in a section which purports to give the conditions upon which the license is issued.

Mr. NELSON. It might, of course, be put in a new section, but I can not see why it can not stay in the place it now occupies. Perhaps it would be more logical to have a separate section for it.

Mr. WALSH of Montana. Simply because it is not a condition upon which the license is issued.

Mr. NELSON. But, at any rate, this goes over at the request of the Senator from Kansas [Mr. CURTIS].

Mr. WALSH of Montana. I merely suggest that for the consideration of the Senator.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning with line 10 on page 21.

The next amendment was, in section 12, page 22, line 21, after the word "commission," to strike out "may, before taking action upon such application," and insert "shall take no action but," so as to make the section read:

SEC. 12. That whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures can not, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in section 11, subsection (a) hereof, the commission shall take no action, but cause a report upon such project to be prepared, with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures.

The amendment was agreed to.

The next amendment was, in section 15, page 26, line 14, after the word "amount," to strike out "for the property taken," so as to read:

That if the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 14 hereof, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof.

The amendment was agreed to.

The next amendment was, in section 15, page 26, line 18, after the word "over," to strike out "and" and insert "or"; in the same line, after the word "not," to strike out "issue" and insert "tender"; in line 19, after the word "license," to insert "on reasonable terms"; and in line 20, after the word "license," to insert "which is accepted," so as to read:

Provided, That in the event the United States does not exercise the right to take over or does not tender a new license on reasonable terms to the original or a new license which is accepted, then the commission shall issue from year to year an annual license—

And so forth.

Mr. NELSON. Mr. President, I understand the Senator from Montana has an amendment there, on page 26, lines 18 and 19, where the word "issue" is stricken out and the word "tender" inserted. Does the Senator from Montana desire to offer an amendment there?

Mr. WALSH of Montana. I shall be very glad to submit the amendment, in accordance with some remarks made yesterday.

In lieu of the word "tender," in line 19, page 26, I move to insert "a license to a new licensee, or tender a new license"; or, rather, strike out the words "tender a new license on reasonable terms," in line 19, and substitute——

Mr. NELSON. How would it read then?

Mr. WALSH of Montana. "A license to a new licensee, or tender a new license."

Mr. LENROOT. In that case the word "issue" should remain, the last word on line 18.

Mr. WALSH of Montana. Yes; that part of the committee amendment should be rejected. Then I move to strike out the words "or a new," at the end of line 19 and the beginning of line 20, so that it will read:

Or does not issue a license to a new licensee, or tender a new license to the original licensee.

Mr. NELSON. I have no objection to that, Mr. President.

Mr. WALSH of Montana. That contemplates, as I understand, some further change, which perhaps the Senator from Minnesota will explain.

Mr. MYERS. Mr. President, I should like to ask my colleague if that amendment would strike out and do away with the words in italics, "on reasonable terms," on line 19? Would it do away with that altogether?

Mr. WALSH of Montana. It does not affect that expression.

Mr. MYERS. It leaves those words in?

Mr. WALSH of Montana. That expression still remains in. That, however, would be taken care of, as I understand, by the amendment that will be proposed by the Senator from Minnesota.

The VICE PRESIDENT. Let us see if the Secretary can state the amendment to the satisfaction of the Senator from Montana.

The ASSISTANT SECRETARY. It is proposed to strike out the words "tender a new license on reasonable terms to the original or a new licensee," and to insert "issue a license to a new licensee or tender a new license to the original licensee," so that, if amended, the proviso will read:

Provided, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a new license to the original licensee which is accepted—

And so forth.

Mr. NELSON. I will ask the Secretary to stop at that. That is as far as this amendment goes. If that amendment is agreed to, I have another amendment to follow it. I agree to that amendment, Mr. President.

Mr. MYERS. As read it proposes to strike out the words "on reasonable terms."

Mr. NELSON. I have another amendment to offer there, if the Senator from Montana will wait. This amendment has been agreed to?

The VICE PRESIDENT. The amendment of the Senator from Montana to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. NELSON. Now I offer the following amendment:

After the word "license," in line 19, insert the following words:

Upon the terms and conditions aforesaid.

Mr. SMOOT. That is an amendment to section 15?

Mr. NELSON. It is.

Mr. SMOOT. I ask the Senator to let that go over.

Mr. NELSON. If the Senator wants the amendment to go over, we had better have the section go over.

Mr. SMOOT. Yes; I would like to have the whole section go over.

The VICE PRESIDENT. The amendment offered by the Senator from Montana was agreed to, and it goes over now.

Mr. SMOOT. What was the amendment?

The ASSISTANT SECRETARY. To amend section 15 so that the proviso will read:

Provided, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or tender a new license to the original licensee which is accepted on the terms and conditions as aforesaid, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license—

And so forth.

Mr. SMOOT. Mr. President, I have not a copy of the amendment, but I may ask to-morrow morning that the amendment be reconsidered. I ask now that the section may go over, with the understanding that if I desire to-morrow to ask that the amendment be reconsidered the request will be granted.

Mr. NELSON. Does the Senator insist upon having the section go over?

Mr. SMOOT. Yes; I want to have it go over.

Mr. NELSON. All right, Mr. President. Section 16 is the next section.

The reading of the bill was resumed. The next amendment was, on page 27, after line 22, to strike out section 17 in the following words:

SEC. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national forests is hereby reserved and appropriated as a special fund

in the Treasury to be expended under the direction of the Secretary of Agriculture in the survey, construction, and maintenance of roads and trails within such national forests. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national parks is hereby reserved and appropriated as a special fund in the Treasury, to be expended under the direction of the Secretary of the Interior in the improvement and development of such parks. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, and of national monuments, and power site or other reserves outside of national forests, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act. All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. Fifty per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States, or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

And to insert in lieu the following:

SEC. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States and shall be reserved as a special fund therein. Such part of said fund as Congress may from time to time direct shall be appropriated toward paying the costs of administration of this act and of conducting the investigations authorized by this act. The remainder of said fund, if any, shall be expendable under the direction of the commission in the maintenance and operation of dams or other navigation structures owned by the United States or in the construction, maintenance, and operation of headwater or other improvements of streams upon which the commission is authorized to issue licenses under this act: *Provided*, That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation.

Mr. LENROOT. I ask that that section may go over. It is dependent upon the action that may be taken on section 10.

Mr. NELSON. The Senator is correct. Let that section go over.

The VICE PRESIDENT. The amendment will be passed over.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 7, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1920.

RENT COMMISSION OF THE DISTRICT OF COLUMBIA.

James F. Oyster, of the District of Columbia, to be a member of the Rent Commission of the District of Columbia.

A. Leftwich Sinclair, of the District of Columbia, to be a member of the Rent Commission of the District of Columbia.

Guy Mason, of the District of Columbia, to be a member of the Rent Commission of the District of Columbia.

COLLECTOR OF INTERNAL REVENUE.

Carl A. Hatch, of Clovis, N. Mex., to be collector of internal revenue, district of New Mexico. New appointment.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

CAVALRY ARM.

Second Lieut. James C. Styron, Coast Artillery Corps, to be second lieutenant of Cavalry, with rank from November 1, 1918.

COAST ARTILLERY CORPS.

Second Lieut. Auston M. Wilson, jr., Cavalry, to be second lieutenant in the Coast Artillery Corps, with rank from November 1, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1920.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be lieutenant commanders.

Stuart E. Bray.
Leonard R. Agrell.

To be lieutenants.

Clarence A. Hawkins.
Horatio S. Ford.
Otto H. H. Strack.
John E. Warris.

To be lieutenants (junior grade).

Richard Monks.
Clarence E. Young.
Arthur H. Daniels.
Richard B. Fuller.
John H. Wolters.
Raymond C. Hunt.
William H. Ryan, jr.
Martin J. Jukick.

To be assistant surgeons in the Naval Reserve, with rank of lieutenant (junior grade).

William E. Smith.
Alfred L. Gaither.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 6, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, true to Thyself and ever constant in the obligations Thou hast assumed toward Thy children, give us the strength, the courage, the fortitude, to accept life with all its complications, in full faith and confidence in the overruling of Thy providence to the good of all souls; that we may think right, do right, as it is given us to see the right as we journey on toward that bourne from whence no traveler ever returns; and thus confirm our highest conceptions and be well pleasing in Thy sight. Under the spiritual leadership of the world's Great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOON (at the request of Mr. SIMS), indefinitely, on account of illness.

To Mr. THOMPSON (at the request of Mr. STEPHENS of Ohio), for 10 days, on account of sickness in family.

To Mr. CULLEN, until further notice, on account of serious illness of his mother.

To Mr. BROWNING (at the request of Mr. ACKERMAN), for one week, on account of illness.

To Mr. KENNEDY of Rhode Island, indefinitely, on account of illness.

To Mr. TAGUE, for three days, on account of illness.

To Mr. CANDLER (at the request of Mr. STEPHENS of Mississippi), on account of illness of his wife.

To Mr. MCKEOWN, indefinitely, on account of illness.

To Mr. BRAND, for three days, on account of illness in family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 25. An act for the relief of Benjamin O. Kerlee;

S. 2207. An act admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy and Public Health Service hospitals;

S. 413. An act for the relief of the Canadian Car & Foundry Co. (Ltd.); and

S. 2189. An act to provide for agricultural entries on coal lands in Alaska.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 25. An act for the relief of Benjamin O. Kerlee; to the Committee on Claims.

S. 2189. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Territories.

S. 413. An act for the relief of the Canadian Car & Foundry Co. (Ltd.); to the Committee on Claims.

S. 2207. An act admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy and Public Health Service hospitals; to the Committee on the Judiciary.

INDIAN APPROPRIATIONS.

Mr. SNYDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11368, the Indian appropriation bill; and pending that motion, I desire to

see if we can not arrange for a definite period for general debate.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

Mr. CARTER. May I ask the gentleman from New York how much time he contemplates for general debate?

Mr. SNYDER. I think we will need two hours and a half on this side.

Mr. CARTER. I have not requests for quite that much time over here, Mr. Speaker, but I will agree to that, and if we can get through before——

Mr. SNYDER. I would like to have it understood that when the general debate does close this afternoon that that will end the general debate on the bill.

Mr. CARTER. The gentleman wants the general debate to close to-day?

Mr. SNYDER. To close to-day.

Mr. CARTER. That is perfectly agreeable to me.

The SPEAKER. The Chair understands that unanimous consent is asked that general debate be limited to five hours, half of the time to be controlled by the gentleman from New York [Mr. SNYDER] and half by the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. And general debate to be closed this afternoon, as I understand it.

The SPEAKER. Five hours of general debate?

Mr. SNYDER. Five hours.

Mr. CARTER. The chairman gives notice that he intends to complete it to-day.

Mr. BLANTON. Mr. Speaker, I understood the gentleman to mean that should the House not stay in session five hours to-day, but sees fit to quit work, then general debate would, ipso facto, close?

Mr. SNYDER. I will say to the gentleman that I did not quite mean that. What I meant was that we desire to finish general debate to-day and take up the reading of the bill to-morrow or the day following.

Mr. BLANTON. Mr. Speaker, reserving the right to object for the purpose of asking one other question, in view of the fact that there is to be much legislation to be considered by the House between now and the 1st of June, at least, why not on these appropriation bills limit the general debate to the consideration of the measure before the House?

Mr. SNYDER. I am willing to agree with the gentleman on the other side that general debate shall close at 5 o'clock, and that the time between now and then shall be equally divided between each side.

Mr. CARTER. That will be satisfactory.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York why he wants the four hours of general debate?

Mr. SNYDER. I will say to the gentleman from Missouri that there has been a tremendous amount of investigation, and this bill needs a great deal of debate. There are many questions that will come up.

Mr. CLARK of Missouri. If the speeches are going to be confined to the bill, I have no sort of objection, but I am tired of hearing political harangues in this House from either side.

Mr. SNYDER. I will say to the gentleman from Missouri that I have no requests for time other than for speeches that will be practically to the bill itself and to matters of economy. So far as I know, I have had no requests for any political debate.

Mr. CLARK of Missouri. There are times for political debate, but I want to get away from here some time next summer.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I again ask the chairman why not limit the general debate to the consideration of this measure?

Mr SNYDER. You can not do that.

Mr. BLANTON. The gentleman allots the time, and he can control the Members to whom he allots it.

Mr. SNYDER. I will say to the gentleman that there is nobody who desires to move more rapidly than myself in these matters, but there must be a reasonable time for now and then an occasional remark in reference to something else, and I would not want to agree to limit the debate entirely to the measure.

Mr. CARTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARTER. Do I understand the request of the gentleman from New York now to be that general debate close not later than 5 o'clock and the time to be equally divided between the wo sides?

Mr. SNYDER. Yes.

Mr. HASTINGS. Suppose the debate is closed at 5 o'clock, is it the purpose to begin the reading of the bill this afternoon or to-morrow?

Mr. SNYDER. It was not my intention to do that; but, so far as I am concerned, I am willing to go on with it.

Mr. CARTER. I suggest that we read the first paragraph this afternoon.

Mr. SNYDER. Mr. Speaker, I renew the request that general debate close at not later than 5 o'clock this afternoon, the time to be equally divided between the gentleman from Oklahoma [Mr. CARTER] and myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate close not later than 5 o'clock this afternoon, the time to be divided equally, half to be controlled by himself and half by the gentleman from Oklahoma [Mr. CARTER]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11368, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921.

Mr. SNYDER. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SNYDER. Mr. Chairman, I yield 30 minutes to myself. [Applause.]

Mr. Chairman, in presenting this appropriation bill at this time, and in order later on to be able, perhaps, to answer certain questions which may arise, I think it proper to read into the RECORD the authority for the investigation which the committee made of Indian affairs previous to the framing of the bill now before the House. In the current act, section 28, it was provided:

That during this Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members of the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, D. C., and elsewhere, and the sum of $15,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding $1 per printed page.

Pursuant to that order, the prosecution of this investigation was immediately taken up on the part of the chairman, and later on, with the assistance of the committee, a tentative plan of investigation was brought about, and the committee was divided under three headings, known as committee No. 1, committee No. 2, and committee No. 3. Committee No. 1 was to investigate the bureau and administration. That committee was composed of Messrs. ELSTON, KELLY of Pennsylvania, and HASTINGS. Committee No. 2 was to investigate reimbursables, tribal and Treasury funds, and it was composed of Messrs. RHODES, HERNANDEZ, and HAYDEN. Committee No. 3 was to investigate consolidation of boarding schools in order to increase the advantages of pupils and decrease the cost to the Government, and that committee was composed of Messrs. REBER, SINCLAIR, and CARTER. It was authorized to develop the savings which could be made in reducing the number of schools by utilizing the capacity of the schools now in operation and by providing them with scholars

from adjoining schools. That committee was also authorized to develop the saving and to show the increased efficiency and advantage to the people by further consolidation of schools from not less than 500 pupils.

This would contemplate additions and enlargements of school property and the consideration of the environment and proximity of the number of scholars who could be gathered at one point, the theory being that a child attending boarding school is just as well off 500 miles as he would be 100 miles from home. The committee was also authorized to ascertain what additional day schools are necessary to provide the various Indian tribes with schools promised in treaties or agreements.

The chairman wants to avail himself of the opportunity at this time to say that during all this long period of investigation, which ran nearly all the latter part of the summer and during the late fall, practically all the members of the committee and the members of the subcommittees gave every aid and assistance possible in bringing about a complete and careful investigation of all of these matters. Anyone who has had the time to look over the vast amount of information thus brought to light will readily see that a great amount of work was done. I believe that if we can write into the law the suggestions that were made and which are now contained in the bill many of the difficulties we have been struggling under in that department for years will be eliminated and great benefits will accrue not only to the older Indians but to the Indian children, and the saving of the money of the Indians and the funds of the people of the United States will be tremendously conserved. I repeat, I want to take this opportunity to thank my colleagues on the committee on both sides for their efforts in assisting to bring about this result.

In taking up the work of this investigation we endeavored to carry it on in sequence, beginning with the bureau here in Washington. In that investigation we developed the fact that certain appropriations had been carried for years as reimbursables that should have been carried as gratuities. We also found in the reimbursable items for irrigation purposes that the same state of affairs existed. Money in large amounts for many years, dating back as far as 1884, had been appropriated for reimbursable irrigation projects as gratuities, down to August 1, 1914, when, by some wave of imagination, some Member of this body or somebody outside conceived the idea that the law should be changed by adding the words "theretofore" or "thereafter" in such a way that nearly $7,000,000 which had been given to the Indians during these previous years should be changed into a liability and made a charge upon the Indians' property.

Your committee went into those matters very carefully and at great length, and it has concluded to bring the bill in here with language in it which will correct those matters and straighten up the books of the bureau, which up to the time of this investigation, in my judgment, have never been in shape so that any correct information could be obtained from them. I doubt very much now whether in this great mass of information we have here in the report there is anything of particularly great value, as it has seemed to me, at least, as one member of the committee. We had but one man before us out of a great number from the Secretary of the Interior down to the second and third assistants in the various departments who was able to give us any but a very small amount of information from his actual knowledge. That one man, however, the First Assistant Commissioner, was able at all times to give information from statistics which had been compiled by other members of the bureau, either in the field or here in Washington, which seemed to be nearly correct.

For instance, the first witness we had on the stand was the commissioner himself. When we got to the point of discussing the reimbursable irrigation items he made a speech, in which he stated that probably 50 per cent of those projects were defendable; that many of them were of a doubtful character, and that some should be eliminated entirely. Mind you, gentlemen, we already have $20,000,000 in those projects, and the estimates for the completion of the same run into much more than $20,000,000.

Later on in the investigation, when the chairman insisted that the information he desired to have from the commissioner should be of his own knowledge and not from members of his staff who sat around him with information from books, he was practically helpless, and when the question was put to him as to whether or not the work under these projects was being done by force account or by contract, he was able to state that he thought there was some done each way, but he could not tell whether any part of the work was being done by contract on any particular project, or any part of it was being done by force account, or whether any of the work that was being done by the Reclamation Service under his supervision was being done by contract or by force account. Neither could he give the name of one single contractor, although he admitted that much of the work was being done by contract; and, finally, after having made the statement which I have quoted, that probably 50 per cent of these projects were defendable, that some of them were of a doubtful character, and that some should be eliminated entirely, he left the stand with the agreement with the chairman that he did not know anything about any particular one of these projects, in particular or general.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. GREEN of Iowa. Are these projects solely for the benefit of the Indians?

Mr. SNYDER. I am glad the gentleman asked that. It will take me some time to answer that question, but I will say that 90 per cent of the land which is being cultivated or used under these projects is being cultivated and used by white men. We have traced back the original policy laid out by the bureau, as far as 1789, and it was to create irrigation schemes for the purpose of making the Indian an agriculturist; but in the last few years it has been found that the Indian will not make an agriculturist. He will not be a farmer except to a very limited degree. So since these vast schemes have been inaugurated and so much money has been spent on them the department, as you will note if you look at the testimony of Secretary Lane in answer to questions by myself, practically admits that while they have not stated that the policy has been changed, the course of events has so changed the situation that now they are irrigating the Indian's land for the use of the white man for the indirect benefit of the Indian. So we find that in the larger projects, where there are 30,000 acres being cultivated, 25,000 or 26,000 acres are being cultivated by white men and only 3,000 or 4,000 by the Indians.

Mr. LAZARO. Will the gentleman yield in that connection?

Mr. SNYDER. I am glad to yield to the gentleman from Louisiana.

Mr. LAZARO. The gentleman said for the indirect benefit of the Indians.

Mr. SNYDER. Yes.

Mr. LAZARO. What does the Indian get out of it and what does the white man get?

Mr. SNYDER. I will tell you just what the Indian gets. If, after the white man has taken over this property, he is able to pay, and if the final amount that will be assessed against the acreage when the scheme is finished is less than the amount that the Indian Bureau agreed to sell the property to the white man for, the Indian gets the difference. That is in cases where the title passes. In many of these projects the Indian leases the land that has been allotted to him for so much a month or so much per annum. That, of course, goes into a tribal fund. Eventually some part of it may find its way back to the Indians. I hope that answers the gentleman's question.

Mr. GREEN of Iowa. Will the gentleman yield further.

Mr. SNYDER. Yes.

Mr. GREEN of Iowa. Was it expected originally that all of these amounts that have been paid on these various schemes would be paid back to the Treasury? Is that the reason why they were called reimbursable?

Mr. SNYDER. I stated here in the beginning that we have discovered that practically all the appropriations made previous to August 4, 1914, for Indian projects were appropriated as gratuities; but on that date, in an appropriation bill which was passed by this House, some one wrote into the law the language that all moneys "theretofore or thereafter" expended upon these projects should become a charge against the land and collected from the people who owned the lands. I maintain that that was illegal, that it was an injustice, that it is not collectible, and that it is impossible to collect moneys which were advanced from 1888 down to this time.

The same thing applies to $2,500,000 that has been appropriated since that date for the purpose of helping to survey the land. There is a charge on the books of the bureau against unknown Indians of $2,500,000, that is absolutely uncollectible, that, in the judgment of the committee, would cost $10 to collect every $1 that might be collected upon any one of those lands. So I say that on August 4, 1914, in order that a liability should be turned into an asset to make a showing, some one wrote into the law that all of the moneys expended for this purpose "theretofore and thereafter" should be a charge against the land.

We have all the record on the subject that can be found. It is impossible to trace the man who made that suggestion. We have been through all the records. Some remarks were made about it on the floor here, but only as to one minor point. The original bill contained the words "heretofore, herein, and

hereafter." The gentleman from Illinois [Mr. MANN] asked whether there was any space of time between "heretofore" and "hereafter," and on his suggestion the word "herein" was stricken out. So nearly $8,000,000 has been appropriated under the guise of reimbursable, of which we believe no single dollar can ever be collected. On the other hand, to answer the gentleman's question more definitely, as to moneys which have been expended since that time on projects where the law definitely said how the money should be returned, there have been nearly $20,000,000 expended on those projects, not one penny of which has ever been returned; and until this investigation was started nobody on earth had ever suggested that there would ever be a time when any part of it should be returned or any arrangement made to have it returned. But it was found by the committee that men have been operating farms on projects where great profits were being made, and they were getting the same value from the water by the use of it as if the project was completed 50 years hence. So we have written language into the bill that will make it necessary for the Secretary of the Interior to make an arrangement that every user of water shall recompense the Government for a reasonable amount per annum, or no money appropriated in the bill for the purpose of further development of the scheme can be used.

Mr. GREEN of Iowa. In other words, everybody using the water will have to pay for it?

Mr. SNYDER. They will.

Mr. GREEN of Iowa. I congratulate the gentleman and the committee for having put it on a business basis.

Mr. CARTER. If the gentleman will yield, there is a difference between the payments for irrigation purposes. One is for the water use and the other for the improvements made. I do not think the gentleman made it quite clear that they are to pay for the water and for the improvements that have been made.

Mr. SNYDER. I think what the gentleman from Oklahoma has in mind is that in every one of these projects in addition to the capital amount there is a charge for maintenance and operation. That is supposed to be collected from the users of the water. After they have spent three millions and a half for maintenance during all these years they have succeeded in collecting $800,000.

Now, in speaking about the commissioner, he is a splendid gentleman and undoubtedly has a general knowledge of Indian affairs, but as a business proposition he is impossible. We have had to go ahead and establish regulations and new methods for operating the Indian Bureau. Why, gentlemen, the Indian Bureau is a government within itself as it is now managed. There is not a single activity carried on in the Government itself that is not carried on under the Indian Bureau, except that of the Army and the Navy.

Originally it was the plan to develop that bureau in the interest of the Indian, to educate him and to encourage him to become a citizen. But every single activity which could be dragged into it under the guise of some benefit to the Indian has been injected, until it would take not only the three months we have spent in the investigation but it would take double that time to make a comprehensive report of the things which are wrong in the bureau and which ought to be corrected. I will say to you that you may take five of the best men in the House, let them work on it a year, and they could not thrash it out. There are treaties which ought to be wiped out. There is not one but which ought to be modified and brought back to a basis which would compare with the period we are now in. Treaties made 75 and 80 years ago are still in existence, and no modification has been made in the meantime. They bring in estimates under the treaty for the benefit of the Navajo Indians of $100,000 to buy land for the Navajos. The Navajos now have from 13,000,000 to 27,000,000 acres of land, and yet they want to buy more land. It seems that some have grown too big for the reservation, and having got them on the public land they do not want to move them, and so they want $100,000 to buy them more land on the public domain. I do not believe we ought to go into that thing.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. KELLY of Pennsylvania. Is it not true that the commissioner stated to the committee that it was the true theory that finally this would be eliminated after all the work was done, and still they are all the time trying to increase it?

Mr. SNYDER. Yes; I am glad the gentleman asked that question. In the seven years that the commissioner has had charge of the bureau the cost of operating it has increased a million dollars per annum. During that period the number of Indians have been reduced from 21,000 or 70,000, God knows which, and notwithstanding that the annual expense of that bureau has increased $6,000,000 per annum. When the present commissioner took it over the expenditures of the bureau were about nine million three or four hundred thousand dollars. In the estimates for this bill they asked us to legislate into the bill $17,400,000. During that period the number of statutory employees on the rolls of the bureau have increased by thousands, until to-day it is over 6,000. Think of it, in that one little bureau! My opinion is, and I state it without fear of contradiction by the commissioner or anybody else, that this present commissioner has cost the Government of the United States in the neighborhood of $40,000,000. Think of an increase of $6,000,000 a year and the number of restricted Indians reduced from 21,000 or 71,000! It has been believed by myself and everybody else that the Indian Bureau was a diminishing bureau, but, gentlemen, it only diminishes in this way: It diminished the number of Indians over which it has restriction, but the expenses of operating for the smaller number is appreciating all the time.

Gentlemen, let me tell you something. They have run up against a stone wall, and these expenditures are going to be stopped right now to the extent that this committee can go. [Applause.]

I want to congratulate the members of the committee on the Democratic side, because during this discussion and investigation they have been just as anxious to get to the bottom of the situation and cut off the expense and get down to business as we have been on our side.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HUDSPETH. The Indian Commissioner happens to be from my State and is a friend of mine. I wish the gentleman would explain how he has cost this country $40,000,000.

Mr. SNYDER. If the gentleman will take the record he can readily see for himself. The appropriations are calculated for 10 years and are inserted in the report. They are figures which were obtained from the commissioner's own office, from his own ledger, and in the seven years he has been in charge of the bureau the annual expense of operating it has increased $6,000,000 per annum.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BLANTON. I will answer my colleague from Texas. Three words will explain the declaration made by the gentleman from New York. The three words are "partisan Republican politics."

Mr. SNYDER. Oh, very well. I will state to the gentleman that that is the first bit of politics that has entered into the discussion of this measure, and we have been deliberating over it for more than three months, and I can see now that the gentleman from Texas [Mr. BLANTON] has not looked at the record; he has made no study of the question and does not know what he is talking about.

Mr. BLANTON. Oh, the gentleman from Texas is more discerning than the gentleman from New York would realize.

Mr. SNYDER. Oh, I appreciate the great ability of the gentleman from Texas [Mr. BLANTON] and I also appreciate other things about him, as I think does everyone else.

Mr. HUDSPETH. I understood the gentleman from New York to say $40,000,000. The gentleman now says $6,000,000.

Mr. SNYDER. If the gentleman will take the appropriations for the 10 years and take the increases for the 7 years that he has been in, he will see that I am conservative.

Mr. HUDSPETH. Does the gentleman state now $40,000,000 or $6,000,000?

Mr. SNYDER. I say this, that the expenditures have increased $6,000,000 per annum and that during his period in office the increase for seven years is more than $40,000,000.

Mr. HUDSPETH. Will the gentleman back that up?

Mr. SNYDER. Certainly.

Mr. HUDSPETH. I wish the gentleman would.

Mr. SNYDER. I will show it to the gentleman right in this report. Here are the figures, the appropriations for the last 10 years. Mr. Chairman, I want now to close my remarks by reading the report of the committee.

Approximately 350,000 Indians were under the supervision of the Indian Bureau. The number of restricted Indians under the supervision of the Indian Service at this time amounts to 229,000, of which 23,000 are located in the Five Civilized Tribes. There are approximately 150 Indian reservations in the United States, located largely west of the Mississippi River and scattered among 22 States of the Union, 36 of which comprise reservations opened, 14 partly opened, 60 reservations not opened but containing surplus area, and 46 reservations closed, which means that there

are no other lands to allot in the last-mentioned class. Outside of the Five Civilized Tribes, there have been about 130,000 allotments made to Indians, the aggregate area of which is 20,000,000 acres.

From May 8, 1906, the date of the first congressional act authorizing fee patents, 20,844 fee patents have been issued to Indians, involving an area of 2,500,000 acres. Competency commissions actively began their work in the early part of 1916 and have visited 44 Indian reservations, and on their recommendations 3,114 fee patents have been issued, involving an area of 413,639 acres.

Under the act of May 27, 1908 (35 Stat. L., 312), the restrictions have been removed from 12,294 tracts by the Secretary of the Interior, the area of which aggregates 858,000 acres. Under that part of the act of May 27, 1908, and other congressional acts removing restrictions on the land of allottees of one-half or less Indian blood in the Five Civilized Tribes, the restrictions have been removed from 71,198 Indians, involving an area of 12,252,615 acres.

All allotted Indians in the Five Civilized Tribes are citizens of the United States. It is estimated that in other parts of the country containing Indian population approximately 75,000 Indians have been made citizens. Restrictions removed in the Five Civilized Tribes, Oklahoma, on recommendation of competency commissions, total 1,816 cases.

It will be noted that the estimate this year was by far the largest ever presented by the Bureau of Indian Affairs. It will be noted, also, that the total amount of the estimate has been reduced approximately $4,235,750, or about 25 per cent. Every item of reduction can be justified. These conclusions have been brought about by reason of the authority given your committee in the current Indian appropriation bill, for a thorough investigation of the bureau and the service. Your committee sat at intervals for something over two months during the late summer and early fall, in the Indian Affairs Committee room, and had before it the Secretary of the Interior, the Commissioner of Indian Affairs, the Director of the Reclamation Service, the Director of the Health Service, the Director of the Forestry Service, the Chief Engineer of the Irrigation Service of the Indian Bureau, the assistant commissioner, and other witnesses from each of these departments, both from the bureaus, and in some cases from the field. The result of this investigation can be found in volumes 1 to 17, inclusive, with index, which are accessible to the membership of the House.

It will be noted that there are several radical changes in legislation in this bill. It was found that several branches of the service were being handled either gratuitously in the interest of the Indian and the white man or under the guise of "reimbursables," which mean, in most cases, the same thing, which ought, for years, to have been self-sustaining. We have attempted in this bill to put into the law language which will make those sections of the department self-supporting in the future.

Indian schools.

Type of school.	Total capacity.	Average attendance.
Nonreservation	7,842	6,203
Reservation, boarding	10,511	7,493
Day	19,883	12,109
Total capacity, all schools		38,236
Average attendance		25,824
Apparent unused capacity		12,412

In the hearings it was disclosed that there is a very large surplus capacity in all branches of the schools. Therefore it was determined certain eliminations should be immediately made, both in the interest of the education of the Indian himself and of the Treasury of the United States, and a comprehensive plan of reduction of the schools, until such time as by justified efforts the capacity of the various schools is more nearly occupied, was laid out. This change will bring about no hardship to the pupils, and will insure larger savings to the Government, as practically all of these schools are maintained by gratuitous appropriations.

Under the heading of "Reimbursables for irrigation and for industrial purposes," the hearings disclosed that for many years prior to August 1, 1914, a very large per cent of the moneys appropriated for irrigation was appropriated as gratuities. We found this amount to be something over two and one-half million dollars. On the date mentioned, under an appropriation act of that date covering the Indian Service, a provision was inserted in the bill to the effect that all moneys theretofore or hereafter expended upon these projects should become reimbursable and chargeable against the land. We are asking to have that legislation repealed, as your committee does not believe that character of legislation is fair or constitutional. The amount involved, in the judgment of the committee, is impossible of collection. In another item, namely, "Surveying of Indian lands," we find this item has always been carried as a reimbursable, and that nearly $3,000,000 has been spent under the guise of reimbursables which all concede is impossible of collection. We are asking in this bill for the repeal of the acts which have made this item reimbursable, thereby in both mentioned cases clearing up and straightening up the books of the Indian Bureau, taking from them an item of nearly $6,000,000, which appears as an asset to the United States, but which is more of a liability, due to the fact that, in the judgment of your committee, it would cost more to attempt to collect these items than the Government would recover, and therefore we believe it is good business judgment to strike from the books these items which were unfairly and illegally charged against the Indian.

In the larger amounts expended by the Government for irrigation schemes under the guise of "reimbursables" we find that upward of $20,000,000 has been laid out, all to be reimbursed, but to the present time no part of which has been paid back to the Treasury. Our investigation shows that in nearly every instance where the Government in the so-called interest of the Indian has installed an irrigation project the development is far ahead of the requirement of the Indian, in some cases to the extent of 60,000 to 70,000 acres; so your committee has seen fit to adopt what may seem radical legislation, and is endeavoring to enact into law a provision which will force the Secretary of the Interior to make an arrangement with the users of the water supplied by these irrigation schemes which will pay back, in many cases, immediately into the Treasury the pro rata amount per acre to liquidate amounts already advanced and which are to be advanced in the future. In the meantime we have seen fit to reduce the appropriation for these activities in all cases to the amount we believe reasonable for maintenance and operation and for the prevention of undue depreciation until such time as the land already irrigated is more nearly under cultivation.

Mr. CARTER. Mr. Chairman, will the gentleman yield there?

Mr. SNYDER. Yes.

Mr. CARTER. I want to ask the gentleman about the reductions which have been made, because it will probably come up in the debate on the bill. The principal reductions which have been made have been made possible on account of curtailing the irrigation projects, have they not?

Mr. SNYDER. Yes; that and the elimination of schools. I have not gone into the school question very deeply, but the figures which are stated above will give some general idea of how the matter has been handled under the splendid, efficient management of the present Commissioner of Indian Affairs. As those figures show, we have a total capacity of nonreservation boarding schools of 7,842 pupils and an average attendance of 6,203. There are 23 nonreservation boarding schools and 87 reservation boarding schools which have a total capacity of 10,511, with an average attendance of 7,493. We have 197 reservation day schools, as near as we can get the figures, with a total capacity of 19,883 and an average attendance of 12,128. The total capacity of all schools is 38,236 and the average attendance 25,824, leaving an apparent unused capacity of 12,412.

In corroboration of our judgment in this particular, we have the following statement of the Secretary of the Interior:

The CHAIRMAN. I am going to ask you a final question on this proposition to get your idea. Do you think, where an irrigation project is 10,000 acres ahead of the amount actually being cultivated, that more money except a sufficient amount to keep in practical working order that part which has been made ready for irrigation purposes should be expended? I have set the figure at 10,000 acres because I think that is too much, but I want to see whether you agree with me on that or not.

Secretary LANE. I should say as a matter of original policy, and you know we are not dealing now with matters of original policy, because these things are done and they were not done in my time, but as a matter of original policy you ought to develop very little ahead of the use that is made of the land. But if you have a group of men, white men or Indians, that are far on one side and whose lands can not be used unless they have water, I believe in spending the money to let these men have the water, so that they can come in and produce crops. I suppose the same condition exists as to Indians that exists as to white men, that some will use the water and use it profitably and others will not use it.

The CHAIRMAN. Then, it is safe for this committee to consider these propositions along the suggestion that you have made in answer to this question?

Secretary LANE. I think so. That is the way I would look at it if I was on the committee.

By this means your committee believes, so far as the future is concerned, that by the time it will be necessary to furnish further capital amounts for the enlargement of these projects a sufficient sum of money will be returned on that which has already been loaned to carry on the projects, and that no large amounts can then possibly be called from the Treasury of the United States.

It seems to the committee that there is very little understanding among the people, and perhaps among the membership of the House, of the very many ramifications and activities embodied in the Indian Service. The investigation has disclosed that practically every activity carried on by every other branch of the Government is also carried on within the Indian Bureau, except, possibly, the Army and Navy. In fact, the bureau seems to the committee to be almost a government within a government, and so little attention has been paid to it that the appropriations during the last six years have increased from nine millions plus to approximately sixteen millions. The statutory list of employees in the service at the present time is something over 6,000. Your committee, for want of time, did not take up the question of reclassification or revision of the employees of the bureau, but it expects, in the spring, when its investigation is carried to the field, to be able to make a showing in its efforts to increase the efficiency of the service, and at the same time reduce the expenditures in proportion to the amount it has been able to reduce the items which it has thoroughly investigated, and which, it will be noted as stated in the beginning of the report, aggregate approximately 25 per cent of the estimate asked for; and your committee feels certain that with the amount of money allowed in this bill the service will in no way be detrimentally affected.

For the purpose of comparison and for the benefit of our Texas friends, I append at this point a table showing the total amounts appropriated per annum for the Indian Service for the last 10 years. [Applause.]

1910	$9,731,427.86
1911	8,948,638.08
1912	9,163,933.63
1913	9,470,270.51
1914	10,037,694.74
1915	11,214,653.91
1916	11,214,653.91
1917	12,214,927.44
1918	12,036,874.05
1919	15,482,266.13
1920	15,273,608.84

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920.

GENERAL ITEMS.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Reimbursable:					
Allotting reservations	6	$10,000.00	(1)		[1] $10,000.00
Irrigation reservations	14	253,750.00	$224,185.00		29,565.00
Determining heirs	122	100,000.00	100,000.00		
Industry among Indians	129	100,000.00	100,000.00		
		463,750.00	424,185.00		39,565.00
Gratuities:					
Allotting reservations	6	(2)	10,000.00	[2] $10,000.00	
Suppressing liquor traffic	14	100,000.00	75,000.00		25,000.00
Relieving distress, etc	41	375,000.00	375,000.00		
Support of Indian schools	45	1,750,000.00	1,600,000.00		150,000.00
School and agency buildings	52	335,000.00	335,000.00		
School transportation	56	72,000.00	70,000.00		2,000.00
Industrial work and timber	64	475,000.00	465,000.00		10,000.00
Purchase and transportation of supplies	81	300,000.00	300,000.00		
Telegraph and telephone	97	8,000.00	8,000.00		
Court costs and fees	99	1,000.00	1,000.00		
Expense Indian commissioners	100	10,000.00	10,000.00		
Pay Indian police	103	200,000.00	200,000.00		
Pay Indian judges	104	8,000.00	8,000.00		
General expenses	105	135,000.00	135,000.00		
Indian Service inspectors	121	25,000.00	25,000.00		
Suppressing live-stock disease	135	50,000.00	50,000.00		
Developing water supply	135	50,000.00	50,000.00		
Reimbursement, A. R. Snyder		27.20			27.20
Advertising sale of lands	143		6,000.00	6,000.00	
		3,894,027.20	3,723,000.00	16,000.00	187,027.20
Total general items		4,357,777.20	4,147,185.00	16,000.00	226,592.20

[1] Gratuity in 1921 bill.

[2] Reimbursable in 1920 act.

ARIZONA.

Reimbursable:					
Irrigation—					
Pima lands	208	$15,000.00	$15,000.00		
Colorado River	210	188,000.00	89,400.00		$98,600.00
Navajo and Hopi water supply	217	30,000.00	40,000.00	$10,000.00	
Ganado irrigation	222	3,000.00	3,500.00	500.00	
Pumping plant, San Xavier	225	16,500.00	18,500.00	2,000.00	
Gila River diversion dam	228		150,000.00	150,000.00	
Florence diversion dam	229		75,000.00	75,000.00	
		252,500.00	391,400.00	237,500.00	98,600.00
Treaties: With Navajos		100,000.00	100,000.00		
Tribal funds:					
Pumping plant, San Carlos	226	17,500.00	38,500.00	21,000.00	
Power plant, Fort Apache	227	17,600.00	7,750.00		9,850.00
		35,100.00	46,250.00	21,000.00	9,850.00
Gratuities:					
Support of Indians	194	330,000.00	200,000.00		130,000.00
Fort Mohave School	194	38,850.00	68,850.00	30,000.00	
Phoenix School	199	155,000.00	162,500.00	7,500.00	
Truxton Canyon School	206	27,000.00	29,300.00	2,300.00	
Papago water supply	213	52,000.00	52,000.00		
Laguna Reservoir, New Mexico	223	5,000.00	(1)		[2] 5,000.00
Water, Salt River allottees		15,000.00			15,000.00
Yuma County officers' expenses		167.75			167.75
John Flanigan, expenses		300.00			300.00
Salt River bridge investigation		1,000.00			1,000.00
		624,317.75	512,650.00	39,800.00	151,467.75
Total, Arizona		1,011,917.75	1,150,300.00	398,300.00	259,917.75

[1] Increased to $10,000 and shown under "New Mexico" in 1921 bill.

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920—Continued.

CALIFORNIA.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Reimbursable:					
Yuma irrigation	255	$131,564.94	$70,365.07		$61,199.87
Road from Hoopa	260	10,000.00	10,500.00	$500.00	
		141,564.94	80,865.07	500.00	61,199.87
Tribal funds:					
Riverside School	252	[1] 20,000.00			20,000.00
Klamath River Trail			3,215.12	3,215.12	
		20,000.00	3,215.12	3,215.12	20,000.00
Gratuities:					
Support of Indians	246	42,000.00	42,000.00		
Land for homeless Indians	248	20,000.00	10,000.00		10,000.00
Riverside School	252	153,600.00	157,600.00	4,000.00	
Fort Bidwell School	256	31,000.00	29,000.00		2,000.00
Greenville School	258	35,200.00	29,100.00		6,100.00
Volcan Cemetery tract	262		600.00	600.00	
		281,800.00	268,300.00	4,600.00	18,100.00
Total California		443,364.94	352,380.19	8,315.12	99,299.87

[1] Indian moneys, proceeds of labor, Sherman Institute.

FLORIDA.

Gratuities: Support of Seminoles	267	$20,000.00	$15,000.00		$5,000.00

IDAHO.

Reimbursable: Fort Hall irrigation	271	$50,000.00	$55,700.00	$5,700.00	
Treaties:					
Support of Bannocks	274	5,000.00	5,000.00		
Support of Coeur d'Alenes	274	3,000.00	3,000.00		
		8,000.00	8,000.00		
Gratuities: Support Fort Hall Indians	271	30,000.00	30,000.00		
Total Idaho		88,000.00	93,700.00	5,700.00	

KANSAS.

Gratuities:					
Haskell Institute, Lawrence	275	$187,600.00	$207,600.00	$20,000.00	
Kickapoo School—					
Support		23,400.00			$23,400.00
Two new plants	275		10,000.00	10,000.00	
Total Kansas		211,000.00	217,600.00	30,000.00	23,400.00

MICHIGAN.

Gratuities: Mount Pleasant School	278	$90,750.00	$120,750.00	$30,000.00	

MINNESOTA.

Reimbursable: Drainage assessments		$60,000.00			$60,000.00
Treaties: Support of Chippewa schools	219	4,000.00	$4,000.00		
Tribal funds:					
White Earth celebration	283	1,000.00	1,000.00		
Logging, Red Lake forest		10,000.00			10,000.00
Bridge, Red Lake River		3,000.00			3,000.00
Chippewa Council expense		10,000.00			10,000.00
Constructing Chippewa homes		60,000.00			60,000.00
Roads, Chippewas	285	20,000.00	20,000.00		
Road and bridge, Red Lake Reservation	285	10,000.00	10,000.00		
Road work, Fond du Lac Reservation		2,000.00			2,000.00
Support Chippewas	286	100,000.00	100,000.00		
		216,000.00	131,000.00		85,000.00
Gratuities:					
Pipestone School	281	54,650.00	54,650.00		
White Earth enrollment	284	2,000.00	1,000.00		1,000.00
Hattie A. McKusick claim	287		645.00	$645.00	
		56,650.00	56,295.00	645.00	1,000.00
Total Minnesota		336,650.00	191,295.00	645.00	146,000.00

MISSISSIPPI.

Reimbursables: Choctaws, industry	287		[1] $7,500.00	[1] $7,500.00	
Gratuities: Relief of Choctaws	287		[1] 22,500.00	[1] 22,500.00	
Total Mississippi			30,000.00	30,000.00	

[1] Reappropriation.

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920—Continued.

MONTANA.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Reimbursable:					
Fort Belknap irrigation	294	$30,000.00	$30,000.00		
Flathead irrigation	299	375,000.00	100,000.00		$275,000.00
Fort Peck irrigation	302	100,000.00	40,000.00		60,000.00
Blackfeet irrigation	302	50,000.00	25,000.00		25,000.00
		555,000 00	195,000.00		360,000.00
Treaties:					
With Crows	295	5,500.00	5,500.00		
Support Cheyenne and Arapahoes	296	80,000.00	80,000.00		
		85,500.00	85,500.00		
Tribal funds: Crow irrigation	302	150,000.00	150,000.00		
Gratuities:					
Support of Indians—					
Blackfeet	293	50,000.00	50,000.00		
Fort Belknap	291	20,000.00	20,000.00		
Flathead	292	20,000.00	20,000.00		
Fort Peck	293	30,000.00	30,000.00		
North Cheyenne line riders	298	1,500.00	1,500.00		
Support Rocky Boy Band	299	10,000.00	10,000.00		
Blackfeet public school	303		15,000.00	$15,000.00	
		131,500.00	143,500.00	15,000.00	
Total Montana		922,000.00	577,000.00	15,000.00	360,000.00

NEBRASKA.

Gratuities: Genoa School	347	$92,000.00	$96,500.00	$4,500.00	

NEVADA.

Reimbursable: Pyramid Lake irrigation	353	$5,400.00	$3,500.00		$1,900.00
Gratuities:					
Support of Indians	350	18,500.00	18,500.00		
Carson City School	351	98,750.00	94,000.00		4,750.00
		117,250.00	112,500.00		4,750.00
Total Navada		122,650.00	116,000.00		6,650.00

NEW MEXICO.

Reimbursable:					
Mesa Verde Park-Gallup highway	362	$25,000.00	$11,000.00		$14,000.00
Road and bridge, Mescalero Reservation	363	25,000.00	25,000.00		
San Juan River Bridge		4,226.14			4,226.14
Drainage Pueblo lands	364		6,500.00	$6,500.00	
		54,226.14	42,500.00	6,500.00	18,226.14
Gratuities:					
Land for Navajos			100,000.00	100,000.00	
Albuquerque School	354	102,250.00	129,250.00	27,000.00	
Santa Fe School	358	92,600.00	102,600.00	10,000.00	
Attorney for Pueblos	361	5,000.00	5,000.00		
Jemez and Zia Pueblo irrigation	362	31,000.00			31,000.00
Support of Indians			[1] 130,000.00	[1] 130,000.00	
Laguna Reservoir	367		[2] 10,000.00	[2] 10,000.00	
Wells on Pueblo lands	363		[3] 15,000.00	[3] 15,000.00	
		230,850.00	491,850.00	292,000.00	31,000.00
Total New Mexico		285,076.14	534,350.00	298,500.00	49,226.14

[1] Included under "Arizona" in 1920 act. [2] $5,000 in 1920 act shown under "Arizona." [3] Included in "Jemez and Zia Pueblo irrigation" in 1920 act.

NEW YORK.

Treaties:					
With Senecas	368	$6,000.00	$6,000.00		
With Six Nations	369	4,500.00	4,500.00		
Total New York		10,500.00	10,500.00		

NORTH CAROLINA.

Gratuities: Cherokee School	369	$43,800.00	$47,800.00	$4,000.00	

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920—Continued.

NORTH DAKOTA.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Tribal funds: Roads, etc., Standing Rock Reservation	379	$25,000.00	$25,000.00		
Gratuities:					
Support of—					
Sioux, Devils Lake	372	5,000.00	5,000.00		
Indians, Fort Berthold	372	30,000.00	15,000.00		$15,000.00
Turtle Mountain Band	373	13,000.00	13,000.00		
Bismarck School	374	35,725.00	35,725.00		
Fort Totten School	375	89,000.00	90,000.00	$1,000.00	
Wahpeton School	377	55,800.00	53,800.00		2,000.00
Care insane Indians		676.00			676.00
Payment Fort Berthold land	380		1,265.20	1,265.20	
		229,201.00	213,790.20	2,265.20	17,676.00
Total North Dakota		254,201.00	238,790.20	2,265.20	17,676.00

OKLAHOMA.

Treaties:					
With Pawnees	389	$47,100.00	$47,100.00		
Support of Quapaws	391	1,500.00	1,500.00		
		48,600.00	48,600.00		
Tribal funds:					
Support of—					
Kiowa Agency	383	30,000.00	30,000.00		
Kiowa, Comanche, Apache	384	250,000.00	250,000.00		
Osage School	392	40,000.00	45,000.00	$5,000.00	
Support Osage Agency	392	65,000.00	65,000.00		
Osage oil and gas production	392	35,000.00	45,000.00	10,000.00	
Office building, Osage		[1] 10,000.00			10,000.00
Victor M. Locke, salary, expenses		1,290.26			1,290.26
		431,290.26	435,000.00	15,000.00	11,290.26
Gratuities:					
Support of—					
Wichitas	382	5,000.00	5,000.00		
Cheyennes and Arapahoes	385	35,000.00	35,000.00		
Kansas Indians	385	1,500.00	1,500.00		
Kickapoo Indians	386	2,000.00	2,000.00		
Poncas	386	8,000.00	8,000.00		
Chilocco School	387	121,600.00	109,600.00		12,000.00
		173,100.00	161,100.00		12,000.00
Total Oklahoma		652,990.26	644,700.00	15,000.80	23,290.26

[1] $25,000 heretofore appropriated.

FIVE CIVILIZED TRIBES.

Treaties: With Choctaws	409	$10,520.00	$10,520.00		
Tribal funds:					
Choctaw-Chickasaw per capita	398	8,000.00	8,000.00		
Expense land sales	407	10,000.00	7,500.00		$2,500.00
Stuart, Lewis, Gorden, Rutherford		7,000.00			7,000.00
Wm. R. McIntosh claim		1,666.65			1,666.65
Jacob B. Moore claim		392.60			392.60
Cherokee interest		27,500.00			27,500.00
Geo. D. Rodgers, reimbursement		367.30			367.30
		54,926.55	15,500.00		39,426.55
Gratuities:					
Administration	394	205,000.00	200,000.00		5,000.00
Probate attorneys	401	85,000.00	75,000.00		10,000.00
Cherokee Orphan School	404	43,000.00	71,500.00	$28,500.00	
Indian schools	406	225,000.00	200,000.00		25,000.00
		558,000.00	546,500.00	28,500.00	40,000.00
Total, Five Tribes		623,446.55	572,520.00	28,500.00	79,426.55

OREGON.

Reimbursable:					
Modoc Point irrigation	415	$5,000.00	$5,000.00		
Gratuities:					
Klamath Agency, support	411	6,000.00	6,000.00		
Warm Springs Agency, support	411	4,000.00	4,000.00		
Umatilla Agency, support	412	3,000.00	3,000.00		
Salem school	412	150,000.00	162,000.00	$12,000.00	
Grande Ronde-Siletz, support	415	3,000.00	3,000.00		
		166,000.00	178,000.00	12,000.00	
Total Oregon		171,000.00	183,000.00	12,000.00	

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920—Continued.

SOUTH DAKOTA.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Treaties:					
Support Sioux Tribes	423	$307,000.00	$307,000.00		
Education, Sioux Nation	424	200,000.00	200,000.00		
		507,000.00	507,000.00		
Tribal funds:					
Support of Sioux	425	185,000.00	185,000.00		
Purchase cattle, Rosebud	428	165,000.00			$165,000.00
Pine Ridge roads			25,000.00	$25,000.00	
Cheyenne River roads			10,000.00	10,000.00	
Cheyenne River Bridge			40,000.00	40,000.00	
		350,000.00	260,000.00	75,000.00	165,000.00
Gratuities:					
Flandreau School	416	92,750.00	90,750.00		2,000.00
Pierre School	419	74,250.00	64,250.00		10,000.00
Rapid City School	420	71,875.00	71,875.00		
Yankton Sioux, support	425	12,000.00	9,000.00		3,000.00
Canton Insane Asylum	426	45,000.00	45,000.00		
		295,875.00	280,875.00		15,000.00
Total South Dakota		1,152,875.00	1,047,875.00	75,000.00	180,000.00

UTAH.

Treaties: Support of Utes	428	$53,740.00	$53,740.00		
Tribal funds:					
Confederated bands	430	350,000.00	350,000.00		
Uintah irrigation	433	100,000.00	127,200.00	$27,200.00	
		450,000.00	477,200.00	27,200.00	
Gratuities:					
Support Indians in Utah	428	10,000.00	10,000.00		
School aid, Duchesne and Uintah	435	12,000.00			$12,000.00
		22,000.00	10,000.00		12,000.00
Total Utah		525,740.00	540,940.00	27,200.00	12,000.00

WASHINGTON.

Reimbursable:					
Yakima irrigation system		$15,000.00			$15,000.00
Wapato irrigation project	464	500,000.00	$300,000.00		200,000.00
Toppenish-Simcoe irrigation	474	75,000.00	125,000.00	$50,000.00	
		590,000.00	425,000.00	50,000.00	215,000.00
Treaties: Support, Spokanes	444	1,000.00	1,000.00		
Gratuities:					
Support of—					
D'Wamish Tribe et al	440	7,000.00	7,000.00		
Makahs	441	2,000.00	2,000.00		
Quinaielts, etc	441	1,000.00	1,000.00		
Yakima Agency	442	3,000.00	3,000.00		
Colville	443	13,000.00	13,000.00		
Water, Yakima Reservation	445	100,000.00	35,000.00		65,000.00
Cushman School		65,000.00			65,000.00
		191,000.00	61,000.00		130,000.00
Total Washington		782,000.00	487,000.00	50,000.00	345,000.00

WISCONSIN.

Reimbursable:					
Support of Pottawatomies	483	$15,500.00	$6,899.00		$8,601.00
Road, Red River Reservation		20,000.00			20,000.00
		35,500.00	6,899.00		28,601.00
Gratuities:					
Hayward School	477	61,350.00	61,350.00		
Tomah School	479	74,375.00	77,475.00	$3,100.00	
Support of—					
Chippewas	481	7,000.00	7,000.00		
Pottawatomies	482	7,000.00	7,000.00		
Relief St. Croix	485	1,000.00	1,000.00		
		150,725.00	153,825.00	3,100.00	
Total Wisconsin		186,225.00	160,724.00	3,100.00	28,601.00

Comparison of Indian appropriation bill ending July 1, 1921, with act ending July 1, 1920—Continued.

WYOMING.

	Page of hearing.	Act, 1920.	Bill, 1921.	Increase, 1921.	Decrease, 1921.
Reimbursable:					
Big Wind River irrigation	503	$100,000.00	$75,000.00		$25,000.00
Riverton irrigation	505	200,000.00	50,000.00		150,000.00
Wind River diversion dam	507	50,000.00	22,000.00		28,000.00
Shoshone roads and bridges	509	25,000.00	15,000.00		10,000.00
		375,000.00	162,000.00		213,000.00
Treaties: Support, Shoshones	503	6,000.00	6,000.00		
Gratuities:					
Support of Shoshones	486	15,000.00	15,000.00		
Shoshone School	487	41,250.00	32,500.00		8,750.00
		56,250.00	47,500.00		8,750.00
Total Wyoming		437,250.00	215,500.00		221,750.00

MISCELLANEOUS.

Tribal funds: For school purposes	511	$2,509,895.00	$1,436,604.00		$1,073,291.00
Gratuity: Investigation Indian affairs		15,000.00			15,000.00
Total miscellaneous		2,524,895.00	1,436,604.00		1,088,291.00

Mr. CARTER rose.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The Chair will not recognize the gentleman for that purpose. The Chair has recognized the gentleman from Oklahoma.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is not a motion to rise in order at all times?

The CHAIRMAN. The gentleman is not recognized for that purpose. The Chair has recognized the gentleman from Oklahoma.

Mr. BLANTON. I merely made the motion so as to be able to check up and tally, hoping thereby to see how many Members we have present now in the consideration of this first appropriation bill.

Mr. CARTER. Mr. Chairman, I yield to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we are about to take up for consideration the first of the regular annual appropriation bills for the fiscal year ending June 30, 1921, and it occurs to me that it is quite appropriate in connection with the consideration of this bill to discuss the general policy of appropriations for the fiscal year for which we are now about to make provision.

I have heretofore discussed the question of appropriations for the fiscal year 1921 from the standpoint of available revenue. I have called attention to the fact that during the next fiscal year we must reckon with a total of estimates and obligations now in sight of over $9,000,000,000; that as against this we have an estimate of receipts slightly in excess of $6,000,000,000, leaving a balance of estimated obligations and expenditures, in excess of estimated receipts, of more than $3,000,000,000. In this state of affairs there is but one real helpful, effectual record we can make, and that is a record of economy. [Applause.]

I have suggested that there must be a reduction in the appropriations below the estimates in excess of a billion dollars, if we hope to avoid serious financial difficulties.

I am glad to be able to say that the bill before us sets a very excellent example of what should be done by way of reducing the estimates. The estimates as presented in the Book of Estimates total $4,865,000,000. Of that sum a little over a billion and seventeen million dollars is for interest on the public debt, $475,000,000 of which is due us from foreign nations, none of which we will secure this year, according to the arrangements which have been made by the Treasury Department. Subtract this billion and seventeen million from the total of the estimate submitted in the Book of Estimates and we have about $3,850,000,000 as the sum in which we must find all of the savings below the estimate we can make this year. In order to save a billion dollars below these estimates there must be a reduction of 28 per cent in the estimates all along the line. The reduction below the estimates made in this bill is 25 per cent, and that is as much as I think we could reasonably expect because of the many items in the Indian appropriation bill, such as educational items, which are of a class that can not be reduced without failure to fulfill the Government's obligation toward its wards. The other items in the bill, those of development and extension of work of improvement that we would be very glad to carry on if we were in funds, have been reduced on the average about 50 per cent.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. BUTLER. If the Congress succeeds in making the saving which the gentleman now speaking impresses upon us, what hope have we that we can escape borrowing three billions of dollars to float us along?

Mr. MONDELL. Well, my view of it is—and I am not an expert on matters of finance—my opinion is that if we can keep the appropriations a billion or a billion and a quarter below the present estimates we can carry the balance of the war overhang reasonably safely, as we are carrying it now, in short-time certificates; but if we indulge in expenditures which not only do not reduce the war overhang, but actually add to it, we will find ourselves in the position of an individual or a firm or corporation that is constantly straining its credits without immediate hope or expectation of being able to meet its obligations. Governments are no different from individuals or corporations in the matter of the effect of such operations on their credit, as is evidenced by the present condition of the credit of European States. People must know that obligations are certain to be promptly met, if the Government expects to maintain its credit at a high standard.

Mr. BUTLER. If the gentleman will yield again, as I am greatly interested in what he is saying, did I understand the gentleman to say that if Congress will reduce these expenditures by $1,200,000,900 or $1,500,000,000 we may escape the necessity of borrowing, and that we can float along until the next fiscal year?

Mr. MONDELL. In my opinion——

Mr. BUTLER. Which I value.

Mr. MONDELL. Though I am not posing as a financial expert——

Mr. BUTLER. But the gentleman has consulted with them——

Mr. MONDELL. In my humble opinion it would be a crime for the Government to attempt to borrow any more money during the next fiscal year. [Applause.] I do not believe it could be done without injury to the present holders of Government obligations. I do not believe it could be done without again starting in motion those causes that are constantly advancing the cost of living. We can not further increase Government obligations, thus expanding credits and to a certain extent actually increasing the circulating medium, without nullifying every effort that the Congress has made, that the administration has made, to combat the greatest evil of the time, the constanly mounting cost of commodities.

Mr. BUTLER. Now, let me ask the gentleman another question. Do I understand him to say—and his reasoning is very good—that in his judgment if the Congress can succeed in making these reductions in the estimates to the extent of twelve

hundred or fifteen hundred millions of dollars we may escape the necessity of borrowing?

Mr. MONDELL. I do, unless—and I am about to discuss the "unless," if the gentleman will allow me——

Mr. BUTLER. I will be very glad to hear you.

Mr. MONDELL. I have tried to emphasize the fact that even with a reduction of a billion—it ought to be a billion and a quarter—in the appropriations as compared with the estimates presented in the Book of Estimates, we shall have accomplished little or nothing if, having effected these economies, we make appropriations for a variety of new items, enlargements, extensions, and pay increases in the public service.

But this does not state the entire case. It simply deals with the financial—the Treasury—view of the matter. It is our duty to also consider the matter of Government expenditure from the standpoint of its effect on the paramount problem of the day—the high and advancing cost of living.

We have, as legislators, tried to do what we could to reduce living costs by strengthening and extending the arm of the Federal Government for that purpose with legislation and appropriations. But all that we have done and all that we can hope to do in solving this problem will be nullified if we embark upon a program of liberal Federal expenditure; if we meet every demand or any considerable portion of the demands for increased compensation, for increased and extended Federal activities.

Let me quote from the very able report of the Secretary of the Treasury with regard to this subject:

> Government expenditure is, I need scarcely say, the most vital fundamental factor in increasing the cost of living. * * *
>
> What increases the general cost of living imposes an indirect tax on the whole people of the United States which, in the nature of things, bears more heavily upon the poor than upon the rich, and upon the needy than upon the poor, because expenditures for the necessities of life absorb practically the whole income of the poor and needy and a negligible portion of the income of the rich.
>
> Measures for governmental expenditures for the benefit of a portion of the community at the expense of the whole by adding to the cost of living, and to the burden it imposes upon the community as a whole, will only aggravate evils which the sentimental supporters of those measures think to mitigate, and the burdens thus imposed invariably fall most heavily upon those least able to bear them.

No stronger statement of the case than this can be made, and I quote it to emphasize the importance of keeping down Federal expenditures, not only because it is necessary to do so in order to keep our outlay within our income and to maintain a sound condition of the Treasury, but even more from the standpoint of its effect upon what is the paramount evil of the time—the mounting cost of commodities.

ECONOMY AND THE BUDGET.

There has been, and is, a very general and widespread public demand for the adoption by Congress of a budget system. Responding to that demand, the House has passed a comprehensive bill providing for such a system, and we anticipate the adoption of a budget system by the Congress at a reasonably early date. But we do not have to wait for the adoption of a budget system to practice the economies which such a system is intended to promote. We have now before us the facts and factors of a budget. It is true it has not been presented in a budgetary form, but it is here nevertheless. It is represented by the three enormous and rather appalling figures I have just quoted—nine billions of estimated obligations and expenditures, six billions of estimated income, three billions of estmated expenditures in excess of income—three billions of estimated deficit at the end of the fiscal year.

What are we going to do about it? Cut the estimates—trim them; lop them off; reduce them by a billion or a billion and a quarter. Yes; this we must do; but what profit shall it be if we do this and then proceed to meet every demand for new projects and enterprises—for extensions and enlargements of Federal activities; for the continuation of unnecessary activities now being carried on; for increase in salary, pay, and compensation to those in the Military and Civil Establishments of the Government? If we do these things, I can not promise the gentleman from Pennsylvania [Mr. BUTLER] that we can escape the necessity of borrowing.

NOT INCLUDED IN THE ESTIMATES.

Let us not forget that in the nine billion and more of estimated obligations and expenditures for the next fiscal year not a penny was estimated for increased compensation for the employees in the civil establishments of the Government above what they are now receiving. Let us remember that in the enormous estimate of more than a billion dollars for the Military Establishment, more than the total annual cost of the Government at the outbreak of the World War, not a penny is estimated for increased pay to the officers and men of the Military Establishment. Furthermore, in that vast sum not a penny is estimated for general military training, the cost of which has been placed at varying sums from half a billion upward. In the naval estimates not a dollar is provided for increased pay or allowance for men or officers. We can not afford to forget that the sums of these estimates, stupendous as they are, contain no provision for these and a wide variety of purposes and enterprises, more or less meritorious, which are being urged and pressed upon the attention of Congress.

And having kept all of these things in mind, let me appeal to the gentlemen who voted for the budget to live up to their budget record, to prove true to the principles that they approved in their vote for the budget. A budget system carries no compulsion to vote the full sum of the estimates, but any budget system worth while is either persuasive or prohibitory against great increases and appropriations in excess of, beyond, and outside of the estimates, and if Congress is ever to operate under the restraints of a budget system, this is the time to begin. [Applause.]

ONLY ESSENTIAL AND IMPERATIVE EXPENDITURES SHOULD BE MADE.

I shall enter into no controversy with gentlemen who insist that proposals of increased expenditures which they advocate have merit; they must prove that they are imperative. I shall not quarrel with gentlemen who insist that certain river and harbor improvements are wise, useful, and of a character that will eventually be essential if we are to care for our growing and expanding commerce. The conclusive answer is that unless the matter is absolutely imperative it can not be undertaken, because we have not the funds.

I sympathize with the gentlemen who want a revival of public-building projects throughout the country. I think there is something in their argument that in addition to the needs of the public service the Government owes something to its communities to start enterprises that have heretofore been provided for and to inaugurate new projects that are found worthy, but all of these arguments find their answer in the fact that unless we increase taxes or sell bonds we have no funds for such purposes except where the need of the public service is imperative.

I do not pretend to deny that there is some logic, some reason in the insistent demand for increased pay for the officers of the Army and the Navy. I do regret the widespread propaganda on behalf of such increases, some of which seems to me scarcely in keeping with the ethics of the services, but I do feel justified in suggesting to the gentlemen who are pressing that demand that they point out to us where we are to obtain the funds with which to meet these proposed increases.

It is claimed that as recently presented these proposals for increased compensation amount to but $60,000,000 for the two services as compared with about three times that amount as first suggested several months ago, but even $60,000,000 is no trifling sum, though some seem to think it is, now that we are dealing with billions. The entire cost of the Military Establishment as recently as the fiscal year 1916 was only $117,000,000 as compared with estimates of over a billion for the next fiscal year, and no one knows what an increase of $60,000,000 proposed in the House might grow to be by the time the provision became a law.

ONE INCREASE LEADS TO ANOTHER.

I take it for granted that no one will claim that we could logically increase by any considerable sum the pay or allowances of officers of the Army and the Navy without including the Public Health Service, the Coast Guard—and what about the employees of the civil establishment of the Government? So far the maximum bonus of $240 per year to persons serving in the civilian branches of the Government service has not applied to anyone receiving upward of $2,500.

All of that very considerable body of people serving the Government in many lines, and faithful in the main, at salaries above $2,500 are certainly entitled to consideration the moment we begin any general increases of compensation at this time. Gentleman may have in mind what they consider comparatively small sums of increases in certain branches of the Government service, which they feel confident ought to be granted, but I imagine few of them have taken the trouble to figure out the sum total of increases that would be perfectly logical once we begin any considerable increase in any branch.

The president of the Federal Reserve Board, in a statement made the other day, called attention to the effect that increasing compensation had upon the cost of commodities, and expressed the opinion that increasing compensation had been the most potent factor in the constant increase of living costs and had defeated the very purpose of the increases. The president, a short time since, in connection with certain demands for in-

creased wages, called attention to the vicious circle which had been developed under which increases of compensation had lost their value through a corresponding or even greater increase in living costs, and again I quote the Secretary of the Treasury in his statement that Government expenditure is the most vital fundamental factor in increasing the cost of living.

Let me suggest to gentlemen on either side of the House who think the case for the next campaign is made up, and that it is all over but the shouting, and that victory is bound to rest on one banner or the other, that we still have a good many things to think of and to reckon with, for the judgment of the American people will be registered on what occurs right up to the eve of election. The judgment will not depend on what somebody has done in the past, or wholly on what we have done in the past, but on what we do in the living present, with our problems before us, which we must meet with courage and efficiency.

I wish we were in funds so that we might meet every reasonable demand for the proper extension of legitimate lines of Government activity, for active development in every line of work in which the Federal Government is properly engaged. I wish we were in position where we might meet liberally the demands and requests for increased compensation, but I do not see how these things can be done unless some one shall tell us how to tap new sources of revenue. Even were we in a position to do all this with a liberal hand, should we indulge in such liberality at a time when the men best qualified to judge call our attention to the fact that every dollar we add to the present unavoidable enormous total of Federal expenditure increases the prices of commodities, reduces the purchasing power of wages, and delays the coming of the day when we may hope for a normal adjustment of income and outlay.

It may be that before the session closes we shall have effected such economies and conditions may have so changed that we may be justified in viewing with a more liberal eye some of the demands and requests that have and will be presented to the Congress and which do appeal to us. Let us wait on that event, and then consider these matters in the light of the situation as it then presents itself.

THREE COMPELLING REASONS.

There are at least three compelling reasons why we must economize, why we must reduce our appropriations in excess of a billion below the estimates, and why, having done that, we must decline to appropriate for objects and purposes not included in the estimates unless they are absolutely imperative. First, we can not do otherwise without doing violence to a budget policy which, as Members of the House, we have approved; second, we can not follow any other course without nullifying all of our professions and our efforts to reduce the high cost of living; third, we must follow this course or we face a deficit at the end of the fiscal year at least three times as great as our yearly total of expenditures prior to the beginning of the World War. We can not increase taxes; we should not issue bonds; there is no course open to us but to economize, and to economize to the limit. In other and future days we may have a choice and variety of opportunity before us, but now the only record we can make that will be really effective and highly useful, and that will be of real service to our country and to our countrymen, is a record of economy. We owe it to ourselves to make such a record in order to prove that we are faithful to our pledge to a system of budget economy. We owe it to our countrymen to make that record in order that by so doing we may be really helpful and effective in combating the tendency to a constantly increased cost of living and a constantly decreased value in the wage which men receive. We owe it to our country and to our people to economize that we may set an example of frugality and care in expenditure, an example now greatly needed throughout the land. We must economize in order that we may preserve a sound condition of the Treasury and move forward to those days we hope are coming when we shall have a normal state of affairs and a fair adjustment between income and outlay, individual and governmental. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. SNYDER. Mr. Chairman, does the gentleman from Arizona [Mr. HAYDEN] desire to use some time?

Mr. HAYDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. FERRIS].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 15 minutes.

Mr. FERRIS. Mr. Chairman, I ask the Clerk at the desk to read in my time a short resolution that has been pending before the Rules Committee for some time.

The CHAIRMAN. Without objection, the Clerk will read the resolution referred to.

The Clerk read as follows:

House resolution 333.

Whereas one year has elapsed since the signing of the armistice; and
Whereas of an Army and Navy of 4,800,000 men approximately 4,200,000 men have been discharged; and
Whereas Congress has in anticipation the passage of legislation to be of substantial help to the returned soldiers in aiding them to procure homes; and
Whereas a number of bills and resolutions have been pending, the only one reported being H. R. 487, known as the Mondell land colonization bill, which apparently is not acceptable to Congress or the soldiers; and
Whereas a new committee, representative in character, representing each section of the country, should be appointed and given jurisdiction over this matter to give immediate and uninterrupted attention until it is finally disposed of: Therefore be it

Resolved, That the Speaker of the House be, and he is hereby, authorized and directed to appoint a special committee of 21 members—12 of the majority and 9 of the minority—to whom shall be referred all bills and resolutions hereafter introduced during the Sixty-sixth Congress, pertaining to the following subjects, namely: The civil reestablishment of all honorably discharged officers, soldiers, sailors, and marines of the present World War, including all bills, resolutions, or communications relating to their vocational rehabilitation, to their educational facilities of any kind, to their employment, providing credits for the acquirement of homes, for the appropriation of the public lands for their benefit, or providing additional compensation of whatsoever kind or in whatever form, including the bonus, hospital and sanatorium facilities, or homes, or allotting lands; also subjects relating to war-risk insurance and compensation for disabilities incurred in the service, including allotments, and any and all other subjects principally and directly relating to or affecting the status or interests of the officers, soldiers, sailors, and marines aforementioned.

Mr. FERRIS. Mr. Chairman, in the few moments I shall engage your attention I shall make no selfish or bombastic plea for the American soldier. He neither deserves nor desires it. He will not appreciate it.

I repeat, in the few moments I consume on the soldiers' land legislation, its status, its handling, its progress, I shall not indulge in high-sounding phrases, fulsome flattery, or any vote-getting overtures to the soldiery. Such an effort would neither deceive nor be of benefit to the soldier. It would not beget his friendship. His valiant service in the World War entitles him to better treatment than to be cajoled, flattered, misled, or held up as a political screen between the Congressmen or the Congress and the approaching election.

The armistice was signed November 11, 1918—14 months ago. Of the 4,800,000 soldiers, sailors, and marines that were then engaged in the service 4,350,000 of them have been demobilized, brought home, and returned to the roll of private citizens.

Each and every man who has been honorably discharged has received or will receive a $60 bonus paid to him by his Government in addition to his regular salary and emoluments. That was provided for as an amendment to the last revenue bill, which became the law prior to March 4, 1919. Other than this the ex-service man has received no homestead legislation, no land-settlement legislation, no soldier-loan legislation, to enable him to acquire a home and reestablish himself in a home after his absence in the service of the United States.

EFFORTS MADE TO SECURE HOMESTEAD LEGISLATION.

The Mondell bill, it being House bill 487, was introduced on May 19, 1919, by the Republican floor leader of the House, Hon. FRANK MONDELL. That was seven and one-half months ago. The Mondell bill was reported August 1, 1919, and has been on the calendar for five full months.

Numerous other soldiers' land bills have been introduced by different Members of Congress, none of which have received any consideration by committees or the Congress.

The Mondell bill is what might well be termed a colonization bill. It contemplates the acquirement of large tracts of land to be improved by the Government and parceled out to the soldiers after it is improved. It contemplates improvement by the Government and an assembling of the soldiers where large acreages and quantities of land can be acquired.

I do not say the Mondell bill is without merit, but I do say that it is not acceptable to the soldiers, that it is not acceptable to the Congress, that it can not pass, that it is not going to pass, and that it is standing there as a buffer and a hindrance to legislation that is desired by the soldiers and legislation that can pass.

I repeat, I do not say the bill is not well intended; I do not say the bill is without merit; I do not say in some sections of the country, particularly the far West, where large areas are available at low prices, it would not be feasible and workable; but what I do say is that where land is high and already well improved it is not feasible, it is not workable, and is not acceptable to the soldiers.

I do not say that some of the soldiers are not in favor of the Mondell land bill, but I do say that the great bulk of the soldiers, both in massed convention and individually, are strongly and vigorously opposed to it; they do not desire any colonization scheme for the development of the West; they do

not desire to remove from their native States and their localities or be forced to do so in order to avail themselves of this Government land legislation.

I feel perfectly sure in saying, after having read their resolutions and after having talked with thousands of them in person, that what they want is not something for nothing, but they want the right to have a loan from their Government, long tenure, low rate of interest, under proper restrictions and regulations, so the Government will not lose the money, for the soldier does not want something for nothing. He wants the right to buy a home of his choice in the town or in the country and be given an opportunity to pay for it—work out his own salvation and be an independent, self-reliant home owner of a home that he picks out himself, desirable for his uses and purposes, in the community of his choice among his friends, where he can succeed and where it will be free from the speculative features incident to any colonization scheme or venture along the line of the Mondell bill.

REMEDY TO BE APPLIED.

The Mondell bill, which is now on the calendar and has been for five full months without action, should be taken up and amended by embodying the features just enumerated, so that it will be acceptable to the soldiers and to the Congress expected to enact it. If this course is not feasible it should be recommitted to the committee from which it came, gotten out of the way, the track cleared, and a new committee formed that will be more representative in character, more free from sectionalism, and can devote its entire energies and time to the enactment of soldiers' legislation.

With this in mind, on October 13, 1919, I introduced House resolution 333, Sixty-sixth Congress, first session.

A REMEDY THAT WILL ACHIEVE.

It was referred to the Rules Committee, and has been slumbering there. It ought to be reported out—ought to be passed. Speaker GILLETTE ought to appoint a committee; the committee ought to begin hearings; the committee ought to report a bill; they ought to pass a bill; they ought to give the 4,350,000 soldiers the relief and the opportunity to acquire the homes that they very much desire and have been led to believe they have the right to expect.

To do less than this is to subject this Congress to criticism; to do less than this is to neglect the soldier, and I submit no country can well afford to neglect its soldiery; to do less than this is to scatter disappointment throughout the length and breadth of the country; to do less than this is failing to do in office the things men promised to do while secure in office, a thing no party should tolerate, a thing no Congressman should endure.

Mr. WALSH. Will this bill take care of each one of the 4,000,000 soldiers?

Mr. FERRIS. I do not think so. I do not think any bill that we could get up would take care of all of them; but I do think an opportunity should be afforded by this great Government, to the soldiers who are homeless and who desire to acquire homes, to let them do so, and that they should be given the opportunity to acquire them on reasonable terms—long tenure, low interest—for, in the last analysis, the Government would be reimbursed. The soldier would feel his services had been appreciated by a grateful Republic; many—yea, thousands—of them would become home owners instead of wanderers; America would have a clear conscience that it had been true to the soldiery, and good results would follow on all sides.

Mr. LITTLE. Is the gentleman going to inject into his remarks some plan of his own?

Mr. FERRIS. I have done that. My first suggestion was for the appointment of a new committee, to take some members from New York or New England, some from the South, some from the West, some from the North, and from the intermediate States—a committee of 21; a committee representative in character, that would serve every section of the Republic.

Mr. LITTLE. Is that all the gentleman has to offer?

Mr. FERRIS. No; if the gentleman will wait patiently, I am coming to that. I think that would be a proper start. I do not think it is a mooted question at all as to what the soldiers really want. I will give the gentleman exactly what I do think they want. It is not a complicated matter. It is not a thing that Congress can not do. It is a thing that Congress ought to do, and I will state it directly.

I think an opportunity ought to be afforded to the soldier to borrow a sum of money sufficient to buy an adequate home for him on long-time payments at a low rate of interest, he to pay back to the Government every cent that he borrows. I want the soldier to have the right to select the community in which he desires to live, to select the State in which he desires to live, to select the tract on which he desires to live, either in town or country, instead of the Government selecting it for him.

Mr. LITTLE. Is the gentleman in favor of the Morgan bill?

Mr. FERRIS. Much of the Morgan bill I am in favor of. I am more in favor of the Morgan bill than I am of the Mondell bill. The trouble is the Morgan bill is slumbering in committee. The Republicans will not let us have it reported, so we can vote on it.

Mr. HASTINGS. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HASTINGS. I have introduced a bill embodying most of the provisions which the gentleman has stated.

Mr. FERRIS. Yes; I have read the Hastings bill, and I appreciate it very much. I would gladly vote for it and help pass it if the committee would but report it. I have introduced a bill myself which embodies these provisions. I also offered amendments to the Mondell bill, trying to carry out the soldiers' wishes and needs. They were rejected, and the Morgan bill has been rejected. No bill can receive any attention until we get a new committee or get the Mondell bill out of the way. The Morgan bill is favored by a great many soldiers and a great many want the Hastings bill. Other soldiers are in favor of other bills; but, above all the rest, they do not want the Mondell bill.

Mr. McCLINTIC. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. McCLINTIC. Has not Canada passed legislation along the line that the gentleman suggests?

Mr. FERRIS. Yes; I think Canada has passed some good legislation, but I do not have sufficient data before me to elaborate on that now.

Mr. GARNER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. GARNER. The statement of the gentleman that they do not want the Mondell bill illustrates a condition in this House as to misrepresentations of what the people interested want. I remember in this House when it appeared that the entire Congress, or at least 80 per cent, wanted the Mondell bill—a good many on the Republican side and a good many over here on the Democratic side—but I told you at the time that we did not want the bill. The gentleman from Oklahoma and I hope the gentleman from Wyoming will realize that the Mondell bill and all bills of this nature are a hallucination to the soldier and not a benefit to him.

Mr. FERRIS. Well, I do not agree that all bills are deceptive to the soldier and am perfectly sure that is not the case. Whatever the prior controversy has been or may be, the facts are now in the possession of Congress, and it is now time to do something. The 10 or 11 months which have been frittered away in the past—let it be a debating society, let it be a divergence of opinion or an honest mistake, let it be what you will, there are three things that stand out foremost now, and that is that the Mondell bill is not acceptable to Congress, it is not acceptable to the soldiers, it is the only bill on the calendar and must be disposed of, gotten out of the way, and some real legislation passed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAYDEN. Mr. Chairman I yield to the gentleman five minutes more.

Mr. MORGAN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MORGAN. I am glad to see my colleague take the lead in agitating this question before the House. I approve of his resolution to have a special committee appointed. But I want to know, in view of the very able speech made by the gentleman from Wyoming [Mr. MONDELL] in regard to the financial condition of our country, if the gentleman thinks that any large appropriation could be made in justice to the taxpayers and the public generally in the interest of soldier legislation?

Mr. FERRIS. That does not embarrass me in the least. Perhaps my lack of knowledge fails to embarrass me, but a Nation that was spending $30,000,000 or $40,000,000 a day when the war closed, a Nation that could loan $10,000,000,000 to the Allies, a Nation that could loan $1,250,000,000 to the railroads in a year and a half, can well afford to do justice to the soldiers of the Nation. A Nation that does not do justice to the soldiers can not long and should not long endure. The battle cry of economy that is ever with us when some real deserving service is necessary and ever absent when some large scheme comes in here does not appeal to me. What I would ask this Congress to do is either by bonds or a tax levy to do full justice to these 4,800,000 men, and I would do it as quickly as possible had I the power. But not having the power, my side of the House

not having the power, I suggest it to that side of the House that does have the power, and I submit it is their move.

Mr. MORGAN. I think with the gentleman that we ought not to begin to economize with the soldiers the first thing; that we ought to economize in some other direction.

Mr. HERSEY. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HERSEY. Does the gentleman from Oklahoma remember that when the draft law was passed in this House to send the boys over the seas the gentleman from Oklahoma voted for $15 instead of $30?

Mr. FERRIS. The gentleman from Oklahoma did not; the gentleman from Maine is entirely mistaken. The gentleman from Maine was never more mistaken in his life.

Mr. HERSEY. Did not the gentleman vote against $30 for the soldiers?

Mr. FERRIS. I did not; the gentleman has been receiving some Republican literature that is incorrect.

Mr. KNUTSON. The RECORD of May 16, 1917, shows that the gentleman from Oklahoma voted against the motion to recommit with instructions.

Mr. FERRIS. I will give the gentleman the exact facts. This House has been misled long enough on that proposition. I will state the facts, so that not only the gentleman will know it but all will know it.

On April 28, 1917, while the draft bill was pending in the House of Representatives—it being H. R. 3545—providing for the organization of an army, Mr. Austin, of Tennessee, offered an amendment to the draft bill increasing the soldier's salary from $15 to $30 per month; 257 Members voted "yes," not a single Member voting "no." I was present and voted "yes." The amendment was agreed to; it became a part of the draft bill, and not a single Republican or Democrat in the House failed to stand up and be counted for the amendment. Here I quote verbatim from page 1550 of the permanent CONGRESSIONAL RECORD of April 28, 1917, Sixty-fifth Congress, first session:

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Tennessee [Mr. Austin].

The question was taken; and on a division (demanded by Mr. MANN) there were 257 ayes and no noes.

So the substitute was agreed to.

Hence it will be observed that not only did I vote for the $30 a month increase for the soldier but every Member of Congress voted that way.

This was the first time this salary question had appeared after we had declared war against Germany. We will now come to the second time that it appeared.

On April 28, 1917, later in the day, the draft bill carrying the Austin amendment providing $30 a month salary for the soldiers was voted upon by a roll call; 397 Members voted "yes," 24 Members voting "no." I was present and voted "yes."

Here I set forth the roll call on the passage of the draft bill, as shown on page 1557 of the CONGRESSIONAL RECORD of April 28, 1917, Sixty-fifth Congress, first session:

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 397, nays 24, answered "present" 1, not voting 10, as follows:

YEAS—397.

Adamson	Cannon	Denison	Flynn
Alexander	Cantrill	Dent	Focht
Almon	Carraway	Denton	Fordney
Anderson	Carew	Dewalt	Foss
Anthony	Carlin	Dickinson	Foster
Ashbrook	Carter, Mass	Dillon	Francis
Aswell	Carter, Okla.	Dixon	Freer
Austin	Carey	Dooling	Freeman
Ayres	Chandler, N. Y.	Doolittle	French
Bacharach	Chandler, Okla.	Doremus	Fuller, Ill.
Bankhead	Clark, Pa.	Doughton	Fuller, Mass.
Barkley	Classon	Dowell	Gallagher
Barnhart	Coady	Drane	Gallivan
Bathrick	Collier	Drukker	Gandy
Bell	Comstock	Dunn	Gard
Black	Connally, Tex.	Dupré	Gardner
Bland	Connelly, Kans.	Dyer	Garland
Blanton	Cooper, Ohio	Eagan	Garner
Booher	Cooper, W. Va.	Eagle	Garrett, Tenn.
Borland	Cooper, Wis.	Edmonds	Garrett, Tex.
Bowers	Copley	Ellsworth	Gillett
Brand	Costello	Elston	Glass
Britten	Cox	Emerson	Glynn
Brodbeck	Crago	Esch	Godwin, N. C.
Browne	Cramton	Estopinal	Good
Browning	Crisp	Evans	Goodall
Bruckner	Currie, Mich.	Fairchild, B. L.	Goodwin, Ark.
Brumbaugh	Curry, Calif.	Fairchild, G. W.	Gould
Buchanan	Dale, N. Y.	Fairfield	Graham, Ill.
Butler	Dale, Vt.	Farr	Graham, Pa.
Byrnes, S. C.	Dallinger	Ferris	Gray, Ala.
Byrns, Tenn.	Darrow	Fess	Gray, N. J.
Caldwell	Davidson	Fields	Green, Iowa
Campbell, Kans.	Davis	Fisher	Greene, Mass.
Campbell, Pa.	Decker	Fitzgerald	Greene, Vt.
Candler, Miss.	Dempsey	Flood	Gregg
Griest	Lea, Calif.	Polk	Stephens, Nebr.
Griffin	Lee, Ga.	Porter	Sterling, Ill.
Hadley	Lehlbach	Pou	Stevenson
Hamill	Lenroot	Pratt	Stiness
Hamilton, Mich.	Lesher	Price	Strong
Hamilton, N. Y.	Lever	Purnell	Sullivan
Hamlin	Linthicum	Quin	Sumners
Hardy	Little	Ragsdale	Sweet
Harrison, Miss.	Littlepage	Rainey	Swift
Harrison, Va.	Lobeck	Raker	Switzer
Haskell	Lonergan	Ramsey	Tague
Hastings	Longworth	Ramseyer	Talbott
Haugen	Lunn	Rankin	Taylor, Ark.
Hawley	McAndrews	Rayburn	Temple
Hayden	McArthur	Reavis	Templeton
Heaton	McClintic	Reed	Thomas
Heflin	McCormick	Riordan	Thompson
Heintz	McCulloch	Robbins	Tillman
Helm	McFadden	Roberts	Tilson
Helvering	McKenzie	Robinson	Timberlake
Hensley	McKeown	Rodenberg	Tinkham
Hersey	McKinley	Rogers	Towner
Hicks	McLaughlin, Mich.	Romjue	Treadway
Hill	McLaughlin, Pa.	Rose	Van Dyke
Holland	McLemore	Rouse	Vare
Hood	Madden	Rowe	Venable
Houston	Magee	Rowland	Vestal
Howard	Maher	Rubey	Vinson
Hulbert	Mann	Rucker	Voigt
Hull, Iowa	Mansfield	Russell	Volstead
Hull, Tenn.	Mapes	Sabath	Waldow
Humphreys	Martin, La.	Sanders, Ind.	Walker
Husted	Mays	Sanders, La.	Walsh
Hutchinson	Meeker	Sanders, N. Y.	Walton
Igoe	Miller, Minn.	Sanford	Ward
Ireland	Miller, Wash.	Saunders, Va.	Wason
Jacoway	Mondell	Schall	Watkins
James	Montague	Scott, Iowa	Watson, Pa.
Johnson, Ky.	Moore, Pa.	Scott, Mich.	Watson, Va.
Johnson, S. Dak.	Moores, Ind.	Scott, Pa.	Weaver
Johnson, Wash.	Morgan	Scully	Webb
Jones, Tex.	Morin	Sells	Welling
Jones, Va.	Mott	Shallenberger	Welty
Juul	Mudd	Sherley	Whaley
Kahn	Neely	Shouse	Wheeler
Kearns	Nicholls, S. C.	Siegel	White, Me.
Kehoe	Nichols, Mich.	Sims	White, Ohio
Kelley, Mich.	Norton	Sinnott	Williams
Kelly, Pa.	Oldfield	Slayden	Wilson, Ill.
Kennedy, Iowa	Oliver, Ala.	Slemp	Wilson, La.
Kennedy, R. I.	Oliver, N. Y.	Sloan	Wilson, Tex.
Kettner	Olney	Small	Wingo
Key, Ohio	Osborne	Smith, Mich.	Winslow
Kiess, Pa.	O'Shaunessy	Smith, C. B.	Wise
Kincheloe	Overmyer	Smith, T. F.	Wood, Ind.
Kinkaid	Overstreet	Snell	Woods, Iowa
Kitchin	Padgett	Snook	Woodyard
Knutson	Paige	Snyder	Young, N. Dak.
Kraus	Park	Stafford	Young, Tex.
Kreider	Parker, N. J.	Steagall	Zihlman
LaGuardia	Parker, N. Y.	Stedman	The Speaker
Langley	Peters	Steele	
Larsen	Phelan	Steenerson	
Larzaro	Platt	Stephens, Miss.	

NAYS—24.

Bacon	Dill	Keating	Nolan
Burnett	Dominick	King	Powers
Church	Gordon	La Follette	Randall
Clark, Fla.	Hays	London	Sears
Claypool	Hilliard	Lundeen	Sherwood
Crosser	Huddleston	Mason	Sisson

ANSWERED "PRESENT"—1.

Hollingsworth

NOT VOTING—10.

Blackmon	Martin, Ill.	Shackleford	Taylor, Colo.
Capstick	Moon	Smith, Idaho	
Dies	Nelson	Sterling, Pa.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri and he answered "Yea."

So the bill was passed.

Hence it will be observed that the second time when the salary item was voted on I not only voted for it a second time but did all I could to help it pass. It did pass, and it was agreed to, and it is only fair to say that the 24 Members that voted against the draft bill carrying this amendment were not really opposed to the increase in salary but were opposed to the draft law. No one was opposed to the salary increase—everyone was in favor of it. The gentleman who sought to embarrass me by asking this question has really helped me, for it has made it possible to explain once and for all to the House the untruthfulness of the report that has been circulated regarding the 178 Members of the House who later voted against recommitting the draft bill.

On May 1, 1917, the draft bill passed the Senate providing for a soldier's salary at the rate of $29 per month; the bill immediately went to conference; the conferees on recommendation of the War Department cut the salary down to $25 per month, with a 20 per cent increase for foreign service, which would make $30 a month for those who crossed the sea and $25 per month for those who fought on this side.

On May 12, 1917, the bill was sent back to conference by the House on the Roosevelt item, as shown on page 2215, permanent CONGRESSIONAL RECORD, Sixty-fifth Congress, first session.

On May 16, 1917, the draft bill was again brought into the House still carrying the salary item of $25 per month. A motion was made by Congressman GOOD, of Iowa, to recommit and send back to the committee the entire draft bill, thereby delaying the organization of an army, thereby obstructing the progress of the war. On that motion to recommit 178 Members of the House felt that the organization of an army should not be delayed; that the war had been in progress 40 days; that the enemy was at our gates; and that we could not afford to allow the entire draft bill to be sent back to committee, further feeling that the salary item could be adjusted any day and that the entire matter could be worked out without delaying the organization of an army long before any man was even inducted into the service.

Here I set forth the roll call on the motion to recommit, as shown on pages 2396–2397 of the CONGRESSIONAL RECORD of May 16, 1917, Sixty-fifth Congress, first session:

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 178, answered "present" 1, not voting 52, as follows:

YEAS—199.

Almon	Esch	LaGuardia	Rowe
Austin	Evans	Langley	Rowland
Ayres	Fairchild, B. L.	Lenroot	Sanders, Ind.
Bacon	Fairfield	Linthicum	Sanders, N. Y.
Barnhart	Farr	Little	Saunders, Va.
Bell	Fess	Lobeck	Schall
Bland	Focht	Lundeen	Scott, Iowa
Bowers	Fordney	McArthur	Scott, Mich.
Brand	Foss	McCormick	Scully
Britten	Francis	McKenzie	Sells
Browne	Frear	McKinley	Sherwood
Bruckner	French	McLaughlin, Pa.	Siegel
Brumbaugh	Fuller, Ill.	Madden	Sinnott
Campbell, Kans.	Garland	Martin, La.	Slemp
Cannon	Good	Mason	Sloan
Carew	Goodall	Mays	Smith, Mich.
Carlin	Graham, Ill.	Meeker	Smith, T. F.
Carter, Mass.	Green, Iowa	Miller, Minn.	Steenerson
Cary	Greene, Mass.	Miller, Wash.	Sterling, Ill.
Chandler, N. Y.	Griffin	Mondell	Stiness
Chandler, Okla.	Hadley	Moore, Pa.	Strong
Clark, Pa.	Hamill	Moores, Ind.	Sullivan
Classon	Hamilton, Mich.	Morgan	Sweet
Claypool	Harrison, Va.	Morin	Swift
Cooper, Ohio	Hastings	Mott	Switzer
Cooper, W. Va.	Haugen	Mudd	Tague
Cooper, Wis.	Heaton	Neely	Temple
Costello	Heintz	Nichols, Mich.	Thomas
Cramton	Hersey	Nolan	Thompson
Crisp	Hicks	Norton	Tillman
Crosser	Hilliard	Oliver, N. Y.	Timberlake
Curry, Calif.	Hollingsworth	Osborne	Tinkham
Dale, N. Y.	Huddleston	Paige	Towner
Dale, Vt.	Hull, Iowa	Peters	Van Dyke
Dallinger	Hutchinson	Phelan	Vestal
Darrow	Ireland	Porter	Voigt
Davidson	Johnson, Wash.	Powers	Volstead
Davis	Juul	Purnell	Waldow
Dempsey	Kearns	Ragsdale	Walsh
Denison	Keating	Raker	Wason
Dill	Kelley, Mich.	Ramseyer	Watson, Pa.
Dillon	Kelly, Pa.	Randall	Wheeler
Dixon	Kennedy, Iowa	Reavis	White, Me.
Dominick	Kennedy, R. I.	Reed	Williams
Dooling	King	Robbins	Wilson, Ill.
Dowell	Kinkaid	Roberts	Wood, Ind.
Dyer	Knutson	Robinson	Woods, Iowa
Eagan	Kraus	Rodenberg	Young, N. Dak.
Ellsworth	Kreider	Rogers	Zihlman
Emerson	La Follette	Rose	

NAYS—178.

Adamson	Dewalt	Hardy	Lunn
Alexander	Dickinson	Harrison, Miss.	McClintic
Anthony	Dies	Haskell	McFadden
Ashbrook	Doolittle	Hayden	McKeown
Aswell	Doughton	Heflin	McLaughlin, Mich.
Bankhead	Drane	Helm	McLemore
Barkley	Drukker	Helvering	Magee
Bathrick	Eagle	Hensley	Mann
Black	Edmonds	Hill	Mansfield
Blackmon	Elston	Holland	Mapes
Blanton	Ferris	Hood	Montague
Booher	Fields	Houston	Moon
Borland	Fisher	Howard	Nicholls, S. C.
Brodbeck	Fitzgerald	Hull, Tenn.	Oldfield
Browning	Flood	Humphreys	Oliver, Ala.
Buchanan	Foster	Husted	Olney
Burnett	Freeman	Igoe	O'Shaunessy
Butler	Gard	Jacoway	Overmyer
Byrnes, S. C.	Garner	James	Overstreet
Byrns, Tenn.	Garrett, Tenn.	Johnson, Ky.	Padgett
Caldwell	Garrett, Tex.	Jones, Tex.	Park
Campbell, Pa.	Gillett	Jones, Va.	Parker, N. J.
Cantrill	Glass	Kahn	Parker, N. Y.
Caraway	Glynn	Kincheloe	Platt
Clark, Fla.	Godwin, N. C.	Kitchin	Polk
Coady	Goodwin, Ark.	Larsen	Pou
Collier	Gordon	Lazaro	Quinn
Connally, Tex.	Graham, Pa.	Lea, Calif.	Rainey
Connelly, Kans.	Gray, Ala.	Lehlbach	Ramsey
Crago	Gray, N. J.	Lesher	Rayburn
Currie, Mich.	Greene, Vt.	Lever	Romjue
Decker	Gregg	Littlepage	Rouse
Dent	Griest	Lonergan	Russell
Denton	Hamlin	Longworth	Sabath
Sanders, La.	Snook	Taylor, Ark.	Welling
Sanford	Snyder	Tilson	Welty
Sears	Stafford	Treadway	Whaley
Shackleford	Steagall	Venable	White, Ohio
Shallenberger	Stedman	Vinson	Wilson, La.
Sherley	Steele	Walker	Wilson, Tex.
Sims	Stephens, Nebr.	Ward	Wingo
Sisson	Sterling, Pa.	Watkins	Wise
Slayden	Stevenson	Watson, Va.	Young, Tex.
Small	Summers	Weaver	
Snell	Talbott	Webb	

ANSWERED "PRESENT"—1.

London

NOT VOTING—52.

Anderson	Fairchild, G. W.	Kettner	Rubey
Bacharach	Flynn	Key, Ohio	Rucker
Candler, Miss.	Fuller, Mass.	Kiess, Pa.	Scott, Pa.
Capstick	Gallagher	Lee, Ga.	Shouse
Carter, Okla.	Gallivan	McAndrews	Smith, Idaho
Church	Gandy	McCulloch	Smith, C. B.
Comstock	Gould	Maher	Stephens, Miss.
Copley	Hamilton, N. Y.	Martin, Ill.	Taylor, Colo.
Cox	Hawley	Nelson	Templeton
Doremus	Hayes	Pratt	Vare
Dunn	Hulbert	Price	Walton
Dupré	Johnson, S. Dak.	Rankin	Winslow
Estopinal	Kehoe	Riordan	Woodyard

So the motion to recommit was agreed to.

I assert here and now that not a single one of the 178 Members who voted against that motion to recommit was against the salary increase. I assert that every one of the 178 was really in favor of the increase. I call on them now to stand in their places and make denial of the truth of this statement. I have reason for this statement because on a previous occasion every Member of the House present had voted for this increase and not a single man had voted against it.

The gentleman from Illinois [Mr. MANN], Republican floor leader, voted as I voted. Does any man in this House or elsewhere think he was opposed to the increase? Of course not.

The gentleman from California [Mr. KAHN], the present chairman of the Military Affairs Committee, then the ranking member of the Military Affairs Committee, voted as I voted. Does any member think he was opposed to the increase? Of course not.

The gentleman from Ohio [Mr. LONGWORTH], son-in-law of the late lamented President Roosevelt, to-day presiding over this historic body, voted as I voted. Does anyone here or elsewhere think that he was opposed to increasing the salary of soldiers? Of course not.

Speaker FREDERICK H. GILLETT, present Speaker of the House of Representatives, voted as I voted, against recommitment. Does anyone here or elsewhere think he was opposed to the increase in salary? Of course not.

The gentleman from North Carolina [Mr. STEDMAN], the only Confederate soldier in the House, faithful, patriotic, and true, voted as I voted. Does anyone here or elsewhere think that that white-haired old Confederate veteran of the South would oppose an adequate salary for American soldiery? Of course not.

The gentleman from North Carolina [Mr. KITCHIN], chairman of the great Ways and Means Committee, then Democratic floor leader, voted as I voted, against the motion to recommit. Does anyone think that he was opposed to the increase in salary? Of course not.

The chairman of every leading committee in the House of Representatives present on that day voted exactly as I voted, against the motion to delay the organization of an army—against the motion to send back to the committee the draft bill which made possible the organization of an army to crush the German hordes.

Mr. SNYDER. And I also.

Mr. FERRIS. Yes; and the chairman of the Committee on Indian Affairs.

Carter Glass, then chairman of the Banking and Currency Committee, now Secretary of the Treasury, voted exactly as I voted. Does anyone think that he was opposed to the increase in the soldier's salary? Of course not.

William C. Adamson, of Georgia, father of the Adamson railroad law, then chairman of the great Committee on Interstate and Foreign Commerce, voted as I voted. Does anyone here or elsewhere think that he was opposed to the increase in salary? Of course not.

The gentleman from Florida [Mr. CLARK], chairman of the Public Buildings and Grounds Committee, voted precisely as I voted. Does anyone think that he was opposed to an increase in the soldiers' salary? Of course not.

John J. Fitzgerald, chairman of the great Committee on Appropriations, voted precisely as I voted. Does anyone here or elsewhere feel that he would oppose an increase in the soldier's salary? Of course not.

The gentleman from Virginia [Mr. FLOOD], chairman of the great Committee on Foreign Affairs, voted precisely as I voted, feeling it a miserable mistake to send back to the committee the draft law, which would delay the organization of an army, and, of course, would not have opposed an increase in salary.

The gentleman from Pennsylvania [Mr. GRAHAM], the greatest Republican lawyer in the House of Representatives, voted exactly as I voted. He, of course, was not opposed to the increase in salary, but was opposed to the delay in organizing an army.

PAT HARRISON, of Mississippi, brilliant, able, and patriotic, who defeated Vardaman for the Senate, voted as I voted. Does anyone think that he was opposed to an increase in the soldier's salary?

William C. Houston, of Tennessee, chairman of the Committee on the Territories, voted as I voted—always loyal to the soldier, always faithful to him. Does anyone think that he would oppose an increase in the soldier's salary? Of course not.

A. F. Lever, of South Carolina, then chairman of the Committee on Agriculture, now a member of the Federal Farm Loan Board, voted precisely as I voted—always true to the soldier, always standing for his interest.

Not a single dissenting vote—not a single Republican or Democrat failed to keep the faith. I was present and, with the rest, voted for the conference report on its final passage. The $30 a month amendment was finally agreed to; it was signed by President Wilson; it became the law, and the soldier boy received the $30 a month throughout the entire war.

Here I quote from page 2423 of the CONGRESSIONAL RECORD of May 16, 1917, Sixty-fifth Congress, first session:

Mr. DENT. Mr. Speaker, I move the previous question on the adoption of the report.
The SPEAKER. The gentleman from Alabama moves the previous question on the conference report.
The previous question was ordered.
The SPEAKER. The question is on agreeing to the conference report.
The question was taken, and the conference report was agreed to.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HERSEY. The only question on recommitment was the amount.

Mr. FERRIS. Oh, yes; but the amount was not the major thing to do there. The major thing to do for the American people was to organize the Army, to organize it quickly, and that was a mere amendment to this, to the raising of an Army which was to the country most necessary, and the salary could be settled any day. [Applause on the Democratic side.]

Mr. HERSEY. The recommitment would not delay the House 25 minutes.

Mr. FERRIS. Oh, we never know how much a recommitment delays the House. A recommitment sends the bill back to the committee, which may take a day, a month, or a year. One hundred and seventy-eight of us thought the risk of a recommitment too great; we were for the increase; there was no opposition to it anywhere; it could be adjusted any day. I am very much indebted to the gentleman from Maine [Mr. HERSEY] for bringing out this controversy, so that the matter can be cleared up. I know the gentleman did not intend to do me any wrong. He simply had been misled by information that never was accurate and never should have been disseminated. It was not a question of $15 a month or $30 at all. The amount in the conference report was $25, and the amount of $30 per month we had voted for once, yea, twice, thrice, and every man, Democrat or Republican, voted that way.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. KNUTSON. The Good amendment was simply a matter proposing to recommit the bill with instructions to increase the amount to $30 a month, and the gentleman voted "no."

Mr. FERRIS. Oh, yes; I voted not to recommit the draft bill and delay the raising of an army. No one was opposed to the salary amendment to the draft bill; every Member had voted for it twice.

Mr. KNUTSON. But the instructions were to increase the amount. The RECORD speaks for itself.

Mr. FERRIS. Does the gentleman say that the gentleman from Illinois [Mr. MANN] voted for $15 a month as against $30? He voted just as I voted.

Mr. KNUTSON. I have not looked up the RECORD to see how he voted.

Mr. FERRIS. He voted just as I did. Does the gentleman say that JULIUS KAHN, who voted just as I voted, was against the $30 per month? Of course not.

Does the gentleman say that JULIUS KAHN, the chairman of the committee, who voted as I did, voted wrong? Does the gentleman say that the chairman of this present committee, Mr. LONGWORTH, voted wrong? Does the gentleman say that the other leaders on the Republican side voted wrong? Why, the Speaker of the House, Mr. GILLETT, voted just as I did, and even the chairman of the Military Committee voted just as I did. No; the real truth about it is that no one in this House was against raising the soldiers' pay. Every single man here was in favor of it. The trouble was that there was a difference of opinion as to whether or not the bill ought to be recommitted. I would like to have the gentleman from Minnesota rise in his place and tell me just what he thinks about the vote of the gentleman from Illinois [Mr. MANN] and the other gentlemen, 178 in number, who voted as I did, and I yield the time to him. [Laughter and applause on the Democratic side.]

Mr. KNUTSON. I will say to the gentleman that I am not sitting in judgment on anyone.

Mr. FERRIS. The gentleman is merely trying to sit in judgment on me when he is without the facts. The facts never do anyone harm.

PEACE-TIME SALARY OF $30 A MONTH—SAME AS IN WAR.

I did not stop at giving the soldier $30 a month in war times—I voted for the Decker amendment on February 18, 1919, giving the soldier in peace, as well as in war, $30 per month salary. This vote was taken on February 18, 1919. It was an amendment to Senate bill 5279. It was unanimously agreed to—not a single Member voted against it. It finally passed the Senate; it was signed by President Wilson; it became the law; and the soldier boy who now serves in peace gets $30 a month as well as in war.

Here I quote from the CONGRESSIONAL RECORD of February 18, 1919, Sixty-fifth Congress, third session, page 3885:

Mr. DECKER. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:
"Amendment by Mr. Decker: At the end of the amendment insert the following: 'That the pay of the men so enlisted shall be the same as that now provided by law.'"
The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Missouri [Mr. Decker].
The amendment to the amendment was agreed to.

BONUSES FOR DEPENDENT FAMILIES.

Since the gentleman has raised the question of my friendship for the soldier, I am glad to tell the gentleman that my friendship for the soldier did not begin with the German war but was clearly shown in my support of the bill granting $50 a month to the dependent families of those who served on the Mexican border.

Congressman James Hay, then chairman of the Military Affairs Committee, introduced in the House bill 16734 for appropriating $2,000,000 for the purpose of paying dependent families $50 a month while the soldier boys fought at the front. I not only voted for this bill, but I made the closing speech and helped to bring about its passage, and when the vote was taken there were—yeas 299, nays 2. I set forth, page 10356 of the CONGRESSIONAL RECORD of July 1, 1916, Sixty-fourth Congress, first session:

The SPEAKER. The question is on suspending the rules and passing this bill.
Mr. MANN. Mr. Speaker, I ask for the yeas and nays.
The yeas and nays were ordered.
The SPEAKER. The Clerk will call the roll. Those in favor of suspending the rules and passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."
The question was taken; and there were—yeas 299, nays 2, answered "present" 5, not voting 120, as follows:

YEAS—299.

Abercrombie	Buchanan, Tex.	Danforth	Finley
Adamson	Burgess	Davenport	Focht
Aiken	Burke	Davis, Minn.	Fordney
Alexander	Campbell	Decker	Foss
Allen	Candler, Miss.	Dempsey	Foster
Almon	Cannon	Denison	Frear
Anderson	Cantrill	Dent	Freeman
Anthony	Caraway	Dickinson	Gallagher
Aswell	Carew	Dies	Gallivan
Austin	Carter, Mass.	Dill	Gard
Ayres	Carter, Okla.	Dillon	Gardner
Bailey	Cary	Dixon	Garrett
Barkley	Casey	Doolittle	Glass
Beakes	Cline	Doremus	Glynn
Bell	Coady	Doughton	Godwin, N. C.
Bennet	Coleman	Dowell	Good
Blackmon	Collier	Dunn	Goodwin, Ark.
Booher	Connelly	Dupré	Gordon
Borland	Conry	Dyer	Gray, Ala.
Bowers	Cooper, W. Va.	Edwards	Gray, Ind.
Britt	Cooper, Wis.	Ellsworth	Green, Iowa
Britten	Crago	Elston	Greene, Vt.
Browne	Cramton	Emerson	Hadley
Brumbaugh	Crisp	Esch	Hamill
Burnett	Cullop	Estopinal	Hamilton, Mich.
Byrnes, S. C.	Curry	Evans	Hamilton, N. Y.
Byrns, Tenn.	Dale, Vt.	Farr	Hamlin
Buchanan, Ill.	Dallinger	Ferris	Hardy

Haskell	Lenroot	Parker, N. Y.	Stephens, Calif.
Hastings	Lesher	Peters	Stephens, Miss.
Hawley	Lever	Price	Stephens, Nebr.
Hay	Lewis	Quin	Stephens, Tex.
Hayden	Lieb	Ragsdale	Sterling
Hayes	Liebel	Rainey	Stiness
Heflin	Lindbergh	Raker	Stone
Helgesen	Lloyd	Ramseyer	Stout
Helm	Lobeck	Randall	Sullowav
Helvering	Longworth	Rauch	Sweet
Hensley	McAndrews	Rayburn	Switzer
Hernandez	McArthur	Reavis	Taggart
Hicks	McClintic	Reilly	Tague
Hill	McCracken	Ricketts	Talbott
Hilliard	McCulloch	Roberts, Nev.	Tavenner
Hinds	McDermott	Rodenberg	Taylor, Ark.
Holland	McGillicuddy	Rogers	Taylor, Colo.
Hollingsworth	McKellar	Rouse	Temple
Hood	McKenzie	Rubey	Thomas
Howard	McKinley	Rucker	Thompson
Howell	McLaughlin	Russell, Mo.	Tillman
Huddleston	McLemore	Russell, Ohio	Timberlake
Hughes	Madden	Saunders	Towner
Hull, Iowa	Magee	Schall	Van Dyke
Hull, Tenn.	Mann	Scott, Mich.	Venable
Humphrey, Wash.	Mapes	Sells	Vinson
Humphreys, Miss.	Matthews	Shackleford	Volstead
Igoe	Mays	Shallenberger	Walker
Johnson, S. Dak.	Meeker	Sherley	Walsh
Johnson, Wash.	Miller, Del.	Shouse	Wason
Jones	Miller, Minn.	Siegel	Whaley
Kearns	Mondell	Sims	Wheeler
Keating	Moon	Sinnott	Williams, T. S.
Kelley	Mooney	Sisson	Williams, W. E.
Kennedy, Iowa	Morgan, Okla.	Slemp	Williams, Ohio
Kennedy, R. I.	Mudd	Sloan	Wilson, Ill.
Kent	Nelson	Smith, Idaho	Wilson, La.
Kettner	Nicholls, S. C.	Smith, Mich.	Wingo
Key, Ohio	Nichols, Mich.	Smith, Minn.	Winslow
Kinkaid	Nolan	Smith, N. Y.	Wise
Kitchin	Norton	Snell	Wood, Ind.
Konop	Oakey	Sparkman	Woods, Iowa
La Follette	Oldfield	Stafford	Young, N. Dak.
Langley	Oliver	Steagall	Young, Tex.
Lazaro	Padgett	Stedman	The Speaker
Lee	Page, N. C.	Steele, Iowa	
Lehlbach	Park	Steenerson	

NAYS—2.

James	Small

ANSWERED "PRESENT"—5.

Clark, Fla.	London	Platt	Scars
Garner			

NOT VOTING—129.

Adair	Farley	Kincheloe	Pou
Ashbrook	Fess	King	Powers
Bacharach	Fields	Kreider	Pratt
Barchfeld	Fitzgerald	Lafean	Riordan
Beales	Flynn	Littlepage	Rowe
Barnhart	Flood	Linthicum	Roberts, Mass.
Black	Fuller	Loft	Rowland
Browning	Gandy	Loud	Sabath
Bruckner	Garland	McFadden	Sanford
Butler	Gillett	Maher	Scott, Pa.
Caldwell	Gould	Martin	Scully
Callaway	Graham	Miller, Pa.	Sherwood
Capstick	Gray, N. J.	Montague	Slayden
Carlin	Greene, Mass.	Moore, Pa.	Smith, Tex.
Chandler, N. Y.	Gregg	Moores, Ind.	Snyder
Charles	Griest	Morgan, La.	Steele, Pa.
Chiperfield	Griffin	Morin	Summers
Church	Guernsey	Morrison	Sutherland
Cooper, Ohio	Harrison	Moss, Ind.	Swift
Copley	Hart	Moss, W. Va.	Tilson
Costello	Haugen	Mott	Tinkham
Crosser	Heaton	Murray	Treadway
Dale, N. Y.	Henry	Neely	Tribble
Darrow	Hopwood	North	Vare
Davis, Tex.	Houston	Oglesby	Ward
Dewalt	Hulbert	Olney	Watkins
Docling	Husted	O'Shaunessy	Watson, Pa.
Driscoll	Hutchinson	Overmyer	Watson, Va.
Drukker	Jacoway	Paige, Mass.	Webb
Eagan	Johnson, Ky.	Parker, N. J.	Wilson, Pa.
Eagle	Kahn	Patten	
Edmonds	Keister	Phelan	
Fairchild	Kiess, Pa.	Porter	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered in the affirmative.

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The truth is, this whole controversy has been a tempest in a teapot—it has been unjust criticism against the 178 Members, every one of whom was for the increase and no one of whom was against the increase. Most of them had voted for it two or three times and all of them had favored it. The Senate and the conferees had modified the amendment—had reduced it—and 178 of us felt that the draft bill should not be longer delayed.

UNBROKEN RECORD OF VOTING FOR EVERY INCREASE AND AGAINST EVERY DECREASE OF SOLDIERS' SALARY THROUGHOUT THE WAR.

I have an unbroken record of voting for every increase of salary and emoluments for the soldier, his family, and his dependents, and fought against every decrease of them. I will continue that course to the end, for it is my belief that for a great, rich Republic like this one there is no danger of paying the soldier too much for the hazardous duty which he performs in defending his country in time of peril. Courts, Congresses, and Cabinets are apt to give the soldier too little rather than too much. I am so much indebted to my friend from Maine [Mr. HERSEY], who has offered me this opportunity to give the facts as they are, citing the pages in the RECORD, the names, and the data that I am sure the House is entitled to have.

The fourth time the matter came up was when the conference report on the draft bill came in again, this time carrying the $30 a month. The vote was had—the bill was passed. Not a single member of the House failed to vote for the conference report carrying the $30 item.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FESS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. J. Res. 263) extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2999) to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had passed with amendments the bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia, in which the concurrence of the House of Representatives was requested.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SNYDER. Does the gentleman from Arizona desire to yield some time?

Mr. HAYDEN. Mr. Chairman, I yield 30 minutes to the gentleman from Montana [Mr. EVANS].

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent at this time to revise and extend my remarks.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Montana. Mr. Chairman and gentlemen of the committee, in the discussion of the Indian bill it appears to me there has arisen an erroneous idea about the reclamation of certain Indian lands in the State of Montana. The bill as brought into the House cuts the so-called Flathead Indian reclamation work from $1,000,000 to $100,000. I think the committee had an entirely erroneous conception of the situation there, and if the committee will give me its attention for a few moments I shall try to explain it.

I have here two maps representing the area known as the Flathead Indian Reservation. That reservation has been a reservation since about 1853. It has an area in the western part of the State of Montana of approximately 50 miles north and south and 35 miles east and west. In 1904 the Congress of the United States, during the administration of Mr. Roosevelt, passed a law opening the so-called Flathead Reservation with the idea of disposing of the land. There were in this territory probably 2,500 or 3,000 Indians and approximately a million or a million and a quarter acres of land. A large portion of the land was mountainous, but in the center of the reservation was a large territory of irrigable agricultural land. The law provided that this area should be surveyed, should then be classified into agricultural lands, timber lands, grazing lands, mineral lands, and perhaps others, and it should be appraised in value. The law fixed the price between $1.50 and $7 per acre and the land was classified accordingly. The law also provided, I think it was another enactment, but it provided that this land should be disposed of to homestead settlers, the homestead settler complying with the homestead law in addition to paying the appraised price of the land of from $1.50 to $7 per acre. In addition it provided that the Government would reclaim a large area of irrigable land in the center of this reservation, and that any man taking land within that irrigable area should pay the Government the proportionate price for the reclamation of that land. It was estimated that this irrigation project would cost about six and a half million dollars. About $4,000,000 have been expended on the project now. The land is situated in a basin, and along the east side of the reservation here [illustrating] there is a high range of mountains down which numerous streams run feeding numerous lakes. On the map

which I show you here appear white lines, which indicate the ditches and canals which have been constructed for the reclamation of that land. There are now about 1,800 homesteaders on this territory. One thousand eight hundred men under the law, which I deem to be equivalent to a contract with the Government of the United States, have gone upon this reservation, have taken up tracts of land, have complied with the homestead law, and they have paid on an average from four to five dollars per acre for the land.

They are now waiting for the Government to complete the irrigation project and give them title. The title to this land is in the Government of the United States. This land can not be patented to the individual until he has discharged all the liens; the so-called irrigation proposition is a lien upon the land, and it is estimated that they will reclaim about 130,000 to 135,000 acres of land on this reservation. They have built about 735 miles of ditches and canals preparatory to irrigating this area. It was assumed by the people of that country and I think by the people generally, when the law was passed and this reservation was opened, that within a reasonable time this irrigation work would be completed. I think a reasonable time would have been five years, probably, on the expenditure of six and a half million dollars. But for 12 years now these people have sat out there, after having complied with the homestead law and paid the price for the land, and are now still waiting for the Government to fix a price upon the irrigation project and furnish them water. They were entitled under all the laws of justice and equity to have that project completed within a reasonable time, say, five or six years, yet 12 years have expired, and to-day they are probably as far away as they were when we started on the proposition. I say as far, because the Indian Committee has now in its judgment recommended to this House that no further appropriation be made upon the project except $100,000, which will maintain the ditches that are now constructed. Questions will naturally arise in the minds of gentlemen here as to what has been done. Well, the title of the land is in the Government. The land properly belongs to the Indians, and the Government holds the title as trustee for the Indians. The Government is developing the project for the Indians because the Indian is considered incompetent to conduct this sort of affairs. Now, I am speaking more largely for the white man than for the Indian——

Mr. YOUNG of North Dakota. If the gentleman will yield, how many of these 1,800 homesteaders are Indians?

Mr. EVANS of Montana. None of the 1,800 homesteaders are Indians. Those 1,800 homesteaders are white men. Perhaps I have not made myself clear——

Mr. RHODES. Will the gentleman yield?

Mr. EVANS of Montana. I will be pleased to do so.

Mr. RHODES. The gentleman has stated that none of the 1,800 homesteaders are Indians?

Mr. EVANS of Montana. That is correct.

Mr. RHODES. Whose money has been used in the construction of this irrigation project?

Mr. EVANS of Montana. The money used in the construction of the irrigation project has been the money of the people of the United States. Now, I will explain that. When this area was opened or before it was opened, under the law each Indian on the reservation was enrolled by the Secretary of the Interior, and he had the right to go and select what they call an allotment of 160 acres—I am not sure about the acreage, but each Indian took his own land in severalty. The 2,500 therefore got 2,500 allotments.

The remaining land was opened to homestead settlement under the terms which I have suggested to you of complying with the law and paying the appraised price. Then the Government went to work to reclaim the land not alone for the white man but for the Indian as well. The land in that country was probably worth $2 to $5 or $10 an acre without water; with water it is probably worth $75 to $100 an acre. The estimate was that it would cost about $45 an acre to reclaim the irrigable land, estimating 125,000 acres of land for that purpose. Four million five hundred thousand dollars has been expended on the project. It is suggested that you are only irrigating 32,000 or 35,000 acres of land at the present time. I think those figures are reasonably correct. I think the exact figure is probably about 40,000 acres. You say that you have expended about $4,500,000 on 40,000 acres of land, and then how will you irrigate 125,000 acres of land when you have spent $6,500,000?

Well, anyone who knows anything about irrigation knows that the area irrigated can not exactly keep pace with the expenditure of money when you are building big ditches, and dams, and reservoirs, and storage supplies. So for some years complaint was made on the floor of the House that they did not get the ditches down to more land, so that the lands might be irrigated. I think in 1918 we were irrigating probably 25,000 acres; in 1917 probably 20,000 acres, or something like that. So the Reclamation Service—which, by the way, is only the agent of the Indian Office, this work being under the supervision of the Indian Office, because it is Indian land, and it is actually done by the reclamation people, just as the general reclamation work is done by them—undertook to satisfy Congress and those who complained about the matter by extending their ditches more rapidly than before.

You will observe on this map that these ditches have been extended down. They have got them down now to a point where they should irrigate about 90,000 acres of land, but they found out last summer, after having put the most of the money for a year or two in extending these laterals down to the land, that the reservoir supply was not sufficient to supply the water to the land. They have a storage supply of about 51,000 acre-feet. An acre-foot of water is water a foot deep over an acre of land, and it takes approximately an acre-foot of water to irrigate land in that country. There are instances where it will take a little more. The storage supply is limited, and about three or four hundred thousand dollars of the million, and perhaps more, that was asked for in the estimate this year was to be used in the development of more storage.

The gentlemen will observe on this map that there are large lakes in mountains on the east side of the reservation which contain considerable quantities of water, and they go to work to build up the mouth of these lakes, and, if necessary, they tunnel under. Those lakes are sometimes 100 feet deep, and they are tunneling under the lake to bring the water down to the bottom of the lake.

I have confidence in the qualifications of the engineering department of the Reclamation Service as to what they can do in the premises. They say in the estimate they made in the beginning that they can irrigate 125,000 acres of land. Last year they were unable to irrigate more than about 43,000, the storage supply being insufficient.

In October this year at Lake McDonald they raised the dam about 20 feet. They estimated they would get about 5,000 acre-feet more there. The Tabor Reservoir, which may be indicated at this point here [indicating], they purpose to increase from 12,500 acre-feet to 17,500 acre-feet. From the Hubbard Reservoir, which is over here [indicating], which has not been constructed at all, though they have built their ditches to the land, they expect to get about 12,000 acre-feet. The Kicking Horse Reservoir, which is at a point about here [indicating], they expect to get about 6,000 acre-feet from. In other words, they are prepared to increase their storage capacity from about 51,000 acre-feet, which they now have, to 90,000 acre-feet.

Mr. LAZARO. Will the gentleman yield for information?

Mr. EVANS of Montana. I will be pleased to do so.

Mr. LAZARO. What is the committee's reason for cutting down this appropriation? Is it because they ran the ditches ahead of the reservoirs or because they are not according to law?

Mr. EVANS of Montana. I think the running of the ditches so far ahead of the reservoirs had so much influence with the committee on that proposition that they felt the project was not keeping up its pace; that the people were not irrigating all the land they should irrigate. I think that impression exists in the committee.

Mr. LAZARO. That they were endeavoring to deceive Congress?

Mr. EVANS of Montana. Not perhaps to deceive Congress, but I think the impression is with the committee that the people could irrigate the land. The ditches are there and they are not irrigating; that if they are not irrigating it why not irrigate it; and if they are not going to irrigate it why appropriate more money? I think the committee has the idea that the irrigation of the land itself has not kept pace with the actual facilities that are furnished the people. You irrigated about 40,000 acres of land this year. You irrigated 32,000 acres up to July, 1919. The irrigation season runs from then on pretty well, and so I think they irrigated about 40,000 acres of land this year.

You will observe here a large number of little squares [indicating]. Those are 80 and 160 acre tracts of land. You will see large tracts of land where there is not a single ditch. Those people could not get any water. You will find here that there are ditches, but this year they did not have the water to supply.

Again, if you have irrigated 32,000 acres of land or 40,000 acres, as I am sure the Government has up to date, you have made a very good showing, although you had ditches reaching to practically 90,000 acres of land.

Anybody who has had experience in irrigating land must recognize the fact that one can not take water and put it upon all of a 40-acre or an 80-acre tract of land the first year; that is, the average man can not. It takes time to develop his local system on that land. If he has 40 acres and irrigates 10 acres or 20 acres of it the first year, he does well, indeed.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Montana. Certainly.

Mr. CAMPBELL of Kansas. What does it cost to put in his local system on that 40 acres?

Mr. EVANS of Montana. The land has got to be leveled and the fields bridged and flumed. It costs from $5 to $10 an acre to do that. In some cases it would cost more, and in some it would cost less.

Again, the irrigating of land the first season will utilize probably twice the amount of water that will be necessitated in the second season or in later seasons. Land irrigated the first season is porous. It has just been disturbed. Your ditches are not properly puddled. The ditches are new and placed in the wrong places in some instances, and in that event they will break in the low places, and the water will flood and run to waste. After you have constructed your laterals over the ground just right, you can probably irrigate with one-half or one-third of the amount of water that it takes to irrigate a piece of land the first time. That is the case when we irrigate with alfalfa as a crop. Therefore with the quantity of water they had this year they could normally have irrigated 50,000 acres of land. The reason they did not is simply because they did not have the available water. Of that I am perfectly sure.

I was on the work in the early part of August. I left here on the 1st of August, and I put in some days out there on the reservation. There were scores of people who had been sitting out there two or three or five years, who were begging me to ask the reclamation people for water. I went to the reclamation people, and they said, "We simply do not have the water. The ditches are there. Members of Congress have insisted on the ditches. Now we have the ditches, but we have not the storage."

I want to say in fairness that the last year was an exceptionally dry year. Everybody who knows anything about that country knows that the drought has prevailed there for two years, and as a consequence the ditches did not fill as they would in normal years. There was less water than there had been for 40 or 50 normal years for those people out there.

But aside from that the situation is this: One thousand eight hundred homesteaders out there have complied with the homestead law and have paid their money to the Government. The Government bargained with them and said, "If you pay this money, you may have title to the land. We will take a lien on it for the expense of the water." If Congress is not going to complete the project is it not fair to abandon the project and say to these people who have been sitting out there, "You paid your $5, as the law provided, and you have lived your three years there, and here is your title." To do so, of course, would be to abandon the project on which you have expended $4,000,000 when $2,500,000 would complete the project. It is manifestly a hardship upon those people to let that matter rest another year, because they have got to pay for this irrigation system.

Gentlemen are under the apprehension that these so-called reimbursable moneys are not reimbursable. I do not know about other projects, but I do know about this one. There are 1,800 homestead people out there, and a lot of other lands owned by the Indians pledged for that money. The homesteaders can not pay the money now, because nobody knows how much money they will have to pay. The law provides that it shall be paid in 20 annual payments after the project is completed.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Montana. I will be pleased to yield; yes.

Mr. SNYDER. The gentleman will recall that when Mr. Davis was before our committee the chairman asked him a question. It will be found on page 17 of volume 14. The question was asked by Mr. RHODES instead of the chairman, I should say. The question was propounded by Mr. RHODES to Mr. Davis, who, as the gentleman knows, is the Chief of the Reclamation Service, under whose supervision this work is being constructed. It was, "What is the irrigated area under that project?" and Mr. Davis replied, "The irrigated area in 1919 was 35,750 acres, but we were in a position to deliver water to more than twice that—nearly three times."

Mr. EVANS of Montana. Yes. My reply, I think, will be found recorded in the record. Will the gentleman read that?

Mr. SNYDER. The gentleman can reply in his own way. It is a pretty long statement.

Mr. EVANS of Montana. Briefly, the situation is this: I think Mr. Davis made the statement, "We were prepared to furnish water to twice or three times as much," but what I think Mr. Davis meant to say was, "The ditches are constructed for that much." I know that is what Mr. Davis meant to say, because I asked at the time this testimony was taken that Mr. Davis be recalled there to be questioned. The committee said, "We do not want Mr. Davis here." I have a letter in my pocket from Mr. Davis in which he says that is what he meant.

Mr. SNYDER. Will the gentleman yield there?

Mr. EVANS of Montana. Yes; I shall be glad to.

Mr. SNYDER. In reply to that statement I may say that the reason why Mr. Davis was not recalled was that he had spent nearly two days before the committee, and each of these projects had been gone into with him to the fullest extent, and the final thought of the committee after the hearing was that under the position we had taken, that where a project had 91,000 acres irrigated and only 31,000 in use, it was absolutely senseless to put any more into the development of that project until the land was ready for water, or had water, and was more nearly taken up; and that was afterwards stated by the Secretary of the Interior himself.

Mr. EVANS of Montana. Well, I dispute the statement of the gentleman in both instances. In the first place, Secretary Lane, according to the testimony the gentleman read from, does not say that; and, in the next place, the gentleman's committee had before it Mr. Davis on an investigation of the Indian Bureau. It took in this project, among other things, but he did not give that testimony on the question of the estimate for this particular work at the time they had this project under consideration. I do not know that it makes any particular difference when he was there, but I know that, possibly in an unguarded statement or in an inaccurate statement, with no intention to deceive anybody, he said, "We are prepared to furnish water to 90,000 acres of land." What he meant was that the ditches are built. He did not say they had the water there, because his report shows that they have had only 51,000 acres of storage and that they used 51,000 acres of land this year and irrigated 35,000 acres of land. They now want to increase that storage to 95,000 acres, and if you will give them the money they will increase it and the project will be completed in a couple of years.

Mr. RHODES. Will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. RHODES. The gentleman has stated that there are 1,800 homesteaders on this reservation?

Mr. EVANS of Montana. Yes.

Mr. RHODES. Do those 1,800 homesteaders reside on the irrigated area?

Mr. EVANS of Montana. Does the gentleman mean on the irrigated area or on the irrigable area? We have to be very particular in this committee to find out what gentlemen mean.

Mr. RHODES. I mean on the irrigated area, for the reason that if they do reside on that area there could be no justification for an increased appropriation for the extension of the water.

Mr. EVANS of Montana. No; the 1,800 homesteaders do not all reside on the irrigated area, because that is all the homesteaders there are there, and if they all resided on the irrigated area the project would be completed. They live on the irrigable area, and about 1,000 of them used water this year.

Mr. RHODES. Will the gentleman permit one further question?

Mr. EVANS of Montana. Yes.

Mr. RHODES. Who does live on the irrigated area?

Mr. EVANS of Montana. A lot of homesteaders, about 1,000 of them, and some Indians.

Mr. RHODES. One other question, Mr. Chairman. How do the number of Indian settlers compare with the number of white settlers on that reservation?

Mr. EVANS of Montana. Of course, again we have to be particular. What does the gentleman mean by Indian settlers?

Mr. RHODES. I mean those residing on the reservation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Montana. Will the gentleman yield me five minutes more?

Mr. HAYDEN. The time is all promised, but I will yield to the gentleman three minutes more.

Mr. RHODES. I mean those who reside on the reservation.

Mr. EVANS of Montana. There are about 2,500 Indians there. You can call them settlers or whatever you please to call them. There are that many on the reservation, and there are 200 or 300 farming Indians there.

Mr. RHODES. Who predominate on that reservation—Indians or the white people?

Mr. EVANS of Montana. There are 10,000 white people there and about 2,500 Indians.

Mr. SNYDER. Will the gentleman yield for one more question?

Mr. EVANS of Montana. Yes.

Mr. SNYDER. The gentleman has just observed that we have had to be very particular about this. Now, I desire to say to the gentleman that that is exactly what this committee has endeavored to do in the drafting of this measure. We have endeavored to be very particular to believe that men meant what they said; and when Mr. Davis said that the irrigated area on this project in 1919 was 37,550 acres, but that he was in a position to deliver water to more than twice and nearly three times that acreage, we believed that he meant what he said.

Mr. EVANS of Montana. If a man had a railroad and somebody asked him, "How much freight can you deliver from here to Chicago?" he might say, "Why, I can deliver 100,000 tons," but it would not necessarily follow that he would have that much freight to deliver. It is evident that the director meant that he had ditches dug there. The whole testimony shows that the ditches are constructed. Ditches were constructed ahead of the reservoir capacity, because Congress was insisting that the ditches be dug there so that they might irrigate the land. They utilized all the water they had last year. If anyone has any doubt about this project, let Congress send somebody out there to look it over and get whatever information is necessary. But I submit to this House is it fair to these settlers to take their money and yet hold title to their land for 12 long years and say, "We do not know until next year whether we will give you title or not"? These people have waited there for 12 years, waited for the Government to comply with this portion of the law, and it is manifestly unjust to continue in this way.

The discontinuance of this work for even a year means added expense and hardship to these people which in the end they must pay. I have no doubt that the actual additional expense will be more than $100,000. It means that the whole working force and organization must be broken up, moved, and disintegrated, the engineers and office force discharged or sent to some other point, the steam shovels and similar equipment shipped to some other point or disposed of, the horses and mules used in this construction to be sold at a sacrifice only to be repurchased or replaced at some future time at an additional price. The lumber, cement, and other necessary supplies for carrying on a project costing $7,000,000 will deteriorate or disappear, so I think I am well within the mark when I suggest the actual loss by a year's delay will be $100,000. The potential loss in crops and produce will be twice as much more. It is a manifest injustice that should not be imposed by this Congress upon any body of American citizens, and I appeal to the sense of justice of the Members of this House to make a reasonably adequate appropriation to continue this work. I thank you.

Mr. SNYDER. I yield 15 minutes to my colleague on the Committee on Indian Affairs [Mr. RHODES].

Mr. RHODES. Mr. Chairman and gentlemen of the House, I rise to speak in support of the bill under consideration. On the 19th day of December I received a telegram calling me to Missouri on account of the serious illness of my mother, and I returned only yesterday. For that reason I have not had an opportunity to read the report of the commitee or to go over the printed hearings. But, Mr. Chairman, as a member of the Committee on Indian Affairs, I did attend all the hearings and desire to call the attention of the Members of the House to a few of the important facts taken into consideration by the committee in the preparation of this bill.

I desire to congratulate the able chairman of this committee on his constructive statesmanship. I emphasize the word "able," because he has pointed out in a practical, discriminating manner certain necessary reforms as well as the impractical way in which the affairs of the Indian Office are being at present administered.

While I was not present at the final meeting of the committee, when the bill was reported out, yet I do know the reasons which actuated the chairman and the other members of this committee in framing the bill.

I live in a State in which there are but 300 Indians, and they are all of mixed blood, and have only a general interest in the bill. I would remind gentlemen of the House that we have to-day something like 150 Indian reservations in the United States, numbering about 336,000 Indians. These are widely scattered throughout the country from the State of New York to the State of Washington and from Michigan on the north to Florida on the south.

While the Indian question is one of the old questions with which the American Congress has had to deal, I call attention to the fact that it is yet a big question, calling for estimates by the department for the next fiscal year for the administration of Indian affairs approximating over $17,000,000.

I am here reminded that the Committee on Indian Affairs has come more nearly up to that standard of economy laid down by the distinguished majority leader [Mr. MONDELL], wherein he stated a few moments ago that of the total estimates arising from the different departments of the Government they must be cut at least 28 per cent, than any other committee, because the Committee on Indian Affairs has been able to construct a measure which we think will not impair any activities of the Indian Service but at the same time will save the Public Treasury $4,000,000, or 25 per cent, according to the estimates.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RHODES. I will.

Mr. JOHNSON of Washington. The gentleman thinks that the service will not be impaired, but I would like to ask the gentleman if he does not think that cutting off the Indian schools, beginning at the top, is a mistake?

Mr. RHODES. Mr. Chairman, the committee took into consideration the necessity of maintaining every Indian school, and I do not concede that the gentleman's question rests upon a sound hypothesis. The question is not predicated on the facts of the case because the facts are that no Indian school has been eliminated the necessity for which was fully justified by the hearings. I say further, in response to the question of the gentleman from Washington, that one of the purposes of the inquiry was to eliminate all the schools which had outlived their usefulness, those where the daily attendance had fallen below 7, 8, or 10——

Mr. JOHNSON of Washington. How does the gentleman justify the elimination of the schools where the attendance was 250, where the parents had been obliged under a recent regulation to pay $20 a month for tuition?

Mr. RHODES. Mr. Chairman, the justification of what I said lies in the statement already made that this committee eliminated no school the further continuation of which had been justified, and that all schools eliminated have either outlived their usefulness or consolidated with other schools. I understand the reason prompting the inquiry by the gentleman from Washington. He makes reference to a certain school in his own State, but I want to assure the gentleman that I have no interest, directly or indirectly, in the maintenance of any Indian school, but I do have a general interest in the cause of education, which I think should be generously extended to the Indian wards of this Government.

Within the brief time allotted to me I can not speak more at length on the educational phase of this subject, but I desire to call the attention of the House to the so-called question of reimbursement legislation, because it was with that particular subject that the subcommittee of which I was chairman had to deal.

I desire to call attention to the remarks made by the gentleman from Montana [Mr. EVANS], who has just preceded me, wherein he makes reference to the Flathead Indian Reservation in the State of Montana, and in answer to a question propounded by myself a few moments ago, wherein I asked him whose money had been used in the construction of this great irrigation project, where $4,000,000 have already been expended on the construction of that project, and he said the people's money. I say, Mr. Chairman, that every dollar of the money that has been expended was the money of the Indians. I say, furthermore, that there was from the day I became a member of this committee until this hour a very serious question in my mind as to whether or not the Congress of the United States has ever been justified in hypothecating the money of the American Indians in the construction of the white man's project.

I want to remind the gentleman from Montana and the Members of this House that, according to the testimony of the Commissioner of Indian Affairs; of Mr. Reed, the chief engineer; according to the testimony of Mr. Davis, at the head of the Reclamation Service, it was not the intention of this committee to cripple or impair any of these useful projects, but it was our intention to protect the Public Treasury against the future useless, unnecessary, and wholly indefensible appropriations. I assert, gentlemen, with due regard to the statement by the gentleman who has just taken his seat, that the proposition which he set out to defend is not an Indian project. I assert that it is a white man's project. I assert that the reason actuating this committee in the reduction of these estimates in the sum of a hundred million dollars was based upon the fact that the irrigation project has been carried far in excess of the interest of the Indians on the reservations.

I want to remind the gentleman from Montana [Mr. EVANS] that it was not the purpose of this committee to strike down or destroy a meritorious enterprise. I want to say that it is

practical to hold appropriations down to this point without impairing the usefulness of the projects. I want to remind Members of this House that these great projects are made up of such parts and of such units that certain units can be used to accomplish the purpose for which they were originally designed, and further appropriations temporarily discontinued, as we have done in this case, without impairing the projects.

I fear that the argument by the gentleman has been misleading in its character, and I invite the attention of every Member of the House to the volumes beginning with No. 7 and ending with No. 14 of the hearings before this committee, wherein testimony was given by the most competent men in all this country on the proposition. It involves the testimony of the chief of engineers of the Reclamation Service, Mr. Davis, an admirable and most efficient public servant, involving the testimony of a large number of field men, involving the testimony of the Commissioner of Indian Affairs himself and his able assistant, Mr. Meritt, and Secretary Lane.

I want to say in conclusion upon this point, aside from the doubt that exists in my mind as to the lack of justification for these reclamation enterprises, there is in my mind a serious legal question as to the right of this Government to enforce many of these demands against our Indian wards. I herewith call attention to a part of the hearings on this particular subject and some related questions.

STATEMENT OF HON. CATO SELLS, COMMISSIONER OF INDIAN AFFAIRS, RELATING TO REIMBURSABLE APPROPRIATIONS.

Mr. RHODES. Mr. Commissioner, the subcommittee of which I have the honor to be chairman, in accordance with the plan agreed upon, is expected to conduct an inquiry into the character and kind of activities for which moneys have been advanced through the so-called reimbursable appropriations. State in your own way the policy of the department with regard to the use of those funds obtained through reimbursable appropriations, if you will.

Mr. SELLS. Running over a considerable period of years, Congress has made what we call reimbursable appropriations. During the earlier period very largely appropriations were made by Congress for specific purposes in the nature of irrigation projects, roads, and bridges, and betterments of that character. More recently, covering a period of perhaps 10 years, there have been appropriations made for industrial advancement of Indians, altogether something like $23,000,000, I think, about $2,500,000 of which was for industrial purposes. Of the $23,000,000, something like $17,000,000 remains payable to the Government. Of the $2,500,000 for industrial purposes, the amount has been reduced about a half of a million.

The specific appropriations are supposed to be secured by property of the Indians in the way of lands and timber and property of various kinds belonging to the respective tribes for which appropriations are advanced. The money appropriated for industrial purposes is used by way of advancement to individual interests in sums not to exceed $600 to an Indian. These amounts are advanced to a class of Indians that are found to be, through the superintendents, of a progressive type, industrious and dependable, and where, after an acquaintance with them and a knowledge of what they have done, it is a fair presumption that they will repay it. The property bought with the money is held under contract with each individual as a guarantee of repayment. Of the property purchased under supervision there have been something in excess of 50,000 of that type of contracts made with perhaps 30,000 families. The use of that money is widely distributed. It is primarily for the purpose of encouraging industry and production among those who have allotments.

When an Indian is declared competent, if he has not repaid his reimbursable advancement, a bond is given to further secure his payment. If there are tribal funds in which he has an interest, the amount due is deducted.

Altogether, it is my general information that the use of these reimbursable funds has been very gratifying. Losses up to this time indicate in the neighborhood of 5 per cent. The idea underlying the industrial appropriation, the advancement by way of reimbursable money to the Indian is to give him an industrial opportunity. The fact that an Indian has an allotment with no money to buy him a team or implements or seed makes his progress impossible.

The use of funds along these lines has been his chief means of progress and the Indian has utilized it in a wonderfully gratifying way. He has been able to farm his own land and make for himself a home and progress as he could never have done otherwise. Outside of education of the Indian, I look upon this reimbursable industrial fund as the greatest help that he has had.

Mr. RHODES. I infer, Mr. Sells, from what you have said, that the plan involving the industrial feature of the matter was not a part of the original scheme of advancement under this method of reimbursable appropriations?

Mr. SELLS. Reimbursable appropriations for industrial purposes to the individual Indian have been only within the last 10 years, while specific congressional appropriations for other purposes antedate it by a number of years.

Mr. RHODES. Are you able to state when the first reimbursable appropriation act for industrial purposes was passed?

Mr. SELLS. I think it was 1908. I am not sure about it.

Mr. RHODES. Do you recall when the first act was passed involving a reimbursable appropriation for any purpose?

Mr. SELLS. I can not be definite about that, but I would say it was back something like 25 or 30 years, as I recall now; perhaps 1872.

Mr. RHODES. Have you had occasion to review the results of those first activities resulting from the earlier appropriations?

Mr. SELLS. Those specific congressional appropriations—not in detail; I have not.

Mr. RHODES. But you have such a knowledge of the subject that enables you to draw the conclusion that the plan is a success upon the whole, have you?

Mr. SELLS. You are speaking now, I take it, more especially of the industrial appropriations?

Mr. RHODES. First as to the other, and then as to the industrial, or you may speak of it altogether.

Mr. SELLS. I have no hesitation about the industrial appropriation to say it has been both desirable and successful. Generally speaking, I would say that the other was permissible in some instances, more or less of an experiment, and some of the appropriations doubtful.

Mr. RHODES. What particular enterprises would you regard as of a doubtful sort?

Mr. SELLS. A large number of these appropriations have been for irrigation purposes. The large appropriations have been for that purpose. I have entertained some doubt as to the wisdom, for example, of the Fort Peck irrigation reimbursable appropriation, and of the Blackfeet.

Mr. RHODES. Upon what ground do you base that question of doubt with regard to the feasibility of the Fort Peck and Blackfeet irrigation projects?

Mr. SELLS. I have never been fully convinced that the agricultural conditions in those localities justified it.

Mr. SINCLAIR. How much do you recall was expended on the Fort Peck irrigation project?

Mr. SELLS. I do not recall the amounts.

Mr. RHODES. We have tables, I think, that will cover all that later. Which of those projects do you regard as permissible? You classified them as doubtful and as permissible in character.

Mr. SELLS. I think many of the irrigation projects that have been developed through reimbursable funds are entirely permissible and defensible.

Mr. RHODES. Will you mention a few of those you regard as defensible?

Mr. SELLS. I should say the Flathead.

Mr. RHODES. In what respect does the Flathead enterprise differ from the Fort Peck and Blackfeet enterprises?

Mr. SELLS. The agricultural possibilities are quite different. The seasons are longer on the Flathead. The whole environment there is conducive to better results. The climatic conditions of the Fort Peck and the Blackfeet are not so promising. Both of those reservations are essentially grazing localities. Some desirable results have been secured in an agricultural way.

Mr. RHODES. Do you remember about when those projects were originated?

Mr. SELLS. I could not fix the time, but a number of years ago.

Mr. RHODES. Which came first, chronologically speaking, the Fort Peck, the Flathead, or the Blackfeet enterprises?

Mr. SELLS. The Flathead was first.

Mr. RHODES. I believe you stated that the Flathead enterprise was permissible and is defensible.

Mr. SELLS. Yes, sir.

Mr. RHODES. The fact that it came first in the order of the governmental venture, would that have anything to do with having determined its success as against the failure of other enterprises.

Mr. SELLS. I presume a good outlook there was more or less of an incentive to the making of appropriations for the other two reservations.

Mr. RHODES. One question, Mr. Commissioner, with regard to the theory on which this whole matter rests. You are conversant with the principles involved in this class of legislation, of course. Are you prepared to tell the committee from what source the demands originally came for those appropriations? I mean to say, did the demands arise among the Indians who were to be the supposed beneficiaries or did it come from other sources?

Mr. SELLS. Frankness compels me to say that it was largely from other sources, as far as those particular projects are concerned.

Mr. RHODES. Then, in so far as the demand may have arisen from sources other than Indian in character, could the enterprise be defended upon these grounds, and are they justified?

Mr. SELLS. It is very doubtful.

Mr. RHODES. What per cent of these enterprises that have been made possible under the so-called reimbursable appropriations of this character do you regard as of the doubtful kind?

Mr. SELLS. I would not be able to give an intelligent answer to that question at this time.

Mr. RHODES. Do you assume that 50 per cent of these enterprises could be defended upon the grounds of resulting beneficially to the Indians?

Mr. SELLS. I expect so; possibly more; yes. In many instances, very desirable and with splendid results. I believe in irrigation. I believe in reimbursable appropriations under proper circumstances for that purpose.

Mr. RHODES. Is it a fact that the demand for this class of legislation arose anywhere among the Indians?

Mr. SELLS. Yes.

Mr. RHODES. Among what particular tribes?

Mr. SELLS. I do not know at this time, but I could name tribes where it originated from them and it would be entirely justifiable if it should have arisen among the Indians, more particularly in the Southwest.

Mr. RHODES. Returning to the Fort Peck Reservation, is that one of the doubtful kind and which you could hardly defend?

Mr. SELLS. From white people interested in the development of the lands.

Mr. RHODES. How were they situated so as to become beneficiaries under the plan?

Mr. SELLS. The development of the country, largely.

Mr. RHODES. Do you mean that they were living among the Indians on the Indian reservations?

Mr. SELLS. From those who own lands of that character and from those who were interested in bringing the land under cultivation by the use of the water, anticipating that they might come into white hands and increase production and develop the country.

Mr. RHODES. I assume, then, that a large number of white people are living in those reservations and have leaseholds or have acquired title in fee to property and have special property rights.

Mr. SELLS. There are more or less who have fee ownership and there are more who have leases, and then there is a general interest among the white people in those localities to develop those lands.

Mr. RHODES. Could you make a more concrete statement, showing what particular interests may have been responsible for this legislation?

Mr. SELLS. No; I think not, Mr. RHODES. The interests involved were of various character and come from different sources, the exact source I am not familiar with.

Mr. RHODES. Is Mr. Meritt perhaps better prepared to go into the detail of the enterprises now existing and which originally have existed on these reservations?

Mr. SELLS. Perhaps so.

Mr. RHODES. In case he is not, who in your bureau would be qualified to simply state the contract side of the proposition as it is to-day under these reclamation projects?

Mr. SELLS. I did not get your question. I thought you were seeking to get information as to the source of the activities looking toward the original development of the projects.

Mr. RHODES. In the absence of your answer upon that phase of the question, I thought we might get at the results and then proceed from the effect back to the cause.

Mr. SELLS. As to the present situation, Mr. Meritt is more or less familiar with it and our chief engineer of irrigation, Mr. W. M. Reed, who is present, is especially familiar with these matters.

Mr. RHODES. May we have the benefit of Mr. Reed's information later on?

Mr. SELLS. Yes, sir. In addition to the gentleman named, Mr. Govern, of the Finance Division of my office, will be able to give you considerable information.

Mr. RHODES. Then what you have said applies to the Fort Peck and the Blackfeet enterprises alike and to the others of the same character?

Mr. SELLS. I hardly think the others are in that class. I would be inclined to distinguish those two from the rest.

Mr. RHODES. Well, is there an intermediate class between these two extreme classes of enterprises which you have seen fit to designate as defensible and those of a questionable character?

Mr. SELLS. There may be some which are more desirable than others, concerning which Mr. Reed can give you the best information. Mr. Meritt can give you information also.

Mr. RHODES. That might be mentioned as exceptional cases?

Mr. SELLS. I would rather say so; yes, sir.

Mr. RHODES. A legal question has been bothering my mind for two or three days, and I might see what the commissioner thinks about it. Based upon the statement made by Mr. Meritt and by one or two other gentlemen, there might be a question about the legal right of the Government to enforce its claim for any unpaid balance that might turn up against any Indian in the future to whom these advancements have been made. I am not an Indian lawyer, and that may account for the fact that I fail to comprehend the liability on the part of the Indian to have enforced against him a demand that might arise in the future over an unpaid balance at any time under this contract. Now, the question I want to ask you is this: Is there any doubt about the right of the Government to enforce its demands in case it becomes necessary under a default by any Indian to whom such advancements for industrial purposes have been made?

Mr. SELLS. I presume you predicate your question upon the fact that there are some reimbursable appropriations that have been made without the consent of the Indian and that there are others to which he is party, and you are asking the question as it affects those advancements where there is no contract, no voluntary act on his part? Am I correct in that?

Mr. CARTER. Get them both ways.

Mr. RHODES. I thought it had been made clear that no advancement had been made to anybody except under a contract.

Mr. SELLS. The industrial appropriations have been disbursed almost entirely under contract with the Indians.

Mr. RHODES. Almost entirely?

Mr. SELLS. Practically; I do not know of any exception. We have something like 50,000 contracts with the Indians for industrial advancements.

Mr. RHODES. Well, in the advancements that have been made in the absence of contract, then, the inference, I assume, can reasonably be drawn that if the Indian should dissipate his property, or if he does not turn out to be a good farmer, in such event the Government would be unable to recover the advancement?

Mr. SELLS. I know of no such instances. Our industrial reimbursable funds are always advanced under contract with the Indian.

Mr. RHODES. Then, I will return to the question and let it apply to those with whom the Government has contracts. Is there any question in your mind as to the right of the Government to enforce its demands against the Indian with whom it has a contract?

Mr. SELLS. No, sir.

Mr. RHODES. Are these Indians under restrictions to whom these advancements have been made for industrial purposes?

Mr. SELLS. Almost entirely. However, this is true, Mr. Congressman, that where we make advancements of funds, we supervise the purchase of the property and we hold the title to the property that is bought with reimbursable funds, and that property never passes to the Indian until it is paid for.

Mr. RHODES. Then the Indian has such a legal status that a contract could be enforced against him, made between him and the Government?

Mr. SELLS. I am inclined to think it could be enforced without a contract.

Mr. RHODES. But you are certain it can be enforced in all cases where there are contracts?

Mr. SELLS. I have no question about the collection of those sums where they have been advanced as I have been speaking.

Mr. RHODES. I think it rather a curious thing if there is that sort of relation existing between the Government of the United States and the Indian resembling that of guardian and ward, or the relation between an adult person and a minor, that the Government has the right to enforce such a contract.

Mr. SELLS. As to whether or not he could make a legal contract?

Mr. RHODES. Yes.

Mr. SELLS. The contract, to my mind, is largely a moral obligation, enforcible from the fact alone, if for no other reason, that they are trust funds, and brought under supervision, and the title remains in the Government. He never acquires absolute title until he has paid for the property.

Mr. RHODES. I would like to have for the record a copy of this industrial contract.

Mr. SELLS. Very well; we will insert that.

The CHAIRMAN. It is so ordered.

(The contract is as follows:)

Purchase authority_____, 19__ Agreement No_____
(Number.) (Yr.)

Preceding agreement No_____

AGREEMENT TO REIMBURSE.

Agreement entered into this _____ day of _____, 191__, between _____ of the _____ tribe of Indians, party (parties) of the first part, and the superintendent or other officer in charge of said Indians, for and on behalf of the United States of America, party of the second part, covering property, stock, or equipment purchased under the provisions of the regulations governing the use of reimbursable funds from _____
(Names of funds and amounts chargeable to each.)

_____
(Agency or school.)

It is hereby agreed that the said party (parties) of the first part, his (their) heirs, executors, and administrators will pay to the said party of the second part, or his successors in office, the sums hereinafter shown as due, on the dates mentioned, which payments are to be in full consideration for the property, stock, or equipment listed below, the receipt of which is hereby acknowledged by said party (parties) of the first part.

Item.	Amount.	Brand and description of stock.
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
Total _____	$_____	

Payments to be made by said party (parties) of the first part to the said party of the second part, or his successors in office, as follows:

Date due.	Amount.
_____, 191__,	$_____
_____, 191__,	$_____
_____, 191__,	$_____
_____, 191__,	$_____
_____, 191__,	$_____
_____, 191__,	$_____
_____, 191__,	$_____
Total_____	$_____

It is stipulated and agreed that houses or other buildings and fences constructed hereunder, if any, shall not be considered a part of the realty; that the title to the above-described property, stock, or equipment shall remain in the United States of America until payment in full has been made, and that in default of payment, or in case of failure to properly care for, or have cared for, or use the same, the said superintendent, or his successors in office, shall take possession of said property and remove it from the land or dispose of it in any other manner deemed feasible and proper, as set forth in regulations approved by the Secretary of the Interior to govern transactions of this character. In the event there is a depreciation in value or loss of property in any manner after its receipt by said party (parties) of the first part, or the property can not be recovered or disposed of by the party of the second part, it is agreed that the said party (parties) of the first part, his (their) heirs, executors, or administrators will make payment of such amount as may be necessary to fully reimburse the Government on account of such depreciation or loss.

It is further stipulated and agreed that any trust funds which said party (parties) of the first part may now have to his (their) credit in the Treasury of the United States, or in local banks, or may hereafter acquire, or any other personal property, including crops, shall be liable to application by said party of the second part toward the settlement of this agreement until full payment has been made.

It is still further stipulated and agreed that upon payment in full by said party (parties) of the first part, or his (their) heirs, executors, or administrators from any funds except those held in trust by the Government of the amount of the consideration named herein, that the title, free and unincumbered, to the articles mentioned shall pass to him (them). Where funds held in trust by the Government are used in payment, it is agreed that, in event the party of the second part shall deem it for the best interests of the party (parties) of the first part, the property shall not be sold or otherwise disposed of without the consent in writing of said party of the second part.

_____ [L. S.]
Allottee No_____
_____
(Address.)
_____ [L. S.]
(Superintendent.)

WITNESSES:

_____
_____

Mr. RHODES. Now you speak, Mr. Sells, in regard to the enforcement of this contract. Does the Government take a separate lien paper under which the Indian who acquires the individual property obligates himself to pay the Government, or is his only agreement to reimburse specified in this contract or paper which I have just called for for the record?

Mr. SELLS. He makes a triplicate contract signed by the Indian and the superintendent.

Mr. RHODES. Well, that is one contract in triplicate, but that is not what I mean.

Mr. SELLS. That is the only contract he makes.

Mr. RHODES. I assume, then, the Government takes the position that it holds something in the nature of a vendor's lien against the property, and upon that it has the legal right to enforce this contract?

Mr. SELLS. That, together with the fact that the title never passes until he has repaid the reimbursable advances.

Mr. RHODES. To my mind it is clear that the transaction has not taken the form of an ordinary civil contract involving the sale of property and the taking in turn for the purchase price a mortgage or a lien paper.

Mr. SELLS. I think you are right in this, that they are of a different character, since the Government relies largely on the fact that the title remains in the Government.

Mr. RHODES. Has the Government had an opportunity to determine its right to enforce these contracts against Indians?

Mr. SELLS. It has never been questioned.

Mr. RHODES. Then your answers are based upon the understanding you have of the matter from a practical standpoint and not upon any determined cases themselves?

Mr. SELLS. No adjudications.

Mr. RHODES. Following up the original plan of inquiry, you might state how far these activities have advanced in accordance with the theory involving their creation and their development.

Mr. SELLS. Speaking more especially——

Mr. RHODES. Speaking now of the larger enterprises and later of the others, if you like.

Mr. SELLS. Well, of the larger enterprises——

Mr. RHODES. Take the Fort Peck.

Mr. SELLS. On those enterprises I think you will get the best information from Mr. Reed. The initiation of practically all those enterprises antedated my administration.

Mr. RHODES. You mean the Fort Peck, Blackfeet, and Flathead?

Mr. SELLS. All of those.

Mr. RHODES. Have any kindred enterprises been put on foot since your incumbency in the Indian Office?

Mr. SELLS. No, sir.

Mr. RHODES. Do you recommend the continuation of this policy, or would you advise its discontinuance?

Mr. SELLS. The policy is good if not abused.

Mr. RHODES. Is the policy of such character that it could be safeguarded and abuse prevented?

Mr. SELLS. It could be, and should be, safeguarded in such a manner as to prevent abuse.

Mr. RHODES. Well, is it being safeguarded and are abuses now being prevented?

Mr. SELLS. The appropriations for Fort Peck and the Blackfeet are being confined almost entirely to the necessities of upkeep. The appropriations for the Flathead have been continuous and considerable.

I have felt that to abandon the appropriations entirely for either the Fort Peck or the Blackfeet would be to sacrifice the investment, but have sought to minimize it.

On the Flathead I have not had that feeling. I have been disposed to have those appropriations continued and the project finished and the necessity for continuing them brought to a close as early as possible.

Mr. RHODES. How far have these projects progressed in accordance with the original plan?

Mr. SELLS. The Flathead has made considerable progress and is looking toward its culmination. The Fort Peck and the Blackfeet have not.

Mr. RHODES. Well, how soon will these enterprises have reached the full fruition of their purposes?

Mr. SELLS. The Flathead is about 60 per cent completed. It will all depend upon the amount of appropriations Congress sees fit to make. For instance, this year there will be an urgent plea to make a large appropriation for the Flathead. I expect that the delegation from that district will probably ask for a million dollars for the Flathead. The other two I am unable to say, but considerably less.

Mr. RHODES. Who might we call from your office in order to ascertain the details in relation to these activities at Fort Peck and Fort Belknap and the Flathead Reservations?

Mr. SELLS. Mr. Reed, more especially.

Mr. RHODES. He is the right man?

Mr. SELLS. Yes, sir; and Mr. Meritt can give you information concerning them.

Mr. RHODES. I suppose there will be no trouble in Mr. Meritt segregating from the total amounts appropriated for those purposes the amount used for each of those individual enterprises?

Mr. SELLS. No, sir; not at all.

Mr. RHODES. And we will get that in the record?

Mr. SELLS. Yes, sir.

Mr. RHODES. Well, with regard to the time involved in which these appropriations are to be returned to the Government—the appropriations used in the report of these enterprises—I think it would be a proper subject of inquiry.

Mr. SELLS. There is no fixed time.

Mr. RHODES. Has there been a return up to this time to any extent on these investments?

Mr. SELLS. The total amount of the specific appropriations to which you have been referring and others of a like nature is something like $20,000,000, and the amount unpaid is something like $17,000,000.

Mr. RHODES. So it means that a very small per cent of the money advanced for those purposes has actually been returned?

Mr. SELLS. Something like one-seventh.

Mr. RHODES. What are the immediate prospects for a continued repayment of these advancements?

Mr. SELLS. Well, not rapid repayment, but the probability of repayment.

Mr. RHODES. What is the nature of the Government's contract or agreement with these tribes or the people in these communities in which these particular enterprises are located, and who is the Government dealing with?

Mr. SELLS. It is entirely the result of legislation. For instance, the Flathead appropriation is made a lien upon the separate holdings of both white and red men.

Mr. RHODES. In proportion to the benefits they receive?

Mr. SELLS. Yes, sir.

Mr. RHODES. Or is it a community of interest plan?

Mr. SELLS. No; it is individual.

Mr. RHODES. Individual?

Mr. SELLS. Yes, sir.

Mr. RHODES. Well, who predominates among the beneficiaries—Indians or white people?

Mr. SELLS. White people.

Mr. RHODES. Is that true to-day alone or has it always been that way since the inception of the enterprises?

Mr. SELLS. You are speaking now of these particular irrigation projects?

Mr. RHODES. These particular projects.

Mr. SELLS. I think so.

Mr. RHODES. I did not get that answer fixed in my mind as to the time involved when these repayments are to be made.

Mr. SELLS. The time is not fixed.

Mr. RHODES. Are the legislative acts silent as to the date when the payments are to be made?

Mr. SELLS. That is my understanding.

Mr. RHODES. Are there any interest charges charged against the beneficiaries?

Mr. SELLS. The law provides that after the projects have been completed the Secretary of the Interior shall fix a plan, my recollection is, of 20 years, but the time has not been fixed. There is no interest on the advancements.

Mr. RHODES. What would you say the security consists of against which the Government might enforce its claim in case it becomes necessary?

Mr. SELLS. The land itself. I would say, for example, speaking of the Flathead, that the security would be very apt to recoup the Government.

Mr. RHODES. How about the Blackfeet?

Mr. SELLS. I am not so sure about that.

Mr. RHODES. Is your office in possession of an inventory of these properties?

Mr. SELLS. We have one generally. We would not be able to identify a particular tract and tell the exact conditions as they affect that specific tract.

Mr. RHODES. Suppose I should ask this question: How much money has been expended in the development of the Fort Peck project; you could answer that question?

Mr. SELLS. That question could be answered.

Mr. RHODES. Then suppose I should say: "What is this property worth?" Could you answer that question?

Mr. SELLS. We could make an estimate.

Mr. RHODES. Are you endeavoring to keep track of the condition of the property year by year, as the appropriations are dispensed, with regard to the upkeep and the extension work of these projects?

Mr. SELLS. Only in a general way.

Mr. RHODES. Well, there is a book kept as to the amount of money expended in the upkeep and for the continuation of each individual project, is there not?

Mr. SELLS. All of that is obtainable from my office.

Mr. RHODES. And from whom might we most easily secure this information?

Mr. SELLS. Through Mr. Meritt and Mr. Reed, always keeping in mind that Mr. Govern is the man who handles the books.

Mr. RHODES. Do you think it is a fair proposition to the Government to continue these appropriations in the light of present conditions?

Mr. SELLS. It is largely a matter of protecting an investment already made. I refer now more especially to the Fort Peck and the Blackfeet. As an original investment, if I were called to pass upon it with my present information, I would not encourage it.

Mr. RHODES. To use a homely expression, it is making the best of a bad job, is it?

Mr. SELLS. That is pretty nearly correct.

Mr. RHODES. Do you think it is proper to continue these alleged reimbursable appropriations, when in truth and in fact it is pretty well known and understood, both by the department and by Congress, that these moneys will never be returned?

Mr. SELLS. It is doubtful.

Mr. RHODES. These advancements to which you have referred as having been invested in these particular enterprises I assume are all Treasury funds.

Mr. SELLS. On those projects; yes.

Mr. RHODES. No tribal funds were put into the enterprises along with Treasury funds?

Mr. SELLS. To some extent; but in the instances where tribal funds are used they have been restored to the tribe, and at this time the amount owing is to the Government.

Mr. RHODES. I assume that a record is kept in your office showing the amount of these various funds—the amount of each?

Mr. SELLS. Yes, sir.

Mr. RHODES. One more question in connection with this phase of the matter and then I will let my colleagues pursue the inquiry. I assume, Mr. Commissioner, that these are big projects and involve engineering schemes. Who made these contracts originally, and who make these contracts now, with regard to the continuation of the work from year to year?

Mr. SELLS. They are the result of congressional appropriations. The execution of them rests with the Indian Bureau.

Mr. RHODES. Then the administration of the law comes through the Indian Bureau?

Mr. SELLS. Yes, sir.

Mr. RHODES. Which particular department of the Indian Office has charge of the making of these contracts and their enforcement? Is it a matter to which the commissioner gives personal attention or is that a matter delegated to some subordinate?

* * * * * * *

Mr. MERITT. The provision relating to the big reclamation projects is in the act of May 28, 1916, Thirty-ninth Statutes at Large, pages 140 to 141, and reads as follows:

"For continuing construction of the irrigation systems on the Flathead Indian Reservation, in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section 9, chapter 1495, Statutes of the United States of America, entitled 'An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment,' as amended by section 15 of the act of May 29, 1908 (35 Stat. L., p. 448), shall be made as herein provided: *Provided further*, That nothing contained in the act of May 29, 1908 (35 Stat. L., p. 444), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of any or all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

"For continuing construction of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $100,000 (reimbursable), which shall be immediately available: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section 2 of the act of May 30, 1908 (35 Stat. L., p. 558), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May 30, 1908, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

"For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, $25,000 (reimbursable), which shall be immediately available: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season from ditches actually constructed shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges, every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

Mr. RHODES. With that sheet before you, Mr. Meritt, and you having heard the testimony of the commissioner with regard to the Blackfeet, the Flathead, and Fort Belknap projects, I will ask you to state to the committee if you have had an opportunity to visit those reservations personally?

Mr. MERITT. Yes, sir.

Mr. RHODES. How recently?

Mr. MERITT. Within the last five years I have visited the Blackfeet Reservation and the Fort Peck Reservation. I have not visited the Flathead Reservation, but I have traveled in a large part of the State of Montana.

Mr. RHODES. From what source do you obtain the information on which you base your opinion and derive your knowledge of the practical side of these projects?

Mr. MERITT. From the general information I have, covering a period of 14 years in the Indian Service, a large part of that time being in a supervisory character, and constantly reading communications and reports regarding these various activities.

Mr. RHODES. The reports, then, in your office, I assume, are made up from individual reports received from the superintendents of agencies in the field, are they?

Mr. MERITT. These reports are submitted to the main office not only from the superintendents in the field but from the supervisors of irrigation as well as the reports of all inspecting officials, and in addition to that we have special reports made by a commission in connection with the Flathead, Blackfeet, and Fort Peck irrigation projects.

Mr. RHODES. Then, as a matter of fact, there are three sources to which you go in obtaining your information in the office here, from what you have just stated?

Mr. MERITT. Yes, sir.

Mr. RHODES. Are these reports made from entirely independent sources?

Mr. MERITT. They are.

Mr. RHODES. Sources independent of each other?

Mr. MERITT. Yes, sir.

Mr. RHODES. Do you observe any apparent conflict in reports as they come in from the field from these different sources?

Mr. MERITT. The reports as to the conditions are practically uniform.

Mr. RHODES. Hence, you take that to mean that you are able to arrive at a knowledge of the facts in each case?

Mr. MERITT. Yes, sir; we also have the superintendents of those reservations visit Washington occasionally and we have the benefit of the personal contact with the superintendent who is in constant connection with the various activities at the reservation.

Mr. RHODES. The commissioner expressed doubt of the defensibility of the Fort Peck project. Do you share in the views of the commissioner?

Mr. MERITT. I think the Fort Peck project is practicable and feasible, but I would say that the Indians of that reservation have protested against that project.

Mr. RHODES. What has been the basis of the objection to the project coming from the Indians?

Mr. MERITT. The Indians have been allotted only in recent years and they were not familiar with irrigation projects. Irrigation was entirely new to the Indians on the Fort Peck Reservation. Prior to that time they had been engaged in dry farming as well as the raising of live stock.

Mr. RHODES. Then you regard the objections that have arisen from the Indians themselves as not being well founded?

Mr. MERITT. I think that ultimately the Indians themselves will acknowledge the benefit of irrigation on the Fort Peck Reservation.

Mr. RHODES. I questioned the commissioner this morning with regard to the number of white people who are receiving these benefits, as compared with the number of Indians who are now receiving the benefits. Have you any personal knowledge on that branch of the inquiry?

Mr. MERITT. We have information as to the number of Indians who are now receiving benefits on that reservation.

Mr. RHODES. Will you give the number if you have the figure?

Mr. MERITT. One thousand nine hundred and eighty-six.

Mr. RHODES. How does that compare with the number of white people who are beneficiaries on the same reservation?

Mr. MERITT. There are probably more Indians who are receiving benefits on the reservation than white people.

Mr. RHODES. Now, are those benefits which arise to the people, both white and Indian, of the same kind and character?

Mr. MERITT. So far as the irrigation of land is concerned, that is true. The white people will be required to pay the same construction charge as the Indians.

Mr. RHODES. You say so far as land benefits are concerned. Are there any other benefits aside from those arising from the irrigation of lands in which there would be an unequal benefit coming to the Indians, as compared with the white people?

Mr. MERITT. We will be more lenient with the Indians in paying the construction cost of the project than we would be with white people.

Mr. RHODES. That is hardly what I meant. Do the white people own more acres of that land and have they more property rights involved than the Indians, or do the Indians have greater and more substantial property rights than the white people? That is what I mean.

Mr. MERITT. The Indians have more substantial rights than the white people. In my statements a few minutes ago saying there were 1,986 Indians receiving benefits from that project, I do not want to mislead the committee into understanding there are that number of Indians actually cultivating irrigated lands, but that number of Indians will have their allotments irrigated by this project; but there is only a small acreage of land being cultivated by the Indians under that project at this time.

Mr. HASTINGS. Will you be a little more definite about that?

Mr. RHODES. That is what I was coming to. I was going to say we have reached the point where we ought to particularize. Just how many Indians have availed themselves of the benefits of this irrigation project?

Mr. MERITT. There are, up to our last report, 16,620 acres under that irrigation project subject to irrigation at that time. Out of that acreage, 1,800 acres were actually cultivated by the Indians.

Mr. RHODES. Did you examine those lands that were cultivated at the time you made the personal trip to Fort Peck?

Mr. MERITT. I did not go out on the reservation to examine the irrigation for the reason that the project at that time had just begun, and lands were not being irrigated to any great extent.

Mr. RHODES. Does your report show how many acres of land were cultivated in 1918 on that irrigated area of Indian lands?

Mr. MERITT. One thousand eight hundred acres.

Mr. RHODES. What crops were raised?

Mr. MERITT. They raised various crops; some alfalfa and wheat and rye—the grain crops.

Mr. RHODES. Now, have these Indians pursued that industry to the extent that it has become actually a profitable agricultural venture, or has it only taken the experimental form up to this time?

Mr. MERITT. It is largely experimental with the Fort Peck Indians for the reason that they have only begun within the last three or four years to use this irrigable land. In fact, it has only been available to them within the last few years.

Mr. RHODES. Then may I infer that the benefits coming to the Fort Peck Indians are of a twofold nature—that of the industrial enterprise where the Government furnishes the seed and farming implements and stock with which to carry on the farming, and also the benefits derived from the irrigation of their lands?

Mr. MERITT. They will get the benefit both ways.

Mr. RHODES. Then they are doubly benefited?

Mr. MERITT. Yes, sir.

Mr. RHODES. Do you know whether they are actually raising any wheat for sale or barley for sale or alfalfa for sale?

Mr. MERITT. I think there are Indians on the Fort Peck Reservation who are raising those grains for sale.

Mr. RHODES. What do your records show as to the production and the sale of farm products, say, for the year 1918, on those Indian irrigated lands?

Mr. HASTINGS. I will ask two or three question, if you will let me, while we are waiting.

The CHAIRMAN. Go ahead.

Mr. HASTINGS. Mr. Meritt, the thing I am particularly interested in is the development of the Indian. Of course, if we can increase the value of the crop at the same time, all well and good; but I want you to understand that I am not opposed to irrigation. I might be opposed to it as an Indian project, but that I am not discussing now. But what I want to know about this Fort Peck Reservation and about other reservations is whether the Indians themselves are being educated to use this irrigated land, and to what number. Now, frankly, let me say if I thought that this was just being increased in value by appropriations from the Government and it was being leased to white men, although the Indian got the benefit of it, I might entertain a different view. Now, what I want on this and other reservations is to know whether the Indians, generally speaking, are using the land.

Mr. MERITT. I would say as a general proposition that Indians are using irrigable lands in increasing numbers and they are making splendid showings on certain of the Indian reservations.

Mr. HASTINGS. They are being taught then to use the land?

Mr. MERITT. They are.

Mr. HASTINGS. As distinguished from it being used for their benefit?

Mr. MERITT. Yes, sir.

Mr. HASTINGS. Very well.

Mr. RHODES. What do your records show as to the production and sale of farm products, say for the year 1918, on those Indian irrigated lands?

Mr. MERITT. Our records show by Table 11 of the commissioner's annual report, headed "Use of agricultual lands belonging to Indians," for the fiscal year ended June 30, 1918, the following:

"Under Fort Peck: Area of land allotted, 283,000 acres; cultivated by the Indians, 10,100 acres. That includes not only irrigable land but dry land. Number of able-bodied male adults engaged in gainful occupations, 489; number of Indians actually farming, 165."

And the total income to the Indians amounted to $82,350.

Mr. RHODES. What other gainful occupations?

Mr. HASTINGS. Mr. Rhodes, that is not from just the irrigable lands; that is the value of products from the whole reservation.

Mr. MERITT. That includes both the dry farming lands and the irrigable lands cultivated by Indians.

Mr. HASTINGS. I thought maybe you wanted to develop that.

Mr. RHODES. The question was: What do you show as to products produced and sold? I thought that was what I said. In other words, I want to know if these are profitable enterprises from a practical standpoint?

Mr. MERITT. We have that information in the general table regarding irrigation projects and under the heading of Fort Peck we find this information: Number of acres in reservation, 849,250; number of Indians, 2,039; number of acres allotted, 849,250; number of irrigable acres, 124,643. That is when the project is completed. Construction cost to date, $253,029.32; maintenance cost, $85,252.15; estimated to complete the total cost of the project, $5,000,000; cost per acre to complete, $40; estimated value per acre when completed, $50. Reservation of allotted cultivated area under project, 1,100 acres. No information is given as to the value of the crops.

Mr. RHODES. Suppose you just lose sight of your table for a few moments and go with me over the practical side of the proposition. What do they raise there besides wheat and barley, or alfalfa?

Mr. MERITT. They raise live stock.

Mr. RHODES. Do you know how much wheat these Indians have produced for the market during any one year since their lands have been irrigated and since they have been advanced these funds for industrial purposes?

Mr. MERITT. I would have to get that information from the office of the agency.

Mr. RHODES. You have no record, then, in the Washington office showing how much has been produced in any one year in the way of surplus products?

Mr. MERITT. Not as to the details. We have general information as to the total amounts, but we do not have the detailed information as to the value of each class of products raised on the reservation.

Mr. RHODES. Were this committee to visit the reservation would we be able to find out from the records there how many acres of land have been farmed each year since the project became effective?

Mr. MERITT. They could procure that information for you.

Mr. RHODES. Well, do you not think it would be necessary to know in order to determine whether the enterprise is a successful one and whether it is practicable—just what the expenses are each year and just what the profits are arising from the venture?

Mr. MERITT. That would be necessary on a reservation where the irrigation project is farther advanced than on the Fort Peck, but the project on the Fort Peck is a new project and is by no means completed; only a very small part of the project is completed and the Indians are just beginning to make use of that project.

Mr. RHODES. Then as a practical proposition the scheme has not been perfected up to the point of usefulness that was anticipated at the outset?

Mr. MERITT. I think with the——

Mr. RHODES. Suppose I put it this way: The scheme has not been perfected to the point of profit up to this time?

Mr. MERITT. No, sir; but I think that the experience in Montana during the last two or three years because of the severe drought has demonstrated that irrigation is necessary in order to insure crops.

Mr. RHODES. I think we have long been convinced that irrigation is the only safe method to be employed in arid countries in order that crops may be produced. There could be no question about that.

Mr. MERITT. I was in Montana last summer on the Crow Indian Reservation and the crops were very largely a failure on the dry lands because of the drought.

Mr. RHODES. But there might be a question as to whether or not it is proper for the Government of the United States to go into such an endeavor as that at the expense of the Public Treasury.

Mr. MERITT. As a matter of policy for the Government I think it has been established by the action of Congress in the past that it is a proper policy to advance reimbursable moneys for the development of these irrigation projects on reservations where they are feasible.

Mr. RHODES. Do you know how much land an Indian on one of these irrigated farms is supposed to cultivate with his present means and the use of farming implements such as he has?

Mr. MERITT. That depends largely on the location and the industry of the Indians and the equipment of the Indians. There are some Indians who are farming as high as 160 acres of irrigable lands. Of course, with the assistance of other Indians. And there are other Indians who are farming as low as 5 acres of land. We have Indians in the Southwest on the Yuma Reservation who are making a success by farming 10 acres.

Mr. RHODES. Which class predominates, those farming 160-acre tracts or those farming 5 and 10 acre tracts?

Mr. MERITT. I think the Indians farming the lower acreage predominate.

Mr. RHODES. Do you know how these Indians take care of the stock and farming equipment furnished them through the reimbursable appropriation?

Mr. MERITT. Of course, there is as much difference in the character of Indians as there is in the character of white people. Some Indians are thriftless and abuse their property, and other Indians are careful of their property. I think, as a general rule, the Indians who have received assistance through this reimbursable industrial appropriation appreciate the opportunity that is being furnished them by the Government, and they will very largely reimburse the Government for the moneys advanced.

Mr. RHODES. Do your reports coming in from the field through the Indian agencies on these reservations show the facts as to what extent these Indians are succeeding or failing, and do they show the care taken of the property handled by them?

Mr. MERITT. Our reports show that the Indians are succeeding with these reimbursable appropriations. The fact that during the last two or three years they have increased by approximately 100,000 acres the area cultivated by them and the very material increase in the value of crops raised by Indians has demonstrated to our minds that the reimbursable appropriation is very desirable and practicable and a good business proposition not only for the Indians but for the Government.

Mr. RHODES. It has been stated here by Mr. Aschmeyer and by the commissioner that the Government is secure in these advancements made to the Indians both as a matter of tribal property and individual property. Have you a definite opinion, Mr. Meritt, as to the legal phase of this proposition?

Mr. MERITT. I have.

Mr. RHODES. What is it?

Mr. MERITT. I think that the Government is secured absolutely by the funds advanced by the Government to these Indians for industrial purposes. For example, when an Indian is loaned $400 for the purchase of stock we have that stock branded "I. D.-R.," meaning Indian cattle purchased with reimbursable funds, and that is an indication to the public that that property is trust property. The courts have not only held that it is trust property and that the Indian has no authority to sell it, but we get the further security of any increase from that stock. Another reason why the Government is protected is because that Indian holds an allotment held under trust, and he is having income from leasing from his lands, and that money goes to the superintendent. His property is all under the control of the Government, and the superintendent would have the right to take out of his individual funds money sufficient to meet these payments as they became due on these reimbursable items.

Mr. RHODES. Let me state a hypothetical case: Suppose an Indian has had advanced to him $600, and out of that $600 there has been bought for him a wagon and team and a few head of cattle—you could not buy many head of cattle out of that money—and suppose through negligence or bad luck, or otherwise, this Indian should lose this property, and suppose he has an interest in the tribal funds, and suppose he has an individual allotment, in your opinion can the Government enforce its demand against that Indian's property?

Mr. MERITT. Yes, sir.

Mr. RHODES. Now, on what do you base that opinion?

Mr. MERITT. On the idea that the Government is the guardian of the Indian, that the Government has control of his property, and the Indian owes this money, and the Government would have the right to take out of the proceeds of the sale of lands or the rentals from land a sufficient amount to reimburse the Government for any money advanced.

Mr. HASTINGS. Regardless of contract?

Mr. MERITT. The Indian enters into a written contract.

Mr. HASTINGS. Is that one of the stipulations of the contract that authorizes the Government to do that, or would the Government be authorized to do that regardless of any provision in the contract?

Mr. MERITT. The Government would be authorized to do that regardless of any provision in the contract.

Mr. RHODES. Now, Mr. Meritt, in order to define the issue I want to make this statement—are you a lawyer?

Mr. MERITT. Yes, sir. I might say for your information that prior to my appointment as Assistant Indian Commissioner, which position I have held for the last six years, I was the chief law officer of the Indian Bureau for a number of years.

Mr. RHODES. As a lawyer I have exactly the opposite view of that expressed by the assistant commissioner. I do not understand how the Government of the United States could enforce a contract against its Indian ward under limitations, any more than you could enforce a contract against one of your minor children, or how I could enforce a contract against a minor, or how a guardian could enforce a contract against his ward; and for that reason—it may be because I am from Missouri—I should certainly have to know that there is an approved line of decisions resting upon a decided case, or I should be inclined to question that view of the matter. If the question should be propounded to me by a client as to whether or not the Government of the United States

could enforce a demand based upon such a contract, I should be compelled to say that it could not. In other words, the Indian being a ward, I dispute the right of the Government of the United States to bind its ward in contract, and say that the Indian would have the right to either repudiate or ratify his contract on attaining his majority.

Therefore, if I should be correct in this view of the matter, I should be bound to conclude that if unpaid balances be found to exist and the individual Indian or his tribe should undertake to dispute the validity of the Government's right to enforce such a contract, the Government could not do it. It is a responsibility to have charge of the funds, and I think that fiduciary capacity casts a greater burden upon the Government of the United States and would perhaps defeat its right to recover. If a Member should ask me the question if this policy involved the making of a lot of bad debts which could never be collected by the Government of the United States, I would be bound to say that my opinion is it is very doubtful whether the Government could enforce the collections of these funds. Now, if you have legal authority to submit on that point, I, as one member of the committee, would like to have it. In fact, I feel in need of it in order to bring myself in harmony with the policy that has apparently been pursued by the Government for a number of years.

Mr. MERITT. I want to say that I have handled a great many law cases in the Indian Service during my official connection with that bureau, and it is my best judgment that there is no question about the moral and legal obligation of the Indian to reimburse the Government, and there is no question about the authority of the representatives of the Government to take such measures as may be necessary to——

Mr. RHODES. Pardon me. But what course would you pursue in the event a particular Indian defaulted in his payment and it just simply came to the point of having to collect by law?

Mr. HASTINGS. Let me say the Government has three remedies. It has every advantage over the Indian. First, it retains the title to the property purchased by the Government; it holds the title to that property for the payment of the debt. Now, if that property dies or is dissipated, or if for any reason he does not pay it, then if the Government has any money in its possession, or if any money ever comes into the Government's possession, it just arbitrarily takes it out and pays this obligation and the Indian can not help himself.

Mr. RHODES. Then that is the point which I question.

Mr. HASTINGS. Just a moment. The Indian ought not to be permitted to help himself, because he has contracted to pay that and he ought to be taught to be honest, just as a white man. He has signed a contract with the Government that he will pay it and he is presumed to know the contents of that contract. The local man is presumed to have gone over it in detail; it is witnessed; and he has acknowledged it perhaps before a notary, and he knows it.

Now, the third remedy the Government has, aside from just taking money out of anything placed there to his credit from land sales, rentals, or anything else, is finally his allotment. Perhaps he wants his allotment set apart to him, or perhaps wants to sell it. The Government will absolutely refuse to approve the contract of sale of that land until he pays the balance, and they will always hold that over the Indian. And the result is the Government never has to bring the suit; it is always the defendant.

Mr. CARTER. Some of the Indians have a trust period on their allotments. Now, that third remedy you gave would be all right until that trust period expires. Then the Indian would come into full ownership and title to his property.

Mr. HASTINGS. Yes; but I will venture this assertain, that they would hold that patent there forever and use the strong-arm methods of the Government against the Indian and compel the Indian to pay the balance. They would just be about delivering the patent, and they could be 6 months or 6 years or 16 years. Of course, I am exaggerating in using that longer length of time, but the Government always uses that method against an Indian, and I have no objection to them using it against the Indian to force the payment of a just debt. If the Indian understands he owes the obligation, I think he ought to be made to pay it the same as anybody else.

Mr. RHODES. I concede, of course, the force of the argument made by Mr. Hastings, but I do not yet concede that your answer satisfies the legal question that I have raised, and insist that it is not answered.

Has there been a case decided in which the Government of the United States found it necessary to enforce the collection of a demand against an Indian arising out of such a civil contract as is involved in one of these transactions?

Mr. MERITT. The law books are full of cases decided by the highest Federal courts to the effect that the Secretary of the Interior practically has absolute jurisdiction over the trust property of Indians.

Mr. RHODES. Yes; but is not that an entirely different matter from the right of the Government to enforce a civil contract made with one of its Indian wards?

Mr. MERITT. And we also have specific authority from Congress to enact such regulations and take such action as may be necessary to collect this money, and in that connection I wish to read to you the language contained in the Indian appropriation act making these reimbursable appropriations.

Mr. RHODES. I would be very glad to hear it.

The CHAIRMAN. I have no objection.

Mr. MERITT. The provision in the act of May 25, 1918, for the fiscal year ending June 30, 1919 (40 Stat. L., p. 567), reads as follows:

"For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $150,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians."

Mr. RHODES. But might that not be well construed in the light of civil contracts arising out of the relation of guardian and ward and all those fiduciary capacities which are involved in these contracts between the Government of the United States and its Indian wards? Simply because there is a provision conferring authority upon a department of the Government to exercise general supervision certainly would not justify a department to invade a domain beyond that contemplated in the spirit of the law.

Mr. MERITT. The very spirit of this law is to enable the Secretary of the Interior to take such action as he may deem proper to recover the amount of money loaned to these Indians under these reimbursable appropriations.

Mr. RHODES. Very well.

Mr. MERITT. Now, in addition to that, Mr. Rhodes, I would like to call your attention to a decision of the Supreme Court which may surprise you. The Supreme Court of the United States has held in Indian matters that, notwithstanding the fact that the Government of the United States has entered into a treaty obligation with the Indians, that that treaty obligation can be subsequently changed by the Congress of the United States without conferring with the Indians. I refer you to what is known as the Lone Wolf case, reported in 187 United States, page 553, and the decisions of the Federal courts, from the highest court down, are practically uniform in holding that, so far as the trust property of the Indians is concerned, the Secretary of the Interior has absolute jurisdiction over that property.

Mr. SINCLAIR. Would it not be possible, Mr. Meritt, to submit for the record citations of a number of cases?

Mr. MERITT. I can do that.

Mr. CARTER. And the Cherokee baby case goes more fully into the merits of it than that?

Mr. MERITT. Yes, sir.

Mr. CARTER. But both those cases deal with tribal property and not with property of the individual, do they not, Mr. Meritt?

Mr. MERITT. Yes, sir.

Mr. RHODES. And do not these cases turn upon the right of the Government to terminate treaty obligations and convert those obligations into other treaties, rather than deciding any question of naked right that might arise between the Government and its wards?

Mr. HASTINGS. The Lone Wolf case dealt with tribal property and not individual property.

Mr. MERITT. That is true.

Mr. HASTINGS. And provided that the Government might divide it up if it saw fit among the members of the tribe.

Mr. CARTER. And we might call Mr. Meritt's attention to a decision that has been made since that with reference to the rights of the individual Indian, and that was the Choate *v.* Trap case.

Mr. MERITT. Yes; I am familiar with that case.

Mr. CARTER. In which it was held that after an agreement had been made with an Indian tribe exempting an Indian's land from taxation for a specific period of time even before the land was allotted, that Congress might not thereafter remove that exemption and bring the property on the tax rolls.

Mr. RHODES. That is just exactly my point and it certainly remains for the Supreme Court of the United States to say what construction should be placed upon the language of the act just read by Mr. Meritt in so far as it relates to the question I have raised, and frankly I do not see the applicability of these decisions cited.

Mr. MERITT. I will endeavor to find some decisions and put them in the record at this point.

I would remind gentlemen who have been zealous in pushing these enterprises in the interest of the great reclamation projects that the Indians of this country are the wards of the Government, and I for one fail to see how the Government of the United States as the guardian of the Indians can make and enforce a contract against an Indian which will require him to pay back into the Treasury moneys which have not been expended in his interest. I would remind Members of this House that the record is full of evidence, coming both from the Commissioner of Indian Affairs and from his able assistants, that in many cases, especially in advancing funds for industrial purposes, the Indians even dispute the fact that it was their understanding that the moneys were to be paid back. I think it is time for the Congress of the United States to call a halt in this lavish expenditure of money, because I think the Government has gone far enough in these appropriations for industrial purposes. From the time of the passage of the first reimbursable appropriation act this Government has spent a total of $23,000,000. And I should say that 75 per cent of that sum has gone into big reclamation projects. I assert that less than 15 per cent of that money has been returned into the Public Treasury for the benefit of the Indian. While the Assistant Commissioner of Indian Affairs was before the committee I asked the question whether certain Indian tribes had any money to their credit. He replied affirmatively, and I then asked what effort was being made to collect money—and I am speaking now of the individual advancement—and he said none, but promised to take immediate steps to collect.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. RHODES was granted leave to revise and extend his remarks in the RECORD.

Mr. HAYDEN. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, as everyone knows the Indian question is older than the Government itself. The Indians were here, of course, when Columbus discovered America. Our Colonies had to deal with the question even before the adoption of the Constitution. Our Government, since we formed a Government, has been dealing with the Indians first in one way and then in another. Our policy toward the Indian has not always been a consistent one. Our policy, I think, has been subject to criticism more or less. Yet I think upon the whole that it has been the policy of every Indian Bureau since its creation in about 1832 to advance, to civilize, and be helpful to the Indians. When the Indian Bureau was first created it was created as a branch of the War De-

partment. Later, in the latter eighteen forties, it was transferred to the Interior Department.

Naturally, I have always taken a very great interest in the Indian question. I am an Indian myself and am enrolled as one. I started in to go to the public schools when I was 4 years of age. The white Indian and the full-blood Indian and the white children went together to the common school. Later on I attended the Indian boarding school at Tahlequah, the old capital of the Cherokee Tribe of Indians. Whatever of education or opportunities I have had have been through the Indian school.

Later I represented the Indian tribes in one capacity and another up until the time I was elected to Congress a few years ago. In addition to the personal interest which I have in this matter, we have more than one-third of the Indians of the United States in the State of Oklahoma, so that Members of Congress ought not to criticize the Members from Oklahoma when they take a very deep interest in a matter that is local to them and about which they pride themselves that they know something. In the Five Civilized Tribes we have alone 101,524 Indians, and in the discussion of this question I want to speak about one of the matters that was brought up by the chairman of the Committee on Indian Affairs. I would not be frank with myself, and I would not be fair to the House, and I would do myself an injustice if I did not take occasion here to pay my respects to the chairman of the Committee on Indian Affairs. He has the confidence and respect, as he is entitled to have it, of every member of that committee. We think a great deal of his judgment and depend upon it largely. He has been a member of the Indian Committee for a number of years. He is now its honored and distinguished chairman. I want to say now that while he was a member of the committee he was fair, and as chairman he has been able and has been fair.

During the past two or three months, beginning, as I recall, in September, a subcommittee of the Committee on Indian Affairs had taken up the investigation of the Indian Bureau, as authorized by a provision in the last Indian appropriation bill. It has been our hope and our purpose to find the time to go out over the Western States and visit all of the Indian reservations in the hope that we would be helpful to Congress, that we would be helpful to the Indians, and to the Indian Bureau. The investigation has not been a partisan investigation. It has not been a fault-finding investigation, but it has been a constructive investigation. We have tried to be helpful, not only to ourselves but to the Indian Bureau, and we flatter ourselves that in a measure we have succeeded in the limited time that we have had. I believe that if we have the time, so that we may go out and personally visit a great many of these western Indian reservations, it will be very fruitful of results, and I know that it is the hope of the chairman, as it is the hope of other members of the committee, that we will find that time and we believe that it will be time and money well spent to go out and make the investigation and get the information first hand.

As I started to say a moment ago, we spent some two or three months, almost daily, in investigating the Indian Bureau. There were called before the committee the Secretary of the Interior, the Commissioner of Indian Affairs, the Assistant Commissioner of Indian Affairs, and the heads of the various divisions of the Indian Bureau. They were examined and cross-examined at very great length with reference to the work that was particularly under their charge. Perhaps it would not be to any good advantage or to the advantage of the House to go back and criticize at any length the policy of the Government with reference to the Indians. That is water that has gone over the wheel; it is plowed ground; it is a matter that is behind us. What we want to do is to try to do the best we can for the Indian in the present day, and we ought to discuss those things that we think are for the best interests of the Indian tribes.

Before I come to that, however, I want to discuss briefly a statement that was made by the chairman of the committee in his discussion of the subject this morning, to the effect that the expenses of the Indian Bureau had largely increased in the last seven or eight years. I am sure that the chairman did not intend to make an unfair statement, but that statement left by itself, I think, would lead to an erroneous conclusion.

In the first place the appropriations carried for gratuities in this bill are $7,370,835.20. You will find that the appropriations for gratuities have not very greatly increased in the last six or eight years. The large increases that are referred to by the chairman were largely increases in the reimbursement items and in the amounts expended out of the Indian tribal funds themselves, so that there are not very large increases in the appropriations out of Government funds and not out of gratuities. Now, another answer might be made to the statement of the chairman—and it is one that I am sure that the Congress does not appreciate and one I am afraid that the chairman himself does not appreciate—and that is this: Only a few years ago you dealt with the tribes in their collective capacity. For instance, there are 41,824 Cherokees, 20,709 Choctaws, 18,774 Creeks, 3,727 Seminoles, 6,304 Chickasaws. Only a few years ago you had an Indian agent down there in the Five Civilized Tribes. He had one clerk and a few Indian police to keep the peace. There was not much demand for large expenditures then, was there? No. You dealt with the tribe in its collective or tribal capacity. Within the last 15 or 20 years you sought to change their relations to the Government of the United States, and you have done it. You sent commissions down there who have made agreements with them, and, either by agreements or acts of Congress, which is the same thing in legal effect, you have induced the Indians to give up their tribal government. Their lands had to be surveyed, rolls had to be made, their lands had to be individualized. So that, instead of dealing with the five tribes, you are now dealing with 101,524 individuals. That requires a very large expenditure of money. Instead of having one agent at $1,500 a year, and a clerk, and a few Indian policemen at $12 or $15 a month, you have officers and employees down there ranging from 265 employees now, where there have been as many as 500 employees a few years ago, in the Indian Service in Oklahoma. Now, what I say of the Five Civilized Tribes can in a measure be said also of the other Indians throughout the Western States. In other words, it takes a great deal more money when you are pursuing the present policy of the Indian Bureau to make Indians citizens of the United States, to allot their lands, to distribute their funds, and to look after them as individuals than it does to supervise them in their tribal capacity; and I am sure when I make the statement everybody will agree with it. Well, that is what the Indian Bureau is trying to do, and has been trying to do in the last 10, 15, or 20 years; and a great many of those tribes are now in course of having their affairs finally settled up; and a great many of the western tribes, of which there are 150 or more, are having their lands allotted either in whole or in part; and it becomes necessary for the Indian Bureau to give more attention to the individual Indians as those Indians are allotted and declared competent, some of them through competency commissions, some of them through recommendation of their local superintendent, but final approval by the Secretary of the Interior. Thereafter they are turned loose from any Government supervision.

Mr. SNYDER. Will the gentleman yield?

Mr. HASTINGS. I shall be glad to do so.

Mr. SNYDER. Of course, the gentleman did not mean to have the committee think that the chairman did not understand the situation as he is stating it now—that there was more expense to operate the bureau as operated now. After the Indian has been declared competent he becomes an individual charge, but there has been no tribe, so far as I know, that has been eliminated entirely, and there have been many separate Indians declared competent. What the gentleman knows perhaps better than I do is that it does not take him away from the bureau. It is impossible, so far as I have been able to discover, to separate any Indian from the charge and care of the bureau.

Mr. JOHNSON of Washington. Why?

Mr. SNYDER. That is what we are trying to find out.

Mr. JOHNSON of Washington. Why should an Indian for 20 years have a string tied to the patent to his land?

Mr. SNYDER. The reason, if the gentleman will pardon me, as I understand it, is that when an Indian is declared competent it does not take him away from any tribal relation. The property that he may own in community with the tribe is still administered for him by the bureau as an individual.

Mr. HASTINGS. Let me answer that by an illustration of the Cherokee Tribe, the one to which I belong, to show how that will work and how it is going to work with reference to the other tribes. That is the only tribe in the world whose tribal affairs are absolutely wound up. It is the largest tribe of Indians in the United States. There are 41,824 members. Now, the lands of the members of this tribe have all been allotted and the fractional lands sold, and the moneys have all been distributed. They have not any tribal lands, they have not a dollar of tribal property, their affairs have been wound up. Now, on all the 41,824 the restrictions have been removed either by legislation or by action of the department or by death—except, I will say, upon all but about 8,000, so that of the 41,824, I will say that approximately 33,000 of those are free from the Government, and that the Government has nothing whatever to do with them either as a tribe or as individuals. They control their own lands, they have charge of their own money, they transact their own affairs, they vote,

they hold office, and they manage their own individual affairs, and the Government has nothing to do with them. Generally speaking, the same is true of the Creeks and Seminoles, the Choctaws, the Chickasaws, and other tribes throughout the country——

Mr. FESS. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. FESS. When the gentleman says they will be turned loose, does that mean break up their tribal relations and become American citizens?

Mr. HASTINGS. The tribal relations of the Cherokee Tribe are now broken up. They are citizens of the United States. All of the Five Tribes are citizens of the United States, and have been since March 3, 1901.

Mr. FESS. What does the gentleman mean by "turning them loose"?

Mr. HASTINGS. There is this difference between the restricted and unrestricted Indians: If an Indian is of half Indian blood, under the legislation of Congress the Government has some supervision over his tribal property unless he is freed by the action of the Department of the Interior. If he has less than half of Indian blood the Government has no supervision over him or his property. The term "restricted Indian" means one over whom the Government exercises some supervision.

Mr. FESS. Purely for information, under the system of schools do we have a promise that the time will come when the Indian will be entirely free as an individual citizen, with no particular surveillance of the Government over him, just as in your case?

Mr. HASTINGS. As I have already stated, we have 101,524 members of the Five Civilized Tribes. Under existing legislation, on April 26, 1931, just 11 years from now, all the members of those tribes will be turned loose, free of all supervision by the Government of the United States, and in the meantime about four-fifths are already turned loose.

Mr. FESS. Is it promised that that will be done for all of the Indians of the United States?

Mr. HASTINGS. Our hope is that as the years go, with the more advanced Indians first and the others later, as they become competent, all will be turned loose. As to some of the less advanced Indians, from our investigation I think it will take years before they are freed of our supervision. It may be 25 or 30 years. Let me plead with the gentleman from Ohio [Mr. FESS] and the other Members of the House that we do not want to be impatient with the less advanced Indians in the far West. The Indian question is a national question and one that we ought not to leave to the States. One can not satisfactorily discuss it in the time allotted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. I am much obliged to the Members. [Applause.]

Mr. SNYDER. Mr. Chairman, I yield 15 minutes to my colleague [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ELSTON. Mr. Chairman, I became a member of the Committee on Indian Affairs at the commencement of the present session, and I came on at a particularly propitious time to obtain a good perspective of the activities of the Indian Bureau. In last year's Indian appropriation bill an investigation of the Indian Bureau was authorized, and I had the good fortune to be made chairman of the subcommittee to examine into the activities of the bureau at Washington. I think that the good judgment of the chairman of the Indian Affairs Committee, in laying out the scope of the investigation, has had a great deal to do with the success which we have had. He made the investigation one of generalities first and particularities next. He declared as his purpose that we should first get a general view of all of the activities of the Indian Bureau as a whole; that we should have it as our object to get a disclosure of their policy, a disclosure of the direction in which they were proceeding, a disclosure of the different bureau activities, including reference to their scope and growth, and how far each of those activities had accomplished the purpose for which it was established. That carried us at the very beginning into a view of practically a state within a state, a view of a community of 350,000 individuals under the Government of the United States as guardian, and with property interests of an aggregate value of over $1,000,000,000. It disclosed to us the policy of the department bringing these 350,000 Indians to a position of competency and of education, with the expressed object of releasing them into the body politic to become self-sustaining citizens of the United States. It was disclosed that the Indian Bureau was not a bureau which should have perennial guardianship over the Indians, but that there was contemplated a definite time when the Indians should be released entirely and the administration of their affairs closed.

The investigation, I believe, was the most impartial, the most thorough, the most inclusive of any that has ever been had, and there were some matters brought out by the subcommittee of which I was chairman which have been incorporated in the present bill and to which I desire to direct attention at the present time.

We found, for instance, with regard to the administration of the inheritance division of the bureau, that a level fee of $15 was charged by the bureau for the probate of an Indian estate. The $15 fee was charged without respect to the value of the estate. The estate might be of the value of $1,000 or it might be of the value of $500,000, and still the charge for the administration was the nominal fee of $15. The cost to the Government of the administration of this inheritance bureau was about $100,000 a year. The return to the Government by reason of the fees collected approximated about $30,000, so that there was a deficit each year of about $70,000. The committee in this bill has amended the act providing for a fee for the administration of estates to provide a graduated scale, beginning with $15 and ending with $50, calculated in such a way as to bring back to the Government the full amount of its annual expenditure of $100,000. As to this item alone the Indian Affairs Committee has saved the Government $70,000 a year.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. ELSTON. I will.

Mr. EVANS of Nebraska. It it not a fact that the administration of the estates by the department is against the protest of the Indians and according to a law which was enacted on the initiative of the department, and that at the present time Indian estates are held up from six months to two years while they wait for the officers of the department to find their heirs, and that there is now no appeal provided at all, and that the final determination of heirs is left purely with clerks in the department?

Mr. ELSTON. I am not advised as to the history of the legislation, but I know this, that whether it is good policy or bad policy, the fees charged by the United States Government for the administration of Indian estates are practically nominal, and that if the probate of Indian estates were thrown into local jurisdictions the probate of a $1,000 estate alone, taking my own State as an illustration, would cost at least $100, which is $50 over the maximum provided in this bill.

The saving to the Indian is such that he can very well abide the little delay in the ascertainment of heirs.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield further?

Mr. ELSTON. Yes; but please be short in your question. I have not much time at my disposal.

Mr. EVANS of Nebraska. Is it not better to have an estate determined by the court, which gives the usual protection by right of review, and pay the fee than have it done by a body against whom you are protesting?

Mr. ELSTON. I have never heard any objection made against the administration of Indian estates to the effect that the work was done unjustly or that any great prejudice was done to the Indian heirs or that a full opportunity was not given to prove the facts or that the judgment of the commissioner or examiner was not just and impartial.

Mr. EVANS of Nebraska. Is it not a fact that a number of Indian tribes have refused to be included within that law, and through the action of their representatives are excluded?

Mr. ELSTON. I would say that until the Indians have become absolutely competent and able to take care of their own affairs it would be a great prejudice to their interests to throw the administration of their estates into the local probate courts.

Your committee found further that the financial and property affairs of the Indians have changed during the last 25 years, and that a great many Indian tribes and a great many individul Indians are now rich where before they were poor, and that a great deal of work is now being done by the Indian Bureau for the Indians for which they are well able financially to pay. For instance, with regard to the administration of Indian forests, comprising about 5,000,000 acres, valued at $75,000,000, a tremendously rich estate, bringing in something like half a million dollars annual revenue, we found that the Government has been out nearly $200,000 a year for their administration, where no repayment was made to the Government for the work done.

Your committee believes that it would be proper to have a well-devised scheme by which payments could be made for services performed by the Government in connection with rich for-

est properties. We have proposed a clause here by which a reasonable fee may be charged without imposing a burden or hardship on the Indian or on his property.

We have a declaration of the Indian Bureau to the effect that its policy is to bring the Indian up to competency and responsibility; that he is not an object of charity; that he should not be taught to be a suppliant for gratuity; that he should be finally trained to the point where he should gradually assume the burdens that other citizens are bearing; and the only way we can bring him to a position where he will bear that responsibility is to have him pay for that which the Goversment does for him touching his property interests whenever he is financially able to do so.

We found that there is need to readjust the relations between the Government and the Indians respecting treaty obligations.

A great deal was brought out by this investigation which would be well worth further study, and it has been suggested by the subcommittee that a clause be put into the bill at a later time providing for an investigation and checking up of the Government's treaty relations with the Indians.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SNYDER. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from California is recognized for five minutes more.

Mr. ELSTON. It has already been shown that the committee, when it went into reimbursable items, went into a field that has disclosed a tremendous opportunity for constructive action on the part of Congress. Roughly speaking, the Government has two obligations to the Indian. One obligation is by reason of a contract or treaty. Another obligation is the moral obligation of caring for his education and health until he is able to care for himself. With regard to moral obligations we are doing now in some respects what we did 20 years ago, whereas as to many of our activities the moral obligation has lapsed by reason of the Indian's progress in education and material welfare. In the present bill your committee has been careful to avoid placing any burden except where the persons and the properties involved are well able to sustain them.

Many years ago Congress inaugurated a system of so-called reimbursable appropriations in the annual Indian bill. The theory was that such appropriations should be repaid from Indian individual or tribal funds, or from the sale or disposition of the property on which the expenditure was made. In some cases little attention has been paid to the return to the Government of such outlays, and some of it will never be recovered. The present bill carries provisions to prevent the repetition of such mistakes, and provides further for a definite scheme of repayment where the moneys are still recoverable.

Millions of money have been spent on reclamation projects on Indian reservations in the West, far beyond the needs of the Indians. Where 5,000 acres of irrigable land might be ample for the Indians, perhaps 50,000 acres had been placed under irrigation, the surplus being for the benefit of white settlers.

It might be all right, if you are employing the Indian Bureau merely for the purpose of an annex to the Reclamation Service, but it is beyond the express purpose of the Indian Bureau to reclaim lands for others than the Indian wards of the Government.

Mr. HASTINGS. The gentleman will be fair enough to say that a great many of the western irrigation projects were appropriated for over the protest of the Indian Bureau, and that Congress is responsible for a lot of that.

Mr. ELSTON. I am not referring to any particular Indian Bureau administration or to any particular persons as being solely responsible. We found those conditions, and we found a great field for reform. A great deal of credit is due to the present chairman of the Indian Affairs Committee in directing our investigation in this field. He has taken it up in a helpful, constructive spirit, and without any partisan object.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. I yield to the gentleman five minutes more.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. ELSTON. I will.

Mr. MANN of Illinois. I am very much interested in what the gentleman and a previous speaker have said about the reimbursable feature. Where the money could have been reimbursed and has not been reimbursed, and where money has been appropriated which I judge the gentleman thinks ought not to have been appropriated, whose fault has it been? Was it the fault of the Indian Service?

Mr. ELSTON. It would be an assumption for me to suggest an answer to a gentleman of such long and distinguished service in the House. I know very little of the past history or the initiation of these matters, but I should say the responsibility was a mixed one. I can not point to any one individual or body, but I will give the gentleman an opportunity to suggest an answer, because I believe he knows more about it than I do.

Mr. MANN of Illinois. I would not undertake to instruct the gentleman at all about a matter concerning the Indian Service, because he probably knows more about it than I do. I have taken quite an active part at times in the consideration of the Indian bill and the reimbursable items, and on a number of occasions have insisted that if certain money was to be expended for the benefit of the Indians it should be reimbursed to the Government. I have always been told by the Indian Committee in charge of the bill, and told by the department representing the Indians, that these things were essential for the benefit of the Indians; that it would be a great help for them if the Government would advance money to make certain improvements; and that it could easily be reimbursed to the Government. I will say to the gentleman frankly that I was completely startled when I read the Indian bill and found it was proposed to repeal the laws providing for these reimbursements. I have been taken in by gentlemen on the floor of the House and elsewhere in these statements in the past. I thought they were telling the truth, and I believe they thought they were telling the truth. I am not sure that they were not telling the truth, but I would like to know on what theory we proceed to make an appropriation to-day, under the statement that it is a loan, and then to-morrow cancel it because it is our fault.

Mr. ELSTON. If I may be permitted, with the indulgence of the chairman of the committee, there are two classes of reimbursable items referred to in this repealing clause. One is a class of items covered by a retroactive act which attempted to make reimbursable certain gratuity appropriations theretofore made.

As to those appropriations, it is a false book item to describe them as reimbursable, because having been made as gratuities they are beyond recall by retroactive legislation attempting to put them into the class of reimbursables. The other reimbursable items covered in the repeal clause comprise certain charges made respecting the property of individuals where the reimbursement has never been attempted by the Indian Bureau. It may have started back 10 or 15 years ago. It is a matter that has gone beyond recall, and the items are being carried on the books as assets when they are not collectible as such; and I think it is to the credit of the committee that it is willing to look the situation squarely in the face and wipe these uncollectible items off the slate.

Mr. MANN of Illinois. I think we ought to be extremely careful, then, about making future appropriations.

Mr. ELSTON. In closing I wish to refer to a subject which has engaged our attention and on which we may make recommendations later. The final disposition of the Indian forests is a large question for the future. These forests, now administered by the Government as guardian, have an approximate value of $75,000,000 and comprise about 5,000,000 acres. We found in our investigation that very little attention had been paid to the final disposition of these forests. Individual allotments are being made of some of these lands in such manner as to destroy their unity and usefulness for watershed and conservation purposes. We believe there should be closer coordination between the Forest Service of the Agricultural Department and the forest division of the Indian Bureau. In some degree there is overlapping in these two departments. Your committee has brought these two departments together, and hopes later to arrive at a plan for the final disposition of these forests which will fully protect the interests of the Indians and at the same time take account of the availability of these forests for conservation and water-shed purposes.

Mr. JOHNSON of Washington. That being the case, the man who is worth millions of dollars in timber is not likely to get any part of it.

Mr. ELSTON. This is a tentative suggestion. I believe that the committee is going to try to work out something constructive. It has in mind the Indian who has any interest in the property, tribal or otherwise, but we hope to be able also to preserve intact such forest lands as are highly necessary for conservation.

Mr. HAYDEN. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the House is now considering the first regular supply bill in the new Sixty-sixth Congress under Republican régime. Four hours debate has been arranged for on this bill. I call my colleagues' attention to the fact that there are exactly 18 members of the majority party now on the floor engaged in the consideration of this measure. It is more than are usually here under such circumstances. It is not as

many as ought to be here, and you are going to find it hard, my colleagues, to explain this situation to the people of the country when you go on the hustings in the next few months. The people of the country have a right to demand that more Members of Congress, at least of the dominant party, shall remain here on the floor of the House during the discussion and consideration of these big supply measures. I want to say that it is up to you to convince the people whether or not they want to keep in power a party that will pass laws with 18 Members on the floor.

Mr. MANN of Illinois. You are here and what more do you want?

Mr. BLANTON. I am a pretty good majority if I have some help.

Mr. SNYDER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, for some time I have been considering the propriety of making a short statement to the House with respect to the desirability of conserving time as well as money. In the consideration of the bills pending for several years there have been a constantly increasing number of hours consumed in the discussion under the five-minute rule, and if we hope to complete the work of the present session of Congress within a reasonable time we must adhere more strictly to the rules of the House in respect to debate in the consideration of bills under the five-minute rule.

For purposes of comparison I have caused an examination to be made of the length of time consumed under the five-minute rule in the passage of appropriation bills in different Congresses, going back as far as the Fifty-seventh and running through the "long" sessions of the Fifty-seventh, Fifty-eighth, Sixtieth, Sixty-second, Sixty-third, and Sixty-fourth, selecting those at haphazard, only to have them typical, and selecting with the same end in view the legislative, Agricultural, and Indian appropriation bills.

An examination of the CONGRESSIONAL RECORD during this period discloses the fact that an increasingly longer time is being consumed in the consideration of appropriation bills under the five-minute rule and a decreasingly shorter time under general debate. One is drawn also to the conclusion that a dozen years or more back the membership apparently reposed more confidence in the ability of the appropriating committees in reporting appropriation bills than they have in recent years. Except where a question of policy is involved, one would naturally expect that the various paragraphs in appropriation bills would be regarded as items to be approved in a more or less perfunctory way, inasmuch as the appropriating committees had spent weeks of time and study in the taking of hundreds of pages of testimony in respect to them, and had arrived at a much more reliable opinion in respect to them than could possibly be arrived at by Members in debate on the floor. Notwithstanding that fact, however, an examination of the RECORD shows that whereas formerly contests on the floor respecting items under the five-minute rule were participated in mostly by members of the committee reporting the bill, gradually there has grown up a practice of liberalizing the field of debate under the five-minute rule, under the pro forma amendment, and this has been indulged to such an extent that it has very appreciably prolonged the sessions of Congress. Furthermore, an examination of the RECORD discloses the disappointing fact that if we are to measure the value of debate under the five-minute rule by changes in the text of the bill, one is compelled to conclude that at least 90 per cent of the debate has been absolutely futile. Appropriation bills should be scrutinized closely, and Members are chosen on the appropriating committees with that thought in mind. No appropriation bill is reported to the House that has not had the closest attention given to its items for weeks.

In the calculations that follow, the legislative working day that has been reckoned is five hours, and while the calculations are by days, it should not be assumed that the bills were under consecutive daily consideration. Many appropriation bills are before the House for weeks before passage.

Taking up now the legislative appropriation bill, we find that the days consumed in consideration of the bill under the five-minute rule, in the long sessions of the various Congresses, are as follows: Fifty-seventr, 2 days; Fifty-eighth, 2 days; Sixtieth, 2½ days; Sixty-second, 5½ days; Sixty-third, 9½ days; Sixty-fourth, 6½ days.

Agricultural bill: Fifty-seventh, 1 day; Fifty-eighth, 1 day; Sixtieth, 5½ days; Sixty-second, 8 days; Sixty-third, 6⅝ days; Sixty-fourth, 12 days.

Indian appropriation bill: Fifty-seventh, 1½ days; Fifty-eighth, 1½ days; Sixtieth, 2 days; Sixty-second, 3 days; Sixty-third, 3½ days; Sixty-fourth, 4 days.

The long sessions of those Congresses have been chosen for obvious reasons as being the session from which a comparison of value could be drawn.

The Sixty-fourth Congress brings us up to the close of the short session, 1917, after which was ushered in the war Congress, and no account was taken of it, as it would not approximate a normal condition.

During the Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses, when the Republicans were in control, with Mr. JOSEPH G. CANNON, Speaker, the Congress was in session a total of 1,164 days, an average for each Congress of 291 days. The four so-called "long" sessions during this period occupied 736 days, or an average of 184 days for each long session.

During the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Congresses, when the Democrats were in control of the House, with Mr. CHAMP CLARK, Speaker, the Congress was in session a total of 2,156 days, an average for each Congress of 536 days. The four so-called "long" sessions during this period occupied 1,227 days, or an average of 307 days for each "long" session.

Thus it will be seen that Congress was in session 992 days, or almost three years longer during Mr. CLARK'S speakership than Mr. CANNON'S.

Not once during the period when the Democrats were in control did they succeed in passing all the appropriation bills by the beginning of the fiscal year for which the bills provided. This was due largely, in my judgment, to a misuse of the privilege of debate under the five-minute rule.

Taking the three appropriation bills referred to here—the legislative, Agricultural, and Indian—and reckoning the difference between the time consumed under the five-minute rule in the Fifty-eighth and the Sixty-fourth as an average added amount, counting the 14 regular appropriation bills, we find it would require 84 additional working days, or more than three months' added time to pass the appropriation bills alone.

Surely one is warranted in the conclusion that a potent reason for the increasing length of the sessions of Congress is too much "liberalizing" of debate under the pro forma amendment.

I therefore venture to suggest to the Members of the House, those here and those absent, that if they hope to conclude the consideration of measures that must be passed by the present session of Congress, it will be necessary for them to discontinue unnecessary debate under the five-minute rule and proceed to the consideration of questions under some scientific systematic method. Most of the debate, as I say, is foreign to the question pending, and in 90 per cent of the cases not a single amendment has been adopted to any measure pending by any debate that has followed the consideration of the bill.

So I say, gentlemen of the House, that it is possible to conclude the work of Congress within a reasonable time, if every Member of the House will cooperate, and we will be able to leave here with all bills passed and nothing left undone and get home to our people before the 1st of June. [Applause.]

Mr. SNYDER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman and members of the committee, I think all will agree that the observations made by the gentleman from Illinois [Mr. MADDEN] are very timely. There might be some Members who think that our business is to stay here indefinitely in order to find something to do, and therefore take all of the year in order that we might seem to be engaged, but I am inclined to agree with the gentleman who has just taken his seat, that the suggestions are not only pertinent but very important. I believe his idea in saving time through a wiser use of the pro forma amendment ought to be observed, and that we ought to insist upon adherence to the rule as nearly as it can be done.

One of the things that is now disturbing the country, as I found out at home, and I have no doubt other Members have found out the same thing, is more or less unrest because there has not been more expedition on some matters over which this body has no control. I have asked for time to introduce the subject, in order to clear up what I think is a general misconception on the delay in the ending of the war. Many seem to think that it is now within the power of the Senate to expedite the consideration of the treaty. I found at home the general criticism was from a belief that the Senate was not expeditious. One man remarked to me that all the people were concerned about was that the Senate act quickly. I asked him whether he realized the parliamentary situation, whether it was apparent to him that the Senate had exhausted its parliamentary

powers in having voted first on the ratification of the treaty with reservations, and then upon a second vote under reconsideration having reached the same result, that form of ratification could not again come up in regular order in that body. I asked him whether he realized that after the vote on the ratification of the treaty with reservations had failed, it was then taken on ratification without reservations, and that upon its failing to get a two-thirds vote it was reconsidered, and that motion was placed on the table, which virtually ended the action of that body on the issue. Having exhausted the privilege of ratification with reservations, and having exhausted the privilege of ratification without reservations, the Senate is through, and it is now up to the President to take the next step, and that all of the talk that is going through the press today about compromise, of course, is upon the basis that if any agreement is reached among Senators it would have to meet the approval of the President, who would have to take the steps to resubmit it, for no sort of an agreement on the part of Senators would bring it back to consideration.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARNER. Has the gentleman any more time? I would like to ask him a question.

Mr. HAYDEN. Mr. Chairman, I yield the gentleman one minute more time.

Mr. GARNER. Will the gentleman use that so that I may ask him a question?

Mr. FESS. Yes.

Mr. GARNER. Does the gentleman contend that the Senate is not now in possession of the treaty?

Mr. FESS. The gentleman from Ohio contends that the Senate has buried the treaty by refusing to ratify it, first, with reservations, and, second, without reservations.

Mr. GARNER. But the treaty is still in the Senate.

Mr. FESS. Oh, no; it is buried.

Mr. GARNER. Then where is it?

Mr. FESS. If it is in the Senate, it is dead.

Mr. GARNER. If the Senate buried it, the responsibility is with the Senate.

Mr. FESS. Oh, no.

Mr. GARNER. Certainly. It can not be anywhere else.

Mr. FESS. It is within the power of the President to resubmit it at any time.

Mr. GARNER. The original copy of the treaty is not in the hands of the President. It is in the hands of the Senate. If the Senate has buried it, the Senate can resurrect it. It has not been sent back to the White House. It is now in the Senate, and the Senate can resurrect it from being buried by a special rule or in some other way.

Mr. FESS. The President can withdraw it before it is ratified or after it is ratified, or do as he pleases. That is within the power of the President. The Senate has gone as far as it can go. If the President does not withdraw it, or if he does not want to resubmit it, then it is dead, and it is dead because he refuses to disinter it.

Mr. GARNER. I venture to suggest to the gentleman that it is not dead, that it will be resurrected in the Senate itself.

Mr. FESS. Because the President will approve the ratification with reservations.

Mr. GARNER. The President will have nothing to do with it until it is resurrected.

Mr. FESS. Mr. Chairman, the interruption of the gentleman from Texas emphasizes the confusion on the status of the treaty and also the source of that confusion which lead me to place before the House and the country the situation, which I now propose to do with some detail.

During the war two dominant ideas controlled the American mind—first, win the war in the shortest possible time at the least loss of life and treasure; secondly, make it so complete as to insure against a repetition of the crime.

The story of the accomplishment of the first task is quite well known to all the world. The second is not so complete. Our country being the last to enter, it was the first to propose its ending. It will always be a mooted question whether the armistice invited by our country before the allied armies had crossed the German border was not premature. Military opinion asserts that the German Army was within a brief time of total collapse under allied pressure if allowed to continue. However, that is past, and is no longer of importance. President Wilson, having initiated the movement to end the war, became active in securing what he believed would lessen the chances of future wars. This step was the league of nations proposition.

As far back as May, 1916, under the influence of the League to Enforce Peace, at the head of which was Mr. Taft, the President committed himself to the idea in a public address in Washington. It was the climax of a nation-wide propaganda to agree upon the idea of a league of nations as a plan for the future security against war. It was the latest chapter in a series of movements, unofficial and semiofficial, beginning with the world peace conferences, and including the Hague conferences, the Interparliamentary Unions, the Lake Mohonk conferences, the world court movement, and various other more or less voluntary efforts. The leaders in these movements were found in all political parties.

In every conference up to this latest a sharp distinction was made between questions justiciable and those nonjusticiable; the latter were never included within the jurisdiction of any proposed league prior to 1919. For example, questions of purely domestic import, such as immigration, deportation, coastwise trade, the tariff question, American labor, American finance, and the Monroe doctrine have always been regarded so far as they affected our people as within the jurisdiction of our own Nation, and must be exempt from the jurisdiction of the league. In every conference, however, there were found some men who were ready to include these items of vital national independence as proper subjects for consideration in a league, and among them were some Americans, but a very small minority. As a Nation, for example, we have always advocated arbitration of national disputes, but we have never agreed to submit the Monroe doctrine to arbitration, which would be equivalent to abandonment. Many other questions, such as the before-mentioned, fall within the same category.

When the proposal to enter a league of nations was officially urged, quite naturally friends as well as foes of the movement were deeply concerned over the extent of the proposal. Was it to be an agreement backed by force, in which the league would become a super-government, to which the members would be subordinate? Would it involve the sovereignty of the member, a surrender of its independence as a nation? Will the jurisdiction be general and unlimited? These questions answered will determine the fate of the proposal. If the league is not to be a super-government, and sovereignty and independence are not to be surrendered, the objection will be limited to those who oppose any step toward this plan or any plan of a league of nations. On the other hand, if it does involve such surrender, the opposition will become militant and overwhelming so soon as realized.

The league proposal is not new. President Wilson, as a historian, is familiar with the numerous proposals in modern history, including the plan of William Penn in 1693, St. Pierre in 1717, the plans of Rousseau, Gondard, and Bentham, and especially the ambitious plan of Kant in 1789 and again in 1795.

All of these, both in theory and form, looked to a confederation of nations. They were the proposals of well-known idealists, some of whom were famous for their theories of philosophy, chief among the list being Bentham and Kant. The plan of permanent peace announced by Kant in 1795 is of interest now, when the proposal of a league is before the country.

The preamble set out the purposes, as follows:

1. No peace with a nation harboring a purpose to renew war.
2. No conveyance of one nation to another by gift, sale, or inheritance.
3. No public loan if concerned with war or peace in foreign affairs.
4. No standing armies allowed.
5. No intervention of one state in the government of another.
6. Laws of humanity must be respected by belligerents.

To carry out these principles Kant suggested his famous plan of federal union of all states by which world peace was to be enforced by moral and physical power. Federal force was to be minimized by a constant growth of a more pronounced mental attitude against war and the consequent advance of the arts of peace.

From the idealists of that period to the present time is not a far cry. In fact, the historian familiar with the numerous plans proposed in the past would most naturally press his case, if it should happen to fall to his lot to head a great nation in an effort to unite the great nations against future wars.

Hence the determination of the President to go to Europe to press his views, not only as the head of the Nation but as representing the American people, "acting in his own name and by his own proper authority," notwithstanding the decisive refusal of the people to support his plea for a Democratic Congress as an indorsement of his policy. In a special plea October 26, 1918, addressed to the American voter, he said that—

"The return of a Republican majority to either House of the Congress would, moreover, certainly be interpreted on the other side of the water as a repudiation of my leadership."

His letter was a strong personal appeal for continued leadership:

"If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and House of Representatives."

The people's answer to this plea was a change of the Senate from a Democratic majority of 16 to a Republican majority of 2, and a Democratic majority in the House of 12 to a Republican majority of 46. However the election may be interpreted in Europe and America, the President, nevertheless, entered upon the task of formulating the league of nations. His purpose was disclosed to some intimate friends before sailing.

The proposal was to concede to British primacy on the sea, but would require her to belong to a league of which the combined naval power of the other members will exceed that of Britain. It was well understood that neither official England nor France was enthusiastic over the proposal. Clemenceau frankly expressed his preference for alliances and an organized balance of power. It was stated that if the chief allies refused the appeals of the President to join the league they would be frankly informed that nothing was left for him to do save to stand on the armistice and return to the United States to recommend the building of a navy equal to that of any country. It will here, in this connection, be recalled that in due time the Secretary of the Navy recommended a building program of 56 vessels. When asked why such program at this stage with the league proposal before the world, Chairman PADGETT informed the House that instructions had come from the President to put the program through. Objection developed on the floor against such expensive program with no further information than a cable from the President, which neither Secretary Daniels nor Chairman PADGETT would make public further than to say that the President wanted it done. This program was the storm center for days both in the House and Senate. The call by the President for the *George Washington* to be made ready for sailing at any time was a later and similar item of interest, since no definite decision on some other important items had been reached by the conference.

The European nations wanted and demanded specific guaranties. Britain demanded certain enemy colonies, as did France and Italy. They also wanted these possessions guaranteed by the aid of the United States. Britain demanded six votes in the league; France rights in the Saar Valley and a separate tripartite treaty of defensive alliance against German agression; Japan demanded Shantung; Italy pressed her demands. The United States was asking for no annexations, no indemnity, but only a plan of defense against future wars, which had taken the form of a league demanded by the President. The peace table became a center of barter in which "give and take" appears to have been the rule of action.

It was well understood when the President decided upon the very unusual course of heading the American commission against the well-known judgment of many of his closest friends and under the protest of his most powerful party organs that he was but carrying out his well-defined purpose of shaping his plan for future safety. The step of immediately taking over the cables by the Government seemed to be new ground for concern, since the one fundamental demand of the country was to know all the truth on such momentous step as binding the country in a perpetual league. It was disclosed to some friends that he would at once upon his arrival make known his plan and his purpose to secure its adoption, if necessary, by an appeal to the people of Europe. His address at Manchester and before the French deputies and his reception in Italy should be noted with this point in view.

Quite naturally the American public became interested in the terms of the proposed league of nations, which, in accordance with the President's plan, was to be America's sum total to be attained by the war. It became the leading topic of discussion in American circles as it was the chief item for weeks in the dispatches from Paris. On January 25, 1919, weeks after the President landed, it was announced from Paris that the conference had agreed to make the league a part of the treaty. On February 14 the proposed constitution was published in Europe and America. It at once became the subject of the most careful study and scrutiny by various citizens in this country and the chief topic of discussion. Friends of the idea as well as opponents examined it with reference to the extent of its powers, as to whether it affected our independence and sovereignty as a Nation. The President on February 14 requested from Paris that discussion be deferred until such time as he could explain its provisions. Many friends of the idea frankly admitted that it did affect our independence and defended it on the basis that it could not be effectual otherwise and that we should relinquish independence for the sake of the larger interests of humanity. Still others denied that it involved our sovereignty and independence. February 26 the conference at the White House between the President and the two Foreign Affairs Committees of Congress developed a wide divergence of opinion on the full meaning of the league constitution, which at that time was made known to be the plan drawn up by the British. The interest of the President and his emphasis upon the importance of his work are best expressed in his insistence that it must be accepted as written. At this conference he assured the country that every paragraph had a "good and sufficient reason" for its acceptance.

Objections had already been pointed out and were being widely discussed. It was urged that our independence and sovereignty were surrendered if the constitution should become effective as written. This was the judgment of some of the most distinguished lawyers of the country. The jurisdiction covered "all questions affecting the peace of the world," which, it was alleged, was general and broad enough to include questions both justiciable and nonjusticiable, the one serious obstacle and the most vital item in all conferences heretofore held. It was pointed out that the jurisdiction covered immigration, deportation, coastwise trade, tariff legislation, the Monroe doctrine, and so forth. It was also objected that it gave Britain at least six votes to our one. It was urged that the most serious feature was an omission, namely, that there was no provision for withdrawal; that our assent or consent was not necessary to make us a mandatory over foreign countries; that our Army and Navy could be sent anywhere in the world by the league without the consent of Congress; that it nullified that part of the Constitution which gave Congress the power over war. These objections led to a doubt of the wisdom of making it a part of the treaty.

It was variously suggested to the President that the league should be considered separate from the treaty, as it involved possible complications which should not be entangled with the ending of the war; that such situation would preclude necessary consideration. To all the proposed changes the President had but one answer. It must be accepted "without the crossing of a 't' or the dotting of an 'i.'" It was an order to return it as delivered or not at all. On the evening of March 4 in New York City, before sailing the second time for Paris, he told the country, "The first thing that I am going to tell the people on the other side of the water is that an overwhelming majority of the American people is in favor of the league of nations. I know that that is true." He also declared his determination to bring back the treaty so involved as to prevent separate consideration and thus compel the adoption of the league at the cost of the loss of the treaty when he announced to the country that "When the treaty comes back gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant that you can not dissect the covenant from the treaty without destroying the whole vital structure."

While the President was in the United States and necessarily absent from the peace table Paris dispatches carried the statement that the commission had decided to separate the league from the treaty, to which the American commissioners did not dissent. Upon the arrival of the President this decision was vetoed by him. This may indicate an explanation of the alleged strained relations between the White House and Secretary Lansing and Col. House, the associates in Paris. Bullitt had quoted Lansing on what the people would do when they learned what the league meant to this country. Lansing has not seen the President since his illness, not even to consult on the Mexican danger, an indication not only of the embarrassment because of the subordinate if not humiliating situation of the American associates with the President, but especially the ease with which Europe stands ready to meet the requirements, whatever they may be, of our Government when made known. In spite of the persistent claim that the instrument must be accepted unchanged, several changes were made around the peace table by the commission, all of which had been urged by various citizens, friends as well as foes of the idea of a league, including Senators and Members of the House. Some of them were urged by Taft, the father of the idea.

The country, and especially the Senate, the ratifying body, desired copies of the treaty, including the league, for examination. The fact, which was widely published and therefore very well known, that copies were on sale in Europe, and several copies were here in America, led to an effort to secure a copy for the Senate. This failing, Senator BORAH, who had secured a copy, read it into the RECORD of the Senate on June 10. One month later, July 10, the President appeared before Con-

gress to address the country on the league and other topics. The most significant line in his address was that the league "must be accepted at whatever cost of independent action of the Government." This disposed of the claim that sovereignty was not involved. Whatever had been the contention of leaders that the Nation's independence was not at stake, this address set at rest the position taken by the man who was closest to its draft and with greatest power to put it in force. From this time on little contention that independence was not involved was heard.

Then began the President's individual campaign for the ratification of the league without the slightest change through the most unusual series of conferences with individual Senators mostly of what are known as the mild-reservation class. The first of these conferences was held on July 17, when Senators NELSON, COLT, MCCUMBER, and JONES of Washington were invited; on July 18 Senators KELLOGG, KENYON, MCNARY, and CAPPER were called to confer with the President; on July 23 Senators EDGE, CALDER, and CUMMINS; on July 24 Senators PAGE, MCLEAN, and STERLING; on July 25 Senators SPENCER and WARREN; on July 30 Senators FERNALD, HARDING, DILLINGHAM, and LENROOT; on July 31 Senators NEW and KEYES; and on August 1 Senator WATSON. This singular innovation stands as a new chapter in treaty making and indicates a new interpretation of coordinate power under the Constitution.

No progress having materialized, except to strengthen opposition to the "sign here" attitude, the famous conference with the Senate Foreign Affairs Committee was held at the White House on the evening of August 19. The proceedings were reported and printed in the RECORD August 20. The lines of difference between the President and the committee were here made clear. The Senate Committee on Foreign Affairs reported on the 10th of September in favor of ratification of the treaty, including the league, but with amendments and reservations. Then began the fight for amendments and reservations.

On the 3d of September the President had entered upon his famous tour to carry the cause to the people and made his first address on the following day at Columbus, Ohio. This series of addresses made clear his estimate of the importance of the league. On September 6 he reached the climax in Kansas City, where he frankly declared that the cause of the league was greater than the Government. His exact words were: "I have come out to fight for a cause. That cause is greater than the Senate; it is greater than the Government. It is as great as the cause of mankind."

This quieted those among the friends of the league who had persisted that independence and sovereignty of the Nation were not involved. The tour emphasized at least two things: The President's convictions and determination on the one hand and on the other the committee's view of the importance of Americanizing the treaty by reservation, if not by amendment. The tour was interrupted by the ill health of the President. It had no effect upon the vote in the Senate further than to give wider publicity to the points of difference between the two constitutional treaty-making powers and to strengthen the two contesting bodies.

When the President entered upon the campaign before the people to influence the Senate by a direct appeal over the heads of the coordinate branch of the treaty-making power the country was reminded that only once before, back in 1866, in the time of Andrew Johnson, was this method employed. As in that case the plan had rather an unfortunate ending, so in this instance the country was concerned over how it would terminate. The tour ended in mid-September, over three months ago. Since that time the Senate has agreed upon the committee's report of 15 reservations by clear majorities, but that body failed to ratify the treaty, which requires a two-thirds vote. The President is still confined to the White House by lingering illness.

His estimate of the importance of an unrestricted league will throw light upon many otherwise inexplicable agreements—for example, that on the Shantung deal, which admits of no explanation except to secure Japan's acceptance of the league, which seemed necessary. There never appeared to be any enthusiasm for the league either in France, England, or Italy. It will be remembered when Lloyd-George mentioned it in Parliament it provoked laughter, which called out a plea from the premier that it be given a fair trial. The agreement of these countries was necessary to effect the project; hence the acceptance of their demands even though they were embarrassing to this country, and especially to the President, who had outlined the basis of peace in his once famous 14 points, 13 of which were so entirely given up for the sake of the fourteenth.

No one familiar with the constitutional history of our country would deny to the Senate the right to make amendments, nor would any well-informed person assert that the President would be compelled to accept them when made. The President and Senate are coordinate powers in treaty making, neither compelled to accept the work of the other.

The Senate can amend, as has been done from the very beginning of our history. The President may accept, as he usually does, or he may reject, as has been infrequently done. If he accepts the amendments, the treaty becomes effective. If he rejects them, the treaty fails unless an agreement between the two coordinate powers is reached.

In the case of amendments becoming a part of the ratification, they must be accepted by the other nations parties to the treaty. As a final result of the contest over the Senate committee's amendments, the Senate rejected all amendments from fear of embarrassment to the United States by requiring a resubmission to Germany of the amended treaty. There was a general desire to avoid that necessity if possible.

It was urged that the substance of these amendments could and would be covered by reservations which would not necessitate a resubmission to Germany, hence the rejection of all the amendments, including that on Shantung, which is universally deplored throughout this country and over which the President himself has expressed his dissatisfaction. Shantung was a part of the treaty proper, while most of the other proposed amendments were applied to the league, of which Germany is not a member.

Reservations to a treaty are made upon two theories: First, to clear up any ambiguity of language that might admit of reasonable dispute; and, second, to put the members on notice that whatever be the contention under the treaty of other members of the league, the nation making the reservations defines its understandings and leaves it to the other parties to accept the treaty on those conditions. While reservations do not textually alter the instrument as amendments would do, they do virtually have the same legal effect as applied to the country making them.

The chief purpose is to preclude the possibility of dispute after the treaty has become effective.

In the present case men of equal talent and legal acumen differ on whether the jurisdiction of the proposed league covers purely domestic questions. They also differ on whether the Monroe doctrine is included and necessarily abandoned. They differ on whether our armies can be ordered by the league to any part of the world without the consent of Congress. They differ on whether the unequal vote, where Great Britain has 6 to our 1, is dangerous; on our freedom to withdraw, which, as amended, depends upon whether our obligations have been fulfilled; on whether our labor will be dominated by European interference; on the power of the league to fasten upon us the debt of the World War; on the Shantung misfortune. In these and many other items the adherents of an unchanged covenant, the internationalists, led by the President, declare that either the language of the league does not include the dangers feared or we should be willing to make the sacrifice; while the nationalists, led by Senator LODGE and others in the Senate, declare it does include them and the sacrifice is too great for us. The view of the latter is shared by many of the country's greatest international lawyers.

To clear up the doubt so as to preclude the possibility of a dispute when it is too late to correct it, the Senate committee proposed to write into the ratification the exact language of our understandings to cover the points in doubt. This is the object and purpose of the reservation proposal upon which the Senate recently acted when it agreed to 15 reservations covering all the disputed points.

This is a common practice of all nations. We employed it in our very first treaty of any significance, the Jay treaty of 1795, and in most of our important treaties up to date. It is also a common practice in the various conferences of nations, such as The Hague conferences in 1899 and 1907. In these conventions dozens of reservations were made as conditions of ratification by most nations, including our own.

The deadlock in the Senate is unlike anything in the past. The President, recognizing the force and effect of reservations, has interpreted them as objectionable as amendments would be to him. While the Senate by decisive majorities has adopted reservations, it has failed to secure a two-thirds vote necessary to ratify the treaty either with or without reservations.

The Senate, after deliberate debate, adopted 15 reservations, which were accordingly attached to the treaty. The President, under date of November 18, 1919, in a letter to Senator HITCHCOCK, instructed all friends of the treaty to vote against ratification if the reservations were attached. His language was, "I trust all true friends of the treaty will refuse to support the Lodge resolution."

The test came first on ratification with the reservations attached. It was rejected by a vote of 39 to 55. There were 35 Republicans and 4 Democrats for it and 42 Democrats and 13 Republicans against it. On a reconsideration of the vote, proposed by Senator REED, a Democrat, it stood 41 for it and 51 against it—34 Republicans and 7 Democrats for it and 38 Democrats and 13 Republicans against it. This exhausted the parliamentary chances of ratification with reservations.

Then the vote was taken, on motion of Senator UNDERWOOD, to ratify without reservations. It was rejected by a vote of 38 to 53—37 Democrats and 1 Republican voted for it; 46 Republicans and 7 Democrats voted against it. The vote by which this last motion was reconsidered was laid on the table, which ended the parliamentary chance of further considering the ratification without reservations.

Ratification was thus rejected with and without reservations, and under the rules of the Senate unless suspended by same vote (two-thirds) necessary to ratify, it can not again be taken up. It will lie buried where it now rests, unless the President resubmits it to the Senate, which is his constitutional right if he chooses to exercise it. He has stated, "I have no compromise or concession of any kind in mind." However, that does not mean he will refuse to lay it again before the Senate.

The treaty has been killed in the house of its friends. The seven test votes taken show more than two-thirds of the Senate in favor of some form of a league. With reservations: Republicans 35; Democrats 4; without reservations: Republicans 1, Democrats 37; making a total vote of Republicans 36, Democrats 41. This shows 77 votes if united for it.

There are 17 Members of the Senate who are opposed to the Government taking the step to become a member of any league. They are 13 Republicans and 4 Democrats.

There are at least 37 Democrats who thus far follow the President in his claim that the league is more important than the Government.

There are 35 Republicans who favor the league if American sovereignty, independence, and vital national interests are safeguarded by reservations, but who will resist it as it is now written and demanded by the President.

The reservations are the determining factors. Upon every test on the subject of reservations the Senate has shown a very decided majority for them, but always short of the necessary two-thirds to make them a part of the ratified treaty.

If the President refuses to take the necessary step to again bring the treaty properly before the Senate, the latter body will be free to act by a resolution to end the war, either by joint resolution or by repealing the act of April 6, 1917, declaring a state of war to exist. The latter is the more likely resolution which has been reported to the Senate by the committee and now awaits action.

The question is frequently raised, Why is it that the treaty is not now in operation? By the terms of the treaty (article 440) it will come into force between the high contracting parties who have ratified it "as soon as the treaty has been ratified by Germany on the one hand and by three of the principal allied and associated powers on the other hand." On August 1 England ratified it. This ratification was soon followed by France and later by Italy. Germany having ratified it in due time, its terms make it effective now. Dispatches from Europe indicate a willingness to accept the Senate view, and this has been officially confirmed by the recent utterance of Lloyd-George and Clemenceau.

The much talk about compromises between the adherents of restricted and unrestricted ratification, which indicated a willingness to agree upon the reservation program and which is designed to clear up any ambiguity of the language of the covenant, will amount to but little unless the agreement will be accepted by the President, who must act in order to place the treaty again before the Senate. Up to date nothing has been said to indicate that he has modified his last statement that he has no compromise or concession in mind. It appears there is only one obstacle in the way of ending the war by the regular and usual course—the President himself.

As it now appears, the country will not be satisfied with its frightful sacrifices of life and treasure and the cumulation of ominous problems awaiting a return to a prewar status unless steps be taken without delay to end the war and in the best way to lessen the chances of future wars, and at the same time to omit no necessary step to preserve our national sovereignty and independence. The country is not greatly concerned over either disputes between coordinate bodies as such or the pride of opinion of leaders among us, but it is supremely concerned over the Nation's destiny. If our country is to abandon any time-honored principle heretofore looked upon as fundamental, it must be when such step becomes necessary. Great crises such as we have been through call for an unselfish service, divested of every semblance of personal ambition or partisan advantage, and even personal dignity, as important as that is, must not stand in the way of national necessity. As our supreme concern when we were in the world's greatest test of arms was to win the war in the shortest possible time at the least possible sacrifice, so now it is to put an end to this world unrest by reaching peace with our country, still, as ever, the great outstanding Republic, with its sovereignty and independence still intact to fulfill its mission vouchsafed by a combination of circumstances unique in the world's history, where while she is generous she is not foolish, and while she is powerful she is just. Her mission is clearly outlined by her great history, and her destiny should not be in doubt to-day when all the world is knocking at her doors. Whatever be the ambition of our leaders, let them not lose sight of a nation's duty to mankind not to cripple herself by becoming hopelessly lost in the meshes of foreign entanglements in her ardor to become the chief actor in the proposed world's great federation. However important may be the league, it must not be at the price of the necessity of submitting the destiny of this Republic to a vote of a league in which the control must be by nations whose interests can not be our own. Neither must she become the umpire to settle the world's quarrels. Reservations seem necessary to insure what good there is to be gained by the league without sacrificing our Nation, which to-day is the abiding hope of mankind.

Mr. CARTER. Mr. Chairman, I yield 20 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, I have listened with interest to the arguments relative to the policy that Congress has pursued in making reimbursable Indian appropriations. Particularly was I interested in the remarks made with respect to reimbursable appropriations for irrigation. It is a fact that the first appropriations for Indian irrigation were for projects located in the semiarid Northwest, where in certain years there is sufficient rainfall so that irrigation is not always necessary. The experiment was tried among tribes of Indians who are not agricultural, among nomads who were but a short time away from the habits of life of the hunter and the trapper. The results to date have not justified the expectations of Congress, but the same is equally true of similar experiments in irrigation conducted in other parts of the semiarid region on projects established for the exclusive benefit of white people. As a result of these partial failures, the whole idea of irrigation has been condemned in the House and we are informed in general terms that a mistake has been made in making any appropriations of this character. My own experience is based on knowledge of the Indians in the Southwest, who must live by irrigation, who know no other kind of farming. I assert without fear of successful contradiction that every dollar which has been expended for irrigation in any Indian appropriation act for the benefit of the Indians of Arizona, New Mexico, and southern California has given satisfactory results. Long before Columbus discovered America the Pimas, the Pueblos, and other natives of the Southwest were diverting water from the streams and applying it to their lands. It is no experiment to construct irrigation works for their benefit, because they know how to make beneficial use of every available drop of water which can be furnished to them.

Such is the testimony of every irrigation engineer of the Indian Service, of the Reclamation Service, and of every other person presumed to have knowledge of irrigation who appeared before our committee. I do not want the House to get the idea that because irrigation might not be successful in certain parts of the United States that the whole plan should be condemned.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. MADDEN. The gentleman is not in favor of reimbursement by the Indians?

Mr. HAYDEN. I favor the return of every dollar that can possibly be repaid.

Mr. MADDEN. I thought the gentleman's attitude was the other way.

Mr. HAYDEN. I have never advocated appropriations for irrigation or for any other purpose where the Indians possessed resources which made reimbursement to the United States possible on any other basis than that such reimbursements should not be made. Full reimbursement for all sums so advanced is not only right for the Indians but right for the white people. Under the United States reclamation project, where I live, there was a movement among the water users at one time to repudiate the debt due to the United States. I fought that

effort at repudiation with all the vigor that I possessed, because I believe that a debt owed to the United States is as sacred an obligation as a debt between neighbors or money due a bank and should be paid as promptly. This fact must be recognized, however, that Indians, particularly those of a roaming character, where it is necessary to wean them from their roving habits and locate them on farms, can not be expected to repay the United States for such expenditures as promptly as would an educated and successful white man who is familiar with irrigation and agriculture. For that reason Congress has very properly been more liberal in the terms of reimbursement by the Indians than they have with white men.

Mr. MADDEN. Will the gentleman yield for another question?

Mr. HAYDEN. With pleasure.

Mr. MADDEN. How much longer time does the gentleman think the Government of the United States should continue its control over Indian affairs?

Mr. HAYDEN. That is a question which no man can definitely answer.

Mr. MADDEN. Ought not they to be turned loose on their own responsibility to a larger extent than they are now and given a greater freedom, thereby encouraging and developing——

Mr. HAYDEN. Give an Indian complete freedom, remove him from all restraint, and if he be incompetent and not qualified to engage in business with the skill and experience of the white man, then frequently the result will be that he will promptly be cheated and swindled out of all of his property. Then a claim would be immediately brought to Congress that because the Indian was turned loose and allowed to dispose of his property in any extravagant manner that it was a burden upon the Government to do something further for him. In order to avoid just such a situation Congress has provided a method whereby within the discretion of the officials of the Interior Department the Indian may be declared competent and his property turned over to him. Where he is considered incompetent, supervision is exercised over his business affairs.

Mr. MADDEN. Since it left the power in the Interior Department to declare the competency of the Indians, how long does the gentleman think they will still continue to refuse to declare them competent in order to retain control over them by the Government?

Mr. HAYDEN. The Indian Bureau is like all other bureaus of the Government. It is not anxious to surrender authority, and continued pressure on the part of Congress will be necessary to induce the Indian Service to release control of the Indians. Within my own lifetime I have noted the advancement in civilization of Indians who went about practically naked, who wore long hair and could not speak a word of English. I have seen this same tribe of Indians within a generation driving automobiles and making as good use of their farms as their white neighbors, practically all of the younger people being able to read and write and to successfully manage their own business. I believe that, beyond a doubt, if the same policy which is now carried on by the Congress is continued, within three generations tribesmen can be made into good citizens. In some cases it can be done within a generation. In other tribes it may take two, but certainly within three generations the present educational system will develop the savage Indian into a civilized man.

Mr. TILSON. Will the gentleman yield?

Mr. HAYDEN. I will.

Mr. TILSON. The gentleman is a member of the subcommittee that made an extended investigation. Did the gentleman's subcommittee investigate the Indian Office here in Washington itself as to whether it would be possible to make any reduction in the expenses, either in personnel or in the office at this time, or is there any prospect in the immediate future that there will be a reduction in that department?

Mr. HAYDEN. One would imagine that reductions might be made in the force in the Indian Bureau, but as a matter of fact there are but a comparatively small number of persons employed in the city of Washington. The total number of persons under civil service in the Indian Bureau is 5,814. Of that number, but 240 are located in the city of Washington. The principal opportunity for a reduction in the number of employees is therefore in the Indian field service and not in the Indian Bureau.

Mr. TILSON. In the legislative bill there is an appropriation of $330,000 for the bureau here in Washington alone. That is a considerable sum.

Mr. JOHNSON of Washington. Will the gentleman from Arizona let me make a little statement in this connection? How can you expect to cut down the number of employees of the Indian Bureau when in 1899 they only received 59,787 letters and in 1919 they received 247,675 letters; their increase in work has been 314 per cent and the Indians dying off all the time?

Mr. TILSON. There may be some sort of propaganda in reference to writing letters, but I find the number of letters I receive is not governed at all by the importance of the business.

Mr. JOHNSON of Washington. Here is a page devoted to the letter writing.

Mr. HAYDEN. There is this possibility, that much of the work which might properly be disposed of in the field is transmitted by letter to the Indian Office in Washington for review and then mailed back for final action at the schools and agencies.

I am satisfied that a considerable portion of such correspondence might be eliminated by giving wider discretion to the local superintendents, and I am heartily in favor of doing so where it can be done under proper safeguards.

Mr. RHODES. Will the gentleman permit?

Mr. HAYDEN. I yield to my good friend from Missouri.

Mr. RHODES. In further answer to the gentleman's question, might it not be well to remind the gentleman from Connecticut [Mr. TILSON] that about 45,000 or 50,000 individual contracts have been entered into between the Indian Department and the individual Indians under the so-called reimbursable industrial appropriation, thus necessarily increasing the work of the bureau in Washington and increasing the number of employees?

Mr. HAYDEN. That is true.

Mr. FESS. Will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. FESS. What proportion of the Indian children have the facilities of schooling now?

Mr. HAYDEN. Everywhere, except in the Southwest, practically all the Indian children are provided with schools. In the Navajo country alone, in Arizona and New Mexico, there are over 5,000 Indian children who are growing up in ignorance, who can not speak or write the English language, because adequate school facilities have not been provided.

Mr. FESS. Is it not true that the Indian who is educated in the schools would be capable of citizenship?

Mr. HAYDEN. A man's education and his business ability are two different things. The qualifications for competency and citizenship are that the man can speak and read and write the English language and that by his conduct he has shown that he is capable of taking reasonable care of his own business. As the gentleman from Ohio well knows, some of the most highly educated men of our own race are very poor business men. Scholarship is rarely accompanied by a talent for finance.

Mr. FESS. That is very true. What I was getting at was that if we enter upon a campaign of universal education for the Indian children, would not one generation remove the necessity of keeping them as wards?

Mr. HAYDEN. I know a number of Indians in Arizona who were educated in the Indian schools who are successfully managing their own affairs, who speak good English, and are fully qualified to be citizens. But that is not the general rule, and can not be when we stop to consider that the whole tribe to which they belong was steeped in barbarism only a short generation ago. It is too much to expect that they could all be fully civilized in one generation. Within two generations much can be accomplished. Take an Indian child away from his parents and send him to an Indian school, put him through a hot-housing process, and apparently he makes wonderful progress. But if he goes back to his tribe, the majority of whom are uncivilized and illiterate, he is very likely to drop back into the old tribal manners and customs. Much talk has been made about the large percentage of Indian children who have reverted to the blanket after graduation from the Indian schools, but I discount such observations. A parallel case would be a white boy who goes from a country village to college. When he graduates and returns to his home his former associates think slightingly of the culture he has acquired and are inclined to say that he is conceited if he persists in his college ways. He may put on a pair of overalls and a slouch hat, and to all appearances look like his neighbors, but the education he has acquired while away from home is not thereby dissipated from his mind. He has acquired a desire for knowledge, and it is certain that he will insist that his children shall be educated. And so it takes two or more generations to raise the general level of education in a whole community, whether composed of white or red men.

Mr. FESS. Is it not true that our policy of educating the Indians is looking to a time when they will cease to be wards of the Government and be citizens of the United States?

Mr. HAYDEN. That is the only theory upon which appropriations to educate the Indians can be based.

Mr. MANN of Illinois. Will the gentleman yield for a question in that connection?

Mr. HAYDEN. With pleasure.

Mr. MANN of Illinois. Is it not a fact that the more the Indians become civilized, the more they acquire citizenship, the larger the appropriation made for their support and maintenance? Is not that a fact?

Mr. HAYDEN. Your bare statement of fact is true.

Mr. MANN of Illinois. Somebody suggests that is a coincidence.

Mr. HAYDEN. But the explanation is perfectly simple. If there is but one Indian agent in charge of 5,000 Indians on a reservation, all of whom are in tribal relation, without schools and nothing further is done to civilize them, it will not cost much money to handle the affairs of that tribe. But when the tribal property is segregated and individual Indians are taught to take care of their own business, when farmers are employed to teach them agriculture, when schools are established to educate their children, much larger sums must necessarily be expended.

Mr. MANN of Illinois. Were there not as many Indian tribes appropriated for 10 or 20 years ago as now, and was not the appropriation then only half of what it is now? It was a good deal less than half when I came here than it is now. The more they become civilized the more they want or somebody else wants money out of the Public Treasury to support them or make other provision for them. They are never taught real self-sustenance.

Mr. JOHNSON of Washington. It is for the intellectual and high-grade management of the Indian and his affairs, including the money and his property.

Mr. HAYDEN. In connection with the question of expense, which the gentleman from Illinois has raised, I want to make a few observations. The chairman of the Committee on Indian Affairs, for whom I have great respect both as an able legislator and as a good business man, made the statement that during the last seven years, under the administration of the present Indian commissioner, there had been an increase of about $40,000,000 in the sums annually appropriated by Congress for the Indian Service. He is usually so accurate in the use of figures that I was greatly surprised to hear him make so broad an assertion. We so often think alike on the questions before our committee that it is not a pleasant duty to correct the impression which his remarks evidently made upon the House to-day.

I was at a loss to understand where my good friend had obtained the data which he used, but undoubtedly he referred to the report which he submitted to the House in connection with this bill. But that report does not disclose any such large increase. Let me analyze his figures just for a moment.

In 1913, the first fiscal year after the present Commissioner of Indian Affairs assumed office, the total appropriations for the Indian Service were $9,470,000. The following year, 1914, there was an increase of $567,000, or a total of $10,037,000. In 1915 the appropriations were $11,214,000, an increase of $1,744,000 over the total for 1913. In 1916 Congress passed a joint resolution extending the former appropriations, so that the same increase over 1913 was allowed, $1,744,000. In 1917 the Indian appropriations totaled $12,214,000, or an increase of $2,744,000 over 1913. In 1918 the total appropriations for the Indian Service were $12,036,000, or an increase of $2,566,000 over 1913.

About that time Congress directed that thereafter no further use be made of Indian tribal funds without an appropriation by Congress, with the result that in the following year, 1919, the total carried in the bill was $15,462,000, or an apparent increase over 1913 of $6,012,000. Of that amount, $2,500,000 was out of Indian tribal funds, which the Indian Bureau prior to that time had the right to expend without coming to Congress for authority. The net increase over 1913 was, therefore, $3,512,000. The same was true of the last year's bill, which had a total of $15,273,000, or an apparent increase over 1913 of $5,803,000. But in the 1920 bill $2,509,000 was appropriated out of tribal funds, leaving a net increase of $3,214,000 over 1913. Deducting the tribal funds that were included in the 1919 and 1920 Indian appropriation bills, because Congress required an appropriation instead of allowing the Indian Bureau to use such funds without restraint, there remains a net total increase over the amount authorized for the Indian Service in 1913 $16,091,000 for the fiscal years 1914 to 1920, inclusive, an average increase each year of $2,298,000.

Mr. HASTINGS. Of that sum, how much is reimbursable?

Mr. HAYDEN. The reimbursable items aggregated $1,993,000 in 1914, and have been gradually increased to $2,767,000 in 1920.

Mr. CARTER. Mr. Chairman, if the gentleman will permit me, I recall that we increased the reimbursable items in the last two years in Montana and Washington and Wyoming on irrigation projects quite a bit, and about the year 1914 there began an increase in the so-called industrial funds by which great herds of tribal cattle have been brought up, which I tried to persuade the House not to permit to go into the bill; but, as will be remembered, there was one occasion when the House ran over the Indian Committee and permitted it to be done.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. CARTER. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Arizona is recognized for five minutes more.

Mr. HAYDEN. The gratuity items in the 1913 Indian appropriation bill aggregated $6,478,000, while the total gratuities in the Indian act for the fiscal year ending June 30, 1920, were $7,501,000, a reasonable increase, since the larger part of such appropriations is for the support of Indian schools. Instead of an increase of about $40,000,000 in the aggregate over the appropriations made between 1913 and 1920, there has been an actual increase of $16,091,000, or about $2,298,000 a year, which is not extraordinary, after taking into consideration all the expenses of the Indian Bureau, many of which are necessarily affected by the increased cost of labor and materials.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there for a question for information?

Mr. HAYDEN. With pleasure.

Mr. JOHNSON of Washington. The gentleman says the tribal funds are expended now under the authority of Congress?

Mr. HAYDEN. Yes.

Mr. JOHNSON of Washington. Take one of the 17 or 18 tribes in my district, the Quiniaults, numbering about a thousand Indians, with $6,000,000 worth of property. One of them dies, and his friends have not the money to buy a coffin or to take charge of his funeral, and no undertaker wants to do it, because his pay is so slow. Is that paid out of the tribal funds, or how is that done?

Mr. HAYDEN. If the gentleman will look at the last page of this bill, under the heading of "Washington," he will find appropriations from tribal funds of $160 for the Puyallups, $1,000 for the Quiniaults, and $4,800 for the Spokane Indians, and $8,000 for the Tulalips, and $22,000 for the Yakimas.

Mr. JOHNSON of Washington. I get that. Does the gentleman mean to say that that $1,000 for the Quiniaults is a lump sum, intended to pay for their distresses when they have not money of their own?

Mr. HAYDEN. That is all that is appropriated out of their tribal funds in this bill, and that is all the Quiniault money which can be expended without further authority from Congress.

Mr. JOHNSON of Washington. How would the gentleman like to be one of those thousand men having this $6,000,000 worth of property and having $1,000 allotted for distresses in his family and in the families of his fellow tribesmen?

Mr. HAYDEN. If the Quiniault Tribe has property, as the gentleman states, a sale should be arranged and some of it turned into cash and the money used for the benefit of the Indians.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. SNYDER. Just a moment ago there seemed to be an endeavor on the part of my friend from Oklahoma [Mr. CARTER] to make it appear that the increases had all been made in the reimbursable items. I desire to call attention to the fact that the estimate this year calls for $500,000 more in the gratuity items than in the current act, and there has been about that increase in the gratuity items for the past few years.

Mr. CARTER. I do not think the gentleman accurately caught what I said. As I understood the gentleman from Arizona [Mr. HAYDEN], he said the increases were not largely due to the reimbursable items. I simply called attention to the fact of the Montana irrigation item and the Wyoming irrigation item and the State of Washington irrigation item, and the industrial fund, which one year was $600,000, all of which were reimbursable items, and all of which had occasioned a large part of the increases in the last five or six years.

Mr. SNYDER. Of course, the gentleman knows that in no one of the Indian irrigation projects has there been a penny returned. There has been some return on the industrial reim-

bursables, and there has been a little money returned on moneys that were expended for upkeep or maintenance and operation, but there has not been a single project pointed out where there has been a dollar returned to the Government of any moneys that were appropriated for the capital purpose of developing an irrigation scheme.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. SNYDER. The gentleman from Arizona has the floor.

Mr. EVANS of Montana. Will the gentleman from Arizona yield for a question?

Mr. HAYDEN. Yes.

Mr. EVANS of Montana. I should like to ask the gentleman from New York if any of the projects have been completed?

Mr. SNYDER. So far as I know there has been no project completed, and so far as my belief goes there is no intention on the part of anyone ever to complete any of the projects.

Mr. EVANS of Montana. Particularly not on the part of the chairman of the Committee on Indian Affairs.

Mr. SNYDER. The chairman of the Committee on Indian Affairs proposes at this time, if it is within his power, to make some arrangement whereby some of this money which has been heretofore expended shall be returned, and to make it unnecessary in the future to appropriate large additional sums for the purpose.

Mr. EVANS of Montana. Does not the gentleman know that the money was not to be returned until the projects have been completed?

Mr. SNYDER. The gentleman knows that, but all laws can be repealed and all treaties can be modified, and this is the time when we propose to do it.

Mr. HAYDEN. Mr. Chairman, in conclusion, I sincerely hope it will be possible for the members of the Committee on Indian Affairs to carry out the plan indicated by the chairman and actually visit some of the reservations in the West so as to see the conditions for themselves.

Mr. EVANS of Montana. I hope so.

Mr. HAYDEN. We call upon witnesses from the Indian Bureau to tell us what somebody else told them, except in cases where they happen to have visited a particular reservation. Papers are shuffled, tables are displayed, but to go and see is the way to acquire information. The Japanese have a proverb that one look is better than a thousand words, and I do hope that this committee will actually go upon some of these reservations and observe the conditions there, in order that they may more intelligently appropriate the moneys necessary to carry on the Indian Service. It is only by a personal investigation of the conditions in the West that justice can be done to the Indians and intelligent appropriations made out of the Treasury of the United States. The gentlemen who are the members of this committee, and particularly its most able chairman, are good business men—I have every confidence in their judgment—and I hope they will make as thorough an investigation in the field as they have in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I do not think I shall take 10 minutes. The matter to which I wish to refer is not apropos to the discussion of this bill perhaps, but is, I believe, proper under general debate.

In the Washington Post of Tuesday, December 23, my attention was attracted to an article which had the following heading:

Living costs to drop—Palmer in statement emphasizes absence of rise since August—Predicts immediate slump—Lack of teeth in control act has hampered prosecutions.

Following the heading is this:

As a sort of Christmas present to the American people Attorney General A. Mitchell Palmer announced last night that the high cost of living has been halted and that there is every reason to believe that with the dawn of the new year definite reductions may be expected. As a matter of fact, the Attorney General argues that the holding of prices at a level between August and November is a distinct victory for the Government crusade, inasmuch as figures as far back as 1911 show prices invariably rise in the fall of the year.

Then follows a considerable criticism of Congress for not having passed the legislation that the Attorney General and the President demanded, and which is alleged to be to some extent the cause for the increase in the cost of living, and this statement is made:

CONFERENCE BEFORE STATEMENT.

A conference of all Government agencies engaged in the campaign against the high cost of living preceded the making public of the Attorney General's statement, in which he said:

The conference authorized the Attorney General to make the following statement:

Then follows this statement:

This year, during September and October, an actual reduction in the general level of retail prices was effected as compared with August, while the figure for November, although slightly above that of October, shows no increase above the August returns. In other words, the official data clearly shows the significant fact that the cost of living, as indicated by retail prices, was no greater in November of this year than it was in August, while during former years, extending back to 1911, the returns for November show a considerable increase over August returns.

When I saw this article, gentlemen, I immediately concluded that some one who was running the exchequer of my family was deceiving me about the true facts. I then began some investigation to ascertain whether the Attorney General had really given the American people a Christmas present or whether in fact the statements made by him were incorrect. So I called on various merchants of repute to see about the cost of living. You will remember, gentlemen, he says that the cost of living has not increased from the 1st of August to the present time. I called on Woodward & Lothrop, a reputable Washington firm, to give the retail prices of common ordinary things which every man has to have in his family. I have them here. Gingham—and they give the different kinds—on the 1st of August was 25 cents a yard. On the 30th of December it was 30 cents a yard. Percale, 40 cents on the 1st of August and 50 cents on the 30th of December. Sheeting on the 1st of August was 80 cents and $1.20 on the 30th of December. Toweling, 18 cents on the 1st of August and 25 on the 30th of December. Muslin, 30 cents on the 1st of August and 40 cents now. Men's cotton union suits, and they give the kinds, the ordinary kind——

Mr. BLANTON. Will the gentleman yield right there?

Mr. GRAHAM of Illinois. No; I will not yield.

Mr. BLANTON. I simply wanted to know what the gentleman knows about cotton underwear.

Mr. GRAHAM of Illinois. If I did not know more than the gentleman from Texas I would not say much about it. The price of these men's cotton union suits remains about the same. Men's common negligé shirt with collars and soft cuffs were $2 on the 1st of August and now $2.50. Men's shoes, high calfskin, average $9 on the 1st of August and $11 now.

Now, in every case these are the same articles upon which the price is quoted. Women's shoes are quoted the same on the 1st of August and at this time, although from what I learn in my family there seems to be some difference of opinion on that question, but I am willing to take the merchant's say so.

Men's ready-made suits. The merchant's comment is as follows:

On merchandise contracted for previous to August 1 and delivered after that date, no change in price. Purchases made in November for immediate use 20 per cent to 40 per cent higher than goods contracted for in the spring of 1919 for use in the fall of 1919.

Men's hats, Stetson soft, $7 on the 1st of August and $8 now.

Men's kid gloves were selling on the 1st of August for $3 and are $3.50 now. Women's gloves, the ordinary average that is mostly sold, $3 on the 1st of August and $3.50 now.

This firm has this comment to make:

In explanation of the few instances above in which the retail prices are not higher January 1 than August 1, it is only because we have not had to replenish our stocks of these particular items since August 1, not because of stationary cost of price.

I then investigated the price of coal. I find that bituminous coal was selling in Washington the 1st of August, 1919, for $7.75 a ton. It is selling to-day for $8.10. This was caused by an increase of 35 cents which came about under the deliberations between Attorney General Palmer and the miners, by which they resumed operations; deliberations which the great majority of the American people know nothing about, but which we do know increased the cost to the American people of 35 cents a ton on soft coal. Hard coal has had the following increases: Eighty-five cents per ton the 1st of August and on the 1st of September 10 per cent increase on the cost.

Here are some of the common articles, and I must hurry because my time grows short. I find that lumber, such as is ordinarily used in building operations—siding cost on the 1st of August $100 per thousand and at this time it costs $115 to $120. Oak flooring on the 1st of August cost $110 a thousand and is now $182 a thousand. Pine flooring cost $100 on the 1st of August and now costs $135. Shingles cost $9 a thousand on the 1st of August and $18.50 now—over 100 per cent increase.

Dimension stuff remains about the same. Nails sold for $4.50 on the 1st of August for a hundred-pound keg and now is $6.20 for a keg of a hundred pounds.

Plumber's supplies: Enameled ware advanced about 20 per cent; articles of brass, prices advanced about 30 per cent since August 1.

Cast-iron sewer pipe has advanced 15 per cent since August 1. Boilers and radiators have advanced 20 per cent since August 1.

Now, as to cloth, the common ordinary serge for men's suits was $4 per yard on the 1st of August and to-day is $7 a yard.

Domestic worsted increased about 20 per cent on good quality and imported worsted about the same. Cement cost $2.81 a barrel on the 1st of August and remained the same, as does lime.

I looked up the prices of food and I find some changes. Wheat flour increased on the 24½-pound bag from $1.75 a bag on the 1st of August to $1.85 at this time. Navy beans, salmon, canned corn, canned peas, canned beans, remain the same. I call attention to the fact that I believe they have remained the same because the Army food, owned by the Army, has been forced upon the market and has come in competition with these articles and has kept the price down to the natural and legitimate level. So at this time those prices have not risen. On butter the price has risen from 62 cents to 75 cents a pound. Eggs have risen from 53 cents to 59 cents a dozen. Granulated sugar has risen from 10 cents a pound for beet sugar, to 15 cents a pound; and for Louisiana sugar to 20 cents a pound.

All the articles above enumerated are such as ordinarily constitute the bulk of the things that go to make up the cost of living. Of this list of articles, the Attorney General is said to have had particular and intimate connection with two, namely, soft coal and sugar. In the matter of soft coal, Dr. Garfield, Fuel Administrator, announced that in his judgment the soft-coal miners ought to have a 14 per cent increase in wages, and that this ought to be borne by the operators. To this, I understand, the operators agreed. However, the miners did not. Almost immediately thereafter Attorney General Palmer began negotiations with the coal miners, as a result of which they returned to work with the implied understanding, as the press reports, that an increase of wages would be granted to them by a commission to be thereafter appointed. Mr. Palmer announced that a complete victory had been won for the Government; and Mr. Garfield, knowing such not to be the case, is said to have resigned. Dr. Garfield was well bred and had good Republican training in his youth. However, he was one of those who believed in the idealism of Woodrow Wilson. I trust when he returns to the cloistered halls of his college he may reflect on the fact that Democratic idealism and the practical application of democracy in national affairs are as different and opposed to one another as are the holy ghost and original sin.

The other matter dealt with by Mr. Palmer was sugar. The press reports he had a conference with the Louisiana sugar growers, and as a result of it they were allowed to increase their wholesale price to 17 cents. Almost immediately after this statement became public, whether correct or not, in almost every store in Washington where sugar had been heretofore an unknown quantity signs appeared inviting the public to buy what it wanted, but the price had risen in a night from 10 cents a pound to 15 cents for beet sugar and to 20 to 24 cents for cane sugar.

Thus it may be seen that the two matters which the Attorney General had most intimately busied himself with have resulted in immediate increases in the high cost of living. I understand Mr. Palmer is a candidate for President upon the Democratic ticket. If he is, and if this is one of the issues upon which he expects to be nominated and elected, I most respectfully suggest that he had best get another issue.

By unanimous consent, Mr. GRAHAM of Illinois was granted leave to extend his remarks in the RECORD.

Mr. SNYDER. Mr. Chairman, I yield now to the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. HERNANDEZ. Mr. Chairman and gentlemen of the committee, my purpose at this time in taking a few minutes of time on general debate of the bill now under consideration is for the purpose of calling your attention to two or three items in this bill which have to do with Indians in my State.

First, let me state in a general way that the Indians are making rapid progress in the ways of civilization in New Mexico. Practically all are self-supporting. The Navajo Indians, the most numerous of the Indian tribes in my State, are located in the southwestern part of the State, are engaged in sheep raising. On account of the character of the country in which these Indians live it will be a good many years before the Navajo Indians can be allotted their lands in severalty. That part of their reservation lying and being in the State of New Mexico is solely a stock-raising country. There is but very little water which can be used now for irrigation purposes. Also on account of their nomadic habits of living the matter of educating and finally civilizing these Indians is rather remote at this time. However, they are our wards and, like other troublesome questions and conditions in our various sections of the country, we must meet it in the most sensible and practical manner. Under the treaty of 1868, when these Indians were moved to their present reservation, the Government of the United States entered into a treaty whereby they were to have free education, furnished them by the Government. Owing to, as I have stated above, the fact that these Indians are scattered over a section of country covering an area of approximately 10,000,000 acres of the wildest country that anybody ever saw, schooling facilities for them all is just now an impossibility. They make their living by herding sheep and weaving blankets; they follow the grass wherever that is; they live in hoggans, huts built out of brush, partly under the ground, and in tents. The Navajo Indian is capable of learning.

I hold in my hand a communication from the missionary among the Navajo Indians, who has spent the last 10 years of his life as such missionary amongst the Navajos. In furtherance to the item in this bill appropriating a hundred thousand dollars for the purpose of purchasing and leasing lands for the Navajo Indians, he makes the statement that about 6,000 of these Indians live off of the reservation at the present time. That they are leasing railroad land which they have been occupying for a number of years, and paying for the leases out of their own pockets.

Another item I desire to call your attention to is the one providing for support and education at the Indian school at Albuquerque. If Congress desires to take care of the Indian population in New Mexico, this school should be enlarged. It is full to its capacity to-day, and a number of the Indian children will have to be denied admission therein because of lack of accommodations. The amount provided for by the bill is $200 per capita, when really at the present high prices they could not be taken care of very well for less than $225 per capita, and really it would be better if $250 were given for this and the Santa Fe school, both of which are first-class schools, running at their full capacity.

We have in the State of New Mexico about 10,000 Pueblo Indians, living in villages, most of them along the Rio Grande, among the other people. As a rule these Pueblo Indians have been peaceable and law-abiding. The Indian Bureau has provided school facilities for these Indians in their own villages. They were for a good many years, and are, semicivilized people, and, under Spanish and Mexican régime, citizens of those countries, and have been declared by the Supreme Court of the United States to be citizens of the United States. Notwithstanding that, they have never exercised their rights of franchise or assumed any of the responsibilities of citizenship. The Indian Bureau has been helping the Indians in their agricultural activities by making loans to them from funds appropriated by Congress.

Upon assuming jurisdiction over the Pueblo Indians the bureau has from time to time employed people as farmers, assistant farmers, agents of the Department of Justice assisting in suppressing the liquor traffic among them, and in a good many instances these employees have persuaded the Indians not only to exert their rights but extending what I consider unwise counsel to them, making them rather bad neighbors to the communities adjoining them, advising them not to obey local authorities and in a good many instances defying the enforcement of the local laws. I have in mind a case where the Indians resisted a posse of the mounted police force of the State of New Mexico who went to their village for the purpose of executing a search warrant for beef hides of stolen cattle that the local authorities knew the Indians had in their houses, and serious trouble was averted only by the interference of people who had influence with the Indians. There should be a perfect cooperation between the United States employees of the Indian Bureau and other Federal officials and State and other local officers in the execution of the law, in order to make the Indians understand that they are wards of the Government, but that their guardian is not going to tolerate any violations of the law on their part. They should be made to understand that they can not steal their neighbor's property and get away from punishment simply because they are wards of the Government.

The people of New Mexico among whom most of these Indians live are a law-abiding and in a good many instances timid people, and have no disposition to interfere with or obstruct the proper administration of rules and regulations of the department.

Mr. CARTER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I think that the remarks of the gentleman from Illinois [Mr. GRAHAM] constitute the most complete indictment of inefficiency that could be brought against the dominant party in this House. After calling this Congress into special session on May 19, the President of the United States came on the floor of this House before a joint session of the

House and Senate, on August 10, and pointed out the way by which the high cost of living could be materially reduced. He recommended the immediate passage of legislation that would permit of its reduction, and this House remained in session continuously until about 10 days before December 1, in session day after day with the Republicans in majority and in control of the House, and not a single measure was brought before the House for consideration that would force a decrease in any item in the high cost of living. The distinguished gentleman from Illinois [Mr. GRAHAM] now brings in a statement of conditions, and who is responsible for those conditions? Who had the right to introduce proper legislation that would force a reduction? The President pointed out the kind of legislation the officers of this Government needed. He showed us exactly what he wanted in the way of legislation. He showed us exactly what this country needed in the way of legislation, and you, my colleagues on the Republican side, have fallen down on your job, and now you come in and criticize conditions for which you alone are responsible.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry that I have not the time now. Instead of bringing in the requested legislation, instead of doing what the President of the United States asked you to do in behalf of the people of this country, you wasted and frittered away the time of the Congress in passing the pearl-button bill, to take 20 cents out of the pocket of every poor family in this country; you have frittered away the time of this House in passing such bills as the chemical-glass bill, and the surgical-instrument bill, which put $10 tax a head upon every poor medical and surgical student in the whole land. You have frittered away the time of this House in passing such legislation as the tungsten ore and magnesite bills, that put millions of dollars into the pockets of the special few against the interests of the many.

You have frittered away the time of this House in passing measure after measure that puts millions of dollars into the pockets of the rich Republican millionaire manufacturers who furnish the campaign funds to put each one of you in seats here in this House. [Laughter.] And the gentleman from Illinois comes in and criticizes the Attorney General and conditions! Oh, my friends, you may laugh. The distinguished gentleman, my friend from Kansas [Mr. CAMPBELL], may laugh. He is a powerful man. If he would exert that power in a proper way, if he would as chairman of the great Committee on Rules bring in a rule here making in order legislation that would put upon the statute books a law that would help the Attorney General, you would not have to criticize him. He would do his duty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I yield to the gentleman from California [Mr. OSBORNE].

THE PEACE TREATY RESERVATIONS.

Mr. OSBORNE. Mr. Chairman, although the House of Representatives has no constitutional responsibility for the terms of the treaty of peace with Germany and the proposed constitution of the league of nations, that responsibility and duty being placed upon the President and the Senate, still every phase of the subject is of absorbing interest to the Members of this body, as it is to all the people of the United States. The treaty and the associated constitution of the league involve the entering into great and far-reaching national engagements by our country with European, Asiatic, and African nations, the ultimate effect and results of which our statesmen are endeavoring to foresee.

The peace treaty and the league of nations have been exhaustively discussed. It is not my intention to attempt to present any new considerations in connection with these important documents; but the proposed 15 reservations thereto, that were approved by a considerable majority of the Senate, have not had such detailed attention, and a brief consideration of each of the reservations in a fair and unbiased way may prove interesting and profitable.

So much bitterness has entered into the discussion of the league of nations that it is difficult for many to approach the subject with open minds or with a feeling that those who disagree with them are honest or sincere in the views that they express. Yet I doubt if any public matter of later years—even that of the war itself—has been approached with greater sincerity and honesty of purpose, on both sides of the question, than that of the league of nations. Different minds, even great minds, view public questions from different angles and reach different conclusions. Some are naturally inclined to one feature of the subject as the all-important and controlling one, while others, equally sincere, magnify the importance of another feature, and so they arrive at different and possibly antagonistic conclusions.

The negotiation of treaties with foreign countries is one of the most important functions of our Government. Upon it always has rested our relations with foreign powers as to friendly intercourse and as to facility and volume of commerce. Of such great consequence are treaties with foreign Governments that the Supreme Court of the United States has declared them "the supreme law of the land." The framers of the Constitution evidently were impressed with their great importance, and intended that they should be entered into with the greatest care, so that when completed they should meet the approval of both the President and the Senate. The language employed by the Constitution is found in paragraph 2, section 2, of Article II of the Constitution, and is as follows:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Doubtless it was intended that Senators should be fully informed as to the progress of treaties in the making, and not that they should be confined to giving consent and concurrence after the event. Otherwise the provision for "advice" would have been omitted, as advice would be useless and unavailing after the treaty had reached the point where "consent" and "concurrence" were needed to complete the covenant. Mention is made of this requirement of the active participation of the Senate in the making of treaties to correct the idea held by many that the part of the Senate in this responsible labor is merely perfunctory and confined to a concurrence and consent to engagements already made by the Executive with foreign powers without consideration or advice of the Senate in advance.

PRESIDENTS HAVE RECOGNIZED THE RIGHT AND DUTY OF THE SENATE TO "ADVISE."

That the early Presidents, and all Presidents down to a recent period, entertained no doubt as to the meaning of this provision of the Constitution is made evident by the fact that many of them acted upon no treaties without in advance formally requesting the advice of the Senate.

President Washington went personally to the Senate on August 22, 1779, "to consider the terms of a treaty to be negotiated with the southern Indians." Seven specific questions were submitted to the Senate as to the "proposed negotiations," with a request that each be voted upon by the Senate, which was done.

President Washington is said never to have failed to ask the advice of the Senate as to the negotiation of all treaties during his two terms, whether important or unimportant.

On August 11, 1790, he sent a message to the Senate, in which he said:

On this point, therefore, I state the following precedents and request the advice of the Senate thereon:

First. Is it the judgment of the Senate that overtures shall be made to the Cherokees to arrange a new boundary so as to embrace the settlements made by the white people since the treaty of Hopewell in November, 1785? * * *

Third, Shall the United States stipulate solemnly to guarantee the new boundary which may be arranged?

On January 18, 1792, President Washington addressed the Senate as follows:

I lay before you the communications of a deputation from the Cherokee Nation of Indians now in this city, and I request your advice whether an additional article shall be made to the Cherokee treaty to the following effect, to wit:

"That the sum to be paid annually by the United States to the Cherokee Nation of Indians in consideration of the relinquishment of lands as stated in the treaty made by them on the 2d day of July, 1791, shall be $1,500 instead of $1,000 mentioned in the said treaty."

May 8, 1792, President Washington submitted the two following propositions for the advice of the Senate:

If the President of the United States should conclude a convention or treaty with the Government of Algiers for the ransom of the 13 Americans in captivity there for a sum of not exceeding $40,000, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit beyond which they would not approve the ransom?

If the President of the United States should conclude a treaty with the Government of Algiers for the establishment of peace with them at an expense not exceeding $25,000, paid at the signature, and a like sum to be paid annually afterwards during the continuance of the treaty, would the Senate approve the same? Or are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

President Jackson, under date of May 6, 1830, sought the advice of the Senate concerning a proposed treaty with the Choctaw Indians, by which they offered to cede to the United States all their country east of the Mississippi River. After setting forth the situation and his own disposition to exercise the utmost liberality with the Indians compatible with the interests of the United States, President Jackson said:

With these views I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the

Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me?

If not, what further alteration or modification will the Senate propose?

On March 16, 1861, President Lincoln communicated with the Senate as follows:

The Senate has transmitted to me a copy of the message sent by my predecessor to that body on the 21st day of February last, proposing to take its advice on the subject of a proposition made by the British Government through its minister here, to refer the matter in controversy between that Government and the Government of the United States to the arbitrament of the King of Sweden and Norway, the King of the Netherlands, or the Republic of the Swiss Confederation.

In that message my predecessor stated that he wished to submit to the Senate the precise questions following, namely:

Will the Senate approve a treaty referred to either of the foreign powers above named in the dispute now existing between the Governments of the United States and Great Britain concerning the boundary line between Vancouver Island and the American Continent? In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of the 15th June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible? Which of the three powers named by Great Britain as an arbiter shall be chosen by the United States?

I find no reason to disapprove of the course of my predecessor in this important matter; but, on the contrary, I not only shall receive the advice of the Senate therein cheerfully, but I respectfully ask the Senate for their advice on the three questions before recited.

The predecessor of President Lincoln referred to was President Buchanan. His views on the subject had been stated while Secretary of State, in 1846, in instructions given to Mr. McLean, minister to Great Britain, as follows:

The Federal Constitution has made the Senate to a certain extent a coordinate branch of the treaty-making power. Without their advice and consent no treaty can be concluded. This power could not be intrusted to wiser or better hands. Besides in their legislative character they constitute a portion of the war-making as in their executive capacity they compose a part of the treaty-making power. * * * A rejection of the British ultimatum might possibly lead to war, and as a branch of the legislative power it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations the President, in deference to the Senate and to the true theory of the constitutional responsibilities of the different branches of the Government, will forego his own opinion so far as to submit to that body any proposition which may be made by the British Government not, in his judgment, wholly inconsistent with the rights and honor of the country.

President Johnson, on January 15, 1869, asked the advice of the Senate concerning the proposed naturalization treaty with Great Britain.

President Grant communicated to the Senate May 18, 1872, as follows:

I transmit herewith the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871.

I respectfully invite the attention of the Senate to the proposed article submitted by the British Government with the object of removing the differences which seem to threaten the prosecution of the arbitration, and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government.

The Senate is aware that consultation with that body in advance of entering into agreements with foreign States has many precedents. In the early days of the Republic General Washington repeatedly asked their advice upon pending questions with such powers. The most important recent precedent is that of the Oregon boundary treaty in 1846.

President Arthur, on June 9, 1884, submitted to the Senate in advance of any negotiations a proposal from the ruler of the Hawaiian Islands to extend the reciprocity agreement then in force for a period of seven years.

In recent years proposed treaties have often been dealt with by the Presidents in annual or general messages instead of special messages, and the whole matter opened in that way for general discussion between the President and the Senate for a complete understanding.

Considering the plain language of the Constitution and the practice of Presidents for more than a century in recognizing the right and duty of the Senate to participate in the making of treaties, so far at least as to be enabled to "advise," can the Senators be blamed for carrying out their constitutional duty when the belated opportunity is finally accorded them?

On the day that each Senator enters upon his official duties he takes a solemn oath before the Senate and the people assembled in the galleries, administered by the Vice President, that he will defend and sustain the Constitution "without mental reservation or secret evasion." Can Senators avoid the full performance of a duty plainly enjoined upon them by the Constitution itself? The question supplies its own answer.

It is to be noted that while more than a majority of the Senators would have amended the covenant of the league of nations and the treaty of peace if they had had the opportunity to do so before it was finally acted upon by the peace conference at Versailles, in one particular or another, they refrained from doing so when the treaty finally reached them, out of deference to the wishes of the President and of respect for the dignity of his high office, and in conformity with their desire to do nothing that would unnecessarily defer the final declaration of peace throughout the world.

They were constrained, however, to place such reservations in the resolutions of ratification as were by them deemed necessary to preserve the sovereignty of the United States over its own affairs, to safeguard the vital interests of the Nation, and to prevent the entanglement of our country in European and Asiatic wars in which we would have none but a remote interest, if any at all.

RESERVATIONS TO TREATIES ARE NOT UNCOMMON.

Many speak of reservations in treaties as though they were a new thing in diplomatic history. Such is far from being the truth. Treaties are often framed which embrace something which fails to meet the approval of the Senate. It is frequently inconvenient to reject the treaty so formed in its entirety and resort is had to a reservation in the act of ratification as to the particular point or points to which objection is had. This is held to be as valid and effective as though the treaty itself had been amended in the original text.

A compilation of such treaty reservations was made in Senate Document No. 135, Sixty-sixth Congress, first session, which enumerates among others the following treaty reservations made in the resolutions of ratification:

January 9, 1883: Treaty of peace, amity, commerce, and navigation with Korea, concluded May 22, 1882. Resolution recites that "It is the understanding of the Senate in agreeing to the foreging resolution that the clause 'nor are they permitted to transport native produce from one open port to another open port,' in article 6 of said treaty, is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Korea, or Chosen, to receive Korean cargo for exportation or to discharge foreign cargo."

Second reservation: "That the Senate in advising and consenting to the treaty does not admit or acquiesce in any right or constitutional powers in the President to authorize or empower any person to negotiate treaties * * * unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate."

January 11, 1892, general act for the repression of the African slave trade, signed July 2, 1890.

Mr. Sherman * * * reported it without amendment, accompanied by the following resolution:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

"*Resolved further*, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic, and to the stipulations relative to the same."

Second. "That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said general act which might be construed as such a declaration or acknowledgment, and for these reasons that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of ratifications of this treaty on the part of the United States."

March 8, 1892.—Supplementary Industrial Convention, concluded April 15, 1892: "That the Senate advise and consent to the ratification of protocols 3 and 4, signed at Madrid April 15, 1891, by the United States and other powers, amendatory to the convention of March 20, 1883, for the protection of industrial property, subject to the reservation of the plenipotentiary of the United States in the international conference for the protection of industrial property at Madrid, as follows:

"The share allotted to the United States to contribute to the donation of the international bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

"That articles 3 and 4 of the fourth protocol shall not go beyond what shall be established by the legislation of the United States."

December 12, 1906.—Algeciras convention of 1906: "That the Senate understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government; and without purpose to depart from the traditional American foreign policy, which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

April 2, 1908.—Convention for the settlement of international disputes, signed at The Hague, 1907: "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Second reservation: "That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United

States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise."

April 17, 1908.—Convention concluded at the second Hague peace conference, held at The Hague, 1907, concerning the rights and duties of neutral powers in naval war: "Reserving and excluding, however, Article XXIII thereof, which is in the following words:

"'A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"'If the prize is not under convoy, the prize crew are left at liberty.'

"*Resolved further*, That the United States adheres to this convention with the understanding that the last clause of Article III implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within the jurisdiction."

April 17, 1908.—Convention respecting the employment of force for the recovery of contract debts, signed at The Hague, 1907: "The United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute."

May 22, 1908.—Extradition convention with Portugal, signed May 7, 1908: "In giving this advice and consent to the ratification of the said treaty and as a part of the act of ratification the Senate understands that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty."

March 3, 1909.—Ship-canal treaty with Panama, signed January 9, 1909: "Resolved as a part of this ratification that the United States approves the treaty between the United States and Panama with the understanding that, so far as the United States is concerned, no question shall be submitted to arbitration herein provided for which in any way affects the vital interests of the United States in the protection, operation, maintenance, sanitation, and protection of the Panama Canal."

May 6, 1909.—Agreement with Russia regulating the position of corporations and other commercial associations, signed June 25, 1904: "The Senate advises and consents to the ratification of the said agreement with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under the authority of the several States of the Union."

March 7, 1912.—Arbitration treaty with Great Britain, signed August 3, 1912: "*Provided*, That the Senate advise and consent to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

January 22, 1913.—International wireless telegraph convention, concluded July 5, 1912: "The Senate advise and consent to the ratification of the radiotelegraphic convention signed at London on July 5, 1912, with the final protocol and service regulations connected therewith: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing in the ninth article of the regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering or clearing from her ports."

February 19, 1913.—Convention signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: "The Senate advise and consent to the ratification of a convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing contained in article 9 thereof shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions."

Sufficient evidence has here been shown that reservations to treaties and conventions are neither new nor unusual. The Senate has never hesitated to adopt such reservations to treaties presented to that body by the President whenever a sufficient number of its Members deemed such reservations essential or desirable to preserve and protect the interests of the United States and its citizens, and the language employed has often been so clear and emphatic as to appear brusque.

Let us take a glance at the reservations proposed to the treaty of peace with Germany and undertake to analyze them so far as we are able, to ascertain whether or not they are simply mischievous, or whether they are necessary or desirable to protect and safeguard our country and our people.

I hold in my hand a complete copy of the proposed treaty of peace with Germany, which includes the covenant of the league of nations. You will observe that it is a substantial volume of 194 pages, and embraces 440 separate articles, each article embracing one or more subjects. In its scope it seeks to effect substantial changes in the government of all the great nations of the world and in the relations of the separate nations to each other. Indirectly it influences all the neutral nations. Thus it affects in some degree all the nations and all the peoples of the earth. When it is reflected that this enormously powerful and far-reaching treaty—the most important document of its kind in the history of the world in its probable effect upon mankind, voluminous in detail as it is in general principles—was not presented to the American Senate for perusal or consideration until after it had been completed in its present form in the councils of the world's predominant powers at the peace conference at Versailles—councils which were to a large degree secret in their character, and in which numerous secret treaties were unveiled for the first time—is it not remarkable that the Senate should have found so few reservations to the 440 articles of the treaty sufficiently serious to command a majority vote of the Senate?

At this point permit me to state my own convictions upon this momentous subject. The House of Representatives, unlike the United States Senate, has no part in the making of treaties, and its Members have no greater responsibility in regard thereto than has any other citizen. Many years before the Great War I was much interested in plans for the prevention of war, and became a member of the League to Enforce Peace, of which former President William H. Taft was the presiding officer. I believed then and believe now that some plan of organization of the great nations offers the means by which this most beneficent result might be attained. In 1911, when Mr. Taft was President, he made a great speech upon this subject at a banquet given to him in my home city of Los Angeles, to which I listened with absorbing interest. So when the present war ended I was much in favor of some combination of the nations which won the war that should perform the twofold purpose of fixing the terms of closing this war and of preventing entirely or of minimizing the chances of future wars. A league of nations as such, or by whatever name it might be called, commended itself to me.

Immediately preceding his first trip to Europe, in early December, 1918, President Wilson appeared before a joint session of the two Houses of Congress, at which I was present, and it was supposed that he would set forth somewhat fully the nature of the league of nations which he would propose to the peace conference at Paris. He did not, however, give any definite idea of what form the proposed league would take, and it is quite probable that at that time he had not formulated more than a general plan of the organization, with little or no detail as to its scope and activities.

It was not until February 14, 1919, that much further information was given as to the league, on which day the draft of the proposed "constitution of the league of nations" was presented to the peace conference through President Wilson, chairman of the committee in charge.

When published this constitution was found to contain several provisions that would bear particularly hard upon the United States and calling for sacrifices of sovereignty and giving pledges of resources, finance, and man power to protect foreign nations that many American statesmen and publicists of the different political parties regarded as unnecessary to accomplish the purpose of preserving the peace of the world and in excess of the benefits to be obtained by the people of the world, and especially by our own people. To the members of the Senate and House Committees on Foreign Affairs the President, at a dinner given at the White House in early March, 1919, in reply to a question of one of the legislators, who had asked him if the objectionable feature of the "constitution" could not be amended to cover the defects, replied that they could not.

However, upon the return of the President to Paris later the proposed "constitution" was amended materially, and many of its articles were redrawn in different language, and in some cases greatly modified. The title was changed from "constitution" to "the covenant of the league of nations."

My intense desire to have war made impossible, if such can be done by human agency, has kept me a consistent advocate of a league of nations, the only agency now under consideration with that end in view. My personal experience as a soldier when a boy in the closing months of the Civil War made me a lifelong hater of war. The horrors of the great European struggle through which the world has just passed, in which the inconceivable number of 7,000,000 men lost their lives, and in which there were casualties of nearly 20,000,000 of men, and which has resulted in a world madness—a sort of universal hysteria or insanity—has deeply confirmed my horror of war. So with all its faults I have been an advocate of the league of nations. I say "with all its faults," for I have not been oblivious to its faults, and I have hoped to see them corrected. When I was home for two months at the end of the Sixty-fifth Congress, in March, April, and May, 1919, I spoke before various organizations in Los Angeles 39 times—nearly every time on the subject of the league of nations, that I deemed at the time of the highest importance to the people and to the country. I pointed out

some of the features of the first "constitution" that I thought ought to be amended in justice to our own country. In general, these amendments applied to articles that placed the constitution of the league of nations over the Constitution of the United States; that would substitute the council of the league of nations for the Congress of the United States in declarations of war and in providing armies and moneys, involving heavy Federal taxation to carry on the purposes of the league; for giving sweeping and undefined pledges to preserve the territorial integrity and political independence of all members of the league, and for avoidance of those pledges that would tend to throw America into an international supernation, where international rules and laws, formulated mainly by European and Asiatic foreigners, would supersede and be superior to the laws and rules adopted by Americans elected by the people for that purpose in the conduct of their own country and its affairs.

As I have stated, an attempt was made in the several drafts of the constitution of the league of nations, now known as the "covenant," to correct some of these defects. The changes were not altogether successful, and did not fully accomplish the purpose. In one important instance, indeed the most important one of all, namely, article 10, no change whatever was made. This is the article which pledges all the nation signatories to preserve the territorial integrity of all members of the league against external aggression, and in case of any such aggression or any threat or danger of such aggression, gives authority to the council of the league to "advise upon the means by which this obligation shall be fulfilled." This solemn commitment is doubtless the most serious of any connected with the league, and is the one which is most portentous in its possibilities and even its probabilities. That there will be external aggression against the territorial integrity of some of the nations in the future as there have been in the past is most probable. The nature and causes of those aggressions we do not know; but, regardless of their causes or merits, and without reference to whether they may have the approval or disapproval of the people of the United States, we would have pledged ourselves in advance by this article to fulfill this obligation by such means as the council of the league shall advise. That means might take the course of a national boycott and nonintercourse, or it might require us to furnish such a quota of troops and money for war supplies as the council might deem equitable, considering our population and financial resources. The council, it should be remembered, would have one American representative and one representative each of eight foreign nations.

I occasionally meet men who say, "Well, I presume that the league covenant is defective; but even so, let us give it a trial, anyway. If we find it does not work, we can find some way of getting out of it." This attitude is a very general one, but it is not sound. When we once get in, good faith requires that we stand up to our national agreements, no matter how repugnant may be the duties imposed upon us, until such time as we can withdraw in strict conformity to the instrument itself.

When individuals are entering into contracts with each other their legal representatives are most careful to set forth clearly and concisely what each party to the contract is to do, and to make such conditions and reservations as will protect the parties to the contract from being called upon later to do things not contemplated by them when the contract was signed. In a great contract binding our Nation to the other nations of the world, involving the possible and even probable calling of our young men into military service in distant countries, the commandeering of our national resources, and even the sovereignty of our Nation itself in matters which we now regard as purely our own, how much more important is it that the contract or covenant should be so perfected before signing that we may, without detriment to the peace treaty itself, avoid unnecessary national sacrifices, as well as subsequent disputes and quarrels with other nations as to the meaning of the obligations which we have assumed? Is it not far better to have these interpretations and reservations, as to the merits of which most of our people are agreed, made now before the treaty is signed, even though it may have occasioned a little present disappointment to our national associates and cause delay, rather than to leave them to future misunderstandings and disputes and probably to charges against us of bad faith and failure to meet national obligations?

My own idea is that perfect frankness in advance is the better and safer course. Therefore, while I favor the league of nations, I also favor full reservations upon all points as to which in the future would probably arise questions as to the commitments and obligations of the United States.

Let us consider these reservations in their numerical order. They are called the Lodge reservations, and they were favorably reported to the Senate by the Committee on Foreign Relations.

RESERVATION NO. 1—REQUIRING AFFIRMATIVE CONSENT OF THREE POWERS.

This reservation has been called the "preamble" to the other reservations and provides that they are to be made a part and a condition of the resolution of ratification, and that as such they must be accepted by an exchange of notes by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

The principal, if not the only objection that has been raised to this reservation, is to the requirement of the assent of three of the four allied powers. A treaty is a contract between two or more nations. If the terms of the contract are agreed to it does not seem unreasonable that at least a majority of the principal parties should say so. It probably would be possible to modify this reservation, however, without imparing its value.

The reservation in full is as follows:

The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

RESERVATION NO. 2—CONDITIONS AS TO WITHDRAWAL FROM LEAGUE.

The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

This reservation is intended to qualify the last paragraph of article 1 of the covenant of the league of nations, which reads as follows:

Any member of the league may, after two years notice of its intention to do so, withdraw from the league: *Provided*, That all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

The reservation, it will be noted, in the event that the United States should desire to withdraw from the league, does not leave the question whether its obligations have been fulfilled to the foreign nations composing the council of the league, but determines for itself that question. Very likely we would not wish to withdraw; but if we did we would not wish to be halted by the raising of the question by the representative of a foreign nation that we had failed of a technical, or even what another nation might think a real, obligation. It is not easy to raise in America a valid objection to this reservation. On the contrary, it may if made operative prove a great benefit to us—possibly save us a war—in the future.

One objection made to this reservation is that the notice is to be given "by a concurrent resolution of the Congress"—a concurrent resolution not requiring the signature of the President. A joint resolution does. If Congress should wish to withdraw there can hardly be conceived a condition in which the President would not be of the same mind, and still that possibility remains. In a matter of foreign policy so important as this, it would seem that the President should have a voice and that a joint resolution would be better.

RESERVATION NO. 3—IN REGARD TO GUARANTEEING TERRITORIAL INTEGRITY.

This reservation has to do with the much-discussed article 10, and is the one upon which the widest difference exists. Article 10 reads as follows:

The members of the league undertake to respect and preserve as against external aggresion the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

The reservation (No. 3), which applies solely to the foregoing article 10, is as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country, or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

This reservation is the most sweeping of any, as it applies to an article which is deemed the most dangerous of any in the covenant. It involves the most serious undertaking of preserving the present territorial boundaries of all the signatory nations—just as they are to-day. As the peace treaty itself, of which the league of nations covenant is a part, changes the territorial boundaries of nearly, if not all, the countries engaged in the war, it seems an enormous contract to keep them just where they have so recently been established—in fact, where they are not yet, but will be established upon the adoption of the treaty. While the reservation disclaims the obligation to underwrite the territorial integrity of all the nations of the world, still it would permit Congress to provide for such action,

involving the employment of the military or naval forces of the United States, in any particular case.

It is probable that the fate of the peace treaty and of the league of nations, so far as the United States is concerned, hinges on this article 10 and the reservation thereto. As to all the other reservations, some of them are not seriously objected to; others could undoubtedly be modified and compromised—even the preamble which appears as reservation No. 1; but this reservation No. 3 to article 10 is the most difficult of all. There is a direct collision of ideas on article 10 between the President and a large majority of the Senators. The President says that the elimination of article 10 kills the treaty. The Senators say that article 10 in the treaty without reservation endangers the Republic; forces foreign wars upon the country without the voice or approval of Congress or of the people. This is a fair statement of the nature of the differences and shows the difficulty of compromise. It will require considerable concessions on both sides to reach a common conclusion.

RESERVATION NO. 4—MANDATES.

This is upon the subject of mandates. The first constitution of the league of nations provided that the league might assign to member nations "mandatories" to assume charge of "backward peoples," having reference to their relations with such "backward" countries as to geographical situation, experience, and financial resources. No option was provided for the nation so selected. Under this mandatory system it was generally understood that the United States would be assigned as mandatory of Armenia. So much opposition was expressed in this country to a compulsory mandatory that in the second draft of the constitution the mandatory was made subject to assent by the insertion of the language, "and who are willing to accept it." The reservation on the subject leaves the acceptance of a mandatory by the United States subject to the action of Congress. The language of the reservation is as follows:

No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

RESERVATION NO. 5—QUESTIONS WITHIN DOMESTIC JURISDICTION.

This reservation is to reserve to the United States decision on all questions of domestic jurisdiction, defining what some of such questions are. Article 20 of the covenant of the league provides that the council shall, upon the complaint of any nation member, take up any dispute or disagreement between nations, and hear and decide such questions, and provides the process for so doing. The article is quite a long one, and the only reference that it makes to excepting question of a domestic nature is in the following paragraph:

If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

The reservation reserves to the United States the right to decide what questions are within its domestic jurisdiction, and defines some of these questions, as follows:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States, and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

A unique feature entered into the discussion of this reservation. There was read into the RECORD an article from the October number of the University Magazine, of Montreal, written by Sir Andrew MacPhael, a distinguished Canadian publicist, editor of the magazine referred to and of the Canadian Medical Journal; a veteran of the European war and a major of the Canadian medical corps. The article, which was evidently written in entire good faith, pointed out the fact that Canada had no outlet to the Atlantic Ocean and was greatly disadvantaged thereby. The only way to overcome this was to obtain a strip through the State of Maine to the ocean, and a map of the 8,000 square miles of the territory of Maine that would be required was made a part of the article. Sir Andrew pointed out how this territory could lawfully be acquired from the United States in the following language:

There is a way out. It is to be found in the league of nations. If it is not found therein, then that instrument has no force, and its signatories no sincerity. According to article 19, "the assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." Whatever the status of Canada may in the future be, its existence will depend upon the outcome of this issue. The issue, then, is large enough to warrant an extended examination. It is nothing less than the relations in the past, at the present, and in the future between the United States and the British Empire, which many wise men on both sides are now considering.

RESERVATION NO. 6—THE MONROE DOCTRINE.

The covenant of the league contains the following reference to the Monroe doctrine:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings, like the Monroe doctrine, for securing and maintenance of peace.

Many maintain that this reference is entirely inadequate and misleading; that the Monroe doctrine is not a "regional understanding" at all; that it is a national policy of long standing, and is not to be passed upon in any way by any power excepting the United States Government. The reservation is as follows:

The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

RESERVATION NO. 7—THE SHANTUNG QUESTION.

This reservation reads as follows:

The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

The articles of the treaty referred to—156, 157, and 158—are those which transfer the Chinese Province of Shantung to Japan. The reservation withholds the approval of the United States from that unjust award and reserves full liberty of action in the future.

The remaining reservations—Nos. 8 to 15, inclusive—apply to methods of procedure under the organization of the council, the league of nations, and the boards and commissions that are to be formed thereunder. Largely they are for the guidance of the United States alone, but are of such a character that the members of the league should be informed that these methods have been adopted.

RESERVATION NO. 8—APPOINTMENT OF REPRESENTATIVES.

The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been so defined by law no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

RESERVATION NO. 9—TRADE BETWEEN THE UNITED STATES AND GERMANY.

The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States only when the United States, by act or joint resolution of Congress, approves such regulation or interference.

RESERVATION NO. 10—FUNDS FOR LEAGUE TO BE PROPERLY APPROPRIATED.

The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission or committee or conference or other agency organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

RESERVATION NO. 11—LIMITATION OF ARMAMENTS.

If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

RESERVATION NO. 12—RELATIONS OF CITIZENS OF COVENANT-BREAKING STATE.

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

RESERVATION NO. 13—PROTECTION OF CITIZENS OF THE UNITED STATES.

Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

RESERVATION NO. 14—WITHHOLDING ASSENT TO PARTICIPATION IN CERTAIN COMMISSIONS.

The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established

by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

RESERVATION NO. 15—NOT BOUND BY DECISION REACHED WHERE ONE NATION HAS MORE THAN ONE VOTE.

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Thus we have briefly traversed the reservations that were adopted by the Senate by a majority vote, the votes on the different reservations ranging from 48 to 60 Senators for, to 35 to 40 against. Throughout the voting there was a very full attendance of Senators, several of the votes showing 95 of the 96 Members present and voting, the only vote missing being that of the deceased Senator from Virginia.

The natural question arises, what will become of the treaty and the league of nations, so far as the United States is concerned.

For my own part, I sincerely hope that good judgment may prevail; that the President and the Senators of all States of the Union may take friendly counsel together; and that, with proper safeguards that will prevent the United States from becoming involved in all the quarrels of Europe, the treaty of peace and the covenant of the league of nations will be adopted. A modification of the language in some of the reservations might be made without impairing their value as safeguards. A war-weary world desires no more wars, with their ghastly accompaniment of bloodshed, destruction, and death. I have little confidence that the league of nations is a universal panacea, but I believe that it would help, and I would like to see it tried if it can be done without our own country sacrificing its nationality and taking upon its shoulders all the burdens of all the peoples and nations of the world.

With the blessing of God our country has grown great and powerful in the 140 years of its existence by following public policies that commended themselves to the fathers and defenders of the Republic, which were approved and adopted by the people. These policies embraced friendliness to all nations and an avoidance of such intimacies and alliances with any as should impede or embarrass our control of our own country and its policies. Let us not drift too far from that aspiration. Let us renew our allegiance to the most lofty of American ideals. Let us especially emphasize and practice universal and unwavering respect for and obedience to law, and let us sternly put down all violations of law, especially those of mob violence, lynchings of colored or other people without trial, acts of sabotage and murder to effect political results, such as the overturning of our Government in order to effect a condition of anarchy. Let us set our faces against all forms of class government, whether it be of plutocracy or proletariat. And let us try to keep our Government and people in the highway of respect for God and his laws and for the laws of our country and a just and fair consideration of the rights of all our own people and of all the peoples and nations of the earth.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. JOHNSON of Washington. Mr. Chairman, I make a similar request.

Mr. MONDELL. Mr. Chairman, I submit the same request.

The CHAIRMAN. Is there objection to the request made by the gentlemen to extend their remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Chairman, I desire to compliment the present chairman of the Committee on Indian Affairs, first, on having given in his report some very valuable information for the House, and, second, on his ability and arduous labor in actually bringing about a reduction in the amounts carried in this bill, although I do not agree that the reduction is as great as the report seems to indicate, and that I will discuss in a few moments.

Both the information given and the reduction brought about were made possible by an investigation authorized in the Indian appropriation act of last year. This was but a continuation of an investigation started by a similar resolution carried in the act of 1916, but which investigation was cut short on account of the war, and the Indian Committee was precluded from pursuing the matter further at that time.

I had introduced a resolution for this investigation, and this resolution was copied into the Indian appropriation bill of 1916, heretofore mentioned. The same paragraph was carried in the act of the current fiscal year and under its provisions the investigation has been conducted. On two different occasions your committee proposed this same paragraph to the Indian bill and urged the importance of its acceptance by the House, but over the urgent protest of myself and several other members of the committee, including the present chairman of the committee, the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Arizona [Mr. HAYDEN], the gentleman from Oklahoma [Mr. HASTINGS], the gentleman from Arkansas [Mr. TILLMAN], and various others, Members of the House, felt called upon to make a point of order against this good, wholesome proposition.

There could have been no politics in the defeat of the proposition, for at one time the point of order was made on the majority side and the other time on the minority side; therefore both sides of the House were equally responsible for the discontinuation of the investigation.

Mr. CAMPBELL of Kansas. Will the gentleman permit me?

Mr. CARTER. Yes.

Mr. CAMPBELL of Kansas. The gentleman from Oklahoma also introduced a resolution before the Committee on Rules, and the minority members of that committee endeavored to get a report upon it and get it out, but it was killed in the committee.

Mr. CARTER. That is correct. My resolution was presented to the committee; and several persons, both minority and majority members, including myself, appeared before the committee and urged the importance of its passage, but the Committee on Rules failed to give us a rule for the passage of the resolution and it failed.

My friend from Kansas, of course, understands that this obstacle could have been obviated and the investigation continued at any time if the House, in its wisdom, would have permitted us to pass this item which was carried in these two appropriation bills and which was prevented on one occasion by a Democrat and once by a Republican. So, when all is said and done, I think it will be admitted that whatever reduction was made in this bill was made possible on account of the continuation of the investigation and would not have been possible but for such investigation.

I have called attention to these facts for two purposes: First, to show that those of us who represent the minority on the Indian Committee are as much responsible for these reductions as anyone else, and, second, to further demonstrate that it is usually safe and wise to trust the Indian Committee of the House with the investigation of any matter it seeks to look into, because the investigations conducted by that committee during the 13 years I have served upon it have always been of a nonpartisan character. The investigations have been fair; they have been impartial; and out of them have always come in the past, as has come now, improvement in the service and the possibility of making some reduction and relieving the Treasury of unnecessary burdens.

Again, while I congratulate my friend the present chairman of the committee in giving the House valuable information and upon making an actual reduction in the charge on the Federal Treasury, I must take issue with him on one statement made by him this morning. This statement perhaps was made inadvertently and hurriedly and not with the seriousness with which I think the House accepted same.

My friend stated that the bill of 1913 carried only about $9,000,000, while the actual amount carried by that bill was about nine and a half million dollars; but that is not the point I wish to bring out.

Since the gentleman from New York has been chairman of the Committee on Indian Affairs he has had his reports set forth the amount carried in the Indian appropriation bill in quite a different manner from that carried by former chairmen. As the House knows, the amounts carried in the Indian bill come under four heads: First, gratuity; second, reimbursable; third, treaty items; and fourth, appropriations from tribal funds. The items under the heads gratuity, reimbursable, and treaty are a direct charge upon the Treasury, but it must be remembered that those coming under the head tribal funds are appropriations made from the funds of the different tribes held in trust by the Federal Government, and are no charge at all upon the Federal Treasury.

The reports filed by the present chairman of the committee on both occasions have included not only the first three items but the item of tribal funds, while all reports previous to the gentleman's incumbency, including the report of 1913, did not include the tribal-funds item, because it was not an actual tax upon the Treasury. Now, the fact is that during the year to which this act applies about $4,000,000 was spent from tribal funds, which was not set out in the committee report on the

1913 bill at all. If this report on the 1913 bill had carried any reference to the amount appropriated from tribal funds which is not a tax upon the Treasury, but what is carried in the report on the present bill, then the 1913 bill would have aggregated some thirteen and one-half million dollars.

Mr. SNYDER. Will the gentleman yield?

Mr. CARTER. I yield.

Mr. SNYDER. The chairman of the committee desires to state that these figures that he has given in the report, running from 1910 to 1920, were given to him by the Commissioner of Indian Affairs at his request that he give him the total amount of the appropriations used by that office.

Mr. CARTER. I had supposed the gentleman got his information from that source, and it is very natural for that mistake to occur. For this reason, so far as an appropriation per se is concerned—that is, so far as the money appropriated was a tax upon the Treasury—I take it that the commissioner's statement is in the main correct, for that is about what is cited by the committee report as appropriated from the Federal Treasury; but the fact remains that during that same fiscal year more than $4,000,000 was used out of tribal funds, of which this committee report made no mention at all. And, again, the $4,000,000 added to the nine and one-half million dollars would make thirteen and one-half million dollars, making the current law carry not six million more than the appropriation of 1913, but only about $1,700,000 more, which, with the enlarged activities of the service and increased cost of things, is not, after all, such an unreasonable advance. [Applause.]

Mr. SNYDER. Mr. Chairman, I ask that the first paragraph of the bill be read, and after that I shall move that the committee rise.

The CHAIRMAN. The Clerk will begin the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1921, namely:

Mr. SNYDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, had come to no resolution thereon.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that on to-morrow we dispense with the business in order under the Calendar Wednesday rule.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that on to-morrow the Calendar Wednesday business be dispensed with. Is there objection?

Mr. FESS. Reserving the right to object, would the gentleman state what committee has the calendar to-morrow?

Mr. MONDELL. The Committee on the Public Lands. They are perfectly willing to have their business go over.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Wyoming what we may expect to come up to-morrow?

Mr. MONDELL. The Indian appropriation bill.

Mr. BLANTON. The continuation of this bill?

Mr. MONDELL. Yes, sir.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors or any subcommittee thereof be authorized to sit during the sessions of the House during the second session of the Sixty-sixth Congress.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. IRELAND, by unanimous consent, was granted leave of absence for 10 days, on account of the death of an intimate friend.

ELECTION OF A MEMBER TO A COMMITTEE.

Mr. HENRY T. RAINEY. Mr. Speaker, I offer a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That EWIN L. DAVIS, a Member of Congress from the State of Tennessee, be elected a member of the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, January 7, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Labor submitting estimates of appropriation required by that department for the fiscal year 1920 (H. Doc. No. 564); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimates of appropriation from the Acting Secretary of Commerce for the fiscal year 1920 (H. Doc. No. 565); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of additional appropriation required for the service of the Coast Guard and repairs to Coast Guard cutters for the fiscal year 1920 (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting item of reappropriation for unveiling memorial to Gen. Ulysses S. Grant (H. Doc. No. 567); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting draft of proposed legislation permitting removal of the charge of desertion from the record of any officer or enlisted man who served in the Navy or Marine Corps (H. Doc. No. 568); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WILLIAMS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia, submitted a report thereon (Rept. No. 531), Minority Views, Part II, which said report was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER of Illinois: A bill (H. R. 11489) concerning proof of widowhood in claims for pension; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11490) for the purchase of a site for and the erection of a post-office building at Mount Vernon, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BEE: A bill (H. R. 11491) directing the Secretary of War to authorize a survey of a military road for the uses of the military from San Antonio in the State of Texas via Corpus Christi in the said State of Texas and terminating in Brownsville in the said State of Texas; to the Committee on Military Affairs.

By Mr. SIEGEL: A bill (H. R. 11492) to amend section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917; to the Committee on Immigration and Naturalization.

By Mr. THOMAS: A bill (H. R. 11493) establishing the Mammoth Cave National Park, in the State of Kentucky, and for other purposes; to the Committee on the Public Lands.

By Mr. BEE: A bill (H. R. 11494) to increase the salary of the United States district attorney for the western district of Texas; to the Committee on the Judiciary.

By Mr. HENRY T. RAINEY: A bill (H. R. 11495) providing for delivering to the State of Illinois the statue of Abraham Lincoln which formerly stood in front of the courthouse in the city of Washington, in the District of Columbia; to the Committee on the Library.

By Mr. WOODYARD: A bill (H. R. 11496) providing for the purchase of a site and the erection thereon of a public building at Winfield, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: A bill (H. R. 11497) to amend the act entitled "An act to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China," approved July 16, 1918; to the Committee on Pensions.

By Mr. SIEGEL: A bill (H. R. 11498) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. SELLS: A bill (H. R. 11499) to amend an act entitled "An act to increase the efficiency of the Medical Department of the United States Army," approved April 23, 1908; to the Committee on Military Affairs.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 271) suspending the operation of certain provisions of the immigration act relating to alien contract laborers and illiterate aliens; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11500) granting an increase of pension to Frelin C. Lumbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11501) granting a pension to Benjamin C. Moffet; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11502) granting an increase of pension to John W. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11503) granting an increase of pension to Henry J. Kinney; to the Committee on Invalid Pensions.

By Mr. BOIES: A bill (H. R. 11504) granting a pension to Oren O. Pound; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 11505) granting a pension to Sarah A. George; to the Committee on Invalid Pensions.

By Mr. CLEARY: A bill (H. R. 11506) for the relief of the Merritt & Chapman Derrick & Wrecking Co.; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 11507) granting a pension to Johanna Ferron; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 11508) granting an increase of pension to Joseph Monteith; to the Committee on Invalid Pensions.

By Mr. HERSMAN: A bill (H. R. 11509) granting a pension to Mary E. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11510) granting a pension to Susan H. Orr; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11511) granting a pension to William A. Anderson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11512) granting a pension to John W. Thompson; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 11513) granting an increase of pension to Cora I. Cromwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11514) granting an increase of pension to Hugo Schrottky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) granting an increase of pension to Eliza Brown; to the Committee on Pensions.

Also, a bill (H. R. 11516) granting an increase of pension to Herbert H. Pommerich; to the Committee on Pensions.

Also, a bill (H. R. 11517) granting a pension to Eva J. Plante; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11518) granting an increase of pension to James B. Bristow; to the Committee on Pensions.

Also, a bill (H. R. 11519) granting an increase of pension to Mary Gass; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 11520) granting an increase of pension to James Reagin; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11521) granting a pension to Loretta McKee; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 11522) granting an increase of pension to Rosella Magee; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11523) for the relief of the Wales Island Packing Co.; to the Committee on Claims.

Also, a bill (H. R. 11524) for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

Also, a bill (H. R. 11525) granting a pension to Sallie A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11526) for the relief of the Snare & Triest Co.; to the Committee on Claims.

Also, a bill (H. R. 11527) to correct the status of Mate John L. Vennard, United States Navy, retired, deceased; to the Committee on Naval Affairs.

Also, a bill (H. R. 11528) granting a pension to minor heirs of John W. Barr; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 11529) granting an increase of pension to John Foster; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11530) granting an increase of pension to Edward R. Roll; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11531) granting an increase of pension to James Hodges; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 11532) granting a pension to Harriet Sillman; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 11533) granting an increase of pension to Laura Lavensaler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11534) granting an increase of pension to William W. Goodridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11535) granting an increase of pension to Cornelius Conley, alias Cornelius Connelly; to the Committee on Pensions.

Also, a bill (H. R. 11536) granting a pension to William Bradford Cobb; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

648. By Mr. BABKA: Petition of Roger Casement Branch of Friends of Irish Freedom, protesting against present financial relations with other countries; to the Committee on Ways and Means.

649. Also, petition of American Federation of Railroad Workers, protesting against the railroad bill; to the Committee on Interstate and Foreign Commerce.

650. By Mr. CRAGO: Petition of a committee of the National Lumber Manufacturers' Association, favoring the repeal of acts of Congress conferring privileges upon special classes; to the Committee on the Judiciary.

651. Also, petition of sundry citizens of Greene County, Pa., for the enactment of House bill 10045, directing the Secretary of War to return to this country the bodies of our soldiers buried in France; to the Committee on Military Affairs.

652. By Mr. DALLINGER: Petition of citizens of Cambridge, Mass., praying for immediate legislation to extend credit to the starving peoples of Europe; to the Committee on Ways and Means.

653. By Mr. ESCH: Petition of National Farmers' Union, asking legislation to develop and place in operation the nitrate plant at Muscle Shoals, Ala.; to the Committee on Agriculture.

654. Also, petition of Flint (Mich.) Board of Commerce, asking legislation rescinding income tax on mortgages owned by individuals up to $40,000; to the Committee on Ways and Means.

655. Also, petition of La Crosse Lodge, No. 300, Benevolent and Protective Order of Elks, asking immediate legislation to deport all aliens who are members of the I. W. W. or similar organizations; to the Committee on the Judiciary.

656. By Mr. LAMPERT: Petition of Brotherhood of Railway Clerks, Lodge No. 1022, Manitowoc, Wis., protesting against the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

657. Also, petition of Brotherhood of Railway Clerks, Oshkosh, Wis., protesting against the passage of the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

658. Also, petition of Manitowoc Central Labor Council, protesting against the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

659. Also, petition of the Oshkosh Trades and Labor Council, protesting against the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

660. Also, petition of Fond du Lac Trades and Labor Council, protesting against the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

661. Also, petition of Local No. 158, International Association of Machinists, protesting against the Esch-Cummins bill; to the committee of conference on the Esch and Cummins bills.

662. Also, petition of Soo Railroad Shop Federation, protesting against the Esch bill; to the committee of conference on the Esch and Cummins bills.

663. Also, petition of Fond du Lac (Wis.) Lodge, No. 769, Brotherhood of Railway Clerks of America, protesting against the Esch bill; to the committee of conference on Esch-Cummins bills.

664. By Mr. O'CONNELL: Petition of Dairymen's League of New York City, favoring passage of the Capper-Hersman bill; to the Committee on the Judiciary.

665. By Mr. LONERGAN: Petition of Harry N. Anderson and others, of Hartford, Conn., favoring the passage of House bill 487; to the Committee on the Public Lands.

666. Also, petition of Hartford Lodge, No. 29, Federation of Railroad Workers, against an antistrike clause in any railroad-return bill; to the Committee on Interstate and Foreign Commerce.

667. Also, petition of New London County (Conn.) Pomona Grange, for legislation requiring cloth manufacturers to put on each yard of cloth the amount of new work in every yard; to the Committee on Interstate and Foreign Commerce.

668. By Mr. OSBORNE: Petition of E. G. Lorbeer and six others, for additional allowance of travel expenses; to the Committee on Military Affairs.

669. By Mr. RAKER: Petition of Santa Rosa Chamber of Commerce, relative to the need for legislation suppressing anarchy and sedition; to the Committee on the Judiciary.

670. Also, petition of Dr. H. N. Miner, of Penryn, Calif., protesting against section 400 of the Esch bill; to the Committee on Interstate and Foreign Commerce.

671. By Mr. SINCLAIR: Petition of Williston Post, World War Veterans; Williston Local Miners' Union No. 3796; Williston Newspaper Men's Union; and individual citizens of Williston, all in the State of North Dakota, requesting North Dakota delegation in Congress to vote to seat Victor L. Berger, because "no legislative body has a right to bar a man elected by unquestioned majority when the voters knew before election the charges upon which it is proposed to bar him"; also, that "denial of his seat under present circumstances would ultimately spell destruction of popular government"; to the Special Committee on Elections.

672. By Mr. SCHALL: Petition of Lorentz Post No. 11, Minnesota American Legion, urging legislation to suppress all disloyal organizations; to the Committee on the Judiciary.

673. Also, petition of Bergquist Post, American Legion, Mora, Minn., requesting immediate legislation to suppress and, if necessary, to deport all anti-American agitators; to the Committee on the Judiciary.

674. By Mr. SNELL: Resolution of Clinton County Pomona Grange, New York, that, as there is a request before the President and Congress to have a commission appointed to settle the question of hours and wages, at such conference the rate of wages should be fixed so as to be used as a basis for determining the price on farm produce; to the Committee on Labor.

Also, resolution of Clinton County Pomona Grange, New York, favoring the ratification of the treaty of peace with Germany at the earliest possible moment; to the Committee on Foreign Affairs.

676. Also, resolution of Clinton County Pomona Grange, New York, favoring the enactment by the present Congress of more stringent laws regarding the admission of foreigners; to the Committee on Immigration and Naturalization.

677. Also, resolution of Clinton County Pomona Grange, New York, indorsing Senator TOWNSEND'S bill, No. 1309, in regard to a national highway system; to the Committee on Roads.

678. Also, resolution of Clinton County Pomona Grange, New York, recommending that the Sherman antitrust law be amended so as to permit farmers to form organizations to buy and sell collectively; to the Committee on the Judiciary.

679. By Mr. WEAVER: Petition of Balsam Lodge, No. 62, Knights of Pythias, Waynesville, N. C., in regard to the suppression of sedition; to the Committee on the Judiciary.

680. Also, petition of Asheville Kiwanis Club, relating to appropriation for Government building at Asheville, N. C.; to the Committee on Public Buildings and Grounds.

681. By Mr. WOODYARD: Petition of citizens of Middlebourne, W. Va., asking for modification of the present revenue laws; to the Committee on Ways and Means.

682. By Mr. KETTNER: Petition of 400 members of the Riverside (Calif.) City and County Teachers' Association, indorsing the Smith-Townsend educational bill; to the Committee on Education.

683. By Mr. KEARNS: Petition of Millbrook Council, Daughters of America, Southern Star Council, of Summerside, Ohio, New Boston (Ohio) Council, Milford Council, and Laurel Blossom Lodge, of New Richmond, Ohio, all councils of the Junior Order United American Mechanics, favoring the passage of House bill 10379; to the Committee on the Judiciary.

684. Also, petition of Portsmouth Lodge, No. 154, Benevolent and Protective Order of Elks, favoring passage of House bill 3110; to the Committee on the Public Lands.

685. By Mr. TILSON: Petition of T. M. Byxbee, of New Haven, Conn., against passage of Senate bill 3565 and House bill 1138; to the Committee on the Judiciary.

686. By Mr. GOLDFOGLE: Petition of New York County Organization of the American Legion, indorsing universal military training; to the Committee on Military Affairs.

687. Also, petition of New York Commandery of the Military Order of the Loyal Legion of the United States, commending the bills establishing a Civil War volunteer officers' list; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *January 7, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the discharge of our highest duty we come to Thee. We pray that Thou wilt direct all our thinking processes that we may be guided to final conclusions of the difficult questions which present themselves to us to-day. Give to us the courage that comes only as Thou dost inspire us with the high ideals of a perfect plan of life that we may bravely set ourselves to accomplish the task that Thou hast committed to our hands. Guide us this day. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. McCUMBER. Mr. President, I have here several hundred telegrams from unions of Federal employees asking immediate action to secure a report by the Senate Committee on Education and Labor upon the Nolan minimum wage bill. I move that the telegrams be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. McCUMBER presented a petition of the Women's Foreign Missionary Society of Bottineau, N. Dak., praying for the enactment of legislation to punish violation of the eighteenth amendment to the Constitution by American citizens in certain foreign countries, which was ordered to lie on the table.

He also presented a memorial of Local Division No. 614, Order of Railway Conductors, of Dickinson, N. Dak., remonstrating against the passage of the so-called Cummins railroad bill, which was ordered to lie on the table.

He also presented a petition of Tim Running Post, No. 24, American Legion, of Devils Lake, N. Dak., praying for the enactment of legislation granting a bonus to soldiers who served in the World War, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Commercial Club of Larimore, N. Dak., remonstrating against the passage of the so-called Siegel bill, providing for the marking of cost prices on articles of merchandise for sale, which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Commercial Club of Larimore, N. Dak., and of Local Lodge No. 1089, Benevolent and Protective Order of Elks, of Minot, N. Dak., praying for the enactment of legislation providing for the suppression of anarchy and the deportation of undesirable aliens, which were referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of Larimore, N. Dak., praying for a revision of the antitrust laws, which was referred to the Committee on the Judiciary.

Mr. WALSH of Montana. Mr. President, I have a telegram in the nature of a petition from Hon. William Hale Thompson,

mayor of the city of Chicago. I have not the honor of a personal acquaintance with the mayor, and know of no reason why the telegram should have been sent to me; but I offer it and ask that it be read from the desk. The well-known attachment of the mayor to the institutions of this country and his devotion to its welfare in the war with Germany entitle it to a place in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Reading Clerk read as follows:

CHICAGO, ILL., *January 6, 1919.*

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.:

Petition to the Senate of the United States.

Washington dispatches indicate the possibility of an early vote in the Senate of the proposed treaty of peace and the covenant of the league of nations.

Approval of the league's covenant would, in my opinion, not only undermine the sovereignty of the American people, but also involve the United States in un-American foreign entanglements, in shameless violation of the wise foreign policy established by President Washington, which has been subscribed to, upheld, and enforced by all American Presidents prior to the present administration.

In my opinion the covenant of the league of nations with reservations is equally as vicious and tyrannical as it is without reservations; without reservations the covenant of the league destroys American sovereignty in the open with one blow; with reservations the covenant of the league destroys American sovereignty under cover by piecemeal.

A vote for the adoption of this cunning contrivance is, I firmly believe, a vote to barter away the rights of the American people.

As an American whose ancestors fought in the Revolution for American independence, and whose father fought at the side of Admiral Farragut in the Civil War to preserve the Union; as mayor of Chicago, a city containing one-fortieth of the population of the United States; as a citizen who fervently hopes that this country will be spared from further financial burdens which the speculative international bankers are seeking to impose for the purpose of impoverishing the American people; and in the name of the mothers of Chicago, who are beseeching me to aid them in securing the return of their sons who are still performing military service in foreign lands, I appeal to you to use your power and influence as a United States Senator to have Congress declare that we are now at peace, without making peace dependent upon the approval of this hellish scheme to deprive us of our freedom and our independence.

While the Senate, under the Constitution, has a voice and a vote in the ratification of treaties, the right to transfer or surrender the people's sovereignty, in whole or in part, is vested solely in the people.

I therefore respectfully petition you to give the people the opportunity which so rightfully belongs to them to vote on this un-American proposal.

WM. HALE THOMPSON.

Mr. CAPPER presented a petition of sundry citizens of Dodge City, Kans., praying for the enactment of legislation providing for the retirement of civil-service employees, which was ordered to lie on the table.

Mr. NELSON prsented resolutions adopted by the Chamber of Commerce of Richmond, Va.; the Chamber of Commerce of Brooklyn, N. Y.; the Produce Exchange of Toledo, Ohio; the Church Peace Union of New York City, N. Y.; and of Local Branch, Massachusetts Woman's Suffrage Association, of Randolph, Mass., favoring the early ratification of the treaty of peace with Germany, which were ordered to lie on the table.

Mr. SUTHERLAND presented a memorial of Local Lodge No. 362, Brotherhood of Railway Trainmen, of Martinsburg, W. Va., remonstrating against the enactment of antistrike legislation, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Huntington, W. Va., remonstrating against the passage of the so-called Cummins-Esch railroad bills and praying for the adoption of the so-called Plumb plan, which was ordered to lie on the table.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	McLean	Sherman
Ball	Harrison	McNary	Simmons
Brandegee	Henderson	Myers	Smith, Ga.
Calder	Hitchcock	Nelson	Smith, Md.
Capper	Jones, N. Mex.	New	Smoot
Chamberlain	Kellogg	Norris	Spencer
Colt	Kendrick	Nugent	Sterling
Curtis	Kenyon	Overman	Sutherland
Dial	Keyes	Owen	Swanson
Dillingham	King	Page	Trammell
Edge	Kirby	Phipps	Underwood
Elkins	Knox	Poindexter	Walsh, Mont.
Fernald	Lenroot	Pomerene	Williams
France	Lodge	Ransdell	Wolcott
Gerry	McCumber	Robinson	
Gore	McKellar	Sheppard	

Mr. CURTIS. I was requested to announce the absence of the Senator from North Dakota [Mr. GRONNA] on official business; of the Senator from New Mexico [Mr. FALL] on official business; of the Senator from Washington [Mr. JONES] on account of illness in his family; of the senior Senator from Michigan [Mr. TOWNSEND] on account of death in his family; and of the junior Senator from Michigan [Mr. NEWBERRY] on account of illness.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent on official business.

Mr. GERRY. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is detained by illness in his family, and that the Senator from Massachusetts [Mr. WALSH] is absent on account of the illness of a member of his family.

I wish also to announce that the Senator from Nevada [Mr. PITTMAN], the Senator from South Dakota [Mr. JOHNSON], the Senator from Louisiana [Mr. GAY], the Senator from Arizona [Mr. SMITH], and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 3659) providing for the reconstruction of certain public roads in Fairfield district, Henrico County, Va. (with accompanying papers); and

A bill (S. 3660) authorizing the Secretary of War to loan to States, when so requested, 5-ton and 10-ton artillery tractors for use in highway construction; to the Committee on Military Affairs.

A bill (S. 3661) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

A bill (S. 3662) for the relief of Th. Brovig, as owner of the bark *Bennestvet;*

A bill (S. 3663) for the relief of Gaetano Davide Olivari fu Fortunato, as managing owner of the Italian bark *Doris;* and

A bill (S. 3664) for the relief of the Link-Belt Co., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 3665) for the relief of Stanley Mitchell (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 3666) granting an increase of pension to Minnie Lord Henderson; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3667) to appropriate $4,000,000 for loans to farmers in drought-stricken sections of the United States for the purchase of seed for 1920 spring planting; to the Committee on Agriculture and Forestry.

By Mr. SHERMAN:

A bill (S. 3668) requiring compliance with agreements to furnish heat in living quarters in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 3669) granting an increase of pension to John Kenney; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3670) to save daylight in the first zone so as to encourage the establishment of home gardening, and for other purposes; to the Committee on Interstate Commerce.

By Mr. McCUMBER:

A bill (S. 3671) granting a pension to Edna C. Wilson;

A bill (S. 3672) granting an increase of pension to Herman Binderwald; and

A bill (S. 3673) granting an increase of pension to Miranda Green (with accompanying papers); to the Committee on Pensions.

By Mr. GORE (by request):

A bill (S. 3674) prohibiting the bringing into the United States and the carrying and transporting therein, from one State, Territory, or District to another State, Territory, or District, of pictures, films, moving-picture film or films, purporting to show or to simulate the acts and conduct of ex-convicts, desperadoes, bandits, train robbers, bank robbers, or outlaws, in the commission or attempted commission of crime or acts of violence; and to prohibit the use of the mails in carrying communications relating to the same, and providing punishment therefor; to the Committee on Interstate Commerce.

By Mr. WALSH of Montana:

A bill (S. 3675) granting an increase of pension to Edmund W. Bache (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3676) granting a pension to Harriet L. Stone;

A bill (S. 3677) granting an increase of pension to George W. Loughery;

A bill (S. 3678) granting an increase of pension to Absalom Virden; and

A bill (S. 3679) granting a pension to Chloe T. Hutchison; to the Committee on Pensions.

By Mr. HARRIS:

A joint resolution (S. J. Res. 141) to enable the Public Health Service to cooperate with the States in the investigation and control of malaria in the United States, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. KING:

A joint resolution (S. J. Res. 142) to authorize the construction of Army ordnance supply depots; to the Committee on Appropriations.

CHART OF THE GOVERNMENT OF THE UNITED STATES.

Mr. JONES of New Mexico. Mr. President, I have had presented to me a chart of the activities of the Government service for the use of the schools of the country. Heretofore the chart has been published in connection with pamphlets which have been made public documents, and it seems, according to representations which have been made to me, that there is quite a demand for these charts for the use of the schools of the country.

Mr. SMOOT. Mr. President, I can not hear a word the Senator from New Mexico is saying, although I was trying the very hardest to do so.

Mr. JONES of New Mexico. I think the Senator from Utah is right about that.

As I was saying, representations have been made to me that there was a considerable demand throughout the country, coming from the schools of the country, for charts of the activities of the Government, and that such charts have heretofore been printed in connection with certain documents of the Government which have been printed as public documents. It is suggested that the chart might be printed as a separate public document, and I present it and ask its reference to the Committee on Printing for investigation and consideration.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

TREATY OF PEACE WITH GERMANY.

Mr. UNDERWOOD. Mr. President, just before the adjournment of Congress for the Christmas holidays I submitted a resolution looking to the appointment by the Vice President of a committee on ways and means to endeavor to secure the ratification of the treaty of peace. When Congress adjourned for the holidays it was my intention to call up that resolution as soon as we reconvened, but since my return I find that an effort is being made to reach an agreement independent of the resolution; and, as I do not desire to throw any monkey wrenches into any machinery that would look to the ratification of the treaty of peace, I have withheld pressing the resolution. I do not wish it to be understood, however, that I have abandoned the resolution. Of course, I will not bring it up to interfere with any effort that is being made to work out a solution of the problem, but if no definite arrangement can be made within the next few days, then I shall endeavor to call up the resolution in the morning hour and ask for a vote upon it.

Mr. BORAH. Mr. President, what is the order of business?

The VICE PRESIDENT. The presentation of concurrent and other resolutions.

DATA RELATIVE TO OFFICERS OF ARMY AND NAVY.

Mr. SMOOT submitted the following resolution (S. Res. 269), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War and the Secretary of the Navy be, and they are hereby, respectively, requested to transmit to the Senate, not later than January 31, 1920, a statement showing the name, rank, assignment, and headquarters, and base and longevity pay, and commutation of heat, light, and quarters of every commissioned officer in their respective departments who is assigned to duty in other than strictly combatant or line organizations.

TRAINING OF FEDERAL EMPLOYEES.

Mr. SMOOT. I offer the resolution which I send to the desk requesting certain information, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 270) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Bureau of Efficiency is directed to submit to the Senate, as early as practicable, a report on the desirability of establishing a school for the purpose of training Federal employees in the various classes of work performed in the executive departments and independent establishments, and to submit recommendations with respect to the conduct of such a school.

INTERSTATE RAILWAY SECURITIES.

Mr. NORRIS. I present a Senate resolution calling on the Interstate Commerce Commission for certain information, and I ask unanimous consent for its present consideration.

The Assistant Secretary read the resolution (S. Res. 271), as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to report to the Senate:

First. To what extent, if any, part or all of the proceeds from the sale of stocks or bonds by interstate railroads have been used for purposes other than the proper and legitimate purposes of such railroads issuing such securities, giving in each of such instances the railroads guilty of such practice, the extent thereof, the purposes to which such proceeds were used, and the names of the officials guilty of such misconduct.

Second. To what extent, if any, are directors and other officers of interstate railroads, also directors or other officers of financial or industrial corporations having business dealings or financial relations with such railroads, giving in each instance the names of the railroads, the names of such directors or other officials who are directors or officials of both such railroads and such corporations, the names of the financial or industrial corporations, the nature of the business relations between such financial or industrial corporations and said railroads, to what extent, if any, such relationship has resulted in such railroads paying an unreasonable or exorbitant price for material and supplies purchased by said railroads from such financial or industrial corporations, and what effect said business dealings and relationship has had upon other competing corporations engaged in the same or similar lines of business.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, I will say to the Senator from Nebraska that the resolution may be all right, and there may be no objection to it, but the chairman of the Interstate Commerce Committee, the senior Senator from Iowa [Mr. CUMMINS], is not present. Therefore I desire to ask the Senator from Nebraska to allow the resolution go over until to-morrow.

Mr. NORRIS. Mr. President, I can not conceive of the chairman of the Committee on Interstate Commerce having any objection to the resolution. It simply calls for information and nothing else, the information being in the possession of the Interstate Commerce Commission. I myself do not understand how it could be possible that anyone would object to the information being supplied to the Senate by the commission which has it in its possession. I do not see any reason why we should wait until the chairman of the Interstate Commerce Committee is here. The Senator from Iowa will not be here to-morrow very likely as, the Senator from Utah knows, he is engaged on a conference that is probably going to consume several weeks.

Mr. SMOOT. The Senator from Nebraska knows that when a resolution of this kind is read from the desk it is difficult for a Senator to follow it. I tried to do so, but I could not. I thought the chairman of the Committee on Interstate Commerce ought to know what is in the resolution, and I assure the Senator from Nebraska that I will see that the resolution is called to his attention.

Mr. NORRIS. If the Senator from Utah thinks best, of course he can object to the present consideration of the resolution, and it will go over until to-morrow.

Mr. SMOOT. I should like to have the resolution go over until to-morrow.

Mr. FRANCE. May I ask the Senator from Utah if he would object to the resolution being again read?

Mr. SMOOT. Not at all.

Mr. NORRIS. I think if the Senator will hear the resolution read he will see there is not anything in it that the chairman of the Committee on Interstate Commerce would have any more interest in than would any other Senator. As I have stated, it simply calls for information and nothing else.

Mr. SMOOT. By to-morrow, of course, we will have an opportunity to examine the resolution, and there may be no question regarding it; in fact, it may be passed to-day if I can get the resolution to the attention of the chairman of the Committee on Interstate Commerce.

The VICE PRESIDENT. Being objected to, the resolution goes over.

BALLOT ON LEAGUE OF NATIONS.

Mr. GORE. I ask to have read the telegram which I send to the desk. For obvious reasons I withhold the name of the sender.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Assistant Secretary read the telegram, as follows:

MIAMI, OKLA., *January 6, 1920.*

Hon. THOMAS P. GORE,
United States Senate, Washington, D. C.:

From a house-to-house canvas on league of nations, city of Miami, Okla., 347 for, 1,173 against.

SUZERAINTY OF TURKEY OVER EGYPT.

Mr. OWEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of State, with certain addenda which have not been previously printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF STATE,
Washington, December 16, 1919.

Hon. ROBERT L. OWEN,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of November 29 last, in which you inquire as to the effect of this Government's recognition of the so-called protectorate proclaimed by Great Britain over Egypt on December 18, 1914.

In reply I beg to state that the department does not understand that Egypt was, prior to the British proclamation of December 18, 1914, in possession of full independent sovereign rights.

The effect of this Government's qualified recognition of April, 1919, was to acknowledge with the reservation set forth at that time only such control of Egyptian affairs as had been set forth in the notice of the British Government transmitted to the department on December 18, 1914, a copy of which is inclosed.

It is assumed that it is the purpose of Great Britain to carry out the assurances given by King George the Fifth of England to the late Sultan of Egypt, as published in the London Times of December 21, 1914.

I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

Inclosure: As indicated.

—

No. 434.] BRITISH EMBASSY,
Washington, December 18, 1914.

The Hon. W. J. BRYAN,
Secretary of State, etc.

SIR: I have the honor under instructions from my Government to communicate to you, sir, for your information the accompanying copy of a telegram stating that His Majesty's Government consider that the suzerainty of Turkey over Egypt is terminated and that they have advised the King to place Egypt under his protection.

I have the honor to be, with the highest consideration, sir,
Your most obedient, humble servant,

CECIL SPRING-RICE.

—

You should communicate the following to Government to which you are accredited:

"In view of the state of war initiated by Turkey against Egypt, His Majesty's Government consider that the suzerainty of Turkey over Egypt is terminated, and they have advised His Majesty to place Egypt under his protection and to order the adoption of all measures necessary for the safety of the inhabitants, the defense of the country, and the protection of the many and various important interests existing there. Official notifications to this effect have been issued in London and Cairo. The unprovoked nature of the Turkish aggression has prevented any discussion of this matter with the powers beforehand, but His Majesty's Government have no intentions of impairing foreign interests and wish to act in harmony with the powers in making those changes affecting their interests which are rendered unavoidable by the aggression of Turkey.

"Meanwhile the Egyptian Government will arrange for the issue of a Khedivial decree providing that the consular and other foreign courts shall continue to exercise in Egypt their accustomed jurisdiction to the extent to which the arrangements which will have to be made by the military authorities for the maintenance of public order are not inconsistent therewith. You should add that His Majesty's Government have appointed a high commissioner for Egypt who will also be the minister of foreign affairs in the Egyptian Government, and His Majesty's Government would therefore ask that the Government to which you are accredited will be so good as to instruct their representative in Cairo to address all his official communications in future to the high commissioner as minister for foreign affairs."

FIRE DEPARTMENT OF THE DISTRICT.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes.

The VICE PRESIDENT. Is there any objection?

Mr. STERLING. Mr. President, I shall object if there is a likelihood that the consideration of the bill will lead to any discussion; otherwise I shall not object.

Mr. CALDER. I do not think it will require very long to act upon the bill.

Mr. KING. Mr. President, I think that bill will take some time.

Mr. CALDER. I do not think it will take over 10 or 15 minutes. It has been on the calendar for some weeks; it has been passed by the House, and we have already reclassified the pay of the police force of the District. I see no reason why the firemen, who are just as important a body in the affairs of the District of Columbia, should not receive the same treatment.

Mr. KING. I shall not object, but it seems to me that during the morning hour we ought not to take up a measure of this character.

The VICE PRESIDENT. Is there any objection or is there not?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That section 2 of an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, is hereby amended to read as follows:

"SEC. 2. That the Commissioners of the District of Columbia shall appoint, assign to such duty or duties as they may prescribe, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the fire department of the District of Columbia, according to such rules and regulations as said commissioners, in their exclusive jurisdiction and judgment (except as herein otherwise provided), may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified and shall remain in force until changed by said commissioners: *Provided further*, That all officers, members, and civilian employees of such department, except the chief engineer and deputy chief engineers, shall hereafter be appointed and promoted in accordance with the provisions of the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except as herein otherwise provided: *Provided further*, That hereafter only captains shall be appointed battalion engineers, preference being given to those who have had at least three years' experience next preceding as captains in command of fire stations; hereafter only lieutenants shall be appointed captains, preference being given to those who have had at least two years' experience next preceding as lieutenants in command of fire stations; hereafter only members of the uniformed force above the rank of private shall be appointed lieutenants, preference being given to those who have had at least 10 years' experience in the fire department, including at least five years' experience next preceding in the actual work for fire fighting. The chief engineer of the fire department shall hereafter be appointed from among the deputy chief engineers, preference being given for previous service as lieutenant and captain in such department; and the deputy chief engineers from among the battalion chief engineers, preference being given to those, if any, who have had at least three years' experience next preceding as battalion chief engineers in command of battalions. All original appointments of privates shall be made to class 1. Privates who have served one year in class 1 shall be transferred to class 2, and privates who have served two years in class 2 shall be transferred to class 3. Such transfers shall not be subject to the provisions of such act of January 16, 1883, as amended, and the rules and regulations made in pursuance thereof. Whenever vacancies occur in classes 2 and 3 which can not be filled by such transfers, the commissioners may appoint privates in class 1 equal in number to the positions vacated in classes 2 and 3; and the respective salaries specifically provided for such vacant positions may be reduced to pay the designated salaries of the privates so appointed in class 1."

SEC. 2. That section 3 of such act of June 30, 1906, is hereby amended by adding at the end thereof the following:

"The positions of engineer and assistant engineer in said department are hereby abolished, and those members of said department holding such positions at the time this act becomes effective shall be transferred to the positions of privates of class 1, 2, or 3, as may be determined by their length of service on August 1, 1919, in the same manner as hereby provided for the appointment and promotion of privates. The authorized number of men in the various classes of privates is hereby permanently increased to provide for such men so transferred, for additional privates equal in number to the vacancies existing in the positions of engineer and assistant engineer at the time this act becomes effective, and for their respective successors. Such transfers shall not be subject to the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof."

SEC. 3. That section 4 of such act of June 20, 1906, is hereby amended to read as follows:

"SEC. 4. That the annual basic salaries of the officers and members of said department shall be as follows: Chief engineer, $3,750; deputy chief engineers, $2,750 each; battalion chief engineers, $2,300 each; fire marshal, $2,300; deputy fire marshal, $1,800; inspectors, $1,660 each; captains, $1,900 each; lieutenants, $1,760 each; sergeants, $1,700 each; privates of class 3, $1,460 each; privates of class 2, $1,360 each; privates of class 1, $1,260 each. Every officer and member of the fire service between August 1, 1919, and the time this act becomes law, shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act for a period of equal duration."

SEC. 4. That section 5 of such act of June 20, 1906, is hereby amended by adding at the end thereof the following:

"No officer or member of the fire department of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the

Commissioners of the District of Columbia that any officer or member of the fire department of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such officer or member from the service.

Any member of the fire department of the District of Columbia who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the fire department of the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months, or by both.

For the payment of the increases in salaries for the positions designated in this act, in the number, specified in the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, and for the payment of the salaries designated herein to the additional number of men in the various classes of privates authorized in this act, one-half of the amount necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the salaries of the officers and members of such fire department in such act of July 11, 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. The morning business is closed.

SEDITIOUS ACTS AND UTTERANCES.

Mr. STERLING. I move that the Senate proceed to the consideration of Senate bill 3317.

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCormick	Sherman
Ball	Gronna	McCumber	Simmons
Bankhead	Harris	McKellar	Smith, Ga.
Brandegee	Harrison	McLean	Smith, Md.
Calder	Henderson	McNary	Smoot
Capper	Hitchcock	Nelson	Sterling
Chamberlain	Jones, N. Mex.	New	Sutherland
Colt	Kellogg	Norris	Swanson
Culberson	Kendrick	Nugent	Trammell
Curtis	Kenyon	Overman	Underwood
Dial	Keyes	Owen	Wadsworth
Dillingham	King	Phipps	Walsh, Mont.
Edge	Kirby	Pomerene	Williams
Elkins	Knox	Ransdell	Wolcott
France	Lenroot	Robinson	
Gerry	Lodge	Sheppard	

Mr. GRONNA. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The Senator from South Dakota moves that the Senate proceed to the consideration of Senate bill 3317.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

The VICE PRESIDENT. The bill has been reported to the Senate and the amendments made as in Committee of the Whole have been concurred in. The bill is now in the Senate and open to amendment.

Mr. BORAH. Mr. President, I offer an amendment to section 3 of the bill. I ask to have it printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. BORAH's amendment is as follows:

Add to the end of section 3 the following proviso: "*Provided*, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before the judge either of the Federal court or of a State court of record of the district or circuit in which the party affected or aggrieved resides. But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails, he shall not be liable for the cost of the proceedings, and during the pendency of the proceedings in court the order of the Postmaster General shall be suspended."

Mr. FLETCHER. Mr. President, I submit an amendment to the pending bill. I ask that it be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. STERLING. Mr. President, when this bill was first under consideration no statement was made, nor deemed necessary to be made, at that time with regard to the purpose of the bill. I want to make a very brief statement now.

The object of this bill, Mr. President, is to make unlawful the advocacy of the overthrow of the Government of the United States, or of all government, by force or violence. It seems to me that there is an urgent demand for legislation of this kind at this particular time. We are familiar with the disclosures and the revelations made through the investigations of the Department of Justice, and how in very many of the larger cities of the United States there have been found those individuals and those organizations who, in one way or another, are advocating the overthrow by force or violence of the Government of the United States or of all government.

I have before me a part of the New York Times of Sunday, November 9, 1919, which gives an account of what may be termed, I think, the first raid for the purpose of finding out something in regard to the activities of these radical propagandists; and I desire to quote briefly from some of the literature found by the agents of the Department of Justice:

In order to attain our goal we place in our plan, first of all, the necessity of creating a broad, class revolutionary organization of toilers, which, carrying on a struggle directly with all institutions of capital and power, must train the working classes to initiative and self-dependent activity in all of their undertakings, thus developing in them a realization of the necessity and inevitability of a universal strike—social revolution.

* * * * * * *

The struggle between these classes continues at the present time and will cease only when the toiling masses, organized as a class, recognize their true interests and by means of a socialistic revolution by force gain control of all the wealth of the world.

* * * * * * *

The American Committee of Siberian Agricultural Cooperative Unions, which has a headquarters here, made public yesterday a copy of an alleged official order captured from the Bolsheviki in Russia, directing Bolshevist agents and sympathizers to encourage general strikes in all countries, produce uprisings, assassinate or compromise influential men, and carry on an inflammatory propaganda calculated to incite international wars.

That is quoted from the "Covenant of Comrades of Unions of Russian Workers of the United States and Canada Uniting Themselves in a Federation."

I might quote further, Mr. President, from the literature found on the occasion of this raid, but I forbear for the present. There have been raids subsequent to that first raid in November, and other literature of the same character has been found—literature which advises and advocates the overthrow of government by force or violence, or by force or violence changing the present social and political order.

This bill, Mr. President, is not a bill, as has been supposed by some, for the repression of discussion in regard to forms of government or in regard to what form of government may be preferable. So far as the terms of the bill are concerned, a man may freely advocate a soviet government, he may advocate a monarchial government, he may even advocate a state of anarchy; and yet, Mr. President, he may not, and could not under the terms of the bill, if it becomes a law, advocate the overthrow of this Government or of all government by force or violence. "Force or violence" runs throughout this bill, and that element must be present in order that a party may be amenable to the law under the terms of the measure.

The first section of the bill provides:

That it shall be unlawful for any person to advocate or advise the overthrow, or to write or knowingly to print, publish, utter, sell, or distribute any document, book, circular, paper, journal, or other written or printed communication in or by which there is advised the overthrow * * * of the Government of the United States or of all government.

Section 2 prohibits "the display or exhibition at any meeting, gathering, or parade, public or private, of any flag, banner, or emblem" which is intended to indicate or symbolize the overthrow of government by force or violence.

Section 3 prohibits the use of the mails by those who, through their publications, advocate or advise the overthrow of the Government by force or violence or advocate "the use of force or violence or physical injury to or the seizure or destruction of persons or property as a means toward the accomplishment of economic, industrial, or political changes." All such matter is declared by the terms of the bill to be nonmailable.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield to the Senator.

Mr. GRONNA. Speaking for myself only, I wish to preface my question to the Senator by saying that I am in thorough accord and sympathy with the idea of punishing anyone who willfully and knowingly does anything which even tends to destroy organized government. But does the Senator from South Dakota believe that it is a safe proposition to leave to one man to say whether a book or a newspaper or a print of any kind constitutes in itself a violation and for which the party responsible for the publication must be punished before he has had an opportunity to be heard? In other words, does the Senator believe it is safe to give the plenary power, the great authority, to any one man to prevent the circulation of documents which

might be liberal but which might not mean in any sense the overthrow of organized government?

Mr. STERLING. I will say, in answer to the Senator, that I think we must lodge somewhere in the first instance the power to determine whether or not any particular publication is mailable; and since the Postmaster General is at the head of the Post Office Department of the United States, it seems to me that we can lodge that power, to begin with, in no other person, and he must determine whether or not the matter in controversy comes within the prohibition of the law.

The party publishing is not without his remedy. If the Postmaster General prohibits the use of the mails to any particular publisher, he may have his redress in court, and the Postmaster General may be restrained from excluding the matter in question from the mails on a showing that it does not come within the prohibited class.

Mr. GRONNA. If the Senator will further yield, would it not be a safer plan to leave it to the courts in the first instance to say whether or not such documents were unmailable, rather than to leave it to be decided by one who holds a political office?

Mr. STERLING. No, Mr. President; I do not believe it is practicable, in the first instance, to have the courts determine whether matter of this kind is mailable or not.

Mr. GRONNA. Let us suppose that citizens of the United States sympathize with people of a subject nation, and the people of that subject nation advocate a new form of government, not in this country, but in a foreign country. Does the Senator believe that we ought to go to the extent of saying that men should be prohibited from sending literature through the mails setting forth their views, so long as it does not interfere with our own form of government?

Mr. STERLING. I do not, I will say to the Senator from North Dakota; nor does the bill so provide.

Mr. GRONNA. I think it does.

Mr. STERLING. The bill provides for the exclusion from the mails simply of matter that advises and advocates the overthrow of the Government by force or violence, and the case supposed by the Senator from North Dakota comes nowhere near the condition or the situation described in the bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator.

Mr. KING. Let me suggest to the Senator from North Dakota that we already have a statute which prevents the mailing of obscene literature, or literature that tends to the promotion of a fraud, and provides that it shall not be carried through the mail. Does the Senator from North Dakota believe that we ought to exclude obscene literature and permit literature to be circulated which advocates the overthrow by force and violence of our Government?

Mr. GRONNA. I trust the Senator from South Dakota will yield long enough for me to reply to the distinguished Senator from Utah.

Mr. STERLING. I yield.

Mr. GRONNA. I wish to say that, having acted years ago as a postmaster, I am very familiar with that statute.

Mr. KING. I am very glad to get that reply from the Senator.

Mr. BORAH. May I ask the Senator from South Dakota whether there is any provision in the bill by which the man whose printed matter is excluded from the mail has a right to a hearing?

Mr. STERLING. There is no provision in the bill, I will say to the Senator from Idaho; but let me remind the Senator from Idaho of a case that is now pending——

Mr. BORAH. I am perfectly familiar with those cases which are now pending, and so far as practical relief is concerned, it would be just as well if they were not pending. The court will likely say that it was in the discretion of the Postmaster General to do thus and so, and it will not review it.

But here is a bill which excludes from the mail printed matter, which action may result in the utter destruction of a man's property, and he is not given a hearing even before the Postmaster General; and that would be small enough.

Mr. STERLING. Mr. President, he can be given a hearing, and not before the Postmaster General alone, but before a court, in which it may be determined whether the matter he is sending through the mails comes within the provisions of the act or not.

Mr. EDGE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. STERLING. I yield.

Mr. EDGE. It is to the particular point on which the Senator has just spoken that I intended to call the attention of the Senator from Idaho. As I understand the bill—and I would like to be corrected if I am wrong—even though the evidence is secured by an employee of the Dead Letter Office, and then turned over to a court, it becomes a question entirely for the court to decide whether the matter thus turned over and reviewed by the court comes within the purview of the act. Certainly there must be some authority to secure the evidence. As I understand the act, the man is not necessarily guilty, even though the matter has been taken from the mail. It then, of course, becomes a matter of court review, whether such matter advocates the overthrow of the Government by force or violence. Is not that correct?

Mr. BORAH. The Senator misunderstood me. I am not speaking of a case where a man is charged with a criminal act under the statute. I am speaking of section 3, which gives the Postmaster General the power to exclude from the mail any printed matter which he finds objectionable. He may exclude that from the mail, and he need not give the party any hearing at all prior to the time when he does exclude it. It is true that the party may go into court afterwards, and by an equitable process, or appealing to the equitable side of the court and seeking an injunction, undertake to have the Postmaster General stayed from preventing it from going through the mail.

Mr. EDGE. Is not that the natural proceeding after having his matter confiscated?

Mr. BORAH. It having been excluded without a hearing, in the meantime the man's business has gone, he has not had a hearing, and his property is practically destroyed. I know of instances in which parties publishing magazines or weeklies have had their publications excluded from the mails. In some instances they did not feel able to go into the court; in others they have gone in; but in the meantime the publication has ceased; they are not permitted to send it through the mails; their subscribers naturally fall off; those who are patronizing them naturally cease to patronize them, and the injury is done before it is possible for them to go into court and get action taken by the court. It is a fundamental principle of Anglo-Saxon jurisprudence and of justice and equity that a man be given a hearing prior to any judgment which shall be taken which may result to his injury.

Mr. EDGE. But you must first have the evidence before the hearing can be given. In the case of publication, as I followed the Senator, of course the evidence would be in existence; but in the case of matter sealed and in the mails, going through in the ordinary way, unless some one had authority in the Post Office Department, where there had been indication of such propaganda, certainly you would not have the evidence necessary to have it passed on by the court. It seems to me that the provision in the bill takes care of such possibilities and probabilities and gives the defendant a full court review.

Mr. BORAH. The Senator is a business man. Suppose he were operating a business which depended for its success upon the speedy use of the mails. Suppose a law were passed which would enable the head of a bureau in Washington to be the sole judge as to whether the material should go through the mail. Suppose the Senator had a competitor across the street in the same business, and that the Senator was excluded from the mails this week and it would take a couple of weeks to have the matter reviewed. He would be excluded and literally out of business as against his competitor, and he is destroyed without a hearing. He ought to have a hearing before he is condemned.

Mr. EDGE. My answer to that is that the business of overthrowing government by violence, which is all this bill covers, is a business which it does not seem to me should be given any particular consideration.

Mr. BORAH. With all due respect to the Senator's begging the question, what I want is an impartial tribunal to determine whether or not the party is engaged in overthrowing the Government.

Mr. EDGE. I think that is given by the courts of the country.

Mr. BORAH. That is what I want. I have an amendment to that effect.

Mr. STERLING. The Senator from Idaho refers to what might occur in the meantime in the way of injury or loss to the party whose publication is denied admission to the mails; but, Mr. President, we want to think of what might occur in the meantime as a result of propaganda of this kind. In the meantime, incited by this kind of propaganda, there might be uprisings here and there in the United States, there might be assassination, which has been advised by literature such as I read from just a little while ago. All that might occur meanwhile.

Whose interest should we look after meanwhile, the interest of the Government, the interest of the great public, the 110,-

000,000 people of the United States, or the interest of one individual who complains because his questionable publication, to say the least, has been held up for the time?

That is the danger and that is the need for putting the power in the hands of the Postmaster General or the Post Office Department, in the first instance, to stop this propaganda and prevent the use of that great instrumentality of the United States—the mails—for the purpose of the overthrow of the Government of the United States.

Mr. President, there is no such want of a right or opportunity to be heard by the party whose publication is excluded from the mails. I know in the case I referred to awhile ago and to which I called the attention of the Senator from Idaho, a citation to show cause was issued. It was the case of the New York Call. The party came before the Third Assistant Postmaster General and other officials of the Post Office Department to make his showing. On that showing and on all the evidence produced by and on behalf of the Government and on behalf of the relator in the case, it was determined that the publication should be prohibited from going through the mails.

I do not mean to say that in every instance such a citation will or should be issued before the publication is excluded from the mails. I can imagine cases where there should be no citation, when upon bare inspection of the material going through the mails, by the postmaster at this or that place or by the Postmaster General, it can be readily determined that it is matter that comes within the provisions of the bill and of a character to incite to an immediate attempt to overthrow the Government by force or violence. The Postmaster General would be derelict in his duty if under circumstances of that kind he should first issue a citation for the party to appear and show cause why his publication should not be prohibited from going through the mails.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. STERLING. I yield to the Senator from Iowa.

Mr. KENYON. The Senator may remember that in the steel investigation we had evidence of publications being sold on the streets of Chicago at news stands absolutely advocating the overthrow of the Government.

Mr. STERLING. I recall that.

Mr. KENYON. Will the Senator's bill not reach a situation of that kind? In the city of New York I am informed on what I consider credible authority that there are more than 30 papers printed in foreign languages which are practically advocating the overthrow of the Government. They reach a million people a day. The bill will not reach that situation.

Mr. STERLING. The mailing provisions of the bill will not reach that, I will say to the Senator from Iowa, but the other provisions of the bill which prohibit advocacy of overthrow of government by force or violence, either by oral argument or written argument, will reach it.

Mr. KING. Mr. President——

Mr. KENYON. Just let me finish, please. Then it would reach also the case mentioned as existing in the city of Chicago?

Mr. STERLING. Certainly; if the publisher or the distributor could be found, he would be amenable to the law.

Mr. KENYON. Does the bill cover the distributor?

Mr. STERLING. Yes; I think so.

Mr. KNOX. It does, in specific language.

Mr. STERLING. It says "sell or distribute any document, book, circular, paper," and so forth.

Mr. KING. That is what I desired to call attention to.

Mr. BORAH. In that instance the man is given a trial before a court and jury. That is not the portion of the bill to which I called attention.

Mr. STERLING. It provides:

> That it shall be unlawful for any person to advocate or advise the overthrow, or to write, or knowingly to print, publish, utter, sell, or distribute any document, book, circular, paper, journal, or other written or printed communication—

And so forth.

Again the Senator from Idaho refers to the right of trial by jury before the man's case is determined, before he is forbidden to use the mails for these purposes. We have passed act after act—and the Senator from Utah [Mr. KING] referred to two of them awhile ago—the obscene literature act, the lottery act, and still other acts, such as the one relating to libelous or indecent wrappers or envelopes; another relating to the use of the mails to promote frauds; another to counterfeit or spurious articles, poisons, explosives, or other dangerous articles; another relating to the transportation of intoxicating liquors; and then comes the espionage act, with its prohibitions against the use of the mails for purposes named therein. The publications and articles named are not mailable, and in no case in any of these acts is provision made for a hearing.

The obscene-literature act was amended in 1911, so that the term "indecent," according to the amended act, is construed to include matter of a character tending to incite arson, murder, or assassination. The last part of it, the word "assassination," renders the bill similar in one feature, at least, to the pending bill.

Mr. BORAH. Does not the act to which the Senator from Utah [Mr. KING] referred and to which the Senator now refers provide specifically that the party shall have a hearing?

Mr. STERLING. I do not think it does, I will say to the Senator. I am quite sure that it does not, but I would not like to say absolutely that it does not. I am quite sure that none of the acts prohibiting the use of the mails for these specified purposes give a right of hearing in the first instance.

Mr. NELSON. Mr. President——

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. NELSON. My recollection is that there is only one case in which provision is made for a hearing, and that is where permission has been given to a newspaper for use of the second-class privileges, and it is intended to revoke that privilege. In that case, under the provisions of a law passed a number of years ago, a hearing is provided for, but I recall no other instance at this moment, though I want to say it has been the practice of the Post Office Department, as a rule, in all these cases to give hearings. I know particularly in what we call fraud-order cases they have had repeated hearings, and always have given hearings. In most of those cases they do give a hearing.

Mr. BORAH. That is the reason why I was under the impression that there was a provision for it. I have not the law before me, but I saw a statement in connection with the discussion of the question which said that there was provision for a hearing, but perhaps the conclusion was drawn from the fact that they had been in the habit of giving hearings.

Mr. STERLING. I have never heard of any complaint because no provision has been made for a hearing under the other acts.

Mr. BORAH. The Senator has heard no complaint?

Mr. STERLING. Under these other acts, I say, to which reference has been made, acts that have been on the statute books for years.

Mr. BORAH. I have heard complaint of the method of enforcement ever since they have been in existence. It has been arbitrary and bureaucratic from the beginning, regardless of those who were in the Post Office Department.

Mr. STERLING. I am free to admit that some Postmaster General might on occasion abuse the authority and the power conferred upon him. That may happen with reference to any department of the Government, but for that reason we never abstain from conferring the necessary power for the administration of that office or of that department, nor can we do so here.

Mr. FRANCE. Mr. President——

Mr. STERLING. I yield to the Senator from Maryland.

Mr. FRANCE. If I understand the Senator correctly, he holds that the bill is one to make a crime of direct incitation to violence against the Government? Is that true?

Mr. STERLING. That is the main purpose of the bill.

Mr. FRANCE. I desire to ask the Senator if he proposes during the course of his discussion to refer to statutes already existing which cover the very same matter?

Mr. STERLING. I do not. If the Senator from Maryland desires to do that he is at liberty to do so, of course, and will, I presume, refer to the statutes already in existence. That is, if he takes the position that there is no necessity for the bill becoming a law because there are other statutes covering the same subject, he may so show.

Mr. FRANCE. The Senator reported the bill from the Committee on the Judiciary and does he not think that it would be advisable to cite the statutes already in existence and their inadequacy in connection with his argument in support of the bill? It seems to me, if the Senator will pardon me, it is a very vicious practice to enact a statute to make crimes of acts which are already crimes under statutes which have been heretofore enacted.

Mr. STERLING. Mr. President, I think the Senator from Maryland will not find that the exact subjects covered by this bill are covered—adequately covered, anyway—in any statute now on the books. There is no statute which in terms makes it unlawful to advocate the overthrow of the Government or of all governments by force or violence. We have, it is true, our naturalization statutes, we have our immigration statutes which provide for the deportation of men who believe in the overthrow of government or of all government, of the anarchists, and so on; but there is no statute making it a distinct offense or crime

to advocate the overthrow of the Government by force or violence. There is a statute which punishes a conspiracy, namely, section 6 of the Penal Code, but that section does not reach the individual criminal.

Mr. LODGE. Mr. President, may I ask the Senator from South Dakota a question?

Mr. STERLING. I yield to the Senator.

Mr. LODGE. Does the Senator think that it is essential for the enforcement of this proposed law that all hearings should be denied?

Mr. STERLING. The Senator asks me what I may term a mixed question. No; I do not think it is essential that all hearings shall be denied in any event or at all times or under all circumstances; but I will say to the Senator from Massachusetts they should be denied in the first instance, with the right upon the part of the party complaining to resort to legal proceedings for redress and to prevent the Postmaster General from prohibiting his publications going through the mails.

Mr. BORAH. May I say there again that the bill itself, so far as it is concerned, does not provide for any hearing at all? If the party gets a hearing, he must proceed under some other general law and seek the aid of the courts. I repeat, the bill itself provides for no hearings at all.

Mr. NORRIS. Mr. President, may I interrupt the Senator from South Dakota at that point?

Mr. STERLING. I yield to the Senator from Nebraska.

Mr. NORRIS. The course that would be open to a person feeling aggrieved at the action of the Postmaster General would be to go into the courts and secure an injunction restraining the Postmaster General.

Mr. STERLING. Yes.

Mr. NORRIS. There may be some other course, but I do not know of any. Does the Senator know of any? Is that the method which the Senator has in mind?

Mr. STERLING. I will say to the Senator from Nebraska that that is the method I have in mind.

Mr. NORRIS. That is what I had in mind. Now, let me ask the Senator a question. This proposed law says that certain matter shall be unmailable. The Postmaster General passes on that question. I wish to ask the Senator, as a legal proposition, when the publisher resorts to injunction proceedings, would not the court hold that the Postmaster General was given a discretion to say whether the particular matter was contrary to law, and would not the court, even though if it had had an original hearing of the matter it might decide differently from the Postmaster General, still not set aside the action of the Postmaster General? Would it not be like the appellate court passing on the verdict of a jury—that the verdict of the jury on the question of fact submitted to the jury is binding on the court?

Mr. STERLING. Mr. President, granting that the Postmaster General has a discretion, it must necessarily be, under the terms of the bill, a very limited discretion; and it will be easy for the court in passing upon the question to say whether the Postmaster General has abused the discretion lodged in him under the law.

Mr. NORRIS. In the case of the verdict of a jury, if the court found that the jury had rendered its verdict without any evidence, it would set the verdict aside—I think the courts do that right along—but they draw a clear distinction; if there is evidence, the courts say, "Even though we might feel differently from what the jury felt, we still uphold the verdict of the jury, because under the law that is the function of the jury." Would not the Postmaster General occupy the same position?

I will say to the Senator from South Dakota that recently I saw a brief filed by the Department of Justice in a case now pending in the courts against a newspaper excluded from the mails by the Postmaster General, and it is alleged in that brief as one of the grounds of defense that the Postmaster General has exercised his discretion, and therefore the court has no jurisdiction to set his decision aside.

Mr. STERLING. I will say, in the main, that the Senator from Nebraska comes back to the question now, in the last analysis, of dependence on the jury——

Mr. NORRIS. Yes.

Mr. STERLING. Under the rules relative to the admission of evidence or when a court will be authorized in setting aside the verdict of the jury. We can not help that, as it is our established system and custom.

Mr. KING. Will the Senator from South Dakota yield to me?

Mr. STERLING. I yield to the Senator.

Mr. KING. It does not seem to me that there is any discretion at all in the legal way—that is, there is legal discretion—but that does not mean an illegal or an arbitrary discretion. If the publication comes within the purview of the statute, then the Postmaster General, exercising a judicial discretion which is subject to review, excludes it or permits it to pass through the mails. If he adjudges that something ought not to go through the mails because it is violative of the law, the courts can review that; and if he has adjudged wrongfully, of course, his order will be set aside. Will the Senator permit me merely to call his attention very briefly to the statute which I have here?

Mr. STERLING. I yield.

Mr. KING. The statute enumerates some of the cases under which the discretion of the Postmaster General—which is a legal discretion—may be exercised. The statute reads:

> Unmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted in the mails, or which by reason of illegible, incorrect, or insufficient address it is found impossible to forward to destination. Unmailable matter is classified as follows:
>
> (a) Matter which is insufficiently prepaid to entitle it to be dispatched in the mail.
>
> * * * * * * *
>
> (c) Matter which from its harmful nature is forbidden to be in the mails.
>
> * * * * * * *
>
> (f) Obscene matter.
> (g) Libelous and indecent matter.
> (h) Lottery matter.
> (i) Fraudulent matter.
> (j) Publications which violate copyrights granted by the United States.

When publications are presented for transmission through the mails and the attention of the Postmaster General is directed to them he is compelled to exercise some discretion. Is it obscene? Is it libelous and indecent? Is it lottery matter? Is it fraudulent matter? Is it a publication which violates copyrights granted by the United States? If it comes within any of those designations, then under the law it is his duty to prohibit its transmission through the mails. I concede that he may err and may sometimes exclude something from the mail that is not libelous, but the courts are open for redress.

Mr. LODGE. Mr. President——

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. If the Senator will permit me on that point, I take it we are all agreed as to the purpose of the bill and the desirability of preventing the dissemination of appeals to overthrow the Government by force or violence; but we are conferring a very great power on the Postmaster General, who is to be guided solely by his own opinion. Let us suppose there is some newspaper which is obnoxious politically to the Postmaster General; he finds an article which he thinks can be brought under the terms of this proposed act, and thereupon declares it nonmailable. By the time the slow redress is had from the courts the paper is ruined. So the Postmaster General in that position can make a newspaper print anything he wants it to print.

Mr. STERLING. Let me say to the Senator from Massachusetts that if meanwhile the going through the mails of such publications can not be stopped a revolutionary uprising may be incited by this very matter advising the overthrow of the Government and assassination of public officials may result from that advice and that advocacy.

Mr. LODGE. I am not suggesting that it should not be stopped. I am suggesting that we want to exercise very great care in the power granted to the Postmaster General, and that is why I asked what the objection is to a hearing. I am a great believer in publicity; I should like to see the reasons of the Postmaster General stated at once.

Mr. STERLING. The fundamental proposition, Mr. President, is that the safety of the people is greater and of more concern than the temporary inconvenience of the individual whose publication may be stopped from going through the mails.

Mr. NEW. Mr. President——

Mr. STERLING. I yield to the Senator from Indiana.

Mr. NEW. Mr. President, I can very readily conceive how a Postmaster General, if so minded, might act with impropriety and injustice in the suppression of a newspaper for political or other reasons; but, as I read this bill, I can not see that there is very much, if any, danger of a wrong being perpetrated under it. Under the language of the bill the right to exclude from the mails can only be exercised where the paper or document or book really advocates "the overthrow by force or violence or by physical injury to person or property of the Government of the United States or of all government."

In order for the Postmaster General to act at all under this bill, certainly the paper or the book must come very close to the border line that is here drawn, if it does not actually cross it. It seems to me that we are in grave danger of becoming just a little too solicitous about the protection of the sacred right of

the individual who wants to come just as close as he can to advocating the overthrow of the Government and keep out of jail and keep his newspaper in the mails of the United States. If we are to err at all, considering the times and the conditions, I would a good deal rather err on the side of illiberality than to err the other way; but I do not believe that there is any danger of error in that respect under the language of this bill.

Mr. LODGE. Mr. President, I am as anxious to stop this sort of matter going through the mails as anyone can possibly be. We must all be anxious to accomplish that purpose, and I hope to see effective legislation on that point. I agree that often the interest of the individual must be sacrificed to the welfare of the community, but I think when we put in the hands of one man the uncontrolled power to blackmail, if he chooses, every newspaper in the country we go far beyond the rights of the individual. What I am afraid of is that under this power a Postmaster General who is unscrupulous—and such may exist—can practically compel half of the newspapers of this country, or many of them, at any rate, to take a line in politics which he wishes to have taken by the mere threat of excluding them from the mails. The redress of the court is all right, but in the case of a newspaper the time taken may mean ruin. I desire the bill to pass. I should like to see legislation of this character enacted, but we do not want to put provisions in the law which will defeat the very end at which we aim.

Mr. NEW and Mr. OVERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from South Dakota has the floor. Does he yield?

Mr. STERLING. I yield to the Senator from North Carolina.

Mr. OVERMAN. Do I understand the Senator from Massachusetts wants a hearing before the fire can be put out? Would he let the fire go on without taking steps to check it?

Mr. LODGE. How long would it take the Postmaster General to hold a hearing? He could hold it in a morning. What I want is to have the public know why these things are done.

Mr. OVERMAN. What about obscene literature? Before such matter is excluded from the mails the parties do not go into court and get a hearing. We have never so provided; we leave it to the discretion of the Postmaster General.

Mr. LODGE. Obscenity in writing is not a parallel question at all.

Mr. OVERMAN. How about the propaganda that is now being circulated in the South in connection with which millions of documents are sent out asking the negroes to rise and help them overturn the Government and burn, destroy, and assassinate?

Mr. LODGE. Why, Mr. President, that of course ought not to be, and it ought to be put down drastically. I am speaking simply of the newspaper, and the power of the Postmaster General to blackmail.

Mr. OVERMAN. Of course, I do not see how the Senator could say that any Postmaster General or any American citizen would blackmail anybody, no matter what party he belonged to. I do not believe it.

Mr. LODGE. I do not say anybody is doing it.

Mr. OVERMAN. You have to give sound discretion to the officer. We give it in many, many instances. They will have a hearing. There is no doubt about that. We want to stop it at once, however, and then give the hearing afterwards; and if the officer has erred, public opinion and Congress and the courts will always take care of that situation and take care of him.

Mr. LODGE. In other words, hang him first and then try him afterwards.

Mr. OVERMAN. I would put out the fire before it got started in this country, before anyone is permitted to start up a revolution in this country.

Mr. LODGE. I do not disagree with the Senator about the importance of suppressing it, but it does seem to me that there ought to be some protection for innocent people who may publish an article in a newspaper that is distasteful to the Postmaster General politically, and he finds something else which he thinks can be brought under this law—perhaps it can not be brought under it, but he declares that it can be—and he destroys that newspaper.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota has the floor. Does the Senator yield; and if so, to whom?

Mr. STERLING. I yield first to the Senator from Indiana.

Mr. NEW. Mr. President, I do not want to be misunderstood at all in my position on this matter. I quite agree with the Senator from Idaho, so far as that is concerned, that it would be a perfectly infamous thing for a Postmaster General, or any other public official, for partisan political reasons, or any such unworthy consideration, to undertake to exclude a newspaper from the mails or to curtail the rights to free speech of any citizen; but once more I want to call attention to the language of this bill, and to say that I do not understand—layman that I am and not lawyer—how the language could possibly be construed so as to permit anything of the kind.

As I have said before, in order to make the publication or the individual liable under this measure, certainly the paper or book must advocate or advise the overthrow by force or violence, or the physical injury to person or property, of the Government of the United States or of all government.

It seems to me it is so clear that there is no opportunity whatever for the Postmaster General to abuse the authority that is conferred upon him by this statute. If I saw the matter in another way I should occupy a very different position on it, but I can not see how it is possible under the language of this statute for the Postmaster General to wrong the publisher. As I said before, it seems to me that we are in grave danger here of entertaining too much sympathy for and giving too much thought to protecting the "rights" of the fellow who wants to come just as close as possible to the border line of sedition, of anarchy, the overthrow of government, and still keep himself out of jail or continue his newspaper within the rights accorded him by the privileges of the mails, and so on. I think we are more apt to do that than we are to err on the other side.

Mr. LODGE. Mr. President, if the Senator from South Dakota, who has been very good-natured, will allow me to say one more word, because I think I am totally misunderstood——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. STERLING. I yield.

Mr. LODGE. I am not seeking to protect the man who wants, directly or indirectly, to advocate such propositions as this bill inhibits. What I am afraid of is the case of the perfectly innocent man, editing a great paper or a small paper, who may have some paragraph which may be distorted into meaning something which comes within the statute because the Postmaster General does not like what he says on other subjects.

Mr. FRANCE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator from Maryland.

Mr. FRANCE. During the course of a discussion of this subject of anarchy and anarchistic literature recently, one of the great metropolitan dailies, in order to point out the danger, and, indeed, the absurdity of anarchistic doctrines, printed extensive excerpts from anarchistic literature. That was done with the very purpose of showing both the danger and the absurdity of the doctrines of the anarchists. I desire to ask the Senator if that paper might not have been excluded from the mails for printing quotations from anarchistic doctrines, and, if not, indeed, how the Senator could control the publication of papers or magazines which, to evade the law, quoted from anarchistic literature?

Mr. STERLING. No, Mr. President; I do not think quotations of that kind in a newspaper opposed to the propaganda or literature, for the purpose of warning the people of the danger, would come within the meaning and spirit of the act at all.

Mr. NORRIS and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Dakota yield; and if so, to whom?

Mr. STERLING. I shall yield to the Senator from Montana [Mr. WALSH], who has been standing now for some time.

Mr. WALSH of Montana. Mr. President, the comments of the Senator from Massachusetts have moved me to invite the attention of the Senate to section 481 of the Postal Laws and Regulations reciting the acts of 1888 and 1909, as follows:

All matter otherwise mailable by law upon the envelope or outside cover or wrapper of which, or any postal card upon which any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect unjustly upon the character or conduct of another, may be written, printed, or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails, nor delivered from any post office by any letter carrier and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Mr. STERLING. Will the Senator from Montana allow me to interrupt him right there? To that section which the Senator has just read has been added this, by way of an amendment, in 1911:

And the term "indecent" within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination.

Mr. WALSH of Montana. Mr. President, there is provision for a hearing in the case of anyone charged with a violation of this provision of the act, so far as the introduction

of the matter in the mails is concerned. When the Postmaster General finds such matter in the mails or when any of his subordinates find such matter in the mails, he refuses to send it. Moreover, in the case of one who is found to be sending through the mails matter which is fraudulent, the Postmaster General puts out an order refusing him permission to use the mails, and declines to allow him to receive any matter which comes through the mails.

Mr. President, the statute to which I have invited your attention reposes in the discretion of the Postmaster General the exclusion from the mails of matter which is libelous, which is scurrilous, which is indecent. Why, if the Postmaster General is given the power suggested by the Senator from Massachusetts by the bill under consideration here, of requiring the publisher of a newspaper to print anything that he declares he shall print—in other words, the power to exercise any control over his utterances, editorial or otherwise—he has already been given that power by the statute passed 10 years ago.

Mr. LODGE. I did not mean to suggest that the power had not been already abused. I think it has been.

Mr. WALSH of Montana. Yes; but the complaint the Senator makes is that the policy which has long been adopted with respect to this matter is all wrong. Of course, if we grant to the Postmaster General the right to exclude from the mails matter which is defamatory in character, which is libelous in character, which is scandalous in character, as he thinks, without any hearing at all upon the matter, and then we require him to allow to pass through the mails, without any hesitation at all and without any interference upon his part, matter which advocates the overthrow of the Government of the United States by force or violence, do we not really have him swallow the camel and then balk at a gnat?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. STERLING. I do.

Mr. BORAH. May I say to the Senator that so far as I am individually concerned, I can not recall when I have not protested against just such outrages as the Senator is now speaking of. I say that there is absolutely no necessity in this country of injuring a citizen without giving him a hearing.

Mr. WALSH of Montana. On that, of course, there may be differences of opinion; and let me remark, in answer to the Senator, that we are obliged to pursue one of two courses. We must either permit the general public to be injured often by allowing this thing to go on without any interference until after a hearing is had, or we must take the chances—and, of course, there are chances—of sometimes injuring an individual by an unjust decision of the Postmaster General. Here is matter which is declared by this statute to be unmailable, and the Postmaster General is required, as he is required in these other statutes, to refuse transmission of it through the mails. Now, that must go at once. The Senator asks for a hearing. Meanwhile, what will be done with the mail? Will it be held? That is all we ask—that it shall be held until a determination can be made. But the Senator does not want that. He does not want it held until a hearing can be had. He wants it to go through, and let it do its harm to the public.

Mr. BORAH. How does the Senator know that the Senator from Idaho does not want that?

Mr. WALSH of Montana. Because the Senator has not offered anything else.

Mr. BORAH. I have offered something. The amendment I have offered provides that the mail shall go through. But I want a hearing, and if the Senator will provide a method by which the party may be publicly and speedily heard, before an impartial tribunal, with his witnesses, and present his case, I would be willing that you shall hold the matter until the hearing is had.

Mr. WALSH of Montana. That is a very simple matter. The Senator, then, simply desires an advantage given to the circulator of this kind of literature which is denied to the circulator of other unmailable literature.

Mr. BORAH. No; I do not desire anything of the kind. If it were within my power, I would write into every one of these statutes the right to be heard. I would write it into any kind of a statute. I would not erect here upon the American Continent the doctrine of Lenin and Trotski by denying a man the right to be heard, and condemning him beforehand. That is their doctrine. It is said that just as soon as they got in power they destroyed all papers and publications which they believed to be against their government, and did so without a hearing. With halting footsteps we are following their methods, condemning and ruining men and their business without a hearing.

Mr. WALSH of Montana. I merely desire to remark that I have been here with the Senator for seven years, and I have yet to learn of his introduction of any bill looking to the modification of the statutes to which I have invited attention.

Mr. BORAH. I can refer the Senator to time and time again when I have advocated this same proposition that I am advocating now and with the same success, no doubt, that I will gain at this time.

Mr. WALSH of Montana. I recall very well that the Senator has been consistent in his position. He has resisted every attempt to enforce this principle, in connection with the espionage law, and in connection with every other law along these lines. But that is not what I am talking about. I am talking about the position of opposition which the Senator occupies with reference to the specific legislation, remaining silent with reference to all such legislation that is on the statute books.

Mr. STERLING. Mr. President, a word or two in conclusion, and in calling attention to the two remaining sections of the bill, sections 4 and 5.

Section 4 provides—

That it shall be unlawful to import or cause to be imported into the United States or any place subject to its jurisdiction any matter declared by section 3 of this act to be nonmailable or to transport or cause to be transported any such matter from one State to another or into any place subject to the jurisdiction of the United States.

Section 5 provides a penalty for the violation of any of the provisions of the law, and provides also that any alien convicted under the law shall be deported and forever barred from reentering the United States or any territory under its jurisdiction.

Mr. President, I can conceive of no greater crime than the overthrow of the Government of the United States, or than an attempt by force or violence to overthrow the Government of the United States. How can any true American regard it as anything else than the greatest of crimes? It involves the welfare and the happiness of 110,000,000 people who believe in free government and free institutions. That is what is involved in the overthrow or the attempt to overthrow the Government of the United States.

Mr. President, it is a greater crime than to send obscene literature through the mail; it is a greater crime than to send libelous or indecent wrappers or envelopes through the mail; it is a greater crime than to promote a lottery scheme or to send lottery tickets through the mail; it is a greater crime than to attempt to use the mail for the purpose of promoting a fraudulent scheme or enterprise; it is a greater crime than to use the mail for the purpose of bringing about the transportation of liquors, prohibited under the law; to overthrow the Government of the United States or to attempt to overthrow it is a greater crime, Mr. President, than any of these. It is a greater crime than murder; it is a greater crime than arson; it is a greater crime than individual assassination, a great deal. Yet we find Senators here, Mr. President, protesting against section 3 of the bill, which gives the Postmaster General the power to prevent the use of the mails for the advocacy of the overthrow of the Government of the United States. They object to it and seem to feel sensitive in regard to it.

Mr. BORAH. Mr. President, the Senator will not do us the injustice of saying that we are sensitive in regard to it. The Senator says we object to excluding printed matter from the mail which advocates the overthrow of the Government of the United States. That is not the position which anyone takes here. The position which we take is that it shall be fairly determined that it is literature which advocates the overthrow of the Government of the United States before it is excluded. The whole question here turns on the proposition of a fair and impartial hearing.

Mr. STERLING. Yes; and the position I take in opposition to the Senator's position is that it must necessarily and for all practical purposes be left to one man in the first instance to decide and before the harm is done, before the uprising as a result of this propaganda comes about, before the assassinations result. That is the idea of giving one man the summary power, which it may seem to be, to at once stop that matter from going through the mail.

Mr. BORAH. Mr. President, I want to read a paragraph here which has been excluded from the mail under the discretion of the Postmaster General, and I want to ask the Senator under what law he thinks it is excluded. It is one of a series of articles, but I ask upon what ground could it be even one of a series:

President Wilson's talent for mobilizing noble ideas in support of whatever he has decided to do will be almost as helpful to the Entente as his armies. There are signs that the plain people of the world in their weariness are growing dubious of a war whose concrete purposes are kept secret from them. They are tactless enough to keep wondering, and even asking to know, what they are fighting about. Russia takes the lead in posing this question to the Entente, because in Russia the official crust has been lifted off and the people are able to stand up

and speak. But the question is there in all the countries, and the gentlemen in charge are exercised to know how to answer without telling any facts. President Wilson shows them how to answer with abstract ideas, and that is why he is so popular with the statesmen of the Entente.

Under what law is that excluded?

Mr. STERLING. Mr. President, I am not able to say just at this time.

Mr. BORAH. No; nor can anyone else.

Mr. STERLING. I have no knowledge of the provision of law under which that was excluded, unless it was under that provision which prohibits the discouragement of enlistments in the Army of the United States in time of war.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. NELSON. The article read by the Senator from Idaho is one of a group of articles contained in that paper, and it is not exactly fair to say that the paper was excluded from the mails on account of that particular article. It was excluded because of a series of articles.

Mr. BORAH. Precisely so.

Mr. NELSON. That was only one of them. But there were a great many other articles that were ten times as bad.

Mr. BORAH. That is precisely what I wanted to show. The Postmaster General takes a publication, running through months and months, and he finds a paragraph somewhere which he thinks should be excluded. But it is not sufficiently strong, and he undertakes to build up what in his discretion he denounces as unmailable matter by putting in different publications like this. What trait could this have given to any publication which would make it unmailable?

Mr. STERLING. Does the Senator refer to something found in the answer of the Postmaster General to the New York Call proposition?

Mr. BORAH. Yes.

Mr. STERLING. The proposition there was as to whether the New York Call did not persist in a course of publishing matter which was objectionable and should be excluded from the mails, not on account of one single item at all, as the Senator from Minnesota said, but item after item, having more or less of a tendency to discourage enlistments.

Mr. BORAH. In other words, the law upon the statute book and the law which you will put upon the statute book will enable the Postmaster General to censor any paper that he desires to censor. That is precisely what you are creating here—a censorship.

Mr. STERLING. No.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. STERLING. I yield.

Mr. NEW. The Senator from Idaho [Mr. BORAH] asks under what law the Postmaster General took the action referred to in that case. It certainly was not under the bill now under discussion. It was under a law that existed at that time, if under any, and perhaps under none. As to that, I do not know. But it certainly was not under this bill. I do not think that this bill, if it should become a law, will affect the rights or provinces of the Postmaster General at all. It does not add to or detract from the right which he has employed in any action that he has taken in the past. This refers to one subject only; that is, the advocacy of the overthrow of the Government of the United States, or that which tends in that direction.

Mr. BORAH. I am cognizant of that fact. But what I was undertaking to say was that under these different laws, as built up and as we are enlarging them from day to day, it establishes a censorship in the Postmaster General's office here in the city of Washington. That is precisely what is done.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. McCORMICK. Mr. President, a moment ago the Senator from South Dakota alluded to the case of the New York Call. I wish he would give his judgment on the case of the Metropolitan Magazine, with which he is doubtless familiar, in which case the Postmaster General exercised his discretion, and in which, after doing a very grave injury to the magazine, he reversed his own judgment.

Mr. STERLING. I am unable to give any judgment in regard to the Metropolitan Magazine, I will say to the Senator. I am not familiar with the details of that case.

Mr. McCORMICK. May I ask the Senator, then, if he will acquaint himself with the facts before the resumption of this debate on another day, to the end that the discretion of the Postmaster General may be considered in the light of those facts?

Mr. STERLING. It simply would show this, that the Postmaster General held in a later opinion that he had erred in making a former ruling. In any given case, as in the case of obscene literature, or the case of using the mails for the purpose of promoting a fraudulent scheme, there may be an error on the part of the Postmaster General. There may be an error on the part of any head of department when intrusted with a matter that is at all within his discretion. You can not avoid that, Mr. President.

Now, just this word in closing. Reference has been made again and again to section 3, and this section of the bill seems to invite the opposition of Senators who have engaged in this colloquy. I appreciate what has been said by the Senator from Indiana [Mr. NEW] in pointing out the very clear language of section 3. I stated awhile ago, with the same thought in mind, that the discretion of the Postmaster General must be exercised within very narrow limits under the very terms of the bill, because it reads "any document, book, circular, paper, journal, or other written or printed communication, in or by which there is advised the overthrow by force or violence or by physical injury to person or property of the Government of the United States," and so forth.

Can the Postmaster General determine on inspection that such is the very language of the publication, or that the language of the publication is such that the fair inference or conclusion to be drawn from it is that it so advises and advocates the overthrow of the Government? That is the discretion and all the discretion that he can exercise.

Mr. President, I read in the hearing of the Senate this morning certain excerpts from radical propaganda where revolution by force was advocated, concerning which I think neither the Postmaster General nor any other man who heard it would say that literature like that did not come within the prohibition of this bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

Mr. LODGE. Mr. President, I know that the other bill is up, and I do not mean to delay it for a moment, but simply make a request. The answer that is made to anyone who suggests that this law should be made not only effective but safe, namely, that he favors the overthrow of the Government of the United States, seems to me to be an inadequate answer. I do not think it is well founded. As to what purposes these powers may be put, I ask that there may be reprinted from the CONGRESSIONAL RECORD of May 25, 1918, page 7054, a letter of Col. Roosevelt, which was printed then at the request of the Senator from Washington [Mr. POINDEXTER]. It contains some cases cited by Col. Roosevelt by which great newspapers and publications which were supporting the war in the most loyal possible way were injured and broken down on the ground that they were treasonable because they criticized the administration.

I ask to have Col. Roosevelt's letter reprinted.

The PRESIDING OFFICER. Without objection, the request is granted.

The letter is as follows:

THE KANSAS CITY STAR,
OFFICE OF THEODORE ROOSEVELT,
347 MADISON AVENUE,
New York, May 22, 1918.

MY DEAR SENATOR POINDEXTER: The following article from me appeared in the Kansas City Star on May 7, 1918:

"SEDITION, A FREE PRESS, AND PERSONAL RULE.

"The legislation now being enacted by Congress should deal drastically with sedition. It should also guarantee the right of the press and people to speak the truth freely of all their public servants, including the President, and to criticize them in the severest terms of truth whenever they come short in their public duty. Finally, Congress should grant the Executive the amplest powers to act as an Executive and should hold him to stern accountability for failure so to act, but it should itself do the actual lawmaking and should clearly define the lines and limits of action and should retain and use the fullest powers of investigation into the supervision over such action. Sedition is a form of treason. It is an offense against the country, not against the President. At this time to oppose the draft or sending our armies to Europe, to uphold Germany, to attack our allies, to oppose raising the money necessary to carry on the war are at least forms of moral sedition, while to act as a German spy or to encourage German spies, to use money or intrigue in the corrupt service of Germany, to tamper with our

war manufactures and to encourage our soldiers to desert or to fail in heir duty, and all similar actions, are forms of undoubtedly illegal sedition. For some of these offenses death should be summarily inflicted. For all the punishment should be severe.

"The administration has been gravely remiss in dealing with such acts.

"Free speech, exercised both individually and through a free press, is a necessity in any country where the people are themselves free. Our Government is the servant of the people, whereas in Germany it is the master of the people. This is because the American people are free and the German people are not free. The President is merely the most important among a large number of public servants. He should be supported or opposed exactly to the degree which is warranted by his good conduct or bad conduct, his efficiency or inefficiency, in rendering loyal, able, and disinterested service to the Nation as a whole. Therefore it is absolutely necessary that there should be full liberty to tell the truth about his acts, and this means that it is exactly as necessary to blame him when he does wrong as to praise him when he does right. Any other attitude in an American citizen is both base and servile. To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public. Nothing but the truth should be spoken about him or anyone else. But it is even more important to tell the truth, pleasant or unpleasant, about him than about anyone else.

"During the last year the administration has shown itself anxious to punish the newspapers which uphold the war but which have told the truth about the administration's failure to conduct the war efficiently, whereas it has failed to proceed against various powerful newspapers which opposed the war or attacked our allies or directly or indirectly aided Germany against this country, as these papers upheld the administration and defended its inefficiency. Therefore no additional power should be given the administration to deal with papers for criticizing the administration. And, moreover, Congress should closely scrutinize the way the Postmaster General and Attorney General have already exercised discrimination between the papers they prosecuted and the papers they failed to prosecute.

"Congress should give the President full power for efficient executive action. It should not abrogate its own power. It should define how he is to reorganize the administration. It should say how large an army we are to have and not leave the decision to the amiable Secretary of War, who has for two years shown such inefficiency. It should declare for an army of 5,000,000 men and inform the Secretary that it would give him more the minute he asks for more."

Thereupon Postmaster General Burleson issued the following statement:

"OFFICE OF INFORMATION,
"POST OFFICE DEPARTMENT,
"*May 8, 1918.*

"Postmaster General Burleson to-day made the following statement with reference to the editorial signed by Col. Roosevelt which appeared in this morning's paper.

"Ex-President Roosevelt in the newspapers this morning made the following statement:

"'During the last year the administration has shown itself anxious to punish the newspapers which upheld the war but which told the truth about the administration's failure to conduct the war efficiently, whereas it has failed to proceed against various powerful newspapers which opposed the war or attacked our allies or directly or indirectly aided Germany against this country, as those papers upheld the administration and defended the inefficiency.'

"This statement, taken in connection with other published statements of Mr. Roosevelt, is manifestly aimed at the administration of the Postal Service. It is either true or false. If true, I am utterly unworthy of trust and should be scourged from office in disgrace. If false, right-thinking men and women will form their own opinion of the man who uttered it. Its truth or falsity is easily demonstrable. I invite Mr. Roosevelt to name the papers or magazines which have 'upheld the war but which told the truth about the administration's failure to conduct the war efficiently' which have been 'punished' by the Post Office Department. I invite Mr. Roosevelt to name the newspapers or magazines, powerful or otherwise, 'which have opposed the war and attacked our allies or directly or indirectly aided Germany against this country' in such manner as to violate the law, which have not been proceeded against by this department.

"Failure on the part of Mr. Roosevelt to respond is to admit his inability to do so."

As this was issued officially by the Postmaster General, I desire that a permanent record shall be made of my answer and of the facts that led up to my statement to which the Postmaster General took exception and which caused him to issue his challenge to me to prove my statement. I therefore wish to put these facts before you in full.

I insert as appendixes to this letter the editorial in the Metropolitan Magazine, in the issue which the New York post office attempted to suppress, this editorial being entitled "Put the blame where it belongs," and my article in the Metropolitan on "Lincoln and free speech," together with the Metropolitan statement as to its war record (p. 6, May Metropolitan).

I deal with Mr. Burleson and his actions purely because he is the representative of President Wilson, exactly as is Secretary Baker, exactly as is Mr. Creel. President Wilson is responsible for everything that Postmaster General Burleson and Secretary Baker and Mr. Creel do or leave undone. Nothing that any one of these gentlemen says, nothing that any one of them does, and nothing that any one of them leaves undone is of the slightest importance, except because he is President Wilson's representative, appointed by President Wilson to a position of high governmental importance in a great crisis and serving as the medium through which President Wilson carries out his policies affecting this country. This is, of course, equally true of all of President Wilson's other appointees. I have scant patience with the timidity or the folly which dares not hold accountable the source of power and only ventures to express displeasure with the instrument through which the power is exercised. Messrs. Burleson, Baker, Creel, and their associates possess no importance whatever except that accruing to them because it is through them that the President speaks and acts or refuses or fails to act. As the above article shows, I was not speaking of Mr. Burleson in particular, but of the administration of which he is a part, of the President whose servant he is.

The reason for my comment in the Kansas City Star and for my previous article in the Metropolitan Magazine is that since the war began the administration has used the very great war powers of the Government over the public press to stifle honest criticism of governmental inefficiency or misconduct, while condoning (which necessarily means encouraging) pro-German, anti-Ally, and therefore anti-American agitation in certain powerful papers which defended this inefficiency and misconduct; and it has sought from Congress a great addition to the already existing power it has thus misused. I believe that the first article of the Constitution guarantees the right of the people to criticize truthfully the conduct of their public servants, and that this right can not be taken away by any law. But the average man is naturally and properly afraid to challenge a law backed by the whole power of the United States Government, even although it may be his belief that ultimately the law will be held unconstitutional.

Our governmental officers, from the President down, are of right the servants of the people, not the rulers of the people. This is the fundamental difference between an autocracy and a democracy. The Hohenzollerns are the rulers of Germany, and the Germans are the subjects of the Hohenzollerns, not their fellow citizens. On the contrary, our Presidents are not the rulers of the American people, but the servants of the American people, and the rest of the people are their fellow citizens. Our duty is to stand by the country. It is our duty to stand by the President—as by every other official—just so long as he stands by the country. It is no less our duty to oppose him whenever, and to the same extent that, he does not stand by the country. If we fail to oppose him under such conditions we are guilty of moral treason to the country. The President and our other public officials are subject to the laws just like the rest of us. It is an infamy untruthfully to assail our public servants—or anyone else. But it is our duty to tell the truth about our public servants, whether the truth be pleasant or unpleasant. The higher the public servant and the more important his task, the more careful we should be to speak only the truth about him; and the more necessary it is that we should tell the full truth about him.

During the past year the action of the administration, taken largely through the Post Office Department, has been such as to render it a matter of some danger for any man, and especially any newspaper, to speak the truth, if that truth be unpleasant to the governmental authorities at Washington. The effect of this attitude has been very marked politically. Such coercive power tends to make upright men, even though they are strong men, cautious about telling truths which ought to be told. It forces weak men to praise the administration whether it does well or ill. It invites unscrupulous men who desire to serve Germany to gain license to do so and to secure advantage by praising the administration, especially when it has acted wrong-

fully or inefficiently, and by supporting it politically. There are cases where all competent and honest observers are morally certain that political support has been given, and is now being given, to the administration by various newspapers, especially German-American and semisocialistic newspapers, because of the club thus held over them by the administration. From the very nature of the case there can rarely be positive proof in such cases. But as regards the most striking cases of favoritism, those concerning the Hearst papers, as compared with the suppression of Tom Watson's paper, and the attack (for nominally wholly different reasons) on the Metropolitan, I herein give the facts, which prove exactly what I have alleged. The Postmaster General has raised the issue; I meet it squarely, and he shall not evade it. The administration has successfully endeavored to prevent expression of opinion hostile to it and to put a premium upon supporting the President personally and politically without regard to whether his actions are detrimental or beneficial to the country.

The administration, through the Publicity Bureau, under the lead of Mr. Creel, is conducting a gigantic news propaganda with the public money. Mr. Creel's activities are exercised nominally on behalf of the country, but in reality primarily on behalf of the administration. Mr. Creel announces and publishes himself as the special representative of the President, and is permitted by the President so to announce and publish himself. He assails the publications that truthfully expose the shortcomings of the administration; and, without regard to the facts, he, personally and through his bureau, actively upholds the administration as regards those matters, such as the aircraft program, in which there have been grave governmental shortcomings. This is partisan political propaganda of the very worst type, carried on with public moneys, under the guise of public work. The editor of the Metropolitan wrote Mr. Creel, on March 7:

"Is it right that you should use the time and money of your bureau, which is supported by the American taxpayers, to defend members of the administration from criticism in the public press? Are you not in fact the personal press agent of the President and members of the administration?"

What the editor of the Metropolitan thus stated in the form of a query should be stated affirmatively as an unquestioned fact.

I have said so much by the way of making the general situation clear. Now, as to Postmaster General Burleson's challenge. This can be divided into two parts: First, Mr. Burleson denies that the administration has ever discriminated improperly against any publication, and, second, he denies that it has ever failed to proceed against any publication which ought to have been proceeded against.

First. The Metropolitan Magazine, Collier's Weekly, and the New York Tribune have consistently upheld the war. They eagerly demanded that we should go to war, they supported the President in going to war, they have cordially upheld every measure for prosecuting the war. But they have also told, not all of the truth, but some small portion of the truth, which it was absolutely necessary to tell, about the administration's failure to conduct the war efficiently. They have only told even this small portion of the truth when it was imperative so to do, in order to speed up the war and to prevent perseverance in inefficiency. All three publications have been attacked by Mr. Creel officially, speaking as President Wilson's representative and "as giving a message from the United States Government to the American people." (I quote from The Independent.) The Post Office Department, through the New York postmaster, on March 2 last, notified the publishers of the Metropolitan Magazine that its March issue was nonmailable under the espionage act. This action was widely published throughout the country. It was calculated to do great damage to the Metropolitan. It was precisely the kind of action which, as I know by having been so assured again and again by various editors, was the reason why these editors have been afraid to tell the truth or even a small part of the truth about our governmental inefficiency or misdeeds. The article on which the action was nominally based was by a man who had written articles of exactly the same kind in a publication, the New Republic, which, however, is a political supporter of Mr. Wilson, and has not been interfered with. The Metropolitan is not a political supporter of Mr. Wilson and was interfered with, yet the Metropolitan has upheld the war far more zealously than the New Republic. The Metropolitan immediately asked the postmaster of New York for the grounds of his action, but got no answer. On March 9 it telegraphed the Postmaster General, asking whether the action was taken by the order of the Postmaster General, and, if not, what steps the Postmaster General would take to repair the damage done to the Metropolitan Magazine. On March 11 the Postmaster General replied to the Metropolitan, stating that accusations had been made that an article in the Metropolitan was a traitorous effusion, but that he did not know whether the complaints were justified, and that no order had been issued about it by the department. He did not answer the Metropolitan's question as to what steps would be taken to repair the damage done it by the conduct of the New York postmaster. On the same day the New York postmaster wrote the Metropolitan reversing his action of March 2, but making no apology and making no excuse. On March 12 the editor of the Metropolitan wrote to Mr. Burleson, saying among other things, "You must remember that there are a great number of pacifists and pro-Germans in this country who would willingly put the Metropolitan Magazine out of business because it is the most strongly pro-Ally and anti-German publication in the country," calling attention to the fact that a statement attributed to the solicitor general of the department was obviously not in accord with the facts, and that the Metropolitan could not accept newspaper statements without confirmation from the Postmaster General, and asking for a written statement from the Postmaster General in the matter. He has received no such statement, nor has any attempt been made by the Post Office Department to remedy the wrong it did by the postmaster at New York.

At the same time one of the advertisers in the Metropolitan, Mr. E. M. Mansur, of Floral Park, N. Y., received a letter from a man in Chicago suggesting that he withdraw his advertisement because of the editorials in the Metropolitan Magazine. Mr. Mansur declined to withdraw it. On April 3 he notified the Metropolitan that a special agent of the United States Department of Justice named James A. Corcoran, with shield No. 436, giving his address as Box 241, Park Row, New York City, called on him with copies of the letters of this Chicago man to him and of the replies and asked if Mr. Mansur had stopped advertising, and wanted to know if he was going on advertising next year, and then if he were an American citizen. The last query, taken in connection with the first two, contained, of course, an implication that was in effect a threat. This shows that the Department of Justice had knowledge of the attempt to boycott the Metropolitan and lent its official power to further it, unless the man in question had stolen the special agent's shield which he possessed and forged his name and address.

The above facts Mr. Burleson has not denied and can not truthfully deny, and they absolutely demonstrate the exactness of my statement, so far as the administration's effort to punish the publications which upheld the war but have told the truth about the administration's failure to conduct the war efficiently.

Now, for the second part of my statement: The prime example of failure by the administration to proceed against newspapers which oppose the war or attack our allies and therefore directly or indirectly aid Germany is afforded by the failure of the administration to deal with Mr. Hearst's papers as it has dealt with certain other papers. Mr. Hearst is a very wealthy man, reputed to be much more than a millionaire, owning a dozen newspapers, more or less, and a half dozen magazines, in different parts of the country. At the very beginning of the war the Government proceeded successfully against Tom Watson's publication in Georgia. I entirely disagreed with Tom Watson's general political philosophy; I was utterly opposed to his contention that drafted men should not be sent overseas to fight; I regarded him as a narrow, although an upright and sincere, man. But he had done nothing that was anything like as dangerous to this country and our allies and as helpful to Germany as Mr. Hearst was at that very time doing. The circulation of Mr. Watson's paper was very small compared to Mr. Hearst's papers, his wealth and influence were infinitesimal compared to Mr. Hearst's wealth and influence, and he had denounced Germany and even advocated war against Germany, whereas Mr. Hearst had in numerous editorials opposed our going to war, attacked Germany's foes, and defended Germany. Yet the administration crushed Tom Watson, a poor man, while it tolerated and then encouraged wealthy, powerful Mr. Hearst. Tom Watson's paper was not the only small paper the Postmaster General attacked and hampered for doing far less than Mr. Hearst's papers had done. The New York News is edited by George W. Harris, a colored man, for the colored race. Under date of May 2 last Mr. Harris, the editor, received a notice from the postmaster of New York that the issue of that date had been "withheld from dispatch through the mails pending advice from the Solicitor for the Post Office Department as to whether this issue is mailable." One of the editors of the paper informs me that Mr. Harris called at the post office in New York to ascertain the reason of this order, but was not given any reason. The only explanation the editors could think of was that the paper had contained a protest against an alleged order of a colonel in the Army "directing colored offi-

cers not to enforce upon white inferiors a military salute." Certainly nothing in this humble paper warranted the administration, through the Post Office Department, in attacking it, while at the same time not venturing to interfere with the wealthy Hearst papers.

Mr. Burleson, however, while he will pardon certain proadministration papers, even although they are antiwar, will nevertheless occasionally attack not only antiwar but prowar and even proadministration, radical papers, if he objects to their radicalism. Two entirely responsible persons have called my attention to the suppression of one issue of a radical magazine called The Public. This has been an entirely prowar magazine. In its issue of March 30 it urged editorially "heavier taxation of unearned incomes and of excess profits" and the raising of more money by direct taxation in preference to bond issues. Apparently, as far as the editors can make out, it was because of this article this issue was suppressed. A former editor of the paper writes me that it is possible that Mr. Burleson objected to the paper because of an account of an interview with him on October 12 last, in which he was quoted as stating his lack of sympathy with the proposition that a man ought not to get his money from the ownership of land which was tilled by tenants, and the ground that he could not be expected to favor a public policy where his interest lay on the other side of the proposition. "As a landowner you can't expect me to believe that," he is reported as saying. It does not appear, however, that any steps were taken because of this article. The question, therefore, is as to the right of The Public to print the editorial in the issue of March 30. The question as to our belief or our disbelief in the soundness of this editorial has nothing whatever to do with the case. There are plenty of conservative doctrines with which I emphatically disagree, and also plenty of radical doctrines with which I disagree, and if it should happen that on either side of the case I found myself in agreement with Mr. Burleson I should, nevertheless, adhere to my beliefs. But, unless these doctrines were seditious, or represented the kind of immorality and incitement to violence or other unlawful conduct (which would properly bring them under the law), I would fight as stoutly for the right of the editor to publish them as I would fight for my own right to publish articles against them. Such action as that of Mr. Burleson does not help the war; on the contrary, it tends to keep people so angry with the agents of the war that they become and remain hostile to the war itself.

There could be no more striking example of discrimination than that furnished by the contrast between the treatment of a paper like Mr. Watson's and papers like those of Mr. Hearst; there was severity of treatment for the helpless, while the strong were given complete immunity.

There is no need to rely upon my statement that the Metropolitan has been a loyal, prowar, pro-American publication. In a letter published by Mr. Creel, since Mr. Burleson's statement was published, he states: "We reply to the Metropolitan for the very reason that we do not reply to antiwar or anti-American papers. They are known to be what they are, but the reputation of the Metropolitan for loyalty gives weight to its misstatements." This is, as shown by the use of the word "we," a complete and full acknowledgment on the part of Mr. Creel that my statements with regard to the administration in this matter are correct. It is a complete and full acknowledgment that the administration acts against a publication whose loyalty is unquestioned, but which attacks the kind of governmental inefficiency which tells in favor of Germany, although at the same time the administration does not act against the "antiwar or anti-American papers"—so long, I may add incidentally, as these papers champion the administration and apologize for the inefficiency of its actions.

Since the Postmaster General's challenge to me was made public, private citizens have taken against the Hearst papers the action which the administration has refused to take. The New York American, in publishing President Wilson's Memorial Day proclamation omitted that part of the proclamation which contained the prayer for victory, although it printed the part containing the prayer for peace—a proceeding entirely in consonance with Mr. Hearst's advocacy of a "peace without victory." In Poughkeepsie, according to a special dispatch to the New York Herald of May 13, a party of Grand Army veterans protested against such action by procuring every available copy of the American and burning them in the courthouse square, the veterans explaining, through Maj. Louis C. Dietz, organizer of the local Loyal Service League, that they did this because they regarded the action of the New York American as an attempt "to fool the people of this country by publishing articles that are perfectly agreeable to the Kaiser's Government and to traitors and pro-Germans that are in this country." At the same time, according to the statements in the New York Times and New York World, the mayor and common council of Mount Vernon, N. Y., barred the Hearst papers for the period of the war from Mount Vernon, the mover of the ordnance reading various extracts from Mr. Hearst's papers which he said moved him to take the action he did, while the mayor announced that he signed the bill because he wished "to put a curb on the Kaiser or any of his agents" and that "Mount Vernon will not stand for anything or anyone not wholly American at this time." The mayor of Summit, N. J., is reported to have succeeded in getting the news dealers to refuse to handle the Hearst publications.

I have before me at the moment copies of the New York American editorials of May 11, May 20, June 1, 1915, and an editorial of June 6, 1915, signed by Mr. Hearst himself, dealing with the *Lusitania* question and stating that Germany's action was right about the *Lusitania;* that "the *Lusitania* incident is, of course, no cause for a declaration of war," and that we had no just cause for complaint in the matter—saying that we "had no right to make this demand * * * that Germany suspend her submarine warfare against the commerce of the Allies"; that we had "no right to question Germany's use of submarines in her warfare upon British commerce"; and that the *Lusitania* was an English vessel and properly "subject to destruction," and that its destruction by the German submarine was in accordance with the authorized and accepted rules of warfare, and that Germany's methods of submarine warfare "were none of our business." The Hearst papers continued to try to make our people range themselves against England, and therefore in favor of Germany, and to appeal to the people of the United States to put the safety of their dollars above the safety of their women and children. In the issue of the New York American of August 25, 1915, is an editorial headed, "Must the United States be a cat's-paw for England against Germany?" There is not a word in this editorial about the German murder of our women and children on the high seas, not a word protesting against Germany's taking the lives of our citizens, but a scream against England because she had made cotton contraband of war! No American can read this editorial in the Hearst papers of that date without hanging his head in shame that such papers should at this time be backed by the American administration.

Let the administration recall that Mr. Hearst was writing these editorials, week after week, month after month, during the time succeeding the sinking of the *Lusitania.* On December 5 last, Secretary Baker, the official representative of the President in all matters relating to the war, said, as reported in the public press: "From the moment the *Lusitania* was sent to a watery grave by the hands of the assassin the United States had only two choices. The United States could have crawled on its knees to the Hohenzollerns, crying out that their frightfulness and their military efficiency were too great, and that we submit and become their vassal, or as an alternative we could fight. We chose to fight." This is the description by President Wilson's Secretary of War of the course (that we become the vassal of Germany) which Mr. Hearst, through his papers, did his utmost to get the American people to adopt.

After we went into the war, on April 11, 1917, Mr. Hearst wrote: "Stripping our country of men, money, and food is a dangerous policy. Our earnest suggestion to the Congress is that it imperatively refuse to permit the further draining of our food supplies and our military supplies to Europe." This was equivalent to a demand that after going to war we should turn around and help Germany more than if we had continued to remain neutral. On April 24, 1917, the New York American said: "The painful truth is that we are being practically used as a mere reinforcement of England's warfare and England's future aggrandizement." This was an effort against our ally and an effort to pander to anti-English prejudice in the interest of our foes, and nothing else. On May 17, it advocated our spending all our money on preparing our Army and Navy here at home "and so compelling Germany if she wants to fight to come to us," which was, of course, equivalent to arguing that we would render no aid to defeat Germany until she had defeated our allies and was prepared to attack us single-handed. On May 25, the same paper said of the efforts to float the Liberty loan: "If you want our food and wealth sent abroad to help suffering England, buy a Liberty bond, furnish the sinews of war." In view of Hearst's continued effort to excite hatred between the United States and England, the implication of this sentence can not be mistaken. In the very next sentence he subtly attempts to appeal to all men with a feeling of affection for Germany by intimating that whoever purchased a Liberty bond desired to see Germany not merely defeated but "dismembered." On July 27, the New York American spoke of our soldiers being sent over "to be offered up in bloody sacrifice to the ambition of contend-

ing nations on foreign battle fields." On November 22 it spoke of our "interfering in Europe's quarrels."

It is absolutely impossible to reconcile the Government's action in proceeding against Tom Watson's paper with its failure to proceed against Mr. Hearst's papers, on any theory that justice was to be done alike to the strong and to the weak.

The above quotations from Mr. Hearst's papers and many others like them may be found in recent issues of the New York Tribune. The Government had full notice about Hearst's, because the allies had barred him from the cable service, and only through the good offices of this Government have these privileges just now been restored to Mr. Hearst. Nor is this all. A mass meeting of thousands of citizens of New York was held in Carnegie Hall on November 2, 1917, under the auspices of the American Defense Society to protest against the spirit of disloyalty shown by certain persons, especially Mr. Hearst. Mr. James M. Beck delivered an address dealing for the most part with Mr. Hearst. This portion of the address I have also included in the appendixes. The New York Times, among other papers, printed this address almost in full. The Government, therefore, had full warning and full knowledge of all of Mr. Hearst's activities. Mr. Hearst's papers have defended our war inefficiencies, have apologized for the failures in the war program, and have even denied such breakdowns as that in the aircraft program. It is true that since we entered the war Mr. Hearst has at various times issued editorials professing great patriotic zeal; but it was at the very time when in other editorials he was attacking the allies of America, England and Japan, in the most offensive way, and at the very time when he was upholding the Russian Bolshevists, who had made Russia a traitor to the free nations of the world and a subservient ally of the German autocracy. Such action can not fail to give aid and comfort to Germany.

By turning to the New York Tribune of May 8, 1918, Postmaster General Burleson will find an ardent tribute paid by the former German correspondent of the Koelnische Zeitung to Mr. Hearst and Mr. Hearst's editor in chief, Mr. Arthur Brisbane, for having been "auxiliaries of valued influence" to Germany, especially because of "the editorials in the Hearst newspapers." In the New York Times of August 14, 1917, there is a quotation by special cable, via The Hague, from the German Vossiche Zeitung, which states that the "antiwar movement in America is gaining in strength" and that "war propagandists in the New York press have lately met stout resistance from no other than Mr. Hearst and his 30 papers by the issuance of warnings to the people about the danger of plunging into European war," and continues to speak of "the generous nature of the work he had done for Germany," and that Mr. Hearst "preached" in behalf of the central powers. Mr. Hearst earned the praise thus given him by the servants of the Kaiser, and during the time when he was earning it the Kaiser was saying to Ambassador Gerard, as the latter recites in his book: "America had better look out after this war. I shall stand no nonsense from America after the war"—which the ambassador reported to the administration at Washington, without, by the way, producing any effect upon the administration.

Mr. Brisbane in the Washington Times ably followed Mr. Hearst's lead. On August 8, 1917, it said: "The most powerful and effective peace worker in this country is William Randolph Hearst. The world wants peace. It is more important than victory." On July 16, 1917, when Russia was under a democratic government and still a fighting ally of the United States against Germany, Mr. Brisbane's paper, the Washington Times, said: "Anarchy rules in Russia; somebody must do something. The natural somebody is Germany, right next door to Russia * * *; the civilization of western Europe may be very grateful to Germany if the war finds Germany with enough strength left to undertake the maintaining of order in Russia, developing the resources there and making a few billion of rubles in the process." It seems literally incredible that a paper making an utterance like this could have been left unmolested by an administration that had proceeded against poor Tom Watson—and this paper was published within two blocks of the White House. On August 21, 1917, this paper said: "We have lent to our allies about two thousand millions * * *; this we lent our allies to help in the game of murder."

I commend these facts to Mr. Burleson, and also to his Cabinet associate, Mr. Daniels, in view of their recent telegrams of congratulations to Mr. Brisbane upon assuming charge of certain Chicago papers, reported as being Hearst papers. These telegrams have been published in one of Mr. Hearst's New York papers, the Evening Journal. Mr. Burleson says of Mr. Hearst's alter ego that he "congratulates" the people of Chicago because they are to have the benefit of Mr. Brisbane's "able and unselfish efforts * * *. I indulge the hope that (his paper) will always stand for justice and freedom and true democratic Government." And Mr. Daniels goes Mr. Burleson one better in expressing the belief that Mr. Brisbane will preach "patriotism" and "civic righteousness."

Mr. Burleson has stated that he has received "more complaints" about my writings than about those of Mr. Hearst. In view of Mr. Burleson's record and actions there is small cause for wonder in this. Every pro-German and anti-American, every believer in a feeble American war and a triumphant German peace, every man who follows Mr. Hearst, would naturally appeal for sympathy to Mr. Burleson in denunciation of what I have done.

Messrs. Hearst and Brisbane, through their papers, have been unceasing in their attacks upon England and Japan. The New York American on December 20, 1917, said that "the offensive and defensive alliance then negotiated between Japan and England was aimed at the United States." This deliberate falsehood was published at the very time that England was defending us with her fleet and her army. There could be no meaner example of treachery to our allies and of subservience to our enemy. It was a thousand times more worth the attention of Mr. Burleson than anything done by the small papers against which the Post Office Department did act. On September 15, 1917, Mr. Hearst's plea for a German peace in the New York American ran "that the best peace for all concerned is a peace without victory, a peace without conquest, a peace without indemnities, a peace without annexations." On March 2, 1918, Mr. Hearst made an embittered attack upon Japan and on March 20 he repeated the attack. He spoke of the "military despotism of Japan," of the "brutal oriental selfishness in Japan's present attitude," and then asked the question as to who was going to drive her from Siberia, answering it: "Not the Allies, for they are too much occupied with their war. Not the United States, because we are putting all our eggs in the Allies' basket. There is one combination possible which might drive Japan out of Siberia and that is Russia in an active and aggressive alliance with the Teutonic Empires." These sentences amount to incitement to Russia to become the military ally and therefore the military vassal of Germany, and to the effort to persuade our people that the war is not our war, but only the war of the Allies—that it is "their war." Such language as this, used less than two months before Mr. Burleson issued his challenge to me, is a thousand times more damaging to the United States than anything ever said by Tom Watson, or any other of the editors of small papers. For Mr. Burleson to allow the paper making such an appeal to go unchallenged, and yet at the same time to permit, without rebuke, the New York post office to attack a publication like the Metropolitan, is incompatible with the supposition that he was thinking only of the welfare of the country.

Mr. Hearst's paper actually stated that it believed "that our Government made a great mistake when it did not meet both English aggressions and German aggressions * * * with armed resistance." This was announced during the war. Yet at this very time England is protecting us from Germany, and without that protection we would be given no time in which slowly to make ready to protect ourselves. If we had begun to prepare in August, 1914, we would have needed no protection from others. But we refused to prepare, and therefore we owe our safety now only to the fact that our friends are able to fight for us against our enemies while we are slowly preparing to fight for ourselves. And Mr. Hearst, under these conditions, expresses regret that we did not go to war against the friend who fought for us! Such a proposal is a proposal in the interest of the enemy who murdered our women and children.

On September 22, 1917, when the American Nation still had no troops in the trenches, when we had only lent money to the Allies, Mr. Hearst touched the nadir of the policy that puts the dollar above the man when he stated that "our Government has the right and power to dictate the terms of peace, and the American people expect England and the other allied Governments to recognize that right and to accept the terms laid down," the statement being preceded by the following: "Having practically exhausted the resources of Russia, France, and Italy, the English Government now seeks succor in our American resources. The money of the American people has been loaned to the Allies in great sums. Still greater sums are in readiness to lend them." Statements like this can not but aid Germany. In all of Mr. Hearst's career it may well be doubted whether he has ever proposed anything more sordid than this suggestion to the American people, to a free people with a glorious past, a people proudly able and willing to fight for its honor. The proposal is that we should treat having lent money to the Allies as offsetting the fact that these Allies had shed the blood of millions of their sons in protecting not only themselves but this country from the brutal dominion of Germany—a dominion

under which, if Mr. Hearst's advice had been followed, this country would now be cowering. The debt the Allies owe to us for our money is infinitesimal compared to the debt that we owe them for the blood shed by their sons on battle fields where this Nation had as much at stake as the nations whose armies fought thereon. On March 8 last Mr. Hearst, preaching hatred to Japan, and using language tending to serve Germany by bringing about a break between the United States and Japan and perhaps Great Britain, says, "if Great Britain can not restrain her special ally, Japan, from acts of aggression inimical to our interests, we can remove our ships and troops from Europe and transfer them to Asia." This is a threat of war with Japan—a threat that we will enter on a war of aggression in Asia. There could be no possible result of such a threat except service to Germany. It was a threat to abandon the war against Germany, our enemy, and embark upon a war against Japan, our ally; and this because Japan, in the interest of the Allies and of civilization, had contemplated action in east Siberia against the Bolsheviki, who have shown themselves to the allies of Germany, the enemies of civilization, and the enemies of the United States.

These quotations show that Mr. Hearst has steadily endeavored to belittle the vital importance to our country of this war, and to excite the hatred of our people against allies who are faithfully fighting beside us; and such conduct can be of help only to Germany, to the enemy we are fighting. Just so long as Mr. Hearst's publications are permitted in the mails, Mr. Burleson is without excuse for excluding any other publication from them. The administration by its acquiescence permits the continuance of Mr. Hearst's campaign which necessarily tends to give aid and comfort to Germany and to impair the morale of our own people.

The quotations above given deprive Mr. Burleson and the administration, of which he is a part, of any shred of justification for their action and inaction. Mr. Burleson is, of course, only secondarily responsible in the matter. Mr. Hearst's papers are so important and Mr. Hearst's position among the administration's political friends, supporters, and advisers is so prominent, and the action in connection with reinstating him in his cable privileges was so purely dependent upon the President himself, that no subordinate of the President can accept or be credited with the chief responsibility for any action or inaction of the administration in relation to Mr. Hearst. The administration is responsible for the toleration of Mr. Hearst's antially, anti-war, and therefore anti-American activities, and for the reward, nevertheless, given him; and the service rendered on the other side by Mr. Hearst was service to the administration and not to the country. I have quoted above the language of complimentary indorsement in which two of President Wilson's Cabinet ministers have addressed Mr. Hearst's editor, Mr. Brisbane. The President's private secretary writes Mr. Brisbane in the same vein. In the Chicago Herald and Examiner of May 19, last Sunday, appears the following letter, under the heading, "A new subscriber":

"THE WHITE HOUSE,
"*Washington, May 14, 1918.*

"MY DEAR MR. BRISBANE: When you were at the White House offices to-day I forgot to ask you to send me the Chicago Herald and Examiner regularly to my office here. I am sure you are going to make the same good Democratic fight in Chicago that you have been making in your paper in Washington, and I want to see just how you do it.

"Sincerely, yours, J. P. TUMULTY,
"*Secretary to the President.*

"MR. ARTHUR BRISBANE,
"*Care Chicago Herald and Examiner, Chicago, Ill.*"

Mr. George Harvey has pointed out in the North American Review War Weekly that Mr. Burleson is encouraging enemy-language publications by having a special division whose function is to assist editors of foreign-language papers "in complying with the law." The act of Congress provides that all foreign-language papers should submit to censorship or go out of business. The Post Office Department's duty is merely to suppress those of them which are guilty of treasonable practices. Apparently, as Mr. Harvey points out, Mr. Burleson, instead of suppressing papers that preach sedition, establishes a division to show them how they can escape suppression. Mr. Hearst's papers are infinitely the most important of those which during the last year and a quarter have tended to serve Germany and have harmed the United States by attacking our allies or opposing our effective participation in the war. There are various other papers published in English or German which have been less important offenders. On April 2 Prof. Guernsey Jones, of the University of Nebraska, published an article in the Nebraska State Journal on "The Enemy Press." He quoted various articles that have appeared in German-American papers since the war, and some of them as late as January, February, and March last, championing the German-American Alliance, attacking England and Japan, announcing that "the problem of the German press is to save Deutschtum in the United States," demanding a peace which would give Germany the victory, praising Germany's action toward Russia, and in other ways, as Prof. Jones says, showing themselves to be "insolent organs of Prussianism." These papers were being published, and Mr. Hearst was publishing his papers, without interference by the Post Office Department and the Government at the same time that proceedings were being taken against the Metropolitan Magazine, one of the staunchest upholders of the war and staunchest opponents of Prussianism in all the United States.

Congress has with lavish generosity granted all the administration has demanded to carry on the war. It has also granted the administration extraordinary power, of a kind never hitherto granted any administration, to deal with the internal foes of the Nation; and this power can be and has been misused to reward the administration's personal or political supporters and punish the administration's personal or political opponents. Congress, through such bodies as the Senate Committee on Military Affairs, has exercised its power of investigation and supervision to correct executive inefficiency, executive delay, and executive abuse of power, and has done this in such fashion as to speed up and render immensely more efficient our part in the war. Congress should vigilantly exercise its right of supervision as regards the use of all the great powers it has granted the administration over the properties and activities of the citizens of the United States.

In his last statement about me Mr. Burleson, like Mr. Wegg, at the behest of Mr. Boffin, dropped into verse. As he seems to like poetry, I commend to him and to the administration of which he is part the following lines:

Whoso speaks in your presence must say acceptable things;
Bowing the head in worship, bending the knee in fear—
Bringing the word well smoothen—such as a king should hear.
* * * * * * *
Given to strong delusion, wholly believing a lie,
Ye saw the land lay 'fenceless, and ye let the months go by,
Waiting some easy wonder; hoping some saving sign—
Idle—openly idle—in the lee of the forespent line.

Very truly, yours,

THEODORE ROOSEVELT.

HON. MILES POINDEXTER,
United States Senate, Washington, D. C.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. PHIPPS. Mr. President, I desire to make some general remarks relating to the provisions of the bill now under discussion for the development of water power, and as I do not wish to take up much of the Senate's time I would prefer not to be interrupted until my statement has been completed, after which I shall try to respond to any questions which may be asked.

Having been in position to watch the hydroelectric development in the Rocky Mountain region and the Sierra-Nevada Range for some 15 years, some of the difficulties which have been encountered in developing the western country have naturally been brought to my attention, and they have indeed been numerous.

To produce hydroelectric power on a comparatively small stream in the mountain ranges and then to transport it for many miles to market over high-tension transmission lines is no easy task, but presents many difficulties with elements of risk always attendant. Mountain streams adaptable for power purposes frequently have run-offs exceeding 500 second-feet in flood seasons, with a minimum flow during the dry seasons of less than 1 per cent of the maximum, and in some cases lower than 10 second-feet, which, of course, is much too small to operate any power plant of commercial size. This irregularity of water supply must be overcome by equating the stream flow through the construction of dams in the higher altitudes, forming reservoirs on the headwaters of the stream that hold back the water during the period of melting snow, and such reservoirs entail expenditures running into millions of dollars. There is always risk of accident operating in these high altitudes, as reservoirs must frequently be constructed at or above timber

line and at times on the very edge of a perpetual glacier. The power plants must be carefully located so as to avoid danger of washouts during high water, and despite all precautions accidents to power plants have occurred. In one instance a power plant was located about one-eighth of a mile from the base of a mountain and had only been in operation about three months before it was buried under a snow avalanche and practically the entire investment lost.

Another class of risks incurred in business is loss of market, as, for instance, the working out and abandonment of mines, which means the tearing down and removal of transmission lines and other equipment, the salvage usually amounting to less than half of the original investment.

The claim that hydroelectric power companies have made large or inordinate profits can not be substantiated, and the question has not been, "How much can a power company earn?" but rather "Can a power company earn enough to justify the issuance of bonds, and will those bonds represent a security that will be attractive to the investor?" The resources of the great West have been held back in development partly because it has not been possible to induce capital to invest in power plants on account of the small promise of return for the risk involved, and partly because of the unnecessarily stringent regulations and requirements of the Government in the use of public lands.

Another feature has been the uncertain tenure of property under existing laws, whereby no assurance is offered the investor that the property will not be taken from the company during the customary term or life of a mortgage; that is to say, the ordinary life of a railway or manufacturing company's mortgage. The 50-year term proposed in the present bill, accompanied by reasonable conditions providing for recapture of Government property, offers some encouragement and relief from existing conditions, and it does not seem unreasonable to accord a preference for renewal to the first holder of license and developer of power possibilities, so long as the Government retains the right to take over the property itself at termination of the lease, or earlier through condemnation proceedings, or to give a lease to some other applicant on reasonable terms provided the original lessee declines to accept same.

To say that the year-to-year extension at the original rental, provided for in section 15, resorted to in the event that the licensee and the commission are unable to agree upon terms for a new lease at the termination of the original one, amounts in effect to a perpetual lease, does not seem justifiable. Power companies can only be financed by the sale of bonds secured by mortgage on their properties and can only find sale for their bonds by pledging property that can not be taken from them without just compensation at the termination of the first leasing period. The history of the hydroelectric power business shows that surplus earnings, if any, must be reinvested in the business in order to take care of the growing demand for power from customers, so that in all likelihood a majority of the companies which may be established under this bill will find themselves at the end of the first leasing period with bonded indebtedness to be provided for, and naturally they would be under the necessity of agreeing to any reasonable terms for renewal which the Government might offer rather than to attempt to operate on a year-to-year basis, which would absolutely preclude the possibility of refinancing themselves. Those who have had actual experience in dealing with the Government bureaus, always subject to change as to the officials in charge, have learned to their sorrow that they can not always expect fair and just treatment, excepting through recourse to the higher courts. Under the terms of section 15, as now revised by the Senate committee, the holder of an original lease at its termination would undoubtedly find himself under the necessity of accepting any reasonable terms of extension which were offered by the Government representatives, meaning the commission; otherwise such a holder would be in danger of losing the fruits of his enterprise through having the commission award a lease to some new applicant or by the taking over of the project works by the Government itself.

There appears to be a general impression throughout the Eastern States that the people of the West are trying to secure undue advantages for themselves at the expense of the Government, which is far from the truth. The fact is that the possibilities of the western country can not be properly developed with the capital available in the Western States, and that it is necessary to tender the first security on the property itself and a large interest rate in order to obtain the needed money from eastern investors. What the people of the West really want is to have the natural resources of the country developed, and it is just as open and available to citizens of the Eastern States as to those who have their homes in the West. Both eastern capital and eastern people are not only invited but welcomed to the taking of a part in this great work.

The Western States, as a rule, have established public utility commissions, which have full power and control over hydroelectric power companies as to rates to be charged the public and earnings permissible on the actual value of the properties operated. The tendency is undoubtedly toward the establishment of public utility commissions in all of the States and the practice will unquestionably become universal.

However, under one of the provisions of the bill where the States have not set up their own public utilities commission, the commission established by this bill has the power to fix rates and establish the basis of earnings for the operating company.

Any amounts which may be assessed against power-producing companies for privileges granted by the United States Government simply become a part of the operating expense and are passed on to the ultimate consumer as a part or portion of the rates charged for services rendered.

In order to guarantee, in so far as possible, continuous service to the consumer of power, it is necessary for all hydroelectric companies to erect auxiliary steam plants, which represent one important feature of the very large investment necessary to establish a power company that can give economical and efficient service to a number of municipalities, business and manufacturing establishments, and the farmer.

As to the auxiliary steam plants, I might say that the cost for installation will average more than double the cost per horsepower of installation for hydroelectric plants, and yet their establishment is essential and absolutely necessary to guarantee continuous and uninterrupted service to the consumer.

The plants are operated, as a rule, simply floating on the line, so to speak. The fuel used is crude oil, and the boilers are simply kept up to that capacity which will enable them to turn over the dynamo wheels and so float on the line.

In case of a break in the transmission line which brings in the hydroelectric power, the motors of the steam plant are started up immediately, and within a very short space of time the steam plant is producing up to its full capacity. Of course, for a greater portion of the time we yet have capital lying idle. It has been found by experience that this large investment is absolutely necessary in order to guarantee the service which the customer is entitled to expect.

In this connection I may state that the power companies now operating in California, as a rule, sell more power to farmers than to all other classes of consumers combined. Many hundred thousand acres of land have been brought under cultivation through the use of hydroelectric power in pumping underground water flows to the surface for lands which otherwise would to-day remain as arid and unproductive as they had been for ages past. The modern up-to-date hydroelectric company of the West developes a mountain stream to the limit of its power-producing capacity, and at the very time or even before the building of its first power plant on that stream provides a reservoir to hold back the flood water and equate the flow of the stream. In the natural course of its business development such company must build a long, expensive, high-tension electric transmission line, with many branches operated at a reduced voltage, to supply its customers. With business in sight for the capacity of its initial plant it will build a second power plant above or below the first installation, but using the same water which has been partly stored and regulated by its reservoir or reservoirs. Any company which has had the courage to locate and first develop the power possibilities of a mountain stream should, in my opinion, be given a preference right for securing a license for additional developments on the same stream, and as that point has not been covered in the bill as presented by the committee, I have offered an amendment which provides that the party or parties operating or actually engaged in constructing power works on a stream shall have the preferential right to a license for other or secondary power developments on the stream.

It seems to me that the provisions of section 7 as it now stands give undue preference to municipalities in the matter of securing preliminary permits and licenses. None but the larger municipalities could take advantage of such preference rights, for the reason that the demands of a community with a population even fully up to 20,000 people would be insufficient to justify the expense involved in an economical power-plant development. Power companies of the West as a rule supply a number of municipalities with light, heat, and power at rates fixed by public utility commissions, which only admit of earnings on the property investment of the power company at a net annual return of not exceeding 8 per cent, which does not appear to be too high a rate of earnings when the risks of the business are taken into consideration. Even a half dozen or a

greater number of small communities can not well arrange to pool their interests to develop hydroelectric power for their own wants; yet under the provisions of section 7 a larger municipality, such as San Francisco or Los Angeles, would have a preferential right to file on a stream in the neighborhood of the smaller towns and take from them their natural source of electric supply, which could readily be furnished to them through a private company already operating in their neighborhood.

Mr. President, I may say that under one provision of the bill it is not only the privilege but the duty of the commission in case of a filing to call the attention of a municipality which might be interested therein to that filing, and under the provisions of the bill that municipality can look over the ground and file on it, either the same or, as they may think, a better plan and secure the permit, to the disadvantage of the one who first discovered the possibilities of the stream. Then, under the preliminary permit, they may hold for a period of three years, neglect to do any construction work, and still have the right to an extension of two years' additional time. It appears to me that the large municipality is entirely too much favored under that provision of this proposed act. It seems to me that if States and municipalities are to be accorded preferential rights for permits and licenses, public service corporations already engaged in serving municipalities, a State, or the United States Government should have similar preference, and to that end I have proposed an amendment to section 7, on page 13, line 25.

Companies now operating in some of the Western States have installed plants on both public lands and private lands, and in order to secure the benefits of the proposed act will find it necessary to apply for a license under its provisions. Some small percentage of their expenditures has been made from money donated by companies or individuals as an inducement to engage in the business of supplying power, and in the case of a resort to the recapture provision it would hardly seem fair to exclude from the calculation of net investment the expenditures so made out of donations. For this reason I have proposed an amendment to section 3, page 6, line 25, which would eliminate the clause "excluding donations from the calculation for net investment" and permit the inclusion of reasonable development cost in arriving at the net investment in the business.

Under the terms of the so-called recapture clause, covered by section 14 of the act, the first proviso in effect excludes the value of any lands, rights of way, or other property of the United States licensed under the act, and, further, the license, good will, going value, or prospective revenues, without stating that such possible assets as good will, going value, or prospective revenues relate merely to the property licensed from the United States. I therefore call attention to the necessity for clarifying that language by adding the words "relating thereto" at the end of this proviso, on page 25, line 18.

In the following proviso of the same section, beginning on line 18, page 25, it seems to me that the values allowed for water rights, rights of way, lands, or interest in lands should be extended to include "other property of the United States licensed by the commission under this act," so that the values for all of these assets shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee; and I believe further that the values allowed for water rights, rights of way, lands, or interest in lands or other property heretofore acquired by the licensee shall be just and reasonable, as it would not seem proper for the Government to take, at the time of recapture, interest in private lands now owned or hereafter acquired without according just compensation therefor.

I also desire to call attention to that portion of section 24, commencing with line 23 on page 37, which reads, "whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry," and so forth, and suggest that the word "materially" should be inserted before the word "injured," as otherwise an injury, no matter how slight, could technically be held to prevent the use of land lying within designated power sites for other development purposes.

Mr. President, the people of the great West have been waiting many long, weary years for some feasible, reasonable plan that will enable them to secure the capital so badly needed to develop the latent resources of that section. The present bill, as amended by the Senate committee, appeals to me as the best measure which has been so far proposed and as being one which will form a basis on which new enterprises may be founded, yet under which the rights of the Government as well as those of the different States and the community at large are carefully safeguarded.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. PHIPPS. Certainly.

Mr. JOHNSON of South Dakota. Before the Senator from Colorado takes his seat I should like to ask him a question for my own information. Do I understand that the amendment intended to be proposed by the Senator from Colorado is for the purpose of giving companies now operating power plants preference on the filing, and does that apply to the power sites on the public domain or on Government land coming under the jurisdiction of this act?

Mr. PHIPPS. My contention is that where there is an available power site on Government land and application is desired by a municipality or by a company which is furnishing a number of municipalities with power, or intending to furnish them with power, and to use the possible development for that purpose, there should be no discrimination in favor of the large municipality. I think that the smaller municipalities, a group of them, of course, being represented by a power company, should have equal privileges on the Government domain.

Mr. JOHNSON of South Dakota. They have naturally been operating such power plants under certain permits where they were located upon Government land. I wish to ask if there is anything in this bill—I have not had an opportunity to give it a thorough study—that would interfere with the rights under which they are now operating?

Mr. PHIPPS. I have not found anything that would lead me to think there was such danger in the bill, or I should oppose it.

Mr. JOHNSON of South Dakota. I understood the amendment intended to be proposed by the Senator is for the purpose of assuring to them a continuation of their rights.

Mr. PHIPPS. No; it is extending to them an equal opportunity with a large municipality, such as Los Angeles or San Francisco, to develop the undeveloped resources of the public domain.

Mr. JOHNSON of South Dakota. I thank the Senator for the information.

Mr. ASHURST. Mr. President, I should like to ask a question of the distinguished Senator from Minnesota [Mr. NELSON], who is in charge of the pending bill.

I see that in section 29 of the bill the committee has sustained the bill as it came from the House in striking out or repealing section 18 of the act of 1917, creating the Newlands water power commission. I am going to propose at the appropriate time an amendment, and I will submit it to the Senator for his investigation, viz:

On page 41, line 21, after the word "repealed":

And all authority and power conferred and duties imposed by said section 18 of the law of 1917 upon the commission thereby created are hereby conferred and imposed upon the Federal water-power commission, which, in the discharge of the same, shall be subject to all the requirements of said section 18 governing the commission referred therein.

I assume that there will not be two water-power commissions, but I believe the duties and authorities and powers that were conferred on the Newlands Commission should also be conferred upon this Water Power Commission. May I ask the Senator in charge of the bill why that was left out—why they wished to repeal the Newlands Commission?

Mr. NELSON. I am not able to speak for the rest of the committee. That was left out in the bill as it came from the House, and the Senate simply left the bill in that condition. I am not able to speak for them. I understand, in a general way, that while the Newlands amendment has been in force for quite a while, no action has been taken under it. It has been in force since August, 1917, and no action has been taken by anybody under that provision of the river and harbor bill.

Mr. ASHURST. The commission has never been appointed, as a matter of fact.

Mr. NEW. No; and the Committee on Commerce simply left the provision in the bill as it came from the House.

Mr. ASHURST. I thank the Senator for the information; but, in my judgment, it would be a backward step to repeal the provisions of the law of 1917 respecting the Newlands Commission. The Newlands Commission, as we all remember, was the culmination of many years of labor by the departed and lamented Senator Newlands. After many years of work he enlisted in both Houses of Congress and elsewhere much sentiment in favor of his idea of a commission that would take up the water-power question in a comprehensive way that would begin to treat with these waters where they fell in mountains, intercept them in their mad rush to the sea in the arid and

irrigable States, tearing up the soil and carrying it away as they went, and would distribute these waters gradually upon the irrigable lands.

The Newlands Commission was never appointed. That is true. I think it should have been appointed. But I ask the members of the committee to study with sympathy section 18 of that bill, which this bill proposes to repeal, because it grants to this commission and imposes upon it powers and duties that it seems to me this Federal Water Power Commission ought to have. While I realize that the committee has done a great and beneficial work in drafting this bill and in bringing it here, I believe that the bill will be vastly improved if all the duties, powers, rights, and authorities that were proposed to be conferred upon the Newlands Commission are simply transferred to this Federal Water Power Commission.

Indeed, there are many things with respect to our water powers that this Water Power Commission ought to do; but they will be inhibited; they will be powerless to do those things, unless some such authority is granted to them as was granted by section 18 of the act of 1917. I assume that the reason why the other branch of Congress repealed section 18 of the law of 1917, creating what is called the Newlands Commission, was because Congress did not want two commissions. But it does seem to me that there is no reason why we should not transfer to this Water Power Commission all the rights, duties, powers, and authority created by this section. I believe that the bill would be strengthened and immensely improved if that were done.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. LENROOT. I should like to ask the Senator what power he has in mind that was delegated to the Newlands Commission that is not found delegated to this commission under the terms of this bill?

Mr. ASHURST. That is a very fair question, and I will try to answer it. The Senator will permit me, then, to make a comparison between the two acts.

As I view it, there is no power given to this Water Power Commision to study and report and act upon the erosion and waste of soil. As I view it, there is no authority given in this bill to treat any system of rivers or any particular river in a comprehensive way. This Water Power Commission seems to be limited wholly to the jurisdiction and duty of passing upon applications as they are made.

Mr. LENROOT. Will the gentleman yield further?

Mr. ASHURST. Certainly.

Mr. LENROOT. I should like to call the Senator's attention to section 4, on page 7, where the commission is expressly empowered—

> To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites—

And so forth.

Mr. ASHURST. I thank the Senator, because he has made a point there. There is some authority granted, that is true; but let me read now section 18 of the act of 1917, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." Section 18 reads as follows:

> That a commission, to be known as the Waterways Commission, consisting of seven members to be appointed by the President of the United States, at least one of whom shall be chosen from the active or retired list of the Engineers Corps of the Army, at least one of whom shall be an expert hydraulic engineer from civil life, and the remaining five of whom may each be selected either from civil life or the public service, is hereby created and authorized, under such rules and regulations as the President may prescribe, and subject to the approval of the heads of the several executive departments concerned, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and no member selected from the public service shall receive additional compensation for services on said commission, and members selected from civil life shall receive compensation of $7,500 per annum.
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> In all matters done, or to be done, under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals, within the jurisdiction, powers, and rights of each respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portions as belong to their respective jurisdictions, rights, and interests.

I shall not read it all; but Senators will perceive, of course, that the Newlands provision, known as section 18 of the act of August 8, 1917, confers plenary power—wide, sweeping, full, complete, and comprehensive power—upon this commission.

I am a friend of this water-power bill. I think it is constructive legislation. I want it to succeed; and when I reflect that we have a scarcity of coal and are burning up our coal in drawing our trains when we might be utilizing the water powers that are pouring uselessly over, I think it is close to a reproach to our genius and our constructive work that we have not before had a water-power bill, so that these latent powers could be utilized. But I believe that the bill will be strengthened, popularized, and made more efficient if this commission, which is to be composed, as I understand, of heads of departments—and to that I have no objection—shall be given full, complete, and comprehensive powers.

Congress is very familiar with what I have just read. Congress worked for years to attain that very thing, and it was the dream of our departed friend, Senator Newlands, that this be done. He went all over the United States lecturing and speaking, and aroused enthusiasm among technical people who understood the question. He also enlisted the enthusiasm and the support of practical men throughout this country. We have discovered that these great rivers can not be treated by piecemeal as one single, isolated question. They must be treated together.

The Colorado River comes to my mind. It flows through five or six States, and then touches Mexico. It is an international river. It is an interstate river. It is an intrastate river. The Newlands bill gave this commission full, complete, and plenary power to do all that ought or could be done by any community or any State or the Nation with the waters of that river. This commission, if granted the powers granted to the old Newlands Commission, could utilize every drop of the water that runs through the arid regions. It could make the arrangements with the State of California as to its part, it could make the arrangements with the State of Nevada, and with Arizona, and the various other States of that region, whereas, I believe, indeed I fear, that under the present plan the proposed commission will find itself bereft of the requisite authority to act in those cases where I am sure it ought to and may desire to act.

Mr. President, when the Newlands Act was passed the various States were invited by that act to pass the requisite legislation looking toward the unification of the water systems, looking toward coordination and cooperation of the States and the Nation; and, indeed, several States took action. My own State comes to my mind. The State of Arizona, relying upon the good faith of Congress, passed an act believing that the congressional act meant what it said, believing that it would promote the public weal and save the waters, by creating hydroelectric power, but after the waters have gone over the cascade or gone over the falls, to still further turn their useful and beneficial purposes; and, without saying anything in derogation of the work of this committee, because its work has been very great and they have been patient, I know they will not be offended if a Member of this body suggests that he believes the bill can be improved. So, I say, I see no reason why the powers, duties, and authorities granted to the old commission should not be granted to this commission or why this commission should be deprived of those powers.

It is true, Mr. President, that the executive branch of the Government has never appointed the waterways commission that was supposed to have been and that I think should have been appointed under the Newlands Act. But the Newlands Act was passed some three or four months after we entered the war. The Executive was very busy, of course; we were busy; and, possibly like many other things that ought to have been done, that was overlooked in the general mass of other duties.

But the fact that no commission was appointed at all can not be used as an argument why the legislation was unwise, or that the Executive thought the legislation was unwise, because the Executive signed the bill. But what the Executive thinks was wise or unwise does not furnish thinking for us. We thought

it was wise, so we passed it. I think we ought to pass it now, but I am open to argument. I would like to hear some argument as to why the duties, powers, rights, and authorities which we proposed to confer upon the old so-called Newlands Commission should not be imposed upon this commission. If we are to have a commission, let us give it full and plenary power, so that it will not be interrupted and stopped by the suggestion here and there that "You are without adequate authority."

At the appointed time I shall offer an amendment. I send it to the desk and ask that it be printed.

Mr. KING. Let it be read.

Mr. ASHURST. Very well; I ask that it be read.

The SECRETARY. In section 29, page 41, line 21, after the word "repealed," strike out the period and insert:

and all authority and powers conferred and duties imposed by said section 18 upon the commission thereby created are hereby conferred and imposed upon the Federal Power Commission, which in the discharge of the same shall be subject to all the requirements of the said section 18 governing the commission referred to therein.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. ASHURST. Other Senators have come in, and I would like to have them hear this. It simply means that the duties, powers, rights, and authorities which Congress by the act of August 8, 1917, conferred upon the Water Power Commission, the so-called Newlands Commission, we propose to transfer and to lay upon this new commission to be created. I am assuming—and I think it is not a violent assumption—that Congress will not create two commissions. It is going to have this Federal Power Commission and it is not going to retain the Newlands Commission. But I do insist, respectfully, of course, that all the duties, rights, powers, and authorities that were conferred upon the old commission, which we discussed for months, ought not to be now swept aside, and our work wasted, before the commission has a chance to operate.

I repeat now that I am harassed with the fear that when the Federal Power Commission begins to operate it will find itself without requisite authority to do the very things that Congress for years has been asking and urging be done under the old Newlands Commission.

I see before me, happily, two Senators who had something to do with the legislation on this Newlands Commission—and there are many, many others—the distinguished senior Senator from Florida [Mr. FLETCHER] and the distinguished senior Senator from Louisiana [Mr. RANSDELL]. What are they going to say? Are they going to say that after the work we put in for some months creating this commission, and after the investigation as a result of which Congress passed the act, we will throw aside the work of our hands the next year, or even a few months afterwards? It seems to me that is boys' play, especially when the language employed in section 18 of the act creating the Newlands Commission is language which was the subject of discussion for months—indeed, I can say years—and finally, after agreement here and agreement there and discussion here and there, was galvanized into section 18 of that act. Now we propose to sweep it aside. So I earnestly hope that Senators will reflect on this matter and give this Federal Water Power Commission the power it ought to have, so that when it is called upon for information, called upon to act in any department where the water powers of our country may be mentioned, it will not find itself bereft of the appropriate authority to act, to take the initiative.

The main fault I find with the present Federal Water Power Commission is that the language employed does not set it up as a militant, aggressive commission, clothed with initiative, one that will be astute and quick to grasp situations. It would not have the power under the present act to do that. It is limited, I think, too much to making reports on applications. It ought not to be limited completely and wholly to making reports on applications. It ought to be required to furnish a comprehensive plan to our country as to how we are going to handle all these waters that fall from the heavens and rush madly to the sea, taking our soil with them. In the Southwest some uninformed people assume that it is the question of rainfall. It is not the question of rainfall in the Southwest. In some communities there is a very small amount of rainfall. But taking the Southwest as a whole the trouble is not rainfall, it is a question of conserving and storing the water after it has fallen and distributing it at the proper time. If the waters of the Southwest that rush madly to the Gulf of Mexico or to the Gulf of California were conserved, as they could be conserved under the old Newlands Commission, and released at the appropriate time, when settlers or farmers needed them, millions of acres—I measure my words—millions of acres now useless, on which nothing can be raised but "disturbances," could be brought into cultivation and waste waters utilized.

I fear that under the present act the power to do those things so necessary to our life is not granted to this commission.

That is all I care to say at this particular time.

Mr. FLETCHER. Mr. President, this is the situation: Under the act of 1917, section 18, what was known, or to be known, as the Waterways Commission was created. The commission, as I remember now—and I have not had time to refresh my recollection about the exact reading of the act—was to be mainly an investigating commission. They were not authorized to do anything except to make a study of conditions with reference to coordinating the different uses that might be made of the waters. But that commission was never appointed. The act is in effect; the law is there; it is still provided for; and the only thing lacking about it is the appointment of the commission and setting them to work.

I do not believe there would be any real conflict between that commission and the Federal Power Commission created under this bill. This Federal Power Commission has specific duties set out in the bill, which would not be in conflict, in my judgment, with the functions of the commission created under the river and harbor act. So that we might accomplish, possibly, what the Senator has in mind, by simply striking out the last lines of the pending bill, beginning on line 18, page 41, which repeals section 18 of the act of 1917.

I am inclined to think that it would be advisable to do that, so that that commission might be brought into existence and put to active work at any time when the President was able to furnish the names comprising the commission, and lay down, as he was required to do under the act, certain regulations which would govern them. I would, therefore, favor either striking that out of the bill or an amendment as suggested by the Senator from Arizona [Mr. ASHURST].

Mr. LENROOT. I would like to ask the Senator if he does not realize that unless it is repealed there will be a very great duplication of work and a vast additional expense entailed upon the Government?

Mr. FLETCHER. I scarcely think so, because the commission provided for in the act of 1917 was to be appointed simply to make a study of conditions and report to Congress. They do not have anything more to do than that, and for that reason I do not think their duties would conflict with those of the commission provided for in the pending bill.

Mr. LENROOT. The commission proposed in the pending bill would have to make that same kind of a study before it would be in a position to determine where licenses should be granted.

Mr. FLETCHER. To that extent there might be some duplication in a way, but I think it would be really a small part of the scope of the work which the Waterways Commission created by the act of 1917 was intended to perform. I think, therefore, that we could probably accomplish the same thing by striking out the proviso in the last section of the bill and leaving the language as it stands in the river and harbor act of 1917; or if there is duplication, perhaps it would be well to transfer to the commission provided for in the pending bill the duties and functions of the commission provided for in the act of 1917.

Mr. ASHURST. Mr. President, I wish to observe, if I may have the attention of the Senator from Wisconsin [Mr. LENROOT] for a moment, that my amendment, as he will perceive, would do away with the Newlands Commission. I realize that it would be a very hopeless task to try to preserve the Newlands Commission, which the President has not appointed and will not appoint, probably, and set up another commission to take care of the same subject.

Therefore it seems to me that the proper and logical way to reach it would be, since the commission has never been appointed and we are legislating nobody out of office, to transfer to a new commission all the duties and powers and authority that we propose to confer on that commission. I trust I am not laboring under any mental lapse, but I fail to observe why, since the old commission is to be wiped out entirely—that is, in name—we can not employ that language here and transfer the duties, rights, and powers that were proposed to be imposed on a commission under that act.

If any better plan can be recommended, I yield readily to it, but I am as yet unable to see any reason why we should not use the language of the act of 1917, which we all understand, which was the subject of discussion for months—years, as I recall—and which was the result of compromises, which language we admit is so full and complete and comprehensive that no additional language could give it any strength whatever or give the commission any additional powers or authorities whatever.

I do not wish to perpetuate two commissions. I doubt the expediency of the attempt; I doubt the wisdom of such an effort if it should succeed, but I do want, and I believe that other Senators are moved by the same idea, such commission as is created to have such power as we may lawfully under the Constitution grant to it.

I think the language used in the act of 1917 will do it very much more effectively than the present language. In other words, the language of the act of 1917 does what Congress wants to do. There is a doubt whether the present language does or does not.

Mr. RANSDELL. Mr. President, I am very glad to say a few words with regard to the pending measure. I wish to remind the Senate that the Waterways Commission, provided for in the act of 1917, was discussed before the Senate and before the Congress of the United States not for months, as stated by my friend the Senator from Arizona [Mr. ASHURST], but for many years. It was before us in a most serious and determined manner, and all of us have heard debates for hours and hours in regard to the subject matter of the commission.

If I may be permitted to say so, the commission provided in the river and harbor act of 1917 is very much more comprehensive and covers infinitely more ground than the water power commission created in the pending act. Permit me to read to the Senate the provision of the river and harbor act of 1917 creating the commission. I will not read it all. Section 18 provides for the creation of a commission to be known as the Waterways Commission—

to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress as early as practicable a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted.

Then it goes on further:

In all matters done or to be done under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portions as belong to their respective jurisdictions, rights, and interests.

Now, Mr. President and Senators, a very casual reading of the provisions of the river and harbor act of 1917, creating what is popularly known as the Newlands Commission, would convince anyone that it takes in a great deal more than the provisions of the pending bill.

I wish to say to Senators that the people of my section of the Union have no interest in either of the measures, but a Senator would be a very poor representative of a great State if he confined himself to the things which interest his own people only. I assisted in the passage of the Newlands Waterways Commission Act. I was very glad to assist in its passage in its present form. Senators will recall that for years the former Senator from Nevada, Mr. Newlands, insisted upon a great national waterways commission similar to that created in the river and harbor act of 1917, but with an annual appropriation of $60,000,000 for 10 years, a total of $600,000,000, for the purpose of carrying out the objects and purposes assigned to that commission.

When the commission was finally created, however, as provided in the river and harbor act referred to, it was not given any money with which to carry on the great projects, but was given full authority to investigate, to study, to throw all possible light upon everything relating to water, water resources, and water utilities of every kind and report to the Congress its recommendations, its findings of fact, its suggestions as to what should be done in a broad, general, comprehensive, far-reaching manner, so that all the water resources of the country for navigation, for irrigation, for forestry, for swamp-land reclamation, for flood control might be utilized to the very best advantage.

It seemed to me then and it seems to me now that it was a most wise provision. It seems to me that a commission armed with the authority conferred in the river and harbor act of 1917 could obtain a great deal of most valuable information and could assist Congress very materially in legislating on a number of most important subjects.

It was not intended, Senators, to interfere with any of the present agencies of the Government. It was not intended to interfere with the great Board of Engineers of the Army, which has charge of the improvement of the navigable streams. It was not intended to interfere with the great irrigation service of the West, which places water on the arid lands and has been of so much value to our Republic. It was not intended to interfere with the efforts of the Agricultural Department to reforest the cut-over lands of the country, nor with the efforts of the various cities and communities to clarify the streams and purify them and make water suitable for human use.

It was merely intended in a big, broad way to assist all of those agencies, to study them in a general, comprehensive manner, and to assist them all. The commission was given no power except the power of investigation and advice. It was created simply to throw light on these extremely difficult subjects. No one should object to having all possible light thrown on all subjects upon which he is obliged to legislate.

If I understand correctly the amendment of the Senator from Arizona, it does not interfere with the pending bill; it leaves in full force and effect the provisions of the pending bill in so far as the Water Power Commission is concerned, but simply adds to them the power, the authority, the rights, the obligations, and the duties conferred upon the National Waterways Commission by the river and harbor act of 1917 which are not included in the pending measure. If there be any of them which are not included in the pending measure—and, as I read it, there are a great many not included—the amendment simply proposes to carry out the will of Congress, determined after the most careful consideration, by saying we do not care to have two commissions; we do not care to nullify what has been done, and we will add to the new commission the duties given to the former commission.

It would be a most serious mistake, Mr. President, not to adopt this amendment. I can not believe any of the friends of the pending bill will insist upon its rejection. I appeal to them not to do so. It covers much ground that the provisions of the pending bill do not cover.

Let me ask, What is there in the pending bill in regard to flood control? Flood control vitally interests my section. I say we are not interested in this measure, and we are not, because flood control in Louisiana and the Lower Mississippi River generally is now handled by the Mississippi River Commission; but there are a great many serious flood-control problems in various parts of the Union. There is no power granted to the commission created by this bill to study flood control. Why not allow the power of the Newlands Commission to be placed on the shoulders of the new commission in order that they may study flood control?

I understand, even in the State of Florida, so ably represented in part here by the senior Senator from that State [Mr. FLETCHER], serious floods occur at times; I understand that sometimes in the State of Georgia, along the Savannah River, very serious floods happen; I understand that in the State of Texas, represented in part by my friend the junior Senator from that State [Mr. SHEPPARD], they have terrific floods which sweep away hundreds of thousands of dollars—aye, millions of dollars—worth of property and destroy human life. Why not study those flood problems along with the other questions?

A great commission is proposed to be created by this bill. It will be composed of the Secretary of the Interior, the Secretary of War, and the Secretary of Agriculture. Why not let that commission investigate other questions as well as the special question of water power? There can not be any objection, Senators, and I beg of you to sustain the amendment of the Senator from Arizona.

The reading of the bill was resumed, beginning with section 18, on page 29, and continued to the end of section 19, on page 31.

Mr. NELSON. Mr. President, I understand the Senator from Virginia [Mr. SWANSON] desires to present a series of resolutions and to move an adjournment. In view of that fact, I ask unanimous consent that the unfinished business may be temporarily laid aside without losing its place, so that it may continue as the unfinished business to-morrow.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, it is so ordered.

DEATH OF REPRESENTATIVE WATSON, OF VIRGINIA.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Assistant Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
January 5, 1920.

Resolved, That the House has heard with profound sorrow of the death of Hon. WALTER ALLEN WATSON, a Representative from the State of Virginia.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. SWANSON. Mr. President, in the death of Representative WALTER A. WATSON, of the fourth congressional district, the State of Virginia has lost one of its ablest Representatives. Representative WATSON was a lawyer of great ability, his legal attainments being of an unusual character. He was a man of strong and vigorous mind, of high character, of lovable and sweet disposition, kindly and loyal. He measured up to the very highest ideals of Virginia manhood, character, and capacity in his private and public life. In recognition of the loss to the Nation and his State by the death of this distinguished public servant, I offer the resolutions which I send to the desk, and I ask unanimous consent that they may be immediately considered.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WALTER ALLEN WATSON, late a Representative from the State of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. SWANSON. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 8, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 7, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been our refuge and our strength, a very present help in trouble, come now with all Thy holy influence and inspire us with clear perceptions, unerring judgment, in a faithful discharge of the duties Thou hast reposed in us and which a grateful people expect of us, that we may move forward to larger life, greater achievements, in the affairs of state, to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JOHNSON of Kentucky, be given leave of absence, for 10 days, on account of illness.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that his colleague, Mr. JOHNSON of Kentucky, be given 10 days' leave of absence, on account of illness. Is there objection?

There was no objection.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I ask to take from the Speaker's table the teachers' retirement bill, H. R. 5818, and I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Michigan calls up from the Speaker's table H. R. 5818, for the retirement of school-teachers in the District of Columbia, with Senate amendments, which the Clerk will report.

The Senate amendments were read.

Mr. MAPES. Mr. Speaker, the Senate made four brief amendments to the teachers' retirement bill. The first two have to do with the deductions which are made from the teachers' salaries. The bill provided that these deductions should be made in 10 monthly installments. The Senate struck out the word "ten," and provided for monthly deductions according to the months in the school year, thereby providing for any change in the school year from 10 to 9 or 11 months.

One of the other amendments strikes out the appropriation for this year of $50,000 and inserts $30,000. The bill as it passed the House provided that $5,000 of the appropriation could be used for clerical expenses during this year. The Senate struck out $5,000 and inserted $3,000, for the reason that the bill can only operate now for one-half of this year.

Mr. GARD. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Ohio.

Mr. GARD. What was the $50,000 carried in the House bill which the Senate reduced to $30,000?

Mr. MAPES. It was to provide the retirement fund.

Mr. GARD. The portion to be paid by the General Government?

Mr. MAPES. The anticipated amount for this year that would be required for the retirement of teachers who are to come in under the provisions of the bill.

Mr. GARD. Is that for one year?

Mr. MAPES. For this year.

Mr. GARD. The Senate reduced the amount from $50,000 to $30,000?

Mr. MAPES. The Senate reduced the amount from $50,000 to $30,000, because the law con operate for only half of the year now.

Mr. GARD. There was another change striking out the word "ten." Is the effect of that to change the number of months from 10 to 11 or 9, as the case may be?

Mr. MAPES. The Senate struck out the word "ten" in the sentence which said that the deductions from the teachers' salaries should be made in 10 monthly deductions. They struck out the "ten," leaving it "monthly deductions."

Mr. GARD. Those are the deductions from the teachers' own salaries?

Mr. MAPES. Yes.

Mr. BLANTON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. BLANTON. Is it not a rather unprecedented proceeding for the Senate to reduce in at least two particulars an appropriation made by the House?

Mr. MAPES. It may be unprecedented, but we are glad to take advantage of their unprecedented procedure.

Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Michigan moves that the House concur in the Senate amendments.

The motion was agreed to.

COMMITTEE ON MILITARY AFFAIRS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs or any subcommittee thereof may sit during the sessions of the House.

The SPEAKER. The gentleman from California, chairman of the Committee on Military Affairs, asks unanimous consent that that committee or any subcommittee thereof may sit during the sessions of the House. Is there objection?

There was no objection.

INDIAN APPROPRIATIONS.

On motion of Mr. SNYDER, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, H. R. 11368, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS.

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, $10,000: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914: *Provided further*, That any and all provisions contained in any act heretofore passed for the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887, supra, which provide for the repayment of funds appropriated proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes, are hereby repealed: *Provided further*, That the repeal hereby authorized shall not affect any funds authorized to be reimbursed by any special act of Congress wherein a particular or special fund is mentioned from which reimbursement shall be made.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order upon the paragraph for the purpose of asking for information about the provision in reference to the repeal of the reimbursable legislation referred to in the paragraph.

Where we have made provision for the survey, resurvey, classification, or allotment of lands in severalty and have provided that the cost of that work shall be reimbursed to the Government after the Government has first paid the cost, what will

be the effect of now repealing these provisions in laws already passed? I am asking for information.

Mr. SNYDER. In reply to the gentleman from Illinois I will state that since 1884 moneys have been appropriated for the purpose of survey or allotment of Indian lands. During that period something like $2,500,000 has been appropriated under the item of reimbursable, no dollar of which, so far as our investigations show, has been charged up against any Indian or any Indian's property. No effort for the collection of any part of that money has ever been made to this time. And since it has been the policy of the Government for years to do this surveying and allotting for the white man gratuitously, and since the Indian himself never was advised that this would be a charge against him, and since many of the Indians against whom the charge would have to be made are dead and the property has passed through several hands, it has seemed to the committee after careful investigation that there is no possible way of ever collecting any of this money. Therefore it would be wise, we believe, to discontinue not only these items against property which can not be found and people who can not be located but in the future give to the Indian the same treatment that we give to the white man and survey his lands for him gratuitously.

Mr. MANN of Illinois. Oh, well, the situation is very different. Here we make provision for the survey of Indian lands, where Indians own a large amount or a small amount of land. Perhaps the lands are thrown open to settlement, but we pay the Indians for the lands. We either pay them directly out of the Public Treasury, or else we provide that the settlers who enter upon the land shall make payment for it, and that the money shall be held as a trust fund for the benefit of the Indians, either in the Treasury, or paid out for their benefit, or paid directly to them. We pay the Indians and give them the full value of the land, and in some cases more than the value of the land. Now, upon what theory is it conceived that it is the duty of the General Government in administering a trust to administer it at the expense of the General Government? Here they own the land and we sell it for them. We pay the expenses of the Indian Office out of the General Treasury, but why when we sell the land for their benefit at good prices should we say that the expenses of that sale shall be charged not against the land, but against the whole people of the country.

Mr. HAYDEN. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. HAYDEN. The cases which the gentleman mentions where lands have been sold in large tracts on reservations to white purchasers have been invariably authorized by acts of Congress wherein it is provided that the expenses of surveying should be paid out of the proceeds of the sale. We were careful in drawing this legislation to add the last proviso that the repeal shall not affect any funds authorized to be reimbursed by any special act of Congress. Therefore in the cases which the gentleman from Illinois has in mind, reimbursement will continue to be collected out of the sales of such lands.

But where a survey has been made solely for the benefit of the Indians and there has been no sale of their lands, it was the opinion of the committee that such survey work should be done gratuitously in the same manner as is now done for a white man who is seeking a homestead.

Mr. MANN of Illinois. I do not know where the term "special act of Congress" was derived from, and I doubt the ability of any Member here to define what it means. It usually refers to a private act. All public laws are general acts of Congress and not special acts.

Mr. HAYDEN. Would the gentleman from Illinois consider an act of Congress opening the Sioux Reservation in the State of South Dakota a special or a general act?

Mr. MANN of Illinois. It is a general law.

Mr. HAYDEN. It is special legislation applicable to that particular reservation.

Mr. MANN of Illinois. I do not know what the term "special act of Congress" means. It is specially directed to a certain thing. Most legislation is specially directed to a certain thing; even in the criminal code a provision is directed against some particular offense, but it is not a special act of Congress. But what is the effect of this? That is what I want to get at.

Mr. SNYDER. If the gentleman will yield, I would like to say further that since the Indian Bureau states definitely that these items are uncollectible and that it would cost probably $10 to collect $1, wherein is there any advantage in retaining these amounts on the books? I agree with the gentleman that we should start to collect such items as are collectible, but when the administrative function of the Government states that these items have never been charged against anyone, where are you going to start from to begin to collect?

Mr. MANN of Illinois. I agree with the distinguished gentleman from New York that there is no benefit in carrying book items on the books of the Treasury which can not and will not be collected. If all of the items that are covered by this provision are of that character, I shall make no objection to it. But here is a provision proposing to repeal all acts of Congress heretofore provided for for reimbursement to the Government on the cost of preparing the land for settlement and sale by the Government, the money to be paid to the Indians. If the Indian Office has violated the law or if it has paid no attention to the law, of course they are subject to criticism for that. No one can tell how the words "special act of Congress" will be construed. There has been no definition of the term "special act of Congress" that I know of.

Mr. MADDEN. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. MADDEN. I am afraid that if this repealing clause becomes effective the claims that are now being instituted by the Indians in the Court of Claims against the Government of the United States will be allowed and no charges available in offset. Therefore I think this provision is unwise.

Mr. SNYDER. That might apply to the next set of reimbursables we are seeking to repeal, but it does not apply to this one, because there is no item on the books of the bureau charged against anybody for this service. Therefore, if the claim were made by some tribe for some other purpose, there would be no other way to offset it. The condition is entirely different when you come to the repeal of those moneys which have been spent for irrigation purposes, spent previous to a certain date as a gratuity and then charged up by the Government as reimbursements. It might be well enough to carry those items along with a view that at some time they might be used as an offset. But in this case there is no offset, because nothing has been charged up against them.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. CHINDBLOM. Why are there no items charged up?

Mr. SNYDER. Because the Indian Bureau failed to find anybody to charge it to.

Mr. CHINDBLOM. But the money is in the Treasury, is it not? It is held in trust available for this purpose.

Mr. SNYDER. No; there are no moneys available for surveys of allotted lands. These moneys have all been appropriated during all these years as reimbursable, and none of them has been reimbursed, and there has been no effort to have any of them reimbursed.

Mr. MANN of Illinois. I understood the gentleman to say that the Indian Office had never been able to find anyone or any fund against which to charge these amounts. That seems an anomalous statement—that where you provide for the allotment there is nothing to which to charge the expense. The land is there.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. I yield first to the gentleman from Missouri, a member of the committee.

Mr. RHODES. The gentleman from Illinois just stated that no Member is able to state what these special acts of Congress mean. I wish to call the gentleman's attention to this fact, that these special acts of Congress mean the various acts of Congress authorizing the big reclamation projects. For instance, by act of Congress of May 28, 1916, Thirty-ninth Statutes at Large, pages 140 to 141, Congress appropriated $750,000, designated as a reimbursable item, in the interest of the Flathead Indian reclamation project.

Mr. MANN of Illinois. Oh, that was passed in the general appropriation act, and is not a special act of Congress.

Mr. RHODES. But the fact remains it is a special act in so far as it relates to a general project, and the language which this bill seeks to repeal relates only to the act of Congress which undertook to make reimbursable that which was not reimbursable and which the committee thought an unreasonable and improper thing for Congress to do.

Mr. MANN of Illinois. But the gentleman will not claim that the general appropriation act for the Indian Service is a special act of Congress. An item in it might be special action of Congress, but it is not a special act of Congress. An act of Congress has a definition.

Mr. RHODES. Mr. Chairman, will the gentleman yield further?

Mr. MANN of Illinois. Yes.

Mr. RHODES. I have spoken, Mr. Chairman, with regard to the practical effect of the language against which complaint is made. The idea of the committee was, and it was based upon an investigation resulting in definite information, that by the

act of Congress of August 1, 1914, it was undertaken to make reimbursable two and a half million dollars which up to that time was not reimbursable, and that is the only act to which reference is made in the pending bill.

Mr. MANN of Illinois. Oh, no; the pending bill says in any act heretofore passed. That is not any particular act.

Mr. SNYDER. Later on we do specify.

Mr. RHODES. Special acts of Congress refer to the Flathead, Fort Peck, the Blackfeet, and all of the other big reclamation projects.

Mr. MANN of Illinois. Later on the gentleman has another provision in the bill about reclamation projects, but this has nothing to do with reclamation projects.

Mr. HAYDEN. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. MANN of Illinois. Yes.

Mr. HAYDEN. Would it improve the situation to leave out the word "special," in line 24, so that it would read:

Any act of Congress wherein a particular or special fund is mentioned from which reimbursement shall be made.

Mr. MANN of Illinois. I think it would very much improve the lucidity of the language of the bill.

Mr. SNYDER. If that will satisfy the gentleman we will be very glad to strike the word out.

Mr. MANN of Illinois. I raise the point because no one knows how department officers construe acts of Congress in advance. What I wanted to know was whether we are releasing any actual claim against the Indians, or their lands, which can be reimbursed to the Government, where we have gone to the expense out of the Federal Treasury in surveying and classifying the land for allotment. If there is no opportunity to be reimbursed, of course, I concede there is no special reason for carrying the items on the books; but I say now that in my judgment where we survey lands for the Indians at the expense of the Federal Treasury and the Indians get the benefit of it, they ought to pay for it. There is no reason why they should not.

Mr. HAYDEN. Congress appropriates $700,000 each year for surveying the public domain and gives the homesteader and the desert-land entryman the benefit of such surveys free of cost.

Mr. MANN of Illinois. But the situation is entirely different. We treat Indians on a different basis, a far better basis than we do the white man. We pay them for their land and then we educate them besides.

Mr. HAYDEN. The sale of surplus Indian lands has always been authorized by a particular act of Congress setting forth that payment shall be collected for the lands and that the expense of the surveys shall be taken out of the money derived from the proceeds of the sale. In all such cases the law is not repealed, but on Indian reservations where there has been no sale, where allotments are made merely for the benefit of the members of the tribe in order that they may establish homes, there has been no practical way up to this time in which the money could be collected from the Indians.

Mr. MONDELL. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. MANN of Illinois. Yes.

Mr. MONDELL. Mr. Chairman, the Assistant Commissioner of the Indian Office stated the truth when he said that the fault lies with the Indian Bureau in not collecting this money. He said further, in not collecting it when the work was done. It is not necessary to collect this money when the work is done. This is the fact with regard to these items. I think it is true that in a great many cases, possibly in a majority of cases, it may not be practicable, it may not be advisable, to collect the cost of these surveys.

But in the case of heirship land, in the case of Indian lands, where the original allottee has died and the lands are sold, improved or unimproved, the proceeds frequently go to distant relatives, and there is not any reason why there should not be a charge made against the sums collected by the Indian Office on the sale of the cost of the survey, and there is not any reason why the Indian Office should not have made these charges. It is entirely possible for the Indian Office to charge against every allottee the cost of the survey, but if that is not deemed advisable, owing to the fact that in many cases it will be difficult to collect, at least the Indian Office should make a charge when lands are sold and when large sums or considerable sums come into the hands of the Government. My view of all these expenditures is this, that while in many cases they will prove to have been gratuities, though carried as reimbursable items, the books of the Government ought to show what we have done for the Indian in order that when some day in the future a claim is presented on behalf of the Indians the Government may be able to present its side of the ledger and offset not only these large expenditures for irrigation but small expenditures suggested here—offset claims which attorneys working for themselves rather than the Indians frequently set up on behalf of the Indians. No Indian is harmed by these items being carried as being reimbursable. If they are not collected, why nobody pays them; but if they can be paid, they ought to be.

Mr. SNYDER. The point of the gentleman's argument, to my mind, is not substantiated by the facts. The facts are that there is no one known by the bureau to whom to charge this money which has been spent.

Mr. MONDELL. Why, Mr. Chairman, all of these lands, as they are allotted, are allotted to individual Indians. There comes an owner; there is always some individual against whom this charge can be made the moment the lands are allotted. I do not, however, agree they should be called upon to pay in many cases.

Mr. SNYDER. Now, will the gentleman yield again? The gentleman did not let me finish.

Mr. MONDELL. If the lands are not allotted and are held in severalty, there are frequently tribal funds against which charges of this kind could be drawn.

Mr. SNYDER. Will the gentleman yield? In opposition to the argument I want to go a little further. This committee started out with the idea of endeavoring to reduce the cost of operating the Indian Bureau. It is found in these investigations that it seems to be impossible to collect any part of these moneys spent for survey and allotments without the establishment in the Indian Bureau of a collecting agency, with small hope of collecting any money, and with the idea that it would cost more to secure the return of any of this money than the amount outstanding, and it seemed to us best to cut the thing off and at least, notwithstanding the argument of the gentleman from Illinois, give the Indian the same run for his money that the white man had, and to survey his land exactly as we did for the white man, and that is gratuitously.

Mr. MANN of Illinois. Let us see about that, if the gentleman will pardon me. We make an allotment to the Indians. We usually allot a certain acreage to the father and mother and all minor children, and if more children are born before the lands are all exhausted we give the babies an additional allotment. We do not do that for the white man.

Mr. SNYDER. No; but we do survey the lands upon which the white man finally settles, and there is no charge against him for it, whether he has 1 child or 10.

Mr. MANN of Illinois. We have upon the express provision that the white man shall be a homesteader and live upon the land or else that he pays for it. We require neither of the Indian. On most of these allotments, or many of them, no one lives at all. They lease the lands, and when they get a chance they sell them. The cases are in no wise similar.

Mr. JOHNSON of Washington. If the gentleman will pardon me, I find here the Quinault Reservation has 223,543 acres, and it belongs to 686 Indians. It has on it six or seven million dollars' worth of timber. If they have that allotted and surveyed, it will be quite an expensive undertaking.

Mr. MANN of Illinois. The committee is not to blame for that.

Mr. JOHNSON of Washington. If it is surveyed——

Mr. MANN of Illinois. I presume the Lord is to blame for their having so much good timber there. Nobody blames the Indians for that. It is fortunate it is there, and the question is whether we should go to a lot of expense and pay it ourselves in order to give them the benefit.

Mr. JOHNSON of Washington. Why does the Indian Service send a set of surveyors out there every pleasant summer to do a little surveying?

Mr. MANN of Illinois. I can expain that easy enough, and I am sure the gentleman from Washington ought not to ask such a question. It is a solubrious climate and a delightful trip.

Mr. JOHNSON of Washington. Exactly so; exactly so.

Mr. SNYDER. The committee has used its best judgment in asking for this legislation. Its judgment may be poor, but it was after a careful investigation of the facts and a unanimous vote of the committee, and therefore we have inserted this provision and believe it is the right thing to do.

Mr. MANN of Illinois. Mr. Chairman, I have great respect for the recommendation of the committee, and it may be they are right. If we take the action, that ends it; if we do not take this action now, it is easy enough to take it in the future, when possibly some of us may know more about it. Even the Committee on Indian Affairs may ascertain new information either for or against the proposition. I therefore make the point of order against the proviso beginning in line 14 to the end of the paragraph.

Mr. SNYDER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SNYDER. Mr. Chairman, I concede in the beginning that if there is one thing I know less about than another it is the rules of this House, but I have taken some pains to look up this question. The Holman rule, No. XXI, in the last proviso of the second paragraph, reads:

That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

I maintain that this provision does retrench, for the simple reason that it would cost more money to collect this money which is apparently to be collected than could be collected. And therefore it is a matter of retrenchment. Since the item was put in the bill from a duly authorized investigating committee, it seems to me that we are justified in asking for a retention in the bill of the item under this rule, and further from the fact that it has the force and effect of being a retrenchment, it comes under that rule. That is all I have to say on the question.

Mr. MANN of Illinois. Mr. Chairman, the rule that the gentleman refers to in the first place, as I recall, does not apply to an original provision in the bill. But that is a matter of minor importance. The gentleman says, in his opinion—though maybe he does not state it as an opinion—that it will cost more to collect the money than it will amount to. That is a process of reasoning which the Chair can not follow. It would not cost anything not to repeal the law. That is perfectly patent. And in order to retrench expenditures chairmen have always held that the bill on its face must effect a retrenchment in expenditures and not by argument of counsel. Nobody can argue that anything will retrench expenditures. Even the building of a navy, or the increase of an army to a million men, some people say, will retrench future expenditures. Perhaps so. That is a matter of argument and supposition. Here is a clear case of legislation on an appropriation bill which does not on its face, will not, as a matter of fact, in any way, retrench expenditures.

Mr. SNYDER. Mr. Chairman, I have nothing further to say on the point.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Illinois [Mr. MANN] makes the point of order against that part of the paragraph beginning at line 14 and ending on line 25 on the ground that it is new legislation. The gentleman from New York [Mr. SNYDER] defends this language, while admitting it is new legislation, which it clearly is, on the ground that it retrenches expenditures, and hence comes under paragraph 2 of Rule XXI, commonly known as the Holman rule. The present occupant of the chair has never been greatly enamored of the Holman rule. In so far as it may tend to retrench expenditures it may serve a wise purpose, but in so far as it may be used to authorize legislation on an appropriation bill under the guise of a retrenchment of expenditures the Chair is inclined to believe that it is unwise and should be construed strictly. In so construing the rule the Chair thinks that he is not permitted to guess or speculate as to whether or not the particular provision under consideration may possibly retrench expenditures. It must be apparent that a saving must necessarily result. In this particular case it is contended that inasmuch as most of the funds provided are uncollectible any effort to collect them will cost more than will be realized, and hence a repeal of the legal provisions for their collection will save money. The Chair thinks that such a conclusion involves a process of speculation in which he is not permitted to indulge, and under the circumstances feels constrained to sustain the point of order.

Mr. SNYDER. Mr. Chairman, that, of course, raises another question with regard to this same provision. It will be noted that the item in the bill is appropriated this year as a gratuity. If we are going to attempt to collect the old moneys, we certainly ought to charge for the service in the future, and therefore I move to amend the first section, line 8, after the figures "$10,000," by inserting the word "reimbursable."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 2, line 8, after the figures "$10,000" insert the word "reimbursable."

Mr. SNYDER. Mr. Chairman, upon that I want to say that it has been the belief and it is the desire and the ambition of the committee that every item in this bill which can be made effectively reimbursable shall be so made. Therefore I ask that, since the provision we desired to have in is now out, this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SNYDER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

IRRIGATION ON INDIAN RESERVATIONS (REIMBURSABLE).

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below:

Irrigation district 1: Sand Creek, agency and miscellaneous projects: Klamath Reservation, $6,100; Round Valley Reservation, Calif., $1,000; Colville Reservation, $6,000; total, $13,100.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. The heading of this section is "Irrigation on Indian reservations (reimbursable)." Are the items carried in this paragraph reimbursable?

Mr. SNYDER. They are all reimbursable items, but there has never been anything reimbursed upon them up to date.

Mr. MANN of Illinois. The gentleman says they are reimbursable items. In what way? Is there any act of Congress providing that these shall be reimbursable, or does the gentleman think that the heading would in itself make them reimbursable?

Mr. SNYDER. The act of August 1, 1914, provided that all moneys "theretofore and thereafter" expended upon Indian irrigation projects should be charged against the land. That is the theory upon which the laws subsequent to that law have been enacted, and the word "reimbursable" has been put in all the items subsequently during these years. That is the theory we are proceeding under.

Mr. MANN of Illinois. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Irrigation district 2: Moapa River, $1,050; Shivwits, $800; Walker River, $9,285; Western Shoshone, $3,000; total, $14,135.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. There are a great many private corporations in the West empowered to irrigate private property. In a case where Indian reservations adjoin such lands watered by private irrigation companies does this section of the bill permit Indians to buy water, providing it is more economical to the Indian Bureau?

Mr. SNYDER. I know of no provision in the bill which prohibits an Indian from buying water power or water for irrigation from any outside corporation. Neither do I know of any who are doing that. It does not affect directly or indirectly these private corporations.

Mr. WATSON. Then under the bill an Indian reservation could be watered by a private company if it were deemed advisable?

Mr. SNYDER. That would be done, of course, under an arrangement with the Secretary of the Interior, because an Indian on land which is under restriction would have no authority to make any arrangement for himself. That would have to be done under the Bureau of Indian Affairs.

Mr. WATSON. Would an amendment be necessary to cover that proposition?

Mr. SNYDER. I do not know of any proposition to correct it, and therefore I can not say.

Mr. WATSON. I mean to give the Indians the privilege of watering their reservations in that way.

Mr. SNYDER. Does the gentleman know of any case in point? Has he any particular case in mind?

Mr. WATSON. I have not any particular case in mind, but it occurs to me that there may be Indian reservations in the vicinity of private properties where it might be desirable to secure water from the private corporation.

Mr. SNYDER. There are some private properties irrigated adjacent to Indian reservations, but I do not know of anything exactly in line with the suggestion of the gentleman. There was nothing brought before the committee in its investigations, anything which would lead me to have any knowledge in regard to the question the gentleman has brought up. I do not think an amendment is necessary. I think the Indian has all the protection he needs in these matters, and I do not think you need put in an amendment which would change the status of an Indian under restrictions.

Mr. WATSON. Then the Secretary of the Interior would have the privilege to do that?

Mr. SNYDER. He would have under existing law.

Mr. WATSON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Irrigation district 4: Ak Chin, Maricopa Reservation, $4,000; La Jolla Reservation, $2,200; Coachella Valley pumping plants, $8,500; Morongo Reservation, $5,500; Headgate, McDowell Indians, Salt River Reservation, $1,500; Pala Reservation, $4,500; Rincon Reservation, $2,000; miscellaneous projects, $15,000; total, $43,200.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, I wish to ask the chairman of the committee in regard to this particular irrigation district No. 4. It seems that a number of reservations for which appropriations were made last year are omitted this year and a number of others that were not in the bill last year have been added. However, when the sum total is taken it is found that the total of the paragraph has been increased. A large portion of the increase is in the "miscellaneous projects." The item for miscellaneous projects has doubled in the last year.

Mr. SNYDER. The reason for that, I will say to the gentleman, is that it has been the policy of the bureau not to ask for appropriations for every project each year. And under the item for miscellaneous projects, my understanding is that they have adopted in some of those sections the policy of putting in wells for pumping water for the use of the Indians located in a territory where water can be found, and the committee has permitted in only a very few cases an increase in any appropriation asked last year. I may add that we met with the greatest satisfaction any item where they reserved it for another year and did not try to force it onto us this year.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield to me?

Mr. TILSON. Yes.

Mr. HAYDEN. The gentleman will remember that prior to last year this item was carried in one lump sum, aggregating about $275,000. The committee thought it wise to require the Indian Office to segregate the items for the different irrigation districts and the different projects, with the result that last year we made a substantial reduction in the total, making it $253,750. This year we made a further reduction, the total being $224,000. There is a shifting from year to year from one district to another and from one project to another, varying with the conditions of the work, but the aggregate sum of money appropriated out of the Treasury is less under this plan than under the lump-sum system.

Mr. SNYDER. I think we can show the gentleman later on in the bill that by appropriating in detail we reduce the amount $1,000,000.

Mr. TILSON. I thoroughly approve of giving the details, of course, and I can understand why some of these projects might not need an appropriation in one year and might need it the next year.

Mr. HAYDEN. As an illustration, in this very bill last year irrigation district No. 1 carried $32,000 while this year $13,100 is appropriated; irrigation district No. 2, $14,135, as against $15,900 last year; irrigation district No. 4 shows a slight increase, $43,200 this year as against $36,700 last year; while irrigation district No. 5 shows a decrease from $75,400 last year to $67,000 this year.

Mr. TILSON. In a general way will the gentleman explain just what these expenditures on these reservations are for? Are they for riding the ditches, or repairs to dams, or something of that kind?

Mr. HAYDEN. The bulk of this appropriation is used in the construction and repair of small irrigation enterprises.

Mr. TILSON. Constructing ditches?

Mr. HAYDEN. Yes; canals; to irrigate small areas, building a small dam, or extending a ditch.

Mr. SNYDER. Under that item I would like to read into the RECORD a short explanation:

Miscellaneous projects, $15,000: This sum is necessary to carry on investigations into the feasibility of power and irrigation projects within district No. 4, where water is scarce, in order to provide for the increasing needs of the Indians and to protect Indian water rights from encroachments of private irrigation projects. It is very important to have a reasonable sum available for carrying on investigations of this character and for developing small water supplies from time to time as the circumstances require.

Mr. MANN of Illinois. Mr. Chairman, may I get a little information on these items? These are all operating irrigation districts, are they not?

Mr. HAYDEN. Certainly.

Mr. MANN of Illinois. Why does the Government have to appropriate money out of the Federal Treasury to pay the running expenses of an operating irrigation district for the Indians? We do not do that for the whites after a district has become operating, do we?

Mr. SNYDER. I should like to answer the gentleman——

Mr. MANN of Illinois. And this one further question: While these items are reimbursable, are they ever reimbursed?

Mr. SNYDER. No; not one penny; but they will be if this bill passes.

Mr. MANN of Illinois. Oh, we have had the law since 1914.

Mr. SNYDER. But we have not had in that law what we have here. I do not know as we will have this when we get through with it.

Mr. MANN of Illinois. Here is this situation: On the plea that we must treat the Indian justly we are impelled to appropriate money out of the Treasury to construct an irrigation project. It is stated to us that if we do that the Indians can use their land and become self-supporting and civilized. Thereupon we continue to pauperize them by constructing the irrigation projects and then maintaining them, saying that the Indians must reimburse the expenditure, but never requiring them to do it. I can not think of anything worse for the Indians, except where we give them gratuities upon which they live, than to pay the money out of the Treasury to construct a project which it is said will pay for itself, and then, charging no interest, continuing to pay the operating expenses of the project. Who, even from the Indian country, can defend such a thing as that?

Mr. SNYDER. I agree with the gentleman's argument absolutely, and if the gentleman will permit me I should like to show him what we propose to do in this bill, although I am sure he has read it.

Mr. MANN of Illinois. I have read the bill.

Mr. SNYDER. It is the belief of the committee that we have language in here which will make reimbursement necessary for these items in the future and for the money which has been expended in the past.

Mr. MANN of Illinois. I do not believe there is any language that can require a slack Indian Office to reimburse funds paid out of the Treasury. The way to reimburse the Federal Treasury is not to appropriate the money to begin with. Then they will have to pay their own operating expenses. If one of these projects is successful, there is no reason in the world why it should not pay in enough to run it.

Mr. SNYDER. Does the gentleman think this language will cover the situation?—

Provided, That no reimbursable moneys appropriated in this act for irrigation works shall be used for any purpose other than operation and maintenance unless the Secretary of the Interior has prescribed rules and regulations for the payment of the per acre charge by all the users of water under the project, to apply on the reimbursement of the total amount expended: *And provided further*, That the said Secretary shall submit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayment of the construction charge has been required.

Now, I may be wrong, but I maintain that under that language—and it was the understanding of the commissioner and of the Secretary of the Interior, because they told us so—they can not expend one dollar for a capital purpose under that provision until they have arranged to get payment per acre back from the users of the water.

Mr. MANN of Illinois. As I recall that provision—I have not read it just now, but I heard it read—it authorizes the expenditure of the money for maintenance and operation.

Mr. SNYDER. Yes; and for——

Mr. MANN of Illinois. In other words, we deliberately say to the Indian, "We have constructed irrigation projects for you to use. You are supposed to pay back the cost gradually. Now, we not only will not make you pay back the cost, but we will pay the cost of operating and maintaining the project out of the Treasury." As I recall it, there is no provision in there forbidding that.

Mr. SNYDER. No.

Mr. MANN of Illinois. Only that it shall not be expended for capital purposes. Well, just what "capital purposes" are I do not know. The only items authorized in this particular bill are for maintenance.

Mr. HAYDEN. The gentleman is mistaken.

Mr. MANN of Illinois. Maintenance might include the purchase of land. It certainly includes the purchase of fuel.

Mr. HAYDEN. We provide in the bill for all purposes——

Mr. MANN of Illinois. Oh, no; you do not.

Mr. HAYDEN. This item provides for construction, maintenance, and repair of irrigation systems, the purchase of tools, ditches, water rights, and lands.

Mr. MANN of Illinois. "Construction, maintenance, and repairs" means nothing but maintenance and operation where there is no Government construction.

Mr. HAYDEN. The testimony before the committee by the chief of engineers of the Indian Service is that the major portion of this money is to be used for new construction.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. This language in the bill as to appropriations for irrigation projects contemplates a sufficient amount of money to permit the plant to be maintained and operated and a sufficient further amount to keep it from undue depreciation. The theory of the committee was that the moneys should be returned; that in nearly every case the acreage was far ahead of the necessities; and there would be no damage done to the property or to the Indians by holding up further development of the schemes until such time as arrangements could be made and the actual money turned in. There are certain projects which are paying for maintenance and operation, but I regret to say that they are very few and far between. During all the time these projects have been in existence the maintenance and operation charged has amounted to $3,500,000, and up to the time this investigation was made there has been returned only $800,000.

Mr. MANN of Illinois. I take it that all the items in this part of the bill are for maintenance and operation for those projects that do not pay the charges for maintenance and operation.

Mr. SNYDER. There are a few, and I can point them out, which pay for operation and maintenance.

Mr. MANN of Illinois. I thought that they were not covered by this language.

Mr. SNYDER. These are all Indian projects, but many of them are operated by white men.

Mr. MANN of Illinois. Many of them were constructed for the benefit of white men.

Mr. SNYDER. That is true.

The Clerk read as follows:

In all, for irrigation on Indian reservations, $224,185, reimbursable as provided in the act of August 1, 1914 (38 Stat. L., p. 582): *Provided*, That that part of the provision of said act requiring reimbursement of all moneys theretofore expended for Indian irrigation work is hereby repealed: *Provided further*, That the repeal hereby authorized shall not affect any funds authorized to be reimbursed by any special act of Congress wherein a particular or special fund is mentioned from which reimbursement shall be made: *And provided further*, That the said Secretary shall submit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayment of the construction charge has been required: *Provided further*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damages by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. MANN of Illinois. Mr. Chairman, I make the point of order against that portion of the paragraph from line 15, page 5, the word "*Provided*," down to and including the word "made," on line 22, page 5.

Mr. SNYDER. Mr. Chairman, I make no defense to that point of order, since I think the same ruling of the Chairman to the other paragraph applies to this.

The CHAIRMAN. The Chair thinks that the two propositions are on all fours, and therefore sustains the point of order.

Mr. MANN of Illinois. Mr. Chairman, I offer an amendment, in line 22, to strike out the words "*Provided further*" and insert the word "*Provided*."

The Clerk read as follows:

Page 5, line 22, strike out the words "*Provided further*" and insert in lieu thereof the word "*Provided.*"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 49 ayes and 2 noes.

So the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land: *Provided*, That no reimbursable moneys appropriated in this act for irrigation works shall be used for any purpose other than operation and maintenance unless the Secretary of the Interior has prescribed rules and regulations for the payment of the per acre charge by all the users of water under the project, to apply on the reimbursement of the total amount expended: *And provided further*, That the said Secretary shall submit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayment of the construction charge has been required.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I would like to ask in reference to this provision which gives the Secretary authority to fix the time and amount for reimbursement for these irrigation projects. I take it that that will not affect the law which requires that the project shall be paid for. Does not the Secretary of the Interior now have authority to collect these amounts?

Mr. SNYDER. In the original legislation creating these very projects many of them had no time set for the payment. Others, and nearly all the larger projects, contained a provision that payments should be made after the projects were completed and the Secretary had been informed that they were completed. Then he was authorized to make an arrangement with the users of the water to pay back—most of them in 20 annual payments—the amounts assessed against the acreage, which would be the actual cost of the irrigation project up to that time.

Mr. MANN of Illinois. This does not authorize the Secretary to collect the money ahead of that time.

Mr. SNYDER. This confers authority on the Secretary of the Interior to collect from each user—but we had to give him a little latitude because under some projects the people are not as well able to pay as much per acre as they are under some others. So we provide in the last paragraph that the Secretary shall submit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayments of the construction charges have been required. That was as far as we thought we could possibly go at this time, except we have limited every appropriation to maintenance and operation and an amount sufficient to keep them from undue deterioration until we determine whether a proper arrangement has been made for reimbursement of the money.

Mr. EVANS of Montana. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from New York if he feels that he can under this provision so modify the law as to begin those collections now, when the present law provides that the settlers on these projects shall begin payments when the work is complete, and shall pay in 20 annual payments, distributed proportionately over a period of 20 years, taking into consideration the amount of the cost of the project. Can the gentleman now by this provision modify that law?

Mr. SNYDER. Mr. Chairman, in reply I will say that it is my belief where an irrigation project has been developed beyond the necessities and certain users of the water are receiving the same or approximately the same benefits under the water they would get 10 or 15 or 50 years from now, when the project is fully completed, it is time that a rearrangement of that original contract, even though it be a law, should be made; and it is our intention here to have the law so modified that those people who are now profiting from the use of the water shall begin to pay something for it, which will be simply anticipating the day when they would have to pay under the original act. This will make it possible for a man to begin to pay while he is living and not put that burden upon his heirs.

Mr. HAYDEN. Mr. Chairman, if the gentleman will permit, the idea of the committee is this, that it is entirely feasible under many Indian irrigation projects to declare certain parts or units thereof complete and to begin reimbursement.

The original plan under the reclamation law was to wait until the entire project was complete, and that same idea has been carried in the Indian irrigation legislation, but the committee can see no reason why, if a unit of a project is now finished and water users are obtaining all the benefits they ever will, the Secretary of the Interior should not have authority to declare that particular part or unit of the project complete and direct that the payment of the construction charge shall commence. Where the water users are not getting a full service, where there remains construction work yet to be done, of course it would be unfair, and it is not to be expected that the Secretary of the Interior will declare a unit of a project completed when, in fact, it was not.

Mr. SNYDER. The Secretary of the Interior is in sympathy with this movement and the Indian Bureau also, and it is time that some of the water users should begin to pay.

Mr. EVANS of Montana. I think the idea and aim of the committee are commendable. The question raised in my mind was whether or not the language used would so modify the law that it could be enforced.

The CHAIRMAN. The time of the gentleman from Montana has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SUPPRESSING LIQUOR TRAFFIC.

For the suppression of the traffic in intoxicating liquors among Indians, $75,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Washington. I have an amendment to strike out the paragraph.

Mr. WALSH. I wanted to get some information before that is done. I do not know how this appropriation compares with the previous one, but did the committee in considering the matter take into consideration the fact that the eighteenth amendment has been ratified and that the Congress has enacted a national prohibition law, and whether that would make it more difficult and costly to suppress this traffic among the Indians or less expensive?

Mr. SNYDER. The gentleman will note that we reduced the item a little bit, $15,000, but it was developed in the hearings that in this particular case where we expend $75,000 we returned to the Government $125,000 or $130,000 in the form of fines, and so forth.

Mr. WALSH. Then it might be a good idea, if it is as profitable as that, to operate a few stills out there.

Mr. SNYDER. I hope that after this year the Department of Justice will have their arrangements so made that this can be eliminated from the bill entirely, but they have not as yet gotten their arrangements made to properly protect that country.

Mr. WALSH. But we appropriated $3,000,000, as I recall, for the enforcement of that national law. Why pick out the poor Indian and appropriate an additional sum where he is concerned?

Mr. SNYDER. I am willing to admit that it was my thought when the argument was being made in the investigation that the item should be wiped out; that it is simply an appropriation for the purpose of keeping a number of Government employees in the service who ought to be out.

Mr. JOHNSON of Washington. That is exactly right.

Mr. WALSH. I am very glad that the gentleman from New York expressed that view.

Mr. SNYDER. And that the Department of Justice should handle the service there just as they will in any other part of the country, but the chairman—well, I might say that he weakened a little on the proposition.

Mr. WALSH. Oh, no; I do not think it was weakness, for I do not think he is a gentleman who is subject to weakness.

Mr. QUIN. Is there any way to get it out by amendment?

Mr. SNYDER. Certainly.

Mr. QUIN. Then let us get it out.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, line 3, strike out the paragraph contained in lines 3, 4, and 5.

Mr. JOHNSON of Washington. Mr. Chairman, this is the paragraph which provides for the suppression of the liquor traffic, and appropriates $75,000 for that purpose. That is a few thousand dollars less than was carried in the previous year.

Mr. SNYDER. Fifteen thousand dollars.

Mr. JOHNSON of Washington. Fifteen thousand dollars less, I am told. The theory ought to be that if there is no liquor permitted under Federal license in the United States, they will not need so much suppression of it. The presumption is that a certain number of Indians will get some wood alcohol and die, as a few white people have. This appropriation clearly becomes a waste of money, as indicated by the chairman of the committee, and a duplication. There is no reason why the appropriation should be left in the bill except to sustain some Federal employees, some of whose headquarters are, I believe, in Denver, and who make long trips to engage in the prosecution of the Indians. In the State of Washington, in addition to the pending cases, there were 40 new cases against Indians in connection with liquor violations. There were 39 cases disposed of, and the income to the United States from fines was $4,000.

That represents about an average fine of $100 in each case to Indians who have little or nothing in hand. The remarkable statement appears in the hearings that the amounts collected in fines and turned into the Treasury were $125,000. It says:

Naturally, as the efficiency of the service increases, the fines will increase.

That is a poor way for the Government of the United States to get money into the Treasury, from its wards, the Indians.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. The gentleman rises in opposition to the amendment?

Mr. BLANTON. No; I rise in favor of the amendment.

The CHAIRMAN. The gentleman is not entitled to recognition.

Mr. BLANTON. No one asked for recognition.

Mr. SNYDER. I asked for recognition, but I will yield to the gentleman from California.

Mr. ELSTON. Mr. Chairman, as a member of the committee I listened attentively to the justification made by the Assistant Commissioner of Indian Affairs on this item. He showed to the committee that in the past few years the item had been gradually reduced from the original figure of $150,000, and that the bureau expected to reduce it further when the National Government in its enforcement of the prohibition act got into action. He made a very good presentation to us of the conditions in the Indian Service, and showed that they were distinct and different from other parts of the country. He showed their isolation. He showed that the ordinary agents of the Government in the enforcement of the prohibition act could not easily get into the Indian reservations in pursuance of their work. The map showing the location of those Indian reservations will easily portray to anyone how far removed they are from the ordinary course of travel and how far they would be from the ordinary field of investigation by agents of the department who might be enforcing the prohibition act. Now, on the whole he convinced us that if this appropriation was justified initially it was still justified for the fiscal year covered in this bill.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ELSTON. I will.

Mr. JOHNSON of Washington. Look at the figures. In 1919 there were 3,600 cases pending, and in 1911 556 cases. In other words, as the States have gone dry and the difficulty of getting liquor increases more and more, the more of these agents go on the reservations and work down on the Indians to get the $100 fine. It looks like the record of a police court, and the United States Government ought to be ashamed of it.

Mr. ELSTON. The gentleman is not absolutely correct in that statement.

Mr. JOHNSON of Washington. Here are the figures.

Mr. ELSTON. As the States have gone progressively dry there has been progressive reduction in the amount of the appropriation. I know it has been decreasing from year to year.

Mr. JOHNSON of Washington. I did not say the reduction in appropriations, but I said the decrease in the number of cases.

Mr. ELSTON. That shows the effectiveness of the organization and shows the need of this kind of work. The chairman of the committee has already stated that there were a great number of prosecutions. The gentleman has just shown that fact, and shown there have been a great number of convictions and the aggregate fines total about $125,000.

Mr. HASTINGS. The appropriation two years ago was $150,000, and it has been reduced to $75,000.

Mr. ELSTON. It has been reduced 100 per cent in two or three years. I think that any reasonable person can see that if this appropriation was justified initially and this work is a necessary work for the protection of the morals and health of the Indians, that its continuance is necessary. The peculiar situation of these reservations makes it necessary as well——

Mr. WALSH. Will the gentleman yield?

Mr. ELSTON. I will.

Mr. WALSH. What process of mathematics did the gentleman use when he says that the appropriations were $150,000 two years ago and that there has been a 100 per cent decrease?

Mr. ELSTON. The gentleman knows anybody here will be indulged in an approximate statement, and I think——

Mr. WALSH. The gentleman is a member of this committee, and he should give accurate information.

Mr. ELSTON. Well, what is the percentage, I will ask the gentleman from Massachusetts?

Mr. WALSH. Up in Massachusetts we would call it 50 per cent.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think it is time to stop the duplication of expense in two different departments of the Government. It can hardly be denied that this is a duplication of expense. The prosecution of illegal sales of liquor is placed by Congress in one department of this Government, and why hamper it by placing this particular item of prosecution in another department? We had the other day the disgraceful spectacle of the State officials in Illinois claiming that the Federal Government

had interfered with its apprehension and taking into custody of many radicals by tipping off some criminals and then a recrimination by officers of the Federal Government concerning the issue. I refer to the matter of the round-up of reds in Chicago, and so it might happen with respect to the liquor-traffic prosecutions. Why spend this $75,000 when the chairman of the committee himself, by admitting that he weakened, virtually admits it is useless? Why keep on expending it merely to keep a few Federal officeholders in jobs? The country is looking to our friends over here to cut off useless officeholders. Why not begin with this $75,000 item? What is the use of keeping it in here any longer? Does not the committee know, does not this House know, that the Department of Justice can handle the situation with respect to the Indians so far as the illegal sale of liquor is concerned as well as it can handle it with respect to every other part of the Government? I think that the amendment ought to be adopted.

Mr. FRENCH. Mr. Chairman, I move to strike out the last two words.

I am in favor of retaining in the bill the appropriation that is provided for until the committee may have opportunity at least to work over the question; and, considering the proposition that has been suggested of letting the work be handled by the Department of Justice, I believe that we should not disturb the present method of enforcing the prohibition laws among the Indian tribes. Letters that I have received, not only from white people but from right-thinking Indians, tell me that one of the curses among the Indians is liquor. The Indians are upon reservations that are remote from the great bulk of the people in the States where the Indians are located. The Indians have their own language in many instances and their own habits. There must be men engaged in the enforcement of this law who understand the customs, the language, and the manners of the Indians. In my State often the best officers are Indians themselves.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FRENCH. I will be glad to do so.

Mr. JOHNSON of Washington. Let us look at this from a practical standpoint. In the gentleman's own State of Idaho they have two liquor agents or deputies, reinforced by those sent from Denver. They had about 80 cases pending and made a few convictions, and these agents have, all told, in one year seized, grabbed, and taken possession of, in the great State of Idaho, 3 quarts of liquor. Do you want to keep that up?

Mr. FRENCH. I suppose if we had not had any agents attempting to enforce the law and then suddenly some one with the power to seize liquor could have gone in there, instead of 3 quarts he could have obtained 3,000 quarts or even more. The fact of the business is, it is a commendation of the system that has been operating that so small an amount was seized. We must have those who understand the Indians engaged in this work, who understand their habits as to hiding the liquor and cacheing it, in order that we may be able to enforce the law.

Mr. WALSH. Will not the Department of Justice be able to secure that kind of assistance?

Mr. FRENCH. Probably so; but the question should be worked out carefully.

Mr. WALSH. This does not become effective until July 1.

Mr. FRENCH. It seems to me the committee itself ought to have the opportunity, with the suggestions made here, of working out a general policy in regard to enforcing the law through the Department of Justice; and the House ought not now, without having its attention focused to that particular point for more than a few minutes, attempt to wipe out an appropriation and force a new policy upon the Government.

Mr. SNYDER. I would like to say to the gentleman that the committee considered carefully whether or not this could be eliminated and taken over by the Department of Justice, but in its judgment it thought it better to make as much of a reduction in the item as it could, and give the Department of Justice a year to organize in order to carry on this work, and then eliminate the item. That is the theory we worked on. Further, I would like to say that I do not think I made the statement that the gentleman from Texas [Mr. BLANTON] said I did, that it was useless. If I did, it was because between now and July 1 the Department of Justice could organize a force and take over this work.

Mr. JOHNSON of Washington. Our chairman said, however, that it weakened it.

Mr. SNYDER. I did intend in the beginning to try to keep it out altogether, on the theory that the Department of Justice ought to be able to take over the work.

Mr. JOHNSON of Washington. And the chairman is exactly right.

Mr. FRENCH. I do not want to stand for any duplication of appropriations or of work, but until this matter can be worked out systematically, as the chairman of the committee has suggested, I say it would be utterly inadvisable to strike out the appropriation for the enforcing of these laws among the Indian people.

The CHAIRMAN. The time of the gentleman has expired. All time for debate on this amendment has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SAUNDERS of Virginia. For the purpose of striking out the last two words.

Mr. SNYDER. I would like to see if we can not get an agreement as to time to finish this section, and in order to see if we can not, I ask unanimous consent that debate on this section close in five minutes.

Mr. CARTER. Mr. Chairman, I would like to have five minutes.

Mr. SNYDER. I will make the request for 10 minutes, including the gentleman from Virginia [Mr. SAUNDERS] and the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from New York [Mr. SNYDER] asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. Mr. Chairman, I would like to have this amendment reported.

The CHAIRMAN. Without objection, it will be again reported.

The amendment was again reported.

Mr. SAUNDERS of Virginia. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] stated that the chairman of the committee admitted that this appropriation was useless. I would like to know if that is the attitude of the committee.

Mr. SNYDER. I did not catch the gentleman's remarks.

Mr. SAUNDERS of Virginia. I understand that the gentleman from Texas stated that the chairman of the Committee on Indian Affairs said that this appropriation was useless. Is that the attitude of the committee?

Mr. SNYDER. That is not the attitude of the committee and it is not the attitude of the chairman, except to be qualified with the further fact that it was the hope that the Department of Justice would get itself in shape between now and July next to take over this work. Now, if they can do that, this appropriation is useless.

Mr. SAUNDERS of Virginia. Now, is not this the situation, that the expenditure of this appropriation will cause work to be done that no other department of the Government will take up?

Mr. SNYDER. Yes; it is true in that country.

Mr. SAUNDERS of Virginia. If this appropriation is withdrawn, will there not be a hiatus in that territory with respect to the enforcement of the law?

Mr. SNYDER. It was the thought—at least, of the chairman of the committee—that the States bordering the Indian reservations would have to see to it that liquor was kept out from the Indian reservations themselves.

Mr. SAUNDERS of Virginia. We know perfectly well from experience that that will not be done.

We have just passed a national prohibition act, and unless the Government proposes to make the operation of that law, and of all other prohibition laws effective, through its own agencies, it is perfectly futile to hope that the States and the agencies of the States will effectively take its place.

This is just a question, it seems to me, of what is actually being done. It is not necessary for me to call attention of this body to the great evil of the illicit alcoholic liquor traffic among the Indians. It is not necessary for me to call your attention to the long history of that nefarious traffic. It is not necessary for me to call your attention in detail to the extent to which the Government has fallen down in what it ought to have done to suppress this flagrant mischief among the Indians. Whether this appropriation in this particular territory is being effectively used, is purely a question of fact.

If the Nation is in earnest in desiring to see this evil wiped out in that locality or in any locality where the prohibition law is being violated, or is likely to be violated, it certainly would be a great mistake on our part to withdraw our appropriations, upon the theory that some other body, somewhere else, operating through some other agency will take our place and do the work.

Mr. FESS. Mr. Chairman, will the gentleman yield to a question?

Mr. SAUNDERS of Virginia. Yes.

Mr. FESS. If we should transfer this work to the Department of Justice, would it not entail additional expenditure on the part of the Department of Justice?

Mr. SAUNDERS of Virginia. If we can do this work just as well through the Department of Justice, there would be no vital objection that I can see to transferring it to the Department of Justice. On the other hand I fail to see that any advantage to the Treasury, or the public interests, would be secured by the transfer. Hence why make it?

If the Department of Justice will merely do this work as effectively as it is being done by the present force, and no more effectively, what advantage will be secured by the transfer?

Mr. TILLMAN. I have been a member of this committee for five years, and I am convinced that these people who are now enforcing the liquor law in the Indian country are experts along that line. You can not organize another force immediately that will be as effective as this force.

Mr. SAUNDERS of Virginia. If the present force is not effectively doing the work, then it ought to be wiped out, root and branch. But we should not wipe out that force merely on the theory that the Department of Justice will take up this work. We should not do that as a matter of policy. If the present force with the present expenditure is effectively enforcing the law, then it should be upheld. There is no occasion or reason for a change in the existing method of enforcement.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. JOHNSON of Washington. Is it not likely that they will be employed for the next 50 or 60 years if they are now retained? You can not make them let go.

Mr. SAUNDERS of Virginia. Well, in answer to that I will say that if the evil is there, you should not seek to make them let go. I do not expect that for 50 years to come there will be a complete eradication of the illicit-liquor traffic. The hope of gain is too enticing at the prices likely to prevail during that period. It will be necessary for years to come to appropriate many millions of dollars a year to provide the force sufficient to execute the prohibition laws. Already we have organized in the Treasury Department a special force to execute the statute enacted pursuant to the national prohibitory amendment.

Mr. SNYDER. Mr. Chairman, the theory on which the item this year was based was that the enforcement would be superseded by the force which will be employed to put into execution the eighteenth amendment to the Constitution. We believe that will enable us to permit a further reduction in that appropriation.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CARTER. Mr. Chairman, if I may be permitted, I would like to ask that the gentleman from Arkansas [Mr. TILLMAN] may use two minutes of my time. I ask unanimous consent that the gentleman from Arkansas may be permitted to use two minutes of the five that have been allotted to me.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Arkansas [Mr. TILLMAN] may proceed for two minutes. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Chairman, this is a question that Members should decide, regardless of their views on the prohibition question. Many Indians are fond of liquor and have suffered a great deal from this evil all these years. A great many States years ago made it illegal to sell liquor to Indians. The Bureau of Indian Affairs has a trained corps of officers to enforce this legislation among Indians, and it does not make any difference whether a State becomes dry, liquor is going to be sold to these wards of the Government. All the members of the Committee on Indian Affairs are of the opinion that it would be unwise and unsafe to transfer to the Department of Justice this work of the enforcement of the liquor laws among the Indians.

As I stated, the Bureau of Indian Affairs has a well selected and competent force organized for the enforcement of this wholesome provision. The Department of Justice without a police force trained for this work is not able at this time to cope with the situation. I hope we shall decide this question solely in the interest of the Indians, many of whom fall easy victims to the bootlegger. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. KELLEY of Michigan. What difference will it make to the Government whether the amount is expended through this bureau or through the Department of Justice?

Mr. TILLMAN. No difference at all.

Mr. KELLEY of Michigan. If we cut it out here it will have to be paid for through the Department of Justice?

Mr. TILLMAN. It will.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CARTER. Mr. Chairman, I have always been a prohibitionist, but I have never been sufficiently wild eyed on the subject to be called either a long-haired man or a short-haired woman. [Laughter.] I think the question ought to be looked at from a reasonable standpoint. Here is the situation: The opportunity for the sale of whisky has been reduced, or will be reduced, by the prohibition law, but it is also true that the increased price and the expectation of increased profits from the sale of whisky will be much greater than heretofore, and will serve just that much more as an inducement to the bootlegger to go among the Indians and peddle his wares. If there are any two States that have been cursed by the sale of liquor to Indians, they are the State which I have the honor, in part, to represent and the State represented, in part, by my friend from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. I disagree with the gentleman.

Mr. CARTER. If the gentleman had taken the trip with me to Omak and Okanogan in 1913, he would agree with me fully. In fact, if he knew those conditions as we found them, I fancy he would not even favor the amendment he himself has offered.

My friend from Arkansas, Judge TILLMAN, expressed the situation in a netshell when he said that these men in the Indian Bureau are experts in this line of work. They have worked at it for years, and they know more about it than any force that can be organized by any other branch of the Government in the next fiscal year. It will be possible, however, to reduce your appropriation further. It was reduced this year, and it was reduced last year. But I do not think that those who have at heart the interest of the Indians and who believe the traffic ought to be checked will vote for this amendment. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ELSTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 29, noes 28.

The CHAIRMAN. On this question the ayes are 29 and the noes are 28, and the amendment is agreed to. The Clerk will read.

Mr. SNYDER. Tellers, Mr. Chairman.

A MEMBER. We don't want tellers. Our side won.

Mr. SNYDER. I withdraw the demand.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELIEVING DISTRESS, ETC.

For the relief and care of destitute Indians not otherwise provided for——

Mr. FRENCH. Mr. Chairman, I demand tellers on the vote just taken.

SEVERAL MEMBERS. It is too late.

Mr. CRAMTON. Mr. Chairman——

The CHAIRMAN. The Chair announced that the ayes were 29 and the noes 28, and that the amendment was agreed to, and then instructed the Clerk to read, and the Clerk began to read, and in the opinion of the Chair it is too late now to ask for tellers.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. During all the proceedings to which the Chair refers, I was upon my feet trying to get recognition, but during the confusion I could not make myself heard.

The CHAIRMAN. The Chair did not see the gentleman.

Mr. CRAMTON. I realize that fact. Nevertheless I have stated the facts as they were. I was on my feet trying to get recognition.

Mr. TILLMAN. Mr. Chairman, a further parliamentary inquiry.

Mr. WALSH. There is nothing before the House. I demand the regular order.

Mr. CAMPBELL of Kansas. The gentleman from New York demanded tellers.

Mr. SAUNDERS of Virginia. This is the regular order, Mr. Chairman, the inquiry whether or not we can have a vote by tellers.

Mr. CAMPBELL of Kansas. The gentleman from New York [Mr. SNYDER] was on his feet and demanded tellers.

Mr. O'CONNELL. And then he withdrew the demand.

Mr. CAMPBELL of Kansas. Some one stated that his side had won, and he then sat down.

The CHAIRMAN. The Chair can not guess what are the causes operating in gentlemen's minds. [Applause.]

Mr. CAMPBELL of Kansas. But the gentleman demanded tellers.

The CHAIRMAN. The gentleman then withdrew the demand.

Mr. CRAMTON. During that time I was on my feet seeking recognition.

The CHAIRMAN. The Clerk will read.

Mr. KELLEY of Michigan. Mr. Chairman——

Mr. CRAMTON. I appeal from the decision of the Chair. Under all the precedents here, under such circumstances, tellers have been allowed, and we are entitled to them upon such a close vote.

Mr. CARTER. Regular order!

Mr. CRAMTON. I was on my feet trying to get recognition. It was not my fault that the Chair did not see me.

Mr. SAUNDERS of Virginia. A question of order, Mr. Chairman.

Mr. WALSH. There is an appeal pending.

Mr. SAUNDERS of Virginia. Mr. Chairman, I do not think there ought to be undue haste in a matter of procedure like this. Various occupants of the Chair have heretofore announced that when confusion has arisen on the floor the Chair should not be in haste to cut off the opportunity for the committee to have decisions upon close questions made in orderly succession in the way provided for by the rules. The actual situation was exactly as the Chair has stated it to be. The gentleman from New York [Mr. SNYDER] asked for tellers. Some one told him that he had won, and he withdrew his request and sat down, but at that very moment another gentleman was asking for recognition. He has stated to the Chair that the recognition that he sought was for the purpose of asking for tellers. Under those circumstances the Chair should extend this recognition, so that a vote may be taken by tellers, to ascertain what is the will of the committee with respect to this particular proposition.

The CHAIRMAN. The Chair desires to adhere to the rules of the House. The Chair confesses that he was surprised that the gentleman from New York [Mr. SNYDER], when an amendment carried by such a close vote, did not demand tellers. The gentleman did demand tellers for a moment, but then withdrew the demand. The Chair did not see anybody demanding recognition; but under the circumstances, and in order that the committee may have an opportunity to register its will by a vote by tellers, the Chair will recognize the gentleman from New York.

Mr. SNYDER. Will the Chair permit me to make a statement?

The CHAIRMAN. No; that is not in order. The Chair recognizes the gentleman, but not for the purpose of making a statement.

Mr. SNYDER. Then I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers.

Tellers were ordered; and the Chairman appointed Mr. SNYDER and Mr. JOHNSON of Washington.

The committee again divided; and the tellers reported—ayes 55, noes 49.

Accordingly the amendment was agreed to.

The Clerk read as follows:

RELIEVING DISTRESS, ETC.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, $375,000: *Provided*, That not to exceed $45,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet Hospital, Montana, $12,500; Carson Hospital, Nevada, $10,000; Cheyenne and Arapahoe Hospital, Oklahoma, $10,000; Choctaw and Chickasaw Hospital, Oklahoma, $35,000; Fort Lapwai Sanatorium, Idaho, $40,000; Laguna Sanatorium, New Mexico, $17,000; Mescalero Hospital, New Mexico, $10,000; Navajo Sanatorium, Arizona, $10,000; Pima Hospital, Arizona, $10,000; Phoenix Sanatorium, Arizona, $40,000; Spokane Hospital, Washington, $10,000; Sac and Fox Sanatorium, Iowa, $25,000; Turtle Mountain Hospital, North Dakota, $10,000; Winnebago Hospital, Nebraska, $15,000; Crow Creek Hospital, South Dakota, $10,000; Hoopa Valley Hospital, California, $10,000; Jicarilla Hospital, New Mexico, $10,000; Truxton Canyon camp hospital, Arizona, $10,000; Indian Oasis Hospital, Arizona, $10,000.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph. I should like to ask the gentleman from New York [Mr. SNYDER] if there is any absolute necessity at this time of constructing new Indian hospitals? We have a very large number now. Under present conditions could we not very well postpone the erection of any additional hospitals at this time and await a more appropriate season?

Mr. SNYDER. There is nothing of a mandatory character here providing that any new hospital shall be built.

Mr. MANN of Illinois. There is a proviso here that not to exceed $45,000 may be expended in the construction and equipment of new hospitals. It does seem to me that with the very large number we have and with the authority we have that Indian patients may be placed in other hospitals, we might suspend, at least temporarily, the construction of new hospitals and save that $45,000.

Mr. SNYDER. I quite agree with the gentleman in his idea of economy at this time, but the committee, after investigation, concluded all of the hospital facilities now existing are in actual use, and since the department did not ask for a greater appropriation than it did the year before, and since the committee knew, as everybody else knows, that it will cost more to operate them this year than it did last, we thought we were doing quite well in holding the appropriation down to the amount of the previous year. But I would not object to the cutting out of the amount provided for new hospitals. I think the department could well get along during the coming year with the hospitals now existing.

Mr. MANN of Illinois. Mr. Chairman, I make a point of order against the first proviso in the paragraph commencing on line 11, page 7.

Mr. SNYDER. What is the point of order?

Mr. MANN of Illinois. That it is legislation and not an appropriation. It authorizes the construction of new work, and that has always been held subject to a point of order.

Mr. SNYDER. It has been in the bill for years.

Mr. MANN of Illinois. I have no objection to constructing a sufficient number of hospitals, and I suppose it is in the bill mainly because it has been customary in recent years to put the item in.

Mr. SNYDER. I would like also to say that in our investigations we endeavored to discover whether this service could be turned over to the Government Health Service. We had before us for many hours Surgeon Blue, and I tried my best to get him to agree that eventually they might take over this service; but we were not able to get a community of interests so established that we could turn any part of this service in the Indian Bureau over to the health department. It seems to me, if there is any increase necessary in the number of hospitals, it ought to be carried out by the health department of the country and not by the health department of this bureau. I tried also to establish a connection not only between these two departments but between the Forestry Division and the Reclamation Service.

Mr. MANN of Illinois. I hope the gentleman's efforts will prove effective, for we have too much duplication in all these things now.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to make the point of order against the proviso beginning on page 7, line 11, down to and including the figures "$15,000" in line 14?

Mr. MANN of Illinois. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN of Illinois. Now, is there any objection to reducing the total?

Mr. SNYDER. No; the total should be reduced.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the figures "$375,000" in line 11 and insert in lieu thereof the figures "$330,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 11, strike out the figures "$375,000" and insert in lieu thereof the figures "$330,000."

Mr. HASTINGS. Mr. Chairman, I want to be heard in opposition to that amendment. I do not think there is any more important work done by the Indian Bureau than the health work. I do not think any of the $45,000 was used last year. I do not believe that it would be used this year. That item was contained in the bill for emergency purposes.

Mr. ELSTON. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ELSTON. Is the gentleman proceeding on the assumption that $45,000 is still in the bill after the point of order made by the gentleman from Illinois has been sustained?

Mr. HASTINGS. The gentleman from Illinois moves to reduce this amount.

Mr. ELSTON. The effect of the amendment proposed by the gentleman from Illinois is to make a correction in the total amount, merely a clerical matter.

Mr. HASTINGS. This provision permits $45,000 of the $375,000 to be used, although it has not been used in the past. I think the amount of $375,000 ought to be retained in the bill and the motion of the gentleman from Illinois to reduce it by $45,000 be voted down.

Mr. ELSTON. What is the gentleman's conclusion as to the effect of the sustaining of the point of order and leaving the total $375,000?

Mr. HASTINGS. I do not think it amounts to anything, because no three or additional hospitals were established last year, and if this remains in the bill I do not have an idea that any hospital would be erected, but they would have the $375,000 for health work among the Indians.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. MANN of Illinois. The paragraph is quite specific and provides the amount of money which can be expended at the various hospitals. Now, the reduction of the total will not change that.

Mr. HASTINGS. This proviso permits the expenditure of $45,000—it says that it may be expended, but suppose it is not expended for new hospitals, then the total amount of $375,000 may be expended for other purposes, relieving distress, and so forth, among the Indians.

Mr. MANN of Illinois. It could not be expended at other hospitals, because the appropriation bill fixes the amount that could be spent at any particular hospital. The estimate includes $45,000 for construction of new hospitals.

Mr. HASTINGS. If you add up the total amount provided for these hospitals, it will not amount to $375,000 including the $45,000. A part of the money is directed, in the first few lines of the paragraph, to be expended for the relief and care of destitute Indians not otherwise provided for, and the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases. All of the $375,000 is not required to be spent through these hospitals. If the $45,000 was not spent for new hospitals, it could be spent for relief and care of the destitute Indians and the treatment of tuberculosis, trachoma, and contagious diseases, and so forth.

Mr. MANN of Illinois. That is the general language applicable to the expenditure of money at the hospitals.

Mr. HASTINGS. If the gentleman will yield a moment, Mr. Meritt, Assistant Commissioner of Indian Affairs, when he was before the committee, made the following statement:

Mr. MERITT. We have authority to build not to exceed three new hospitals, but because of the appropriation we have not found it possible during the last year to build any new hospitals out of this appropriation, and we found it very difficult indeed to keep the hospitals open during the entire year because of the influenza epidemic; we had very heavy calls for the relief of distress among Indians, and if it had not been for the cooperation of the Public Health Service we could not have met the conditions that arose on our various Indian reservations because of the influenza epidemic.

That corroborates what I have said about this matter.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. The paragraph which the gentleman just read was brought about by a question which the chairman asked Mr. Meritt with regard to the matter. I asked him whether this amount included any hospitals, and he replied as the gentleman from Oklahoma has read. This testimony will bear out the fact he expected to build out of the $375,000 various new hospitals, up to the limit of the law. It seems to me that since the point of order has been sustained and the $45,000 for the three new hospitals has been stricken out of the bill, the committee would be perfectly justified in striking from the total amount $45,000.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HASTINGS. The gentleman will agree that none of the $45,000 as contained in the bill was used for hospitals last year, and the chairman must agree as to the entire amount of $375,000 was otherwise expended?

Mr. SNYDER. I do not know.

Mr. HASTINGS. But Mr. Meritt states that in the testimony that I have read.

Mr. SNYDER. But last year, the gentleman will recall, they also said they had a very serious time with influenza, and the necessity for the expenditure of the money was much greater than they anticipate will arise at present. They stated they had the cooperation of the Public Health Service, and that they received a great deal of help from them, otherwise they would not have been able to get through. I am disposed to be more liberal with this branch of the service than any other I can think of at this moment, but it is my understanding that they did intend to build hospitals out of this appropriation.

Mr. HASTINGS. Oh, no; it is the same amount of money carried for two or three years. It was not utilized for that purpose last year. It is only a permissive provision that is in the bill.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. KELLEY of Michigan. Is the aggregate of these various items at the bottom of page 7 and at the top of page 8, $330,000?

Mr. BEGG. No; it is $304,000.

Mr. SNYDER. There is a reasonable amount of latitude left in all of these items so that the Commissioner of Indian Affairs can distribute the money in almost any part of the country that he desires, and he is not always confined to the items mentioned in the bill. Further funds, tribal funds, and so forth, other money, can be used for this purpose, but I maintain that the gentleman from Illinois [Mr. MANN] is quite correct in striking the $45,000 from the total. And inasmuch as the point of order has been sustained, and with the amount remaining in the bill, I believe the service will not be any worse off than last year. It is my belief the calls upon the hospital service will be much less this year than last, and more money will not be needed. Of course, that is only my belief.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last two words. In regard to the new hospitals, there is a provision for the maintenance of 19 different hospitals, and so far as I know, other than this provision for new hospitals, there is no appropriation; and there would be no appropriation available were any one of these 19 hospitals destroyed by cyclone, fire, or anything of that sort.

As to the necessity for hospitals, there are among the Indians at this time 23,021 cases of tuberculosis, 3,941 of which are active. We all know from the nature of the blanket Indians that they are not trained in sanitation. They are the distributers of this disease, not only among their own people but among their white neighbors and also the lessees of their land and the children in the schools. So far as trachoma is concerned, a very serious and destructive eye disease, especially found among the Indians, there are some 30,375 cases, 12,474 of which are active. You may as well turn loose as many cases of leprosy as to turn this number of tuberculosis and trachoma victims loose to mingle with the school children and the citizens in the different communities. These are communicable diseases. They are deadly. Trachoma is one of the greatest causes of blindness in this country, and the Indian can not and will not be properly taken care of in cases of this kind unless he is placed in a hospital. I think it would be very short-sighted economy for us to strike out the possibility of the construction of these hospitals, if the department found it necessary, in order to save $45,000 and at the same time to turn loose these cases of communicable diseases and thus spread the disease throughout the country.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. CAMPBELL of Kansas. Mr. Chairman, is trachoma as prevalent among the Indians in Washington now as it was some six or seven years ago?

Mr. SUMMERS of Washington. I can not answer in regard to that. There are many cases among the Indians there at this time.

Mr. CAMPBELL of Kansas. If the gentleman will permit, when the first appropriation was made for the treatment of trachoma some seven or eight years ago, it was stated then that if the appropriations asked for were allowed it would wipe out the disease entirely, and that thereafter there would be no need for its repetition or occasion for further appropriations. I was just wondering if that purpose had been accomplished.

Mr. SUMMERS of Washington. Mr. Chairman, trachoma is not a disease that any appropriation could absolutely stamp out. It is something that has existed and has been the cause of blindness from the beginning of time, especially in dry and sandy countries. It is a disease so serious that if an immigrant comes to this country from another country who is found at Ellis Island or any other port of entry to be the victim of trachoma he is sent back to his native country.

Mr. LAYTON. Mr. Chairman, it is a self-originating disease under certain conditions.

Mr. SUMMERS of Washington. Yes; and it is a matter of fighting it all of the time. You have to fight it from year to year. It would therefore be impossible for this appropriation or any other to absolutely eradicate the disease.

Mr. WALSH. Mr. Chairman, I rise in opposition to the pro forma amendment. Certainly we have had our sympathies aroused with the statement made by the two distinguished gentlemen, both of them members of the medical profession, and we ought to see that this dangerous disease is checked in its ravages upon the Indians. But when we are providing 19 hospitals for 300,000 Indians we are doing fairly well, it seems to

me, in giving $304,000 to these various hospitals and allowing some $26,000 for general expenses. I regret I can not agree with the distinguished gentleman from Oklahoma that we ought to permit the appropriation to stay at $375,000 after having eliminated the authority to erect additional units to these hospitals.

Mr. CARTER. If the gentleman will note, on page 43 the capacity of these hospitals is only 738 patients.

Mr. WALSH. I suppose the gentleman wants them to have a capacity to take care of 300,000——

Mr. CARTER. No; but the point I make is that 738 patients are not a very large proportion of the total number of Indians.

Mr. WALSH. No; it is not a very large capacity, but it is a rather large number of hospitals, with new units to cost $15,000 each. I was about to state that it seems to me that even though they had the cooperation of the Public Health Service last year that was under very unusual conditions of an epidemic prevailing. I understand it was very severe among the Indians, probably because of the civilizing influence of Uncle Sam tendered to them. I doubt if the ravages would have been as severe as they were if the Indian had been permitted to roam his reservation unrestricted as to care and regulations by this great bureau of the Government.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. WALSH. I yield gladly to the doctor.

Mr. SUMMERS of Washington. All right. The gentleman from Massachusetts has no doubt observed that this bill provides for the abolition of certain Indian schools and placing those Indian children in the white schools, where it can possibly be done.

Mr. WALSH. Well, I did not know——

Mr. SUMMERS of Washington. When you have placed these children in the white schools and they are affected with trachoma, that means that some of those white children are going to be affected by that disease. Now, I assume every gentleman here—and I invite your special attention—fully realizes the importance of tuberculosis, but I doubt whether you realize the importance of trachoma. It is an eye disease, very serious; so serious that if one white child contracts that disease from an Indian child there is every probability that he is going to have to fight it and contend with it for months and months, probably for years, with a possibility of very serious injury to his eyesight, and many cases of blindness result. To make it possible, if it should deem it necessary, to construct three hospitals of not to exceed $15,000 each so as to take care of such things, I think would not be an extravagance.

Mr. SNYDER. Does the gentleman know that there are 83 hospitals in the Indian Service now and we are only talking about 19 here?

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SUPPORT OF INDIAN SCHOOLS.

For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, $1,600,000: *Provided*, That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided*, That all reservation and nonreservation boarding schools, with an average attendance of less than 50 and 100 pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1921. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further*, That all day schools with an average attendance of less than seven be, and are hereby, discontinued on or before the beginning of the fiscal year 1921: *And provided further*, That all moneys appropriated for any school discontinued pursuant to this act or for other cause, shall be returned immediately to the Treasury of the United States: *Provided further*, That hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools: *Provided further*, That hereafter the Secretary of the Interior may place Indian children in any Government school without regard to the State in which such children or the school may be located: *Provided further*, That not more than $200,000 of the amount herein appropirated may be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. GALLIVAN. Mr. Chairman, I make the point of order against the language in line 15, beginning with the words "*Provided further*" down to line 19, including the word "located."

The CHAIRMAN. The gentleman will state his point of order.

Mr. SNYDER. Mr. Chairman, will the gentleman state first what he makes the point of order on? I did not hear it.

Mr. GALLIVAN. Line 15, on page 9, beginning with the words "*Provided further*," down to and including the word "located" in line 19. Does the gentleman concede the point of order? It is useless to argue it if he does.

Mr. SNYDER. I wish the gentleman would reserve it just a moment.

Mr. GALLIVAN. I will.

Mr. SNYDER. Mr. Chairman, the reason for the insertion of this provision is that if the other section applies and certain schools are eliminated it will be necessary, in order to care for children who are now at school and who will be eliminated, to take them from one State to another. At present the Government has no authority which permits it to do this except upon compliance of the parents with the request that it be done.

Mr. BEE. Will the gentleman yield for a question?

Mr. SNYDER. I will.

Mr. BEE. Why does the committee discontinue these schools, line 20, page 8, "reservation and nonreservation boarding schools, with an average attendance of less than 50 and 100 pupils"?

Mr. SNYDER. There are several reasons for that. First, the best authority who came before us maintained that no boarding school could be operated on an economical basis with less than 300 pupils. It was the belief of the committee that a child in a small school gets nowhere near the advantage that he would enjoy in a larger school.

Mr. BEE. Is not the reverse of that proposition true?

Mr. SNYDER. No; the facts are that in schools where they have an attendance of 300 pupils they can educate them on a basis which to my mind seems at least at an expense of about 50 to 60 per cent less.

Mr. BEE. Is not the result of this elimination, to which the gentleman from Massachusetts calls attention, that you are sending these children all over the country, away from their homes, instead of keeping them among their own people? Is not that the result?

Mr. SNYDER. In the Indian country mileage does not count much.

Mr. JOHNSON of Washington. Does the gentleman mean Alaska; that is quite a bit?

Mr. SNYDER. I mean these Indian schools which are located in 22 different States in the Union. I mean also the biggest boarding schools we have in our country—the colleges where the men come from all over the United States, of course, under quite different environment from which the Indian goes from one section of his State to another.

But I say it is only a matter of theory that a child is farther away from home when he is 500 miles away in a boarding school than he would be if only 1 mile away. In the interest of economy and the better service the child will receive, this legislation should be enacted. I realize that this is doing things on a horizontal basis, but when you come to consider that we found a surplus of 2,000 capacity in our nonreservation boarding schools; that in the reservation school a surplus of nearly 4,000, and in the other schools nearly 12,000, it seemed to us that it was time that we should begin to economize.

Mr. JOHNSON of Washington. You mean by that that there are more benches than pupils?

Mr. SNYDER. I mean that those schools had a full complement of professors, teachers, matrons, doctors, nurses, caretakers, and all that sort of thing, whether they had 16 pupils or 250 pupils.

Mr. JOHNSON of Washington. They need pupils in some of the schools.

Mr. SNYDER. Yes.

Mr. JOHNSON of Washington. Will not the gentleman admit that when this Indian administration here recently decided that their parents should pay $200 a year to help to cut down the tuition, that the agents of the department went around and coerced the parents to pay that $200, even when they could not afford it? That is what has happened in the schools.

Mr. SNYDER. I hope that under this provision, between now and the time the schools will be shut down next June, most of them will be brought up to the requirements set forth here, and instead of it being necessary to take pupils away from these places it will probably be necessary to furnish greater capacity.

But the difficulty has been that the bureau has been willing to spend money to furnish schools, but has overlooked the necessity of getting pupils to attend them. What we are endeavoring to do is to bring in a new viewpoint on the proposition. But until a proper time arrives we propose to shut down the schools, which will save not only the Indian Bureau but the public that amount of money.

I want to say a word further. Since this investigation started, and the bureau discovered we were going to do business, they have come to their senses, and have presented here a long list of schools which have been eliminated within a few days or a few weeks; also a list of others which are going to be eliminated or consolidated, having arrived at the conclusion that the time has come when we were going to insist upon a reformation so far as this proposition is concerned. And so this provision we are putting in here is very much less drastic than the action the bureau has seen fit to take on its own account. I may say that this item which my friend from Washington [Mr. JOHNSON] is so exercised about did not come about by any action on the part of the committee, except that the bureau discovered certain schools were going to be eliminated, and they happened to select his as one of the first ones to go.

Mr. JOHNSON of Washington. With 250 pupils.

Mr. SNYDER. I am not arguing now as to the merits of the proposition.

The CHAIRMAN. The time of the gentleman from New York [Mr. SNYDER] has expired.

Mr. GALLIVAN. Mr. Chairman, I renew the point of order

Mr. SNYDER. I do not care to argue the point of order.

Mr. JOHNSON of Washington. I move to strike out the last word.

The CHAIRMAN (Mr. THLSON). A point of order is pending. The language of the proviso is clearly legislation and seeks to repeal and would repeal twenty-ninth statute, page 348, as follows:

Hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents.

The item is clearly legislation, and the point of order is sustained.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word to discuss for a minute this school proposition among the Indians. I make no objection to striking down particular schools, either nonreservation or reservation, with an attendance of less than 50, if they think that is best, or striking out day schools that have run down to less than 8 or 10 pupils. I have seen a good many of these Indian schools, and in many cases they are lucky if they get 10 little pupils.

It happens that the Indian Commissioner has taken a notion that Indian pupils should be educated in agriculture, and for that reason he seems to have turned against this Cushman School, with an attendance of 251 in 1919 and 250 in 1918, and abandoned that school, and will close it on June 30 this coming year. That is all right if that is his business.

I went before this committee, and the statement was made after I left the room that it was expected that I would be for that school, inasmuch as it was in my district. That is not the case. The school is not necessarily an asset. The school buildings are run down. They are in the limits of the city of Tacoma and are an eyesore. The school has not been properly conducted for years. Now, it is to be abandoned. Look at what you are doing. You are sending these young students back to a lot of little tribes. The actual attendance at the close of the last school term was 184, made up as follows: Alaskan, 8; Aleut, 1; Blackfeet, 8; Cayuse, 1; Chehalis, 1; Chippewa, 2; Clallam, 1; Colville, 28; Eskimo, 4; Flathead, 16; Kootenai, 2; Lummi, 1; Makah, 4; Muckleshoot, 9; Nez Perce, 2; Okanogan, 2; Peoria, 4; Puyallup, 28; Quileut, 2; Quinault, 6; Skokomish, 6; Spokane, 8; Squaxon, 2; Suquamish, 1; Thlinget, 8; Walla Walla, 6; Warmsprings, 5; Yakima, 10; Yukon, 6; Hyda, 2.

Now, there is a school where parents have sent their children. It is maintained in part by the Government, about $50,000, we will say, annually, and $10,000 or $12,000 or $14,000 as remnant from the tribal funds of the Puyallups. It is an industrial school. They have taught the boys blacksmithing, wagon making, and carpentering. Many of them have turned out well. But beyond that work the good work in that school has been in the instruction of the girls. Girls are brought from all of these tribes I have named. Their parents pay $20 a month toward the support of the school, and those girls go back to the place where they live with some knowledge of modern housekeeping and clothes making. But that school has fallen under the disfavor of the Commissioner of Indian Affairs because some inspecting agent has so reported, and it has been cut out. They explained to the committee that they have had some trouble in getting a suitable instructor in blacksmithing. The pay seems to be $1,200 or $1,400, and the teacher quits and goes down into the shipyards and gets $8 or $10 a day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. ELSTON. Did I understand the gentleman to state that it is too late now to reestablish this school and that he was going to acquiesce in its abolition?

Mr. JOHNSON of Washington. No. Here is an inquiry leading up to it, covering 1,500 pages. Here the Commissioner of Indian Affairs announces that this school will die on June 30 definitely. There is no appropriation provided. This has come into this bill surreptitiously. Fifteen or sixteen days' notice was given me before the bill was printed, and I had time to telegraph to two or three principal citizens of Tacoma, and they say they do not particularly care that the school be kept there.

Mr. ELSTON. What part of the bill is the gentleman discussing?

Mr. JOHNSON of Washington. I am discussing the school policy. We will reach the Cushman item much later. By the time we get down to the State of Washington Indian affairs will have been pretty well thrashed out and few will pay attention to the proceedings. I think the commissioner is making a mistake to chop that school off on such short notice. I have always thought it ought to be developed on a par with the great Sherman School at Riverside, in the gentleman's district, and which is one of the show places of that city.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. Is the reason assigned by the gentleman a while ago the only reason given for the discontinuance of this school?

Mr. JOHNSON of Washington. That is one primary reason I find by looking through these hearings.

Mr. FESS. That they could not get a teacher?

Mr. JOHNSON of Washington. That blacksmith teachers and wagon-maker teachers will not stay there at the pay offered. A further reason, so far as I can make out, is that Mr. Commissioner Sells seems to think that agriculture is the principal thing which should be taught the Indians. It shows in this report that 16 of these boys came from the Flathead Reservation and that they should be taught agriculture.

Mr. FESS. He thinks the course of instruction should be changed to agricultural teaching?

Mr. JOHNSON of Washington. Yes. Further, the buildings are becoming dilapidated.

Mr. FESS. Mr. Chairman, will the gentleman yield further?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. I think it is a very apparent fact that the teaching everywhere is going to face this crisis that the gentleman has suggested.

Mr. JOHNSON of Washington. Yes. That is the situation. What a pity it is, where we have Indians in an organized school, as many as 300 in one school, to send them back to those squalid little reservations, away, away to the very borders of civilization.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. KELLEY of Michigan. How do they get teachers for manual training in these other schools?

Mr. JOHNSON of Washington. As to that I do not know. I think they will have the same trouble as that referred to by the gentleman from Ohio [Mr. FESS].

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RHODES. Is it not a fact that these Indian children can receive their educational and vocational training at home?

Mr. JOHNSON of Washington. No.

Mr. RHODES. Why?

Mr. JOHNSON of Washington. These are poor people. They are rich in property but poor in money. The desire is to make them go to the public schools. I think the law provides that if they are sent to the public schools the Government shall pay the bills. The Government will gain nothing by shutting down this school. I have seen these people to whom I refer. They are poor, but they have bought Liberty bonds. They live poor. They will never come into their own. The whole appropriation here granted for the survey of their lands would not survey three sections in that Indian country. It is all a waste of money. Now, it is proposed to send 250 of these school children to other Indian reservation schools, or back to school in

the little one-story places, with the windows broken out and iron stovepipes sticking up through the roofs and an American flag on the flagpole. It is a great hurrah, this "education for the Indians."

Mr. RHODES. How long will it be necessary to maintain this Cushman School to which the gentleman refers?

Mr. JOHNSON of Washington. I should say 25 years, or just as long as it is necessary to retain the Sherman School.

Mr. RHODES. On what ground does the gentleman contend that it will be necessary to maintain this school for 25 years?

Mr. JOHNSON of Washington. It will be necessary until the Indians die out. The Government is not likely to let go of Indian control.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUSTED. Are there any other schools of similar character, where the same subjects are taught, to which these children could be sent without hardship?

Mr. JOHNSON of Washington. There are reservation schools in various places; but they claim they want to get rid of the boarding schools.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. BEGG. Mr. Chairman, I offer an amendment. On page 9, line 5, I move to strike out the word "seven" and insert the word "fifteen."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: On page 9, line 5, after the word "than," strike out the word "seven" and insert in lieu thereof the word "fifteen."

Mr. BEGG. Mr. Chairman, I do not wish to argue the amendment or discuss it at any length, except to say that a school of seven is no school at all. I do not know anything about Indian schools, but I think I do know a little something about white public schools. I know that with respect to the mental defectives in the United States to-day they classify a reasonably sized school of defectives as around 12 or 15. One of the big assets of a school training in everyday schools is the opportunity for rivalry in play. In a school of seven there is no opportunity for anything. There is practically nothing to do. If a teacher were to give individual instruction, he could not keep busy during the daytime with a school of seven. I most certainly think that the minimum ought to be placed at twice seven.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. HAYDEN. Does the gentleman happen to know what the minimum number of pupils for a school is, as provided under the laws of the State of Ohio?

Mr. BEGG. I do.

Mr. HAYDEN. What is the number?

Mr. BEGG. It is 15 or 18, I believe.

Mr. HAYDEN. The committee made some inquiries in regard to that and found that in most of the States the limit was 10 and in other States it was 7. We thought that if we followed the rule adopted by the States, inasmuch as this was the first time that we were undertaking the experiment, we would be safe. In the State of South Dakota, where there are a large number of Indians, the law limits the number of pupils to 7. That is why we fixed it on this basis. This was thought to be a step in the right direction, but we should not make it too drastic.

Mr. BEGG. I want to say to the gentleman, in regard to that, that even if the minimum in some of the States is 7 or 10 that would not be a rational argument here. The practical workings of the school require a greater number of pupils than 7 or 10, and I would not want my child to go to a school that had only 7 pupils in it, and I question whether the gentleman would want his children to go to such a school.

Mr. HAYDEN. It would be better to have the children go to that kind of a school than to go to no school at all.

Mr. BEGG. There is no argument of no school at all. We are not depriving anybody of school privileges. I am in favor of seeing that they all get school privileges.

Mr. HASTINGS. This is average attendance. There might be sometimes an enrollment of 20 or 25. It only requires average attendance.

Mr. BEGG. There is something wrong with any school system where the enrollment is 20 or 25 and the average attendance is only 7.

Mr. HASTINGS. I used that only as an illustration.

Mr. BEGG. I do not think the gentleman's illustration is a very good one.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SUMMERS of Washington. What provision would the gentleman make for educating the children in a sparsely settled country, where there are two or three families, and a little school, and no other school for miles and miles, where the attendance sometimes runs down to three or four or five? In such a case there seems to be no other way of giving those children an education. Theoretically, of course, it would be very much better if it were practicable for the children to attend a school where there were 20 or 30 pupils, but there are communities where schools are maintained for the benefit of a very few white children, and it seems to me that the same thing should be done for the Indian children. If a school is discontinued because the number of pupils is small, what is to become of the children who did attend that school?

Mr. BEGG. Some provision should be made to transfer them to a school where there are a greater number of children.

Mr. JOHNSON of Washington. At what age would the gentleman take an Indian child away and send that child to some school a hundred miles from home? Would he take such a child away from home at the age of 6 years?

Mr. BEGG. I would hardly take a child of 6 years away from home, but I would not want that child to attend a school where there were only three or four pupils.

Mr. SNYDER. Mr. Chairman, with reference to the amendment I will say that the bill now makes the limit 7, and that will affect about 12 schools. There are 12 schools which are being operated on a very high per capita basis, for the purpose of teaching an average of less than 7 children in each of those schools.

Mr. FESS. Will the gentleman yield right there?

Mr. SNYDER. Yes.

Mr. FESS. How near are those schools to any other schools?

Mr. SNYDER. That is a difficult question to answer. I should think, however, that many of them were not adjacent to other schools. Some of them are close to public schools where these children could be put.

Mr. FESS. It would not necessarily deprive them entirely of an education?

Mr. SNYDER. No; and I am in sympathy with the amendment. My first thought was 10, and I started with that proposition, to eliminate all schools where the average attendance was below 10, but the judgment of gentlemen from the Indian country prevailed over mine, and I conceded the point and allowed a reduction from 10 to 7; but I must admit that it was against my own better judgment, and I had the same notion about it that my friend has who presents the amendment.

Mr. FESS. What is the gentleman's impression of the effect on both the Indian child and the white child where the Indian child goes to a public school?

Mr. SNYDER. I think it is the best possible practice to get the Indian into a white school just as quickly as you can.

Mr. FESS. So that the closing of some of these schools might put Indian children into public schools?

Mr. SNYDER. That is exactly what will happen. I do not want to discuss the Cushman School, because that whole argument was several hours ahead of time. When we come to the Cushman School we will be able to show that there is ample room nearby for all of those pupils if that school is eliminated, and, so far as the chairman of the committee is concerned, I would be willing to accept the amendment of the gentleman from Ohio if he will lower the limit from 15 to 10.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. GREEN of Iowa. I would like to inquire whether the effect of the amendment of the gentleman from Ohio [Mr. BEGG], with the theory of which I entirely agree, would be to throw any considerable number of these Indian children entirely out of school?

Mr. SNYDER. I fear that if the limit were fixed as high as 15, it would close so many Indian schools that some of the pupils would not be able to be provided for anywhere except in boarding schools, which, in that event, would make the cost greater than it is now.

Mr. GREEN of Iowa. I will ask the gentleman from Ohio if he is disinclined to accept the proposition to make the limit 10?

Mr. BEGG. I would be glad to accept that. I would rather see it a larger number. I think 10 is too small, but under the conditions I have no disposition to deprive anyone of the opportunity to go to school; and if I may be permitted I will ask unanimous consent to change the word "15" to "10."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment as the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 9, line 5, after the word "than," strike out the word "seven" and insert in lieu thereof the word "ten."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INDIAN SCHOOL AND AGENCY BUILDINGS.

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $335,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges and on school and agency buildings in the Indian Service: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. FESS. Mr. Chairman, I move to strike out the last word Before leaving the question of Indian schools I want to ask the chairman about the policy of discontinuing schools. Has there been a change in the Carlisle Indian School in Pennsylvania?

Mr. SNYDER. The Carlisle School was taken over by the Army almost as soon as the war started. Originally the Carlisle School belonged to the War Department, and when the war started they immediately called for the building to be used as a hospital. It will be the policy of the War Department to keep the property for hospital purposes, and no longer will there be carried on there a school for the education of the Indians.

Mr. FESS. Was the great work in the Carlisle School duplicated in many other schools?

Mr. SNYDER. Not in many other schools, but in some.

Mr. FESS. So that pupils that have been denied the privileges of that school are not deprived of education.

Mr. SNYDER. I am fearful that a great injustice was done when the Carlisle School was taken away. I think it was the means of establishing a morale among the higher grade Indian pupils who desired to go there to get the benefit of athletics and higher education. The Indian Service got a great deal of advertising throughout the United States by sending out a football and baseball team. It was greatly against my thought and wish that the school was done away with. I wish there might be established somewhere one school in the United States under the Indian Bureau where the system that was carried on at Carlisle might be established.

Mr. FESS. I am obliged to the chairman; that is my impression, that the Indian school at Carlisle had attracted nation wide attention to its great work. I had understood that it had been discontinued, but did not know that it was to be permanent.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. For a great many years the Carlisle School did a great work in educating Indians. It was always rather an expensive school, not the least of which extra expense was brought about on account of the money necessary for transportation of pupils clear across the continent to get to the school.

I had the privilege of attending several of the commencement exercises at the close of the Carlisle School. The school was apparently getting along swimmingly. They had a splendid football team, a splendid athletic team, a good band, and many of the other things that go to build up the morale of such institutions. At these commencement exercises they would give an exhibition of their industrial work by the demonstration of some certain scholar of some of the several supposedly industrial lines conducted there. One young man would show how to make a buggy and put it together. Then one young lady would show how to make bread, keep house, do laundry, or something of that character, so that at these exercises the school was certainly made to appear to the audience as doing great work. Some complaint, however, came from the institution, and in 1913 a joint committee of Congress, on which I had the honor of serving, went to Carlisle and made an extended investigation of conditions. The testimony by which our facts were developed was given not only by the pupils themselves but by several members of the faculty, practically all of which unbiased statements showed a condition of corruption, immorality, underfeeding of pupils, and a complete demoralization of discipline and morale. We found that while a great football team still existed, that the educational courses in the different branches were inefficient and so far as industrial departments are concerned, practically nil. It was testified by one of the gentlemen in charge of the farm instruction that no pupil was ever sent to the farm except as a punishment. This was practically the situation with reference to the other industrial branches. I agree that the Carlisle School was at one time a good and important school, but it degenerated to such a level by the time we made the 1913 investigation as to warrant the committee in recommending the removal of the superintendent and several others and to justify the Interior Department in carrying out the committee recommendations to the letter. Indictments were made with reference to some of these matters and convictions followed, although, as I recall now, only one penitentiary term was served, and as is usual in such cases that term seemed to have been served by an Indian member of the faculty, who was made the goat.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GREEN of Iowa. I got the impression some way or other that the primary idea of the Carlisle School was for industrial purposes.

Mr. CARTER. That was one of the prime motives for the establishment of this school, and I had the impression that this purpose was being carried out until this investigation was had. I thought at that time that Carlisle was giving instruction such as could not be procured in any other part of the country; but under the management it seemed to have degenerated until the school had become demoralized and never seemed thereafter to have been able to rehabilitate itself.

Mr. HUSTED. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. HUSTED. How have the graduates of Carlisle made it in after life? It seems to me that that is the real test.

Mr. CARTER. Those who graduated from Carlisle more than seven or eight years ago are among the very best.

Mr. HUSTED. Does the gentleman think the management of the school or college running down is a sufficient reason for discontinuing the school?

Mr. CARTER. I do not think that was the sole reason why it was discontinued.

Mr. HUSTED. Is there any reason why it should not be reestablished?

Mr. CARTER. Yes. The policy of the Indian Bureau and of Congress has been to diminish and cut down the expenses of the Government, and in doing that it is necessary to decrease activities all along the line, including schools. I was always a friend of Carlisle when it was giving good service, but on account of its remoteness from Indian reservations, added to this demoralized condition, I can think of no school which might be more wisely dispensed with. As the gentleman perhaps knows, this school was suspended during the war in order that the buildings might be used for war activities. The course prescribed for Carlisle School was about the same as that given at many other Indian schools, and their instruction in industrial lines did not begin to come up to the standard of such schools as Sherman Institute, Haskell Institute, Chilocco, and a great many others that could be named.

Mr. HUSTED. I used to see the Carlisle School pupils when I was at college when they came to witness football games, and I was very much impressed with their appearance and bearing, and I have always understood it was the representative Indian school of the country. If it ran down in recent years, it seems to me that the proper course was to change the management and put it back where it used to be rather than to discontinue the schools, because I think it served a very useful purpose.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to proceed for a few minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, what the gentleman states would be true and would be the proper course to pursue if it were not a fact that Congress has repeatedly expressed itself as favorable to the winding up of the affairs of the Indian and the Indian Bureau, just as fast as it is safe to do so. This very bill takes many valuable steps in that direction. In fact, one of the valuable provisions contained is the closing up of such schools as can be safely dispensed with. If it is our purpose to bring the Indian Bureau to an end, then we should actually take some steps to do it, and that can not be done by reestablishing schools which the bureau itself has discontinued, especially when we have other schools sufficient to support the Indian Service.

Mr. SNYDER. Mr. Chairman, if the gentleman will permit, my suggestion was not to establish any more schools, but my

thought was that if we had a school somewhere within the service that could be brought up to the standard of Carlisle, it ought to be done.

Mr. CARTER. Yes; I agree with the gentleman that Carlisle was in an atmosphere very favorable to the Indian. The people for miles around took great interest in the school and pupils, and the people of Pennsylvania are to be complimented on the splendid manner in which they supported the school and gave encouragement to the Indians. I have felt that the Indian at Carlisle was in an atmosphere that caused him to be just a little bit too much "hothoused," if I may use that term. But when all is said and done it was a splendid school, until it finally began to go to pieces, and when it began to deterioate it placed itself in line for abolishment.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the first or the last word for the purpose of asking a question. I notice the provision in the bill on page 9—

That all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States.

Mr. SNYDER. Of course, the gentleman understands that we have passed that section?

Mr. MANN of Illinois. Very well, I would like to ask the gentleman about this anyway. Where did that language come from.

Mr. SNYDER. That language was invented by the committee itself.

Mr. MANN of Illinois. I thought so.

Mr. SNYDER. That was the best that we could do.

Mr. MANN of Illinois. It does not mean anything, but if it did it would not mean what it seeks to convey.

Mr. SNYDER. That may be so, but here is what it amounts to——

Mr. MANN of Illinois. Oh, I know the purpose of it is to make the money unavailable, but it is a lump-sum appropriation.

Mr. SNYDER. No; it goes further than that.

Mr. MANN of Illinois. I beg the gentleman's pardon. It is in a paragraph providing a lump-sum appropriation of $1,600,000, and there is no specific appropriation for any school that will be discontinued under it.

Mr. SNYDER. But there is a specific expense item handed us by the Secretary of the Interior covering each one of those schools.

Mr. MANN of Illinois. But that is not an appropriation.

Mr. SNYDER. No.

Mr. MANN of Illinois. And when money is appropriated it is not taken out of the Treasury. It can not be returned to the Treasury unless it has been taken out of the Treasury. It is not taken out of the Treasury until the bills are paid. However, that does not matter. I did not know but that the Indian Department had prepared this language and I asked to find out.

Mr. SNYDER. The theory was that we are appropriating $1,600,000 in a lump sum which provides for 80 reservation boarding schools and 197 day schools. None of those are appropriated for separately, as the gentleman says, but there are set aside by the bureau, down there, according to testimony we have, certain sums for certain schools, and they issue us a bulletin which gives the amount expended for each of those schools in the previous year. The best we could do was to get some language in there that would show when they come to make their report that certain schools had been eliminated, and that certain moneys must have been returned to the Treasury.

Mr. MANN of Illinois. It can not be returned to the Treasury, but I take it the purpose of the committee was that if a school is discontinued the money that would have been used to sustain that school if it had been continued shall not be used on some other school.

Mr. SNYDER. That is absolutely correct.

Mr. MANN of Illinois. That is quite clear, but I doubt whether the department will pay any attention to it. I hope they do.

The Clerk read as follows:

EXPENSES OF INDIAN COMMISSIONERS.

For expenses of the Board of Indian Commissioners, $10,000.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 17, strike out the paragraph, lines 17, 18, and 19.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the committee, this three-line item affords a fine chance of saving an additional $10,000. This committee has done pretty well in its minor trimmings. The Board of Indian Commissioners has got down to a point where this appropriation pays a high-class secretary, who has a nice office here and nice stationery, and pays for the traveling expenses about the country of some high-grade gentlemen who can lecture and who can write and occasionally make suggestions in regard to the Indians. That board long ago outlived its usefulness. The Board of Indian Commissioners was set up in the time of President Grant in an effort to cure a great deal of trouble and crookedness in one thing and another in the then new attempts to handle and civilize the Indians. This thing has run down and run down until it has now a secretary here in Washington, as I said, paid, and a board of commissioners of very fine gentlemen appointed in an honorary capacity, but, like everything else in the Federal Government, where people once get an appropriation you can not ever get them off. I can not see that any of their suggestions of late have been adopted by any Indian committee or by the Bureau of Indian Affairs. I know that their suggestions for the Pacific Northwest have not been heeded. Only one of these commissioners ever made a trip to the Pacific Northwest, where there are many tribes of Indians, and made a few good suggestions. Not one was adopted, and, in my opinion, none will be. I hope this committee will adopt the amendment and strike the item from the bill.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. MANN of Illinois. Does the gentleman happen to have read the recent report of the commission?

Mr. JOHNSON of Washington. Not the last report; I have read others.

Mr. MANN of Illinois. I think I have read all of them.

Mr. JOHNSON of Washington. They are very interesting, very entertaining, but what practical good do they do?

Mr. MANN of Illinois. Well, I think they do good——

Mr. JOHNSON of Washington. Everything, I will admit, does some good.

Mr. MANN of Illinois. I received more information about the condition of the Indians from reading the last report of this commission than I have ever received in all the discussion which has taken place on the floor of this House since I have been a Member of it. Now, I do not say that that is doing any good, but there is some satisfaction in getting information.

Mr. JOHNSON of Washington. I will tell the gentleman what I believe——

Mr. MANN of Illinois. The secretary of this commission—I notice, by the way, now he is a member of the commission—has made some very interesting statements—at least, reports of investigations which he has made.

Mr. JOHNSON of Washington. Then let him be taken into the Indian Service.

Mr. MANN of Illinois. The investigations made by Father Ketcham are very interesting, and I wish the Committee on Indian Affairs had read—and I am sure they have not—the report of the commissioner who visited the Seminole Indians in Florida, because it was the sanest discussion for anyone interested in Indians I have ever read. He advised it was useless for the Government to try to make paupers of those Indians now when they are taking care of themselves.

Mr. JOHNSON of Washington. Right in the same line, after criticism on the floor, some years ago Dr. Eliot went to the north Pacific country. With difficulty we got him to an outlying reservation, and he wrote a very interesting report. But what good did it do? I think these gentlemen will visit and write about the Indians even if they lose their clerk and their stationery.

Mr. MANN of Illinois. I have frequently obtained very valuable information about the Indians in the Northwest from the limited discussion on the floor of the gentleman from Washington, and I am always delighted to hear him upon that or any other subject, but he is particularly instructive upon the subject of Indians and upon the subject of deportations.

Mr. JOHNSON of Washington. Then right now let us deport this little item of $10,000.

Mr. MANN of Illinois. Still I am inclined to think, in all due regard for the Indian Service—and I have a regard for the service—the $10,000 here probably does as much good or more good than any other $10,000 carried in the bill.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word or the last two words. Mr. Chairman, I am opposed to this amendment. As a general proposition I favor eliminations where there is a 50-50 chance in it, and I agree with the gentleman from Illinois that the most valuable information I have received, and information which has led me to do many things I have tried to do in the putting together of this act with the assistance of the committee, has come from members of that commission. It is true the commission is a body of citizens who are operating without pay, but every one of them is a high-class student of citizenship and he is entitled to consideration. We are doing ourselves justice when we accept the opin-

ion, in my judgment, of a set of men of that class. They are without prejudice, working wholly in the interest of the Indian, and I think it is a splendid check upon the Indian Bureau, and I believe we get value received from the expenditure of this $10,000, and I know it has led me to cut ten times as much as that out of the bill.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SNYDER. Surely.

Mr. GREEN of Iowa. Will not the gentleman, for the benefit of some of us who work only in the daytime and not all night, like the gentleman from Illinois [Mr. MANN], and therefore do not get time to go through all these reports, tell us something about what this commission is doing? Unfortunately I have not read the report.

Mr. SNYDER. The duty of this commission is to go into the field and investigate every matter tending to the interest and the uplift and well-being of the Indians, as to education, sanitation, and so forth, and to make report to the bureau. It has no authority whatever.

Mr. GREEN of Iowa. The gentleman says that they are high-grade men.

Mr. SNYDER. Yes. They are men like Gen. Scott, for instance, who has probably had more to do with Indians than any other one man.

Mr. GREEN of Iowa. And they get no salary?

Mr. SNYDER. They receive no salary. Their only emolument is traveling expenses.

Mr. JOHNSON of Washington. What has he reported lately?

Mr. SNYDER. Not anything yet, but he will when he has opportunity.

Mr. JOHNSON of Washington. Now, these men get no salary, but they pay salaries and wages, $5,842, and traveling expenses, $3,180. These gentlemen travel, anyway. They are also interested in the Indians, and they will write about them just the same. And there you are.

Mr. SNYDER. They do not exceed the appropriation, and, in the judgment of the chairman of the committee, it is money well spent.

Mr. HASTINGS. And the only salaried employee is the secretary?

Mr. JOHNSON of Washington. Surely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 4, noes 34.

So the amendment was rejected.

The Clerk read as follows:

PAY OF INDIAN POLICE.

For pay of Indian police, including chiefs of police at not to exceed $50 per month each and privates at not to exceed $30 per month each, to be employed in maintaining order, for purchase of equipment and supplies, and for rations for policemen at nonration agencies, $200,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word, simply for the purpose of calling the attention of the committee to the inconsistent position that we take here from time to time. Here we have a provision to pay Indian policemen not exceeding $50 a month for a chief of police.

Mr. DEMPSEY. And privates not to exceed $30.

Mr. BLANTON. And privates not to exceed $30, as my good friend suggests.

If you compare that with the last District of Columbia police bill we had here before the House you will see the difference between the poor, unorganized Indian and the stronger, organized white policeman, with the American Federation of Labor behind him. Compare the proposed salary of an Indian police chief of $50 a month and the salary of an Indian police private of $30 per month with the salaries in the bill that the gentleman from California brought in here and the House passed not long ago by such an overwhelming vote, to pay the negro janitors in the buildings of Washington, who clog up the passageways and make it almost impossible to find the heads of the departments, not $50 but $110 a month, for seven hours' work per day. Compare them! Is our position consistent? What is it that makes us pay one police private $30 a month, because he is an unorganized Indian, and another police private four or five or six times as much, because he is a member of a union? Is it merely the union influence behind it?

I want to tell my colleague something that I heard while I was at home. Some of my good friends told me, "The reason you fellows up there keep your ears open so often to the commands of organized labor is because you hear from them every day. You receive commands from them, not requests. You do not hear from the people." But my people told me that the time you are going to hear from the people is when they go to the polls, and it is going to be too late for you to rectify your votes then, because you will not have any more votes left. You will not have a chance to vote here any longer then. When the people take action at the polls our votes here may stop. Why not consider the people occasionally?

I merely made the pro forma motion, Mr. Chairman, to call attention to the great inconsistency of our acts here on the floor. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

DETERMINING HEIRS.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, $100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed $30,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the $100,000 appropriated herein: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more, or to any allotment, or, after approval by the Secretary of the Interior of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $15 where the appraised value of the estate of the decedent does not exceed the sum of $1,000. Where the appraised value of the estate of decedent is more than $1,000 and less than $3,000, $20; where the appraised value of the estate of the decedent is $3,000 but not more than $5,000, the sum of $25; and where the appraised value of the estate of the decedent is $5,000 or over, the sum of $50, which amount shall be accounted for and paid in the Treasury of the United States; and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. Perhaps somebody can explain this language. It may have been in the law before. It states:

That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than $25,000 out of applicable funds in the work of determining the competency of Indians by competency commissions on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

We frequently provided that a Secretary shall expend not more than so much money for a particular purpose. I recall no other instance of appropriation where we say he must spend a certain amount of money, whether it is needed or not.

Mr. SNYDER. I will do the best I can to explain to the gentleman why we did it. In the bill of 1916 we provided a certain amount of money to be used by a competency commission, and we found the money was only partially expended, and we believed it was because the bureau did not want to separate itself from the Indians. Therefore we have written into this bill that they shall expend not less than the $25,000 available. This is not an appropriation. It is from other available appropriations, and must be spent by the competency commission in making the Indians who are eligible competent.

Mr. MANN of Illinois. This requires the expenditure of $25,000, whether there is any work to be done or not.

Mr. SNYDER. No.

Mr. MANN of Illinois. You may have the men loafing, but the Secretary violates the law if he does not spend the money. It does not make any difference whether it is needed or not.

Mr. SNYDER. The only check we have on it is the report eventually of the competency commission itself. I am willing to have it amended if somebody can fix it so that we can spend $25,000 and make them get rid of some of the Indians. That is what we are trying to do.

Mr. MANN of Illinois. Of course, there is no way that we have of making the administration part of the Government spend it advantageously. They may waste it. They spend it under this, of course. It requires it. They may do nothing; I do not know. I assume that they will spend the money properly. I assume that if the work ought to be done, they would spend the money properly if we give them authority to do it. I do not undertake to say; I am not going to propose a change in the bill, which has been duly considered.

Mr. SNYDER. The gentleman from Oklahoma and I had considerable argument in the hearings in regard to this last provision. He was fearful that $10,000 was not sufficient for the work he wanted done in the Five Civilized Tribes in Oklahoma, but the committee was anxious to spend all that it could out of available appropriations in the labor of preparing Indians for competency, and this was the way they thought it best to bring that about

Mr. CARTER. Mr. Chairman, in my opinion there is no appropriation in this or any other bill for the Indian Bureau which is so essential for the accomplishment of the purpose so often expressed by Congress as this appropriation of $25,000 for the competency commission. What object does this appropriation propose to serve? The money is used for the purpose of ascertaining the fitness of Indians for United States citizenship. It offers a service for actually releasing from supervision such Indians as are found to be competent, and it does it in this way.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question?

Mr. CARTER. Yes.

Mr. DEMPSEY. Is it not a fact that at least $25,000 can be advantageously expended for this purpose; that there is enough work of this kind to do to use up $25,000 or more than $25,000 to the great advantage of the Indians and to the advantage of the country?

Mr. CARTER. In my opinion, Mr. Chairman, not $25,000, but $75,000 could be used advantageously for this purpose. We have something over 300,000 Indians, and something over 200,000 restricted Indians. The bureau can never be eliminated, and the House can never be through with Indian affairs until each one of these Indians is declared competent and assumes United States citizenship. That is what these commissions do.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. MANN of Illinois. I will wait until the gentleman from New York [Mr. DEMPSEY] gets through.

Mr. DEMPSEY. So that if there is work that would use up advantageously, as the gentleman has outlined, much more than $25,000, by this requirement that $25,000 shall be expended, the House runs no risk of wasting the money? The money is certainly to be used to advantage?

Mr. CARTER. I do not think there is any doubt about it, and that is why we have directed the Secretary to spend not less than $25,000. We were trying to make the expenditure of that much money from other appropriations mandatory for this purpose. Of course, this money could all be used and nobody declared competent, just as a Congressman might fritter away his time without getting any results for his people or his country. In that event, of course, the money would be squandered; but it is hardly fair to assume that this will be done, and if it is done your Indian Committee will know of the fact, and then we will find out another way to carry out the purpose of Congress. But as long as they continue even as well as they have in the past year—and they did not use a great amount of money during the past year—so long as they continue to declare Indians competent and release them from supervision, even to that degree which has been done within the last 12 months, then it can not be charged that this money is not justly expended.

Mr. MANN of Illinois. I think we have carried this item for some time, have we not?

Mr. CARTER. No; we never carried it before. We carried before an item for a competency commission in the Five Civilized Tribes. Competency commissions have been appointed and paid from this item, but without specific authorization carried in this paragraph.

Mr. MANN of Illinois. How much more does it cost the Government to support an Indian who is declared competent than it costs to support one who still remains incompetent under the law?

Mr. CARTER. If an Indian is declared competent and the tribal estate is settled, then the Federal Government is through with him.

Mr. MANN of Illinois. Oh, no. We constantly increase the amount of appropriations in proportion to the number of Indians declared competent.

Mr. CARTER. I will say this to the gentleman: The reasons why the Indian bill increases in amount I have gone over twice. It is a long story. One principal reason I can give you. It is because not enough of these competent Indians are declared competent. I have in mind one Indian who is completely released from the Federal Government and does not cost the Federal Government a single cent of money to maintain. That is my friend from Oklahoma, Mr. HASTINGS.

Mr. MANN of Illinois. Oh, he is a theoretical Indian. [Laughter.]

Mr. CARTER. He and his entire tribe, those of the tribe who have been declared competent—and they number about three-fourths if I remember correctly—all of those who have been declared competent are now not costing the Government a cent.

Mr. MANN of Illinois. Oh, we are helping to educate his children by the appropriations carried in this bill to the extent of $200,000, to educate Indian children in Oklahoma in white public schools.

Mr. CARTER. No; we are appropriating to educate restricted children in the Five Civilized Tribes. The children of parents who have restrictions, or who themselves have restrictions are educated in the public schools, and $200,000 for that purpose is carried in this bill. But for the children of such men as Mr. HASTINGS and myself no part of this fund is used.

Mr. MANN of Illinois. The fact is that the more we release the restrictions the greater the gratuities are in the appropriation bills.

Mr. CARTER. That can be obviated by turning more Indians loose from our supervision, and that can be best accomplished by providing competency commissions, as experience has shown.

Mr. MANN of Illinois. We have increased the amount of appropriations rapidly enough.

Mr. CARTER. That may be; but we do not sufficiently remove the restrictions from the Indians to reduce the expenditures of the bureau. That is why we want this amount for the competency commission.

Mr. MANN of Illinois. I know that, of course, the restrictions ought to be removed, but a large number of people have been trying for many years to get all the restrictions removed, so as to get the property of the Indians a little quicker. Of course, that is not the case with my friend from Oklahoma, or with any of the Members from that State. That is not their view. But still many of their constituents do hold that view.

Mr. CARTER. However that may be, this competency commission of which the gentleman speaks would not work in Oklahoma.

Mr. MANN of Illinois. Yes; but the other one would.

Mr. CARTER. Let me just explain, if the House will indulge me a moment, how this work is done by the competency commission. The competency commissioner goes among the Indians; as a rule he goes to the house and finds out how they live. He finds out how many the Indian has in his family. He finds out what means he has——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I ask for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Does the competency commissioner go all over the United States?

Mr. CARTER. Wait a moment till I finish my statement. He ascertains how many there are in the family, what the resources of the Indian are, what are his capabilities for taking care of himself, what are his liabilities, and upon the facts which he ascertains he makes a report direct to the Secretary of the Interior. If he recommends favorable action and the Secretary agrees with him, the restrictions of the Indian are removed and he is turned loose from the bureau. Now, when he is turned loose from the Indian Bureau, if he has an interest in tribal property, that property must be supervised, and as long as it is administered by the Government it is going to cost somebody something, either the Federal Government or the Indian. With the Five Civilized Tribes all of the expenses of administering the tribal property are paid from the tribal funds. The administration of the individual Indian is paid for from the Treasury.

Now, unless we can get restrictions removed from the Indians who are competent, we can not expect any lessening of the expense of Indian supervision. There is a great deal in what the gentleman from Illinois [Mr. MANN] said a few minutes ago about local influences surrounding Indians, but the restrictions should be removed from those who are competent. Unless this is done we can never expect to be through with the Indian, but must continue to supervise him eternally. It is a perpetual job, like Tennyson's Brook, something that will never end; but if we can get these competent Indians relieved from restrictions, and let them sustain themselves and take care of themselves, naturally the expenses of the Indian Bureau can be very materially reduced.

Mr. KELLY of Pennsylvania. Is it not true that before the committee the fact was brought out that the policy of these competency commissions simply reflects the policy of the Indian Bureau and carries out exactly what the Indian Bureau desires?

Mr. CARTER. They carry out what the Indian Bureau asserts its policy to be.

Mr. KELLY of Pennsylvania. There is some question whether the real policy of the bureau is what it says it is.

Mr. JOHNSON of Washington. This has reference to the issuance of certificates of competency to Indians holding fee patents, does it not?

Mr. CARTER. This refers to the issuance of fee patents upon certificates of competency.

Mr. JOHNSON of Washington. The number for 1919 being 94 and the number for 1911 being 92. That is all it amounts to. Now, whoever heard of a competency commission coming out West and considering the cases of the Indians out there?

Mr. CARTER. There was one that went to the gentleman's own State within the last three years.

Mr. JOHNSON of Washington. On the Colville Reservation?

Mr. CARTER. Yes. I think so.

Mr. JOHNSON of Washington. When is this fellow coming again?

Mr. CARTER. I do not know. There has been one in Oklahoma. The gentleman from Washington ought to have got hold of them while they were there and had his friends make application.

Mr. HUSTED. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. HUSTED. Is there any fund from which the expenses of the competency commission could be paid if this direction that $25,000 be expended was not carried in the bill?

Mr. CARTER. Oh, yes; as the gentleman knows, this simply makes that amount available from other funds in the bill. It is not an appropriation.

Mr. HUSTED. That being true, is there any reason to suppose that this competency commission will not expend all the money that is necessary for this purpose without any specific direction that a certain amount shall be expended? If that is true, I think it is very unwise to carry such a provision. It does not seem to me to be good and businesslike practice to direct any commission or board to expend not less than a definite amount.

Mr. CARTER. The belief of the committee was that this money could not be more appropriately or better spent in any other capacity than that of relieving competent Indians from the supervision of the Government; and it has been charged—and I have not time now to either affirm or deny—that the bureau is reluctant to turn the Indians loose, that it wants to keep them under its supervision; and therefore in answer to that sentiment, which has been expressed on the floor of the House time and again, the committee thought it better to make this provision mandatory.

Mr. HUSTED. Does the gentleman think that is the attitude of the Indian Bureau?

Mr. CARTER. The gentleman is not going to give me the third degree on that. I will leave him with his own opinion.

Mr. TILSON. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. TILSON. Is there a limited amount available for this expenditure?

Mr. CARTER. Yes; any part of this $135,000 and portions of several items are available for that purpose.

Mr. TILSON. But can it be expended for something else if it is not expended for this?

Mr. CARTER. It can be, and very likely will be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. TILSON. If this direction to expend $25,000 in this way is not carried in the bill will not the entire amount available be expended for some other purpose?

Mr. CARTER. Certainly. This will not increase either the appropriation or expenditure at all.

Mr. TILSON. So that if this direction is stricken out there will not be any money saved, but it will be spent in some other way?

Mr. CARTER. It will be spent in some other way. This simply makes provision that this amount of money shall be taken from applicable items and expended for this purpose.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. REED of West Virginia. Would it not be better to have a specific provision of law, mandatory, in fact, covering this subject than to try to accomplish it by this questionable provision in an appropriation bill?

Mr. CARTER. It is always better to have a specific law; but my friend knows the long, circuitous route it takes to pass a law with reference to matters of this kind, and we are attempting here not exactly to legislate, but to get around the necessity of legislating by means of this provision in the bill.

Mr. REED of West Virginia. Do we not have a department of the Government that is diligent and efficient in discovering illicit distilleries in the United States?

Mr. CARTER. Yes.

Mr. REED of West Virginia. What the committee hopes to do is to make the competency commission function properly.

Mr. CARTER. Precisely.

Mr. REED of West Virginia. Why can not the Government be as efficient in hunting up competent Indians, meaning Indians qualified for citizenship, as it is in hunting up moonshine distilleries?

Mr. CARTER. I think they can be equally efficient.

Mr. REED of West Virginia. It is through the competency commission alone, I understand, that Indians can be removed from governmental care and elevated to the status of citizenship, after which they are no longer a burden and expense to the United States.

Mr. CARTER. The only way on earth that an Indian can ever, outside of the competency commission, get the restrictions removed is to go before a local agent or a field clerk and have an application filed. That application is sent to the agent, the agent sends it to Washington, and on cross-examination two or three years ago of the assistant commissioner, he admitted that it must pass through nine different hands before there was any final action, and when it was finally acted upon such final action was in effect taken not by the commissioner at all, but by a clerk who never saw the Indian and knew nothing about him or his capacity.

Mr. KELLY of Pennsylvania. Mr. Chairman, the value of this provision to compel the Indian Bureau to utilize the service of competency commissions is in showing clearly the policy of Congress. The Indian Affairs Committee has spent three months in making a thorough investigation of Indian affairs generally, and as one member of that committee I have been convinced that Congress must act firmly if we are ever to get rid of the "orphan asylum" system of dealing with the Indians.

Commissioner Sells stated before the committee that there are now under the administration of the Indian Bureau practically 220,000 Indians. About 9,000 have been declared competent within the past five or six years.

At that rate the task of making free American citizens of these original owners of all America will never be completed. It will go on and on through generations, with resultant evil effects to the people of this country and to the Indians themselves.

The Indian Bureau is a wonderful institution—for self-perpetuation. It is a government within a government. Under the commissioner there is an assistant commissioner and a chief clerk, and under these are five grand divisions—education, purchase, law, finance, and land. Under these again are 24 separate and distinct sections, covering every activity under the sun.

It required days for the Committee on Indian Affairs to get even a brief outline of these multitudinous activities. It is astonishing to know the growth of this bureau and to note its ever-expanding activities. Its work would naturally be expected to decrease, but instead it has been increasing with constant growth in expenditures. I believe this growth has been largely artificial and self-stimulated and that it is high time to call a halt.

During the committee hearings Commissioner Sells made the following statement:

> I conceive that when the Indian Bureau was established it was the idea of Congress that it was not a permanent institution, but that as fast as the Indians could be educated and conditions developed to make them self-supporting that they would go out from under the control of the Government and the bureau's activities correspondingly reduced. I look forward to the time when the bureau will not only be materially reduced but when it will be absolutely abolished.

Now, I agree with that statement in its entirety. But the fact remains that after fourscore years of the bureau's existence the claim is made that there is more need for its services than ever before. We are asked to appropriate more money than ever before. For my part, I am convinced that it is time to begin that long-looked-for elimination instead of constant additions.

It was more than a hundred years ago that President Jefferson said:

> My children, I shall rejoice to see the day when the red man, our neighbor, shall become truly one people with us, enjoying all the rights and privileges we do, and living in peace and plenty as we do, without anyone to make them afraid, to injure their persons, or to take their property without being punished for it according to fixed laws.

That statement was made to the Indians in the dawn of the nineteenth century, and yet in the twentieth year of the twentieth century we are still dealing with these Indians as helpless wards with increasing expense to the Government.

This Congress should emphatically declare for justice to the Indians and to the taxpayers of this country. I am in favor of these competency commissions, for they have the power to hasten the day when this branch of bureaucracy will be ended. At the same time I can see that the make-up of the commission itself might hinder the action desired. As we learned during the hearings, these commissions consist of a departmental inspector appointed by the Secretary of the Interior, a special agent of the Indian Service, and the superintendent of the reservation being visited. It is to be expected that such a commission will not go much faster than the policy of the Indian Bureau deems advisable.

Mr. CARTER. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Certainly I will yield to my colleague.

Mr. CARTER. Can the gentleman tell the difference between the procedure of removing restrictions by the competency commission and without the competency commission?

Mr. KELLY of Pennsylvania. There is a difference in procedure, but, after all, it amounts to the same in the end since the source is the same.

Mr. CARTER. Oh, the competency commission goes from house to house and it does not have to report to the agent, but reports directly to the Secretary of the Interior. You get direct action. The Secretary acts upon the report himself. On the other hand, when you undertake to have the restrictions removed by the local agent, according to the statement of the assistant commissioner himself, that application passes through nine hands before finally acted upon, and when finally acted upon it is by a clerk who never saw the Indian.

Mr. KELLY of Pennsylvania. Of course, the gentleman knows I am in favor of the competency commission procedure. My objection is that the Indians have not been declared competent as rapidly as they should be, and I was suggesting that the tardiness might be due to the make-up of the commission. I want to see every restriction removed at the earliest moment possible, so that the red men of America may take their place in American civilization as American citizens to learn the lessons which come from self-help and self-reliance.

If the same wall of race and national segregation were placed upon the aliens from Europe who come to my district, if they were herded into reservations and compelled to shape every action to the order of a superintendent, if they were shut off from intercouse with the other element of the community, you would make them incompetent, too, to the end of time. But when they are given the rights of human beings and a chance to become full-fledged American citizens in five years and to learn through association with their neighbors, with few exceptions, they shed their helplessness and their incompetency, and the second generation is ready to face the race of life on equal terms with their neighbors.

Let these competency commissions go to work. Let them err on the side of freedom rather than bondage. Frank La Flesche, an Omaha Sioux Indian, now an ethnologist in the Smithsonian Institution, declares that the Indian who is turned loose to shift for himself succeeds fairly well, and he further says that the well-educated Indian sometimes is cheated in business dealings more easily than the ones we call incompetent, because he thinks he knows too much to be swindled.

If we will establish a just policy and insist upon its being carried out, we can end speedily this century-old guardianship, which produces incompetency instead of independence, and will be able to accomplish what is universally admitted to be the mark of the successful conclusion of the task—the writing of finis to the history of the Indian Bureau.

The Clerk read as follows:

DETERMINING HEIRS.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, $100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed $30,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the $100,000 appropriated herein: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more, or to any allotment, or, after approval by the Secretary of the Interior of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $15 where the appraised value of the estate of the decendent does not exceed the sum of $1,000. Where the appraised value of the estate of decedent is more than $1,000 and less than $3,000, $20; where the appraised value of the estate of the decedent is $3,000 but not more than $5,000, the sum of $25, and where the appraised value of the estate of the decedent is $5,000 or over, the sum of $50, which amount shall be accounted for and paid in the Treasury of the United States; and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the last two provisos. What is the reason that this should not apply to the Five Civilized Tribes and to the Osage Indians?

Mr. SNYDER. This service does not apply within that section of the country.

Mr. HASTINGS. The heirs are determined by the courts and not by the department.

Mr. CARTER. The courts have jurisdiction.

Mr. WALSH. I know, but why should they have the opportunity of having a judicial determination by the courts, and not these other tribes?

Mr. CARTER. This pertains to the payments of fees. The fees, of course, in the cases in the courts in Oklahoma are taken out by the courts, and there are no fees in connection with the probate cases of the Five Civilized Tribes.

Mr. GREEN of Iowa. Is that the State court?

Mr. CARTER. Yes. The State courts have jurisdiction in probate matters in the Five Civilized Tribes.

Mr. GREEN of Iowa. Then we would not have jurisdiction over them.

Mr. CARTER. No.

Mr. SNYDER. This is entirely outside of the Five Civilized Tribes.

Mr. WALSH. You are fixing a maximum scale of fees where the estates do not go through the courts.

Mr. CARTER. Where the Secretary must determine it.

Mr. WALSH. Why do they not go through the courts in these other States?

Mr. CARTER. To speak frankly to the gentleman, I am not so sure but that would be the best procedure, but the Congress has always taken the position, outside of the Five Civilized Tribes, that they should be determined by the Secretary.

Mr. WALSH. Why in Oklahoma do they go through the courts and not the department?

Mr. CARTER. They go through the courts because the enabling act of the State gave us jurisdiction of Indian probate matters.

Mr. HASTINGS. And for the further reason that they are all citizens.

Mr. SNYDER. This has to do with the heirs of incompetent Indians, and heretofore there has been a universal fee of $15 without regard to the value of the estate. There has been a return of about $30,000 of the $100,000 appropriated. This does not change the law in any way except to make the estates which are worth more pay more for the service, and to reimburse the total amount of the appropriation.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. EVANS of Nebraska. Mr. Chairman, I make the point of order on the second proviso, beginning with line 19, on page 14, and ending with line 13, on page 16. It is new legislation on an appropriation bill.

Mr. ELSTON. Mr. Chairman, I wish the gentleman would reserve the point of order.

Mr. EVANS of Nebraska. I reserve the point of order.

Mr. ELSTON. Mr. Chairman, if the point of order is sustained it will not accomplish the object the gentleman seems to have in view. His object is to throw the administration of estates of restricted Indians into the local probate courts of the particular States where the Indians reside. As to the policy of that, it is hardly a matter to be discussed here. The effect of sustaining the gentleman's point of order, if he makes it, will be to merely reduce the fees charged by the United States Government for the administration of these Indian estates. There is now a level charge of $15 for every estate, whatever its value, and the bill seeks to establish the graduated scale, which is calculated to at least return to the Government the amount of $100,000 which it takes out each year for this work.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I think if the gentleman is intent on changing the policy of the administration of the estates of restricted Indians, he can much better bring about that result by introducing a special bill on the subject for the amendment of the law, but if his point prevails, or if he insists upon the point of order, it is going to lose the Government about $70,000 a year, and it is going to result in no particular gain in respect to the point the gentleman seems to have in mind.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I yield to the gentleman, although I want to make some other observations, because I hope the gentleman will withdraw his point of order.

Mr. EVANS of Nebraska. My understanding of the situation is this: Originally, following the allotment act of 1886, all Indian estates went to the ordinary probate courts of the jurisdictions in which they resided, and then the department, as they said, in order to save money and in order to more thoroughly control these Indians, secured the passage of a law which gave the Secretary of the Interior exclusive jurisdiction to determine the heirs of Indian decedents, fixed $15 as the amount to be charged in each estate, and that was in the nature of a contract, as a matter of fact, with these Indians. The Five Civilized Tribes, which are excepted, were taken out because the representatives from that State insisted that it be so. It was a departmental policy, just as these other methods, which have been discussed here, are departmental policies, and the department now ought not to have control of these estates. The estates languish for years unsettled, and the additional amount which would be used to pay those fees in State courts, as was suggested by the gentleman from California, would much better be paid, and the individual Indians would be much better off if they could pay the additional amount and get their estates settled. But since the department has assumed—because that is the correct term—charge of these Indian estates they ought to continue the administration of them at the same price they agreed to in the first place.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Nebraska. Yes.

Mr. CARTER. This is not at the same price as in the first instance, because in the first instance there was no price at all.

Mr. EVANS of Nebraska. No; no price at all.

Mr. CARTER. But the Burke Act provided for a flat fee of $15 in these cases.

Now, the only notion the committee had was this, that it was hardly fair to charge a man the same price for the settlement of a $30 estate as for a $10,000 estate; that there ought to be some graduated scale. The only effect of the point of order would be that stated by the gentleman from California, to wit, to change from the graduated scale back to the flat scale of $15. It would not accomplish what the gentleman is undertaking to accomplish at all. It would not take it back even to the original charge, because the original charge was nothing, but the subsequent charge was $15 for each case. Now we have made the charges graduated in the bill.

Mr. ELSTON. Mr. Chairman, I would like to give the gentleman an illustration of the probating of the estate of a restricted Indian in California where the estate would be worth in the amount of $10,000. Now, I know the probate fees of the State of Califoria in the case of a $10,000 estate would be about $500. Now, that is the law. In the administration of a $2,000 or $3,000 estate in the State of California the minimum would be $100. A $50,000 estate would cost the Indians concerned possibly $2,000 or $3,000. This involves only probate fees regulated by law. It does not go into the matter of representation by attorney or the various ways of unlimited charges they can make in the way of attorney fees. Now, the reason why this whole subject matter was taken under the control of the Indian Bureau was because of the abuses and frauds worked upon the Indians in the matter of the probating of their estates. It was found in local jurisdictions in the matter of fees the Indians were taken advantage of by lawyers, and their estates were frittered away in the local probate courts, where the gentleman knows fees are much larger than under the Government charge. Now, I sincerely hope that the gentleman will not make his point of order. If he is intent on this matter I hope he will bring it in in the form of a bill before the committee, and the whole matter can be gone into regularly. The only result of his point of order to-day, if he persists in it, will be to bring about the loss of $70,000 a year to the Government and not help matters out at all along the line which he desires.

Mr. CARTER. It now costs the Government about $70,000 more to do this work than the fees amount to.

Mr. EVANS of Nebraska. Is not this the fact, that the expense, or a very large part of the expense, is that of persons traveling from Washington around to the different agencies?

Mr. CARTER. I do not think from Washington, but it is for the expenses of the agents and their travel; I think that is part of the expense.

Mr. EVANS of Nebraska. And is it not also a fact that the only thing they do is to determine heirs and not settle their estates?

Mr. CARTER. The gentleman is absolutely correct about that; they do not settle the estate but simply determine the heirs.

Mr. EVANS of Nebraska. And the expense which the gentleman from California has just mentioned is the expense which comes in the ordinary course of the settlement of the estate?

Mr. CARTER. The determination of heirs would be, of course, a part of the probating of the estate.

Mr. EVANS of Nebraska. One further question, if I may.

Mr. SNYDER. If the gentleman will yield.

Mr. EVANS of Nebraska. The gentleman has as large experience as any of us. Is it not a fact that it would be no more than a reasonable fee on the average for determining the heirs to fix it at $15?

Mr. CARTER. Well, the only way I can answer is that the bureau has stated to us that there is a loss every year of about $70,000—$65,000, to be exact, as I am advised by my friend from Missouri [Mr. RHODES], last year on account of this flat rate of $15 and not being able to charge on the graduated scale proposed by this language.

Mr. EVANS of Nebraska. I would like to answer——

Mr. CARTER. Speaking of expense, the expense was $6,868.78, and the salaries were $62,315, so only a very small part of the appropriation was spent in traveling back and forth.

Mr. EVANS of Nebraska. Now, Mr. Chairman and gentlemen of the committee, this is the situation: There are men appointed by the department who visit the different reservations. They go there when they please. The Indian estates are held up for years while the department controls their money, and finally, when the inspector comes, or one of those who determine the heirs, they visit the agency, take up those cases there present, go away, and perhaps do not come back again for several years. The only thing they do is to find out the heirs. I have in mind a case just now of one of the Indians on the reservation within the jurisdiction that I represent. There is no one left but a widow and a son, and yet you can not get those heirs determined. This is only one case. I hear the chairman say it is only one case, but it is the rule, and when they get there promptly it is the exception, and there is no question with any person who is familiar with this but what they are well paid if they get $15.

Mr. CARTER. But the gentleman's point of order does not do away with the system. It merely makes the Government Treasury pay for it.

Mr. EVANS of Nebraska. The point is this: That the service the Government renders is worth but $15. If the department squanders money and loses $65,000, the Indians' estates should not be made to pay for it. That is the point. There is no merit in it. If the department wishes to go on record that they can take care of these Indians' estates and determine the heirs, let it be done sensibly and not foolishly, as they have done it, and let them act promptly.

I wish to impress on the department the fact that they are not doing right, and that is the reason I am insisting on the point. I do not think it is a good policy, because you can take, by reason of your power, the money away from the Indians and so save the face of the department that is absolutely inefficient in this matter.

Mr. CARTER. I sympathize fully with what the gentleman says, because if there is any district that has been burdened or embarrassed with delays or departmental red tape it is the district that I have the honor to represent in Oklahoma. I know there is much virtue in what the gentleman says, and I will join with him at any time to cut out the red tape and to expedite and facilitate the settlement of these matters to the satisfaction of the Indians and all others concerned.

But, if my friend will permit, he is not accomplishing here in any wise what he seeks to do. In fact, if anything, he is going to make the procedure a little bit more slow and tardy, because he is allowing less money for the settlement of these estates, and the only thing we had in view, the only purpose I tried to serve here, was to save the additional expense of $65,000 which will be brought upon the Government unless this paragraph remains in the bill. I hope my friend from Nebraska, whom we will be very glad to straighten out on these matters, will bring all his powers of forbearance and consideration to bear and withdraw his point of order and let this good provision remain in the bill.

Mr. EVANS of Nebraska. Will you get the committee to say that they will support such a bill?

Mr. CARTER. I can speak for myself only; I can not speak for the committee; but I am sure the committee will give the gentleman's bill consideration any time he will bring it in, and I will be glad to help get it.

Mr. SNYDER. The chairman of the committee will be glad to call the committee together and give the gentleman all the time he wants in order to be heard on the question.

Mr. CARTER. I think the chairman will agree, further, that we will take some kind of action on it? [Laughter.]

Mr. SNYDER. Certainly we will.

Mr. EVANS of Nebraska. I do not think there is any danger of anybody dying of an enlargement of the heart as to that.

Mr. SNYDER. Will the gentleman withdraw his objection?

Mr. EVANS of Nebraska. If I withdraw the objection, I wish it to be understood it is not because of the promise that has been made. [Laughter.]

The CHAIRMAN. Does the gentleman from Nebraska make the point of order?

Mr. EVANS of Nebraska. I have reserved the point of order, as the gentleman from Missouri wishes to discuss the provision, and I have agreed to that.

Mr. RHODES. Mr. Chairman and gentlemen, I desire to remind the gentleman from Nebraska of one point which he seems to have overlooked. I concede in all frankness that the first impulse I had with regard to the position the committee should take on this proposition was to do exactly the thing which the gentleman suggests. But in the course of the discussion before the committee I was soon led to see that the Government of the United States through various acts of Congress had been appropriating the sum of $100,000 a year for the determination of Indian heirs, and we have the positive statement, coming from Mr. Meritt, assistant to the Commissioner of Indian Affairs, that there was an annual deficit in the sum of $65,000 arising to the Public Treasury every year on account of these appropriations. Then the question turned upon the equity in the case, and it was clear to every lawyer on the committee and to every man of experience in dealing with matters of that sort that there was no equity in a case involving a small estate carrying a charge of $15, when a large estate would only be subject to the same charge. Therefore I concluded that if by putting the increased charge upon an equitable basis we could save the Government this $65,000 annually, this provision should go into the bill, and therefore I consented.

Mr. EVANS of Nebraska. Why should you charge for finding the heirs of a $25,000 estate more than for finding the heirs of a $100,000 estate?

Mr. RHODES. I say that the equities of the case would justify the charge upon the same ground that a $100,000 estate should pay an attorney's fee of $10,000 when in the same court a $1,000 estate would perhaps not justify more than a $50 fee.

Mr. MacCRATE. What was the value of deceased Indians' estates last year?

Mr. SNYDER. It was $34,000,000.

Mr. RHODES. As a member of the committee I earnestly trust that the gentleman from Nebraska will withdraw the point of order. And for the further reason that the gentleman offers no remedy. His argument goes rather to the criticism of a practice for which neither you nor I nor the gentleman is responsible. The Indian Office is proceeding under existing law, and in the absence of some practical way by which the reform might be accomplished I take it the gentleman could not in good conscience urge his objection upon that ground.

The CHAIRMAN. Does the gentleman from Nebraska insist on the point of order?

Mr. SNYDER. Mr. Chairman, the gentleman making the point of order asks to have the section passed over until to-morrow. The chairman of the committee has no objection to that, unless some one else has, and it can be done. I ask unanimous consent that the provision be passed over.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this paragraph be passed over and not be considered until to-morrow. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, it seems to me it is wholly impossible to suppose the Government will permit the estates of any competent Indians to be settled without having some Government official pay attention to the subject.

Now, the heirship is found by the Government. If the heirship should be determined by probate or local court, the Government would still have the duty of protecting the Indian by examining the question of the heirship, because it could not trust the attorneys or other people connected with any court; sometimes could not trust the judge, as was the case a number of years ago in a number of specific cases, where the judges were in collusion with other people to rob the Indians. It seems to me, however, that instead of making a direct appropriation of $100,000 or any other sum for this purpose out of the Treasury, it ought to be an appropriation out of funds received from the work that is done. There is no reason why the Federal Government should pay out of its General Treasury the expense of probating or settling the estates of Indians who have property or of determining their heirship. It ought to be paid out of the funds received from the estate.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. I yield to the gentleman from Nebraska.

Mr. EVANS of Nebraska. Is it not a fact that in no estate handled by the department there is any money received but what has already been received under law from the sale of land, or something of that kind, and of which they have already had control?

Mr. MANN of Illinois. I do not know, and I could not answer the question. I do not know how they get the money. I know this, that it does not do anybody any good in this world to have them go along with the idea that they pay nothing themselves, but that it all comes out of Uncle Sam's Treasury. We hear that the Indians on the average probably have larger incomes, if not more property, than the white people of the United States. I do not know whether that statement is true or not, but many of them are very wealthy. Why on earth should the Government do all this work for them at the expense of the poor whites of the United States? [Laughter.] They are willing and able to pay the expense, yet it is proposed that we prevent their having the opportunity. However, I do not object.

The CHAIRMAN. Without objection, the paragraph is passed over without prejudice.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDUSTRY AMONG INDIANS (REIMBURSABLE).

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $100,000, or so much thereof as may be necessary, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1930: *Provided further*, That not to exceed $20,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians, and that no part of this appropriation shall be used for the purchase of tribal herds.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, I should like to ask the chairman of the committee in charge of the bill what is the reason for the extension from 1925 to 1930 of the time for the repayment of the sums expended for encouraging the Indians to become self-supporting?

Mr. SNYDER. There can be no defense for that except that much of the money that has been loaned to these Indians for the purpose of buying stock and implements and tools with which to operate their farms has not been returned, and all this money is loaned to the Indians on a contract to be paid back within five years.

Mr. TILSON. In the bill you require the Secretary of the Interior to make a contract for its repayment on or before June 30, 1930. Last year you used a six-year limit, 1925. This year you have raised the limit to 10 years, making it 1930.

Mr. SNYDER. In my judgment you might just as well make the limit 2179 as to make it 1930.

Mr. MANN of Illinois. They will not pay back any of it, anyway.

Mr. RHODES. Oh, Mr. Chairman, the statement that they never will pay it back is entirely incorrect, because the only respectable sum that has been reimbursed has been a sum appropriated for an industrial purpose.

Mr. SNYDER. But the gentleman does not mean to convey the idea that all of them will be by any means returned. It is a fact that this is the one branch of reimbursables that is a respectable proposition. Much of the money that has been loaned on these contracts will never come back, because the Indians fail, just as anybody else fails, and it will never be paid back. I imagine that this extension was put in here for the purpose of giving some delinquent a little more time, to see if he can pay or not.

Mr. TILSON. What do the last two lines of the paragraph mean, "*Provided*, That no part of this appropriation shall be used for the purchase of tribal herds"? Was there abuse heretofore?

Mr. SNYDER. The splendid efficiency of the Commissioner of Indian Affairs led him to have a penchant for purchasing tribal herds. We have already too many tribal herds and do not want any more, so that we put in here the proviso that no

part of this appropriation should be used for the purchase of tribal herds until we get rid of some of those we have got.

Mr. TILSON. You do, however, provide that the money may be used for the purchase of animals.

Mr. SNYDER. That is, where the farmer has to have a horse, or a team of horses, to work his farm. It does not mean that we will purchase a herd of horses or a herd of cattle.

Mr. TILSON. Does it not mean the purchase of animals for individuals, whereas heretofore the purchases were made for the tribe?

Mr. SNYDER. Yes; to purchase a sheep or a cow or a horse.

Mr. TILSON. For an individual?

Mr. SNYDER. Yes.

Mr. TILSON. But not for the tribe?

Mr. SNYDER. No.

Mr. REED of West Virginia. He owns a farm.

Mr. SNYDER. With reference to the tribal herds, that would be a tribal arrangement; it would not be for any one individual Indian. But in this case there are certain Indians that have allotments that they operate as a farm, on which they keep one or two head of cattle or a team of horses, the same as an ordinary farmer.

Mr. REED of West Virginia. The Government can not have a lien on it, can it?

Mr. SNYDER. Oh, yes. The Government has an absolute lien on each one of these items; but of course if an Indian dies, or if his cattle die, or his horses die, and he is unable to pay, he has to have an extension, just the same as anybody else.

Mr. TILSON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Connecticut withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

VEHICLES FOR INDIAN SERVICE.

That not to exceed $200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed $15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed $40,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. What is the necessity of this apparently large fleet of automobiles and horse-drawn vehicles that $200,000 is provided for? You could buy several gross of automobiles from the War Department for such a sum as that, I could imagine, if they should succeed in selling them. What is the necessity of any such amount as that for 300,000 Indians?

Mr. SNYDER. The gentleman reserves the point of order on the provision, but I understand it is not subject to a point of order. I would call attention to the fact that there are something like 6,000 Indian employees in the Indian Bureau outside the city of Washington—6,135, to be absolutely correct. Among that number are many farmers, stockmen, doctors, matrons, and mechanics who have to travel from one end of a reservation to the other. It used to be done by horse-drawn vehicles or on horseback; but since it has been discovered that a Ford can go anywhere a horse can go, or where a buggy can be drawn, and perhaps three times as quickly, it has been deemed advisable by the department to supply as many of them as possible with "tin Lizzies." I will say to the gentleman that one of the things we have tried to do is to be able to show to the House the next time we come before it with this bill a report that will contain what each one of these men purports to have done with his automobile, where he has been, how many Indian families he has visited, and what good he has done. That is not available to-day. This is no increase over the amount allowed last year. It is not an appropriation; it comes from available funds in other items appropriated for in a general way.

Mr. WALSH. But it is an appropriation.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. JOHNSON of Washington. There are 230,000 Indians in the United States?

Mr. SNYDER. Two hundred and twenty-nine thousand.

Mr. JOHNSON of Washington. And one employee to every six or seven Indians.

Mr. SNYDER. I have stated the number of Indians and the number of employees; I am not a lightning calculator.

Mr. JOHNSON of Washington. In the Quinault district the Indian agent advised them to buy horses. The agent told them that the automobiles would rust, but he forgot to tell them that the horses would starve to death, and that is what they did the following winter. [Laughter.]

Mr. WALSH. How many of these vehicles does the bureau own? It had $200,000 available last year.

Mr. SNYDER. The number of employees for 1918 in the schools was 2,630; agents, 2,391; field investigating and supervising force, 36; irrigation, 277; forestry, 115; probate work, 19; warehouse, 29. I am unable to tell the gentleman how many automobiles were used in each one of these services, but I think we may assume that there is a fair distribution of cars throughout the service.

Mr. WALSH. They have not all been furnished them.

Mr. SNYDER. Not yet; but they expect to be soon.

Mr. WALSH. If they have $200,000 made available every year, they soon will be. I would like to know whether the chairman of this committee, who has given his usual careful consideration to the matter, and a thorough investigation, is satisfied that there is any necessity for permitting the expenditure of this sum of money?

Mr. SNYDER. This, as the gentleman knows, is not an appropriation in itself. Of course, it is money to be spent, but it must be taken from the gross amount of other items in the bill.

Mr. WALSH. Have the other items in the bill been made large enough so that this $200,000 can be taken from them?

Mr. SNYDER. Yes.

Mr. WALSH. Then it comes pretty near being an appropriation. Will the gentleman point out what particular item they can take this $200,000 out of?

Mr. SNYDER. In the general fund for school support there is an amount included for the purchase of such automobiles as would be used for school service. The amount for health carries in it an item, in a general amount, for the purchase of these vehicles, and from each one of these funds a certain amount is drawn upon for the purchase of vehicles, and so forth.

Mr. CARTER. At each agency they have one or more automobiles, according to the size of the agency. Estimates are brought in for the support of the agency, and the upkeep, maintenance, and repair of the automobiles are included. Up until about 1915, as I now recall it, it had not been necessary to place this provision in the Indian bill, for the reason that prior to that time the law authorized the use of money for this purpose at each agency throughout the country where they had automobiles. At that time the gentleman from New York [Mr. Fitzgerald], chairman of the Committee on Appropriations, had an amendment put in the sundry civil bill, I think, or perhaps the legislative bill, which precluded the use of funds for the maintenance and purchase of automobiles and other passenger-carrying vehicles, so that the comptroller ruled that the fund could be used for that purpose under the Fitzgerald amendment. So the next year it was necessary for the Indian Bureau and other bureaus of the Government to bring in this provision authorizing the expenditure from the funds of applicable appropriations.

Mr. SNYDER. In this bill $15,000 is for horse-drawn vehicles and $40,000 for motor-propelled vehicles. That is a small percentage of the total amount appropriated here, and I do not think more than is necessary.

Mr. ELSTON. I have an analysis of the amount that was spent last year if the gentleman would like to have it.

Mr. WALSH. I would like to have it if the gentleman will answer this question first. Why should not the committee provide that the motor-propelled vehicles shall be obtained from the War Department that has many thousands of them now on hand?

Mr. SNYDER. I would like to ask the gentleman from Massachusetts if he has discovered anybody able to pry one of them loose from the War Department?

Mr. WALSH. I have not looked for anybody that has accomplished it.

Mr. SNYDER. I have had some experience in trying to secure an opportunity for some constituents of mine to purchase some of them, and have been unable to.

Mr. WALSH. If we provided by law that they should furnish these automobiles to the Indian Bureau, while they might not obey the law, still we might save a little money.

Mr. SNYDER. I do not think the Indian Service would suffer much if they did not buy a horse or an automobile for these purposes for a year, but this is only a small per cent of new vehicles as compared to the total amount of the appropriations which have been put in here, and if we took this out, we ought, in justice to the service, to go back and reduce each one of the items we have passed over; and we do not know just how much to take out of them, because this is spread over the whole service.

Mr. WALSH. I should like to have the information which the gentleman from California was going to give me.

Mr. ELSTON. In the justification for this item by the assistant commissioner he said that last year approximately $36,000 was spent for the purchase of new motor-propelled vehicles.

Mr. SNYDER. That is for the whole service.

Mr. ELSTON. That approximately $1,400 or $1,500 was spent for horse-drawn passenger vehicles and approximately $17,000 of the first-named amount, that is of the $36,000, was taken from tribal funds, so that it was not an expenditure out of the Government Treasury; and finally, that about $108,000 of the total amount was used for maintenance and operation of the vehicles. Now, in a total expenditure of about $170,000 that reduces the outlay out of the Treasury of the United States to the sum of about $17,000 for purchase of new motor-propelled vehicles.

Mr. WALSH. While I am not certain that this item is subject to a point of order, still I am inclined to think it is; but in view of the information given by the members of the committee, while I think it is rather dangerous to have too many automobiles running around loose out on those prairies, and I think it is just as dangerous to have them out there as it is to bring the Indians into the cities and let them be run over by the street cars, I do not think we ought to make so large an amount of money available for this purpose. Still the gentleman from New York [Mr. SNYDER] has given the matter consideration, and I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. WALSH. Mr. Chairman, I offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 17, line 17, after the word "service," insert "*Provided*, That such motor-propelled vehicles shall be purchased from the War Department."

Mr. SNYDER. As far as the chairman of the committee is concerned, he is willing to accept that.

Mr. ELSTON. I offer an amendment to that amendment, to add to the last word of the amendment the words "where possible." There may be absolute disposition made of these Ford automobiles, and I understand that is the kind that is purchased.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. MANN of Illinois. I suggest that the gentleman use the words "if practicable" instead of "where possible."

Mr. ELSTON. That is a good suggestion—if practicable.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

After the word "Department," insert "if practicable."

Mr. MANN of Illinois. Let us have the whole amendment reported.

The Clerk read as follows:

Provided, That such motor-propelled vehicles shall be purchased from the War Department if practicable.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from California [Mr. ELSTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Massachusetts.

Mr. TILSON. I suggest to the gentleman from Massachusetts that he add the word "*further*" after the word "*Provided*."

Mr. WALSH. I ask to modify my amendment by inserting after the word "*Provided*" the word "*further*."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Mr. WALSH: After the word "*Provided*" insert the word "*further*."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH] as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SUPPRESSING CONTAGIOUS DISEASES AMONG LIVE STOCK OF INDIANS.

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $50,000.

Mr. TINCHER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 17, strike out lines 18, 19, 20, 21, 22, 23, 24, and 25.

Mr. TINCHER. Mr. Chairman, it is my understanding that this appropriation is carried in the Agricultural appropriation bill. At any rate, the Agricultural appropriation bill carries an amount for this trouble, except that it does not appropriate money to pay for the destroyed animals.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. SUMMERS of Washington. To what trouble does the gentleman refer?

Mr. TINCHER. Dourine.

Mr. SUMMERS of Washington. Will the gentleman please describe that disease, tell us something about it?

Mr. TINCHER. Not being a veterinarian, I shall decline to yield for that purpose. I will say, however, that I listened attentively to a couple of days' testimony in the Agricultural Committee, given by men who explained that they had practically eradicated this disease in the United States. That is one appropriation that the Department of Agriculture was willing to see reduced. This simply illustrates the fallacy of two committees appropriating money for the same purpose and shows the injustice that will result. No white man receives pay from the Government for any animal that is destroyed by reason of its being affected with this disease, and it is not right for the Government to appropriate money to pay for the old Indian pony that is killed before it dies naturally to keep it from spreading the disease further.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HAYDEN. An attempt was made to destroy animals belonging to Indians without paying for them, and in one instance I know it resulted in the murder of the live-stock inspector who attempted to do so, because the Indian, not understanding that this is a very contagious disease——

Mr. TINCHER. Oh, I think the time has arrived in the United States when it is not necessary to appropriate money to give to the Indian to keep him from murdering officers of the United States, thus treating him differently from what we treat the white people. I do not think that argument in favor of this discrimination on this double appropriation ought to prevail.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. SNYDER. Does the gentleman understand that in the appropriation bill there will be carried an item to reimburse the Indians for the loss of horses or cattle under this provision?

Mr. TINCHER. Absolutely not; and there will not be an item to reimburse the whites for the loss of their horses under this provision. But the item appropriating money to eradicate the disease will be carried in the Agricultural appropriation bill, and it should apply to the Indians and the whites alike, and will apply alike, except this discrimination to pay the Indian for his horse because it is hard to explain to him that the horse is no good, when we do not pay the white man for his horse. That is the reason that the item ought to go out, and there ought not to be that discrimination, and there ought not to be the double appropriation. There will be two men to see these horses of the Indians, and one man to pay for them, and the Department of Agriculture has been honest enough with the Committee on Agriculture to admit that this disease is so nearly eradicated that they are asking for only a nominal amount for the whole United States; but here we are undertaking to pay $50,000 for old Indian ponies; and, of course, any one that is sick in any way will have this disease. I think we ought to stop it. It is time for economy, and here is an economy that will not work an injustice to any man, and this item ought to be stricken out of this bill.

Mr. HAYDEN. Mr. Chairman, the experience of the Bureau of Animal Industry in the Department of Agriculture in combating this disease on Indian reservations was that it was practically impossible to induce the Indians to round up their stock and have their horses killed if found diseased. The only practicable way of eradicating the disease in the entire United States is to stamp it out everywhere. So this has to be done on the Indian reservations as well as on the farms and ranges of white men. The white stockmen understand the nature of the disease, how contagious it is, and that if it is not eradicated a great loss will result to them. Consequently they are willing to have their stock sacrificed without compensation. The Indians do not and can not be expected to understand the gravity of the situation. In order to accomplish the final elimination of dourine this committee began an appropriation some years ago to pay the Indians for their horses when killed. The testimony at the hearings was that in the Northwest and practically

all over the United States this disease is under control, and that this appropriation will eradicate it in the remaining Indian reservations where it is still prevalent.

Mr. REED of West Virginia. Will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. REED of West Virginia. Who determines this? Is not this law a little weak; should it not be legally determined?

Mr. HAYDEN. Whether an animal is diseased is determined by officials of the Bureau of Animal Industry of the Department of Agriculture.

Mr. REED of West Virginia. This does not say so; but anybody may determine.

Mr. HAYDEN. The hearings state that the work is carried on by representatives of the Department of Agriculture who are engaged in the general dourine eradication work. When they kill an Indian horse the horse is appraised and paid for by the superintendent at the Indian agency. It therefore requires no extra number of officials to carry on the work.

Mr. TINCHER. They have diseased horses all over the United States that have this disease. Does the gentleman think it right to permit money to be paid for the Indian pony and not in other cases?

Mr. HAYDEN. It is impossible to induce the Indians on a large reservation to gather their horses and drive them in to have them killed unless they receive pay for the animals. Without rounding up and examining the stock the disease can not be stamped out. The only practical way to accomplish effective results is to pay for the Indian ponies when they are killed.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend fro[illegible] Mo.

Mr. TIMBERLAKE. I would like to hear some[illegible] this disease. What is it; something like tuberculosis in cattle?

Mr. HAYDEN. The gentleman will have to ask some veterinarian for an accurate description of this very contagious disease.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. TINCHER. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 25, strike out the figures "$50,000" and insert in lieu thereof the figures "$20,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. HAYDEN. Mr. Chairman, the testimony before the Committee on Indian Affairs is that last year there was expended on this work $70,000, and that the sum requested in this bill is absolutely necessary to complete the work. What is the advantage of taking two or three bites at a cherry, why not perform this service and be done with it? With an appropriation of $20,000 this year and an appropriation of $20,000 next year and an appropriation of $20,000 the following year to carry on this work no one knows how long it will take to eradicate dourine. Certainly much less can be accomplished by reducing the appropriation.

Mr. TINCHER. Mr. Chairman and gentlemen, the Department of Agriculture, Bureau of Animal Industry, testified before the Committee on Agriculture within 10 days that this disease was practically eradicated. Of course, they can find enough dead Indian ponies to expend the money. This Congress can appropriate the money and, of course, you can find enough worn-out Indian ponies to spend it on. I would not for a moment hinder the progress of the eradication of this disease, but when I hear a chief of a bureau testifying, in asking for an appropriation for the whole of the United States, for all the people, that the disease is practically eradicated, and I know this appropriation is a duplicate, I think it is time, if we are ever going to economize, that we should economize. I understood from the chairman of the committee they did not have any opposition to this reduction, and that is how I happened to offer the amendment. I know from the discussion by the Bureau of Animal Industry that this $20,000 will be sufficient, and what is the use——

Mr. HAYDEN. Does the gentleman know how much the Department of Agriculture asked for dourine work for the entire United States?

Mr. TINCHER. I do not remember the exact figures, but I will say this, that it is one of several items in which there was a large reduction.

Mr. CARTER. Has the gentleman noticed the fact that this does not apply only to dourine, but it applies to other contagious diseases as well?

Mr. TINCHER. I say if we appropriate $50,000 to pay for dead Indian ponies, of course it will be spent, and it is not right to do it.

Mr. CARTER. It is hardly fair for the gentleman to make such a statement as that. This money might be used for a great many things, for tick eradication in cases where Government funds could not be used on the reservation.

Mr. TINCHER. If you are going to use it for tick eradication it is more subject to my point than ever, because we are still appropriating more and more for tick eradication in other committees.

Mr. CARTER. We are still removing the quarantine line north every year. Practically the whole State of Oklahoma is now below the quarantine line, where a few years ago it was above the quarantine line.

Mr. TINCHER. The gentleman is on the committee. Do you state that you want to appropriate this money to be used for tick eradication?

Mr. CARTER. Yes; if necessary. I stated that I wanted it to be used for anything necessary for the purposes expressed in the paragraph; that is, for reimbursing Indians for live stock which may be hereafter destroyed on account of being affected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases.

Mr. TINCHER. The tick is not a contagious disease.

Mr. CARTER. But it causes the Texas tick fever.

Mr. HAYDEN. Mr. Chairman, the House should be guided by the evidence obtained at the hearings before the Committee on Indian Affairs, and according to the testimony submitted to us there every dollar of this appropriation is necessary. The gentleman from Kansas [Mr. TINCHER] brings to us not facts as substantiated by the record before the Committee on Agriculture, but only his recollection of what was said there with respect to the general conditions in the United States. We are all glad to hear that this disease of horses is about under control, but that does not controvert the testimony submitted to the Committee on Indian Affairs that if the full amount of this appropriation is not made the disease will not be eradicated.

Mr. HASTINGS. How much was expended last year?

Mr. HAYDEN. Seventy thousand dollars, and the year before $100,000.

Mr. HASTINGS. And this is a reduction of $20,000?

Mr. HAYDEN. In 1917 we appropriated $100,000 for this purpose, showing that it is a diminishing appropriation, which will not have to be continued indefinitely.

Mr. FESS. Will the gentleman yield? There is some objection to duplication.

Mr. HAYDEN. There is no duplication in this appropriation. The work of detecting dourine is done by the Bureau of Animal industry. When it is found, the horse has to be killed, and the animal is paid for out of this appropriation by the Bureau of Indian Affairs. So there is no duplication of work.

Mr. FESS. There is an amount provided in the Agricultural bill?

Mr. HAYDEN. No, sir. The amount provided for in the Agricultural appropriation bill is for the detection of dourine. The amount called for in this bill is to pay for animals killed when they have that disease.

Mr. FESS. There is no duplication?

Mr. HAYDEN. No, sir; none whatever.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. EVANS of Montana. I understood your statement to be that in the last bill the appropriation was $70,000?

Mr. HAYDEN. No. My statement was that the appropriations have varied. The amount actually expended during the fiscal year 1919 was $70,000, which included a balance from a former appropriation.

Mr. EVANS of Nebraska. The appropriation in the last bill was $50,000.

Mr. HAYDEN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. TINCHER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TINCHER. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, noes 22.

Mr. BLANTON. Tellers, Mr. Chairman.

Tellers were refused.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I wanted to be sure that our Republican chairman on the other side was not overlooking any bets.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVERTISEMENT FOR SALE OF INDIAN LANDS (REIMBURSABLE).

There is hereby appropriated, from any fund in the Treasury of the United States not otherwise appropriated, $6,000, or so much thereof as may be necessary, for the payment of newspaper advertisements of sales of Indian lands, reimbursable from payments by purchases of costs of sale, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. WALSH. Mr. Chairman, I move to strike out the last word to ask the chairman of the committee if the word "purchases" in line 17 should not be "purchaser"?

Mr. SNYDER. What it means is that the party to whom the land is sold must pay the cost of the advertisement.

Mr. WALSH. So the reimbursement is from the payment by the purchaser?

Mr. SNYDER. Yes, sir.

Mr. WALSH. If that is so, I will offer an amendment to strike out "purchases" and insert the word "purchaser."

Mr. SNYDER. There is no objection to that.

The CHAIRMAN. Without objection, the Clerk will make the correction.

The Clerk read as follows:

INDIAN SCHOOL PUBLICATIONS.

That hereafter the Commissioner of Indian Affairs may authorize the printing and issuing by Indian schools of such journals, magazines, periodicals, and other publications as, in his judgment, will aid in the education and civilization of the Indians: *Provided*, That no new publications shall be printed or issued at any Indian school.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to make a point of order against the paragraph, beginning on line 20 and ending on line 26.

Mr. HAYDEN. Mr. Chairman, I hope the gentleman from Washington will reserve his point of order for a moment.

Mr. JOHNSON of Washington. I will reserve it.

Mr. HAYDEN. Mr. Chairman, this item affects 17 publications at Indian schools, only 4 of which are published oftener than monthly. Under a law passed during the war, when a number of Government bureaus in Washington were having their printing done away from the Government Printing Office, directing that all printing for the various departments should be done at the Government Printing Office unless authorized by the Joint Committee on Printing, the Joint Committee on Printing, not having in mind these field publications, issued a general order which stopped the printing of publications at all the Indian schools.

The value of these publications is not only in the dissemination of news and intelligence among the students but at every Indian school there are Indian boys who are learning the printer's trade in connection with the preparation of their school magazines. I know of a number of Indian boys who have graduated from the Phoenix Indian School in Arizona and who are now employed as printers by the newspapers throughout the State. If this authority is refused, such instruction can no longer be given. Neither would it be desirable to have the manuscript of these Indian school magazines sent to Washington to be printed in the Government Printing Office.

Mr. JOHNSON of Washington. I may say to the gentleman that I think all these publications, provided they do not cost in excess of $1,500 a year, can go on as heretofore; but this is new legislation. It is not proper to give such a blanket authorization for Indian school printing.

Mr. SNYDER. The gentleman will observe that it is provided in the proviso that no new publications shall be printed or issued at any Indian school. This applies only to those schools which have printing appliances for the purposes of vocational training, and it is to enable them to start up again.

Mr. JOHNSON of Washington. I supposed that something like that would come up at the request of the Indian Bureau. I may say that during the war authority was given to the Committee on Printing to do certain things in the endeavor to reduce the amount of Government printing, and it was provided that Indian-school publications may be continued as authorized heretofore, provided the annual cost did not exceed $1,500 in any one instance.

Mr. HAYDEN. Do I understand that such is the existing law?

Mr. JOHNSON of Washington. No. It is a regulation of the Joint Committee on Printing, provided they print without advertising. That is why some of them can not go on.

Mr. HAYDEN. Why should not an Indian-school publication be permitted to solicit advertisements in order to encourage the production of a decent sized publication?

Mr. JOHNSON of Washington. I will tell the gentleman why. Here, for example, is the Indian News, published at Genoa, Nebr.; 600 copies; annual cost, $832; subscription money received as income, $24. Now, you run that along through the entire number of Indian schools and it simply adds to the mass of Federal printed matter. They do not go outside and print it and conduct it as a self-sustaining concern. They are looking to the Government.

Mr. HAYDEN. But under the regulations of the Joint Committee on Printing, of which the gentleman from Washington is a member, they could have expended $1,500 in that manner at the Genoa Indian School.

Mr. JOHNSON of Washington. That is true; but it seems that only four or five of them were able to come up to that.

Mr. BLANTON. Mr. Chairman, practically every State in the Union, as I understand, with respect to its wards has provided for compulsory education. Concerning these 17 publications, affected by this reservation of a point of order, I desire to call the attention of the committee to the fact that while the United States Government, with respect to the only ward it has concerning education, Indian children, has a compulsory education law, it is absolutely unenforced, and consequently many of the Indians remain just as we found them, ignorant and uneducated.

How long is this going to continue? Of course, a great many Indians are sending their children to school, but you will still find grown-up Indians now who can not speak the English language.

Mr. SNYDER. Is the gentleman talking to this amendment or to the point of order?

Mr. BLANTON. What is the use of having these publications continued unless we are going to provide for the education of the Indians so that they can read them?

Mr. SNYDER. All we are trying to do here is to reestablish the same provisions and rights as to these publications in the Indian schools that they had previous to the operation of some law passed during the period of the war. It was pointed out to the committee that during the period of the war these publications which were carried on at the schools, had to be sent here to Washington and printed at a much greater expense than it could be done in the schools. It took away from the schools the advantage of the vocational training the people received who worked upon these publications in the schools. All the committee is trying to do is to put the publications back in the schools with the same rights they had before this law took it away from them.

Mr. BLANTON. I merely want to ask the chairman of the committee why should not this compulsory education law be enforced with regard to the Indians?

Mr. SNYDER. I attempted to have it enforced in this bill, but unfortunately it was subject to a point of order, and some gentleman made that point.

Mr. BLANTON. Why not put in a provision which will cause it to be enforced?

Mr. SNYDER. Because the legislation was subject to a point of order, and some gentleman made the point of order, and it was stricken out.

Mr. BLANTON. If there is a law providing for compulsory education of the Indians, then a provision in the appropriation bill requiring the appropriation to be used only when that existing law is put in force would not be subject to a point of order, I take it.

Mr. SNYDER. The gentleman does not want this committee to put the Indian Bureau entirely out of business at once, does he?

Mr. BLANTON. No; but what is the use of having a law on the statute books if it is not enforced?

Mr. SNYDER. We have endeavored here in many ways to put just such a restriction on appropriations.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order.

Mr. HASTINGS. Will the gentleman withhold his point of order a minute longer?

Mr. SNYDER. Has the gentleman from Washington made his point of order finally?

Mr. JOHNSON of Washington. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HASTINGS. I move to strike out the last word. Mr. Chairman, I want to discuss the influence of these Indian publications.

Prior to the Declaration of Independence, when we were yet colonies, there was an Indian born of a full-blood woman down here in the State of Georgia. His mother could not speak a word of English and neither could he. When he grew up to young manhood he invented an alphabet. He was the Cadmus of the Indian tribes. Later on a newspaper was established in Georgia, printed in the Indian language, which newspaper was called the Phoenix. Later, when the Indians removed west, this paper was removed west also and printed there. It had a wholesome influence among the Indians where the paper circulated. Religious tracts and documents of various kinds and songs were published in the Indian tongue and circulated

among them. It had a very great civilizing influence among the Five Tribes and contributed very largely to their uplift. What that Indian paper accomplished for the Cherokee Indians and the Five Civilized Tribes these publications accomplish, in a lesser degree, in stimulating education and enlightenment among the Indians. Some three or four years ago the State of Oklahoma, recognizing the great services of Sequoyah, passed a resolution as a result of which his statue is now out here in Statuary Hall. I deply regret that the gentleman from Washington [Mr. JOHNSON] has seen fit to make a point of order against this provision.

Mr. JOHNSON of Washington. Will the gentleman yield for a statement?

Mr. HASTINGS. I will be glad to.

Mr. JOHNSON of Washington. It will interest the gentleman to know that the entire circulation of the 17 Indian school papers is not to exceed 9,000 copies. They all grew up without authority of law, and have cost the United States Government a pretty penny.

Mr. HASTINGS. We appropriate in one item in this bill, I believe, $1,600,000 for the education of the Indians of the country. I do not know of any more beneficial appropriation that is contained in this bill than that for the education of the youth of the Indians of the country, and I believe that these Indian school publications, like the publications in the white schools throughout the United States, have a very beneficial effect upon the schools. I think it is a sad mistake that the point of order should be made and this item eliminated.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that the gentlemen have been proceeding by unanimous consent.

Mr. FESS. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I sympathize with the effort to minimize the evils that grow out of so many agencies in the Government and divisions of activity, but I very deeply sympathize with what the gentleman from Oklahoma has just said. I think that if any member of the committee will run back over his memory as to what he did in the way of editing a college publication or a high-school publication, that that Member will confess that it was one of the best trainings that he ever received in all of his school career. It is not so much for the information that is given as it is for the practice of the student or the pupil—a student if a college and a pupil in the high school.

The membership of this committee will be interested in a little incident that occurred about six years ago when I happened to be in the composing room of one of the greatest religious thinkers in America, at the head of one of the greatest religious publications of the country, edited in Boston. He called the head printer to show the first page of the Christian Endeavor World. The printer brought two copies, and immediately the editor said this is much the better, and I remarked that I did not see the difference, that it must be the eye of a trained printer that could see the difference. Then he began to show me what was on one that was not on the other, to show the advantage or the superiority of the one over the other. He incidentally remarked to me that when he was the editor of a college paper in Yellow Springs, Ohio, in Antioch College, he got his training for the work that he was then doing. The statement of that editor of one of the greatest religious publications in the world, one of the finest critics in the country, indicates the training that a publication will give to individuals if it is properly conducted.

I sympathize with what the gentleman from Oklahoma has said. But these publications are being abused, and as to these numerous publications in the departments, I think we ought to take a meat ax to them. I am not sure, however, that this is not a mistake in cutting this particular feature out of the bill.

The Clerk read as follows:

That hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business, or other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized and directed, under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests, to be paid by vendees, lessees, or assignees, or from the proceeds of sales, the amounts collected to be used for defraying in whole or in part the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned.

Mr. CRAMTON. Mr. Chairman, I wish to reserve a point of order on the paragraph. I would like to hear from the chairman or some member of the committee as to what they think of the propriety of arranging that these fees shall be apparently placed entirely at the disposal of the Indian Service rather than to have them turned into the Treasury, as I think has been generally acknowledged to be the better practice.

Mr. ELSTON. That matter was discussed with the assistant commissioner as a practical administrative concern. He stated that the various fees that would be charged under this paragraph would be collected in various reservations scattered all over the country; that it would be much easier to apply them for authorized purposes for which appropriations had been made, and to that extent reduce the authorized appropriation, leaving at the end of the fiscal year a surplus which would lapse into the Treasury.

Mr. CRAMTON. Is the gentleman sure that the language in the bill would accomplish that result? It looks to me as if the section provides that the Secretary of the Interior may fix the fees wherever he desires. The bureau, instead of turning them into the Treasury so that Congress may know what is going on, could make use of this in defraying the administration expenses of anything for that service; not necessarily expenses that have been authorized by Congress, but perhaps additional expenditures and additional services that Congress has not authorized.

Mr. ELSTON. I will read an inquiry that I put to the assistant commissioner respecting this very thing. I said to him:

Do you not think it would be better to rephrase that to say that this amount should be covered into the Treasury, so that the committee would know just what the additional needs would be for which you expected to use these collections and in that way have some control over the use of additional funds by the bureau? These collections may amount to several hundred thousand dollars, and if they come into your hands they might be used on the reservations in addition to the appropriations made for particular purposes for those reservations.

I made another reference to this same matter, asking whether the clause would not have the effect of authority for the expenditure of these collections in addition to appropriations made for this purpose on the reservations, being in fact a reappropriation of the amounts collected instead of being covered into the Treasury, so that the matter was fully brought out in the discussion of that very clause when it was before the committee. The assistant commissioner's reply was in effect that the provision as it now appears would afford a much easier and more direct way of taking care of these collections.

Mr. CRAMTON. Mr. Chairman, that is always the attitude that any branch of the Government will take. If they can keep their hands on the money and have it freely at their disposal, they prefer to have it in that way. Here in the District we collect fees. I know the last provided for was for the inspection of elevators, and instead of letting the commissioners use that money to hire as many elevator inspectors as they desired we specify the amount that they may use for the hiring of inspectors and require that the fees be turned into the Treasury. I think that is the universal practice.

Mr. ELSTON. I would say that I have read very rapidly the responses to Mr. Meritt to my inquiry, and the effect of what he says is that the use of these funds will reduce the amount of the appropriations, and that the surplus will lapse into the Treasury.

Mr. CRAMTON. I have the greatest confidence in the gentleman from California, and so great is that confidence that I agree with him entirely in what was his first interpretation of the section.

Mr. ELSTON. I hope if the gentleman desires to do anything with the paragraph that he will agree to modify it rather than make the point of order. I suggest that he propose an appropriate amendment. This section is a very good piece of legislation, in my opinion.

Mr. CRAMTON. The gentleman does not have to argue with me about that. I agree with him entirely. The only thing in my mind is the proper disposition of the money, and I am agreeable if the gentleman suggests an amendment that the amount collected be covered into the Treasury of the United States.

Mr. SNYDER. I will accept that.

Mr. CRAMTON. Then I withdraw the point of order.

Mr. SNYDER. Mr. Chairman, then, as a committee amendment, I move that, in line 11, after the word "be," we strike out the rest of the paragraph and insert the words "covered into the Treasury as miscellaneous receipts."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 11, after the word "be," strike out the remainder of the paragraph and insert the words "covered into the Treasury as miscellaneous receipts."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $24,300; for general repairs and improvements, $5,000; in all, $29,300.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. SNYDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11368, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 263. A joint resolution, extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public, No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2902. An act to amend section 5182, Revised Statutes of the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CULLEN, for 10 days, on account of the death of his mother.

To Mr. BELL, for 15 days, on account of official business in connection with the Official Postal Commission.

ADJOURNMENT.

Mr. SNYDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Thursday, January 8, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (H. R. 10700) to authorize the judges of the United States Court of Customs Appeals to be assigned to any district or circuit court of appeals of the United States and conferring the jurisdiction of said courts upon them while so assigned, reported the same with amendments, accompanied by a report (No. 532), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 11554) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 533), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRELD: A bill (H. R. 11537) to provide for an appropriation for the payment of special assessment for paving, curbing, and guttering Nineteenth Street, Oklahoma City, Okla., adjacent to real estate owned by the United States and used and occupied by the Weather Bureau; to the Committee on Public Buildings and Grounds.

By Mr. FULLER of Illinois: A bill (H. R. 11538) to repeal certain provisions of the act of March 3, 1899 (30 Stat. L., 1379), relating to widows' pensions; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11539) to define the term "honorable discharge" in the administration of the pension laws; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11540) providing for cooperation in the enforcement of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. MAPES: A bill (H. R. 11541) providing for a survey of Grand Haven Harbor in the State of Michigan, with a view of securing increased depth in the entrance channel; to the Committee on Rivers and Harbors.

By Mr. WHALEY: A bill (H. R. 11542) for the purchase of a site for a public building at Walterboro, Colleton County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11543) for the purchase of a site for a public building at St. George, Dorchester County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11544) for the purchase of a site for a public building at Summerville, Dorchester County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11545) for the purchase of a site for a public building at Manning, Clarendon County, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS of Nevada: A bill (H. R. 11546) to treat the transportation of mails between Palisade, Nev., and Eureka, Nev., as other than railroad service; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN: A bill (H. R. 11547) to organize the civilian engineers in the service of the Engineer Corps of the United States Army; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11548) for the consolidation of forest lands within the Clearwater, St. Joe, and Coeur d'Alene National Forests; to the Committee on the Public Lands.

By Mr. GRIEST: A bill (H. R. 11549) providing for the erection of a public building at the city of Lancaster, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11550) to provide for the purchase of a site for a public building at Columbia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. RAMSEYER: A bill (H. R. 11551) to amend an act entitled "An act to amend and modify the war-risk insurance act," approved December 24, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS: A bill (H. R. 11552) to authorize the acquisition of a site and the erection of a Federal building at Ozark, Christian County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. KETTNER: A bill (H. R. 11553) for the relief of the Imperial Valley, Calif., and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. SELLS: A bill (H. R. 11554) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House and ordered to be printed.

By Mr. HASTINGS: A bill (H. R. 11555) prohibiting the bringing into the United States and the carrying and transporting therein, from one State, Territory, or District to another State, Territory, or District, of pictures, films, moving-picture film or films purporting to show or to simulate the acts and conduct of ex-convicts, desperadoes, bandits, train robbers, bank robbers, or outlaws in the commission or attempted commission of crime or acts of violence; and to prohibit the use of the mails in carrying communications relating to the same, and providing punishment therefor; to the Committee on the Judiciary.

By Mr. GRIFFIN: A bill (H. R. 11556) making the 11th day of November in each and every year a legal public holiday; to the Committee on the Judiciary.

By Mr. HARRELD: A bill (H. R. 1157) prohibiting the bringing into the United States and the carrying and transporting therein, from one State, Territory, or District to another State, Territory, or District, of pictures, films, moving-picture film or films purporting to show or to simulate the acts and conduct of ex-convicts, desperadoes, bandits, train robbers, bank robbers, or outlaws in the commission or attempted commission of crime or acts of violence; and to prohibit the use of the mails in carrying communications relating to the same, and providing punishment therefor; to the Committee on the Judiciary.

By Mr. GRIFFIN: A bill (H. R. 11558) providing for the erection and completion of a public building in the Borough of the Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. BAER: A bill (H. R. 11559) providing for appropriation for the purpose of making examinations and surveys and preparing plans and estimates of cost and for constructing projects for regulating the stream flow and controlling the flood waters of the Red River of the North and its tributaries; to the Committee on Flood Control.

Also, resolution (H. Res. 432) for an additional clerk to the Committee on Expenditures in the Department of Agriculture; to the Committee on Accounts.

By Mr. CRAMTON: Concurrent resolution (H. Con. Res. 42) for the discharge and return to America of all American citizens now serving in the military forces of Poland, upon application of such soldiers for discharge; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11560) for the relief of William A. Duff; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 11561) granting a pension to Mary Davis Silveira; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11562) granting an increase of pension to Nathaniel Henry; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11563) granting a pension to Allen H. Wilson; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 11564) granting an increase of pension to Sarah A. Christy; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 11565) granting a pension to Mary F. Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11566) granting a pension to Martha B. Sipes; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11567) granting a pension to Elizabeth Yeates; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11568) granting an increase of pension to Frederick Dupont; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 11569) granting a pension to Emerson Safford; to the Committee on Pensions.

By Mr. OGDEN: A bill (H. R. 11570) for the relief of the National Laundry Co.; to the Committee on Claims.

By Mr. RIORDAN: A bill (H. R. 11571) for the adjudication by the Court of Claims of the claim of George Chorpenning under contract with the United States for carrying the mails; to the Committee on Claims.

By Mr. ROWE: A bill (H. R. 11572) for the relief of the John E. Moore Co.; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 11573) granting a pension to Anson T. Lazier; to the Committee on Pensions.

By Mr. VOIGT: A bill (H. R. 11574) granting an increase of pension to Charles J. S. Arey; to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 11575) for the relief of August Herzer; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 11576) granting an increase of pension to Robert C. Abel; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11577) granting a pension to Sarah Keys; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

688. By Mr. KEARNS: Petition of sundry citizens of Winchester, Ohio, favoring the modification of the revenue act of 1918, regarding season tickets to theaters; to the Committee on Ways and Means.

689. By Mr. MAPES: Petition of E. J. Flemming, general secretary of the Church of the Nazarene, favoring the amendment of the preamble of the National Constitution; to the Committee on the Judiciary.

690. By Mr. MORIN: Petition of members of Railroad Men's International Benevolent Industrial Association, Local No. 6, Pittsburgh, Pa., urging elimination of Anderson amendment in the Esch-Cummins bill; to the Committee on Interstate and Foreign Commerce.

691. Also, petition of Steel City Lodge, No. 591, Brotherhood of Railway Clerks, Pittsburgh, Pa., urging Government control of railroads for full period of 21 months after formal declaration of peace in order to have time for a thorough investigation of railroad legislation; to the Committee on Interstate and Foreign Commerce.

692. By Mr. O'CONNELL: Petition of the General Shunk Post, No. 23, Grand Army of the Republic, of Marion, Ind., appealing for the Andersonville prisoners of the Civil War; to the Committee on Invalid Pensions.

693. By Mr. ROWAN: Petition of president and secretary of Dairymen's League of New York City, favoring passage of the Capper-Hersman bill; to the Committee on the Judiciary.

694. Also, petition of four citizens of Brooklyn, N. Y., favoring passage of the Johnson soldier bill; to the Committee on Military Affairs.

695. Also, petition of National Farmers' Union, favoring development of nitrate plant at Muscle Shoals, Ala.; to the Committee on Agriculture.

696. Also, petition of Twenty Year Club of the Watervliet Arsenal, expressing gratitude for work on civil-service retirement bill; to the Committee on Reform in the Civil Service.

697. Also, petition of Carroll Dunham Smith Pharmacal Co., of New York, opposing Siegel bill (H. R. 8315); to the Committee on Interstate and Foreign Commerce.

698. Also, petition of Flint (Mich.) Board of Commerce, asking legislation to remove income tax on mortgages up to $40,000 owned by individuals; to the Committee on Ways and Means.

699. Also, petition of the Syrian Arabian Independence Committee, advocating an American mandate for Syria; to the Committee on Foreign Affairs.

700. Also, petition of Rust Products Co. of America, advocating revision of income tax on corporate products; to the Committee on Ways and Means.

701. Also, petition of S. G. Rosenbaum, in connection with return of railroads; to the Committee on Interstate and Foreign Commerce.

702. Also, petition of Elbert Miller, for National Association of Owners of Railroad Securities, asking protection of their interests in the return of the railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

703. Also, petition of Guaranty Post No. 104, American Legion, New York, N. Y., favoring universal military training; to the Committee on Military Affairs.

704. Also, petition of Spokane Chamber of Commerce, in connection with irrigation of western lands; to the Committee on Irrigation of Arid Lands.

705. Also, petition of County Sligo Men's Social and Benevolent Association in connection with foreign loans; to the Committee on Ways and Means.

706. Also, petition of O. F. Taussig, of New York, favoring constructive railroad legislation; to the Committee on Interstate and Foreign Commerce.

707. Also, petition of Isaac Schorr, of New York, submitting brief in favor of aliens now being investigated for deportation as undesirable; to the Committee on Immigration and Naturalization.

708. Also, petition of Good Railway Service Association, of California, in connection with the return of the railroads; to the Committee on Interstate and Foreign Commerce.

709. Also, petition of Knowles-Bradley Co., of New York, protesting against passage of the Kahn bill (H. R. 10329) in connection with the Muscle Shoals cyanamid plant; to the Committee on Military Affairs.

710. By Mr. SNELL: Resolution of Saranac Lake Post, No. 447, New York, American Legion, indorsing the home-for-soldiers bill (H. R. 5345) introduced by Representative MORGAN; to the Committee on the Public Lands.

711. Also, resolution of Saranac Lake Post, No. 447, American Legion, declaring itself opposed to all radical movements by any organization or individual, and to any expression of anarchistic or un-American sentiment on the part of any organization or individual; also condemning the Centralia outrage, and favoring any movement or legislation which may tend to destroy the organization whose agents participated in it; to the Committee on the Judiciary.

712. By Mr. TAGUE: Petition of Eugene R. Kelley, M. D., commissioner of public health, Boston, Mass., opposing the Calder bill, S. 3011; to the Committee on Interstate and Foreign Commerce.

713. Also, petition of employees of the Boston Navy Yard, opposing the antistrike clause in the Cummins bill; to the Committee on Interstate and Foreign Commerce.

714. By Mr. TINKHAM: Petition of Louis W. Stotesby, of New York, favoring retention of the National Guard on a militia basis; to the Committee on Military Affairs.

715. Also, petition of employees and personnel of Boston Navy Yard, requesting additional work for that establishment; to the Committee on Naval Affairs.

716. By Mr. VAILE: Petition of the board of directors of the Denver Civic and Commercial Association, opposing House bill 9038; to the Committee on Interstate and Foreign Commerce.

717. Also, petition of the Denver (Colo.) Civic and Commercial Association, indorsing the Jones-Reavis bill providing for the unification of the engineering activities of the Government in a department of public works; to the Committee on Expenditures in the Interior Department.

718. By Mr. WATSON: Petition of Friends of Irish Freedom, John Mitchell Branch, favoring the sending of a minister and consuls to Ireland; to the Committee on Foreign Affairs.

719. Also, petition of Musicians' Protective Association, Local No. 211, American Federation of Musicians, of Pottstown, Pa., against the strike clause of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

720. By Mr. YATES: Petition of Hibbard, Spencer, Bartlett & Co., Chicago, Ill., urging the passage of Congressman MADDEN'S bill for the reduction of letter postage; to the Committee on the Post Office and Post Roads.

721. Also, petition of E. V. Price & Co., Chicago, Ill., urging the passage of House bill 8581; to the Committee on the Post Office and Post Roads.

722. Also, petition of Canton Gas & Electric Co., Canton, Ill., and Sterne & Klein Co., Chicago, Ill., favoring Congressman MADDEN'S bill for 1-cent letter postage in cities, towns, and rural routes; to the Committee on the Post Office and Post Roads.

723. Also, petition of the Amboy News, Amboy, Ill., urging congressional action relieving country newspapers from high prices of print paper due to extraordinary shortage; to the Committee on Ways and Means.

724. Also, petition of Board of Commerce, Flint, Mich., by E. B. Linabury, urging passage of a bill rescinding the income tax on mortgages owned by any individual up to $40,000; to the Committee on Ways and Means.

725. Also, petition of W. P. McKinney, Chicago, Ill., advocating a certain method of assessing the income tax on corporations by assessing the tax on gross sales instead of corporate profit; to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 8, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the path of peace and of privilege and of blessing has been marked out for us in Thy Holy Word and Thou dost send forth Thy spirit into the hearts of men to guide them in the way of all truth. We present ourselves to Thee, we trust, with open hearts, that we may be inspired to think Thy thoughts after Thee, to work out the plan of life Thou hast committed to us, that we may glorify Thy name and help with our lives to lift men to higher levels of life. We ask Thy blessing to this end. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

REPORT OF GEN. PERSHING.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War calling attention to the concurrent resolution providing for the printing of 100,000 copies of Gen. Pershing's official report, without charts or maps, and requesting that in the printing of the report the charts and maps be included. The communication will be printed and referred to the Committee on Printing for action.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2902. An act to amend section 5182, Revised Statutes of the United States; and

H. J. Res. 263. Joint resolution extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

THE FOREIGN POLICY OF ANDREW JACKSON.

Mr. SHERMAN. Mr. President, to-day is the anniversary of the Battle of New Orleans and will be duly celebrated in divers parts of the United States. In view of the fact that Gen. Jackson died June 8, 1845, thirty years afterwards, and as we are now engaged in an effort to more or less connect ourselves with the British Empire by diplomacy and by financial underwriting of great burdens, I have deemed it proper to present on behalf of a constituent certain extracts from the messages and public papers of Gen. Jackson when he was President of the United States, from 1829 to 1837. I ask that they be printed in the RECORD at length, without reading, for the enlightenment of the gentlemen who will animadvert upon that subject this evening.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

THE FOREIGN POLICY OF ANDREW JACKSON.

December 6, 1830: "The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this Nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations.

"The negotiations in regard to such points in our foreign relations as remain to be adjusted have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression, and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all, ever ready to fulfill our engagements with scrupulous fidelity, limiting our demands upon others to mere justice, holding ourselves ever ready to do unto them as we would wish to be done by, and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest." (Second annual message to the Senate and House of Representatives, in The Statesmanship of Andrew Jackson, pp. 83 and 90, by Francis Newton Thorpe, Ph. D., LL. D.)

December 6, 1831: "The pacific and wise policy of our Government kept us in a state of neutrality during the wars that have at different periods since our political existence been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal had all in a greater or less degree infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have in some cases, a leading influence on the nature of our relations with the powers on whom they were made.

"I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward, open course to pursue, guided by a single principle that will bear the strongest light, we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult, and in subjecting all we have done to the consideration of our citizens and to the inspection of the world we give no advantage to other nations and lay ourselves open to no injury." (Third annual message, Ibid., pp. 135 and 146.)

December 4, 1832: "Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his Country on this subject, condensed into a maxim for the use of posterity by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a

faithful performance of the duties incumbent on us as a neutral Nation, and our own citizens may equally rely on the firm assertion of their neutral rights." (Fourth annual message, Ibid., p. 178.)

"In the view I have given of our connection with foreign powers allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy and will always be avoided." (Fourth annual message, Ibid., p. 184.)

March 4, 1833: "The foreign policy adopted by our Government soon after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during my administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted." (Second inaugural address, in Messages and Papers of the Presidents, p. 1222, Vol. III.)

December 3, 1833: "Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to a policy so just and so congenial to the character of the American people and to the spirit of their institutions." (Fifth annual message, in The Statesmanship of Andrew Jackson, p. 282.)

December 1, 1834: "Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside." (Sixth annual message, in Messages and Papers of the Presidents, p. 1324, Vol. III.)

December 7, 1835: "A convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing and powerful inducements held out to the citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorneys of the United States where indications warranted it to prosecute without respect to persons all who might attempt to violate the obligations of our neutrality, while at the same time it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties." (Seventh annual message, in Messages and Papers of the Presidents, p. 1370, Vol. IV.)

"The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note of the 29th of January, to which I have before alluded, was not the only one which our minister took upon himself the responsibility of presenting on the same subject and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he know could never be complied with, he thought it a duty to make another attempt to convince the French Government that whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offense, yet we could never admit a right in any foreign Government to ask explanations of or to interfere in any manner in the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had in a former note been fully and voluntarily stated before it was contemplated to make the explanation a condition; and that there might be no misapprehension he stated the terms used in that note, and he officially informed them that it had been approved by the President, and that therefore every explanation which could reasonably be asked or honorably given had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was therefore not only useless but might be deemed offensive, and certainly would not be complied with if annexed as a condition." (Seventh annual message, in Messages and Papers of the Presidents, p. 1378, Vol. IV.)

December 5, 1836: "It is already known to you by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found on the most severe scrutiny that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should of itself teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconcilement of various and conflicting interests, necessarily a work of time and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated on the sole ground that the obligations of this Government to itself and to Mexico under treaty stipulations have compelled me to trust a discretionary authority to a high officer of our Army to advance into territory claimed as part of Texas if necessary to protect our own or the neighboring frontier from Indian depredation." (Eighth annual message, in Messages and Papers of the Presidents, pp. 1456 and 1457, Vol. IV.)

March 3, 1837:

"To the Senate of the United States:

"In my message to Congress of the 21st of December last I laid before that body without reserve my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that 'the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper and in conformity with the laws of nations and the practice of this Government in like cases that the independent political existence of said State be acknowledged by the Government of the United States.' Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it is my duty to acquiesce therein, and therefore I nominate Alcee La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

"ANDREW JACKSON."

(Messages and Papers of the Presidents, pp. 1500 and 1501, Vol. IV.)

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a concurrent resolution adopted by the Legislature of the State of North Dakota, requesting the speedy ratification of the peace treaty with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the covenant of the league of nations. I ask that the resolution lie on the table and be printed in the RECORD.

The concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, William J. Prater, secretary of the senate of the special session of the Sixteenth Legislative Assembly of the State of North Dakota, do hereby declare and certify that the following concurrent resolution was introduced in the senate by Senator Thorwald Mostad; was passed by the senate December 10, 1919, and concurred in by the house of representatives December 10, 1919.

Dated at Bismarck, N. Dak., this 10th day of December, A. D. 1919.

[SEAL.] WILLIAM J. PRATER,
Secretary of the Senate.

Concurrent resolution.

Be it resolved by the senate, the house of representatives concurring, Recognizing and commending the splendid service President Wilson rendered to his country and to all mankind through his untiring efforts as a statesman to secure world peace, we regret that his health and physical strength became exhausted before his work for peace of the world was completed.

We ask a speedy ratification of the peace treaty with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the covenant of the league of nations. The honor of our arms and our devotion to the principles of democracy demand that Congress take action to bring about peace to a war-weary world at the very earliest date possible.

Be it further resolved, That the secretary of state send a copy of these resolutions to President Woodrow Wilson and to each Senator and Member of Congress from North Dakota.

Mr. KNOX presented petitions of Local Lodge No. 134, of Lancaster; Local Lodge No. 103, of Sharon; Local Lodge No. 329, of Kane; Local Lodge No. 170, of Butler; Local Lodge No. 751, of Duquesne; Local Lodge No. 1196, of Pittsburgh; Local Lodge No. 123, of Scranton; and of Local Lodge No. 631, of Lebanon, Benevolent and Protective Order of Elks; and of Post No. 84, Department of Pennsylvania, Grand Army of the Republic, of Lancaster, all in the State of Pennsylvania, praying for the enactment of legislation providing for the suppression of anarchy and the deportation of undesirable aliens, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Brighton and Pittsburgh, in the State of Pennsylvania, praying for the enactment of legislation providing for the retirement of superannuated Government employees, which were ordered to lie on the table.

He also presented a petition of the Public School Nurses' Association, of Philadelphia, Pa., praying for the enactment of legislation providing for the incorporation of relative rank for Army nurses in the proposed Army reorganization legislation, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 170, Benevolent and Protective Order of Elks, of Butler, Pa., praying for the enactment of legislation providing for the purchase of Mammoth Cave, Ky., by the Government and its conversion into a national park, which was referred to the Committee on Public Lands.

He also presented a petition of the Wayne County Organization of the Dairymen's League, of Pennsylvania, praying for the adoption of the so-called Capper-Hersman amendment to the antitrust law fostering cooperative collective bargaining by farmers, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Central Labor Union of Scranton, Pa., favoring the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the faculty and students of the Perkiomen School, Pennsburg, Pa., expressing sympathy with the Korean people in their effort for a free government, which was referred to the Committee on Foreign Relations.

Mr. MCKELLAR (for Mr. SHIELDS) presented a petition of sundry citizens of Madisonville, Tenn., praying for the ratification of the treaty of peace with Germany, which was ordered to lie on the table.

Mr. LODGE. I present certain resolutions from the Roosevelt Club of Massachusetts, and ask that they may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE ROOSEVELT CLUB,
Boston, January 6, 1920.

In the matter of the league of nations, the executive committee of the Roosevelt Club of Massachusetts, at a meeting January 6, 1920, herewith respectfully and unanimously urges upon the President and his representatives in the Senate to recede from their positions and to make such concessions as will enable the immediate ratification of the treaty.

CHARLES SUMNER BIRD.
R. M. WASHBURN.
HARCOURT AMORY, Jr.
GASPAR G. BACON.
GEORGE P. DRURY.
WALTER H. FOSTER.
GEORGE V. L. MEYER.
B. LORING YOUNG.

The following action was taken by the members of the club by an affirmative vote of 542 to 92:

Moved: In the matter of the proposed league of nations, in the interest of an agreement and immediate ratification, that the Roosevelt Club herewith respectfully urges upon the Hon. HENRY CABOT LODGE and the Hon. DAVID I. WALSH, Senators from Massachusetts, such concessions as may be made consistent with the so-called Americanization of the covenant and the safety of the people of the United States.

R. M. WASHBURN,
Vice President.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 730) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891 (Rept. No. 356); and

A bill (H. R. 2950) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes (Rept. No. 357).

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment:

H. R. 348. An act to add certain lands to the Ochoco National Forest, Oreg.;

H. R. 8028. An act to add to the Oregon, Siuslaw, and Crater National Forests in Oregon certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States, and for other purposes; and

H. R. 8508. An act restoring to Amy E. Hall her homestead rights and providing that on any homestead entry made by her she shall be given credit for all compliance with the law on her original homestead entry and for all payments made on same.

Mr. STERLING, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2442) authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation (Rept. No. 358); and

A bill (S. 2786) authorizing the sale of lands in Gregory County, S. Dak. (Rept. No. 359).

LUMBER RIVER BRIDGE, NORTH CAROLINA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 8661) to authorize the Kingsdale Lumber Corporation to construct a bridge across the Lumber River, near the town of Lumberton, N. C., and I submit a report (No. 349) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Kingsdale Lumber Corporation, its lessees, successors, and assigns, be, and they are hereby, authorized and empowered to construct, maintain, and operate a bridge and approaches thereto across Lumber River at a point suitable to the interests of navigation, near the town of Lumberton, Robeson County, N. C., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREAT PEEDEE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 9947) to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Peedee River at or near the town of Cheraw, S. C.,

and I submit a report (No. 350) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That J. L. Anderson and H. M. Duvall, their successors and assigns, be, and they are hereby, authorized and empowered to construct, maintain, and operate a bridge and approaches thereto across Great Peedee River at a point suitable to the interests of navigation and at or near the town of Cheraw, Chesterfield County, S. C., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCK RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10135) for the construction of a bridge across Rock River, at or near East Grand Avenue, in the city of Beloit, Wis., and I submit a report (No. 351) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the city of Beloit, in the State of Wisconsin, be, and the same is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near the point where East Grand Avenue, in said city of Beloit, crosses the said Rock River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONNECTICUT RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10558) granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River, in the Commonwealth of Massachusetts, and I submit a report (No. 352) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Connecticut River Railroad Co., its lessees, successors, and assigns, be, and they hereby are, authorized to construct, maintain, and operate a bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, one end of said bridge being in the city of Holyoke and the other in the city of Chicopee, Mass., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10847) granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi, and I submit a report (No. 353) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Marion County, State of Mississippi, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near "the Branton old ferry," in Marion County, State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMBIGBEE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11025) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River, near Iron Wood Bluff, in Itawamba County, Miss., and I submit a report (No. 354) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the board of supervisors of Itawamba County, Miss., is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation near Iron Wood Bluff, in Itawamba County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RURAL HOMES.

Mr. SMOOT. From the Committee on Public Lands I report back favorably with amendments the bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, and I submit a report (No. 355) thereon.

Mr. President, I wish simply to say that this bill is following out the recommendations made by the Secretary of the Interior in his annual report for the fiscal year ended June 30, 1919. It is of vast importance to the people of the United States, and is not sectional in character in any respect whatever, as it contemplates the establishment of rural homes in all parts of the United States, with no expense whatever to the Government of the United States. I am therefore going to ask at the very earliest possible date for the consideration of the bill.

In this connection I ask that the bill be printed in the RECORD and that there also be printed in the RECORD a portion of the report of the Secretary of the Interior referring to the bill.

Mr. KING. I desire to ask my colleague if there is a report made by the committee accompanying the bill?

Mr. SMOOT. I will say there is a report accompanying the bill, which I also desire may be printed in the RECORD in connection with the bill.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior, through the Reclamation Service, is authorized to investigate and determine the feasibility of developing tracts of land in private ownership, by reclamation and otherwise, for the purpose of subdividing the land and disposing of the same in farms and parcels at reasonable prices.

SEC. 2. That after the Secretary of the Interior has determined the feasibility of a project, he is authorized, through the Reclamation Service, to develop the land to such extent, and dispose of the same in farms and parcels in such manner and upon such terms as to him shall be deemed most feasible and practicable.

SEC. 3. That no moneys of the United States shall be expended for any of the purposes of this act, nor shall either the investigation or development of any project be commenced or any obligation incurred therefor until a contract shall have first been made by the Secretary of the Interior with the owner or owners of the land, providing for the payment in advance of sufficient moneys to meet the cost of such investigation or development. The moneys provided by every such contract shall be deposited with the Treasurer of the United States as a trust fund, and shall be disbursed by a duly authorized fiscal officer of the Government under the direction of the Secretary of the Interior and in accordance with the terms of such contract.

SEC. 4. That every contract for development of a project shall provide, among other things, that the developed farms and parcels shall be sold to persons who desire to occupy the same as homes, at the actual cost of the land and the development thereof plus a definite reasonable profit to the owner or owners stated in advance therein. All contracts for the purchase of lots and farms shall be made payable to the owner or owners of the land or their assigns.

[Senate Report No. 355, Sixty-sixth Congress, second session.]

The Committee on Public Lands, to whom was referred the bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, having considered the same, report favorably thereon, with the recommendation that the bill do pass with amendments.

Page 1, line 5, after the word "ownership," insert the words "within any State or Territory."

Page 2, lines 19 to 21, amend the last sentence to read: "All contracts for the purchase of farms and parcels shall be made for, and the moneys due thereunder shall be payable to, the owner or owners of the land or their assigns."

This bill has the hearty approval of the Interior Department, as is evidenced by the following letter from the Secretary of that department:

DECEMBER 10, 1919.

MY DEAR SENATOR: I am in receipt of your letter of December 5, transmitting copy of bill S. 3477, and requesting report thereon.

The bill is entitled: "A bill to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes."

The bill authorizes the use of the Reclamation Service, under the direction of the Secretary of the Interior, in the development of reclamation projects to be entirely financed by private capital or by the sale of local district bonds, and is applicable not only to the West but to all parts of the United States.

There can be no doubt that the work of continental conquest, which has very largely made the greatness of America, must go on during the

coming years, at least, to the extent of increasing the cultivable area in approximately the same ratio to the increase in population.

When the fertile prairies of the West were open to settlement the Nation had no difficulty in keeping its agriculture even in advance of its rapidly growing population. The conditions to-day are such as to require aggressive leadership on the part of the Government, although private initiative and capital are the best dependence for enterprise. The demands upon the National Treasury are now so great that it is not only prudent but essential that private capital should be enlisted so far as possible to meet the needs of the time.

The primary object of the measure is to safeguard and promote the interests of that portion of our people who seek to obtain prosperous homes upon the land and who must often begin with slender resources. A serious factor in the general trend from the farm to the city at the present time is the high cost of small tracts favorably located with respect to markets and transportation, together with the size of initial investment required.

There are millions of acres of potentially rich lands which may be purchased in large tracts at a very low price in their present condition; but, nevertheless, small parcels suitable for immediate cultivation can seldom be had excepting at greatly increased figures, due to large selling expenses, interest accruing until disposition of subdivided areas, and speculative profits. The short period allowed to complete full payments is an added handicap to the settler.

It is clearly in the interest of the Nation that the people should be assisted and encouraged to own rural homes. This can be done by assuring them of thorough and scientific investigation of lands and their improvement by some process of reclamation, such as irrigation, drainage, clearing, or refertilization made by trained engineers, economists, and administrators in the service of the Government. The extent of wasted effort and human tragedy resulting from settlers buying poor land, badly located, at unreasonable prices, and upon such terms of payment as seriously to jeopardize their ultimate success has in recent years been appalling.

Under the operations of this bill it is believed settlers will be able to effect savings equaling as much as one-half and more of the prices they ordinarily pay for small rural holdings. This would be the case, first, because landowners would enter into contracts for the sale of their property on a prereclamation basis; second, because the heavy charges of sale agencies and interest accruing until disposition of subdivided areas could be practically eliminated. Settlers would probably save enough on the first cost of the land to pay for all their improvements and live stock. These savings would aggregate tens of thousands and possibly millions of dollars; and further, the terms of payment could be made such as to give purchasers at least a reasonable chance of success.

All that has been said applies with equal force to protection of the investor in securities, who has often been the victim of avoidable mistakes.

It will be possible also for the Government, under the terms of this measure, to lend substantial assistance in the organization of communities, and this condition should favorably affect both their commercial and social life.

The bill is intended to be country wide in its application, but as the language provides for administration through the Reclamation Service, there is danger of an interpretation that it would apply only to the arid States of the West. It is therefore suggested that on page 1, line 5, there be inserted, after the word "ownership," the words "within any State or Territory."

In line 20, page 2, the expression "lots and farms" is used, while elsewhere in the bill the expression for describing the land is "farms and parcels." To correct this discrepancy and also to make it entirely clear that the purpose of the last sentence of the bill, lines 19 to 21, page 2, is that the United States shall act only in a representative capacity and not as a principal, and that any contracts for the sale of the improved lands are to be made for the benefit of the owner thereof, who has advanced the price of their reclamation or improvement, I suggest that the said last sentence be amended to read:

"All contracts for the purchase of farms and parcels shall be made for, and the moneys due thereunder shall be payable to, the owner or owners of the land or their assigns."

With these slight changes I recommend the passage of this bill.

Cordially, yours,

(Signed.) FRANKLIN K. LANE,
Secretary.

Hon. REED SMOOT,
Chairman Committee on Public Lands,
United States Senate.

[Extract from annual report of the Secretary of the Interior for 1919.]

"We must go forward with the development of natural resources as we have done for the past three centuries. And we must recognize at the outset that conditions have changed with the depletion of the public domain to the point where it offers comparatively little in the way of cultivable lands.

"We have now to deal principally with lands in private ownership. This calls for a new point of view, and for the application of a somewhat different principle than that which has governed our reclamation policy heretofore. Moreover, reclamation is no longer an affair of one section of the United States. The day has come when it must be nationalized and extended to all parts of the Republic.

"To the deserts of the West we have brought the creative touch of water, and we must find a way to go on with this work. But it is of equal importance that we should liberate rich areas now held in bondage by the swamp, convert millions of acres of idle cut-over lands to profitable use, and raise from the dead the once vigorous agricultural life of our abandoned farms.

"One more fundamental consideration—we have outlived our day of small things. Whether we would or not, we are compelled by the inexorable law of necessity arising out of existing physical conditions to cooperate, to work together, and to employ large-scale operations and on this principle we should move: Not what the Government can do for the people, but what the people can do for themselves under the intelligent and kindly leadership of the Government.

"We have an instrument at hand in the Reclamation Service which has dealt with every phase of the problem which now confronts us, and with such high average success as to command the entire confidence of Congress and the country. It has turned rivers out of their natural beds, reared the highest dams in existence, transported water long distances by every form of canal, conduit, and tunnel; installed electric power plants, cleared land, provided drainage systems, constructed highways and even railroads, platted town sites, and erected buildings of various sorts. In this experience, obtained under a variety of physical and climatic conditions, it has developed a body of trained men equal to any constructive task which may be assigned to it in connection with reclamation and settlement in any part of the country."

LANDS IN ARKANSAS.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 8084) granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Utah. A similar bill passed the Senate at the last session.

Mr. BORAH. I do not desire to object, but I wish the Senator would state the object of the bill.

Mr. ROBINSON. The bill proposes to give a preferential right to certain persons to purchase certain areas of alleged public lands in the State of Arkansas, the lands being a portion of what are known as the "sunk land" areas. Titles to these lands were acquired by the preferential purchasers designated in the bill under State law, the Interior Department having in two formal opinions disavowed any claim of title to the lands. Subsequently, however, the Interior Department asserted title to the lands, and a decree or opinion was rendered that the legal title to the lands was in the Government. In the meantime, however, and under the title acquired from the State the preferential purchasers had drained the lands, cleared and improved them, and placed them in a high state of cultivation. This bill simply proposes to give them the right to purchase at a nominal sum the lands designated. As I have stated, a similar bill has previously passed the Senate during the last session, but reached the House too late for consideration there.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That G. W. House, Oliver Douglas, J. W. Rhodes, W. K. Harrison, and J. W. Rhodes, jr., named in the decree of the chancery court of Mississippi County, Ark., Osceola district, at the February, 1913, term thereof, as the same appears in the records of said court, book 7, pages 43 to 54, inclusive, their heirs, administrators, or assigns, are hereby granted a preferential right at any time within 90 days after the passage of this act and the filing of the plats of said corrected survey in the United States land office in Little Rock, Ark., to purchase said lands of the United States and to pay for the same at the rate of $1.25 per acre in accordance with the divisions and allotments to said person or persons, respectively, named in said decree: *Provided, however,* That if the parcel of land awarded to said person or persons in such decree does not conform to the legal description of lands as returned by the corrected survey, then the person to whom the major portion of any legal subdivision was awarded by said decree may purchase all of such subdivision from the United States at the price herein named, and said purchase shall be in trust for that portion of land awarded under said decree to the person named therein, his heirs or grantees, and such purchaser, upon the issuance of said patent to him, shall forthwith convey to said cestui qui trust such land as was awarded by the terms of said decree to said person upon payment by said cestui qui trust of his proportionate part of the purchase price and entry fees for the same.

Said lands herein authorized to be purchased are all that part of said sections 29, 30, 31, and 32, township 11 north, range 10 east, fifth principal meridian, Mississippi County, Ark., not included as land in the survey made in February, 1846, which was designated upon the township plat approved December 23, 1846, as "Goldens Lake."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, I ask that the report of the House Committee on the Public Lands on the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

[House Report No. 346, Sixty-sixth Congress, first session.]

The Committee on the Public Lands, to whom was referred H. R. 8084, a bill affecting certain lands in Mississippi County, Ark., report the same with certain amendments, with a recommendation that as amended it do pass.

Amendment No. 1: Strike out the preamble.

Amendment No. 2: Strike out line 3, page 2, and insert: "That G. W. House, Oliver Douglas, J. W. Rhodes, W. K. Harrison, and J. W. Rhodes, jr., named in the decree of the chancery court of Mississippi County, Ark., Osceola district, at the February, 1913, term thereof, as the same appears in the records of said court, book 7, pages 43 to 54, inclusive, their."

Amendment No. 3: On page 3, lines 17 and 18, strike out the language following "1846" and insert "which was designated upon the township plat approved December 23, 1846, as 'Goldens Lake.'"

The committee having carefully considered other suggested amendments in the report of the Secretary of the Interior, thought it unwise to accept those amendments.

The committee was especially moved to reject the suggestion of $6 an acre, because of additional expense that had been incurred by those in whose behalf this bill was introduced, in agreeing with would-be homesteaders on these lands.

These lands, as it appears from the report of the Department of the Interior, were by the present claimants taken possession of, drained, and improved in good faith. The Government had repeatedly disclaimed any title to or interest in them. These lands, by reason of drainage and other improvements made by these parties by whom this measure is proposed, are now valuable.

There are no conflicting or adverse claimants. Mr. A. J. Tellier, assistant to the Attorney General, who has had charge of the litigation of the Government affecting these lands, recommends that this measure pass. It is but an act of simple justice.

The report of the Secretary of the Interior is herewith printed as a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, August 21, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I have the honor to acknowledge the receipt of your request of August 2, 1919, for a report upon H. R. 8084, introduced by Hon. T. H. CARAWAY, July 31, 1919, entitled "A bill granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes."

The particular lands referred to in the bill comprise an area of 1,099.51 acres that was shown upon the official plat of township 11 north, range 10 east, fifth principal meridian, Arkansas, approved December 23, 1846, as a portion of a meandered lake designated "Golden Lake." The Land Department rendered a decision on August 2, 1917, asserting title on behalf of the Government to the lands within the so-called Goldens Lake area and directed the survey thereof. The lands have since been surveyed and the area which is described in H. R. 8084 is now shown as portions of sections 29, 30, 31, and 32 upon a supplemental plat of township north, range 10 east, approved February 7, 1919.

H. R. 8084 appears with a few exceptions to be similar to bills H. R. 13400 and S. 5492 which were introduced in the House of Representatives and in the Senate during the third session of the Sixty-fifth Congress by Hon. JOHN E. RAKER and Hon. JOE T. ROBINSON, respectively. On January 7, 1919, and February 12, 1919, I submitted reports upon those bills to the chairman of the House Committee on Public Lands and to the chairman of the Senate Committee on Public Lands. I am inclosing herewith copies of said reports.

At the time that I reported upon H. R. 13400 I was advised by the Commissioner of the General Land Office that certain of the parties for whose relief the bill was introduced had represented to him that there were then no bona fide settlers upon the lands described in the bill. In order that the interests of all parties should be duly safeguarded, however, it was suggested that the following worded proviso be inserted:

"*Provided, however,* That this act shall not be applicable to any lands embraced within valid homestead entries heretofore made, or upon which any valid settlement had been made, and which at the date of the passage of this act was being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to be applicable to any entry or settlement claim, with reference to which the entryman or settler shall hereafter fail to comply with the law under which said entry or settlement claim was made; and further."

(See committee printed Reports Nos. 1007 and 721 on H. R. 13400 and S. 5492, Sixty-fifth Congress, third session, which remained unenacted when Congress adjourned on Mar. 4, 1919.)

With reference to this proposed legislation, I will state that I still adhere to what I said in my previous reports; that is, that I am not opposed to the enactment of the legislation, provided that the rights of bona fide settlers, if there be any, are properly safeguarded. After the introduction of the above referred to bills during the Sixty-fifth Congress, a number of petitions were received by the Land Department from persons who alleged that they had endeavored to settle upon the lands that were to be affected by the proposed legislation, and they strenuously protested against its passage. Copies of these protests were submitted by me to the Senate Public Lands Committee.

The price which the lands were to be sold for, according to the provisions of H. R. 13400 and S. 5492, was fixed at $6 per acre. The price has been placed at $1.25 per acre in the present bill. It was my understanding at the time that I submitted my previous reports that the persons for whose benefit the proposed legislation was introduced were willing to pay what the lands would be reasonably worth at the present time if they had not been improved. It appeared at that time that $6 per acre was probably a reasonable price. The price fixed in the present bill appears to be somewhat arbitrary without taking into consideration the actual value of the lands. I am not aware of any reason why the prospective purchasers should not be required to pay at least the amount incorporated in the original bills.

It is stated in the last paragraph of H. R. 8084 that the lands authorized to be purchased are all of those portions of sections 29, 30, 31, and 32, township 11 north, range 10 east, Arkansas, that were not included as land in the survey made during February, 1846. I desire to call to your attention the fact that portions of sections 29 and 30 were shown upon the plat approved December 23, 1846, as being within the area of "Round Lake." An act of Congress (Private No. 48, 65th Cong., 3d sess.) was approved March 4, 1919, authorizing the Government to sell the so-called Round Lake area at $12.35 per acre. It is obvious that the present bill does not propose to embrace any lands within the so-called Round Lake area. I suggest, therefore, that after the words, "in February, 1846," line 17, page 3, the words, "and approved December 23, 1846," be stricken out and that the following words be inserted: "which was designated upon the township plat approved December 23, 1846, as 'Golden Lake.'"

As the plats of the corrected survey have not yet been filed, to avoid ambiguity and misunderstanding section 1 should be changed so as to provide for the exercise of the preferential right at any time within 90 days after the passage of the act and the filing of the plats of the corrected survey in the United States local land office at Little Rock, Ark.

In this connection your attention is invited to my report of July 21, 1919 (copy inclosed), on S. 2231, which is a general bill that would cover not only the case of Golden Lake, but other similar cases in the State of Arkansas. The department has heretofore expressed a preference for the more general legislation as represented by said S. 2231. Since my report on that bill, however, attorneys representing practically all of the interested parties, both settlers and riparian owners in the Golden Lake area, have conferred with the Land Department and have stated that a compromise agreement has been reached between the riparian claimants and the settlers as to the lands constituting the subject matter of this bill (H. R. 8084), while the riparian claimants to the balance of the Golden Lake area do not contemplate receiving any benefits from any legislation, either general or special, as represented by the pending bills herein referred to, but will, rather, depend entirely on opposing the Government's claims to the lands in question in suits that will be brought in the Federal court to quiet the title to the Goldens Lake area in the Government. Under these circumstances this bill (H. R. 8084) will doubtless serve to dispose of the Goldens Lake area as completely as would a general bill, and therefore this department will interpose no objection thereto if amended as herein suggested.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1919.

Hon. SCOTT FERRIS,
Chairman of the Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request of December 17, 1918, for report upon H. R. 13400, introduced by Hon. JOHN E. RAKER, December 14, 1918, entitled "A bill granting to certain claimants a preference right to purchase certain public lands in the State of Arkansas."

The particular lands referred to in the bill comprise an area of approximately 1,100 acres that was shown upon the official plat of township 11 north, range 10 east, fifth principal meridian Arkansas, approved December 23, 1846, as a portion of a meandered lake designated "Golden Lake." If the said area had been surveyed, it would have comprised portions of sections 29, 30, 31, and 32 of that township.

The so-called Golden Lake area is one of a number of similar so-called lake areas situated in the northeastern part of Arkansas which have been involved in cases in which the Government has asserted title to the lands, on the ground that said areas were lands in place at the dates of the original surveys and were erroneously or fraudulently meandered as bodies of water, when they should have been surveyed as portions of the public domain. The Land Department rendered a decision August 2, 1917, in which it held that the title to the land within the area of so-called "Golden Lake" is vested in the Government. The lands have since been surveyed. The entire area embraces approximately 5,000 acres situated in townships 10 and 11 north, ranges 9 and 10 east.

The above-referred-to bill, if enacted, will affect that portion of the so-called lake area which is situated in township 11 north, range 10 east.

Certain of the so-called lake areas, the title to which has been asserted by the Land Department decisions, have been involved in suits to quiet title instituted on behalf of the Government against the alleged riparian owners and others who were claiming adversely to it. Some of said suits have been decided in favor of the Government and others are still pending. One of the suits was taken to the United States Supreme Court and a decision favorable to the United States was rendered by that court November 5, 1917. (Lee Wilson & Co. *v.* United States, 245 U. S., 24.) The so-called Golden Lake area has not been involved in any of the above-referred-to suits.

It seems that the purpose of H. R. 13400 is to grant to the persons specifically named in the bill a preferential right to purchase from the Government the unsurveyed lands in sections 29, 30, 31, and 32, township 11 north, range 10 east, at $6 per acre.

I am advised that said parties acquired the title to the adjoining surveyed lands many years ago, in fact, before the Land Department took steps to assert title to any of the erroneously meandered areas in northeastern Arkansas; that, being in doubt as to whether the unsurveyed lands belonged to them or to the Government, they upon two separate occasions endeavored to ascertain the attitude of the Land Department with reference thereto, whereupon opinions were rendered by two former Secretaries of the Interior to the effect that the Government had no interest in or title to any unsurveyed lands in Arkansas which had been meandered as sunk lands or lakes; they, relying upon those opinions, the riparian claimants, in good faith, believing that they had a valid title, took possession of certain of the lands within the so-called "Golden Lake area" and proceeded to clear and drain them at their own expense and have since cultivated them together with the lands included within their private holdings; that before being drained the lands were of little value, but that they have since become greatly enhanced in value.

The Commissioner of the General Land Office advises me that while an actual appraisal of the lands has not been made by him, yet he is of the opinion that the price fixed in the bill probably represents approximately what the lands would be reasonably worth if they had not been drained and otherwise improved at the expense of the riparian claimants. The Commissioner of the General Land Office further advises me that the greater portions of the so-called lake area are embraced within claims initiated by settlers who are claiming under the homestead laws; that certain of the parties for whose relief H. R. 13400 has been introduced have represented to him that there are no bona fide settlers upon the lands described in said bill, and that consequently their equities, which have in good faith been established, should be entitled to due consideration to the extent that they should be awarded a preference right to purchase the lands.

While the riparian claimants to the so-called lake areas in northeastern Arkansas doubtless had reason to suppose that they had valid title to those areas, yet it subsequently developed that they had no title that could be recognized by the courts, and, not being qualified to make entry under the public-land laws, the Land Department can not grant them relief.

It is apparent that certain of the owners of surveyed lands adjoining that portion of so-called Golden Lake which is situated in township 11 north, range 10 east, have equities that ought to be recognized to the extent that they should be awarded to preferential right to purchase the lands at a reasonable price. Congress alone has the authority to say

how the public lands should be disposed of. It, therefore, seems to be a subject for appropriate legislation. See the concluding paragraph in the opinion of the United States Supreme Court in the case of Lee Wilson & Co. *v.* United States.

I therefore approve of the purpose sought to be accomplished by this bill, but in order to safeguard the rights of persons that may have settled upon the lands pursuant to the homestead laws with the intention of entering the same when the lands shall be made subject to entry, if there be any such persons, I have to suggest that the following be inserted as a new proviso after the word "decree," line 10, page 2, of the bill as now drafted.

"*Provided, however,* That this act shall not be applicable to any lands embraced within any valid homestead entry heretofore made, or upon which any valid settlement had been made and which at the date of the passage of this act was being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to be applicable to any entry or settlement claim with reference to which the entryman or settler shall hereafter fail to comply with the law under which said entry or settlement claim was made; and further."

If your committee is not satisfied as to the sufficiency of the price fixed in the bill it might be further amended by providing that the persons named should be permitted to buy the land at the appraised value thereof, exclusive of any added value resulting from drainage or improvements.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

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DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1919.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of a request, dated February 1, 1919, for a report upon S. 5492, introduced January 31, 1919, by Hon. JOE T. ROBINSON, which proposes to grant to certain claimants a preference right to purchase certain public lands in the State of Arkansas.

S. 5492 appears to be a companion bill to H. R. 13400, which was introduced during the present session of the Sixty-fifth Congress by Hon. JOHN E. RAKER, December 14, 1918. On January 7, 1919, I submitted a report upon that bill to the chairman of the House Committee on the Public Lands, in which I set forth my attitude relative thereto. I am inclosing herewith a copy of my report of January 7, 1919.

At the time that the report was made upon the House bill I was advised by the Commissioner of the General Land Office that certain of the parties for whose relief the bill was introduced had represented to him that there were then no bona fide settlers upon the lands described in the bill. In order that the interests of all parties should be duly safeguarded, it was suggested in the report that the following worded proviso be inserted after the word "decree," line 10, page 2, of the bill as drafted: "*Provided, however,* That this act shall not be applicable to any lands embraced within any valid homestead entry heretofore made or upon which any valid settlement had been made and which at the date of the passage of this act was being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to be applicable to any entry or settlement claim with reference to which the entryman or settler shall hereafter fail to comply with the law under which said entry or settlement claim was made; and further."

On January 29, 1919, H. R. 13400 was committed to the Committee of the Whole House and ordered to be printed in the form in which it was originally drafted. A printed report (No. 1007, 65th Cong., 3d sess.) was submitted on behalf of the House Public Lands Committee by Mr. TILLMAN, in which the greater portion of my report of January 7, 1919, was published verbatim. That portion of my report, however, which suggested the insertion of the above-quoted proviso was omitted.

On January 25, 1919, T. E. Allyn, attorney at law, Marked Tree, Ark., addressed a letter to the President with which he inclosed a petition executed January 23, 1919, by a so-called settlers' association composed of persons who alleged that they had settled upon the lands within the Golden Lake area; a petition signed by the settlers individually; and a petition signed by persons who alleged that they had endeavored to settle upon the particular lands that will be affected by H. R. 13400 (S. 5492) if enacted. The petitioners strenuously protested against the enactment of the bill. The correspondence was referred to the Commissioner of the General Land Office and he has directed that an investigation be made with the view of ascertaining the facts relative to the claim asserted by the petitioners. I am inclosing herewith copies of the petitions protesting against the proposed legislation.

While I approve of the purpose sought to be accomplished by S. 5492, yet in view of the protests that have been submitted with reference to this proposed legislation, I am convinced that the rights of persons that may have settled upon the lands pursuant to the homestead laws with the intention of entering the same when the lands shall be made subject to entry, if there be any such persons, should be safeguarded and I am strongly of the opinion, therefore, that the proviso suggested by me in my report of January 7, 1919, to the chairman of the House Committee on Public Lands, ought to be inserted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

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DEPARTMENT OF THE INTERIOR,
Washington, July 21, 1919.

Hon. REED SMOOT,
Chairman of Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of a request, dated July 1, 1919, for a report upon S. 2231, introduced June 23 (calendar day, June 24), 1919, by Hon. JOSEPH T. ROBINSON, entitled "A bill granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas."

The proposed legislation contained in S. 2231 had its inception during the third session of the Sixty-fifth Congress. During that session a bill (S. 5566) was introduced by Senator ROBINSON authorizing the Department of the Interior to sell an unsurveyed area, locally known as "Round Lake," situated in Mississippi County, Ark., to certain riparian claimants thereof, who alleged that they had, under the belief that they were the owners of said area, in good faith drained and otherwise improved the lands. Inasmuch as that bill was in the nature of special legislation, pertaining only to that particular area, it was mentioned in the report which was submitted at the request of the Senate Public Lands Committee that there were doubtless other areas similarly circumstanced in the State of Arkansas, and it was suggested, therefore, that a bill more in the nature of general legislation be substituted in order that relief might be extended to claimants of such areas where they could show that they are entitled to receive it. Subsequently during the same session other bills, S. 5492 and S. 5611, were introduced proposing to grant similar relief to riparian claimants of certain lands within an area locally known as "Golden Lake," also situated in Mississippi County, Ark. S. 5566 was approved March 4, 1919 (Private 48). The other bills remained on the calendar when Congress adjourned.

It appears that when the original surveys were made in Arkansas many years ago numerous areas were meandered as lakes and rivers. Within recent years a number of cases have been presented to the Land Department, as a result of which decisions were rendered to the effect that the surveys were in many instances erroneous or fraudulent. The title to areas that had been shown on the official plats as water-covered areas which were involved in those cases is still vested in the United States. Other cases of similar character are being constantly presented. A number of suits have been instituted on behalf of the Government against alleged riparian owners, and others, claiming adversely to it, with a view to quieting title to certain of the so-called lake areas, and some of said suits have been decided in favor of the Government, and others are still pending. Lee Wilson & Co. *v.* United States (245 U. S., 24) is the leading case on the subject.

I am advised that in certain instances persons acquired title years ago to some of the originally surveyed lands adjoining the erroneously meandered areas; in fact, before the Land Department took steps to assert title to the unsurveyed lands; that, being in doubt as to whether the unsurveyed lands belonged to them or to the Government, they, upon two separate occasions, endeavored to ascertain the attitude of the Land Department with reference thereto, whereupon opinions were rendered by two former Secretaries of the Interior to the effect that the Government had no interest in or title to such meandered areas in the State of Arkansas; that, relying upon those opinions, they, in good faith, believing that they had valid titles, took possession of certain of the unsurveyed lands shown on the plats as lakes and rivers, and drained and cleared them at their own expense and have since cultivated them, together with the lands included within their plantation; that before being drained the lands were of little value, but that they have in some instances now been reduced to a high state of cultivation and have become quite valuable; that in a few cases buildings have been constructed by riparian claimants upon unsurveyed lands, the title to which has been asserted by the Government.

I am also advised that a few years ago certain prospective entrymen claimed that the so-called lake and stream areas constituted public lands and attempted to take possession of them; that in some cases said prospective entrymen were ejected by riparian claimants; that other cases are being presented where persons are attempting to settle upon meandered stream areas, the title to which is in doubt, and with reference to which the Land Department has not yet had an opportunity of rendering decisions. Numerous protests against the enactment of any legislation that will grant preference rights to riparian claimants are being received.

While some of the riparian claimants to so-called lake areas in Arkansas doubtless supposed in good faith that they had title to those areas, yet it subsequently developed that they had no title that could be recognized by the courts, and not being qualified to make entry under the public land laws, they can not obtain relief through the Land Department. There are still other cases where the validity of their claims to unsurveyed lands within meandered lake and stream areas situated within their holdings is uncertain. Under the circumstances it appears to be only equitable that their claims be accorded attention to the extent that they be granted preferential rights to purchase the lands at a reasonable price where they can show that, prior to the initiation of valid claims by qualified homestead settlers, they have in good faith taken possession of the lands and have placed valuable improvements upon or reduced them to cultivation. The existing public land laws are inadequate to afford relief in such instances.

Inasmuch as Congress alone has the authority to say how the public lands shall be disposed of, this seems to be an appropriate subject for legislation. (See concluding paragraph in the opinion of the United States Supreme Court in the case of Lee Wilson & Co. *v.* United States, 245 U. S., 24.) Furthermore, I am of the opinion that S. 2231 is sufficiently broad in its scope to enable the Land Department to administer its provisions in such manner that the interests of all parties, including homestead claimants, be properly safeguarded. I therefore approve of the purpose sought to be accomplished by the bill, and have the honor to recommend that it be enacted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 3681) to amend section 848, chapter 16, Revised Statutes of the United States, relating to witness fees; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A bill (S. 3682) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law, and for other purposes; and

A bill (S. 3683) to amend section 2 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 3684) for the repair, alteration, etc., of the Federal Building at Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 3685) for the relief of Bessie Reese; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3686) to prevent deceit and profiteering that result from the unrevealed presence of substitutes for virgin wool in

woven fabrics purporting to contain wool, and in garments or articles of apparel made therefrom, manufactured in any State or Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HARRIS:

A bill (S. 3687) providing for an appropriation of $25,000 to be used by the Department of Agriculture for the development of the peanut industry; to the Committee on Agriculture and Forestry.

PURCHASE OF LIBERTY BONDS.

Mr. KING. I introduce a bill and ask that it be referred to the Committee on Post Offices and Post Roads. Perhaps the bill ought to go to the Committee on Finance; and if so, I have no objection to that reference being made.

The bill (S. 3680) to provide for the purchase and redemption of Liberty bonds in denominations of $50 and $100 was read twice by its title.

The VICE PRESIDENT. The Chair thinks the bill should go to the Committee on Finance.

Mr. SMOOT. Mr. President, that whole subject matter is before the Committee on Finance, and the bill ought to go to that committee.

Mr. KING. Then, I ask that the bill be so referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

CLAIMS AGAINST THE SHIPPING BOARD.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war, which was referred to the Committee on Commerce and ordered to be printed.

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war, which was referred to the Committee on Commerce and ordered to be printed.

WATER SUPPLY OF THE DISTRICT OF COLUMBIA.

Mr. SWANSON. I submit an amendment to the bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of water supply for the District of Columbia, which is now on the calendar. I ask that the proposed amendment be read and lie on the table, to be considered when the bill is taken up.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The Assistant Secretary read as follows:

Amendment intended to be proposed by Mr. SWANSON to the bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of the water supply for the District of Columbia: In line 12, after the comma following the word "commission," insert the following: "the Alexandria County, Va., suburbs of the city of Washington lying south of the Potomac River."

Mr. SWANSON. Mr. President, I wish to say in connection with the amendment that the bill has passed the House providing for an investigation as to additional sources of water supply for Washington, including the suburbs of Washington north of the Potomac River. The amendment is to include Alexandria County, Va., in the scope of the investigation to be reported upon by the commission created to make a survey or surveys for Washington and its suburbs and to accord to the suburbs across the Potomac the same privileges as are extended to the suburbs north of Washington when the report of the commission is submitted for the consideration of Congress in the future.

Mr. BORAH. Does the Senator ask unanimous consent for the present consideration of the matter?

Mr. SWANSON. No; I have simply stated what the amendment proposes and that I desire to have it pending for consideration when the bill referred to is taken up.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

AMENDMENT OF THE RULES.

Mr. SHEPPARD. I desire to give written notice of an amendment of the rules, which I ask to have read.

The Reading Clerk read as follows:

Mr. SHEPPARD. I hereby give notice that I shall move to amend Rule XXV, Standing Rules of the Senate, by changing the paragraph therein reading as follows:

"A Committee on Pacific Islands and Porto Rico, to consist of 12 Senators," so as hereafter to read: "A Committee on Pacific Islands, Porto Rico, and the Virgin Islands, to consist of 12 Senators."

The purpose of the amendment is to include the recently acquired Virgin Islands within the jurisdiction of the committee mentioned.

HOWARD UNIVERSITY LIBRARY.

Mr. SMOOT. Mr. President, Howard University, in the District of Columbia, is partially maintained by appropriations from the Treasury of the United States. I have had handed to me one of the books of the library of Howard University. I notice that the book is by Albert Rhys Williams. The title of it is "Seventy-six Questions and Answers on the Bolsheviks and Soviets." I simply rise at this time to express my opinion of this work and also to express the hope that if Howard University intends to keep such literature in their library to be read by the students attending that university they will not ask for future appropriations from the Treasury of the United States.

I understand that the book is being used not only by the students but by some of the professors of the university. I think it would be a very good thing, if I had the time, to read some of the statements in it, but I have not the time this morning. I simply rise at this time to give notice that if such literature as that is to be used in Howard University, as far as I am concerned, I shall never vote for the appropriation of another dollar for the institution.

Mr. STERLING. I should like to ask the Senator from Utah if this Albert Rhys Williams is the same Williams who held a meeting in Washington some year and a half ago, which meeting was the occasion for a resolution for the investigation of Bolshevism?

Mr. SMOOT. I am not positive whether he is or not, but I will say to the Senator that I think he is.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask leave to read a letter received from the Roosevelt Club of Massachusetts and my reply to it. It is signed by Charles Sumner Bird, R. M. Washburn, Harcourt Amory, jr., Gaspar G. Bacon, George P. Drury, Walter H. Foster, George v. L. Meyer, B. Loring Young, and reads, as far as I am concerned, as follows:

In the matter of the league of nations, the executive committee of the Roosevelt Club of Massachusetts, at a meeting January 6, 1920, herewith respectfully and unanimously urges upon the President and his representatives in the Senate to recede from their positions and to make such concessions as will enable the immediate ratification of the treaty.

My reply, Mr. President, is as follows:

UNITED STATES SENATE,
COMMITTEE OF FOREIGN RELATIONS,
January 8, 1920.

Mr. R. M. WASHBURN,
Vice President Roosevelt Club,
89 State Street, Boston, Mass.

DEAR SIR: I acknowledge receipt of your letter signed by the members of your executive committee in which they unanimously urge the President and his representatives in the Senate to make such concessions as will enable the immediate ratification of the treaty.

In reply I beg to assure you that Democratic Senators generally, with probably two or three exceptions, are ready to make concessions and meet Republican supporters of the treaty halfway in an honorable compromise of differences. I beg to say, however, that so far as can be ascertained, there are not over a dozen or fifteen Republican Senators who have shown any desire to take this course. The others continue to hold with Senator LODGE that the resolution which he presented and which received only 41 votes represents an irreducible minimum in treaty ratification so far as they are concerned.

On a reasonable compromise of existing differences on reservations I feel justified in saying that of the 64 votes necessary, the Democratic Senators will be able to furnish more than two-thirds of the number.

Yours, very sincerely, G. M. HITCHCOCK.

Mr. SMOOT. From whom is the letter?

Mr. HITCHCOCK. I may say furthermore that at the bottom of the letter addressed to me the following resolution is given as having been addressed to Senator LODGE and Senator WALSH of Massachusetts:

The following action was taken by the members of the club by an affirmative vote of 542 to 92:

"Moved: In the matter of the proposed league of nations, in the interest of an agreement and an immediate ratification, that the Roosevelt Club herewith respectfully urges upon the Hon. HENRY CABOT LODGE and the Hon. DAVID I. WALSH, Senators from Massachusetts, such concessions as may be made consistent with the so-called Americanization of the covenant and the safety of the people of the United States."

R. M. WASHBURN, *Vice President.*

Did the Senator from Utah ask me a question?

Mr. SMOOT. I did ask the Senator who was the author of the letter, but I take it for granted that the writer of the letter is the person whose name has just been given by the Senator.

Mr. HITCHCOCK. It is from the eight members of the executive committee of the Roosevelt Club of Massachusetts.

THE HOUSING CORPORATION.

Mr. TRAMMELL. Mr. President, on yesterday there was a news item in both the Post and the Star to the effect that the chairman of the Housing Corporation was protesting against the recommendation made by the Committee on Public Buildings and Grounds that the rates of board should be increased at the Government dormitories. As a member of that committee I desire to state that the committee did not make a recommendation that the rates of board should be increased from $45 to $50.50 per month, nor did the committee make a recommendation that any increase whatever should be made. I think the chairman of the Housing Corporation is just a little too zealous and too eager in that matter, desiring to bring into question the action of the committee on this particular point.

The committee did report in its findings of fact that if 5 per cent interest was charged on the investment at its salvage value it would require a raise of $5.50 per month, but the committee most emphatically refused to make a recommendation that such raise be made, and the report does not carry with it any such recommendation.

I desire in this connection to offer for the RECORD the article which appeared in the Star, and also a letter which I addressed to Mrs. Harlean James, of the Government dormitories, on the 6th instant, and a letter which I addressed to Mr. Sherman, president of the United States Housing Corporation, on the 7th instant, in which I set forth that the committee did not entertain the view that the rate of board should be increased, that I emphatically opposed the idea before the committee, and I felt confident that a majority of the Committee on Public Buildings and Grounds entertain similar views to myself upon that subject. The committee refused to ask for the raise, and that is why no such recommendation was embraced with other recommendations made by the committee.

I ask that my letter addressed to Mrs. James, the article appearing in the Evening Star, and my letter to Mr. Sherman be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., January 6, 1920.

MRS. HARLEAN JAMES,
Manager Government Hotels, Washington, D. C.

MY DEAR MRS. JAMES: It having come to my notice that you are probably contemplating making an advance of $5.50 per month in the charge for board to be paid by the young ladies domiciled at the Government hotels, I beg most respectfully, as a member of the Senate Committee on Public Buildings and Grounds, to advise that in the report made by the committee neither the subcommittee nor the committee recommended such advance. In the first draft of the report of the subcommittee it was suggested by one member of the committee that the advance be recommended, but after a consideration of this suggestion the recommendation that an advance be made was stricken from the report. I stated to my associate members of the committee that I was opposed to the price of rooms and meals being advanced above $45 per month, and I feel reasonably sure that a majority of the committee entertained the same views upon this subject. I trust that you do not contemplate making the raise and that my information is incorrect. Kindly advise me at your early convenience.

Most respectfully,
PARK TRAMMELL.

[From the Washington Star, Jan. 7, 1920.]

OPPOSES ROOM RATE RAISE—HOUSING CORPORATION HEAD WRITES OF DORMITORY SITUATION.

Opposition to an increase in the rates charged at the Government dormitories for woman Government employees on the Union Station Plaza was voiced in a letter sent to Chairman FERNALD, of the Senate Public Buildings and Grounds Committee, by L. K. Sherman, president of the United States Housing Corporation. The Public Buildings and Grounds Committee recently reported to the Senate that the rate should be raised from $45 to $50 in order to prevent the Government from losing money on the investment.

Until the salaries of the Government employees are "made commensurate with expenses," Mr. Sherman wrote, "the Government would be in a poor business to underpay its employees with one hand and collect full commercial rates from them with the other."

UNITED STATES SENATE,
Washington, D. C., January 7, 1920.

Mr. L. K. SHERMAN,
President United States Housing Corporation,
Washington, D. C.

DEAR SIR: Acknowledging receipt of a copy of your letter to Hon. BERT M. FERNALD, chairman Public Buildings and Grounds Committee, I beg to advise that the committee did not recommend that the board for girls at the Government hotels be increased $5.50 per month. If you will read the report you will find that it contains no recommendation of this character. I am very much opposed to any raise being made, as indicated by copy of my letter to Mrs. Harlean James of January 6, hereto attached.

Very respectfully,
PARK TRAMMELL.

Mr. KING. Mr. President, I should like to ask the Senator from Florida a question. An investigation was had by the Senate some months ago, and it was, as I recall, unanimously recommended by the committee that the buildings on the Plaza be not completed. Instead of complying with that recommendation the buildings were completed. Another investigation has been had, and I understand the last investigation resulted in a recommendation that the corporation should be wound up or that its functions should cease, and that the administration of the work of the organization should devolve upon some other instrumentality of the Government.

Can the Senator tell me what is the reason why the recommendations of the committee were not carried into effect, and what is the reason why this organization, which has been so extravagant and wasteful, perpetuates itself and spends very much of its time in assailing, directly or indirectly, Members of the Senate and the House?

Mr. TRAMMELL. I am heartily in sympathy with the suggestion, as I gather it, of the Senator from Utah, but to go into detail in regard to the matter would require considerable discussion. Of course, the reason which the Housing Corporation would give for not discontinuing the work would be that the bill passed only the Senate and went to the House, but did not receive a favorable report from the House committee. Therefore the Housing Corporation continued its operations and its expenditures, a great many of which I think were very useless and very wasteful of the public funds. I thought at the time that the work which had not progressed to a very great extent should have been discontinued. The committee has now made the recommendation that the Housing Corporation be dissolved and that its functions be transferred to some other department, and I think the chairman of the committee will offer a bill upon that subject at a very early date.

LEAGUE OF NATIONS.

Mr. FRANCE. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the constitutionality of the league of nations, by Frederick E. Kip, of Montclair, N. J.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

LEAGUE OF NATIONS COVENANT ILLEGALLY CHANGES THE FORM OF GOVERNMENT OF THE UNITED STATES.

[By Frederic E. Kip, Montclair, N. J.]

"The administration Senators and some of the newspapers are advocating a compromise on the peace treaty when it is again brought before the Senate.

"Is it a compromise of American independence they desire?

"Do they not know that the original treaty of Versailles illegally and detrimentally changes the form of government of the United States and vitiates the Constitution thereof?

"In order to better understand this important subject it might be well to revert to the making of the Constitution and its provisions.

"England has no written constitution; therefore all things are possible to the English Government, as nothing is forbidden to it. The Constitution of the United States is just the reverse. It is a written Constitution, and all things not granted by this written document are forbidden. When we won our independence after the War of the Revolution we existed from 1782 to 1787 as a Federation of States. The powers were so limited and the conditions became so chaotic that George Washington, Alexander Hamilton, and other great minds of that time plainly stated that unless we could have a Federal Government with increased powers the then existing form of government was doomed to dismal failure. The Constitution was thereupon drawn and finally adopted in 1789, and its different articles stated the functions that the Federal United States Government could perform, and to be absolutely sure that all rights not given in the written Constitution were reserved to the original

authority—the Colonies or States—they make doubly sure thereof by adding Article X to the Constitution, reading as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

"All forms of government previous to the American Republic had been democratic (rule of the masses) or autocratic (rule of the kings), and all, as far as the uplift of humanity was concerned, had been failures.

"Our forefathers and the framers of our Constitution had one great cardinal idea in view in the formation of our Federal Government, namely, because of these previous failures they must create a new and different government from any in the past, and this they did by our present form of government, viz, a government of representatives of the people, and they then put such checks upon these representatives as, in their opinion, would forever prevent a dictator, an autocrat, an emperor, or a king becoming the ruler of the new Republic. This was their one great fear, and they fortified the Constitution by every safeguard which they could possibly create and by every check which they could devise to make such a calamity impossible. In addition to the history of the forming of the Federal Government, a study of the functions of our Government itself proves this conclusively.

"Congressmen are elected for two years, Senators for six—the Senate checking any sudden impulse of the people—the President is elected for four years.

"The legislative branch of the Government (Congress) passes legislation. There is a check upon it by the veto of the President. If his veto is specially obnoxious, there is a check on him by Congress passing over his veto by a two-thirds affirmative vote. The laws when finally passed by the legislative and executive branches can again be checked, if unconstitutional, by a decree of the Supreme Court.

"Again, in the functions of a treaty, a check is placed upon the Executive by the provision that he shall have power only 'by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.' Again, you will note this is a two-thirds affirmative check, and the wisdom of this check has been amply justified in the recent action of the Senate on the un-American treaty of Versailles.

"Now (and here comes the vital attack on the foundation of our Government itself), does not the administration, and do not these administration Senators and these newspapers, know that the original 'treaty of Versailles' (by a method directly contrary to the law of our land) changes our form of government and vitiates the greatest document for the uplift of humanity that the world has ever known, namely, the Constitution of the United States?

"Article 10 of the league of nations covenant, calling upon the United States to guarantee, for all time, the present territorial integrity of every nation all over the world, is atrocious in the extreme and in all conscience is bad enough, but bad as that is and bad as other parts of this un-American treaty are, there is nothing quite so appalling as the attempt of this treaty (contrary to the law of our land) to create in the Government of the United States a new governmental function in the person of a representative to sit in the 'league of nations' with power to vote and bind the United States.

"To-day there is one power and one power only that by its vote can bind the United States and that power is the representatives of the people themselves, viz, the Congress; the President can not bind the United States (except by special authority from Congress). The ambassadors, consuls, ministers, or other officers can not bind the United States under the Constitution.

"The power of the Congress, by its vote to bind the United States, it derives from its original possessors (viz, the States and the people) through their Constitution, and therefore there is no legal means (other than the method provided for by the States and the people themselves in their Constitution) that can take this power from the Congress and give it to anyone else, much less to any one man who is to sit on a foreign board and by his vote to bind the United States.

"The possessors of this power (viz, the States and the people) provided, at the time of the formation of our Federal Government, the only legal method to change the form of our government, viz, by a constitutional amendment, to wit, that the Congress (the States' and people's representatives) should pass by a two-thirds affirmative vote a bill incorporating the changes of government desired. After this bill has been passed by the Congress, without any action whatever of the President, and after three-fourths of all the States by a favorable vote concur therein, the same becomes legally the law of the land.

"Kindly note these two significant facts, that the President is not to sign such bill or be a party to the matter at all, and that it is the only one of all the functions of the Government requiring a three-fourths affirmative vote.

"Such a bill would have to provide for the introduction into our Government of a new function therein. It would have to create an 'ambassador supreme,' who would have the power to bind our Government to war, to the supply of troops, to raise vast funds of money for war purposes, and as the Federal Constitution (by-laws of the States and people) distinctly now vests this power in the Congress only, such a bill would also have to provide that the powers of Congress would be abrogated to that extent.

"In all fairness I ask you what possible chance would there be of such an amendment passing by a two-thirds vote, even the House and Senate, to say nothing of being passed by three-fourths of all the States?

"The President can not by treaty, even by the consent and favorable vote of the Senate, legally transfer this power from the Congress, and if the treaty should so pass the Senate, the Supreme Court of the United States must undoubtedly declare same unconstitutional.

"The Supreme Court, through Chief Justice Marshall's celebrated decision early in the life of our Government, established for all time the principles, never until then fully acknowledged—in fact, actually denied by the political party then in power—that the Constitution was, as it itself declared, the supreme law of the land, to the provision of which all laws of Congress and of the States must conform—and that the Supreme Court was the ultimate and indisputable judge of such conformity.

"To-day, as in 1800, the Supreme Court (not the political party which at present disputes the question) will be the ultimate and indisputable judge if it is in conformity to the Constitution for the treaty-making branches of the Government to make a treaty which vitiates and changes, contrary to the provisions thereof, the very Constitution and Government itself. Article VI of the Constitution reads:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

"The framers of our Constitution considered the function of a treaty limited to agreements and understandings with a foreign State, and in nowise or under no circumstances to have anything to do with a change in the form of our own domestic Government, which they had so amply covered by the Constitution itself with its numerous checks, provisions, and safeguards. Note that all laws of Congress that are in accordance with the Constitution shall be the supreme law of the land, but to be legally the supreme law of the land they must be in pursuance of the Constitution; similarly all treaties made 'under the authority of the United States shall be the supreme law of the land,' but to be legal they must also be made under the legal authority of the United States, or, in other words, in pursuance of the Constitution. A treaty created to do something outside its proper legal function, the operation of which would nullify the most important and best safeguarded provision of all the provisions of the Constitution—equivalent to overthrowing the Constitution and hence the Government—could not have been created by the legal authority of the United States and would undoubtedly have to be declared unconstitutional by the Supreme Court. If this were not so, the treaty-making powers of the Government (the President and Senate) could enter into a treaty with England, or even with a small country like Nicaragua, or with a country hostile to the United States, like Mexico, to bring about any change in our form of government, such as, for instance, to elect Senators for two years instead of six, or to establish a monarchical form of government instead of our Republic, and the same would be the supreme law of the land, notwithstanding that such a treaty would destroy our republican Government itself. The very contemplation of such possibility reveals the complete absurdity of a contention that the treaty need not be in conformity to the Constitution.

"In 1787, when New York State was debating whether to join the Federal Government or not, Alexander Hamilton asked advice of Chief Justice Marshall upon the following:

"'Could a State once adopt the Constitution and then withdraw from the Union if not satisfied?'

"Marshall's reply was prompt and decisive, No! Such a thing could never be done. A State which had once ratified was in the Federal bond forever. The Constitution could not provide for, nor contemplate, its own overthrow; the answer, therefore, to those who are now attempting to clothe the treaty-making power of the Government with the assumed authority to change the form of our government is the same now as it was then—No! Such a thing could never be done. The Constitution could not provide for, nor contemplate, its own overthrow!

"We have seen that a constitutional amendment is the only power that legally can change the form of our Government, and that a two-thirds affirmative vote of the people's Representatives in both the House of Representatives and the Senate is first required, and in addition thereto the concurrence of three-fourths of all the States is required, and that the President shall have no function therein.

"Kindly take full cognizance of this most significant provision imposed by the framers of our Constitution, viz, that a change in the form of our government requires, first, a two-thirds affirmative vote of the Congress (House and Senate) and in addition thereto a three-fourths affirmative vote of all the States (and through them the people), and that it is the only one function of all the Government machinery that does require a three-fourths affirmative vote.

"All of our legislation requires simply a majority vote of Congress.

"All vetoes require a two-thirds affirmative vote of the Congress (House and Senate).

"All treaties require a two-thirds affirmative vote of the Senate, but—

"A change in the form of our government requires a two-thirds vote of the Congress (House and Senate), a three-fourths affirmative vote of all the States, and not only requires a three-fourths affirmative vote of all the States but in addition thereto eliminates the President and prohibits him from having anything whatsoever to do therewith.

"Now, why did our forefathers, of all the representatives of the people, prohibit only the President of the United States from having anything to do with a change in our Constitution; and why, of all the functions of the machinery of the Government, did they require for this one thing only a three-fourths affirmative vote of all the States (or the people)? Because of the one great controlling fear that possessed their souls, namely, that it might be to the President's interest and advantage to change the form of our government and thereby remove the people's safeguards that they had placed in their Constitution, and by such change make it possible for a dictator, an emperor, or king to rule over our Republic; so they developed an effective check upon any such possible ambition of the President and removed any such possible temptation by prohibiting the President from having anything to do with or functioning in a change of their form of government, and they further checked it by requiring for this one thing only a three-fourths affirmative vote of all the States of the Union.

"Yet, notwithstanding this intended elimination of the President, and notwithstanding the special requirements of a two-thirds vote of the Congress and of a three-fourths affirmative vote of all the States (all made purposely and expressly for the safeguarding of the very life of our beloved Republic), the President of the United States is now endeavoring, through an entirely different instrumentality (which avoids referring this vital matter to any of the States at all, or even to the people's Representatives in the House)—namely, a treaty—to illegally change the form of our government, which he otherwise could not possibly do.

"If any one man, even with the consent of the Senate, can change the form of our government in direct opposition to the method provided for by our forefathers in the Constitution, then one man can also change the form of our government in other respects and the death knell of the great American Republic is sounded.

"Our forefathers' great efforts and carefully developed safeguards will then have availed us nothing, and in spite of all their safeguards and their truly wonderful Constitution it would be possible then that we may one day see a dictator, an emperor, or a king ruling over our great liberty-loving 'Republic.'

"A short consideration of the manner in which this un-American treaty was framed might be enlightening. From all accounts the American draft of the treaty was never seriously considered at Versailles. From authentic accounts the treaty was drawn mainly by the English general and legal adviser, Gen. Smuts, by Lloyd-George, President Wilson, and his adviser, Col. House. That Lloyd-George and Gen. Smuts should desire the great power of the United States to back up England's present territorial integrity in all corners of the earth and for all time is not to be wondered at, and one must admire them for their astuteness in endeavoring to bring to their support this great, wealthy Republic, with its money and with its manhood, wherewith to defend for all time their territorial integrity.

"In view of the significant fact that the Versailles peace treaty threatens the continued existence of our constitutional government itself, it might be well for the public to know the attitude of the President's adviser, Col. House, on the Constitution of the United States.

"Senator SHERMAN, in his remarks on the floor of the Senate on June 6, 1919, made the following statement:

"The man who writes a book to portray a new and perfect government he assures us he has invented, sufficient for the salvation of the entire earth, is more dangerous to his country than the anarchist who seeks to usher in the rule of dynamite as a cure for every ill.

"Col. House foreshadowed the destruction of constitutional government in the United States in his work of fiction published in 1912. It is a textbook for the peace conference in Paris. This novel exhibits his disregard of laws and his belief in revolution. It throws a steady light upon his acts in the Paris conference and explains why President Wilson chooses him as his chief adviser in navigating the uncharted seas.

"It would seem, therefore, that instead of article 10, or the appointment of 'an American ambassador supreme' to vote, together with foreigners, in a foreign country to bind the United States, being an accident, as many have imagined, it is a deliberate plan of internationalists to illegally change the form of the United States Government and destroy the greatest document of history—the Constitution of the United States—and with it the greatest Government in the world for the uplift of humanity.

"What can be said of those sworn to uphold the Constitution of the United States endeavoring to foist upon the United States a treaty which attempts unconstitutionally to change our Federal Government and vitiate our great Constitution?

"How, therefore, can the administration Senators and the newspapers call for a compromise on something which strikes at the very heart and lifeblood of this great Nation and spells disaster for us and the possible end of our representative Government?

"It would certainly be a calamity beyond the power of expression if our form of government, which has existed for so many years and prospered so wonderfully, should now be changed and destroyed, not by a foreign foe but by the very heads of our own Government, who have taken their oaths to uphold and not destroy the Government and the laws.

"It may be contended, and some Senators have contended, that the American representative in the league of nations' council would not have the powers just described, and that in such matters as binding our Government to war, supplying troops, and raising money for war purposes he could in any event bind the country only with the consent of the Congress and in the usual manner prescribed by the Constitution. Unfortunately, however, there is absolutely nothing in the league of nations covenant that provides or even suggests that any action of his should have the consent of Congress before becoming effective. If such a contention on the part of the advocates of the treaty is, however, founded on fact, why, then, all this tremendous opposition of the President and administration Senators to the committee's amendment, which, after all, only makes clear both to the American people and our Allies that which they claim to be the fact, viz, that America's representative on the league can not by his vote bind the United States without the sanction of the Congress? It is inconsistent, for example, to argue on the one hand that a reservation to article 10 which would define the limits of our obligations relative to guaranteeing territorial integrity of European nations would take the heart out of the treaty and in the same breath to argue that such a reservation is unnecessary because the limitations of our obligations are clearly understood. Either these limitations are understood and such a reservation could do no harm and would be acceptable to all of the parties to the league of nations covenant or they are not understood and should be so clarified that all the American people and our allies understand them beyond any shadow of a doubt.

"Would any honest business man sign a contract which he knew he could not perform? Would he hesitate to let the other parties to the contract know, before it was signed, the limits of the obligations he could perform? This is all that the Senate committee's reservations do, and yet they are persistently and vigorously rejected by the administration and the administration's Democratic Senators.

"Can we argue with any honor that a thing which is honest for individuals need not be honest for a great nation? No! The standard of our morality in our relations with foreign nations must at least be as high as that of our individual relations.

"It may also be contended that the fears expressed with respect to the possibility of executive usurpation under the treaty are not well founded, since if the executive department, through the representative on the league of nations council, should attempt to assume such powers as those herein described, the Supreme Court would interfere. Unfortunately, we have already seen in our foreign affairs, under the present administration, executive usurpation on such a scale as the framers of the

Constitution would never have dreamed possible, without the acts of the executive department having come before the Supreme Court for review. Moreover, it would be wholly unjustifiable to enter into a contract knowing that as it is written the Supreme Court would have to declare it unconstitutional, since we would be placed in the unfortunate position of having assumed obligations which we could not perform, and instead of cementing our friendship with other nations such a procedure would only tend to dissipate such friendship.

"It is to be hoped therefore that this great matter will be brought to the attention of the American public in such a way that we will hear less of this talk of compromise of the autonomy of the United States.

"The American people therefore should certainly give fervent thanks to the great American Senate, to the Republican Party, and to the great Senator from the State of Massachusetts, that they in their keen wisdom have seen through the deceits of the Versailles peace treaty and are demanding and will force upon an unwilling President and administration Senators an Americanized treaty or none at all."

SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT. The morning business is closed.

Mr. STERLING. I move that the Senate proceed to the consideration of Senate bill 3317.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Harris	McKellar	Sherman
Calder	Harrison	McLean	Simmons
Capper	Henderson	McNary	Smith, Ga.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Kellogg	Nugent	Sutherland
Curtis	Kendrick	Overman	Swanson
Dial	Kenyon	Page	Trammell
Dillingham	Keyes	Phipps	Underwood
Elkins	King	Pittman	Wadsworth
France	Kirby	Poindexter	Walsh, Mass.
Frelinghuysen	Knox	Pomerene	Walsh, Mont.
Gerry	Lenroot	Ransdell	Watson
Gronna	Lodge	Robinson	Wolcott
Hale	McCormick	Sheppard	

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent on important business.

Mr. GERRY. The Senator from Louisiana [Mr. GAY], the senior Senator from Arizona [Mr. ASHURST], the Senator from Montana [Mr. MYERS], the Senator from Kentucky [Mr. STANLEY], the Senator from Maryland [Mr. SMITH], and the junior Senator from Arizona [Mr. SMITH] are detained from the Senate on official business. The Senator from Colorado [Mr. THOMAS] is absent on account of illness, and the Senator from Tennessee [Mr. SHIELDS] is detained on account of illness in his family.

Mr. SWANSON. I desire to state that the senior Senator from Washington [Mr. JONES] is detained from the Senate and from the city, and has been since the reconvening of the Senate, on account of illness in his family. I have a pair with him. I will let this announcement stand until his return.

Mr. GRONNA. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. MCKELLAR. I submit an amendment to the pending bill, which I ask to have printed and lie on the table.

The VICE PRESIDENT. That order will be made. The bill is in the Senate and open to further amendment.

Mr. BORAH. Mr. President, on yesterday I offered an amendment to this bill. I have made some changes in the amendment, at the suggestion of the Senator from Pennsylvania [Mr. KNOX]. I offer the same amendment as modified, and ask to have it printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. NORRIS. Will the Senator have the amendment read?

Mr. BORAH. I think I had better read it, for I have interlined it, and I do not think anyone else can read it. It is to be offered as a proviso to section 3, which is the mailing clause:

Provided, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district or circuit in which the party affected or aggrieved resides. But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails he shall not be liable for the cost of the proceedings, and the court shall have power during the pendency of the proceedings in court to suspend the order of the Postmaster General: *Provided further*, That no such court proceedings shall bar or interfere with any criminal prosecution under the terms of this act.

Mr. NORRIS addressed the Senate, and before concluding the morning hour expired.

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

Mr. STERLING. Mr. President, in view of the fact that we are making such progress in the discussion of the sedition bill, I wonder if the Senator from Minnesota [Mr. NELSON] will not allow us to proceed with the further consideration of that measure?

Mr. FRANCE. That requires unanimous consent, and I object.

The PRESIDING OFFICER. Objection is made.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gronna	McKellar	Smoot
Borah	Hale	McNary	Spencer
Capper	Harrison	Myers	Sterling
Chamberlain	Henderson	Nelson	Sutherland
Colt	Hitchcock	New	Trammell
Culberson	Johnson, S. Dak.	Norris	Underwood
Curtis	Kellogg	Nugent	Walsh, Mass.
Dillingham	Kendrick	Page	Walsh, Mont.
Elkins	Keyes	Robinson	Wolcott
Fernald	King	Sheppard	
Fletcher	Lenroot	Simmons	
France	McCormick	Smith, Md.	

Mr. GRONNA. I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I wish that this announcement may stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. LODGE, Mr. OVERMAN, Mr. POMERENE, Mr. SMITH of Georgia, and Mr. WADSWORTH answered to their names when called.

Mr. HARRIS and Mr. CALDER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. KING. Mr. President, a solemn responsibility rests upon the Senate to dispose of the treaty of peace with Germany which is now before it. The defeat of the various resolutions of ratification offered by Senators was not a disposition of the treaty. It is still an issue of transcendent importance. Indeed, it is the paramount question before the Senate and before the country at the present time. No juggling of words, no finesee, no attempts—regardless of the source from which they come—for strategic political advantage, no sophistical arguments or rhetorical exhibitions, can or will convince the country that this overshadowing question has been disposed of. The country is stirred as it seldom has been by reason of the issues involved in the pending treaty. The question of ratification of the treaty appeals to no one section or no particular class of our citizenship, but it grips the people in every part of our land and addresses itself with as appealing force to the laborer and the artisan as to the business man and the intellectual. Any everywhere it is felt that no more important question has ever been presented to the American people for determination than the one which we have been considering for many months. The American people, in my opinion, have given the questions involved in the treaty with Germany most earnest and serious consideration. The judgment which they now have is not the product of hysteria or the result of

propaganda; neither have political or party considerations influenced them in reaching the conclusions which now guide them. Seldom has an issue of such overwhelming and transcendent importance been determined by a great people with so little of partisan spirit as the issue presented in that part of the treaty known as the covenant of the league of nations. Frequently domestic questions affecting the welfare if not the vital interests of the Republic have been determined because of the partisan aspect which the question presented.

International questions of tremendous importance have often been determined by the American people with reference to party advantage or disadvantage; but be it said to the credit and honor of the American people, they have approached the consideration of the covenant of the league—its consequences, its effect upon our country and upon the world, and all other cognate and material matters—from a patriotic and American standpoint, and without thought as to the consequences, or the effect their action might have upon the fate of any political party. There are questions so great, so vital, so important to the welfare of a people and the perpetuity of free government and the triumph of civilization, that it is almost an act of sacrilege to consider them with reference to the advantage or disadvantage which will accrue to a political party by reason of the judgment formed by the people and action taken by them with respect thereto. In great crises in this Nation as well as in other countries, party spirit and factional strife have been forgotten and patriotic devotion to country has guided the people in heroic and mighty struggles culminating in the triumph of the right and the preservation of liberty and national independence.

There have been some sinister figures in the land who have sought to convert the question of the treaty and its ratification into a purely partisan political issue. There have been a few who have desired to make it a political issue and to seek party advantage by reason of the defeat or success of the treaty. No one denies but that in a republic such as ours political parties are not only advantageous but they are necessary. Strong and virile political parties contesting with zeal and spirit for those principles which their respective adherents regard as essential for free government and for the reign of justice and righteousness are imperatively needed in this Republic; but political parties are made for the people and not the people for political parties. If parties become subversive of principle and liberty and good government, they should be destroyed. If political organizations become corrupt or more interested in success and in power than in maintaining good government and the preservation of this Republic, they should meet with ignominious defeat, and upon their ruins more worthy organizations should arise. In my opinion, the American people while they perceive the importance of political organizations, at the same time appreciate the infirmities of political parties and the inevitable tendency of political organizations to become tyrannous and oppressive, and if unchecked to depart from accepted and honored and patriotic principles to follow selfish and too often destructive policies. As a result, though there is a due and proper regard for political organization and a due appreciation of the value of party, there is being developed more and more a spirit of political independence and a growing conviction that the interests of our country are higher than the interests or welfare of any political organization. Party names and symbols and creeds are not as appealing now as in the past. The American people are studying their form of government. They are seeking to understand our Constitution and to comprehend those fundamental and, indeed, elemental principles upon which free government and enduring civilization must rest. In the factory, upon the farm, in the mine, in the school room, indeed everywhere throughout our broad land, men and women are weighing our Government, are studying its spirit and form and institutions; they are seeking to understand its mission in the world, and the high obligations which rest upon the citizens of the freest and greatest nation that the world has ever seen. They are appreciating the fact that a free people must be a thinking people and that liberty will only live among those who are worthy to enjoy freedom. No political formula submitted by statesmen or politicians and no cut-and-dried political platform will determine the attitude of the American people upon the problems, domestic and international, which now lie in their pathway.

I have said that the question whether the peace treaty should be ratified and this Nation should become a member of the league of nations is the most important and momentous one that the American people have ever been called upon to decide. They have not blinked the issue nor have they refrained from reaching a conclusion. They have approached the consideration of the question as Americans and not as partisans; they have refused to make the issue a partisan one. Those who have attempted to do so have been rebuked by the people. In every political subdivision of our country men of all political parties and those who are members of no political party have been found side by side fighting to secure the ratification of the pending treaty. That this treaty should have provoked controversy and violent discussion might have been expected; indeed it would have been discreditable to the intellectual powers of the American people if it had not provoked earnest and serious discussion and a divergence of views. But after months of earnest consideration the great jury of our country have reached a conclusion. That conclusion is that there is so much of good in the covenant of the league that the treaty with Germany should be ratified, and that any delay in its ratification will be attended with serious consequences.

The American people appreciate, in part at least, the titanic labors that rested upon the peace conference at Versailles; they appreciate the conflicting interests of the various nations and the rivalries and jealousies necessarily existing. They feel that an instrument perfect in form and unobjectionable in substance is impossible.

The treaty contains some provisions that are not satisfactory to many of the American people. In its structure there are sins of omission and commission. It bears evidences of compromises and of the storms and the furious tempests through which it passed; but with all of its defects, the American people believe that it possesses so much of merit, and that its potentialities for good are so real and genuine, that it would be a national mistake, if not an international tragedy, for the treaty to be defeated and for our Nation to refuse membership in the league of nations. I am not oblivious to the fact that many of the American people, in their desire for ratification of the treaty, with a sincere insistence demanded that certain reservations shall constitute part of the resolution of ratification. Some of the reservations urged in various parts of our country and presented to the Senate for consideration I think are wise and eminently proper. There are others which have received consideration here, as well as throughout the land, which I regard as highly objectionable and inconsistent with the fundamental principles upon which the treaty rests. The protracted discussion in the Senate and before the bar of public opinion has, in my opinion, demonstrated that the treaty can not be ratified without reservations. The defeat of amendments to the treaty was a great victory, but that result does not foreshadow a defeat of reservations. That fact is apparent to the stoutest defenders of the treaty and to those who have been courageously battling for ratification without amendment or reservation. It is obvious that the treaty, if ratified by the Senate, must contain reservations. To secure ratification of the treaty concessions must be made and a spirit of conciliation exhibited. If I had the power I should be unwilling to take the responsibility of defeating the treaty because some reservations were attached which did not meet my approval. Of course, there might be such material and fundamental reservations or amendments adopted as to destroy the foundations and the very structure of the league provided by the treaty. In that event a different course of conduct might and probably would be required. There are some, of course, who would excise from the treaty all provisions relating to the league of nations. There are some Senators uncompromising in their hostility to the league who would not vote for ratification of the treaty if any part preserving the league of nations were retained in the treaty; but the overwhelming majority of the Members of this body sincerely desire, in my opinion, a speedy ratification of the treaty. There are sharp differences between some of the Senators who desire that the treaty should be ratified, but substantially all Senators have voted for some reservations.

There are some Senators who are opposed to any reservations, but I believe a majority of the Members of the Senate prefer that reservations shall be incorporated in the resolution of ratification. I believe it is the duty of the Members of this body to compose their differences and to reach a common ground and promptly ratify the treaty.

I decline to accept the view that the failure to ratify the treaty is solely attributable to the majority party in this body, nor do I approve the suggestion that failure to take affirmative action rests alone upon the Republican Party. As I have stated, the ratification of the treaty presents no partisan question. The obligation to secure early action rests as heavily upon Democratic Senators as it does upon Republican Senators.

With that thought in view, I have submitted for the consideration of the Senate a resolution of ratification. It contains reservations which are objectionable to me and which I should

support with the utmost reluctance. However, I have been ready, and am still willing, to concede propositions and to support reservations with which I am not in accord if by so doing the full act of ratification may be consummated. I have appreciated that if I expected concessions to be made by others I must in turn surrender some points for which I had contended.

Mr. President, the treaty is before us and the world awaits our action. I refuse, as I believe the American people refuse, to regard the vote of November 19 as decisive or as conclusive. By that vote we merely determined that the resolutions submitted did not meet the views of a sufficient number of Senators to effectuate the ratification of the treaty. We ourselves do not regard the action of that date as a finality. What obstacle now interposes to prevent action, and prompt action? Certainly it can not be pride of opinion that delays action. It is no lack of patriotism that chains our feet. Certainly it is not the result of insensibility to the supreme importance of immediate action. Let us act, and act now. Let us give hope and courage to the peoples of the world in order that the beginning of this new year may bring to them voices of cheer and gladness and inspiration that will enable them to bear the burdens which se heavily press them down.

The Senator from Pennsylvania [Mr. KNOX] has submitted a resolution which declares the existence of a status of peace between the United States and Germany. It is a cold and lifeless gift which he offers. The American people, in my opinion, do not desire that we forsake our allies. The flag of this Republic, side by side with the flags of the allied nations, victoriously waved over the bloody fields of Europe. The sons of America lie in their final resting places near the graves of the martyred dead who came from France and Great Britain and Belgium and Italy and other nations to meet the common foe and to establish liberty and preserve freedom and justice for the world. We want no separate peace with the Central Empires. We were proud to be associated with the brave and gallant peoples who so valiantly fought to prevent Prussianism from dominating the world. We were united in a common cause. Jointly we triumphed over the common enemy. We shall not now separate from those with whom common dangers united us.

There were some partisan voices raised in our land against what they pretended to believe as to the purposes of President Wilson to negotiate a separate peace with Germany and one which they denominated to be a "soft" peace. There never was any intention upon the part of President Wilson to make peace with our enemies other than in concert with our allies. The armistice rested upon the 14 points which had been announced by President Wilson, and the allied nations understood that in the negotiations with the Central Powers and the defeated nations that the principles embodied in the 14 points should be recognized and constitute the basis of the terms of peace. The Allies appreciated the powerful influence of President Wilson in bringing the war to a successful issue and were desirous of his presence at the peace conference. The distinguished leader of the Republican Party in the Senate has condemned any effort to make peace except in company with our allies.

Mr. President, the senior Senator from Massachusetts [Mr. LODGE], in an article written by him and published, as I recall, in December, 1918, in The Forum, the article being entitled "War work of Congress," said:

> The President who delivered the war message and the Congress who voted for war would be guilty of the blackest crime if they were willing to make a peace on the status quo ante bellum and re-create the situation which existed before the war. If we send our armies and our young men abroad to be killed and wounded in northern France and Flanders with no result but this, our entrance into war with such an intention was a crime which nothing can justify. The intent of Congress and the intent of the President was that there could be no peace until we could create a situation where no such war as this could recur.

What does the Senator mean when he speaks of creating a "situation where no such war as this could recur"?

Was he not thinking of a "situation" which would be brought about through the establishment of a league of nations?

It is manifest that he hoped for a "situation" which would prevent war. If no peace was desired "on the status quo ante bellum," it is certain that the Senator had in mind the view that the final terms of peace must provide some organization or force or authority that would not only create new nations in Europe but defend them, if necessary, against assaults which would restore the conditions and situations existing prior to the war.

I submit that the Senator offers a strong argument in favor of the league of nations:

> We can not make peace in the ordinary way. We can not, in the first place, make peace except in company with our allies. It would brand us with everlasting dishonor and bring ruin to us also if we undertook to make a separate peace.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. HITCHCOCK. The quotation which the Senator has read should be attributed to the Forum of June, 1918. The newspaper made a mistake in assigning the month.

Mr. KING. I thank the Senator. I had read the article at the time, but was not certain as to the number in which it appeared. And yet, Mr. President, as I recall, the distinguished Senator from Massachusetts, the leader of the majority, voted for the proposition submitted by the able Senator from Pennsylvania [Mr. KNOX]—a proposition which called for a "separate peace"; a proposition which called for the desertion of our allies; a proposition which, if it had triumphed, would have involved us in serious complications, and, in my judgment, would have made for a continuation of the unfortunate, if not to say disastrous, conditions which now prevail in Europe.

In the light of the position taken by the Senator from Massachusetts [Mr. LODGE] it is incomprehensible to me how he can support a resolution calling for an abandonment of our allies and the making of a separate peace with Germany.

The reasons which forbade a separate peace at the time the Senator wrote the article referred to, and which if made would have "branded us with everlasting dishonor," exist now; indeed, there are stronger reasons now against such an ignoble and perfidious course.

Mr. President, in this connection I invite attention to a statement made by the late Col. Roosevelt. In an address which he delivered on September 6, 1918, Col. Roosevelt discussed in a general way the league of nations and some of the obligations which would rest upon our Nation when the war was over. He had the broad vision to see that having entered into this conflict, the termination of the war would devolve upon us responsibilities which we could not in honor avoid. He could see, as every patriotic American could see, that it would be an act of cowardice for the American Nation, when the war was over, to scuttle out of Europe and to abandon to their fate the new nations that would be created and to abandon our allies in meeting the great and tremendous issues which the culmination of the war devolved upon the victorious nations. Col. Roosevelt said:

> The Austrian and Turkish Empires must both be broken up, all the subject peoples liberated, and the Turk driven from Europe. We do not intend that German or Magyar should be wronged by others or oppressed by others, but neither do we intend that they shall oppress and domineer over others.

Let me pause long enough in the reading to inquire how could we manifest that intention to preserve those that were liberated from domination and tyranny unless by united action with the allied nations in a league for the preservation of peace and to make secure the great results of this World War?

> France, as you have said, Mr. Chairman, must receive back Alsace and Lorraine. We can not go into any peace conference where everybody did not accept that before we entered it. Belgium must be restored and indemnified.

Who, let me pause to inquire, is to guarantee indemnification? Who is to protect Belgium and see that the indemnity prescribed shall be paid according to the letter and the spirit of the treaty? It is obvious that Col. Roosevelt understood that this Nation would be a party to this guaranty and to the enforcement of the terms of the treaty.

> Italian Austria must be restored to Italy and Roumanian Hungary to Roumania. The heroic Czecho-Slovaks must be made into an independent commonwealth and the Southern Slavs must be united in a great Jugo-Slav commonwealth. Poland, as a genuinely independent commonwealth, must receive back Austrian and Prussian Poland, as well as Russian Poland, and have her coast line on the Baltic. Lithuania, Livonia, and Finland, and the Baltic Provinces must be guaranteed their freedom and independence—and when I speak of independence I mean independence of Germany as well as of Russia—and no part of the ancient Empire of Russia must be left under the German yoke or subject in any way to German influence, even the slightest.

I inquire of Senators how is the freedom and independence of Lithuania and Livonia and Finland and these new nations that are to be set up to be guaranteed? It is certain that Col. Roosevelt appreciated that the victorious nations would be compelled to protect, at least for some period, the independence of the new nations that were to be established. What did he mean by the words "must be guaranteed their freedom and independence"?

Such guaranty could only be enforced by a league of nations or by treaties binding and specific in terms. Who shall say that Col. Roosevelt ever conceived the possibility of a separate peace with Germany? The "guaranty" described by him called for joint action by the allied and associated Governments and for a peace in which the victorious nations could join.

He proceeds:

> Northern Schleswig should go back to the Danes. Britain and Japan should keep the colonies they have conquered.

I am afraid that statement of Col. Roosevelt does not quite harmonize with the views of some of the distinguished Senators who have been so bitter in their denunciations of Japan and Great Britain. Let me say in passing that in my opinion we have not pursued the part of wisdom or statesmanship, and certainly not the part of justice, in the discussion concerning some of our allies.

Britain and Japan should keep the colonies they have conquered.

For myself, I believe the provision in the treaty providing for mandates is a far more just method of disposing of these colonial possessions than a complete cession without limitations or restrictions.

Armenia must be free, Palestine made a Jewish state, and the Syrian Christians liberated.

In this speech Col. Roosevelt assumed a proper attitude in respect to nationalism and declared that the duty which we owe to international questions should not abate our devotion to our own country and to the cause of nationalism. The strong and trenchant statements of the colonel relating to the sphere of national authority and action meet my own views, and in a speech made by me some time ago I quoted approvingly from this address of Col. Roosevelt. However, our devotion to country does not call for an abatement of our interest in the great international problems that to-day affect the world.

It has been interesting to witness the attempted apothesis of Mr. Roosevelt since his death by so many who in his lifetime were his bitter opponents. Eloquent Senators have appealed to him in support of their opposition to the covenant of the league. His spirit has been invoked to give strength to the forces marshaled against all efforts to bring peace, enduring peace, to the world. It has repeatedly been declared that he would have exerted his influence to prevent the treaty's ratification.

Mr. President, I submit that some of the greatest and most patriotic Americans earnestly desire a concert of the free nations of the earth for the purpose of promoting justice and maintaining peace. The principles of liberty upon which this Republic is founded will realize their highest development and most perfect fruition when the world is at peace.

Col. Roosevelt upon a number of occasions emphatically declared for a league to enforce peace, for a union of nations to establish and maintain international justice and righteousness.

In a book written by President Roosevelt and published, as I recall, in January, 1915, entitled "America and the World War," Mr. Roosevelt says:

I earnestly hope that we shall ourselves become one of the joint guarantors of world peace under such a plan as that I in this book outline, and that we shall hold curselves ready and willing to act as a member of the international comitatus to enforce the peace of righteousness as against any offender big or small.

Let me pause to remark that that sounds strikingly like some of the views expressed by President Wilson. Certainly there is a harmony between the views expressed by Col. Roosevelt and the views expressed by Mr. Wilson as to the functions of this league and as to the great mission which it is to serve in the world for the preservation of international peace.

Col. Roosevelt proceeds:

This would mean a great practical stride toward relief from the burden of excessive military preparation. It would mean that a long step had been taken toward at least minimizing and restricting the area and extent of possible warfare. It would mean that all liberty-loving and enlightened peoples, great and small, would be free from the haunting nightmare of terror which now besets them when they think of the possible conquest of their land.

In the same volume Mr. Bryan's peace treaties are fiercely denounced, but at page 202 Col. Roosevelt states that—

international peace will only come when the nations of the world form some kind of league which provides for an international tribunal to decide on international matters, which decrees that treaties and international agreements are never to be entered into recklessly and foolishly, and when once entered into are to be observed with entire good faith, and which puts the collective force of civilization behind such treaties and agreements and court decisions, and against any wrongdoing or recalcitrant nation.

The book contains a striking chapter entitled "Utopia or Hell?" Therein the author concedes that the project of a league of nations may be Utopian for a time, but expresses the hope that—

after the war has come to an end the European contestants will be sufficiently sobered to be willing to consider some such proposal, and that the United States will abandon the folly of the pacifists and be willing to cooperate in some practical effort for the only kind of peace worth having—the peace of justice and righteousness.

He further proceeds:

My proposal is that the efficient civilized nations, those that are efficient in war as well as in peace, shall join in a world league for the peace of righteousness. This means that they shall by solemn covenant agree as to their respective rights, which shall not be questioned; that they shall agree that all other questions arising between them shall be submitted to a court of arbitration; and that they shall also agree—and here comes the vital and essential point of the whole system—to act with the combined military strength of all of them against any recalcitrant nation, against any nation which transgresses at the expense of any other nation the rights which it is agreed shall not be questioned, or which on arbitrable matters refuses to submit to the decree of the arbitral court.

In his final chapter, summing up the argument, at page 253, he says:

It is because I believe our attitude should be one of sincere good will toward all nations that I so strongly feel that we should endeavor to work for a league of peace among all nations rather than trust to alliances with any particular group. * * * The prime necessity is that all the great nations should agree in good faith to use their combined warlike strength to coerce any nation, whichever one it may be, that declines to abide the decision of some competent international tribunal. Our business is to create the beginnings of international order out of the world of nations as these nations actually exist. We do not have to deal with a world of pacifists, and therefore we must proceed on the assumption that treaties will never acquire sanctity until nations are ready to seal them with their blood.

More than one year after these words from Col. Roosevelt, he gave to the world another volume entitled "Fear God and Take Your Own Part." In this work he reproduces passages from his address before the Nobel Prize Committee May 5, 1910:

Something should be done as soon as possible to check the growth of armaments, especially naval armaments, by international agreement. No one power could or should act by itself, for it is eminently undesirable from the standpoint of the peace of righteousness that a power which really does believe in peace should place itself at the mercy of some rival which may at bottom have no such belief and no intention of acting on it.

Finally it would be a master stroke if those great powers honestly bent on peace would form a league of peace not only to keep the peace among themselves but to prevent by force, if necessary, its being broken by others.

The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the court. Each nation must keep well prepared to defend itself until the establishment of some form of international police power competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world could only be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. * * * The combination might at first be only to secure peace within certain definite limits and certain definite conditions, but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind.

Mr. President, do Senators upon the other side of the Chamber desire to make a separate peace with Germany? If so, they bring upon their heads the condemnation of their distinguished leader. If we adopt the resolution of the junior Senator from Pennsylvania, we are contravening the admonitions of the chairman of the Committee on Foreign Relations. The Senator from Massachusetts, as I recall, declared after the defeat of the resolution of ratification submitted by him that the treaty was dead. I have stated and I repeat again "the treaty is not dead." It is a vital, living presence. It is here in this Chamber. It looks into our faces. It demands that we shall act and act now. Certainly the Senator from Massachusetts would not have us bring "everlasting dishonor and ruin" to us by urging the negotion of a separate peace with Germany. If the treaty is not ratified then there must be a separate peace treaty with Germany. Does the Senator from Massachusetts stand sponsor for such a proposition? Does he desire the Chief Executive of the United States to begin negotiations with the Ebbert government, looking to a separate treaty with our former enemy?

During the sanguinary struggle between the allied nations and the Central Empires the distinguished leader of the Republicans, in eloquent terms, pleaded for the independence of Poland, Czechoslovakia, and the Jugo-Slav nations. With clear vision he saw what the condition of Europe would be when the Central Empires were defeated and when the victorious powers would meet to draw the terms of peace for submission to the defeated foe. His broad statesmanship impelled him to take the position that the new nations which would be created must be preserved. He did not urge or predict that this Nation, when the war was won, should flee from Europe or abandon our allies or make a separate peace.

Mr. President, the peace treaty before us is not wholly an European product, but it bears evidence that it is in part of American origin and American spirit. It is in part the result of American handiwork, and the American people will not repudiate it. By this statement I do not mean to express the view that it is not marred by serious imperfections. Indeed, in my opinion, it contains provisions that should be modified by reservations clearly and explicitly phrased. But, considering the stupendous problems presented and the conflicting interests involved, it is not too much to say that the work of the peace conference will commend itself to impartial historians and secure the commendation of those who come after us. The presence of the Chief Executive of our country at the peace conference, in my opinion, was a fortunate event for this country and for the

world. His great contribution to the cause of democracy and to the peace of the world is not fully known at this time even to his own countrymen.

Let me pause here to say, Mr. President, that Woodrow Wilson is still the titular head of a great, militant democracy. No man can wrest the scepter of authority from his hand. Upon a sick bed his clear brain has given expression to the policies of this Republic, and his judgment has guided, and guided well, the American people and this Nation. There may be those who think his leadership is ended. He still is a powerful figure in the world. He is guiding the destinies of this Republic, and with honor occupies the titular headship of a great and an undying political organization, and his influence now and his influence in the future upon his party and upon the Nation will be great and potential, and the years to come will pay homage to Wilson and to his great work for his country and for humanity.

When the full light of history shines upon the proceedings of the peace conference, the work of President Wilson will be acclaimed and his moral leadership there, as well as elsewhere, will be recognized. His influence was powerfully exerted for the weak nations—for people everywhere who were seeking to struggle from darkness into light. His views were set against imperialistic policies, against lust for territorial gains, and for the assertion of autocratic power. He endeavored to interpret the hopes and aspirations of the struggling masses and to speak for the submerged and inarticulate peoples not only in Europe but throughout the world. He believed in the solidarity of the human race, in the ultimate triumph of justice, and that liberty and peace were the patrimony which all nations and all peoples should enjoy. As a student of history he knew that the forces operating in the world were making for progress and for a higher civilization; and he also recognized that there were influences and forces manifesting themselves in the world, perhaps ultrarational or superrational, not cognized by the materialistic teachers nor the synthetic philosophy of Spencer and others who find in the evolutionary developments of the world no manifestations of an omnipotent and omniscient power. Woodrow Wilson in the years to come will be regarded with affection and reverence as the spokesman of the plain people, of the toiling masses, of the inarticulate children of the darkness and of the night, in the period in which he lived.

Jefferson had a passion for peace and an indestructible love for the people. He believed in them, in their capacity for self-government, and in the future which they were to possess.

Mr. President, President Wilson did his duty. He presented the treaty to the Senate of the United States. We have failed to discharge our duty. Thank God, the Democratic Party from the days of Jefferson until now has possessed great men, guided by his philosophy and his spirit, and who exemplified in their lives and in their labors those principles for which Jefferson pleaded with matchless power. His spirit is abroad in the land to-day, and his influence exerts an ever-increasing power throughout the land.

The horrors of this mighty conflict impressed President Wilson, as they did all lovers of humanity, with the awful horrors and the wickedness and the cruelties of war. He went to the peace conference determined that if it were within his power the cause of peace should be advanced and the possibilities of war diminished. President Wilson has been denounced as an idealist. He saw what prophets and sages and poets have seen—that the day must dawn when law and justice would rule the world and not the evil passions of men and the dark and sinister forces that have so powerfully operated in the ages of the past. No more opportune time to lay the foundations of a league for the peace of the world was ever presented to the world. The representatives of the allied nations at the peace conference would have been not only derelict to their countries but would have been untrue to humanity if they had not attempted to devise some plan that sought to secure an enduring peace and to prevent the recurrence of devastating conflicts. America at the peace conference had no thought of gain; she desired no territory. Without passion or prejudice she attempted to abate selfish demands, imperialistic ambitions, and as a residuum of the conflicting and selfish interests give to the world peace and a treaty which would be the basis for a new order under which liberty and justice would be enjoyed by all.

The obligation rests upon us now to take this treaty from the table and to proceed to the consideration of a resolution calling for its ratification. There ought to be prompt and speedy action. The condition of Europe demands it; the world demands it. The gains of the war may be lost if we hesitate and refuse to deal with this matter which still hangs over the world.

What could President Wilson do other than to present the treaty to the American people, a treaty for which he had fought and to which he had pledged his best efforts? He has been criticized because it has been said that he opposed amendments or reservations. Mr. President, suppose Woodrow Wilson, contending as he did for this treaty, having labored to secure it, had come to the American people and, while presenting the treaty, had said, "I will consent to amendments, reservations, modifications, and qualifications." In what attitude would it have placed him with the allied nations? He had insisted that the representatives of those nations should make concessions. France, bleeding at every pore, terrified, even in the defeat of her enemy, by the fear of a possible recrudescence of her power, demanded that the Rhine should be fixed as the boundary between Belgium and France and Germany. President Wilson wanted that there should be no seeds sown that would bring forth another war. He wanted no Alsace-Lorraine provisions in the treaty, and with the earnestness of a crusader and with the vision of the true statesman he insisted that they should yield upon that proposition, and they did yield. If he had brought the treaty here, having wrung concessions from the Allies in the making of the treaty, and had stated that he was willing to accept amendments and reservations changing, modifying, altering, and qualifying it, I repeat he would have subjected himself to the charge of having betrayed his allies.

There was only one thing for Woodrow Wilson to do, and that was to urge that the treaty be ratified. He could say, "I have done my work as best I could; I have preserved the honor of and vindicated my country; I have fought for world peace and for a treaty which will preserve the fruits of victory and advance the cause of justice in all the world." The responsibility, when he presented the treaty to us, became ours. We have not discharged the duty which under the Constitution is ours. It is our duty to act. If we believe reservations should be made, let us attach them to the treaty, and then, having discharged our duty, return the treaty to President Wilson, and the responsibility then will rest upon him to determine whether, with the reservations imposed by the Senate of the United States, he will accept it and transmit it to the nations with which the treaty was negotiated. But until we act Woodrow Wilson can do nothing else than to stand by the terms of the treaty. It would be regarded as a mistake for the President to consent, before we have acted, to modifications of the treaty, and I have no criticism to offer concerning the position which President Wilson has taken in relation to the treaty's ratification.

He has exhibited to the allied nations a rectitude of purpose and a devotion to his conception of duty and an inflexible purpose to adhere to policies and principles agreed upon that furnish indubitable proof of his sincerity and fidelity. Whatever the fate of the treaty may be, no allied nation can charge that Woodrow Wilson was false to his associates at the peace conference or that he betrayed the nations whose representatives participated in that memorable and most important conference.

Mr. President, I repeat that our duty is plain. The treaty now before us must be acted upon. We can not longer postpone an overpowering duty. The interests of our own country demand that the treaty be ratified. The political welfare of our people, as well as the industrial and economic interests of our Nation, cry aloud for immediate action. Moreover, our moral leadership in the world will be lost and the crown of glory and honor which this Nation should wear will be placed upon the brows of other peoples and other nations. Parts of Europe are aflame, and hunger, starvation, and death are found in nearly every State of that unhappy land. The new nations created under the peace treaty are struggling to maintain their integrity and to resist the surging tides which threaten their destruction.

The highest ecclesiastical prelate of Poland has just stated that every soldier that poor and impoverished and suffering Poland can raise has been placed upon her eastern border to prevent the destructive forces of bolshevism that are now knocking at the gates of nearly every nation in Europe. If Poland should be destroyed by bolshevism and Czechoslovakia should be engulfed by this horrible and hideous stream of barbarism and death, other nations would go down before its devouring forces and the future of Europe and the world would be grave indeed.

Mr. Frank H. Simonds, in a most discriminating article communicated to the press only yesterday, states that the bolshevists have reached the Baltic and that the power of resistance of the Letts and Lithuanians is exhausted. He further states that Poland and Roumania alone of the border States remain. But speaking of Poland, he shows that it has to face the bolshevik peril because of the failure of the allied nations to give Poland the city of Danzig and the title to the mineral districts of Silesia. He points out the fact that "Poland can

not long maintain an army without allied subventions, and that Poland's army is the single remaining bulwark against bolshevism." His criticism of the Allies in failing to recognize that Poland is the "single wall" against the Russian Reds and that the Allies are following their old policy of procrastination is searching and convincing.

Attention is also called by him to the danger to Germany of bolshevism. If Poland should fall by bolshevik invasion, Germany might be crushed. Bolshevism would then stand face to face with France and Belgium. He pertinently inquires "What would be the situation if bolshevism should sweep all of central Europe? What if the armies of Lenin and Trotski should presently acquire the cohesion necessary to repeat the achievements of revolutionary France? Does anyone suppose that the domestic manifestations would be less disturbing than now? Would we be able permanently to escape the duty of joining with Britain and France in the new struggle against a foe far more menacing than Germany was, against a doctrine far more destructive of our ideas and our civilization than the Prussian?"

He further declares that "actually the world situation at the present hour is such that a bolshevist supremacy in Europe is by no means out of the range of possibilities. Peace can only be restored when we have restored a common basis of cooperation between the great masses of men who are now separated by old and by new as well as old intellectual, moral, and racial animosities. Bolshevism is a state of war against organized society as we know it. We can not make peace effectively with a state of war, even though we sign endless papers and retire our influence to our own territory. American liberals fill the world with denunciation of the western governments for their 'invasion' of Russia, but what of the Russian invasion of America, Italy, of all western countries?" In conclusion, he states "Europe can not continue half bolshevist and half democratic, nor can Europe, left to itself, find the moral or material strength to defeat bolshevism. The situation is the situation of the war—when the western nations were only saved from defeat by the enlistment of America. I confess that every shred of evidence that comes to me in Washington from European sources, save in the case of Britain and France, points straight toward the triumph of bolshevism on the Continent, or else to the restoration of German militarism to full strength and vigor as the opponents of the reds. Either solution is hardly less dangerous for America than for Britain and France. As between Ludendorff and Trotski, what is there for us to choose?"

If the views of Mr. Simonds are sound, this Nation is in danger from the conflagration which threatens Europe. The sea which divides us becomes but a narrow stream when convulsions occur, such as Germany brought to Europe in 1914 and the bolsheviki bring to the world in this year of grace. We did not escape the menace of Prussianism, and the red glare of bolshevik destructiveness illumines the skies over our heads as it brings terror to the hearts of the affrighted and suffering peoples of Europe.

The policy of the allied and associated powers in dealing with the Russian situation has been a chapter of blunders and a volume of tragedies, the blunders are still being multiplied and the tragedies are still being written. The situation may be relieved if we ratify the peace treaty and if our Nation, taking her part with the free nations of the world, shall use the forces and machinery of the league of nations to defend humanity against the dangers which are so threatening and imminent. In helping Europe we are aiding ourselves. We can not sit by with chilled hearts and cynical looks and behold the sorrows and sufferings of the people of Europe. When enemies are defeated and when starvation and sufferings overwhelm them, the victorious nations by every law of humanity and chivalry should give succor and relief. Millions of people in Austria, in Poland, in Germany, and in other parts of Europe will meet death from starvation and exposure before the warming sun of the coming spring can revive their broken spirits. And the terrible situation and conditions obtaining create opportunities for bolshevik success and lead to instability and national destruction. From a moral and a humanitarian standpoint, as well as from selfish and purely national reasons, we should demand that the peace treaty be disposed of.

It is important, in my judgment, that Germany should soon be admitted into the league of nations. The maintenance of the new nations created under the peace treaty, the stabilization of European conditions, the restoration of economic and industrial conditions, which will permit development and progress upon the part of the nations of the earth, the establishment and maintenance of the peace of the world, all these important desiderata can only be realized when the treaty is effective and the league of nations becomes operative.

As I have suggested, Senators have a solemn duty resting upon them. They can not evade responsibility. If action is not taken by other Senators within a short time, I shall appeal to the Senate to consider in open executive session the resolution now pending for the ratification of the treaty with Germany.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. CHAMBERLAIN. Mr. President, I had the distinguished honor in December, 1908, I believe it was, of addressing, on behalf of the governors of the several States, the national conservation congress which was held in this city, at which meeting the then distinguished President of the United States, Theodore Roosevelt, presided, and the President elect, Hon. William Howard Taft, was one of the speakers. All of us, I believe, were of one mind with regard to the conservation of natural resources.

Ever since that date I have favored the conservation of the natural resources of our country, but I did not then and do not now believe that true conservation consists in locking up from the people resources the development of which is so vital to the welfare of our country. Because I entertained that opinion then, and because I entertain it now, I am in favor of the pending measure known as the water-power bill.

I shall briefly address myself to the subject generally, though not to the specific provisions of the bill itself. I may do that a little later on, but shall content myself now with at least having in the RECORD the views which I entertain with reference to the general subject of water power.

Less than 3 per cent of the coal of the United States is contained in the Pacific coast States of Washington, Oregon, Idaho, Montana, Nevada, Utah, Arizona, and California, and yet while these eight States contain 44,000,000 horsepower, or 70 per cent of the total water-power resources of the Nation, but 2.8 per cent has been developed. And this, while enormous quantities of coal are being shipped in from other far distant States, and being imported every day in train and shiploads from Canada.

Those States are like children stunted of growth because of lack of exercise. They contain the energy, the wherewithal to make themselves of stature as great as their eastern sister States which have been given free use without cost of the parent Federal Government's harbors and other properties. And yet, through withdrawals and restrictive laws and conditions, those younger States of the far West have been unable to utilize the water powers and other property of the Federal Government. Congress has not treated the younger States with the generosity accorded to the older ones. But Congress has been very short-sighted in this. The development of the water powers of the far West would be of enormous benefit to the property of the Federal Government located in that region.

The total land-surface area of the 11 public-domain States of the West is 755,915,560 acres, of which 471,033,227 acres is in public ownership and 284,882,333 acres in private ownership. That is, the public domain comprises 62 per cent of the total area of these States, or an area approximately as large as the entire United States east of the Mississippi River.

Over 60 per cent of the wasting water powers of the United States are located in streams in the undeveloped portions of the public domain in the far West. The electric energy which could be produced from these water powers would be within easy reach by transmission lines of vast areas of lands, mineral deposits, and other natural resources owned by the Federal Government. These great properties, at present idle and in their present condition almost worthless, could be utilized and made of great value through the development of the water powers in their midst. The land would be brought under cultivation through electrically operated pumping plants, and power would be available to open up mines, operate smelters, and for other purposes.

Cities, towns, and villages all over the country offer free sites and cash bonuses to induce the building of manufacturing plants, because they bring increased population, increase taxable values, and enhance the value of all near-by property.

Why, therefore, would it not be good business for the Government to render the development of these water powers as attractive as possible? Why is it not manifestly in the public interest that Congress enact such legislation as will encourage men and capital to undertake the development of this great na-

tional resource, which would vastly increase the value of the public domain, would increase the national wealth, and would be accomplished without taxation and by private capital?

Under the railroad right-of-way act of March 3, 1875, any incorporated railroad may obtain free right of way through any of the public lands of the United States by merely filing a map of its proposed line. The same is true for telephone and telegraph lines, and in the oil-producing public-land States for oil pipe lines. These free rights of way are granted because their building is pioneer work often through localities practically uninhabited, and because their installation means the development and increased value of the Government lands through which they pass. The development of water power is to an equal extent pioneer work, and of a much more hazardous nature than the building of railroads and installation of telephone and telegraph lines, and the benefits accruing to the public through enhancing the value of the public domain are fully as great, and therefore the Government in the public interest should encourage the development of the now wasting water powers of the country to the fullest extent possible.

For these reasons and because our far Western States can not increase much further in wealth and population until they are allowed to utilize the national resources in their midst, I do not want to see the bill which we have under consideration made so restrictive in its terms as to make it impossible to secure capital for development purposes, and thus continue the present stagnation in water-power development. I have been making a plea for Oregon and her sister States, but water-power legislation can not be considered a local or a sectional question. To encourage water-power development is a national duty. It concerns every citizen of the United States, whether he dwells in the vicinity of a water power, in a city, or upon the plains of Iowa. Power is now one of the big items in the high cost of living. It has been figured that $2 out of the price of a suit or overcoat represents the amount paid for coal alone. Food costs are up because of the high cost of transporting them from the source of supply to the markets, and the transportation rates are high because of the abnormal cost of power, and it looks as though the rates were still further to be increased before this Congress adjourns.

The things used and consumed in every household are affected by the price of which those things can be produced under the cheapest of conditions. The cost of food, of clothing, of fertilizers, of explosives, and the convenience and facility of transportation would all be beneficially affected by the development of water power to the utmost extent of its usefulness.

To meet the necessities and requirements of the citizens of every State of the Union, and to promote their prosperity and the comfort of their living, the Federal Government should be generous with the Western States in this matter, and it can not afford not to be generous.

Coal shortage brings up again the folly of leaving unused the Nation's vast resources of water power. The more these are developed the less desperate will be the fuel stringency. The waste is not alone one of money. It extends in its final direct results to public health and life itself as these are affected by the inability to get coal for heating and for the production of the necessaries of life.

It is estimated that $5,000,000,000 worth of potential water power is lost every year. This may or may not be accurate. The simplest reasoning shows that the amount lost is enormous.

May I say here that on the Columbia River alone, between The Dalles and Celilo, a little station up river a distance of 8 miles, there is a fall of 89 feet where the whole of the Columbia River, accumulating its power and strength from its upper waters in British Columbia, flows and would furnish power that would operate the Oregon-Washington Railroad & Navigation Co. along the south bank of the river and the Northern Pacific Railroad on the north bank of the river, besides furnishing power and light and heat to adjoining cities.

An authority has said that "enough hydroelectric energy is running to waste in the United States to equal the daily labor of 1,800,000,000 men, or thirty times the adult population of the Nation."

Some experts estimate that our coal supply at present consumption and with the increase that will come with increased population will exhaust all our anthracite coal deposits and all of our high-grade deposits of bituminous coal within 100 years. I know that that statement has been denied more than once, but it is as strenuously affirmed on the other side of the question.

The United States, possessing more than one-half of the total coal deposits of the earth and mining more coal than any other nation, is also the heaviest coal consumer. Every year there is mined three-quarters of a ton of coal in the world for every man, woman, and child on the face of the globe. But the United States burns 4½ tons for each inhabitant. England burns 3½ tons per capita each year, while France consumes but a ton and a half for each inhabitant. Although America has 1 out of every 15 of the earth's people within its borders and mines 2 out of every 4 tons of coal produced, nearly all of our production is consumed in our own homes and industries.

Only one-sixth of our coal consumption is for heat production. Another one-sixth goes into the making of coke and gas. The other two-thirds goes into the production of power, with which our manifold industries are kept going. During the last 20 years the population of the United States has increased 42 per cent, yet in this same period of time our consumption of coal has increased 172 per cent. New industries, the employment of more mechanical means for doing the world's work, and constant world demand for more and more of America's goods have swelled the coal consumption to an enormous figure. Early this year it was estimated that the total coal needs of the Nation for the year 1919 amounted to 530,000,000 tons, of which 33,000,000 tons were held in reserve.

If our population shall continue to increase during the next 20 years as it has in the last two decades, and industrial expansion shall call for coal on the same scale that it has since the beginning of the new century, it is likely that our total consumption by the year 1940 will have reached the astounding figure of 1,400,000,000 tons.

Another matter to be considered is the quantity of coal being exported to other countries. Our total coal exports are increasing by leaps and bounds. Back in 1900 they were a negligible quantity, but by 1913 they had jumped to 20,000,000 tons; last year they had climbed to 26,000,000 tons; and this year the demands are greater than ever before. China needs more than 3,000,000 tons; France, 17,000,000 tons; Belgium, 12,000,000 tons, and the Netherlands 8,000,000 tons. Denmark, Switzerland, South America, the British Isles, Scandinavia, Greece, Portugal, and the North African countries have their hands—or their empty bunkers—outstretched toward the United States.

But it is bituminous coal that is the burning question of the day. It is the basis of our industrial life. Government geologists tell us that we have in the United States close to fourteen hundred billion tons of soft coal. This sounds good, but it is not. Less than 5 per cent of our bituminous deposits are first-class coal. Almost all our production to date has been of the best grades of soft coal. There remain inferior grades of coal. The prediction that by 1940 we will be using close to a billion and a half tons of coal is therefore conservative, since the falling back upon inferior grades of coal will likely entail a greater consumption in order to get the required number of energy units.

Since the 1st of January, 1919, in New England alone, fuel oil from Mexico has replaced nearly 2,000,000 tons of coal. New England takes the initiative in the matter for very definite reasons. She produces not a ton of coal of her own, being entirely without native supply; yet New England consumes more than 5 per cent of all the coal mined in the United States.

The railroads are one of the greatest coal-consuming agencies. Out of every 100 tons of coal mined it takes 5 tons of coal to run the transportation agencies that put that coal on the market. In 1914 our railroads hauled about 1,000,000,000 ton-miles and consumed an equivalent of 140,000,000 tons of coal. Had all this work been done electrically, 100,000,000 tons of coal or its equivalent in oil could have been saved in 12 months. It has been repeatedly pointed out that solution of the problem of fuel waste by the railroads can be solved by the electrification of all carriers. Cost of motive power amounts to 30 per cent in the operation of a steam railroad. One ton of coal converted into electric energy for an electric railway locomotive will do as much work as 4 tons of coal burned under steam boilers.

I presume there is not a Member of the Senate who at some time has not taken a trip west from St. Paul over the Chicago, Milwaukee & St. Paul Railroad and seen how that road is electrically operated for hundreds of miles, the power being generated by the mountain streams along the railway right of way.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH of Montana. The Senator gives 100,000,000 tons of coal a year as the saving to be realized if the water power that is available were developed.

Mr. CHAMBERLAIN. Yes; 100,000,000 tons.

Mr. WALSH of Montana. That, at the rate of $3 a ton, would amount to $300,000,000 a year.

Mr. CHAMBERLAIN. Yes.

Mr. WALSH of Montana. So that we are practically losing $1,000,000 a day every day we delay this legislation.

Mr. CHAMBERLAIN. I think we are; I do not think there is any question as to that, and that is the reason I am addressing myself to the subject generally rather than to the specific provisions of the bill, in order to call attention to these matters. I am particularly anxious to have the Senator listen to what I shall say now as to what the countries that have just gone through the devastations of war are doing to meet this very situation. The United States has an opportunity now to do likewise and is in a much better position to do so, not having suffered much from the war as compared with her allies. Now, notice what France and Sweden are about to do in the way of utilizing their water powers.

Notwithstanding her present disastrous financial and economic situation, there is ample evidence that France, with characteristic courage, has determined to surmount her momentary difficulties and take that position in the world which her magnificent natural advantages have placed within her reach.

Since Alsace and Lorraine have been restored to her the industrial situation of France is largely explained by two fundamental facts: France has an abundance of iron ore and a shortage of coal. In normal times France consumes about 60,000,000 tons of coal per annum, and her coal mines produce about 40,000,000 tons.

Practical economists in France long ago realized that by utilizing the rapid current of the Rhone, which is one of the swiftest rivers in Europe, France would be able not only to provide herself with sufficient motive power largely to compensate for her chronic deficit in coal, but also greatly to improve her internal transport facilities, and at the same time to develop a system of irrigation that would bring a large amount of hitherto sterile land under cultivation. Throughout the war, in spite of all the obstacles in the way, this dream of harnessing the Rhone has been steadily pushed toward fulfillment, with the result that during the last weeks of the parliamentary session a bill to provide the necessary facilities passed and has now become law. The plan, briefly stated, is to construct a canal from the Swiss frontier to the Mediterranean. In the construction of this canal the bed of the Rhone itself will be utilized whenever possible, the swiftness of the current being modified by means of a series of locks and dams, the latter being utilized to generate electric energy and for irrigation purposes. It is estimated that as a result of the plans provided some 585,000 acres of agricultural land at various points of the river's course will be brought under irrigation. Nineteen large generating stations are to be provided, which will furnish electrical energy ranging from 12,000 to over 70,000 horsepower per station. This is all done by private capital. Those having the scheme in hand estimate that the river is capable of generating energy equivalent to 760,000 horsepower, which is equal to a saving of 4,500,000 tons of coal. By the terms of the agreement 300,000 horsepower of the energy generated is reserved for the use of consumers in Paris, and the balance of 460,000 horsepower will be utilized by metallurgical, electrochemical, and other industries in the Rhone Valley, for electric traction on the river Rhone, for the electrification of railroad systems, for pumping irrigation water, and so forth. From the point of view of international transport the development of the plans in prospect is obviously of the highest importance, as it will render possible a vast internal system of waterways connecting Marseille and the great industrial region around Lyon directly with the channel and North Sea ports, as well as with the Rhine and central Europe. The cost of carrying out the plans provided for under the act is estimated at $500,000,000, as compared with a prewar estimate of $200,000,000.

It is also proposed to develop the French bank of the Rhine as a source of electrical power. It is proposed to construct a canal between 75 and 80 miles long, to run parallel to the Rhine between Hunigen and Strassburg. This canal will be 65 feet in width and will have a navigable depth of 20 feet, which will be sufficient for the largest vessels that are used on the Rhine. Plans are included for the transformation of Strassburg into a great river port. Ten hydroelectric power stations are to be constructed along this canal, each capable of generating 70,000 horsepower. The cost of carrying out this scheme is placed at $200,000,000. Another canal project which has received parliamentary sanction recently is for the construction of a waterway from Longwy, the capital of the Lorraine iron fields, to Dunkirk on the North Sea, with a branch canal to Cologne. Work on this canal, which will place the great French ore beds and ironworks in direct connection with British ports, is to be begun in the near future.

Mr. President, if France, having been bled white in the loss of her young manhood, and having become almost bankrupt in the ordinary acceptation of that term, is yet willing, or her citizens are willing, to undertake these great schemes for the betterment of the people of France, why should not those in the United States who are willing to invest in water-power projects, if only the Government will permit them to do so, be allowed that privilege by appropriately safeguarded legislation?

Sweden has given up hope of getting coal either from England or Germany in the quantity she did before the war, and has determined to develop every ounce of hydroelectric energy possible in the kingdom. She was so short of coal in 1917 that she burned 825,000,000 cubic feet of the country's wood supply in her railroad locomotives. This would deforest Sweden if continued, for the annual growth of timber is only 600,000,000 cubic feet.

Under the strange conditions of recent times the costs of fuel in 1918 represented nearly 70 per cent of the expense of transportation in Sweden as against 30 per cent in the United States.

In 1917 the Swedish railways paid $20 a ton for coal. Last year the price was $46.90 per ton, and ever since then it has been rising. Therefore Sweden is proceeding with the work of developing as near as possible the entire 5,000,000 horsepower contained within that country.

The United States must not fall behind European countries in conserving its coal deposits, and in developing the vast amount of cheap electric energy contained in its wasting water powers.

All the available water power should be developed, and in the quickest time possible, in the interest of the economic uplift of the country, of its social regenaration, and of its wealth, and in order to permit it to secure its share of the markets of the world. Hydroelectric energy gives us the means of saving our coal, enables us to obtain electricity at a low price, to lower in many cases our industrial costs of production, and to improve our agriculture. It will become the surest weapon in the economic struggle which faces us.

And, Mr. President, I believe that with appropriate legislation the time is not far distant when practically every railroad west of the Mississippi River will be electrically operated, just as the Chicago, Milwaukee & St. Paul Railroad is now electrically operated for a distance of over 700 miles. Not only could the western railroads be so operated because of the magnificent water powers and streams in that section but there are many sections of the East were electrical energy could be developed as cheaply as it can be developed in the West, if we but had appropriate legislation to permit private capital to be invested in such projects.

Therefore, Mr. President, I shall vote for this bill cheerfully, and I hope that nothing may happen to retard its progress. It may be that some amendments may have to be adopted, but upon the whole it seems to me that the rights of the public, the rights of the Government, are amply protected under the general provisions of the bill.

WORK OF THE SPECIAL SESSION.

Mr. CURTIS. Mr. President, I understand it is the intention to adjourn early, and it is not likely that the pending bill will be acted upon this afternoon. I wish to take a few minutes of the time of the Senate to discuss another matter.

The great newspapers of the country were so full of news about the treaty of peace, the league of nations, and the illness of the President that I fear they did not carry as much information about the work of the extra session of Congress as they usually carry about a session of Congress.

An examination of the record will show that a large number of important measures were enacted into law, and that as much or more was accomplished as is usually the case during an ordinary session, and there was much more saved to the taxpayers.

When the session opened there were seven great supply bills which had failed to pass during the last regular session, in which the Democrats had a majority in the House and Senate. These seven measures, as passed at the extra session of Congress, carried, in round numbers, $940,000,000 less than the Democratic measures which had failed at the regular session, and the actual appropriations were $1,685,000,000 less than the amount estimated by the heads of the various departments. The reductions were largely in the Army, Navy, and sundry civil appropriation bills, the decreases in these measures being as follows: Army, $468,000,000; Navy, $208,500,000; and the sundry civil, $246,000,000.

During the session other measures were taken up and finally disposed of. The constitutional amendment providing for woman suffrage was passed and submitted to the States for ratification. The women of the country have been working for

the passage of this amendment for more than 50 years, and while the question was nonpartisan, I am confident that a majority of the people of the United States were pleased when success came, and they will thank the Republican majority in the House and Senate for acting upon this important measure so soon after the session opened.

Then, there was the act for the enforcement of national prohibition; this measure was vetoed by the President and was repassed over his veto. This was very important legislation, as the amendment had been ratified by three-fourths of the States.

The so-called daylight-saving act was repealed, and the act was vetoed by the President and repassed over his veto.

The bill to restore to the Interstate Commerce Commission its prewar powers of rate fixing was passed, but it was vetoed by the President. A measure was enacted amending and strengthening the Lever food and fuel control law; its provisions were enlarged, and severe penalties were imposed upon those found guilty of hoarding and profiteering. The law was amended so as to enable the Department of Justice to prosecute those who are responsible for the high cost of living. The telegraph, telephone, and cables were returned to their owners by proper legislation.

An appropriation of $750,000,000 was made for the Railroad Administration to enable it to take care of the roads under Government control and operation. The administration asked for $1,250,000,000, but the sum was reduced to $750,000,000. The administration had been given $500,000,000 in an appropriation bill which passed in the previous Congress. The Railroad Administration has had the sum of $1,250,000,000 appropriated for its use.

In addition, the following measures were enacted:

A joint resolution temporarily to protect the dye industry of this country.

A bill to regulate the entry of aliens into the United States, and authorizing the President to prescribe rules and regulations and fixing severe penalties for the violation of the provisions of the act.

An act making it unlawful to transport stolen automobiles and other motor vehicles in interstate commerce.

An act providing for the completion of the Alaskan Railroad and making a part of the required appropriations.

An act to incorporate the American Legion.

An act to provide for vocational rehabilitation and the return to civil employment of disabled persons discharged from the military or naval forces of the United States. This law will be of the greatest benefit to the brave men who entered the service and offered their lives to their country and who were disabled while performing such service.

An act providing for additional compensation for employees of the Postal Service. This act did not go as far as it should, but it gives partial recognition to these men who have been underpaid for years.

An act to provide for the payment of travel pay to men upon discharge who enlisted in the Regular Army prior to April 2, 1917.

The following legislation was carried in various appropriation bills:

In the sundry civil act:

A limitation on the appropriation for the Bureau of War Risk Insurance. This was to prevent the expenditures of the appropriations for reimbursements to Government-owned hospitals.

To prevent the duplication of public-health activities. It was shown that in the city of Washington there were over 40 different branches engaged in public-health activities, many of which involved an unnecessary duplication of work.

Provision for naturalization service and appropriating approximately $390,000 for Americanization work.

To exclude certain radical classes of aliens from the United States, and provisions for the enforcement of the immigration law.

Requiring heads of departments to purchase from other departments materials and supplies no longer needed because of the cessation of war activities.

Post Office act:

Directing the Post Office Department to purchase, as far as practicable aeroplane machines, supplies, and so forth, from the War and Navy Departments.

Adjustment of salaries of clerks in first and second class post offices.

Classification of salaries of railway postal clerks.

Providing for a commission to investigate the salaries of postmasters and employees. Transferring of road-construction machinery and supplies to the Post Office Department by the War Department. Additional appropriations for road work.

By the Army appropriation act:

The disposal of real property acquired during the war by sale or lease.

Placing certain medical and surgical supplies at the disposal of the American Red Cross.

Preventing Government employees from representing those who have claims against the Government.

By the first deficiency appropriation act:

Providing for the transportation of alien enemies to places of internment and to remove them to the countries of which they are citizens.

Provisions for the detection and prosecutions of enemies.

Investigation of the scope and character of statistics needed by the Government to prevent the duplication of work.

By the Indian appropriation act:

Authorizing the leasing of mineral lands within Indian reservations in certain States.

By the third deficiency appropriation act:

Legislation concerning the duties of the Alien Property Custodian and authorizing that officer to dispose of certain property in his custody.

Requiring records, books, and papers to be transferred to the Bureau of Efficiency, so as to enable that bureau to make an investigation as to the duplication of work.

Prohibiting the payment of propaganda by executive departments from public funds. This will lead to prohibiting an abuse of the use of Government funds by heads of departments. There was covered into the Treasury unexpended balances to the amount of $95,000,000.

I have not attempted to enumerate all the acts and joint resolutions passed at the extra session, but have given a few of the most important. Nor have I traced all the legislation carried in the various appropriation bills, but have called attention to enough to show that much-needed legislation was enacted in some of them.

There were 93 public laws and 18 joint resolutions passed at the last session. It will be seen from the data furnished that some very important legislation was enacted. Then, there were a number of very important bills which passed one House or the other and some measures were acted upon by both bodies and are now in conference.

A very good start has been made by the new Congress. Many bills are pending, more will be introduced, many of which will be enacted into law before the end of this Congress.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. HARRISON. I offer an amendment to the pending bill, which I send to the desk, so that it may be printed and be considered at the proper time.

The VICE PRESIDENT. That order will be made.

Mr. HARRISON's amendment proposes to add the following proviso:

Provided, That this act shall not apply to the waters of the St. Lawrence or Niagara Rivers.

Mr. NELSON. I ask that the reading of the bill be resumed; and I desire to state that at 4 o'clock, at the instance of the Senator from Nebraska [Mr. HITCHCOCK], I shall move an adjournment.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning with section 20, page 31, line 15.

The next amendment of the Committee on Commerce was, in section 20, page 32, line 15, after the word "section," to insert "and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee," so as to make the paragraph read:

That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such

parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee.

The amendment was agreed to.

The next amendment was, on page 33, line 9, before the word "such," to strike out "of" and insert "to," so as to make the paragraph read:

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States, but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act.

The amendment was agreed to.

The next amendment was, in section 21, page 33, line 21, after the word "thereto," to insert "in conjunction with an improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce," so as to make the section read:

SEC. 21. That when the licensee is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, and can not acquire by contract or pledges the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, in conjunction with an improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: *Provided*, That United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $3,000.

The amendment was agreed to.

The next amendment was, in section 22, page 34, line 17, before the word "approval," to strike out "joint," and after the word "approval" to strike out "of the commission and," so as to make the section read:

SEC. 22. That whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the approval of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission; and thereafter, in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fulfill all such contracts.

Mr. NELSON. Mr. President, I ask that the amendment be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, in section 23, page 35, line 4, after the word "as," to strike out the word "revoking" and insert the word "affecting," and in line 5, after the word "as," to strike out the word "revoking" and insert the word "affecting," so as to read:

That the provisions of this act shall not be construed as affecting any permit or valid existing right of way heretofore granted, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this act, and in such case the provisions of this act shall apply to such applicant as a licensee hereunder.

The amendment was agreed to.

The next amendment was, in section 23, page 35, line 13, after the word "hereunder," to insert the following proviso:

Provided, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided below in this section, shall for the purposes of this act and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant, or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value.

The amendment was agreed to.

The next amendment was, on page 36, to strike out line 3 to line 20, inclusive, in the following words:

As to all streams or parts of streams, other than streams the use of which is herein authorized to be licensed, over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams therein: *Provided*, That any applicant who proposes to construct a dam in any such last-mentioned stream or part of stream may at his option make application to the commission and if the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of navigation in interstate or foreign commerce, the applicant may receive a license under the conditions with all of the rights and privileges herein provided for streams or parts of streams used for the transportation of persons or property in interstate or foreign commerce in their ordinary, natural, or improved condition.

The amendment was agreed to.

The next amendment was, on page 36, after line 20, to insert:

That any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in its discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this act. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. Mr. President, this disposes of all except two or three controverted items in the bill. In view of the fact that it is nearly 4 o'clock, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 9, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 8, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we stand before Thee as servants and wait upon Thy commands. Inspire us with wisdom, courage, fortitude, that we may divest ourselves of inordinate desires, selfish ambitions, and unholy purposes, that we may love mercy, do justly, and walk humbly with Thee.

Thou hast given us a Government through our fathers, conceived in liberty and dedicated to the proposition that all men are created equal—a stupendous trust—and we pray that we may hold sacred those eternal truths, live them, and thus prove ourselves worthy of such preferment. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. DUPRÉ. Mr. Speaker, under a special order my colleague, Mr. O'CONNOR, was given consent to address the House for 20 minutes on the Battle of New Orleans. He is unavoidably detained in Louisiana, and I ask that the order be vacated, and I trust that the House will at some subsequent time permit him to deliver the address which, I understand, he has prepared.

EXTENSION OF REMARKS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a letter from the governor of my State, J. A. E. Robertson, dealing with the question of the reorganization of the State militia. At the governors' conference held in Utah last year he was appointed, with one other governor whose name I do not recall, to make an investigation of the reorganization of militia, and this embodies the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

POST OFFICE APPROPRIATION BILL.

Mr. STEENERSON. Mr. Speaker, I desire to report the annual Post Office appropriation bill with a report thereon.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Texas reserves all points of order on the bill, and it is referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BLANTON. Mr. Speaker, I desire to prefer a unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that should the same become necessary and it is not objected to by the minority leader, the distinguished gentleman from Missouri, there be held an all-night session in the city of Washington to-night in the interest of all the people of the United States.

The SPEAKER. The Chair did not understand the request.

Mr. BLANTON. Then I will withdraw it.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution passed by representatives of several counties of Illinois, consisting of county superintendents of highways, chairmen of county boards, and chairmen of committees on State-aid roads, assembled in convention at Quincy, Ill., December 5, 1919, on the subject of Federal distribution of auto trucks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

PERMISSION TO ADDRESS THE HOUSE.

Mr. FESS. Mr. Speaker, I ask unanimous consent that on February 12, after the reading of the Journal and disposition of business on the Speaker's table, that 20 minutes be allowed to the gentleman from Washington [Mr. WEBSTER] to address the House on the life and character of Abraham Lincoln.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on February 12 the gentleman from Washington [Mr. WEBSTER] be allowed to address the House for 20 minutes on the life and character of Lincoln. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I want to direct the attention of the gentleman from Wyoming to this request, so that he may have warning that such requests are likely to come up in the future. I do not know whether he intends to get through this session in time for us to get home in June or July or not, but if he does he must begin to understand now that these unanimous requests for opportunity to speak at some future date are likely to interfere with the pressing business of the House.

Mr. MONDELL. Mr. Speaker, I have not changed my mind with regard to requests of the character to which the gentleman refers. I do not believe it is good policy for the House to grant such requests. I do not think we ought to get in the habit of setting dates for speeches on one subject and another; but gentlemen constantly approach me in regard to the matter, insisting that no one Member of the House should insist upon his view in regard to all these matters, and of late the insistence has been that we should make an exception of speeches on the anniversaries of great happenings. For instance, the gentleman from Louisiana [Mr. O'CONNOR] was to have spoken this morning on the Battle of New Orleans. The gentleman from Washington now desires to discuss on the Lincoln anniversary matters connected with the life and character of that great man, I assume.

Mr. FESS. The gentleman from Washington made no such request. The gentleman from Ohio has made the request in the interest of the country in the life of Lincoln. That day is a holiday, and we will not likely adjourn, but certainly we would not refuse to take a little time to consider the present-day lessons of the life and character of that great man.

Mr. GARNER. If the gentleman will yield, I only drew the attention of the gentleman from Wyoming to this matter for the reason I drew his attention the other day—for the protection of the RECORD. The gentleman from Wyoming has been selected to lead on his side of the House. The gentleman from Missouri has been selected as leader on our side of the House. These onerous duties—and some of them are very disagreeable—belong to those two gentlemen, and, if they are to have the honor and plaudits to which I think they are entitled as leaders on the respective sides of the House, they must assume the responsibility of caring for the RECORD and caring for the future progress of the House of Representatives; and especially is that duty on the gentleman from Wyoming. I agree that these unanimous consents ought not to be granted, but if we should grant them in one case we will be forced to in another, else we bring about great friction.

Mr. MONDELL. Mr. Speaker, having agreed that the gentleman from Louisiana should have the opportunity of discussing the Battle of New Orleans, having agreed to the discussion of the Irish republic and discussion of the anniversary of the statehood of the State of Maine, I do not feel I can object to a discussion of the life and character of one of the greatest men in all time on the anniversary of his birth.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

INDIAN APPROPRIATIONS.

Mr. SNYDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11368.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11368, the Indian appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For the construction of five new pumping plants, including the sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and necessary structures for the development and distribution of a supply of water for Papago Indian villages in southern Arizona, $35,000; for operation and maintenance of constructed works for these villages, $17,000; in all, $52,000.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendment the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WALTER ALLEN WATSON, late a Representative from the State of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of deceased the Senate do now adjourn.

INDIAN APPROPRIATIONS.

The committee resumed its session.

The Clerk read as follows:

For completing the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $150,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522): *Provided*, That the limit of cost of the said dam and bridge fixed by the act of May 25, 1918 (40 Stat. L., p. 569), is hereby changed from $250,000 to $400,000.

Mr. MADDEN. Mr. Chairman, I move to amend the language on line 7, page 24, by striking out the words in lines 6 and 7, "to be immediately available."

The CHAIRMAN. The Chair sustains the point of order.

Mr. SNYDER. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] anticipated the chairman in that request. That language got into the bill without the knowledge of the chairman, who followed the bill as carefully as he knew how. We ask to have the words on page 24, beginning in line 6, after the item of $150,000, "to be immediately available," striken out.

The CHAIRMAN. The point of order has already been sustained.

Mr. SNYDER. I am striking out the language——.

Mr. MADDEN. That strikes it out.

Mr. SNYDER (continuing). "To be immediately available and to remain available until expended."

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

The Clerk read as follows:

For completing the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as provided by the act of May 18, 1916 (39 Stat. L., p. 130), $75,000, to be immediately available: *Provided*, That the total cost is hereby changed from $175,000 to $250,000, to remain available until expended, reimbursable as provided by the aforesaid act of May 18, 1916.

Mr. MADDEN. Mr. Chairman, I make the point of order against the words "to be immediately available," in line 17, page 24.

Mr. SNYDER. That is agreeable.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SNYDER. We do not care to discuss it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Papago Indian Reservation in Arizona, with respect to the necessity of constructing a road between Ajo and Tucson, across said reservation, and to submit his report thereon to Congress on the first Monday in December, 1920, which report shall include a recommendation by the said Secretary as to what proportionate part of the construction of said road should be paid by the United States on behalf of the Papago Indians.

Mr. SNYDER. Mr. Chairman, on yesterday we passed over the item on pages 15 and 16, referring to heirship matters, and I desire to take that up now and ask unanimous consent to return to those pages to complete the section with regard to the matter contained therein.

The CHAIRMAN. The Chair thinks unanimous consent is not necessary.

Mr. SNYDER. I desire to offer a committee amendment, which was presented, pending the point of order raised yesterday.

Mr. MADDEN. Mr. Chairman, a point of order was reserved on the amendment, and before the amendment is offered the point of order would have to be withdrawn.

The CHAIRMAN. As the Chair understands, the point of order was reserved, and unanimous consent was given to pass it over.

Mr. SNYDER. The point of order was reserved, and the gentleman from Nebraska [Mr. EVANS] has presented an amendment to the committee, which is agreeable so far as the committee is concerned, and which it is willing to accept.

Mr. EVANS of Nebraska. And the reservation of the point of order is withdrawn.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 13, after the words "as herein provided," insert the following: "*Provided further*, That in the absence of any good-faith contest on question of fact material and relevant to the determination of the heirs of an Indian decedent, no fee shall be charged against the estate of such Indian decedent under the provision of this paragraph unless final order determining the heirs of such decedent shall have been made within one year after the death of such decedent, and if such decedent dies subsequent to June 1, 1920; if such decedent dies prior to June 1, 1920, then such final order must be made prior to May 1, 1921, or no fee shall be chargeable against the estate of such decedent."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN of Illinois. Where is it proposed to insert the amendment?

The CLERK. Page 16, line 13, after the words "as herein provided."

Mr. BEE. Mr. Chairman, I would like to strike out the last word to ask the gentleman from New York a question for information only. Why do the provisions of this paragraph exclude the Osage and the Five Civilized Tribes of Oklahoma?

Mr. SNYDER. Because the affairs of this kind are taken care of wholly by the courts in the State of Oklahoma by treaty arrangement.

Mr. BEE. Of these two tribes?

Mr. SNYDER. Of those two tribes.

Mr. CARTER. The Five Civilized Tribes are all citizens of the United States, and all of their matters, such as the determination of heirship, are settled by the probate courts and the fees taken out of the estate.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SNYDER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. We have been carrying this item in the appropriation bill, I think, for many years. Are they still proceeding to purchase lands for the homeless Indians in California under the item or is this for the purpose of making improvements?

Mr. SNYDER. California seems to be infested in certain sections with a lot of hopeless and homeless Indians who ought to be cared for by the State of California itself, on the same theory that the Seminoles ought to be taken care of by the State of Florida itself, in the judgment of the chairman of the committee. But this amount has been carried in the bill for several years, and great pressure was brought to bear upon the committee to keep it in, and under such pressure we left it in, believing that perhaps for a year or two, on account of the hopeless conditions of those Indians, they should have this assistance.

Mr. MANN of Illinois. Mr. Chairman, I do not remember the date, but I recall this item first coming up in the appropriation bill, and if I remember correctly we were told that probably with $10,000 they could provide sufficient homes to meet the necessities of the case, and year after year we make the same appropriation. Now, in the very nature of things, it is not one of those things that run from year to year. If there are homeless Indians there for whom it is our duty to provide homes, we ought to do it. If there are not, we should stop it.

Mr. SNYDER. Mr. Chairman, I will say to the gentleman that we cut in two the appropriation of last year. Where they had $20,000 last year we are giving them only $10,000 this year.

Mr. MANN of Illinois. My impression was that it started at $10,000 some years ago.

Mr. CARTER. It did.

Mr. SNYDER. We hope to cut it out next year entirely.

Mr. MANN of Illinois. The truth is we give certain Indians their lands, and let them squander them, and let the people of the States get them away from them, and after that is done we proceed to buy more lands for the Indians. It is an endless chain.

Mr. SNYDER. Let me read this extract from the statement furnished by the Indian Bureau:

Prior to 1913, there had been expended $144,470.45 in the purchase of 6,420 acres of land in behalf of 3,291 landless Indians of California. Between 1913 and the beginning of the present fiscal year there had been expended $16,231.59 in the purchase of 1,317 acres for approximately 1,082 Indians. This makes a total expenditure of $160,702.04 for the benefit of approximately 5,003 Indians. At the close of the fiscal year ended June 30, 1919, negotiations were pending for the purchase of three separate tracts, involving a total expenditure of $15,950. One of these purchases has been fully consummated, and it is believed that the other two will be completed. The records of this office show that the per capita expenditure for land purchased for the landless Indians of California is about $15. There remain about 2,600 homeless Indians to be provided for, and upon a per capita basis of $15 each it would require about $39,000 for land alone, without any margin for expenses and incidentals. It is estimated that the appropriation asked for will meet the requirements of less than one-half of the homeless Indians, leaving the others to be provided for by future appropriations.

We gave them one-half of what they asked for.

Mr. MANN of Illinois. Do I understand that you can buy a home in that great State of California for an Indian and equip it for $15? I did not suppose you could look at anything in California for that small amount of money.

Mr. ELSTON. We have an unusual range of land values there, running from $15 up to $15,000 an acre.

Mr. MANN of Illinois. No; $15,000 is a small sum to be expended in California for a home.

Mr. SNYDER. We feel that that item is justified, and we would be pleased to see it left in the bill. But we are willing to agree that after next year we shall try to cut it out entirely. In the meantime the State of California ought to be forced to take care of its own paupers, and every other State which has helpless Indians ought to be compelled to pick up and care for them, the same as any other State cares for its helpless and homeless people. It will be much more difficult to get through an item of this kind next year than it is this year and has been up to this year. I have served notice several times in these matters on the States which have helpless Indians who have heretofore been wards of the Government and then have been separated that they should be cared for by the State, and California is sufficiently rich and able to care for its own Indians.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. ELSTON. Mr. Chairman, I am not going to make any remarks on the observations just made by the gentleman from New York [Mr. SNYDER], because I know that if he knew all of

the facts and appreciated the conditions he would probably not be so severe in his strictures about this situation in California.

As a matter of fact the appeal that the Indians in California can make to the National Government for gratuity appropriations is stronger than the appeal which can be made by almost any other group of Indians in any other State. Strangely enough, the California Indians, when the whites went there, were not looked after as the Indians were looked after in other States. The Indians elsewhere were accorded by treaty rights lands very valuable and tremendously rich, under which now they are enjoying prosperity. In California similar treaties were negotiated, but by some unfortunate events they have never been ratified, and the California Indians were never provided for; and since 1848 they have been wandering, homeless, uncared for, and penniless, and only recently has the United States Government given them any material aid. A total appropriation of a little over $100,000 has been made to provide them with homes, principally upon large tracts of land which can be managed in the form of colonies. I maintain that we have no apologies to make for asking of Congress this very, very inconsequential item of $10,000 to provide homes for wandering bands of Indians who once owned that tremendously rich country, and who were never accorded the rights in that country that they were entitled to.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. CRAMTON. Can the gentleman say whether these homeless Indians are the Indians whose reservation we recently turned over to the city of San Diego under certain agreements?

Mr. ELSTON. I can say positively that the Indians that the gentleman refers to are not included among these particular Indians. And I think the gentleman is a little wrong in his statement that the homes were taken away by ceding the land to the city of San Diego.

Mr. CRAMTON. We authorized the city to take it over for water-supply purposes, on the understanding that other homes would be furnished them. Seeing this item of Indians in California, I wanted to be sure that they were not the same Indians.

Mr. ELSTON. I can assure the gentleman that they are not.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, regarding this item, it is unfortunate that we do not have all of the data that were prepared at this time to present to the committee. This data should have been presented to the Committee on Indian Affairs in their hearings. Part of the testimony last year was presented to the Senate committee, and in addition to the item here they placed two other items on the bill for the purpose of assisting these Indians.

I want to call the attention of the House to the fact that the Board of Indian Commissioners have sent to California, at the request of the members of the delegation, this year men of their board to investigate and report on the condition of the homeless Indians of California. Within the last two weeks I have discussed the matter with the board and with the clerk, Mr. McDonald, and the report is not yet ready in consequence of the enormous amount of work involved.

I want also to call the attention of the committee to the fact that the Bureau of Indian Affairs has had two men in California for the last three months, two of their most capable and trusted agents, investigating this matter, so that they might report fully to the House and to the Senate, for the purpose of extending to these Indians in California that which honestly and rightfully belongs to them, aside from the fact that they are homeless; what, in fact, is theirs in right.

I want to call the attention of the committee to the further fact that no class of Indians in the United States has been so unjustly treated for the last 50 years as the Indians who had rights in the State of California. There lie to-day in the files of the Senate some 23 treaties entered into by the representatives of the Government, duly accredited to negotiate them, and signed by the various tribes of Indians in California from the north to the south of that great State, by the terms of which treaties these Indians would have been granted over 3,000,000 acres of the finest land in California. They ceded the remainder, but retained about 3,000,000 acres of land as well as personal property. In spite of the fact that these treaties have been long negotiated, they have not been ratified, simply because of the silent but effective opposition of the various interests that wanted to hold the land, to keep it from these Indians. They have been deprived of that land, while Indians in every other State in the Union have been granted the land to which their treaties entitled them. The Indians of these other States hold reservations, and are wealthy, even more so on an average than the white people. These treaties ought to be disposed of, and these Indians ought to be given the rights of which they have so long been deprived.

The facts relative to these homeless Indians in California ought to be presented to the Committee on Indian Affairs of the House and Senate, to the end that Congress may know what belongs to these Indians. It will be found upon an examination of the facts that after taking out every dollar that this Government has expended in their behalf in the way of building a few schools, in the way of superintendence, even charging them up with the cost of superintendency, there is about $10,000,000 or $15,000,000 belonging to these Indians in that State which the agents of this Government stipulated that they should have, but which up to this time has not been granted to them by the Government.

Mr. KNUTSON. May I suggest to the gentleman from California that objection to this item in the bill has been withdrawn?

Mr. RAKER. I am not talking about this item in the bill. I am calling attention of the House to the injustice which is being done to these Indians in California in withholding from them that which rightfully belongs to them.

Mr. BEE. Will the gentleman from California ask the gentleman from Ohio [Mr. FESS] how to resurrect these treaties that have been buried over in the Senate?

Mr. RAKER. We have got onto it lately, and Dr. FESS will help us.

Mr. FESS. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. FESS. Have these treaties been rejected by the failure of a two-thirds vote?

Mr. RAKER. No; they have not been rejected at all.

Mr. FESS. Then they are not buried.

Mr. RAKER. No; they are not dead, but sleeping, and I know Dr. FESS will assist us in getting these treaties considered and in helping to give these Indians what they are entitled to.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, $24,000; for general repairs and improvements, $5,000; in all, $29,000.

Mr. BEE. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York if this school at Fort Bidwell is a nonreservation or a reservation school?

Mr. SNYDER. It is a nonreservation boarding school.

Mr. BEE. Then, what becomes of it under the provision that we had up yesterday abolishing these schools?

Mr. SNYDER. Under that provision, of course, the Fort Bidwell school would be abolished.

Mr. BEE. Then what is the necessity for carrying this item in the bill?

Mr. SNYDER. We have provided in the bill that any appropriation made for a school which is to be eliminated is to be returned to the Treasury of the United States upon the elimination of the school.

Mr. BEE. Will this Fort Bidwell School be abolished?

Mr. SNYDER. No one can tell. If the school authorities, between now and the time this bill takes effect, can succeed in bringing the average attendance of that school up to a point where it will meet the requirements of the bill, then the school will remain in existence.

Mr. BEE. If it is abolished, what will become of those Indians who are now attending the Fort Bidwell School? Where will they go?

Mr. SNYDER. They would naturally go to the Sherman Institute, where there is plenty of capacity for them.

Mr. BEE. In the State of California?

Mr. SNYDER. In the State of California.

Mr. CARTER. First they would have the opportunity of going to the public schools?

Mr. SNYDER. Yes.

Mr. CARTER. And then next into the day schools?

Mr. SNYDER. The first idea would be to take into the public schools those who were eligible, next into the day or reservation boarding schools, or into the nearest adjacent nonreservation boarding school, in which there is ample capacity for all.

Mr. BEE. There will be no neglect of their education by reason of this, then?

Mr. SNYDER. On the contrary, this provision will force the department to pick up the children and put them into these schools in order to keep the schools in existence.

Mr. RAKER. I move to strike out the last word. I looked into this matter, and I came to the conclusion, and I believe yet, that they have more than 100 pupils and therefore the school will not be abandoned. If I am wrong about it, of course I will have to go over to the Senate in order to get that language amended if possible. I have been familiar with that school in the neighborhood of 25 years. Now, I want to say one word further. The gentleman says that the pupils of this school will be provided for. Riverside is in the neighborhood of 700 miles from where the pupils live. Their parents live within 3 to 10 miles of the Fort Bidwell School. They have lands and homes upon the land. Three-quarters of the children can stay at home or go home on Saturdays.

Mr. CARTER. Will the gentleman yield?

Mr. RAKER. I will, for a question.

Mr. CARTER. If they are that near the school, why should not the school be made a day school instead of a boarding school?

Mr. RAKER. Because it is all right as it is. If you take into consideration the benefits to the Indian, if you take into consideration the fact that you are trying to give him some real education, you will sustain these small schools. You can not give him the same education in the large school that you can at the Fort Bidwell Schcol. You can not make him any better citizen in a large school than you can in a small school.

Mr. SNYDER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SNYDER. The gentleman knows the committee appreciates the fact that this will receive opposition from every Member in the House who has a school in his district, without regard, in most cases, to whether or not it is the economical thing to do, whether or not it is the right thing to do, whether or not it is in line with economy for the Indian, or whether it is in line of better care and education of the pupil.

Mr. RAKER. I only yielded for a question.

Mr. SNYDER. We will give the gentleman more time. The gentleman must know that there is absolutely no comparison as to the education given the scholar at Riverside as compared with the school at Fort Bidwell. The gentleman ought to know, further, that the cost of maintaining the school at Fort Bidwell is $100 per capita more than it is at the large school.

Mr. RAKER. I want to say from personal observation—and I have visited the Riverside School from the blacksmith shop and the cow shed through every room in the building, and I have been through the Fort Bidwell School and other schools in Oregon and Nevada—that the Indian who attends the school at Fort Bidwell becomes a better Indian, receives an equal education, is qualified for American citizenship equally with those pupils who are turned out of the Sherman School.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I ask for five minutes more.

The CHAIRMAN. The gentleman from California asks tha his time be extended five minutes. Is there objection?

Mr. KNUTSON. Reserving the right to object, I suggest that the gentleman extend his remarks in the RECORD.

Mr. RAKER. Oh, no.

Mr. KNUTSON. I object.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $24,100; for general repairs and improvements, $5,000; in all, $29,100.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. The chairman said that he would give me further time.

Mr. KNUTSON. I withdraw my objection.

Mr. RAKER. Now, you say that you want to make these men competent, capable, and give them a practical education. You can do that at the smaller schools better than you can do it at the large ones. We all know that. You can not dismiss it by saying that you have got finer buildings and finer grounds. The Indian learns farming at this small school; he learns the method of handling horses; he learns how to handle cattle; he learns agriculture in all its phases. He becomes a farmer or a blacksmith; he gets a chance to go home once or twice a month, which is a benefit to his parents, and the extra cost to the Government is infinitesimal compared with the good that you do to the Indian pupil by making him a good man and a good citizen.

So every question, except the lone, sole question that it will cost a little more at the smaller school, is in favor of the small school against the large one.

Mr. SNYDER. I will say to the gentleman, if he will yield, that we found we had a surplus of nonreservation boarding-school capacity of nearly 2,000; that is one-third of all the pupils who now attend. Does the gentleman think that for the purpose of making it more convenient for the few pupils that that tremendous unused capacity should be ignored?

Mr. RAKER. If there is an unused capacity, that is one thing, and a used capacity is another. I am speaking of the schools that are filled to their capacity, that are properly used; the same kind of teachers teach the Fort Bidwell School that teach schools at the reservations. They have the same kind of a matron in charge of the pupils at Fort Bidwell as they do at the large schools. I have visited them and I know what I am talking about. The man that has charge of the blacksmith shop at the small school has the same experience and is a better blacksmith than at the large school, for at the large school he is simply a superintendent. At the Fort Bidwell School they teach children to become real blacksmiths, farmers, and so forth.

Mr. SNYDER. I desire to know what the gentleman is driving at. The question of the elimination of the schools was passed some time ago.

Mr. RAKER. No.

Mr. SNYDER. And the gentleman's argument should have been made at that time in regard to this matter and not now.

Mr. RAKER. That is true, but this is the first opportunity that has come up.

Mr. SNYDER. But we must confine ourselves to the regular order of the bill, and therefore I demand the regular order.

Mr. RAKER. I have a minute left, have I not?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CARTER. Mr. Chairman, I rise in opposition to the amendment. We all know what an active Member of this body the gentleman from California [Mr. RAKER] is. I want to congratulate the State of California upon having one of the most active, vigorous, and importunate Representatives that there is in the Congress. I think there is less reason for the school that the gentleman has been discussing being carried in this bill than almost any school in the bill. The gentleman and I are good friends, but we have always disagreed about this school. But for the activities, the vigilance, and the intelligent pursuit of the gentleman from California, perhaps this school would never have been carried in the bill at all. The gentleman from California says this ought to be a boarding school, because that is a better school for Indians than a day school. A great many of us take issue with him upon that, a great many of us who have given close study to Indian schools, not only on account of the increased expense of boarding schools but for the reason that the Indians actually in many ways get more benefit from a day school than from a boarding school. In a day school the Indian child goes back home every night to its parents, and as the child becomes educated and civilized it takes a part of that education and civilization back to the home whence it came, and therefore the civilizing influence is not only exerted upon the pupil but it is also exerted upon the mother and the father of the pupil, who goes back home and lives with the mother and father.

Mr. RAKER rose.

Mr. CARTER. Just a moment, and then I shall yield to the gentleman. Not only that, but it has been charged with some measure of accuracy and truth that in the past a great many of the Indian children who attended reservation schools have gone back to the reservation and taken up the blanket and the paint and the feather. That practice is disappearing, of course, but it was very prevalent in the past. When the Indian child goes to the day school he goes back home every night; there is no returning from one condition to another; the same condition goes right along, and the Indian civilization stays with him. He is clad in those habiliments during the vacation days, the same as he is during the time that the school is going on. I now yield to the gentleman.

Mr. RAKER. Just for that reason I stated that in practically all of these schools the Indian pupil can go back Saturday and Sunday to visit his parents, and he even goes 20 and 30 miles.

Mr. CARTER. Then, taking the gentleman's own argument, if it does the parents good for the child to go back on Saturday and Sunday, how much more good would it do those parents to let the child go back on Monday and Tuesday and Wednesday and Thursday and Friday?

Mr. RAKER. And now you want to abandon this and send them 700 miles away?

Mr. CARTER. Oh, no; we do not want to abandon them at all. We propose that all nonreservation boarding schools with an average attendance of less than 100 pupils shall be discontinued on or before the beginning of the fiscal year 1921. Let me say to the gentleman right there that his school last year

had an average attendance of only 54, and if they do not make a better showing in the coming year the school will have to be discontinued. What will transpire then? The pupils in the schools so discontinued are to be transferred, first, if possible, to Indian day schools or to State public schools, and, second, to adjacent reservation or nonreservation schools to the limit of the capacity of the said schools. What will happen then? The Indian Bureau has the right at any time to establish a day school any place on the reservation, but if the gentleman's boarding school is stopped the thing that will take place at Bidwell, the school the gentleman talks about, where he says the children live within 2 or 3 to 10 miles from the school, will be that a day school will be established, and the gentleman will have a better school and it will not cost the Federal Treasury nearly so much money as it does now.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The Clerk read as follows:

For continuing the construction of a road from Hoopa to Weitchpec, on the Hoopa Valley Reservation, in Humboldt County, Calif., in conformity with plans approved by the Secretary of the Interior, $10,500, to be reimbursed out of any funds of the Indians of said reservation now or hereafter placed to their credit in the Treasury of the United States, in accordance with the Indian appropriation act of May 25, 1918 (40 Stat. L., pp. 570, 571).

Mr. WATSON. Mr. Chairman, I move to strike out the last word. I notice in this paragraph that $10,500 is appropriated for the construction of a road. In New York State, as well as in Pennsylvania, as the chairman of the committee well knows, we can not construct half a mile of road for that amount. I appreciate that California is not within the frost district. Will the chairman explain the construction of the road and the length to be built for the amount appropriated?

Mr. SNYDER. The nature of the construction of all those roads is entirely different from that which would be known as a "State or county road" in either the State of Pennsylvania or the State of New York. It is not much more than a trail. It is more of the nature of a good sand road. They go through and cut down the trees and pull out the stumps and make a reasonable road over which light traffic can be conveyed.

Mr. WATSON. It is wide enough for an automobile?

Mr. SNYDER. Yes. This is a full-width road, and this appropriation is to conclude its construction. Certain moneys have been appropriated, and this is simply a sufficient amount to complete the construction.

Mr. WATSON. How many miles?

Mr. SNYDER. Twenty miles.

Mr. WATSON. For $10,500?

Mr. SNYDER. No; there was a previous appropriation of $10,000.

Mr. LEA of California. Mr. Chairman, if the gentleman will permit, I am familiar with this road. The distance covered is 12 miles, but the difficult portion, so far as the construction is concerned, is 6 or 7 miles. A remarkable success has been had in constructing this road. As a matter of fact, the road has been constructed at one-third of the price of road operations in this community. I have pictures of the road in my pocket, which I would be very pleased to show the gentleman.

Mr. WATSON. Is the road being constructed under contract or by the Indians?

Mr. LEA of California. It is being constructed by day labor under the supervision of a very competent practical engineer.

Mr. WATSON. Do the Indians work on the road?

Mr. LEA of California. They do. The work is performed by Indian labor. I have an amendment that I desire to offer in reference to it, which I will be glad to explain.

Mr. WATSON. Is the road sufficiently well constructed for the use of automobiles?

Mr. SNYDER. No; except possibly for a Ford.

Mr. LEA of California. This is a mountain country, but you can go on it with any automobile made.

Mr. SNYDER. Unless it is a wet day.

Mr. LEA of California. This is largely a rocky country, but the road is constructed most of the way on a 3 per cent grade.

Mr. SNYDER. I am very glad the gentleman can give some information about this, because we were unable to get from the hearing very much enlightenment except that a certain amount of money had been spent and this was required to finish the road.

Mr. LEA of California. Well, they have had great success with the road.

Mr. WATSON. I withdraw the pro forma amendment.

Mr. LEA of California. Mr. Chairman, I offer an amendment to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 8, after the figures "$10,500" insert "to be immediately available."

Mr. LEA of California. Mr. Chairman, the adoption of this amendment will not increase the expenditure, but I believe it will increase the results secured. The engineer informs me that it is a matter of some importance in getting better results to have this money available. If this bill should go into effect two months before the beginning of the fiscal year, it would permit the present organization to continue to completion.

Mr. SNYDER. Will the gentleman yield?

Mr. LEA of California. Certainly.

Mr. SNYDER. To save time, I have personally no objection to this amendment going in, but it has been the rule to decline to accept that language in appropriations. The gentleman has noticed that points of order have been made on several of the same character, and the possibilities are, while we are making fair headway on this measure, it will not make very much difference in regard to getting the money at present, because the bill, probably if it has good luck, will not become law much before the 1st of July. Under those circumstances, Mr. Chairman, while I dislike to do it, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEA of California. Will the gentleman reserve the point of order?

Mr. SNYDER. I will reserve the point of order for a moment.

Mr. LEA of California. I think this point of order, Mr. Chairman, comes too late, but, however, I want to call the attention of the chairman to this fact. The engineer writes me that for the same amount of money he can secure much better result if the work is continued in the spring than in the fall. In addition to that the Indian labor that is employed in constructing this road is engaged in seasonal labor beginning along in July and continuing until fall, and the extra supply of labor is available in the spring and not in the fall. So it makes a material financial difference if this work can proceed in case the bill does go through.

Mr. RHODES. The gentleman spoke of the engineer having charge of this. Is this the engineer who has charge of the construction work of the Indian Bureau?

Mr. LEA of California. No; he is a local man.

Mr. RHODES. Under whose authority?

Mr. LEA of California. He is employed through the department.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. SNYDER. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, $15,000, including the construction and equipment of necessary buildings.

Mr. MANN of Illinois. Mr. Chairman, I reserve the point of order on the paragraph. Under this provision is the gentleman from New York able to say what it is proposed to do in the way of construction of buildings?

Mr. SNYDER. My understanding is that about four years ago the gentleman from Florida [Mr. SEARS] began the proposition of taking back in under the enfolding and outstretched arms of the Government a few Seminole Indians down in Florida.

Mr. MANN of Illinois. Well, I think it commenced earlier than that.

Mr. SNYDER. Well, he was the man who really forced the issue and got the first appropriation in the bill. That is my recollection in the five years that I have been here, and that this is the third or fourth appropriation which has been made for that purpose. They have now succeeded, I think, in getting a superintendent down there, and a matron, and they propose to build a schoolhouse and some buildings.

Mr. RHODES. And a hospital?

Mr. SNYDER. Yes; a hospital; and it is the intention to erect down there a full complement of buildings the same as they would have in any reservation of this sort. But my judgment is, as it has been all along, that it is not proper legislation and ought not to have been enacted in the first place. It was started and some money has been spent. It is contrary to what I believe should be done. I think when Indians have been discharged from the Government and have no longer any right under the Government of the United States except as any other citizens they become part of the State in which they reside, and the State should be forced to take care of its own poor, whether they be Indian or white.

Mr. MANN of Illinois. Mr. Chairman, doubtless the gentleman from New York speaks from some sort of record, and it may be a correct record, as to how this item got into the bill and when. However, my recollection is not in accordance with the statement, quite. I think the first item for the Seminole Indians occurred in the bill several years ago for $5,000.

Mr. SNYDER. The Seminoles of Florida?

Mr. MANN of Illinois. Yes; that is the only place they are; but the first time it occurred I think I made a point of order on it. I do not remember whether the point of order was sustained or overruled, but there was quite a controversy over it, and this item, or one like it, has been carried in the bill for some years and has been increasing. There is not the slightest excuse for it. It is doing no good. When the first appropriation was made they could find no way to spend it on the Indians. I do not think they have ever spent any of it on the Indians. Of course, they can employ some good white citizen to go down there and be paid a salary, and they could construct buildings whether any Indians ever saw them or not.

These Seminole Indians quite live unto themselves. A few of them are guides and speak English and give some aid to visitors to Florida in the Everglades. Most of them live back in the Everglades, and will have nothing whatever to do with the white people, and they do not want to have. They live very well. The excuse was made at first that because the Everglades were being drained we were preventing these Indians from making a livelihood. The Indians are not to blame. They are not asking for this. They have resisted every effort of the Indian Service to bring them under the control of that service. They do not want it. They are satisfied.

Now, it may be that it is our duty to grab up a man and civilize him, so that he will get consumption or some other disease and die off. These Indians live in the open air, and do well and are satisfied. It is proposed to construct a hospital, I understood the gentleman to say. They have no need for a hospital now, but, doubtless, if the Indian Service can get hold of them and put them inside of buildings for a while they will need one.

Mr. SNYDER. I would like to say to the gentleman that I think he is wrong about the beginning of this appropriation. There is a tribe of Seminole Indians in Oklahoma. The first appropriation, which was not a continuing appropriation, was made three years ago, and there was no part of the money spent. Two years ago, when the Committee on Indian Affairs were authorized to make an investigation, a part of the committee went to Florida. No money had been spent there up to that time. When they returned some members of the committee were imbued with the idea that these Indians should be taken back. The chairman has been opposed to it all the way through, and I would like to read a short section showing the position I took in the investigation before the committee when this appropriation was being considered. I said:

> This is the most indefensible item in the bill, in my judgment. It is a small thing; it has been grafted onto us in the last three or four years—when I say "grafted" I do not mean "grafted" so far as any particular party is concerned. But here, Mr. RHODES, is a case where we actually picked up a remnant of a tribe of Indians who had been without the care of the Government for—I don't just remember how many years now, but 80 or 90 years—and because they were a roving band of poor Indians, paupers of the State of Florida, for whom Florida would do nothing except give them a lot of land in the jungles, we went down and again took them back into the arms of the Government, and are now starting a system here which will probably continue for all time.

Mr. MANN of Illinois. Now, I would like to say to the gentleman that I was not here two years ago when the Indian bill was under consideration and was not here a year ago when it was under consideration. While I do not like to question what is being read from the book and set my own memory up against it, I feel very confident that I have been here on several occasions when this item was in the appropriation bill. So I venture to say that this did not appear in the bill three years ago.

Mr. SNYDER. I think if the gentleman will look it up he will find that it did.

Mr. MANN of Illinois. I am sure if my friend from New York will look it up, he will find that I am right.

Mr. SNYDER. I am always willing to accept the superior judgment of the gentleman from Illinois.

Mr. LITTLE. Will the gentleman permit me to ask him a question?

Mr. SNYDER. I will.

Mr. LITTLE. Years ago during a similar discussion we were told that one of those Seminole boys had been given some education. How is he getting along?

Mr. SNYDER. I can not give the gentleman any information about that one particular boy. I doubt very much whether they did not make a mistake and got an alligator in place of a boy. There are more alligators in this 100,000 acres in Florida than there are Indians.

Mr. LITTLE. This was the only one they claimed they had done anything with, and I was wondering what they did.

Mr. TILSON. I note in the disbursements of the fiscal year 1919 there was a little over $8,000 disbursed. The bill of last year carried $20,000. We have not yet a statement as to the disbursement under that law, but it seems that was quite a growth in one year, from $8,000 in 1919 to $20,000 in 1920.

Mr. SNYDER. Of course, I am following the advice of gentlemen that they were only getting started under the 1919 appropriation, and they are getting further under way this year. There will be less surplus when the year is over, but we have reduced the estimates this year from $20,000 to $15,000.

Mr. MANN of Illinois. Now, Mr. Chairman, notwithstanding my friend from New York, I venture to say from recollection that this item first appeared in the Indian appropriation bill nearly or quite 10 years ago. It probably has been carried every year since, in some form or other. And during all that time whatever money has been expended has been simply wasted. Nothing has been accomplished so far as the Indians are concerned.

Mr. HASTINGS. That is not the fault of Congress. That is the fault of the administration.

Mr. MANN of Illinois. No; that is the fault of Congress seeking to direct the Indian Office to do something which they had no occasion to do. Although they have the appropriation, they can not find any way of expending the money on the Indians. Of course, if we keep on making the appropriation it will become their duty to spend some of it in some way. Doubtless they will have a superintendent and a clerk and a typewriter and an office, although they will not find an Indian who will come to the office.

Mr. CARTER. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. CARTER. Mr. Chairman, the gentleman from Illinois is correct, and I do not wonder, because he remembers several very pointed discussions about this matter prior to the time the gentleman from New York [Mr. SNYDER] was in Congress. This item was placed in the bill in about 1909 or 1910 the first time.

Mr. SNYDER. But discontinued afterwards.

Mr. CARTER. The thing the gentleman from New York has in mind is that when the item was put in two or three years ago there was authorization then given to the department that had not been given theretofore, and the fight was not so much over appropriating the amount as it was as to giving authorization to the bureau to do certain things which they had not been permitted to do before.

Mr. SNYDER. They have just gotten a fair start.

Mr. MANN of Illinois. They have not done a thing. Now, I understood my distinguished friend yesterday to say that he had read the recent report of the Board of Indian Commissioners?

Mr. SNYDER. Yes; I have.

Mr. MANN of Illinois. Well, if he has, he must have misread the report of the commissioner who went to Florida and made an examination of this subject, and, startling to say, the impression I derived from reading the report of the gentleman—I do not recall which commissioner it was who went to Florida—was decidedly against the futile effort of the Government to take possession of these Indians. As I recall, the impression at least was that his judgment was that the Indians ought to be left to themselves, where they were much better off than they would be in trying to be dragged around by the Indian Service.

Mr. SNYDER. The Indian commissioners and myself absolutely agree on the matter. And my statement in the investigation will show that I agree entirely with them on that. I did not go to Florida and did not see the situation, but I was influenced by the Members who went to Florida and who agreed that some appropriation should be made.

Mr. MANN of Illinois. I understand that the Members who went to Florida did not see any of these Seminole Indians, unless it was a few acting as guides.

Mr. CARTER. Mr. Chairman, before the gentleman from Illinois [Mr. MANN] makes the point of order, I would like to have a few moments.

The CHAIRMAN. Does the gentleman from Illinois reserve his point of order?

Mr. SNYDER. I understand the gentleman has reserved it but has not made it.

Mr. MANN of Illinois. Yes.

Mr. CARTER. Mr. Chairman, the gentleman from Illinois [Mr. MANN], as usual, is correct about his statement of things that occur in the House. Without any flattery, I want to say that I have often marveled at the information which the gentleman from Illinois has with reference to the various activities of this Government. I have at times in the past given

study to matters in my home State and district, having had a knowledge of them to start with, having given what I thought was intense study to the matter, and then when the proposition came up on the floor of the House I have been astounded to have the gentleman from Illinois tell me something about that matter that I had failed to look up, information which I was not at that time in possession of myself. His career in the House has been marvelous. I have wondered, as every other Member has wondered, at his marvelous collection of data and facts, and the wonderfully retentive powers of his memory after he had accumulated those facts.

The gentleman now makes a statement about the Indians in Florida. I went to Florida in 1917 as chairman of a special committee and made an investigation of the affairs of the Seminole Indians. Knowing about some of those things, as I do, it is not strange to say that one listening to the statement just made by the gentleman from Illinois would think that not I, but he, had been chairman of the committee which obtained that information, because he has stated the facts exactly as they are.

The Seminole Indians in Florida are the most primitive people in the United States to-day, I believe; yet they are people of strong character. The very fact that they have lived right up against the white man for generation after generation and yet have refused to take on the white man's civilization, have refused to accept his religion, have refused to have anything to do with his mode and manner of life, speaks in itself for their strength of character.

What the gentleman says about the Indian Bureau being unable to do anything for these people is also true. When our committee made its trip to Florida in 1917, I think this appropriation had been in effect some seven or eight years, and, if I mistake not, the sum total of accomplishment during that time amounted to getting three Seminole Indians into the white schools. They had not succeeded in getting the Indians even to accept a white-man doctor when sick.

While in Florida we met a Creek Indian from the Creek Nation, which is a kindred tribe to the Seminoles, speaking practically the same language, who went down to Florida to assist in the uplift of these Indians. He was a Baptist preacher, and had been working for months and months trying to get these people, whose language he spoke fluently, whose customs and ways he knew as well as he knew the ways and customs of his own family, to take an interest in his religion. He had gone into their settlements and announced his preaching; he had gone among them and stayed all night; but his statement on the stand was that he had never yet been able to get one Seminole to enter his place of worship to hear him speak.

I have no doubt that under favorable conditions they will make good citizens. What the gentleman from Illinois [Mr. MANN] stated is true, however, that practically nothing has been done for them. I would not say to a certainty that anything can be done for them. Certainly it will be difficult to do anything for them as long as the Everglades remain in their present condition, for as long as they remain they furnish a resource for the eking out of a pitiable existence by these unfortunates. But the Everglades are being drained, and when they are drained we will have left some 400 or 500 of the aborigines of this country, who I believe are of as strong a character as any tribe that has been in existence in the past or that is in existence to-day, who will be paupers and penniless, uneducated and uncivilized, and the natural result will be their extinction. I think that will be inevitable.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. TILSON. What about the land on which they live? Is there an Indian reservation, or has it been entered and reduced to ownership by the white man?

Mr. CARTER. I am glad the gentleman mentioned that. At the present time those Indians live in the Everglades on land that either belongs to the State of Florida, which has not been drained, or upon land that belongs to some white man. When the white man commands them to go there is nothing for them to do but move on. They do practically no farming. They live chiefly by hunting and fishing and, as the gentleman from Illinois says, by acting occasionally as guides.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. LITTLE. I understand the State of Florida has given them 100,000 acres.

Mr. CARTER. I will get to that point in a moment. When we reached Florida we found our visit hailed by the people of that beautiful State as the forerunner or advance notice of the fact that the Federal Government was going to purchase a lot of land from Florida and give it to the Seminole Indians. After we had finished the investigation at Jacksonville I thought that impression ought to be corrected, and I had the mayor of the city call in a reporter of the leading paper, and I gave him an interview, in which I stated that those people had better get that idea out of their heads; that the Federal Government had no notion of buying land from the State of Florida to give it to the Indians; that the Federal Government had transferred its public lands in that State to Florida; and that if the Indians had any claim against anybody for any land on which to live, it was against the State of Florida and not against the Federal Government. I did state, however, that so far as my feeble ability went as a Member of Congress, if the State ever undertook to furnish land and the matter came up in Congress, I would give my support to some kind of proposition for educational facilities, and so forth. I think Congress is under an obligation to do that.

Mr. RHODES. Mr. Chairman, will the gentleman yield there?

Mr. CARTER. In a moment. After I came back to Washington I began to get letters from people in Florida who wanted me to retract that statement.

But I had letters also from some persons who were very much interested in the Seminoles, telling me that if I stood by that statement—and I had no idea of retracting it—the Legislature of the State of Florida would donate these lands to these Indians, but that otherwise it might never be done; that the understanding to the effect that the Federal Government was not going to purchase the land and pay Florida for it had had the effect of inducing more members of the Legislature of Florida to support the bill to give the Indians this land.

Prior to that time a small reservation had already been set aside for them in the State of Florida, and after that time the legislature passed a bill granting to the Florida Seminoles about 100,000 acres of land, if I remember correctly. I think that is what my friend from Missouri was asking me about. It is, in fact, several reservations aggregating about 100,000 acres. So they have two grants of land on which they can live, and if the time comes when the Everglades are all drained and settled by white settlers. so that the Indians have no longer the opportunity to make a living by fishing and hunting and acting as guides, then some opportunity will be given to the Government to give them assistance.

Mr. TILSON. Will the gentleman tell me what is meant by this statement made by Mr. Meritt in the hearings?—

There have been 15,000 acres set aside by the Federal Government on which some of these Indians live.

Mr. CARTER. That was the reservation that I spoke of as being first set aside. I said there had been a reservation set aside first. I did not remember the acreage.

Mr. TILSON. Was it public land?

Mr. CARTER. That was public land in the State of Florida; but the gentleman from Connecticut will recall that most of the public lands in the State of Florida were turned over to the State of Florida in order that they might be drained and made habitable. I take it this 15,000 acres was not turned over, but was set aside for these Indians when it was found they needed a home, after which time the State of Florida made a reservation and set aside for them some 100,000 acres of land.

Mr. TILSON. The State of Florida set aside for these Indians 100,000 acres of land, and then very modestly asked the Federal Government to drain it. Doubtless it was valueless land to start with. The State of Florida very generously gave to the Indians 100,000 acres of worthless land and then asked the Federal Government to make it valuable.

Mr. CARTER. If the gentleman will permit, my information about that, which comes from persons interested in the Seminole Indians, who do not live in Florida, is that sufficient hummock and other land above water can be found on this reservation to maintain these four or five hundred Indians, and that drainage may not be necessary.

Mr. SNYDER. Mr. Chairman, let us see if we can not get this matter closed up.

Mr. MANN of Illinois. I make a point of order against the paragraph.

Mr. SNYDER. There is no argument on the point of order, as far far as the chairman of the committee is concerned.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

MICHIGAN.

SEC. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $80,750; for general repairs and improvements, $10,000; for new power and heating plant, $30,000; in all, $120,750.

Mr. WATSON. Mr. Chairman, I want to inquire how much of that item of $80,750 is for the pay of the superintendent?

Mr. SNYDER. The pay of the superintendent is $2,000 a year.

Mr. WATSON. What is the balance for?

Mr. SNYDER. The balance is the regular support of the number of children, prorated on the basis of the average attendance or the capacity of the school.

Mr. DUNBAR. I want to ask the chairman of the committee why it is that so much money per pupil is requried for educational purposes. I notice that the sum amounts to $225, and in some cases $375, per pupil. In Kansas 750 pupils cost $207,000. In Michigan the cost of the education of 350 pupils is $120,750. That makes the average something like $300 per pupil, which seems to me to be an exorbitant amount. What are the conditions that make the cost of educating the Indian so large?

Mr. SNYDER. The gentleman includes in the Michigan total, for instance, the sum of $30,000 for a new power and heating plant. Under the law, where the attendance at a school is 400 or more, the bureau is permitted to expend $225 per capita, and on schools where the attendance is below 400 the bureau is permitted to expend $250 per capita. In these bulk items the gentleman will note that the amount is based upon the multiplication of either the average attendance or the capacity of the school, on a $25 lower basis. The smaller the school the higher the amount required to operate it, and, in the judgment of the chairman of the committee, the smaller the school the less efficient the management.

Mr. DUNBAR. In many of the items I notice provisions for power and heating plants.

Mr. SNYDER. Yes.

Mr. DUNBAR. The one in Michigan to cost $30,000. What is the necessity for power and heating plants on so large a scale? It seems to me that the very nature of the Indian enables him to endure hardships, and that these new provisions requiring investments of large sums of money are unnecessary.

Mr. SNYDER. In this particular case the bureau has been urging us for several years to make an appropriation to install and complete a new heating system. There are probably 25 or 26 buildings connected with this Mount Pleasant school. It is not only an ordinary school, but it gives vocational training in farming and stock raising and that sort of thing. The heat has to be distributed to the various buildings, and this is for the purpose of a central heating plant from which the buildings can all be heated. After considerable discussion and quite against the policy of the committee, we decided that we ought at least to give them an opportunity to keep warm.

Mr. ELLSWORTH. Mr. Chairman, I have an amendment to propose to this section.

Mr. SNYDER. What section is that?

Mr. ELLSWORTH. The first section on the top of page 31. There are also several other proposed amendments to other sections affecting the Chippewa items. I would like to have an understanding or agreement to be allowed to offer one amendment after we have passed beyond line 9, page 31, and come back to it after the other Minnesota items have been finished. My purpose is that if these others can be taken up first and have them disposed of it may save the time of offering the other and explaining it.

Mr. SNYDER. Does the amendment increase the amount appropriated or decrease it?

Mr. ELLSWORTH. Some to be offered will be to decrease or cut out the amount to be taken from the tribal fund, and another will ask that an amount be taken from the tribal funds which has heretofore been taken from them but has been left out in this bill. Taking them all together, they will decrease the amount of money to be expended from the tribal funds and from the Treasury, not affecting those in the Treasury, and will eliminate bureau control in the future and establish the Indian on his own responsibility.

Mr. SNYDER. Would the gentleman be willing to present his amendments in sequence, without debate, and after the amendments are all in agree to a time for discussion?

Mr. ELLSWORTH. I would prefer to offer the first amendment. I can not speak for other members of the delegation who may have some other amendments to offer; but, so far as I know, there are none contemplated which would affect these items in the bill. That being the case, if the chairman and Members do not object, I would like to offer the amendment to the section just read and follow that with a motion to strike out the fourth paragraph.

Mr. SNYDER. I think we had better proceed in the regular way and let the gentleman offer his amendment to the section referred to and see what comes of that.

Mr. ELLSWORTH. Would the gentleman have any objection to allowing us to pass line 9, and then go back——

Mr. SNYDER. Let us go ahead and see what it is.

Mr. ELLSWORTH. Mr. Chairman, I offer the following amendment to the section just read.

The Clerk read as follows:

On page 31, at the end of line 3, add the following:

"*Provided*, That all of said appropriation, together with one-third of the funds arising under section 7 of the act of January 14, 1889 (25 Stat. L., 643), and set aside by said act of 1889, exclusively for the 'establishment and maintenance of a system of free schools among said Indians,' shall be expended under the direction of the Secretary of the Interior in aiding in the establishment and maintenance of public schools in connection with, and under the control of, the public-school system of the State of Minnesota at places where such schools are needed for the proper education of Chippewa children."

Mr. ELLSWORTH. Mr. Chairman, the purpose of this amendment is to require the Indian Bureau to use the funds which are from the Chippewas of the Mississippi, being provided under a treaty in 1867 before the two Chippewa Bands became divided into the Chippewas of Wisconsin and the Chippewas of Minnesota—to use the funds in the way and manner prescribed by the treaty that it should be used, namely, for educational purposes.

The justification of this item on page 454 of the estimates show that $3,888.34 of the $4,000 is spent for salary of superintendent, $2,000; engineer, $800; assistant engineer, $600; watchman, $600; laborer, $600; all employees at the general Indian agency, at which there was at one time a school, but none at the present time. The school at the agency where the superintendent, watchman, engineer, and laborer are has been taken over by the State, and since July 1 has been run by the State. So there is no reason for appropriating the $4,000, unless the appropriation is to be misused for purposes other than provided for by the treaty. It has been in the bill for a number of years, and it was put in the bill notwithstanding the fact that the only possible institution in which it could have been spent for educational purposes has been discontinued since the 1st of July. The superintendent has two or three small schools, I believe, but this is spent mainly for administrative expenses.

Mr. SNYDER. Is the effect of this amendment to eliminate the item?

Mr. ELLSWORTH. No; but to specify that it shall be used for educational purposes and also the interest of the principal fund. This agency only has something incidentally to do with education, and the bureau will have to apply these funds to some other purpose.

Mr. SNYDER. The gentleman understands that this is a treaty item, and whether or not we can direct the bureau to treat it differently from what they see fit to do, I do not know.

Mr. ELLSWORTH. It is not a matter of the interpretation of the treaty. The language here follows the language of the treaty, just what the treaty expresses should be done, but it directs the administration under the words of the treaty.

Mr. SNYDER. What does the gentleman expect it will do; will it do away with the superintendent and these other employees he speaks of?

Mr. ELLSWORTH. No; not at all. The superintendent is paid out of the general fund, just as the superintendents are paid out of general funds in all other agencies affecting all other tribes.

Mr. SNYDER. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1920, out of the funds belonging to said band.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of proposing at this time that we be allowed to return to line 9, page 31, for the purpose of offering an amendment, after amendments have been offered to the third paragraph on this page and the second one on the next page. By so doing logically we can discuss the others, and then without further explanation can see the necessity for the introduction of the amendment to be offered later.

Mr. SNYDER. What is the objection to this particular paragraph that has just been read? Why not permit the Indians to spend $1,000 of their own money on a celebration which they have had for years.

Mr. ELLSWORTH. There is no objection at all to that. The gentleman misunderstands my purpose. I have made the pro forma amendment merely to make the statement that I would like to introduce later another amendment at this point.

Mr. SNYDER. The gentleman is not seeking to amend this particular paragraph?

Mr. ELLSWORTH. No.

Mr. SNYDER. I have no objection to going ahead upon that understanding.

The CHAIRMAN. Does the gentleman from Minnesota desire to prefer a request for unanimous consent?

Mr. ELLSWORTH. Yes; I ask unanimous consent to return to line 9, page 31, after finishing the Minnesota items, for the purpose of offering an amendment at that point.

The CHAIRMAN. The gentleman asks unanimous consent that he be permitted to return to line 9, on page 31, after certain other sections have been agreed to. Is there objection?

There was no objection.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $20,000 of the tribal funds of the Chippewa Indians of Minnesota, and to expend or pay the same, under such rules and regulations as he may prescribe, for the construction and repair of roads on the Chippewa and ceded Indian reservations in the State of Minnesota.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out all of lines 14 to 20, inclusive, being the fourth paragraph on page 31.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, strike out lines 14, 15, 16, 17, 18, 19, and 20.

Mr. ELLSWORTH. Mr. Chairman, my understanding is that the principal reason that this item is included in the bill is because it was included in the bill providing appropriations for the last fiscal year. There is not any specified place where this road is to be built. It is not to be built on any particular reservation, for the purpose of affording a public service, for any particular tribe of Indians. It is not to be put in any particular town or over a particular river, but it is simply $20,000 to be expended for roads, out of the funds of the Chippewa Indians, simply because there was such an item in the bill before. There is no more reason for having an item of this kind—$20,000—to be taken out of the Chippewa funds, as I understand it, for the purpose of building roads, than there would be to appropriate $20,000 out of the treasury of the conference of the Methodist Church in Minnesota to build a road somewhere in Minnesota, simply because members of that denomination like all others might travel over that road.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. Yes.

Mr. SNYDER. How will the Chippewas get reasonable roads built unless something of this kind is done?

Mr. ELLSWORTH. Mr. Chairman, I am very glad that the chairman of the committee has asked that question, because it gives me an opportunity to explain something which I think ought to be explained to this House. So far as the State of Minnesota is concerned, you can not tell when you get into the Indian country and when you get out of it. You can not tell when you get onto Indian reservations. Perhaps four-fifths or five-sixths of the farms on the Indian reservations for which we are appropriating are owned by white men, and once in a while you find an Indian. If you took away all of the Indian appropriations coming to the State of Minnesota out of the Chippewa fund or out of the Treasury, the Indian people would go on just the same and be put upon their own responsibilities, and the townships and the towns and the counties would go on and run their governments and provide every public facility—schools, roads, and everything else.

Mr. SNYDER. But under the restrictions they are not permitted to do that. The Chippewa Indians have an abundance of money. They should be declared competent to have a right to operate their own business, but they do not have that right, and unless money is appropriated in their method there can not be any roads built at all.

Mr. ELLSWORTH. I will state to the chairman that on the Red Lake Indian Reservation, where the allotments have not been made, there might be some reason for building a road, and there is in this bill an appropriation for a road or a bridge, or something of that kind, in a specified place like the Red Lake Reservation. The objection to this is that it does not specify the road to be built in any particular place, that there is no particular community that will suffer if this goes out, and if there is some particular place where there are Indians where they should have a road, in future years they can come in and ask for it and we will make no objection to it.

Mr. SNYDER. There is no question as to the gentleman's argument being logical, and perhaps it ought to prevail, but the fact is, the suggestion he makes is the reason for this appropriation. There must be roads that need repair and overhauling, and some new pass ways must be built, and there is no other way that it can be done except through an appropriation of this kind, which is without limit, so far as expenditure of money is concerned. It would be difficult for the bureau to particularize just where this money was to be spent.

Mr. ELLSWORTH. Let me ask the gentleman how much was spent out of this fund last year.

Mr. SNYDER. We can give that to the gentleman in just a moment.

Mr. CARTER. While that is being done may I ask the gentleman a question?

Mr. ELLSWORTH. Yes.

Mr. CARTER. What is the language the gentleman proposes to strike out?

Mr. ELLSWORTH. It is the fourth paragraph on page 31.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. Yes.

Mr. DEMPSEY. Twenty thousand dollars would only build about 1 mile of road, would it not?

Mr. ELLSWORTH. Of ordinary surface road. I presume that it is contemplated that this might be to repair ordinary turnpike dirt roads; I do not know.

Mr. DEMPSEY. What would that cost a mile in Minnesota?

Mr. ELLSWORTH. In some of the Indian country you could build a mile of dirt road for $10,000, I presume.

Mr. RHODES. The gentleman is aware that this same amount was appropriated last year for the same purpose?

Mr. ELLSWORTH. Exactly. And appropriated now because it was appropriated last year.

Mr. SNYDER. Here is the justification for this item:

The Chippewa country comprises six different reservations, with a total area of 1,089,637 acres inhabited by 11,839 Indians. One of the greatest needs of these reservations is better road facilities, and no better use could be made of the tribal funds of the Chippewa Indians than to devote a portion thereof to this purpose. A similar amount was authorized by the Indian act for the current fiscal year; however, based on reports from superintendents, the construction of absolutely necessary roads will cost nearly $40,000; therefore, an additional authorization of $20,000 is recommended.

I judge from that no specified amount has been spent, and I do not think a cent has been spent.

Mr. ELLSWORTH. No part has been spent.

Mr. SNYDER. Undoubtedly waiting so as to get funds to have sufficient to start with.

Mr. CARTER. If the gentleman will yield. Do I understand the gentleman wants to strike out the $20,000 for a road?

Mr. ELLSWORTH. Yes; I want to strike it out, but it is not for a road. It is not specified for any particular road. No one in the department has stated that they expect to build any particular road anywhere or repair any road or roads. In fact, they did not use any of it for any particular purpose the last time this appropriation was made, and it is now in the bill simply because it was in the bill before and gives the department $20,000 more to expend and keep these Indians under the surveillance of the bureau.

Mr. CARTER. The gentleman was a member of the Committee on Indian Affairs and the gentleman knows what a time the Committee on Indian Affairs has had in resisting the expenditure of tribal funds for roads. The pressure always comes from the State and district where the road is to be built.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I ask that the gentleman have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. CARTER. Now, Mr. Chairman, I do not know how the gentleman in charge of the bill feels, but I, of course, feel it my duty to support his contention, because I have agreed to this; but, individually, if the Congressman from the State comes and says that there is not any necessity for the expenditure of $20,000 out of the tribal funds in his State for roads in the State, I do not think we should insist on having the money spent.

Mr. SNYDER. Well, it would seem to me if there is one place where the money could be justifiably spent on a reservation where the tribe of Indians have plenty of money no better use could be made of the money than to build roads, bridges, and so forth, for them.

Mr. CARTER. That is true, Mr. Chairman, but if the State is the one to take care of these roads and there is no pressure upon the State for the expenditure, why I think we might leave it out, but, of course, my intention is to support the chairman of the committee.

Mr. SNYDER. I have not convinced myself yet as to what is the right thing to do.

Mr. TILLMAN. If the gentleman will permit, I will ask the gentleman from Minnesota if it is true that these Indian lands are not taxable and the lands of the white people adjacent there are taxable, and that this is an effort to even things up, so as to make the Indians pay a small part of the repairs?

Mr. ELLSWORTH. In reply I should say yes and no. There are some allotments that have been made and allotments sold, and land that belonged to the original allottee in the hands of the purchaser is taxable. It seems to me that these communities are exactly like any other community. It is not proposed in the bill to build a road upon the reservation to serve the Indians on the reservation where the Indians raised anything to haul over them to market, but——

Mr. TILLMAN. But the fact remains that those lands are not taxable at all, and the lands of the white people are. Both the white people and the Indians use these roads.

Mr. ELLSWORTH. The lands have been allotted to a great portion of the Chippewas of Minnesota, I will say to the gentleman from Arkansas, and sold, and it is not a matter of the Indians being served by a road at all. In one place there will be a reservation and there may be no Indians on the reservation. In another place where allotments have been made there may be quite a number of Indians, but there is no place where you can specifically build a road with $20,000 of appropriation, to simply build and repair roads, to serve the Indians on the reservation. The sole purpose and effect is simply to discourage the general development of the country that ought to be encouraged. We should take away the control of the bureau over these public improvements, so that the State shall thoroughly understand they should not wait for the Indian Office to improve the northern and central part of the State of Minnesota. They never have done it; they never will do it. They simply keep control, simply continue the discouragement of the progress of that part of the State, which is a discouragement of the progress, material, moral, and intellectual of the Indians themselves. It is only part of the general plan. This whole plan of amendments, I might say, is for that purpose, to correct it now, and in the future eliminate the bureau control and to put the Indians upon their own feet, so that they may become independent, self-respecting American citizens. That is the general purpose, I will say to the chairman.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. It would be difficult after hearing the explanation from probably the next governor of Minnesota [applause] to resist the temptation to agree with him, but since there does not seem to be any other Member from the State of Minnesota to object, it would seem as though the committee ought not to object, inasmuch as it would show a further reduction in the amount appropriated in the bill. Therefore, so far as the chairman is concerned, he is willing to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Minnesota.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division. I am in favor of the amendment, however.

The committee divided; and the Chair announced the ayes were 41.

Mr. KNUTSON. Mr. Chairman, I think the RECORD should show that a great many are present who did not vote, so that the RECORD will not convey the impression that only 41 Members are present.

Mr. BLANTON. Mr. Chairman, I knew we would hear from the gentleman from Minnesota.

The CHAIRMAN. The committee will be in order until the vote is announced. On this vote the ayes are 41 and the noes are none.

So the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. ELLSWORTH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ELLSWORTH. I move to strike out the paragraph just read, in its entirety, from line 6 to line 15, inclusive.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ELLSWORTH: Page 32, strike out the paragraph from line 6 to line 15, inclusive.

Mr. ELLSWORTH. Mr. Chairman, I think, perhaps, that we might gain time if we had an agreement as to the debate to be taken upon this item.

Mr. SNYDER. Mr. Chairman, this item is one that has been in and out of the bill several times the past few years. It has had the support of one part of the delegation from Minnesota and the opposition of another. My understanding is that they now all agree that the provision should be stricken out, and in view of that agreement, and in the interest of the saving of time and money, I see no objection to the amendment as offered. Therefore, I am willing that the vote should be taken on it now.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 49, noes 0.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The last word has been stricken out.

Mr. BLANTON. Then the last two words.

The CHAIRMAN. The Chair will state that the paragraph has been stricken out. There is nothing before the House.

Mr. BLANTON. Then I will wait until the next item is read.

The Clerk read as follows:

For payment to Hattie A. McKusick for land purchased for allotment to homeless nonremoval Mille Lacs Indians, described as the west half of the northeast quarter of section 8, township 41 north, range 17 west, in Pine County, Minn., containing 80 acres, being the difference between the consideration for said land of $880 and the amount $236.34 available for its purchase remaining unexpended of the appropriation under the act of August 1, 1914 (38 Stat. L., p. 591), and for recording fees and expenses incident to said purchase, $645, to be immediately available.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

I do this for the special purpose of preventing any possible camouflage of the RECORD. A moment ago when the Chair counted about 41 Members here on a division call, my good friend from Minnesota [Mr. KNUTSON], who is one of the most active whips I ever saw in any legislative body, and I presume is as active a man as you can find anywhere in the United States—and I admire him for his activity—would have had us believe that there were others in the Hall who were not counted, because he said some gentlemen did not stand. Now, I happened to take a count of the floor at that time, and there were just 45 men on the floor, and there are now, counting my good friend from Illinois [Mr. MANN], who is always here—and he really ought to be counted for more than one—counting him, there are only 48 Members on the floor at this time.

Mr. SNYDER. Mr. Chairman, I raise the point of order that the gentleman is out of order and is not talking to the item under consideration.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. BLANTON. I will proceed in order.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Just a moment until I get back in order.

I had reason to believe that with the small membership present I could have stricken out at least the last word of the former paragraph, merely to tally the Members present. But with the small number present here I do not believe that there is any possible chance to strike out the last word of the present paragraph, and so I will withdraw the pro forma amendment and yield the floor.

Mr. CRAMTON. Will the gentleman yield?

The CHAIRMAN. The Clerk will read.

Mr. SNYDER. Mr. Chairman, under a previous arrangement we are to turn back now to line 9, page 31, to which the gentleman from Minnesota [Mr. ELLSWORTH] wishes to offer an amendment.

Mr. ELLSWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ELLSWORTH: On page 31, at the end of line 9, insert a new paragraph, as follows:

"That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning the second Tuesday in July, 1920, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the expenses of said general council in looking after the affairs of said tribe, including the actual and necessary expenses of its legislative committee in visiting Washington during the second session of the Sixty-sixth Congress, said sum to be immediately available, said expense to be approved by the president and secretary of the general council and certified to the Secretary of the Interior and so approved and certified to be paid."

Mr. ELLSWORTH. Mr. Chairman, I think the best way to illustrate what this is for would be this: Three sessions back, the appropriation was $185,000, and when the committee reported this bill to-day it was $100,000. The chairman of the Committee on Indian Affairs to-day, without any protest what-

ever, allowed the other $100,000 to come out as a useless expenditure after understanding the situation, as explained in three or four succeeding Congresses upon the Indian appropriation bill being introduced into the House.

Mr. CARTER. Will the gentleman yield?

Mr. ELLSWORTH. Yes.

Mr. CARTER. The gentleman from Minnesota must know, I presume, that at the suggestion of the delegation from Minnesota this item was once before taken completely out of the bill by the House, but was reinserted by the Senate.

Mr. ELLSWORTH. Yes.

Mr. CARTER. And it was reinstated by the Senate, and when the conferees, consisting of myself, the gentleman from New York [Mr. SNYDER], and several others went into the Senate, we found that a part, at least, of the delegation from Minnesota had agreed that the amount could be restored in the bill, and therefore we had to bring back to the House what the House had already eliminated.

Mr. ELLSWORTH. What I say now is that I hope the delegation from Minnesota is so united on this item that we can make the evidence on this point so strong that it will be thoroughly understood in the future that in conference, when we strike out $100,000 in the House it will be kept out. I think the conferees will understand it.

Mr. Chairman, I started to speak about this particular amendment by saying that on this particular amendment alone a considerable sum of money has been saved in a matter which no Member of Congress from Minnesota understands and no Member from any other State understands unless they have obtained the information concerning it from the attorneys or representatives of those Indians who held a convention up there, to which members were elected through purely primary elections and thoroughly representative conventions. Those people have their own Government and their own council, and it is because they came here and explained to their Representatives in Congress these matters that we are able to take out of this bill items like this $100,000, which we took out to-day, thus saving it to the Chippewa Indians. It is because these men came here and favored the elimination of bureau control and are fighting the Indian Bureau that this result has been obtained.

The Indian Bureau undertook to put in an antagonistic council among those people on the ground that this other was not a representative delegation. The bureau challenged these men, and the tribe went in and elected these men again, and by a letter dated last August, 1919—which I will put in the RECORD—the Indian Bureau now specifically recognizes these men as representatives of a proper council, and there is no conflict between them and these delegates who came here to represent that council. There is not any contention against its authority whatever.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. In a moment. But because these reforms have been accomplished and items put in that ought not to have been put in, because this work that these men are doing threatens the bureau, and because the Blackfeet and Crows and other tribes all over the country are watching the Chippewa council of Minnesota in its efforts to commence the reform of eliminating bureau control over the Indians all over the country, this incident is noteworthy. Minnesota is the place where the battle rages the strongest against the Indian Bureau. These men are accomplishing things, and it is done through not allowing the appropriations asked for by the bureau.

This appropriation was in the bill three years ago, and two years ago, and then the bureau started a back-fire on these men, alleging that these men were not accredited representatives of the tribe. But last August they recognized them as the properly accredited representatives, and then they took away from them the appropriation of $10,000. Out of the Treasury? No. Out of their own funds. They have $6,000,000 in the Treasury. They do not want to allow them $10,000 for holding this representative convention which they say they should not hold. They want to take it away from them because they were forced, being beaten in popular elections by the Chippewas of Minnesota, to recognize them, and now they propose to disarm them by taking away from them their finances.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAYDEN. Mr. Chairman, I am perfectly willing to agree to an appropriation of $10,000 out of the funds of the Chippewa Indians for a general council to manage the affairs of those Indians; but I have some doubt about that part of the amendment which includes the expenses of the delegation in Washington at the second session of the Sixty-fifth Congress. The impression I gathered from meeting these Indians who were delegates from Minnesota was that no one of them is as able to represent the tribe as effectively as the Members from that State in this House. The truth is that without any representation from them the House has just done exactly what ought to have been done, and the work being accomplished I can not see the propriety of spending the funds of the Indians for a junket for a commission that has nothing to do.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. ELLSWORTH. The thing I mentioned was a mere bagatelle as compared with the things that this council or legislative committee has accomplished in Washington. Seven hundred thousand acres of land, including in it 140,000 acres of the most fertile land in Minnesota, was patented to the State of Minnesota by the Federal Government, and to-day the Indian Bureau, because these Indians hired their own attorneys and forced the bureau to do so, has requested the Department of Justice to commence an action to recover from the State of Minnesota that 700,000 acres of land which was improperly classified as swamp land when in fact it was agricultural land. They saved from a million and a half to $3,000,000 in that item alone.

If I had the time I could go on and recite a great number of things that this council has done for the Chippewa Tribe in Minnesota, things for which any attorney, doing the same things, would have charged $500,000 a year. They saved in one instance to the children—every single child born in the Chippewa Reservation, and there were some 11,000 when the agreement of 1889 was entered into—they saved the allotment of 160 acres of land or more to every single child born since 1889. It was on the proposition of the Sarah Kedrick case, where an Indian moved to Canada and had four children born, where the bureau denied them their allotments, thinking it could keep them under control of the bureau if it could show that these children had not the right to receive allotments, having left the reservation. They got a decision from the court in which they saved to the Indians of Minnesota $3,000,000 worth of property. If the Government does not want the Minnesota Indians to have property that belongs to them, very well. But it ought to prevent the robbery of these Indians.

I want to say that if this matter is left out, it is simply an attack upon representative government by reference to the way in which the Chippewa Indians have their representation.

Mr. HAYDEN. I want the gentleman to understand that I do not object to the representation of this council and to the appropriation of money to carry it on, and I do not object to the appropriation of such sums as may be necessary to employ attorneys for the tribe. But I am speaking simply from my own experience, which is probably like that of other gentlemen, when I say that the Minnesota Representatives on the floor of the House are in a position to represent the facts to the House, and to do it in such an able manner that it is not necessary to send delegations of Indians here, because, in my judgment, they can accomplish nothing because of their conflicting statements.

Mr. SNYDER. I move to strike out the last word. I should like to correct the idea that there was any propaganda or influence used upon the committee by the Bureau of Indian Affairs or any particular number of Members from Minnesota or anywhere else. For several years the committee has been perplexed about this particular item, in view of the fact that there have been two conflicting delegations claiming to represent the Indians of Minnesota. For several years the department has withheld the expenditure of this money because it could not determine who were the legal representatives. The committee said, "We will leave out this item, and perhaps we will be able to ascertain who are the legal representatives," but up to the time of bringing in the bill no one appeared who could satisfy us he was eligible to urge the expenditure of this money as the legal representative of the Chippewas of Minnesota. I have no doubt the credentials brought down by a committee headed by certain Indians and certain lawyers have been presented to the gentleman from Minnesota [Mr. ELLSWORTH], and that he believes they are the legal representatives of those Indians and that this appropriation should be made; but the chairman of the committee and other members of the committee are not convinced that this is correct. Therefore I am inclined to oppose the amendment until such time as it can be shown definitely that these representatives of the Indians have been duly and legally authorized, by a vote of a fair number of the Indians involved, to expend this money.

Mr. ELLSWORTH. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. ELLSWORTH. I want the Members of the House to understand a few things concerning this matter. First, this

council is a representative council. This bill recognizes that fact by appropriating $1,000 for a celebration at White Earth by the same delegates who constitute this council. It is a democratic government in itself, thoroughly representative. This money is not to be taken from the Treasury but from their own funds. We simply ask you to reinstate it. It has been in for three years, and now that the Indians are actually accomplishing something the bureau wants to discontinue it. It is their own money that they want to spend. It is a tribal fund.

Mr. FESS. What does the gentleman say about the statement of the chairman of the committee that there are two delegations contending about this, and that we do not know which is the legally representative delegation?

Mr. ELLSWORTH. I tried to explain that before. The bureau has by letter recognized that this is the regularly authenticated council of the tribe. There are not two factions now.

Mr. SNYDER. There was no such letter presented to the committee.

Mr. ELLSWORTH. I will put the letter in the RECORD. I am sorry it was not presented to the committee. I think it was very short-sighted on the part of those who appeared before the committee, having that letter dated last August, that they did not present it to the commitee, so that the committee could see that at this time the council has been recognized.

As to what the gentleman from Arizona [Mr. HAYDEN] has said, if it will help the Indians, and I think it will, I will say, so far as I am concerned, frankly—and I think I can speak for the entire Minnesota delegation—we would not know a thing about these items if these men did not hunt us up day after day and week after week and advise us about them. I am glad they did, because I believe it will assist in settling the affairs of these Indians, and I believe it will help in settling the affairs of all the Indians satisfactorily in the end. I think it is the most valuable body in existence outside of Congress, so far as Indian matters are concerned.

There was a contending council organization encouraged by the Indian Bureau. For three years it was claimed that the regular council, which now is recognized, did not have authority, but that another and contending faction had authority to represent the Chippewa Indians of Minnesota. Then this item was carried in the bill and authority was disputed. Now, when the question of authority is finally settled, this item is left out and the council stands recognized, but with their own sinews of war taken from their own funds withdrawn.

It is to this council and to their duly authenticated legislative representatives that the other Indian tribes which are without representation are looking to lead them in their fight against encroachment upon their rights and their property and their funds by the Indian Bureau, which is constantly reaching out and attempting to extend its control over the Indian and the Indian's property. This council of the Minnesota Chippewas are the leaders in the fight for elimination of bureau control and the establishment of a policy which will prevent the Indians from gaining their actual independence and becoming self-respecting citizens of the Republic for which they have fought.

The letter to which I have referred is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 28, 1919.

Mr. JOHN G. MORRISON, JR.,
Red Lake, Minn.

DEAR MR. MORRISON: I am in receipt of a copy of the minutes of the meeting of the General Council of Chippewa Indians of Minnesota, held at Cass Lake, Minn., July 8, 1919; also reports from Supt. Walter F. Dickens and Supervisor L. F. Michael, who attended this council at my request. I have given this matter very careful consideration and hereby recognize your election as president of the council, Paul H. Beaulieu as secretary thereof, and the organization effected thereby under the constitution and by-laws of the Chippewa Indians of Minnesota.

I exceedingly regret, however, to note from the record that the factional differences among the Chippewa Indians were not adjusted at this council and a compromise effected, so that this election would be an expression of the entire Chippewa Tribe.

Sincerely, yours,

CATO SELLS, *Commissioner.*

Therefore it will be seen that the legislative committee, consisting of John G. Morrison, president of the council, Ed Rogers, Frank and Paul Beaulieu, Ben L. Fairbanks, and John Arten have authority to represent their people.

Mr. SNYDER. Since the gentleman states that he has a letter from the bureau, and that they have recognized this delegation as the legal delegation, and since he has agreed to put the letter in the RECORD, and since this money belongs to the Chippewas themselves, I withdraw my objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. KNUTSON. Mr. Chairman, I desire to offer an amendment as a new paragraph. Before having it read I will say that I received this amendment this morning from the so-called General Council of the Red Lake Band of Chippewa Indians. I have not had time to investigate the merits of it, and yet at the same time I feel that this is the proper time and place to offer it, and probably the members of the Committee on Indian Affairs can throw some light on it.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 32, after line 26, insert the following as a new paragraph:

"Beginning with the calendar year of 1920, the Secretary of the Interior be, and he is hereby, authorized and directed to pay annualy to the enrolled members of the Red Lake Band of Chippewa Indians of Minnesota the sum of $50 per capita from the proceeds of the sale of timber and lumber within the Red Lake Indian Reservation in Minnesota according to the provisions of the act of May 18, 1916 (39 Stat. L., 137): *Provided*, That only such enrolled members of the Red Lake Band as are alive and in being on the 1st day of April of each year shall be entitled to share in the payment for that year: *And provided further*, That the shares of competent Indians, including the shares of their dependent minor children or wards, shall be paid to such competent Indians directly, and the shares of incompetent Indians shall be placed to the credit of each Indian, subject to the expenditures under the individual-money regulations: *And provided further*, That the shares of dependent minor children or wards of incompetent Indians shall be placed to the credit of such minors or wards, subject to expenditure in like manner."

Mr. CARTER. I reserve a point of order against that amendment.

Mr. SNYDER. I make the point of order to save time.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

MISSISSIPPI.

SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, and other necessary administration expenses, $7,500; for their education by establishing, equipping, and maintaining day schools, including the purchase of land and the construction of necessary buildings and their equipment, $15,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $7,500, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, $30,000.

Mr. MANN of Illinois. I reserve a point of order on the paragraph.

Mr. VENABLE. Mr. Chairman, I move to strike out the last word. I trust that the gentleman from Illinois will not make the point of order on this paragraph, for the following reasons: When the Choctaw Indians removed from Mississippi to Oklahoma as a tribe, there were left about 1,200 of them, and there are now something over 1,200 full-blood Choctaw Indians in Mississippi. The Indians who remained in Mississippi were given lands in lieu of those that they would have had in Oklahoma, and at a later time were given scrip. The result has been what might have been expected, namely, that these Indians now have neither land nor money, nor the requisite knowledge to make a livelihood. The Government, we will say, wanted to be generous and just, but it was not wise. It brought the Indian in contact with a higher civilization, with which he was unfitted to cope. It turned over land to the Indian when he had no sort of conception of private ownership of land or any experience in dealing with it. The Indians did not know the value of what they had; because of their inability and incompetency, for which they were not to blame, they were fleeced and robbed on every hand, with the result that to-day the Mississippi Choctaw has nothing. It was a consequence of the white man's civilization coming in contact with a primitive people. That, as I understand it, is the basis of the moral obligation of the white people of this country to look after the Indians, because the Indians must conform to the white man's standard of policy. It is certainly a moral obligation on the part of the white people, who impose a white standard for the Indians, to furnish facilities to the Indians so that they can conform to that standard. That is true of the Mississippi Indian, a full-blooded Choctaw. If he is not helped he will perish.

A year or two ago they started a movement. All we ask for the Mississippi Choctaw is that he be furnished with facilities, that his children may be so equipped that the second generation can be self-sustaining.

Mr. SNYDER. Will the gentleman yield?

Mr. VENABLE. I will.

Mr. SNYDER. I would like to ask how the Indians were provided for from 1898——

Mr. VENABLE. Prior to 1898.

Mr. SNYDER. Eighteen hundred and ninety-eight was the last year in which they could participate.

Mr. VENABLE. Yes.

Mr. SNYDER. Since that down to the last year, how did they live and who provided for them?

Mr. VENABLE. They had a very precarious existence, indeed.

Mr. SNYDER. Did the State do anything toward it?

Mr. VENABLE. They fished and hunted and lived in cabins with cracks so large that you could throw a dog through them. They had no schools, their struggle was for existence. When the subcommittee went to Mississippi one old Indian said that he had not had anything to eat for three months except a little corn meal. They existed largely on the charity of the general public. The white neighbors gave them things to eat, and it was a state largely of mendicancy, you might say of charity. The next generation is going to be in the same condition. All we ask is that you send the Indian children to school and give them a fair chance to equip themselves for the white man's civilization.

Mr. SNYDER. One further question; since 1898——

Mr. CARTER. If the gentleman will yield, I want to straighten out that date.

Mr. VENABLE. Eighteen hundred and ninety-eight had nothing to do with the land, but that was the last time that they opened the rolls, when an agent went there for the purpose of making up the rolls.

Mr. SNYDER. Starting at that time, all connection with the Government of the United States was severed.

Mr. VENABLE. Yes; prior to that.

Mr. SNYDER. Why is it that such a resident of the State of Mississippi who holds no claim on the Government does not become a charge on the State of Mississippi?

Mr. VENABLE. One reason is because there is an obligation upon the General Government of the United States, which is discharging its obligation in relation to other Indians. In this very bill the bulk of the bill is a pure gratuity; over $7,000,000 is carried in this bill, where there is no legal obligation to pay it. We are doing that for other Indians in the United States. They solely and alone are supported under that moral obligation. We are doing it rightfully; I voted for it. I do not make a point of order against them.

Mr. SNYDER. Did not these same Indians have a right a long time ago to come under that same moral obligation?

Mr. VENABLE. Yes; Mr. Chairman, they had the right. These Indians loved their native land and they took land in Mississippi in lieu of it. The Government took these primitive people and turned over to them something that they could not handle, which they wasted and dissipated, just as if I gave money to a 5-year-old child. Now, when the result has come that would be expected naturally and reasonably, it does not lie in the mouth of the Government to say that because we gave you these things and you dissipated them you are forever estopped from asking further aid.

Mr. SNYDER. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. SNYDER. Will the gentleman tell me, since two years ago we appropriated $75,000 and only a part was used, if the Indians were in this terrible state that the gentleman speaks of, why was it that the bureau did not see fit to do more?

Mr. VENABLE. I do not know. I think they are in a better condition now than they were then, for many of them did not have enough to eat. But the sins of the bureau should not be charged up to the Indians. I have begged the bureau to spend it all. I begged them to put the plan in operation, and begged them to go down there and locate schools and build them. I thought that when Congress started the project, two years ago, that it meant to carry it out. I asked the man in charge down there, who has been in charge of Indians in several parts of the United States—Dr. McKinley, I think his name is—and he told me that he never worked with any Indians in the world in America that were more deserving of help and that were more anxious to avail themselves of facilities to equip themselves for life under the white man's civilization than were these Indians. If we withdraw this appropriation from these Indians now, when they are full of hope for themselves and their children, you are going to produce a deal of sadness down there in Mississippi.

Mr. SNYDER. The gentleman knows that the estimates brought to us amounted to $65,000?

Mr. VENABLE. Yes; I have read the hearings.

Mr. SNYDER. And the committee having been convinced of the deplorable condition these Indians were in, and seeing that so little had been spent where so much had been offered, we were convinced that the amount we put in would be ample, or at least would be all that could be spent for this time, if we were justified in spending anything.

Mr. VENABLE. I can appreciate that, and I have been importuning the bureau myself. I have been down there to beg them to go ahead. Understand, I want to deal in perfect good faith. I do not say that the condition of those Indians now is as hard as it was when this project was first started, so far as actual food is concerned. Many of them have gone to work under direction and management, and they have done better. They are putting their children in schools where they can get to the schools, but the educational needs of their children are just as great now as they ever were. The other thing is but a means to an end.

Mr. SNYDER. I see that considerable money has been spent for live stock; $5,713 of the $15,000 has been spent for live stock.

Mr. VENABLE. Yes; so that they can have cows and get milk and butter.

Mr. SNYDER. And for equipment and miscellaneous matters, $1,400.

Mr. VENABLE. Yes; for plows and such things.

Mr. SNYDER. And they are not a band of Indians located in any particular locality.

Mr. VENABLE. They are scattered over about three counties. Most of them are in the counties of Neshoba and Winston, and some of them are in Leake County.

Mr. SNYDER. While I am of the same frame of mind in respect to the Seminoles, I think it was wrong to take them back. The State of Mississippi should have been forced to care for its own poor—whites, blacks, or reds—the same as does New York or Ohio. Yet, since we have entered into this proposition and we have encouraged those Indians to believe that we are going to do something for them, so far as I am concerned I am willing to stand on the bill as it is, and permit the matter to stay in.

Mr. VENABLE. Mr. Chairman, will the gentleman yield for a question?

Mr. SNYDER. Yes.

Mr. VENABLE. What difference is there between the obligation to help the Mississippi Indians and the obligation to pay the gratuities to the various Indians in other parts of the United States?

Mr. SNYDER. The only difference I know is that these Indians in Mississippi had the right to come in under regulations which would permit legal gratuities to be made to them, but they did not see fit to take advantage of that.

Mr. VENABLE. If the chairman was familiar——

Mr. SNYDER. I am familiar with that part of it.

Mr. VENABLE. Let me show the gentleman the difference. They took the Mississippi Indians and they turned over this land to them, men who had never had any experience with the private ownership of land, while they took the Choctaw Indian who went to Oklahoma and the Government looked after his land and other things until such time as he was fit to handle it for himself. The sin against the Mississippi Indian was in turning over to a man a thing he knew nothing about, the value of which he did not appreciate, and letting him handle it himself. I hope the gentleman will not make the point of order.

Mr. MANN of Illinois. What became of this land that was turned over to those Indians?

Mr. VENABLE. The Indian would get in hard straits and he would sell it, and sometimes dissipated the money. At other times he would get in hard straits, and, being an Indian, he liked to fish and hunt and did not want to work, and he found out that he could go to a merchant and mortgage his land, give a deed of trust, then he would be in default in payments and he would finally lose the land under the sale.

Mr. MANN of Illinois. And his white neighbors got possession of his land?

Mr. VENABLE. In a great many instances; yes.

Mr. MANN of Illinois. Is there not some obligation on their part?

Mr. VENABLE. Yes; I grant you that. But the poor and the weak and the ignorant are taken advantage of the world over. Human nature is no different in Mississippi from what it is in Illinois.

Mr. MANN of Illinois. The difference is this: Illinois is not seeking an appropriation out of the Federal Treasury to take care of its poor, while Mississippi is. That is the distinction.

Mr. VENABLE. There is no distinction in what I am talking about, and that is that the Federal Government in dealing with these Indians put them in an attitude where a certain result would come about, which the Government must have known, under a white civilization and in contact with a white man. There is a moral obligation resting upon the whole people of the

United States to take care of the Indians in the United States. There is no more obligation from a moral viewpoint upon the part of Mississippi to take care of those Indians, exclusive of the other citizens, than there is of the State of Illinois to take care of her Indians or Minnesota to take care of her Indians, exclusive of the people of Mississippi.

Mr. MANN of Illinois. As I understand the gentleman's position, if the Government of the United States gives an Indian land, declares him to be competent to dispose of those lands, and they are disposed of and the Indian loses his property, then it is the duty of the Federal Treasury to take care of the Indian for the rest of his life.

Mr. VENABLE. The gentleman does not state my position correctly.

Mr. MANN of Illinois. Perhaps I state it a little strong, but that is what it is.

Mr. VENABLE. Oh, no.

Mr. MANN of Illinois. It is conceded that these Indians had the land; that they have squandered their substance; and, having squandered their substance, they do not recognize the doctrine which has always controlled the human race—that by the sweat of their face they shall live. If the gentleman's contention is correct, then we ought not to remove incompetency from any Indians, for fear they may lose their competency, because, whether Indian or white, a large proportion of the people of this world do lose their competency, and then it becomes the duty of the Federal Government to take care of them out of the Federal Treasury. I can not subscribe to that doctrine myself.

Mr. VENABLE. Neither do I, as stated by the gentleman. The doctrine is this, that the white man who settled America brought with him a white man's civilization and brought a primitive people in contact with it. The difference in the civilizations was so radical that the red man would go down under it unless he went through a period of tutelage and care. There was, therefore, a moral obligation upon the part of the white people to see to it that the Indian was furnished with facilities for this tutelage. In other words, the white people of America, the Government of America, must exercise reasonable care to the end that those facilities be furnished, and the Government is under an obligation to do that.

Now, after it has done that to the best of its ability, if the Government decides that a certain set of Indians who have had the use of these facilities have so far progressed as to be able to live under white civilization, and if after that for any reason the Indian should lose his property, there would certainly be no obligation on the part of the Government to take further care of them, because the Government has exercised its duty when it has taken reasonable pains and means to furnish the facilities.

Mr. MANN of Illinois. But who is going to determine that?

Mr. VENABLE. Necessarily the white Government.

Mr. MANN of Illinois. The Government thought it did that with those Indians, but they still lost their subsistence, the gentleman says.

Mr. VENABLE. I do not think any official on God's green earth thought——

Mr. MANN of Illinois. Oh, yes; a great many people thought the best thing they could learn was to learn that they should work if they wanted to eat.

Mr. VENABLE. Then let us strike out the whole Indian Bureau; let us not give gratuities. If it is going to be abolished, all right; my Choctaws can starve with the others in America. But as long as we recognize that obligation there is no distinction between the Mississippi Indians and any other Indians. Now, then, I say there is a moral duty on the part of this Government to furnish to the Indians reasonable facilities for conformation with the white man's standard of living. That is a duty. Now, then, if the Government has done that it has performed its duty. There is no further moral obligation. In the case of the Mississippi Choctaw it has not furnished him any facilities whatsoever in the history of the Government and the Government's dealing with them; not one. It has turned over to him some land. He had absolutely no experience in private ownership, all his lands having been held under the communal system, lands on which he could go and fish and hunt. Every agent sent down there, almost without exception, was a scoundrel and a blackleg. One made an enrollment of the Choctaws, a drunken fellow, who afterwards used the roll for shaving paper. That is the history of the treatment of the Mississippi Choctaw, and I am pleading as a humanitarian proposition, as a moral obligation, to do for the Mississippi Indians what we are doing for the other Indians, give him a fair chance, and that is all I ask.

Mr. MANN of Illinois. If the contention of the gentleman is correct, we freed a great many black men from slavery?

Mr. VENABLE. Yes, sir.

Mr. MANN of Illinois. Who had not been accustomed to holding property. We had not attempted to educate them to the necessity of the individual ownership of property, to take care of——

Mr. VENABLE. He had from 150 to 200 years of tutelage in private ownership in slavery and had an object lesson from that.

Mr. MANN of Illinois. He might have had an object lesson, but he was not permitted to participate in the object lesson. And the same reason the gentleman makes would put upon the Federal Government the duty of taking care of any improvident black who was freed from slavery.

Mr. VENABLE. There are two answers to that. One is that he is a negro with the negro's characteristics, and the other is the Indian with his characteristics. Another answer is that I personally believe that what the gentleman contends for should have been done. I think the personal and political crime against the negro was to make him a citizen.

Mr. MANN of Illinois. All this has nothing——

Mr. VENABLE. He should have had the tutelage of the Government.

Mr. MANN of Illinois. This has nothing to do with the question of citizenship. These Choctaws are citizens.

Mr. VENABLE. The gentleman is talking about the negro, and I say it is a crime——

Mr. MANN of Illinois. I asked whether it was the duty of the General Government now to provide out of the Federal Treasury for the care of all improvident Indians and negroes, and I might add whites. Most of us are improvident. However, I make the point of order against the paragraph. There is no authority of law for most of the items in the paragraph.

The CHAIRMAN. The Chair is not familiar with the law and he will ask the chairman of the committee if this is authorized?

Mr. VENABLE. I would like to be heard on the point of order, if the Chair pleases.

Mr. SNYDER. Mr. Chairman, all I desire to say on the point of order is that, of course, these items now contained in the bill were in the previous bill, and, of course, that makes the items germane to the question.

Mr. VENABLE. What about the continuation of these schools? I am not a parliamentarian.

Mr. SNYDER. I am not a parliamentarian. I prefer to have some one else argue the point of order.

The CHAIRMAN. Does the gentleman contend that all the appropriations contained in this paragraph are authorized?

Mr. VENABLE. Mr. Chairman, I wish to submit some statements to the Chair. Undoubtedly this matter was subject to the point of order before the project was started, but the question I want to submit to the Chair—I do not pose as a parliamentary expert at all—is that certain schools have been established down there and certain contracts have been made and the matter is now being conducted. It does not look to me as though those projects would be subject to the point of order, but that they are continuing projects.

We have a certain number of schools down there, and I understand they are now in session. The hearings disclose that. I submit it to the good judgment of the Chair. I do not pose as a parliamentary expert.

The CHAIRMAN. The Chair sees in this paragraph a number of other things besides schools, and he will ask the gentleman if those appropriations are authorized.

Mr. VENABLE. In my judgment most of the appropriations are gratuitous, like the seven million and some thousand and odd dollars in this bill, and subject to a point of order, because they are not continuing projects. The Chair has asked me, and that is my candid opinion about it.

Mr. MANN of Illinois. Mr. Chairman, the gentleman from Mississippi [Mr. VENABLE], as I understood him, stated that in his opinion this paragraph was subject to a point of order when first inserted in the appropriation act, but that it was now a continuing project. Of course, the rule authorizes an appropriation made for the purpose of continuing projects under construction, or something to that effect. But it has always been held that it did not apply to general propositions of this character; that it only applied to a particular thing that was being constructed, like a building, or hospital grounds, or something of that sort. There is no authority of law for any of the items in this bill anywhere. The appropriation in the current law is not an authorization for an item in this bill, but this specifically provides for the construction of buildings, and the purchase of lands, for which there is no authorization of law, and the chairmen have always held that items of that character were subject

to a point of order unless there was an authorization of law for such purposes. And there is no such authorization.

The CHAIRMAN. Under the circumstances, and in view of the fact that there is no existing law authorizing these appropriations, the Chair is compelled to sustain the point of order.

Mr. VENABLE. Mr. Chairman, I offer an amendment to the section, as follows:

Page 33, line 2, insert: "For the relief of distress among the full-blood Choctaw Indians of Mississippi, $30,000."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. VENABLE offers the following amendment: Page 33, line 2, insert: "For the relief of distress among the full-blood Choctaw Indians of Mississippi, $30,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. VENABLE. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 4.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALLINGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River in Marion County, State of Mississippi;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River near the town of Lumberton, N. C.;

H. R. 8084. An act granting certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes; and

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Peedee River at or near the town of Cheraw, S. C.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MONTANA.

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $20,000.

Mr. WALSH. Mr. Chairman, in the print I have the section appears as "Section 10." It was read as "Section 9."

Mr. SNYDER. The number of the section in the star print of the bill is "10."

The CHAIRMAN. The Chair must also state, in view of the fact that one section went out on a point of order, the sections were renumbered.

Mr. MANN of Illinois. Mr. Chairman, that is not a matter to be done by the reading clerk, but by the engrossing clerk.

Mr. WALSH. There was an amendment adopted to that section.

Mr. CARTER. As I recall, there was no section in the amendment.

The CHAIRMAN. The sections will have to be renumbered.

The Clerk read as follows:

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, $100,000 (reimbursable), to remain available until expended.

Mr. EVANS of Montana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Montana: Page 35, line 5, after the word "Montana," strike out "$100,000" and insert "$1,000,000."

Mr. EVANS of Montana. Mr. Chairman, as I attempted to explain to the House two or three days ago when this bill first came up, this item is for the continuation of the construction of the irrigation project on the Flathead Indian Reservation. The Secretary of the Interior has recommended $1,000,000 for this year's progress of that work. The committee, as the bill discloses, has cut it to $100,000. It appears to me that it is quite imperative that that work should go on. You have a corps of men out there—engineers and others—with an equipment of steam shovels, and all that sort of thing. That organization must be dissipated, the horses and mules sold, the supplies on hand stored, and perhaps lost, and it seems unjust that you should stop a six or seven million dollar project right in the midst of it, after having spent four millions, and let it stand for a year. And that will be the result of the adoption of this bill without the amendment. I therefore appeal to the House to make such an appropriation as the Secretary of the Interior asks, in the sum of $1,000,000.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment. In justification of the reduction of the estimate from $1,000,000 to $100,000, I desire to say that upon this project at the present time there are under construction 91,000 acres. The area actually irrigated is 27,128 acres. The area of irrigable land cultivated by Indians is 3,267 acres; the area of irrigable land cultivated by lessees, who, of course, are white men, is 6,534 acres; the area of irrigable land cultivated by white owners, 22,870 acres. So it will be seen that there are nearly 60,000 acres ready for the water ahead of cultivation.

Many days of hearings were taken up on this question, and we even had the Secretary of the Interior before us. We had the Director of the Reclamation Service, a very able and competent man; we had his assistant, and the assistant to the commissioner, as well as the commissioner himself. It was determined that no serious deterioration would take place if this proposition was held up until such time as the land is more nearly taken up in the progress of the project. Therefore the committee decided to write into the law that it would appropriate an amount sufficient to maintain and operate this land and keep such parts of it as were in condition to deliver water, from undue deterioration. We even went to the extent of calling Mr. Davis back to the committee the second time. Or, in other words, the bureau called the Director of the Reclamation Service back the second time without the request of the committee, and the question was whether or not $100,000 would operate and maintain the plant and keep it from harmful deterioration until the matter could be more fully determined. Mr. Davis stated that it would be a sufficient amount. Now, in connection with this, as was stated here yesterday, this is a two-fold proposition. There has been already spent over $4,000,000 in construction and upkeep on this proposition. It is 50,000 acres ahead of the requirements. The Secretary of the Interior has stated that it is not good policy to carry on these projects far ahead of the necessity, and, further than that, as has been stated, no penny has yet been paid back to the Government upon any of this land—money which has been expended either upon this project or any of the others.

Now, we have written into this bill, in addition to reducing the appropriation, language which will make it impossible for any part of this $100,000 to be spent for the further development of the plant unless the Secretary of the Interior makes an arrangement with the users of the water whereby a pro rata per acre charge shall be paid into the Treasury to reimburse the Government for such moneys as have already been expended, and for such moneys as will be expended in the future.

It is the mature judgment of this committee, and notwithstanding the fact of having listened to the gentleman from Montana [Mr. EVANS] and to a gentleman by the name of Harbart, who was brought on here from out there, and to several gentlemen represented in another body, that we are justified in our course. Having considered their arguments, the views of the committee were unchanged. We believe that this project will not suffer from the reduction of the appropriation, and we believe that in a year from now there will still be at least 20,000 acres of land ready to be provided with water ahead of the land which has been taken up. Therefore I sincerely hope that this amendment will be defeated.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Montana [Mr. EVANS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase of land for the Navajo Tribe in the States of New Mexico and Arizona, $100,000, to remain available until used, and to be expended under the direction of the Secretary of the Interior, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in the States of New Mexico and Arizona, and to remain a charge and lien upon the lands and funds of said tribe of Indians until paid: *Provided*, That not exceeding $10,000 of the appropriation may be used in the discretion of the Secretary of the Interior in leasing grazing lands for the benefit of the said Indians.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. WINGO. Mr. Chairman, I think we ought to have a quorum. I make the point of no quorum.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] Sixty-eight gentlemen are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Flood	Kennedy, R. I.	Rowan
Aswell	Fordney	Kettner	Rowe
Ayres	Fuller, Mass.	Kincheloe	Rubey
Bacharach	Gallagher	Langley	Sanders, Ind.
Barkley	Gandy	Lesher	Sanders, La.
Begg	Gard	Linthicum	Sanders, N. Y.
Bell	Garland	Luhring	Sanford
Benson	Garrett	McAndrews	Schall
Bland, Ind.	Glynn	McCulloch	Scully
Bland, Mo.	Good	McDuffie	Sears
Bland, Va.	Goodall	McKeown	Siegel
Booher	Goodwin	McLaughlin, Mich.	Sims
Britten	Gould	McPherson	Sisson
Brooks, Pa.	Graham, Ill.	Mason	Slemp
Browning	Hamill	Merritt	Smith, Idaho
Brumbaugh	Hamilton	Moon	Smith, Ill.
Burke	Hardy, Colo.	Morin	Smith, N. Y.
Burroughs	Haugen	Mott	Steele
Campbell, Kans.	Heflin	Mudd	Strong, Kans.
Candler	Hill	Newton, Minn.	Sullivan
Cannon	Holland	Nicholls, S. C.	Taylor, Ark.
Carew	Houghton	Nichols, Mich.	Thomas
Clark, Fla.	Hulings	O'Connor	Thompson
Copley	Hull, Tenn.	Oliver	Tinkham
Crago	Humphreys	Peters	Upshaw
Crisp	Hutchinson	Phelan	Vare
Crowther	Igoe	Platt	Voigt
Cullen	Ireland	Porter	Wason
Dickinson, Mo.	Jefferis	Rainey, J. W.	Welty
Dooling	Johnson, Ky.	Randall, Calif.	Wilson, La.
Doremus	Johnson, Miss.	Rayburn	Wilson, Pa.
Dunn	Johnson, S. Dak.	Reber	Winslow
Eagle	Johnson, Wash.	Reed, N. Y.	Wood, Ind.
Emerson	Johnston, N. Y.	Riordan	Woodyard
Esch	Jones, Pa.	Robinson, N. C.	Wright
Evans, Nev.	Kahn	Rodenberg	
Ferris	Kennedy, Iowa	Rouse	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, and finding itself without a quorum, he had directed the roll to be called, whereupon 280 Members, a quorum, had answered to their names, and he reported a list of the absentees for printing in the RECORD and in the Journal.

The SPEAKER. The names of the absentees will be recorded. The committee will resume its session.

Thereupon the committee resumed its session.

Mr. SNYDER. Mr. Chairman, I understand the gentleman from Illinois [Mr. MANN] reserved a point of order on the paragraph on page 40, line 13. The paragraph, as I understand it, is clearly subject to a point of order.

The justification for this item is that there are about 7,000 Navajo Indians who have gradually gotten off a reservation which contains about 13,000,000 acres of land upon the public domain; and so, not to disturb these Indians who have gotten that far away from home, the bureau proposes to buy this additional property in order that the Indians may remain where they are.

This provision was not under discussion during the time that the appropriation bill was being made up. The chairman of the committee is familiar with it only as having been brought to him after the bill was completed, with the request from the bureau that it be inserted, and the chairman will not feel particularly hurt and will not think that anybody will be in any way distressed if the paragraph goes out.

Mr. MANN of Illinois. Mr. Chairman, I do not know whether this item in the bill is connected in any way with the proposition concerning land along the right of way of one of the railroad companies which has every alternate section, which may possibly have been disposed of. I think this is a case where a lot of Indians down there ought to be taken care of.

Mr. HAYDEN. The bureau has authority for the remainder of this year to make exchanges with the railroad company. The basis of this legislation is that the Navajo Tribe of Indians of the State of Arizona have enough land. They have 370 acres for each man, woman, and child, and that, according to the manner of grazing live stock in Arizona, is enough to support each family. In New Mexico an equal number of Navajos have a much less area, with the result that the Indians, who have greatly increased in number, have left the reservation, 7,000 of them, and have been living on the land that they have been occupying for a number of years. In order to get title to the land it is necessary to purchase it.

Mr. MANN of Illinois. How many of these Indians are there?

Mr. HAYDEN. About 30,000. It is the largest tribe in the Southwest. They are multiplying very rapidly.

Mr. MANN of Illinois. Of course, $100,000 will not buy enough land for 30,000 Indians.

Mr. HERNANDEZ. I may say that the Indians themselves on their own account have been heretofore leasing part of these lands and paying for the leases out of their own pockets.

Mr. MANN of Illinois. Why do they not continue to do that?

Mr. HERNANDEZ. As to that I do not know.

Mr. SNYDER. As I stated, Mr. Chairman, this matter was not of enough importance to be brought to the attention of the committee, and the committee had no opportunity to look into it, because the item was brought up after the chairman was instructed to report the bill to the House. We have no knowledge other than what we are getting here now, beyond what came to us in the form of a letter to justify the item.

Mr. MANN of Illinois. I have no desire to do any injustice to these or any other Indians. I am surprised at the statement that there are 30,000 of these Indians that are not on the reservation and not on lands of their own. I supposed there were not more than 30,000 in the entire tribe.

Mr. HERNANDEZ. Some of them are on land adjoining the reservation—close to it.

Mr. MANN of Illinois. Are there 30,000 Indians who are off the reservation?

Mr. HAYDEN. The total membership of the tribe is 30,000, of whom about 7,000 are off the reservation.

Mr. MANN of Illinois. One hundred thousand dollars will not go very far toward providing for grazing lands for 7,000 Indians, I take it.

Mr. HAYDEN. The gentleman from New Mexico [Mr. HERNANDEZ] can give a better idea of the value of such land than I can. Its value is not very high, because it is used only for grazing purposes.

Mr. HERNANDEZ. It is nothing but grazing land. I suppose the idea is to lease the land from the railroad.

Mr. MANN of Illinois. Authority is given here to use only $10,000 of the $100,000 for leasing. There will be an opportunity elsewhere to correct the matter if an error be made here, and I make the point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to make allotments from the surplus and undisposed of lands on the diminished portion of the Fort Berthold Reservation, North Dakota, to any living children on said reservation entitled to rights thereon but who have not yet been allotted not exceeding 160 acres of agricultural land or 320 acres of grazing land, and to issue trust patents for the selection so made, as provided by article 4 of the agreement of December 14, 1886, as ratified by the act of March 3, 1891 (26 Stat. L., pp. 1032, 1033), such allotments to be made under rules and regulations prescribed by the Secretary of the Interior: *Provided*, That where selections are made on lands reported to contain coal or other mineral, such selections shall be approved and the allottee shall receive a patent therefor, under the aforesaid act, with a reservation, however, of the coal or other mineral for the benefit of the tribe: *And provided further*, That allotments herein authorized may be made to persons qualified to receive such allotments so long as there are any surplus lands suitable for the purpose.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. What is the particular necessity for this provision of the bill with reference to this Fort Berthold Reservation, N. Dak.?

Mr. HAYDEN. This legislation is urged by the Indian Bureau because the Indians of that tribe requested that the children born since the last distribution of land be given allotments. It has been customary for Congress, from time to time, where there were surplus lands on an Indian reservation, to authorize the allotment of land to children born after the date when the previous allotments were made; but the tribe are interested in retaining the coal if any in the land, and therefore this is a surface allotment, reserving to the tribe as a whole the minerals in the land. It is very similar to the provisions of the desert land and homestead laws, which allow an entry on the surface, reserving to the United States the coal in the land.

Mr. WALSH. It says any living children on said reservation. That, of course, means Indian children?

Mr. HAYDEN. Certainly; children entitled to rights thereto. No one but Indian children would be entitled to allotments.

Mr. SNYDER. This would authorize allotments to newborn children on the Fort Berthold Reservation, from the surplus land on that reservation.

Mr. WALSH. How much surplus land is there?

Mr. SNYDER. Several thousand acres.

Mr. HAYDEN. We inquired about that. There is ample land to make these allotments.

Mr. SNYDER. There is plenty of land.

Mr. WALSH. I withdraw the reservation.

The CHAIRMAN. The reservation of the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To reimburse the Indians of the Fort Berthold Reservation, N. Dak., for 253.04 acres of land embraced within the boundaries of the Verendrye National Monument, established by presidential proclamation of June 29, 1917, the sum of $1,265.20, representing the appraised value of said land at $5 per acre: *Provided*, That the sum appropriated shall be subject to expenditure upon the order of the Secretary of the Interior for the benefit of the Indians of the Fort Berthold Reservation.

Mr. WALSH. I reserve a point of order on that paragraph. This seems to be a considerable sum of money for the purpose of reimbursement for 253.04 acres of land. How was that appraisal made of $5 per acre?

Mr. SNYDER. The land referred to in this item is embraced within the Fort Berthold Reservation. It was reserved by presidential proclamation, dated June 29, 1917, upon the recommendation of the National Park Service, and set aside as the Verendrye National Monument. The Fort Berthold Reservation was established by treaty, and the equitable title to the land is in the Indians, the legal title being in the United States. Through the reservation of the land as a national monument, without the consent of the Indians, they have been deprived of its use, and should, therefore, be reimbursed for its appraised value. At the present time the land is under the joint supervision of the custodian of the National Park Service, residing at Sanish, N. Dak., and the superintendent of the Fort Berthold Agency, at Elbowwoods, N. Dak. Should an appropriation be made to reimburse the Indians for the value of the land, the Bureau of Indian Affairs will surrender all its rights and claims thereto on behalf of the Fort Berthold Indians to the National Park Service, which will thereafter have full and complete control.

Mr. WALSH. What is this national monument?

Mr. SNYDER. The Indian lands have been included in this national reserve without the Indians being compensated for their lands, and this is to reimburse them.

Mr. WALSH. Were any of them living on this land?

Mr. SNYDER. It is an obligation the Government should pay, because the land belonged to the Indians.

Mr. WALSH. Well, perhaps so; but have they been deprived of the use of this land by its being included within this monument? Were they living on it and were they driven off, or have they been prohibited from using it, or are they still going to be permitted to use it for grazing purposes?

Mr. SNYDER. This land was taken away from them by presidential proclamation dated June 29, 1917, and of course they are entitled to some compensation for it.

Mr. WALSH. Has it been actually taken away from them? Were they using it for dwellings or for grazing or anything of that sort, or are they to be permitted to continue the use of it? Have they been driven off the land? What is this monument?

Mr. SNYDER. The title to the property has been taken away from the Indians by the Government of the United States, and the question now is simply whether the property is worth $5 an acre.

Mr. CRAMTON. Will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Michigan.

Mr. CRAMTON. What is the reason for placing the money at the discretionary disposal of the Interior Department instead of having it put in the Treasury to the credit of these Indians?

Mr. SNYDER. That is the usual practice. I can not give any justification for it.

Mr. CRAMTON. Is it customary to turn this over to the Indian Department with full discretion as to its expenditure?

Mr. SNYDER. It is Indian money and comes into the hands of the Secretary of the Interior like other Indian money. Under the law it could not go anywhere else.

Mr. CRAMTON. I do not understand that all money coming into the Treasury to the credit of the Indians may be expended in the discretion of the Secretary of the Interior.

Mr. SNYDER. The moneys coming from transactions of this kind, which would be distributed as tribal funds, would have to go into the Treasury and be distributed in the discretion of the Secretary of the Interior.

Mr. CRAMTON. I do not understand that this provides for distribution; it provides for expenditure.

Mr. SNYDER. It provides that the Government shall pay the Indians $5 an acre for the acres taken away from them. That money would be taken from one fund in the Treasury and put to the credit of another fund in the Treasury.

Mr. CRAMTON. It is taking it out of the hands of the Treasurer and putting it into the hands of the Secretary of the Interior and telling him that he may expend it in any way that he thinks right.

Mr. WALSH. Well, this occurred in 1917. I think they can wait, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CARTER. Mr. Chairman, I would like to ask the gentleman from New York how long he expects to continue this afternoon?

Mr. SNYDER. I want to continue until 5 o'clock.

Mr. MANN of Illinois. How much time do gentlemen on that side of the House want to get ready for the big time?

Mr. CARTER. As the gentleman from Illinois knows, occasionally a Democrat has to put on a dress suit. [Laughter.]

Mr. MANN of Illinois. And it will take him a good while to hunt one up. [Laughter.]

Mr. SNYDER. Does not the gentleman think that we can run until 5 o'clock?

Mr. CARTER. I think we had better make it 4.30.

Mr. SNYDER. Well, all right; if we can move along rapidly. We want to give you an opportunity to have the last good time you will probably have. [Laughter and applause on the Republican side.]

Mr. MANN of Illinois. It is not likely that you will all be here to-morrow, anyhow.

Mr. CARTER. That depends upon whether there is any wood alcohol left or not. [Laughter.]

The Clerk read as follows:

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 16, after the word "Indians," insert: "*Provided further*, That hereafter no Indian under the jurisdiction of the Quapaw Agency shall be declared incompetent except by a proper court having jurisdiction, and all persons heretofore declared incompetent by the Secretary of the Interior shall be held to be competent unless they are adjudged incompetent by a competent court within six months after the passage of this act."

Mr. HOWARD. Mr. Chairman, I introduce this amendment for the purpose of clearing up a situation at the Quapaw Agency. Under former legislation some Indians have become competent and afterwards have been declared incompetent simply through the action of the department. I believe, Mr. Chairman and gentlemen of the committee, that any man has a right to go into the courts and have his rights determined as to whether he is competent or incompetent. The Government has probate attorneys in Oklahoma and makes provision for taking care of them, but it is an unsettled question as to whether the courts of Oklahoma have any jurisdiction at all over these Indians. I have introduced this amendment as another step along the line of this bill to as quickly as possible clean up a great deal of the bureau work, and especially to give these Indians their rights in court, a right to which all men are entitled.

Mr. MANN of Illinois. Does the Oklahoma law provide that a competent Indian may go into court and have the court declare him incompetent, or an incompetent go into court and have the court declare him competent?

Mr. HOWARD. No; the Indians are treated as citizens by the State and have the same rights in our courts as other people, and it is my contention that after they are once declared competent, either by statute or court, that that right should only be interfered with by a hearing in court.

Mr. MANN of Illinois. There is no method that I know of except trying a man for insanity in the ordinary court or as a spendthrift. There would be no provision in my State for declaring an Indian incompetent within the meaning of the term as we use it in the statutes.

Mr. HASTINGS. If the gentleman will yield, a great many Indians have been declared incompetent. The probate attorney would produce their testimony in court, and the court passes upon the competency or incompetency of the Indian to transact business.

Mr. MANN of Illinois. But here is a proposition that where a number of Indians have been declared incompetent the court shall declare them to be competent, and that declaration shall stand as to competency unless the court hereafter shall declare them incompetent. By that time if they have any property it will be gone.

Mr. HASTINGS. It is divisible into two parts. The Secretary of the Interior shall not declare any person incompetent,

but that right is transferred to the court. Now, those that have been declared incompetent have six months to go into court and have the court pass on that.

Mr. MANN of Illinois. I did not hear that. Let us have the amendment again reported.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. MANN of Illinois. I thought I was not mistaken; this declares that the Indians now incompetent to be competent.

Mr. HASTINGS. Unless——

Mr. MANN of Illinois. Unless the heavens fall—unless some court declares them incompetent within six months.

Mr. HASTINGS. The gentleman is mistaken about it.

Mr. SNYDER. If I understand, it is only those who have been once declared competent by the Secretary of the Interior.

Mr. MANN of Illinois. Oh, no.

Mr. SNYDER. Oh, yes; that is what it means.

Mr. MANN of Illinois. The amendment provides, if I got it right, that the Indians that have been declared incompetent we declare to be competent, unless they are declared incompetent within six months by a court.

Mr. SNYDER. That is correct.

Mr. MANN of Illinois. We declare them competent.

Mr. SNYDER. But only those that have been declared incompetent.

Mr. MANN of Illinois. We declare them all competent.

Mr. CAMPBELL of Kansas. No; only those declared incompetent by the Secretary of the Interior.

Mr. SNYDER. There are 229,000 Indians who are yet incompetent, and this affects only those who have once been declared competent by the Secretary of the Interior and who have since been declared incompetent by the same officer.

Mr. MANN of Illinois. We declare them competent, unless there is a court action within six months declaring them incompetent.

Mr. SNYDER. No.

Mr. MANN of Illinois. This sets out that the Secretary shall not hereafter declare an Indian in this tribe incompetent.

Mr. SNYDER. No.

Mr. HASTINGS. This prevents him from declaring any of them incompetent in the future.

Mr. MANN of Illinois. Then I am right and the gentleman is mistaken. This declares that he shall not hereafter declare an Indian in this tribe incompetent.

Mr. SNYDER. No.

Mr. MANN of Illinois. And then goes further and says that if he has declared them incompetent that incompetency is removed, unless the court within six months finds them to be incompetent.

Mr. HASTINGS. That is correct.

Mr. MANN of Illinois. That means that we declare them competent unless there is a court action within six months declaring them incompetent.

Mr. HASTINGS. No; that those whom the Secretary has declared incompetent——

Mr. MANN of Illinois. As to the others, we forbid anyone declaring them incompetent.

Mr. CAMPBELL of Kansas. Except by action of court.

Mr. MANN of Illinois. We have not anything to do with that.

Mr. HASTINGS. This gives that jurisdiction to the court.

Mr. MANN of Illinois. This does not give any jurisdiction to the court. We can not give jurisdiction. This takes jurisdiction away from the Secretary of the Interior.

Mr. HASTINGS. The courts now have jurisdiction.

Mr. SNYDER. It takes the authority from the Secretary of the Interior to declare incompetent an Indian whom he has already declared competent.

Mr. HOWARD. And treated as competent.

Mr. MANN of Illinois. Whether he has declared him incompetent or not, this prevents his declaring any of them incompetent.

Mr. SNYDER. If it does, I do not understand the amendment, because my understanding was, when the amendment was brought to me, that this was what they wanted to do. There are certain Indians whom the Secretary of the Interior has declared to be competent——

Mr. CAMPBELL of Kansas. Incompetent.

Mr. SNYDER. No; he has declared them competent. Subsequent to that he has gone back and declared the same Indian incompetent.

Mr. HASTINGS. That is right.

Mr. HOWARD. Precisely.

Mr. SNYDER. And what they propose to do with this amendment is to fix it so that when the Secretary of the Interior has declared an Indian competent he can not come around three months or six months afterwards and declare him incompetent.

Mr. MANN of Illinois. I will say to my friend that it does not stop there by a long shot.

Mr. SNYDER. That is my understanding of what they want. That is what I am willing to accept, but I am not willing to accept the amendment if it is as the gentleman from Illinois says it is.

Mr. HASTINGS. Suppose we pass it over until it can be more critically examined.

Mr. MANN of Illinois. I think it would better be more critically examined, and we can examine it here.

Mr. CAMPBELL of Kansas. I submit, Mr. Chairman, that something should be done with this subject matter, and if this amendment does not meet the situation the paragraph should be passed over with an opportunity to perfect the amendment.

Mr. MANN of Illinois. It may be, Mr. Chairman, that Congress sitting in the legislative capacity is better equipped to determine whether an Indian is competent than is the Secretary of the Interior. While in many respects I do not subscribe to what the Indian Office or the Interior Department does, still I would hesitate a good while, if they have declared an Indian to be incompetent in order to prevent some one from robbing him of his property, before I would be willing to declare him competent. It might then again occur, as we witnessed to-day, that a great majority of this committee would vote to support the Indian after his property had been stolen from him. That is a curious attitude to put us in.

Mr. SNYDER. I do not understand what the gentleman means, and I would like to have him point out what we have had of that character to-day.

Mr. MANN of Illinois. Absolutely in the Mississippi case, that is what we did.

Mr. SNYDER. But this is not the first time that was done.

Mr. MANN of Illinois. No; but it is the last time that it has been done, and that is the reason I call attention to it. It is not the last time that it will be done.

Mr. HASTINGS. Let it go over.

Mr. MANN of Illinois. Mr. Chairman, I never refuse such a request as far as I am concerned, but I think I shall make the point of order when the time comes. I do not say I will, but I may say this: Very likely there ought to be some remedy adopted. Of course, the real remedy would be to get a proper man in the Indian Office.

Mr. HASTINGS. I want to say, if the gentleman will allow me, I am opposed to allowing the Secretary of the Interior through his inferior officers to have the final say as to whether the man who once was declared competent can be declared incompetent without any court procedure whatsoever. That is what is intended by this amendment. It is to give jurisdiction to the court and let the probate attorneys we provide for go in there and represent the department before a court of competent jurisdiction, and let that court determine rather than let the department say upon ex parte affidavits taken from various parties through that agency and forwarded here, and then some clerk in the department finally say that the man is incompetent.

Mr. MANN of Illinois. I hope the Secretary of the Interior will continue to have power, when somebody is trying to rob some Indian of his property or because he has been declared a competent Indian and he is not competent, to save his property for him by declaring him incompetent, and if such a thing could be done with a great many white people I would approve of it.

Mr. HASTINGS. Does the gentleman from Illinois believe under our present system of government it is better to confer that authority upon somebody 1,500 miles away, upon ex parte affidavits, or to permit the court in the country where the department is represented by attorneys to pass upon it after all the testimony is in?

Mr. MANN of Illinois. Oh, well, we know perfectly well the local attorney in one of these counties is not specially interested in saving the property of some Indian who is going to lose it to some very eminent white citizen voter of the county.

Mr. HASTINGS. These probate attorneys are appointed by the Secretary of the Interior and are under his jurisdiction.

Mr. CAMPBELL of Kansas. Will the gentleman yield, if he has the floor?

Mr. MANN of Illinois. I have not the floor, but I will yield.

Mr. CAMPBELL of Kansas. Mr. Chairman, I want to say this upon this amendment: In the Quapaw Agency there is a family by the name of Goodeagle.

Mr. BLANTON. Mr. Chairman, a point of order. We can not hear what is going on and we can not determine whether this is a Democratic or a Republican caucus.

Mr. CAMPBELL of Kansas. I think I can make the gentleman from Texas hear. I always try to do so. The Goodeagle

family had been attending to their own affairs for years. They owned a large estate. They had many buildings in Baxter Springs, Cherokee County, Kans. They owned large property in the Quapaw Agency, which is south of there in Oklahoma. It was discovered there were large mineral deposits on their property in Oklahoma. It appears that the Quapaw Indian agent was very much interested in endeavoring to secure leases for mineral purposes for certain parties on a part of their property. The Goodeagle Indians refused to make the leases to the parties in whom the agent was interested. They were making leases at a higher rate of royalty. The agent took the matter up with the Indian Office up here and had all the Goodeagles declared incompetent, though for years they had been directors of banks, the owners of buildings, the owners of large affairs, and had conducted their business in a successful manner as other business men in that community had. Immediately after the Goodeagles had been declared incompetent, favorites of the Indian agent were given leases to their lands at lower rates of royalty than the Goodeagles had been offered before, and for which they would not make leases upon their land. This circumstance I think is acute. It is now in the courts. The Goodeagles are rich, they have a large estate, and it is one of the scandals attaching to the Indian Office. This family was, after 16 years, declared incompetent in order that the Indian Office might control their property. I take it that the amendment offered by the Representative of that district is for the purpose of preventing anything like this from ever occurring in the future. The amendment should prevail. The Secretary of the Interior did not pass upon this question. The Commissioner of Indian Affairs is not the man who is responsible. The man who was responsible for declaring the Goodeagles incompetent was removed as soon as the circumstances surrounding the situation had been called to the attention of the Secretary of the Interior, but the Goodeagles are still incompetent to conduct their business, although they are still connected with the large affairs of the communities in which they live. They were building a large hotel. The hotel was just ready for the plumbing. That was three or four years ago. The hotel is still standing there with the plumbing rusting on the outside of the building, with the loss of forty-odd thousand dollars to the Goodeagle estate because they were declared incompetent. The Goodeagle estate has lost anywhere from $40,000 to $100,000 because the Quapaw Indian agent secured an order declaring the Goodeagles incompetent of conducting their own affairs, though they had conducted their affairs, as I say, for 16 years or more. I hope the amendment will be approved so as to prevent anything like this from occurring in the future.

Mr. SNYDER. Mr. Chairman, I ask unanimous consent that we pass this amendment, with the point of order pending, until to-morrow, without prejudice, to see if we can not get it revised so as to obtain exactly what is desired.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this amendment be passed over until to-morrow, without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed $45,000 of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma and to pay out the same for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles.

Mr. SNYDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11368, the Indian appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that leave of absence for the day be given my colleague, Mr. JOHNSON of Washington, on account of illness.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SNYDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p. m.) the House adjourned until Friday, January 9, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General, submitting a supplemental estimate of appropriation for increase of salary of the administrative accountant, division of accounts of the Department of Justice, for the fiscal year 1921 (H. Doc. No. 573); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required by the Internal Revenue Bureau for the enforcement of the national prohibition act during the remainder of the fiscal year 1920 (H. Doc. No. 574); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Interior Department for equipment and operation of the Interior Department Building, fiscal year 1920 (H. Doc. No. 575); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting deficiency estimate of appropriation required by the Department of Labor for "War Labor Administration Conciliation," fiscal year 1919 (H. Doc. No. 576); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriations for proposed increases in salaries of the Solicitor for the Post Office Department and the chief bookkeeper and record clerk, fiscal year 1921 (H. Doc. No. 577); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Navy, transmitting documents in response to House resolution 271 (H. Doc. No. 578); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 534), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11005) granting a pension to Bridget E. Reid; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5480) granting a pension to Seaburn D. Wray; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. EDMONDS: A bill (H. R. 11579) amending the prohibition act; to the Committee on the Judiciary.

By Mr. McCLINTIC: A bill (H. R. 11580) providing for the purchase of a site and the erection of a public building thereon at Weatherford, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 11581) to provide for the national security and defense by encouraging the production and refining of graphite (plumbago, silver lead) ores in the United States and its possessions, and to provide revenue for the Government of the United States; to the Committee on Ways and Means.

By Mr. STEENERSON: A bill (H. R. 11582) relating to third-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. STOLL: A bill (H. R. 11583) for the purchase of a post-office site at Mullins, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11584) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine hospital purposes on the present marine hospital site at San Francisco, Calif., and to remove all or any of the present structures on said site; to the Committee on Public Buildings and Grounds.

By Mr. HUDSPETH: A bill (H. R. 11585) to amend the Federal plant quarantine act of August 20, 1912, so as to provide that all expenses incident to the fumigation of importations be paid by the United States Government; to the Committee on Agriculture.

By Mr. STEENERSON: Resolution (H. Res. 433) authorizing the consideration of certain new legislation in H. R. 11578, a bill making appropriations for the support of the Post Office Department for the fiscal year 1921; to the Committee on Rules.

By Mr. EDMONDS: Concurrent resolution (H. Con. Res. 43) requesting the President of the United States to reopen certain cases where men in military service were imprisoned during war; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11586) for the relief of Frederick Salzman; to the Committee on Military Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 11587) granting a pension to James H. Turner; to the Committee on Pensions.

Also, a bill (H. R. 11588) granting an increase of pension to William Vollrath; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 11589) granting an increase of pension to Mary C. Titman; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11590) granting a pension to Abbie Davis Morang; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 11591) granting a pension to James Bartram; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 11592) granting a pension to Mary Benson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11593) granting an increase of pension to Sarah E. Totten; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11594) for the relief of John M. Higgins; to the Committee on War Claims.

Also, a bill (H. R. 11595) granting an increase of pension to Isaac Edgington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11596) granting an increase of pension to Gurney E. Hall; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11597) granting a pension to John C. Prestin; to the Committee on Pensions.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 11598) granting an increase of pension to George B. Pearl; to the Committee on Invalid Pensions.

By Mr. PELL: A bill (H. R. 11599) for the relief of Peter A. Kearney; to the Committee on Claims.

Also, a bill (H. R. 11600) for the relief of Mrs. Gussie Husak; to the Committee on Claims.

By Mr. STEPHENS of Ohio: A bill (H. R. 11601) granting a pension to George W. Keith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

726. By the SPEAKER (by request): Petition of National Lumber Council of the National Lumber Manufacturers' Association, urging a revision of the antitrust acts; to the Committee on the Judiciary.

727. Also (by request), petition of State board of trustees of the Anti-Saloon League of Illinois, regarding war-time prohibition; to the Committee on the Judiciary.

728. Also (by request), petition of acting secretary of the Florida State Nurses' Association, favoring Senate bill 1737 and House bill 2492, to secure relative rank for Army nurses; to the Committee on Military Affairs.

729. By Mr. ASHBROOK: Petition of Chamber of Commerce of Mansfield, Ohio, favoring House bill 10650; to the Committee on the Judiciary.

730. By Mr. JAMES: Petition of Marquette Lodge, No. 405, Marquette, Mich., favoring the deportation of I. W. W. and other disloyal organizations; to the Committee on Foreign Affairs.

731. By Mr. LONERGAN: Petition of Chamber of Commerce of Waterbury, Conn., favoring the treaty and the league of nations; to the Committee on Foreign Affairs.

732. By Mr. MacGREGOR: Petition of City Council of the City of Buffalo, regarding the high cost of living; to the Committee on Ways and Means.

733. Also, petition of F. A. Dirnberger, secretary of the Buffalo Flour Club, favoring the return of the railroads to their owners; to the Committee on Interstate and Foreign Commerce.

734. By Mr. McGLENNON: Petition of Chamber of Commerce of Bayonne, N. J., regarding the return of the railroads to their owners; to the Committee on Interstate and Foreign Commerce.

735. By Mr. MEAD: Petition of George S. Buck, mayor of the city of Buffalo, N. Y., regarding the Lever food and fuel control act; to the Committee on Agriculture.

736. Also, petition of Daniel J. Sweeney, city clerk of Buffalo, N. Y., regarding the Lever food and fuel control act; to the Committee on Agriculture.

737. By Mr. O'CONNELL: Petition of the New York State Forestry Association, favoring increased appropriation for the United States Forest Service; to the Committee on Agriculture.

738. By Mr. RAKER: Petition of Lodge No. 743, Brotherhood of Railway Trainmen, protesting against the Cummins bill and indorsing the Esch bill with the Anderson amendment; to the Committee on Interstate and Foreign Commerce.

739. Also, petition of California Manufacturers' Association, in connection with a revision of the antitrust laws; to the Committee on Revision of the Laws.

740. Also, petition of city council of Oakland, Calif., advocating allocation of ore shipped to the Pacific coast for the Far Eastern trade; to the Committee on Naval Affairs.

741. Also, petition of Kern County Chamber of Commerce, Bakersfield, Calif., urging passage of House bill 10650, the Davey sedition bill; to the Committee on the Judiciary.

742. Also, petition of committee of engineers, architects, and allied professions of California, urging passage of Senate bill 2232 and House bill 6649; to the Committee on Expenditures in the Interior Department.

743. Also, petition of Union Hardware & Metal Co., of Los Angeles, Calif., urging support of the Kettner bill (H. R. 6044); to the Committee on Railways and Canals.

744. Also, petition of Los Angeles County Farm Bureau, of California, urging support of the Kenyon and Hersman bills; to the Committee on Agriculture.

745. Also, petition of County Farm Bureau, of Los Angeles County, Calif., urging appropriation of $25,000 for the investigation and suppression of certain pests in the pecan industry; to the Committee on Agriculture.

746. Also, petition of California Manufacturers' Association, of Oakland, Calif., indorsing the labor provisions of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

747. By Mr. RANDALL of Wisconsin: Petition of citizens of Oconomowoc, Wis., urging two years' extension of Government control of the railroads; to the committee of conference on the Esch and Cummins bills.

748. Also, resolution of the Wisconsin Game Protective Association, indorsing House bill 8939; to the Committee on the Merchant Marine and Fisheries.

749. Also, resolution of citizens of Clinton, Wis., urging the revenue act of 1918 be modified to exempt Chautauqua tickets from taxation; to the Committee on Ways and Means.

750. By Mr. WOODYARD: Petition of Huntington Post, No. 16, American Legion, Huntington, W. Va., pledging its organization to the maintenance of law and order in the United States of America; to the Committee on Military Affairs.

SENATE.

FRIDAY, *January 9, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in this restless age of ours, appealing to the highest powers of constructive statesmanship, we do not forget the North Star that has guided safely our fathers over all the troubled waters of the past. Thy Word, unchanging, eternal, divine, we look to it for our guide, and pray that Thou wilt give to us the inspiration of heart to know Thy Word, to read Thy will, to follow Thy commandments, to build upon the foundations that Thou hast laid down for us. Do Thou bless us in this divine enterprise. For Christ's sake. Amen.

On request of Mr. CURTIS and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The Chair lays before the Senate a resolution of the General Assembly of the State of Rhode Island ratifying the Susan B. Anthony amendment to the Constitution of the United States extending the right of suffrage to women, which will be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAPES, Mr. GOULD, and Mr. WOODS of Virginia managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SPENCER. I present the memorial of Frank J. Page and sundry other citizens of Doniphan, Mo., which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as folows:

"*To the honorable body of the United States Senate, greeting:*

"We, the undersigned, red-blooded American citizens, composed of both old-line parties, beg leave to congratulate you—especially the majority of your membership—upon your patriotism and wise vote on the reservations to the league of nations.

"For, when we see daily in the papers accounts of what a great per cent of the foreign element in this country are doing and are trying to do to disorganize our country and make of it a mass of thieves and murderers without any law or order, then when we reflect upon what this great country cost our forefathers in lives, blood, money, suffering, and tears and grief for the mothers of that day, and the loss of hundreds of thousands of our fathers, grandfathers, and brothers, as well as billions of dollars, tears, and suffering to keep our Union whole in the sixties, capped off by the loss of hundreds of thousands of our own boys in death and crippled for all time, as well as over $20,000,000,000 of expense in defending the honor and even the future existence of our flag and country in the World War—the grandest and best country by far that God Almighty in His wisdom ever permitted His sun to shine upon—we say that after reflecting upon all these sacrifices made by our people for our great Government, the United States of America, we feel that the people of these United States, every red-blooded American man, woman, and child, of every color and every creed—yes, even those that are to come after us, perhaps, as long as the world stands—are to be congratulated upon having at this time and during the Congress just ended a few days ago, sufficient men in the United States Senate, composed of both old-line parties, whom an All-Wise Providence had endowed with the brains, the honor, the patriotism, the nerve, the backbone, the ability, the fearlessness, and will power to do their own thinking, to prevent this great and priceless Government of ours from being handed over, either in whole or in part, into the hands of foreign governments, to manipulate as they thought best. Oh, but it was grand, and we love every one of you for it that gave a vote for the reservations regardless of your political views, for you have proven yourselves to be red-blooded Americans of the first magnitude, and that is what counts more than all else, at this time especially.

"And be assured, our dear sirs, that the great mass of all red-blooded American people are backing you to the limit regardless of all political views.

"Sincerely, yours, FRANK J. PAGE
"(And others)."

Mr. POMERENE. I have before me a petition to the Senate from Rev. Dr. Charles F. Thwing, president of the Western Reserve University, Cleveland, Ohio, and 66 members of the faculty, urging the ratification of the peace treaty. I ask that it be incorporated in the RECORD without reading. I do not mean by that the signatures other than that of President Thwing.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, December 11, 1919.

To the Senate of the United States of America,
Washington, D. C.

GENTLEMEN: We, the undersigned, officers of Western Reserve University, are convinced of the supreme importance of the ratification by the Senate as soon as possible of the treaty of peace, with such interpretative reservations as may be proper and necessary, and we urge the Senators from Ohio to promote such action. We believe that a majority of the most intelligent and public-spirited citizens of all parties in the State will support them in favoring a resolution ratifying the treaty of peace with the league of nations covenant in terms that will readily permit the other signatories to acquiesce in the conditions stated by the United States.

CHAS. F. THWING, *President*
(And others).

Mr. NEWBERRY presented a petition of the Michigan State Normal College, Ypsilanti, Mich., praying for the ratification of the treaty of peace with Germany, which was ordered to lie on the table.

He also presented a petition of the Northeastern Michigan Association of Credit Men, of Bay City, Mich., praying for the enactment of legislation for the adoption of a budget system, which was referred to the Special Committee to Devise a Plan for a National Budget System.

He also presented a petition of the Woman's Progressive League, of Niles, Mich., praying for the enactment of legislation to establish a Department of Education, which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of the Maine State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the reimbursement to farmers for cattle slaughtered because of reaction in tuberculin tests, which was referred to the Committee on Agiculture and Forestry.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3682) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law, and for other purposes, reported it without amendment.

Mr. NEW, from the Committee on Territories, to which was referred the bill (H. R. 8953) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes, reported it without amendment and submitted a report (No. 360) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10746) to authorize the incorporated town of Wrangell, Alaska, to issue bonds for the construction, enlargement, and equipment of schools, the acquisition and construction of a water-supply system, the construction of a sewer system, the construction of a city dock and floating dock, and to levy and collect a special tax therefor, reported it with an amendment and submitted a report (No. 361) thereon.

DRAINAGE OF PUBLIC LANDS IN ARKANSAS.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 3175) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the bill. A similar bill passed the Senate in the last Congress. The bill as reported by the committee was prepared by the Department of the Interior and has the unqualified indorsement of that department.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That all of those unentered, unreserved public lands and all of those entered lands for which no final certificates have been issued within the areas hereinafter described are hereby made and declared to be subject to the laws of the State of Arkansas relating to the organization, government, and regulation of drainage districts to the same extent and in the same manner, except as hereinafter provided, in which lands held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States shall be accorded all the rights, privileges, and benefits given by said laws to persons holding lands in private ownership, said lands being those public lands in Mississippi County, Ark., in townships 14, 15, and 16 north, range 9 east, and townships 15 and 16 north, range 10 east, fifth principal meridian, according to the official surveys thereof approved October 12, 1915, and all of those unentered public lands and all of those entered lands for which no final certificates have been issued in Poinsett County, Ark., in townships 11 and 12 north, range 6 east, fifth principal meridian, according to the official surveys thereof approved July 30, 1913.

SEC. 2. That the construction and maintenance of canals, ditches, levees, and other drainage works upon and across the lands subject to the operation of this act are hereby authorized, subject to the same conditions as are imposed by the laws of the State of Arkansas upon lands held in private ownership, and that the cost of construction and maintenance of canals, ditches, levees, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all unentered public lands, and all lands embraced in unpatented entries affected by such

project. Officially certified lists showing the amount of charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the United States land office of the district in which the lands affected are situated as soon as said charges would become a lien if the lands were held in private ownership.

SEC. 3. That all charges legally assessed pursuant to the drainage laws of the State of Arkansas by a drainage district against any unentered public lands, or against any lands embraced in unpatented entries, subject to the provisions of this act, shall be a lien upon said lands, which may be enforced by sale in the same manner and subject to the same conditions, except as hereinafter set forth, under which said charges shall be enforced against lands held in private ownership, and whenever any of said lands shall be sold for nonpayment of such charges, inclusive of lands bid in for a drainage district, a statement showing the name of the purchaser, the price at which each legal subdivision was sold, the amount assessed against it, together with penalties and interest, if any, and the cost of the sale, and the amount of excess, if any, over and above all lawful assessment charges and the cost of sale, shall be officially certified to the register and receiver of the United States land office of the district in which the lands are situated immediately after the completion of such sale, but nothing in this act shall be construed as creating any obligation on the United States to pay any of said charges.

SEC. 4. That all moneys received from the sale of entered or unentered lands subject to the operation of this act which shall be in excess of assessments due thereon, together with penalties and interest and the costs of the sales, shall be paid by the proper county officer to the receiver of the United States land office of the district in which the lands are situated, and such excess moneys shall be covered into the United States Treasury as proceeds from the sales of public lands.

SEC. 5. That at any time within 90 days after the sale of unentered public lands and at any time within 90 days after the expiration of the period of redemption provided for in the drainage laws under which the lands are sold, no redemption having been made, after the sale of lands embraced within unpatented entries, the purchaser at such sale, a drainage district being herein expressly excepted from the operation of this provision, shall, upon the filing of an application therefor and an affidavit containing proof of necessary qualifications with the register and receiver of the United States land office, and upon payment to the receiver of the price of $5 per acre, together with the usual fees and commissions charged in entry of lands under the homestead laws, be entitled to receive a patent: *Provided*, That such purchaser shall have the qualifications required in making entry of lands under the homestead laws, and any such purchase shall exhaust any further homestead right of the purchaser to the extent of the amount of lands thus purchased by him. Not more than 160 acres of such lands shall be sold and patented to any one purchaser under the provisions of this act. This limitation shall not apply to lands subject to the operation of this act which may be bid in for a drainage district, but no patent shall be issued to a drainage district or to anyone bidding in said lands for a drainage district. The proceeds derived by the Government shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 6. That unless the purchaser shall, within the time specified in section 5 of this act, file with the register and receiver of the United States land office an application for a patent, together with the required affidavit, and make payment of the purchase price, fees, and commissions as provided in said section 5, any person having the qualifications of an entryman under the homestead laws may file an application for a patent, together with the required affidavit, and upon payment to the receiver of the purchase price of $5 per acre, fees, and commissions, and in addition thereto an amount equal to the drainage charges, penalties, interest, and costs for which the lands were sold, and if the lands were bid in for the drainage district, an additional amount equal to 6 per cent per annum on the sum for which the lands were sold from the date of such sale, said applicant shall become subrogated to the rights of such purchaser and shall be entitled to receive a patent for not more than 160 acres of said lands. When payment is made to effect subrogation as herein provided the register and receiver of the United States land office shall serve notice upon the purchaser that an application for patent for the lands purchased by him has been filed, and that the amount of the drainage charges, penalties, interests, and costs of the sale will be paid to him upon submission of proof of purchase and payment by him of said sums. The receiver shall make such payment as soon as said requirement shall have been fulfilled. If the lands were bid in for a drainage district, the receiver will pay to the proper county officers the amount of the drainage charges, penalties, and interests and costs of sale, together with the additional sum of 6 per cent per annum, to which said drainage district is entitled. All remaining moneys to which the United States may be entitled shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 7. That a copy of all notices required by the drainage laws of the State of Arkansas to be given to the owners and occupants of lands held in private ownership shall, as soon as such notice is issued, be delivered to the register and receiver of the United States land office of the district in which the lands are situated where any of the lands subject to the operation of this act are affected, and the United States and the entryman claiming under the public-land laws of the United States shall be accorded the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise, as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of land held in private ownership.

SEC. 8. That this act shall not be effective as to any lands involved in suits instituted on behalf of the United States with a view to quieting title in the Government to such lands until and unless such suits shall be finally determined in favor of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 3689) granting a pension to Mary S. Woolman (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3690) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3691) to prohibit certain persons from accepting compensation for prosecuting claims against the United States or for performing services in relation to a matter in which the United States is interested or a party, and for other purposes; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3692) granting an increase of pension to Versa E. Conn; to the Committee on Pensions.

ARMY REORGANIZATION.

Mr. WADSWORTH. Mr. President, a subcommittee of the Committee on Military Affairs of the Senate has completed the draft of a tentative bill looking toward the reorganization of the Army and the adoption of the military policy of this country. I present the bill and ask that it be referred to the Committee on Military Affairs, the subcommittee having completed its labors.

The VICE PRESIDENT. That action will be taken.

The bill (S. 3688) to reorganize and increase the efficiency of the United States Army, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

SEDITIOUS ACTS AND UTTERANCES.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, which was ordered to lie on the table and be printed.

WATER-POWER DEVELOPMENT.

Mr. NORRIS. I offer an amendment to the so-called water-power bill, providing for the development of the Great Falls of the Potomac, which I ask may be printed and lie on the table.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, that order will be made.

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

COMMITTEE ON NAVAL AFFAIRS.

Mr. PAGE submitted the following resolution (S. Res. 274), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the resolution of the Senate, No. 62, agreed to June 6, 1919, authorizing the Committee on Naval Affairs of the Senate, or any subcommittee thereof, to send for persons, books, and papers, and to report such hearings as may be had in connection with any subject which may be before said committee, or any subcommittee thereof, be, and the same is hereby, amended to empower said committee to sit and act at such time and place as it may deem necessary; the expenses of travel incident to the sessions of said committee, or any subcommittee thereof, to be paid from the contingent fund of the Senate.

Mr. CALDER, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

AMENDMENT OF THE RULES.

Mr. SHEPPARD. Mr. President, pursuant to the notice I gave yesterday, I offer the following resolution proposing an amendment to the Standing Rules of the Senate.

The resolution (S. Res. 273) was read and referred to the Committee on Rules, as follows:

Resolved, That Rule XXV, Standing Rules of the Senate, be, and the same is hereby, amended by changing the paragraph therein now reading as follows:

"A Committee on Pacific Islands and Porto Rico to consist of 12 Senators."

So as hereafter to read:

"A Committee on Pacific Islands, Porto Rico, and the Virgin Islands, to consist of 12 Senators."

INTERNATIONAL LABOR CONGRESS CONTROL.

Mr. THOMAS. Mr. President, I am in receipt of a communication from the Farmers' Educational and Cooperative Union of America—Atlanta, Ga., division—insisting upon the exemption of all farmers and agricultural workers from the International Labor Congress control, under the treaty recently pending before the Senate of the United States. I ask that it may be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE FARMERS' EDUCATIONAL AND
COOPERATIVE UNION OF AMERICA,
GEORGIA DIVISION, ATLANTA, GA.

Senator C. S. THOMAS,
Washington, D. C.

A resolution by Martin F. Amorous, president the Cobb County Farmers' Union, Marietta, Ga.

"Whereas the treaty of peace with Germany contains a proposal to create an international labor congress, which when ratified by the United States Senate limits labor to '8 hours a day, 48 hours a week, and 24 hours' rest each week,' and also taxes landowners with old-age pensions, disability pensions, and unemployment wages; and

"Whereas the enforcement of these conditions will be ruinous to the farming industry of the country: Therefore be it

"*Resolved*, That the Georgia Division of the Farmers' Educational and Cooperative Union of America, in convention assembled in Atlanta, Ga., this 26th day of November, 1919, does hereby request the President of the United States and the United States Senate to exempt all farmers and agricultural workers from the international labor congress control; be it further

"*Resolved*, That the president and secretary of this convention mail to the President of the United States and each Member of the United States Senate a certified copy of these resolutions."

The above resolution is a correct copy of the original resolution, which was read to the convention, discussed, and unanimously adopted.

J. H. MILLS, *President.*
ANDREW J. FLEMING,
Secretary and Treasurer.

LETTER OF THE PRESIDENT.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD the text of the letter addressed by the President of the United States to the Jacksonian banquet last night.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEXT OF PRESIDENT'S LETTER DEFINING HIS TREATY STAND.

THE WHITE HOUSE,
Washington, January 8, 1920.

MY DEAR MR. CHAIRMAN: It is with keenest regret that I find that I am to be deprived of the pleasure and privilege of joining you and the other loyal Democrats who are to assemble to-night to celebrate Jackson Day and renew their vows of fidelity to the great principles of our party, the principles which must now fulfill the hopes not only of our own people but of the world.

The United States enjoyed the spiritual leadership of the world until the Senate of the United States failed to ratify the treaty by which the belligerent nations sought to effect the settlements for which they had fought throughout the war. It is inconceivable that at this supreme crisis and final turning point in the international relations of the whole world, when the results of the Great War are by no means determined and are still questionable and dependent upon events which no man can foresee or count upon, the United States should withdraw from the concert of progressive and enlightened nations by which Germany was defeated, and all similar Governments (if the world be so unhappy as to contain any) warned of the consequences of any attempt at a like iniquity, and yet that is the effect of the course which the United States has taken with regard to the treaty of Versailles.

Germany is beaten, but we are still at war with her, and the old stage is reset for a repetition of the old plot. It is now ready for a resumption of the old offensive and defensive alliances which made settled peace impossible. It is now open again to every sort of intrigue.

The old spies are free to resume their former abominable activities. They are again at liberty to make it impossible for governments to be sure what mischief is being worked among their own people, what internal disorders are being fomented.

Without the covenant of the league of nations there may be as many secret treaties as ever, to destroy the confidence of governments in each other, and their validity can not be questioned.

None of the objects we professed to be fighting for has been secured, or can be made certain of, without this Nation's ratification of the treaty and its entry into the covenant. This Nation entered the Great War to vindicate its own rights and to protect and preserve free government. It went into the war to see it through to the end, and the end has not yet come. It went into the war to make an end of militarism, to furnish guaranties to weak nations, and to make a just and lasting peace. It entered it with noble enthusiasm.

Five of the leading belligerents have accepted the treaty and formal ratifications will soon be exchanged. The question is whether this country will enter and enter whole-heartedly. If it does not do so, the United States and Germany will play a lone hand in the world.

The maintenance of the peace of the world and the effective execution of the treaty depend upon the whole-hearted participation of the United States. I am not stating it as a matter of power. The point is that the United States is the only Nation which has sufficient moral force with the rest of the world to guarantee the substitution of discussion for war. If we keep out of this agreement, if we do not give our guaranties, then another attempt will be made to crush the new nations of Europe.

I do not believe that this is what the people of this country wish or will be satisfied with. Personally, I do not accept the action of the Senate of the United States as the decision of the Nation.

I have asserted from the first that the overwhelming majority of the people of this country desire the ratification of the treaty, and my impression to that effect has recently been confirmed by the unmistakable evidences of public opinion given during my visit to 17 of the States.

I have endeavored to make it plain that if the Senate wishes to say what the undoubted meaning of the league is I shall have no objection. There can be no reasonable objection to interpretations accompanying the act of ratification itself. But when the treaty is acted upon, I must know whether it means that we have ratified or rejected it.

We can not rewrite this treaty. We must take it without changes which alter its meaning, or leave it, and then, after the rest of the world has signed it, we must face the unthinkable task of making another and separate treaty with Germany.

But no mere assertions with regard to the wish and opinion of the country are credited. If there is any doubt as to what the people of the country think on this vital matter, the clear and single way out is to submit it for determination at the next election to the voters of the Nation, to give the next election the form of a great and solemn referendum, a referendum as to the part the United States is to play in completing the settlements of the war and in the prevention in the future of such outrages as Germany attempted to perpetrate.

We have no more moral right to refuse now to take part in the execution and administration of these settlements than we had to refuse to take part in the fighting of the last few weeks of the war which brought victory and made it possible to dictate to Germany what the settlements should be. Our fidelity to our associates in the war is in question and the whole future of mankind. It will be heartening to the whole world to know the attitude and purpose of the people of the United States.

I spoke just now of the spiritual leadership of the United States, thinking of international affairs. But there is another spiritual leadership which is open to us, and which we can assume.

The world has been made safe for democracy, but democracy has not been finally vindicated. All sorts of crimes are being committed in its name, all sorts of preposterous perversions of its doctrines and practices are being attempted.

This, in my judgment, is to be the great privilege of the democracy of the United States, to show that it can lead the way in the solution of the great social and industrial problems of our time, and lead the way to a happy, settled order of life as well as to political liberty. The program for this achievement we must attempt to formulate, and in carrying it out we shall do more than can be done in any other way to sweep out of existence the tyrannous and arbitrary forms of power which are now masquerading under the name of popular government.

Whenever we look back to Andrew Jackson we should draw fresh inspiration from his character and example. His mind grasped with such a splendid definiteness and firmness the principles of national authority and national action. He was so indomitable in his purpose to give realty to the principles of the Government, that this is a very fortunate time to recall his career and to renew our vows of faithfulness to the principles and the pure practices of democracy.

I rejoice to join you in this renewal of faith and purpose. I hope that the whole evening may be of the happiest results as regards the fortunes of our party and the Nation.

With cordial regards,

Sincerely, yours, WOODROW WILSON.

To Hon. HOMER S. CUMMINGS,
Chairman Democratic National Committee,
Washington, D. C.

SPEECH OF HON. WILLIAM JENNINGS BRYAN.

Mr. McCORMICK. Mr. President, I ask unanimous consent to have printed in the RECORD in juxtaposition to the letter of the President the speech of Hon. William Jennings Bryan, delivered last night at the Jackson Day banquet, since it has been announced that there is no difference between the two.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COMMONER ADVISES YIELDING ON RESERVATIONS.

"Seldom has such an opportunity for great service come to any party as now presents itself to our party. But opportunity brings responsibility. Much is required of those to whom much is given. A soldier is a soldier until his day of opportunity comes; after that he is either a hero or a coward. So with the party, opportunities improved become stepping stones to success; opportunities neglected are millstones about the party's neck.

"The opportunities now offered are as large as the Nation and as wide as the world. In this hour, when we take counsel together for the coming campaign, it is the duty of each member of the party, as I take it, to present the situation as he sees it, without stopping to inquire whether his views are shared by others. One can not call a mass meeting to determine what to think. The theory of democracy is that all think and give expression to their thought, and then conclusions are reached by comparison of views.

"Permit me, therefore, to present the more important of these opportunities as I see them. The nations are entering upon a new era; old systems are passing away; democracy is dawning everywhere. Our Nation is the only great nation in a position to furnish the moral leadership required. The nations of Europe are busy with their own problems; our people are the only ones disinterested enough to be trusted by all, and the Democratic Party is the party whose ideas best fit for the task of leadership in such a work.

"A Democratic President was the spokesman of the United States in holding out to a war-worn world the hope of universal peace, and he brought back from Paris the covenant of a league of nations that provides means for settling international disputes without a resort to force. He did the best he could, and succeeded better than we had any right to expect, when we remember that he fought single handed against the selfish interests of the world.

BLAMES G. O. P. FOR DELAY.

"The Republican Party, in control of the Senate, instead of ratifying at once or promptly proposing changes that it deemed necessary, has fiddled while civilization has been threatened with conflagration. It could have adopted its reservations as well five months ago as later, but it permitted endless debate while suffering humanity waited.

"The Democratic Senators stood with the President for ratification without reservation, and I stood with them, believing that it was better to secure within the league, after it was established, any necessary changes than to attempt to secure them by reservations in the ratifying resolutions. But our plan has been rejected and we must face the situation as it is. We must either secure such compromises as may be possible or present the issue to the country. The latter course would mean a delay of at least 14 months, and then success only in case of our securing a two-thirds majority in the Senate.

"We can not afford, either as citizens or as members of the party, to share with the Republican Party responsibility for further delay; we can not go before the country on the issue that such an appeal would present. The Republicans have a majority in the Senate, and therefore can by right dictate the Senate's course. Being in the minority, we can not demand the right to decide the terms upon which the Senate will consent to ratification. Our Nation has spent 100,000 precious lives and more than $20,000,000,000 to make the world safe for democracy, and the one fundamental principle of democracy is the right of the majority to rule. It applies to the Senate and to the House as well as to the people.

"According to the Constitution, a treaty is ratified by a two-thirds vote, but the Democratic Party can not afford to take advantage of the constitutional right of a minority to prevent ratification. A majority of Congress can declare war. Shall we make it more difficult to conclude a treaty than to enter a war?

CAN NOT IMPAIR CONGRESS.

"Neither can we go before the country on the issue raised by article 10. If we do not intend to impair the right of Congress to decide the question of peace or war when the time for action arises, how can we insist upon a moral obligation to go to war which can have no force or value except as it does impair the independence of Congress? We owe it to the world to join in an honest effort to put an end to war forever, and that effort should be made at the earliest possible moment.

"A Democratic Party can not be a party of negation; it must have a construction program. It must not only favor a league of nations but it must have a plan for the election of delegates and a policy to be pursued by these delegates. What plan can the Democratic Party have other than one that contemplates the popular election of those delegates who, in the influence they will exert, will be next in importance to the President himself? And what policy can the Democratic Party have within the league of nations other than one of absolute independence and impartiality between the members of the league?

"Our Nation's voice should at all times be raised in behalf of equal and exact justice between nations as the only basis of permanent peace. It should be raised in defense of the right of self-determination and in proclaiming a spirit of brotherhood as universal as the peace which we advocate.

"We have domestic problems also which offer an opportunity to render large service, and one objection to thrusting the treaty into the campaign is that it would divert attention from questions demanding immediate consideration. We are confronted with the organization of new parties, on the theory that the old parties do not meet the issues that have arisen. Our party is the one party that can qualify for the meeting of these issues. It can oppose a class party because it is not itself the party of a class, but the party of the whole people, regardless of class.

"The Republican Party has become a capitalistic party and has permitted tariff barons to write the tariff laws, trust magnates to direct the policy of the party on the trust question, railroad presidents to dictate its policy on the railroad question, while packing-house companies and other profiteers have used it as their own. It would divide the country into class parties and by its own attitude compel the formation of a farmers' party and a laborers' party.

"THE PARTY OF ALL CLASSES."

"The Democratic Party, on the contrary, stands for the protection of the rights of every class, dealing with each citizen as an individual instead of as a member of a class. It has since it has been in power given a splendid currency law to the commercial classes. It has given a farm-loan law to the farmers. It has given an eight-hour day and greater security in its rights to labor, and has given relief from the high tariff burdens to all the people. Democracy contemplates cooperation between all elements and the promoting of the welfare of society in general.

"It would prevent strikes not by prohibitory laws but by the creation of machinery which will investigate disputes and thus secure a peaceful settlement of differences before the controversy reaches the stage of strike or lockout.

"The Democratic Party will distinguish between evolution and revolution, guaranteeing freedom of speech and press to everyone who advocates governmental changes by constitutional methods, and at the same time prevent the use of either freedom of speech or freedom of the press for the overthrow of constitutional government.

"The Democratic Party has for 20 years denounced private monopoly as indefensible and intolerable. It can not surrender its position on the subject now when the beneficiaries of all the private monopolies are mobilizing under the banner of the Republican Party for a united attack upon the right of the people to own and operate all necessary monopolies in the interest of the public.

"The Democratic Party will continue its fight against the profiteer. A government that restrains the individual from the use of force in the protection of his rights assumes the solemn obligation to protect the disarmed citizen from every arm uplifted for his injury. We need machinery in every State and in each community that will give to the consumer a tribunal before which a dealer accused of profiteering can be brought for examination. The Federal Trade Commission is a step in the right direction. But the subject is too big to be handled by the Nation alone or by a national commission. The remedy must be as complete as the evil, and it can not be complete unless States and communities as well as the Federal Government are prepared to deal with this subject.

"I assume that the party will accept prohibition as the permanent policy of the country. Three-fourths of the Democrats in the Senate and two-thirds of the Democrats in the House voted to submit the national amendment, and every Democratic State voted for ratification—and every Republican State except three. It is inconceivable therefore that our party should antagonize the moral sense of the Nation. John Barleycorn is dead. The Democratic Party can not tie itself to a corpse or become the champion of an outlawed traffic.

"I assume that the party will accept woman's suffrage also as an accomplished fact. The women saved our party from defeat in the last campaign, and we need their aid to hasten the triumph of every righteous cause.

"I venture to suggest three new propositions for which I ask consideration:

"1. A national peace way, running into every State, wide enough to accommodate both passengers and freight and permanent, so that it will be a lasting tie binding together the 48 Commonwealths. It will be a memorial to the soldiers and to all others who took part in the war and a monument in commemoration of peace restored. It will not only be an expression of patriotism but it will be educational as well as useful. It will bring the word peace into the thought and conversation of all our people for centuries.

"2. We need above all other things just now a national bulletin—not a newspaper, but a bulletin—under bipartisan control, furnished to all who desire it at a nominal cost, a bulletin which will present to the people the issues upon which they must act, with editorials presenting the arguments for and against the action proposed, so that every citizen may intelligently exercise the duties of citizenship and give to his Government the benefit of his judgment and his conscience. The avenues of information are at present in private hands, and the editors, being human, have a bias, which makes it impossible for them to present both sides fairly; and to make the situation worse the great predatory interests are in position to influence many newspapers in addition to those which they absolutely control. If there is anything for which a Government like ours can afford to spend money it is to inform those upon whose will the Government rests.

"3. The initiative and the referendum are not new. For a quarter of a century the idea has been growing and spreading; since the reform has been put into operation in States like Ohio, Illinois, Missouri, and Massachusetts it has ceased to be a thing to be ridiculed. Instead it now excites the determined opposition of those who are not willing that the people shall be the masters of their own destiny through a Government entirely within their control. The progress that democracy is making throughout the world ought to encourage our party to make the adoption of the principle of the initiative and referendum its next great reform, a reform entirely in harmony with the election of Senators by the people and the primary. The people are the source of authority, and any machinery which obstructs the popular will and puts into the hands of the minority the right to determine the course of the Government is antagonistic to our institutions and must give way before the progress of popular government.

"We have become the world's teacher in the science of government, and we must not hesitate to express in practice our own faith in the principles that we proclaim. Our party must respond to the call that comes from every State and from across the sea to apply to every problem the principles of democracy. Faith in the people, faith in their capacity for self-government, as well as in their right to self-government, must be our party's policy now and always."

LEAGUE OF NATIONS.

Mr. WALSH of Massachusetts. Mr. President, I ask to have read and printed in the RECORD a letter which I have recently received from President A. Lawrence Lowell, of Harvard University, from which it would seem that this able and distinguished champion of the league plan, whom many people believed to regard article 10 as the most important and, indeed, the one indispensable feature of the plan, now regards it as of minor importance and does not object to the reservations which the Senate has adopted limiting the obligations which this Nation would assume under it. In fact, he points out that there are cases where article 10 would lead to mischievous results. He cites a typical example of cases where "neither we nor any other nation would undertake the obligations fixed by article 10."

Considering how pronounced an advocate of the league President Lowell is, it is a most important and illuminating contribution to the discussion on this subject to have him declare "that article 10 is not well adapted to promote peace and does involve obligations which it is not wise to accept." Many of us who have for some time been making this claim are strengthened and heartened in our convictions by the position now taken by this leading covenanter and accepted authority on American government.

Mr. BORAH. Mr. President, while the Senator from Massachusetts is on the floor and discussing the question of article 10 of the league and the change of view of President Lowell, as to the inadvisability of adopting article 10, he would not overlook the view of Mr. Bryan, either, would he?

Mr. WALSH of Massachusetts. I have been aware of Mr. Bryan's opinion and views for some time; in other words, his position is not a new one, as I understand.

Mr. BORAH. The Senator from Massachusetts is, of course, closer to Mr. Bryan than are many of the rest of us. We learned of his opinion only last night.

The PRESIDING OFFICER (Mr. NUGENT in the chair). The Secretary will read the letter presented by the Senator from Massachusetts.

The letter was read, as follows:

HARVARD UNIVERSITY, PRESIDENT'S OFFICE,
Cambridge, Mass., December 31, 1919.

Hon. DAVID I. WALSH.

DEAR SENATOR WALSH: As one of the stumblingblocks in the way of a compromise on the treaty appears to be article 10, I take the liberty of writing to you about it; the more so as I was the person who introduced into the program of the League to Enforce Peace its third article, declaring that the "signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted to arbitration." I say this to show you that from the beginning I was in favor, and always have been in favor, of the use of a forcible sanction to maintain peace under the league. For this purpose it seems to me that the real strength of the covenant to prevent war rests upon article 16 and not article 10. The latter seems to me to proceed from the wrong end. Instead of seeking to prevent war directly, it strives to do so indirectly, by making predatory war unprofitable; but the difficulty in this lies in the fact that it would be virtually impossible to snatch the prey from the jaws of a victorious belligerent. Nor would a great nation like Germany, for example, be deterred from going to war by any agreement among the members of the league to prevent her annexing territory in case of victory, because she knows very well that if defeated she would have no chance to seize territory, and if victorious she would not be prevented from doing so.

Moreover, as the treaty of peace leaves Europe there are cases where article 10 would lead to mischievous results. For example, a tract of country in the Tyrol, inhabited exclusively by German-speaking people, has been given to Italy. If German Austria should have a grievance against Italy—let us say about the treatment of shipping—should bring it before the council of the league and have a unanimous decision in her favor with which Italy refused to comply, she would have a right to go to war with Italy. If in this war she were victorious and then should propose to take back this German-speaking region, we should be obliged by article 10 of the covenant to go to war with her to prevent it. Neither we nor any other nation would do so, nor ought we to do so. It seems to me, therefore, that article 10 is not well adapted to promote peace, and does involve obligations which it is not wise to accept. I say this because many of the Democrats I know feel that the whole force at the back of the league lies in article 10, and Senator HITCHCOCK has said this to me. I think, however, they are mistaken. The real strength in preventing war lies in article 16; and the agreement to boycott as it stands, if not as strong as we should have liked, seems to me not inadequate, for such a boycott would be completely effective with a small nation, and with a great power it would immediately lead to war. For these reasons it seems to me that it would be a mistake for the Democrats to stand too firmly against a reservation on article 10.

Very truly, yours.

A. LAWRENCE LOWELL.

FIRE DEPARTMENT OF THE DISTRICT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CALDER. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHERMAN, Mr. CALDER, and Mr. SHEPPARD conferees on the part of the Senate.

MARION C. RAYSOR.

Mr. DIAL. I ask leave to call up the bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army. The bill is unanimously reported from the Committee on Military Affairs, and if there is no objection I should like to have it put upon its passage.

Mr. SMOOT. Let the bill be read first.

The VICE PRESIDENT. It will be read.

The bill as reported from the committee was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Marion C. Raysor, formerly a captain of Cavalry of the Regular Army, to that grade in the Cavalry branch of the Regular Army; but no back pay or allowances shall accrue and the total number of officers now authorized by law shall not be increased by reason of the passage of this act.

Mr. SMOOT. Of course, merely from the reading of the bill no one can judge whether it is a just measure or not. I should like to understand some of the reasons why this proposed legislation ought to be passed. On its face it seems to be a bill to appoint Marion C. Raysor an officer in the Army and give him a rank which no doubt he is not holding to-day.

Mr. DIAL. No.

Mr. SMOOT. So I should like to have the Senator explain some of the reasons why the bill should become a law.

Mr. DIAL. This man entered the Army many years ago, I believe 18 or 20 years ago. He went to Cuba with the Regular Army and later went to the Philippines and engaged in various battles in the Philippines. He then returned to this country and went to the border with the Regular Army. Some irregularities occurred there and he was dismissed from the service about 1911, I believe.

When the recent war broke out he asked to be allowed to join the Army as a private, which permission was granted to him. He then went to France and made good in every capacity there. He came back to this country with high recommendations from all the officers under whom he served. He is exceedingly anxious to have this stigma removed from his name. He has been employed in the District of Columbia in the Government storehouse, and has been promoted at various times.

The bill went to the Committee on Military Affairs, and after hearings they unanimously reported it favorably. It carries no back pay and merely authorizes, it does not direct, the President to restore him. He was over the age limit and did not have to go to war, but volunteered and went to fight in behalf of our country. There have been many bills of the sort passed, some 800 I believe, and I should like very much indeed to have the bill passed. If there is objection, I will ask that it may go over at this time, but I presumed that after the committee had heard the case and had unanimously reported it favorably there would be no objection.

Mr. SMOOT. Mr. President, I notice from the report that Marion C. Raysor, formerly a captain in the Army, was court-martialed and convicted of certain charges, and as a result dismissed from the Army. I will say to the Senator from South Carolina that in the report on the bill there is nothing from the War Department. Did the committee ask for a report from the War Department?

Mr. DIAL. Yes; and the War Department reported against restoring him, which I understand is the universal procedure.

Mr. SMOOT. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

COAL CORPORATION TAXES.

Mr. HARRIS. Mr. President, I ask unanimous consent to call up the resolution (S. Res. 247) requesting information from the Secretary of the Treasury relative to income and profits tax returns of coal corporations.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made.

SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT. The morning business is closed.

Mr. STERLING. I move that the Senate proceed to the consideration of Senate bill 3317.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

Mr. NORRIS. Mr. President——

Mr. STERLING. Before the Senator from Nebraska proceeds, I send to the desk and ask to have read a letter just received from the Solicitor of the Post Office Department relative to the amendment offered by the Senator from Idaho [Mr. BORAH].

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be read.

Mr. NORRIS. Before the Clerk starts to read, I notice that the Senator from Idaho [Mr. BORAH] is not in his seat. I have just talked with him over the telephone, and he is going to be here very soon. Would the Senator from South Dakota just as soon withhold the letter until the Senator from Idaho is present? He will be here by the time I finish.

Mr. STERLING. I think it may be withheld for the present if the Senator from Nebraska so desires.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harris	Nelson	Smoot
Bankhead	Harrison	New	Spencer
Calder	Henderson	Newberry	Sterling
Capper	Hitchcock	Norris	Sutherland
Colt	Johnson, S. Dak.	Nugent	Swanson
Culberson	Kellogg	Overman	Thomas
Curtis	Keyes	Page	Trammell
Dial	King	Phipps	Wadsworth
Dillingham	Kirby	Pomerene	Walsh, Mass.
Elkins	Lenroot	Robinson	Walsh, Mont.
Fernald	Lodge	Sheppard	Watson
France	McCormick	Sherman	Wolcott
Frelinghuysen	McKellar	Simmons	
Gerry	McLean	Smith, Ga.	
Hale	McNary	Smith, S. C.	

Mr. NELSON. The Senator from Florida [Mr. FLETCHER] and the Senator from Louisiana [Mr. RANSDELL] are absent, being engaged at a hearing of the Committee on Commerce.

Mr. CURTIS. I have been requested to announce that the Senator from North Dakota [Mr. GRONNA], the Senator from Iowa [Mr. KENYON], and the Senator from Wyoming [Mr. KENDRICK] are absent on official business. The Senator from Washington [Mr. JONES] is detained by illness in his family, and the Senator from Michigan [Mr. TOWNSEND] is absent on account of the death of his wife.

I have also been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is detained from the Senate on official business.

Mr. GERRY. The Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Florida [Mr. FLETCHER], the Senator from Arizona [Mr. SMITH], the Senator from Maryland [Mr. SMITH], and the Senator from Nevada [Mr. PITTMAN] are absent on official business.

The Senator from Arizona [Mr. ASHURST] and the Senator from Kentucky [Mr. STANLEY] are detained from the Senate on public business.

The Senator from Tennessee [Mr. SHIELDS] is detained by illness in his family.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The bill is in the Senate and open to amendment.

Mr. STERLING. Mr. President, I should like to have read at this point the letter which I sent to the desk a while ago. I have a copy of the letter here and will furnish it to the Senator from Idaho [Mr. BORAH] when he appears in the Chamber.

Mr. NORRIS. That is perfectly satisfactory, Mr. President.

The VICE PRESIDENT. The Secretary will read as requested.

The letter was read, as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE SOLICITOR,
Washington, January 8, 1920.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

MY DEAR SENATOR STERLING: You ask my views with respect to the necessity for and the practicability in operation of the following proposed amendment to your bill, No. 3317, now pending in the Senate:

"*Provided*, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before the judge either of the Federal court or of a State court of record of the district or circuit in which the party affected or aggrieved resides. But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails, he shall not be liable for the cost of the proceedings, and during the pendency of the proceedings in court the order of the Postmaster General shall be suspended."

There would seem to be no occasion for this amendment, as anyone aggrieved at an order of the Postmaster General may now at once file a bill in equity to restrain the execution of the order of the department and in this way bring before the court the identical matter upon which the department has ruled. In such proceeding a temporary restraining order may be issued by the court upon the filing of such a bill. In such cases there can be no dispute as to the facts, because the matter to be passed upon, both by the department and the court, is the document

itself, and the question of law as to whether or not it is nonmailable is raised upon the face of the document. The remedy proposed substitutes a court of law for the existing equity jurisdiction over the subject matter without providing any protection to the public against the dissemination of nonmailable matter in the mails while the proposed legal proceedings are pending.

The proposed amendment would also place the execution of a Federal statute and the acts of a Federal officer under the supervision of State courts, which would be quite a departure in laws of this character and would not seem to be necessary for the convenience of the public, because the Federal courts throughout the country now have jurisdiction in equity and may restrain the postmaster at any place from carrying out any order of the Postmaster General which may have been issued to him with respect to any publication, and the trial de novo provided for in the amendment would not give the courts greater power in reviewing the acts of the Postmaster General than the equity courts now have; in fact, the procedure in a court of law could not afford the broad powers now exercised by a court of equity. My judgment is that in the present condition of affairs in this country equity courts alone can properly protect the public interests.

That the Federal courts have equity jurisdiction over this class of cases has been passed upon on numerous occasions by the Supreme Court of the United States in such cases as Public Clearing House *v.* Coyne (194 U. S. 497) and cases there cited.

Respectfully,

W. H. LAMAR, *Solicitor.*

Mr. NORRIS resumed and concluded the speech begun by him on yesterday. His speech entire is as follows:

Mr. President, I desire to say at the beginning of my remarks on this bill that I want to discuss it entirely in a nonpartisan manner. If I use the name of the present Postmaster General, or refer to the department as it is now organized, it is only for the purpose of illustrating the evils that I desire to point out. I have no more desire to find fault with the present administration of the office, under the present Postmaster General and his various assistants, than I would were anyone else in charge. I shall have occasion to refer to some of the acts of the present Post Office Department, but I want it understood that I do so only by way of illustrating the argument that I desire to make.

I should like to say to the Senator from South Dakota [Mr. STERLING], who has been so diligent in the prosecution of this bill, that I do not find fault with him or criticize him in any way in his desire to meet, if he can, by proper legislative action, any case of sedition. Sedition is a form of treason. There is no disagreement on this floor as to the desirability of properly punishing it. I do not disagree with the Senator from South Dakota in his remarks of yesterday, when he so eloquently described the crime of sedition, and very truthfully said that it was greater than any of the crimes that he enumerated. It is greater. I can not conceive of anything except treason that is greater. Those of us who do not agree with the bill as it stands simply do not agree with those who favor the method by which they expect to accomplish the purposes of the bill.

Most of my remarks will be confined to section 3 of the bill, although under present conditions, with the excitement that prevails and the unrest that exists, I doubt the wisdom of legislating at all upon the subject at this time. I do not believe it is necessary. I believe that existing law covers the matter as fully as it is necessary that it should be covered.

It is a dangerous thing to legislate if we are going to encroach in any way upon free speech and a free press. Free speech and a free press are the fundamental corner stones of every Government where the liberty and the freedom of the citizen are properly protected, and no Government can long exist and be free unless these rights are properly protected. Our forefathers had it so much in mind that they have provided in the fundamental law of the land what I presume they thought was as explicit as they could make language explicit in defining the position of the Government upon this subject.

The first amendment to the Constitution of the United States, which was adopted soon after the Constitution itself was adopted, reads as follows:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Section 3 of the pending bill, in my judgment, places in the hands of the Postmaster General the power to coerce both a free press and free speech, because you can not prevent free press without interfering with free speech. We to-day get all the news, in all lines of human endeavor, through the newspapers. I believe it was the intention of the forefathers, when they adopted that amendment to the Constitution, absolutely to prohibit Congress from making any law that would in any way suppress it. The history of the world, the history of civilization, from the very beginning, when light was first dawning upon a barbarous world, is full of instances of the failure of government where free speech was denied and free press interfered with.

In connection with this fundamental proposition, before I get to the concrete parts of it, I want to read from an article by Mr. Roosevelt. He said:

> Free speech, exercised both individually and through a free press, is a necessity in any country where the people are themselves free. Our Government is the servant of the people, whereas in Germany it is the master of the people. This is because the American people are free and the German people are not free. The President is merely the most important among a large number of public servants. He should be supported or opposed exactly to the degree which is warranted by his good conduct or bad conduct, his efficiency or inefficiency, in rendering loyal, able, and disinterested service to the Nation as a whole. Therefore it is absolutely necessary that there should be full liberty to tell the truth about his acts, and this means that it is exactly as necessary to blame him when he does wrong as to praise him when he does right. Any other attitude in an American citizen is both base and servile. To announce that there must be no criticism of the President, or that we are to stand by the President right or wrong, is not only unpatriotic and servile but is morally treasonable to the American public. Nothing but the truth should be spoken about him or anyone else. But it is even more important to tell the truth, pleasant or unpleasant, about him than about anyone else.

Mr. President, I think any legislator or citizen who will give it candid thought must agree that criticism of a public official, of any organization, or of an individual, particularly one occupying a public or a semipublic position, ought to be constructive; it ought to be helpful. But even if it is not intended to be so, it will be helpful, and the truth ought to be a good defense. Yet, Mr. President, the Congress of the United States has refused to put on the statute books a law that specifically said that the truth would be a defense.

Section 3 of this particular bill will in effect continue during the time of peace what has been enacted during a time of war, and what is now on the statute books. We have now on the statute books a statute containing this language:

> When the United States is at war the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed.

This law makes an absolute dictator of the Postmaster General. He is not required under it to give any man a trial; not even required to notify the citizen against whom he renders his arbitrary judgment. He decides "upon evidence satisfactory to him" and then acts. By it he can put any man in the United States out of business. No monarch of ancient times ever had a more supreme and arbitrary autocratic power. He does not even have to keep the evidence that satisfies him. It may consist only of a hint of some enemy. It may be only a desire to get revenge. It may, in fact, be absolutely nothing but a whim of the official who acts, and by his act he can bring ruin to an established business. Does any man think for a moment that with such a power lodged in Washington the effect upon citizens thousands of miles from the Capital will not be great? Does any man doubt but that a hint from the proper authority, some one who stands close to the administration, will be sufficient to have the necessary effect and accomplish the desired end? It will not be in the use of the power, but it will be in the fear of its use that will make vassals and slaves of otherwise independent men.

Section 3 of the pending bill gives to the Postmaster General the right to deny transmission through the mails of certain documents, letters, circulars, or newspapers, which, in his judgment, or which he finds, which he thinks, violate the provisions of this statute.

It is a serious thing, Mr. President, to deny the publisher of a newspaper, for instance, the right to have the newspaper carried through the mails. It means absolute destruction of his property; it means his ruination. I do not believe such a course ought to be taken until after the man charged has had an opportunity to be heard, has had an opportunity of a trial, has had the charge against him laid before him, and has been given an opportunity to defend himself.

When the statute which I have just read was pending before the Senate the Senator from Maryland offered an amendment as follows:

> *Provided, however,* That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

That amendment was agreed to. It was rejected, however, in conference, and the Senate agreed to the conference report which struck it out, and when that conference report was before

the Senate the chief argument against it was a letter from the Attorney General, in which, in substance, he said that if that provision were added it would make prosecutions more difficult. There is no doubt but what it would. There were a great many instances cited, as I remember the letter, where, if the truth was a good defense, the man would go scot free. My contention is in such a case he ought to go scot free, and if he can not his liberty is seriously interfered with, and no country has a right to boast of its freedom where it deprives the citizen of his property or liberty under such barbarous procedure.

That amendment not only provided that the publication must be true, but that it should have two other attributes—it must be published with good motives, and it likewise must be published for justifiable ends. I cite this law to show how far the Congress of the United States has already gone in giving power to the Postmaster General.

It is argued, in defense of this proposed law, that we have already on the statute books statutes similar to the proposed law. Mr. President, to my mind that is not a good defense. It does show, however, how careful any legislative body ought to be, particularly when it is dealing with the liberty of the citizen, in putting anything on the statute books that may thereafter be cited as a precedent for increasing the power granted by such statute. One of the dangers of all such legislation always is that you give a little power to begin with to the administrator, whoever he may be, the executive officer, and ninety-nine times out of one hundred he will stretch it to the limit; then the next one goes a little further and uses what was done before as a precedent for the course he is taking. By this proposed law, and the other laws which have already been passed, we place in the Postmaster General the power to coerce every newspaper and every citizen of the United States. In my judgment the danger, the harm, the evil, the wrong, the sin that comes from this legislation is not alone because here and there some newspaper is suppressed, some man wrongfully deprived of his liberty or of his property, but it is the effect that such laws have generally upon the people; and I want to make that emphatic. I do not know whether I can fully make myself understood, but in my judgment the great evil of such legislation is not the particular concrete things that happen, but the millions of other things that do not happen, where the mind of the citizen is subdued, where he is coerced, where he is compelled against his will to remain silent when otherwise he would speak. It is the unconscious influence of the law, Mr. President, that does the most evil, unconscious on the part of the official who is enforcing it, and unconscious, often, on the part of the man who is affected by it; and I am going to give some illustrations that bear out that point from the legislation we already have on the statute books.

Now it is proposed that this power should be given to the Postmaster General in time of peace, to go on indefinitely, and to be exercised by him in his discretion. There is no jury trial. A man with a newspaper, particularly a daily newspaper, who has one issue suspended, has been damaged, perhaps ruined, and he is tried afterwards. It is said by the Senator from South Dakota that this is necessary, because if the newspaper goes out with a seditious article in it the harm is done. Now, let us see if the harm is done; let us see if any great harm is done.

The Senator from South Dakota says—and I agree with him—that if an individual must suffer in order to save the general public from an injury, it is something that he must bear. I concede that. But he ought not to be required to suffer unless it is necessary. The Senator from South Dakota described the people as 110,000,000 patriotic people, and said that this seditious literature, the issue of the paper, unless it were stopped before it got into the mails, would get out and be distributed among the people. Does the Senator have no more confidence in the intelligence and the patriotism of the American people than to think that their minds would be poisoned? Is our Government suspended on such a slender thread that we are afraid of open debate, open discussion, and open criticism from any source?

Mr. STERLING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. I think the Senator misconstrues what I said in that regard. It is not that 110,000,000 people will be influenced or their minds poisoned by this kind of literature, but it is that the injury may come, the attempt may be made, and perhaps in part be effected, for the overthrow of the Government, in the assassination of Government officials, and so forth. That may happen, and the 110,000,000 people are vitally interested and concerned in that; and it is that rather than that they are going to be influenced by the literature.

Mr. NORRIS. I do not know how the officials are going to be assassinated or the Government destroyed if the people are not going to be influenced by the literature. Are we afraid of a few crazy anarchists, and do we expect to suppress them by driving them into secrecy and secret meetings, if they want to carry on their propaganda?

I believe that one of the best things that could happen would be to give publicity to everything of that kind. Let me call your attention to an instance, the steel strike investigation, which disclosed that one Foster, one of the labor leaders, was the author of a book or pamphlet of some kind on syndicalism. I have never seen it. From what I have read of and about the hearings I presume it was a pamphlet which advocated the destruction of government, the thing that is prohibited in the pending bill. Immediately when it became known that he was the author and that he had published that kind of a book he lost caste, not only with the committee but with the country. They did not know about it before. As soon as they did know about it, as soon as publicity was given to it, his influence was gone.

Let us see what happened. Since that investigation, and since it became known that Foster, one of the labor leaders, had written the pamphlet—although I believe he testified that he had changed his mind since he wrote the pamphlet and that it was several years ago when it was written. When the people found out he had written the pamphlet on syndicalism, what happened? The steel company then published the pamphlet. They have given it more circulation ten times over than Foster ever gave it. They have published it and sent it broadcast.

I presume if one of the sleuths of our present Attorney General, who, by the way, tries more lawsuits in the headlines of the daily newspapers than any lawyer I ever knew, went into the slums somewhere, to some little cottage or some little alley house, and arrested one of the inmates and found that he had a copy of Foster's book on syndicalism, that would be enough to deport him if he was an alien. He would hardly be allowed to make a defense.

But suppose the Attorney General sends his sleuths to the mansion of Mr. Gary, the head of the Steel Trust, and arrests him and his family and finds in his house some copies of Foster's pamphlet, what would happen then? Gary has had them printed—and I say that not in criticism. I agree that Mr. Gary and the Steel Trust took the right course. I commend them for the course they took. But would we send Gary across the ocean or send him to the penitentiary on the fact that in his residence had been found a copy of Syndicalism?

Mr. WALSH of Montana. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I gather from the remarks of the Senator that he is opposed not only to the provision of the bill prohibiting the use of the mail for the circulation of that literature, but the entire bill which seeks in any way to prevent the circulation of the literature.

Mr. NORRIS. No; I am not opposed to it. I have said that I believed in the present condition of the public mind it was probably inadvisable to legislate upon it, because I thought that under existing law we could get the necessary relief.

Mr. WALSH of Montana. I asked the Senator the question because I understood him to say that it would be better to allow a few crazy anarchists to announce generally their doctrine and even pay for giving publicity to it than to seek to prevent the circulation of the literature.

Mr. NORRIS. No; I did not advocate paying to give it publicity.

Mr. WALSH of Montana. No; but giving them perfect liberty to publish because, being crazy, the general public would appreciate the situation and their influence would be lost. I understood that to be the tenor of the argument of the Senator, but I may be mistaken.

Mr. BORAH. May I say that the very able Senator from Montana had printed in the CONGRESSIONAL RECORD a few weeks ago a very large amount of this material of the Bolshevists upon the theory that as it went out to the people and the people saw what it was it would have the very opposite effect from that desired by those who were advocating it.

Mr. WALSH of Montana. Yes; I was desirous of having a discerning public appreciate the character of the literature that was being put out, that people of morbid minds by reading it would be influenced to commit crimes. But if the Senator from Nebraska will pardon me just a moment, I asked him the question I did because I have here the reports of the Court of Appeals of the State of New York in the famous case of People against Herr Most——

Mr. NORRIS. Let me say to the Senator right now that the Senator is not going to be able to put me in that class of people who are opposed to the proper punishment of all offenses, including sedition. I tried to make myself plain upon that point.

I do claim the right, however, to disagree with those who advocate the passage of the bill, and particularly section 3 of it, that it is an inopportune time to do it now. I am not opposed even to the deportation of unworthy aliens. I am in favor of it in the proper cases, but I would give every one of them a trial. I would try them under the law before I took any action. I do not know of anyone, however low he may be, that is not entitled to a trial by a jury of his peers before a judgment of condemnation is rendered against him.

Mr. WALSH of Montana. If the Senator will pardon me further, I was simply endeavoring to draw out from the Senator his attitude concerning the legislation intended——

Mr. NORRIS. I am going to give my attitude as I proceed.

Mr. WALSH of Montana. Intended to suppress literature advocating the destruction of government by force.

Mr. NORRIS. Section 3 goes further than that.

Mr. McCORMICK. Mr. President——

Mr. NORRIS. I will yield to the Senator from Illinois in just a moment. That is not what section 3 is. It suppresses it and tries the man afterwards.

Mr. WALSH of Montana. If the Senator will pardon me further, I was endeavoring to get the attitude of the Senator concerning the remainder of the legislation, leaving section 3 for separate consideration.

Mr. NORRIS. Will the Senator let me outline my own speech? Even if I do not discuss the remainder of the legislation, will I not be entitled to discuss one part of it and not another? Will I not be entitled even to agree to some part of it and condemn some part of it? I am discussing now section 3. The Senator is trying to take me on a wild goose chase somewhere else, and I decline to be led.

Mr. WALSH of Montana. Excuse me; I was directing the Senator's attention to some remarks which he just made.

Mr. NORRIS. Yes; the Senator from Montana came into the Chamber after I had commenced and after I had outlined my purpose and probably did not understand what my purpose was. I now yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, a moment ago the Senator from Nebraska remarked, if I understood him, that in the deportation of alien revolutionists he believed that a trial by jury was necessary.

Mr. NORRIS. It is not necessary under the proposed law, and I did not say I advocated it.

Mr. McCORMICK. But the Senator believes that it should be?

Mr. NORRIS. I am not prepared to say. Of course, it is a question on which I might change my mind after investigation and debate, but to my mind it would not be an unreasonable proposition to provide that there should be a trial by jury.

Mr. McCORMICK. I interrupted because there are some of us who stand with the Senator on section 3 who would not accept that view regarding the deportation of aliens accused of fomenting revolution and violence against the Government.

Mr. NORRIS. I want to say briefly—and I hope that will settle it as far as my attitude is concerned—that my idea is that when a man comes from a foreign country to this country and does not make any attempt to familiarize himself with American institutions, but still retains his old ideas and does not do anything to become the right kind of an American citizen, he ought to be sent out of the country. He has not any business here, and I would be glad to send him out.

As to the method by which it is done, I might have said something that would indicate that he ought to have a trial by jury, and maybe he had. I am not sure that on full discussion and consideration of the matter I may reach that conclusion, but I have not reached it now. It is not before the Senate now. It is not involved in the proposition. It is not involved in the debate and it is not in the law now.

Mr. President, under existing laws we have been traveling, in my humble judgment, toward coercion of the press and of free speech. I am not accusing anyone who is to blame for it or responsible for it of being moved by any motive that is not worthy or by any other than a patriotic idea, and yet I believe it can be demonstrated that we are suffering now all over the country from that kind of a course, based on the laws that have been passed conferring power upon the Postmaster General by virtue of which he has had control practically of the liberties of the American people through the instrumentality of his power over the press.

I am not alone in that idea. I am going to read some extracts from an editorial that appeared in the North American, of Philadelphia, on May 30, 1918. We are all familiar with that newspaper. Its patriotism has never been questioned. Its loyalty has never been in doubt. The ability of its editor and its editorial policy have been admitted by all who are familiar with it. The editorial says:

> The administration's system of seeking control of the press through rewards of favor and threats of punishment, although it has in Col. Roosevelt's article—

I might say this was an editorial discussing Col. Roosevelt's article in his controversy with the Postmaster General. The editorial in its entirety is interesting, but I do not care to read that part of it referring particularly to Roosevelt's article, because I thought there might be a possibility that some Senator would think I was trying to give a partisan tinge to the discussion.

I think the article shows that even though we have had those laws on the statute books but a short time we have already traveled so far that those who now have the power are using it for the purpose of coercion or, at least, I believe the evidence warrants that statement.

> The administration's system of seeking control of the press through rewards of favor and threats of punishment, although it has in Col. Roosevelt's article its first complete exposure, is a fact recognized by every intelligent editor and publisher in the country. One of the first demands made by President Wilson after the declaration of war was for a law that would have empowered the administration to suppress any critical publication arbitrarily, and finally a measure short of this, yet drastic enough to intimidate many newspapers, was passed.
>
> The position of the press for the last 14 months has been humiliating and often intolerable. The newspapers long ago lost confidence in the propaganda conducted at public expense under the guise of "official" news, yet they have been compelled to give it currency.

I wish the Senate would let those words sink in. This statement is made by one of the leading newspapers of the country and is backed up later on with incidents. It says that the newspapers long ago lost confidence in this propaganda, and yet they have given it currency.

> The method is simple but deadly. The newspapers were asked at the outset not to print news of war activities of kinds specified, and this request has been scrupulously honored. At the same time the administration undertook to supply information proper for the public to have and has issued daily great masses of official statements not only reciting alleged facts but urging administration aims and policies. In large part the statements are inaccurate and conflicting.
>
> Newspapers disseminating the stuff know that in doing so they are often helping to deceive their readers, but there is nothing else for them to do; it is sent to all, and if any flagrant misrepresentations are discarded or modified the offending paper lays itself open to the charge of not "supporting the Government." Few newspapers have sufficient command of the facts to make it safe for them to risk a controversy by challenging statements they know to be untrue. * * *
>
> The North American, on the other hand, which has stood unswervingly for American rights and American obligations to defend democracy ever since August, 1914, has itself printed untold columns of "official" misinformation.

Think of that confession! One of the most courageous newspapers that was ever published admits editorially that it has printed "untold columns" of information that is not correct.

> It has done so because it is not humanly possible to test the accuracy of every statement and because the stamp of official authority gives the matter importance even when its verity is doubtful.
>
> But the system as a whole has brought the American press under a reign of terrorism. Few newspapers dare to challenge the displeasure of an administration which has shown that it does not scruple to use the Postal Service and the Department of Justice to exact servility. Few of them have the strength or the courage to risk such an assault as the President made upon Senator CHAMBERLAIN when he tried to tell the Nation the truth. * * *
>
> On February 4 last, in an editorial discussing the Liberty motor, it was remarked that the original model soon "was found to be obsolete" and "was scrapped and the name adopted for a new and radically different model." A few days later we received an insolent letter from one Robert C. Benchley, written on the letter paper of the chairman of the Aircraft Board, stating that this newspaper had "put itself in the position of American representative of the Berliner Tageblatt" by spreading such "rumors." There had been only the "normal" change, said the writer, from 8 to 12 cylinders, and he bitterly denounced the suggestion that meant the original model had been found "obsolete."
>
> A newspaper less sure of its facts might have been alarmed by this "official" rebuke, with its impudent charge of disloyalty. The North American simply kept on telling the truth, and on May 15 the War Department, in a formal description of the Liberty motor, employed itself the very word we had used when it said:

This is quoted from the War Department:

> "The first sample was an eight-cylinder model. This, however, was never put into production, as advices from France indicated that demands for increased power would make the eight-cylinder obsolete before it could be produced."
>
> On March 25 we printed over the day's account of the great German drive a seven-column headline—more conservative than the news dispatches—reading, "British line bends, but holds," and on the same page a two-column head, strictly accurate, reading, "Germans capture Peronne; Berlin boasts of victory." At midnight newsboys selling the paper were threatened by a Secret Service agent; later he took into custody the office employee in charge of the boys and conducted him nearly to the Federal building before he would deign to state what charge he intended to make. Finally he said that the newsboys were giving "aid and comfort to the enemy" by calling out that the Germans had captured a town, and he added that this was part of the North American's pro-Germanism. After putting this preposterous charge into words the agent lost his nerve and released the employee, but warned him that the paper would hear from the Department of Justice. * * *

The system of intimidation is so villainous that we feel justified in mentioning that the name of the editor of this newspaper has been used by the tools of the administration with a false suggestion that it is of German origin. The name, as it happens, is no more German than Wilson or Baker, and its owner's ancestors were Americans 250 years before the fathers of some of the Bolsheviki who fawn upon the administration set foot in this country.

The revolting disclosure respecting the system is that seditious utterances against the United States may be safely made by newspapers which agulate the President, while truthful and helpful criticism of the administration has become dangerous for publications which are wholly and devotedly loyal to the country. And it has been shown that the price of immunity is undiluted servility.

Anarchism can not live where there are peaceful homes and prosperous people. It finds its breeding place in the slums, in misery, where there is suffering, where there is dissatisfaction. If we want to free our country of what is admitted to be damaging, of what is admitted to be wrong, of what is admitted to be a crime, the best way to do it is to let the light shine, let publicity into the dark places.

Let the lower lights be burning,
Send a gleam across the wave;
Some poor fainting, struggling seaman
You may rescue, you may save.

I only wish to call attention in this line to the fact that the course outlined in this editorial is the logical thing. It always so happens. It always has been true and always will be true that where an official is given power of that kind to interfere with the liberty and the freedom of the citizens without trial, without cause, without a charge, it can always be expected that the officials who have the power will go on taking more power, will go further and further, until ruin, revolution, and anarchy in time will follow. We can not live as a free Government without free speech and a free press. It must be conceded that, whether this power has ever been used wrongfully, it can be used wrongfully; and let the statute granting the power remain on the books long enough and it will be used wrongfully.

Mr. President, I have had my attention called to a charge made against one of the great daily newspapers in one of the States of our Union. I learned that the editor and publisher of that paper, who had about $100,000 invested in it—and it was in a very prosperous condition—was summoned to appear in Washington. Although I had never met him before, he came to see me, nevertheless, in regard to the matter, and I talked it over with him. I have in my office a complete copy of the record as made up in the Post Office Department of that charge and the trial that was given. I saw the official notice that was served on him. There were no specifications, nothing to indicate specifically anything he had written or published; but simply a statement that he was required to appear at a certain hour on a certain day in the city of Washington to show cause why he should not be denied the second-class privileges in mailing his newspaper. He appeared; he desired to know what it was all about, and there was some kind of a hearing. There came with him one of the leading lawyers of his State, a very prominent Democrat in the State and a friend of the administration. The hearing, by the way, was not before the Postmaster General—that is another thing that will happen under such a law—it was before some clerk; and I have it from a witness who was there, who said that he thought it was the most humiliating thing he had ever witnessed, that these men, without any formal charge having been made against them, appearing before a clerk, were abused, were insulted, were told that they ought to be in jail; that they had no business here or anywhere; that they were pro-Germans. Of course, it was denied, and he asked them to cite what particular things were done, and they finally adjourned the session. As I was about to say, this lawyer friend of his, when they came out of the Post Office Department just about dusk, with a fog over the city, said: "If, now, some soldiers in uniform would take us into custody, the picture of darkest Russia in the Capital of America would be complete."

When they finally got the hearing, when they finally called attention to the things they objected to, they contended, of course, that they were not seditious, that there was nothing wrong in them. I have read every one of them myself; and while I do not agree with them I could not find a word or a sentence that to my mind was objectionable from the standpoint of being illegal, or giving any aid or comfort to the enemy. There was one of them that criticized Samuel Gompers, I remember. I did not agree with that criticism; I thought it was wrong; but there was not a slur in it, there was not a line in it but that was couched in the most respectful and courteous language. No one was charged with doing anything but what was honest, but they did not agree with the policy that he took.

Mr. STERLING. Mr. President, I was unavoidably absent when the Senator began his discussion. I should like to inquire to what publication he is referring.

Mr. NORRIS. I did not give the name of the publication, and I will say to the Senator that I would rather not give it. I have all the copies in my office. I have here the dates, and so forth, but I have not given the name of the publication. It was a daily newspaper in which about $100,000 was invested. I stated that.

The upshot of it all was that the Post Office Department decided that they would not deny the second-class mailing privilege; but what happened to the man? What happened to his publication? What is the effect? Again, Mr. President, I want to call your attention to the fact that it is the unconscious influence that hurts. This man was permitted to send his paper through the mails, but he was not permitted to do it until he signed a statement in which the following language appeared:

We understand now the attitude of the department, and we shall accordingly abide. We shall say nothing until peace is declared that can be construed as unfriendly to nations associated with us, or of the foreign policies of the Government, even as until now we have endeavored to do nothing to offend the law.

There is the collar on that man's neck. There is a positive suppression, it seems to me, of free speech. There is coercion. I remember now that in one of these editorials he had criticized Great Britain. In the same editorial he lauded France to the skies. It was early in the war. You remember that France did most of the fighting to begin with, and that her courage, her steadfastness, and her bravery were applauded all over the world, and there was some criticism—in my judgment, as subsequent events have developed, I think it was wrong—against Great Britain, on the ground that she was not doing her part. Later on that vanished. England had not fully gotten into it. He had criticized England for not sending more men to France, for not getting to the front faster than she did, and he had criticized Japan slightly. By the way, Mr. President, criticism of one of our allies or criticism of our Government was an offense; and yet if every Senator who has criticized Japan's course in this war were deported or sent to prison, I do not believe there would be a quorum of the Senate here to-day.

You say it is not intended that the Postmaster General shall do this. That is true, but under these laws practically all officials in power would do that. They have done it; they do do it. It is the natural thing that they should, moved, probably, according to their idea, by laudable motives, but it is done nevertheless.

The great danger comes from the fact that an administrative official having a policy to carry out, knowing the power that he possesses, will trump up some kind of a charge against a newspaper, when in reality the motive is to coerce in regard to some other matter wherein the support of the newspaper is desired, or its opposition the official desires to prevent. In the case I have just cited, my own idea is, after reading all the editorials which it was alleged were wrong, the action of the administration was not based in good faith upon the articles to which it objected. I can not help reaching the conclusion that Col. Roosevelt was right when he said that newspapers that were friendly to the administration were in no danger of being suppressed, but papers that were against the administration were continually watched and all kinds of excuses given to call the publishers on the carpet, oftentimes no doubt without a real intention of suppressing the paper, but in order to strike fear into their hearts and do the indirect thing which I have always claimed was the greatest danger in the law—the coercion of our citizens.

These things have gone on, Mr. President, until, like this editorial from the great newspaper in Philadelphia, the entire press felt coerced, afraid to criticize. This law will give to the Postmaster General in times of peace a power to hold that same kind of coercion over the press; and, let me repeat, when you hold it over the press you hold it over the people. You can not suppress and prevent the newspapers of the country from criticizing the Government without holding the same kind of a threat over the individual; and the law that is now on the statute books, that I have read, already gives the Postmaster General the power, as it says, upon evidence sufficient in his judgment to prevent any citizen of the United States from getting mail out of the post office.

I said, when that law was pending, that the evil will not come from the number of persons on whom he will use the power and deprive them of getting their mail. That is not the danger of the statute. If one man is denied the privilege of getting mail from the post office, it is wrong; but the evil is a million times greater when the people of the country all know that somewhere in Washington, perhaps a thousand miles away, there is an arbitrary power existing by which they can be deprived of mail through the post office. The man in a country grocery store out in California or the State of Washington knows that that power exists, and he knows it is in Washington that it

exists, and that is the danger that comes from this kind of legislation. It is that coercion, it is that fear, just exactly like the North American has pointed it out in that able editorial. That is where the trouble comes and that is where the danger lies.

Why, Mr. President, when one of these drives was on to raise money for the Young Men's Christian Association, I delivered an address in Oxford, Nebr. I was on my way to Washington and stopped overnight there and delivered that address. Seventeen miles from Oxford is the county seat of that county, Beaver City. Several automobile loads of people came from the county seat to the meeting. At one time in my life I lived for 15 years in Beaver City, and I knew nearly everybody there. When the meeting was over one of the men who came from there told me that a man whom I had known for 30 years, A. D. Ellis, who lives now in that town, had been summoned to appear before the State council of national defense at the capital, 200 or 250 miles away from his home. I had known that man; I had lived in the same town with him for 15 years, and during that time I had seen him practically every day. I never in my life knew him to speak ill of any man. I knew him as a man who was universally respected by everybody who knew him. I did not know that he had an enemy on earth. He was as patriotic, in my judgment, as any man in the United States, an American, born and reared in America of American parents. This friend of his told me that he had already gone to Lincoln; he did not know why, but the sheriff had served the summons on him. The whole town knew it, but nobody knew what it was about or just what the charge was.

The next morning, when I was taking my train from Oxford the train from Lincoln came in. This was the place where a passenger from Lincoln to Beaver City had to get off and change cars, and A. D. Ellis stepped off the train. I saw him and asked him what was the matter. We had 25 or 30 minutes, and he told me what it was. He said he had been notified by the sheriff to appear—and I have a copy of the official notice—before the State council of national defense just two days later. Now, Mr. Ellis is a poor man. He is a man, I judge, about 65 years old. He has a little humble cottage in that town and supports himself and his wife by repairing furniture and has a set of tools with which to do his work. He did not have enough money to buy a ticket to go to Lincoln. He placed a chattel mortgage for $25 upon his tools in order to borrow the money at the bank to answer that summons. I have that chattel mortgage here on my desk. I have the note here. Of course, I presume he was frightened. He did not know what it was about. The notice gave him no information of anything except that he should appear. He borrowed the money on the only thing he had to make a living with and went to Lincoln and appeared, and when he got there at the appointed hour he told them who he was, and they explained to him that it had been charged that he had made some remarks that were not loyal in regard to the President of the United States.

It was stated to him by the officials there that he had said that President Wilson would go out of office the richest President that we ever had. They asked him if he had said it, and he said he had no recollection of it, but he said, "I might have said it, because I believe that is true." Now, he had an indefinite idea as to some things, as the story will show; but they said: "Why do you think it is true?" He said, "In the first place, our Presidents have all been poor men, as a rule. In the next place, I understand that President Wilson married a very rich woman." That was his idea of it; and they took no other evidence, and told him he could go, and he went back home. Before going, however, he said, "Who makes the charge?" They said, "We can not tell you. That is secret." "Let me see the charge." "No; you can not see that. That is secret." So there he stood, in the eyes of his friends and in the eyes of the community, condemned. The next morning there appeared in the daily papers of that capital city a little squib, about half as long as your finger, saying "A D. Ellis, of Beaver City, has been before the State council of national defense charged with disloyal conduct."

This illustrates how easy it is for an enemy, in secret, to bring about almost an irreparable injury to a worthy citizen. The man is charged in secret. He is called to answer, but the room where the trial takes place is a secret room. The public is excluded. Friends of the accused are not admitted. The charge is not read. The man who makes it may be a thousand miles away. The accused is not permitted to know who it is that charges him with a wrong, and it is but small satisfaction that those who have charge of it permit him to go without punishment. The newspapers allege that he has been called before the board for disloyal conduct. No newspaper comes to his defense. He is stamped, as it were, with the black mark of disloyalty, without knowing from whence came the charge or what in reality it is.

No government can continue and be free when its citizens are thus persecuted, for it is nothing short of persecution. Such things make people dissatisfied with their government. Such things breed anarchy and disloyalty. It is such a course that our Government ought to avoid. It is such things that those of us who oppose section 3 of this bill desire to make impossible, and we are moved to this course because of the love and admiration that we have for our country and for the loyalty and well-being of our fellow citizens.

That went all over the State. As I said, I was on my way to Washington. When I came here I wrote to an old friend of mine in that town and told him of my conversation, and I said, "Is it possible that Ellis has done anything that is wrong? I want you to let me know the truth, and I want to pay something on that mortgage if he is innocent." I got an answer back in which my friend said, "Everybody here knows he has done nothing wrong. But you are too late to pay anything on the chattel mortgage. He had not more than gotten back to town before one man after another, meeting him on the street, would slip a dollar into his hand secretly, would not let anybody know it for anything, and he paid the mortgage off the same day."

What harm has been done, Mr. President? Why, of course, Mr. Ellis has been injured. But that is not the great injury that has occurred. All the people who know about it realize that there is a secret court, where a secret complaint can be made, a secret trial will be had, and that you may be accused by somebody who never will show up in the light. That is the damage in a free government that that kind of a proceeding has. That is the kind of damage that will come from section 3 of this bill if it is put on the statute books and permitted to remain.

In the little town where Mr. Ellis lives there is a newspaper published, a country newspaper, and it is as good and progressive and active and energetic a newspaper as ever came off the press. I get it regularly, and after this occurred I watched to see what the editor of that paper would say about the outrage upon one of the citizens of the town. Ordinarily there would have been things published in that paper that would have burned the paper upon which they were written. But there was not a word, not a sentence about the affair. Everybody was coerced, everybody, just as the North American editorial says, afraid to make a move, because some secret power coming out may grapple you next; and no man speaks; everybody whispers.

Mr. President, that is the kind of a condition that will breed anarchy; that is the kind of a condition in the country that will ultimately bring ruin, and when you place this kind of a power in the hands of any official, to take the life, the liberty, or the property of a citizen without trial, you are tending to bring on that kind of a condition. If you want a soviet government, such a course will bring it.

I started a while ago, when I was interrupted by the Senator from South Dakota [Mr. STERLING], to refer to his argument that the damage is done unless we stop the paper to begin with. Mr. President, if we have a healthy citizenship, if we have a free citizenship, if we have a country where no man is afraid to talk to his neighbor, to speak his sentiments, to honestly criticize public officials, any seditious publication in a newspaper is not going to do the harm that you may think it will; and if it is seditious, then arrest the man who is responsible for it and try him. That is the kind of a law we ought to have. We do not need section 3, to ruin him first and try him afterwards.

Mr. President, I want to call attention to another incident happening in my State that shows the dangers of this kind of legislation, which bears out the statements in this editorial, that all the press and all the people were scared and coerced by virtue of the power lodged in the Postmaster General. It will not stop with newspapers; it will go into every line of endeavor, as this shows.

Out in a little country town in the State of Nebraska is a country merchant, who buys eggs and ships them, as all other country merchants do. There is a law in that State which makes it a criminal offense to ship rotten eggs or to sell them or to offer them for sale. One day this man received a letter written on the letterhead of the Food Administration, and I have a copy of it here. I am going to omit the names, because I do not doubt but what the people who wrote the letter were patriotic; I have not any doubt but what they thought they were doing the right thing, although, in my judgment, they were mistaken. But they sent him a letter, and this is what it says:

You offered for sale eight stale eggs during the week ending August 31, 1918.

He was doing pretty well if he did not sell more than eight stale eggs in a week, I should think.

If I prosecute you under the State law, the costs of the case and the fine connected with this violation of the law will be heavy. I suggest that you make a donation of $8—

That is $1 for each egg; and even now that is a high price for even a good egg—

I suggest that you make a donation of $8 to the Red Cross through this office in lieu of prosecution. I shall expect a check to cover by the 12th instant. If I do not receive same by that date, I will start prosecution under the State laws.

That was written on the letterhead of the United States Food Administration for the State of Nebraska, signed by the proper official of the county of that administration. I ought to say for this man who runs this grocery store that he claims in his letter to me that he never did sell any stale eggs. But an official of the Government took that action, just as the Postmaster General would do under this law. It is said, "You are charged with selling eight stale eggs. We will prosecute you under the law unless you donate something to the Red Cross."

I knew the Red Cross did not want money obtained in that way, and I sent this letter to the proper official in the Food Administration, it was forwarded to the Red Cross, and I received an answer from them in which they say that they will take it up with the proper authorities and see that such a thing does not occur again. The letter says in substance that—

While we need money, we do not want to get it in that way.

The man who wrote that letter to the groceryman committed an offense under the criminal laws of the State of Nebraska; but the man who sent the letter to me, to whom this letter was sent, told me that the practice was general; that hundreds of dollars had been paid by other men in the business rather than to be exposed or be denounced as disloyal—a charge in secret, a trial in secret, a judgment in secret, and the poor defendant knows nothing about it until the proceedings are over and everything is completed.

Now, I want to read an article from the National Republican of January 3. It is headed:

A remnant of bolshevism in our postal practice.

My contention, Mr. President, is that this kind of legislation breeds bolshevism. It breeds dissatisfaction with the Government. It breeds dissension; and there can be no good come from it. This article says:

Postmaster General Burleson has recently set up the contention in the Federal courts that his decisions relative to the admissability to the mails of second-class matter is not subject to judicial review.

I am inclined to think that the Postmaster General is right. We pass a law that gives him discretion. We say that is not fair, that a man ought to have a trial before the Postmaster General can take a newspaper off its feet. Those in favor of the bill say he can get a trial; he can go into court and get an injunction. But, as I said to the Senator from South Dakota yesterday, when that injunction comes up in court, will not the court be apt to say, "The law gives this discretion into the hands of the Postmaster General. He says, 'I am satisfied'"? As a matter of fact, he may not have a scrap of evidence. He will have no record, no testimony, nobody sworn, but a court has not the right to deny his discretion if he has it. This article goes on:

The New York World, administration organ, declares that such a claim is a violation of the fundamentals of free government, and blames the arbitrary course of Postmaster General Burleson, not upon the power that has appointed and maintains him in the Cabinet, but upon Congress for leaving so much to the discretion of an administrative official. This is very Worldesque indeed, but it does not shift the responsibility from the shoulders of President Wilson.

I want to say right there that I think Congress is to blame the same as the President. Congress has passed a law that gave him the authority, and undoubtedly he is carrying out the wishes of the President in administering the law. The article continues:

Yet it must be admitted that Congress is culpable for failing to furnish any means of appeal from the decision of a Postmaster General in matters of this kind. He may, under the existing law and even more drastic laws now being considered in Congress, decide that an innocent article on tomato culture is seditious, and bar a publication from the mails, inflicting irreparable injury, without the least recourse to the publisher. This is decidedly bolshevistic in its autocracy and violative of the spirit if not the letter of the Constitution's provisions against abridgment of the freedom of speech and of the press. The very existence of such laws and practices permits a Postmaster General and the administration he represents to intimidate the press of the country, since every publication exists, under this system, entirely at the will and pleasure of the Postmaster General. In all our governmental practice there is nothing akin to this absolute power given to the Postmaster General under the law without relief or remedy being provided for the aggrieved object of this functionary's displeasure.

Mr. President, that again emphasizes the idea that I mentioned some time ago, that there is this unseen influence. The fact that this power exists and is lodged in Washington will have a wonderful restraining influence upon anyone residing particularly at a great distance from Washington, when he knows that this arm can reach down upon him and absolutely ruin him and deprive him of everything that he has earned during a lifetime of work. It is the existence of it that does the damage. That is not the only damage, it is true, but in my judgment that is the big danger. We ought to follow the procedure that we do universally in all criminal and civil cases, try the man before we deprive him of his property or of his liberty; give him a hearing before some tribunal where he will have an opportunity to defend himself, where a charge must be made in writing, where the simple ipse dixit of an administrative official will not be sufficient to put him out of business.

The amendment offered by the Senator from Idaho to some extent will do that; but in my judgment it does not completely cure it. If we make the publication of seditious matter a crime, as other parts of this bill do, then the man who publishes it is liable to be tried under that statute. He will have a trial before a jury in court, and that is where he ought to be tried; and as compared with ruining his business before he has had a trial, the harm that one issue of the newspaper will do to an intelligent people sinks absolutely into insignificance. Therefore section 3 should be stricken out of the bill entirely. It is absolutely unnecessary, as far as the enforcement of any criminal feature is concerned, and will do great injury to many honest people and enable an administrative official to wrongfully coerce millions of people.

Friday, January 9, 1920.

Mr. NORRIS. Mr. President, the letter just read, to my mind, furnishes an additional argument why section 3 of the pending bill should not become a law. In the first place, it illustrates the growing tendency of Congress when it desires to enact a law to ask the parties to whom the enforcement of the law would be given whether or not they want the law. I, of course, have not had an opportunity to examine this letter, but to my mind it illustrates a practice that is growing common, that as soon as an attempt is made in the Senate to give some administrative official greater power, greater discretion, those who favor the legislation at once call upon the very officials who are going to be required to enforce the law and ask whether or not they desire the law enacted.

It is proper to ask for such an opinion, and it is as proper for the officials of the Post Office Department as for the officials of any other department to state their opinion, or, for that matter, for any citizen to state his opinion; but we ought to be careful not to permit those upon whom we are going to place the authority to take the property of men without a trial before a court or jury to also have the power to enact the legislation that confers the power or that places limitations upon it.

The solicitor does not say, however, that in a trial now pending in the courts, where a similar law in regard to the power of the Postmaster General to suspend the publication of a paper and deny the second-class mail privileges is in issue, that he has not alleged in his brief what I stated yesterday, to wit, that Congress, having placed the discretionary power upon the official of the Government, it is beyond the power of the court to interfere with that discretion.

As the clerk read the letter I was particularly struck with one sentence, which I am trying to find. He says:

My judgment is that in the present condition of affairs in this country equity courts alone can properly protect the public interests.

Mr. President, that sentence is teeming with deep meaning. If it means anything, it means that under present conditions he would resort to courts and not to juries; it means that the administrative officials who will enforce this proposed law want a law that will keep the matter from a jury trial. Equity courts alone, he thinks, ought to have jurisdiction. According to my idea—and, of course, Mr. President, I may be entirely wrong—at the present time more than any other we ought to protect trial by jury, that heretofore under the American Government and American jurisprudence has been regarded as sacred to the liberty and to the rights of all the people.

Yesterday when I was compelled to suspend my remarks because the Senate took up the unfinished business I was discussing section 3. I was about to call attention to the proviso in section 3 which it is claimed is meant to take away some of the bad odor of the preceding portion of the section. The proviso reads as follows:

Provided, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

Mr. President, what is the benefit of that proviso? Suppose it is violated, what can be done about it? There is no penalty provided. Suppose there is a penalty under general law for opening a letter, what difference does that make? Is it to be supposed that the Department of Justice is going to prosecute the Post Office Department or any of its officials for opening

letters? The general law applying to the ordinary person would probably bring relief; but if the officials of the Post Office Department violate the law and open a letter that they have no right to open, what are you going to do about it? There is not a place on earth for you to go to get relief or to punish anybody.

I had just a little personal experience in that line. A man in a little town in my State in January, 1917, a few months before we entered the war, wrote a letter to a party in Germany. The letter was held up—and I am not criticizing that—very properly so. On account of the conditions with which we were all familiar, and the interference with shipping, and the embargoes, it was impossible for the letter to be delivered, and, of course, it was necessary to return the letter to the sender. The sender of the letter had written his name and address on the envelope in the proper place, showing where it could be returned, in plain, legible writing; but, notwithstanding this fact, the letter was opened in the Post Office Department, and when I got the envelope—and I have the envelope now in my possession—and there seemed to me to be no reason whatever why they should open the letter in order to return it when the address and the name of the sender were plainly written on it, I took it up with the department, and this is the reason given, in the reply to me, why that letter was opened. I quote from the official's letter to me:

On examining letters for return to senders which had been opened by employees of the division named, designated for the purpose, it was found that the card address of the alleged sender on the envelopes did not, in many instances, correspond with the name or the address of the writer.

That is the only explanation. In other words, because the Post Office Department thought that perhaps the name given on the outside of the envelope as that of the person writing the letter, and his address, was not the real name of the person who wrote the letter, they would open it to see. If the Senator from South Dakota came into my office at my home, and wrote a letter on my stationery, and the Post Office Department were unable to deliver it, they would return it to me if it had my return card on it. That may happen sometimes; but the Post Office Department says: Notwithstanding the fact that the envelope has the address and the name of the sender plainly written or printed on it, we will open it to see whether that letter was really written by the fellow whose name appears on the envelope.

Mr. President, is that any reason? Is there any sense in that reason? Does not everybody know, when he reads the reason given, that that is not the reason?

That is only a little incident of no consequence. It does not amount to much. It is a trifle, but, as a great writer said, "Trifles make perfection, and perfection is no trifle." It only illustrates that the Post Office Department now, backed with power that Congress has given them that they never ought to have, go beyond that power, even, whenever they find occasion to do it. It only illustrates the argument that I tried to make yesterday, that when you give an administrative official power he will use all of it; the probabilities are that he will stretch it, and the next man that takes his place will use his illegal act as a precedent to go still further. Now, when we are placing in the power of departmental officials in Washington the liberty and the property of citizens all over the United States, we ought to take heed that that has been the history and is the proof now of what is going on in the Post Office Department.

Let me read right along that line, Mr. President, the sayings of one of the wise men of the world in speaking of giving power to various departments, and speaking in so much better language than I have been able to speak of the proclivity of grasping for power and of going further, and then another subsequent official using that as a precedent to go still further.

It is important likewise—

Says this writer—

that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation.

Mark these words. Let me repeat them:

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

When we are trying to pile up power in the hands of administrative officials who are already going beyond the powers that they have in their possession, I wish that those words might sink deep into the hearts of those who are asked to confer additional power. Let me read them again:

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, I have read from the Farewell Address of George Washington, and in it he outlines what I have tried to say—that even though, by a usurpation of power, good may be accomplished in one instance, the precedent that is made will be used by tyrants in the future, and, as he said, little by little and step by step that is the way that free governments have been destroyed. To my mind, Mr. President—and I feel deeply on the subject—when we are asked and when we obey and take such steps as this in legislation we are fertilizing the soil for anarchy, for dissatisfaction, for soviet rule, and all kinds of things that grow from dissatisfaction, from secrecy in government, from usurpation of governmental officials.

Mr. President, if we should enact this law, it seems to me that it would not be unreasonable to suppose that we might pick up a paper some time in the not-distant future and read an item of news, probably tucked away in one corner of it, where it was not very conspicuous, that would run something like this:

Yesterday in the United States court Adolph Stranjefsky was tried for circulating literature contrary to the Sterling statute. The prosecution showed in evidence before the court and jury that Stranjefsky had circulated a pamphlet in which the following objectionable language occurred:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Stranjefsky, through his attorneys, attempted to prove to the court and jury that the objectionable language was part of an ancient document, which in the early days of the country was held in reverence by the people; that in fact it was a part of a document known to have existed in our forefathers' days as the Declaration of Independence. But the court waved the offer aside with the remark that the langauge clearly showed it was the belief of the man who circulated it that the Government should be destroyed; that the Government can not be destroyed except by force; and that while the offer of the defendant to explain it might be interesting to a student of history, it had no place in a court of law. Hence the jury brought in a verdict of guilty, and Stranjefsky was sentenced to five years in prison.

Mr. President, it might occur that some daily newspaper, learning of this action of the court, would criticize the court the next day, and argue that there had not been anything done that was wrong; and then would come the strong arm of the Postmaster General, under the same statute, perhaps, brought into force by a telegram of some postmaster a thousand miles away from Washington calling his attention to what he found in this paper, that they were trying to send it through the mails as second-class matter; and the postmaster would be instructed to suppress it and to keep it out of the mails.

The incident is closed. Stranjefsky is in jail; the owner of the newspaper, probably having his life's work in it and all his fortune, has lost practically all. Other newspapers say nothing about it, because they do not want the strong hand of the Postmaster General to come down onto them, and to be required, if they ever get any relief, to go into a court a thousand miles from their own home to get justice.

But that is not all, Mr. President. Those things are important, but they are not as important as the effect it has upon the minds of the people, where it gradually percolates in time, and they believe that some one has been deprived of his property without due process of law; they believe that this arbitrary power in the hands of the Government has dealt unjustly and suppressed free press and free speech. That is the damage. That is where the injury comes, and that percolates over the country, and the incident is multiplied. Take the incidents that have already occurred, spread them over the country, everybody knows about them; everybody feels that an injustice is being done now in the way of coercion of free press and of free speech and that men have been deprived of their property and liberty without due process of law; and what is the effect of that? That is how anarchy and dissatisfaction are bred from secret methods of the Government. Nobody is able to find out just exactly why the Postmaster General did it; but he did it. He exercised the power that Congress placed in his hands. They did not intend

that he should exercise it the way he did; but he does. As George Washington said, he stretches a point. Even though he is right, as Washington said, he establishes a precedent that, followed by future men in his position, will ultimately bring ruin and destruction to free government.

Mr. President, there is another section that has not been discussed, and I do not care very much about it. I just mention it in passing. It is section 2, which reads:

That the display or exhibition at any meeting, gathering, or parade, public or private, of any flag, banner, or emblem intended by the person or persons displaying or exhibiting the same to symbolize or indicate a purpose to overthrow by force or violence or by physical injury to person or property, the Government of the United States or all government, is hereby declared to be unlawful.

Mr. President, I have not any objection to the principle involved in that; but, as I have tried to say about free speech and free press, and as I am going to say a little later on, we can not pass a law that will prevent men from overstepping the bounds; that is admitted.

But this is a dangerous provision, that the display or exhibition of a flag that is intended to indicate a purpose to overthrow the Government shall be unlawful. That might be the United States flag. A man might arrange with a lot of conspirators to have a meeting and that that flag should be their emblem and the sign that they were going to congregate here or there to begin the destruction of the Government. I presume, however, the particular reference is to what is known as the red flag.

Mr. STERLING. The Senator will note that it must be intended by the person or persons displaying or exhibiting that flag or emblem to indicate a purpose to overthrow the Government of the United States.

Mr. NORRIS. Now, the Senator is getting into a kind of proof that is practically impossible to produce. I suppose the intention is to prevent the display of the red flag, and I have not any sympathy for the red flag; I have no interest in it. But, Mr. President, if we could by a statute—and I will admit we could not—require every anarchist to carry a red flag all the time, I would favor it. That would identify him; we would know what he was. Mr. President, at the main entrance to the Senate are three red lights always displayed when we go into executive session. I fear that some overenthusiastic Postmaster General and Attorney General who like to get into the daily papers in headlines some day would bring the Army up here and capture the Senate on the ground that they were displaying a red light, and that they were intending to destroy the Government of the United States, and that that was the emblem of anarchy.

I do not believe it is necessary to legislate about the red flag. If they have a flag that designates their purpose, at least it gives publicity to their actions, and that is one of the things we ought to have, if we can possibly get it.

Mr. President, now let us come down to something else that is modern. Not very long ago the Democratic Party in New Jersey called a State convention. They adopted a platform, and one plank of that platform read as follows:

We believe in the personal liberty of the individual and are opposed to legislative encroachments thereon. We reiterate our declaration of past years, that the question of prohibition has no proper place in the fundamental law of the Nation. We pledge ourselves to oppose, by all lawful means, the ratification or—

Listen to this word—

enforcement of the so-called prohibition amendment to the Federal Constitution, and to lead the movement which will eventually result in its repeal.

At the time that platform was adopted the eighteenth amendment to the Constitution of the United States, the prohibition amendment, had been adopted and was a part of the fundamental law of the land, so that when they say they oppose its ratification I can not see that that has any material thing to do with it. But when they say, "We pledge ourselves to oppose its enforcement," are they not proposing to nullify the Constitution of the United States, and would a Postmaster General, or even a judge, be going too far to say that if they want to nullify the Constitution of the United States it will take force to do it, that they will have to kill men and destroy property?

But that is not all. The Democratic Party of New Jersey was successful. They carried the election on that platform. They elected their governor, and it has been stated here on the floor of the Senate and published in all of the newspapers, and, as far as I have heard, never been denied, that the candidate for governor in his speeches during the campaign publicity and openly used this language:

If I am elected governor, I will make New Jersey as wet as the Atlantic Ocean.

Does that mean nullification? When he used that language, Mr. President, the prohibition amendment was a part of the fundamental law of the land. If he were a Bolshevik, you would have him in jail now. If he were an alien he would be on that soviet ship over in the North Sea. If he were a socialist they would not allow him to be inaugurated governor, any more than they would allow socialists to be sworn in as members of the New York Legislature.

But that is not the end of it. After this election, after this man went through that kind of a campaign in New Jersey and was elected, he got a telegram of congratulations from the President of the United States, as follows:

Please accept my hearty congratulations upon your election.
(Signed) WOODROW WILSON.

Will the Attorney General, in his enthusiasm in enforcing this proposed law, have the President of the United States arrested as an accessory of the State of New Jersey and its governor in the attempt to prevent the enforcement of the Constitution of the United States and the making of New Jersey as wet as the Atlantic Ocean?

Mr. McCORMICK. Mr. President, will the Senator read again that passage about the prevention of the enforcement of the amendment in connection with the President's telegram of congratulation?

Mr. NORRIS. The plank in the platform was:

We pledge ourselves to oppose, by all lawful means, the ratification or enforcement of the so-called prohibition amendment to the Federal Constitution, and to lead the movement which will eventually result in its repeal.

Mr. STERLING. Mr. President, of course the Senator from Nebraska has noted the expression "by all lawful means."

Mr. NORRIS. Yes; I was just about to take that up when the Senator interrupted me.

Mr. STERLING. There is no indication that they will oppose it by force or violence.

Mr. NORRIS. They say "by all lawful means." Now, let us see what lawful means could be used. The amendment says, as we all know, that the importation into, the exportation from, the manufacture, or sale of intoxicating liquors is forever prohibited in the United States. That is in substance the amendment. The platform says:

We will oppose by all lawful means its enforcement.

Are there any lawful means left by which to oppose it? Then take that in connection with the governor's expression, upon which he made his campaign:

If I am elected governor of New Jersey, I will make the State as wet as the Atlantic Ocean.

Does that look like lawful means?

Mr. President, there are not any lawful means left. When they use the word "lawful" they are only camouflaging the whole situation. Force and violence are the only means left for them to use, and this becomes perfectly plain when we consider the slogan, "If I am elected governor, I will make New Jersey as wet as the Atlantic Ocean."

Suppose it were a Bolshevist who said he was going to use lawful means, and that he was going to prevent the enforcement of the Constitution. Would that be any defense for him? Mr. President, I think when the Attorney General gets over the effects of the Jackson Day dinner, in his enthusiasm to enforce the law he will deport the whole Democratic Party of New Jersey and send them in the next soviet ship away from this country; and I wonder if he will put them in "a ship of stone with sails of lead."

Mr. President, I am using this only by way of illustration. I only want to show how these things come home to roost. We can not afford to do an injustice, great and powerful as we are in this Government. We can not afford to take advantage of the most humble of people. We can not afford to place in the hands of an administrative official the power to coerce, to ruin, to destroy the newspapers of the country and to interfere with freedom of speech throughout the great breadth and the length of the land. If we do it, we must suffer the consequences. Even though we escape, our children will reap the harvest of disorder and anarchy.

And when we look into the lessons of history, when we follow the advice of George Washington, the Father of his Country, in his last public utterance to our people, we can not get away from the fact that these things have always brought ruin. Instead of stopping a man from making a speech on a street corner, I would buy him another soap box and put it out on the street and tell him to go to it. I have faith enough in the principles of our Government and in its very foundation stones to believe that it can withstand the attack of crazy, nonsensical anarchists and others. I believe that we ought to be careful lest we sow the seed that will bring forth more anarchy, more bolshevism, more sovietism.

Mr. STERLING. Mr. President, I should like to ask the Senator just this question: Suppose the soap-box orator of whom he speaks was advising the crowd around him to throw bombs into the Capitol Building here?

Mr. NORRIS. Then I would arrest him and put him in jail. We have a law to do that in every State in the Union. That would not be any trouble.

Mr. FRANCE. There is a Federal law also.

Mr. NORRIS. Yes. That would not bother me any. I would still leave the soap box there for any other man to use.

Why, Mr. President, because the men are patriotic who want it and believe it is right is not a sufficient reason why the law should be passed. Every man who ever lit a torch that burned a witch at the stake believed that he was doing the right thing. Not very many years ago as time goes they put Galileo in prison because he said the world moved. People believed that the world was flat, and the religious enthusiasts said that the Bible teaches that it is flat, and any man who denies it must be punished. So they put Galileo in jail because he said the world moved. But, Mr. President, the world kept on moving just the same.

We can not stop these things by statute. We can not make men good by passing a law. Why, Mr. President, the men who crucified the Savior believed they were right. They thought He was destroying the fundamental principles of the government of Rome. I might pause here to say that they were in the majority, too, when they did it. The remedy is not more law, more punishment; the remedy is more light, more freedom.

As I was saying when the Senator from South Dakota [Mr. STERLING] interrupted me, my faith in my Government is so great that I am not afraid to let any man go out and turn him loose in his criticism of it. Yet under laws that we have already passed, and authority that we have placed in the hands of the Postmaster General, papers that have criticized the Government have been shut up and put out of business, or they have been compelled to sign an agreement that they would not criticize it any more, that they would not criticize our allies any more. That is where it leads. That is a natural result, and this law proposes to continue that power in time of peace.

As Washington said in his Farewell Address, even though you might accomplish good in one instance, you set a precedent that future men having authority will use to do evil, to suppress the rights of the people and deny them their liberties, and in the end bring down upon their heads the destruction of the Government itself.

It is said that these men will abuse the right if you give them free speech. That is true; they will. Give free press, and the press will abuse it. Of course it will. They have in the past, always—not all papers, not all men, but some in every class.

Then you say, Ought we not to suppress that abuse? My answer is that, following the doctrine laid down by Washington, history shows from the beginning of civilization that it can not be done without bringing on a great injury. So our forefathers said that we will suffer this abuse rather than interfere with the right of free speech and free press; that if you place in any man's hands the power to suppress, you eventually bring upon your heads the destruction of free government.

I desire to read right in that line what was said by Franklin. I presume in all the world there will be no voice raised against or in condemnation of Franklin, one of the great leaders of our country; one of the great leaders of thought of the world; one of the men who had much to do with the foundation of our Government, with the foundation of something that is, in my judgment, greater than our Government—the inculcation in the hearts of men everywhere that freedom in all government at all times is necessary for the continuance of the life of the government and the happiness of the people. Franklin had something to say about this, and it seems to me that with great benefit we can listen to his words of wisdom. They apply now just as much as they applied then—yes, more than they applied the day he uttered them, in November, 1737. He said:

> Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved and tyranny is erected on its ruins. Republics and limited monarchies derive their strength and vigor from a popular examination into the action of the magistrates.

There is a criticism of the courts which even he advocates.

> This privilege in all ages has been and always will be abused. The best of men could not escape the censure and envy of the times they lived in. Yet this evil is not so great as it may appear at first sight. A magistrate who sincerely aims at the good of society will always have the inclinations of a great majority on his side, and an impartial posterity will not fail to render him justice.
>
> Those abuses of the freedom of speech are the excesses of liberty. They ought to be repressed; but to whom dare we commit the care of doing it?

That is the question, Mr. President. As I tried to say before, freedom of speech will be abused, but there is no place in human wisdom to put the authority to suppress that abuse without doing more harm than good.

> But to whom—
>
> Said Franklin—
>
> dare we commit the care of doing it? An evil magistrate intrusted with power to punish for words, would be armed with a weapon the most destructive and terrible. Under pretense of pruning off the exuberant branches he would be apt to destroy the tree.

Mr. President, I am afraid that is what we are doing or attempting to do here. As Franklin says, this abuse of the freedom of the press is an exuberance of liberty bubbling and boiling over. It will be taken advantage of, but when you come to think about it, if the people are intelligent, if the people are happy, if the people are satisfied, it will not have any more harmful effect than the blowing of the north wind.

The time has not very far passed when men hid from their children the works of Tom Paine, when men would not permit to come into their houses a speech or a pamphlet or a book or a writing of Bob Ingersoll. Draper, who wrote the history of the conflict between religion and science, had his book banished from almost every fireside. The men who banished it were honest. The women who refused to permit their children to read those things thought they were right. But it has all passed away now, and the Christian religion stands stronger before the world to-day than it ever stood in history. Founded upon the rock of truth, it need not fear to be assailed by wrong, and that ought to be the motto of our country.

We have an intelligent, patriotic citizenship who are wise enough to dissect any discussion of government or religion or of politics. Shall we excite the suspicion of the growing generation by saying, "You shall not read this; you shall not read that"? Or shall we say, "Let everything be open; form your own judgment—you are wise enough to do so—and act after you have heard the evidence on all sides." Such a course, if pursued, will bring about the greatest condemnation of anarchy that any system on earth can bring. Let the light shine in. Let the people hear everything, right and wrong, and then be the judges. Are you afraid of the verdict when they are fully informed? Are you afraid that right will not prevail and that liberty will not be supreme? If you are, then, with due respect to you, it seems to me you doubt the intelligence of the American people.

If our doctrines are right, if our country is founded upon a system embedded in the truth—and I believe it is—then we need not fear any debate, any discussion. To my mind, however, if you undertake to suppress something, you create a feeling in the minds of all curious and intelligent men to see what it is; and you create a suspicion in the minds of honest men that you are afraid to meet honest criticism and honest consideration in the open light of heaven.

Mr. BORAH. Mr. President, the real issue which is involved in the consideration of this measure at this time is contained in an amendment to section 3. That section reads as follows:

> SEC. 3. That every document, book, circular, paper, journal, or other written or printed communication in or by which there is advocated or advised the overthrow by force or violence or by physical injury to person or property of the Government of the United States or of all government, or in or by which there is advocated or advised the use of force or violence or physical injury to or the seizure or destruction of persons or property as a means toward the accomplishment of economic, industrial, or political changes is hereby declared to be nonmailable and the same shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office duly authorized thereto or other person upon a search warrant authorized by law to open any letter not addressed to himself.

To that section I have proposed an amendment, which reads as follows:

> *Provided*, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district or circuit in which the party affected or aggrieved resides. But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails he shall not be liable for the cost of the proceedings, and the court shall have power during the pendency of the proceedings in court to suspend the order of the Postmaster General: *Provided further*, That no such court proceedings shall bar or interfere with any criminal prosecution under the terms of this act.

Mr. President, the issue narrows down, therefore, so far as it is presented by the amendment, to the question of whether we are willing to provide a hearing before an impartial tribunal for the parties who are affected by the order of the Postmaster General in excluding their mail matter from the mails.

While I have views with reference to the bill as a whole, and the principles which are involved in the measure, I do not at this time propose to discuss them. I may do so later; but the question to which I call attention now is the simple question of

a hearing to be provided for those who are affected by the order in excluding their mail matter from the mails.

It has been said here, by the Senator from North Carolina [Mr. OVERMAN] and others, that there is being passed through the mails a vast amount of seditious literature to the colored people of the South, and that this material is sent without any identification as to the sender, the author is unknown, and they have no means of knowing, so as to hold anyone responsible, as to who is guilty of sending this material through the mail. The amendment which I offer would not preclude the Postmaster General from excluding from the mail any material of that nature unless the author and responsible party were known, because the amendment relates only to the right of individuals who may be affected, and they must make their identity known, of course, before they can avail themselves of the right of the law. So all this literature for which no one is willing to stand sponsor, this seditious material which no one will father, is left entirely unaffected by this amendment. I apprehend not only that that applies to this literature which is going to the colored people of the South, but the larger portion of all this literature is unidentified—that is, this literature which is most objectionable and most obnoxious—and therefore this amendment in no way affects that. The amendment provides only for a hearing de novo by those who are willing and have such faith in their right to mail this material as to come forward, acknowledge the authorship, file a bond, and submit themselves to the jurisdiction of a court.

I venture to say, Mr. President, that such material as would bona fide come under this law, such material as really ought to be excluded under the law, never would be fathered by anyone with the risk of having it passed upon by a Federal court. The Senator from South Dakota will observe that I struck out the question of a State court. I did so reluctantly, but I did so in order to get some support, hoping to get some kind of a hearing. I think it ought to have remained in, but I have stricken it out.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. NUGENT in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. For information—I have not heard all of the Senator's statement, and I have not seen his perfected amendment—may I put a concrete case, and ask the opinion of the Senator as to the effect his amendment would have upon the case that I am about to present?

Suppose that an issue of some newspaper is tendered to the postal authorities for transmission through the mails and it clearly is a violation of the laws. It does, without any question—and there could be no diversity of opinion in regard to the construction or interpretation placed upon the language—teach the overthrow by violence of our Government. Does the Senator's amendment contemplate that in an event of that character the postal authorities would have no discretion to exclude it, but would have to give notice and arrange for a hearing?

Mr. BORAH. Oh, no. My amendment does not interfere with the Postmaster General's discretion at all. If such material as the Senator speaks of should come to the notice of the Postmaster General he would exclude it from the mails. That material would remain excluded from the mails permanently unless two things transpired: First, that the party sending it came forward and filed a bond to cover the cost of the proceeding, and, secondly, that upon his showing the court made an affirmative order canceling the order of the Postmaster General. In other words, Mr. President, the party has no relief under this amendment until he has satisfied the court prima facie that it ought to go through, because until he does satisfy the court that as a prima facie case it ought to go through, it continues to be under the control of the Postmaster General, and this does not modify section 3 at all. It leaves just as it is the designation as to the kind of literature which is to be excluded and it leaves the Postmaster General the sole judge in the first instance and the sole judge continually unless a Federal court shall, upon a showing, cancel the order and restore it to the mails.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. Just a moment. I will yield, with pleasure, in a moment. Now, speaking with the utmost respect for Federal courts and not intending what I say to be a criticism, I do not believe that any man will assume for a moment that any mail matter will ever get by a Federal judge unless it is clearly beyond the terms of the law; but the virtue of this amendment is that it gives the party a de novo hearing, so that it will be impossible for those orders to be made which are often made by the heads of bureaus without a proper hearing and without an opportunity for the individual himself to be heard in such a way that he actually can be heard. I do not see upon what theory we can deny people a hearing.

I now yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I merely wished to ask the Senator what the status of the obnoxious literature would be between the time of giving the bond and the time of the decision by the Federal court?

Mr. BORAH. It remains excluded under the order of the Postmaster General. Of course, I want to say again that this amendment does not represent my view as to what we should do. There are some fundamental principles involved in this matter which, if I am able to do so, I expect to discuss later; but this is all of which I have any hope of getting anything like successful consideration, and it does do this: It has this virtue, which I think is a very great virtue, that it gives the party a hearing before a tribunal which is in no wise concerned with the original proceeding.

Mr. President, the learned Solicitor General of the department has written the Senator from South Dakota a letter concerning this amendment, a copy of which he has handed to me. The Solicitor General says:

> There would seem to be no occasion for this amendment, as anyone aggrieved at an order of the Postmaster General may now at once file a bill in equity to restrain the execution of the order of the department, and in this way bring before the court the identical matter upon which the department has ruled.

Of course, everyone knows the vast difference between giving a man under a statute, as a matter of right, a hearing de novo upon the filing of a bond for the mere covering of costs and giving him the right to go into court and ask a court of equity to review the discretion of the head of a department of the Government. One is an assured, practical proposition. The other is almost impossible, in view of the law which the court has announced with reference to reviewing the discretion of a department of the Government—a principle of law which I presume is well founded—but involving a presumption that the party asking for a hearing must overcome. In addition to that, a party situated in your part of the country and mine, situated away from Washington, is denied a hearing by the very circumstances, the physical conditions which surround the hearing. It is a practical impossibility, unless he is a man of great wealth and great means, to bring a proceeding for review of the matter in a court of equity, when the party resides, for instance, in Idaho or Montana or Colorado, and the Postmaster General is here at Washington. This amendment gives him a hearing before the district court of the district in which he resides; and in the meantime the Postmaster General has full charge of the matter, and the mail continues to go through.

> In such proceeding, a temporary restraining order may be issued by the court upon the filing of such a bill.

I again say that the rule which is invoked in order to secure such a temporary restraining order makes it burdensome and almost impossible for a party to avail himself of it, especially if he lives any distance from Washington.

> In such cases there can be no dispute as to the facts, because the matter to be passed upon, both by the department and the court, is the document itself, and the question of law as to whether or not it is nonmailable is raised upon the face of the document.

I have gone through some of these cases which the Postmaster General has had up; and the position which he takes with reference to his discretion, which he contends is practically conclusive if it should be sustained—and it has been sustained to some extent—would amount to a refusal of a hearing under the theory now advanced by the Solicitor General, whereas the amendment which I propose gives it to the party as a matter of right, and does not require him to invoke the power of the court to review the discretion of the Postmaster General, but specifically provides that the hearing shall be de novo. The question of the discretion of the department is eliminated, and the party affected may therefore present his case the same as he would in the first instance to the Postmaster General.

> The remedy proposed substitutes a court of law for the existing equity jurisdiction over the subject matter without providing any protection to the public against the dissemination of nonmailable matter in the mails while the proposed legal proceedings are pending.

The Solicitor General was correct as to the original amendment, because the original amendment provided that until the hearing should be had the order of the Postmaster General should be suspended, but after consultation with some of the Senators that is one of the things which I eliminated, so that he is in error, as the amendment is now presented, when he says that—

> The remedy proposed substitutes a court of law for the existing equity jurisdiction over the subject matter without providing any protection to the public against the dissemination of nonmailable matter in the mails while the proposed legal proceedings are pending.

Now, once the court affirmatively makes an order upon a showing, the matter continues to be excluded from the mails.

Mr. STERLING. Let me say to the Senator that at the time of the phone conversation had with the Solicitor for the Post Office Department on yesterday he had not seen the Senator's modified amendment.

Mr. BORAH. I understand that.

Mr. STERLING. I suppose the amendment he got hold of was the one that was first framed by the Senator from Idaho.

Mr. BORAH. I understand, of course, that the solicitor was writing upon the first amendment. He said, further:

> The proposed amendment would also place the execution of a Federal statute and the acts of a Federal officer under the supervision of State courts, which would be quite a departure in laws of this character.

That has been eliminated, so that that no longer is an objection, if it ever was a valid objection.

He concludes by saying:

> My judgment is that in the present condition of affairs in this country equity courts alone can properly protect the public interests.

That, of course, Mr. President, is still pertinent, because the amendment provides a hearing under the statute instead of in a court of equity. The fact is that the courts of equity do not provide any remedy at all to a very large proportion of those who may be affected by these orders.

What class of people, Mr. President, would this amendment protect? It would not protect, in the first place, any of those who send literature through the mails which they do not sponsor, with which they are not identified, and the authorship of which can not be ascertained, nor would they be able to avail themselves of its terms. All the nom de plume or irresponsible matter which goes through the mails would continue to be solely under the jurisdiction of the Postmaster General. He could exclude it, as he could under the bill if it passes as reported by the committee. So that kind of literature is not covered by the amendment.

Neither, Mr. President, would it cover that class of people who send such literature through the mail as no man would undertake to defend before a Federal court. If it was literature which was confessedly and clearly literature advocating the overthrow of the Government by force, or which a reasonable man would conclude would have that effect, the party would be wholly without any protection under this amendment, because even if he filed his bond, the mail matter continues to be excluded until the court makes an affirmative order, upon a showing, that the order should be suspended.

Mr. President, it can only protect that class of publishers and writers who in good faith contend that they are without the provisions of the law; and without seeming to criticize the present Postmaster General, it would protect that class who claim that their material may be excluded from the mails for reasons other than the reasons specified in the law.

It is no secret, Mr. President, that ever since these different statutes have been upon the statute book different Postmasters General have been charged with exercising the power arbitrarily and to the great injury of people who in good faith were conducting publishing houses and printing newspapers and magazines, and if the parties believe in their cause, and think that they can show a judge that they are without the terms of the law, I think they ought to have a hearing.

Now, Mr. President, I want to say to the Senator who has charge of the bill that while there are some general features which I want to discuss in regard to general propositions, I am not in a condition physically to do it to-day. I would prefer that the bill should go over, not alone on my own account, because I would not urge it if I stood alone, but there are Senators absent who want to be here to say something on the bill, although very briefly, they tell me, and to vote upon it. I will ask the Senator from South Dakota if it is his intention to go ahead with the bill to-day and complete it?

Mr. STERLING. Mr. President, in answer to the Senator from Idaho, I will say that I would like to proceed as far as we can with the consideration of this bill to-day. I do not expect that we can reach a vote to-day on the bill, and possibly not to-morrow. I think it probable, I will say to the Senator now, that I shall not desire that the bill be voted upon to-morrow.

Mr. KING. Mr. President, will the Senator yield?

Mr. STERLING. I would not like to say at this moment absolutely that I shall not ask for a vote to-morrow, but I am just giving the Senator from Idaho my impression that a vote will not be reached before the first of next week.

Mr. KING. May I make an inquiry of the Senator? My understanding was, and I would like to have the Senator from South Dakota confirm it if it is correct, that the bill was, by a sort of common consent, and through the courtesy of the Senator from Minnesota, to have the right of way to-day.

Mr. STERLING. Yes; that was the understanding, I will say to the Senator from Utah.

Mr. KING. Of course, if the discussion were concluded before the usual hour of adjournment this afternoon, I presume a vote would be taken.

Mr. McKELLAR. Mr. President, will the Senator yield to me also?

Mr. STERLING. Certainly.

Mr. McKELLAR. I have two amendments that I wish to offer, and I shall have something to say about them; but I am hardly ready to proceed to-day, and if it is possible I would like to have the bill go over until to-morrow. However, I will speak on it to-day rather than discommode the Members of the Senate, if it is necessary for me to go on to-day.

Mr. STERLING. I can assure the Senator from Idaho that the bill will not be pressed to a vote to-day, and we will determine to-morrow as to the course to be followed.

Mr. BORAH. I dislike very much to ask for any delay, and I do not think I would do so in my own interest, although I am in such condition that I certainly could not go ahead with the debate to-day. If the matter is not coming to a vote to-day, I think possibly the Senators who desire to speak may be here to-morrow in time, if the Senator from South Dakota wants to dispose of it, and I will undertake to conclude what I have to say on the general proposition within an hour.

Mr. KING. May I inquire of the Senator from Idaho whether he knows of any reason why it might not be disposed of to-morrow? Does he anticipate that the debate will be so protracted that it may not be disposed of to-morrow?

Mr. BORAH. I have not any intention of protracting it just simply for the purpose of protracting it. Some Senators who are absent want to be here. I understood the Senator from South Dakota to say that he would not ask for a vote to-day.

Mr. STERLING. I shall not ask for a vote to-day, I will say to the Senator.

Mr. KING. I understand the Senator from South Dakota expects that there will be discussion this afternoon by the opponents of the bill, to present their views.

Mr. STERLING. I understand there will be discussion this afternoon. I understand the Senator from Maryland [Mr. FRANCE] expects to go ahead this afternoon.

Mr. BORAH. Whether the discussion continues all the afternoon or not, the Senator will not ask for a vote to-day?

Mr. STERLING. It is understood, I will say to the Senator from Idaho, that we shall not have a vote to-day.

Mr. FRANCE addressed the Senate. After having spoken for a few minutes,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

Mr. NELSON. I ask unanimous consent that the unfinished business may be temporarily laid aside for the discussion of the so-called sedition bill, and that the water-power bill shall not lose its place as the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANCE resumed and concluded his speech, which entire is as follows:

Mr. President, I do not wish to occupy very much time in the discussion of this bill, because I realize the utter futility of seeking to defeat it. I merely wish to register my protest against it as a piece of legislation which seems to me both unwise and unnecessary. If this bill is what it purports to be—a measure making direct incitation to force and violence against the Government a crime—it is wholly unnecessary. If it is what it appears to be, really a peace-time sedition act, it is entirely unjustifiable.

I think it is incumbent upon the chairman of the Judiciary Committee or any Senator who is in charge of such a bill as this, when bringing it into the Senate, to show the necessity for the legislation. Personally I consider it to be a vicious practice for the Congress to enact legislation making that a crime which is already a crime under statutes which have been upon the statute books for many years. Such a practice tempts Senators to yield to temporary popular hysteria and to bring in legislation which is entirely unnecessary, and it must result in the encumbering of the statute books with statutes wholly unnecessary.

This bill purports to be a bill making direct incitation to the use of force and violence against the Government a crime. If it be true that the bill is no more than that, it should not receive, in my judgment, any serious consideration. In the first place, we have the common law and the State laws which cover the crime of direct incitation to force and violence.

Mr. NELSON. Mr. President, will the Senator permit me to correct him there? Our Supreme Court has long ago decided that we have no common-law offenses in the United States, as they have in England. All our offenses are statutory offenses.

Mr. FRANCE. Offenses against the Federal Government, of course, are statutory; but I am referring to the State laws.

Mr. NELSON. I think in most of the States they have no common-law criminal jurisdiction.

Mr. FRANCE. I have great respect for the judgment of the Senator, but I have been under the impression that the State courts did pay great respect to the old common law.

Mr. STERLING. Mr. President, many States have their civil and criminal codes, and those codes will govern, and there is a question as to whether or not common-law sedition would prevail in the code States, where they have codes.

Mr. FRANCE. I am perfectly aware of the fact that there is no common law against sedition in this country. One of the purposes of the American Revolution was to do away with the old doctrine that sedition was a crime under the English common law, and I may refer to that a little later. I was referring in my remarks particularly to the State codes, which, of course, make either the direct use of force or violence against the Government, or against the person, or direct incitation to force or violence, a crime. But my point was this: There are already upon the Federal statute books ample statutes to cover direct incitation to force or violence.

We have, first, of course, the treason statute. Either the use of force or violence against the Government, or direct incitation to force or violence, is nothing less than treason. We have, first, the treason statute, from which I will quote:

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid or comfort, within the United States or elsewhere is guilty of treason.

Of course, treason is punishable by heavy fines or by imprisonment, by fines and imprisonment, or by death.

We have, of course, the statute, and I will put a reference to the statute in the RECORD.

Mr. STERLING. Mr. President, may I ask the Senator from Maryland whether or not he thinks the penal statutes of the United States cover anything involved in the pending bill? You can not change the Constitution by statutes. The statute provides that treason shall consist solely of levying war against the United States. The advocacy of the overthrow of Government by force or by violence is not the levying of war.

Mr. FRANCE. Mr. President, the discussion of that question would lead us, I think, into so many legal subtleties that it would be wholly unprofitable. I believe myself that the very essence of waging war against the Government is the use of force or violence against it or by the use of direct incitation to force and violence, and it seems to me that some of the acts provided for in this particular measure come very close to falling within the treason statute.

I would also cite the statute against inciting or engaging in rebellion or insurrection against the United States:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or give aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than $10,000, or both; and shall, moreover, be incapable of holding any office under the United States. (Act Mar. 4, 1919, ch. 321, sec. 4, 35 Stat., 1088.)

Then we have the civil rights act, which provides:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States. (Act Mar. 4, 1909, ch. 321, sec. 19, 35 Stat., 1092.)

Then we have, of course, the general conspiracy statute, from which I quote as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than 2 years, or both. (Act Mar. 4, 1919, ch. 321, sec. 37, 35 Stat., 1096.)

Then we have the joint principals act, which provides that—

Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (Act Mar. 4, 1909, ch. 321, sec. 332, 35 Stat., 1152.)

Then we have the threats-against-the-President act, passed in 1917, from which I quote as follows:

Any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully makes any such threat against the President, shall upon conviction be fined not exceeding $1,000 or imprisoned not exceeding five years, or both. (Act Feb. 14, 1917, ch. 64, 39 Stat., 919.)

Then, of course, we have the espionage act, the operation of which will be suspended upon the termination of the war. I will not read the extracts from the espionage act which cover these particular actions which are made crimes under the pending bill, but I will ask leave to insert extracts from the espionage act and also from the explosives act which governs the distribution and transportation of explosives.

Mr. NORRIS. May I interrupt the Senator?

Mr. FRANCE. Certainly.

Mr. NORRIS. Are the extracts from the espionage act very lengthy? Would the Senator object to having them read now as he proceeds. I of course do not object to the Senator having them printed, if he desires, but I think it would be enlightening if those extracts which the Senator intends to print from the espionage act should be read. We are all more or less familiar with them, but I should like to have them read again.

Mr. FRANCE. I will read first, at the request of the Senator from Nebraska, the treasonable mail matter section of the espionage act, which is practically identical with the provisions of the pending bill, which section is, of course, in force until the war has been officially terminated by proclamation. It reads as follows:

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable shall be fined not more than $5,000 or imprisoned not more than five years, or both. (Act June 15, 1917, ch. 30, Title XII, secs. 2 and 3.)

I have not at the moment in my hand the espionage act, so called, and the act amendatory thereof, from which I had intended to read those portions which have been used to censor the press and to put so great a limitation upon the freedom of speech during the war.

Mr. NORRIS. The Senator will have those printed later on?

Mr. FRANCE. Yes; I ask permission to have those printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The extracts referred to are as follows:

[Public No. 150, Sixty-fifth Congress, H. R. 8753.]

An act to amend section 3, Title I, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

Be it enacted, etc., That section 3 of Title I of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause, or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United

States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both: *Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner, criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official."

SEC. 2. That section 1 of Title XII and all other provisions of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words 'Mail to this address undeliverable under espionage act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

Approved, May 16, 1918.

Mr. FRANCE. Mr. President, I have placed in the RECORD extracts from the statutes which seem to me to fully cover those acts which are to be made crimes under the proposed legislation. Before discussing this statute more in detail I desire to refer to the general subject of the unrest which exists in the country.

I was one of those who in last January, February, and March contended that there should be called immediately upon the 5th day of March an extra session of the Congress to deal with the serious problems of reconstruction which were then upon us. That extra session was not called for the 5th of March, and valuable weeks were lost before the Congress was reconvened. When it was again assembled it, of course, faced the duty of enacting the great appropriation bills, and very shortly the peace treaty was brought before it, with the result, Mr. President, that none of the great problems of reconstruction which confronted us last January, February, and March have received any serious consideration at the hands of Congress, nor have we enacted remedial legislation for their meeting and for their solving.

In the resolution which I offered on the 28th day of last February, which resolution would have declared it to be the judgment of the Senate that the Congress should be called into extra session on the 5th day of March, I directed attention to the serious unrest which existed in the country, to the unemployment, to the dangerous illiteracy, to the preventable disease, ill health and injury, to the deplorable poverty, to the underproduction and faulty distribution of the necessities and commodities of life, to the high cost of living which resulted therefrom, and to the many other undesirable conditions which then existed and which threatened to become more intolerable. I pointed out the imperative need for remedial legislation for the meeting of those conditions.

During all of the last months the conditions have been growing more and more intolerable. We have witnessed in the country from day to day the spread of the profound discontent which finds its expression, of course, either in mild criticism of governmental policies on the part of the most intelligent, in more drastic criticism on the part of those who are intemperate, and in threats of violence against the Government on the part of those poor, misguided ones who, because of their ignorance and their lack of training, do not know how futile it is to attempt to bring about reforms through the use of force.

Mr. President, those who are opposing this bill condemn as severely as could any others those who threaten the use of force or violence or those who advocate the use of force or violence against the Government of the United States, but we believe—at least, I believe, speaking for myself—that we have upon the statute books legislation ample to deal with those who threaten or those who incite to the use of force or violence against the Government.

In this whole discussion I feel that it is very important for us to remember that the failure of our legislators has done much to put weapons both into the mouths and into the hands of agitators.

Mr. President, revolutions are not caused by agitations and conversations against the Government. They are caused always by unsatisfactory social conditions. We should remember that discontent can not be cured by repression; it must be eradicated by reforms. It seems to me, from my standpoint, that the man who favors repressive legislation is generally apt to be the stanchest opponent of corrective statutes. It seems to me that all such repressive legislation as the espionage act—and this bill of course is a very similar act in some of its provisions—arises out of the policy of reaction which relies on repression and refuses reforms. However fair his phrases may be, the man who believes in the suppression of free speech and in the censorship of press is a man who believes in autocracy, which is government by repression instead of democracy, which is of course government by discussion and by that free and fearless expression which leads to the proper reformation through legislation.

I am not one of those who tremble at every slight agitation against our Government. I regret and deplore the folly of such agitators, and yet personally I feel inclined to place some of the blame upon the legislators who have failed to utilize truly educative and eradicative measures against such irrational doctrines as those which are preached by the agitators.

Suppression is not eradication. It simply drives the evil forces in a new direction and causes them to operate beneath the surface where, hidden and smoldering, they are even more dangerous. I have believed that there was no danger to this Government from those who would use force or violence against it. Whenever the destruction of our Government by force or violence, either from within or without, has been attempted, strong arms have been raised for its protection. I have believed that the Republic, which I have considered to be the strongest citadel of human freedom, would never fall through assault from without, but I have sometimes feared that it might possibly be disintegrated by the insidious assaults of legislators who might be tempted at a time such as this to disregard the fundamental law and forget the fact that this is a free Government founded upon free discussion and upon a free expression of opinion.

I have pointed out that there are already laws upon the Federal statute books which make a crime of incitation to the use of force or violence, and, of course, a crime also to use force or violence itself against the Government. That being the case, it seems to me it would be most unwise at a time such as this to enact a statute which might be used for the repression of a free expression of opinion and which might be interpreted by the great masses of our people as being enacted to inhibit agitation for proper and legitimate reform. That this act is so considered there can be no doubt. From all over the country I have been receiving letters from individuals, from associations, and particularly from labor organizations, protesting against the enactment of this bill into law.

In order that the Senate may be acquainted with the views of the working people upon this proposed statute I feel that there should be read into the RECORD one or two typical letters from labor organizations protesting against the bill. Here, for example, is one from the Amalgamated Clothing Workers of America, office 44 East Twelfth Street, New York City. I will read the body of the resolution adopted by that organization:

Whereas there is now pending before the Senate of the United States a bill known as bill 3317 and a similar bill in the House of Representatives; and

Whereas these bills provide for the extension of the war-time espionage act with all its vicious restraints, which, though it was aimed against German spies, was only used to curtail and restrict, directly and indirectly, the legitimate activities of labor unions; and

Whereas the espionage act was an emergency measure to help win the war, and only as such was it tolerated by labor; and

Whereas there is no need of extending this repressive measure unless it be the desire and object of the Government to pass laws in favor of the vested interests, as only they are interested in the passage of this bill; and

Whereas such laws, if passed, are contrary to the spirit and to the traditions of our country: Be it therefore

Resolved, That we strongly condemn Senate bill 3317 and its companion bill in the House of Representatives as an antilabor bill and urge the Senators of our State to vote against it.

Here is another letter from the United Mine Workers of America.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. FRANCE. Certainly.

Mr. KING. I have listened to the letter which the Senator has just read. I hope the Senator from Maryland, who is an able, patriotic Senator, does not approve of the manifest untruths and distortions of fact that are contained in that letter. In the first place, it states, as I recall, that the so-called espionage bill was aimed at labor. That is absolutely untrue. If not unparliamentary, I should use a shorter word in describing the statements of the writer or of the organization from which that statement originates. Everybody knows that the espionage bill had no relation to labor organizations and was not aimed at them.

The labor organizations of the United States have been and still are loyal to our country; during the war the genuine workingman of the United States, whether a member of a labor union or not, was as loyal and patriotic as any other man, and

in the ranks of labor were found as devoted and patriotic men as our Nation produced. The espionage bill was not repressive legislation; it was not class legislation; it was legislation which was proper and which any government that was interested in its own preservation would enact under the same circumstances. Much of the legislation, or some of the legislation, contained in the act referred to is as applicable in times of peace as in times of war.

The statement of the writer of the letter is also untrue when he says that the bill to which reference is made, namely, Senate bill 3317, is a bill only desired by the vested interests. The distinguished Senator from Iowa [Mr. CUMMINS], the distinguished Senator from South Dakota [Mr. STERLING], and myself were appointed a subcommittee by the Judiciary Committee to consider a number of bills dealing with the question of sedition and movements looking to the overthrow of our Government by force and violence. In the consideration of those bills the Senator from Iowa and the Senator from South Dakota manifested, as they always have, their regard for law and order, for the rights of the workingman and for the rights of American citizens generally, and for the preservation of our Government and its institutions. This bill is for the purpose of striking at those, whether they are laboring men or capitalists, whether they are intellectualists or otherwise, whether they belong to the "parlor" Bolsheviki or to the loud-mouthed, blatant street-corner revolutionist, who seek to destroy by force and violence our Government. If any laboring man, belonging to a union or otherwise, is in favor of destroying our Government by force and violence, he is not a true American citizen; he is not fit to live under this flag; he is not fit to enjoy the benefits which flow from a constitutional government such as that under which we live; and I hope, for the credit of the distinguished Senator from Maryland, that he does not give his approval to the expressions in that letter, or indorse the vicious, un-American, unpatriotic, destructive views that are voiced by the so-called labor organization.

I thank the Senator for permitting the interruption.

Mr. FRANCE. The Senator is a very distinguished lawyer and a member of the Judiciary Committee, and, of course, the remarks which he has made bear out my continual contention in this body that all of the learning and all of the intelligence of the country is not lodged in those gentlemen who happen to be members of legislative bodies. As a matter of fact, I ought to have on my desk a recent editorial from the Baltimore Sun which referred to the fact that probably one of the reasons why it would be unwise, in the opinion of the members of the Judiciary Subcommittee, to repeal the espionage law at this time was the fact that the espionage act contained a clause which evidently the Senator has overlooked when he calls attention to the misstatement in this resolution that it contained a clause which was in effect an antistrike clause, making it a crime to limit production. I have not the language of the act before me at the moment, but I will insert it in the RECORD. So that, as a matter of fact, the Senator is mistaken, and the writer of the resolution is not mistaken, when the Senator contends that there was nothing in the espionage act which might be used to curtail the liberties and activities of the labor unions, this writer evidently having in mind that particular clause of the espionage act which might be called an antistrike clause. Whether or not it be true that it was because of that clause in the espionage act that it was deemed unwise by the subcommittee to repeal it I can not say, but certainly one of the great daily papers in my own State gave that as a possible reason why the subcommittee might not care to repeal the act. In other words, both in the food-control bill and in the espionage act, there were placed clauses which made it possible for the Government to take out injunctions against strikes.

I voted against both of the bills. I thought they went too far. I thought they tended to cause disunion rather than union and harmony in our prosecution of the war. But, leaving that question entirely aside, the fact does remain that there was a clause in the espionage act, aside from the free-speech and free-press clause, which was capable of being used to curtail the activities of the labor unions.

So far as concerns our laboring people being inclined to use force or violence or to advocate the use of force or violence against our Government, I am the last man who believes that there is any disposition of that kind in the minds or hearts of the vast majority of our people; and it is because I believe that our laboring people are free from any such disposition as that that I feel that it would be unwise at this time to enact a statute which seemed to attribute to them motives of that character, and which seemed to indicate that the Government was in danger from acts of violence, or threats of acts of violence.

However, the Senator, having been out of the Chamber, missed the point of my remarks. I read extracts from statutes showing that the acts which are made crimes under this proposed legislation are already crimes, and I was making the point that it seemed to me unwise at this time to enact into law a bill which really did not in any sense strengthen the criminal statutes already upon our statute books, and yet which at the same time was considered by the masses of our people to be inimical to their interests. That is the whole point which I was making, and that is the point which, it seems to me, is being missed by the Congress in all of the legislation of this character which is being enacted. The thing which disturbs me about this whole situation is that so many thousands and hundreds of thousands of our people—indeed, so many millions of our people—are coming to look upon our Government with distrust and fear, and, indeed, some of them even with hatred, as the result of legislation which we have enacted which has impinged upon some of the liberties which our people enjoyed prior to the war.

Mr. KING. Mr. President, will the Senator permit another interruption?

Mr. FRANCE. I yield, with pleasure.

Mr. KING. I apologize to the Senator for interrupting him, but in view of the letter which the Senator read and the statement which I made, it occurs to me that persons reading the RECORD might obtain an entirely erroneous idea as to what the espionage act was; will the Senator therefore permit me, in a very few words, to put into the RECORD just what the espionage act is which the gentleman whose letter the Senator read inveighs against so strongly?

Mr. FRANCE. Does the Senator wish to insert the whole act and the acts amendatory thereof?

Mr. KING. Oh, no; my purpose is to merely state the substance of its provisions.

Mr. FRANCE. I have not the slightest objection to the Senator inserting at this point a copy of the espionage act. However, unless he puts in the portions to which we were referring, I fail to see how it can be advantageous to insert it in the RECORD.

Mr. KING. Exactly; but the bill is so long, and deals with other subjects than those which the Senator is discussing, that it would not be advantageous to put it in; but if the Senator does not object, I should like to briefly state what that part of the espionage act is which evidently the writer of the letter had in mind. I have the act before me.

Mr. President, the espionage act to which the writer of the letter referred was approved June 15, 1917. The first title, in substance, provides that whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, coaling station, and so forth, shall be guilty of an offense.

Then it further provides that whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts or induces or aids another to copy, take, make, or obtain, any sketch, photograph, and so forth, of any of the forts or plans for the national defense, or who attempts to dispose of it to the enemy, shall be guilty of an offense; or whoever, lawfully or unlawfully having possession of, access to, or control over any document, writing, code book, signal book, and those matters that pertain to the war, willfully communicates or transmits, or attempts to communicate or transmit, the same to any person not entitled to receive the same, or willfully retains the same and fails to deliver such document to the United States upon demand, shall be guilty of an offense.

Then it proceeds with other like offenses. That is, dealing with the conveying of information to the enemy. Certainly no member of a labor union objects to that part of the espionage act.

Mr. FRANCE. Mr. President, did I understand the Senator to say that he did not object?

Mr. KING. I say, certainly he could not object to that.

Mr. FRANCE. That was the portion of the act which he said had not been invoked—the portion which dealt with espionage proper.

Mr. KING. I beg the Senator's pardon; I am not sure that I understood his last observation.

Mr. FRANCE. The statement in the letter was to the effect that the law had not been used for the prosecution of German spies, and of course that portion of the act from which the Senator has been reading is the portion of the act designed for the punishment of those who should be spies for Germany against this country.

Mr. KING. Yes; or who were communicating any information, perhaps not to Germany, but communicating it to other persons in such a way as that it possibly might be used disadvantageously to our Government. Of course, I deny that

statement, because to my own knowledge this act was invoked, and was effectively utilized.

Then it provides that whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished, and so forth.

Certainly no patriotic working man or any American who is worthy of the name "American" could object to that. Berger, and men of his character, might object to that, and as I understand have objected to it, and will doubtless continue to object to statutes of that character.

Section 4 provides that if two or more persons conspire to violate the provisions of the foregoing section, to which I have referred, they shall be amenable to the law. That is to say, if there is a conspiracy to commit the overt act, the conspiracy shall be likewise punishable.

Mr. FRANCE. In order that there may be no misunderstanding, I will say that I think the portions of the espionage act which were considered by the writers of these letters to be unfavorable to labor were those portions dealing with the curtailment of production, which were considered to constitute an antistrike clause, and those portions which placed a limitation upon free speech and free assemblage, as the law was enforced by the Department of Justice.

Mr. KING. Just a word or two more, with the Senator's permission.

Title II deals with vessels in ports of the United States, and provides punishment for the violation of proclamations of the President in dealing with commerce. Of course, in time of war, it is obvious that there must be some control over vessels coming into and leaving the ports of the United States, and there must be penal provisions so that those who violate proclamations that may be made by the President in the interest of the prosecution of the war shall be punished.

Title III relates to injuring vessels engaged in foreign commerce. Certainly no laboring man could object to that.

Title IV provides that—

whoever, with intent to prevent, interfere with, or obstruct, or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States, shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

The Senator knows that during the war there were a number of explosions upon our boats and upon the ships of our allies that came to our ports and departed from our ports. The evidence lends to show that bombs and other explosives were placed there, of course, by German spies, or those who sought the triumph of our enemies, not the victory of the American arms.

Title V relates to the enforcement of neutrality. Certainly no one could object to the enforcement of laws and regulations dealing with this subject.

Mr. FRANCE. Do I understand the Senator is assuming that the writer of the letter did object to all those portions of the law?

Mr. KING. The writer of the letter does not differentiate between any portions of the act. He denounces the whole espionage act, and says in substance that the espionage law was enacted against labor, and I am calling attention to the general provisions of this act to show how unjust and untrue is the statement of the writer of the letter which the Senator read.

Mr. FRANCE. The Senator did not correctly understand the language of the writer. I know it is very difficult to catch the exact wording as the letter is read. The resolution stated that it was aimed against German spies, but was only used to curtail and restrict, directly or indirectly, the activities of labor unions. Of course, that is a statement which would be subject to modification, even by the writer, I am sure. However, the point is that those portions of the act which were considered to be hostile to labor were the portions which I have mentioned, those portions making curtailment of production a crime—it is, of course, an antistrike clause—and those portions which limited the right of free speech and free assemblage, those rights having been denied to the workingmen of the country during the period of the war on many occasions.

Mr. KING. If the Senator will permit me, there are just a few other sections to which I should like to refer, so that the general purport of the act may be in the RECORD in connection with what I have said, and I shall be glad if I may be permitted to briefly refer to them.

Title VI relates to seizure of arms and other articles intended for export, and provides penalties for the violation of those provisions of the section.

Title VII provides that certain exports in time of war shall be unlawful. It provides that—

Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs—

may seize the same.

Title VIII relates to acts tending to disturb foreign relations.

Title IX relates to passports.

Title X relates to the counterfeiting of the Government seal.

Title XI relates to search warrants, and provides in the usual way that when property was stolen or embezzled in violation of a law of the United States, and when property was used as a means of committing a felony, as, for instance, the use of counterfeit dies, and so forth, that in the proper manner and under very strict provisions search warrants might be issued. No one, certainly, could object to that.

Probably this is what the writer refers to particularly, the use of the mails, In Title XII it is provided that—

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office—

And so forth.

Certainly no American could object to a statute of that character. It says:

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

And the person mailing such writings and publications so declared to be nonmailable is guilty of an offense. Mr. President, how any American can object to those provisions is something that surpasses my understanding.

A supplemental act was approved May 16, 1918, and it is this act which more particularly the writer of the letter had in mind.

Mr. FRANCE. I was about to say that it was the act amendatory of the espionage act which was much more drastic, and which was very objectionable as it was enforced.

Mr. KING. Mr. President, I shall not take the time to read this, though it is very brief, but I will ask permission of the Senator to have it inserted at this point in his remarks, or in my remarks, in the RECORD, so that persons reading the speech of the distinguished Senator—and I know it will be read by many people—may know just exactly the character of the legislation which the writer of the letter so strongly denounces.

There being no objection, the act referred to was ordered to be printed in the RECORD, as follows:

[Public No. 150, Sixty-fifth Congress, H. R. 8753.]

An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

Be it enacted, etc., That section 3 of title 1 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause, or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully, by utterance, writing, printing, publication, or language spoken, urge,

incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both: *Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official."

SEC. 2. That section 1 of Title XII and all other provisions of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words 'Mail to this address undeliverable under espionage act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

Approved, May 16, 1918.

Mr. FRANCE. The Senator is well aware of the fact that our working people, particularly the members of labor unions, have always been very jealous of the right of free speech and free press and free assemblage, and that they have always been very jealous of their right to strike. Without entering into the merits of the question as to whether the members of labor unions should be allowed to strike or not, I would say that they believe that the strike is the only weapon left for the securing, under certain conditions, of justice from their employers. In view of that well-grounded belief, of which the Senator is aware, he can scarcely be surprised that members of labor unions should find very objectionable that portion of the espionage act to which I have referred.

The act provides punishment for anyone who advocates any curtailment of production in this country of any product or products necessary or essential to the prosecution of the war, of course, practically all products being necessary to the prosecution of the war under modern conditions, and that clause in particular was considered by many—not merely by the labor unions themselves, but by some commentators on the law—as being an antistrike provision; and, in view of the Senator's knowledge of the jealousy on the part of labor unions of their rights to strike, he could scarcely be surprised that that particular clause should be considered to be hostile to the labor unions.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRANCE. I yield.

Mr. KING. I do not recall when the bill was before the Judiciary Committee or during the discussion of it upon the floor of the Senate hearing of a single workingman in the United States objecting to its provisions, and I am surprised to learn now from the distinguished Senator that there was objection to this provision. Let us see for just one moment what it provides. It says that any person who shall—

encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, shall be guilty of an offense.

Mr. President, this Government was engaged in the greatest conflict of all time; not only our Nation but the cause of civilization was involved. I do not believe there was an American citizen of any labor organization, I do not believe that there was any man who loved his flag or loved our institutions, who objected to this provision of the statute which made it an offense to seek to incite the curtailment of the production of guns or foodstuffs or those things necessary to feed our soldiers and to arm them that they might obtain victory over the Central Powers. If there was a single man under this flag claiming to be an American who favored inciting men to fail to produce the things necessary to win the war, and with the intent by such curtailment to cripple or humble the United States in the prosecution of the war, he was a traitor to the Government, and should have been punished as a traitor.

Mr. FRANCE. I rejoice in the fact that the Senator's faith in American workingmen and in the masses of our people seems to be increasing. My faith in the loyalty of the American workingmen and in the masses of our people was so firm at the time the espionage act was before us that I voted against it, because I considered it to be an insult to the masses of our people and to the great host of the American workingmen, whose sons went to the front and won the war, while we sat here after having passed statutes which seemed to hurl insults into their teeth.

The espionage act was never necessary for the winning of the war by America, and its very enactment, and the very votes, it seems to me, of the men who voted for it, were an indication of a lack of faith in the soundness of our institutions and in the loyalty of all of our citizens.

Mr. KING. Will the Senator yield?

Mr. FRANCE. I yield.

Mr. KING. Mr. President, the genuine American workingman is entitled to all the praise that my friend with his eloquence can bestow upon him. The genuine American workingman needed no statute of this character, I agree with him, but there were men, as the Senator knows, of the I. W. W. stripe, men who were aliens, who were going into the logging camps, into the mining camps, where copper and lead were being produced, and into the factories, where clothing was being produced for our soldiers, and into the ordnance factories, where guns were being made, and seeking to provoke general strikes, and to curtail production in order to help Germany win the war. It was not the genuine workingman, it was not the member of the American Federation of Labor, who was aimed at in this statute, but it was the aliens who belonged to the I. W. W. organizations and similar ones, and some cowardly Americans who were untrue to our country, and who were traitors to the cause of liberty.

Mr. FRANCE. My faith went further than the Senator's. I did not even believe that those few agitators would succeed in corrupting the patriotism and loyalty of the great body of American workingmen. If they failed to corrupt it, if they failed to destroy their patriotism, their efforts must be futile. I believed they would be futile, and they were futile, and they were futile not because of any statute which we enacted but because of the essential soundness of our institutions, because of the essential soundness of government by discussion, because of the essential rationality and beneficence of this Government, which causes the masses of our people to love it and to rush to its defense when it is placed in danger.

As a matter of fact, the records show, and I am not going into it again, as I have already gone into it rather extensively on another occasion, that this act was not used for the punishment of men who were disloyal to the Government, but for the protection of men who were not doing what they should have done for the efficient conduct of the war, that it was used to shield high public officials who were refusing to promptly enact statutes which were necessary and who were not effectively putting into force the statutes which were enacted. I believe that harm was done our cause by the enactment of this law. Opinions may well differ upon that, but, as a matter of fact, I believe so firmly in government by the masses of people; I believe so firmly in the soundness of the judgment of all, that I am afraid to enact any statute which may be used by a government for the suppression of criticism of itself, and which may be used to place any limitation upon that free discussion and free assemblage upon which, of course, our Government rests.

There are two theories of government, of course, one that government is the master of the people and the other that it is the servant of the people; one that the government is the sovereign and the other that the people themselves are the sovereigns. Why, sirs, how can there be such a crime as sedition in a Government such as ours, which is truly founded upon the principle that the people themselves are sovereign? It seems to me that the very fact that the people themselves are the sovereigns, that they are the masters of their Government, should make us very careful in the enactment of legislation which would curtail their rights, which would silence their voices, so that they may not direct their servants and their agents to perform those governmental acts which they may consider to be to their interest.

However, this whole discussion has led us far away from the point. My point is that the bill is unnecessary, because we already have Federal statutes which cover the situation and which make crimes of those acts which are made crimes by the pending bill, and that in view of the fact that we have those statutes it seems to me unwise to enact a new statute which is so repugnant to the working people of our country and

which, in their opinion—no matter how erroneous that opinion may be—will be used as a means to curtail their demands for a bettering of their conditions and for an improvement of the general conditions in the country.

In order to prove that there is a widespread criticism of the bill on the part of labor unions I had started to introduce certain letters from organized labor unions in different parts of the country. I ask now permission to insert a letter from the United Mine Workers of America, District No. 5, Whitsett, Pa., also one from Denning, Ark. I have picked out these letters merely to illustrate how widespread is the feeling against the pending legislation. I offer also one from the United Shoe Workers of America, Joint Council No. 9, of Chicago, Ill., also one from the United Brotherhood of Carpenters and Joiners of America, Local Union No. 183, Peoria, Ill.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, permission is granted as requested by the Senator from Maryland.

The letters referred to are as follows:

LOCAL UNION NO. 2057,
UNITED MINE WORKERS OF AMERICA,
Whitsett, Pa., December 18, 1919.

Hon. JOSEPH I. FRANCE.

SIR: It has been brought to our attention that the powers of reaction are trying to place most reactionary laws on the statute books of this country, and—

Whereas the right of free press and free speech and the right of assemblage are fundamental rights which are written in the Constitution of this country; and

Whereas Senate bill No. 3317 will soon be up for consideration, and we consider this bill as being dangerous to our constitutional rights: Therefore be it

Resolved, That we, the members of Local Union No. 2057, United Mine Workers of America, representing over 350 coal miners, protest against Senate bill No. 3317 and urge you to use your vote and influence to defeat this bill.

[SEAL.]

JOHN STIFFY, *President.*
JAS. F. LEE, *Recording Secretary.*

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UNITED MINE WORKERS OF AMERICA,
LOCAL NO. 1814,
Denning, Ark., November 19, 1919.

Senators JOSEPH I. FRANCE, A. J. GRONNA, ROBERT H. LA FOLLETTE, WILLIAM J. BORAH, MEDILL MCCORMICK, THOMAS P. GORE, HIRAM W. JOHNSON, and GEORGE W. NORRIS.

GENTLEMEN: Local Union 1814, United Mine Workers of America, in regular meeting November 19, instructs us to write you protesting against Senate bill No. 3317, introduced by Senator STERLING.

These measures propose to carry over into peace time the vicious restraints contained in prewar measures. Quoting President Wilson in vetoing war-time prohibition, "Where the purposes of legislation arising out of war emergency have satisfied, sound public policy makes clear reason and necessity for repeal." In view of these facts, why necessary to pass other legislation of same nature? In view as members of organized labor, and believing that these laws would be used to our detriment, we ask that you use your vote and influence against same.

JAS. H. ARBAUGH, *Recording Secretary.*
J. HALLOWELL, *Financial Secretary.*

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JOINT COUNCIL NO. 9,
THE UNITED SHOE WORKERS OF AMERICA,
Chicago, Ill., November 29, 1919.

Hon. JOSEPH I. FRANCE,
United States Senate, Washington, D. C.

DEAR SIR: At regular meeting, Tuesday evening, November 25, 1919, of Local No. 14, of the United Shoe Workers of America, the membership strongly condemns and expresses its indignation that such measures as Senate bill 3317, introduced by Senator STERLING and at present on the Senate Calendar, should be considered in the Congress of a free people.

We urge that you use your influence and do all in your power to defeat such antiliberty legislation. We also urge that you do all in your power to effect the repeal of the espionage act.

Yours, very truly,

[SEAL.]

LARS FLIKEID,
Recording Secretary, Local No. 14, U. S. W. of A.

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UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,
LOCAL UNION, NO. 183,
Peoria, Ill., December 1, 1919.

Mr. JOSEPH I. FRANCE, M. C.,
Washington, D. C.

DEAR SIR: We wish to call your attention to the principle of legislation given by President Wilson in vetoing the war-time prohibition law: "Where the purpose of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal."

That principle should be applied to the antiliberty legislation, also the espionage act.

Local No. 183, Carpenters and Joiners of America, at Peoria, Ill., wish to protest to you against the Senate bill No. 3317, and its companion bill in the House of Representatives. These measures should not be considered in the Congress of a free people. Therefore we hope that you will use every effort to defeat this bill.

Respectfully, yours,

LOCAL NO. 183, U. B. OF C. AND J. OF A.,
[SEAL.] CHAS. W. DAVIDSON,
Secretary, 516 Monson Street.

Mr. FRANCE. Mr. President, I ask permission also to insert in the RECORD three very valuable editorials upon the general subject of free speech, one from the New York World of December 28, 1919, entitled "The tyranny of the majority"; one from the Baltimore Sun of January 4, 1920, entitled "The raiding of the reds"; and a third from the Baltimore Sun of Tuesday, January 6, 1920, entitled "Farragut's rule of conduct."

The PRESIDING OFFICER. Without objection, permission is granted.

The editorials referred to are as follows:

[From the New York World, Dec. 28, 1919.]

THE TYRANNY OF THE MAJORITY.

More than 80 years ago the most profound of all students of American institutions, Alexis de Tocqueville, wrote this warning:

"If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority, which may at some future time urge the minority to desperation and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism."

And further:

"When I refuse to obey an unjust law I do not contest the right of the majority to command, but I simply appeal from the sovereignty of the people to the sovereignty of mankind. Some have not feared to assert that a people can never overstep the boundaries of justice and reason in those affairs which are peculiarly its own; and that, consequently, full power may be given to the majority by which they are represented. But this is the language of the slave.

"A majority, taken collectively, is only an individual whose opinions and frequently whose interests are opposed to those of another individual, who is styled a minority. If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with each other, nor does their patience in the presence of obstacles increase with their strength."

These words are worth recalling at a time when the popular tendency toward repression is stronger than it has ever been before in the United States. Having destroyed personal liberty by means of prohibition, we are now engaged in destroying the Bill of Rights.

There is no freedom of speech or of the press left except by consent of government. Police authority everywhere is denying to small minorities whose doctrines are unpopular the right of free speech. The Post Office Department, under authority of Congress, proscribes newspapers whose political and economic policies are regarded as obnoxious by the Postmaster General. A police department that recognizes the right of assemblage in the case of minorities tainted with radicalism is held to be not only incompetent but deficient in patriotism. The New York police on Christmas Day attempted to maintain the weird and wonderful theory that while the right of petition might be tolerated on Sixth Avenue, it is flagrantly illegal on Fifth Avenue.

Plainly the American people are getting away from first principles. They are forgetting their traditions and losing sight of their ancient landmarks. All the radical agitators in the country can never do half so much harm to democratic institutions as an inflamed public sentiment is doing when it sustains the attacks that various agencies of government are making against the guaranties of the Bill of Rights and of individual freedom.

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[From the Baltimore Sun, Jan. 4, 1920.]

THE RAIDING OF THE REDS.

It is to be presumed that the Department of Justice has information in its possession—information, however, which it has not yet shared with the public—which justifies its nation-wide "round-up of radicals" on Friday night. It would be most unfortunate if it had not. But there are a sufficient number of disquieting questions raised by certain features of this performance to give point to the suggestion that the Government's whole policy in connection with the treatment of radical agitators should be reexamined and analyzed and if found faulty changed.

During the war, as the able editor of the New York World points out in an article, a portion of which is printed elsewhere on this page, there was no free play of public opinion in this country. News and opinions were censored by the Government, and the public cheerfully consented to the censorship. The people stopped thinking for themselves. That seemed the best way to insure the successful prosecution of the war. It was accepted as a patriotic duty.

Thoughtful individuals, however, assumed as a matter of course that as soon as the war ended the free expression of opinion would be resumed. They took it for granted that the fundamental doctrines of free speech and free assemblage and a free press were as sound as ever and that no one would dispute them in time of peace. But there have been two unexpected and alarming developments in this connection. The first is that a considerable proportion of the people seem, as a result of the suspension of their habit of thinking, to have lost that habit. Their mental faculties seem to have atrophied from disuse. The second is that an even larger proportion of the people have grown so accustomed to censorship and suppression that they want them continued. They don't want free speech and free assemblage and a free press any more. It doesn't occur to them that, while the ideas which are now being suppressed are obnoxious to them, the day will surely come, if the principle of suppression is established, when ideas of their own will be denied utterance. The Russian monarchists were highly agreeable to the institution of a censorship under the Czar; they are not so pleased with the censorship established by Lenin.

In these circumstances it is perhaps more important than ever before in American history that the constitutional right of freedom of speech should not be abridged. The people need to be reeducated on this subject. Progress is impossible without free speech. Retrogression and decay are inevitable if it is successfully prohibited. Revolution, the kind of revolution which timid souls in this country are so unnecessarily afraid of to-day, is furthered, not hindered, by attempts at suppression. Witness the growth of socialism in Germany! Witness Russia of to-day! You can not prevent the advance of an idea by force or by law. You can prevent the advance of a false idea by confronting it with the truth, by discussion, by honest argument, by education. And that is the only way.

When does liberty of speech degenerate into license? Justice Holmes, of the United States Supreme Court, drew the line in his recent dissenting opinion in a sedition case. When it immediately and directly incites to violence or the violation of law, then it is properly punishable. Not otherwise. John Stuart Mill drew the line in his famous essay "On Liberty":

"No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity when the circumstances in which they are expressed are such as to constitute their expression a positive instignation to some mischievous act. An opinion that corn dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn dealer, or when handed about among the same mob in the form of a placard."

Whether or not the line has been crossed in the case of an individual offender is a matter for the authorities to determine. The rule is sufficiently clear.

What bearing have these general principles upon the Friday night raid? It was directed, according to the instructions given the Secret Service men who did the raiding, against "the radical organizations known as the Communist Party of America and the Communist Labor Party of America, also known as Communists." The Secret Service men were instructed to arrest all active members of these organizations where found.

The Communist party is the party of revolutionary socialism in America, the Bolshevist party. It advocates mass action and the general strike and its manifestoes imply that force will be necessary to accomplish the revolution which it seeks. A temperate article in the Atlantic Monthly for December tells us that its members do not expect immediate revolution, but propose the maintenance of revolutionary action that may last for years and tens of years until the final collapse of capitalism. The Communist Labor Party is a less radical one. It does not openly advocate violence, but intimates "the necessity and justification of force at the opportune moment."

Four and a half thousand members of these two parties were arrested by Government agents Friday night. We should like to believe that the action of the Department of Justice was wholly justified; but is that theory a plausible one? Under the principle of free speech as laid down by Holmes and Mill these men—certainly such of them as are citizens—have a perfect right to advocate a soviet form of government for the United States, communism, socialism, the overthrow of capitalism, any change whatever in our form of government, provided only that their propaganda does not immediately incite to violence. Is there any reason to believe that these thousands of men have wholly or largely been guilty of immediate incitement to violence? Was there really a revolutionary plot under way which needed to be nipped in the bud? The Government should make known the facts which justify its action.

The trouble, the dangerous trouble, of course, is that if any considerable proportion of our people are led to believe that the Government's action is unwarranted, that these men are being persecuted for the ideas they hold and not prosecuted for crimes which they have committed; if sympathy is aroused for these men or the belief fostered that a powerful capitalistic government is bent on crushing a proletarian movement that threatens its supremacy by fair means or foul, 10 Bolshevists will grow where 1 grew before. That is the invariable lesson of history. The surest way to make exasperated converts to "direct action" is to treat all heretical inquiry as a crime. The surest way to bestir wild men to outrage is to persecute peaceable men in an unfair and unintelligent manner.

To what absurd lengths bolshevophobia is carrying some of our timorous Government officials is indicated by the news conveyed in a Washington dispatch to the Sun yesterday, to the effect that W. L. George, the English novelist, may be denied admittance to this country on the ground that he is an undesirable alien. Mr. George is a writer of very high distinction. He served his country in an official capacity throughout the war; his interests are primarily artistic, not political; no one in England would think of denouncing him as an enemy to society. And yet, because he has printed an article or two exhibiting an interest in radical ideas, it is proposed to turn him away from America as if he were an anarchist with a bomb in his hand.

The episode is grotesque and discreditable. If, after his arrival in the United States, Mr. George should commit any act in violation of American law, the machinery for punishing him would stand ready. If, avoiding the actual infraction of the law, he should voice any sentiment currently prohibited by the police, it would be easy to deport him instantly and without trial. But to bar a man of his position from the country altogether, in the mere fear that he may possibly repeat here what has gone unchallenged at home—this is to carry the throttling of opinion to absurd and intolerable lengths. The English have laws against "direct action," just as we have. If Mr. George had violated those laws, he would be in jail to-day. As it is, the sole effect of turning him away as a dangerous alien will be to make the English laugh at us and the rest of the world begin to pity us.

Let us hope that the net effect of this pretentious movement against the so-called "reds" will not turn out to be merely a huge advertisement of them and their cause and a consequent increase in their membership.

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[From the Baltimore Sun, Tuesday, Jan. 6, 1920.]

FARRAGUT'S RULE OF CONDUCT.

It is safe to say that the radical and near-radical papers of the country will have voluminous comments upon the rounding up of the "reds." It is equally safe to say that their comments will have little to say about the bomb-throwing anarchists included in the catch, the miscreants who really ought to be deported, but very much to say about certain features of the raids which we find chronicled in yesterday's papers, the nature of which is indicated in the following questions:

"Officials said it was distinctly surprising that each party—the communist and the communist labor—numbered so many American citizens in its membership. The party rolls were said to carry the names of many persons well known in their respective communities and American citizens."

"Action of the Government obtaining an injunction against the leaders of the bituminous coal strike was employed by the communist party heads as ammunition in their campaign, declaring that the capitalists used the Government's power, a weapon which the workers could not muster."

"The Chicago Federation of Labor to-day adopted two resolutions of protest against the Federal raids against the radicals. One declared that the executive board suspected that the raids were 'a part of the gigantic plot to destroy organized labor by the employers,' citing that among those arrested were officials of a local cigarmakers' union, whose records were seized. The other resolution declared that the Federal agents' acts were 'repressions' resembling 'Czaristic methods in Russia' and 'terrorist tactics.'"

"The Socialist Party, from its national headquarters, to-day issued a statement deploring the raids against the radicals. The arrests throughout the country were termed 'the gravest blow yet struck at the permanence of American institutions, and if continued, as it is threatened that they will be continued, this policy will place the United States in the forefront of the reactionary nations of the present day.'"

"Of the original 35 taken to the Baltimore post office Friday night, 12 were released. One of those arrested, a Russian, was a former member of the Three hundred and thirteenth Infantry."

These incidents will furnish texts for impassioned sermons against the Government as "reactionary" and "capitalistic." The total circulation of the several hundred radical journals of this country is a very large one. Will not the effect of their appeals be to increase the number of their adherents, just as the similar methods employed by Bismarck against the socialists of Germany caused a growth in the number of socialists there from 100,000 to more than 4,000,000?

It is hardly necessary to say that the Sun has no sympathy whatever with communism, socialism, bolshevism, I. W. W.ism, or any other branch of extreme radicalism. It believes that they are all economically unsound and unworkable and dangerous. But it believes that the only way successfully to combat them is by pointing out the weaknesses and fallacies of their theories, and that they can not be successfully combated by bringing the strong arm of a powerful government down upon half-witted and scatter-brained enthusiasts whose vaporings are apt to be dangerous in proportion as they are taken seriously, even when they happen to be associated with some really astute and dangerous characters who ought to be suppressed.

"The 'reds,'" said the Springfield Republican a day or two ago, "haven't the ghost of a chance in this country ever to overturn our established Government and institutions, or our industrial system, by force if our people will follow Admiral Farragut's rule of conduct in battle. 'I may be licked by the enemy,' he coolly remarked, 'but I'll be damned if I'll be frightened to death.' The few 'reds' should not be permitted to frighten the great American people. Their conspiracies are worth unearthing, but they are not worth anything else." That is the sanest comment we have yet seen upon the raiding of the "reds."

Mr. FRANCE. I think that Farragut's rule of conduct would be very helpful in this connection. In view of the fact that so many in the country are terrorized by a little red literature that has been circulated here and there—it has always been circulated by a few hare-brained anarchists here and there—they have always existed, sometimes more troublesome and sometimes less, but they have never seriously threatened the stability of the Republic; but in view of the fact that there are so many men who are trembling and shaking in their shoes at this little agitation which is so futile as long as we here observe the great fundamental principles enunciated in our Constitution, I think it would be well if more would adopt Farragut's rule of conduct. He said:

I may be licked by the enemy, but I will be damned if I will be frightened to death.

We need not be frightened if we really have a profound faith in the soundness and perpetuity of our institutions.

Mr. President, the whole point at issue in connection with the bill, it seems to me, is this: Is it a bill which makes direct incitation to the use of force and violence and only that a crime? If it is, it seems to me that it is a useless bill. But, to quote from a very valuable document which I wish every Member of Congress might read, entitled "Freedom of speech in war time," by Zechariah Chafee, jr., of the Harvard Law School—

The real issue of every free-speech controversy is this—whether the State can punish all words which have some tendency, however remote, to bring about acts in violation of law, or only words which directly incite to acts in violation of law.

That is always the question. How direct an incitation must it be to have the words made a crime? Of course, it is difficult to draw the line. The mere criticism of a statute or of a governmental policy might be considered by some to be provocative of discontent, a discontent which might cause the one so made discontented to tell another that the condition was growing intolerable, and that one who was told that it was growing intolerable might then speak words which would be a direct incitation to crime.

The pending bill does not and no statute dealing with the subject of free speech can define how direct the incitation to crime must be in order to be a crime itself, and that is the difficulty with all such statutes—their failure and the necessary inevitable failure to draw the line as to what is direct incitation to anarchy and violence and as to what is real but legitimate criticism of the Government.

Of course, those who advocate the utmost freedom of speech feel that it is very dangerous to lodge with a governmental official the power to decide himself without any review by the court just whether the language in question is or is not a sufficiently direct incitation to the use of force or violence to become itself a crime.

To go on with the quotation:

If words do not become criminal until they have an immediate tendency to produce a breach of the peace, there is no need for a law of sedition, since the ordinary standards of criminal solicitation and attempt apply.

In other words, if only direct incitation is a crime under this bill, it is not necessary, because the criminal statutes already enacted apply.

Under those standards the words must bring the speaker's unlawful intention reasonably near to success. Such a limited power to punish utterances rarely satisfies the zealous in times of excitement like a war. They realize that all condemnation of the war or of conscription may conceivably lead to active resistance or insubordination. Is it not better to kill the serpent in the egg? All writings that have a tendency to hinder the war must be suppressed.

Of course, I am merely quoting this to give the line of thought, because the same line of argument would apply to something other than war.

Such has always been the argument of the opponents of free speech. And the most powerful weapon in their hand, since the abolition of the censorship, is this doctrine of indirect causation, under which words can be punished for a supposed bad tendency long before there is any probability that they will break out into unlawful acts.

Of course, Mr. President, there is the whole essence of the matter—that very question as to what language shall be considered and what language shall not be considered a crime.

I do not intend to go into a discussion of the whole subject of free speech, nor, indeed, had I intended to occupy the time of the Senate this long. I wished merely to enter my individual protest against legislation which may be used in times of peace to suppress legitimate discussion and to censor the press, for, as we have already seen during the war and as the quotations which I have had inserted in the RECORD will indicate, this authority conferred upon the Postmaster General does really constitute him a censor of the press.

Mr. President, we do not live under a democracy. We are living in a Republic, a constitutional Republic, with a Constitution, a Government so framed that so long as its provisions shall be regarded tyranny is impossible—tyranny of the minority over the majority, the equally despicable tyranny of the majority over the minority—a Government founded upon the theory that while the majority might rule, the minority always had a right to be heard and to agitate for change and reform in the administration or in the Constitution itself by legitimate means. Believing as I do in that Constitution, believing as I do in our form of government, believing as I do that it is the only form of government in all the world which does make tyranny impossible—any of these tyrannies which I have mentioned, tyranny of the few over the many or of the many over the few—I hesitate very much to see enacted for a time of peace a statute which may be used by a Government official for the suppression of free speech, for the censorship of the press, and, worse than all, possibly for the protection of himself and some of those legislators who themselves forgetting their sacred oaths are violating the fundamental law of our Constitution, which is the only law, I believe, that has ever been drafted which will preserve government, preventing the tyranny of any, and guaranteeing liberty to all.

Mr. STERLING. Mr. President, I have discovered throughout this discussion and in the letters offered for the RECORD by Senators opposing the bill, or certain features of the bill, a great misapprehension as to what the bill really is. To corroborate that statement, I read here a short paragraph from the publication called "Industry," of date January 1, 1920. This is the paragraph:

Senator STERLING has announced that he would attempt to secure immediate consideration of his bill to restrict criticism of the Government.

Mr. President, I never introduced any such bill; I never reported any such bill as that from the committee. If there is anything in which I believe, it is liberty of opinion and liberty freely to criticize the policies of the Government or of the administration or of any of the officials of the Government or administration.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. I yield to the Senator from Montana.

Mr. WALSH of Montana. I did not understand who the Senator said is the author of the interpretation of the bill which he has read.

Mr. STERLING. I do not know. I find the paragraph under the head of "Sedition" in the publication called "Industry," of the issue of January 1, 1920.

Further, Mr. President, to show what the impression seems to be in certain quarters and among certain people in regard to the purport of this bill, I read a short letter which I have just received this morning from Purchase, N. Y., as follows:

PURCHASE, N. Y.

DEAR SENATOR: I wish to protest against your bill curbing free speech. Patrick Henry, Benjamin Franklin, Harriet Beecher Stowe, William Lloyd Garrison, Wendell Phillips, and myself would have had to serve prison terms for trying to better the Government through criticism; I for writing this letter of protest. What happened to the Federal Party with their alien and sedition acts?

Yours, truly, WILLIAM MCHUGO.

So, Mr. President, in the view of the writer of this letter, the bill is for the purpose of preventing criticism which would result in the improvement of our Government. The bill is no such bill as this writer imagines it to be, but, as has been stated again and again here, it is a bill to prevent the advocacy of the overthrow of this Government and of all government by force or violence.

The writer of this letter refers to the alien and sedition acts. I am not sure but that some of the animus of the opposition to this bill comes from a recollection of the alien and sedition acts; or, if not from a recollection of those acts, from what men have learned of their history and the protests against them. I have the old sedition act here, and I merely want to read it. We shall then see the difference between the sedition act of 1798, persistence in the enactment and enforcement of which, as much as anything else, caused the Federal Party loss of power, and the pending bill. Section 2 is the sedition portion of that act. It provides:

That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute, or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States—

And so forth.

Of course, that portion of that section of the old sedition law which might be construed as a prohibition of criticism of the President of the United States, the Government of the United States, or of the Congress of the United States, or any or either of them, is a law such as we would not tolerate upon the statute books of the United States now, for fear not so much of the language of the act itself but of the interpretation that might easily be put upon it.

Now, Mr. President, just a word with regard to the amendment of the Senator from Idaho [Mr. BORAH]. I sympathize with the idea of the Senator from Idaho that there should be a hearing allowed any publisher who feels himself aggrieved by the exclusion from the mails of the matter which he publishes; but my point is that under the law and under the decisions of the Supreme Court of the United States he has that right now, and that within 24 hours after the matter has been excluded from the mails the party who feels himself aggrieved can apply to a Federal district court anywhere in the United States within which the publication is issued and procure a restraining order against the action of the Postmaster General in excluding the matter from the mails.

I had read into the RECORD this morning a letter from the Solicitor of the Post Office Department. In the concluding portion of that letter he refers to a Supreme Court case which I have before me. First, let me read from another case so as to disclose the principle involved. I read from the decision in the case In re Rapier, which Senators will recognize as the old lottery case, in regard to the constitutionality of that provision of the statute of the United States which prohibited sending lottery tickets or matter pertaining to lotteries through the mails. The court says in that case:

The question for determination relates to the constitutionality of section 3894 of the Revised Statutes as amended by that act. In Ex parte Jackson (96 U. S., 727) it was held—

And here the court quotes almost literally the opinion of the court in the case of Ex parte Jackson—

it was held that the power vested in Congress to establish post offices and post roads embraced the regulation of the entire postal system of the country, and that under it Congress may designate what may be carried in the mail and what excluded; that in excluding various articles from the mails the object of Congress is not to interfere with the freedom of the press or with any other rights of the people but to refuse the facilities for the distribution of matter deemed injurious by Congress to the public morals; and that the transportation in any other way of matters excluded from the mails would not be forbidden. Unless we are prepared to overrule that decision, it is decisive of the question before us.

That decision has been referred to as a precedent in later decisions in regard to the power of Congress to provide for the exclusion of matter from the mail through the action of the Postmaster General.

I now refer to the case which I had in mind in the first instance, the case which recognizes the right of a hearing on the part of the person feeling himself aggrieved, the case of Public Clearing House against Coyne, in One hundred and ninety-fourth United States, decided at the October term of the Supreme Court in 1903. The idea is sometimes sought to be conveyed that, because the Postmaster General may act

in the first instance without its having been decided by a court that the matter comes within the prohibition of the law and should be excluded from the mails, it is a denial to the party of due process of law. If that be true, we are in every department of the Government and every day denying the individual the right of due process of law. The court says:

It is too late to argue that due process of law is denied whenever the disposition of property is affected by the order of an executive department. Many, if not most, of the matters presented to these departments require for their proper solution the judgment or discretion of the head of the department, and in many cases, notably those connected with the disposition of the public lands—

Cited as an illustration—

the action of the department is accepted as final by the courts, and even when involving questions of law this action is attended by a strong presumption of its correctness.

But coming now to that part of the opinion which allows the right to be heard, the court says—

That the party injured has a right to invoke the judicial power of the Government whenever his property rights have been invaded by the exercise of such power was settled by this court in Noble v. Union River Logging Railroad (147 U. S., 165), as well as in the McAnnulty case—

Previously referred to in this opinion—

but, as already indicated, it would practically arrest the executive arm of the Government if the heads of departments were required to obtain the sanction of the courts upon the multifarious questions arising in their departments, before action were taken, in any matter which might involve the temporary disposition of private property. Each executive department has certain public functions and duties, the performance of which is absolutely necessary to the existence of the Government, but it may temporarily at least operate with seeming harshness upon individuals.

Again it is pertinent to ask in this case, which must be of most concern to us—the loss sustained by the individual, his inconvenience for the time being, or the safety and welfare of the public? It is upon this ground, of course, that we must sometimes submit to errors, or perhaps abuses even, on the part of those holding executive offices.

But it is wisely indicated that the rights of the public must in these particulars override the rights of individuals, provided there be reserved to them an ultimate recourse to the judiciary.

I early learned this, Mr. President, as a maxim of the law: "There is no wrong without a remedy." We can broadly apply it. Unless it is in the case where the public welfare and safety must be taken as the prime consideration, and on that account full redress can not be given to the individual through the courts, there is no wrong without a remedy.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him a minute?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield; yes.

Mr. NELSON. I recall very well that the Supreme Court has in several cases—in one particular case the title of which I can not give just at this moment—decided that "due process of law" does not necessarily mean that the case must be considered in court, in a judicial tribunal. If jurisdiction is conferred upon an executive department or an executive officer, and that officer gives a hearing, and a full hearing is accorded to the other side, and due consideration is given to his case, then and in that case there has been due process of law, and it is not absolutely necessary that it shall be carried on in a judicial tribunal.

Mr. STERLING. Certainly.

Mr. NELSON. The main point is that the party interested shall have a full hearing and a full opportunity to have his case considered; and if he has he has had due process of law.

Mr. STERLING. Certainly, Mr. President.

Mr. FRANCE. Mr. President——

Mr. STERLING. I yield to the Senator from Maryland.

Mr. FRANCE. I should like to ask the Senator if, in connection with this bill, he is defending the apparently growing practice of Congress in past legislation which tends to consolidate legislative, executive, and judicial powers in an executive official—if he is defending that tendency, or if he upholds it?

Mr. STERLING. Mr. President, I am not quite ready to agree with the Senator from Maryland that that is the tendency. I would not, assuming that it was a tendency, defend it. I do not believe in the practice of combining these three coordinate powers under one head or body.

Mr. President, the Senator from Idaho [Mr. BORAH], in discussing his amendment this morning, seemed to regard it as necessary because of the very wide discretion that the Postmaster General may have in excluding matter from the mail. Under the terms of this bill the Postmaster General can not exclude from the mails matters that criticize the President of the United States, or the Secretary of War, or the Secretary of the Treasury, or any other head of a department. The publisher may severely criticize any and all such officials. He may criticize our form of government. He may say that a soviet government is indeed preferable to a republican or representative form of government. He may say anything except in terms, or in language from which it may fairly be implied, that which advises or advocates the overthrow of the Government of the United States, or of all governments, by force or violence, or, for the purpose of accomplishing the same end, advises or advocates the destruction of property or the destruction of human life.

We can see at a glance that the Postmaster General has practically no discretion at all. It is confined within such narrow limits that to use the authority which this bill gives him can hardly be called the exercise of discretion.

Suppose a party feels himself aggrieved because this or that publication has been excluded from the mails. As I stated a while ago, he may at once apply to a Federal court for relief and for a restraining order; and it will be for that court, upon inspection there of the document, to interpret it and say whether or not, in direct language or in terms, it advocates or advises the overthrow of the Government by force or violence, or whether the words are such as to convey by fair implication the idea that the party to whom it is addressed, or the persons who may read it, should undertake to overthrow the Government by force or violence.

Mr. NELSON. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Is it not clear that the bill applies only to such publications or documents as advocate in direct terms the overthrow, by force and violence, or by physical injury to person or property, of the Government of the United States? Is it not strictly limited to that?

Mr. STERLING. Certainly.

Mr. NELSON. And is there any occasion to build up a man of straw, and conjure up dangers as to what may happen to that straw man, in a case like this? In this case the moment the Postmaster General attempted to cover more ground than I have referred to, could he not be immediately restrained in court and an injunction immediately issued against him?

Mr. STERLING. Most certainly.

Mr. NELSON. And the court would immediately say, in such a case as that, "The Postmaster General is outside of his jurisdiction. This law has not given him jurisdiction to pass upon anything except what is specified in the law."

Mr. STERLING. The Senator from Minnesota is entirely right in that proposition.

It may be readily seen that nearly the entire discussion on this bill up to date has been concerning the freedom of the press and the fear that we might enact some legislation here that would interfere with the freedom of the press as guaranteed in the first amendment to the Constitution.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I do.

Mr. FRANCE. My discussion this afternoon was directed to the point that if the legislation was designed to make those things crimes which the Senator has now described, statutes already exist which make them crimes. I should be pleased to ask the Senator if he is contending that those acts which he has described are not already crimes under the statutes?

Mr. STERLING. I will say, in answer to the Senator, that he has not yet produced the statute that is applicable to the particular cases covered by the bill, nor is he able to do it. The Senator uttered that challenge the other day, insisting that it was the duty of the proponents of the bill, by referring to the statutes, to point out the need of this legislation. Mr. President, 33 bills have been introduced in the Senate of the United States covering this or allied subjects. Thirty-six bills have been introduced in the House of Representatives covering this or allied subjects, very many of them covering all the features involved in this bill, or a portion of them. Then there was a subcommittee of the Judiciary Committee of the Senate that had a number of these bills referred to it, and we had them under consideration for a long time. The pending bill is the result of a combination of four different bills that have been introduced in the Senate of the United States—one by the Senator from Montana [Mr. WALSH], another quite similar bill by the Senator from Utah [Mr. KING], another by the Senator from Washington [Mr. JONES], and still another by the Senator from Indiana [Mr. NEW].

This bill is a combination of the principles involved in these four separate bills. So, Mr. President, the presumption is, after all these proceedings, that there is need for this legislation and that there is no statute which covers the features involved in this bill.

It is "matter of defense," then, for Senators opposed to the bill or opposed to any of the features of the bill on the ground that they are already covered by existing law to show that fact by producing the statutes showing that they have been so covered. As yet there has been no such showing made.

SECOND INDUSTRIAL CONFERENCE.

Mr. CALDER. Mr. President, I ask the pardon of the Senate for obtruding some observations this afternoon on a subject other than the one under consideration. It seems to me that the preliminary statement of the Second Industrial Conference appointed by the President, which was recently issued to the public, warrants some comment in this body. I ask unanimous consent that that statement may be printed in the RECORD.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

PRELIMINARY STATEMENT OF INDUSTRIAL CONFERENCE.

"I. Introduction.

"The Industrial Conference, convened by the President in Washington on December 1, issues this statement in the desire that certain tentative proposals be given considerate study by interested individuals and organizations throughout the country. It will reassemble on January 12 and will then carefully consider any constructive criticisms that may be submitted to it.

"The conference does not deem it useful at this time to enter upon a discussion of the causes of industrial unrest. It believes, rather, that its most important immediate contribution is the suggestion of practical measures which will serve to avert or postpone industrial conflicts.

"In confining itself to the proposal of machinery for the adjustment of disputes, the conference is far from wishing to exaggerate the importance of the mechanical as contrasted with the human elements in the situation. Our modern industrial organization, if it is not to become a failure, must yield to the individual a larger satisfaction with life. It makes possible a greater production of material things. But we have grown so accustomed to its complexity that we are in danger of forgetting that men are to-day more dependent on each other than ever before. The spirit of human fellowship and responsibility was easier to maintain when two or three worked side by side and saw the completed product pass from their hands. Yet their cooperation was actually less necessary because each by himself was more nearly capable, if circumstances demanded, to meet the needs of life. To-day we have a complex interweaving of vital interests. But we have as yet failed to adjust our human relations to the facts of our economic interdependence. The process toward adjustment, though slow, nevertheless goes on. The right relationship between employer and employee in large industries can only be promoted by the deliberate organization of that relationship. Not only must the theory that labor is a commodity be abandoned, but the concept of leadership must be substituted for that of mastership. New machinery of democratic representation may be erected to suit the conditions of present industry and restore a measure of personal contact and a sense of responsibility between employer and employee. The more recent development of such machinery with the cooperation of organized labor is a hopeful sign. But back of any machinery must be the power which moves it. Human fellowship in industry may be either an empty phrase or a living fact. There is no magic formula. It can be a fact only if there is continuous and sincere effort for mutual understanding and an unfailing recognition that there is a community of interest between employer and employee.

"Pending the growth of better relationships between employers and employees, the practical approach to the problem is to devise a method of preventing or retarding conflicts by providing machinery for the adjustment of differences. The conference believes that it is possible to set up a more effective series of tribunals for the adjustment of disputes than at present exists. To be successful, such tribunals must be so organized as to operate promptly as well as impartially. There must be full participation by employers and employees. There must be representation of the public to safeguard the public interest. The machinery should not be used to promote unfairly the interests of organizations, either of labor or of capital. The plain fact is that the public has long been uneasy about the power of great employers; it is becoming uneasy about the power of great labor organizations. The community must be assured against domination by either. On the other hand, there must be equal assurance that such machinery will not be used to discriminate against organizations of employees or of employers. Both should be protected. The right of association on either side should not be affected or denied as a result of the erection of such tribunals.

"The plan which follows does not propose to do away with the ultimate right to strike, to discharge, or to maintain the closed or the open shop. It is designed to bring about a frank meeting of the interested parties and cool and calm consideration of the questions involved, in association with other persons familiar with the industry.

"The plan is national in scope and operation, yet it is decentralized. It is different from anything in operation elsewhere. It is based upon American experience and is designed to meet American conditions. To facilitate discussion, the plan submitted, while entirely tentative, is expressed in positive form and made definite as to most details.

"II. Plan for boards of inquiry and adjustment.

"1. NATIONAL TRIBUNAL AND REGIONAL BOARDS.

"There shall be established a national industrial tribunal, and regional boards of inquiry and adjustment.

"2. NATIONAL INDUSTRIAL TRIBUNAL.

"The national industrial tribunal shall have its headquarters in Washington and shall be composed of nine members chosen by the President and confirmed by the Senate. Three shall represent the employers of the country and shall be appointed upon nomination of the Secretary of Commerce. Three shall represent employees and shall be appointed upon nomination of the Secretary of Labor. Three shall be representatives of the public interest. Not more than five of the members shall be of the same political party.

"The tribunal shall be, in general, a board of appeal. Its determinations on disputes coming to it upon an appeal shall be by unanimous vote. In case it is unable to reach a determination, it shall make and publish majority and minority reports, which shall be matters of public record.

"3. INDUSTRIAL REGIONS.

"The United States shall be divided into a specified number of industrial regions. The conference suggests 12 regions with boundaries similar to those established under the Federal Reserve System, with such modifications as the industrial situation may make desirable.

"4. REGIONAL CHAIRMEN AND VICE CHAIRMEN.

"In each region the President shall appoint a regional chairman. He shall be a representative of the public interest, shall be appointed for a term of three years, and be eligible for reappointment.

"Whenever in any industrial region, because of the multiplicity of disputes, prompt action by the regional board is impossible, or where the situation makes it desirable, the national industrial tribunal may, in its discretion, choose one or more vice chairmen and provide for the establishment under their chairmanship of additional regional boards.

"5. PANELS OF EMPLOYERS AND EMPLOYEES FOR REGIONAL BOARDS.

"Panels of employers and employees for each region shall be prepared by the Secretary of Commerce and the Secretary of Labor, respectively, after conference with the employers and employees, respectively, of the regions. The panels shall be approved by the President.

"At least 20 days before their submission to the President provisional lists for the panels in each region shall be published in such region.

"The panels of employers shall be classified by industries; the panels of employees shall be classified by industries and subclassified by crafts. The names of employers and employees selected shall be at first entered on their respective panels in an order determined by lot.

"The selection from the panels for service upon the regional boards shall be made in rotation by the regional chairman; after service the name of the one so chosen shall be transferred to the foot of his panel.

"6. REGIONAL BOARDS OF ADJUSTMENT.

"Whenever a dispute arises in a plant or group of plants which is not settled by agreement of the parties or by existing machinery, the chairman may on his motion, unless disapproved by the national industrial tribunal, and shall at the request of the Secretary of Commerce or the Secretary of Labor or the national industrial tribunal, request each side concerned in such dispute to submit it for adjustment to a regional board of adjustment. To this end each side shall, if willing to make such submission, select within not less than two nor more than seven days, at the discretion of the chairman, a representative. Such selection shall be made in accordance with the rules and regulations to be laid down by the national industrial tribunal for the purpose of insuring free and prompt choice of the representatives.

"When both sides shall have selected their representatives the chairman shall take from the top of the panels for the industry concerned, or in the case of employees for the craft or crafts

concerned, names of employers and employees, respectively. The representatives selected by the two sides shall be entitled to a specified number of peremptory challenges of the names so taken from their respective panels. When two unchallenged names of employers and employees shall have been selected in this manner, they, with the chairman and the representatives selected by the two sides, shall constitute a regional board of adjustment.

"The appointment of representatives of both sides shall constitute an agreement to submit the issue for adjustment and further shall constitute an agreement by both sides that they will continue, or reestablish and continue, the status that existed at the time the dispute arose.

"The board of adjustment so constituted shall proceed at once to hear the two sides for the purpose of reaching a determination. Such determination must be by unanimous vote. In case the board is unable to reach a determination the question shall, unless referred to an umpire as provided in section 9, pass upon appeal to the national industrial tribunal.

"7. REGIONAL BOARDS OF INQUIRY.

"If either side to the dispute fails, within the period fixed by the chairman, to select its representative, the chairman shall proceed to organize a regional board of inquiry. Such regional board of inquiry shall consist of the regional chairman, two employers selected in the manner specified from the employers' panel, and two employees selected in like manner from the employees' panel and of the representative of either side that may have selected a representative and agreed to submit the dispute to the board. If neither side shall select a representative within the time fixed by the chairman, the board of inquiry shall consist of the chairman and the four panel members only.

"Upon the selection of a representative, within the specified time, the side concerned shall be entitled to the specified number of peremptory challenges as provided above. The representative shall have the right to sit on the board of inquiry and to take full part as a member of such board in the proceedings thereof.

"The board of inquiry as so constituted shall proceed to investigate the dispute and make and publish a report, or majority and minority reports, of the conclusions reached, within 5 days after the close of its hearings and within not more than 30 days from the date of issue of the original request by the chairman to the two sides to the dispute, unless extended on unanimous request of the board or the national industrial tribunal. It shall transmit copies of this report or reports to the Secretaries of Commerce and of Labor, respectively, and to the national industrial tribunal, where they shall be matters of public record.

"8. TRANSFORMATION OF THE REGIONAL BOARDS OF INQUIRY INTO REGIONAL BOARDS OF ADJUSTMENT.

"At any time during the progress of the inquiry at which both sides shall have selected representatives and agreed to submit the dispute for adjustment, the board of inquiry shall become a board of adjustment by the admission to membership on the board of such representatives. The side or sides which appoint representatives after the date fixed in the original request of the chairman shall, because of its delay, suffer a reduction in the number of peremptory challenges to which it otherwise would have been entitled.

"The board of adjustment so constituted shall proceed to the determination of the dispute as though it had been organized within the period originally fixed by the chairman.

"9. UMPIRE.

"When a regional board of adjustment is unable to reach a unanimous determination it may by unanimous vote select an umpire and refer the dispute to him with the provision that his determination shall be final and shall have the same force and effect as a unanimous determination of such regional board.

"10. COMBINATION OF REGIONS.

"Whenever the questions involved in a dispute extend beyond the boundaries of a single region, the regions to which the dispute extends shall, for the purpose of such dispute, be combined by order of the national industrial tribunal, which shall designate the chairman of one of the regions concerned to act as chairman in connection with the dispute in question.

"Two employer members and two employee members shall be chosen from the combined panels of the regions involved in the dispute under rules and regulations to be established by the national industrial tribunal. The members representing the two sides to the dispute shall be chosen as in the case of a dispute in a single region.

"A regional board of inquiry or of adjustment, constituted for a dispute extending beyond the boundaries of a single region, shall have the same rights and powers conferred upon a regional board for a single region.

"11. EFFECT OF DECISION.

"Whenever an agreement is reached by the parties to a dispute or a determination is announced by a regional board of adjustment or by an umpire or by the national industrial tribunal, the agreement or determination shall have the full force and effect of a trade agreement, which the parties to the dispute are bound to carry out.

"12. GENERAL PROVISIONS.

"In connection with their task of inquiry and adjustment, the regional boards and the national tribunal shall have the right to subpœna witnesses, to examine them under oath, to require the production of books and papers pertinent to the inquiry, and their assistance in all proper ways to enable the boards to ascertain the facts in reference to the causes of the dispute and the basis of a fair adjustment. Provision shall be made by law for the protection of witnesses and to prevent the misuse of any information so obtained.

"All members of the tribunal and boards heretofore described, including the chairman and vice chairman, shall be entitled to vote.

"The President shall have the power of removal of the members of the tribunal and boards.

"In the presentation of evidence to the tribunal and the boards each side shall have the right to present its position through representatives of its own choosing.

"The Secretary of Commerce and the Secretary of Labor, in making nominations for the national industrial tribunal and in preparing and revising the regional panels of employers and employees, shall from time to time develop suitable systems to insure their selections being truly representative.

"The national industrial tribunal, the regional boards of adjustment, and the umpires shall in each of their determinations specify the minimum period during which such determinations shall be effective and binding. In case of emergency a regional adjustment board or the national industrial tribunal may, after hearing both sides, alter its determination by abridging or extending the period specified.

"13. SPECIAL PROVISIONS.

"The terms of office of members of the national industrial board shall be six years; at the outset three members, including one from each group, shall be appointed for a term of two years, three members for a term of four years, and three members for a term of six years; thereafter three members, one from each group, shall retire at the end of each period of two years. Members shall be eligible for reappointment.

"The regional panels provided for in section 5 shall be revised annually by the Secretaries of Commerce and of Labor, respectively, in conference with the employers and employees, respectively, of each region.

"14. RELATION OF BOARDS TO EXISTING MACHINERY FOR CONCILIATION AND ADJUSTMENT.

"The establishment of the national industrial tribunal and the regional boards described shall not affect existing machinery of conciliation, adjustment, and arbitration established under the Federal Government, under the governments of the several States and Territories or subdivisions thereof, or under mutual agreements of employers and employees.

"Any industrial agreement made between employers and employees may, by consent of the parties, be filed with the national industrial tribunal. Such filing shall constitute agreement by the parties that in the event of a dispute they will maintain the status existing at the time the dispute originated until a final determination, and that any dispute not adjusted by means of the machinery provided through the agreement shall pass on appeal to the national industrial tribunal for determination, as in the case of a dispute submitted on appeal from a regional board.

"*III. Objects of plan.*

"The main objects of the above plan are to secure national coordination and to stimulate the formation of bodies for local adjustment. The requirement of unanimity of agreement has by experience in the United States proved remarkably successful and should assure such confidence that neither side can rightfully refuse to submit to adjustment. A precedent condition of such submission is that the interruption of production shall be delayed. The frank meeting of the parties in controversy together with other men skilled in questions at issue always gives promise of settlement. On the other hand, refusal to submit to the board not only inaugurates a legal inquiry but also prejudices the obstinate party or parties in public opinion. Moreover, the fact that membership on the board of inquiry is available to either party to the conflict singly would tend further to weaken the position of the other. When both parties join, the board at once becomes a board of adjustment, and conflict ceases by agreement until a determination is reached.

"*IV. Statement as to public-utility industries.*

"The plan here proposed presents greater difficulties in application to certain public utilities than to competitive industry. The continuous operation of public utilities is vital to public welfare. As the capital invested is employed in public use, so is the labor engaged in public service; and the withdrawal of either with the result of suspending service makes the people the real victim. While continuous operation of all utilities is conducive to the general convenience of the people that of some of them is essential to their very existence. Of the latter class the railways are a conspicuous example and bear the same relation to the body politic as do the arteries to the human body. Suspension produces practical social and economic anarchy and may impose hardship even to the point of starvation upon large sections of the community. The interruption in such essential public utilities is intolerable.

"The conference believes that a plan of tribunals or boards of adjustment and inquiry should be applied to public utilities, but in the adaptation of the plan two problems present themselves. First, governmental regulation of public utilities is now usually confined to rates and services. The conference considers that there must be some merging of responsibility for regulation of rates and services and the settlement of wages and conditions of labor. Such coordination would give greater security to the public, to employee, and to employer. Second, is the problem whether some method can be arrived at that will avert all danger of interruption to service. These matters require further consideration before concrete proposals are put forward.

"*V. Statement as to Government employees.*

"The Government is established in the interests of all the people. It can be conducted effectively only by those who give to its service an undivided allegiance. The terms and conditions of employment in the Government service are prescribed by law. Therefore no interference by any group of Government employees or others with the continuous operation of Government functions through concerted cessation of work or threats thereof can be permitted.

"The right of Government employees to associate for mutual protection, the advancement of their interests, or the presentation of grievances can not be denied, but no such employees who are connected with the administration of justice or the maintenance of public safety or public order should be permitted to join or retain membership in any organization which authorizes the use of the strike or which is affiliated with any organization which authorizes the strike.

"The conference is not now expressing an opinion upon the propriety of the affiliation of other classes of Government employees with organizations which authorize the use of the strike.

"The principles above stated are not to be construed as inconsistent with the right of employees individually to leave the public service. It is, further, an essential part of the application of these principles that tribunals shall be established for prompt hearing of requests and prompt remedy of grievances. The legislation of the Nation, the States, and the municipalities should be improved in such a way as to prevent delay in hearings and to enable speedy action when there are grievances.

"*VI. Further work of the conference.*

"On reconvening the conference will continue its consideration of tribunals for the furtherance of industrial peace in general industry in the light of whatever criticisms and suggestions the publication of its tentative plan may call forth. It will receive reports of investigations that are being made for it. On the basis of such reports and of further study of these and the other subjects within its field, the conference hopes that it may be able to contribute something more toward the better industrial relations described in the words addressed to it by the President when he called it into being—relations in which 'the workman will feel himself induced to put forth his best efforts, the employer will have an encouraging profit, and the public will not suffer at the hands of either class.' To this end it invites the cooperation of all citizens who have at heart the realization of this ideal of a better industrial civilization.

"(Signed) The President's Industrial Conference; W. B. Wilson, chairman; Herbert Hoover, vice chairman; Martin H. Glynn, Thomas W. Gregory, Richard Hooker, Stanley King, Samuel W. McCall, Henry M. Robinson, Julius Rosenwald, Oscar S. Straus, Henry C. Stuart, F. W. Taussig, William O. Thompson, Henry J. Waters, George W. Wickersham, Owen D. Young, members. Attested: Henry R. Seager, executive secretary.

"DECEMBER 19, 1919."

Mr. CALDER. Mr. President, in my address to the Senate on October 11, just after the assembling of the first industrial conference, I mentioned Federal incorporation as a means of establishing the authority of trade agreements and contracts, and I have expressed the hope that—

> the country might receive from the first conference constructive ideas as to the application of the principles of Federal incorporation to aggregations of both employers and employees, as a part of the machinery referred to by the Secretary of Labor by which rights may be safeguarded and justice secured—

for I am among those who believe that it is even more important and practical to devote our thoughts to insuring the execution in letter and, if possible, in spirit, of agreements already made, than it is to devoting them to creating machinery for making additional agreements.

In reading the preliminary statement of the second industrial conference, which I have done with much interest, I have been a little disappointed in failing to note provisions establishing the authority of contract and the equal responsibility of the parties.

I have noted that the statement of the conference lays stress upon the concept that leadership must be substituted for mastership, but I am led to question whether the plan proposed in the statement, admirable as it may be in other respects, does not take away from the employer the element of leadership so vitally essential to increase the production of the country.

I feel free to draw attention to these matters of establishing the authority of contract and of maintaining leadership in industry, inasmuch as the preliminary statement of this conference was issued in the desire that its tentative proposals be given considerate study by interested individuals and organizations throughout the country so that this conference might receive constructive criticisms when it reassembles on January 12. On the basis of such criticisms and reports and on the basis of a further study, the conference expresses its hope that it may be able to contribute something toward better industrial relations in the words addressed to it by the President when he called it into being, relations in which—

> the workman will feel himself induced to put forth his best efforts, the employer will have an encouraging profit, and the public will not suffer at the hands of either class.

To this end the conference has invited and is entitled to the cooperation of all citizens, and it is in this spirit of cooperation that I am directing my remarks, well realizing the difficulty of grasping, without having followed the committee's deliberations in detail, the full import of its preliminary statement.

I believe that public opinion does and should always rule this country. Public opinion must be founded on authentic facts; it should be accurately informed. I believe there are many controversies between employer and employee in which the issues are not understood by the public. There are some in which the public is vitally concerned, but there are many in which the public has no direct interest. If the machinery suggested by the conference could give a clear statement of the issues to the public in matters in which the public is vitally interested, without entangling the whole industry of the country and thus defeating the purpose of informing public opinion, it would be rendering a service of great value. Disputes that should logically be considered are those disputes in which the public as a whole has an interest. This means that the conference should clearly define which industries should be subject to action by the proposed tribunals.

I commend the statement of the conference that—

> * * * The Government is established in the interests of all the people. It can be conducted effectively only by those who give to its service an undivided allegiance.
>
> The right of Government employees to associate for mutual protection, the advancement of their interests, or the presentation of grievances can not be denied, but no such employees who are connected with the administration of justice or the maintenance of public safety or public order should be permitted to join or retain membership in any organization which authorizes the use of the strike or which is affiliated with any organization which authorizes the strike. * * *

While the conference holds that the continuous operation of some public utilities, notably railroads, is essential to the very existence of the people; that suspension produces social, political, and economic anarchy, and may impose hardship, even to the point of starvation, upon large sections of the community; and while it recognizes the problem of averting the danger of interruption of service, it believes that these matters require further consideration before concrete proposals are put forth. It seems to me that those public utilities the cessation of which might produce political, social, and economic anarchy and impose starvation on large sections of the community should be classed with Government service, and that the public will await these concrete proposals of the conference with vital interest.

If I understand the preliminary statement of the conference correctly, it proposes, without affecting the present Federal,

State, or private machinery of conciliation or adjustment, to set up a more effective series of tribunals for the settlement of disputes than at present exists, to consist of a national industrial tribunal, with regional boards of inquiry and adjustment, whose findings shall have the force and effect of a trade agreement between the parties. If a finding is not made, the majority and minority reports may be published and filed. But the tribunal and its subsidiaries may inaugurate legal inquiries, with the right to subpœna witnesses, examine them under oath, and require them to produce books and papers pertinent to the causes of the dispute and to the basis of its fair adjustment.

It might seem unfair to impose upon the employer the obligation of continuing to disclose his books and papers and the very good will of his business upon the complaint of possibly small groups of disgruntled employees, especially without having the assurance that the decision, if ultimately reached, would be kept in spirit or even in letter.

I find myself in grave doubt whether the proposed tribunals would not constitute a court of appeal, without adequate authority and without adequate responsibility, and would not take away from the employer the moral leadership now so necessary for the increase of production, placing the de facto industrial leadership in the hands of these tribunals rather than in the hands of the employer and placing the whole industry of the country "in leading strings, which may soon become hopelessly entangled."

It is only through the closest relationship between employer and employee in each individual undertaking adjusted to its own local needs that working conditions may be sufficiently elastic to meet the many circumstances arising throughout the Nation. These tribunals might form precedents in one part of the United States not adapted to another, and they might tend to nationalize rather than to localize disputes. Time and interest of both employer and employee, which should be devoted to productive work, may be diverted to the selection of the members of the proposed tribunals and to considerations of strategy, with the ultimate effect of a greater burden of cost upon the public.

The proposed tribunals appear to be more adaptable to those public utilities the cessation of which would not seriously interfere with public welfare than to private business.

In common with other legislators I have received inquiries as to my views on a new basis of compensation. If by a query as to a new basis it is inferred that the legislators are to invent a method by which the wage earner will get more than he produces, the legislators are being asked to create an economic perpetual-motion machine.

The Secretary of Labor, Hon. William B. Wilson, who is indeed a practical labor man, as well as an experienced legislator, in his address before the conference of mayors and governors last spring went as far as any practical man has yet been able to go when he stated:

> To my mind it is a truism that every man is entitled to the full social value of what his labor produces. The difficulty, however, is that human intelligence has not yet developed a method by which we can determine what the social value of anyone's labor is; so because of our inability to compute the value of labor we have been going on determining the social values of labor on a competitive basis, modified to a greater or lesser extent by the organizations of capital on the one side and the organizations of labor on the other.

And I might say modified to a greater or lesser extent by the law of supply and demand.

I may admit that I am among those who entertain grave doubts as to the national helpfulness of boards or tribunals which may chance to intervene between employer and employee in defiance of the laws of supply and demand.

While we may not be able to devise practical machinery for the equitable distribution of the production of labor, yet it is easily within our power to devise adequate legislation to preserve the capital value of the human machine through child and women labor laws through restricting the hours of work in dangerous occupations and through minimum wage, and so forth.

We may at least refrain from passing legislation tending to estrange the employer and the employee and which might nationalize rather than localize labor disputes.

We may encourage the present successful practice of settlement of disputes by local voluntary arbiters.

We may provide for the enforcement of trade agreements by Federal incorporation or other similar device.

We may enact legislation looking toward a wider distribution of real property through an adequate system of long-term banking and reverse the present tenantry drift to an ever-increasing percentage of home ownership. The work done by men to avoid hunger and necessity will not go far to increase production. It is the work inspired by the motive of possession that increases the Nation's production and that yields a larger satisfaction with life to the individual who through saving becomes independent.

We may eliminate special privilege in many of its phases. The wage earner asks for no philanthropy. He fully realizes that the law of supply and demand must eventually rule, but he wants a square deal, as Secretary Wilson has said so clearly:

> I do not believe that any country owes any man a living, but I do believe that every country owes every man an opportunity to earn a living.

The members of this conference have thought in the terms of common good, and it is my belief that something permanently helpful may come from their deliberations; but, as I stated in my address to the Senate on October 11 last:

> Temporary conditions in industry are not the real issues. Temporary remedies may do more harm than good, just as the policy of following the line of least resistance during the war aggravated the industrial controversies we have had since the armistice was signed.

If all unjust employers, disaffected employees, the I. W. W.'s, and the anarchists, and the Karl Marx professors of all the world were transported to Mars, never to return, their places would soon be filled by others, if the causes continued to obtain. These causes date back many generations. They are world wide, and this Nation is being affected by them as, through travel and communication, the distances between it and foreign countries are shortened.

As the knowledge of geography and navigation developed, the exploitation of the weaker races by the stronger swept around the globe and then the exploitation of the weaker groups by the stronger groups of the same race localized itself in each nation finally under the feudal systems, until the United States became the one star of hope to the oppressed peoples of the earth.

But as Herbert Hoover so aptly writes in the Saturday Evening Post of December 27:

> The United States has been for 150 years steadily developing a social philosophy of its own. This philosophy has stood this period of test in the fire of common sense; it is, in substance, that there should be an equality of opportunity—an equal chance—to every citizen. This view—that every individual should within his lifetime not be handicapped in securing that particular niche in the community to which his abilities and character entitled him—is itself the negation of class. Human beings are not equal in these qualities, but a society that is based upon a constant readjustment of the relative influence and rewards of individuals in the community, upon the basis of ability and character, is a moving, virile mass—it is not a stratification of classes. Its stimulus is competition.
>
> It is the essence of democracy that progress of the mass must rise from progress of the individual. It is the only road to a higher civilization. Its conception of the State is of one that, representative of all the citizens, will in the region of economic activities limit itself in the main to the prevention of economic domination of the few over the many.

Now, the United States is particularly suffering from the reaction of those who have been oppressed in foreign countries against those who migrated to this country years before and enjoyed opportunity of advancement, and it is but to be expected that these immigrants, smarting under conditions of injustice at home without full knowledge of the opportunities in this country, should react against the more fortunate who came before them as they might have reacted against their feudal or class masters had they remained in their own countries.

We can but eliminate those causes within the jurisdiction of the United States.

While our employers and employees have had periodic controversies, the normal condition in this country has been one of peace, of increasing productiveness, of development of better standards of living, as the resources of the country have been developed and the organization of its people has been perfected through self-control and through common justice.

This country can continue to prosper only through increased production in proportion to increased standards of living. This means work; this means improved tools of industry; this means investment in tools of industry rather than expenditures for consumable commodities; this means intelligent conservation of the resources of the individual as well as intelligent conservation of the resources of the Nation. By scientific use and conservation of our human and material resources we may lead the world in the increase of productive capacity.

Since the introduction of machinery during the past 150 years it is probable that the per capita productive capacity of the world has increased two hundred times, but unfortunately this productive capacity has not been conserved, but has been diverted to comparative nonessentials and has been handicapped by personal inefficiency, has been exploited by groups and governmental intervention in favor of one group or another or in conflict between nations.

During the past five years the productive capacity of the world has been checked and diverted to the needs of war. The production of millions of men has gone into the scrap heap.

Since the armistice such productive capacity as has remained has been largely directed toward consumable rather than toward capital commodities. As Pope Benedict said, on December 24, in his address to the cardinals:

To-day there is no limit to the dissipation of wealth and the drying up of the sources thereof.

The reaction of war strain has been shown in idleness and lack of initiative. Special privilege, at the expense of the public, is sought by the various groups in interest to offset governmental interference of war and prewar times. In Russia it is confiscation, in England it is subsidy, in the United States it is exemption—exemption from the normal application of laws and of taxation, exemption for the enjoyment of ill-advised franchises as well as for the enjoyment of the unearned increment of undeveloped natural resources.

Thought and leadership have unfortunately not been directed to the replenishment of exhausted capital, but to world-wide discussions over the division of the remaining capital depleted by five years of war and one year of comparative inaction.

The second industrial conference will do well if it brings home to the American people the concept that leadership must be substituted for mastership—that such leadership must be human, moral, practical, and scientific, for without such leadership there can be no adequate development in production. It will do well if it can bring home to the American people the concept of the validity of trade agreements—in honor and spirit, as well as in letter. It will do well if it can devise means for bringing the employer and employee in each small enterprise together and thus localize rather than nationalize disputes which otherwise might involve through sympathetic strikes the many people innocent of the original causes.

WATER-POWER DEVELOPMENT.

Mr. NELSON. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

The VICE PRESIDENT. The first amendment of the Committee on Commerce passed over will be stated.

The ASSISTANT SECRETARY. On page 17, after line 23, strike out:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

And in lieu thereof insert:

That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission, for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures ownd by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 10, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 9, 1920.

UNITED STATES SHIPPING BOARD.

Thomas A. Scott to be a member of the United States Shipping Board. (Reappointment.)

REGISTER OF LAND OFFICE.

John C. Stoner, of South Dakota, to be register of the land office at Lemmon, S. Dak.

RECEIVER OF PUBLIC MONEYS.

William H. Tompkins, of South Dakota, to be receiver of public moneys at Rapid City, S. Dak.

PROMOTIONS IN THE COAST GUARD.

Engineer in Chief Quincy B. Newman, United States Coast Guard, to have temporarily the rank of captain in the Navy and colonel in the Army:

Third Lieut. Frederick J. Birkett and Third Lieut. George R. Crosby to be second lieutenants in the Coast Guard.

PROMOTIONS IN THE ARMY.

INFANTRY.

To be lieutenant colonels.

Maj. Dwight W. Ryther, Infantry, from December 24, 1919.
Maj. William F. Creary, Infantry, from December 27, 1919.

To be majors.

Capt. Gideon H. Williams, Infantry, from November 7, 1919.
Capt. Fred W. Bugbee, Infantry, from November 12, 1919.
Capt. William M. Goodale, Infantry, from November 20, 1919.
Capt. Leonard T. Baker, Infantry, from November 20, 1919.
Capt. Charles S. Frank, Infantry, from November 22, 1919.
Capt. Franklin S. Leisenring, Infantry (Quartermaster Corps), from November 22, 1919.
Capt. Charles F. Andrews, Infantry, from November 22, 1919.
Capt. Allan L. Brigss, Infantry, from November 25, 1919.
Capt. James M. Petty, Infantry, from December 1, 1919.
Capt. John B. Shuman, Infantry, from December 10, 1919.
Capt. Charles G. Lawrence, Infantry, from December 24, 1919.

PROMOTIONS IN THE NAVY.

Capt. Jeter R. Horton, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of major, from the 1st day of August, 1919.

Capt. Henry N. Manney, jr., to be a major in the Marine Corps from the 23d day of November, 1919.

Capt. Franklin B. Garrett to be a major in the Marine Corps from the 11th day of December, 1919.

Second Lieut. Robert S. Hunter to be a first lieutenant in the Marine Corps from the 29th day of September, 1918.

First Lieut. Robert S. Hunter to be a captain in the Marine Corps from the 30th day of September, 1918.

Maj. James K. Tracy to be a lieutenant colonel in the Marine Corps, for temporary service, from the 6th day of January, 1920.

Capt. George H. Osterhout, jr., to be a major in the Marine Corps, for temporary service, from the 18th day of December, 1919.

Capt. John Q. Adams to be a major in the Marine Corps, for temporary service, from the 6th day of January, 1920.

Sergt. Herman H. Hannekan to be a second lieutenant in the Marine Corps, for temporary service, from the 23d day of December, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1920.

COLLECTOR OF INTERNAL REVENUE.

Carl A. Hatch to be collector of internal revenue for the district of New Mexico.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

CAVALRY ARM.

Second Lieut. James C. Styron, Coast Artillery Corps, to be second lieutenant of Cavalry.

COAST ARTILLERY CORPS.

Second Lieut. Auston M. Wilson, jr., Cavalry, to be second lieutenant in the Coast Artillery Corps.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 9, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Eternal One, life-giving, life-sustaining Potentate, infinite in all Thine attributes, boundless in Thy resources, let Thy spirit possess each Member of this legislative body, that all its enactments may be in consonance with the laws Thou hast ordained, to still unholy strife and the unrest prevalent throughout our land, that the genius of our Republic may come in all fullness, happiness enter every home, and all good obtain. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 3175) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 263. Joint resolution extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

LEAVE TO PRINT.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to print in the RECORD the letter written by the President to the representatives of democracy at the Jackson Day dinner last night.

The SPEAKER. The gentleman from Texas asks unanimous consent to print in the RECORD the letter of the President referred to.

Mr. MADDEN. I would like to ask unanimous consent to couple with that the printing of Mr. Bryan's speech also.

Mr. GARNER. I have no objection, so far as I am concerned.

The SPEAKER. The gentleman from Illinois couples with that request a request that the speech of Mr. Bryan be printed also. Is there objection?

Mr. GARD. Mr. Speaker, I object to both.

The SPEAKER. Objection is made.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to print in the RECORD the address of Walker D. Hines, Director General of Railroads, before the Bar Association of the City of New York on January 7.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert in the RECORD the letter referred to. Is there objection?

Mr. MADDEN. The gentleman from Ohio objected.

The SPEAKER. Objection is made.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the secretary of state of Rhode Island, announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States, extending the right of suffrage to women.

CONDITION OF THE VIRGIN ISLANDS.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent for a change of reference of Senate resolution 69, which was sent to the Committee on Insular Affairs, to the Committee on Rules.

It seems that this joint resolution appoints a commission to report upon conditions in the Virgin Islands, and under our precedents all bills or joint resolutions providing for the appointment of commissions are to be sent to the Committee on Rules.

The SPEAKER. The gentleman from Iowa asks unanimous consent to transfer from the Committee on Insular Affairs to the Committee on Rules Senate joint resolution No. 69. Is there objection?

There was no objection.

THE FIREMEN'S BILL.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the firemen's bill, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the firemen's bill, which the Clerk will report, disagree to the Senate amendment, and ask for a conference.

The Clerk read as follows:

A bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1916, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, is the ranking minority member of the gentleman's committee aware of the fact that the gentleman from Michigan was to call this up and send the bill to conference?

Mr. MAPES. I think he has no objection to it, although I have not spoken to him about it. The ranking minority member, as the gentleman knows, is not here, on account of sickness. The bill was considered and reported originally by a subcommittee of which Mr. JOHNSON of Kentucky and Mr. WOODS of Virginia were members on the minority side. I will say frankly that I have not spoken to Mr. WOODS of Virginia about it, but I do not think there is any question but that he would agree that this is the proper procedure.

Mr. GARNER. The reason why I make the suggestion to the gentleman is that it does seem to me that the practice of the House ought to be that when a gentleman gets up and asks unanimous consent to disagree to Senate amendments and send a bill to conference he ought at least consult with the probable conferee on the minority side in making the request. I shall not object now, but I make that suggestion now in the interest of the facilitation of the business of the House, that unless it is done there will probably be a policy adopted on the part of the House to object to requests of this kind.

Mr. MAPES. I believe in that policy, but I neglected to do it in this particular case.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Messrs. MAPES, GOULD, and WOODS of Virginia.

BRIDGE ACROSS THE SAVANNAH RIVER.

Mr. BRAND. Mr. Speaker, on last Monday, in my absence on account of the illness of a child, the bill H. R. 10922 was called up, and some objection was made at the time by the gentleman from Illinois [Mr. MANN]. I now ask unanimous consent to take it up.

Mr. WALSH. What is it?

The SPEAKER. The gentleman from Georgia asks unanimous consent for the immediate consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10922) to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River.

Mr. DOMINICK. Mr. Speaker, reserving the right to object——

Mr. SNYDER. Mr. Speaker, in order to save time and to get back to the consideration of the Indian appropriation bill, now before the House, I object.

The SPEAKER. Objection is made.

LEAVE TO PRINT.

Mr. SIMS. Mr. Speaker, I would like to renew my request that I made a moment ago.

INDIAN APPROPRIATION BILL.

Mr. SNYDER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11368, the Indian appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11368, the Indian appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $200,000: *Provided*, That a report shall be made to Congress by the superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated

by this provision: *Provided further*, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisposed claims or uncontested leases (except oil and gas leases) now required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

Mr. MANN of Illinois. I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, for the purpose of making a short statement. We all know that the railroad legislation is in conference and that it is the most important legislation before Congress. The Director General of Railroads delivered an address before the Bar Association of New York on the 7th of January, of which I have a full copy. Only portions of it have been printed in the papers that I have seen, and in the interest of the public I ask that it be printed in the RECORD.

Mr. GREEN of Iowa. Mr. Chairman, I object.

Mr. SIMS. Do you want to commence objecting to a thing as important as this? This is no political speech or anything like that.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. MANN] to reserve a point of order on the paragraph.

Mr. MANN of Illinois. I did.

The CHAIRMAN. Then the Chair thinks the amendment is not in order until the point of order is disposed of.

Mr. CRAMTON. I ask to have my amendment read for information. Then I will make a statement about it.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 48, line 2, after the word "provision," strike out lines 2 to 18, inclusive, and insert in lieu thereof the following:

"*Provided further*, That hereafter no undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) heretofore required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order."

Mr. CRAMTON. Mr. Chairman, just a word of explanation. The language on page 48, from lines 2 to 18, inclusive, covers legislation for the purpose of changing the old practice of sending leases to the Interior Department for approval when they relate to the lands of the Five Civilized Tribes—leases other than oil and gas. There has been some controversy about this proposition for two or three years, but last year an agreement was reached by the parties who had been giving attention to it, and the language in this bill was placed in the bill a year ago as a result of that agreement. It was the intention at that time to put it in the form of permanent legislation. There seems to have been some misunderstanding with reference to what was the effect of the language. The Bureau of Indian Affairs did not apparently understand that it was permanent legislation, and so the language is repeated in the bill again this year. In my judgment the language that appears in the bill, and which was in the law last year, was permanent legislation in effect.

Mr. MANN of Illinois. The gentleman will notice, however, that the very beginning of the proviso says—

Provided further, That no part of said appropriation shall be used—

Which makes it simply a limitation on the appropriation for the current year.

Mr. CRAMTON. That would be true as to the first part of the provision.

Mr. MANN of Illinois. That is all that it does.

Mr. CRAMTON. That is as to the forwarding of undisputed claims.

Mr. SNYDER. I was unable to hear the remark of the gentleman from Illinois.

Mr. MANN of Illinois. This whole paragraph is dependent upon the proposition in the first part of it that no part of this appropriation shall be used. Under the decisions, that clearly determines that it is not permanent legislation, but only law for the current year.

Mr. CRAMTON. I will say to the gentleman from Illinois that the misunderstanding has come about by reason of that language, but there are two propositions in the provision; first, that no part of the appropriation shall be used in forwarding undisputed claims; and, second, which is independent of the first proposition, that such undisputed claims shall hereafter be paid, approved, rejected, or disapproved by the superintendent of the Five Civilized Tribes. But this misunderstanding has arisen, and in order to carry into effect the understanding that was arrived at last year, and to put it in such language that there can be no further question, and so that it will not be necessary to carry the language each year, I have offered this amendment, which cuts out the language that the gentleman from Illinois refers to, and makes it clearly and plainly permanent legislation.

Mr. HASTINGS. And the gentleman might add that the department has no objection to it.

Mr. CRAMTON. I have consulted with the gentlemen from Oklahoma [Mr. HASTINGS and Mr. CARTER], who are interested in the matter.

Mr. HASTINGS. And the department has no objection to the legislation.

Mr. MANN of Illinois. The only effect of this is to make permanent law what otherwise would be law for the current year.

Mr. CRAMTON. Yes; and to remove any question about it.

Mr. MANN of Illinois. Is the gentleman so well satisfied on this subject that he thinks it ought to be practically removed from the control of Congress—not theoretically but practically?

Mr. CRAMTON. I fought the proposition for two or three years, but I was especially concerned about the oil and gas leases. Over my protest this language was put in the bill for one year and repeated last year, and there seem to have been no bad effects from it; and so long as it does not cover oil and gas leases I have no objection to accepting the proposition.

Mr. MANN of Illinois. The gentleman from Michigan opposed this proposition originally, and I rather sympathized with him in his views. Now the gentleman says the provision has been in effect possibly a year and a half, and has as yet produced no bad results. Why not try it again experimentally for another year, without trying to make permanent law at this time?

Mr. HASTINGS. I want to say to the gentleman from Illinois that the word "hereafter," in line 11, page 48, makes it permanent law beyond any question, and that was the intent last year.

Mr. MANN of Illinois. I do not think so.

Mr. HASTINGS. I invite the gentleman's attention to the word "hereafter," in line 11.

Mr. MANN of Illinois. That does not make any difference. I have not had the authority that the Comptroller of the Treasury has had in determining such things, but I have had considerable experience on the question as to what was permanent law and what was a temporary limitation, and I think this provision is only law for the current year.

Mr. CRAMTON. I would like to say to the gentleman from Illinois that I made an inquiry at the office of the comptroller, and while I do not think it would bind the comptroller when it came up formally, I was advised after they had looked it up that they considered it permanent legislation by reason of the word "hereafter" being used where it is.

Mr. HASTINGS. The gentleman from Illinois [Mr. MANN] is a distinguished parliamentarian, and I hesitate very much to place my judgment against the judgment of the gentleman from Illinois, but there is not a particle of question but that the word "hereafter," in line 11, makes the last part, with reference to the forwarding of all leases except oil and gas, permanent law.

Mr. SNYDER. Mr. Chairman, I would like to see if we can not clear this up and move along. My understanding is that the gentleman from Illinois is satisfied that this law is sufficient for the coming year.

Mr. CRAMTON. There is no doubt about that.

Mr. HASTINGS. You have the word of the comptroller that it is continuing law, why not leave the section as it is, and take the chance on its being continuing law for another year?

Mr. MANN of Illinois. I am not stubborn in the matter at all. While it is only current law, and while the gentleman from Michigan thinks it ought to be permanent law, if it is certain that the law will not work an injustice as a general thing, I have no objection to it, of course.

Mr. SNYDER. Mr. Chairman, I have listened to this argument for four years in committee. It is my belief that this is an improvement on the old system, but I agree with the gentle-

man from Michigan, that I would not want to go any further than we propose now to go here. I would be willing that this should be made permanent law or leave it undecided, as it is in the minds of some.

Mr. CRAMTON. The only reason I offered the amendment was to clear up the question.

Mr. MANN of Illinois. Mr. Chairman, I withdraw the reservation of the point of order that I made.

Mr. WALSH. I renew the reservation for the purpose of getting some information. Do I understand the gentleman from Oklahoma [Mr. HASTINGS] to say that the Indian Bureau is now agreeable to having this made permanent law?

Mr. HASTINGS. Yes; they have no objection.

Mr. WALSH. What has removed their objection?

Mr. HASTINGS. The objection they had was to cutting out oil and gas leases. They wanted the oil and gas leases sent up. They had no objection to the local authorities approving these claims.

Mr. MADDEN. Mr. Chairman, I ask for the regular order.

Mr. WALSH. I have reserved the point of order, and I would like to get some information.

Mr. HASTINGS. I will say that there is no objection to this as written by the Interior Department.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 44 ayes and 4 noes.

So the amendment was agreed to.

The Clerk read as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (art. 2, treaty of Nov. 16, 1805, and art. 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (art. 13, treaty of Oct. 18, 1820, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (art 6, treaty of Oct. 18, 1820, and art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for education (art. 2, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (art. 9, treaty of Jan. 20, 1825, and art. 13, treaty of June 22, 1855), $320; in all, $10,520.

Mr. SNYDER. Mr. Chairman, I ask to go back and take up the unfinished amendment offered yesterday by the gentleman from Oklahoma [Mr. HOWARD], on page 46, line 16. My understanding was that the amendment was to be revised and reoffered this morning for consideration.

Mr. SIMS. Will the gentleman from New York allow me to make a request for unanimous consent?

Mr. SNYDER. I prefer to go on.

Mr. SIMS. I am not going to use any time.

Mr. SNYDER. Very well.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to print in the RECORD, at the end of the day's proceedings, an address by Walker D. Hines, Director General of Railroads, before the Bar Association of the City of New York, in New York City, January 7, 1920.

Mr. WALSH. How many pages will it make?

Mr. SIMS. It is short.

Mr. CANNON. What is it about?

Mr. SIMS. It is on the question of legislation pertaining to the railroads.

Mr. WALSH. Recommending Government ownership?

Mr. SIMS. I do not know what it recommends nor what it does not recommend——

Mr. WALSH. Oh, then I object until the gentleman finds out.

Mr. SIMS. The gentleman did not let me finish. I have not read the whole address, only what was in the newspapers. If it advocates Government ownership, I do not know it, and if it does not I do not know it, but everybody knows that Mr. Hines knows more about railroads than almost anyone else.

The CHAIRMAN. The gentleman from Massachusetts objects.

Mr. SIMS. Well, there will be several more objections. I have never, in the 23 years that I have been a Member of this House, objected to a unanimous-consent request.

Mr. KNUTSON. That is a laudable record.

Mr. SIMS. If a Member is forced to do such a thing in order to defend himself against being so treated, he will have to resort to it.

Mr. WALSH. Mr. Chairman, the gentleman is clearly out of order. He has not been recognized, and I ask that his words be taken down.

A MEMBER. Oh, withdraw it.

Mr. WALSH. Well, Mr. Chairman, in order to appease the distinguished gentleman from Tennessee, I will make an exception in this case and withdraw my objection to his request.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. SNYDER. Mr. Chairman, since the gentleman made reference to me——

Mr. SIMS. Oh, no; I did not.

Mr. SNYDER. I desire to say that there was no discourtesy intended on my part toward the gentleman from Tennessee.

Mr. SIMS. Oh, I had no reference to the gentleman from New York. I thank him for his courtesy.

Mr. KNUTSON. I do not think the gentleman intended to reflect upon the gentleman from New York.

The CHAIRMAN. Is there objection?

Mr. CARTER. Mr. Chairman, reserving the right to object——

Mr. MADDEN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. CARTER. Of course, I am not going to object, but this ought not to go into the middle of this discussion on this bill.

Mr. SIMS. I stated, as a part of the request, that it was not to be printed as part of the current proceedings.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman, for the information of the chairman of the committee and the gentleman who reserved the point of order to my amendment on the Quapaw appropriation, on page 46, line 16, I want to say that we have not in any way revised the amendment as offered last night, for the reason that those of us who feel that this amendment in some form should be adopted are perfectly willing that the matter may be discussed here and ironed out in some way so as to prevent in the future such incidents as those referred to by the gentleman from Kansas [Mr. CAMPBELL] yesterday afternoon.

Mr. SNYDER. Then, as I understand it, the amendment stands and is now in order, with a point of order reserved against it.

Mr. MANN of Illinois. Mr. Chairman, I have no doubt that many instances of injustice could be cited under any law that has been passed. I think many more are likely to arise under a provision of this sort, and I speak with very limited knowledge on the subject, than are likely to arise under existing conditions. At any rate, this matter ought to receive careful consideration from the proper committee; and therefore I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat., p. 254).

Mr. MANN of Illinois. Mr. Chairman, I reserve the point of order on the paragraph for the purpose of asking whether it is proposed to erect any additional school buildings under this appropriation; and if so, how much of the money is to be used for that purpose?

Mr. SNYDER. Mr. Chairman, I can not say it is proposed to expend any money for new schools. I do not know that there is any thought in that direction in the minds of the bureau or the superintendent of that agency. The justification for the item makes no statement with regard to whether they intend to construct buildings or not.

Mr. MANN of Illinois. Does it use up the fund?

Mr. SNYDER. The total appropriation was used last year, every penny. There is no balance whatever.

Mr. MANN of Illinois. I mean in the justification that they give for this item.

Mr. SNYDER. They state for construction of new buildings, $1,825.28. That is all.

Mr. MANN of Illinois. Mr. Chairman, I withdraw the point of order

The Clerk read as follows:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, $9,000.

Mr. CHRISTOPHERSON. Mr. Chairman, I desire to offer an amendment to this paragraph to strike out the figures "$9,000" and to insert in lieu thereof the figures "$12,000."

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CHRISTOPHERSON: Page 55, line 16, after the word "employees," strike out the figures "$9,000" and insert in lieu thereof the figures "$12,000."

Mr. CHRISTOPHERSON. Mr. Chairman, I am in entire accord with the spirit of economy that the committee has exhibited in the drafting of this bill, but they have reduced this item requested by the superintendent 25 per cent. I feel that this reduction should not have been made. The hearings show that there was expended last year under that head $13,896. Of that $6,530 was for salaries. The superintendent asked for $12,000. I do not believe that he can get along with a less amount, and I am afraid that the reduction will affect the efficiency of the school maintained at that agency. As long as you are going to maintain that agency and a school there, I think that you should grant the superintendent the amount asked for, so that he may continue the school facilities in the same manner in which he has in the past.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. CARTER. The gentleman will note that on page 426 of the hearings the Assistant Commissioner of Indian Affairs states himself that that amount must be cut. I read:

Mr. MERITT. Mr. Chairman, we can take a small cut there on the appropriation. I suggest that it be cut to $9,000. During the last year we have issued patents in fee to a large number of those Indians, and our administrative duties will be reduced at that agency during the coming year.

Mr. CHRISTOPHERSON. Mr. Chairman, I will say to the gentleman that I am aware of that statement, and the large number of patents that were issued on that reservation were issued in 1916. I do not believe that the number of patents that have been issued will affect the needs of the school in any way. I would rather rely upon the judgment of the superintendent having charge of that school than the office here in Washington. I believe you will curtail the facilities of that school if you stand by this reduction.

Mr. CARTER. I will say to the gentleman that during my experience here—and I have had quite a bit with superintendents of schools—I have never yet seen one who would agree that a reduction in the amount appropriated for his school ought to be made.

Mr. CHRISTOPHERSON. That is probably true; but you are reducing from $13,850, the amount expended this year, to $9,000 for the coming year. The superintendent himself consented to a reduction of $1,896.

Mr. CARTER. It is so seldom that our Indian Bureau suggests itself a reduction in the amount that the committee did not feel like having any controversy over it, when the commissioner himself said it should be reduced.

Mr. CHRISTOPHERSON. No. I rather think he made a horizontal cut of $3,000 there upon the theory that the number of patents would reduce the expense, but I do not think the patents issued will necessarily reduce the expense.

Mr. SNYDER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment. It is not shown in the hearings there is any school involved in this $9,000 appropriation. The $6,530 appropriated last year was expended for salaries and irregular labor for the year 1919, and $439 was expended for transportation due to the fact that they had to haul the merchandise 16 miles from the railroad. The balance of the appropriation would be required in the purchase of subsistence for issue to old and needy Indians, forage for agency stock, equipment and material for the agency, fuels and illuminants, medical supplies, telegraph and telephone service, traveling expenses, and so forth. The assistant commissioner suggested that we could cut the item $3,000, and naturally that is what the committee was looking for, and we accepted his suggestion, and I believe we did the right thing under the circumstances as they were before us. Mr. Chairman, the committee believes that in all of these matters it gave them careful consideration and has allowed sufficient money in all of them for the reasonable and careful operation of these schools and the various activities connected with the service. Therefore I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $25,000 of any funds to the credit of the Indians on the Pine Ridge Reservation, and to expend the same for the construction of roads and bridges within said reservation.

Mr. TILSON. Mr. Chairman, I reserve a point of order against the paragraph. I wish to ask the gentleman from New York as to this road construction.

Mr. SNYDER. Yes, sir.

Mr. TILSON. The $25,000 provided for in this item for construction of roads and bridges in this reservation seems to be a new item. It is a small amount, to be sure, but what can be done with such a small amount of money in the construction of roads and bridges? While I am asking the question, let me make it comprehensive enough to cover all the information I wish to obtain. Is this appropriation for the benefit of the Indians; do they wish to have these roads and bridges constructed or is it principally for the benefit of the while people of the adjoining counties who wish to have roads connected up or bridges built?

Mr. SNYDER. I will say to the gentleman that all three of these items were presented to the committee by the gentleman from South Dakota [Mr. GANDY], a Member of this House, who gave us the information that they were entirely in the interest of the Indians. He gave us certain justifications. In reference to the first one, he said that this item is desired to provide for the opening of three unopened counties in the Pine Ridge Reservation by the construction of roads and bridges. These counties have no improvements of this character, and your committee is satisfied that the appropriation would be valuable to the Indians at this time. The Pine Ridge Indians had to their credit June 30, 1919, $561,790. In regard to the second item for the Cheyenne River, he justifies it by saying that they had $70,248 to their credit June 30, 1919, in the Treasury of the United States, which sum is applicable to this request, and it is further justified by the facts stated and the needs of the situation now existing. In regard to the third one, it is estimated the cost of the proposed bridge will be in the neighborhood of $100,000, and it is further estimated that the Indians' share of construction will be about $40,000. The river abuts on tribal lands and there is no bridge across the southern line of the reservation for more than 100 miles. Therefore your committee felt that both the welfare of the Indians and the accommodation of the public would be bettered by the granting of the request. The tribal funds of the Indians are sufficient to meet reimbursements for these various projects. Further, the white municipalities or State or county authorities pay two-thirds of this amount. No part can be expended until they put up their portion. Now, I would like, if the gentleman would permit, to read a telegram I received on the 6th of January from Mr. GANDY, who is out in that country now. This is addressed to me and he says:

I had expected to reach Washington by Wednesday, but now find I will be unable to leave here before Saturday of this week and will probably arrive in Washington about Tuesday, the 13th. If the Indian appropriation bill is considered by the House before I get there, I will deeply appreciate your attention to the amendments which I offered, for I am very anxious they remain in the bill. There should be no question about the Cheyenne River bridge and the Cheyenne Reservation road and Pine Ridge Reservation road items, for they are reimbursable and the Indians have plenty of money in the Treasury.

This is signed by HARRY L. GANDY.

Mr. TILSON. The gentleman's explanation as to the third paragraph is more satisfactory to me than the first two. So far as the first two are concerned, they are small sums, they are new items, and they are for the construction of roads and bridges. How many roads and bridges will $10,000 construct on the Cheyenne River Reservation? I do not know, but it seems to me that is a small amount of money to be expended in the construction of roads and bridges, and will probably be entirely lost. This money seems not to be reimbursable, but to be taken out of the tribal funds, and should be expended for their benefit. It seems to me that a careful scrutiny of these items is justified, so as to disclose whether or not this is simply a scheme on the part of the citizens of the counties adjoining to use the Indians' money to build roads and bridges. This is the aspect of the question that has appealed to me.

Mr. SNYDER. So far as my information goes, I have given the gentleman all that we have. Mr. GANDY appeared before the committee and asked to have these items put in the bill, giving the justifications I have outlined, and I am unable to state whether the Indians themselves asked for this project.

Mr. CARTER. Will the gentleman yield?

Mr. TILSON. I will.

Mr. CARTER. To begin with the gentleman from South Dakota [Mr. GANDY], as I recall, before the committee stated there were no roads, but they have only trails through this reservation. This is the Pine Ridge Reservation?

Mr. SNYDER. Yes.

Mr. CARTER. As this especially was a reservation where the counties were unorganized or unopened, there are no county officers or government at all. There is no way to make roads through that part of the country except from the tribal funds, and this is a reservation occupied entirely by Indians, I believe; perhaps there may be some tenants and renters. As I recall, I looked through the hearings but did not find it. The

gentleman from South Dakota stated that the Indians were building a road inside, as there were no roads they could get across the reservation to the town, and that this would simply consist in building dirt roads and cutting trees out of the way where there was timber, and so forth, and that the roads would not be very expensive.

Mr. SNYDER. Mr. GANDY says further in his telegram, although the language of the bill does not say so, that the appropriation is reimbursable, and that the Indians have plenty of money in the Treasury.

Mr. TILSON. Of course, they have plenty of money. That fact, coupled with the suspicion that this appropriation might be the result of a desire to build some of these roads from that money without due regard to the interests of the Indian, was the cause of my inquiry.

Mr. CARTER. The Pine Ridge expenditure is taken from the tribal funds.

Mr. TILSON. They are all taken from the tribal funds.

Mr. CARTER. So far as the Federal Treasury is concerned, that is better than if they were reimbursable.

Mr. TILSON. That is true, but I am looking to the interests of the Indians themselves. All I wish is to be satisfied that these items are for their benefit.

Mr. CARTER. Even with the little information I have about that, I will take the responsibility of saying that the items are practically for the benefit of the Indians themselves, because the Pine Ridge Reservation and others are nothing but Indian reservations. The counties are absolutely unorganized, and the roads will be used for the Indians and for the white tenants on the reservation who take the Indians' crops to market.

Mr. TILSON. The statement of the gentleman from Oklahoma, corroborated by the reported statement of the gentleman from South Dakota [Mr. GANDY], carries great weight. Therefore I am willing to withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For support and civilization of the Makahs, including pay of employees, $2,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

I have been receiving letters from time to time inquiring about certain Indian lands in the Papago country, in Pima County, Ariz., which are claimed by the heirs of Col. Robert M. Hunter, formerly of Washington, D. C. This claim is based upon 16 pretended deeds purported to have been made on December 8, 1880, by Luis, capitan of the Papago village of Santa Rosa, to Col. Hunter, conveying an undivided one-half interest in 2,600,000 acres of land.

Ten of these bogus deeds were placed of record in the county recorder's office at Tucson, Ariz., on June 2, 1917, by Robert M. Martin, of Los Angeles, Calif., who claims to have purchased three-fourths of Hunter's one-half interest in these lands in 1911. Martin is now engaged in selling an interest in these lands at 50 cents an acre, and I understand that he is having considerable success in deceiving people in and around Los Angeles as to the value of what they are purchasing from him. He has carefully avoided using the United States mails, however, in perpetrating this fraud.

The lands in question are now located within the Papago Indian Reservation created by Executive order on February 1, 1917, and the Indians are a unit in their opposition to the Hunter claim. All of the old Indians of Santa Rosa and the adjacent villages have been questioned and not one of them had ever heard of any such grant of land to Col. Hunter. Certainly these Indians received no consideration from him which would entitle him to one-half of their lands, for there is nothing to show that he ever did anything for their benefit.

Martin and the Hunter heirs are now basing their claim upon a decision of the United States Supreme Court rendered on March 3, 1919, which reversed the Supreme Court of the District of Columbia in the case of the Pueblo Santa Rosa against Franklin K. Lane, Secretary of the Interior, and others, and ordered a new trial. This suit was filed by Alton M. Cates, who claims to represent the Indians through an alleged power of attorney given to Col. Hunter in 1880, to prevent the Secretary of the Interior from disposing of the lands of the Papago Indians of the pueblo of Santa Rosa. The Indians now living at Santa Rosa knew nothing about the filing of this suit and are opposed to it. The Supreme Court held that the Papago Indians had occupied these lands from time immemorial, and that the Secretary of the Interior should not be allowed to depose them under the public-land laws. The authority of Capitan Luis, in behalf of the tribe, to give a quitclaim deed to Col. Robert Hunter is not mentioned in this decision. That question has never been presented to any court. In view of the creation of a reservation for the Papagos, covering the lands claimed by the Hunter heirs, I am satisfied that the Supreme Court of the District of Columbia will soon dismiss the suit filed by Cates.

I make this statement so that all persons who are buying land from Martin may have notice that they can never get title to these Papago lands; that they are being swindled; and that the whole scheme is fraudulent. I mention this matter publicly on the floor of the House in order to discount the activities of these land grafters who are operating in and around Los Angeles, Calif.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the unexpended balance of approximately $17,025 of the $22,500 appropriated by the Indian appropriation act for the fiscal year 1919 (40 Stat. L., p. 588), for the construction of a road on the Quinlault Reservation, Wash., to be reimbursed from any tribal funds of said Indians on deposit in the Treasury of the United States, is hereby reappropriated for the same purposes and upon the same terms and conditions as provided in said act, and to be immediately available.

Mr. WALSH. Mr. Chairman, I make the point of order upon the words "to be immediately available."

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $63,875; for general repairs and improvements, $8,000; for tile draining, $1,600; for new laundry equipment, $4,000; in all, $77,475.

Mr. EVANS of Nevada. Mr. Chairman, I would like to have unanimous consent to return to page 38 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to return to page 38 for the purpose of offering an amendment. Is there objection?

Mr. SNYDER. Let the amendment be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nevada: Page 38, line 9, strike out the words "in all, $94,000," and insert in lieu thereof "new kitchen and dining room, $20,000; in all, $114,000."

The CHAIRMAN. Is there objection?

Mr. SNYDER. Mr. Chairman, I object.

Mr. EVANS of Nevada. Mr. Chairman, "But the greatest of these is charity." Charity, when performed with proper purpose, is a noble act. It is fine to subscribe to the starving and despairing nations of Europe, but why neglect the Indians whose presence in America was in the way of our progress? In Nevada lives the offspring of a once brave people; samples of their craft and handiwork exist to-day, an example of artistic patience the equal of any race.

The early history of Nevada furnishes evidence of their bravery in warfare without compare. Seventy years ago the inevitable conflict was precipitated by our race; assassinations of from one to several Indians became of frequent occurrence. Finally a company of trained pioneers and Indian fighters was formed with the intention of exterminating the several hundred Indians living along the Truckee. With crude weapons, Indian clubs, bows and arrows, the Indians met the conflict some miles northwest of where Wadsworth now stands. The slaughter ended when the last white man of that expedition was dead. Subsequent time has brought subjugation to the natives and treaties which they sacredly kept. I hope to find good in all men. Your policies toward Indians are founded upon good intentions; your paternalism to them well meant. You intend to give them education, providing against cold and hunger. Nothing now stands between the pitiful remnant of a dying race in Nevada but charity. They will not steal, and your governmental policy only tantalizes them. They need food and shelter against a rigorous climate. Their soil will not produce without elaborate systems of irrigation. Paternalism of your bureau supplies positions of comfort to employees administering the lands of Indians, who should be given their own land, but Nevada Indians are very poor and decadent when they could be educated and restored. Do not economize too much. They are dying when proper quarters, food, and clothing would make them happy, and in time, some place, self-sustaining. Much as Europe needs charity, they can not need as does Nevada Indians living upon barren deserts with extreme rigors of winter, deprived of all means for sustenance. They do not comprehend advantages of education, which could be made attractive to them by surroundings of comfort and the opportunity for work, which they perform with gratitude, being very tractable. It is commendable that we retrench and economize upon appropriations, but there are boundary lines for economy. They begin at housing and food. If you built a highway 30 miles toward Richmond you could not economize with value to

the project by leaving 10 impassable miles unfinished. At Carson (Nev.) Indian School there has been a lack of funds for buildings necessary to house and feed the children. Average attendance can be doubled and a genuine interest in work and study created by providing necessary equipment. As a business proposition, 25 per cent increase of the appropriation would stimulate interest, attendance, and results about four times. What business man would expend $15,000,000 annually without being in constant personal contact with his business? But this department relies entirely upon precedent, custom, and reports. The chairman and two others of the Committee on Indian Affairs should spend 90 days each year in the Indian country. When they do this we will see good results doubled and have something tangible for the enormous sums expended.

The Clerk read as follows:

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, $6,899, or so much thereof as may be necessary, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in House Document No. 830 (60th Cong., 1st sess.), and the Secretary of the Interior is hereby authorized to expend the said sum in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting: *Provided*, That the unexpended balance of the appropriation for the fiscal year 1917 for said Indians, approximating $28,256.13, and the unexpended balance of the appropriation for the fiscal year 1918, approximating $55,057.37, are hereby reappropriated and made available until expended: *Provided, however*, That the above-mentioned sums shall be used only for the purposes set forth in section 25 of the act approved May 18, 1916 (39 Stat. L., pp. 156, 157), and section 24 of the act approved March 2, 1917 (39 Stat. L., p. 991).

Mr. SNYDER. Mr. Chairman——

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SNYDER. Mr. Chairman, I desire to offer an amendment on page 64, line 25, after the word "That," as follows:

Strike out all of line 25, and all of line 1, on page 65, and the word "and," on line 2, page 65.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. MANN of Illinois. The purpose of this amendment is simply to strike out the reappropriation of the balance of the appropriation for 1917?

Mr. SNYDER. Yes. And for the simple reason that the money has been turned back into the Treasury, and, as I understand, it can not now be reappropriated without becoming an addition to the appropriations carried in the bill. That was not stated to us in the hearings on the section, and therefore I offer the amendment to strike out the amount.

Mr. MANN of Illinois. Of course, all appropriations are covered back into the Treasury at the end of two years, except certain classes of them. This is one of those. The direct appropriation in this paragraph of $6,899, which is very close figuring, I should say, by the way, it is proposed to expend in the clearing of land and the purchase of houses, and so forth?

Mr. SNYDER. It is the balance of the money they claim to need for the finishing up of the project, in addition to the amounts which have already been appropriated, which they desire to have reappropriated.

Mr. MANN of Illinois. Does the gentleman from New York think that this will finish up the project?

Mr. SNYDER. Well, that was the information that we were given in the matter; that that would finish up the project, and there would be no further appropriation asked.

Mr. MANN of Illinois. Very well. I withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. The gentleman from New York [Mr. SNYDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SNYDER: Page 64, line 25, after the word "That," strike out the following language: "the unexpended balance of the appropriation for the fiscal year 1917 for said Indians, approximating $28,256.13, and."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stats. L., pp. 582–605), and printed as House Document No. 1663, Sixty-third Congress, third session, $1,000.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN of Illinois. Of course, the sum appropriated here is only $1,000. Is that just an entering wedge for very large appropriations in the future?

Mr. SNYDER. I will say to the gentleman that a year ago, in addition to that $1,000, there was added to the bill by another branch of Congress an item for $140,000. We succeeded in cutting out the $140,000 item by leaving in the $1,000 item to take care of a few old indigent Indians up there whom nobody seemed to be looking after.

Mr. MANN of Illinois. See if I can refresh the gentleman's recollection about another matter. There is quite a good deal of verbiage here indicating that some commissioner or officer had reported in favor of the expenditure of this money.

Mr. SNYDER. Yes.

Mr. MANN of Illinois. And anyone reading that paragraph would suppose that that was true, but it is not.

Mr. SNYDER. I know that it is not true.

Mr. MANN of Illinois. Now, this recommendation that is referred to here was for the appropriation of a small sum of money for the purpose of relieving cases of actual distress and suffering among these needy Indians in 1915. Here was a report submitted to Congress in 1915, urging that there be a small appropriation made to relieve cases then in existence of actual distress and suffering among these Indians. That report was made on January 30, 1915, transmitted to the House of Representatives March 3, 1915, and referred to here. Along comes a proposition now for an appropriation for the fiscal year 1921 to make this appropriation to relieve this actual distress and suffering, and the only purpose of the report before was to make a temporary appropriation to give these Indians a chance to do something. Now we propose to incorporate into this appropriation bill a provision not for this year, not to be expended probably in the calendar year 1920, but for the fiscal year of 1921. I would like to know whether we are going to follow the policy of supporting these Indians forever, and if so, we should strike out the hypocritical pretense—I do not mean that with offense to the Committee on Indian Affairs, mind you, because they did not prepare this language—but it is according to the report of somebody, apparently, when there is no such report in existence.

Mr. SNYDER. I agree with the gentleman that the reports he refers to, and with which we are familiar, say nothing whatever about this $1,000 appropriation.

Mr. MANN of Illinois. And it only refers to providing for the year 1915.

Mr. SNYDER. That only. But there is a bill before the House now that has been investigated. I have kept the items to which those reports refer out of this bill; we kept them out last year. The fact that the present chairman of the Committee on Indian Affairs would not permit the item to go into the bill at midnight on March 4 last killed the Indian appropriation bill in the Senate. Now this is an aftermath of that. It has come out of those same reports, and it was carried in the bill last year as well as now. I am not tenacious about that.

Mr. MANN of Illinois. I do not believe in agreeing to these items on the plea that we are following a report when there is no such recommendation in the report. It is a subterfuge on the part of whoever prepared this item.

Mr. SNYDER. If the gentleman will permit me, I would like to read a short statement here that I made in considering this item before the committee. I read:

The CHAIRMAN. Now, as I understand that, Mr. Meritt, that was an item of $1,000 put in to take care of these few Indians who are in distress up there, until such time as the items referred to here in the report might be enacted into law. Mr. LA FOLLETTE tried to put them in last year—that is, last December, and also again in the spring—and there is legislation in the House now which has been reported out by this committee to correct that situation, and this looks like a continuing proposition. Certainly $1,000 is not enough to do anything with, and I don't know that there is anybody up there to distribute the $1,000, and if there isn't it will cost the entire $1,000 to get ready to distribute it, and so I don't feel disposed to carry the appropriation, unless it is actually shown that there is some benefit accruing to some considerable number of indigent Indians.

Now, I took the same position then that the gentleman from Illinois takes now. I knew then about those reports, and we all knew about them. Probably this language is a subterfuge. I submit that I am not as familiar with the intricacies of legislative language as I ought to be. I am very glad to have the gentleman from Illinois cooperate with us in straightening this up.

Mr. MANN of Illinois. I will say to the gentleman from New York that I think the House is to be congratulated that he is proving himself to be so efficient and able a chairman of the Committee on Indian Affairs. [Applause.] Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 25. That in addition to the Indian tribal and treaty funds, the expenditure of which is specifically authorized elsewhere in this act, and such sums as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians, reimbursement to the United States of the expenditures from reimbursable appropriations, and expenditures for the Five Civilized Tribes, in accordance with existing laws, the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding $1,436,604 from the funds held by the United States in trust for the respective tribes, for support and civilization of the Indians under the jurisdiction of the following agencies, to wit:

Arizona: Colorado River, $5,000; Fort Apache, $75,000; Fort Mojave, $2,700; Kaibab, $2,000; Leupp, $690; Pima, $335; San Carlos, $100,000; Truxton Canyon, $15,000; Western Navajo, $125.

California: Campo, $50; Fort Bidwell, $72; Fort Yuma, $1,727; Greenville, $500; Round Valley, $8,020; Tule River, $800.

Colorado: Southern Ute, $4,381.50; Ute Mountain, $10,906.30.

Idaho: Coeur d'Alene, $15,140; Fort Hall, $16,250; Fort Lapwai, $10,000.

Iowa: Sac and Fox, $3,630.

Kansas: Kickapoo, $800; Pottawatomie, $4,200.

Louisiana: Chettimanchi, $1,316.

Michigan: Mackinac, $800.

Minnesota: Fond du Lac, $250; Leech Lake, $850; Red Lake, $27,500; White Earth, $1,400.

Montana: Blackfeet, $24,200; Crow, $200,000; Flathead, $20,000; Fort Belknap, $50,000; Fort Peck, $11,827; Rocky Boy, $8,400; Tongue River, $25,000.

Nebraska: Omaha, $11,500; Winnebago, $5,200.

Nevada: Fort McDermitt, $337; Nevada, $7,275; Walker River, $4,300; Western Shoshone, $14,180.

New Mexico: Jicarilla, $50,000; Mescalero, $10,000; Navajo, $922; Pueblo Bonito, $1,118; San Juan, $5,600.

North Carolina: Eastern Cherokee, $15,464.

North Dakota: Devils Lake, $550; Fort Berthold, $24,350; Standing Rock, $100,000; Turtle Mountain, $850.

Oklahoma: Kiowa, $26,700; Wichita, $300; Cheyennes and Arapahoes, $6,689; Cantonment, $1,350; Seger, $150; Pawnee, $300; Ponca, $1,700; Otoe, $1,900; Seneca, $600; Sac and Fox, $8,000.

Oregon: Klamath, $50,000; Siletz, $680; Umatilla, $9,100; Warm Springs, $7,300.

South Dakota: Cheyenne River, $100,000; Crow Creek, $1,000; Lower Brule, $15,824; Pine Ridge, $2,800; Rosebud, $11,950; Sisseton, $15,000; Yankton, $5,000; Santee, $2,084.

Utah: Goshute, $6,264; Uintah, $26,937.20.

Washington: Colville, $71,000; Puyallup, $160; Quiniault, $1,000; Spokane, $4,800; Tulalip, $8,000; Yakima, $22,000.

Wisconsin: Lac du Flambeau, $20,000; La Pointe, $500; Keshena (Menominee), $37,000.

Wyoming: Shoshone, $70,000.

Mr. SNYDER. Mr. Chairman, I feel that I am justified in calling the attention of the House to the fact that these items amount this year to $1,436,624, whereas for several years under a lump sum the bill has carried for the same objects approximately $2,500,000. During the very efficient management of the Committee on Indian Affairs by my colleague, Mr. CARTER, an arrangement was made with the Bureau of Indian Affairs to particularize under this item, and in the past two years we have been able by such particularization of expenditures of tribal funds to bring the total of the item in this bill down a million dollars. I do not want to let this opportunity go by without saying that it is our belief that next year, when they have given us a justification for each one of these items, they will be much more diminished than they are in this bill.

Mr. CARTER. After the gentleman's compliment to me, will he yield just a moment to me?

Mr. SNYDER. Yes.

Mr. CARTER. The gentleman's statement is correct, with one exception. No arrangement was made with the Indian Bureau. By the assistance of the gentleman and other members of the committee, as I recall, we incorporated an item in the Indian appropriation bill requiring the Indian Bureau to bring these estimates in in specific items.

Mr. SNYDER. I accept the amendment.

Mr. HAYDEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 69, after line 13, insert a new section, as follows:

"SEC. 26. That no application for the exchange of private land over which an Indian reservation has been extended for public land, under the terms of the Indian appropriation act approved April 21, 1904 (33 Stats., p. 211), shall be hereafter received by the Secretary of the Interior, and all such applications now pending shall be disposed of on or before the 1st day of January, 1922, and thereafter no such exchange shall be made."

Mr. SNYDER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The amendment is clearly subject to the point of order. The Chair sustains the point of order.

On motion of Mr. SNYDER, the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SAUNDERS of Virginia. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNYDER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Anthony	Good	Magee	Rucker
Aswell	Goodall	Mann, S. C.	Sanders, Ind.
Ayres	Graham, Ill.	Mason	Sanders, La.
Bacharach	Hamill	Montague	Sanford
Barkley	Hamilton	Moon	Schall
Begg	Hardy, Colo.	Moore, Va.	Scully
Bell	Harreld	Morin	Sears
Bland, Mo.	Harrison	Mott	Siegel
Booher	Haugen	Mudd	Sisson
Bowers	Hill	Newton, Minn.	Slemp
Brand	Holland	Nicholls, S. C.	Smith, Idaho
Britten	Ireland	Nichols, Mich.	Smith, Ill.
Brooks, Pa.	Jefferis	O'Connor	Smith, N. Y.
Browning	Johnson, Ky.	Oliver	Steele
Brumbaugh	Johnson, Miss.	Parker	Strong, Kans.
Burroughs	Johnson, Wash.	Pell	Sullivan
Candler	Johnston, N. Y.	Peters	Taylor, Ark.
Carew	Jones, Pa.	Phelan	Thompson
Carss	Kahn	Rainey, Ala.	Vare
Crowther	Kennedy, Iowa	Rainey, J. W.	Volstead
Cullen	Kennedy, R. I.	Randall, Calif.	Ward
Dooling	Kincheloe	Rayburn	Weaver
Eagle	Kreider	Reber	Welty
Flood	Langley	Reed, N. Y.	Wilson, Ill.
Fuller, Mass.	McDuffie	Rhodes	Wilson, La.
Gallagher	McKeown	Riordan	Winslow
Gandy	McKinley	Robinson, N. C.	Woodyard
Garrett	McLane	Rouse	Wright
Glynn	McPherson	Rowan	

The SPEAKER. On this call 313 Members have answered to their names. A quorum is present.

Mr. SNYDER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. SNYDER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for a separate vote on the amendment proposing to strike from the bill the appropriation for the suppression of traffic in intoxicating liquors among the Indians.

Mr. WALSH. Mr. Speaker, I make a point of order that there is no such amendment.

Mr. SAUNDERS of Virginia. I will ask to have the amendment specifically reported. It is found on page 7, under the head of "Suppression of the liquor traffic."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, strike out the paragraph consisting of lines 3, 4, and 5.

Mr. SAUNDERS of Virginia. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. Was I not correct in stating the proposition?

The SPEAKER. The Chair can not remember the gentleman's precise statement.

Mr. SAUNDERS of Virginia. I asked for a separate vote on the amendment striking out the appropriation for the suppression of traffic in intoxicating liquors.

The SPEAKER. The amendment has been reported. Is there any other amendment upon which a separate vote is desired?

There was no request for a separate vote on any other amendment.

The SPEAKER. If not, the Chair will put them in gross.

The other amendments were agreed to.

The SPEAKER. The question now is on the amendment on which the gentleman from Virginia [Mr. SAUNDERS] desires a separate vote.

The question was being taken when Mr. BLANTON asked for a division.

Mr. CARTER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 200, not voting 119, as follows:

YEAS—109.

Ackerman	Focht	Lesher	Ramsey
Babka	Gallivan	Linthicum	Ricketts
Bee	Ganly	Lonergan	Rodenberg
Benson	Gard	Longworth	Sabath
Blackmon	Garland	Lufkin	Sanford
Bland, Ind.	Garner	McAndrews	Sherwood
Blanton	Goldfogle	McArthur	Snell
Buchanan	Goodykoontz	McFadden	Snyder
Burdick	Gould	McGlennon	Steenerson
Burke	Griffin	McKinley	Stephens, Miss.
Caldwell	Hardy, Tex.	MacCrate	Stephens, Ohio
Campbell, Pa.	Harreld	MacGregor	Tague
Christopherson	Hernandez	Magee	Tilson
Classon	Hersey	Maher	Tinkham
Cleary	Hicks	Mansfield	Treadway
Coady	Houghton	Martin	Voigt
Crago	Hull, Iowa	Mead	Walsh
Curry, Calif.	Hutchinson	Merritt	Ward
Dent	Igoe	Minahan, N. J.	Wason
Dewalt	Johnson, S. Dak.	Mooney	Watson
Donovan	Juul	Moores, Ind.	White, Me.
Dunbar	Keller	Newton, Mo.	Wilson, Ill.
Dunn	Kleczka	Nolan	Wood, Ind.
Dupré	Knutson	O'Connell	Young, Tex.
Eagan	Lampert	Ogden	Zihlman
Echols	Layton	Platt	
Edmonds	Lea, Calif.	Quin	
Evans, Nev.	Lehlbach	Radcliffe	

NAYS—200.

Almon	Doremus	Kraus	Rowe
Anderson	Doughton	Lanham	Rubey
Andrews, Md.	Dowell	Lankford	Rucker
Andrews, Nebr.	Drane	Larsen	Sanders, N. Y.
Anthony	Elliott	Lee, Ga.	Saunders, Va.
Ashbrook	Ellsworth	Little	Scott
Baer	Elston	Luce	Sells
Bankhead	Emerson	Luhring	Shreve
Barbour	Evans, Mont.	McClintic	Sims
Benham	Evans, Nebr.	McCulloch	Sinclair
Black	Fairfield	McKenzie	Sinnott
Bland, Va.	Fess	McLaughlin, Mich.	Small
Box	Fields	McLaughlin, Nebr.	Smith, Mich.
Brand	Fisher	Madden	Smithwick
Briggs	Flood	Major	Steagall
Brinson	Fordney	Mann, Ill.	Stedman
Brooks, Ill.	Foster	Mann, S. C.	Stevenson
Browne	Frear	Mapes	Stiness
Butler	Freeman	Mays	Stoll
Byrnes, S. C.	French	Michener	Strong, Pa.
Byrns, Tenn.	Fuller, Ill.	Miller	Summers, Wash.
Campbell, Kans.	Goodwin, Ark.	Monahan, Wis.	Sumners, Tex.
Cannon	Greene, Mass.	Mondell	Sweet
Cantrill	Griest	Moore, Ohio	Swope
Caraway	Hadley	Morgan	Taylor, Colo.
Carss	Hastings	Murphy	Taylor, Tenn.
Carter	Hawley	Neely	Temple
Chindblom	Hayden	Nelson, Mo.	Thomas
Clark, Fla.	Hays	Nelson, Wis.	Tillman
Clark, Mo.	Heflin	Oldfield	Timberlake
Cole	Hersman	Olney	Tincher
Collier	Hickey	Osborne	Towner
Connally	Hoch	Overstreet	Upshaw
Cooper	Hoey	Padgett	Vaile
Copley	Howard	Paige	Venable
Costello	Hudspeth	Park	Vestal
Cramton	Hulings	Parrish	Vinson
Crisp	Humphreys	Pou	Volstead
Currie, Mich.	Jacoway	Purnell	Walters
Dale	James	Rainey, Ala.	Watkins
Dallinger	Jones, Tex.	Rainey, H. T.	Webster
Darrow	Kearns	Raker	Welling
Davey	Kelley, Mich.	Ramseyer	Whaley
Davis, Minn.	Kelly, Pa.	Randall, Wis.	Wheeler
Davis, Tenn.	Kendall	Reavis	White, Kans.
Dempsey	Kettner	Reed, W. Va.	Wingo
Denison	Kiess	Riddick	Wise
Dickinson, Mo.	King	Robsion, Ky.	Woods, Va.
Dickinson, Iowa	Kinkaid	Rogers	Yates
Dominick	Kitchin	Rose	Young, N. Dak.

NOT VOTING—119.

Aswell	Godwin, N. C.	Lazaro	Robinson, N. C.
Ayres	Good	McDuffie	Romjue
Bacharach	Goodall	McKeown	Rouse
Barkley	Graham, Pa.	McKinley	Rowan
Begg	Graham, Ill.	McLane	Sanders, Ind.
Bell	Green, Iowa	McPherson	Sanders, La.
Bland, Mo.	Greene, Vt.	Mason	Schall
Boies	Hamill	Montague	Scully
Booher	Hamilton	Moon	Sears
Bowers	Hardy, Colo.	Moore, Va.	Siegel
Britten	Harrison	Morin	Sisson
Brooks, Pa.	Haugen	Mott	Slemp
Browning	Hill	Mudd	Smith, Idaho
Brumbaugh	Holland	Newton, Minn.	Smith, Ill.
Burroughs	Huddleston	Nicholls, S. C.	Smith, N. Y.
Candler	Hull, Tenn.	Nichols, Mich.	Steele
Carew	Husted	O'Connor	Strong, Kans.
Casey	Ireland	Oliver	Sullivan
Crowther	Jefferis	Parker	Taylor, Ark.
Cullen	Johnson, Ky.	Pell	Thompson
Dooling	Johnson, Miss.	Peters	Vare
Dyer	Johnson, Wash.	Phelan	Weaver
Eagle	Johnston, N. Y.	Porter	Welty
Esch	Jones, Pa.	Rainey, J. W.	Williams
Ferris	Kahn	Randall, Calif.	Wilson, La.
Fuller, Mass.	Kennedy, Iowa	Rayburn	Wilson, Pa.
Gallagher	Kennedy, R. I.	Reber	Winslow
Gandy	Kincheloe	Reed, N. Y.	Woodyard
Garrett	Kreider	Rhodes	Wright
Glynn	Langley	Riordan	

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. LAZARO (for) with Mr. SANDERS of Indiana (against).

Mr. HAMILL (for) with Mr. SEARS (against).

Mr. SCULLY (for) with Mr. MCKEOWN (against).

Until further notice:

Mr. MCKINLEY with Mr. DOOLING.

Mr. JOHNSON of Washington with Mr. MONTAGUE.

Mr. HUSTED with Mr. NICHOLLS of South Carolina.

Mr. KAHN with Mr. JOHNSON of Mississippi.

Mr. JONES of Pennsylvania with Mr. MCDUFFIE.

Mr. JEFFERIS with Mr. MOON.

Mr. IRELAND with Mr. MOORE of Virginia.

Mr. HILL with Mr. O'CONNOR.

Mr. LANGLEY with Mr. HUDDLESTON.

Mr. KREIDER with Mr. HULL of Tennessee.

Mr. KENNEDY of Rhode Island with Mr. JOHNSON of Kentucky.

Mr. KENNEDY of Iowa with Mr. JOHNSTON of New York.

Mr. HAUGEN with Mr. OLIVER.

Mr. HARDY of Colorado with Mr. PELL.

Mr. HAMILTON with Mr. PHELAN.

Mr. GREENE of Vermont with Mr. JOHN W. RAINEY.

Mr. MUDD with Mr. GARRETT.

Mr. MORIN with Mr GOODWIN of Arkansas.

Mr. MASON with Mr. HARRISON.

Mr. GREEN of Iowa with Mr. RANDALL of California.

Mr. GRAHAM of Pennsylvania with Mr. RAYBURN.

Mr. PARKER with Mr. FERRIS.

Mr. NICHOLS of Michigan with Mr. GALLAGHER.

Mr. GRAHAM of Illinois with Mr. RIORDAN.

Mr. GOODALL with Mr. ROBINSON of North Carolina.

Mr. PORTER with Mr. CASEY.

Mr. PETERS with Mr. EAGLE.

Mr. GOOD with Mr. ROMJUE.

Mr. GLYNN with Mr. ROWAN.

Mr. ESCH with Mr. SANDERS of Louisiana.

Mr. RHODES with Mr. CANDLER.

Mr. REBER with Mr. CAREW.

Mr. DYER with Mr. SISSON.

Mr. CROWTHER with Mr. SMITH of New York.

Mr. BURROUGHS with Mr. STEELE.

Mr. BRITTEN with Mr. WEAVER.

Mr. SMITH of Idaho with Mr. BLAND of Missouri.

Mr. SLEMP with Mr. BOOHER.

Mr. SIEGEL with Mr. BRUMBAUGH.

Mr. BROWNING with Mr. SULLIVAN.

Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. THOMPSON with Mr. BARKLEY.

Mr. SMITH of Illinois with Mr. BELL.

Mr. BOWERS with Mr. WELTY.

Mr. BOIES with Mr. WILSON of Louisiana.

Mr. WOODYARD with Mr. GANDY.

Mr. WINSLOW with Mr. MCLANE.

Mr. WILLIAMS with Mr. ASWELL.

Mr. VARE with Mr. AYRES.

Mr. BEGG with Mr. WILSON of Pennsylvania.

Mr. BACHARACH with Mr. WRIGHT.

Mr. FULLER of Massachusetts with Mr. CULLEN.

Mr. MCPHERSON with Mr. HOLLAND.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 186, noes 4.

So the bill was passed.

On motion of Mr. SNYDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend and revise their remarks on the bill was granted to Mr. CARTER, Mr. SNYDER, Mr. HAYDEN, and Mr. HASTINGS.

LEAVE OF ABSENCE.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent for leave of absence until the 15th of the month for the gentleman from Utah, Mr. WELTY, on account of important business.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

PENSIONS.

Mr. SELLS. Mr. Speaker, I ask unanimous consent to consider pension bills on the calendar in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider pension bills from his committee in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. SELLS. Mr. Speaker, I call up the bill (H. R. 9281) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Tennessee calls up the bill H. R. 9281, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of James Watson, late of Company E, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of David S. Williams, late of Troop M, Sixth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jason Adkins, late of Company D, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Joseph McClure, late of Company D, Fourth Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John F. Campbell, late of Battery E, First Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse A. R. Forbes, late of Company L, Second Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Anna Kelley, widow of Edward Kelley, late of Company B, Twenty-second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Patrick H. Madigan, late of Company K, Two hundred and third Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank Shaw, late of Company K, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Pearl A. Hunsaker, widow of the late Orval Hunsaker, Company C, Fourth United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional for soldier's minor child until he shall have reached the age of 16 years.

The name of Otto M. Payton, late of Company M, Twenty-first Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Emma A. Hobbs, dependent mother of Spencer S. Hobbs, late of Company K, Eighth Regiment Massachusetts Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Powers, widow of James A. Powers, late of Company H, Ninth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month each for soldier's minor children until they shall have reached the age of 16 years.

The name of John McGinley, late of Company M, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Martha E. Waldsmith, widow of William A. Waldsmith, late of Twenty-first Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they reach the age of 16 years.

The name of George W. Turner, late of Company L, First Regiment North Carolina Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Oblisk, late of Company A, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary J. Pack, widow of Thomas J. Pack, late of Company F, Third Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of David M. Allen, late of Company C, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Chester E. Green, late of Company M, First Regiment Nebraska Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Eddie E. Sterrett, late of Battery H, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Ruth McClay, widow of William McClay, late of Battery C, Third Regiment United States Artillery, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bernard M. Stanton, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ethel A. Kane, widow of William M. Kane, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month; also $2 per month additional for sailor's minor child until she shall have reached the age of 16 years.

The name of Fanny Weill, widow of Julius Weill, late of Battery M, Fifth Regiment United States Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Orville G. Willett, late of Company G, First United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month.

The name of Horace G. Pope, late of Troop D, Second Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie M. Wood, widow of Sampson W. Wood, late of Company C, First Regiment Massachusetts Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Albert McManaman, late of Troop K, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Claude H. Dean, late of Company I, Forty-ninth Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Coffey, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward S. Coffin, late of Company C, One hundred and fifty-eighth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Irving Wohl, late of Fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Brother Buis, late of Company I, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Kiplinger, widow of John Kiplinger, late of Company D, Sixth Regiment United States Infantry, Indian war, and pay her a pension at the rate of $12 per month.

The name of Julia I. Zedaker, former widow of William D. Snow, alias William Dudley, late of Company D, Third Regiment United States Dragoons, War with Mexico, and pay her a pension at the rate of $20 per month.

The name of Louis B. Smith, late of Company B, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Philip E. Hartman, late of Companies A and K, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Susan J. Purcell, widow of John J. Purcell, late of Company F, Twenty-first Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of soldier's minor children until they shall have reached the age of 16 years.

The name of Charles T. Durand, late of Company H, Third Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Charles P. Michener, late of Battery F, First Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James W. Duty, late of Company L, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Troutman, late of Company F, First Regiment Idaho Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elmer Wagar, late of Troop B, Third Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Eva L. Woollacott, widow of William W. Woollacott, late of Company H, First United States Mounted Rifles, Indian war, and pay her a pension at the rate of $12 per month.

The name of George C. Hazeltine, late of Company K, Second Regiment Texas Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Milams, late of the Sixty-sixth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Pleasant D. Cooper, late of Company D, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William Thornton Parker, late hospital steward, United States army, Indian war, and pay him a pension at the rate of $20 per month.

The name of John Bleiweiss, late of Company C, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John H. Wynn, late of Company G, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leonard P. Kehrmeyer, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Emil J. Olsen, late of Company G, Third Regiment United States Infantry, Company G, Thirteenth Regiment United States Infantry, and Company E, United States Signal Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Lloyd Shaver, late of Company I, Thirteenth Regiment United States Infantry, and Company B, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The name of Michael Mulvey, late of Company E, Forty-first Regiment United States Volunteer Infantry, and Company A, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rufus F. Gibbs, late of Company I, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary M. Canton, widow of Joseph Canton, late of Company L, Twelfth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles Brubaker, late of the band, and Company M, Third Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John A. Kennepohl, late of Company K, First Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James F. Mitchell, late of Company H, Sixteenth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Clarence L. Wimer, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Howard H. Long, late of Company K, Sixth Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John W. Paulus, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon P. Kieffer, late of Company B, Twenty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Goodman, late of Troop D, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charley Douthitt, late of Company H, One hundred and fifty-ninth Indiana Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Schuyler C. Pool, late of Company K, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Casey A. Cox, late of Company E, Fourth Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James L. Doris, late of Company F, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Frank A. Morton, late of Company H, Forty-ninth Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Anson B. Countryman, late of Company F, First Regiment Idaho Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert S. Parker, late second lieutenant of Company K, Twentieth Regiment Kansas Infantry, War with Spain, and private, Company H, Forty-fourth Iowa Infantry, Civil War, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank Vicha, late of Company D, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Leishman, late of Company G, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Eugene E. Clark, late of Company L, First Regiment Montana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry Noel, late of Troop B, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas H. Ivers, late of Company B, Sixty-ninth Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert A. Carnegie, late of Company F, Third Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Herman Alexander, late of Troop H, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Eugene Johnson, late of Company L, Twenty-fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James W. Mitchell, late of the United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $24 per month.

The name of August J. Griesbach, late of Company I, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary S. Langston, mother of Omar Langston, late of Company E, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Walter E. Richards, late of the U. S. S. *Maine*, United States Navy, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Thomas L. Feyen, late of Company A, Forty-ninth Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Otto O. Yaap, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of Thomas D. O'Shea, late of Company L, Forty-seventh Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Tepper, late of Company L, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert Noble, late of Company F, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James Prosek, late of Company C, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George H. Haverkate, late of Company C, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Samuel M. Deets, late of Company E, Fourth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George H. Bruckner, late of Troop I, Second United States Cavalry, and Company B, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael Long, late of Company I, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Henry Hazlett, late of the Third and Tenth Companies United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Hannah Hasson, widow of John G. Hasson, late of Company D, Sixth Regiment United States Infantry, Indian War, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Marion E. Strunk, late of Companies C and K, Thirtieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Nathaniel J. Stonecipher, late of Company C, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Eugenie Schottmueller, dependent mother of Gilbert L. Schottmueller, late of the Hospital Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Maria Louise Richardson, widow of Robert Richardson, late of Troop I (Marshall's), First Kentucky Cavalry, Mexican War, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Katherine G. Manning, widow of Michael Manning, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of sailor's minor children until they shall have reached the age of 16 years.

The name of Charles M. Fink, late of Company C, Eighth United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Herbert E. Van Horn, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of John E. Tingley, late of Company K, First Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Floyd B. Daugherty, late of the band, First Regiment District of Columbia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of David U. Denind, late of Company G, Fourth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward Hinman, late of Company A, Twenty-third Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Warren, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of William A. Waggoner, late of Company I, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Mary R. Adair, mother of Henry R. Adair, late first lieutenant, Tenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles J. Gilbert, late of Company L, First Regiment Arkansas Infantry, National Guard, border defense, and pay him a pension at the rate of $24 per month.

The name of George W. Malin, late of Company H, Sixteenth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Stella A. Simson, widow of Edgar J. Simson, late of Company K, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional for soldier's minor child until she shall have reached the age of 16 years.

The name of Phebe Spencer, now Schonhoff, mother of Lawrence L. Spencer, late of Company B, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Moloney, late of Company K, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John T. Griggs, father of Jones A. Griggs, late of Company I, Fifth Regiment Georgia Infantry, National Guard, border defense, and pay him a pension at the rate of $12 per month.

The name of Simeon D. Morrison, late of Company E, Seventh Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah J. Holley, widow of Charles W. Holley, late of Tenth Company, United States Coast Artillery, and Company M, First Regiment United States Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they reach the age of 16 years.

The name of James F. Romines, late of Companies D and M, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jesse W. Beam, late of Company M, Second Regiment New Jersey Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry Patterson, late of Battery H, Third Regiment United States Artillery, and Thirtieth Company, United States Coast Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Jane C. A. Porter, widow of Hugh Porter, late of Capt. Maddox's company, Fremont's California Volunteers, Mexican War, and pay her a pension at the rate of $25 per month.

The name of James I. Sloan, late of Troop G, Third United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of June MacM. Ordway, mother of Eliot W. Ordway, late of Company H, Second Regiment Oregon Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Page, late of Company A, Sixth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Kate B. Horan, widow of Jeremiah J. Horan, late of Troop F, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leroy F. Moore, late of Company H, First Regiment Arkansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isaac M. Conley, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James T. Brown, late of Troop K, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Byrd W. Lasseter, late of United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse A. Trent, late of Company E, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lillie P. Hinman, late a nurse in the War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adam E. Haughn, late of Company H, First Battalion Ohio Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Joseph W. Nolen, late of Company H, Fourth Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Daniel J. Bresnahan, late of Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Edward J. Davis, late of Company M, Twenty-sixth United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alice F. Travis, widow of Charles T. Travis, late of United States Navy, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Anna O'Brien, widow of Frank A. O'Brien, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Richard Williams, late of band, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Gault, late unassigned and of Company E, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christine E. Geiger, widow of Austin Geiger, late of the Fortieth and Eighty-fifth Companies, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional for the soldier's minor child until she reaches the age of 16 years.

The name of Dalbert Gray, late of Company B, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James O'Brien, late of Company G, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Annie E. Arnold, mother of Robert Edgar Arnold, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward E. Benton, late of Company I, Seventeenth Regiment, and Company E, Second Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles W. Lanham, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John J. Mitchell, late of Company H, Third Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Carl C. Dunham, late of Company I, Sixteenth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Andrew Kravets, late of Company C, Eleventh Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Roberts, late of Company L, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel B. Yeaple, late of Company A, Eighth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pierre L. Carmouche, late first lieutenant Company L, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John B. Peters, late of Company K, First Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Emma S. Norton, widow of Lewis A. Norton, late first lieutenant Company I, Second Regiment Illinois Volunteers, Mexican War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tebitha E. Cummings, widow of Frederick Cummings, late of Troop C, Second Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William D. Craft, late of Company G, First Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas J. Reynolds, late of Troop D, First Regiment Ohio Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Henry, late of Company C, Thirteenth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Michel, widow of John N. Michel, late a private Company A, Twelfth United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for soldier's minor child until she reaches the age of 16 years.

The name of John H. Warren, late of Eleventh Recruit Company, General Service, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Rowena Fisher, widow of John Fisher, late of Company A, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month and $2 per month additional for each of soldier's minor children until they reach the age of 16 years.

The name of Charles W. Streeter, late corporal of Company F, Thirty-second Michigan Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Joseph Flewelling, late of Company E, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William Seybold, late of Company G, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jeremiah M. McKenzie, late of Company B, Fifth Tennessee Volunteers, War with Mexico, and pay him a pension of $50 per month in lieu of that he is now receiving.

The name of Walter E. Harris, late of United States Navy, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Neill, widow of Jesse A. Neill, late of Company E, Eleventh Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Adolf S. Szydlowski, late of Twenty-seventh Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month.

The name of Frances T. Denton, widow of George W. Denton, late of Company F, Fourth Regiment Illinois Volunteer Infantry, Mexican War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Conter, widow of John Conter, late of Company I, Tenth Regiment United States Infantry, old war, and pay her a pension at the rate of $12 per month.

The name of William O'Bryan, late of Company B, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Buster Davis, late of Company D, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Elizabeth C. Bell, widow of the late George H. Bell, quartermaster sergeant, Second Regiment Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Simon P. Parrish, late of Company I, Eighth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Daniel P. Myers, late of Company I, First Regiment District of Columbia Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Noel M. Pursley, late of Company F, Second Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William Edwards, late of Battery C, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Elizabeth A. Shull, widow of A. P. Shull, late second lieutenant Capt. William Byrnes's Company, First Brigade, Sixth Division California Militia, Indian War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John F. Mulhall, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lester D. Parkton, late of Company I, Seventeenth Regiment, and Company C, Twenty-seventh Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William C. Shaffer, late of Company H, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael W. Hurley, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Benjamin F. Lamkin, late of Troop C, Third United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Fritz Hintermeier, late of Company D, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John E. Crum, late of Forty-fourth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Bridget Reynolds, widow of James C. Reynolds, who served in Company F, Thirty-fifth Regiment Michigan Infantry, and in Company H, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month; also $2 per month for each of the soldier's minor children until they shall have reached the age of 16 years.

The name of Donald E. Leslie, late of Company K, Sixteenth Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Peter W. Weber, late of Company A, Third Regiment Ohio Volunteers, Mexican War, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Paul Newton, alias Paul Scott, late of Company C, Second Regiment United States Infantry, and Company L, First Regiment North Dakota Infantry, National Guard, and pay him a pension at the rate of $24 per month.

The name of Jefferson C. Smith, late of Company G, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter L. Jewell, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard L. Davis, late of Troop C, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Hoff, late of Company E, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ben B. Sell, late of Company C, Twenty-first Regiment, and Company B, Eighth Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward J. Oeding, late of Battery G, Sixth Regiment United States Artillery, and Thirteenth Battery United States Field Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert S. Peterson, late of Company B, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

During the consideration of the bill the following amendment was offered by Mr. SELLS, and was agreed to:

Page 23, line 23, strike out the word "Benton" and insert the word "Henton."

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 597. James Watson.
H. R. 601. David S. Williams.
H. R. 610. Jason Atkins.
H. R. 628. Joseph McClure.
H. R. 641. John F. Campbell.
H. R. 656. Jesse A. R. Forbes.
H. R. 662. Anna Kelley.
H. R. 668. Patrick H. Madigan.
H. R. 672. Frank Shaw.
H. R. 767. Pearl A. Hunsaker.
H. R. 779. Otto M. Payton.
H. R. 802. Emma A. Hobbs.
H. R. 914. Mary A. Powers.
H. R. 951. John McGinley.
H. R. 952. Martha E. Waldsmith.
H. R. 970. George W. Turner.
H. R. 971. George W. Oblisk.
H. R. 982. Mary J. Pack.

H. R. 986. David M. Allen.
H. R. 1022. Chester E. Green.
H. R. 1257. Eddie E. Sterrett.
H. R. 1285. Ruth McClay.
H. R. 1298. Bernard M. Stanton.
H. R. 1302. Ethel A. Kane.
H. R. 1310. Fanny Weill.
H. R. 1763. Orville G. Willett.
H. R. 1783. Horace G. Pope.
H. R. 1793. Annie M. Wood.
H. R. 1795. Albert McManaman.
H. R. 1832. Claude H. Dean.
H. R. 1884. John Coffey.
H. R. 1931. Edward S. Coffin.
H. R. 1963. Irving Wohl.
H. R. 2016. Brother Buis.
H. R. 2765. Sarah E. Kiplinger.
H. R. 2772. Julia I. Zedaker.
H. R. 2773. Louis B. Smith.
H. R. 2817. Philip E. Hartman.
H. R. 2819. Susan J. Purcell.
H. R. 2990. Charles T. Durand.
H. R. 3008. Charles P. Michener.
H. R. 3026. James W. Duty.
H. R. 3069. Isaac N. Troutman.
H. R. 3221. Elmer Wagar.
H. R. 3261. Eva L. Woollacott.
H. R. 3269. George C. Hazeltine.
H. R. 3271. George Milams.
H. R. 3599. Pleasant D. Cooper.
H. R. 3787. William Thornton Parker.
H. R. 3790. John Bleiweiss.
H. R. 3799. John H. Wynn.
H. R. 3845. Leonard P. Kehrmeyer.
H. R. 3991. Emil J. Olsen.
H. R. 4017. Lloyd Shaver.
H. R. 4018. Michael Mulvey.
H. R. 4058. Rufus F. Gibbs.
H. R. 4212. Mary M. Canton.
H. R. 4361. Charles Brubaker.
H. R. 4537. John A. Kennepohl.
H. R. 4710. James F. Mitchell.
H. R. 4901. Clarence L. Wimer.
H. R. 4905. Howard H. Long.
H. R. 4918. John W. Paulus.
H. R. 4961. Simon P. Kieffer.
H. R. 4965. Robert Goodman.
H. R. 5056. Charley Douthitt.
H. R. 5058. Schuyler C. Pool.
H. R. 5071. Casey A. Cox.
H. R. 5088. James L. Doris.
H. R. 5091. Frank A. Morton.
H. R. 5192. Anson B. Countryman.
H. R. 5197. Robert S. Parker.
H. R. 5231. Frank Vicha.
H. R. 5243. John Leishman.
H. R. 5351. Eugene E. Clark.
H. R. 5366. Harry Noel.
H. R. 5379. Thomas H. Ivers.
H. R. 5388. Robert A. Carnegie.
H. R. 5484. Herman Alexander.
H. R. 5488. Eugene Johnson.
H. R. 5595. James W. Mitchell.
H. R. 5689. August J. Griesbach.
H. R. 5757. Mary S. Langston.
H. R. 5769. Walter E. Richards.
H. R. 5969. Thomas L. Feyen.
H. R. 5974. Otto O. Yaap.
H. R. 5976. Thomas D. O'Shea.
H. R. 6072. Martin Tepper.
H. R. 6084. Robert Noble.
H. R. 6194. James Prosek.
H. R. 6195. George H. Haverkate.
H. R. 6199. Samuel M. Deets.
H. R. 6259. George H. Bruckner.
H. R. 6261. Henry Hazlett.
H. R. 6262. Michael Long.
H. R. 6315. Hannah Hasson.
H. R. 6385. Marion E. Strunk.
H. R. 6387. Nathaniel J. Stonecipher.
H. R. 6403. Eugene Schottmueller.
H. R. 6406. Maria Louise Richardson.
H. R. 6411. Katherine G. Manning.
H. R. 6480. Charles M. Fink.
H. R. 6605. Herbert E. Van Horn.
H. R. 6607. John E. Tingley.
H. R. 6609. Floyd B. Daugherty.
H. R. 6693. David U. Denind.
H. R. 6713. Edward Hinman.
H. R. 6723. William E. Warren.
H. R. 6733. William A. Waggoner.
H. R. 6778. Mary R. Adair.
H. R. 6820. Charles J. Gilbert.
H. R. 6831. George W. Malin.
H. R. 6835. Stella A. Simson.
H. R. 6838. Phebe Schonhoff.
H. R. 6844. John Moloney.
H. R. 6884. John T. Griggs.
H. R. 6900. Simeon D. Morrison.
H. R. 6966. Sarah J. Holley.
H. R. 6984. James F. Romines.
H. R. 6985. Jesse W. Beam.
H. R. 7032. Harry Patterson.
H. R. 7060. Jane C. A. Porter.
H. R. 7061. James I. Sloan.
H. R. 7074. June MacM. Ordway.
H. R. 7078. John H. Page.
H. R. 7129. Kate B. Horan.
H. R. 7131. Leroy F. Moore.
H. R. 7136. Isaac M. Conley.
H. R. 7223. James T. Brown.
H. R. 7237. Byrd W. Lasseter.
H. R. 7282. Jesse A. Trent.
H. R. 7284. Lillie P. Hinman.
H. R. 7313. Adam E. Haughn.
H. R. 7330. Joseph W. Nolen.
H. R. 7334. Daniel J. Bresnahan.
H. R. 7339. Edward J. Davis.
H. R. 7341. Alice F. Travis.
H. R. 7389. Anna O'Brien.
H. R. 7418. Richard Williams.
H. R. 7420. William E. Gault.
H. R. 7421. Christine E. Geiger.
H. R. 7454. Dalbert Gray.
H. R. 7502. James O'Brien.
H. R. 7503. Annie E. Arnold.
H. R. 7512. Edward E. Henton.
H. R. 7513. Charles W. Lanham.
H. R. 7518. John J. Mitchell.
H. R. 7524. Carl C. Dunham.
H. R. 7525. Andrew Kravets.
H. R. 7549. Robert H. Roberts.
H. R. 7550. Daniel B. Yeaple.
H. R. 7556. Pierre L. Carmouche.
H. R. 7568. John B. Peters.
H. R. 7570. Emma S. Norton.
H. R. 7579. Tebitha E. Cummings.
H. R. 7603. William D. Craft.
H. R. 7604. Thomas J. Reynolds.
H. R. 7668. John H. Henry.
H. R. 7676. Mary Michel.
H. R. 7683. John H. Warren.
H. R. 7723. Rowena Fisher.
H. R. 7728. Charles W. Streeter.
H. R. 7806. Joseph Flewelling.
H. R. 7848. William Seybold.
H. R. 7873. Walter E. Harris.
H. R. 7953. Jeremiah M. McKenzie.
H. R. 7967. Anna M. Neill.
H. R. 8002. Adolf S. Szydlowski.
H. R. 8008. Frances T. Denton.
H. R. 8040. Mary Conter.
H. R. 8046. William O'Bryan.
H. R. 8053. Buster Davis.
H. R. 8057. Elizabeth C. Bell.
H. R. 8097. Simon P. Parrish.
H. R. 8150. Daniel P. Myers.
H. R. 8295. Noel M. Pursley.
H. R. 8307. William Edwards.
H. R. 8309. Elizabeth A. Sbull.
H. R. 8321. John F. Mulhall.
H. R. 8332. Lester D. Parkton.
H. R. 8368. William C. Shaffer.
H. R. 8563. Michael W. Hurley.
H. R. 8602. Benjamin F. Lamkin.
H. R. 8644. Fritz Hintermeier.
H. R. 8684. John E. Crum.
H. R. 8700. Bridget Reynolds.
H. R. 8713. Donald E. Leslie.
H. R. 8788. Peter W. Weber.
H. R. 8799. Paul Newton.
H. R. 8814. Jefferson C. Smith.
H. R. 8830. Walter L. Jewell.
H. R. 8857. Richard L. Davis.

Mr. McCLINTIC. Mr. Speaker, I desire to submit some observations to the House relative to this bill, because I have submitted similar observations to the Pension Committee. I do not approve of the present procedure in considering private bills before this committee, because the majority of them are not referred to the committee for consideration until after the chairman and the clerk have decided whether or not the individual measure contains merit and decides the amount the party asking for a pension should be allowed.

During the Sixty-fifth Congress every bill that came before the Pension Committee was referred to a special subcommittee which carefully considered the merits of same and then reported it to the entire committee for consideration. During this session of Congress the chairman of the Pension Committee has appointed subcommittees for the purpose of considering legislation that is introduced by Members residing in various States. These subcommittees should consider every bill coming under their jurisdiction; however, under the present plan adopted by the committee only such legislation as has not received the approval of the chairman is referred to these subcommittees, and I think I am safe in saying that 75 per cent of the items in this bill have never been referred to the subcommittee having jurisdiction. If I make a mistake in this statement I want the chairman of the committee to correct me.

Mr. SELLS. Mr. Speaker, I think the gentleman has already made a mistake. As a matter of fact, the chairman never reports out a bill without reference to the full committee. Every bill in these omnibus pension bills after having been considered by the chairman has been reported to the full committee for such action as it might desire to take.

Mr. McCLINTIC. Does the gentleman mean to say that the subcommittees which have been charged with a certain amount of responsibility have had the opportunity of considering these bills?

Mr. SELLS. Yes; most emphatically so.

Mr. McCLINTIC. Have they done so?

Mr. SELLS. They could where they desired to do so.

Mr. McCLINTIC. The point I make is the bills passed on by the chairman of the committee are not referred to the subcommittee or the report of the special examiner is not read to the entire committee.

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Oklahoma be allowed to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLINTIC. According to the procedure followed during the last session of Congress every bill considered by the Pension Committee was read before the committee and separate action was taken. I make the statement that no member of the committee has any knowledge of 75 per cent of the items in this bill. I also make the statement that the special reports made by the examiner relating to 75 per cent of the bills in this act have not been read by any member of the subcommittee having jurisdiction or by any member of the Pension Committee. I want to be perfectly fair to the chairman, and will say I do not care to cast any reflection on him personally. I also want to say I have not received any complaint as to favoritism being shown any member, but I do not believe that it was the intention of the creators of the Pension Committee to have legislation considered in this manner.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. McCLINTIC. I shall be glad to do so.

Mr. CAMPBELL of Kansas. There are subcommittees appointed to consider bills introduced from geographical subdivisions.

Mr. McCLINTIC. From the various States.

Mr. CAMPBELL of Kansas. From the various States. Now, when I was a member of the Pension Committee I went to the box and got the pension bills which were within the jurisdiction of the subcommittee of which I was a member.

Mr. McCLINTIC. That is the procedure we followed two years ago.

Mr. CAMPBELL of Kansas. Is there anything to prevent that being done now?

Mr. McCLINTIC. The chairman looks over the bills, decides the amount that the individual should be given without any member of the committee knowing anything about the merits of the individual bill. Later a motion is made in the committee that the action of the chairman be approved.

Mr. CAMPBELL of Kansas. But is there anything to prevent members of the subcommittee from getting bills and passing upon them?

Mr. McCLINTIC. Any member of the Pension Committee, as I understand it, has the right to go there and look into any case; but the point is subcommittees have been appointed to consider certain bills, and if these bill are not referred to them then, of course, they will not feel warranted in asking the chairman to rescind action when the bills have already been passed on by him.

Mr. CAMPBELL of Kansas. The chairman of the subcommittee, and usually the chairman, would have a perfect right—what difference is there; what is the difference now?

Mr. McCLINTIC. Heretofore in other sessions of Congress the committee has always investigated every single bill before granting a pension to any person.

Mr. CAMPBELL of Kansas. That is when the distribution is made members endeavor to get the bills from their respective States.

Mr. McCLINTIC. The committee or the chairman of the committee does not refer all of the pension bills which are intro-

duced by Members of Congress to the subcommittee having jurisdiction.

Mr. CAMPBELL of Kansas. Is it not the fault of the members of the committee rather than the chairman of the committee?

Mr. McCLINTIC. I am making these statements to the House for the reason the committee has departed from the old custom of handling pension legislation, and I am afraid if this policy is continued at some time in the future there may be room for criticism.

Mr. CAMPBELL of Kansas. But if the members of the committee do not do their duty it is incumbent upon somebody to pass upon the bills and lay them before the committee with some statement of facts with reference to them.

Mr. McCLINTIC. During the Sixty-fifth Congress the subcommittees considered every bill that was placed before them, and there was no complaint I have ever heard of from any source.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. McCLINTIC. Yes.

Mr. LITTLE. Do I understand the chairman of this Pension Committee is doing all the work?

Mr. McCLINTIC. Seventy-five per cent of it.

Mr. LITTLE. Then, for heaven's sake, why do not the rest of the committee pitch in and help him out?

Mr. McCLINTIC. They have not been given the opportunity.

Mr. LITTLE. You can go and get the bills and look them over.

Mr. McCLINTIC. As I have said before, I do not make these statements to the House for the purpose of casting any reflection on any member of the Pension Committee; but, on the other hand, I feel that the practice of completing legislation without the members of the committee knowing what it contains will later on bring about a condition which will cause criticism to the members of this committee. Inasmuch as I have made a motion in the committee that no legislation be considered until the report of the examiner has been read to the committee, and it has been voted down, I find myself in a position where I can not conscientiously further remain a member of this committee, and my resignation will be sent to the Speaker immediately.

Mr. UPSHAW. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. UPSHAW. I want to oppose the motion.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, I simply want to emphasize my indorsement of the course of the chairman of the Committee on Pensions in this matter. I do not like to find myself out of agreement with my good friend, the gentleman from Oklahoma [Mr. McCLINTIC], but I have found in working on this committee what other Members have found, that it seems utterly impossible in the time that is given to it to go through all of these bills. The chairman, with his expert, goes through certain bills and recommends their passage. We indorse them. Certain bills that he thinks are not quite so clear he simply leaves for the committee to examine. Personally, I want to do my duty as a faithful Congressman, but, with the pressing demands upon my crowded time, I never go to this committee that I do not tear myself away from other insistent demands or I am called back from my committee to my office; and it seems there is no way to plow through that tremendous amount of work and get anywhere except by following the line of the chairman. I believe he is right about it. We know that he is faithful. We trust his good judgment, and I believe he is industriously and patiently leading in a way to save the time of busy Members and to do this work in the most expeditious manner. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. BEE. Mr. Speaker, I move to strike out the last three words. I wanted to ask the chairman of the committee with reference to the Mexican War pensions. I notice in this bill that there are included some increases of pensions for widows and survivors of the Mexican War. Has the gentleman any information as to how many of those widows are left and how many war survivors are remaining?

Mr. SELLS. I think there are about 300 Mexican War widows left.

Mr. BEE. I wanted to ask the gentleman if there is any rule of procedure, outside of the introduction of bills, with reference to the increase of pensions of these old widows of the Mexican War? In my own section of Texas there are a great many of them, and I do not believe they are advised of the fact that any special measure would entitle them to have their $12 a month pension increased. The gentleman says there are about 300 left.

Mr. SELLS. The Committee on Pensions in the House, for six or seven years, has been increasing the pensions of the Mexican War widows from $12 to $20 a month, whenever a bill to that effect has been offered.

Mr. BEE. I will say to the gentleman I do not think that $20 a month is enough. I have no objection to the raise, but I want to understand the procedure as to how some had received increase of pensions and some had remained at $12.

Mr. CRAMTON. Will the gentleman from Tennessee yield?

Mr. SELLS. Yes.

Mr. CRAMTON. I would like to call to the attention of the gentleman from Texas that I have a general bill pending in the Committee on Pensions that I am hoping the committee will report favorably, to give those Mexican War widows and some others, who are not now being taken care of, the same pensions as the Civil War widows get, and I will be very glad to have the cooperation of the gentleman from Texas in securing its passage.

Mr. BEE. I hope that when the bill comes before the House that there will be a full attendance.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SELLS. Mr. Speaker, I call up the bill H. R. 10515.

The SPEAKER. The gentleman from Tennessee calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James W. Hendrickson, late of Company K, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles E. Kingsley, late of Troop E, First United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William H. Brooks, late of Company G, Eighth Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael W. Murphy, late of Company H, Eighth Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Peter Black, late of the United States Navy, War with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dora F. Wilson, widow of Frederick Wilson, late of Troop B, Sixth Regiment United States Cavalry, Indian war, and pay her a pension at the rate of $12 per month.

The name of William H. Miller, late of Companies C and K, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Philip Owen, late first lieutenant, Company L, One hundred and fifty-eighth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Walter C. Tharp, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. Johnson, mother of Hilding C. Johnson, late of Company K, Second Regiment Minnesota Infantry, National Guard, and pay her a pension at the rate of $12 per month.

The name of Charles J. I. Beall, late of Eighty-eighth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter F. Van Auken, late of Battery B, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph E. Bivans, late of Battery A, First Regiment Illinois Light Artillery, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mrs. Eliza L. Ellis, daughter of William West, late of Capt. M. Huntington's company, North Carolina Militia, War of 1812, and pay her a pension at the rate of $12 per month.

The name of William B. Stroope, late of Company E, First Regiment Arkansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry T. Kinkade, late of Company I, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Fred F. Bennett, late of Company F, Twenty-second Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John E. Root, late of Troop A, Second Regiment, and Troop D, Eighth Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Peter L. Johnson, late of Company G, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Kizzie Gill, widow of Jeremiah Gill, late of Captain Johnson's company, Florida Mounted Militia, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Parrish, late of Captain William Cason's company, Florida Volunteers, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy A. Meredith, widow of Frederick Meredith, late of Captain Hall's company, Third Regiment Illinois Mounted Volunteers, Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Gus H. Weber, late of band, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen Cecilia Schaarman, mother of Frank L. Schaarman, alias Frank L. Sherman, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month.

The name of William Crawford, late of Company I, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Marie Merz, widow of George Merz, late of Company I, Seventy-first Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of soldier's minor child until he shall have reached the age of 16 years.

The name of John D. Andrews, late of Company B, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William F. W. Gordon, late of Company G, Sixty-ninth Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nellie L. Benton, widow of Francis Benton, late of Company H, Sixteenth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Margrethe Nelson, mother of Henry R. Nelson, late of the United States Navy, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Miguel Archuleta, late of Company F, First Territorial Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Daniel D. Brothers, late of the Tenth Company, Signal Corps, United States Volunteers, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Reuben S. Parker, late of Company K, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Simpson, late of Tyler's Rangers, Colorado Militia, Indian war, and pay him a pension at the rate of $20 per month.

The name of George J. Cox, late of Company G, Thirty-first Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Laura C. Slack, widow of William B. Slack, late second lieutenant, United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Joseph F. Smith, late of Company E, Twenty-eighth United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred M. Graham, late of Company I, Third Regiment Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary J. Beard, widow of John D. Beard, late of Company D, Thirtieth Regiment United States Infantry, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David J. Hanger, late of Company C, Seventh Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William L. Brown, late of Battery L, Third Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of James C. Claxton, late of Company M, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Bert B. Hughes, late of Battery B, First Regiment Maine Heavy Artillery, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Stephen Harder, late of Company D, Two hundred and second Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Madigan, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert E. McCormick, late of Company E, Fourth Regiment Wisconsin Infantry, and Battery D, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isabel Bertrand, widow of Joseph Bertrand, alias Abraham Magnus, late of Company C, Tenth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Islay T. Pittman, widow of George L. Pittman, late first lieutenant, Second Regiment North Carolina National Guard Infantry, Regular Establishment, and pay her a pension at the rate of $17 per month, and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Mary Plummer (now Hill), mother of Hiram L. Plummer, late of Company E, Twentieth Regiment Kansas Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter Sewell, late of Company I, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William Olday, late of Company H, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nathaniel J. Smith, late of Troop L, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Degen, late of Troop B, First United States Cavalry, Indian war, and pay him a pension at the rate of $30 per month.

The name of Martha J. Comstock, widow of Frank L. Comstock, late of Company E, Battalion United States Engineers, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Everett A. Dibble, late of Company I, Thirty-first Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles Dolderer, late of Company M, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel A. Berry, late unassigned United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert Wilks, late of Company E, Third Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Martin K. Wright, late of Company I, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Bridget Mulcahy, mother of Michael Mulcahy, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. McDowell, late of Troop E, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Benjamin W. Clark, late of Company G, Thirteenth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Harry W. Miller, late captain of Company C, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles L. C. Sherwin, late of Troop K, Eighth Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Laura S. Gilkey, mother of Charles T. Gilkey, late of Company L, Fourth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elmer S. Baker, late of Company L, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah E. Walker, widow of George Walker, late of Company I, Second Regiment Kentucky Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Anton Casper, late of Company B, Third Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Christina R. Urquhart, mother of William M. Urquhart, late of Company H, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Lee Toma, late of Company E, Twenty-third Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucian Lindsey, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Catherine Millington, minor of Frank T. Millington, late of Troop C, Third United States Cavalry, Regular Establishment, and pay her a pension at the rate of $14 per month until she shall have reached the age of 16 years. Payment to be made to duly appointed guardian.

The name of Albert F. Knight, late of Company H, Third Regiment Nebraska Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Thomas H. Coxe, late of Company I, Ninth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Melvin Frazure, late of Troop B, Second Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Albert Yoder, late of Company G, Fifth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Mary Jane Graham, former widow of Thomas H. Frazier, late of Company A, Second Regiment Indiana Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Jacob Hicks, late of Company G, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Leroy Dunn, late of Company C, Twenty-third United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Roscoe Schutt, late of Troop F, Third United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Robinson, late of Company C, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ann E. Stephens, widow of William M. Stephens, late of Capt. Burnett's Company H, First Regiment Oregon Riflemen, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Redington, late of Maj. W. A. Clark's Battalion of Montana Volunteers and as scout and courier to Gen. O. O. Howard, United States Army, Nez Perce Indian War of 1877, 1878, and 1880, and pay him a pension at the rate of $20 per month.

The name of Charles C. Mauch, late of Troops C and G, Seventh Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pearl C. Holt, late of Company D, Sixth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Georgia Gatewood, widow of Charles B. Gatewood, late first lieutenant, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Mary A. Johnson, widow of William H. Johnson, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John M. Sexton, late of Company I, First Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elijah R. Potter, late of Capt. Buckle's Company C, Eldorado campaign, California Volunteers, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret A. Storie, widow of William C. Storie, late of Company C, First Regiment Tennessee Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Charles H. V. Wiggin, late of Troop K, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edmund W. Roderick, late of Company H, Third Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. Burke, widow of George H. Burke, late of Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional

for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Sarah Adaline Youngblood, widow of Michael Youngblood, late of Company K, Fifth Regiment Louisiana Volunteers, Mexican War, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary Kinne, widow of Sylvanus H. Kinne, late of Company A (Capt. T. Bond's), First Regiment Illinois Volunteers, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of George T. Keith, late of Company C, First Regiment Alabama Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mary Furfey, widow of Edward A. Furfey, late of Battery I, Seventh Regiment United States Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of James Duffy, late of Company B, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George S. Hawkins, late of Troop A, Ninth Regiment United States Cavalry, Indian War, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary Jane King, mother of Robert L. King, late of Hospital Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward McClellan, late of Company G, Seventh Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. McDonald, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafe Strickland, late of Company D, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William E. McGee, late of Company E, One hundred and fifty-eighth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fred A. Safford, late of Troop L, Third United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of George V. M. Sommerhauser, late of Troop M, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James Kelley, late of Troop L, Second Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maggie Gordon, mother of Allen E. Gordon, late of Company K, Forty-ninth Regiment Iowa Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick Flynn, late of Troop D, Sixth United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of John A. Shaw, late of Company F, First Regiment Vermont Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Zadok K. Basden, late of Company I, First North Carolina Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Theodore L. Shaffer, late of Company I, Twentieth Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James H. Hook, father of Edward R. Hook, late of Company H, Twentieth Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Tony K. Wilson, late hospital steward, Twelfth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Kendrick, widow of Herbert N. Kendrick, late of Company G, Twelfth Regiment Minnesota Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Emma A. Esarey, mother of Clarence S. Carr, late of mounted service (white), United States Field Artillery; general service, United States Infantry; and Tenth Recruit Company, border defense, and pay her a pension at the rate of $12 per month.

The name of Peter Hilliard, late unassigned recruit, Thirty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles I. Meck, late of Company G, Twelfth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Theresa Cloyd, widow of Stephen W. Cloyd, late of Company C, Second Kentucky Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Teddy Sexton, late of Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of William C. Donlevy, late of Company L, Second Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Murray R. Marshall, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Stanford Holmes, late of Company B, First Regiment Indiana Colored Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry L. Vance, late of Company M, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Jemima Grigg, mother of George G. Grigg, late of Company F, Thirty-third Regiment Michigan Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The names of Elizabeth Dorothy Canavey and Mary Canavey, minor children of Thomas H. Canavey, late of Battery D, Second Regiment United States Artillery, War with Spain, and pay them a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of the said Thomas H. Canavey until they reach the age of 16 years. Payment to be made to duly appointed guardian.

The name of Elsie Gardner, minor child of John T. Gardner, late of Company E, Eleventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $14 per month until she shall have reached the age of 16 years. Payment to be made to duly appointed guardian.

The name of Leatha Chambers, widow of Robert C. Chambers, late of Company B, Thirtieth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Andrew H. Wegman, late of Company K, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Martha E. Johnston, widow of Alfred H. Johnston, who served in Capt. Derrick's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Edward R. Baker, late of Company B, First Battalion Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Josiah J. Sikes, late of Capt. Brady's company, First Regiment Florida Mounted Volunteers, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Baldridge, former widow of George W. Berry, late of Company G, Second Regiment Kentucky Infantry, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Theodore A. Melter, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary C. Herrington, mother of Lem R. Herrington, late of Company H, First Regiment West Virginia Volunteers, War with Spain, and pay her a pension at the rate of $20 per month.

The name of Ernest R. Lee, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick E. Troll, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Martha Ann Welch, former widow of Robert A. Welch, late of the United States Navy, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Charles W. Anderson, late of Company H, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $46 per month.

The name of James B. King, late of Company M, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Grace Kavanagh, widow of James Kavanagh, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the sailor's minor children until they shall have reached the age of 16 years.

The name of Abe Erlich, late of Company I, Third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Eli Hayes, late of Company D, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Gibson, late of the United States Navy, War of 1917, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Sarah R. Fuller, widow of Samuel L. Fuller, late of Company F, Fifteenth Regiment United States Infantry, Mexican War, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Emily E. McKee, widow of James A. McKee, late of Company E, Palmetto Regiment South Carolina Volunteers, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. SELLS. Mr. Speaker, I desire to offer an amendment, on page 22, line 23, by striking out the word "Volunteers" and inserting the word "Infantry."

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SELLS: Page 22, line 23 (pension of Mary C. Herrington), after the word "Virginia," strike out the word "Volunteers," and insert in lieu thereof the word "Infantry."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following House bills referred to the said committee:

H. R. 770. James W. Hendrickson.
H. R. 790. Charles E. Kingsley.
H. R. 798. William H. Brooks.
H. R. 801. Michael W. Murphy.
H. R. 999. Peter Black.
H. R. 1267. Dora F. Wilson.
H. R. 1333. William H. Miller.
H. R. 1922. Philip Owen.
H. R. 1933. Walter C. Tharp.
H. R. 2398. Mary A. Johnson.
H. R. 2399. Charles J. I. Beall.
H. R. 2446. Peter F. Van Auken.
H. R. 2736. Joseph E. Bivans.
H. R. 2739. Eliza L. Ellis.
H. R. 2836. William B. Stroope.
H. R. 3267. Henry T. Kinkade.
H. R. 3506. Fred F. Bennett.
H. R. 4055. John E. Root.
H. R. 4935. Peter P. Johnson.
H. R. 5078. Kizzie Gill.
H. R. 5079. Henry Parrish.
H. R. 5116. Nancy A. Meredith.
H. R. 5239. Gus H. Weber.
H. R. 5319. Helen Cecilia Schaarman.
H. R. 5369. William Crawford.
H. R. 5666. Marie Merz.
H. R. 5786. John D. Andrews.
H. R. 5856. William F. W. Gordon.
H. R. 5892. Nellie L. Benton.
H. R. 6076. Margrethe Nelson.
H. R. 6085. Miguel Archuleta.
H. R. 6108. Daniel D. Brothers.
H. R. 6119. Reuben S. Parker.
H. R. 6298. John P. Simpson.
H. R. 6394. George J. Cox.
H. R. 6468. Laura C. Slack.
H. R. 6534. Joseph F. Smith.
H. R. 6608. Alfred M. Graham.
H. R. 6785. Mary J. Beard.
H. R. 6817. David J. Hanger.
H. R. 6961. William L. Brown.
H. R. 6983. James C. Claxton.
H. R. 7048. Bert B. Hughes.

H. R. 7080. Stephen Harder.
H. R. 7102. Daniel Madigan.
H. R. 7178. Robert E. McCormick.
H. R. 7179. Isabel Bertrand.
H. R. 7209. Islay T. Pittman.
H. R. 7210. Mary Plummer, now Hill.
H. R. 7274. Walter Sewell.
H. R. 7276. William Olday.
H. R. 7325. Nathaniel J. Smith.
H. R. 7401. John Degen.
H. R. 7425. Martha J. Comstock.
H. R. 7438. Everett A. Dibble.
H. R. 7514. Charles Dolderer.
H. R. 7516. Samuel A. Berry.
H. R. 7552. Robert Wilks.
H. R. 7731. Martin K. Wright.
H. R. 7760. Bridget Mulcahy.
H. R. 7761. John C. McDowell.
H. R. 7818. Benjamin W. Clark.
H. R. 7862. Harry W. Miller.
H. R. 7866. Charles L. C. Sherwin.
H. R. 7954. Laura S. Gilkey.
H. R. 7956. Elmer S. Baker.
H. R. 8129. Sarah E. Walker.
H. R. 8270. Anton Casper.
H. R. 8301. Christina R. Urquhart.
H. R. 8347. Lee Toms.
H. R. 8353. Lucian Lindsey.
H. R. 8356. Catherine Millington.
H. R. 8411. Albert F. Knight.
H. R. 8412. Thomas H. Coxe.
H. R. 8417. Melvin Frazure.
H. R. 8517. Albert Yoder.
H. R. 8552. Mary Jane Graham.
H. R. 8569. Jacob Hicks.
H. R. 8571. Leroy Dunn.
H. R. 8633. Roscoe Schutt.
H. R. 8685. John J. Robinson.
H. R. 8795. Ann E. Stephens.
H. R. 8832. John W. Redington.
H. R. 8848. Charles C. Mauch.
H. R. 8849. Pearl C. Holt.
H. R. 8897. Georgia Gatewood.
H. R. 9040. Mary A. Johnson.
H. R. 9058. John M. Sexton.
H. R. 9081. Elijah R. Potter.
H. R. 9084. Margaret A. Storie.
H. R. 9088. Charles H. V. Wiggin.
H. R. 9104. Edmund W. Roderick.
H. R. 9166. Mary A. Burke.
H. R. 9184. Sarah Adaline Youngblood.
H. R. 9188. Mary Kinne.
H. R. 9191. George T. Keith.
H. R. 9259. Mary Furfey.
H. R. 9260. James Duffy.
H. R. 9262. George S. Hawkins.
H. R. 9289. Mary Jane King.
H. R. 9308. Edward McClellan.
H. R. 9328. Samuel J. McDonald.
H. R. 9329. Lafe Strickland.
H. R. 9332. William E. McGee.
H. R. 9334. Fred A. Safford.
H. R. 9344. George V. M. Sommerhauser.
H. R. 9345. James Kelley.
H. R. 9399. Maggie Gordon.
H. R. 9407. Patrick Flynn.
H. R. 9429. John A. Shaw.
H. R. 9455. Zadok K. Basden.
H. R. 9460. Theodore L. Shaffer.
H. R. 9461. James H. Hook.
H. R. 9463. Tony K. Wilson.
H. R. 9482. Anna Kendrick.
H. R. 9496. Emma A. Esarey.
H. R. 9498. Peter Hilliard.
H. R. 9507. Charles I. Meck.
H. R. 9518. Theresa Cloyd.
H. R. 9547. Teddy Sexton.
H. R. 9557. William C. Donlevy.
H. R. 9576. Murray R. Marshall.
H. R. 9588. Stanford Holmes.
H. R. 9597. Harry L. Vance.
H. R. 9630. Jemima Grigg.
H. R. 9649. Elizabeth Dorothy Canavey and Mary Canavey.
H. R. 9650. Elsie Gardner.
H. R. 9666. Letha Chambers.
H. R. 9685. Andrew H. Wegman.
H. R. 9705. Martha E. Johnston.
H. R. 9714. Edward R. Baker.
H. R. 9727. Josiah J. Sikes.
H. R. 9739. Mary A. Baldridge.
H. R. 9789. Theodore A. Melter.
H. R. 9834. Mary C. Herrington.
H. R. 9856. Ernest R. Lee.
H. R. 9922. Frederick E. Troll.
H. R. 9961. Martha Ann Welch.
H. R. 9969. Charles W. Anderson.
H. R. 9999. James B. King.
H. R. 10012. Grace Kavanagh.
H. R. 10016. Abe Erlich.
H. R. 10077. Eli Hayes.
H. R. 10243. William M. Gibson.
H. R. 10244. Sarah R. Fuller.
H. R. 10361. Emily E. McKee.

Mr. SELLS. Mr. Speaker, I call up the bill H. R. 11554.

The SPEAKER. The gentleman from Tennessee calls up the bill H. R. 11554, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11554) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Whitington, late of Troop C, Eleventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Gussie Rash, mother of Roy Degman, late of Company L, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Asa C. Pieratt, late of Troop I, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Lambert, late of Company G, Twenty-sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Logan C. Bohannon, dependent father of James Bohannon, late of Company D, Fourth Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John C. Ferneding, late of Company I, Third Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John A. Gaut, late of Company G, Fifteenth Regiment Minnesota Infantry, and Company I, Thirty-ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Joseph B. Ohr, late of Company E, First Regiment Ohio Infantry, and Companies E and A, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Doney, late of Company C, First Brigade Oregon Mounted Militia, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bell, late of the United States Signal Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Thirza M. Dolph, widow of Isaac N. Dolph, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Harold A. Salisbury, late of Captain John L. Sperry's company, Umatilla County Guards, Oregon State Militia, Bannock Indian War, and pay him a pension at the rate of $20 per month.

The name of Julius A. Fuhrman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James Cunningham, late of Company G, Twenty-second Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Walter S. Stewart, late of Company M, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of David Dixon, late of Troop E, Tenth Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver P. Jackson, late of Company K, Fifth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Jonas Bolen, alias James Bolen, late of Troop B, Second Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Gertrude Ballou, widow of Fred D. Ballou, late captain of Company A, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William H. Culler, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Edward Gaines, late of Company D, Twenty-fourth Regiment United States Infantry, Indian war, and pay him a pension at the rate of $20 per month.

The name of George B. Locke, late of Company G, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Christopher C. Ogden, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Peter Poirier, late of Company B, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Peter F. O'Brien, late of Company M, Fourth Regiment Pennsylvania Infantry, and United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank Lynch, late of the Forty-eighth Company, United States Coast Artillery, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Lloyd, late of Company G, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alva C. Foster, late of Company C, Third Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Andrew B. Erb, late of Company D, Fifth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph D. Blackwell, late of Company I, Second Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Horace V. Andrews, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Augustus W. Connor, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Thomas C. Nation, late of Company B, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lucinda Wilson, mother of Albert J. Wilson, late of Company H, Thirty-fifth Regiment Michigan Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gustave Stellar, late of Company M, Ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harry Weinheimer, late of Company F, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Rivers, late of United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John W. Oldfield, late of Company A, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William A. Zinn, late of Company H, Second Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John L. Dick, late of Company B, United States Engineers, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Warman, late of Company B, Fourth Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William D. Daniels, late of Company C, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Yeager, late of Company I, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Miner N. Howard, late of Battery H, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Amel G. Johnson, late of Company B, Fifty-first Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Dillon Collett, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of David A. Turner, late of Company M, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles H. Rieker, late of Company K, Third Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Estes, late of Troop I, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Delila Moore, mother of Charles W. Frazee, late of Troop A, Third Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ida C. Huston, widow of William L. Huston, late of Company D, Sixth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for soldier's minor child until he shall have reached the age of 16 years.

The name of Simon T. Hickman, late of Company C, First Battalion Engineers, United States Army, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Caroline V. Wallace, widow of William Wallace, late of the Ordnance Detachment, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John Scott, late of Troop K, Ninth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Sullivan, late of Company G, Thirty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Raleigh J. Stanberry, late of Company I, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Edward Schrum, late of Company G, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles T. Pickens, late of Company K, Tenth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward Myers, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bascum M. Meyers, late of Company F, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary R. Mellinger, mother of Walter A. Mellinger, late of Company A, Second Regiment Oregon Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of George W. Bales, late of Company B, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Louis H. Trayser, late of Company B, Fourth Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James M. Pollock, late of Company H, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Katherine Retter, widow of William Retter, late of Troop D, Eighth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of George Bales, late of Troop D, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Jacob Imhoff, late of Company E, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Robert H. Sheaffer, late of Company F, Eighth Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Moses Goldstein, late of Company F, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Franklin, late of Company I, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James M. Taylor, late of Company K, Second Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John E. Harris, late of Company G, Second Regiment Georgia Infantry, and Fourteenth Company United States Coast Artillery, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William F. Gross, late of Hospital Corps, United States Army, and Company D, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Daniel B. Klingensmith, late of United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Emma S. Hanlon, widow of Thomas L. Hanlon, late of Company A, Seventh Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of William Fussnecker, late of Company H, Third Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John J. Russell, late of Company D, Twenty-first United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William Constable, late of Company I, Second Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nicholas Sharp, late of Company F, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Margaret E. Ward, widow of Willis A. Ward, late of Company E, Seventeenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Otis O. Milliken, late of Company E, Fifth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Bills, alias Frank Button, late of Company K, Nineteenth Regiment Kansas Cavalry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Lyons, late of Company K, Fourteenth Regiment United States Infantry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Thomas N. Pray, late of Troop D, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Albert Beiro, late of Company G, Second Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Leo V. Burchett, late of Company D, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David Akridge, late of Twenty-fifth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James K. Vance, late of Company B, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Kerns, late of Company A, Twentieth Regiment United States Infantry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Samuel C. Braden, late of Company C, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas A. Puyear, late of Company H, Fourth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William W. Shortridge, late of Capts. Latshaw's and Wallan's company (A), Second Regiment Oregon Mounted Volunteers, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Speckhardt, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna L. Witters, widow of Lloyd D. Witters, late of Company D, Twenty-first United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Oliver Hull, late of United States Marine Corps, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William I. Allen, late of Company K, Thirty-second Regiment Michigan Infantry, border defense, and pay him a pension at the rate of $12 per month.

The name of Jerry Fitzpatrick, late of Company K, Third Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Wade, late of Battery D, Fourth United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Rachel Ann Tooill, widow of Joseph Tooill, late of Company B, Third Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Cynthia E. Endicott, widow of John R. Endicott, late of Company A, Eighteenth Regiment, United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Harry H. Rockey, late of Company I, Sixth Regiment, Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walker Anderson, late of Troop A, Tenth Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James E. Johnson, late of Company A, Fourth Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma R. Foster, widow of Benjamin Foster, late of Company I, Eighteenth Regiment United States Infantry, Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Oliver M. McRoberts, late of Company F, Twenty-first Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Albert O. McNulty, late of Company G, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy G. West, late a contract nurse, Medical Department, United States Volunteers, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Phillip Ausmus, late of Company I, Ninth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clara J. Sitton, widow of Felix J. Sitton, late of Company H, First Regiment Doniphan's Missouri Mounted Volunteer Infantry, Mexican War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Murray Pierce, late of Company L, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Earl Sanders, late of Company M, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah A. Boorman, widow of Elbertus A. Boorman, late of Battery K, Fourth Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Johanna Murphy, mother of Frank J. Murphy, late of Supply Company, Ninth Infantry, Massachusetts National Guard, border defense, and pay her a pension at the rate of $12 per month.

The name of Richard M. Gilbert, late of Company F, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Cary M. Carlton, late of Company G, Third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Claborn Crawford, late of the Forty-ninth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William C. Jacobs, late of Company H, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James D. Brown, alias James D. Kester, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frederick Lewis, late of Company C, Sixth United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of James H. St. Clair, late of Company H, Third Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James D. Smith, alias James Smith, late of Troop F, Second Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Thomas E. Sutton, alias Birt Sutton, late of Company C, Third Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Blankenship, late of Company I, Seventh Regiment Ohio Infantry, and Company F, Fortieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles H. Heimlich, alias Charles H. Henderson, late of Company E, Third Regiment United States Infantry, Indian war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred N. Oakleaf, late of Company G, Seventh Regiment Ohio Infantry, and Company K, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Minnie Nordyke, widow of Edward C. Nordyke, late of Troop L, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louisa Baumgard, mother of William Baumgard, late of the United States Navy, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hugh Hoch, late of Company M, Twenty-first Regiment Kansas Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William N. King, late of Company D, Seventeenth Regiment United States Infantry, and One hundred and tenth Company, Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Venus B. King, widow of Carl King, late of Company G, Thirteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Augustus Thompson, late of Company H, Third Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank F. Pittman, late of Company F, First Regiment Arkansas Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Nathaniel N. Robbins, late of Capt. Kelly's Company C, First Regiment Oregon Mounted Volunteers, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Silvers, widow of William Silvers, late of Capt. Edward Sheffield's Company A, Second Regiment Oregon Mounted Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Brice Selby, late of One hundred and twentieth Company United States Coast Artillery, and Battery M, Fourth United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Albert A. Lyke, late of Company C, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Corwin W. Holibaugh, late of Troop C, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edith Payne Trimm, widow of Edmund W. Trimm, late chaplain Third Regiment Wisconsin Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of James N. Davis, late of Company C, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert W. Koontz, late of Company M, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Renshall, late of Company L, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert M. Kuppel, late of Company C, Twenty-eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Peter Kankiewicz, late of Company G, Thirteenth Regiment, and Companies I and M, Fourteenth Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John C. Kulpman, late of Company I, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Maude C. Cooper, widow of Charles C. Cooper, late of Company C, Twelfth Regiment Pennsylvania Infantry, and Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Lewis A. Boone, late of Company E, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Helen Fitton, blind and helpless child of John Fitton, late of the Quartermaster Corps, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, during the period of her helplessness, pension to be paid to duly appointed guardian.

The name of Mike Cattarini, late of Company M, Fourth Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ralph Erwin, late of Company G, One hundred and fifty-ninth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lizzie C. Lefavor, widow of Frederic H. Lefavor, retired, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $25 per month.

The name of George Crago, late of Company A, Thirty-first United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of David R. Locke, late of Company E, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Catherine Summers, mother of Lawrence Summers, late of Company L, Second Regiment Mississippi Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John M. Steele, late of Troop K, Fourteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of William Holt, late of Company L, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Frank Godar, late of Company H, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of May A. Sanders, widow of William J. Sanders, late of Company F, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of Jacob Cain, late of Company H, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John O. McMahon, late of Company F, Thirty-third Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Matthew F. Patch, late of the Forty-ninth and One hundred and eighth Companies, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Conrad H. Rowe, late of Company D, Thirteenth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Alice Barkley, widow of Andrew J. Barkley, late of Company F, Fourth Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Jesse J. Renfro, late of Company A, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter G. Smith, late of Company K, Fifth Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jean R. Anderson, widow of Keller Anderson, late colonel Second Regiment Tennessee Infantry, and major Forty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Annie G. Hall, widow of Walter S. Hall, alias Walter McLaughlin, late of Company D, Twelfth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of soldier's minor children until they shall have reached the age of 16 years.

The name of George W. Rabel, late of the Twenty-eighth Battery Indiana Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Brown, late of Company E, Fifth Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles C. Chilson, late of Company I, Eleventh Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Margaret Huling, widow of John Huling, late of Company L, Fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Hester Walk, widow of Henry Walk, late of General Mounted Service, United States Army, Indian war, and pay her a pension at the rate of $12 per month.

The name of Edward C. Wait, late of Company G, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Bert M. Dorton, late of Battery K, Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Maria Gaines, mother of Albert Gaines, late of Company C, Second Regiment New York Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Hans R. Jacobson, late of Company A, Second Regiment Oregon Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Roy W. Turner, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley Priest, late of Company M, Fifth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harry S. Stahl, late of Company K, Fifty-first Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles O. Wallace, late of Company I, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank M. Preston, late of Company M, Third Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank S. Schmidt, late of Company F, Two hundred and second Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter C. Hathaway, late of Troop I, Fourteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Louise Shoat, widow of John W. Shoat, late of Troop C, Fourth Regiment United States Cavalry, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rhoda M. Gates, former widow of Woodson Clay Gates, late of Captain Hunter's and Miller's First Regiment Tennessee Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Nancy Jane Howard, mother of James Howard, late of Troop G, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Flinchum, late of Company C, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Frank H. Gullett, late of the Eighty-fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mary S. Wilson, widow of Joshua Wilson, late of Company I, First Regiment Tennessee Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Christopher L. Einkopf, late of Company D, Fourteenth Regiment United States Infantry, and Company G, Twenty-first Regiment United States Infantry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Docie D. Keeble, late of the Forty-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Jane Polsgrove, widow of Almus W. Polsgrove, late of Company B, Second Regiment Kentucky Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Eugene P. Williams, late of Company L, Sixth Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Daniel Burkey, late of Company D, Thirty-fifth Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James S. Haggard, late of Company C, Ninth Battalion Ohio Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Joseph Tewell, late of Company B, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank H. Howell, late of Company A, First Regiment North Dakota National Guard Infantry, Border Defense, and pay him a pension at the rate of $24 per month.

The name of Ivar A. Amell, late of Company K, Sixth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Jean B. Kopf, late of Troop B, First Regiment Illinois Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert Hand, late of Company I, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John B. A. Richard, late of Company D, First Regiment Rhode Island Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alvis F. Ritter, late of Company I, Fourth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Harvey L. Williams, late of Company A, Second Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Simeon H. Johnston, late of Company D, Sixth Regiment United States Artillery, and Twelfth and Twenty-second Batteries United States Field Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of La Barron T. Marshall, late of Company F, Second Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles S. Kinman, late of Company C, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Zittle King, late of the Thirty-seventh Company, Tenth Battalion, One hundred and fifty-ninth Depot Brigade, War of 1917, and pay him a pension at the rate of $30 per month.

The name of William H. Fish, late of Company K, Fiftieth Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Horace B. Case, late of Company A, Nineteenth Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter Barbo, late of Company I, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Harry A. Smith, late of Company E, Twenty-second Regiment United States Infantry, and Eighth Band, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Margaret Goldie, dependent mother of William Goldie, jr., late of Company L, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward C. Crawford, late of Company F, Thirty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Joseph Phillips, late of Company H, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Heiland, late of Company B, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Leonidas Duncan, late of Company I, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Joseph Dole, late of Troop B, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Bennett, late of Company E, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Frazier, late of the One hundred and forty-second Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget E. Reid, widow of James J. Reid, late of the United States Navy, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of sailor's minor children until they reach the age of 16 years.

The name of Mary M. Newman, widow of John R. Newman, late captain Company K, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month, with $2 per month additional for soldier's minor child until he shall have reached the age of 16 years.

The name of Frank Scott, late of Troop K, Tenth Regiment United States Cavalry, Indian war, and pay him a pension at the rate of $20 per month.

The name of Mary Brown, widow of Alexander Brown, late of Capt. Kelly's independent company, Florida Volunteers, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Hector H. Bryant, late of Troop B, Sixth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles Knight, late of Company K, First Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Thereasa Brisbois, widow of Gabriel A. Brisbois, late of Knowlton's independent company, Wisconsin Volunteers, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John E. Collins, late acting hospital steward, United States Army, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles Grunert, late of Company L, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Hugh O. Neville, late of Troop F, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel G. Dinsmore, late of Company E, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russell M. Huff, late of Company L, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Thomas G. Pardue, late of Troop G, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Cynthia Martin, widow of James L. Martin, late of Capt. Tedford's company, First Regiment Tennessee Volunteers, Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving. Payment to be made to duly appointed guardian.

The name of George A. Cooper, late of Company H, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Susanah Raines, mother of William R. Raines, late of Company M, Seventeenth Regiment United States Infantry, Regular Establishment, border defense, and pay her a pension at the rate of $12 per month.

The name of Charles A. Rogers, late of Company A, Third Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Lewis W. Taft, late of Company K, Fifteenth Regiment United States Infantry, Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Dile, late unassigned recruit, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Guy Robison, late of the Sixty-sixth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Lucy E. Blue, dependent mother of Arthur Blue, late of Company D, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary Stewart, widow of Robert W. Stewart, late of Starbuck's company, Second Illinois Volunteers, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 604. John Whitington.
H. R. 618. Gussie Rash.
H. R. 620. Asa C. Pieratt.
H. R. 631. George W. Lambert.
H. R. 642. Logan C. Bohannon.
H. R. 654. John C. Ferneding.
H. R. 658. John A. Gaut.
H. R. 670. Joseph B. Ohr.
H. R. 693. George W. Doney.
H. R. 698. William Bell.
H. R. 699. Thirza M. Dolph.
H. R. 702. Harold A. Salisbury.
H. R. 763. Julius A. Fuhrman.
H. R. 805. James Cunningham.
H. R. 1798. Walter S. Stewart.
H. R. 1808. David Dixon.
H. R. 2747. Oliver P. Jackson.
H. R. 2759. Jonas Bolen, alias James Bolen.
H. R. 2760. Gertrude Ballou.
H. R. 2762. William H. Culler.
H. R. 2764. Edward Gaines.
H. R. 2767. George B. Locke.
H. R. 2768. Christopher C. Ogden.
H. R. 2769. Peter Poirier.
H. R. 2802. Peter F. O'Brien.
H. R. 2803. Frank Lynch.
H. R. 2804. Thomas Lloyd.
H. R. 2829. Alva C. Foster.
H. R. 3052. Andrew B. Erb.
H. R. 3063. Joseph D. Blackwell.
H. R. 3066. Horace V. Andrews.
H. R. 3203. Augustus W. Connor.
H. R. 3272. Thomas C. Nation.
H. R. 3510. Lucinda Wilson.
H. R. 3514. Gustave Stellar.
H. R. 4001. Harry Weinheimer.
H. R. 4012. Alfred Rivers.
H. R. 4040. John W. Oldfield.
H. R. 4721. William A. Zinn.
H. R. 4967. John L. Dick.
H. R. 5054. John W. Warman.
H. R. 5057. William D. Daniels.
H. R. 5066. James E. Yeager.
H. R. 5069. Miner N. Howard.
H. R. 5090. Amel G. Johnson.
H. R. 5355. Dillon Collett.
H. R. 5364. David A. Turner.
H. R. 5367. Charles H. Ricker.
H. R. 5368. William Estes.
H. R. 5799. Delila Moore.
H. R. 5808. Ida C. Huston.
H. R. 6181. Simon T. Hickman.
H. R. 6529. Caroline V. Wallace.
H. R. 6615. John Scott.
H. R. 6618. John Sullivan.
H. R. 6619. Raleigh J. Stanberry.
H. R. 6694. Edward Schrum.
H. R. 6696. Charles T. Pickens.
H. R. 6720. Edward Myers.
H. R. 6727. Bascum M. Meyers.
H. R. 6779. Mary R. Mellinger.
H. R. 6784. George W. Bales.
H. R. 6942. Louis H. Trayser.
H. R. 6988. James M. Pollock.
H. R. 7046. Katherine Retter.
H. R. 7069. George Bales.
H. R. 7072. Jacob Imhoff.
H. R. 7076. Robert H. Sheaffer.
H. R. 7270. Moses Goldstein.
H. R. 7285. John H. Franklin.
H. R. 7329. James M. Taylor.
H. R. 7364. John E. Harris.
H. R. 7427. William F. Gross.
H. R. 7430. Daniel B. Klingensmith.
H. R. 7509. Emma S. Hanlon.
H. R. 7511. William Fussnecker.
H. R. 7534. John J. Russell.
H. R. 7730. William Constable.
H. R. 7772. Nicholas Sharp.
H. R. 7813. Margaret E. Ward.

H. R. 7851. Otis O. Milliken.
H. R. 7853. Charles A. Bills.
H. R. 7896. Jacob Lyons.
H. R. 7964. Thomas N. Pray.
H. R. 8001. Albert Beiro.
H. R. 8010. Leo V. Burchett.
H. R. 8016. David Akridge.
H. R. 8017. James K. Vance.
H. R. 8135. John Kerns.
H. R. 8361. Samuel C. Braden.
H. R. 8373. Thomas A. Puyear.
H. R. 8409. William W. Shortridge.
H. R. 8556. William Speckhardt.
H. R. 8792. Anna L. Witters.
H. R. 8879. Oliver Hull.
H. R. 8922. William I. Allen.
H. R. 9071. Jerry Fitzpatrick.
H. R. 9187. William Wade.
H. R. 9347. Rachel Ann Tooill.
H. R. 9380. Cynthia E. Endicott.
H. R. 9400. Harry H. Rockey.
H. R. 9427. Walker Anderson.
H. R. 9535. James E. Johnson.
H. R. 9544. Emma R. Foster.
H. R. 9545. Oliver M. McRoberts.
H. R. 9585. Albert O. McNulty.
H. R. 9599. Nancy G. West.
H. R. 9622. Phillipp Ausmus.
H. R. 9658. Clara J. Sitton.
H. R. 9665. Murray Pierce.
H. R. 9674. Earl Sanders.
H. R. 9677. Sarah A. Boorman.
H. R. 9681. Johanna Murphy.
H. R. 9741. Richard M. Gilbert.
H. R. 9743. Cary M. Carlton.
H. R. 9746. Claborn Crawford.
H. R. 9771. William C. Jacobs.
H. R. 9809. James D. Brown, alias James D. Kester.
H. R. 9813. Frederick Lewis.
H. R. 9828. James H. St. Clair.
H. R. 9829. James D. Smith, alias James Smith.
H. R. 9842. Thomas E. Sutton, alias Birt Sutton.
H. R. 9852. Charles H. Heimlich, alias Charles H. Henderson.
H. R. 9884. Henry Blankenship.
H. R. 9885. Alfred N. Oakleaf.
H. R. 9892. Minnie Nordyke.
H. R. 9918. Louisa Baumgard.
H. R. 9920. Hugh Hoch.
H. R. 9941. William N. King.
H. R. 9956. Venus B. King.
H. R. 9962. Augustus Thompson.
H. R. 9970. Frank F. Pittman.
H. R. 9991. Nathaniel N. Robbins.
H. R. 9992. Mary Silvers.
H. R. 9993. Brice Selby.
H. R. 9994. Albert A. Lyke.
H. R. 9995. Corwin W. Holibaugh.
H. R. 10015. Edith Payne Trimm.
H. R. 10017. James N. Davis.
H. R. 10030. Robert W. Koontz.
H. R. 10040. James Renshall.
H. R. 10090. Albert M. Kuppel.
H. R. 10097. Peter Kankiewicz.
H. R. 10141. John C. Kulpman.
H. R. 10143. Maude C. Cooper.
H. R. 10153. Lewis A. Boone.
H. R. 10170. Helen Fitton.
H. R. 10178. Ralph Erwin.
H. R. 10194. Lizzie C. Lefavor.
H. R. 10199. George Crago.
H. R. 10173. Mike Cattarini.
H. R. 10217. David R. Locke.
H. R. 10247. Catherine Summers.
H. R. 10262. John M. Steele.
H. R. 10275. William Holt.
H. R. 10294. Frank Godar.
H. R. 10295. May A. Sanders.
H. R. 10298. Jacob Cain.
H. R. 10314. John O. McMahon.
H. R. 10316. Matthew F. Patch.
H. R. 10319. Conrad H. Rowe.
H. R. 10320. Alice Barkley.
H. R. 10323. Jesse J. Renfro.
H. R. 10342. Walter G. Smith.
H. R. 10352. Jean R. Anderson.
H. R. 10364. Annie G. Hall.
H. R. 10387. George W. Rabel.
H. R. 10389. William H. Brown.
H. R. 10391. Charles C. Chilson.
H. R. 10392. Margaret Huling.
H. R. 10400. Hester Walk.
H. R. 10415. Edward C. Wait.
H. R. 10429. Bert M. Dorton.
H. R. 10444. Maria Gaines.
H. R. 10445. Hans R. Jacobson.
H. R. 10465. Roy W. Turner.
H. R. 10468. Wesley Priest.
H. R. 10474. Harry S. Stahl.
H. R. 10476. Charles O. Wallace.
H. R. 10496. Frank M. Preston.
H. R. 10500. Frank S. Schmidt.
H. R. 10503. Walter C. Hathaway.
H. R. 10569. Louise Shoat.
H. R. 10577. Rhoda M. Gates.
H. R. 10600. Nancy Jane Howard.
H. R. 10602. Thomas Flinchum.
H. R. 10603. Frank H. Gullett.
H. R. 10624. Mary S. Wilson.
H. R. 10633. Christopher L. Einkopf.
H. R. 10642. Docie D. Keeble.
H. R 10659. Jane Poisgrove.
H. R. 10724. Eugene P. Williams.
H. R. 10751. Daniel Burkey.
H. R. 10754. James S. Haggard.
H. R. 10755. Joseph Tewell.
H. R. 10756. Frank H. Howell.
H. R. 10766. Ivar A. Amell.
H. R. 10767. Jean B. Kopf.
H. R. 10768 Robert Hand.
H. R. 10777. John B. A. Richard.
H. R. 10791. Alvias F. Ritter.
H. R. 10814. Harvey L. Williams.
H. R 10815. Simeon H. Johnston.
H. R. 10816. La Barron T. Marshall.
H. R. 10865. Charles S. Kinman.
H. R. 10890. Zittle King.
H. R. 10894. William H. Fish.
H. R. 10910. Horace B. Case.
H. R. 10927. Walter Barbo.
H. R. 10934. Harry A. Smith.
H. R 10938. Margaret Goldie.
H. R. 10944. Edward C. Crawford.
H. R. 10949. Joseph Phillips.
H. R. 10956. Charles A. Heiland.
H. R. 10982. Leonidas Duncan.
H. R. 10995. Joseph Dole.
H. R. 11001. John Bennett.
H. R. 11002. Samuel Frazier.
H. R. 11005. Bridget E. Reid.
H. R. 11007. Mary M. Newman.
H. R 11037. Frank Scott.
H. R. 11043. Mary Brown.
H. R. 11062. Hector H. Bryant.
H. R. 11073. Charles Knight.
H. R. 11095. Thereasa Brisbois.
H. R. 11138. John E. Collins.
H. R. 11167. Charles Grunert.
H. R. 11171. Hugh O. Neville.
H. R. 11184. Samuel G. Dinsmore.
H. R. 11188. Russell M. Huff.
H. R. 11189. Thomas G. Pardue.
H. R. 11220. Cynthia Martin.
H. R. 11242. George A. Cooper.
H. R 11285. Susanah Raines.
H. R. 11287. Charles A. Rogers.
H. R. 11288. Lewis W. Taft.
H. R. 11295. John F. Dile.
H. R. 11374. Guy Robison
H. R. 11402. Lucy E. Blue.
H. R. 11415. Mary Stewart.

Mr. SELLS. Mr. Speaker, I call up Senate bill 1726, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Charles F. Cavenaugh, late of Company F, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Milton M. Lile, late of Company F, Second Battalion of Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Amme A. Wilson, late of Company H, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles B. Smith, late of Troop G, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Edward Flannery, late of Troop G, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Thomas Kent, late of Thirty-sixth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Palmyra Johnson, dependent mother of Edward W. Johnson, late of Company K, Twenty-fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of James A. Criswell, late of Company D, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry L. Henrysen, late of Company B, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Isaac F. Roberts, late of Company D, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Eugene M. Symonds, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Mary E. Allen, former widow of William T. Boles, late of Capt. Preston's company, First Regiment Virginia Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Frank H. Seay, late of Company L, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Hart, late fireman, second class, United States Navy, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas J. Scanlain, late of Company C, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Arthur G. Bosson, late of Company C, Fifth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Grimes, late of Company D, Fifteenth Regiment United States Cavalary, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of James L. Graham, late of Thirty-second Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of David Britton, late of Troop H, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Tarter, late of Company A, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Clark, late of Company K, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Lawrence, late captain, United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Charles Weitfle, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Mary Melissa Anderson, widow of John F. Anderson, late of Company F, Calhoun's Mounted Battalion, Georgia Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Wilfred W. Phaneuf, late of Company M, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Rufus H. Hopkins, late of Company F, Seventeenth Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Ulyssis S. G. Canfield, late of Troops C and E, Eleventh Regiment United States Cavalry, and Company A, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Joseph J. Horan, late of Company E, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Dennis Driscoll, late of Troop I, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James D. Wilder, late of Troop M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lemuel Lunger, late of Company M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Moir, late of Battery B, Battalion Utah Volunteer Light Artilery, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Skillings, late of Company M, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth E. Baker, widow of Laurence S. Baker, late second lieutenant Companies A and F, United States Mounted Rifles, Texas and New Mexico Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John F. Manuel, late of Capt. Alexander McRay's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Culbertson, late Indian scout, United States Army, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elvina Adams, widow of William R. Adams, late of Capt. Newbern's and Capt. Johnson's companies, Florida Mounted Volunteers, Seminole Indian War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Jones, widow of Harry Jones, late of Company F, Sixth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Cornelia A. Nickels, widow of John A. H. Nickels, late commodore, United States Navy, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James J. Butler, late of Company L, First Regiment Washington Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Susan Owens, widow of Thomas J. Owens, late of Company B, Twelfth Regiment United States Infantry, War with Mexico,

and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John Franklin Haynes, late of Company E, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Marion T. Mitchell, late of Company E, Signal Corps, United States Army, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis E. Searway, late of Company H, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John J. Duke, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emeline A. Spaulding, widow of Herbert O. Spaulding, late of Company G, Second Battalion, Eleventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Jacob D. Emery, late of Company M, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Albert L. Newland, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. McMahan, late of Company E, Sixteenth Regiment, and Company I, Nineteenth Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Oscar S. Pomeroy, late of Company F, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Herriman, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edwin W. Gordon, late of Company G, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Daley, late of Company F, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month.

The name of Charles F. Hahn, late of Company D, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur H. Letts, late of Company G, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Floyd E. Driskel, late of Troop I, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Hale, widow of George W. Hale, late of Company B, First Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $25 per month.

The name of Amanda F. Mahin, widow of Elijah L. Mahin, late of Company B, Third Regiment Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William W. Treadway, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Benjamin H. Kimbler, late of Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lee Begley, late of Company M, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Fields, late of Company A, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charley Shelton, late of the Eighty-second Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word, for the purpose of asking a question of the gentleman from Tennessee [Mr. SELLS], the chairman of the committee.

The SPEAKER. The gentleman from Michigan moves to strike out the last word.

Mr. CRAMTON. Mr. Speaker, has the gentleman from Tennessee some hope that some of the House bills now pending in the Senate may receive action by that body in the near future?

Mr. SELLS. I could not give the gentleman any definite information. We are only hoping that they will.

Mr. CRAMTON. I assume that the gentleman in taking up this Senate bill is not seeking to give the impression that all the Senate bills are to be promptly disposed of, while ours slumber over there.

Mr. SELLS. I will just say to the gentleman that this bill was passed by the Senate during the last session of the Sixty-fifth Congress. It came to the House and objection was made to its consideration, and so it went over without action. The bill was then again passed by the Senate during the extra session, and it seems but fair, in view of the fact that the bill has been prepared for more than a year, that it should be considered by the House and passed.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, strike out all of lines 13 to 19, inclusive (pensions of Edward Flannery and Thomas Kent).

Page 3, line 5, strike out "$12" and insert "$24" (pension of Andrew E. Waterman).

Page 3, strike out all of lines 7 to 13, inclusive (pensions of Henry L. Henrisen and Isaac F. Roberts).

Page 4, strike out all of lines 20 to 23, inclusive (pension of David Britton).

Page 5, strike out lines 10 to 12, inclusive (pension of Charles Weitfle).

Page 6, line 23, strike out "$24" and insert in lieu thereof "$17" (pension of George Moir).

Page 8, strike out lines 3 to 6, inclusive (pension of Cornelia A. Nickels).

Page 10, strike out all of lines 12 to 24, inclusive, and lines 1 and 2 on page 11 (pensions of John Daley, Charles F. Hahn, Arthur H. Letts, and Floyd E. Driskel).

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were severally agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SELLS, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the House Committee on Pensions:

S. 201. Charles F. Cavenaugh.
S. 254. Milton M. Lile.
S. 327. Amme A. Wilson.
S. 1073. Charles B. Smith.
S. 1958. Palmyra Johnson.
S. 2132. James A. Criswell.
S. 2195. Andrew E. Waterman.
S. 3107. Eugene M. Symonds.
S. 3290. Mary E. Allen.
S. 3497. Frank H. Seay.
S. 3590. William H. Hart.
S. 3706. Thomas J. Scanlain.
S. 3866. Arthur G. Bosson.
S. 4214. Albert Grimes.
S. 4326. James L. Graham.
S. 4335. George W. Carter.
S. 4411. John Clark.
S. 4412. George E. Lawrence.
S. 4579. Mary Melissa Anderson.
S. 4655. Wilfed W. Phaneuf.
S. 4657. Rufus H. Hopkins.
S. 4730. Ulysses S. G. Canfield.
S. 4737. Joseph J. Horan.
S. 4744. Dennis Driscoll.
S. 4756. James D. Wilder.
S. 4778. Lemuel Lunger.
S. 4796. George Moir.
S. 4821. Charles H. Skillings.
S. 4845. Elizabeth E. Baker.
S. 4846. John F. Manuel.
S. 4851. Joseph W. Culbertson.
S. 4863. Elvina Adams.
S. 4867. Ellen Jones.
S. 4908. James J. Butler.
S. 4935. Susan Owens.
S. 4958. John Franklin Haynes.
S. 4977. Marion T. Mitchell.
S. 4978. Francis E. Searway.
S. 5007. John J. Duke.
S. 5009. Emeline A. Spaulding.
S. 5046. Jacob D. Emery.
S. 5110. Lily D. Murphy.
S. 5111. Albert L. Newland.
S. 5124. George W. McMahan.
S. 5196. Oscar S. Pomeroy.
S. 5209. David W. Herriman.
S. 5219. Edwin W. Gordon.
S. 5399. Sarah Hale.
S. 5454. Amanda F. Mahin.
S. 5527. William W. Treadway.
S. 5529. Benjamin H. Kimbler.
S. 5530. Lee Begley.
S. 5531. Henry Fields.
S. 5532. Charley Shelton.

Mr. SELLS. Mr. Speaker, I ask unanimous consent that the several votes whereby the preceding bills were agreed to may be reconsidered and that that motion lie on the table.

The SPEAKER. Is there objection?

There was no objection.

Mr. SELLS. Mr. Speaker, I call up House bill 9182 and ask that it go to the table. The House bill 9281, which was passed this afternoon, is a substitute for it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bill H. R. 9182 be laid on the table. Is there objection?

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, I call up House bill 11310, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 11310, which the Clerk will report.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise my remarks on the pension legislation just passed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks on the legislation just passed. Is there objection?

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent that the bill H. R. 11310 be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill named may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rosa Fitzpatrick, widow of William Fitzpatrick, alias Michael O'Brean, late of Company C, Fourth Regiment New Jersey Volunteer Infantry, and Company L, Second Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Mary S. Runion, former widow of James T. Newberry, late of Company E, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Annie Casey, widow of James Casey, late landsman, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Andrew J. Allen, late of Company G, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of William S. Eberman, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nicholas Baggs, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Evans, late of Company C, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Weeks, widow of Samuel B. Weeks, late of Company K, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Lewis Hyde, late of Company H, Twentieth Regiment, and Company D, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Wolf, late of Company C, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Black, late of Company H, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Enos Snodgrass, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Silas F. Fowler, late of Company H, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry A. Rowley, helpless and dependent son of Robert Rowley, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Jacob W. Cline, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Leroy Hines, late of Company G, Sixteenth Regiment Kansas Volunteer Cavalry, and Company K, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert J. Bingaman, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mattie L. Wade, helpless and dependent daughter of Francis M. Loud, late of Company H, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Esther A. Van Camp, widow of James H. Van Camp, late of Company I, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Thomas C. Wallace, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza Gnatz, widow of Paul H. Gnatz, alias Paul F. Ochs, late of Company A, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company H, One hundred and seventy-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Joanna Gloster, widow of John Gloster, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and Company F, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of George W. Page, late of Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard M. Johnson, late of Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Anna D. Abel, widow of William A. Abel, late of Company E, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of George W. Ryan, late of Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. MacGregor, late of Company H, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Christian C. Warner, late of Company H, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Oscar McPike, helpless and dependent son of John McPike, late of Company D, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Minard Wood, late acting master's mate, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willis Vidito, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mathew A. Hogan, late United States ship *Portsmouth*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frederick S. Chamberlin, helpless and dependent son of Henry N. Chamberlin, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Henry Conger, alias Henry Stevens, late of Company A, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Trimble, late of Company C, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Slygh, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edith Butler, widow of John Butler, late of Company A, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Mary A. Watts, former widow of John T. Baker, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Flora Walls, helpless and dependent daughter of George Walls, late of Company D, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth Cravens, former widow of Benjamin Parker, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William W. Hawley, late of Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isabella Martin, former widow of William Spatch, late of Company A, Second Battalion, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah Prim, widow of George Prim, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Amanda Trauger, widow of Paul Trauger, late of Company C, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Miley Polly, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel D. Hess, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David W. Bachelder, late of Company A, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clarissa Bell, widow of Thomas M. Bell, late of Company D, One hundred and second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Lavina W. Ellis, widow of Myron H. Ellis, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Isabella Holt, former widow of Orren J. Holt, late of Company H, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Benjamin Franklin Fawbush, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Janet Millage, widow of Abraham Millage, late landsman, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Richard A. M. Harner, late of Company H, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Alice H. Bryant, widow of Permenus Bryant, late of Company H, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of L. Alonzo Dennett, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin F. Patterson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph P. Clark, late of Company A, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Burks, late of Capt. Hawkins's independent company Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Vasthena Burger, widow of Jacob Burger, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Glennie Burger, helpless and dependent son of said Jacob and Vasthena Burger, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Vasthena Burger the name of said Glennie Burger shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Vasthena Burger.

The name of Israel Redinger, late of Company D, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jennie D. Matteson, former widow of David Johns, late of Company C, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Louisa Taylor, widow of Edward Taylor, late of Company K, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Maria L. Gill, widow of John Gill, late of Company I, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Joseph Hutzell, late of Company A, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alice G. Donze, widow of Charles F. Donze, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Alfred Adams, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lenora A. Simmons, former widow of William F. Baker, late of Company F, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John L. B. Breighner, helpless and dependent son of Francis Breighner, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Savannah Noll, widow of George Noll, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Delilah J. Feist, widow of Albert Feist, late of Company B, Fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of Euphrates Huff, widow of John A. Huff, late of the U. S. S. *Tyler*, Western Gunboat Flotilla, and pay her a pension at the rate of $25 per month.

The name of Jemima Trueax, widow of George M. Trueax, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of Leroy Hines, late of Company K, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia A. Clark, widow of Calvin W. Clark, late of Company G, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Blades, late of Company B, Permanent Battalion, Camp Russell, Wisconsin Volunteer Infantry, and unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of John C. Edwards, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emma L. Crysler, widow of David Crysler, late of Company D, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Malinda E. Glidewell, widow of William Glidewell, late of Company B, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Elizabeth Marlatt, widow of Jacob Marlatt, late of Company A, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah Virginia Pollard, widow of Allison W. Pollard, late of Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John Minahan, alias John Bagley, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The name of Belle Thompson Alter, late Army nurse, Civil War, and pay her a pension at the rate of $25 per month.

The name of Adam Mikle, late of Company A, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Esmeralda C. Adams, former widow of Albert H. Buttrick, late landsman, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Sanford R. Bryant, late of Company D, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John J. Moll, alias James Moore, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josephus McMurtrey, late of Company F, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry M. Clark, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James O'Connell, late of Company A, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Marsh, late of Company C, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amos Carlin, late of Company H, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Hutchison, late of Company I, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edgar C. Martin, late of Company K, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lysa B. Ringold, widow of Benjamin B. Ringold, late colonel One hundred and third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Joseph R. Montgomery, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret I. Reider, widow of Emanuel Reider, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph Reider, helpless and dependent son of said Margaret I. and Emanuel Reider, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Margaret I. Reider, the name of said Joseph Reider shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret I. Reider.

The name of Julia A. Birge, widow of Wilbur W. Birge, late of Company I, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mertie Hudson, former widow of George B. Hudson, late of Company K, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Peter Netz, late of Company A, Fifty-fourth Regiment, and Company D, Second Regiment, Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month.

The name of Frank C. Stevens, late of Company A, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Miller, widow of James Miller, late of Company H, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Kate M. Henry, widow of Charles V. Henry, late first lieutenant and regimental quartermaster, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William C. Adams, late of Company D, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Brooks E. Rogers, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank Ephraim Drew, late of Company E, Seventh Regiment Maine Volunteer Infantry, and Company J, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alzina S. Swobe, widow of Thomas Swobe, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, and late lieutenant colonel, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Idella Norton, widow of John Norton, late of Company E, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Almera Norton, helpless and dependent daughter of said Idella and John Norton, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Idella Norton the name of said Almera Norton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Idella Norton.

The name of David Brummett, late of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Erastus F. Sparks, late of Company C, First Regiment United States Veteran Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leman Bartholomew, late of Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hannah C. Ritter, former widow of John C. Edington, late of Company E, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Greek, late of Company D, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Clouser, late of Company I, One hundred and thirty-third Regiment, and Company G, Two hundred and eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josephine M. Chittenden, widow of A. Gus Chittenden, late of Company D, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Olney A. Gifford, late of Company E, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie Hoover, helpless and dependent daughter of Jacob Hoover, late of Company A, Ringold Battalion, and Company A, Twenty-second Regiment, Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Lydia Lenora Henson, widow of Thomas J. Henson, late of Company E, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William Todd, late of Company A, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas R. Henthorne, late of Company D, Forty-second Regiment, and unassigned, Sixty-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah J. Handy, widow of Edward S. Handy, late of Company I, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Florence E. Handy, helpless and dependent daughter of said Sarah J. and Edward S. Handy, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah J. Handy, the name of said Florence E. Handy shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah J. Handy.

The name of John W. Scott, late of Company E, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Murphy, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Franklin A. Lindsey, late of Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry E. Torrence, late of Company H, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sylvester F. Wallace, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary M. Gunsolus, former widow of Mathew M. Gunsolus, late of Company K, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Robert Hill, late of Company H, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard H. Virts, late of Company H, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin McDermott, helpless and dependent son of Michael McDermott, late of Company I, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William A. Beer, late of Companies K and B, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Busher, former widow of William F. Hurst, late of Companies G and F, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Jay Cobb, helpless and dependent son of Charles Cobb, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary A. Kimball, former widow of James W. Kimball, late of Company B, Fifth Regiment, and Company G, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William S. Rowe, late of Company D, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret A. Kinney, widow of Jireh Kinney, late unattached Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles Leathers, late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Dushane, late of Company E, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Yocum, late of Company E, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Osborn, widow of Henry Osborn, late of Company E, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Wheatley, late of Company B, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emily Onderdonk, now Emily Elmer, late Army nurse, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Reuben E. Lawrence, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The name of Mary A. Johnston, widow of John W. Johnston, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Elizabeth A. Hinman, widow of Walter C. Hinman, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Cordelia D. Maynard, widow of Chauncey J. Maynard, late of Company C, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Catherine E. Brinkman, helpless and dependent daughter of Joseph Brinkman, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Lane, late of Company K, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James M. Turley, late of Company H, and major, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin T. Pool, late of Company K, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of August Clair, late of Company I, Fourth Regiment United States Volunteer Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Knaggs, late of Company C, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Bonus W. Fontaine, helpless and dependent son of Simon Fontaine, late of Company H, Thirty-seventh Regiment, and Company K, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Morton Brandemere, late of Company A, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louis K. Lewis, helpless and dependent son of Alexander Lewis, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sinclair Binkley, late of Company E, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Dewalt, late of Company A, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Letitia A. Clifford, widow of Emery W. Clifford, late of Company G, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Rolston, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emma M. Johnson, widow of Arthur M. Johnson, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Tracy M. Johnson, helpless and dependent son of said Emma M. and Arthur M. Johnson, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Emma M. Johnson the name of said Tracy M. Johnson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emma M. Johnson.

The name of Margaret Steele, widow of Edward Steele, late of Company I, Twelfth Regiment Connecticut Volunteer Infantry, and Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Sarah Blackburn, widow of James Blackburn, late of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Nancy J. Markham, former widow of Orville W. Smith, late of the Ninth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of William Logsdon, late of Company B, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna M. Amer, former widow of Joseph Amer, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Caroline Miller, widow of Herman J. Miller, late of Company L, Eleventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Joseph Lukehart, late of Company M, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Travis H. Stilwell, helpless and dependent son of Lewis A. Stilwell, late of Company B, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lydia A. Gaines, former widow of Alvis Fields, late of Company C, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Frederieke C. Anderson, widow of Asbury E. Anderson, late of Company B, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Mary J. Otto, helpless and dependent daughter of Ludwig, alias Louis, Otto, late of Company E, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Aaron S. Davis, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William M. Williamson, late of Company G, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Willoughby, late of Company B, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Milton Hurley, late of Company I, Second Regiment Iowa Volunteer Infantry, and Company H, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mattie Shepherd, helpless and dependent daughter of Ira Shepherd, late of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Perkins, late of Company F, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza M. Keyes, former widow of Francis H. Rasey, late of Company C, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Hewitt, widow of Walter S. Hewitt, late of Company H, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Nathaniel Sanford, late of Company E, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George L. Wells, late of Company A, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Jackson, late of Company B, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Braley, alias James Bradley, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James A. Benjamin, late of Company A, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Huston M. Jones, late of Company K, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Thomas Kerrigan, late of Company H, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary J. McDonald, widow of Luke McDonald, late of Company B, Second Battalion, Nineteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Joseph W. Santee, late of Company H, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Christopher Slatzer, late of Company D, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Clara A. Harlow, helpless and dependent daughter of William A. Harlow, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Angelia Meredith, widow of William H. Meredith, late acting chief engineer United States Navy, and pay her a pension at the rate of $25 per month.

The name of John C. Goodin, late of Company E, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amanda E. Buck, former widow of Elias Harvey, late of Company A, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary Reynolds, widow of Levi Reynolds, late of Company F, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Melissa S. Lee, widow of Gideon E. Lee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lucy L. Lee, helpless and dependent daughter of said Melissa S. and Gideon E. Lee, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Melissa S. Lee, the name of said Lucy L. Lee shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Melissa S. Lee.

The name of Tillman W. Edmonds, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas R. Beasley, helpless and dependent son of John C. Beasley, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Phebie Hamilton, widow of George W. Hamilton, late of Company F, Fortieth Regiment, and Company G, Fifty-first Regiment,

Ohio Volunteer Infantry, and pay her a pension at the rate of $65 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ethel L. Hamilton, helpless and dependent daughter of said Phebie and George W. Hamilton, $20 per month of the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Georgianna Hamilton, helpless and dependent daughter of said Phebie and George W. Hamilton, $20 per month of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Phebie Hamilton, the names of Ethel L. Hamilton and Georgianna Hamilton shall both be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month to each of them from and after the date of death of said Phebie Hamilton.

The name of Martha Scott, widow of James Scott, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William N. Bridges, helpless and dependent son of Joseph Bridges, late of Company F, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Martha J. McCleary, widow of James H. McCleary, late of Company G, Twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Francis Tolson, late of Company B, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Greer, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary C. Haskins, widow of Henry Haskins, late of Company B, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Hans Halvorson, late of Company D, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rissie Swords, widow of William H. Swords, late of Company K, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Steven Marcum, late of the U. S. S. *New Ironside*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Burk, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of George Hinds, late of Company M, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Pricy E. Cook, widow of Timothy Cook, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Anna E. Judd, widow of Rollin Judd, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and Company B, First Regiment Mississippi Marine Brigade Infantry, and pay her a pension at the rate of $25 per month.

The name of John T. Fleener, helpless and dependent son of Samuel W. Fleener, late of Company G, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Cora A. Trueblood, widow of Freeland Trueblood, late of Company C, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Samantha Sedore, widow of Isaac Sedore, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of David Sedore, helpless and dependent son of said Samantha and Isaac Sedore, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Samantha Sedore the name of said David Sedore shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Samantha Sedore.

The name of Julia E. Pierrepont, former widow of Charles A. Barnum, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Maranda Stanfield, widow of Horatio C. Stanfield, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Myrtle Stanfield, helpless and dependent daughter of said Maranda and Horatio C. Stanfield, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Maranda Stanfield, the name of said Myrtle Stanfield shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Maranda Stanfield.

The name of William Connell, late of Company C, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sophie P. Harris, widow of James W. Harris, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John Edwards Harris, helpless and dependent son of said Sophie P. and James W. Harris, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sophie P. Harris, the name of said John Edwards Harris shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sophie P. Harris.

The name of Samuel O. Stanley, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Hall, late of Company E, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martha Ruebel, former widow of Jacob Zeut, alias Joseph Sente, late of Company F, Twenty-ninth Regiment, and Company I, Thirty-second Regiment, Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry Gompf, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William T. Stevens, late of Company K, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert R. Reardon, late of Company H, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Wharton, late of Company G, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Victoria M. Davis, widow of Tilden S. Davis, late of Company H, Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Maria C. Sinclair, widow of Sidney F. Sinclair, late of Company G, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Haines, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Harriet L. Potter, widow of Edward E. Potter, late captain and commodore, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucy A. Leach, widow of Welcome G. Leach, late of Company E, Second Regiment United States Sharpshooters, and Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of James T. Dunn, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Langford, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Donly Toland, late of Company C, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Franklin D. Russell, late of Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Florence Moxey, helpless and dependent daughter of Henry L. Moxey, late of Company F, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Lulu M. Jones, helpless and dependent daughter of Samuel T. Jones, late of Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Noah C. Reichelderfer, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lavina Humphrey, widow of William J. Humphrey, late of Company K, One hundred and twelfth Regiment, and Company A, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Samuel Adair, late of Company B, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Moessner, widow of Christopher F. Moessner, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John Schoonnover, late of Company C, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cornelius Albertson, late of Company C, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph A. Kashner, late of Company G, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David O. Spencer, helpless and dependent son of Oliver Spencer, late of Company C, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Perry Harris, alias James Sampson, late of Company D, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Annie Belle Gaunt, helpless and dependent daughter of Nev Gaunt, late of Company A, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Armstead Shain, late of Company K, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James P. Ritchie, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Sowers, late of Ninth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elisha Childress, late of Company K, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Bounds, late of Company L, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elijah Parrish, late of Company H, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Martha I. McGinnis, widow of Joseph M. McGinnis, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John E. Markley, late of Company E, Sixty-eighth Regiment, and Company K, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

This bill is the substitute for the following bills referred to the Committee on Invalid Pensions:

H. R. 564. Rosa Fitzpatrick.
H. R. 709. Mary S. Runion.
H. R. 904. Henry Conger, alias Henry Stevens.
H. R. 990. Annie Casey.
H. R. 1329. Andrew J. Allen.
H. R. 2437. William S. Eberman.
H. R. 2478. Nicholas Baggs.
H. R. 2796. Elijah Parrish.
H. R. 3187. Joseph Evans.
H. R. 3523. Elizabeth Wecks.
H. R. 3571. John Trimble.
H. R. 3797. Lewis Hyde.
H. R. 3833. David Wolf.

H. R. 4341. John H. Black.
H. R. 4946. Enos Snodgrass.
H. R. 5446. Silas F. Fowler.
H. R. 5863. Henry A. Rowley.
H. R. 5886. Jacob W. Cline.
H. R. 5943. Leroy Hines
H. R. 6184. Robert J. Bingaman.
H. R. 6213. Mattie L. Wade.
H. R. 6309. Isaac Slygh.
H. R. 6525. Esther A. Van Camp.
H. R. 6591. Edith Butler.
H. R. 6695. Thomas C. Wallace.
H. R. 6699. Mary A. Watts.
H. R. 6775. Eliza Gnatz.
H. R. 6964. Joanna Gloster.
H. R. 7029. George W. Page.
H. R. 7031. Richard M. Johnson.
H. R. 7143. Flora Walls.
H. R. 7423. Anna D. Abel.
H. R. 7580. George W. Ryan.
H. R. 7599. John C. MacGregor.
H. R. 7692. Elizabeth Cravens.
H. R. 7859. William W. Hawley.
H. R. 7893. Christian C. Warner.
H. R. 7961. Oscar McPike.
H. R. 8020. Minard Wood.
H. R. 8042. Willis Vidito.
H. R. 8048. Mathew A. Hogan.
H. R. 8098. Frederick S. Chamberlin.
H. R. 8299. Isabella Martin.
H. R. 8334. Clarissa Bell.
H. R. 8340. Sarah Prim.
H. R. 8406. Amanda Trauger.
H. R. 8455. Miley Polly.
H. R. 8676. Sampel D. Hess.
H. R. 8707. David W. Bachelder.
H. R. 8791. Lavina W. Ellis.
H. R. 8858. Isabella Holt.
H. R. 8914. Benjamin Franklin Fawbush.
H. R. 8918. Janet Millage.
H. R. 8964. Richard A. M. Harner.
H. R. 8967. Alice H. Bryant.
H. R. 9044. Aizina S. Swobe.
H. R. 9052. L. Alonzo Dennett.
H. R. 9070. Benjamin F. Patterson.
H. R. 9097. Joseph P. Clark.
H. R. 9071. John W. Burks.
H. R. 9196. Vasthena Burger.
H. R. 9200. Israel Redinger.
H. R. 9209. Jennie D. Matteson.
H. R. 9218. Louisa Taylor.
H. R. 9261. Maria L. Gill.
H. R. 9288. Joseph Hutzell.
H. R. 9311. Alice G. Donze.
H. R. 9383. Alfred Adams.
H. R. 9411. Lenora A. Simmons.
H. R. 9423. John L. B. Breighner.
H. R. 9440. Savannah Noll.
H. R. 9492. Delilah J. Feist.
H. R. 9520. Euphrates Huff.
H. R. 9548. Jemima Trueax.
H. R. 9573. Leroy Hines.
H. R. 9590. Lydia A. Clark.
H. R. 9616. William Blades.
H. R. 9621. John C. Edwards.
H. R. 9635. Emma L. Crysler.
H. R. 9638. Malinda E. Glidewell.
H. R. 9639. Elizabeth Marlatt.
H. R. 9652. Sarah Virginia Bollard.
H. R. 9653. John Minahan, alias John Bagley.
H. R. 9679. Belle Thompson Alter.
H. R. 9680. Joseph R. Montgomery.
H. R. 9687. Adam Mickle.
H. R. 9732. James O'Connell.
H. R. 9737. Esmeralda C. Adams.
H. R. 9744. Sanford R. Bryant.
H. R. 9763. John J. Moll, alias James Moore.
H. R. 9774. Josephus McMurtrey.
H. R. 9796. Henry M. Clark.
H. R. 9799. Samuel Marsh.
H. R. 9800. Amos Carlin.
H. R. 9839. John Hutchinson.
H. R. 9854. Edgar C. Martin.
H. R. 9855. Lysa B. Ringold.
H. R. 9877. Margaret I. Reider.
H. R. 9889. Julia A. Birge.
H. R. 9897. Mertie Hudson.
H. R. 9909. Peter Netz.
H. R. 9910. Frank C. Stevens.
H. R. 9912. Mary J. Miller.
H. R. 9915. Kate M. Henry.
H. R. 9917. William C. Adams.
H. R. 9919. Brooks E. Rogers.
H. R. 9935. Frank Ephraim Drew.
H. R. 9953. Idella Norton.
H. R. 9955. David Brummett.
H. R. 9960. Erastus F. Sparks.
H. R. 9963. Leman Bartholomew.
H. R. 9965. Hannah C. Ritter.
H. R. 9986. John Greek.
H. R. 9987. William H. Clouser.
H. R. 9989. Josephine M. Chittender.
H. R. 9990. Olney A. Gifford.
H. R. 10000. Annie Hoover.
H. R. 10014. Lydia Lenora Henson.
H. R. 10018. William Todd.
H. R. 10021. Thomas R. Henthorne.
H. R. 10025. Sarah J. Handy.
H. R. 10027. John W. Scott.
H. R. 10035. James Murphy.
H. R. 10039. Franklin A. Lindsey.
H. R. 10041. Reuben E. Lawrence.
H. R. 10042. Henry E. Torrence.
H. R. 10050. Sylvester F. Wallace.
H. R. 10052. Mary M. Gunsolus.
H. R. 10054. Robert Hill.
H. R. 10060. Richard H. Virts.
H. R. 10076. Martin McDermott.
H. R. 10078. William A. Beer.
H. R. 10079. Mary Busher.
H. R. 10083. Jay Cobb.
H. R. 10086. Mary A. Kimball.
H. R. 10089. William S. Rowe.
H. R. 10094. Margaret A. Kinney.
H. R. 10099. Charles Leathers.
H. R. 10113. James Dushane.
H. R. 10118. George Yocum.
H. R. 10119. Margret Osborn.
H. R. 10125. William Wheatley.
H. R. 10126. Emily Onderdonk, now Emily Elmer.
H. R. 10144. Mary A. Johnston.
H. R. 10147. Elizabeth A. Hinman.
H. R. 10148. Cordelia D. Maynard.
H. R. 10149. Catherine E. Brinkman.
H. R. 10160. John W. Lane.
H. R. 10161. James M. Turley.
H. R. 10162. Benjamin T. Pool.
H. R. 10163. August Clair.
H. R. 10164. George Knaggs.
H. R. 10166. Bonus W. Fountaine.
H. R. 10167. Morton Brandemere.
H. R. 10168. Louis K. Lewis.
H. R. 10171. Sinclair Binkley.
H. R. 10174. William Dewalt.
H. R. 10175. Letitia A. Clifford.
H. R. 10190. William Rolston.
H. R. 10193. Emma M. Johnson.
H. R. 10197. Margaret Steele.
H. R. 10215. Sarah Blackburn.
H. R. 10218. Nancy J. Markham.
H. R. 10220. William Logsdon.
H. R. 10223. Anna M. Amer.
H. R. 10231. Caroline Miller.
H. R. 10237. Joseph Lukehart.
H. R. 10239. Travis H. Stilwell.
H. R. 10240. Lydia A. Gaines.
H. R. 10246. Frederieke C. Anderson.
H. R. 10249. Mary J. Otto.
H. R. 10263. Aaron S. Davis.
H. R. 10267. John E. Markley.
H. R. 10276. William M. Williamson.
H. R. 10279. John Willoughby.
H. R. 10284. Milton Hurley.
H. R. 10292. Mattie Shepherd.
H. R. 10296. William Perkins.
H. R. 10299. Eliza M. Keyes.
H. R. 10302. Mary Hewitt.
H. R. 10312. Nathaniel Sandford.
H. R. 10332. George L. Wells.
H. R. 10337. Martha I. McGinnis.
H. R. 10340. William W. Jackson.
H. R. 10343. James Braley alias James Bradley.
H. R. 10357. James A. Benjamin.
H. R. 10382. Huston M. Jones.
H. R. 10388. Thomas Kerrigan.
H. R. 10390. Mary J. McDonald.
H. R. 10396. Joseph W. Santee.
H. R. 10397. Christopher Slatzer.
H. R. 10412. Clara A. Harlow.
H. H. 10418. Angelica Meredith.
H. R. 10421. John C. Goodin.
H. R. 10426. Amanda E. Buck.
H. R. 10427. Mary Reynolds.
H. R. 10443. Melissa S. Lee.
H. R. 10448. Tilman W. Edmonds.
H. R. 10458. Thomas R. Beasley.
H. R. 10459. Phebie Hamilton.
H. R. 10461. Martha Scott.
H. R. 10464. William N. Bridges.
H. R. 10466. Martha J. McCleary.
H. R. 10467. Francis Tolson.
H. R. 10469. William Greer.
H. R. 10493. Mary C. Haskins.
H. R. 10495. Hans Halvorson.
H. R. 10498. Rissie Swords.
H. R. 10499. Stephen Marcum.
H. R. 10502. George W. Burk.
H. R. 10505. George Hinds.
H. R. 10526. Pricy E. Cook.
H. R. 10541. Anna E. Judd.
H. R. 10543. John T. Fleener.
H. R. 10544. Cora A. Trueblood.
H. R. 10547. Samantha Sedore.
H. R. 10555. Julia E. Pierrepont.
H. R. 10557. Maranda Stanfield.
H. R. 10567. William Connell.
H. R. 10590. Sophie P. Harris.
H. R. 10593. Samuel O. Stanley.
H. R. 10595. James Hall.
H. R. 10597. Martha Ruebel.
H. R. 10605. Henry Gompf.
H. R. 10606. William T. Stevens.
H. R. 10607. Robert R. Reardon.
H. R. 10619. John Wharton.
H. R. 10620. Victoria M. Davis.
H. R. 10621. Maria C. Sinclair.
H. R. 10627. William Haines.
H. R. 10630. Harriet L. Potter.
H. R. 10631. Lucy A. Leach.
H. R. 10632. James T. Dunn.
H. R. 10637. John C. Langford.
H. R. 10639. Donly Toland.
H. R. 10641. Franklin D. Russell.
H. R. 10646. Florence Moxey.
H. R. 10660. Lulu M. Jones.
H. R. 10665. Noah C. Reichelderfer.
H. R. 10667. Lavina Humphrey.
H. R. 10732. Samuel Adair.
H. R. 10749. Mary A. Moessner.
H. R. 10750. John Schoonnover.
H. R. 10760. Joseph A. Kashner.
H. R. 10769. David O. Spencer.
H. R. 10771. Perry Harris, alias James Sampson.
H. R. 10789. Annie Belle Grant.
H. R. 10790. Armstead Shain.
H. R. 10792. James P. Ritchie.
H. R. 10797. John Sowers.
H. R. 10852. Cornelius Albertson.
H. R. 10905. Elisha Childress.
H. R. 11211. John Bounds.

During the reading of the bill,

Mr. FULLER of Illinois. Mr. Speaker, I move to amend, on page 6, line 11, by striking out the name "Christian" and inserting in lieu thereof the word "Christopher."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 6, line 11, strike out the word "Christian" and insert in lieu thereof the word "Christopher."

The amendment was agreed to.

Mr. FULLER of Illinois. Mr. Speaker, on page 10, line 7, I move to strike out the name "Janet" and to insert in lieu thereof the name "Janett."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 10, line 7, strike out the word "Janet" and insert in lieu thereof "Janett."

The amendment was agreed to.

Mr. FULLER of Illinois. Mr. Speaker, I move to amend, on page 12, line 18, by inserting after the word "Donze," the words "known as Charles F. Douze."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 12, line 18, after the word "Donze," insert the words "known as Charles F. Douze."

The amendment was agreed to.

Mr. FULLER of Illinois. Mr. Speaker, on page 18, line 18, I move to correct the spelling of the word "Main" by inserting the letter "e."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 18, line 18, strike out the word "Main" and insert in lieu thereof the word "Maine."

The amendment was agreed to.

Mr. FULLER of Illinois. Mr. Speaker, I move to amend, on page 25, by striking out lines 19, 20, 21, and 22, the proposed beneficiary being dead.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 25, strike out lines 19 to 22, inclusive.

The amendment was agreed to.

Mr. CAMPBELL of Kansas. Mr. Speaker, on page 33, line 13, I move to strike out "$40" and insert "$50."

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CAMPBELL of Kansas: On page 33, line 13, strike out the figures "$40" and insert in lieu thereof "$50."

Mr. FULLER of Illinois. Mr. Speaker, I think that amendment should be adopted.

Mr. CAMPBELL of Kansas. Then I have no comment to make.

Mr. WALSH. Mr. Speaker, I do not think any amendment of that nature ought to be adopted without some explanation to the House. It is a little unusual.

Mr. CAMPBELL of Kansas. This bill for Mr. Sanford was introduced a long time ago. As is known to everybody, these pension bills have not been considered as rapidly as we have heretofore considered them, because other matters were under consideration. At the time the bill was considered by the committee Mr. Sanford was still able to be about. He is now 84 years of age. He has an old gunshot wound in the knee. He is now confined to his bed.

Mr. LONGWORTH. His disability has increased and his age has increased a year since the bill was introduced.

Mr. CAMPBELL of Kansas. Yes. I think his necessities are such that the amendment should be agreed to.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Is it because of a change for the worse in the pensioner's condition since the introduction of the bill or its consideration by the committee?

Mr. CAMPBELL of Kansas. The bill was introduced for $50, but at the time it was considered by the committee the evidence did not show that Mr. Sanford was confined to his bed. He is now confined to his bed.

Mr. WALSH. This is a case of which the gentleman has personal knowledge?

Mr. CAMPBELL of Kansas. I know Nathan Sanford very well.

Mr. WALSH. The gentleman does not know whether there are other items in the bill of a like nature?

Mr. CAMPBELL of Kansas. I am quite sure that if there were any other items of a similar nature in the bill, the Members interested would call attention to them, and the chairman of the committee would do as he has done in this case.

Mr. WALSH. The gentleman thinks that other Members would follow the illustrious example of the distinguished gentleman from Kansas?

Mr. CAMPBELL of Kansas. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FULLER of Illinois. I move to amend, on page 44, line 15, by striking out the name "Moxey" and inserting in lieu thereof the name "Maxey."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FULLER of Illinois: Page 44, line 15, strike out "Moxey" and insert in lieu thereof "Maxey."

The amendment was agreed to.

Mr. FULLER of Illinois. I offer the same amendment in line 16.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 16, strike out the name "Moxey" and insert in lieu thereof "Maxey."

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FULLER of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST OFFICE APPROPRIATIONS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 433.

Resolved, That during the consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, it shall be in order, notwithstanding the general rules of the House, to consider the following items of said bill:

Page 2, line 12, beginning with the word "including," and all of line 13, as follows: "Including increases hereinafter provided, $931,500."

Page 3, line 6, beginning with the word "including," and all of line 7, as follows: "Including increases hereinafter provided, $184,825."

Page 4, line 21, beginning with the word "including," and all of line 22, as follows: "Including increases hereinafter provided, $40,300,000."

Page 5, line 11, beginning with the word "including," as follows: "Including increases hereinafter provided, $5,672,125."

Page 10, line 19, beginning with the word "including," and line 20, down to and including "$84,500,000," as follows: "Including increases hereinafter provided, $84,500,000."

Page 11, line 5, beginning with the word "including," and all of line 6, as follows: "Including increases hereinafter provided, $81,200."

Page 11, line 9, beginning with the word "including," and all of line 10, as follows: "Including increases hereinafter provided, $3,241,875."

Page 11, line 16, beginning with the word "including," and all of line 17, as follows: "Including increases hereinafter provided, $9,750,000."

Page 11, line 20, beginning with the word "including," and all of lines 21, 22, 23, 24, and 25, and all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, on page 12, as follows:

"Including increases hereinafter provided, $250,000: *Provided*, That wherever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate presidential class indicated by the receipts of the preceding quarter, notwithstanding section 16 of the act approved May 18, 1916, as amended, which requires the compensation of fourth-class postmasters to reach $1,000 for four consecutive quarters, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,900, before such advancement is made: *Provided further*, That in cases where the Postmaster General has exercised the authority herein granted, he shall, wherever the receipts are no longer sufficient to justify retaining such post office in the presidential class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter."

Page 12, line 16, beginning with the word "*Provided*," and all of lines 17, 18, 19, 20, and 21, as follows:

"*Provided*, That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly, for a term of not exceeding 20 years."

Page 13, line 1, beginning with the word "including," and line 2, as follows: "Including increases hereinafter provided, $60,000,000."

Page 13, line 5, beginning with the word "including," and line 6, as follows: "Including increases hereinafter provided, $9,000,000."

Page 13, line 9, beginning with the word "including," and line 10, as follows: "Including increases hereinafter provided, $130,000."

Page 14, line 7, as follows: "Including increases hereinafter provided, $255,000."

Page 14, line 14, as follows: "Including increases hereinafter provided, $1,185,000."

Page 14, line 15, beginning with the word "including," and line 16, down to and including "$60,000,000," as follows: "Including increases hereinafter provided, $60,000,000."

Page 15, line 19, beginning with the word "including," and line 20, down to and including "$37,109,275," as follows: "Including increases hereinafter provided, $37,109,275."

Page 17, line 22, beginning with the word "including," and line 23, as follows: "Including increases hereinafter provided, $4,700,000."

Page 18, line 9, beginning with the word "including," and line 10, as follows: "Including increases hereinafter provided, $19,875."

Page 20, line 23, beginning with the word "including," and line 24, as follows: "Including increases hereinafter provided, $270,000."

Page 21, line 17, beginning with the word "including," and line 18, down to and including "$2,090,000," as follows: "Including increases hereinafter provided, $2,090,000."

Page 22, line 15, beginning with the word "including," and line 16, as follows: "Including increases hereinafter provided, $78,000,000."

Page 22, line 19, beginning with the word "including," and line 20, as follows: "Including increases hereinafter provided, $1,200,000."

Page 23, lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, as follows:

"SEC. 2. That the increased compensation for positions in the Postal Service of all classes and grades made and provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, and House joint resolution of November 8, 1919, entitled 'Joint resolution to provide for additional compensation for employees of the Postal Service and making appropriations therefor,' and the classification and grades specified in said act and resolution shall continue in force during the fiscal year 1921, unless otherwise provided by law."

And it shall be in order to consider said section 2 first, before considering the rest of the bill.

With the following committee amendment:

Page 6, strike out lines 4 and 5.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this rule is to make in order the increases made to the clerks, carriers, and other employees in the Postal Service.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Does this bill make the provisions of the bill permanent law?

Mr. CAMPBELL of Kansas. No; only for the next fiscal year.

Mr. GARNER. In order to pass the same legislation in the next appropriation bill it will be necessary to have a similar rule.

Mr. CAMPBELL of Kansas. To get by points of order on the increases; yes.

Mr. GARNER. This merely makes in order certain provisions in the post-office bill that take more money out of the Treasury of the United States than the statue authorizes.

Mr. MADDEN. No.

Mr. CAMPBELL of Kansas. No; what is authorized in the current year.

Mr. GARNER. The gentleman from Illinois says no, and the gentleman from Kansas modifies the statement because he knows that the answer "no" would not be correct. I said the rule makes in order legislation that would not be in order under the rules of the House and the statutes now existing.

Mr. CAMPBELL of Kansas. Under the general law.

Mr. GARNER. The increases in the bill are not now authorized by law.

Mr. CAMPBELL of Kansas. That is true.

Mr. GARNER. In view of the statement made by the gentleman from Wyoming [Mr. MONDELL] as to the necessity for economy and cutting down appropriations for the next fiscal year, I merely call the attention of the House to the fact that this special rule from the Committee on Rules, which probably has the sanction of the steering committee on the Republican side, including the gentleman from Wyoming [Mr. MONDELL], provides for increased expenditures that are not now authorized by law.

Mr. CAMPBELL of Kansas. Mr. Speaker, during the last two fiscal years the Post Office appropriation bill has carried the increases made in order by this rule. It is for the purpose of making these same increases in order for the next fiscal year, beginning July 1, 1920, that this rule is brought in in regard to this bill.

Mr. MONDELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONDELL. It is true, is it not, that this rule does not make in order any increases that the employees in the service are not now receiving?

Mr. CAMPBELL of Kansas. That is true.

Mr. MONDELL. So that the rule does not provide for any increases in salary above those now being paid.

Mr. CAMPBELL of Kansas. That is true.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. FESS. If these increases were not made in order, the operation of the bill would be to reduce what the employees received last year.

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. But you are taking away from the House of Representatives in the Committee of the Whole the privilege of any Member of this House who thinks that the salaries might be higher than they ought to be the right to make a point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule makes it in order for the House to consider the increases. If the rule is not agreed to, it would be in order for a single Member to prevent the increases by making a point of order. If this rule is adopted, the majority of the House may agree to the increases or it may reduce the amount to the amount provided in the general statute on the subject, or it may reduce it below that amount if Members of the House see fit to do so.

Mr. GARNER. But the only opportunity that a Member of the House who desires to let the statutory salaries continue as now authorized by law would be to vote against this rule.

Mr. CAMPBELL of Kansas. No; when this rule has been agreed to, when these items are read for consideration in Committee of the Whole, the gentleman from Texas, or any other Member, can move to amend by striking out the provisions of the bill providing for the increase and secure a vote in the House.

Mr. GARNER. No; that was not the question I asked the gentleman. The gentleman does not state it correctly. The only chance to get a record vote in the House of Representatives would be to vote against this bill. Of course you can get a vote in the committee, but that is not a record vote.

Mr. CAMPBELL of Kansas. The gentleman could get a record vote in the House if he could get a vote to strike it out, or he could get a vote on these increases on a motion to recommit.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Certainly.

Mr. MANN of Illinois. It is a fact that the gentleman from Texas could declare himself in favor of reducing the present salaries by voting against this resolution.

Mr. CAMPBELL of Kansas. That is true. The gentleman from Texas, I do not think, would take advantage of the suggestion made for his benefit by the gentleman from Illinois. However, Mr. Speaker, unless there is further debate desired on this rule, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

Mr. LONGWORTH. Mr. Speaker, on that I demand a division.

The SPEAKER. The gentleman from Ohio demands a division. Those in favor of agreeing to the resolution will rise and stand until counted. [After counting.] Sixty-two Members have risen. Those opposed will rise and stand until counted.

Mr. GARNER. Mr. Speaker, I probably should be mean enough to accomplish the result the gentleman from Ohio [Mr. LONGWORTH] desires to bring about, namely, to get a record vote on this matter and make the point of no quorum, but not being of that disposition I will let the matter go. [Laughter.]

The SPEAKER (after counting). One gentleman in the negative. On this question the ayes are 62 and the noes 1.

So the resolution was agreed to.

Mr. STEENERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11578, the Post Office appropriation bill, and pending that motion I desire to ask if we can agree upon some time for general debate.

Mr. BLACKMON. Mr. Speaker, I discussed this matter with the chairman of the committee this afternoon, and the gentleman suggested three hours, which is satisfactory to this side of the House.

Mr. STEENERSON. That is satisfactory to us. I ask unanimous consent that general debate be limited to three hours, one-half to be controlled by the gentleman from Alabama [Mr. BLACKMON] and one-half by myself.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that general debate upon the Post Office appropriation bill be limited to three hours, one-half to be controlled by himself and one-half by the gentleman from Alabama [Mr. BLACKMON]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill, with Mr. WALSH in the chair.

The Clerk reported the title of the bill.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CALDER, and Mr. SHEPPARD as the conferees on the part of the Senate.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. STEENERSON. Mr. Chairman, this is the largest Post Office appropriation bill that has ever been reported to the House. It carries $461,000,000. It exceeds by $25,000,000 the appropriations in the regular appropriation bill and the deficiency appropriations made for the Postal Service for the fiscal year 1920. There are, however, pending before the Appropriations Committee additional estimates for the fiscal year 1920 of $3,550,000, and if those should be granted this will only exceed the appropriations for the present fiscal year by $21,000,000. Whatever figure we take, the increase over and above the appropriations for the present fiscal year is less than 6 per cent, which is the usual increase from one year to another. It will, therefore, be seen that the bill is not extravagant. We are now enjoying an extraordinary increase in business and the prospects are that it will continue. So the appropriations in this bill are really less than would be justified by the volume of business. The Committee on the Post Office and Post Roads recognized that it was our duty to pursue a policy of economy, and we have cut out appropriations which we thought were not absolutely necessary, yet we believe we have amply provided for all reasonable requirements. The Postal Service is different from other branches of the Government, for it is more in the nature of a business enterprise than it is a governmental function. It is really conducting a vast transportation service, and as a rule this service has been upon a self-sustaining basis, and in some years has shown a surplus. It has always been the professed policy of every administration, and it is a sound policy, that the postage rates and charges should be so fixed that this service would be self-sustaining.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LONGWORTH. Dealing with the proposition that the revenues of the Post Office should make the Post Office as nearly self-sustaining as possible, as the gentleman has just said, I understand that there is pending before the gentleman's committee a bill which is to reduce the rate on drop-letter postage from 2 cents to 1 cent. Is it the opinion of the gentleman that that bill would substantially reduce the revenues of the Post Office Department?

Mr. STEENERSON. It is my opinion that it would. There are several bills of that character; but the department itself estimates that the immediate reduction by the drop-letter

1-cent rate would be $28,000,000, although they estimate the amount of drop letters would double in two years; and, of course, doubling it, you have cut the rate in two, and the deficit would be made up.

Mr. LONGWORTH. Is the gentleman speaking of the first year thereafter?

Mr. STEENERSON. Yes. The department states that there would be a deficit of $14,000,000 the first year.

Mr. LONGWORTH. What is the gentleman's opinion as to what the condition might be in, say, three or four years?

Mr. STEENERSON. The department would be a good deal in the situation of the merchant who said he was selling a suit of clothes for $25 which cost him $30, but he could do that because he was selling so many of them. The cost of transporting and handling letters has gradually increased in the last few years because of these salary increases. It costs about twice as much for clerk hire in the carrier service to-day as it did 12 years ago, when the last computation was made of handling letters. That was in 1907, when the department had an investigation made. At that time they figured that third-class matter was carried at a loss. I will say, further, that I have received numerous letters from members of the One Cent Postage League, who have been requested to write me, no doubt; and the reason they give for the 1-cent rate is the fact that it would be cheaper for them to have the Government do it than to do it themselves.

I sent an inquiry to the postmasters of some of the largest cities on this subject, and I put the inquiry in this way: The Government has a monopoly over first-class mail but has no monopoly over third-class mail. Anyone can carry it. A very large part of the third-class mail consists of circulars, and since the invention of the mimeograph process, especially, the number of circulars in the mail has increased.

Now, there is no reason in the world why any company or person that thinks it is possible to deliver these letters in the large cities at a profit can not do so. The postmaster at Brooklyn writes there was a company a few years ago, when you could hire men for less wages, that delivered circular letters among the business men of the city and charged about 1 cent apiece for them, but it has discontinued the business, and there is not anyone to-day, a private express company or concern or anybody, that does that business, presumably for the reason that it does not pay. It will cost more than 1 cent. The Government statistics show that it costs more. For that reason it is difficult to see how you can get revenue over and above the cost. The more business you would be doing at 1 cent the worse off you would be. The fact is that the old theory upon which the postal receipts were based does not apply. The theory used to be that you had an organization and you had the help, and that it was economical to employ it at its full capacity, and by so doing you would find that the business would be very profitable because of the so-called law of increasing returns. If you have a carrier who only carries 10 pounds of mail and load him up to 10 pounds more, then it is profitable to have that additional load. But we find now—and it is the testimony of the carriers and of the clerks that they are all worked to capacity—there is no slack. It is all taken up. Down here at Atlanta and New Orleans and Memphis, for instance, the witnesses, without being led by any question of the kind, voluntarily stated that they were loaded beyond their capacity, that they were required to carry enormous loads of 50, 60, 70, and even 100 pounds. That was the grievance they had, that they were loaded down too much. Now, it stands to reason that if you should increase the volume of mail by reducing the postage that you would have to have more clerks and carriers. You can not do the business without more clerks and carriers and therefore can not take advantage of the law of increasing returns. You have arrived at that stage of the business in the Postal Service that we may call in the terminology of political economy the stage of constant or decreasing returns, and therefore the addition of this class of mail at the rate proposed, it is believed, would be a loss instead of being a revenue. You could increase the volume. A great many would send letters that they now pay private carriers a cent and a half to deliver, but the Government could not do it at the price proposed. We would lose on it. Therefore that is not the way to increase the revenue. It is desirable to increase the revenue.

We have adopted these temporary salary increases and I do not believe that any fair-minded man can study the postal affairs and go and listen to the story of the men who do the work, the men who work these hours under great strain, men who are required to possess skill and efficiency, without being convinced that even the present rate of compensation, if the present high cost of living should continue, would be insufficient. I believe it will be necessary for Congress to adopt further increases if the present rate of prices shall continue. I noticed that in the report of the Postmaster General it is stated that it would be advisable to postpone the fixing of salary rates until normal conditions shall return. That would be a very wise suggestion provided we had any prospect that normal conditions as to prices would return in the near future. But if it is going to take several years it would be, I think, an unwise policy to postpone a further revision of salaries. The fact is that with the salaries, even as they are increased and carried in this bill—and which are the same as are in force to-day—it is difficult to get help. In nearly all the large cities of the country the eligible lists of the civil service are exhausted and they have to employ anybody they can get, whether they possess the qualifications or not. Now, the result of that is you fill the lower ranks of the service with unskilled men and you have poor service. Letters are missent and delayed, and you have an extraordinary amount of work thrown upon the employees who are already there and are skilled and trained. They are required to work overtime. This morning I received a letter from a clerk complaining that during the holidays he had to work 16 hours in order to get the mail out. They do not want to do it. It is too hard on the physical man to do it, and the result of taking in these unskilled men is that you are overburdening these older men and making the service poorer. So that if you had better compensation you could take men of education and training, and you would get better recruits and the future employees would be as skilled and efficient as the old employees. For these reasons I think it should be the policy of Congress to try in some way to increase the revenue in order to be able to pay adequate compensation to those who do the work. There has been an unprecedented increase of postal business. No doubt this is due to increased trade and commerce. People as a rule are getting high wages and are spending their earnings freely. The passenger trains are running in three or four sections. They are running with 14, 15, and 16 passenger cars and sleepers.

I have no doubt it is a result of the high wages that are received in industrial occupations. The common laborer is getting more and his money is being scattered among those who receive it for goods and services.

As stated in my report here, the last month of which we have a record, tested by the receipts from 50 of the largest cities in the United States, which 50 largest cities represent one-half of the postal receipts, the total receipts exceeded the receipts for the corresponding months last year, when we had a 3-cent letter rate, by 7 per cent. As you know, the Postmaster General computed that 1 cent extra on letters and post cards put into the Treasury 17 per cent of the total revenue, $71,000,000 in all. Seven per cent in addition to 17 makes 24. So that the receipts for the last three months exceeded the normal receipts at the same rate of postage as we have now by about 24 or 25 per cent. If that shall keep up, even if we have some additional expense, we are likely to have a surplus.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. STEENERSON. I yield.

Mr. MANN of Illinois. If the increase in receipts keeps up, of course, that means also an increase in the amount of mail carried?

Mr. STEENERSON. Certainly.

Mr. MANN of Illinois. That increase is 25 per cent. The Post Office employees are now worked at their full capacity. How does the gentleman expect the Postal Service will be properly carried on with an increase of over 6 per cent in the expense, as proposed by this bill?

Mr. STEENERSON. Well, we accepted the estimates made by the Post Office Department as to what the expense would be, but that was not really an official estimate. It was the different department chiefs. Outside of salaries we took their estimates. For instance, the railway mail pay. There was $7,000,000 unexpended of last year's appropriation for transportation of mail by railway and they recommend the same appropriation, which we gave them.

Mr. MANN of Illinois. They pay it in another way now.

Mr. STEENERSON. Well, we believe the $7,000,000 proposed would be sufficient on that item, out of $50,000,000 or $60,000,000, to pay for the increased transportation. And there are other items. I think the item of transportation of mail by vessels is greater by about two or three millions than the expenditures of last year. So we have some latitude. But, as the gentleman says, if this increase of business should continue there might be a deficiency appropriation necessary, but there would not be a deficiency between the receipts and expenditures, because the expenditures would hardly overtake the receipts.

Mr. DUNBAR. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. DUNBAR. During the last fiscal year there was turned over from the Post Office Department into the General Treasury of the United States something like $71,000,000, representing the excess paid as between 3-cent and 2-cent postage. In view of the fact that the expenditures of the United States Government during the fiscal year are largely in excess of our revenue, what was the prevailing idea that called for the reduction of the postage from 3 cents to 2 cents? Was it accomplished as the result of a vote of the Congress, and, if so, from what source was it recommended?

Mr. STEENERSON. I can give my own views on that subject. In the first place, the gentleman must remember that the revenues were sufficient for that fiscal year and there was a surplus. In the next place, it is not the function of the Postal Service to supply revenue to the Government. That was only an exceptional case, by reason of war. The Constitution does not authorize the Government to use the Postal Service as an instrumentality of taxation. It authorizes Congress to levy taxes; but the postage is paid by those who use the service, and consequently it would be a violation of the spirit and intent of the Constitution to use the Postal Service to supply revenue to the Treasury. It should be, as we believe, made to balance. That, I think, was the reason that actuated the Congress in reducing the postal rate to the former rate of 2 cents. And I think there was another reason. I spoke a while ago about the law of increasing and decreasing and constant returns. Now, you can place postage so high as to discourage the use of the mail. If you should put postage at a dollar a letter, mighty few letters would be carried. Now with regard to post cards. The 2-cent rate applied to them—the war revenue. The rate was doubled. I am informed by the postal authorities that the number of post cards diminished very rapidly and that they have enormously increased since the rate went down again to 1 cent. And the fact that we are enjoying such large revenue to-day from 2-cent postage indicates to me it is a circumstance that more letters are sent at 2 cents than at 3. There is a small profit at the lower rate, and an increase in letters yields profit. This was probably one of the reasons why Congress thought that in the long run it was best to have 2-cent letter postage.

The estimate made in 1907 in regard to the cost of mail showed that there are 45 first-class letters to each pound, making a revenue of 84 cents, some of them being only 1-cent letters. But these are first-class letters. Eighty-four cents a pound was the revenue, because there were so many of them under weight. Of course if they were full weight they would be 32 cents. The estimated cost was 50 cents a pound, so that the profit on 1 pound of first-class mail would be 34 cents. Now, if you cut the postage in two and made it 1 cent you see that you would lose the difference between 42 cents, which you would receive at the new rate, and 50 cents, which it costs. You would lose 8 cents a pound on every pound of first-class mail.

That is a sufficient answer to those gentlemen who so eloquently have advocated 1-cent letter postage. The fact is that 2 cents now only has the purchasing power of 1 a few years ago, so that in effect we have 1-cent postage now. You could not have 1-cent postage unless you taxed the people for part of it, because you would be losing 8 cents a pound on every pound of first-class mail at that rate. Those figures were made in 1907, and I here insert the official table taken from the annual report for 1909.

Revenue, expense, and profit or loss per pound and per piece for the several classes of mail, based on weighing, in 1907.

Class of mail.	Revenue per pound.	Expense per pound.	Profit per pound.	Loss per pound.	Pieces per pound.	Revenue per piece.	Expense per piece.	Profit per piece.	Loss per piece.
First	$0.84601	$0.49923	$0.34078		45.10	$0.01882	$0.01107	$0.00755	
Second	.01143	.09235		$0.08092	4.80	.00238	.01923		$0.01685
Third	.12711	.14317		.01606	8.56	.01485	.01672		.00187
Fourth	.16867	.12308	.04559		3.16	.05337	.03895	.01442	
Free congressional		.01441		.01441	1.99		.00754		.00754
Free departmental		.12113		.12113	5.38		.02252		.02252
Foreign	.15879	.11246	.04633		10.32	.01538	.01090	.00448	

But the element of transportation of letters amounts to only one-tenth of the expense. Nine-tenths of the expense is in clerk hire and in carriers and other expenses, including overhead charges, so that the clerk hire having gone up, and the carriers' salaries having gone up since 1907 about 100 per cent, the figures of those days as to first-class mail are too low, and there is not a profit to-day of probably more than 25 per cent on first-class mail. But that is a good, round profit.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield again?

Mr. STEENERSON. Yes.

Mr. DUNBAR. Is not the gentleman mistaken when he says that the salaries paid to the letter carriers and other post-office employees have been increased 100 per cent since 1907? I do not believe the increase is over 60 per cent, if that much.

Mr. STEENERSON. Well, that is immaterial. You must remember that the law establishing the first increase was enacted in 1907, and those statistics relate to the time prior to that date. Then in 1912 there was another increase, and since then there have been later increases. I might have it too large, but at any rate there has been a material increase in the wages and compensation of clerks and carriers since the figures of 1907 were compiled. The only point I was trying to make was that if it cost 50 cents a pound for handling and transporting first-class mail in 1907, it would cost more than that now, and therefore there would be a smaller profit than there was then at the 2-cent rate.

A great deal has been said about the second-class rate. It strikes me that we are likely to have nearly a compensatory rate in 1921, when the farthest zone rate for advertising will be 10 cents a pound instead of 1 cent a pound, as it was before the increase was made a year or two ago.

There is one statement made in the Postmaster General's report with which I fully agree. That is that advertising matter should pay a rate sufficient to pay its cost. That is the reason he gives for these high rates for advertising contained in newspapers and magazines, which will be in force in 1921. But the Postmaster General, under the authority of the parcel-post act, reduced the postage on certain classes of articles, notably when he transferred books, including catalogues, from third-class mail, where they bore 1 cent for every 2 ounces, or 8 cents a pound, to the fourth-class mail, making it subject to the parcel-post rate, and therefore enjoying the extraordinary low rate for local and on first and second zones.

Now, there are millions and millions—probably 60,000,000—of catalogues sent out every year, weighing each 4 and 5 pounds, and the general way of that distribution by the large houses is to ship them to central points by freight and then redistribute them under the low rate in the first, second, and third zones, the rate being 5 cents for the first pound and 1 cent additional for the next zone, making a 5-pound catalogue carried for 9 cents. The Government used to get 8 cents a pound, or 40 cents, for carrying such catalogues. The excuse for making that change, giving to the mail-order house the right to distribute to the farmers and local people at 9 cents, was that the railway mail service was so high that there was no profit in it anyway. But under the space-plan law the Post Office Department has the right to ship all kinds of mail by freight, and the department does avail itself of it. In the last annual report it was shown that nearly 100,000,000 pounds—99,000,000 pounds—were shipped, and that the cost was less than a cent a pound.

Now, you see if this could be done with the blue-tag matter, magazines and things like that, it could be done with catalogues, and the Government would thereby make a profit.

In 1921 the rate of postage in the first and second zones for the 5-pound catalogue will be 9 cents, but for 5 pounds of advertising matter in a magazine or a newspaper it will be 10 cents, and there will be still more discrepancy in the 10 pounds, and so on; so that if it is not changed, the Government will be discriminating against the advertising in the newspapers, which is paid for by the local merchants and the moneys received by the local publishers very largely, as against the big merchant in New York or Chicago, who ships his catalogues by freight and then remails them to first, second, third, and fourth zones.

They will have a cheaper rate than the advertising contained in the newspapers, paid for by the pound. Now, manifestly that is unfair, and manifestly the Postmaster General did not intend such a discrimination, because at that time the zone law in regard to second-class rates was not in contemplation. So, as the

Postmaster General has the authority to change that rate, I think he will do so. I do not like to have Congress meddle with the parcel-post rates, because we gave the Postmaster General the authority to do that; but if he does not equalize the rates of transportation for the advertising matter contained in second-class publications, so as to make those rates commensurate with those enjoyed by people who send catalogues, Congress will have to act. I have introduced a bill to that effect. However, I hope that when this discrepancy is pointed out the Postmaster General will restore the catalogues to the old third-class mail where they always belonged, being in reality printed matter and not books. By so doing we will get 40 cents where we now get 9 cents, plus, perhaps, 1 or 2 cents which it costs to ship to distributing points by freight, the same as they do the blue-tag matter. Now, that would add a revenue, I believe, of about $10,000,000. That would help to pay the salaries that we are increasing.

I have pointed out these reasons why we should so manage as to secure a sufficient revenue to pay these increased salaries.

In the face of the increased cost of hiring skilled employees we can not undertake to reduce postage in any direction, it seems to me. I would like to reduce postage. It would undoubtedly be a popular thing, but unless it can be established beyond a peradventure that a reduction will bring more revenue and will be profitable, I think we ought to frown upon it.

Mr. RAMSEYER. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. RAMSEYER. Would not a reduction of postage from 2 cents to 1 cent do away with the distinction between letter mail and circular mail and throw all the circular mail into first-class postage?

Mr. STEENERSON. Yes. That is another point that I had never thought of; but in view of the immense volume of the circular mail matter it would be impossible to tell the difference. The third-class mail does not receive the attention that the first-class mail does. First-class mail, paying a larger postage than the others, receives special attention. If you will go down here to the terminus or the post office you will find that the letters are first cared for. They are worked sufficiently to be placed upon railway post-office cars, and there the railway postal clerks separate them and work them, so that in many cases on arriving at Chicago or New York they are ready to be delivered to the very carrier on his route, for the purpose of expediting that class of mail. But when you could not tell the difference, you would have to treat it all alike. You could not tell what was first class or what was third class. The suggestion which the gentleman made is a very valuable one, in my way of thinking, against the proposition to reduce first-class postage, because the tendency would be to slow up first-class mail by the addition of this immense volume of third-class mail. What the American people want is expedition, not of one letter in a thousand or one letter in ten thousand by flying machines, but expedition to the general public. It does not do the people much good for the mail of one man out of a thousand to be expedited a few hours. What is wanted is general expedition of the mail. We must legislate for the general benefit. I am very glad the gentleman from Iowa [Mr. RAMSEYER] made the suggestion he did, because it is one of the strongest arguments I have heard against a reduction of letter postage. I never thought of it before.

Mr. DUNBAR. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. DUNBAR. In estimating post-office expenses and comparing them with the revenue is any allowance made for overhead charges, for depreciation and interest on investment? In the large cities the United States Government owns the post-office buildings. Is any account taken of what the interest on the investment will amount to and is it charged up against the operations of the Post Office Department?

Mr. STEENERSON. It is not charged up annually, but an account is kept of it.

Now, there is one thing more I want to say. I do not mean it as a partisan criticism upon the present incumbents of office, but I want to say it generally, and it is especially applicable to the present administration, that it is impossible to arrive at an intelligent conclusion in regard to the cost of each class of mail service and as to the revenue derived from it.

Now, there has been a great deal said as to first-class mail making 100 per cent, while other mail is carried at a very great loss, and some claim that there is a big profit on the fourth-class mail. Although Congress provided in the parcel-post law that the rates should be revised frequently, so that the revenues should equal the expense, it has never been done. There was an attempt to do it in 1916, but it was guesswork. The parcel-post law also provided that there should be a distinctive stamp; that the postage should be paid by a distinctive stamp. If that had been done, we would have known what the revenue was. But discretion was given to the Postmaster General to remove that provision, and so he changed it by abolishing the distinctive stamp, since which time no living soul within the department or outside the department can tell how much revenue there is from fourth-class matter. The only revenue that we can determine exactly is the revenue from second-class mail, because it is paid by the pound. It used to be 1 cent a pound, and all you had to do was to find the weight and multiply by 1 cent a pound. But now it is a little more difficult, because the cost varies, but the department knows how many pounds of second-class mail there are.

It has never been determined how much it cost. It has been stated that it cost 9 cents a pound and that there was 8 cents loss. That is based on the report of 1907, but the expense of second-class mail is largely made up of transportation, and transportation has gone down; we do not pay one-half of what we did 12 years ago.

There is no way of telling how many postage stamps are used upon letters, or first-class mail, because we use them for other articles, third and fourth class. There is no way of determining how much the revenue is on third-class matter because the same stamps are used on it. They have made no test and no count. We were supposed to be advised as to how much the aeroplane revenue would be because Congress in authorizing the air service gave to the Postmaster General authority to prescribe not more than 24 cents for an ounce. He prescribed several rates and finally came down to 6 cents. There was not a sufficient demand for the service at 6 cents and they needed ballast, and so they took the 2-cent mail and used it for ballast. The result was that whereas you and I paid 6 cents for the aeroplane service the man who only paid 2 cents got the same service as far as the letters were needed for ballast.

As long as you required a distinctive stamp it could not go without that stamp, but as soon as they used other mail for ballast you could not tell what the cost was.

The Harriman National Bank, of New York, when an aeroplane was burned up in Cleveland last year, lost letters containing valuable papers worth $63,000. That bank is evidently in ill luck, because six months ago another aeroplane burned up and they lost a large sum of money. They wrote to the department making an inquiry by what authority they carried mail for 2 cents regular rate when the law prescribed 6 cents. Reply came that it was discretionary with the Postmaster General to charge whatever he pleased. I took issue with that, because Congress authorized and the order was issued at 6 cents, and the Postmaster General did not have discretion to carry mail for 2 cents. When the attention of the department was called to the matter they abolished the extra postage.

They abolished, as I say, the distinctive stamp, and so, of course, there is no revenue from that special facility. The reason for this is that they say they can not go to the trouble of picking out the letters provided with a distinctive stamp. Yet they use a distinctive stamp for special delivery and get a straight delivery service. Therefore it seems to me practicable to pick out letters that have a distinctive stamp.

The result is that when you come to discuss the question of having each class of mail pay its way, when you come to consider whether you want first-class mail to pay more or less, when you come to decide what it costs to perform the service with reference to second-class or fourth-class mail, it is impossible to get any reliable information on the subject.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. RAMSEYER. Has the gentleman any judgment as to how near they can estimate? What does it cost to carry first-class mail and second class and third and fourth?

Mr. STEENERSON. I think their estimates may be very close at times. It depends a great deal upon the estimator. I would not have much faith in the estimate of revenue based on calculations of the Fourth Assistant Postmaster General.

Mr. RAMSEYER. That is, on truck routes?

Mr. STEENERSON. Yes. He calculated that he was making 80 cents out of every dollar. That is the biggest profit in any business that I have ever heard of. The trouble is that he was too enthusiastic.

Mr. RAMSEYER. Eliminating the trucks, what is the gentleman's judgment in respect to the others?

Mr. STEENERSON. It depends upon the man who conducts the investigation. If he proceeds with an open, an honest intention to ascertain the truth, the estimates may be very valuable and come within a small percentage of the facts. I understand they are making a count of the parcel post, counting the pieces and weighing them, and seeing how much postage is paid

on them. They are doing this in the 50 largest post offices, and they are compiling these statistics. If that is done with the intention and fixed purpose of finding what the truth is, they will know what the revenues are; but then comes the next question, of how much is the expense—what is the expense of the parcel post? Can the gentleman tell—can anyone tell—what increase in the automobile vehicle service in the cities is due to the parcel post? We used to have a bill for screen-wagon service of $2,000,000 before the parcel post was inaugurated. Now the bill is over $10,000,000. Take, for instance, the quarters in New York. The parcel post has increased to such an enormous extent that it is a freight business, and the post-office stations in the city of New York especially are so crowded and the help must work in such cramped quarters that it is a disgrace to the Government. It is a good deal the same in Boston and Chicago. There is not space enough for them to work in. In this bill we have authorized an extension of the leasing period from 10 to 20 years. That will induce capital to construct better buildings. They are in great need of space in all these large cities. To build these buildings ourselves would cost hundreds of millions of dollars. All that is due to the enormous increase in the parcel post which is brought in there, brought to congested places of the city, where freight ought not to be handled. It ought to be provided for in some other way. Nobody knows how much we should charge up by reason of these things, how much should be charged as expense for rural delivery, and how much for city delivery, how much for clerk hire. If a person starts with a desire to show a profit, if he has a prejudice one way or the other, however honest he may be, there is plenty of room to show a profit of ten or twenty or thirty million dollars on the parcel post; and if there is a disposition to show a loss, I think it can be figured out that way.

Mr. RAMSEYER. Of course, the estimates of profits on the trucks by Mr. Blakslee about a year ago were rather unusual, and I do not suppose that he will ever make that mistake again.

Mr. STEENERSON. I do not think it was a mistake. It was the estimate of a man carried away by his enthusiasm of feeding the world.

Mr. RAMSEYER. But the other activities of the Post Office Department have extended over years, and probably they are more accurate in arriving at the real cost and earnings than Mr. Blakslee was in the truck system.

Mr. STEENERSON. I hope so. How much time have I used, Mr. Chairman.

The CHAIRMAN. The gentleman has used 53 minutes.

Mr. STEENERSON. I reserve the remainder of my time. [Applause.]

Mr. BLACK. Mr. Chairman, I will ask the chairman of the committee if he will not move to rise at this hour. I have had two or three requests for time, but the gentlemen are not on the floor.

Mr. STEENERSON. I realize the difficulty, and I also realize the strenuous evening the gentlemen on the other side had at the Jackson dinner last night. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11578, the Post Office appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi;

H. R. 8084. An act granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River at or near the town of Cheraw, S. C.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River, in the Commonwealth of Massachusetts;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

APPOINTMENT OF REGENTS FOR THE SMITHSONIAN INSTITUTION.

The SPEAKER appointed the following gentlemen to fill the vacancies on the Board of Regents for the Smithsonian Institution: Mr. GREENE of Vermont, Mr. PADGETT, Mr. ELSTON.

ADJOURNMENT.

Mr. STEENERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Saturday, January 10, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting reports from accounting officers of the department, showing what officers of the Government were delinquent in rendering their accounts for the fiscal year ended June 30, 1919 (H. Doc. No. 579); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation from the Acting Secretary of the Navy, to pay claims for damages by naval vessels, adjusted by the Navy Department (H. Doc. No. 580); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required for current expenses of the Columbia Institution for the Deaf, fiscal year 1920 (H. Doc. No. 581); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting estimate of appropriation necessary to carry out the provisions of private act No. 10 (H. Doc. No. 582); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required by the Coast Guard to pay a collision damage claim (H. Doc. No. 583); to the Committee on Claims and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of War, submitting proposed legislation for inclusion in next deficiency bill authorizing the expenditure of the unexpended balance of the appropriation "Medical and hospital department, 1919," fiscal year 1920 (H. Doc. No. 584); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required for "Miscellaneous expenses, Bureau of Fisheries," fiscal year 1920 (H. Doc. No. 585); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War, submitting a proposed paragraph of legislation for inclusion in the next deficiency bill, authorizing expenditures from prior appropriations for the construction of storage facilities for ordnance stores, including the purchase of land (H. Doc. No. 586); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting a deficiency estimate of appropriation from the Secretary of the Smithsonian Institute, for the purpose of refunding income tax paid on a gift to the institution by Charles L. Freer, deceased, of Detroit, Mich. (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 11602) for the erection of a public building at the city of Susanville, Calif., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. DALLINGER: A bill (H. R. 11603) for the erection of a public building at Melrose, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11604) to acquire a site for a public building in the city of Philadelphia,

State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: A bill (H. R. 11605) to amend the revenue act of 1918; to the Committee on Ways and Means.

By Mr. PURNELL: A bill (H. R. 11606) to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of Maine: A bill (H. R. 11607) providing for a survey of Rockland Harbor in the county of Knox, in the State of Maine; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11608) providing for a survey of the Damariscotta River at Damariscotta, in the county of Lincoln and State of Maine; to the Committee on Rivers and Harbors.

By Mr. KEARNS: A bill (H. R. 11609) to provide for the purchase of a site and the erection of a Federal building at Hillsboro, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11610) to provide for the erection of a Federal building and the purchase of a site therefor at Greenfield, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BOIES: Joint resolution (H. J. Res. 272) to provide for the return of the dead bodies of soldiers of the American Expeditionary Forces buried in France; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11611) granting an increase of pension to Mary Nichols; to the Committee on Pensions.

By Mr. BENHAM: A bill (H. R. 11612) granting a pension to William Tungate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11613) granting a pension to Margaret Burney; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 11614) granting an increase of pension to Robert Gilmore; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11615) granting an increase of pension to Thomas J. Thomas; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 11616) granting a pension to Clara E. Beede; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11617) granting a pension to Solomon D. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11618) for the relief of Joshua Cavins; to the Committee on Military Affairs.

By Mr. ELSTON: A bill (H. R. 11619) granting a pension to John Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11620) granting an increase of pension to Lyman M. Sherwood; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 11621) granting a pension to Henry L. Bond; to the Committee on Pensions.

By Mr. JEFFERIS: A bill (H. R. 11622) granting a pension to Hannah Elizabeth Ledgerwood; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 11623) for the relief of Charles E. Reyburn; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 11624) granting a pension to Charles Eilers; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 11625) to correct the military record of Robert Zink; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 11626) granting a pension to Lucille Henninger; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11627) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11628) granting an increase of pension to Andrew Goddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11629) granting a pension to Robert C. Ladd; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 11630) granting a pension to Herbert E. Strode; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11631) granting an increase of pension to William H. Wroten; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 11632) granting an increase of pension to Nicholas S. Ward; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

751. By Mr. ASHBROOK: Petition of John W. Bauman and 30 other citizens of Ashland County, Ohio, in favor of stamping upon clothing the percentage of wool and shoddy; to the Committee on Interstate and Foreign Commerce.

752. By Mr. CRAGO: Petition of American Legion, Naval Post No. 197, Philadelphia, Pa., favoring increase of pay for the benefit of the Army, Navy, Marine Corps, and Coast Guard Service; to the Committee on Military Affairs.

753. By Mr. CRAMTON: Memorial of Harry F. Hovey Post, No. 135, American Legion, indorsing the Morgan bill (H. R. 5545) for Federal aid in securing homes for soldiers; to the Committee on the Public Lands.

754. Also, petition of R. B. Emery and 39 other citizens of Caro, Mich., urging passage of House bill 3149, the civil-service retirement bill; to the Committee on Reform in the Civil Service.

755. By Mr. ELSTON: Petition of cross-town trainmen of Alameda, Calif., for equitable adjustment of their wages; to the Committee on Interstate and Foreign Commerce.

756. By Mr. EMERSON: Petition of the Cleveland Engineering Society, of Cleveland, Ohio, in favor of national budget system; to the Select Committee on the Budget.

757. By Mr. FREAR: Petition of Milwaukee Plumb Plan League, protesting against the passage of the Esch-Cummins bill; to the Committee on Interstate and Foreign Commerce.

758. By Mr. FULLER of Illinois: Petition of Rotary Club of Champaign, Ill., favoring the Davey sedition bill; to the Committee on the Judiciary.

759. Also, petition of Samuel C. Osborne Manufacturing Co., of Chicago, Ill., supporting antistrike clause in Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

760. By Mr. GOLDFOGLE: Petition of Guaranty Post, No. 104, of New York, favoring universal military training; to the Committee on Military Affairs.

761. Also, petition of Fireman's Fund Insurance Co. of San Francisco, Calif., favoring aerial mail service between New York and San Francisco; to the Committee on the Post Office and Post Roads.

762. By Mr. JAMES: Petition of Italian Citizens' League, of Laurium, Mich., Societe Fratelli Nandiera, of Bessemer, Mich., and of the Italio-American Federation, of Laurium, Mich., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

763. By Mr. KENNEDY of Rhode Island: Petition of Joseph Callaner and 36 others, of Pawtucket, R. I., urging passage of Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

764. By Mr. LINTHICUM: Petition of Brotherhood of Railroad Trainmen, Baltimore, Md., opposing the legislation in the Cummins bill that will prevent strikes if conditions warrant; to the Committee on Interstate and Foreign Commerce.

765. Also, petition of Mothers' Club, of Baltimore, Md., favoring the Smith-Towner bill; to the Committee on Education.

766. Also, petition of William H. Myers, Rosedale, Kans., favoring the Raker bill (H. R. 5), the volunteer officers' retired list; to the Committee on Military Affairs.

767. Also, petition of Rotary Club of Baltimore, Md., favoring the Davey sedition bill; to the Committee on the Judiciary.

768. Also, petition of the Lime and Cement Exchange of Baltimore, Md., favoring House bill 10650; to the Committee on the Judiciary.

769. Also, petition of Baltimore Federation of Labor, favoring House bill 3404, to send a minister and consuls to the republic of Ireland; to the Committee on Foreign Affairs.

770. Also, petition of H. B. Wilcox, of Baltimore, Md., favoring the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

771. Also, petition of Local Union No. 240, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, C. L. V. Whiteman, president, opposing the Cummins-Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

772. Also, petition of Jeffrey Quante Post, No. 20, American Legion, favoring House bill 5545, entitled "To provide homes for soldiers"; to the Committee on the Public Lands.

773. Also, petition of Maryland Commandery of the Military Order of the Loyal Legion of the United States, favoring the Raker bill (H. R. 5); to the Committee on Military Affairs.

774. Also, petition of R. B. Norment, jr., assistant surgeon, United States Public Health Service, favoring the Crago bill (H. R. 10846); to the Committee on Military Affairs.

775. Also, petition of W. G. Lee, president of the Brotherhood of Railroad Trainmen, Cleveland, Ohio, favoring the Anderson amendment to the Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

776. Also, petition of Oriole Lodge, No. 214, Brotherhood of Locomotive Firemen and Enginemen, Baltimore, Md., opposing the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

777. By Mr. MACGREGOR: Petition of National Industrial Conference Board, favoring the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

778. By Mr. O'CONNELL: Petition of Chamber of Commerce of the State of New York, protesting against the continuance of discriminatory tariffs from so-called central freight territory to Gulf and South Atlantic ports; to the Committee on Interstate and Foreign Commerce.

779. Also, petition of American Federation of Railroad Workers, protesting against the passage of the Cummins-Esch bill; to the Committee on Interstate and Foreign Commerce.

780. Also, petition of Abraham Lincoln Branch, Friends of Irish Freedom, protesting against loans to foreign nations; to the Committee on Ways and Means.

781. By Mr. SINCLAIR: Petition of a committee composed of delegates appointed by the Legislatures of Minnesota, North Dakota, and South Dakota, members of the Flood Control Commission of North Dakota, president of the Tri-State Flood Control Association, and president of the North Dakota Flood Control Association, asking aid in the matter of flood control in the Red River Valley of the North; to the Committee on Flood Control.

782. Also, petition of Prairie View Grange, No. 24, Beulah, N. Dak., protesting against the action of the National Grange in opposing the Plumb plan of railroad operation, and declaring for the Plumb plan as the only plan under which railroad rates will not be increased; to the Committee on Interstate and Foreign Commerce.

783. By Mr. VARE: Petition of Joseph Plunkett Branch, Friends of Irish Freedom, asking for recognition of Ireland; to the Committee on Foreign Affairs.

784. By Mr. WOOD of Indiana: Petition of residents of Lafayette, Tippecanoe County, Ind., urging the enactment of a law to retire the civil-service employees of the United States Government; to the Committee on Reform in the Civil Service.

SENATE.

SATURDAY, *January 10, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, give us Thy gracious favor for the task of this day. We can not shut our eyes to the vast responsibilities of this hour, to the far-reaching influence of every word that we utter and every plan and purpose that we have. Give us a divine inspiration that we may make the moral distinctions, that we may measure the moral forces, that we may understand the movement of God in this our day; and give us faith to put ourselves at Thy command. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gronna	McKellar	Robinson
Beckham	Hale	McNary	Sheppard
Borah	Harris	Moses	Smith, Ga.
Brandegee	Harrison	Myers	Smith, Md.
Capper	Johnson, S. Dak.	New	Smoot
Chamberlain	Jones, N. Mex.	Overman	Spencer
Curtis	Kenyon	Page	Sterling
Dillingham	Keyes	Phipps	Trammell
Elkins	Kirby	Pittman	Williams
Fernald	McCumber	Pomerene	

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent from the Senate, due to illness.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER], being confined to his home by illness.

Mr. MCKELLAR. I wish to announce that my colleague [Mr. SHIELDS] is detained from the Senate by illness in his family.

I wish also to announce that the junior Senator from Louisiana [Mr. GAY], the Senator from Delaware [Mr. WOLCOTT], the Senator from North Carolina [Mr. SIMMONS], the Senator from Virginia [Mr. SWANSON], and the Senator from Alabama [Mr. BANKHEAD] are absent on official business.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. Call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. COLT, Mr. FRANCE, Mr. FRELINGHUYSEN, Mr. NELSON, Mr. POINDEXTER, Mr. SUTHERLAND, Mr. THOMAS, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WATSON answered to their names when called.

Mr. NEWBERRY, Mr. RANSDELL, Mr. LODGE, Mr. KING, Mr. NUGENT, Mr. KENDRICK, Mr. DIAL, Mr. SMITH of South Carolina, Mr. LENROOT, Mr. NORRIS, Mr. WALSH of Montana, Mr. HENDERSON, Mr. CULBERSON, Mr. MCLEAN, Mr. HITCHCOCK, and Mr. JOHNSON of California entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9281. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 10515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 11310. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11554. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 8084. An act granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River at or near the town of Cheraw, S. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

PETITIONS AND MEMORIALS.

Mr. NELSON presented the memorial of Dr. C. H. Mayo, of Rochester, Minn., remonstrating against the adoption of the provision in the so-called Esch railroad bill relating to the issuance of passes to local surgeons along the line when needed for traveling, etc., which was referred to the Committee on Interstate Commerce.

Mr. NEWBERRY presented a memorial of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen and Enginemen, of Marquette, Mich., remonstrating against the passage of the so-called Cummins railroad bill, which was ordered to lie on the table.

He also presented a resolution adopted at a meeting of the State Grange, Patrons of Husbandry, Michigan Federation of Gleaners, State Association of Farmers Clubs and Labor Organizations, held in Detroit, Mich., favoring a two-year extension of Government control of railroads, which was ordered to lie on the table.

Mr. PAGE presented a memorial of sundry citizens of Montpelier, Vt., remonstrating against the passage of the so-called Cummins railroad bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3683) to amend section 2 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes" (Rept. No. 362); and

A bill (H. R. 10331) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918 (Rept. No. 363).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 547) authorizing the enlistment of non-English speaking citizens and aliens, reported it without amendment and submitted a report (No. 364) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 20) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana (Rept. No. 365); and

A bill (S. 2962) for the relief of Nick Sitch and Billie H. Evashanks (Rept. No. 366).

He also, from the same committee, to which was referred the bill (S. 604) for the relief of Delilah Siebenaler, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 795) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, reported it with amendments and submitted a report (No. 367) thereon.

He also, from the same committee, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (S. 3138) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands for stockyards, and for other purposes, at Browning Station, in the State of Montana (Rept. No. 368); and

A joint resolution (S. J. Res. 30) to permit the disposition of certain lands in Montana ceded by the Crow Indians (Rept. No. 369).

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment, reported it with an amendment.

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (S. 3610) for the relief of William S. Britton, formerly second lieutenant of Infantry, who has been erroneously dropped from the rolls of the United States Army, reported it without amendment and submitted a report (No. 370) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 3693) granting a pension to Gertrude A. Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3694) granting an increase of pension to Helen D. Longstreet; to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 3695) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina (with accompanying paper); to the Committee on the Judiciary.

By Mr. SPENCER:

A joint resolution (S. J. Res. 143) requiring the several departments of the Government to pay for advertising their business matters; to the Committee on Military Affairs.

CLAIMS AGAINST THE SHIPPING BOARD.

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war, which was referred to the Committee on Commerce and ordered to be printed.

ADDRESS BY DIRECTOR GENERAL HINES.

Mr. ROBINSON. Mr. President, I ask leave to have printed in the RECORD an editorial published in the New York Sun under date of Friday, January 9, 1920, making comment upon the address recently delivered by the Director General of Railroads.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DIRECTOR GENERAL HINES FOR A FEW RAILROAD SYSTEMS WITH DIVISION OF EXCESS PROFITS.

"Director General Hines's clear and vigorous treatment of the railroad problem before the association of the bar is a matter of prime importance for more reasons than the fact that he is the present head of the Government-operated transportation system of the Nation. He is a highly developed, technical railroad man of many years of familiarity with financing, building, operating, and expanding carriers under private management. For more than a generation he fought the battles of the companies. In recent months he has had to fight the battles of the roads, their workers, and the public, not to mention the United States Treasury. And after it all, this bred-in-the-bone railroad man declares these explicit conclusions based upon his practical experience in all the capacities in which he has served:

"I believe that there must be fundamental changes which will consolidate the railroads into a few great systems. I believe that the public and labor, as well as capital, must be represented upon the management of these systems. I believe that a definite standard for rates must be established and that earnings clearly in excess of a reasonable return must be provided and must go largely to providing adequate reserves to take care of years of depression and at the same time enough of the excess must be left with the company earning it to provide adequate stimulus for efficiency. In my opinion, if any effort be made to return the railroads to private control without the fundamental reconstruction which I advise, the result will be progressively disappointing, and in a few years of dissatisfaction of the public will manifest itself through an insistent demand for a radically different plan which is not likely then to stop short of outright Government ownership.

"Mr. Hines is right in his view that American railroads can never give satisfactory service as a whole, can never become financially sound as a whole, can not keep up with the growth of the country, can not continue as private institutions except as a very few great systems naturally consolidated, closely coordinated, and centrally controlled. He is right because in this age big things—and the American railway system is incomparably big—can be done well only in big ways. The railroads which long were in advance of the growth of the country are not now keeping up with it and can not keep up with it as forty-eleven different fractions of a national transportation system at cross purposes and with conflicting policies. They can not get the best and most use out of carriers, out of trackage, out of terminals, out of traffic offices, out of overhead fixtures. They can not give the best and most service to the public which will determine the ultimate fate of the roads, big and little, good, bad, and indifferent.

"Mr. Hines is right in his view that because of their need of public confidence and support, because of their need of full cooperation by the workers, because of their submission to Government rate making and other regulation, there must be participation in the railway problems by not only the owners but the workers and the public.

"This does not mean that the public and the workers shall be partners in the sense that the term is now bandied about by strike leaders and political agitators—a partnership to share the profits but not the losses. It does mean that they shall get into the thing in a way to enable them to reach a common understanding of what must be done for the roads and what, while it is necessary for the roads, is equally necessary for the workers and for the public.

"Mr. Hines is right in his views that an immovable obstacle in the way of getting general rate increases adequate to the needs of the poor roads is the fact that some few roads are making and always do make high dividends and rich surpluses. Any rate that would put the destitute roads of a region on their feet would make the rich roads doubly and trebly rich. The

public always will be unwilling to approve and pay rate increases which pour forth showers of gold into the laps of those roads already opulent while merely rescuing the great majority of the roads from poverty row.

"Undoubtedly this proposal of Mr. Hines will be very unwelcome to some railroad men. It will be unwelcome to them, although Mr. Hines urges the necessity of giving roads enough of the excess earnings beyond a reasonable return to be a powerful stimulus to initiative, economy, and efficiency. Undoubtedly also his suggestion will be a shock to others who sincerely believe that if it is not legally unjust it is wrong in principle and immoral in practice to take from the road or the man what is honestly earned by diligence, competence, and merit to give to the road or the man that, for whatever reason, does not earn or can not earning a living.

"But it is a condition, not a theory, which confronts the railroads. It is a hard, cold fact of this condition that the Government is intrenched in the very center of the American railroad system, as the owners themselves are not and never were. It is a hard, cold fact that the Government determines how they may operate and how they may not, where they may go, and where they may not, what they may charge and what they may not. It is a hard, cold fact that the Government in its control of the roads, its exercise of the functions essential to their welfare, its authority to feed them or starve them, its power of life and death over them, is in effect the overshadowing senior partner, so to speak, of this vast national business institution.

"And it is a hard, cold fact of this condition that the roads, which are unwilling to give up any of their excess profits, will not get the rates to make those excess profits unless there is some such division. The common-sense question for them is not whether they ought to be able to keep what they get, but whether they ever will be permitted to get it unless some of the excess beyond a reasonable return is yielded by them. They never will get it else.

"Consider the alternative. Not many men will question the power and the right of the Government to tax out of the railroads for the purpose of public revenue their excess earnings beyond a reasonable return. The Government could lay a revenue tax that would take from all railroads every penny beyond such reasonable return. But this, in truth, would kill that incentive which Mr. Hines declares is necessary to efficiency. It would stimulate extravagance and waste. It would put a premium on failure instead of success. In the end, it would degrade every efficient, rich, and powerful road to the low level of the poorest and meanest.

"Director General Hines proposes a national railway program which broad-minded and prescient Americanism can back—a program to which all the railroads, no less than the country, sooner or later will be glad to come."

ARTICLE BY FRANK I. COBB (S. DOC. NO. 175).

Mr. BRANDEGEE. Mr. President, I ask to have printed as a public document an article by Frank I. Cobb, editorial writer of the New York World, which appears in the CONGRESSIONAL RECORD of January 5, 1920, pages 1025 to 1028.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SENATOR UNDERWOOD.

Mr. BANKHEAD. Mr. President, I ask to have printed in the RECORD a speech delivered by my colleague [Mr. UNDERWOOD] before the chamber of commerce and the general public in Birmingham, Ala., Friday, January 2, 1920.

The VICE PRESIDENT. Without objection, it is so ordered.

The speech is as follows:

SPEECH OF HON. OSCAR W. UNDERWOOD BEFORE THE CHAMBER OF COMMERCE AND THE GENERAL PUBLIC, BIRMINGHAM, ALA., FRIDAY, JANUARY 2, 1920.

"Senator UNDERWOOD. Mr. President, ladies, and gentlemen, I wish to thank you for this splendid audience that greets me to-night. I am not here to deliver an oration. I am not here to please you with metaphor or honeyed words. I came here to talk to you to-night about a practical detail of legislation that confronts the whole American people.

"The Senate of the United States has passed a bill relating to the transportation system of America that, if it becomes a law, will mark a new era in the history of the American Republic in at least one respect. The era of war between capital and labor and the great transportation lines of this country will cease. The era of settlement by reason, by arbitration, by the law of social justice will have begun. There are many questions involved in the bill that the Senate has passed, and I am going to take the chance of wearying you by trying to explain the terms of this bill. It is a practical question, but it is a home question. It does not make any difference whether you are the man that sits at the lever, who moves the great transportation system of America across the continent, or whether you are the woman that sits at home, nurses your baby by the home fireside—this bill affects you both. This bill relates to the industrial life of the Nation. It relates to the happiness and peace of the home life of the Nation. America can not live without a transportation system. It is the artery that throws the blood from the heart of the Nation to each separate part of the national body, establishes life throughout the whole body politic, and you must look at this question from that standpoint.

LEGISLATION A PRACTICAL QUESTION.

"This bill is not in entire accord with my views, although I supported it in detail; but in passing let me say there are few great bills that have passed the Congress of the United States in the 24 years I have represented this immediate constituency that in all their details have met with my approval. Great legislative enactments are matters of compromise, and men who desire to be constructive in legislation must accept the best obtainable to accomplish the desired result and can not expect that every detail of legislation will meet with their approval.

"There are many problems embraced in the so-called Cummins bill that it is not necessary for me to go into to-night, and if I did attempt to discuss all its details we would not be through before the sun rises in the morning. There are many pages devoted to changes of organic law suggested by the Interstate Commerce Commission. There is incorporated within the pages of this bill the entire and absolute control of the issuance of railroad securities for the future, the regulation of the issuance of railroad securities so that in the future there shall be no more so-called watered stock; so that the money that is invested in the railroads and must earn interest in the future must be money that is actually invested for the benefit of the public.

"There has been practically no opposition to these features of the bill. Public sentiment has grown and drifted until almost by universal acclaim these features of the bill are recognized by the public as necessary in the public interest and have been accepted. It might be of interest to you to tell the details, but I am not going to detain you to-night by going into them, because I want to go to the battle line of the bill, the contested part of the bill, the questions where men differ, and give you my views for my support of the bill on these features.

THE NEWLANDS RESOLUTION.

"This proposal for solution of the railroad problem is nothing new. It is not worked out overnight. Nearly six years ago I was first nominated to go to the Senate. For nearly five years I have been a Member of the Senate, and my very first suggestion when I became a Member of the Senate was that a joint commission should be appointed to work out the railroad problem and see if we could not place it on a solvent and safe working basis in the interest of the public. It was known as the Newlands resolution. Senator Newlands was chairman of the Interstate Commerce Committee. I wrote the resolution and asked Senator Newlands to introduce it. It was passed by both Houses, and a joint commission to work out the railroad problem was appointed. I was a member of that commission. We had many hearings; we gave long consideration to financial, operating, and labor problems. But before we reached any conclusion or final determination of the question the Great War came on and the railroads came under governmental operation, and the work of our commission of necessity ceased. The men who were on that commission, though, set upon the Interstate Committees of the House and Senate and wrote this legislation that has now gone to conference. So they were educated on the subject before it was actually taken up.

"You will recall that a year ago the President of the United States notified the Congress that unless it desired to legislate before he returned the railroads to their owners, the war being over, he was prepared to return them on the 1st of March, 1919. It was impossible for Congress to write legislation by the 1st of March, 1919, and the members of the committees of the two Houses represented that fact to the President; and then he said that he would postpone action until the 1st of January, 1920, and when the first of this year came the bill was in constructive condition, so, by proclamation issued a day or two ago, the President has postponed the return of the railroads to their owners until the 1st day of March of this year. That proclamation can not be recalled. It was authorized under law and can be made but once, and whether we legislate or do not legislate the railroads will go back to their owners on the 1st day of the coming March, unless Congress fixes a prior date.

PROLONGED STUDY OF THE PROBLEM.

"A year ago the Interstate Commerce Committee of the Senate commenced its hearings on this bill. For months it heard the railway executives, the shipper, the business man, the representative of labor, all appearing before the committee, and for days

and weeks and months their various views were reflected into the committee. About the 1st day of September the Committee on Interstate Commerce of the Senate reported what is known as the Cummins bill, because Senator CUMMINS, of Iowa, is chairman of the committee, and introduced the bill. The bill was considered and debated by the Senate until the 20th day of December, when it was passed by the Senate and went to conference between the two Houses.

"Now, my purpose in giving this introduction is merely to show you that the 17 men who sat on this committee were thoroughly informed on this subject; that every angle in reference to this legislation had been brought to their attention. There are 17 men on the committee. On the day the bill was reported to the Senate two of them were absent, leaving 15 men present, and out of the 15 men, coming from the various States of the Union, the bill, in practically the form that it was passed by the Senate of the United States, was reported to the Senate by a vote of 14 to 1 from that committee, 14 members of the committee voting for the bill, Senator LA FOLLETTE, of Wisconsin, casting the dissenting vote.

"We do not contend that this is perfect legislation. The Congress of the United States never passed perfect legislation. Perfect legislation can only be evolved in time; but I think this legislation meets the equation.

LABOR, FINANCE, AND THE PUBLIC.

"There are two paramount sections in that bill. There are many of them, but I am going to confine my remarks to-night to two. One is section 6, that involves finance, and one is section 29, and the immediately following sections that involve labor. And when you say finance, and when you say labor, you have the whole railroad problem before you, except one other word, and that is the public—the man who pays the bill. Money, labor, and the public! There was a time in the history of the development of railroads when the main factors involved in the problem were the capital and the labor. The contentions were between capital and labor. But to-day the great American Republic has become the vital living force in this question that can not be overlooked in any just settlement of the problems involved.

"I am going to spend a few minutes, first, in outlining to you the financial side of the problem, and then I shall discuss at some greater length the labor problems involved. Section 6 of this bill relates to finance. Under the old system of Government regulation of railroads, you know in the beginning when Commodore Vanderbilt established one of the first great consolidated systems of railroads in the country, capital was the all-dominating factor. Capital could charge what it pleased for the transportation of freight, could order labor to do what it wanted to—could handle the whole situation without limitation. But since that day two great organizations have begun to function in the transportation system of the country. One is the Government and the other is organized labor.

"Four decades ago the Congress of the United States started to regulate the railroads, and in 1906 passed a bill that completed the direct control of the railroads, so far as freight rates were concerned. Organized labor commenced maybe five decades ago, certainly four decades ago; I can not remember the actual date. It was weak in the beginning, and grew and grew until it became a more powerful factor in the operating equation than the capital that owned the railroads.

THE RATE-MAKING PROBLEM.

"We are regulating railroads to-day in the interest of the shipper by regulating the freight rate for each piece of freight. Take this district. Pig iron is your great product. The cost of carrying a ton of pig iron from Birmingham to Boston is not fixed by the general manager down here at the railroad office. Of course, I am talking now as if the Government were not at present running the railroads, as if they were under private control. The rates are fixed by the Interstate Commerce Commission, and the toll that you have to pay to carry a ton of pig iron to Boston is $5. It does not make any difference whether you go to the Louisville & Nashville station or the Southern station or the Seaboard Air Line station, you pay the same price for carrying a ton of pig iron to Boston. So it is with a carload of feathers or a package of silk or anything else, the Government fixes the rate. Now, let me ask you a question: Suppose you are on the strongest railroad in the South with your town and your business—a railroad that has dense traffic and high earnings and is able to supply you with all the cars you want and give you adequate service. Are you any more entitled to live and carry on your business from a public standpoint than the man who lives on a railroad necessary in the public interest, necessary to the development of the State, but enjoying a lighter traffic, and therefore to be denominated as a weak road? He is a citizen of Alabama or a citizen of the southern country or of the Nation. He has developed a coal mine or a farm or a factory or a grocery store. He wants to live and do business. Because fate has thrown him in a territory of light traffic and you are in a territory of dense traffic, do you think you ought to have any exclusive right to adequate railway service with which to get your goods to the ultimate market of consumption and he not have a corresponding right? Of course, all that depends upon whether his railroad can live and function and do business; and that depends on whether it can finance itself. If it can not finance itself, the development of the South and of the Nation and the fate of existing communities is restricted to a few railroads enjoying unusual advantages.

"Now, the difficulty that confronted the Congress of the United States was this: Here is 'A' Railroad that started out in the beginning and wandered from one town to another. It was not built on a direct line, but it was built because one town wanted to connect with another, and it connected with another, and then they were joined together in one system. It went over mountains and hillsides; it went by circuitous routes; it built up the country. Then came along 'B' Railroad, after great commerce in the general territory was established, and built a direct line under modern engineering practice, avoiding the hills and building tunnels and making a short line. Now, bear this in mind: Eighty per cent of the revenue of all the railroads is derived from the long haul, the competitive haul, and only 20 per cent from local noncompetitive business. So that you see that a railroad, to live, must for its necessary return look to its competitive business—generally the long haul. It costs the 'A' Railroad much more to carry its freight to the final market of disposition, the railroad that was built under adverse conditions, than it does 'B' Railroad, that was built by modern methods and goes a direct line. Both are necessary in the public interest. Both must survive. And yet they must carry freight at the same rate, because if 'B' Railroad carries freight more cheaply than 'A' Railroad all of the through freight goes over 'B' Railroad, and 'A' Railroad will starve to death. So far as the loss of capital is concerned, that might not be so serious. You might say, 'Sacrifice the man who made a bad investment'; but, my friends, you sacrifice the man who made a bad investment in railroading only by sacrificing the railroad and business and happiness of the thousands and hundreds of thousands of people who live along that line. Their business must be made junk. Their opportunity to reach the ultimate market to dispose of their products will be destroyed if you destroy the road. And that was one of the problems that confronted Congress.

"There has been great pressure on the Interstate Commerce Commission in the last two or three decades for lower rates, or against any raise in rates, and if an active railroad with heavy traffic controlling heavy exchange traffic and heavy divisions of rates was making what seemed to be undue profits, the demand was that the rates on freight should come down or remain down, for higher rates would give it greater profits. Its condition was taken as the standard; it was held as the example, and when the rates came down or remained down on the strong road the weak road went into the hands of a receiver, the weak competitive road. Now, that is the great financial problem that has confronted Congress in all these months.

A NEW TEST.

"But we have proposed a new system. It has been criticized, because anything that is new is subjected to criticism, and properly so. You understand that the old basis of regulation of railroads was based on the effort to determine what was a just and reasonable charge for the transportation of a ton of pig iron from Birmingham to Boston, or a bale of feathers or cotton, or something else. What was reasonable and just? That means what was reasonable for the cost of transportation to the carrier and just to the public. But we found we could not leave it on that basis. There were some few roads that were successfully running and making money by reason of peculiar conditions. A large percentage of them were barely living and not giving adequate service to the public, and that is why you took them over for Federal operation during the war, at great expense. Conditions had choked off most of the roads in the country, and when the war came on there was no agency or relief that could put life into them and make them function and carry the soldiers, carry the raw material, and carry on the Nation's business during the war except the Government itself; and it has cost you hundreds of millions of dollars, because your legislation had choked off the majority of the roads before the war came on, and they were unable to meet the stress of war conditions.

"Now, the problem that confronts the Congress is to turn these roads back so that all roads necessary in the public interest can function and all serve the public, whether the public

lives on the lighter traffic road or the strong road. So we have changed the basis of rate making. The country is divided now into three rate-making districts, the western, southern, and northern. We have said that what is fair to the railroads in the way of return on its capital should be a just return on the fair value of its property. You understand I said property, not stock. So that we have provided that the basis of freight rates in each district shall be adjusted so as to produce a return of 5½ per cent on the fair value of the railway property in the rate district. In other words, if the value of the railroad property—the real value now, not the watered stock—if the real value of the railroads in the southern district is $5,000,000,000—and that is approximately about right—the return that these railroads, not individually, but as a whole, in this southern district are to be entitled to earn is as nearly as practicable 5½ per cent on $5,000,000,000; it would be something between $260,000,000 and $270,000,000—5½ per cent.

"Do you think that is unjust? You can buy an untaxed Government bond on the New York Stock Exchange to-day at a price that will yield 5 per cent. It sells enough below par to pay you 5 per cent, with valuable tax exemptions. Do you think you can make these railroads function unless you give that much—5 per cent—to investors in railway securities? Now, they do not get it if they do not earn it. Many of the roads will not earn it; they must work for it and earn it through efficiency if they get it; but on that basis of 5½ per cent the railroads will have a fair chance. Before the war, or the three years immediately preceding the war, the railroads had an average earning capacity of 5.22 per cent in the aggregate investment, and if this bill goes through they will in the aggregate have a right to earn—that is, their freight rates will be based on a yield of 5½, or 5.50, or an increase of twenty-eight one-hundredths of 1 per cent, or about $50,400,000 for all of the railroads of the United States. Now, that is not an unreasonable increase when you consider the scale on which everything else has increased, and the increased interest which must be paid to attract investments. Now, that is net; you would pay a good deal more than that in freight rates. That is a net increase, not a gross increase. Of course, all increase in wage, all increase in coal, all increase in steel rails, in costs, goes into gross; but the railroads as a whole would get an increase of $50,000,000 in net; and it will cost more than $50,000,000 to make up to railway investors for the increased cost of money; or, you might say, for the depreciation of the value of money; and the increased value of everything else, for a ton of cotton or iron or merchandise will buy more transportation to-day than ever before in the history of the railroads.

"But we did not stop there. Some of these railroads will not earn 5½ per cent on the fair value of their property devoted to public use. Some of them will earn more. We said heretofore that a railroad could earn all it could make. We now put a limitation upon its excess earnings. We have said that a railroad's earning capacity could be 6 per cent on its value, with a graduated proportion of any excess. If it is undercapitalized and earns 6 per cent on the fair value of its property, it will be more than 6 per cent on its capital stock. If it is overcapitalized, it will be less than 6 per cent; and then when its earnings goes to 6 per cent on real value, we have said that it can earn one-half of the earnings between 6 and 7, or one-half of 1 per cent more; and when it goes above 7 per cent, it can only keep for itself one-fourth of what it earns over 6 per cent. The balance has to go into a Government fund, a Government fund in the interest of the public, a Government fund that can be loaned the railroads, weak or strong, that have to borrow money in order that they may compete with the great lenders of money in New York and hold down the price of interest, because you know you—the public—have got to pay that interest. You pay it. The railroad can not run unless you do pay it; and then the fund can be used to be invested by a Government board or commission in buying locomotives and cars, and equipment of all kinds and renting it to the weaker roads or the roads that need it whether they are weak or strong. That is in the interest of the public. One of the great problems that you have to contend with is lack of cars, lack of facilities to get your product to the market. Under this bill no longer could it be said that one great concern in America can hold all the ice cars, the refrigerator cars, because if they try to make a monopoly of it the Government would build some and furnish them where the public needed them, wherever congestion or scarcity might arise. That is in the interest of the people.

INCENTIVE NOT DESTROYED.

"Now, there is complaint that we are limiting the earning capacity of these roads. We have given them the incentive to go on. There is no competition in rates now. There is only competition in service; but as this bill would allow them to earn one-half they earn between 6 and 7 per cent and one-quarter of 1 per cent above 7 per cent we would still hold out the inducement for competition in service. But as the Government under this bill would direct the Interstate Commerce Commission of the United States that it shall levy freight rates on the public that will enable the railroads to earn—not on their capital stock but on their real value—to the extent of 5½ per cent, that is practically assuring the aggregate railway investment out of your pocket, Mr. Shipper, whether represented by issues of stock, if issued at real value, or by their bonds, if issued at real value, a return every year; and if the Government fixes a reasonable return for them so that they can live and function, it is but just and right that the Government shall say how far they shall have the privilege of earning out of the business of the American people.

THE GREAT MUTUAL AND FIDUCIARY INSTITUTIONS.

"Now, I want to say this: Some people contend that section 6 is not a wise provision. You know that under the old system the railroads can't go on without breaking down, because they broke down before, and they are in worse condition now than they were before the war. If they had to go on now without any further legislation, you wouldn't have railroads; there would be no use talking about strikes. If they had to go on without this legislation, there wouldn't be any money to pay the man who sits in the cab of the engine. You have to have financial legislation if you are going to run these railroads.

"This legislation would put them on their feet financially. Why do I say that? The great owners of the railroads are not Judge Lovett, who is the head of the Harriman system, nor Mr. Smith, who is probably one of the ablest railroad men that has ever been in this country, the head of the Louisville & Nashville Railroad. They do not own the railroads. Most of the railway executives own mighty little stock in them. They run them. Who owns these railroads? The great holders of railroad securities in America are the insurance companies, the savings banks, and the great mutual institutions of America—universities and charities. My friend, if you have an insurance policy to-day to protect your wife and children in case of your death, on the average—I am speaking in averages—25 per cent of the assets that stand behind your insurance policy is railroad securities. So this is a problem that comes to you as well as the public, as the real owners of these securities.

"Now, why do I say that section 6 will enable these railroads to function and do business? It is not because I know, because I am not any more of a financier than you are; but if you have noticed the New York papers recently you will see a public statement signed by Mr. Kingsley, the head of the New York Life Insurance Co.; by Mr. Haley Fiske, president of the Metropolitan Life Insurance Co.; by Mr. John J. Pulleyn, head of the greatest mutual savings institution in the country; Mr. W. D. Van Dyke, of the Northwestern Mutual; Mr. Louis F. Butler, of the Travelers; and Mr. George K. Johnson, of the Penn Mutual, acting as a subcommittee of the heads of the great fiduciary institutions to lay their case before the public and the Senate.

"And with these men have joined others in similar positions of trust, enjoying the confidence of the Government and the public and representing the ownership of the great bulk of railroad securities, running into billions and billions of dollars, protecting the happiness of the children and the women and old age. These trustees are entitled to speak for their great trusts.

"Now, what did they say? They said that this Cummins bill ought to be passed, and they indorsed section 6. They are the men who have invested the money that you put in to protect your life insurance policy. They are the men that are selected by you in these mutual life insurance companies to represent your interest. They have put it in railroad securities which used to be the prime investments in this country, and they have said that if section 6 of this bill goes through it will fairly and reasonably protect you from disaster. It is not going to be a great return, but it will protect you from disaster, and they advocate it. Now, I have got confidence in these men. They represent institutions which own the securities. Those men are not gambling in securities. Their companies buy them for permanent investment. Those men are trustees for you. It is probable that they stand as trustees for nine out of ten men in this audience to-night in their insurance policies; and they say to me that if this bill goes through it will put these railroads on a fairly solvent basis. Do you not think that is a pretty good basis for me to cast your vote on? I think so; and I think that if this bill goes through it will not only put

your interest in that railroad security, represented by your insurance policies, on a solvent basis, but it is going to give you a railroad system in this country that can function and do business, and carry your freights to the ultimate markets of the world, and allow you to develop your great manufacturing enterprises, and carry the products of your farm and your factory to the Orient and to the Occident; and if you don't financially sustain this great railroad system disaster faces the American people.

"I might go on and discuss the financial problem at greater length, but in a brief way I have given you a summary of what it means.

LABOR PROVISIONS.

"Now, I want to come down to the other problem, and that is labor. It is just as vital to you as finance. It doesn't make any difference whether you be an engineer or a railroad conductor, or whether you run a grocery store in Birmingham, or are at the head of a great steel plant. Labor functioning properly in the great railroad system in this country is necessary to the life of the Nation, so necessary to the life of the Nation that when the time came when the men of America had to save the world from the Hun you told the man who was engaged in railroad labor he need not go to the firing line; that it was more necessary for him to stay on his job. Some of them went and performed gallant service for the country; but they went as volunteers, not by the compulsion of your Government, because your Government realized that this great railroad system must function and go on. That is how vital transportation is to the country, so we have taken a very radical step in the labor world in this bill.

"I am not surprised that labor leaders have criticized it. It would be strange if they had not when first written in this bill and before the rank and file of labor had thought it out. But I think the step that the Senate has taken is necessary, not only for the protection of the American public but for the protection of railway labor itself.

"I told you a while ago the provisions of this bill were reported from the Senate committee, 15 men voting, by a vote of 14 to 1. That 14 to 1 vote carried the labor provisions as well as the financial provision of the bill. A motion was made in the Senate of the United States to strike out the labor provisions in this bill and was defeated by a vote of 47 to 25. Now, that may not mean so much to you. Labor is a very powerful factor in politics, and labor leaders had come before the committee of the Senate and absolutely rejected the provisions of this bill. The Senators of the United States are elected to office by labor as well as by farmers and business men, and they are slow to defy the mandate of a great class unless they feel sure that they are right. And by a vote of 47 to 25 they refused to strike out of this bill its labor features. Now, I think, whether you represent labor or capital or the public, that that should give you cause for consideration. Why, I see men in this audience whom I have known for 35 or 40 years—men who have represented the great labor interests of this district. I don't think that any man there can say, although I have not always agreed with them, that my general attitude against labor in this district has been unfair. Six years ago, when I was a candidate for the Senate, I had some splendid indorsements from the very men who do not agree with me in this position. My friends, does it occur to you—I don't think I am a coward, nor do I think you charge me with that. Neither am I a fool, and I don't think you will charge me with being a fool. I have no desire to antagonize a vast number of the constituency that I have represented here in this county and who have honored me as representative of this district for 20 years unless there is some weighty reason for my doing so and unless I believed there was weighty reason for my doing so.

THE PRECEDENT OF 1916.

"Yet I want to make a confession to you. I am probably more responsible for the labor clause in the Cummins bill than any man in the Congress of the United States, because I first proposed it in the Senate. When the Adamson bill came before the Congress of the United States in 1916 it came there to avoid a great railway strike. The labor and the representatives of the railroads—I won't say labor and capital, because capital had little to say about it; it was the management of the railroads and the labor—could not agree. The President of the United States was appealed to and he could not bring them together, and, finally, labor itself asked the Congress of the United States to solve the problem by Federal statute. Now, some people deny that. One of the leaders of the brotherhoods in my office a week or two ago denied that proposition. 'Ah,' he said, 'but they had not done so officially'; that they had not officially asked the Congress of the United States to solve this problem by a statute; that there was nothing on their books to authorize such action. I said, 'Mr. Wells, you came into this office and asked me to vote for the Adamson bill, and a committee from the Birmingham district representing railroad labor came to Senator BANKHEAD'S office, met Senator BANKHEAD and myself and asked us to support the Adamson bill. We did not ask you for your credentials as to whether you had passed a resolution in your organization to favor the Adamson bill, but you told us that you were the representatives of the four brotherhoods, and you asked us to vote for it. Were we not justified in presuming that your organization was for it?' If they had not stood for it, and if the President of the United States had not asked for it the Adamson bill never would have become a law. What did they ask for? They asked for the Government of the United States to fix the rate of wages and the hours of work. It came from labor, and it was going their way.

PRECEDENTS MUST STAND.

"When men make a precedent they can not deny it. They must stand by their own handiwork; and if there are any railroad men in this hall to-night—I know there are—you know that every word I have just uttered is true. You were right in asking for it when a strike became inevitable. The peace and the happiness of the Nation were threatened. There was nothing that could save it but the Government, and the time had come when the Government should function, and it did function. But I knew then that the Adamson law did not solve the problem; I knew then that if the final decision of governmental authority was right as a temporary expedient, it was right that the Government should fix the rates of wages whenever and as often as the disagreements between management and employees became irreconcilable. I knew that we Members of Congress knew nothing about the real equation involved. How did we know, with the many duties that we have to perform, whether the particular rate of so much per day paid to the man who sits in the engine cab was just or fair or not? The solution of that question requires an expert board, careful deliberation and consideration, and I proposed, when the Adamson bill came to the Senate—this is why I say I am primarily responsible for this proposition—when the Adamson bill came to the Senate I proposed in the Committee on Interstate Commerce that the Interstate Commerce Commission in the future should fix the rate of wage and hours of work of the labor engaged by the great railroad transportation companies of America, and it was favorably reported to the Senate by the committee; and then, although Congress passed the Adamson bill, it got cold feet. It got scared, and when it came to the water jump it would not go over and rejected my amendment, and I only got 14 votes for it at that time.

MAKE NO MISTAKE, THE LAW WILL BE OBEYED.

"Now, that is where this whole thing started, and that idea has grown and grown until it has been passed by the Senate by a vote of 47 to 25, and unless the conferees or the House of Representatives rejects it it will become the law, and if it becomes the law it will be obeyed. Make no mistake about that, the law will be obeyed. [Prolonged applause.] Now, is it right? Is it the right thing to do? That is the problem.

A NATION-WIDE RAILWAY STRIKE.

"A few months ago we were facing a nation-wide coal strike. It looked as if there was no way out. One hundred and ten million people in America did what? They appealed to the President, to the Government, and the Government settled it. There was no permanent law on the statute books for it looking to the particular settlement, but it was worked out, partly under a war-time statute and partly through intervention by the administration. You are in a coal district. You may not have been alarmed, but how about the many hundreds of thousands of householders in America, when that strike was threatened, who thought about winter coming on, the wife and the little ones by the fireside without coal to carry them through the winter? It meant freezing children, sickness, and probably death. No fault of theirs. No part of the responsibility on them. They had nothing to do with fixing the wage. They had nothing to do with the determination of the question whether it was just or unjust; but yet, because one set of men said that this shall be done, and the other set of men said it shall not be done the great mass of the American people were to be made to suffer. That is the place where Government should function. Government is organized for the purpose of protecting the great mass of the people who live in a community from the arbitrary act of any one class. [Applause.]

"What is the soviet government? A class government. What was the organization of the soviet government of Russia? The organization of government by the soldiers and workmen of Russia—class against the mass—and it has resulted in the most

arbitrary, autocratic government that the world has ever known, not in the interest of the people, not even in the interest of the class. It has created a dictatorship, behind which stands the destruction of property and the trail of the life blood of women and children. In this country years ago, when capital was disposed to combine and organize the so-called trusts to control the commerce of the American people, the Government, representing the people, stepped in and passed the so-called Sherman law, and to capital the Government said, 'So far and no farther.' There have not been so many men sent to jail, but there has stood the signboard on the road, and every man has known where he must stop in the public interest.

"Whenever a class arises in this country where caste and class are out of place, whenever a class arises in this country that threatens the life and the peace and happiness of the American people, whether it be capital or labor, or any other class, then comes the time that your Government must function, and your representatives in public life who fail to stand up and do their full duty are recreant in their duty to the public and traitors to the cause of the people. [Applause.]

NO BLOW AT LABOR.

"What have we done in these labor sections of this bill? Have we attempted to strike down labor, organized labor? No. My friends, let us look this question squarely in the face. Bear this in mind as the very first premise, that when labor or the man at the bottom ceases to battle upward, your Nation is dead. Look at Egypt! Look at India! Whenever you destroy the right of battle by which a man may fight his way to the top, you have a dead nation. And it is not the thing you want to do. But when any class gets so strong that they threaten the life of the Nation, then your Government must function or cease to exist as a Government. [Applause.]

"I say I am responsible for this provision of this bill—I mean its main feature—and I think it is just not only to the public but to labor. Now, just let me tell you the personal attitude. I am not saying it in advocation of myself, but I want to tell you how I approached this subject. Labor has appealed to me many times in the past 24 years to vote for things they wanted, and I have most of the time supported their problems because I thought they were just. I believed the man at the bottom had the right to battle up as long as he was not tearing the other fellow down.

"You know long ago we passed a law requiring that all cars should have certain air-brake equipment, but it did not require that the railroads must be forced to couple them together, and when the crews would get in a hurry they would couple only a few cars close to the engine, and then the brakeman, riding on the rear caboose sometimes, when the engineer put on his air brakes and the slack ran together would be fired out into the sagebrush, because the whole train came together like that, and they appealed for many years for a law to require that all the air or a proper portion of the air should be coupled up. Well, I offered that bill and put it through the House myself. It afterwards became a law.

"There is a good deal of remedial legislation on the statute books that the railroad men of America have proposed and wanted that I proposed in Congress for them. So that I did not approach this subject adverse to them, but I approached the subject in an effort to do what was just both to them and to the American public.

"This bill is not unjust to American labor in the railroads. Under its provisions it says that any two men or more engaged in railroad business shall not enter into a conspiracy to interfere with interstate commerce. It is not applied exclusively to men in the railroad business; the law says any two or more men shall not conspire to interfere with interstate commerce. That includes capital. Two or more general managers can not do it. Two or more men of the public can not do it. Two or more men of the public not connected with the railroad could go out here and oil the track to stop the running of trains, and they would be in violation of the law, or if two or more men engaged in the railroad business as employees conspired together that would be in violation of the law. It relates to everybody.

THE RIGHT TO QUIT WORK.

"Now, I think that law is just, provided that in taking away the weapon of labor to battle upward you give labor something else to take its place. We did take away one weapon of labor to battle upward, but I want you to understand that for that antistrike provision we gave them something else in its place. That antistrike provision says that two or more men shall not conspire against interstate commerce, but it says that nothing in this act shall be construed to prevent any man from quitting his employment. There has been a good deal of talk about this bill taking away the personal right of men and making slaves of them. The act itself expressly negatives that position. But there is a very great difference between a man quitting his employment and striking. Quitting employment is a matter of personal liberty. It is a matter of personal right, a matter of personal freedom, but to strike means just what it says. It is a weapon of offense; it is a blow directed at the other man to accomplish a purpose. You realize that. [Applause.] Quitting work is not all that is wanted in a strike, for somebody else takes your place. You want higher wages, fewer hours, or something else, and you exercise the blow to force the other man to come to your terms, just as you make use of a blow if you are in a personal combat on the street. That is what strike means. It is not an act of personal liberty, personal protection, individual rights; it is the big stick used against the other fellow. It is a joint or social action falling within the domain or functions of government where the results of the action directly affect the public welfare.

UNIVERSAL RAILROAD STRIKE AND THE PUBLIC.

"Now, my friends, what does a universal railroad strike mean? It ceases to be a blow directed against capital, because, although capital may lose dividends for three or four months while labor is out on a strike, that is infinitesimal compared with what is going to happen to the public. The owners of the railroads may lose a few dollars. Railway investment may lose the earning capacity in 90 days of a fourth of its dividends for a year. What does that mean? But little. It is an operating expense that will be paid in the end by the public. But a universal railroad strike for 90 days in America is directly aimed at the American public. A strike for 90 days means idle factories and foundries, men out of employment, women without food. A strike for 90 days means that the milk trains have ceased to go into the great cities, and the infants are dying in their mothers' arms. A strike for 90 days means that the whole business life of the Nation has ceased to function, and panic and disaster stalks in the land. You know that. The blow is not directed against capital. It is directed against the public to coerce the accomplishment of a result that the public, unorganized, has no power to control.

"My friends, you who have spent your lives at the throttle of an engine, or as a conductor of a railroad train, tell me, if you produce that result in the Birmingham district, how long you could live in this district? Just think about it a minute. Suppose you deliberately, through your organizations, brought on a 90-day strike; assuming that your cause was perfectly just, that you were asking for higher wages and you were entitled to them, and you could not get them out of the railroad management, and because you could not get them out of the railroad management you brought on a strike for 90 days and paralyzed the business life of this Nation and had infants dying in their mothers' arms and men starving for lack of food, how long do you think the public, your neighbor, would stand it? Before the 90 days were out there would be blood in men's eyes and the governor of Alabama would have his troops in Birmingham protecting your homes and your lives if you brought about that result, and you know it as well as I do. The American public is very peaceful as long as it is not affronted, but you strike blood in its face as the German Emperor did, and it arouses itself like a wild animal, and then nothing in the history of the world has ever stood before it since the dawn of this Republic. [Applause.]

PROTECTION TO LABOR.

"I tell you that the provisions of this Cummins bill is the greatest protection that American labor has ever had offered it. American labor can not strike against the American public. [Applause.] More than that, think what it costs you. When I was 30 years younger than I am now I was hotheaded. I wanted to scrap. I wanted to fight the way through, and you younger men who are in the railroad world probably have the chip on your shoulder now and want to scrap it out with anybody that gets in your way. But the railroads in this country have very properly passed or recognized the system of long service, have acquired positions by faithful service. Let me ask an engineer or a conductor in this audience who has served a great railroad system for 20 or 30 years, and, by hard, faithful service, has finally become the engineer or the conductor of the fast mail. He runs out his 100 miles or his day's work in five or six hours. He makes the best wage on the road, or approximates it. He has earned his position for peace in life by labor. His position is just as much an accumulation of that man's time as if he had been a banker and saved his interest and invested it in property. He has invested it in good character and good service and has won his position, and you young, hotheads bring on a universal strike, scrap the whole business, and throw him out of employment; and then this man who is 60 years of age, maybe, after 30 years of service, must he go out and begin

all over at the tail end of a freight train and lay on the sidetracks all night waiting to come home, and do the work over again that he did as a boy? And, if you are a youngster, when you get 30 years older do you want the accumulation of your 30 years to mean nothing more to you than that it can be scrapped overnight? That is what a universal railroad strike would mean to you. That is what the labor chiefs have asked you to maintain as a system. It is an impossible system, an impractical system, where it is a blow directed not against capital but against the American public.

"Now, what have we proposed? What did I propose in 1916? Not that capital can exact the last hour of work from you, not that capital can enforce unjust conditions upon you, but that a board representing the Government of the United States must hear your complaint at any day and reach a just determination as to what is fair and just to you and the public. That is what I proposed in 1916. And what does this bill propose? I did not suggest any penalty clause. I do not think the penalty clause is necessary, but I see no objection to the penalty clause, because I do not think anybody has a right to interfere with the transportation of interstate commerce. The public is too vitally interested. I do not care whether you are engaged in railroading, whether you are a general manager, brakeman, or the outside public, the penalty clause is not necessary, for once you have a Government board to adjust wage scales and working conditions of railroads in America the strike is necessarily gone, because you can not strike against your Government. You know that as well as I do.

COMMON SENSE.

"You know, I think we have come pretty close to an understanding about this matter. All the common sense in the world is not in capital or the public. Labor is possessed of just as much common sense as other people. When this Cummins bill first came before the Senate all four brotherhoods came before the committee and protested, and Mr. Gompers came with them. I have known Mr. Gompers a good many years. I have talked to him about many matters. Mr. Gompers always goes with his crowd. That is very natural. Twenty-five years ago when I first knew Mr. Gompers he was pretty radical. I had many occasions to talk to Mr. Gompers during war times, and he was quite conservative. Men get more conservative as they grow older. Now, Mr. Gompers came before the Interstate Commerce Committee and I cross-examined him on this bill. He said that he was opposed to the penalty clause because it took away a personal right from these men. I differ with him because I do not think there is a personal right involved. The right to hit another man in the head is not a personal right. The right to quit is guaranteed by the bill. But I said, 'Mr. Gompers, if we leave out the penalty clause of this bill, are you in favor of a Government board fixing the wages?' He said no, he was not, because you could not strike against a Government decision. He was right. You can not. Then I said, 'Mr. Gompers, can you tell me some other way by which we can avoid a universal railroad strike in this country, and all the disaster that will follow in its wake, other than the method we have written in this bill?' He said no, that there was no other way. He did not believe this would, but he had nothing else to suggest. In other words, he proclaimed the doctrine that in this great Republic the force of capital or the force of labor must prevail and the battle field must be over the homes of America. That was in August. Last week the press dispatches said that the position of Mr. Gompers and the representatives of the four brotherhoods, in issuing their statement about this legislation, was that they were opposed to the penal features of the bills, but were prepared to accept the remedial part of the legislation, and asked that the legislation be extended to Pullman-car conductors, who had been unfortunately left out. [Laughter and applause.] What are the remedial features of the legislation? So far as the Senate bill is concerned it is that if there is a dispute as to wages or working conditions each side may select a certain number of arbitrators—five, I believe—and they shall try to agree.

"If they agree, then that settles the difference. If they can't agree, then the question shall go to the board of transportation, a Government board appointed by the President, and the board of transportation shall finally determine what is a just wage or what are just working conditions. Those are the remedial features of the bill. Instead of the board of transportation that is created by this bill, in 1916 I proposed the Interstate Commerce Commission, in principle the same. Now, I was not in Washington, but you may refer to the daily papers of this city two or three days ago—I forget the date it came out—and you will see the statement came out from Washington just as I have repeated it. That is a very great change from the testimony that was presented before the committee. If that statement correctly presents the attitude of the labor leaders, is not that a change that has reflected the sentiment of the great mass of railroad workers of America, who want only what is just and what is right? I think it is. I think it is. Now, let me tell you: If you have a board, if this legislation goes through and you are not satisfied with your wages or working conditions, you, as an individual, if you are engaged in railroad employment, can carry the question to the board of transportation. Or if you belong to the labor union your union can demand arbitration, and if arbitration is not worked out satisfactorily, your union can carry it to the board of transportation and have it determined in a peaceful, orderly way and dispose of the question, and you will not lose your job. You will not lose your daily wage, your family will not have to suffer, and the great American people will not be starved to death while you are doing it. Now, that is what we are offering you. Those are the remedial features of the bill. Well, if you have those remedial features what care you whether there is a provision in there that no man shall conspire to interfere with interstate commerce? While you sit in the cab of the engine, do you want some fellow to conspire to interfere with interstate commerce in a way that may throw your engine in the ditch? I think not. I think it is very good protection to you, although, as I said before as to the real merits of this case, it is not material whether you keep the penal features in or not, because whenever you say that a Government board shall fix the wages of the great railroads of this country the strike is gone. You can not strike against the Government. Even if there were no penal features, the American public would not sustain you in a strike. You could not live up to it. So it is not material about these penal features, except, as I say to you—the man who sits in the cab of the engine—they are more likely to protect you than hurt you.

THE PUBLIC PAYS THE BILL.

"Now, my friends, let me just ask you to look one step further on this question, and I will not detain you very much longer. Since the war began the cost of running the railroads of America, as shown by the report of Mr. Hines, checked up by the Interstate Commerce Commission and its experts, has been $1,835,000,000 more than it was before the war started. Railroad capital has not paid that. It could not. Why, $1,835,000,000 is more than the railroads ever paid out in interest on their bonds and dividends on their stock in any one year of their existence. Some people say that this increased cost of wages and material ought to come out of the railroads. Of course, the man who says that is an anarchist. He wants to destroy property. It could not come out of the railroads. One billion eight hundred million dollars is nearly two billions of dollars. There are but about eighteen billions of dollars invested in the railroad business. Divide two billions into it, and it would take nine years for you to eat up all the capital that is invested in railroads, if it came out of capital. At the end of nine years you would not have anything left.

"But, more than that, you can't take it out of railroad capital, because railroad capital has got to exist. If the L. & N. Railroad went broke the capital would remain, and the Government would make you sell it to somebody else that would run the railroad. So you can't absorb railroad capital. Where does it come from? It comes out of the public. Freight rates were increased 50 per cent and passenger rates were increased 25 per cent, and the public pays the bill. And who got it? One billion seven hundred and seventy-five millions of dollars of that increase went to labor, as shown by Mr. Hines's report, and since that report came out another hundred million was absorbed in the adjustment of some minor matters. So that, in fact, the railroad labor has absorbed the entire $1,835,000,000 of increase in the cost of transportation. The next greatest item of cost to a railroad is coal. Before the war came on the railroads were buying coal at an average of $2.10 a ton. To-day they are paying $4 a ton, and one time it went up to $4.20 on an average. Before the war the railroads were buying steel rails at $30 a ton. At one time during the war they got up as high as $57, and to-day they are selling for $47 a ton. Now, labor has absorbed all of the increase that the public is paying, and yet there is a further increase in the cost of coal, rails, oil, lumber, and everything else it takes to run a railroad. The railroads are very much worse off than they were before there was any increase in freight and passenger rates.

DOUBLE CHARGE AGAINST PUBLIC.

"Now, labor is asking another billion dollars. From whom? Capital? No. Capital can't pay it. Nobody for a minute contends that capital can pay it. They are asking it from the public—the farmer who ships his cotton to market, the pig-iron man who ships his ton of pig iron to Boston, the grocer who is ship-

ping his food to your house. Is that all it is costing you? In the debate in the Senate on this bill I heard it asserted that when you increase freight rates $1 that by the time that increase got to the consumer it amounted to $5. I think that was an exaggerated statement, and I don't stand for it; but that was asserted. But it certainly does increase the cost of commodities more than the increase in freight rates, because when the producer sells the raw material and ships it over the rails, the man who buys it, the manufacturer, adds the freight and the cost of the raw material together, and then multiplies his profit into it, whether it is 10 per cent or 25 per cent. When it gets to the jobber he adds the cost of the goods and the freight together and multiplies his profit into it, and when it gets to the wholesaler he does the same thing, and the retailer does the same thing; and that profit runs all the way from 10 to 100 per cent. So I think you are safe to say that for every dollar of increased freight rates you put on the American people, whether you do it for labor or capital or anything else, you put a charge of $2 on the pockets of the American people when they come to consume it. When you put a dollar of freight on the food of the American people, you charge the American consumer $2 out of his pocket at least. As I say, some people asserted it was five times as much, but I think that is an exaggerated statement. Well, now, if it is twice as much, then the charge that has been put on the American public for the increased cost of labor on the railroads is not $1,835,000,000, but it is $3,670,000,000, and if you put another billion dollars on that for labor that they are demanding now, that is $2,000,000,000 more that the ultimate consumer of the American public has got to pay for, and that would be $5,000,000,000 since the war began as the price of increased labor on the railroads that the American consumer has to pay for. How are you going to get down the cost of living? Talk about this being in the interest of labor! There are all kinds of labor.

THE COMMON INTEREST OF LABOR.

"I am not fighting union labor. Union labor has done great things for its class. It ought to battle upward; ought to be allowed to battle upward, but it ought not to be allowed to destroy the public. That is where the line is drawn. Take the clerk in the store. Is not he labor? When he has to feed his family out of his meager salary, is not he interested in this charge that you are putting on him? Is not the man in the mill, the factory, or the ditch digger in the street labor? Has not he got a right to be represented in the determination of this increased cost that you are putting on the food that goes into the mouths of his children? How can he be heard? He is not organized to function in this fight between labor and capital. There is but one way he can be represented, and that is by a Government board. The Government represents that man, and it is the duty of the Government to do justice by him. [Applause.] That is what I have stood for as your representative in Washington. Now, I do not mean to say that the labor on the railroads were not entitled to an increase. I think the increases that were allowed during the war to the conductor and the engineer on the railroads was very reasonable. Their increase amounted to about 35 per cent. It was not at all excessive. There was the highest skilled labor on the railroads. It was not at all excessive when you consider the increased cost of living. But there are some other classes of labor that received increases from 100 to 150 per cent, for which there was no reason, to that extent, and the increase in wages of that class of labor prevented the conductor and engineer from getting a more adequate increase. And why? Because it was not done by a board that carefully analyzed and worked out the situation. I am in favor, if you are going to have any further increases in this matter, of having a board, a Government board, a Government board of experts, a just board, to sit in and analyze this situation and visualize it from every standpoint, and then do justice by the men.

"I am not in favor of cheap wages. It is a mighty good thing for any community and any public to pay labor as good a wage as it is possible without destroying business, because the wages of labor are always spent in the community to build it up and encourage business. But there is a line that you have got to draw. When you go with wages beyond a certain limit, business ceases to function. When you go beyond the limit, your producer or manufacturer that can not go into a competitive market and sell his goods at a profit then ceases to work.

THE GREAT EQUATION.

"Now, those are all the problems that you have got to solve in this great equation, with the life of the public involved. And as your representative in the United States Senate, do you want me to stand for the problem of solving that question on the battle field of a great strike, where force and anger and discord sit at the judgment seat, or do you want me to stand for the problem that a high court of governmental justice, a board appointed by the President of the United States, representing the best interests of all the people of the United States, shall sit in judgment and decide the equation for you justly? [Applause.] That is what I have done. That is what I stand for.

"Now, let me say to my constituency: For nearly a quarter of a century I have represented you in the halls of the Congress of the United States in one branch or another. I do not attribute to myself any undue courage. I try to follow your wishes when I can. I do not attribute to myself any undue virtue; but I want you to understand that when I function for you and write your laws on the statute books it must be in the interest of the entire people of Alabama [applause], and abstract justice and right must stand behind your demands. Now, labor is entitled to one great demand, and that is social justice, and there is no man in the American Congress who is more desirous of giving them absolute social justice than I am; and by "social justice" I mean that the high ideals of American life, American liberty for American labor, shall be maintained; that the sanctity of your home and your fireside, the education of your children, and the future development of your class, and the opportunity to rise to any high ideal in this great American Republic shall be yours. [Applause.] But when you lift your mailed fist against the life, the happiness, or the prosperity of the great body of the American people to accomplish your own desire, whether it be selfish or unselfish, then, so far as I am concerned as a Government officer, I will say, 'Here you must stop.' [Prolonged applause.]"

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 9281. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 10515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 11310. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11554. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT. Morning business is closed.

Mr. STERLING. I move that the Senate proceed to the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. BORAH. Mr. President, is there any amendment to the bill pending?

The VICE PRESIDENT. No amendment is pending unless it be that of the Senator from Idaho, and the Chair does not know whether or not that is pending.

Mr. BORAH. Mr. President, if I could have a reasonably full Senate, I should not object to taking a vote on the amendment. I dislike very much, however, to dispose of a matter which I believe to be of importance at a time when, for different reasons, a great many of the Senators are necessarily absent.

I wish to call attention to this amendment, for fear that some of those who are present to-day were necessarily absent on yesterday when we were discussing it. This is an amendment to section 3 of the bill. Section 3 of the bill is the nonmailing provision, and it provides:

SEC. 3. That every document, book, circular, paper, journal, or other written or printed communication in or by which there is advocated or advised the overthrow by force or violence or by physical injury to person or property of the Government of the United States or of all government, or in or by which there is advocated or advised the use of force or violence or physical injury to or the seizure or destruction of persons or property as a means toward the accomplishment of economic, industrial, or political changes is hereby declared to be nonmailable and the same shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

The amendment which I propose does not change the language of this section at all; it does not modify it in any respect. It simply provides a hearing under certain conditions for those who may be affected by the order of the Postmaster General in excluding printed or written matter from the mails. I will read the amendment so that it may be understood. It is as follows:

Provided, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district or circuit in which the party affected or aggrieved resides. But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails he shall not be liable for the cost of the proceedings, and the court shall have power during the pendency of the proceedings in court to suspend the order of the Postmaster General: *Provided further*, That no such court proceedings shall bar or interfere with any criminal prosecution under the terms of this act.

It will be observed that the amendment simply provides a hearing de novo before a Federal district or circuit judge in case the party files a bond to cover the costs; and unless the judge, upon a showing, issues an order affirmatively suspending the order of the Postmaster General, the order of the Postmaster General is in nowise interfered with, and the matter continues to be excluded from the mail during the hearing.

The amendment does provide that the judge has power to suspend the order of the Postmaster General; but, of course, that must be upon showing; and everyone, I presume, would agree that there could be no danger of any seditious literature of a distinctively serious nature passing by a Federal judge; but it gives an opportunity for a hearing upon the part of those who may be publishing a magazine, a weekly or a daily paper, who contend that they are not within the law, and who want an opportunity to present their cause in an open, public way.

Mr. CHAMBERLAIN. May I interrupt the Senator a moment?

Mr. BORAH. I yield.

Mr. CHAMBERLAIN. Does the Senator think he has provided with sufficient distinctness the method of procedure in the Federal court in case proceedings are had?

Mr. BORAH. I think so, because it is really simply utilizing the Federal judge to hear the matter the same as the Postmaster General would hear it. I would be glad to accept any suggestion with reference to that, but after discussing it with some other Senators privately it was concluded that, perhaps, the amendment would cover it, and I so frame the language that any author, publisher, or any party affected or aggrieved by the action of the Postmaster General in excluding matter from the mails under section 3 shall, upon filing a bond to cover the actual costs of the proceeding, be entitled to a hearing de novo.

Mr. CHAMBERLAIN. I presume it would be in the nature of a petition to the judge setting forth the grievance which the party has?

Mr. BORAH. I think it would result in this way: The party aggrieved would simply file his bond, and then the Postmaster General would send the papers that were before him to the judge.

Mr. CHAMBERLAIN. That was the question which suggested itself to my mind—who takes the initiative? The aggrieved party files his bond, of course; but the amendment is silent then as to whether the Postmaster General shall present the papers to the court, or the aggrieved party shall present his case by petition and ask that the Postmaster General be required to suspend his order.

Mr. BORAH. I think that it might be done in either way; the party could, by petition, present the case, if the Postmaster General failed to do so; but the Senator from Oregon will observe that until the party filing his bond takes the initiative, the matter continues to be excluded from the mails.

Mr. CHAMBERLAIN. It continues to be excluded from the mails, even after the filing of the petition and the giving of the bond, until the finding has been made by the judge.

Mr. BORAH. Exactly. So, if it is bad literature, it continues to be excluded unless the question is presented to the judge in such a way that the judge makes an affirmative order canceling the order of the Postmaster General. The able Senator from North Carolina [Mr. OVERMAN] the other day stated that a vast amount of seditious literature was going into the South to the colored people, the sponsors for which nobody had knowledge. That would not be affected by the amendment at all; such matter would be excluded from the mails, because the identity of the sender is unknown. No action can be taken until the party sending it comes forward and files his bond and puts himself in court so that he may be dealt with. That is not interfered with at all.

Mr. CHAMBERLAIN. There is only one other provision in the Senator's amendment as to which I desire to ask him a question. I have always thought it was rather unjust in all criminal proceedings in the Federal courts that a defendant, even though acquitted, was not entitled to recover his costs; that is, he has to pay for the attendance of his own witnesses and other costs that might be assessed against him, and there was no chance to recover against the Government. The Senator places the party in this proceeding in a different category from the ordinary defendant in a criminal case. Does the Senator think that there ought to be any discrimination made?

Mr. BORAH. I think that the party ought to be entitled to recover his costs. I will say to the Senator, however, that this amendment does not represent by any means what the Senator from Idaho desires; neither does it represent what the amendment when first presented was intended to accomplish; but when I first presented it I found I could not get very much support for it, and therefore I undertook to modify it in order to get it through. I have, therefore, cut out some of the things that I very much desire to have in the amendment. I think there ought to be a provision to the effect that in case the party is successful he shall recover his costs.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. WALSH of Montana. I can see no objection at all to the amendment proposed by the Senator from Idaho, and I am going to give it my support. I wish, however, to call the attention of the Senator to the fact that the provision in the amendment concerning costs will be of no use, as the Senator will realize, I am sure, upon reflection.

Mr. BORAH. I do not quite understand the Senator.

Mr. WALSH of Montana. I say that the provision in the amendment concerning costs will be of no value whatever, because costs can not be taxed against the Government, and, if the applicant is successful, of course he can not be taxed for the Government's costs.

Mr. BORAH. That is the reason why it was suggested that there was no occasion for putting in the amendment a provision taxing the costs against the Government, because costs can not be assessed against the Government, but in order to make it clear I wanted the party relieved from all question of costs in case he was successful.

Mr. WALSH of Montana. But there is no statute under which costs may be taxed against a successful litigant.

Mr. BORAH. Very well; then it will not do any harm.

Mr. WALSH of Montana. It will not do any harm, but it is useless to put it in.

Mr. BORAH. Perhaps so. I rather think the Senator from Montana is correct about that. I have no particular objection to striking it out, except it has a kind of consoling effect.

Mr. WALSH of Montana. The amendment reads:

But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails he shall not be liable for the cost of the proceeding.

There is no statute making him liable, and, of course, it is contrary to every concept we have of cost statutes that he should be made liable. I submit to the Senator that it does not mean anything.

Mr. BORAH. I think, as a legal proposition, the Senator from Montana is right.

Mr. JOHNSON of South Dakota and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I think the junior Senator from South Dakota first rose. I will yield to him, and then to the senior Senator from South Dakota.

Mr. JOHNSON of South Dakota. I could not quite hear the substance of the amendment as it applies to the stoppage of the paper during the process of trial or investigation.

Mr. BORAH. The amendment does not interfere with the Postmaster General's order excluding the mail unless the court, upon a showing, sets aside or cancels the order of the Postmaster General.

Mr. JOHNSON of South Dakota. During the time that the case is tried does the paper continue to be put out as usual until the decision of the court?

Mr. BORAH. It continues to be excluded from the mails. I now yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I should like to ask the Senator from South Dakota if he intends the amendment to mean just as it reads in regard to a trial or hearing de novo before the Federal court? Does the Senator understand it is to be a hearing before the judge?

Mr. BORAH. It is to be a hearing.

Mr. STERLING. Before whom—the judge?

Mr. BORAH. Yes; before the judge.

Mr. STERLING. I think, then, Mr. President, with that understanding, and with the understanding that the latter part referred to by the Senator from Montana in regard to costs is to be stricken from the amendment, I shall be willing to accept the amendment.

Mr. BORAH. What is the necessity of striking out the costs provision?

Mr. STERLING. Because I agree with the Senator from Montana that it is absolutely useless.

Mr. WALSH of Montana. Mr. President, if I may interrupt the Senator, I would tender an amendment to the amendment offered by the Senator, striking out all of the amendment commencing with the word "But," on line 7, down to and including the word "and," in line 10; that is—

But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails, he shall not be liable for the cost of the proceedings.

Then make a period and begin:

The court shall have power during the pendency of the proceedings in court to suspend—

And so forth.

Mr. BORAH. It is the judgment of the Senator from Montana that with that stricken out, if the party were successful, no costs would be taxed against him?

Mr. WALSH of Montana. Why, I am entirely satisfied of that.

Mr. BORAH. And the reason for striking it out is purely because it is ineffective?

Mr. WALSH of Montana. Yes.

Mr. BORAH. Is that the understanding of the Senator from South Dakota?

Mr. STERLING. I will say to the Senator from Idaho that that is my understanding.

Mr. BORAH. I do not know, myself, of any statute by which the costs could be taxed against him.

Mr. WALSH of Montana. I may say to the Senator that I object to its being in the amendment, because it introduces a departure which might give rise to some question in the future.

Mr. BORAH. Well, I accept the amendment.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator from Idaho, who would pay the costs of the petitioner's own witnesses in a case such as that? If he is to have legal process to bring witnesses into court, so that they would be entitled to mileage and per diem, under the language of the amendment, as modified by the suggestion of the Senator from Montana, who would pay the costs of securing the witnesses for the petitioner?

Mr. WALSH of Montana. Mr. President, the subject of costs would be regulated by the general costs statute. The prevailing party is entitled to costs against the unsuccessful party, except in the case of the United States, where the prevailing party can recover no costs against the United States; so that if he succeeds he can not tax any costs against the United States. If he is defeated, the subject of costs is left to the control of the general statute.

If he wants to get witnesses, he must tender to the witnesses their fees, of course. He must tender them their per diem. If he wants to set the officers of the law in operation to procure the attendance of witnesses, he must, of course, tender the officers their fees for making the service of subpœnas. If he prevails, he is in the same situation as everybody else who sues the United States; he can not get back any costs, and it is not expected that he shall. It is simply provided that he shall not be liable for the costs of the other party. He is liable, of course, for his own costs. He has to pay those in advance. He has to advance to the witnesses, and he has to advance to the officers, all of their fees and costs in the first place, and he is not permitted to recover any judgment against the United States to get those back.

Mr. BORAH. Let me ask the Senator a question: Suppose the party were successful in securing the admission of his mail matter to the mails, and nevertheless the court, by reason of some view which he might take of the case, felt that each party should pay his own costs. Could not the court make an order adjudging that the party should pay those costs which he himself had incurred?

Mr. WALSH of Montana. That is the very point I am making. He is obliged to do that, anyway.

Mr. BORAH. No; I do not think the Senator understands me. Suppose that A files his bond and transfers the controversy to the judge. The judge reverses the order of the Postmaster General, but he says, "I think, nevertheless, though the party is successful here, that he should pay the costs." Has he not the power, under statutes which now exist, to assess those costs against him?

Mr. WALSH of Montana. No, Mr. President. Under the prevailing statute, of course, the court can regulate costs in all equity cases and distribute them as the case may require, but the complainant is always obliged to bear in the first place whatever costs he incurs. Now, unfortunately, in cases against the United States he never can get those back. He is always obliged to sustain those costs, so that if the court should order that he pay his own costs the court would be ordering him to do only what he is obliged to do anyway; and the court, of course, could not impose upon him the costs of the United States if he were successful.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator? Does the Senator from Montana think the rule would be changed in any respect where the proceeding was really not in the name of the United States, but in the name of the Postmaster General, who might be acting outside of his jurisdiction in having undertaken to enforce the law? If it were the Postmaster General as an individual, arbitrarily acting, would the same rule apply to him that would apply if the Government were the losing party or if the Government were the party to the proceeding?

Mr. WALSH of Montana. I can not conceive that the proceeding would be regarded as anything except a proceeding against the Postmaster General as an agency of the United States. Of course it is against an official act of his that the proceedings are directed. I think that he does it by virtue of his office and claiming to discharge the duties of his office under the laws regulating the duties of his office.

Mr. STERLING rose.

Mr. BORAH. Does the Senator from South Dakota wish to address a remark to me?

Mr. STERLING. Nothing further than to repeat what I said, that if the Senator from Idaho agrees to strike out the provision relative to costs I will accept the amendment, so far as I am able to do it.

Mr. BORAH. I ask permission, then, if I have a right to do so under the rule, to modify my amendment by striking out the clause which reads as follows:

But in case the party aggrieved or affected is successful in securing the admission of his mail matter to the mails he shall not be liable for the costs of the proceedings, and—

Make a period there and commence the word "the" with a capital—

The court shall have power during the pendency of the proceedings—

And so forth. Does that meet the view of the Senator from Montana?

Mr. WALSH of Montana. Yes, Mr. President.

The VICE PRESIDENT. Does the Senator from Idaho offer this as an amendment?

Mr. BORAH. I offer it now, with that stricken out, as an amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho as modified.

The amendment as modified was agreed to.

Mr. STERLING. Mr. President, on behalf of the committee, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. In line 3, on page 2, after the word "property," it is proposed to strike out the comma and insert a semicolon; in the same line it is proposed to strike out the word "or," after the word "property," and to insert in lieu thereof "and it shall be unlawful for any person," so that, if amended, it will read:

Or to advise or advocate a change in the form of government or the Constitution of the United States or resistance to the authority thereof by force or violence or by physical injury to person or property; and it shall be unlawful for any person by force or violence to prevent, hinder, or delay—

And so forth.

Mr. STERLING. This amendment is simply for the purpose of clarifying the language, that is all. Hence, the semicolon after the word "property," and then the use of the words "and it shall be unlawful for any person," to indicate the introduction of a new clause, completing the clause which is already in the bill.

Mr. BORAH. Mr. President, I do not understand this amendment. The Senator from South Dakota says it is to clarify the language. That might mean a whole lot under this bill.

Mr. STERLING. I will read the language of the bill, and then the amendment, so that the Senator will see where it comes in:

To advise or advocate a change in the form of government or the Constitution of the United States or resistance to the authority thereof by force or violence or by physical injury to persons or property, or by force or violence—

It is a little ambiguous now; it is not quite clear as to whether that which follows is connected with what precedes, and so I just add the words "and it shall be unlawful for any person." It is intended that it shall be unlawful for any person by force or violence to prevent, hinder, or delay, or attempt to prevent, hinder, or delay; but you have to go back several lines in order to get the connection, and I make it complete by inserting there again the words "and it shall be unlawful for any person."

Mr. BORAH. Is that section 1?

Mr. STERLING. It is section 1.

Mr. WALSH of Montana. Mr. President, it is my opinion that with the exception of section 3 of this bill there is nothing in it that ought in the Senate of the United States to provoke the slightest opposition—indeed, I feel justified in saying the slightest discussion. I fully agree that there may be very honestly differing opinions concerning the wisdom of section 3 of the bill, but I believe that every legitimate objection that may be urged against that section is entirely removed by the amendment which the Senate has just adopted, tendered by the Senator from Idaho. Yet it is a marvel that a bill of this character should have received the attention, by way of opposition, that has developed against it and legislation of like character.

Mr. President, no one undertakes to assert that this bill is a remedy for whatever evils there are in our institutions and in our system of government which breed, if they do breed, the efforts to overturn the Government at which this bill is aimed. Those are to be taken care of by other legislation. But, Mr. President, since government began, even in its most elementary forms, there never was a time when any government could tolerate an effort to overthrow it by force or violence. It is a principle that is as applicable to the most complete and thoroughgoing of republics and democracies as it is to the old patriarchal form of government and even the most autocratic of modern systems. No government can tolerate anything of the kind, nor can it tolerate the advocacy, either by oral or written language, of efforts of that character.

Mr. President, there was a time in our history when we might, as has been suggested even upon the floor of the Senate, allow the loud-mouthed anarchist freely to express his views and purposes in public, depending upon the general good sense of the people of this country and their attachment to the principles of our Government to counteract whatever possible evil there might be in the assertion; but that time has gone by, and everybody recognizes that it has gone by. We have in our midst here a vast multitude of people who have no appreciation whatever of our institutions. They are not imbued with their spirit at all. They came here poisoned with political ideas that they have absorbed in the midst of some oppressive, autocratic system of some country in Europe with which they are more or less familiar and whose tyranny they have felt, and fired with a purpose to overthrow the Government and to overthrow all governments. Many of those subject to the influence of such agitators not only are unappreciative of our institutions and of the principles which underlie them, but they are utterly unable to read our language and advise and inform themselves concerning these matters. Papers, documents, pamphlets, newspapers, in their particular language, are laid before them advocating the doctrine that red revolution is the only remedy for the wrongs that need correction, with the necessary result that the readers are imbued with the ideas which they promulgate and seek to enforce.

Early in the present session, Mr. President, upon the occasion of the concerted attempt to take the lives of a great number of the foremost men of the country, including the Attorney General of the United States, by assassination, I introduced a bill substantially like that which is now before the Senate for consideration. It will be recalled that at the scene of the attempted destruction by a bomb of the home of Attorney General Palmer, with the occupants thereof, early in the month of June, there was found a leaflet or pamphlet entitled "Proclamation of a Revolution—Plain Words," which I introduced into the RECORD, and which is found therein under date of June 3, 1919. I read briefly from it, as follows:

PROCLAMATION OF A REVOLUTION FOUND IN EFFECTS OF ANARCHIST—PLAIN WORDS.

The powers that be made no secret of their will to stop, here in America, the world-wide spread of revolution. The powers that must be reckon that they will have to accept the fight they have provoked.

A time has come when the social question's solution can be delayed no longer; class war is on and can not cease but with a complete victory for the international proletariat.

The challenge is an old one, oh, "democratic" lords of the autocratic Republic. We have been dreaming of freedom, we have talked of liberty, we have aspired to a better world, and you jailed us, you clubbed us, you deported us, you murdered us whenever you could.

Now that the great war, waged to replenish your purses and build a pedestal to your saints, is over, nothing better can you do to protect your stolen millions and your usurped fame than to direct all the power of the murderous institutions you created for your exclusive defense against the working multitudes rising to a more human conception of life.

The jails, the dungeons you reared to bury all protesting voices, are now replenished with languishing conscientious workers, and, never satisfied, you increase their number every day.

It is history of yesterday that your gunmen were shooting and murdering unarmed masses by the wholesale; it has been the history of every day in your régime, and now all prospects are even worse.

Do not expect us to sit down and pray and cry. We accept your challenge and mean to stick to our war duties. We know that all you do is for your defense as a class; we know also that the proletariat has the same right to protect itself since their press has been suffocated, their mouths muzzled, we mean to speak for them the voice of dynamite, through the mouth of guns.

Do not say we are acting cowardly because we keep in hiding; do not say it is abominable; it is war—class war—and you were the first to wage it under cover of the powerful institutions you call order, in the darkness of your laws, behind the guns of your bone-headed slave.

No liberty do you accept but yours; the working people also have a right to freedom, and their rights—our own rights—we have set our minds to protect at any price.

We are not many, perhaps more than you dream of, though; but are all determined to fight to the last, till a man remains buried in your bastiles, till a hostage of the working class is left to the tortures of your police system, and will never rest till your fall is complete and the laboring classes have taken possession of all that rightly belongs to them.

There will have to be bloodshed; we will not dodge; there will have to be murder; we will kill, because it is necessary; there will have to be destruction; we will destroy to rid the world of your tyrannical institutions.

We are ready to do anything and everything to suppress the capitalist class, just as you are doing anything and everything to suppress the proletarian revolution.

Our mutual position is pretty clear. What has been done by us so far is only a warning that there are friends of popular liberties still living. Only now we are getting into the fight, and you will have a chance to see what liberty-loving people can do.

Do not seek to believe that we are the Germans' or the devil's paid agents; you know well we are class conscious men, with strong determination and no vulgar liability. And never hope that your cops and your hounds will ever succeed in ridding the country of the anarchistic germ that pulses in our veins.

We know how we stand with you, and know how to take care of ourselves.

Besides, you will never get all of us—and we multiply nowadays.

Just wait and resign to your fate, since privilege and riches have turned your heads.

Long live social revolution! Down with tyranny!

It is to prevent the circulation of literature of that character that this bill is intended, and who is there to say that it is not just and wise that this effort should be made and the necessary legislation enacted?

Mr. President, it is not difficult at all for any man who desires to understand to appreciate just exactly the distinction between literature that is protected by the constitutional guaranty of freedom of speech and of the press and literature which is subject to the provisions of this act. The matter was considered by the Court of Appeals of the State of New York in the famous case of The People against John Most. It will be recalled that it was charged, and very generally believed, that the assassination of President McKinley was directly attributable to the teachings of this most undesirable alien. I want to read with some freedom from the report of that case, and then from another document, for the purpose of making entirely clear, so far as I can, where the distinction lies between literature the circulation of which can not be prohibited and literature the circulation of which can be prohibited, and which ought to be prohibited. Speaking of the defendant, the opinion says:

He was the publisher of a weekly newspaper called the Freiheit, and the wrongful act consisted in the publication of an article in that paper advocating and advising revolution and murder.

The object of the article, as we interpret it—

Says the court—

was not to criticize or discuss public officers or public affairs but to denounce government as "murder dominion" and to advocate the murder of those who govern. While it was written with special reference to rulers who wear crowns, it recommends the murder of all rulers, without exception, express or implied. The argument is that as the enforcement of law is murder, the assassination of those who enforce the law is not only justifiable but to spare them would be a crime. It calls the constituted authorities murderers, and urges its readers to "murder the murderers." Its tendency is to incite and stimulate the destruction of government and its agents "through blood and iron, poison, and dynamite." It teaches the doctrine that government is founded on murder; that all rulers are enemies of the human race; and that "crime directed against them is not only right but it is the duty of everyone who has an opportunity to commit it and it would be a glory to him if it was successful." The publisher exhorts his readers to "let murder be our study, murder in every form," when directed against those who preserve order and enforce law. Government is described as "reaction," and not only is the murder of those having authority upheld and urged but revolution against government as "the attacking party" is proclaimed as "nothing more than necessary defense."

The court says with respect to that matter:

He not only defended but advised the most serious crime known to the law. His language was an invitation to murder. He who counsels murder becomes a murderer if his advice is taken. Such advice given to the 3,000 subscribers and to more than that number of readers of the defendant's paper might naturally, as the history of the times shows, result in violence and murder. The courts can not shut their

eyes to the fact that there are elements in our population, small in number, but reckless and aggressive, who are ready to act on such advice and to become the assassins of those whom the people have placed in authority. The public peace is seriously endangered when arguments are made and advice given which may naturally result even in a simple breach of the peace, and when the arguments and advice are of such an alarming and dangerous character as to naturally lead to the assassination of public officers, punishment and repression are essential to the welfare of society and the safety of the State. We think that the act of the defendant was a violation of the Penal Code and constituted a misdemeanor under the section cited.

Then the defendant urged in his defense, almost as has been urged here upon the floor of the Senate, that he was protected in publishing the matter complained of by the constitutional provision guaranteeing freedom of speech and of the press, and he cited the constitution of the State of New York upon that subject. The court in answer to this contention says:

The constitution of our State provides that "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

The constitution does not protect a publisher from the consequences of a crime committed by the act of publication. It does not shield a printed attack on private character, for the same section from which the above quotation is taken expressly sanctions criminal prosecution for libel. It does not permit the advertisement of lotteries, for the next section prohibits lotteries and the sale of lottery tickets. It does not permit the publication of blasphemous or obscene articles, as the authorities uniformly hold. (People *v.* Ruggles, 8 Johns., 290, 297; People *v.* Muller, 96 N. Y., 408; In re Rapier, 143 U. S., 110.) It places no restraint upon the power of the legislature to punish the publication of matter which is injurious to society according to the standard of the common law. It does not deprive the State of the primary right of self-preservation. It does not sanction unbridled license nor authorize the publication of articles prompting the commission of murder or the overthrow of government by force. All courts and commentators contrast the liberty of the press with its licentiousness and condemn as not sanctioned by the constitution of any State appeals designed to destroy the reputation of the citizen, the peace of society, or the existence of the Government. (Story on the Constitution, 1878; Cooley on Constitutional Limitations, 518; Ordronaux on Constitutional Legislation, 237; Tiedeman on Police Powers, 81.) We think that no constitutional right of the defendant was violated by his conviction and that the judgment pronounced against him was rendered in accordance with law.

That opinion was concurred in by every member of the court.

Mr. BORAH. Mr. President, I think that case states the law precisely as it is. Freedom of the press does not mean a man shall be exempt from the consequences of the abuse of the right. The only contention I have ever made here—and that is what the Senator referred to—is that under the first amendment of the Constitution of the United States there is no power in Congress by which it can put any previous restraint upon publications; that there is no power by which you can establish anything which has the nature of a license system. If the party publishing publishes that which is libelous, or that which is calculated to incite force and violence against the Government, he is responsible for the consequences. I do not disagree at all with that authority. But you can not censor his publication. He has a right to publish on his own initiative and without leave or license. If he abuses his right he may be punished.

Mr. WALSH of Montana. Leaving section 3 of the pending bill out of consideration, there is not anything in it that is anticipatory in character at all. It makes it penal to do these things, and, of course, the man can not be punished for doing them until after the thing has been done.

Mr. President, I want to call attention upon the other hand to the character of literature that we can not repress. Much has been said here, quoted from statements made outside the Chamber chiefly, about an effort to prevent criticism of the Government or the advocacy of changes in our form of government. So long as those go on by appeals to constitutional methods, by arguments addressed to the reason of the readers, it is not only impossible, but it is eminently undesirable, to repress them in any way whatever.

I have before me a very interesting document entitled "The Poison in America's Cup," purporting to have been written by one Philip Francis, who takes to himself the credit of being the author of most of the editorials appearing during the last year in the Hearst newspapers. This advocates the entire overthrow of our existing system of government. It proposes not only the abolition of the United States Senate, but of the office of President of the United States, and proposes to repose all power, legislative and executive, in a single parliamentary body.

Not only that, Mr. President, but it proposes that that parliamentary body shall be elected, not by the general body of the people but chosen by classes, the farmer class to have representatives and the manufacturing class to have representatives. It may not have been as carefully read by many Members as I have studied it, and I accordingly take the liberty to read at some length from it. I read from chapter 12, as follows:

Fortunately there is neither any need nor any excuse resorting to violence in our country in order to change our political or industrial system. The Constitution prescribes an orderly, legal, peaceable method of changing our system of government whenever we want to do so. We can summon a constitutional convention whenever the majority thinks it should be done, and we can institute an entirely new system of government without firing a gun or shedding a drop of blood.

Any man who advocates the use of force to effect political or industrial reforms in our country is a fool—as big a fool as the man who advocates the use of police power and jails to stifle free speech and free discussion of reforms in government.

The resort to violence to overthrow a despotic government in such a country as Russia, for example, is always justifiable. The Russian people had no orderly method to use. Our fathers took the same method. The men of the French Revolution followed their example. The American Revolution, the French Revolution, and the Russian revolution are the three great political events of modern history. The gratitude of ages is due all three.

But America can and ought to carry through another revolution, as far-reaching and beneficent as either of the other three, without even a hint of violence. What we ought to do is to abolish our out-of-date system of government, with three independent branches, each with independent authority, and our present system of electing representatives who are beyond popular control, and then replace these obsolete systems with a purely democratic system of government, in which all the powers of government will be lodged in a single body of representatives, who will be elected directly by the people, voting in occupational groups instead of geographical groups, and will be subject at any time to dismissal from office by the group which elected them.

Let me show how this would work.

In the first place, we would have no President and no more one-man power to coerce the representative body; to plunge the Nation into war, without asking the people whether they wanted to go to war or not; to appoint the Supreme Court and the Federal judges, and thus hold control over the administration of the laws; to appoint a Cabinet ministry responsible to himself only and entirely beyond the control of the Congress or the people; and to be in actual practice more autocratic than the constitution of the German Empire ever permitted the German Kaiser to be. We do not need a President any more than Great Britain needs a King. Both can be and ought to be dispensed with by a free, self-governing democracy. The Congress would then become the sole repository of all powers, both in peace and in war, and the administration of domestic and foreign Federal affairs would be conducted by committees, directly responsible to the popular assembly.

With all power thus lodged in the popular assembly, the one thing essential to direct people's rule would be the election of a body truly representative of the people and their direct control by the people. These would be assured by a radical change in our election machinery, through which the people would vote in occupational groups, and by the universal application of the initiative, the referendum, and the recall.

Voting by occupational groups is the most important of these political reforms.

Then the author tells how Congress would be constituted when thus elected by such occupational groups:

There will be representatives of agricultural occupations, 165; of mining occupations, 15; of mechanical occupations, 140; of transportation occupations, 35; of trade occupations, 50; of professional occupations, 20; of domestic-service occupations, 50; and of clerical occupations, 25.

Now, Mr. President, no one could advocate, scarcely anyone could propose a change in our system of government more thorough and complete, more radical than that thus proposed. It denounces our whole system from beginning to end as utterly wrong and declares that it ought to be changed; but it is proposed to change it not by violence, not by force, not by the destruction of life and property, but in the manner provided by the Constitution and the laws of the country.

However we may differ with those doctrines, however inimical we may think the teaching of them is to the public welfare, there is no power in the Congress of the United States nor in any department of the Government to prevent the publication of literature of that character or the dissemination of it through any means whatever. It is protected by the guaranty of the freedom of speech and of the press in the first amendment to the Constitution.

Mr. BORAH. But we may pass a law excluding it from the mails?

Mr. WALSH of Montana. I rather doubt that.

Mr. BORAH. I am very glad to have the Senator say so; but if we follow the case of ex parte Jackson as the department and the Postmasters General have construed it, we could undoubtedly do so. However, I think the Senator is correct as to the limit even of the power of exclusion from the mails.

Mr. WALSH of Montana. I have not examined the matter with particular reference to that point, but my recollection of the opinion dealing with the subject is that it leaves it open to question as to whether the power of Congress in the matter is unlimited and unrestricted by the first amendment to the Constitution. I do not believe that question has ever been definitely determined by the Supreme Court. My own judgment about the matter, which is not worth much without having given special consideration to it, is that such a document can not be excluded from the mails, that even that would be a violation of the Constitution.

But I call attention to these two classes of literature for the purpose of eliminating, if I can, from the consideration of the question any suggestion that we are invading the rights of any citizen of the United States under the first amendment to the Constitution by the legislation which is before us.

One of the Members of this body opposing the legislation spent much time in endeavoring to demonstrate to the Senate that

the legislation is not necessary at all, because we now have statutes ample to cover the cases to be reached by it.

The Attorney General of the United States thinks that we have not; the Judiciary Committee of the Senate thinks that we have not. I have given some consideration to the subject personally, and I am satisfied that we have not.

If we have legislation covering the case, why should anyone be opposing this particular legislation?

I think it has been too long delayed, and I hope that we may have speedy action on the bill now before us.

Mr. BORAH. Mr. President, in view of the remarks of the Senator from Montana [Mr. WALSH] I wish to say a word. The objection which I have had to all these measures has rested largely upon those provisions which have to do with the use of the mails. I have never felt the same uneasiness about the other drastic features of the law if we could have a hearing such as we must have, of course, when we are trying parties under section 1 of the bill. But I can take the statutes which are now upon the statute books, together with the provisions of this bill, and as Postmaster General can practically edit or destroy every newspaper in the United States. It is that feature of the bill to which I object, and it is that feature in which in my judgment we have already gone beyond our constitutional powers.

I do not accept the view—the Senator from Montana has not urged that view, and therefore I am not controverting what he has said—I do not accept the view urged in other places, however, that we can exclude any printed matter from the mail and to any extent that we want to do so. You can not go to the extent of interfering with the freedom of the press even under a provision of the Constitution which gives us jurisdiction over post roads, and so forth. We have gone now to a point covered by different statutes where, in my judgment, we have already trespassed upon the principle which is announced in the first amendment to the Constitution, because we have established what is in its practical working a censorship. We have already legislated or passed laws which are wholly in contravention to the rights of free speech and a free press. We are day by day going farther.

These laws enable the Postmaster General, if he sees fit to do so, to practically direct the tone and the trend of any paper that may come under his surveillance. The latitudinous discretion which is given to him under these measures necessarily results in the utilization of this power in a way which can not be justified under a government of law. It becomes a government of persons, of individuals.

If you give an open public hearing upon the question of punishment, as we do in the courts, even though the law does seem severe or drastic, it will cure itself. Publicity in the courts will take care of it, and those who ought to be punished will be punished; not very many who ought to be punished will go unpunished. It is a different proposition when you are constantly giving to the head of a department the power to supervise matters, from which supervision there is no appeal.

I read in this connection a single paragraph from ex parte Jackson, the case upon which they all rely for the power to exclude to any extent Congress may see fit any material from the mail:

> Great reliance is placed by the petitioner upon these views, coming, as they did in many instances, from men alike distinguished as jurists and statesmen—

Having reference to a report which was filed by John C. Calhoun—

> but it is evident that they were founded upon the assumption that it was competent for Congress to prohibit the transportation of newspapers and pamphlets over postal routes in any other way than by mail; and, of course, it would follow that if with such a prohibition the transportation in the mail could also be forbidden, the circulation of the documents would be destroyed and a fatal blow given to the freedom of the press.

In other words, they say if you exclude them from the mails and also exclude matter from being carried by the express companies, and so forth, that you have then gone to such an extent as to be within the inhibition of the amendment to the Constitution.

> But we do not think that Congress possesses the power to prevent the transportation in other ways, as merchandise, of matter which it excludes from the mails. To give efficiency to its regulations and prevent rival postal systems, it may perhaps prohibit the carriage by others for hire, over postal routes, of articles which legitimately constitute mail matter.

The court seems to intimate, although it does not expressly decide, that there is a limit upon the exclusion of mail matter from the mails, even under the provision of the Constitution which gives the Congress jurisdiction of post offices and post roads. The court held in this case that as the material excluded from the mails could be sent by express or freight, it was not an interference with the freedom of the press.

I venture to say that some of these days the court must revise its opinion upon this question, for the reason that if matter is excluded from the mails and reliance can only be had by the publisher to reach his readers through express or freight facilities, the press is controlled just as effectually as it can be controlled in any other way. The man who is not permitted to utilize the machinery of modern inventions for the purpose of conducting his business is out of the line of doing business with his competitor who may use them. To say that you may exclude his matter from the mails but that you can not prevent him from carrying it by freight and that thereby he has his right under the Constitution, is, in my judgment, an unsound position, for if you are a publisher and you are excluded from the mail and compelled to go by freight and I am permitted to send my matter by mail, your publication is destroyed. If jurisdiction is given to the Postmaster General of these subjects in this way, he may, in order that the party may get back into the mails, cover the entire tone and drift and subject matter of the publication. I am one of those who believe that under the first amendment to the Constitution Congress can not take a single step which will in any way directly or indirectly permit the censorship of the press.

Mr. President, a word on another matter. The Senator says—and correctly, as I had supposed until a few days ago—that all the reforms in this country which are effectuated through the ballot box and in a peaceful way are permissible under the Constitution; that if a body of men desire to change this Government from a representative government to a socialistic government or to a soviet government they have a right to do so, if they do it in a peaceful way and by manifesting their wishes and desires through the ballot box. It has been the contention of men, among others myself, who believe in orderly government, that there is no justification in this country for any man resorting to violence, that there is no justification for any man resorting to lawlessness, for the reason that the Government affords a method by which men may effectuate their desires in a peaceful way, and that is through the ballot box. But, Mr. President, a few days ago one of the most remarkable things, I think, in the history of American politics took place in the Legislature of New York, where five men were excluded from taking the oath. I read the reason assigned for that act. They were called before the speaker's chair, without any previous charge or any previous notification of incapacity to serve as legislators of that State, and were advised as follows:

> You are seeking seats in this body. You have been elected on a platform that is absolutely inimical to the interests of the State of New York and of the United States.

If these men had not been legally elected, if there was fraud connected with their elections, or if they were ineligible by reason of any law found in the statutes or the constitution of New York, if there were any specific charges, they were entitled to have a statement covering these matters. In justice to the men who stood ready to take the oath of office, in deference to the dignity and honor of the great State of New York, and above all, as a matter of orderly and legal procedure, if there were charges of a specific nature they should have been stated. We are led to conclude that there were no such charges, for if there had been certainly no thinking man would have put himself in an indefensible position by saying, "You have been elected on a platform that is absolutely inimical to the State of New York and the United States." They were proscribed and made to stand aside by a majority because of their political and economic views. Their platform did not suit the majority. Their right to take the oath in a body to which they had been elected by the people was denied not because the people who elected them thought their views inimical to the State of New York, but because the majority of the representative body thought so.

Mr. President, the Republicans could exclude every Democrat, and Democrats could exclude every Republican at every opening of Congress upon any such proposition if the Vice President should call before him a man who had been elected and say to him, "Your views are inimical to what I consider the best interests of the United States and the State from which you come." The Vice President would have just as much right to say that to a Senator presenting himself to take the oath as the speaker of the Legislature of New York had the right to say it to those Socialists. If you deny men the right to effectuate their purposes and their plans through the ballot box, you invite them to violence and lawlessness.

Mr. THOMAS. Do you not also force them to resort to violence as an alternative?

Mr. BORAH. Yes; there is no alternative unless we are to become intellectual slaves.

Mr. STERLING. I desire to say in this connection that the action of the Legislature of the State of New York in excluding the so-called Socialists does not meet with my approval at all. I do not indorse any such proposition as that.

Mr. BORAH. No; and I do not see how it could meet with the approval of any man who has any regard for law and order, for the most lawless man is the man who having taken an oath to support the laws and the Constitution of the country violates them. Ignorant men, men of limited opportunities, denied much because of adversities in life, engaged in a struggle for existence, may with some excuse entertain the idea of lawlessness and of taking the law into their own hands. Every man must find some compassion for the man from that station of life who is misled into such false theories; but there should be no pity and no sympathy, there should be nothing but the severest condemnation, for men who have risen to the position of responsibility and then take the law into their own hands.

The further statement made by the speaker of the New York Legislature to these men upon examination leaves little doubt that these men were made to stand aside solely because of their political and economic views or at most because of their adherence to organizations which teach and urge socialism. It is a thoughtless and an ill-considered move which would attempt to establish any such precedent in this country because it can not but work tremendous evil. It should be rejected promptly and conclusively. Any such principles would Mexicanize this Government. It would do worse if possible; it would destroy the Government in all its fundamental worth. Only the strange and accursed fruits of war psychology could ever lead thinking men or just and thoughtful men so far from the true principles of representative government.

That proposition has two principles, or so-called principles, upon which it stands: First, upon the ipse dixit of the speaker and those who supported him, the men are called forward for judgment before any charges are made against them or any reason assigned to the men themselves; secondly, they are excluded from the privileges and rights of the assembly to which they have been elected until men shall judge whether or not they are qualified. Not a single objection known to the constitution of the State of New York is stated; not a single incapacity to serve as a legislator is alleged, but the political opinions of the men who stood there were adverse to those of the majority, and the majority excluded them. In my humble judgment such action forces lawlessness and revolution in this country.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield.

Mr. WALSH of Montana. May I inquire of the Senator from Idaho whether he does not think that something of the same spirit is evinced in the resolution passed by the Senate some time ago providing for an inquiry as to whether or not Socialists were employed by the Federal Trade Commission?

Mr. BORAH. I expressed myself about that at the time.

Now, Mr. President, I wish to call attention to an incident in English history which may be instructive. In the year 1763 one John W. Wilkes was the owner of a newspaper known as the North Briton in England. Through his newspaper columns he made an attack upon Lord Bute, the King's minister. On April 23, 1763, he assailed the King's message to Parliament. Thereupon Lord Halifax, leading secretary of state, issued a general warrant "to search for authors, printers, and publishers." Wilkes was arrested and thrown into the Tower. A week later he was released by the court on account of his privilege as a member of Parliament.

Lord North moved that No. 45—which was the issue of the North Briton complained of—was a false, scandalous, and seditious article, and practically everybody voted for the motion. No. 45 was publicly burned, as if you could burn up truth, if it be truth; and it was in this instance.

Mr. SHEPPARD. Will the Senator quote the particular date again?

Mr. BORAH. This occurred in 1763.

Wilkes, thereupon, on January 19, 1764, was expelled from the House of Commons. He was also convicted in the court. As he was absent in Paris, recuperating from a wound received in a duel, he could not be sentenced, and was therefore declared an outlaw.

He returned to London in 1768 and asked for a pardon, which was denied. He ran for Parliament, and was defeated. He again ran in the county of Middlesex, and was elected. About this time he was sentenced under the old conviction to imprisonment for 22 months. He was again expelled from Parliament February 3, 1769. The voters of Middlesex promptly reelected him. Parliament declared the election void. He was again reelected and again rejected. In the fourth election Col. Luttrell ran against him, receiving 296 votes to 1,143 received by Wilkes. The House declared Luttrell duly elected. Then a storm of public indignation broke throughout England and the cry became "Wilkes and liberty," inspired by the denial of the right of the people to select their own representatives.

His prison cell was thronged daily by people from all parts of the Kingdom.

In 1769 he was elected alderman for London; in 1771 he was elected sheriff of London; in 1774 he was elected Lord Mayor of London. He sat in Parliament from 1774 to 1790. In 1782 he had expunged from the record of Parliament all the declarations which Parliament had made against him.

That was accomplished in 1763 and the years immediately following under rather adverse circumstances, so far as the people were concerned, because they had very few rights at that time. I advise those who think they can deny the most essential rights of the people—and the right to choose their representatives is one of those—to reflect upon this page of English history.

Mr. President, it is the most dangerous thing imaginable to fly in the face of the fundamental principles of representative government and to exclude men from representation in legislative bodies because of political opinion. Aside from the legal question involved, think of the utter unwisdom of it. Here are five Socialists in a body of 150 or perhaps 200 members, and they are excluded from that body—upon what possible theory I do not know, except that their views would be dangerous. Well, that does not dispose of their views. You can not thus be rid of their opinions. You can not destroy socialism in that way. You must meet its arguments before the electorate. If you are defeated, they have the right to sit in places of power and to legislate.

Mr. President, I am not a believer in socialism as I understand socialism. I think if it were adopted in this country those who are now urging it would be as quick to regret it as those who are now opposing it. I do not believe that socialism can be made a success either from the standpoint of material progress or from the standpoint of moral and intellectual progress. But that has nothing to do whatever with the question which I am now debating. There is no way by which we can more effectually augment and spread the doctrine of socialism or sovietism than to admit by word and act that our own system of Government has broken down and that we are willing to trample upon the most fundamental rights of representative government in order to try to shield ourselves from the onrushing tide of socialism. There is only one way to meet socialism, if it can be met at all, and that is to demonstrate that this blessed old Republic without sacrifice of its fundamental principles is sufficient to meet every emergency in social progress, and to deal effectively with every crisis in industrial affairs, and to provide effectively and successfully for the progress and the happiness and advancement of the human family. I am one of those who believe that we can keep the Constitution and its guaranties, observe all its pledges in all their integrity, deny no man or class of men the rights and privileges which it provides for, and yet endanger not at all the safety or security and the stability of American civilization. The theory that there are times when provisions of the Constitution are suspended, either in peace or war, is a perfectly fallacious and vicious theory. The theory that you must do away with the guaranties of the Constitution in order to save the Constitution is not only folly but when put in practice is a conspiracy against our entire form of government. There is no occasion, in my opinion, for this utter distrust, apparently, of the well-established, thoroughly tested and tried principles of representative government. This appeal to force, to arbitrary power, to oppression, will work no benefit to the American people. It will in the end prove rather an unmitigated curse to the American people.

Mr. THOMAS. Mr. President, I am very glad that the Senator from Idaho [Mr. BORAH] anticipated me in my purpose of referring to the incident recently occurring in the New York Legislature. He has expressed his opinion, not only of the act but of the consequences inevitably flowing from it, so much more conclusively and eloquently than I could possibly hope to do that I am almost tempted to leave the subject with the mere expression of my cordial approval.

The incident, so far as I have observed, has not received the commendation of any respectable journal assuming to know all the facts. On the other hand, it has been properly criticized and condemned by the majority of them. I have had occasion once or twice to criticize what is called the nonpartisan movement, the Non-Partisan League of North Dakota. A social revolution is in progress in that State, the outcome of which no man can foresee; but I have taken especial pains to emphasize the fact that the movement, from its inception to the present time, has been conducted under the forms of law. No constitutional or

other lawful provision has been violated, so far as I know, either in the inception or in the progress up to this time of the purpose of the organization. I think it is doomed to defeat. I think it is a peaceful revolution. I think its purpose and its methods are inimical to representative government; but so long as the majority of the people of North Dakota through the legal forms of political expression have sanctioned the movement, just so long does it represent the sentiment of those people, and must be tolerated and treated accordingly. It is thereby in grateful contrast to the wild and irresponsible turbulence of I. W. W.ism and kindred movements.

I have denounced, and I shall continue to denounce as long as I am a Member of this body, all forms of violence, all appeals to violence, to bloodshed and riotous revolution, either to menace or to overthrow the institutions of this Government, but if men like the Socialist representatives of the city of New York lawfully nominated, elected, and certified as the representatives of their particular constituencies, are to be denied the right of representation and the right to their seats in the legislative bodies of the general assembly, not because of any challenge of the legality of their election, not because of any contest, either actual or threatened, but simply because they are the exponents of a public policy which is obnoxious to the majority, then those men and their constituents are necessarily driven to a resort to unlawful and revolutionary methods for enforcement of the convictions which they entertain.

While I share, and share fully, the views of the Senator from Idaho regarding socialism, I am yet generous enough to concede to the great body of the members of that faith the same sincerity of conviction which I claim for myself. They may be, and I think they are, deluded, but they have a right to be under our institutions, and to express and if possible to give effectual force to their delusions, if by peaceful and lawful methods they can convince a majority of the people that they are not delusions; and none of us—certainly none who have reached my time of life—feel like asserting any infallibility, either in the entertainment or in the expression of political or other convictions.

I trust that the common sense and through that the aroused public opinion of the great Empire State of New York will operate and operate very soon to reverse the action of the majority of the general assembly, and that they will perceive not only the wisdom but the essential policy of recognizing these men as the duly elected representatives of their constituencies and giving them the places to which they have been lawfully chosen. I might say the same regarding another election, the results of which will soon come before the body at the other end of the Capitol, but that, perhaps, might be an unwarranted assumption upon my part, and I shall therefore forbear any comments upon that situation, although I have very decided convictions about it.

Mr. President, I shall support this bill with much reluctance. I do not want to vote for section 3 at all. I know that it is necessary that some action should be taken, particularly in view of the official opinion of the Attorney General of the United States, whereby his hands can be strengthened in his efforts to deal properly with those who are menacing the life and well-being of the Nation by resorting to criminal and unlawful processes. But it is an extremely difficult thing by legislative enactment so to restrict the use of the mails as to accomplish the desired object and at the same time prevent the abuse of the processes which we enact into law. The difference, in other words, between what is and what is not a physical menace to the institutions of the country is something which no man can define and something into the definition of which the opinions and the prejudices of those who are supposed to enforce the law must largely enter. I greatly fear that a law of this kind can be enacted and escape abuses in administration.

I refer to section 3, and I do not know but that some of the provisions of section 2 in their practical administration will develop the same conditions. I do not know to what extent the mails are being improperly used. I do know that they are being so used to a very large degree. I wish it were possible for the Congress by specific legislation to declare what shall and what shall not be given entry into the mails, and thereby do away with that discretion which necessarily accompanies the enactment of such legislation and its subsequent enforcement. In view of the amendment offered by the Senator from Idaho which has been accepted, I shall give the Government the benefit of the doubt; but I do it with much reluctance, because of my fear and apprehension as to its administration.

I felt the same way regarding the espionage act. The Senator from Nebraska [Mr. NORRIS] has called attention to specific instances arising during the war in which the fundamental rights of the citizen have been interfered with, most oppressively, and in most instances without any justification.

In times of war that is perhaps to be expected. It certainly is unavoidable in many instances. But while we are technically in a state of war now, we are actually in a state of peace, and consequently there should be no need for those more drastic provisions which at that time were supposed to be essential for the protection of the Republic.

I am satisfied, Mr. President, that this legislation will not prove as efficacious as a great many seem to think, although I hope that it may. It is impossible, in a country like ours, to entirely suppress extremes of opinion, or to prevent those occasional volcanic outbursts which are the offspring of discontent, sometimes real and sometimes assumed. I believe that in the forum of full and unimpaired discussion, the education of the people, so to speak, by those who are capable of educating them, is the essential and may be the ultimate and final salvation of the Republic; for just so long as men appeal to the baser instincts of humanity, just so long as the disparity between the very rich and the very poor is widely apparent, and particularly where the rich, as now, are constantly flaunting their wealth in the faces of discontent and poverty, just so long, Mr. President, will a spirit, whether we call it bolshevism or something else, manifest itself, find expression, and win converts, and until we recognize that fact and meet it, as the great middle class of this country must meet it sooner or later by recognizing its causes and removing them, just so long will legislation like this prove to be palliative and nothing more.

We are deporting aliens who, while they enjoy the blessings and the benefits of American freedom, have lifted their hands and voices against the Government; and I am heartily in favor of deporting them. No man who has not availed himself of the privileges of citizenship here, but who takes advantage of his presence to preach violence and destruction, should be permitted to stay within the jurisdiction of the United States one moment longer than it is necessary to apprehend and to remove him, to send him back to the country of his origin.

But that will not prevent their coming. I have here a very significant cartoon from a paper in my State, the Denver Post, entitled "Ships That Pass in the Night," the design showing one ship going in one direction filled with deportations, another passing in the other direction, labeled "Foreign Immigration to the United States." We can place limitations upon that condition if we will, but it is there, and until the spirit of the people and their apprehensions are aroused to the same degree and to the same extent that the enthusiasm of the Bolshevists manifests itself, just so long will it remain, if it does not expand.

Apprehension has been expressed here regarding the circulation of revolutionary literature among the negroes in the South. That is deplorable; I hope it will be prevented. But, Mr. President, the best way for the country to rid itself of the menace of negro discontent, if it is one, is to extend to the negro full rights and protection under the law. We compel the negro to pay his taxes, we conscript him in our armies, we compel him to obey our laws, but in practice we are prone in too many instances to deprive him of the right to appeal to those laws for his protection when accused of offenses, whether heinous or trivial. You can not expect a great body of people, I do not care who they are, to be loyal to institutions of the benefits of which they are largely deprived.

This evil is not wholly confined to the Southern States. Unfortunately lynch law is contagious, and the victims of it, found hitherto in one section of the country, are found in these days wherever the two races conflict. I am no advocate of race equality, but I am profoundly convinced that law and order are the offspring of that affection for the institutions of one's country which springs from the conviction that they protect as vigorously as they punish. The man who violates the law in this country, black or white, Jew or Gentile, is entitled to every constitutional guaranty which culminates in a trial in courts of competent jurisdiction and before a jury of his peers. Every man who is required to give allegiance to the Nation and obedience to the laws is entitled to demand that the Nation shall protect him in the enjoyment of every right and the protection of every safeguard designed for the welfare of the citizen.

Such a policy, Mr. President, attended by that spirit of toleration which goes with sympathy and enlightenment, and with a recognition of the right of others to his own convictions, even in these perilous and exciting times, will, in my judgment, do much to heal the diseases of the body politic, and much more than any drastic legislation that we can enact. Indeed, such a policy responds to every impulse of enlightened selfishness.

This law will be measurably effective, I hope. But I shall be greatly surprised if it is not supplemented by appeals for some-

thing still more drastic before this Congress shall have expired and passed into history. I hope not.

I shall not detain the Senate longer, Mr. President. I suppose the Senator having charge of the bill would like to obtain a vote to-day. But I shall ask permission, before taking my seat, as indicating some of the things that are transpiring in the country and out of it, to insert in the RECORD a communication to the New York Times of the 24th of December last, from the pen of Walter Duranty. The communication consists very largely of the reproduction of a document which was found in the soles of the boots of a Russian sailor seized at Riga while attempting to make his way to the United States.

There being no objection, the matter referred to was ordered to be inserted in the RECORD, as follows:

WIDE PLOT OF REDS TO SPREAD CHAOS IN THIS COUNTRY—LETTER FOUND ON RUSSIAN COURIER BOUND HERE PROPOSED TO DISORGANIZE LABOR—ALSO TO DISCREDIT WILSON—AGITATION AGAINST LEAGUE OF NATIONS, CONGRESS, AND CAPITALISTS SUGGESTED—WORKERS MUST BE ARMED—COMMUNIST PARTY TO BE ORGANIZED FROM EXTREMISTS AND CONTROLLED FROM MOSCOW.

[By Walter Duranty.]

RIGA, *December 24.*

Here is a copy of the document mentioned in my previous dispatch, which, together with valuable jewels and large sums of money, was found in the soles of the boots of a Russian sailor seized here while trying to make his way to the United States. The prisoner's name and the name and address of the person in America for whom the document and funds were intended I have communicated to the proper quarter.

The document is signed jointly by Buharin, chief of the executive committee, Bureau of the Communist Internationale, and by Bersin, alias Winter, a well-known Bolshevik of Lettish origin. More than any argument, it proves what are the real aims of the red leaders and what their protestations of peace are worth. It begins:

"Dear Comrades: Permit us to give you a full résumé of our advice and instructions regarding current work in America.

"1. We firmly believe that after the expulsion of a number of sections of certain nationalities from the American Socialist Party the time has come to organize in the United States a communist party, which will proceed to get officially in touch with the Communist Internationale.

"We firmly believe also that this party could be organized from, firstly, the Socialist Propaganda League; secondly, the extremer—and now excluded—elements of the American Socialist Party; thirdly, the extremer elements of the Socialist Labor Party, which, as we are well aware, it is most important to split, as its actions are contrary to our aims; and, fourthly, the International Workers of the World, whose principle of nonpolitical action will disappear as it comes to recognize the dictatorship of the proletariat and soviet rule. The organization of this party should be effected in Moscow.

TO WORK ON SOLDIERS AND SAILORS.

"2. We firmly believe that one of the most important aims at present is the organization of communist small nucleus centers among soldiers and sailors as a fighting section to carry on energetic propaganda in organizing soviets of soldiers and sailors and in preaching fanatical 'hostility' (the Russian word means literally persecution) toward officers and generals.

"3. Such organizations of workmen soviets as already exist should not be allowed to degenerate into philanthropic or cultural associations. We are much afraid that in America there is just this danger. Therefore we strongly emphasize that until the soviets have got the upper hand they must regard themselves as militant [the word is underlined] units of the fight for national control and proletariat dictatorship. There must not be an inch yielded from this standpoint. [All the last sentence is underlined in the original.]

"The organization of strikes and of unemployed and the fomenting of insurrections; that is the task appointed. Secondly, it is necessary to take the utmost precautions against the splitting up of the proletariat among the already existing national political parties. Therefore direct your energies along the lines of developing the movement to establish soviets of workers of different political views.

"The general platform will be as follows:

"(a) Down with the Senate and Congress.

"(b) Down with capitalists in the factories. Long live the management of the factories by the workers.

"(c) Down with speculators. All organizations of food and supply to be in the workers' hands.

"Everywhere it is necessary sharply to emphasize the idea of seizing the whole machinery of economic administration by the working class, and to direct toward this object propaganda and agitation—by an outcry against the high cost of living.

HOSTILITY TO WILSON AND LEAGUE.

"It is desirable to spread hostility (again the Russian word persecution) toward Wilson as a two-faced criminal as well as toward his league of nations.

"Regarding intervention, you already know what to do, but we ask you to stress the factor of our economic strangulation—and not only ours but Hungary's previously—and also to rub in the fact that western democrats are acting as our executioners.

"5. It is of supreme importance to pay the closest attention to the American Federation of Labor. This must be smashed in pieces [last three words are underlined] by active work in collaboration with the International Workers of the World to bring about strike movements and revolution.

"6. It is most necessary to develop propaganda to install into the minds of the workers the paramount necessity for arming [this word is underlined]. Revolutionary soldiers who are demobilized should not give up their rifles.

"As a more general platform:

"(a) An international socialist republic.

"(b) Frighten everyone with the bogey of new wars being prepared by the capitalists.

"(c) Use the utmost efforts to oppose the organization of White Guards. This should be done in most ruthless and violent manner.

"7. Work for the centralization and combination of your endeavors. Don't give them any opportunity to smash you separately. Organize conspirative committees.

"With communistic greetings.

(Signed) "Bureau of the Executive Committee of the Communist Internationale.

"BUHARING and J BERSIN, alias WINTER."

This document is presented as translated literally from the Russian original with the double check of one allied citizen familiar with Russian and one English-speaking native, besides myself.

RED ACTIVITIES IN OTHER LANDS.

Further documents seized from bolshevist conspirators here prove the existence of nefarious red activities in other countries besides Letvia and America. The names and addresses of English agents and "comrades" are certainly included, and, it is said, of agents and "comrades" in Scandinavia and Holland, though this I can not yet affirm positively.

A citizen of an allied country who has just interrogated the Russian sailor caught bearing the quoted document to the United States said to-day that this courier was an intelligent-looking fellow about 32 years old who made no bones about admitting that he was a communist, but cleverly evaded leading questions.

It is known that during the last 10 years he had worked on ships that put in at American ports, but up to the present he professes ignorance of the English language. Recently he has written articles for bolshevist sheets here and in Russia which are said to reveal no small degree of education and brain power. My informant got the impression that he was no mere tool, but a clever and dangerous man from whom it will be hard to extract much information other than that already known. This, however, is great, as his interesting documents are many.

Although the news of the arrest of the conspirators is not yet made public here, the effect undoubtedly is being felt, as public sentiment is much less uneasy. The people are also reassured by a timely statement from the Lettish commander, Col. Ballod, regarding the stability of the antibolshevist front and the impossibility of the reds breaking through.

The street car strike is not yet settled, but now that the dangerous element behind it has been eliminated, there is much less cause for anxiety. I talked to-day with one of the strikers through a Lettish officer. This man said he had been employed for 15 years, had a wife and three children to support, had no political bias, communist, socialist, or otherwise, but agreed to strike because he found it impossible to live on 175 Czar rubles—about $3 American at present exchange—per month.

As prices run here in rubles, he was unquestionably right, and it must be said that the strikers' demands seem wholly justified. But that is one of the cleverest features of bolshevist action. It always begins with a strike that seems wholly reasonable, with the double object of enlisting public sympathy at the outset and of later inflaming the strikers' minds and bringing about other "sympathetic" strikes, if their just demands are not promptly granted.

It is the good German strategic policy of driving first at the weakest point. Several passages in the document seized on the sailor show that this is the case, and further establish the truth of the assertion made to me in Copenhagen by Danish Minister Scavenus that the reds aim always at disrupting existing labor organizations and destroying the influence of their leaders so as to be able to conduct the mass of workers along their own lines.

It is possible that the Moscow authorities and their sympathizers in America may question the authenticity of this document or attempt to disavow the conspirators here. It can be stated that papers, admissions of prisoners, and details of the whole organization leave not the slightest doubt on the subject in the minds of those best fitted to judge.

Mr. WALSH of Montana. Mr. President, I desire to say a further word before a vote is taken on the pending measure.

The Senator from Idaho [Mr. BORAH] called our attention this morning to the interesting story of the prosecution of John Wilkes. I am glad he did so. It can not be referred to, perhaps, too often, and it is commendable in any Senator to seize any opportunity again to relate the story, for out of that prosecution, and the prosecution of Thomas Paine, also referred to by the Senator from Idaho in discussing the pending bill the other day, grew the guaranty of the freedom of speech and of the press in the Constitution of the United States and the constitutions of the States. Although the principles were recognized to some extent in the English law prior to that time, they took form and substance and took possession of the minds of the people of this country through those prosecutions.

But, Mr. President, lest some idea might be gathered from the remarks of the Senator from Idaho that anything in the prosecution of Thomas Paine militates against the measure before us, I want to put in the RECORD the indictment upon which Thomas Paine was brought to trial. It reads as follows:

Thomas Paine, late of London, gentleman, being a wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to our said sovereign lord, the now King, and to the happy constitution and government of this kingdom * * * and to bring them into hatred and contempt, on the 16th day of February, in the thirty-second year of the reign of our said present sovereign lord the King, with force and arms at London aforesaid, to wit, in the Parish of St. Mary le Bone, in the ward of Cheap, he, the said Thomas, wickedly, maliciously, and seditiously did write and publish, and caused to be written and published, a certain false, scandalous, malicious, and seditious libel of and concerning the said late happy Revolution and the said settlements and limitations of the crown and regal governments of the said kingdoms and dominions * * * intituled, "Rights of Man, Part the Second, Combining Principle and Practice." * * * In one part thereof, according to the tenor and effect following, that is to say, "All hereditary government is in its nature tyranny. An heritable crown"—meaning, amongst others, the crown of this kingdom—"or an heritable throne"—meaning the throne of this kingdom—"or by what other fanciful name

such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a government is to inherit the people, as if they were flocks and herds." * * * "The time is not very distant when England will laugh at itself for sending to Holland, Hanover, Zell, or Brunswick for men"—meaning the said King William the Third and King George the First—" at the expense of a million a year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If government could be trusted to such hands, it must be some easy and simple thing, indeed, and materials fit for all the purposes may be found in every town and village in England." In contempt of our said lord the now King and his laws, to the evil example of all others in like case offending, and against the peace of our said lord the King, his crown and dignity. Whereupon the said attorney general of our said lord the King, who for our said lord the King in this behalf prosecuteth for our said lord the King, prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him, the said Thomas Paine, in this behalf, to make him answer to our said lord the King, touching and concerning the premises aforesaid.

To this information the defendant hath appeared and pleaded not guilty, and thereupon issue is joined.

So, Mr. President, it will be observed that while Thomas Paine condemned the English system of government as absolutely absurd and unreasonable, and urged everybody to adopt some other system that was more consonant with common sense, he did not advocate the overthrow of the English Government by force or violence. If Thomas Paine were indicted under this bill, if it ever becomes a statute, the Senator from Idaho would have no difficulty whatever in having a demurrer to the indictment sustained. The facts recited in the indictment upon which he was brought to trial do not make a case coming under this class of legislation. I do not imagine for a moment that the Senator from Idaho intended to convey the idea that a prosecution under this bill, if it should become a law, would be analogous at all to the prosecution of Thomas Paine for seditious libel in advocating a change by constitutional means in the English system of government; but I was apprehensive that it might be conceived from what he said that it would be so. The lessons to be gathered from the prosecutions of John Wilkes and Thomas Paine by the English Government are many and salutary, but none of them militate in any way against the measure that is now before us.

Mr. BORAH. Mr. President, my reference to Thomas Paine was with reference to section 3. I ask unanimous consent to insert in the RECORD, without comment, a letter written by Thomas Paine on what constitutes the freedom of the press.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Prior to what is in England called the revolution, which was in 1688, no work could be published in that country without first obtaining permission of an officer appointed by the Government for inspecting works intended for publication. The same was the case in France, except that in France there were 40 who were called censors, and in England there was but one, called imprimateur.

At the revolution the office of imprimateur was abolished, and as the works could then be published without first obtaining the permission of the Government officer the press was in consequence of that abolition said to be free, and it was from this circumstance that the term liberty of the press arose. The press, which is a tongue to the eye, was then put exactly in the case of the human tongue. A man does not ask liberty beforehand to say something he has a mind to say, but he becomes answerable afterwards for the atrocities he may utter.

Some lawyers in defending their clients (for the generality of lawyers, like Swiss soldiers, will fight on either side) have often given their opinion of what they defined the liberty of the press to be. One said it was this, another said it was that, and so on, according to the case they were pleading. Now, these men ought to have known that the term "liberty of the press" arose from a fact—the abolition of the office of imprimateur—and that opinion has nothing to do in the case. The term refers to the fact of printing, free from prior restraint, and not at all to the matter printed, whether good or bad. The public at large—or, in case of prosecution, a jury of the country—will be judges of the matter.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

Mr. NELSON. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside for the purpose of continuing the consideration of the sedition bill, and that the water-power bill shall not lose its place as the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senate continues the consideration of Senate bill 3317, and the pending question is on the amendment of the Senator from South Dakota [Mr. STERLING].

Mr. FRANCE. Mr. President, I desire to say a few words with reference to the measure before it passes, as it will. It has so little merit that it will pass. The Senators smile. It is a joke, a tragic joke, when our calendar is crowded with great bills which would have dealt with the serious problems of reconstruction which are upon us that such a measure as this should be consuming our time. If I did not feel unwilling to delay the Senate I would read the numbers and the titles of the bills which have been displaced, crowded into the background by this repressive and destructive legislation.

The great Americanization bill, which would seek to cure these evils not by repression but by the eradication of them, has been shoved into the background week after week and month after month, despite all of the efforts of the Senator from Iowa [Mr. KENYON], who has such a true insight into the causes of that discontent which has become a menace to our institutions.

I might mention a bill on the calendar which would provide hospital facilities for the poor drug addicts of the country, a bill which must be enacted before there can be any enforcement of the Harrison antidrug law or antinarcotic law, a law which can not be enforced and at the violation of which the officials of the Government are winking, because to enforce it would be to create a great host of maniacs—perhaps 500,000 of them altogether—men and women who practically would become maniacs if deprived of those drugs which under a notorious violation of the law they are now allowed to obtain and which they must obtain until hospital facilities are provided for their treatment and for their cure.

Prohibition legislation was enacted; and thus deprived of alcoholic stimulants many of those addicted to alcohol are turning to drugs, and under the lack of enforcement of the Harrison Act—a lack of enforcement which is necessary—these people are becoming drug addicts, because Congress has not had the time to pay attention to that problem.

I have mentioned the antinarcotic bill and the Americanization bill. There are many other bills of a like nature upon the calendar, constructive, corrective, rather than repressive in their nature.

On yesterday during the course of my remarks in opposition to this measure I referred to the fact that many labor organizations in all parts of the country had passed resolutions in condemnation of the legislation, because they consider that it may be used, as was the espionage act, by governmental officials to censor the press, to curtail, in violation of the Constitution the rights of free press, of free speech, and of free assemblage, rights so dear to every true American heart and so essential to the preservation of the liberties of all, and particularly of those, the very best of our citizens, who labor with their hands and live by the sweat of their brows.

I placed in the RECORD as part of my remarks several communications from local unions, members of the American Federation of Labor, which indicated, I think quite clearly, the attitude of organized labor which is so strongly opposed to all of these repressive statutes. I had many other communications of a similar nature upon the same subject, a few more of which I desire to read into the RECORD to-day in order that Members of the Senate, if they choose to read the RECORD, may be made fully aware of the fact that the legislation is considered—and I believe very properly considered—to be hostile to the interests and inimical to the rights of our working people. All the wisdom of the country, as I have said on a number of occasions, is not in the brains and in the minds of the members of legislative bodies.

To conserve the time of the Senate I will have some of these inserted in the RECORD, where they will not be read—not read, not heeded. Why, Mr. President, if they were to be read and heeded, there would be men here seriously considering the attitude of organized labor, the attitude of our working people, the attitude of the intelligent masses of Americans upon this most important piece of legislation. How many Senators are here paying any attention? They do not care. They have made up their minds to support the committee and to vote for the bill, and what organized labor has to say, what the masses of the American people have to say, makes no difference to them. You will find, probably, that the measure will pass not only without these letters having been read and heeded, but probably without even a roll call.

I will read a few of the letters, because they will not be read if they are all inserted in the RECORD. My duty in advising the Senate is done when I shall have read some of the letters and placed some of them in the RECORD and briefly expressed further my opinion of the proposed legislation.

These are but a few letters selected from many. From the International Association of Machinists, Lodge 105, Toledo, Ohio, is a letter addressed to me, stamped with the seal of the union, and reading as follows:

As American citizens we believe that free press, free speech, and the right to assemble are the foundations of our liberty and should not be curtailed, and that war-time measures restricting these liberties should not be made into the laws governing the people of a free Republic in time of peace, and we therefore appeal to your patriotism to use your influence and vote to defeat Senate bill 3317, introduced by Senator STERLING.

To conserve the time of the Senate, I will not read, but will ask to have inserted a letter from the Pennsylvania Federation of Labor, affiliated with the American Federation of Labor, of

Harrisburg, Pa.; also one from Local Union No. 598, Brotherhood of Carpenters of America, Wabash, Ind.

But I will read a rather long letter from Joint Council No. 9, United Shoe Workers of America, 2040 Northwest Avenue, Chicago, Ill., a letter which indicates the thoughtfulness and the intelligence of the members of the United Shoe Workers of America, a little more of which intelligence and earnestness I wish might be represented right here in the Senate Chamber and in the other branch of Congress when such measures as these are pending. It is long, but I shall read it. It is written by one of the men whose opinions are regarded so lightly at the present time during the pendency of this measure, for no one really has discussed the attitude of the masses of the people toward the legislation at any great length. The letter is addressed to me and reads as follows:

At regular meeting of above-named council, Friday, November 28, unanimous action was taken to offer strenuous protest through you against Senate bill 3317 and its companion bill in the House of Representatives, and our reasons for taking such action are based upon our knowledge and understanding of the autocratic, sinister forces and influences that are legislating for and seeking the adoption of such measures. Years of experience, much of which has proven sad and bitter experience, has convinced us that no matter how carefully our laws are worded or how reasonable or just they appear on the surface, they seldom, if ever, operate in the interest and advancement and uplift of the vast majority of people in the United States, who, more than any other, need just laws democratically administered in order that they may live and develop their lives, conduct, and characters in accordance with the principles and programs established by the courageous, worthy statesmen and others who first instituted a government in which the will of the majority was the essential fundamental feature. Especially is this true with regard to our laws dealing with commerce and industry, not because they express the hopes and designs of plutocracy in their wording, but because of the construction and interpretation which, in the far too numerous instances, is given them by our administrative forces, particularly our courts; and this twisting and construing laws to conform to the desires of the moneyed interests has for years been conducted in such a brazen and flagrant manner that every intelligent American to-day knows that in the vast majority of instances where the issue is the moneyed interests versus the rights of the majority of citizens, particularly organized working people, such issues are not decided by the merits of the case or by what would do the most good to the greatest number, but according to the will or at least favorable to said interests, and such practice has created a very pronounced and growing suspicion among the vast majority of the working people that our administrators, particularly our courts, are but servants of those interests and are not considerate of the common interests or welfare of the majority of the common people. This opinion is now national in its scope, and no legislator will deny that it has reached a degree of distrust and impatience such as to threaten those features of our institutions and principles of government that should at all times hold the confidence and respect of the vast majority of citizens. Too long have wage earners in this country suffered by having their rights, privileges, and conscientious protests outlawed by class interpretations of just such laws as the proposed Senate bill 3317, and hundreds of capable and honest Americans, who have the best interests of our country at heart, are now languishing in prison cells for the sole reason that the financial kings want them in prison and found it an easy matter to get one or a dozen of our supposedly impartial judges to send them there. The spirit and principle of Americanism has never been, nor never will be, killed by jailing courageous men and women, and the continued jailing of such characters will ultimately force a condition where an outraged majority may strike back with weapons other than the ballot, and we would consider it a sad reflection upon all of us, particularly our statesmen, if subsequent industrial laws and conditions force an outraged working class to strike blindly or illegally in an attempt to effect such changes as they believe to be necessary, but which should at all times be effected through the orderly, lawful processes embodied in our Constitution. We believe you will agree with us that Senate bill 3317 and its companion bill in the House of Representatives will, if adopted as law, work untold hardship on an already outraged working class and will prove a large contributing factor in fanning the flames of bitterness and resentment, which are already far too pronounced.

Mr. President, this man who works upon shoes, this operator of a shoe machine, knows what is in the Constitution of the United States; he knows what his rights are under the first amendment to the Constitution of the United States, which guarantees a free press, free speech, and the right of assembly, free from invasion by Congress, even though there may be learned lawyers, Senators, and Members of the House of Representatives who, with a fine legal ability, are able to argue that the first amendment to the Constitution does not mean what it says, and that, therefore, we may pass a law which is in plain contravention of it. Perhaps it would be better if we had a few shoemakers in the Senate or in the House of Representatives of the United States. Perhaps the Constitution would be in safer hands.

Senate bill 3317 and its companion bill in the House of Representatives will, if adopted as law, work untold hardship on an already discontented working class and will prove a large contributing factor in "fanning the flames of bitterness and resentment, which are already far too much pronounced."

That is the whole argument against this proposed statute. No man can successfully contend before the intelligent American people that we have no State or Federal statutes against direct incitation to the use of force or violence against persons or against the Government. We have such statutes; they are drastic statutes; and I cited them on yesterday. The point is that to enact this proposed statute at this time is to do exactly what this intelligent member of the United Shoe Workers of America says: It is to "fan the flames of bitterness and resentment, already now far too pronounced."

Mr. President, I ask permission to insert some other letters from other locals of the labor unions. Such letters, I may say, are coming from all over the country.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, it is so ordered.

The letters referred to are as follows:

TOLEDO, OHIO, *December 1, 1919.*

Hon. JOSEPH I. FRANCE,
United States Senate.

DEAR SIR: As American citizens we believe the free press, free speech, and the right to assembly, the foundation of our liberty, should not be curtailed, and that war-time measures restricting these liberties should not be made into laws governing the people of a free Republic in time of peace, and we therefore appeal to your patriotism to use your influence and vote to defeat Senate bill No. 3317, introduced by Senator STERLING.

With best wishes for success in your efforts to preserve American liberties,

Respectfully, yours,

TOLEDO LODGE 105, INTERNATIONAL ASSOCIATION OF MACHINISTS,
[SEAL.] CHAS. BANK, *Recording Secretary.*

PENNSYLVANIA FEDERATION OF LABOR,
Harrisburg, Pa., November 19, 1919.

Hon. JOSEPH I. FRANCE,
United States Senate, Washington, D. C.

DEAR SIR: By order of a special convention of the Pennsylvania Federation of Labor, held in Pittsburgh recently, I forward to you a copy of a resolution there adopted:

Resolution No. 8, introduced by resolutions committee.

"Resolved, That the Pennsylvania Federation of Labor in convention assembled protests most emphatically against United States Senate bill No. 3317, introduced by Senator STERLING, which ostensibly aims to punish with heavy penalties any advocacy of a change of Government by violence or violent resistance to Government authority, but which may readily be construed, as was the espionage act, to apply to any vehement protest against existing conditions.

"The orderly forces of Pennsylvania labor realize the sinister menace of this bill to the American liberties of the working people: Therefore be it further

"Resolved, That we call upon the Congress of the United States to defeat this bill; and be it further

"Resolved, That copies of these resolutions be sent to Senators PENROSE, KNOX, FRANCE, MCCORMICK, CAPPER, LA FOLLETTE, GRONNA, and NORRIS."

Thanking you for giving it your fullest consideration, I am,

Very truly, yours,

C. F. QUINN, *Secretary.*

LOCAL UNION NO. 598,
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Wabash, Ind., November 26, 1919.

Hon. JOSEPH I. FRANCE,
United States Senate, Washington, D. C.

DEAR SIR: At a regular meeting of Local Union No. 598, Carpenters and Joiners of America, November 21, 1919, a resolution was passed:

"Whereas a bill is now on the calendar of the United States Senate, No. 3317;

"Whereas we deem the laws now in force, National and State, are ample to suppress all persons who may attempt to overthrow the Government: Therefore be it

"Resolved, That we vigorously protest against any law that may be construed and used by the enemy of labor to suppress labor. The time has arrived when we have no more use for the laws in the United States to suppress labor than we have for the principles of bolshevism."

Yours, truly,

J. W. SCOTTEN,
Recording Secretary.

LOCAL UNION NO. 275,
BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA,
Chicago, November 28, 1919.

Hon. JOSEPH I. FRANCE,
United States Senate, Washington, D. C.

SIR: At the meeting of Local Union 275, November 18, I was instructed, by unanimous vote, to write to you in regard of the so-called "peace-time sedition law," known as Senate bill 3317.

Local Union 275 feels that this bill should be defeated, because it will serve only to restrict the lawful activities of organized labor, while it will not give more protection to the Government against agitators of violence.

Furthermore, the wording of the bill leaves it open for misconstruction, and makes it a dangerous weapon in the hands of officials who are to enforce the law.

Local Union 275 of the Brotherhood of Painters expects that you do everything in your power to defeat this bill.

Respectfully, yours,

ALBERT FRIEDLIEB,
Recording Secretary.

INTERNATIONAL MOULDERS' UNION OF NORTH AMERICA, NO. 42,
Quakertown, Pa., November 20, 1919.

Hon. JOSEPH I. FRANCE.

DEAR SIR: Local No. 42 of the Iron Moulders' Union of North America kindly asks of you to do all in your power to prevent Senate bill 3317 and its companion bill in the House of Representatives from becoming a law. Thanking you in advance very much for this favor and hoping you will comply with it, I remain,

Yours, fraternally,

JOHN C. KOEHLER,
Corresponding Secretary,
141 Second Street, Quakertown, Pa.

Mr. FRANCE. Here is one which I shall read from Local Union 2880, United Mine Workers of America, Bonanza, Ark.:

Resolution of Local Union No. 2880, United Mine Workers of America—

It is worth while, Mr. President, to pay attention to the language used by these local unions of workers on shoes and workers in the mines. It might encourage some of those Senators who feel that the Great Republic is about to totter and fall to ruin because a few rattle-brained anarchists are publishing irrational literature, the very best argument against which is its own language and its own thought. As some one has already pointed out, one of our great metropolitan dailies not long ago, while this subject was being discussed, to show the utter folly of anarchistic doctrines and of anarchistic literature, published extracts from such literature. Of course the paper carrying such quotations from anarchistic literature would have been nonmailable under the pending bill. Furthermore, the very anarchistic literature it might be well to import into this country in order that our people might know the utter folly of it can not even be imported after this bill passes. My point is that the man who believes in the intelligence of the masses of our people is not apt to be frightened by such useless and futile agitation as that which is now being carried on. As I said yesterday, I am not frightened, because I have faith in the intelligence of the masses of our people; and those who have not such faith might do well to pay not only attention to the substance but to the language of the resolutions written by these miners and workers on shoes.

Resolution of Local Union No. 2880, United Mine Workers of America, Bonanza, Ark.

Resolved, That whereas Senate bill No. 3317 now before the United States Senate does not reflect the true sentiment of the common people; and

Whereas there is a widespread conviction throughout the country to-day that in some way the Government does not represent the American people, but does represent the special interests and all forms of corporate greed which has done so much, and is still doing so much, to undermine this Government, which of late years has been drifting toward despotism with such rapid strides; and

Whereas we are now governed by injunction, intimidation, and repression—

That is not bad language to be thought out in the depths of the mines, in the darkness and in the damp, with nothing but the glow of the miner's lamp to point the way, and with peril and death lurking in every corridor. It is not bad language to be thought out by men so preoccupied in the bowels of the earth. It might do credit to a Senator who has the time at his disposal, sitting in his comfortable office or in his upholstered chair here, to find phrases suiting the thought he wishes to convey—

Therefore be it

Resolved, That we demand the restoration of government by the people; we demand the freedom of speech and press as the best safeguards of any government, and we demand the repeal of every statute that prevents the free and fearless discussion of every question concerning governmental affairs—

That is not bad, I say, for the miners. They have to meet for their deliberations at night after the day's work is done, with tired brains and sore muscles, and with that physical fatigue which is not conducive to the framing of clear and eloquent language—

Resolved further, That we are determined to oppose by every lawful means within our power the enforcement of Senate bill No. 3317, or any bill of like character, because such legislation as this is inspired by the moneyed power, and is intended to rob us of our sovereign rights as American citizens to free speech, free press, and full and free discussions of all public questions, and places us at the mercy of the Federal courts who owe no allegiance to the American people—

I disagree with that. They owe an allegiance, and I believe that the Federal courts, in spite of all their shortcomings, in spite of what has seemed to me at times to be at least something of subserviency to a popular hysteria, have been, as a rule, the bulwark of our Constitution; and yet I do not criticize those who take the extreme other view.

They go on to say:

Who have always been responsive to the enemies of popular government, the autocrats of wealth; and be it further

Resolved, That we remind the Congress of the warning of Lincoln just before the Civil War.

These miners knew about Lincoln. The miners who drew these resolutions have not forgotten him.

Lincoln said: "The people of these United States are the rightful masters of both Congresses and courts; not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."

I tell you, Mr. President, the American people have not forgotten that great doctrine; and I believe that the time is coming, sirs, when they are preparing to overthrow—and the sooner it comes the better it will suit me—the men who are perverting our Constitution.

They proceed:

What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army, and our Navy. These are not our reliance against tyranny. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands, everywhere.

Senators, do not tremble for a Republic bulwarked by miners—miners who, in the bowels of the earth, learn to write sentiments such as these, in language so eloquent and so full of appeal:

Destroy this spirit, and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage, and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

(Signed) ——— ———.

Ordered by Local Union 2887, United Mine Workers of America, Bonanza, Ark.

If the miners who wrote that resolution were sitting in the Senate of the United States, there can be no doubt as to how they would vote upon this bill and upon other similar vicious and unjustifiable measures.

These few letters were selected out of a large number which have been written to me both in opposition to this bill and in favor of the bill which I introduced in January of last year for the repeal of the espionage act—a bill which, although before the Judiciary Committee and its subcommittee for many months, I believe never received any serious consideration by that committee.

Out of consideration for the Senator who has charge of this bill, and out of respect for the Senate and the respect which I believe is due it, not only from its Members but from the people, because of the great functions which it was designed to perform, I shall forego any discussion of the methods which were employed by some of the members of the subcommittee having these various bills under consideration and charged with the duty of giving them all careful and impartial consideration. I do not mean dishonorable or unfair methods but methods which seemed to me to indicate that they were not fully and impartially considering the great issues raised by these various bills. I shall leave it to the judgment of the masses of our intelligent citizens whether the members of the subcommittee who have favorably reported this bill have carefully considered the legislation already upon our statute books making direct incitation to the use of force or violence against persons or against the Government a crime, whether they have considered the evidence of the past, as revealed by our early national history as to the effect which is to be expected and which is inevitable as a result of such repressive legislation, and whether they have weighed, considered, and sought to interpret more recent events which have occurred during the full operation and under the drastic administration of the espionage act.

It has been said that history repeats itself. That is true. The course of human events tends to move in circles and cycles, instead of ever forward and upward in the direction of orderly progress because of the blindness, stupidity, and intolerance of the old guard of Bourbons, who so constantly stand across the path resisting all advance.

I have come to the conclusion that Bourbonism and what we generally understand in common phrase as bolshevism are but different manifestations of the same disease, a disease the principal symptoms of which are stupidity and intolerance. Stupid, intolerant, senile, ivory-pated Bourbonism can strike its hand in a spirit of perfect fellowship into the bloody palm of bolshevism. I mean bolshevism as it is ordinarily understood, bolshevism as it is reported and conceived in its worst aspects. Bourbonism and such bolshevism both practice tyranny, the tyranny of the majority over the minority, which respects no law and disregards personal rights. Both believe in the rule of force rather than in the rule of reason. Both dote upon reaction and revel in repression. Both would muzzle the press and silence discussion.

I have several times quoted a paragraph from Edmund Burke, to which my attention was first directed by the Senator from Idaho [Mr. BORAH], a Senator truly imbued with the spirit of our institutions, a champion and defender of them and of the rights of the people against all open and insidious assaults. Edmund Burke said:

It is right that there should be a clamor whenever there is an abuse. The fire bell at midnight disturbs your sleep, but it keeps you from being burned in your bed. The hue and cry alarms the country, but it preserves all the property of the province.

With all this your reactionary Bourbon disagrees, because he is either blind to or parasitically thrives upon abuses. He hates

free, fearless, and vigorous speech, because it disturbs and hurts him. He resists all change, defends existing conditions, and seeks to discredit or persecute those who demand reforms. He distrusts plans for universal education, because he has a secret contempt for the minds of the masses of mankind. Bourbonism is senilism. It is intolerant of contradiction and storms against change. It remembers fondly but misinterprets the past, resents and resists what is new in the present, and views the future with foreboding. The truly liberal and progressive man, on the contrary, defends free speech and universal education, because he has faith in the intelligence and truly trusts the motives of the masses of men. The liberal man knows that we need now, not repression, but a new and better expression for the spirit of social discontent and of revolt. Discontent can be destructive or divine. It can demolish what is or it can upbuild and enlarge it to be a nobler, vaster fane of human liberty. Energy can not be destroyed, it must be converted. We can not suppress all manifestations of that fire and heat which seem now to threaten to bring on a larger conflagration, but by the proper methods we can engage it and employ it as power to drive on the mighty engines of progress.

Ah, Mr. President, the fathers were wiser than ourselves, because they understood that there was a law of conservation for social energy, that efforts to dissipate or imprison it were dangerous, and that it was the duty of wise statesmanship to give it at once free expression and proper direction.

It is a deplorable fact that the Bourbonism which has been dominating our legislative procedure for the past many months has been too blind and stupid to profit by the mistakes of the past. Not all of the fathers were as wise as Washington, Hamilton, and Jefferson. There were amateurs in the art of statecraft in the legislative halls of the Nation in those early days who, filled with the pride of opinion, dared to disregard the counsels of these mighty men, whose wisdom must have been inspired. But our folly far exceeded theirs, for in 1917 and 1918 we not only had the words of Washington, Hamilton, and Jefferson to warn us, but we had the disastrous results which followed the less excusable mistake of those legislators who refused to heed their wisdom in that day.

Repudiating the doctrines of the fathers, disregarding the plainly written language of the Constitution, closing our eyes to the disastrous consequences of the alien and sedition laws of 1798, we passed the speech and press censorship clause of the espionage act and the act amendatory thereof, a far more drastic statute than the old alien and sedition law, and established a bureaucratic tyranny, which deprived the masses of our people of their liberties. Having sown the seed, you seem to be surprised at the harvest. As President Wilson said, in substance, not long since, repression is the seed of revolution. Certainly the Senate was forewarned, for I myself referred to the words of Hamilton, written when the alien and sedition laws of 1798 were pending, which words I have several times since quoted.

Let us not establish tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united, but if we push things to extremes, we shall then give to faction body and solidity.

That paragraph of Hamilton, spoken in 1798, might have warned us in 1918. But it did not warn the Congress of 1798, nor did it warn the men who, in their pride of opinion in 1918, thought that they knew more about the great principles upon which this Government was established than did Alexander Hamilton, who was the chief factor in the writing of that greatest of all governmental documents.

Oh, how richly his prophecy of 1798 was fulfilled. His warning was not heeded by the Congress, and body and solidity were given to faction.

I called attention in May, 1918, to the destructive and disintegrating effects produced by this statute against which he had warned. I called attention to the fact that it almost brought about a dissolution of the Republic, and that out of the discontent and deep sense of injustice which were created by that statute was born the doctrine of nullification and secession, which, growing through the years, at last led this Republic to civil war.

Mr. President, we might have known what was coming. How much revolutionary literature was there, how strong was the radical press, how menacing were the doctrines of anarchy before the enactment of the espionage act! All of this commotion, all of this promotion of those who are spreading the radical literature, all of this growth in lawlessness, have come about while that statute has been in force and while it has been drastically administered.

Of course that is all elementary. Hamilton, Jefferson, and Washington all knew the dangers of free speech. They all knew that liberty might at times become license; but they also knew the greater danger of repressing free discussion.

As the wise old commentator, Cooley, said:

Repression of full and free discussion is dangerous in any government resting upon the will of the people. The people can not fail to believe that they are deprived of rights, and will be certain to become discontented, when their discussion of public measures is sought to be circumscribed by the judgment of others upon their temperance or fairness. They must be left at liberty to speak with the freedom which the magnitude of the supposed wrongs appears in their minds to demand; and if they exceed all the proper bounds of moderation the consolation must be that the evil likely to spring from lively discussion will probably be less and its correction by public sentiment more speedy than if the terrors of the law were brought to bear to prevent the discussion.

Mr. President, if I am mistaken, I am in good company, in the company because I chose it, not because I am fit to be in it because of any abilities which I possess; if I am mistaken, I am mistaken with Jefferson, I am mistaken with Washington, I am mistaken with Hamilton, and being mistaken with them I shall be content.

But, sirs, those men were not mistaken. You disregarded their words in May, 1918, and you enacted a statute which has brought about the very condition which you sought to avoid. Thus do Bourbonism and reaction always defeat their own end.

The remedy for the spirit of discontent and of revolt is not, I say, repression, but reform. If the Congress would now devote itself to the enactment of much-needed corrective and constructive legislation aimed to cure those unfavorable conditions which have been created, aggravated, or new discovered by the war, much of this discontent would disappear.

I am convinced that we need not more repressive but corrective legislation, and that if we restore to our people the liberties which they enjoyed prior to the war, while we move steadily on toward an improvement in social, industrial, and commercial conditions, that the serious unrest and discontent will speedily be dissipated. In the meanwhile I think I can assure the Senate, and, I believe, the American people can feel assured, that any direct incitation to force or violence against individuals or against the Government can without difficulty be taken care of by efficient departments of justice, both State and Federal, under the powerful criminal statutes which have been part of our State and Federal laws for many years.

Mr. President, when we enacted the amendment to the espionage law, in my humble judgment we violated the fundamental principles of our Constitution, and we went directly against the wise counsel of the men who founded, upon the principles of everlasting justice, this great Republic.

We may, sirs, enact this bill into law; we may seek to remove this discontent by repression instead of removing it by the correction of its causes; we may wander farther away from the great principles enunciated by our fathers upon which our Government rests; but as the great Senator from Idaho [Mr. BORAH] said in his magnificent speech upon the league of nations, we will come back, we will come back, come back at last, even though it be in sackcloth and ashes, to the faith of our fathers, to a reacceptance and a reaffirmation of those great principles of liberty upon which this Republic is founded, and which, so long as they be not disregarded by members of legislative bodies and by the courts, will be a guaranty that our institutions will live on, increasing in strength and in their beneficent usefulness, not only to the people of our own land but to the peoples of every clime and nation.

Mr. President, I am convinced that the members of the Judiciary Committee never called into their councils such men as those who have written the letters and resolutions which I have read. I do not believe that that committee or the subcommittee ever gave careful consideration to such resolutions as those written by the United Mine Workers of America and the United Shoe Workers of America and other men of like sound judgment. I do not believe that the Judiciary Committee ever called those men into council. I do not believe that they have ever seriously read and considered the petitions which must have come before them, and, if that be so, sirs, if those resolutions and petitions came before that committee and were not fairly considered, I deem it to be the duty of the chairman of that committee or the Senator in charge of the bill to withdraw the bill until the committee has had an opportunity to acquaint itself with the opinion of the masses of America upon the justice or injustice of the legislation which is being proposed.

Mr. President, in these remarks and in my words of yesterday, I have attempted to register my protest against this un-American and destructive legislation. Probably the bill will pass without even a roll call, and probably there will be no record vote. I therefore desire to announce that for myself I wish the RECORD to show, even if there be not a roll call, that I have registered my judgment against this vicious legislation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Harrison	New	Smoot
Brandegee	Henderson	Newberry	Spencer
Capper	Johnson, S. Dak.	Norris	Sterling
Dial	Jones, N. Mex.	Nugent	Sutherland
Dillingham	Kellogg	Overman	Thomas
Elkins	Kendrick	Page	Trammell
France	Kenyon	Phipps	Wadsworth
Frelinghuysen	King	Poindexter	Walsh, Mass.
Gerry	Kirby	Sheppard	Walsh, Mont.
Gronna	McCumber	Simmons	Williams
Hale	Moses	Smith, Md.	
Harris	Nelson	Smith, S. C.	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague [Mr. EDGE] on official business.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Clerk will call the roll of absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. KEYES and Mr. UNDERWOOD answered to their names when called.

Mr. CURTIS, Mr. MCKELLAR, Mr. CHAMBERLAIN, and Mr. PITTMAN entered the Chamber and answered to their names.

Mr. CURTIS. I was requested to announce the absence of the Senator from New Mexico [Mr. FALL] on account of illness, the absence of the Senator from Washington [Mr. JONES] on account of illness in his family, of the Senator from Michigan [Mr. TOWNSEND] on account of the death of his wife, and of the Senator from Idaho [Mr. BORAH] on official business.

Mr. POMERENE, Mr. MCCORMICK, Mr. BALL, and Mr. BANKHEAD entered the Chamber and answered to their names.

Mr. GERRY. I have been requested to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Delaware [Mr. WOLCOTT], the Senator from Virginia [Mr. SWANSON], and the Senator from Nebraska [Mr. HITCHCOCK] are absent on official business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. There is a quorum present. The pending question is the amendment offered by the Senator from South Dakota [Mr. STERLING].

The amendment was agreed to.

Mr. STERLING. Mr. President, on behalf of the committee I offer the following amendment.

The PRESIDING OFFICER. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 5, after the words "United States," insert:

Or the free performance by any of its officers, agents, or employees of his or their public duty or to attempt by force or violence to overthrow the Government of the United States or all government.

The amendment was agreed to.

Mr. STERLING. Mr. President, at the suggestion of the Senator from Ohio [Mr. POMERENE], who is not now present, I offer the following amendment.

The PRESIDING OFFICER. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 9, after the words "United States," insert "or of any State or Territory of the United States."

Mr. WALSH of Montana. Mr. President, I question the advisability of inserting such an amendment as that in the bill. I entertain very grave doubt as to whether the Government of the United States has the constitutional power to prevent the advocacy of the overthrow of a State government in this way.

It is true that the United States guarantees to every State a republican form of government, but a State government might be overthrown and another republican form of government instituted in its stead. I suppose, probably, that a soviet government would be a republican form of government. We can not pass upon the particular kind of republican government which would be justifiable under the Constitution. If it is republican in form, the guaranty of the Constitution is met. I do not believe that there is any occasion for the introduction of an amendment of this character. The inhibited effort must be to overthrow the Government of the United States, not the government of the State of New York or of the State of Montana. I do not believe that there has been any occasion that calls for an amendment of this character, and I feel that it will be, in a measure, perilous to the bill.

Mr. BRANDEGEE. Mr. President, I ask that the amendment may again be read.

The PRESIDING OFFICER. The amendment will again be stated.

The ASSISTANT SECRETARY. On page 1, line 9, after the words "United States," on page 2 line 9, after the words "United States," and on page 2, line 17, after the words "United States" it is proposed to insert the words "or of any State or Territory of the United States."

The PRESIDING OFFICER. The question is on the amendment.

Mr. THOMAS. Mr. President, I merely wish to emphasize the comments of the Senator from Montana [Mr. WALSH] in so far as they are applicable to the word "State." I presume the inclusion of the Territorial governments would be a matter within the power of congressional legislation. So it seems to me there should be a separation of the two. I do not think we have any power to legislate with regard to the overthrow of the State governments. The governments of States, it is true, are governments within the territory of the United States, but they are independent and are supposedly capable of taking care of themselves. I presume that a bill for the purpose of preventing treason against the State governments would very readily be rejected as beyond our power, and this is something in the nature of such legislation. I therefore suggest the excision of the words "State or" and the inclusion of the word "Territory" in the amendment.

Mr. POMERENE. Mr. President, I regret that I have not fully heard what has been said by the Senator from Colorado against the proposed amendment.

Mr. THOMAS. If the Senator will allow me, the objection made by the Senator from Montana [Mr. WALSH] was that the amendment offered by the Senator from Ohio transcended our powers of legislation, in that it provided penalties for attempts to overthrow or for advocating the overthrow of State governments. My comment was in harmony with the suggestion of the Senator from Montana in so far as it applied to State governments. I thought Territories, however, should be included.

Mr. POMERENE. I very much regret that I am unable to agree with either of the learned Senators, so far as the constitutionality of the proposed amendment is concerned. It must be borne in mind that under the Federal Constitution we guarantee to the States a republican form of government. We are interested in keeping that pledge good.

Mr. THOMAS. Suppose that an attempt were made to overthrow the republican government that to-day prevails in the State of Colorado by the substitution of another sort of a republican form of government for it; so long as a republican form of government is there, there is no necessity for exercising the constitutional guaranty.

Mr. POMERENE. The amendment does not affect the change of government by orderly processes.

Mr. THOMAS. That is another proposition.

Mr. POMERENE. We realize that there is a plenary method both in the State constitutions and in the Federal Constitution for the amendment of those instruments; but if it is of sufficient importance to make it a penal offense to attempt to overthrow the Federal Government it seems to me that the same reasons will support the proposition that we ought to defend the State governments and prevent their overthrow as a part of our governmental fabric.

I am not very particular about it; but it does seem to me a little strange that we should say, in the first place, that we are going to penalize any effort by force to overthrow the Federal Government; that we are going to penalize the attempt to overthrow all government; but we lose sight of the State governments. I think we are just as much interested in the protection of the State governments as we are in the protection of the Federal Government, and I say that particularly in view of the fact that it is a duty incumbent upon the Federal Government to guarantee to the States a republican form of government. I do not think it is a matter of a great deal of importance, but I think it is simply completing what was in the minds of the framers of this bill. For that reason I submit the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. THOMAS. Just a word. The term "all government," which appears more than once in the bill, is sufficiently broad in itself to include State governments. I do not think the reference to "all government" should be here. I question whether we should legislate for all the world upon a subject which may be of universal concern but which seems to me to be unnecessary for the protection of our own Government.

There is no question that disturbance of or interference by violence with State governments are matters of direct concern to the Government of the United States. So is treason; so is the attempt to overthrow the government of great cities like New York or Chicago; but until the State in which the city is located is impotent to enforce its own laws and to maintain its own sovereignty the guaranty of the Government of the United

States should not be invoked. I concede that it may be a matter of comparative unimportance, but I do not think that we should legislate upon a subject which might, by making the legislation too inclusive, result in its overthrow at the hands of the courts.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. THOMAS. I do.

Mr. CHAMBERLAIN. I merely wish to ask the Senator a question in that connection. I do not understand that the words "or of all government" mean all governments. A man may go out on the street or may publish a seditious article without mentioning the United States or the Constitution of the United States and advocate the overthrow of all government.

Mr. THOMAS. I am glad the Senator has mentioned that, because I intended to have stated that the only basis upon which we can legislate regarding "all government" is that it will include our own.

Mr. BRANDEGEE. Mr. President, of course I sympathize with the idea which is sought to be incorporated in the bill—that is, the suppression of attempts to overthrow by force the Government of the United States. I assume that means the Government as it exists, and I assume that the words "or of all government" mean any kind of a government that the United States may have, and do not refer to the various forms of State, municipal, or Territorial government which may exist under the jurisdiction of this country.

If I thought that we had the constitutional authority to adopt the amendment, I should be very glad to vote for it. The question arises suddenly, and I have had no time to give it consideration, but, as it strikes me offhand, I do not think the Government has the constitutional authority to take jurisdiction of the case of an attempt to overthrow a State government by substituting one form of republican government for another. It does not seem to me that we would have authority to make an attempt to overthrow a city government or a town government or a village government a Federal crime. In the interest of law and order I should like to guarantee the maintenance of such orderly government as now exists by law or as may come into existence by the orderly processes provided for by our Constitution; but it seems to me that the burden of proof at least of showing that this proposed amendment comes within the constitutional authority of Congress is upon the proponents of the amendment. I do not think that the mere citation of the provision of the Constitution of the United States that the Federal Government guarantees to each State a republican form of government is sufficient to cover the instances raised by the Senator from Montana and the Senator from Colorado. It seems to me to be a very doubtful, dubious attempt to obtrude the criminal jurisdiction of the United States upon the various States and municipalities of the country.

While I am as much of a federalist and as much of a nationalist, I think, as there may be in the country, I am also a very strong adherent of the theory that we should preserve the rights that the States have reserved to themselves. The State authorities and their militia ordinarily are able to protect themselves in all sorts of local disturbances, riots, and insurrections. They may, through their general assemblies or their executive officials, call upon the Government of the United States for aid if they at any time find themselves unable to protect themselves; but, as I have said, this makes the inhibited act a crime against the United States, which assumes that the United States has jurisdiction of this question. I should like a little more light upon our authority to take that step before voting for the amendment.

Mr. POMERENE. Mr. President, will the Senator permit me to interrupt him?

Mr. BRANDEGEE. Certainly.

Mr. POMERENE. I came to the conclusion several days ago, after reading the bill, that I would offer this amendment, because I felt that it was necessary in order to perfect the bill. Now, I want to submit this question—a purely hypothetical question—to the Senator for his consideration.

Let us assume, for the sake of the argument, that we had every reason to believe that there was a conspiracy afoot in one of the sovereign States to overthrow that State government, and the matter is up for consideration before the Congress. The Constitution very clearly provides, under Article IV, section 4:

> The United States shall guarantee to every State in this Union a republican form of government.

If it is to be overthrown, the government destroyed, and it may be an attempt made to set up a monarchial form of government or a purely soviet form of government or something of that sort, does not the Senator think that under this obligation to guarantee a republican form of government to the State it would be incumbent upon the Congress to adopt means to prevent its overthrow? That might be in the form of furnishing an army or other forces, or it might be in the enactment of legislation which would attempt to penalize acts of this kind, just as the Senate is now attempting to penalize acts which are directed toward the Federal Government itself.

Mr. BRANDEGEE. Mr. President, there can be no question whatever as to the constitutionality of the measure so far as it penalizes an attempt to overthrow the Government of the United States by force. The question the Senator has asked me, if I may say so without giving offense, begs the question. He simply asks me again if I do not think the Congress has authority to do the very thing about which I am expressing a doubt, and does not give me the information for which I have asked—that is, to point where the Congress has the jurisdiction to adopt the amendment he proposes—beyond merely saying that the National Government guarantees to each State a Republican form of government. But, if I may proceed with his idea, if I grasp it, it is that whenever a disturbance occurs within the boundaries of a particular State, you can prosecute those who participate in it under this Federal penal statute for the crime of attempting to overthrow the Government. Now, the Constitution, when it guarantees a Republican form of government, does not guarantee the State against all attempts to overthrow its government except when the governor of the State or the legislature appeals to the United States for aid; and then it is military aid that is required, and not legislative aid.

I still am exceedingly doubtful as to whether we have any jurisdiction over the matter. Would the Senator claim that we had any jurisdiction—I assume not—over the case of an attempt to overthrow a city government?

Mr. POMERENE. Mr. President, I will be very frank with the Senator. I have not gone into that question. I recognize that it is a part of the State government; it is an agency created by the State; but I do not intend to go that far by the amendment which I have offered.

Mr. BRANDEGEE. I know the Senator did not, and he bases his justification of the attempt, so far as he has gone with it, upon the clause of the Constitution that guarantees to the State a republican form of government; but put yourself in the position of the Government district attorney who is trying a man who has been indicted for an attempt to overthrow by force a State government. In order to show, when the constitutionality of the act is questioned in the pleadings in court, that the United States had authority to pass this statute, they have got to prove that the insurrection contemplated depriving the State of a republican form of government. Now, until it is known what government is to be set up if they overthrow the existing one, how is the Department of Justice in any position to prove that the object sought in the disturbance was to deprive the State of a republican form of government? And unless they can prove that, of course the court has no jurisdiction.

Mr. POMERENE. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Connecticut further yield to the Senator from Ohio?

Mr. BRANDEGEE. Certainly.

Mr. POMERENE. We, of course, agree—there is not any room for doubt about the fact—that it is the duty of the United States to guarantee this form of government. Now, may I ask the Senator, in what form shall this guaranty be exercised? What methods shall be employed? Of course, we can furnish our Army, but do we not have the same authority to furnish legislative guaranties as well as to furnish military guaranties in order to protect the form of government which we provide for in the Constitution?

Mr. BRANDEGEE. Why, I will answer the Senator that we certainly have, in my opinion. If the Senator's amendment were to punish any person who shall try by force to overthrow a republican form of government in any State, I would cheerfully vote for his amendment, and the constitutional provision which he cites would be my authority in maintaining its constitutionality; but the Senator must see that the question is, Have we jurisdiction under that constitutional guaranty to adopt this amendment?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. BRANDEGEE. I yield to the Senator from Montana.

Mr. WALSH of Montana. The guaranty to which the Senator from Ohio refers goes further than the guaranty of a republican form of government, because the Government of the United States also undertakes to protect the several States against invasion, and, upon the demand of the executive thereof, even

against domestic violence; so it may be possible that we are under a kind of remote obligation to take care of State governments against a revolution undertaking to overthrow the State government by force or violence; but it is a very doubtful matter, and the propaganda against which this legislation is aimed is not a propaganda to overthrow the Government of some particular State or of all the States. It is to overthrow the Government of the United States, and until the evil is before us in some form or other why should we imperil this legislation by including a proposition that is, to say the least, doubtful?

Mr. President, the efforts that are being made would be futile if only the overthrow of the government of the State of Maine, for instance, were accomplished. It is not intended to take the States severally and overthrow the governments of the States one by one. The evil that confronts us is the threatened attempt to overthrow the Government of the entire United States. The States are all able themselves, by their own legislation, easily enough to take care of the circulation of such literature intended to overthrow the government of a particular State, and it seems to me we are going outside of the scope of this legislation to introduce an amendment of this character.

Mr. BRANDEGEE. I entirely agree with what the Senator has said, and I can not amplify it. It is right to the point. The testimony before the Judiciary Committee and the arguments there were against the using principally of the facilities furnished by the United States Government for the transmission of intelligence by these anarchists and people who were conducting a propaganda to overthrow the Government of the United States. It was to fix it so that they could not prostitute to the cause of a criminal conspiracy the avenues for which we tax the people, for their convenience, to transmit legitimate intelligence and information. It was the utilization of the avenues of interstate commerce by these "reds" and anarchists which we desired to prevent.

There is no doubt that each State can pass laws against attempts to overthrow it, and certainly can pass laws against the transmission of intelligence over such avenues as that State furnishes—its own interstate trolley lines and other means of communication. It was the helplessness of these local authorities to command the great facilities furnished by the United States as an interstate-commerce question, and their lack of ability to prevent them from being taken advantage of by these disseminators of inflammatory literature, that caused the demand for the framing and passage of this legislation.

As I said before, unless further and better advised than I feel at present, I would not vote for this amendment, although, of course, I realize that I would not want my vote to be misconstrued as being in favor of overthrowing State governments or municipal governments simply because I feel that it is doubtful whether we have jurisdiction to adopt this particular amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from South Dakota.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I offer the following amendment:

SEC. —. That every citizen of the United States who directly or indirectly commences or carries on any verbal, written, or printed intercourse or correspondence with any other person or persons, whether citizens or aliens, with the intent, either peaceably or by violence, to overthrow the Government of the United States, or to disintegrate or in any other manner set aside or do away with the Government of the United States, or to do away with all government; or who becomes a member of any organization, association, or society, foreign or domestic, having any such purpose; or who directly or indirectly, publicly or privately, associates himself or herself with any other person or persons having any such purpose; or who, having such intent or purpose, congregates, or who has or permits to be congregated, for him or her, any meeting of other persons the purpose of which is to secure the cooperation of such persons in an attempt, either peaceably or by violence, to overthrow, disintegrate, or in any manner do away with or set aside the Government of the United States, or all government generally, including that of the United States, shall be deemed and held as adhering to the enemies of the United States, giving them aid and comfort; and, upon conviction, shall be fined not less than $5,000 for each offense and imprisonment not less than 1 nor more than 10 years, or may, in lieu of such fine and imprisonment, in the discretion of the judge, be deported permanently to the Island of Guam or to any island in the Philippine Archipelago belonging to the United States which may be set aside by the Government of the United States for the purpose of confining those who are convicted under the alternative punishment provisions of this act.

Mr. President, I indorse very heartily the bill which has been presented here by the committee and which is before the Senate. I introduced a similar bill some time before this one was introduced, having the same purpose, the principal difference being the use of the word "peaceably" in the bill.

We will not get very far, Mr. President, toward punishing anarchistic criminals in this country by using the word "forcibly" only in the bill and leaving out the word "peaceably." I do not know that I could make it plainer than by reading a few short excerpts from the testimony given before the Committee on Education and Labor some time ago, when the steel strike was on, by a personally very attractive young man by the name of Jacob Margolis. He is not a foreigner; he is an American citizen, born in Pittsburgh, as I recall. He takes the greatest pride in the fact that he does not believe in violence or force at all. This bill, if passed, would not reach a man like Margolis. It would not reach any sensible anarchist who is dangerous to this Republic. It will have no bearing on such a case as that. Men who believe in anarchy, men who congregate citizens of this country to talk anarchy to them, will not be affected by this bill as it is, because the bill limits its provisions to forcible overturning of the Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I yield to the Senator.

Mr. BORAH. Does the Senator take the position that you can make it a crime for the anarchistic advocates of this country to say to their followers and their friends, "Now, we believe in these doctrines, but there is only one way that you can effectuate them, and that is by going to the polls and electing your people to the legislature or to the Congress"?

Mr. McKELLAR. Mr. President, that is not the question here. They do not teach any such doctrines as the Senator from Idaho submits in his question. So that the Senator from Idaho may be made familiar with what they do teach, I am going to ask the Senator and other Senators to listen just a moment to the testimony of this man Margolis, who is one of the anarchists in chief in this country. He was being interrogated by one of the members of the committee, and the following occurred:

Senator McKELLAR. Don't you think that this is the best Government in the world for a man to be allowed to live under, for anybody to be allowed to live, where he or she to be——

Mr. MARGOLIS (interrupting). No, sir; I can not think that at all, Senator.

Senator McKELLAR. Don't you think that a man of your most considerable intelligence, do you think that you should be permitted to live under a Government that you despise in your heart?

Mr. MARGOLIS. I think that that is an unfair question, Senator, because it does not state the facts.

Senator McKELLAR. You have said——

Mr. MARGOLIS. I have said that I do not think there is any necessity for government when certain conditions prevailed.

Senator McKELLAR. And those conditions do not prevail in this country?

Mr. MARGOLIS. They do not prevail in this or any other country.

Senator McKELLAR. And, of course, if those conditions do not prevail, then you do not believe in this Government. You said that you only believed in a government when certain conditions prevailed, and they do not prevail in this Government?

Mr. MARGOLIS. I say this: That when certain conditions prevail there will be no necessity for government. However, with those conditions not prevailing, I say we must set about to remedy those conditions; and those conditions are based entirely upon industrial relations, and we must remedy those industrial relations, and when we have remedied those industrial relations we will not have any need for government.

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Senator McKELLAR. I think that you testified before I came in that you were a lawyer?

Mr. MARGOLIS. Yes, sir.

Senator McKELLAR. And that you have been admitted to practice in the courts of Pennsylvania?

Mr. MARGOLIS. I am admitted to practice in the courts of Pennsylvania.

Senator McKELLAR. Did you take an oath?

Mr. MARGOLIS. I did.

Senator McKELLAR. To support and defend the Constitution of the United States?

Mr. MARGOLIS. I did.

Senator McKELLAR. And do you think that you are supporting and defending the Constitution of the United States when you advocate principles against this Government and all other government?

Mr. MARGOLIS. Senator, I have lived up to my oath to support and maintain the Constitution of the United States, I feel, as honestly and as consistently as any lawyer in Allegheny County whoever took the oath.

Senator McKELLAR. But that does not answer the question.

Mr. MARGOLIS. And, furthermore, I try to make myself clear—apparently I have not—that I do not advocate the overthrow of government. I do not advocate that, I say, but I do say that when certain conditions, based upon our industrial life, are modified, as a consequence of that modification and social arrangement will arise a condition which will obviate the necessity of government.

The CHAIRMAN. And that means a peaceful overthrow?

Here is the point to which I want to call special attention:

Mr. MARGOLIS. I do not advocate violence. I do not believe in violence under any circumstances.

Senator McKELLAR. And the basis of your principle is a peaceful overthrow?

Mr. MARGOLIS. A disappearance of the Government.

Senator McKELLAR. A disappearance of the Government. And if the result of your teachings and your preachings is a disappearance of the United States Government, how do you make that coincide with your oath as an attorney to defend the Constitution of the United States and the Government of the United States?

Mr. MARGOLIS. It is a very simple matter——

Senator MCKELLAR. It is not a simple matter to me. I would like to have you explain it.

Mr. MARGOLIS. I am working along a line to bring about a new industrial arrangement. With a new industrial arrangement a new structure is created, and with the new structure created certain consequences flow from that change. The first one of those consequences is that the Government disappears. While the Government is in existence, while the Constitution is in effect, I will do nothing against that Constitution; I maintain and uphold it; but when the new social arrangements come into being, which makes a government obsolete, I leave it, so to speak, and it is not an attack upon the Government. It is a mere advocacy of a new structure which makes government unnecessary.

Senator MCKELLAR. Is not that arguing around a circle, because what you did—you mean to get rid of this Government by peaceful means, to get rid of the very Government that you have sworn before God and man to uphold and to forever defend?

Mr. MARGOLIS. I can not see that there is any inconsistency in it.

The CHAIRMAN. And you have not sworn before God, have you?

Mr. MARGOLIS. No; I do not believe in God.

The CHAIRMAN. You are an atheist?

Mr. MARGOLIS. I am.

By the way, I will stop there long enough to show how insidious and how harmful this doctrine is. This man is a public lecturer, who goes around throughout the country stirring up by his seditious utterances interest and work against the Government of the United States, and he excuses himself under our constitutional provisions and under our laws by saying that he is not in favor of violence. He was asked by one of the Senators how he happened to have such a belief. He had said that he did not believe in honesty, that he did not believe in truth, that he did not believe in virtue, that he did not believe in government, that he did not believe in God, that he did not believe in the church, that he did not believe in anything that honest and patriotic men believe in in this country, and when he had finished the category—and here is the evidence before you if you will look at it—after he had finished summing up he said, "But I do not believe in violence." Why does not Mr. Margolis believe in violence? It is because the laws on our statute books are so arranged that by saying that he does not believe in violence he can escape the penalty of the law.

I examined him in part myself. I said, "This is very interesting, Mr. Margolis. You do not believe in violence. When you say you do not believe in truth, or virtue, or honesty, or government, or religion, or church, or God, how can it possibly be that you do not believe in violence?"

He said, "I just do not believe in it."

I said, "Suppose a man came into your house and assaulted you in the nighttime. Would you not defend yourself?"

He said, "No, sir."

I said, "Suppose he assaulted your wife in your presence?"

He said, "I would ask him to desist, but I would not use violence against him."

That is the kind of men we are going to let roam free over this country, under the terms of this bill. That is not the purpose of this bill. The purpose of this bill has been heralded over the country as a bill to control the "reds" and to fix their punishment. Let us control them. Let us fix their punishment. We have a legal right to do it. We ought to do it. We ought not to have any makeshift provision like this, and under my amendment it will be done effectually. The truth of the business is that after this bill unamended is passed, Mr. Margolis can go over this country making his speeches just as before. He does not have to change his convictions in the slightest. I have no doubt that he is falsifying about his conviction on violence. But he is making it accord with the laws of the United States, and we apparently are willing to let him do it. That may be so, but I want to vote, and I want to put myself on record as voting, to deal with this kind of man, and not permit him to go around over the country preaching the harmful doctrines that he is preaching. He has a most engaging personality, is splendidly educated, an American citizen, one of the most harmful American citizens, in my humble judgment, in the confines of our country. We are legislating for that kind of people, and the legislation, if in the terms of this bill, would be absolutely harmless.

Mr. WALSH of Montana. Mr. President, may I inquire of the Senator from Tennessee, if Mr. Margolis does not believe in violence at all, did he indicate by what process he was going to accomplish the changes in government which he favors?

Mr. MCKELLAR. He said he was for any kind of unrest; that things like strikes, like labor troubles, all stirred up the country and had a beneficial effect on his ultimate purposes. That was the substance of it. I am not giving his exact words.

Mr. WALSH of Montana. But no violence?

Mr. MCKELLAR. No violence. But the effect of it was to lead to the inevitable conclusion that he advocated, to wit, that the time had come when we could set aside all government and substitute anarchy in its place.

I want to read you just a little further from the testimony of this very interesting witness, and I want to say that he is a very intelligent man with a very pleasant personality, one of the most harmful men that we could possibly have in our country.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. MCKELLAR. I yield.

Mr. SPENCER. Am I right in understanding the Senator's amendment as providing that if a man peaceably seeks to overthrow this Government he comes under the condemnation of the terms of the amendment?

Mr. MCKELLAR. Under the terms of my amendment. I say that it is just as much of a crime against this Government to preach these doctrines of anarchy and sovietism and I. W. W.ism, the overturning or destruction of the Government, as for him to take a gun and undertake by force, or what we call force, to overturn it.

It is more harmful, because it is more insidious; and what we should do at this time, when the whole country is stirred up about it, is to take vigorous action, and we should transport these men to a country where they can practice their own views in their own way; and a subsequent provision of the amendment which I have offered, and another one drawn by the Senator from Florida [Mr. FLETCHER], which I am going to offer in a few moments in his absence, he being ill, provides that men like Margolis can be sent to Guam, or to some island of the Philippines that we may purchase and set aside for that purpose, and let them practice there, with their fellow anarchists, the peculiar views that appeal to them most. We do not want that kind of men in this country, and I for one will never vote to allow them to stay here.

Mr. SPENCER. Will the Senator yield for another question?

Mr. MCKELLAR. I yield to the Senator.

Mr. SPENCER. I quite understand the Senator's illustration. Hard cases make bad laws. Would it not be true if the Senator's amendment was adopted that whereas now our form of government, divided into its legislative, executive, and judicial functions, is well established, suppose men made up their minds that the form of government was a failure, and that the legislative branch of it ought to be eliminated, and a commission form of government ought to take its place, and they advocated it as strenuously as you like, would not that be the advocacy of an attempt to overthrow our Government?

Mr. MCKELLAR. Quite the contrary. This is aimed at an attempt peaceably to overthrow all government, and especially the Government of the United States. The illustration of the Senator is not in accordance with the provisions of the amendment.

Mr. SPENCER. Did I not understand the Senator to say that the provisions of his amendment were directed against those who peaceably sought to overthrow this Government?

Mr. MCKELLAR. That is true.

Mr. SPENCER. The very minute you attempt to radically change the form of government as we now have it, and do it by peaceable means, you are attempting to overthrow this Government; and is not that within the province of citizens at any time?

Mr. MCKELLAR. Absolutely; and it will not be hurt in the least by the enactment into law of the amendment that I have suggested. The amendment that I have suggested is aimed at and will include only those men who have it in their hearts to be opposed to all government and to the Government of the United States. It does not apply at all to those who would change our form of government. The wording can not apply to them, but to the men who do not believe in government and who want to disintegrate and to do away with all government. The words are almost precisely the same as they are in the original bill, with the exception that the word "peaceably" is put in there, and that is the only way you are going to get the anarchists of this country. You can not get them when they are declaring in every breath that they are opposed to violence; that they want peaceably to set aside this Government. I say that in a sense is violence.

Mr. KENYON. Mr. President——

Mr. MCKELLAR. I yield to the Senator from Iowa.

Mr. KENYON. I notice that the Senator provides for deportation to the island of Guam. I should like to inquire of the Senator about what is the population of Guam?

Mr. MCKELLAR. I do not know, but I have put the amendment in the alternative. I was led to suggest the amendment by the Senator from Florida [Mr. FLETCHER], who had made some investigation, and who is not here now. I put it in the

alternative, "or to some island purchased by the United States," for this particular purpose.

Mr. KENYON. I was wondering what the Senator had against the people of Guam.

Mr. McKELLAR. I have nothing against the people of Guam, but I have more interest in the people of the United States than I have in the people of Guam. If we move the people of Guam out, we will give them a better home somewhere else.

Mr. THOMAS. Does not the Senator think he would need a continent instead of an island before he went very far?

Mr. McKELLAR. No, sir; quite the contrary. If I had so little belief in the patriotism of America as to think we needed a continent to send the anarchists of this country to, I would not be much of an American citizen. I deny that we have any such condition in the country. We have a few red-handed anarchists in this country who under our laws are allowed to go as they will, scot free, preaching their infamous doctrines, and they imagine that they amount to a great many; but whenever we pass a law that will effectively deal with the few loud-mouthed, flannel-mouthed anarchists that we have we will have none at all, and no continent will be filled with them, and even a small island like the island of Guam will be sparsely settled with them, because they will come to be very good American citizens as soon as they find that they are going to jail or to Guam if Congress does the right thing. Looking a jail or deportation in the face will cause them to modify or change their foolish views wonderfully.

Mr. KENYON. Mr. President——

Mr. McKELLAR. I yield.

Mr. KENYON. I understand we are to have the island of Yap under the German treaty. Why not send them there?

Mr. McKELLAR. I will accept that as an amendment if it is put in the alternative.

Mr. KENYON. I should like to ask the Senator another question. I am not a convert to his proposition as yet. How can we deport a man who is a natural-born citizen of the United States?

Mr. McKELLAR. If we can take a citizen of the United States and put him in jail here, we can put him in jail anywhere in the territory of the United States. I think, unquestionably, the Senator would agree to that legal proposition. In other words, if we have the right to confine a man who violates the Federal law in the State of Georgia or in the State of Iowa or in the Hawaiian Islands, as we are doing every day, we have the right to send those men who violate the law to any part of our territory. The Philippine Islands are a part of American territory, and those men can be confined there as well as anywhere else.

Mr. KENYON. The Senator's theory is that we are to send them to another part of our territory?

Mr. McKELLAR. My theory is that we have a right to imprison violators of the law anywhere we please on American territory, whether they are citizens or not.

Mr. KENYON. I am inclined to agree with the Senator on that.

Mr. NUGENT. Mr. President——

Mr. McKELLAR. I yield to the Senator from Idaho.

Mr. NUGENT. Do I understand the Senator to contend that the people of this country, by peaceable means, can not endeavor to bring about or bring about as a matter of fact the establishment of a different form of government?

Mr. McKELLAR. Oh, no. The Senator certainly did not hear my amendment read or has not heard my argument or he would not ask that question. There is not a thing in the world in that suggestion. It is their belief in no government, it is their determination to bring about the disintegration or the abolition of all government, and especially the Government of the United States.

I want to read this very remarkable anarchist's testimony a little further. At the expense of repeating just a trifle, I read again:

Senator McKELLAR. As I understand you, you do not believe in God?
Mr. MARGOLIS. I do not.
Senator McKELLAR. You do not believe in any churches?
Mr. MARGOLIS. I do not.
Senator McKELLAR. You do not believe in any government?
Mr. MARGOLIS. I do not.
Senator McKELLAR. And you do not believe in anything?
Mr. MARGOLIS. I believe in man.
Senator McKELLAR. You believe in man?
Mr. MARGOLIS. I believe in man.
Senator McKELLAR. And that man is yourself?
Mr. MARGOLIS. Oh, no; in all people.
Senator McKELLAR. You know that the great majority of men do not believe as you do?
Mr. MARGOLIS. That may be all very true.
Senator McKELLAR. Why do you regard it that you are the only one that is correct?
Mr. MARGOLIS. I did not say that.
Senator McKELLAR. There are a few others that believe like you?
Mr. MARGOLIS. Oh, no; I do not mean that at all. I do not take an arrogant position and say that I know it all.
Senator McKELLAR. But you say that you do not believe in God; that you do not believe in religion; that you do not believe in churches; you do not believe in society——
Mr. MARGOLIS (interposing). I do believe in society.
Senator McKELLAR. You do not believe in government?
Mr. MARGOLIS. That is wrong. I do believe in society.
Senator McKELLAR. You do not believe in government?
Mr. MARGOLIS. I do not believe in the necessity of government.
Senator McKELLAR. You do not believe very much for the people to believe in.
Mr. MARGOLIS. I believe in humanity as something which can do a whole lot of things without any interference or supervision, if let alone.
Senator McKELLAR. I do not like to ask a personal question, but have you accumulated any property?
Mr. MARGOLIS. I have not.
Senator McKELLAR. None at all?
Mr. MARGOLIS. No property. I have saved a little money, because I live quite abstemiously and have saved a little money.
Senator McKELLAR. Would you mind saying to what extent?
Mr. MARGOLIS. A few thousand dollars.
Senator PHIPPS. I think it would be rather more enlightening for the committee to know in what form you have saved that money. Did you put it in stock or did you buy Government securities?
Mr. MARGOLIS. I have bought a few shares of bank stock, if the committee wants to know; I really think that is rather privileged.
Senator McKELLAR. It is only in connection with your views.
Mr. MARGOLIS. I think I made a general statement here that I have made a compromise with every human being who realizes that we are dealing with realities; that I have made a compromise, and I take things as they are, and do not take any bitter attitude of things and do not become sour on anything, and as a consequence I take things as they are and am hopeful that we will bring about better conditions in the future. My earnings have been largely put in life insurance, because I have a wife and two children.

That is the wife he declined to defend and said he would not defend if she were attacked.

Senator PHIPPS. That is property.
Mr. MARGOLIS. I call that the saving of money.
Senator McKELLAR. If you do not believe in property, and if you do not believe in properties, anything, why is it that you are willing to buy insurance to lay up property for your wife and children?
Mr. MARGOLIS. Because my wife and children, under this system, if anything should happen, would have something to live on.
Senator McKELLAR. Is not that so with every man and every man's wife and children, and is not that his first duty—to acquire something for the helpless wife and children in untoward years?
Mr. MARGOLIS. I carry out that first duty very scrupulously, but I believe that we can develop a system or system of society where it will not be necessary to do that, but while we have our present society I am going to do everything I can in order to protect my children and my wife if anything should happen to me.

And so on. I read further:

Senator McKELLAR. The other day, in examining Mr. Foster on his little red book, which you probably have seen, on "Syndicalism," the question of whether he believed in truth arose. Do you believe in truth?
Mr. MARGOLIS. If you mean by truth as Spencer defines it, I would say "yes."
Senator McKELLAR. Take "truth" as Webster defines it. Do you believe in that kind of truth?
Mr. MARGOLIS. If you will permit me, Senator, I would like to explain.
Senator McKELLAR. Surely.
Mr. MARGOLIS. Truth is an abstract word. It is an abstraction. If you mean absolute truth, we know nothing about it. We talk about relative truth. Spencer, for instance, defines truth to be the inability to conceive of the negative of a proposition. Whenever I can not conceive of the negative of a proposition, then I call it "truth," but whenever you say to me, "Do I believe in truth?" I can not say "yes," because I do not know what truth you are referring to.
Senator McKELLAR. Do you believe in truth as described in common parlance or in the dictionary by Webster?
Mr. MARGOLIS. I believe in being truthful.
Senator McKELLAR. But you do not believe in truth?
Mr. MARGOLIS. Not as an abstract thing.
Senator McKELLAR. Do you believe in honor?
Mr. MARGOLIS. There is another abstraction.

And so it is all along. He says that he does not believe in any of these things like government, law, religion, honor, virtue, everything that the human heart holds dear in a free country. This man is roaming over our country perhaps at this very hour preaching these insidious doctrines to the ignorant and the guileless people of the country, inoculating them with these anarchistic views. I say we ought to put a stop to it. The only way we can do it is to strike out the words "forcibly or by violence" or agree to my amendment, which, in my judgment, will have the same effect.

I ask for a vote on my amendment, and I should like to have the yeas and nays.

Mr. STERLING. Mr. President, of course, having urged again and again that the special merit of the pending bill is that it seeks to prevent the overthrow of all government by force or violence, I could not consent to the amendment offered by the Senator from Tennessee [Mr. McKELLAR]. It would be strange if we should add it as a distinct and separate section of the bill. The amendment with the inclusion of the word "peaceable" covers the subject matter of the bill.

Mr. McKELLAR. It does not, because I do not think the bill covers membership in an anarchistic society.

Mr. STERLING. No.

Mr. McKELLAR. My own view is if a man or woman belongs to a society of anarchists in this country, preaching the doctrine of the abolition of all government, the very fact of membership in that sort of a society ought to be such a crime as to lead the real Americans of the country to put him on an island where he would not do any harm.

Mr. BORAH. Mr. President——

Mr. STERLING. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Tennessee is in advance of his day. No doubt at the rate we are traveling we will arrive in a short time at the point to which he refers.

Mr. McKELLAR. Mr. President, if the Senator from South Dakota will permit me, in answer to that I want to say that I have admired for a long time the doctrine of Americanism as preached by the Senator from Idaho. We talk very much about Americanism in this age. The best act of Americanism that I know anything about is the deportation of the few in our own country who despise the American Government and are constantly preaching against it. I hope the Senator from Idaho will change his mind and join with me in attempting to obtain in this country a pure Americanism, undefiled by the vicious monsters who are going around, peaceably as they say, trying to uproot the Government of the United States.

Mr. BORAH. From my viewpoint I could deport every unconditional ratifier of the treaty under the amendment which the Senator is offering, for I hold such proceedings would finally change and probably destroy our present form of government.

Mr. McKELLAR. The Senator would not have majority enough for that. I think there are only 15 or 20 "bitter enders."

Mr. STERLING. To advise the peaceable overthrow of the Government of the United States is little more than to advise the overthrow or change in the form of government by means of the ballot; but, so far as that is concerned, we shall have to trust to the good sense and the patriotism of the American people.

As to the other provisions of the amendment of the Senator, in regard to organizations which may favor the overthrow of the Government by force or violence, that question has not escaped the consideration of the Judiciary Committee; and there is now pending before that committee a bill—a very well considered bill, too—aimed at such associations.

Mr. McKELLAR. Will the Senator yield to me?

Mr. STERLING. I yield.

Mr. McKELLAR. If there is a bill now before the Senate, and it has been well considered, and, as the Senator has pointed out, it has been well considered by the committee, I do not see any reason why we should take two bites at the cherry. I think the passage of this bill in the form in which it now is will give great courage to the anarchist class.

Mr. STERLING. I think the Senator from Tennessee misunderstood me. The bill to which I refer is before the Judiciary Committee and not before the Senate at this time. Mr. President, I hope the amendment will not prevail.

Mr. KENYON. I should like to ask the Senator from South Dakota if he expects the bill to which he has referred to be reported out within any reasonable time?

Mr. STERLING. I will say to the Senator from Iowa that I think the bill will be reported out before a great while.

Mr. President, while I am on the floor, and before the vote is taken on the bill, I wish to submit for the RECORD the following: First, an excerpt from the address of Thomas Erskine in the trial of Thomas Paine defining the meaning of a free press; second, the charge to the jury by Chief Justice Coleridge, then Justice Coleridge, in 1910, in the case of Rex against Aldred; and, third, the Canadian law relative to sedition, and the Canadian law to prohibit the use of the mails for the purpose of sending seditious matter through them.

In the absence of objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extract from address of Thomas Erskine in the trial of Thomas Paine.]

The proposition which I mean to maintain as the basis of the libery of the press, and without which it is an empty sound, is this: That every man, not intending to mislead, but seeking to enlighten others with what his own reason and conscience, however erroneously, have dictated to him as truth, may address himself to the universal reason of a whole nation, either upon the subject of governments in general or upon that of our own particular country; that he may analyze the principles of its constitution, point out its errors and defects, examine and publish its corruptions, warn his fellow citizens against their ruinous consequences, and exert his whole faculties in pointing out the most advantageous changes in establishments which he considers to be radically defective or sliding from their object by abuse. All this every subject of the country has a right to do, if he contemplates only what he thinks would be for its advantage, and but seeks to change the public mind by the convictions which flow from reasonings dictated by conscience.

If, indeed, he writes what he does not think—if, contemplating the misery of others, he wickedly condemns what his own understanding approves—or even admitting his real disgust against the Government or its corruptions, if he calumniates living magistrates, or holds out to individuals that they have a right to run before the public mind in their conduct—that they may oppose by contumacy or force what private reason only disapproves, that they may disobey the law because their judgment condemns it, or resist the public will, because they honestly wish to change it—he is then a criminal upon every principle of English justice, because such a person seeks to disunite individuals from their duty to the whole, and excites to overt acts of misconduct in a part of the community, instead of endeavoring to change, by the impulse of reason, that universal assent which, in this and every country, constitutes the law for all. (Howells State Trials, Vol. XXII, p. 414.)

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[Extract from charge to jury by Justice Coleridge in the case of Rex v. Aldred.]

A man may lawfully express his opinion on any public matter, however distasteful, however repugnant to others, if, of course, he avoids defamatory matter, or if he avoids anything that can be characterized either as a blasphemous or as an obscene libel. Matters of state, matters of policy, matters even of morals—all these are open to him. He may state his opinion freely, he may buttress it by argument, he may try to persuade others to share his views. Courts and juries are not the judges in such matters. For instance, if he thinks that either a despotism, or an oligarchy, or a republic, or even no government at all is the best way of conducting human affairs, he is at perfect liberty to say so. He may assail politicians, he may attack governments, he may warn the executive of the day against taking a particular course, or he may remonstrate with the executive of the day for not taking a particular course; he may seek to show that rebellions, insurrections, outrages, assassinations, and such like, are the natural, the deplorable, the inevitable outcome of the policy which he is combating. All that is allowed, because all that is innocuous; but, on the other hand, if he makes use of language calculated to advocate or to incite others to public disorders, to wit, rebellions, insurrections, assassinations, outrages, or any physical force or violence of any kind, then, whatever his motives, whatever his intentions, there would be evidence on which a jury might, on which I should think a jury ought, and on which a jury would decide that he was guilty of a seditious publication.

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[Extract from Canadian sedition law.]

(1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, in which is taught, advocated, advised, or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change, or otherwise, shall be guilty of an offense and liable to imprisonment for not more than 20 years.

(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any post office, letter box, or other mail receptacle in Canada, shall be guilty of an offense, and shall be liable to imprisonment for not more than 20 years.

(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind as described in this section, shall be guilty of an offense and shall be liable to imprisonment for not more than 20 years.

(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the post office department or in any other department, to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document, as mentioned in the last preceding section, upon discovery of the same in the post office mails of Canada or in or upon any station, wharf, yard, car, truck, motor, or other vehicle, steamboat, or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings, and wrappings attached thereto, to the chief commissioner of Dominion police, or to the commissioner of the Royal Northwest Mounted Police.

Mr. WALSH of Montana. Mr. President, I am very sure that, however reprehensible may be the inculcation of the doctrine preached by Mr. Margolis, there is no power in the Congress of the United States to prevent either the utterance or the circulation of sentiments of that character. I think they serve well to define the limits of the liberty of speech and of the press. In my opinion the amendment tendered by the Senator from Tennessee [Mr. McKELLAR] is clearly in violation of the first amendment to the Constitution, not only in that respect but also in the respect that it interferes with the right of assemblage, also guaranteed by that constitutional amendment.

I do not share in the apprehensions of the Senator from Idaho [Mr. BORAH] that we are approaching or that we ever shall approach or arrive at the state of public mind when repressive legislation of that character shall be enacted; but if we ever do arrive at it the Supreme Court of the United States will very promptly, in my judgment, dispose of it. However, I take this occasion to say that I have not observed, either through the public press or through any expressions in the Halls of Congress or through any legislation that has been enacted by Congress or which has received its favorable consideration, any weakening of the attachment of the people of the United States to the right of free speech and of the freedom of the press. I have not discovered that there is any fear whatever of any real encroachment upon that fundamental right of our people nor any growth or tendency in that direction.

As to the effort to prohibit the change in our form of government or to overthrow our present form of government and substitute for it some other form of government by peaceful means—which, of course, means by lawful means—I am perfectly sure, upon reflection, the Senator from Tennessee will recognize it is not only impossible to prevent the inculcation of sentiments of that character, but that it would be unwise to attempt to do so in any way, for if there is anything that we prize among all the liberties that we enjoy it is the right to advocate and to urge the change in our form of government.

Mr. McKELLAR. Will the Senator yield?

Mr. WALSH of Montana. In just a moment. Mr. President, the Declaration of Independence spoke of that as a fundamental right. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from Montana, I think, misunderstands or misjudges the amendment which I have offered. The Senator says it would never do to put on our statute books a provision that we could not peaceably change our form of government. This amendment has nothing to do with that. The proposition in my amendment is that if a man peaceably or forcibly undertakes to overthrow the Government, the crime is the overthrow of the Government; and whether he does it peaceably or whether he does it by force is immaterial when he is engaged in the commission of a crime. For instance, it is analogous in a way, though not exactly, to the crime of murder. You can forcibly stick a knife into a man's body and kill him, or you can take a pistol or a gun and forcibly kill him with that; but you might also so arrange that he might kill himself by permitting him to pour poison into his own coffee and kill him, and that would be just as much a crime under our law. I desire to apply that same principle to treason and sedition in this country. I say it is just as much a crime to overthrow the Government peaceably as it is by force.

Mr. WALSH of Montana. Mr. President, I do not misunderstand the Senator. I followed him very carefully; and I still have the same conclusion concerning the amendment which he has offered that I had before his explanation. I dare say that you might kill a man by telling the truth about him; you might tell such unpleasant things about him that he would go into a decline. We have heard of people who have died from joy and who have died from grief.

Mr. McKELLAR. Will the Senator yield to me again?

Mr. WALSH of Montana. Yes.

Mr. McKELLAR. Would the Senator say that if I left a poison on the Senator's table, leading him to believe that it was a medicine and would be helpful to him, and the Senator took it and died as the result, that that would be a forcible killing, or would that be a perfectly peaceable killing? Would it not be a crime just the same; and yet would there be the slightest force about it?

Mr. WALSH of Montana. Such a killing would be very properly described in an indictment as having been accomplished by force and arms.

Mr. McKELLAR. It might be; but it would be a misnomer and a misuse of terms.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee, on which the yeas and nays have been demanded.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I have two other amendments I desire to offer, one on behalf of the Senator from Florida [Mr. FLETCHER], who is detained from the Senate on account of illness. They are companion pieces to the amendment which has just been voted upon, and as it is apparent from the vote just taken that the Senate is opposed to the amendments, I shall not detain the Senate by discussing them; but I should like to offer them, so that the RECORD may be complete. First, on behalf of the Senator from Florida [Mr. FLETCHER], I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The amendment was to add, at the end of the bill, the following:

SEC. 6. That upon the decree of deportation being entered the person shall be delivered to the United States marshal, together with the transcript of judgment and decree to be furnished by the clerk of the court under seal of the court. The marshal shall then forthwith transport said convicted defendant or defendants to the island of Guam by the most direct and convenient route and deliver him or them to the official representing the United States on said island, and shall also deliver the certified copy of decree to such official in control of said island, who shall enter same upon his records, and said official shall then have jurisdiction of any future proceedings necessary in each case. And the said official shall, upon receiving any such person or persons, make a record of such transaction and shall proceed to such measures in the way of registration, thumb prints, Bertillon measurements, or such other means as he may deem necessary to permanently identify such person as a deported person. The said person or persons shall then be confined in such place or places as the official in charge of the island shall direct.

SEC. 7. That at any time after 30 days from said order of confinement any person so deported shall have the privilege of filing a petition addressed to the said authority in the island of Guam for permission to be allowed the liberty of the island, and said official shall, in his discretion, issue a parole to said petitioner allowing him the liberty of the island upon such terms and conditions as said official shall determine, but under no such case shall said petitioner be allowed to leave the island.

SEC. 8. That any person or persons who shall aid or assist any deported person or persons to leave said island, or any boat or vessel that shall take any such person as a passenger or otherwise, without the order of the authorities in control of the said island for the United States, shall be guilty of felony, and upon conviction thereof shall be fined not more than $5,000 or be imprisoned not more than five years, or both, in the discretion of the said authorities.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McKELLAR. I now offer the other amendment referred to by me.

The VICE PRESIDENT. The amendment will be stated.

The amendment was to add as a new section at the end of the bill the following:

That every person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States, or any other organized government, because of his or their official character, shall be deemed guilty of a felony and shall be punished by a fine of $5,000 and imprisonment of not less than five years for each separate offense, or in lieu of such punishment may be, by order of the court, confined to the island of Guam as hereinafter provided.

That any person who unlawfully aids or assists in the commission of any such offense as hereinabove described, or connives or conspires with any person or persons to allow, procure, or permit the commission of any such offense shall, upon conviction, be guilty of a felony and shall be punished as hereinbefore prescribed for the principal offense.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BORAH. Mr. President, I do not intend to call for a yea-and-nay vote on the bill, as there is not a quorum present, but I desire a viva voce vote upon it.

The question being put, the bill was passed.

WATER-POWER DEVELOPMENT.

Mr. NELSON. I move that the consideration of the unfinished business be resumed.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 12, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 10, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for the splendid opportunities afforded in life, for the development of all that is best in us, in the struggle for existence, the overcoming of evil, the unraveling of the mysteries which environ us; to think, to will, to do, achieve, and keep ourselves unspotted from the world; and thus develop to symmetrical proportions all the faculties of mind and soul, which Thou hast bestowed upon us, to perfection—the goal of life—until we all come unto the measure of the stature of the fullness of Christ—the acme of manhood, the paragon of perfection; and all praise shall be Thine, our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wyoming makes the point of order that there is no quorum present, and it is clear that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Aswell	Fuller, Mass.	Kettner	Riddick
Bacharach	Gallagher	Kincheloe	Riordan
Barkley	Gandy	Kreider	Robinson, N. C.
Bell	Ganly	Langley	Rouse
Benson	Garrett	Linthicum	Rowan
Blackmon	Goldfogle	McClintic	Sanders, Ind.
Bland, Ind.	Good	McCulloch	Sanders, La.
Bland, Mo.	Goodall	McDuffie	Schall
Booher	Graham, Ill.	McKeown	Scully
Britten	Greene, Mass.	McKinley	Siegel
Brooks, Ill.	Hamill	McPherson	Sims
Brooks, Pa.	Hamilton	Mason	Slemp
Browning	Hardy, Colo.	Moon	Smith, Ill.
Caldwell	Harrison	Moores, Ind.	Smith, N. Y.
Campbell, Pa.	Hersman	Morin	Snyder
Candler	Hill	Mott	Steele
Carew	Howard	Nicholls, S.C.	Sullivan
Costello	Hudspeth	Nichols, Mich.	Taylor, Ark.
Crowther	Ireland	O'Connor	Thompson
Cullen	Jefferis	Osborne	Tinkham
Curry, Calif.	Johnson, Ky.	Pell	Welty
Davis, Tenn.	Johnson, Miss.	Peters	Winslow
Dooling	Johnson, Wash.	Rainey, J. W.	Woods, Va.
Doremus	Johnston, N. Y.	Rayburn	Woodyard
Eagan	Kendall	Reed, N. Y.	Wright
Esch	Kennedy, R. I.	Rhodes	

The SPEAKER. Three hundred and twenty-seven Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Massachusetts.

VICTOR L. BERGER.

Mr. DALLINGER. Mr. Speaker, I offer a resolution and move its adoption.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas Victor L. Berger, at the special session of the Sixty-sixth Congress, presented his credentials as a Representative-elect to said Congress from the fifth congressional district of the State of Wisconsin; and

Whereas on November 10, 1919, the House of Representatives, by a vote of 311 to 1 adopted a resolution declaring that "Victor L. Berger is not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin or to hold a seat therein as such Representative," by reason of the fact that he had violated a law of the United States, and having previously taken an oath as a Member of Congress to support the Constitution of the United States, had given aid and comfort to the enemies of the United States and for other good and sufficient reasons; and

Whereas the said Victor L. Berger now presents his credentials to fill the vacancy caused by his own ineligibility; and

Whereas the same facts exist now which the House determined made the said Victor L. Berger ineligible to a seat in said House as a Representative from said district: Now, therefore, be it

Resolved, That by reason of the facts herein stated and by reason of the action of the House heretofore taken, the said Victor L. Berger is hereby declared not entitled to a seat in the Sixty-sixth Congress as a Representative from the said fifth district of the State of Wisconsin, and the House declines to permit him to take the oath and qualify as such Representative.

Mr. DALLINGER. Mr. Speaker, it is my hope that this matter may be disposed of within the hour for which I have been recognized, and immediately before the expiration of the hour it is my purpose to move the previous question. I shall be glad to yield one-half of my time to any Member of the House who may be opposed to the resolution.

Mr. Speaker, it is not my intention to take up much of the time of the House. On the opening day of the special session of the Sixty-sixth Congress, in accordance with the precedents of the House, objection was made to the swearing in of Victor L. Berger, a Representative-elect from the fifth district of the State of Wisconsin, and again, in accordance with the precedents of the House, the matter was referred to a special committee to investigate his right to a seat. That committee conducted an exhaustive investigation and reported to the House that they had found as a matter of fact that the said Victor L. Berger had violated a law of the United States and also that, having previously taken an oath as a Member of Congress to support the Constitution of the United States, he had given aid and comfort to the enemies of the United States during the war, and therefore was ineligible under the provisions of section 3 of the fourteenth amendment to the Constitution of the United States to membership in this House. The House of Representatives, on November 10, 1919, upon the recommendation of the committee, passed a resolution, which is incorporated in the resolution which is now before the House, declaring that Victor L. Berger was not entitled to a seat in this House. Since the adoption of the resolution of exclusion by the House on November 10 nothing has changed, except that the same man has been voted for by the electors of the fifth district of the State of Wisconsin to fill the vacancy in the same Congress caused by his own ineligibility. He himself has publicly stated that he would again, under the same circumstances, do exactly what he did during the war, only that he would go further than he then went.

Mr. Speaker, in closing this opening statement I desire again to make perfectly clear to this House and to the people of the country that Victor L. Berger has not been excluded and it is not proposed to exclude him from this House because he is a member of the Socialist Party.

That fact is proven by the record of the House itself. This same Victor L. Berger was elected in 1910 as a Socialist Member of Congress, and on the convening of Congress in 1911 no objection was made to his taking his seat. In 1914 and again in 1916 Meyer London was elected a Member of this House as a Socialist from the State of New York, and neither time was the slightest objection made to his being seated. No objection is raised to Victor L. Berger now because he is a member of the Socialist Party or because of his political or economic views. Objection has been made and is now being made because in 1911 he took a solemn oath as a Member of Congress to support the Constitution of the United States and to defend it against all enemies, foreign and domestic, and then when war was declared he deliberately gave aid and comfort to the enemies of his country.

There is just one other point I desire to make perfectly clear. It is said that the people of the fifth district of the State of Wisconsin have a right to choose anyone they see fit as a Member of Congress and to have him seated. With that proposition I take serious issue. The people of that district have a right to vote for anyone they see fit, but they, in common with the Members of this House and in common with all the people of this country, are bound by the Constitution of the United States, and if they persist in electing a man whom the House has found is ineligible under that Constitution, they can not expect to have him seated. [Applause.]

Mr. Speaker, I trust this resolution will be adopted. [Applause.] I yield 10 minutes to the gentleman from Illinois. [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIFFIN. To make a parliamentary inquiry. I have an amendment to the proposed resolution in the form of a substitute, and I desire to ask at what time I may be able to introduce it?

The SPEAKER. It depends upon whether the previous question is ordered or not. If the previous question is ordered, the gentleman can not introduce it at all.

Mr. GRIFFIN. I may introduce it, however, by obtaining the recognition of the Chair, I presume?

The SPEAKER. The Chair will pass upon that question when it arises. The gentleman from Illinois [Mr. MANN] is recognized for 10 minutes.

Mr. MANN of Illinois. Mr. Speaker, it is not an enviable task that I am now performing, and yet my feeling as to right and justice in the matter is so strong that I should feel that I were a coward did I not express very briefly the views which I hold. And whatever else I may be, I hope that, in fact, I never will be a coward. [Applause.]

Mr. Berger has been elected anew to this House by a majority of those who voted in his district at the special election, and to me the question is whether we shall maintain inviolate the representative form of government, where people who desire changes in the fundamental or other laws of the land shall have the right to be represented on the floor of this House when they control a majority of the votes in a congressional district.

I do not share the views of Mr. Berger, but I am willing to meet his views in an argument before the people rather than to say that we shall deny him the opportunity to be heard when selected by this people in the legal form, and invite them, in effect, to resort to violence. Mr. Berger, I suppose, believes that there should be fundamental changes in our form of government. He believes, I suppose, that many things which were done concerning the war were wrong. Has it come to the point that a man who believes certain things can not be heard? His

people, his constituents, desire him to represent them. Is it our duty to say to his constituents, "You shall not select one man"? Then, we might quite as well say, "You may not select another." It is not our duty to select a Representative from this congressional district. That is the duty of the people back at home. Gentlemen, we can not take the attitude of refusing to permit the voice of the people of a district to be heard by their own selection with safety to the future of the country. If Mr. Berger believed that the Constitution should be abolished and a new Constitution written in its place, and his people selected him to present those views in the legal body where they could be considered, his people have that right. And when we propose to meet argument by force we are losing our strength in the matter. We can argue these questions before the people.

Let me say that, in my judgment, the times are somewhat critical all over the world. New governments are being raised everywhere. New ideas are being inculcated throughout the various countries of the world. We can only meet these insidious arguments by openly arguing the questions before the people, and unless the people believe that one who thinks the other way has the right to be heard when he properly presents himself, we only add to the discontent and danger.

I am not afraid of the continuance of a representative democratic government in this country. I am not afraid to trust to the final judgment of the people. I am perfectly willing that any constituency shall have the right to select practically whom it pleases to espouse their cause. I am willing to answer their contentions before the people.

Mr. YATES. Will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. YATES. I want to know if you think we ought to admit to this House a disloyal man? [Applause.] I do not think you do.

Mr. MANN of Illinois. Mr. Speaker, after all, the question of what is a disloyal man is not to be determined by the gentleman from Illinois [Mr. YATES], my colleague, or myself. You may have the power to do it, but you will not be wise in exercising that power. The Constitution under its amendment gives authority to exclude a person for giving aid or comfort to the enemy. I do not think that that provision contemplated anything which Mr. Berger has done or sought to do. Because he may not have believed in the war—I do not know what his views are upon the subject—that is no reason why. In all history the men who stand out very largely in the parliaments of the world are those who opposed the wars in which their countries were engaged. Under the form of government, would anyone say in the House now that the war is still legally in existence; that we can not favor a peace? It is idle to talk such stuff.

Mr. BLANTON. Will the gentleman yield?

The SPEAKER. The gentleman's time has expired.

Mr. MANN of Illinois. The Chair took out of my time, however, the time otherwise occupied.

The SPEAKER. If the Chair did that, the gentleman is recognized for another minute. The Chair was not aware of it.

Mr. MANN of Illinois. I bow to the decision of the Chair.

Mr. DALLINGER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. EAGLE]. [Applause.]

Mr. EAGLE. Mr. Speaker, under the argument of the gentleman from Illinois [Mr. MANN], who has immediately preceded me, if the people of the fifth district of Wisconsin chose to elect some one 19 years old and send him here, the House of Representatives must seat such person because he is chosen [applause], despite the fact that the Constitution of the United States expressly provides that a man must be, among other qualifications, 25 years of age.

Under the same argument, if the people of the fifth district of the State of Wisconsin shall choose a murderer or a felon in prison and elect him, no matter how odious he may be, he being their choice, the House of Representatives must accept him. [Applause.] And therefore, under the argument of the gentleman from Illinois [Mr. MANN], although, after four months of patient day and night hearings, making up a record of 3,000 printed pages, every word of which I and others of you have read, your committee of 11 ascertained and recommended, and this House, on November 10 last, by a vote of 311 to 1, judicially determined under your oaths that this man Berger, in the time of his country's woe, was a traitor to this country. [Applause.]

Nevertheless, because he has constituents un-American enough that they approve his infamy [applause], you must allow to sit in your company one who, at the time the Nation's destiny was at stake, struck in the interest of the Central Empires treacherously against the flag that protected him. [Applause.]

The question before us is simple. Fortunately for our ease of mind, if there be any gentleman present who needs a precedent rather than only a mind and a conscience and an Americanism for his guide, there is a precedent. In the seventies, from the State of South Carolina, a Republican man was elected Congressman to the House of Representatives, which was overwhelmingly Republican. He came here bearing a perfect certificate of election. He presented it. No objection was then known to exist against that man's qualifications. His name was B. F. Whittemore. He was sworn in. He sat as a Member. But during that session he was charged with having sold for money West Point and Annapolis appointments. The matter being brought to the attention of some Member of the House, a resolution of investigation of that charge was introduced, and a reference thereof made to the elections committee. Witnesses were summoned and the matter was prima facie proved. But, to avoid a vote upon the resolution of expulsion, Whittemore resigned.

During that same Congress the governor of the State of South Carolina called a special election. The people of that district had knowledge then—as the people of the fifth district of Wisconsin had knowledge at the time of the recent special election at which Berger was a candidate and was elected—that Whittemore was an unfit person to be elected to the Congress. But they chose to tell the Congress of the United States that they would send Mr. Whittemore back and thereby instruct the House of Representatives to seat him, despite his disqualification and unfitness, and thus compel the House to sit in the company of a man who resigned rather than be by the House judicially convicted of infamy. Upon Whittemore presenting his credentials, just as Berger has done this day, a resolution, in practically verbatim terms with that which my friend and colleague from Massachusetts [Mr. DALLINGER] has now tendered, was introduced, and a vote came up, and Whittemore was by that Congress, made up of a vast majority of his party, overwhelmingly rejected at the door. [Applause.]

There is your precedent, perfect. Stronger indeed is this man Berger's case than Whittemore's case as to the reason why you should now adopt this resolution of exclusion, because in Berger's case, during the last session of the present Congress, after four months of painstaking, patient hearings, in which such latitude as was perhaps never permitted in any committee of the House in recent Congresses was allowed for the bringing in of every tenet of the political party to which Berger belonged and the introduction of every writing and speech he made since he landed in America in 1868 down to this time, and every argument that could be made or thought of by able and ingenious counsel, our committee presented its report, and you, sitting as judges, by your vote in this present Congress, convicted Berger of disloyalty, and found judicially that he was guilty of the violation of the third section of the fourteenth amendment to the Constitution, and that automatically disqualifies him from sitting in the Sixty-sixth Congress.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. EAGLE. I do.

Mr. REAVIS. If the issue is closed by an election, and that issue is concluded, what is the value of the provision of the Constitution that we shall be the sole judges of the eligibility or the right to membership in this body when that judgment can only be exercised on the man elected? [Applause.]

Mr. EAGLE. The gentleman's inquiry is an axiom.

Mr. REAVIS. Let me ask it in another way. Congress has the right to pass judgment on the eligibility of its Members?

Mr. EAGLE. Yes; under the Constitution, my friend.

Mr. REAVIS. Yes. We can only pass that judgment on the man elected by his constituents?

Mr. EAGLE. Yes. That is clearly the case.

Mr. REAVIS. Under the argument of the gentleman from Illinois [Mr. MANN], if we are precluded by that election, how can we pass judgment? [Applause.]

Mr. EAGLE. That is unanswerable.

Mr. Speaker, the record of 3,000 pages in the Berger case in the last session of the present Congress is before you. It shows a beginning and a continuing purpose, plan, and conduct on the part of Berger from the time this country entered into war with Germany on April 6, 1917, until the armistice was signed, to discourage recruiting, to discourage enlistments in the Army and Navy, to cripple the efficiency of this country, to weaken the country's morale, to help Germany, and to injure America. You judicially ascertained, stated, voted, determined, forever settled that fact.

Having settled and determined that fact, it follows that you have judicially ascertained that under the third section of the fourteenth amendment, which provides that any man having previously taken the oath of office to support the Constitution

of the United States and having thereafter been guilty of disloyalty and treason, can not again sit in the House. Mr. Berger is ineligible, and you can not without violating your oath of office permit him now to sit here. [Applause.]

The House of Representatives will not thus be denying representation to the fifth district of Wisconsin—it will only thus inform them that the man they have elected and sent here is a traitor unworthy to sit in this House where loyal men sit who honor the Constitution and the institutions of the United States and the flag which to us is a sacred emblem. [Applause.]

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to be permitted to yield the remaining 10 minutes allotted to the opponents of the resolution to Mr. Berger.

Mr. HICKS. I object.

Mr. STRONG of Kansas. I object.

The SPEAKER. The Chair will state the question. The gentleman from Massachusetts asks unanimous consent to be permitted to yield 10 minutes to Mr. Berger. Is there objection?

Mr. BLANTON. I object.

Mr. SNELL. I object.

The SPEAKER. Objection is made.

Mr. DALLINGER. Then, Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Speaker and gentlemen of the House, I have never been accused of cowardice either in war or in peace. I am opposed to this resolution. I do not think we have any right as a representative body to decide that a duly elected candidate in a fair and free election shall not represent a certain constituency. I am opposed to the resolution on another ground. I do not believe in repressive legislation. Let me tell you how it operated in my own district. In 1918 we had three candidates for Congress, a Republican, a Democrat, and a Socialist. I happened to be the Democratic nominee. The Socialist candidate, Solon T. Klotz, polled 2,006 votes. After Eugene Debs was convicted and sent to the penitentiary, a year later, we had another election in that congressional district. Solon T. Klotz was a candidate for mayor. There were in that case three candidates on the ticket, and Klotz polled 15,242 votes. When you sent Eugene Debs to the penitentiary you made more socialists than all the soap-box agitators could make from Maine to California. I remember during our Civil War Clement L. Vallandigham, of Dayton, Ohio, made a speech denouncing the war. He was arrested by Gen. Burnside, in command of the Department of Cincinnati, 40 miles away from Dayton. He was tried by a court-martial and sentenced to be imprisoned in Fort Warren, near Boston, during the war. The record of the proceedings of that court-martial was sent to Abraham Lincoln through his Secretary of War, and he set aside the verdict of that court-martial. What was his ground for setting it aside? He said you could not convict men for ideas, only for overt acts. Abraham Lincoln did not have a single-track mind. He believed that ideas were the evangels of civilization. Then Vallandigham was sent through the lines to the South by Gen. Burnside. I was in Kentucky when he went through the lines. He went over to the Bahama Islands on a Confederate cruiser, and from there to Canada. In 1863—the same year—he ran for governor of Ohio from Canada. He polled a very large vote by citizens at home, but the soldier vote beat him by over 90,000 votes.

Free speech and a free press are sacredly guarded and guaranteed by the Federal Constitution. This provision was fully debated by the great statesmen of the Constitutional Convention before adoption. Thomas Jefferson, the father of real democracy, said in defense of this vital guaranty in the Constitution that error is not dangerous where truth is free to combat it. During the entire four years' war, 1861 to 1865, the fiercest and most desperate the world had ever witnessed, no citizen of the Republic was sent to the penitentiary on account of his ideas or principles or convictions.

We read daily of the arrest of unruly citizens who, it is alleged, are seeking to overthrow the Government. I do not for one moment believe it is in the power of any class of agitators to overthrow this Government. I have full faith in the patriotism, the love of country, and the love of home of a vast majority to scotch in its inception any move in that direction. But Abraham Lincoln, the patriot saint of real democracy, in a speech made on the floor of this historic Chamber January 12, 1848, said on this question:

> Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing Government and form a new one that suits them better. This is a most valuable and sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it.

In the same speech Lincoln denounced our war with Mexico as an unjust war in the most sweeping and denunciatory language. I quote from Lincoln:

> I more than suspect already that he—President Polk—is deeply conscious of being in the wrong; that he feels the blood of Abel is crying to heaven against him; that he ordered Gen. Taylor into the midst of a peaceful Mexican settlement purposely to bring on a war; that originally having some strong motive—what I will not stop to give my opinion concerning—to involve the two countries in a war, and trusting to escape scrutiny by fixing the public gaze upon the exceeding brightness of military glory—that attractive rainbow that rises in showers of blood; that serpent's eye that charms to destroy—he plunged into it, and has swept on and on till, disappointed in his calculation of the ease with which Mexico might be subdued, he now finds himself he knows not where.

Lincoln charged President Polk with carrying the country into an unjustifiable and unjust war. Of course, we must all concede that were Lincoln on earth to-day with such an utterance he would now be serving a sentence in the penitentiary along with Eugene Debs.

Let me not be misunderstood. I do not believe in Victor Berger's principles. I believe, and have so acted throughout this whole World War, that it is the patriotic and imperative duty to support the Government when the war is on. I voted for every measure to promote and carry on the war after the declaration of war. I have full faith in the patriotism, courage, and fidelity of the American people, and I do not believe that all the wild, soap-box orators from Maine to California can destroy or even impair the vitality or sovereignty of this great free Government. I believe with Jefferson and Lincoln that error is not dangerous when truth is left free to combat it. [Applause.]

Mr. DALLINGER. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER. Fifteen minutes have been used on each side.

Mr. DALLINGER. I yield five minutes to the gentleman from Wisconsin [Mr. KLECZKA]. [Applause.]

Mr. KLECZKA. Mr. Speaker, I can not accept the logic of the gentleman from Illinois [Mr. MANN] that by refusing to seat Victor Berger the House will disfranchise those who voted for him. [Applause.]

The Constitution of the United States provides what the qualifications of Members of this House must be. The disqualification and ineligibility of Berger was known to every voter of his district. It was proclaimed through the press, from the public platform, from the billboards, through the mail, and through every means of advertising and every agency of knowledge communication. Everyone voting in that election knew what the issue was. And yet, with a full knowledge of Berger's disqualification and a keen appreciation of the results of that disqualification, they defiantly and contumaciously cast their votes for Victor Berger. The Supreme Court of Wisconsin declared that a vote cast for a candidate known to be disqualified is null and void. When they cast their votes for Victor Berger, whom they knew to be ineligible, they were aware of the fact that their votes were null and void. They, therefore, disfranchised themselves by their voluntary and defiant action. [Applause.]

Are we going to listen to the voice of those who defied the Constitution and held in scorn and contempt the laws of the land? Are we going to place a premium on defiance of law and order? Are we to give more weight to the rebellious and defiant action of those who by their votes approved Berger's seditious statements and treacherous conduct than we are to the judgment and decrees of the supreme court of a sovereign State?

The precedent cited by the gentleman from Texas [Mr. EAGLE] disposes of the contention that the proposed action of the House is unprecedented. Even if there was no precedent for the action contemplated by the pending resolution, surely the present is a most opportune time and the facts in this case most compelling to create a precedent. [Applause.]

This House, on the 10th day of November last, pronounced its solemn judgment of Berger's disqualification and ineligibility. The Elections Committee, after a full, exhaustive, and deliberative hearing, found Victor Berger guilty of giving aid and comfort to the enemy of the United States. Courageously and with a due regard for the oath which every Member of this House took to support the Constitution of the United States, this House sustained the findings of that committee and excluded Berger from membership. Is Berger less guilty to-day than he was on November 10?

Because this House patriotically and faithfully upheld the organic law of the land and the honor of this House, Victor Berger brands the Members of this body as corrupt and servile agents of the capitalists. The spectacle of November 10 last is still clear in every Member's mind's eye. Accorded the privilege of this floor, he heaped abuse upon organized government and constituted authority; he hurled defiance at law and order and insulted the membership of this House. To what extremes

must the Constitution be reviled and this House insulted before we call a halt? Berger knew when he again became a candidate that he could not be seated in this House. He only added insult to the injury which he has done to the country. By his action he has thrown down the gauntlet to this House. In the name of the heroes living, in the name of that splendid band of militant Americans who are members of the American Legion and whom Berger with scornful hate calls "the cat's-paws of the capitalists," in the name of the martyred dead who sleep in the fields of Flanders and France we will accept that challenge. [Applause.]

Nothing has transpired between the day that Berger was excluded and this day that would warrant any modification or reversal of the judgment of this body. His conduct and his utterances since that day have but furnished additional evidence that fortifies and strengthens the verdict of this House. Since his expulsion he has declared on every public occasion that he would repeat his treasonable statements and actions, only he would make them "much stronger."

Since his expulsion he has but grown more rebellious and more defiant of governmental authority. He publicly and repeatedly declared that "if the fifth congressional district of Wisconsin elected a horse thief or a polygamist as its representative," it was of no concern to this House, and that this body would be compelled to seat such an elected representative. That is Victor Berger's conception of representative government. But these declarations are in harmony with his perverted philosophy. He has never said one commendable thing about this land of freedom and opportunity. He never saw anything noble in American institutions and in American ideals. He prates about constitutional rights and in the same breath condemns and reviles the Constitution as "a scrap of paper."

Who ever heard of a man duly convicted after a full and fair hearing, going about the country and condemning and reviling the tribunal that passed the judgment of conviction, and then appearing before that same tribunal which he villified, and obtained another hearing of his case? To grant another hearing to this man would be to impugn the patriotism and question the judgment of this House, so solemnly pronounced in this case on November 10 last. To seat this man would be to condone and approve his treasonable conduct and seditious declarations; it would mean that this House has compromised with disloyalty and sedition. [Applause.]

By unanimous consent, Mr. SHERWOOD, Mr. KLECZKA, and Mr. GRIFFIN had leave to extend their remarks in the RECORD.

Mr. DALLINGER. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. VOIGT].

Mr. VOIGT. Mr. Speaker and gentlemen of the House, I was the only Member who voted to seat Mr. Berger when this matter was up before, and my views are already in the RECORD. I desire to say now that I am more firmly convinced than ever that Mr. Berger is entitled to his seat. It seems to me highly unfair to jump on Mr. Berger, who is here helpless and alone. He is called a traitor to his face and he is denied the opportunity to speak in his own defense. Judge Landis, who decided judicially that he was not prejudiced against Mr. Berger, is reported by the Chicago Tribune to have said that he was sorry the law did not permit him to order Victor Berger stood against a wall and shot.

Mr. Berger, in my judgment, is a high-minded and honorable gentleman. [Laughter.] You may laugh and scoff, gentlemen, but I know Victor Berger. No man can devote his whole life and fortune to the great cause of endeavoring to better the condition of the toiling millions, stand by his principles like a rock of Gibraltar, regardless of personal consequences, without being morally great. I do not agree with Mr. Berger politically, I do not agree with his economic theories, but I hope that I am big enough to recognize the purity of his character and motives.

Victor Berger's name will stand in the future as that of a martyr to a great cause—the rights of free speech, free press, and representative government. History has always justified such men and history will justify Victor Berger. The people of his district, who know him best, have already justified him. They have spoken in no uncertain tones, and the old maxim is that the voice of the people is the supreme law. You may say that Victor Berger is a traitor, but if you do, you have got to say that there are 25,000 traitors in the fifth district of Wisconsin.

A MEMBER. There are.

Mr. VOIGT. There are not. The people of the fifth district of Wisconsin are just as loyal and just as patriotic as the people of any district in this country. [Applause.] They may have different views from the people in other districts as to what constitutes patriotism in a given situation, and they are entitled to their views. You can look up the war activities of that district and you will find less law-breaking than in probably 99 per cent of the districts of the country. You will find that they responded to every call of the Government.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. GREENE of Vermont. According to that theory, if that is the test to be applied, I call the gentleman's attention to the fact that Judas Iscariot was treasurer of the Twelve Apostles up to the time he committed the one offense. [Laughter and applause.]

Mr. VOIGT. That was a long time ago. [Laughter.] Mr. Berger, as I understand it, is what is known as a mild socialist. [Laughter.] You may laugh again and laugh some more. Mr. Berger is called by the socialists of this country a mild socialist, no matter what you may think about it. The socialists of this country know more about socialism than the Members of this House. Mr. Berger was threatened with ejection and abused at a convention of the Socialist Party in Chicago last September because he would not stand for any radical doctrines. The men who opposed him there, and who withdrew to form a party of their own, knew what Victor Berger stood for.

Mr. BLANTON. Will the gentleman yield?

Mr. VOIGT. No; I can not yield. Mr. Berger has at no time advocated a violation of law. It is charged here that he stands for revolution. Why, gentlemen, when Mr. Berger talks about revolution he means a peaceable, economic revolution; he does not refer to force. You must give Mr. Berger credit for having time and again in his paper, The Milwaukee Leader, advocated compliance with the law. You evidently do not give him credit for that, but it is a fact that he has said time and again that any changes, economically or politically, which he advocates must be brought about peaceably, through the ballot box.

The Constitution of this country guarantees Mr. Berger the right of free speech. If that means anything it means that he should have the right to explain his position on the economic and political questions facing the people of this country. It is said that he is opposed to war. I grant him the right to be opposed to war, as much as I grant the right to a man to favor war. If a man does not believe in war he has the absolute right to express his views. I am not afraid that this country is going to the dogs because Mr. Berger or any other man expresses his opinions. Not only is he entitled to be heard, but the people are entitled to hear him. If you are going to bottle up every man who has something to say which is out of harmony with regular doctrine, the intellectual world must come to a standstill. I have implicit faith in the good sense of the American people. If they find anything good in Mr. Berger's message they have a right to accept it; if not they will reject it.

Mr. QUIN. Will the gentleman yield?

Mr. VOIGT. No; I can not yield. Let me say in conclusion you are not only doing an injustice in denying Mr. Berger a seat in this House, but you are playing exceedingly bad politics. You are making a million or two socialist votes by your action. I prophesy that the next national election will show the folly of your course in evicting Mr. Berger from this House. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BLANTON. I object.

Mr. MANN of Illinois. The gentleman's objection is characteristic of most of the House at present.

Mr. SISSON. Mr. Speaker, a parliamentary inquiry. I do not know how many people object to Mr. Berger being heard.

Mr. BLANTON. I do, and I am going to continue to object.

Mr. SISSON. I want to ask if it would be in order to make a motion to give Mr. Berger an opportunity to be heard, say, for 30 or 40 minutes?

The SPEAKER. He can be allowed time only by unanimous consent, not being a Member of the House.

Mr. BLANTON. And I object, Mr. Speaker.

Mr. SISSON. Mr. Speaker, I desire to submit another parliamentary inquiry. Does Mr. Berger occupy the same position and status as a man would who is having a contest over his election?

Mr. DYER. Mr. Speaker, I demand the regular order.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. SISSON. I want to be heard upon the point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SISSON. Would he have the right——

The SPEAKER. The gentleman has not stated any point of order.

Mr. SISSON. I make the point of order, Mr. Speaker, that Mr. Berger is entitled to be heard. I do not believe that this

House will put itself in the attitude before the country of not giving a man an opportunity to be heard, however anxious every Member of the House might be to come to a vote.

The SPEAKER. Will the gentleman cite any precedent for a person who is not a Member of the House being heard, except by the unanimous consent of the House?

Mr. SISSON. I am insisting that by motion——

The SPEAKER. Will the gentleman cite any precedent?

Mr. SISSON. I am not prepared to cite a precedent now.

The SPEAKER. The gentleman may take his time to look up a precedent, and if he can find one the Chair will be very glad to hear him. In the absence of a precedent, the Chair thinks that a person not a Member can only speak by unanimous consent.

Mr. DALLINGER. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, I shall take but a moment. The only argument that has been made on behalf of Mr. Berger's claim to a seat in the House is that an election having been held in the fifth district of Wisconsin, and it having been claimed that Mr. Berger received a majority of the votes cast at that election, that fact is not only very persuasive but practically compels favorable action on the part of the House in the matter of seating him. Unfortunately for the gentlemen who make that argument and for the argument it runs counter to the fundamental law of the land, the Constitution of the United States. It runs counter to the oath that we have taken to uphold and defend the Constitution of the United States. The Constitution limits those who are eligible to the honor of a seat in this House. It provides that they must be citizens, that they must be above a certain age, and that they must possess certain qualifications. Section 3 of the fourteenth amendment to the Constitution provides:

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress or as an officer of the United States or as a member of any State legislature or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof.

This House, through one of its committees, has heretofore examined the record of Mr. Berger. That record was placed before the House. That record as placed before the House and the arguments made in support of it satisfied every Member of this House then present, save one, that Victor Berger had been guilty of a violation of a law of the Union, that he had given aid and comfort to the enemies of the country, and that therefore he was not eligible to a seat in this House. It follows, therefore, that notwithstanding what any people may have since done in his behalf, in an election or elsewhere, under the Constitution of the United States, under our oath to support that Constitution, in view of and consistent with the action we have heretofore taken, we can not seat him as a Member of this body. [Applause.]

Mr. DALLINGER. Mr. Speaker, I yield one minute to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I simply ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN of Illinois. I object.

The SPEAKER. Objection is heard.

Mr. DALLINGER. Mr. Speaker, in bringing this debate to a close, I simply want to cite one other illustration of the utter fallacy of the argument of the gentleman from Illinois [Mr. MANN] in regard to the right of a constituency to choose anyone they see fit and to have him seated by this House. Let us suppose that Mr. Berger was still an Austrian subject. According to the logic of the gentleman from Illinois, we would have to seat him, because the people of that district chose to elect him. The Constitution, however, expressly provides that no person shall be a Member of this House who shall not have attained to the age of 25 years, or who has not been a citizen for seven years, or——

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. I can not yield.

Mr. MANN of Illinois. The gentleman ought not to falsify my statements.

Mr. DALLINGER. Who was not a resident of the State at the time of his election, and the Constitution also says, as the gentleman from Wyoming [Mr. MONDELL] has again pointed out, that no person who has previously taken an oath as a Member of Congress to support the Constitution of the United States, which Mr. Berger did in 1911, and who subsequently gave aid and comfort to its enemies, shall be a Senator or Representative in Congress. This prohibition is in the Constitution, to support which every Member of this House has taken a solemn oath. Mr. Speaker, there is no reason why any Member should change his vote. Mr. Berger is just as much unfit and ineligible to membership in this House to-day as he was on November 10, and I trust that the Members of this House will be true to their oaths of office and vote for the adoption of this resolution.

Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DALLINGER. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 330, nays 6, answered "present" 1, not voting 91, as follows:

YEAS—330.

Ackerman	Eagle	Lanham	Reber
Almon	Echols	Lankford	Reed, W. Va.
Anderson	Edmonds	Larsen	Ricketts
Andrews, Nebr.	Elliott	Layton	Riddick
Anthony	Ellsworth	Lazaro	Robsion, Ky.
Ashbrook	Elston	Lea, Calif.	Rogers
Ayres	Emerson	Lee, Ga.	Romjue
Babka	Esch	Lehlbach	Rose
Baer	Evans, Nebr.	Lesher	Rowe
Bankhead	Evans, Nev.	Linthicum	Rubey
Barbour	Fairfield	Little	Rucker
Barkley	Ferris	Lonergan	Sanders, N. Y.
Bee	Fields	Longworth	Sanford
Begg	Fisher	Luce	Scott
Benham	Flood	Lufkin	Sears
Black	Focht	Luhring	Sells
Bland, Ind.	Fordney	McAndrews	Shreve
Bland, Va.	Foster	McArthur	Sinclair
Blanton	Frear	McClintic	Sinnott
Boies	Freeman	McCulloch	Small
Bowers	French	McFadden	Smith, Idaho
Box	Fuller, Ill.	McGlennon	Smith, Mich.
Brand	Gallivan	McKenzie	Smithwick
Briggs	Gard	McKiniry	Snell
Brinson	Garland	McLaughlin, Mich.	Steagall
Brooks, Ill.	Garner	McLaughlin, Nebr.	Stedman
Browne	Glynn	MacCrate	Steenerson
Brumbaugh	Godwin, N. C.	MacGregor	Stephens, Miss.
Buchanan	Goodwin, Ark.	Madden	Stephens, Ohio
Burdick	Goodykoontz	Magee	Stevenson
Burroughs	Gould	Maher	Stiness
Butler	Graham, Pa.	Major	Stoll
Byrnes, S. C.	Green, Iowa	Mann, S. C.	Strong, Kans.
Byrns, Tenn.	Greene, Vt.	Mansfield	Strong, Pa.
Campbell, Kans.	Griest	Mapes	Summers, Wash.
Campbell, Pa.	Hadley	Martin	Sumners, Tex.
Cannon	Hamilton	Mays	Sweet
Cantrill	Hardy, Tex.	Mead	Swope
Caraway	Hastings	Merritt	Tague
Carss	Haugen	Michener	Taylor, Colo.
Carter	Hawley	Miller	Taylor, Tenn.
Casey	Hayden	Minahan, N. J.	Temple
Chindblom	Hays	Monahan, Wis.	Thomas
Christopherson	Heflin	Mondell	Tillman
Clark, Fla.	Hernandez	Montague	Tilson
Clark, Mo.	Hersey	Mooney	Timberlake
Classon	Hickey	Moore, Ohio	Tincher
Cleary	Hicks	Moore, Va.	Tinkham
Coady	Hoch	Morgan	Towner
Cole	Hoey	Mudd	Treadway
Collier	Holland	Murphy	Upshaw
Connally	Houghton	Neely	Vaile
Cooper	Howard	Nelson, Mo.	Vare
Copley	Hudspeth	Nelson, Wis.	Venable
Costello	Hulings	Newton, Minn.	Vestal
Crago	Hull, Iowa	Newton, Mo.	Vinson
Cramton	Hull, Tenn.	Nolan	Volstead
Crisp	Humphreys	O'Connell	Walsh
Currie, Mich.	Husted.	Ogden	Walters
Curry, Calif.	Hutchinson	Oldfield	Ward
Dale	Igoe	Oliver	Wason
Dallinger	Jacoway	Olney	Watkins
Darrow	James	Osborne	Watson
Davey	Johnson, S. Dak.	Overstreet	Weaver
Davis, Minn.	Jones, Pa.	Padgett	Webster
Davis, Tenn.	Jones, Tex.	Paige	Welling
Dempsey	Juul	Park	Whaley
Denison	Kahn	Parker	Wheeler
Dent	Kearns	Parrish	White, Kans.
Dewalt	Keller	Phelan	White, Me.
Dickinson, Mo.	Kelley, Mich.	Porter	Williams
Dickinson, Iowa	Kelly, Pa.	Pou	Wilson, Ill.
Dominick	Kennedy, Iowa	Purnell	Wilson, Pa.
Donovan	Kettner	Quin	Wingo
Doremus	Kiess	Radcliffe	Winslow
Doughton	Kincheloe	Rainey, Ala.	Wise
Dowell	King	Rainey, H. T.	Wood, Ind.
Drane	Kinkaid	Raker	Yates
Dunbar	Kitchin	Ramsey	Young, N. Dak.
Dunn	Kleczka	Ramseyer	Young, Tex.
Dupré	Knutson	Randall, Calif.	Zihlman
Dyer	Kraus	Randall, Wis.	
Eagan	Lampert	Reavis	

NAYS—6.

Griffin	Mann, Ill.	Sisson	Voigt
Harreld	Sherwood		

ANSWERED "PRESENT"—1.

Sabath

NOT VOTING—91.

Andrews, Md.	Ganly	McDuffie	Rouse
Aswell	Garrett	McKeown	Rowan
Bacharach	Goldfogle	McKinley.	Sanders, Ind.
Bell	Good	McLane	Sanders, La.
Benson	Goodall	McPherson	Saunders, Va.
Blackmon	Graham, Ill.	Mason	Schall
Bland, Mo.	Greene, Mass.	Moon	Scully
Booher	Hamill	Moores, Ind.	Siegel
Britten	Hardy, Colo.	Morin	Sims
Brooks, Pa.	Harrison	Mott	Slemp
Browning	Hersman	Nicholls, S. C.	Smith, Ill.
Burke	Hill	Nichols, Mich	Smith, N. Y.
Caldwell	Huddleston	O'Connor	Snyder
Candler	Ireland	Pell	Steele
Carew	Jefferis	Peters	Sullivan
Crowther	Johnson, Ky.	Platt	Taylor, Ark.
Cullen	Johnson, Miss.	Rainey, J. W.	Thompson
Dooling	Johnson, Wash.	Rayburn	Welty
Evans, Mont.	Johnston, N. Y.	Reed, N. Y.	Wilson, La.
Fess	Kendall	Rhodes	Woods, Va.
Fuller, Mass.	Kennedy, R. I.	Riordan	Woodyard
Gallagher	Kreider	Robinson, N. C.	Wright
Gandy	Langley	Rodenberg	

So the resolution was agreed to.

Mr. BLACKMON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BLACKMON. Mr. Speaker, I just came out of a sick bed and I was entering the Hall when my name was called——

The SPEAKER. The Chair must ask the gentleman if he was present and listening when his name was called?

Mr. BLACKMON. I desire to vote "aye," but I had just walked in the Hall when my name was called, and then the next name——

The SPEAKER. Did the gentleman hear it called?

Mr. BLACKMON. I just came in the door and it was too late to answer, but I was in the Hall.

The SPEAKER. Did the gentleman hear his name called?

Mr. BLACKMON. Yes, sir; I just walked in the door, but I did not have an opportunity to cast my vote.

The SPEAKER. The Chair hardly thinks the gentleman qualifies. The question is that the gentleman must answer affirmatively if he was present and listening when his name was called.

Mr. BLACKMON. I was not in time to vote. I was present and perhaps I do not qualify.

The SPEAKER. The gentleman was not in time to vote——

Mr. BLACKMON. My name was called as I came in the door, and the next name——

The SPEAKER. The Chair fears the gentleman is not entitled to vote.

Mr. DYER. Mr. Speaker, the gentleman suggests that he came in the door from the lobby and heard his name called, but he could not answer in time.

The SPEAKER. Why could not he answer? The Chair could not hear why he could not answer.

Mr. GALLIVAN. He says the next name was called following his. I do not think the Chair heard that. The next name after his was called.

Mr. BLACKMON. I could not afford to shout my name when I was coming in the door.

Mr. MANN of Illinois. If he did not answer then, he can not answer now.

Mr. BLACKMON. Mr. Speaker, it is a matter of little importance. I did not care to pull off a Wild West stunt out there at the door, and so I do not think I am qualified. It is all right.

Mr. MANN of Illinois. The principal question is if a man is here in the House and refused to answer when his name was called twice, can he then come up and vote?

Mr. BLACKMON. I would have voted "yea" had I been in the Hall.

The SPEAKER. The Chair does not think the gentleman qualifies.

Mr. LEHLBACH. Mr. Speaker, my colleagues from New Jersey, Mr. BACHARACH and Mr. BROWNING, are unavoidably absent. They request me to say that if they were present they would vote "yea."

The result of the vote was announced as above recorded.

Mr. O'CONNELL. Mr. Speaker, I want to announce the unavoidable absence of my colleague, Mr. CALDWELL, and that if he were present he would vote "yea."

Mr. DEWALT. Mr. Speaker, I am requested by my colleague, Mr. STEELE, who is unavoidably absent on account of illness in his family, to say that if he were here he would vote "yea."

Mr. SMALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin, Mr. VOIGT, now have leave to revise and extend his remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Wisconsin, Mr. VOIGT, may have leave to revise and extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Reserving the right to object——

Mr. MANN of Illinois. Mr. Speaker, I ask for the regular order.

Mr. BLANTON. The gentleman could print the speech of Mr. Berger under it, and I object.

Mr. FLOOD. Mr. Speaker, my colleague, Mr. HARRISON, is absent on account of illness. I am authorized to say that if he were here he would vote "yea" on the resolution which has just been adopted.

Mr. DYER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. RHODES, who is ill and was unable to be here yesterday or to-day, may be excused, and to state that if he were here he would have voted for the resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Missouri, Mr. RHODES, may be excused from attendance on yesterday and to-day on account of illness. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Speaker, my colleague, Mr. NICHOLS of Michigan, is detained in Detroit on account of illness, and I am authorized to say that if he were present he would have voted in the affirmative on this resolution.

Mr. VOIGT. Mr. Speaker, I ask leave to extend my remarks on the Berger matter, and to say that if leave is granted I shall extend only my own remarks.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. I object.

On motion of Mr. DALLINGER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO SIT DURING SESSIONS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have leave to sit during the sessions of the House.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Agriculture have leave to sit during the sessions of the House. Is there objection? [After a pause.] The Chair hears none.

POST OFFICE APPROPRIATIONS.

Mr. STEENERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, the Post Office appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] will please take the chair.

Thereupon the committee resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, the Post Office appropriation bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

The CHAIRMAN. When the committee adjourned last evening the gentleman from Minnesota [Mr. STEENERSON] had consumed 53 minutes. The gentleman from Alabama [Mr. BLACKMON] has 90 minutes.

Mr. BLACK. Mr. Chairman, the gentleman from Alabama has asked me to take charge of the time in his temporary absence, and I yield 10 minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I shall not detain you long. The postal employees have made the handling of the mails the one activity of the Government that all will concede has rivaled any achievement of private business. Yet I think the postal employees are the worst paid of any employees of the Government. I am speaking now only of the conditions that exist in my own section of the country, because I am not familiar with them in other sections. Almost every day brings to the department the resignation of a postmaster or a rural carrier or a city letter carrier from my district; and to show you how little competition there is for these places, I have now upon my desk three or four cases of long-established post offices where the department is unable

to procure a postmaster at all. Recently it appeared that an office paying between $800 and $1,000 would have to be abolished because there was nobody who would accept the position. This is the seventh year in which I have served as a Member of Congress, and in all that time there has not been in my district a single contest for the appointment of a rural carrier. There has never been more than one man wanting the same job, and nearly every mail brings a resignation. The work is hard, the roads are not overly good, and therefore at the present rate of compensation it is almost impossible to keep carriers at all.

Going back again to fourth-class postmasters, it is almost impossible in some communities to get anyone to serve. Under the present arrangement, when they must pay rent and for light and fuel and are allowed practically nothing for clerk hire, it is almost, if not quite, impossible to have some communities served at all, and many men are now serving as postmasters who want to quit if somebody can be found to take their places. This is especially true of some of the communities where fourth-class post offices are compelled to act as central accounting offices. Men handling more funds and being responsible for more supplies of money value than the cashier of an ordinary bank are making net salaries sometimes of less than $40 a month. We can not maintain the service at its present high standard unless some change is made.

In my particular section of the State we have a very few star-route carriers, but in other sections of the State men have gone into bankruptcy trying to fulfill contracts entered into with the Government when conditions were wholly different. I had a letter yesterday from a man who has a contract to carry the mail. He has lived up to it so far, but in order to do that at all he has been compelled to mortgage the house in which he lives to raise a sufficient fund to fulfill the contract which he entered into with the Government.

This class of postal employees—the fourth-class postmasters, the central accounting offices, and rural carriers, and the star-route carriers—ought to be taken care of more generously than they are in this bill, or have been in the past. Ordinarily I am not an advocate of raising everybody's salary. I have not been at all filled with that enthusiasm over raising the salaries of generals of the Army or admirals of the Navy that so agitated some Members on the floor of the House. I have not been in sympathy with the propaganda that if you do not raise the pay of these high Army officers immediately they will resign and that the service would become demoralized. I think the man who owes everything to his country for his education and then threatens to quit unless you raise his pay immediately might quit the service for the benefit of the service. [Laughter.]

But I do know that these postal employees who labor under these disadvantages I have been telling you about are entitled to some kind of an increase.

Take a rural carrier who goes out of my town, who has 29 and some odd miles of muddy reads to travel six days in the week and has to pay for the upkeep of his team and conveyance as all do. There is not a man living that would take that contract if it were not for the fact that it is a Government contract; but because he is willing to serve his Government he ought not to be penalized, he ought to be paid a living wage. His is not an isolated case; all or nearly all are similarly situated. When these sections of the bill are reached, dealing with this class of employees, I hope that something may be done that will make their services rendered to the Government not performed at an actual loss. They are entitled to live and rear their families in comfort.

If I am not mistaken, and I do not believe I am, there is not a rural carrier serving in my State now under present conditions whose salary is not more than half consumed by the cost of the equipage with which he serves the Government. It strikes me that it is as unanswerable to require him to furnish a buggy and a horse or two horses or a car in order to deliver the mail on a rural route as it would be to require the postal clerk to own the car that transports the mail on the railroad. The rural carrier is serving the public, and he ought to have the equipment with which he serves the public furnished him. I hope some provision will be made to take care of that situation in the bill.

I have often heretofore called attention to the inadequate pay of postal employees. I am pleased to note from year to year some advances in pay have been granted. May we not now cease to discharge this debt we owe them on the installment plan. Let us pay it at once by giving to all these patriotic and loyal postal employees a living wage. They deserve it; we should do it.

The reason for not doing full justice to them in this measure is that we wait on the joint committee's report. We know what that committee ought to report. Why not anticipate it and bring relief to these long-suffering employees now? For one I am in favor of doing it. [Applause.]

Mr. BLACK. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, we have now before the Sixty-sixth Congress for consideration the second regular supply measure to take care of the needs of our Government. Our great majority party on the floor of the House having charge of this great legislation has present exactly 13 Members.

Mr. PAIGE. Will the gentleman yield?

Mr. BLANTON. Not now. If the gentleman wants to correct me I will yield.

Mr. PAIGE. I want to call the gentleman's attention to the fact that his party has 10 Members present and 2 boys. [Laughter.]

Mr. BLANTON. Yes; and of the 10, 6 are Texans, and there is also the gentleman from Tennessee, the gentleman from Alabama, and the gentleman from New York. But there are exactly 13 majority Members present of the great party which has made so many promises to the people about taking care of the interests of the people, now on the floor for the consideration of the second great supply bill. The people are finding out that you are not here, just like they will find out that there are 13 of the majority here now.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. No; I can not yield now. Yes; I will yield to my colleague.

Mr. BLACK. I want to ask the gentleman if it is not his intention to go to his office as soon as he gets through with his speech. [Laughter.]

Mr. BLANTON. I will answer specifically that it is not.

Mr. BLACK. The gentleman said that he wanted to occupy his time now because he wanted to go to his office.

Mr. BLANTON. No; I said I wanted to fill two engagements with two constituents.

Mr. BLACK. Yes; but I understood that was to be in the gentleman's office.

Mr. BLANTON. No; because my constituents are waiting for me out in the hall.

Mr. BLACK. Well, with that modification, it is all right.

Mr. BLANTON. My colleague knows that I am here all the time when business is being transacted, except when my constituents call me out, and then I am out only a few minutes.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. I can not yield now. I want to state what I intended to say. The people of this country are not going to stand for this kind of representation by the Republican Party, and if you Republican colleagues of mine expect to remain in charge of the business of this country you had better stay here and take care of the business, because the people will find out that you are not here.

Now, I want to say that the same emergency conditions that exist in the district of my colleague [Mr. PARRISH] exist in mine. One of the greatest oil fields in the United States is in my district and the district of my colleague [Mr. PARRISH]. What is known as the Big Ranger oil fields is in my district. There is one well there which has flowed as much as 12,600 barrels a day in my district. For over six months I have been calling the attention of the House to the abnormal conditions that exist there calling for immediate remedial legislation. I called the attention of my colleague [Mr. BLACK], who is a member of the Post Office Committee, to that fact. He promised me that when the bill was brought in he was going to take care of these conditions, and I am glad to say that he has taken care of them, and I think after the passage of this bill these good people who have suffered so many inconveniences, some having had their mail sent to another place 30 miles distant in order to get it, will no longer have to do so.

Mr. BLACK. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. CRAMTON. Mr. Chairman, will the gentleman now yield?

Mr. BLANTON. I yield to the gentleman.

Mr. CRAMTON. I hope when the gentleman goes out into the hall to consult with his constituents he will take note of the large number of Republicans out there also consulting with their constituents.

Mr. BLANTON. Out in the hall?

Mr. CRAMTON. Yes.

Mr. BLANTON. Does the gentleman know how many are out there now?

Mr. CRAMTON. Oh, I will leave that for the gentleman to observe when he goes out.

Mr. BLANTON. I will tell you where they are, a great many of them—no; I will not tell the gentleman, because it might be humiliating.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have a few remarks that I desire to make upon this bill.

Mr. ROSE. Mr. Chairman, will the gentleman yield to me for a short question?

Mr. BLANTON. I can not refuse to yield to my friend, the gentleman from Pennsylvania.

Mr. ROSE. I would like to know whether or not the gentleman ever noticed conditions two years ago like those that he notices to-day?

Mr. BLANTON. And that was one of the reasons that put us out of power, because the gentleman will remember that every time this House then found only a few Democrats here in charge of the business the distinguished present Chairman of this committee, the gentleman from Massachusetts [Mr. WALSH], rose in his place and publicly called attention to the fact. It was the people of the country who administered punishment to us for not staying here and taking care of the business of the people, and they are going to do the same to you Republicans in the next election, because they have found out that you do just like everyone else. You Republicans do not stay here and take care of the business of the people after they have reposed their confidence in you.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Arkansas.

Mr. CARAWAY. Does not the gentleman think that the people, after having seen those who represent them in Congress on the Republican side, will be better pleased if they stay away? [Laughter.]

Mr. BLANTON. Oh, well, they want them here.

Mr. CARAWAY. For what purpose?

Mr. BLANTON. They have voted to send them here, to stay here and attend to business, and they expect them to do so.

Mr. CARAWAY. But when they find out that they have made a mistake, does the gentleman not think they will be willing to have them stay away?

Mr. BLANTON. Oh, yes; if they find they have made a mistake. They swap horses themselves once in a while—the Democrats do.

Mr. CARAWAY. But I am talking about the gentlemen on the other side of the House.

Mr. BLANTON. Well, the Republicans swap horses. They change about frequently. I want to say here that I believe the only safeguard on God's green earth to the people of this country is the fact that every two years they have the right to change their Representatives. It is their only safeguard, and they are not tied to us for six years. Every two years they have the right to change, and if you think the people are ever going to be green enough to change that law you are mistaken. That is one right that they are going to hold to and to hold to carefully.

But coming back to this bill, I am glad that it provides for these emergency cases. An oil town with 10,000 people in it needs its mail just like people in any other town of 10,000, and to be compelled to have a fourth-class postmaster in a town of that kind is ridiculous, because no one could be found anywhere in the United States who would assume the responsibility.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEENERSON. How long have these conditions existed in Texas—these developments?

Mr. BLANTON. A little over a year. These emergencies have been growing.

Mr. STEENERSON. Mr. PARRISH says a year and a half.

Mr. BLANTON. I mean these emergency cases. They have existed for the past year, where towns such as he has mentioned have grown up.

Mr. STEENERSON. He says a year and a half.

Mr. BLANTON. Oh, the oil has been there for a year and a half, but the crowded towns have not been there such as he mentioned.

Mr. RAMSEYER. Under the existing law the Postmaster General can take care of them if such conditions exist for a year, and we have cut that down to three months. The condition has existed for a year, the gentleman says. Has the Postmaster General done anything?

Mr. BLANTON. Where the four quarters have shown the required receipts; yes.

Mr. RAMSEYER. He has?

Mr. BLANTON. Yes.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK. Mr. Chairman, I do not intend to make any lengthy speech on this bill, because there are really no points of controversy in the committee. I hardly think there will be any contest on the items of appropriation. Also I think there is a general agreement on the few items of legislation that are contained in the bill. Really the most important item of legislation in the bill is section 2, which provides that the temporary salary increases of February, 1919, and November, 1919, shall be continued for the next fiscal year. We are all, of course, familiar with the fact that we now have a postal commission composed of five Members of the House and five Members of the Senate, that is investigating the whole question of postal salaries, with a view of recommending legislation, looking to a permanent readjustment of the pay of postmasters, postal clerks, rural carriers, letter carriers, railway mail clerks, and all the other postal employees.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BRIGGS. Will the gentleman tell the House just how soon that commission is expected to report?

Mr. BLACK. I will say to my colleague from Texas I do not have the honor of being a member of the commission, but it is my impression and understanding that the commission will probably report by the 1st of March. They are still carrying on some investigations, and are compiling the questionnaires and the data that they have gathered, with a view of making recommendations to Congress, and that will probably be not later than the 1st of March.

Mr. BRIGGS. Does the gentleman know whether the committee contemplates taking up those recommendations independent of any action in this bill, supplementing such action as may be taken by the House on this bill?

Mr. BLACK. Yes; that is the contemplation. It is contemplated that this commission will recommend legislation. Of course, that legislation will have to take its turn in the House. It is uncertain just when it will be taken up, but it is very probable that it will be taken up in the House before the 1st of July.

But it is not at all certain it will be enacted and put into law before the 1st of July, and therefore the committee thought it would be wise to put into this bill the assurance that the temporary increases would be continued, so that the postal employees might not rest uneasy on that score and so that it might not go to the country that the Post Office appropriation bill had passed the House without containing the present salary level. So that was the real reason for putting these temporary provisions into the bill at this time. Now, we hear a good deal said in the magazines and papers at the present time about budget legislation. We have already passed a budget bill in the House, and I dare say that the Senate will also pass a bill on that subject, and a law of that kind will therefore be enacted during the present session, and I hope that a great many economies will result from the passage of the law and that it will meet the full expectation of its advocates; but, as to the Postal Service, I doubt if it works any substantial economy, because, be it said to the credit of our able Postmaster General and his assistants, the Committee on the Post Office and Post Roads rarely finds it necessary to revise downward any estimate that the Post Office Department makes. Of course, a great deal of that is due to the long and settled organization of the department, business machinery which it has already built up, but it is no exaggeration to say that a great deal of the credit is due to Postmaster General Burleson and the very able men with whom he has surrounded himself. Now, in the case of this bill which we are now considering the estimates of the department were based on the basic salaries, as under the law they should have been, and the total amount of the estimates submitted to the committee was, in round numbers, I believe, about $390,000,000. The present bill carries $461,000,000, or a difference of about $70,000,000 over the department estimates. Now, the reason for that is, as I have stated, the committee has decided to continue these temporary salary increases, and they will amount to about $70,000,000 for the next fiscal year. I think from every consideration that the postal employees merit a continuance of these increases. From any standard we may view the matter they are entitled to have it done. Now, one of the criticisms that we hear quite frequently as to our present industrial conditions is that the productive value of labor has gone down—that labor does not produce what it used to do. Well, there is one thing we can definitely say and confidently assert, and that is that the productive value of the labor of postal employees has been fully maintained throughout the war. The chairman of the committee [Mr. STEENERSON] yesterday in his very comprehensive statement made mention of the fact that in the months of September, October, and November, 1919, there was an increase of 25 per cent in the postal revenues over the corresponding months of 1918, excluding the war-revenue portion of the law. Now, what does that mean? Of course, it does not necessarily

mean that the amount of the mail as to weight has increased 25 per cent, because first-class mail matter is of lighter weight than second-class, and probably second-class matter lighter than some fourth-class matter, but it does mean that the volume of the mail has grown very substantially and in a greater proportion than the increase in the number of postal employees, and therefore the only fair deduction that you can make is that the postal employees are performing a larger amount of labor than formerly. In other words, they have responded splendidly to the needs of the situation.

Now, it is a sound rule and one that will undoubtedly work a solution of a great many of our economic ills that with increased production we will have better standards of living. That is to say, there must be a larger production. Of course, you can arbitrarily increase the salary of one class of employees; that is, you can increase one class much greater than similar classes, and you might by that method raise the standard of living of that particular class of employees, but the mass of the people, the great mass of the world's population, can only have a better standard of living by increasing the production of the world. There can be no controversy as to that proposition. Therefore I say these postal employees merit and deserve consideration at the hands of Congress, because notwithstanding the distracting things that have taken place during the war, notwithstanding the unrest of the country——

The CHAIRMAN. The Chair desires to remind the gentleman from Texas that he has used 10 minutes.

Mr. BLACK. I will use five minutes more, if the Chair will permit. I say, notwithstanding the unrest and the propaganda and distracting things which have taken place, the fact remains that the postal employees, something like 300,000 of them, have gone on in the face of those disconcerting circumstances and have handled a larger volume of mail, much larger than they handled before the war, and have handled it very efficiently. Now, that is one reason why these salaries are fully justified. Another reason is that even if you grant that labor has remained upon the same basis of production, if a man is working the same number of hours as he did in 1914 and is producing no more nor no less, he would undoubtedly be entitled to a wage increase because of economic conditions which exist. What is the situation that faces us? By reason of the practical doubling of the circulating medium of the country, what do we find? We find the man who owned a piece of property—a house and lot, we will say—in 1914, then worth $3,000, notwithstanding he may not have added anything at all in the way of improvements on his property since then—maybe he has not painted it or has not repapered it or anything of that kind—finds that he owns a place now worth $6,000. We find that the man owning a horse worth $150 in 1914 owns a horse now worth $300.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLACK. In a moment. We find the man who owned a 100-acre farm, for instance, in my section of Texas, or in your section of Kansas, or in yours of Maryland, or in the State of New York—a man who owned a hundred acres of land, we will say, that was worth $10,000, or $100 an acre, in 1914, notwithstanding the soil may not now be as fertile, notwithstanding it may have had to yield crops that may have decreased its fertility, we find a farm worth $20,000 by reason of these changed conditions. Now I will yield.

Mr. LINTHICUM. I was going to ask the gentleman whether he observed the statement in the papers a few days ago from one of the departments that the dollar to-day was only worth 47 cents in comparison with six years ago?

Mr. BLACK. Yes; and I think that is about right. Perhaps the situation is not that bad, but certainly there has been a great decline in the purchasing power of the dollar.

Now, the point I am making is this, that every man who is fortunate enough to own a commodity or a piece of property has seen the value of that doubled by the workings of economic law. Of course, if he owns a bond or some definite evidence of indebtedness, it has not increased. But the laboring man, so far as his labor is concerned, finds he has the same productive capacity as before, and certainly not double what it was before, therefore the only way he can meet this situation is to have his wages increased so as to meet this rise in value.

Now, a good many of us thought—I admit I was one who thought it—that when the war closed this abnormal situation would go back to normal or nearly so. But I have become convinced that the only way we could bring prices of commodities and property back to normal would be by a radical method of deflation of the currency, and that would absolutely paralyze the business of the country. It can not possibly be done. And therefore the real problem of statesmanship at this time, and the real problem that faces the business of the country, is to see to it that wherever employees have not received a comparable increase of wages to the increased cost of living, that they do receive it. That is the only fair and the only wise thing to do. And so, of course, under these circumstances, the least that we can do is to continue these temporary increases until the Postal Commission makes its report. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEENERSON. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen, I really do not think it is necessary to use 30 minutes in discussing this bill. Everybody seems to be for every item in it, and there is not much satisfaction in discussing anything on which everybody is agreed. There is real fun in making a speech when we are trying to convince everybody else that they are wrong. Since everybody is right on this question, anything I may say can not have very much interest for those who are here.

But I wish to say one thing, and that is that the marvelous growth of the Post Office Department in the last year or two is such that no matter how much vision those who are in control may have, it seems almost impossible to keep pace with the facilities necessary to conduct the business as it ought to be conducted.

The growth of the Post Office Department is far beyond the imagination of any man, and it continues to grow so fast that no matter how comprehensive the facilities may be that are employed to meet the present needs, before they are ready for use they have become obsolete.

And how you can conduct a business of this magnitude and keep pace with its growth and have the facilities up to date with which to give the people the kind of service they expect is far beyond my knowledge or the knowledge of any man who has had anything to do with it. Only a little over a year and a half ago we enacted a law to make a 3-cent postage rate. That additional cent was intended to help to pay the cost of the war. It was not intended that the revenues from that source should go into the treasury of the Post Office Department or used in the transaction of postal business. Seventy millions of dollars a year was collected as the result of that increased postage, and when the war was over the law was repealed, and to-day we are on the 2-cent postage basis again. And yet, on the 2-cent postage basis the revenues of the department have increased about 25 per cent over what they were on the 3-cent basis.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. BRIGGS. I would like to ask the gentleman what proportion of the revenues is brought in by the first-class mail?

Mr. MADDEN. I do not remember what it is now, but it used to be about 68 per cent.

Mr. STEENERSON. If the gentleman will yield, I think he inadvertently made a misstatement there about the amount of revenue last year and this year. He will recall that it was 25 per cent over what the second-class rate a year ago would have produced and 7 per cent over the 3-cent rate.

Mr. MADDEN. That may be true, but I wish to call particular attention to my own city, for example. There, if that may be classed as typical of what is going on in the department work everywhere throughout the United States, the statement I have made is rather under the fact than over the fact. Last month, for example, the receipts in the Chicago post office were $4,178,000, which is 24.2 per cent greater than for the same month the year before, when 3-cent postage was in vogue, and 41 per cent over what they were the same month a year ago if the 2-cent stamp had been in vogue. So that as a matter of fact the statement I have made is not over, but rather under the facts.

Now, we have during the last year or two increased temporarily the compensation of the men in the Postal Service, and the increase has amounted, as near as I can recall, to about 37 per cent over what the basic salary fixed in 1907 was, while the average increased cost of living has been about 78 per cent. The last increase we made, under what is known as House joint resolution 151, in November last year, averaged about 12½ per cent, and the increases that were made prior to that time averaged about 25 per cent. So that the increased compensation granted to men in the Postal Service has by no means kept pace with the increased cost of living. But it was fortunate for the Postal Service that the Congress had sufficient vision to make these increases as a war measure, for had the Congress not done that we would have had no Postal Service, as it was impossible to get men to serve in the Postal Service at any price. In the city of Detroit alone, where they have only about 1,400 men, the turnover in a single year was more than 3,500. So that it may be said that two and one-half times the number of people in the service in that office had gone out and come in in a single year. In the city of Akron the same may be said to be true. And when I was in Chicago in September, sit-

ting on the commission which is now in session for the purpose of revising the postal salaries and reclassifying the work, we found that they were obliged to take in 1,100 men from the streets, that were not taken from any classified list, and that out of those 1,100 men some would work an hour or two, some a day or two, and some a week or two, but none of the 1,100 or any other part of these extra men ever became qualified for the Postal Service. And the result was that on account of the onerous conditions under which the department was compelled to work during all the period of the war and since the war, they have not had the standard of intelligence among the incoming employees that is requisite for the proper conduct of the department. The men who are in this service must be educated if they are qualified to do the work. They must pass the civil-service examination before entering the service. They must be qualified before entering the service for the work they are called upon to do. The work of a clerk in the Postal Service is not like the work of an ordinary clerk in a department, for the postal clerk must be especially qualified. It takes him at least 10 years in a great office, working every night, before he is qualified for a day job.

So he works under conditions far more difficult than those of the men called into the Government service for clerical employment in various other branches of the Government.

They are also called upon to devote at least two hours every day of their own time, when they are off duty, to the consideration of problems with which they must be familiar in order properly to conduct the service that they are called upon to perform. They are required to study what is known as the scheme work; that is to say, they must understand just when and how to dispatch the letter so that it may get to the first train for delivery to its destination. That involves the learning of 3,000 post offices in the sections for which they are called upon to distribute. It may involve a study of the post offices of a whole State, and they must understand the box into which every letter that comes for any post office among the 3,000 is to go for earliest dispatch. They are not given the time during their working hours to make these studies. They must make these studies at home, and while everybody else in the Government service is permitted to go home when he completes his day's work and do what he pleases with his time off, these men, after going home, are compelled to devote at least two hours every day to the task of qualifying themselves for the work they are required to do when on duty. They are required to be on duty 10 hours every day, during which time they are called upon to work 8 hours, and in addition to that they are called upon to give these other 2 hours of their time. In addition to that they are required to take an examination every 30 days and are compelled in the examination to prove themselves qualified by passing at a standard of excellence equal to 99 per cent out of 100.

And so, you see, a man does not get an opportunity to become rusty in the Post Office Service. If he ever gets rusty, out he goes. And so I say that when we paid these men this additional compensation we did not do the men so much of a service as we did the Government, because we encouraged these men to hope for better things some time, and the last resolution passed by the Congress under which we gave them this small additional compensation in November has done more to facilitate the transaction of the postal business throughout the country than anything else we ever did.

These men, before the passage of that resolution, were downcast, disheartened, discouraged. They had lost hope. They feared that nothing was ever to be done for them. Yet their patriotism prompted them to attend to the business of the service. Although it is provided by law that the hours of service shall be only 8 in every 24, yet these men frequently were called upon to work 16 hours a day. They did it, and they did it without a murmur. They did it because it was necessary, because qualified men could not be had.

And as we go through the country taking testimony on the difficulties that surround the men who are engaged in this great service we wonder at the patriotism which they have displayed in every hour of every day throughout the whole period of the war. They were exempt from the military service under the selective-draft law, but they were not content to remain in the Postal Service. Wherever they could secure relief from the Postal Service they demanded that relief, and they went into the military service, and they came back here to join the force of their fellows again.

I am thankful to realize that we had the foresight while we were passing the draft law to provide that every man who had been in the Postal Service prior to the war and who had left it for the purpose of going into the war should find his place waiting for him on his return; not the place that he left, at the wages that he then received, but the place that he would have occupied, with the wages then applying to that place, at the period of his return. And I believe it is only fair to say that the Postmaster General has lived up literally to the provisions of the law and has reinstated every man that proved himself qualified and who rendered service to his country during the war.

There are many other things that ought to be done for these men in addition to the increase of the compensation which we have temporarily allowed them, and these things are being considered carefully now by the Postal Commission. The Postal Commission hopes to be able to make their report to the House and Senate within the next 60 days, and it is my earnest hope that when this report comes it will be of such a nature as to justify the appointment of the commission, for it is the belief of every man on that commission that the Postal Service ought to be made as popular as it is possible to make the service throughout the country.

The Postal Service is the people's service, the one great service in which all the people of the United States are interested, the one service that they look forward to every day. They look to see the man in gray coming toward their home every morning with a letter from their loved ones, here, there, and everywhere. These men in gray are the outposts of the Postal Service. They are the men who are in the front, the pickets, so to speak. The clerks, while doing just as patriotic service as the carriers, are not as well known to the people. The people think the Postal Service consists of letter carriers, and letter carriers solely. But it is not true. The letter carrier is the last word in the Postal Service in the delivery of mail. We drop a letter in a box; we go away and leave it; we give it no further consideration. We expect by some means or other that it will be delivered to our friend the next day. Our friends drop a letter in a box and go away and leave it, and expect that we will receive it the next morning. It is true that we do and they do. But the delivery of the letter is the last link in the chain, the last part in the transaction, for after the letter is dropped into the box some one in gray comes along shortly afterwards, quietly, and takes it out, puts it into his bag, puts it on his shoulder, and carries it to the post office, and there puts it on the distribution table, and a clerk dispatches the letter thus carried along through this distribution scheme that I have attempted to describe, and later on the letters are tied in packages, and still later on they are put into a wagon and transferred to the railroad station, put on a railroad train, and there we find in the silent hours of the night these faithful men, who are known as railway mail clerks, distributing this mail as they stand in the aisles of these railway mail trains, facing all the dangers of travel, many of them losing their lives, others being crippled for life as the result of their service and their distribution of the mail through the various towns through which the trains run as we sleep and give the matter no thought.

Then, again, the letter reaches its destination. It is carried from the railway station to the post office, perhaps a fourth-class post office, where the postmaster gets from $250 to not to exceed $1,000 a year for the work. The mail is distributed to the people in the neighborhood. If it is a village, it is a third-class post office. If it is in a city, it may be a second-class post office. If it is in a great metropolitan center, it is a first-class post office. There we find this great army of loyal, patriotic men and women working for the amelioration of conditions that are to be corrected throughout the country and delivering us the mail carrying information, messengers of love, condolence, and hope into every home.

We want to popularize the Postal Service. The men in the ranks want to popularize it, and they have done more by their loyalty and patriotism and industry and intelligence to make the Postal Service popular than has ever been done by any man who may have been in charge of the service at the top. Not that the men at the top are not necessary. They are; but the time has come when men can not be appointed to the places at the top because of political influence. The time has come when men must be appointed from the bottom to the top on account of their qualifications, experience, and knowledge, and if we are to perpetuate the popularity of the Postal Service as it has existed, and as I hope it will exist in the future, we must have a body of expert men from the bottom rung to the top rung of the ladder, and there is only one way in which you can get them. That is to put them in at the bottom and let them qualify for the higher places, and then qualify for still higher places as they go up and up, until we have chosen men who have grown up in the service and know every activity in it for every place of any importance. Then you will have an institution speaking for the American people, entering every home in the land—an institution made up of patriotic, loyal men who hold

their places on merit and not through influence. I thank the gentleman now occupying the position of Postmaster General for the inauguration of a system that makes what I have already said partially true, for under his recommendation the fourth-class postmasters are appointed as the result of examination, and third-class postmasters, too; but the time is coming when second-class postmasters and first-class postmasters must be appointed from the ranks of the service, from men who are qualified by knowledge and experience to conduct this great business enterprise, for that is what it is. And not only shall they be qualified and eligible to appointment as second and first class postmasters but to all the great executive branches of the Postal Service in Washington, from the Fourth Assistant Postmaster General up to the Postmaster General himself. Then the people may hope to see an enterprise conducted along economical, scientific business lines, managed by men who are trained in a work as to which they have expert knowledge, and then and then only can we hope to perpetuate the Post Office Department as a people's institution and manage it systematically and economically.

In days gone by we have given the Postmaster General authority to name what are known as accounting officers, one in every county; so that to-day instead of having 53,000 reports of transactions coming from 53,000 postmasters to the office of the Postmaster General we have only 3,000, one for each county. But even that system must be reformed, for it is not fair to make third and fourth class postmasters accounting officers. In this bill we have given to the Postmaster General the authority to name only second and first class post offices as accounting offices. Those offices have clerks, they have executive officers, they can qualify to do the work, and under this authority it will be possible for the Postmaster General to reduce still further the number of accounting offices and the number of accounts in this great department here in this city.

We are progressing slowly toward the stage of perfection. The progress must be slow, because the Congress has been jealous of its prerogatives. The Congress has hesitated to give to the Postmaster General authority which any great administrative officer ought to have. Some people have refused to give it because the Postmaster General is Mr. Burleson. Some have refused to give it because it is the Postmaster General, regardless of the personality of the man. I am one of those who believe that, no matter what a man's name may be or what his politics, the administrative officer of a great department like the Post Office Department ought, if we expect efficient management from him, to be given the right to determine questions of policy, and he ought to be given discretionary power in great matters of business such as he has to deal with here; and until we give that discretionary power to the Postmaster General we will still be handicapped by having in many instances to pay a dollar and a half for seventy-five cents worth of work.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I want to ask the gentleman whether he has thought over the question of the crowded condition of the post offices in the country, especially in the large cities. In our city of Baltimore we have efficiency, but it is very difficult to keep up the efficiency in the crowded conditions which have resulted from the establishment of the parcel post and the great increase of business.

Mr. MADDEN. As I said in the beginning of my statement, the marvelous growth of the business of the department makes me wonder how any man, no matter what vision he may have, can see the needs of the Postal Service and supply the machinery with which to conduct that service; because just about the time we get what we think is the most efficient machinery that can be had we find that it is obsolete on account of the continued growth of the service.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. MADDEN. I yield to the distinguished gentleman from Missouri.

Mr. CLARK of Missouri. In counties where there are only fourth-class postmasters, where is the accounting office going to be?

Mr. MADDEN. In such cases they will have to take in more than one county, and send the accounting to the place where they have a first or second class post office.

Mr. CLARK of Missouri. Suppose they have a great, big county?

Mr. MADDEN. There will be some cases of that kind, but in order to obviate the difficulty existing under the present system there must be greater latitude given to the Postmaster General, and he must be given the right to name men in first and second class post offices as accounting officers.

Mr. LINTHICUM. Will the gentleman yield again?

Mr. MADDEN. Yes.

Mr. LINTHICUM. What I had in mind when I asked the question was the building occupied by the post office.

Mr. MADDEN. That is what I had in mind. Take Chicago. We have no post office worthy of the name. We started in 1912 with a post office that was adequate to supply the needs at that time. Our revenues were then $12,000,000 a year. To-day our revenues are $40,000,000 a year, and we remain in the same office.

Take Boston; I think that post office is the shame of the century. It is not fit for a dog to live in, to say nothing of men working in it. It is an outrage. The same is true of St. Paul and of many other places. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLACK. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman and gentlemen of the committee, there is naught that I can say that would add to what has already been said by the gentleman from Illinois [Mr. MADDEN], who has preceded me and who has in a masterly manner described to the House the situation which exists in this great country of ours relative to its postal needs. To me it would be like painting the lily or filling the cup already full for anyone to add or embellish what he has so well said. I regard the gentleman from Illinois as the valedictorian in presenting the case on postal matters to the House. I did not rise to pay him a personal tribute, but in simple justice I pay him this courtesy for his fidelity to the Postal Service and as a most useful member of the committee, and particularly do I concur in his opinion and declared hope that the entire postal system will soon be operated by men trained and developed from the ranks. I subscribe to all that he has said in toto. Such a reform in the system, I am aware, would be by some regarded as revolutionary from a political or partisan standpoint, but the postal system transcends partisanship or politics; it is tremendous in its scope and its ramifications and is a gigantic problem which concerns the entire citizenry of the Nation.

The gentleman from Illinois has called it the people's institution. I designate it the people's university. It is more than an institution; it is more than a college, with its intricate branches and subdivisions, some of which are the Railway Mail Service inspectors, clerks, carriers, auditors, and administrative officers. Gentlemen, it is a most instructive university, of which every American citizen is a student, the teaching staff being the operatives and the Postmaster General and his assistants the faculty.

It needs no compelling argument to realize that this great army of 300,000 loyal, efficient, and patriotic Americans are deserving of the advantages proposed in the bill under consideration. You and I have both known many of our public and high school comrades who have entered the Postal Service.

Mr. MADDEN. Will the gentleman yield?

Mr. DONOVAN. Yes.

Mr. MADDEN. I want to add one thing: That in our investigation of the New England postal needs it was a revelation to find that nearly every man in the service was a college man.

Mr. DONOVAN. I am not at all surprised at that statement. I was born and reared in New England and speak particularly from observation and knowledge in regard to my former schoolmates in Connecticut, many of whom, upon completing their high-school course, entered the Postal Service. I have a country home in that State near my native city and during vacation periods frequently meet schoolmates of my boyhood days, many of whom have given 25 to 30 of the best years of their lives in unselfish service to the Government. Many are aged in a marked degree in comparison with other boyhood schoolmates who were no more talented than those who entered the Postal Service, but who affiliated their talents and energies with less exacting, time consuming, and laborious employment. The Post Office Department demanded recruits equipped with high educational and physical prowess, and these recruits entered the service, proud of the distinction of being chosen by their Government for a position of responsibility and trust. They had hoped that by fidelity to that trust the Government would reward them. Soon, however, age with its attendant cares crept upon them, and in most instances having families to support, their hope of reward was dimmed by the Government's delay in showing by commensurate compensation its appreciation of the great service rendered by them.

The Postal System is in its very nature a monopoly. It has no competitors. The men and women in the service become trained specialists, and those who remain in the service until middle life find no other market where they can sell their

talents and skill, and are thereby foreclosed from taking up other activities which would give them more leisure and greater compensation.

It is reassuring to note that this bill is more generous than any yet proposed and I heartily support it and urge its enactment into law, with the confident hope that the day is not far distant when the postal employee who epitomizes the ideal American public servant will be fully compensated for his or her efficient and loyal service to the Government. [Applause.]

Mr. BLACK. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I was particularly gratified with the remarks of the gentleman from Illinois [Mr. MADDEN]. I know that he has been a constant student on postal matters and a great friend of the postal employees. I know it is largely through his influence and work that salaries have been increased and that these men are now or will shortly be paid sufficient remuneration upon which to live. I am particularly gratified with the fact that Baltimore has such a splendid service, such a fine personnel, both in its clerks, its letter carriers, and the entire force of that city. My great wonderment is the fact that they are able to carry on the work as efficiently as they do in the face of the crowded condition of our post office. Many of our men are crowded into a basement, working with a poor light, mostly artificial light, endeavoring to carry on the postal work of the city that has grown to tremendous proportions, now having something over 700,000 inhabitants.

Since the Postal Service has been inaugurated and the work of the postal department has grown so enormously, it seems to me that Congress should undertake to get enlarged accommodations throughout the country. I know that in many of the post offices a great deal of space has been sacrificed to architectural effect. We might have had more light if we had had less architecture, and the result is that now we have very crowded conditions, and that obtains throughout the land.

I rise particularly to call attention of the House to the fact that if the other cities are crowded as Baltimore is crowded in its postal building, then certainly something should be done to enlarge the facilities for carrying on this work. I would like to see post offices constructed or enlarged throughout the country along the same line that a business man would enlarge his business buildings. We do not find the business interests of the country trying to carry on a tremendously increased business in a small structure, but we find them enlarging their business buildings, so that they may carry on the enlarged business, and that should be the case with the Post Office Department. I think we should undertake the construction of new postal buildings wherever they are necessary. For myself I should like to see the buildings for separate cities considered in separate bills, so that each city could go before the committee and present its necessities and then have the House act upon those bills. Something must be done. It is not just, it is not fair, it is not reasonable to expect these men to carry on this great work in the crowded conditions we find everywhere, using the artificial light that must be used.

I hope this Congress will take up the subject and force it to a conclusion, so that we may soon find ourselves with better facilities for carrying on this tremendous work, which means something to practically everyone in the land, rich or poor, for everyone enjoys the postal facilities of the country. The post office is their pride, it is the one thing they need every day, and it is the one thing which should be equipped to the very highest point of efficiency. [Applause.]

Mr. BLACK. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I yield those 15 minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, I have listened with great interest to the statements made by members of this committee who have in charge one of the great agencies of the Government. What has been said has been instructive and interesting. It is not my purpose, however, to speak on this subject, but I desire to address myself to a subject entirely foreign to it. I hesitate to do so, however, if there be any member of the committee or of the House who wishes to discuss the bill itself in the time that is allotted to me. If no one does, I shall proceed with what I had intended to say.

Mr. Chairman, to all lovers of America the fires of patriotism that swept our country in 1917 will never cease to be a source of unbounded pride and satisfaction. Many had despaired of the existence of such love of country as would carry and sustain us through a great war. As a Nation we had long lived a life of luxury and self-indulgence, as the result of the rapidly expanding wealth and the accumulation of the good things of life. More than 50 years had elapsed since the close of the last great war, and its grim and desperate features were familiar by personal experience to but few outside the ranks of the Grand Army of the Republic and the Confederate Veterans. Not a few feared that in the extremities of a great war we might prove what the Germans, and even the people of some other European nations, thought we would prove, a Nation of shopkeepers and dollar lovers, physically and spiritually too poor to sustain a great and noble cause. They thought we might justify the prophetic forecast of the poet—

> Ill fares the land to hastening ills a prey,
> Where wealth accumulates and men decay.

Happily, however, when the call to war came on the 6th of April, 1917, these fears were not realized—the people sprung to the defense of their country in the most spontaneous and gratifying way. Patriots in every walk of life strove to do what each individually could do to further the cause of our country. Doubtless we shall never again witness such an inspiring and generous unanimity in a great cause as that which existed throughout America in 1917 and 1918. There was a passion for sacrifice for country which was shared by rich and poor, by youth and age, by men, women, and children. The rich gave of their time and their wealth; the poor of whatever they had; and both joined in raising millions for the Red Cross and other beneficent organizations for the relief of our men in the camps and field. Age contributed the value of experience and foresight; youth—best of all—gave its brawn and muscle, sacrificed some of its best years, and many gave the supreme gift of all—life itself—to the great cause. Men gave all the masculine attributes to the national purpose—power, courage, sacrifice, and all the manly virtues—women contributed all the sweetness and sacrifice which is the crowning feature of their character, the service at home, in the camp, in the field—everywhere—whereby the brave soldiers might be kept in touch with the comforts of civil life, and braced up in heart and hope for the complete discomforts and dire dangers of a soldier's life.

As a people we took a sort of grim pleasure in submitting ourselves to the unaccustomed restrictions, conservation orders of food administrations, fuel administrations, railway administrations, war trade boards, shipping boards, press censorships, unappetizing things to eat and drink, high prices for food and clothes, because we felt that we were doing something for our country. Such was the "spirit of 1917."

Congress regretfully voted on April 6, 1917, that the state of war with Germany existed, and the country emphatically sustained Congress. A logical sequence to the declaration of war was the passage of the selective-draft law, which was even a greater strain upon the heartstrings of Congress than the fateful declaration itself, and again the country sustained Congress. Then came the trying days of the draft, when the boys were being taken from their employments and their homes, and it was wonderful how the country passed through that stormy period. The finest thing of all, however, was the soldiers—the officers and men. There were all manner of unaccustomed discomforts at the camps—unfurnished and windowless barracks, cold and rain, severe drills day after day, often undersupply of clothing, and other shortcomings due to inexperience and newness of everything. In many camps they were short of guns even for drilling purposes. These conditions were bad for both officers and men. But through it all, while we knew that these shortcomings existed, the men displayed a splendid fortitude. They were gradually being drilled into a magnificent army. Those who came in slouching and careless in action soon became erect, of fine bearing, quick and snappy soldiers. The change was marvelous.

Soon the eyes of the American people turned to France. First, Gen. Pershing, with a small force of Americans, saluted at the grave of the early friend of America and reported in the historic four words, "Lafayette, we are here!"

Followed thousands upon thousands of brave American soldiers, crossing the broad and tempestuous Atlantic, often in great discomfort. Enormous landing places, great ports in themselves, were constructed in France. Railways, telegraph lines, great hospitals, and vast camps were constructed. Before the end more than 2,000,000 of gallant American soldiers were in France, making good the declaration of their commander in chief at the tomb of Lafayette. This vast army was transported through seas swarming with the deadly and destructive submarines and explosive mines of Germany; and yet, due to the vigilance and skill of the magnificent American Navy, not a single soldier was lost through those dreaded and destructive agencies of the enemy who was on an American ship and convoyed by the American Navy. This wonderful testimony to the efficiency of our Navy, not yet fully understood and appreciated, will constitute one of the most impressive and gratifying pages of history of the war when that history is fully written.

As our splendid Army, evolved from the ranks of a free people not given to military exploits of conquest and close organization, was on the ground in Europe earlier than had been anticipated, so it also appeared on the field of battle sooner than was anticipated by the enemy or even by our allies. With rare magnanimity Gen. Pershing first permitted units of our Army to fill out the decimated armies of Great Britain and France, thus strengthening the allies' line, "with its back to the wall," as the gallant British general, Haig, had termed the situation, defending the approaches to Calais and Paris.

With what anxiety did the Nation at home contemplate the earlier entrances of American troops into the bloody conflict? We had great confidence in them, but we fully realized that modern war had perfected the methods of human destruction and that it was all new to our brave boys. Our hopes and prayers were with them. When the news came of their splendid courage and effective participation in the battle at Cantigny and later at Chateau-Thierry, where the last and greatest German onslaught to Paris and the sea was effectually stemmed by American soldiers and marines, and we realized that our men had had their "baptism of fire" and had come out with distinguished honor, a wave of happiness and pride swept across the country from the Atlantic to the Pacific, to distant Alaska, and to our islands in the seas. Rapidly following, came Belleau Wood, St. Mihiel, and the long and terrible battle of the Argonne Forest. Many other battles were fought, and everywhere our gallant officers and men maintained a high place for courage and achievement, and in every action of the hundreds in which from first to last they engaged, never once did they fail to uphold the splendid traditions of the American Army, builded on gallant deeds stretching from the War of the Revolution, through the Mexican War, accentuated in the hundreds of battles of the Civil War, and closing at Appamattox, through the Spanish War and the Philippine Insurrection, down to the present day.

All honor to the American soldiers and sailors, from the general and admiral commanding down through the various grades to the humblest private in the ranks and the sailors on the decks and the stoker in the fire rooms of our dreadnaughts and submarine chasers—every one of the 4,000,000 men—whether they succeeded in their universal desire to go overseas or not. Each one showed his patriotic wish to serve his country and his fellow men, even though it might cost that which all men most value—life itself. Every branch of American society was embraced in this modern crusade—every calling and every profession. The farmer deserted his fields, the blacksmith his forge, the lawyer his briefs, the merchant his store, the engineer his instruments of precision. These men so recently engaged in peaceful occupations soon found themselves in entirely new conditions and in various divisions of the military service. How splendidly did they play their parts in whatever branch of the service they found themselves, whether that service was upon the solid earth, upon the rolling seas, or in the unstable air; whether in the Infantry, the Cavalry, the Artillery, the Tank Service, or whatever remained on the ground; whether on battleship, cruiser, torpedo-boat destroyer, or submarine on the water; or whether in observation balloons along the battle line or in airplanes sailing over the enemy armies, fighting his airplanes and noting the disposition and movement of his troops.

Among all the 4,000,000 brave Americans who offered themselves, if need be, for the great sacrifice, the members of no profession responded more freely or placed themselves more absolutely at the disposal of their country than did those of the medical profession. We might not go beyond the truth to say that in proportion to their numbers, and because of the highly essential nature of the services which they could render their country, they volunteered with greater freedom and with less regard to their personal fortunes and individual interests than the members of any others of the learned or scientific professions. Personally I knew dozens—perhaps hundreds—of instances where members of their noble profession left valuable and lucrative practice and—what is still more dear to the masculine heart—beautiful and loving wives and children for the hard labor in rude hospitals, in camps, and adjacent to hard-contested battle fields, for compensation so small as to but poorly sustain their families, who had before enjoyed most comfortable and well-provided homes. They are worthy of all honor. How many lives of our brave boys they have saved; how many through their skillful ministrations have been brought back to physical fitness, of value to themselves and to society. Never should we for a moment forget their splendid and brave assistants, of frailer physique but of the same stout and devoted hearts, the female nurses. All these noble and splendid conservers of human capacity for the physical work of life and of life itself should be held by all Americans in eternal respect, honor, and love. The little five-pointed metal star which henceforth they are entitled to wear, like the small copper button of the veterans of the Civil War, should carry with it a peculiar significance, entitling its wearer to the salute which honors brave deeds and service to country—if not the physical salute, then the salute in mind and spirit which honors and reveres the defenders of America.

Here in Congress, my colleagues, let us who represent all these brave soldiers, who represent the fathers and mothers and the wives who consented to their going and bade them farewell with God's blessing, never forget their services to the country. We owe them a duty to remember them in our legislation. Let us not permit ourselves in the pressure of general legislation, which all of us feel from day to day, to forget to do them justice, particularly those who suffer from wounds or disease. Let us not permit the requirements of form and red tape to prevent them from receiving the consideration and benefits which Congress really desires that they shall have. Our plans for these brave men have not in all cases worked out as well as we had hoped they would.

Let us revise and amend these laws wherever needed, always keeping in mind the duty that the American people and the American Congress owe to the heroes who braved death for their country on land, on sea, and in the air—at Cantigny, at Chateau-Thierry, at St. Mihiel, at Belleau Wood, and a hundred other battle fields. [Applause.]

Mr. BLACK. Mr. Chairman, I yield five minutes more to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman, I am not going to confine my remarks to this Post Office appropriation bill. That field has been thoroughly covered by gentlemen who preceded me. In working on this appropriation bill, beginning some time prior to the time when the committee held its hearings, and comparing the appropriations of this bill with the expenditures of the Post Office in previous years, I pursued my investigations to the total national expenditures from the foundation of our Government to the present time, ending with our current expenditures, revenues, and the status of our bonded indebtedness.

This Post Office appropriation bill carries appropriations for the fiscal year of 1921, which commences July 1 next. The total amount of this bill is $461,728,368, which is more for this one department of government than it took in the early nineties to pay for all the activities of the Government. In 1892 the total expenditures of the Government were only $445,382,293, an amount less than the amount we authorize in this bill for the Post Office Department alone for the fiscal year 1921.

When we go back to the beginning of our Government and follow the growth of the national expenditures to the present time, it is apparent that the growth of national expenditures is out of all proportion to our growth in either population or wealth. In Washington's administration, from September 2, 1789, to December 31, 1791, a period of over two years, the total national expenditures were $3,797,436.78. His second term was more expensive; the highest annual expenditures were $10,435,069.65 in 1795. The highest annual expenditures during the administration of John Adams were $11,989,739.92 in 1800. In Jefferson's administration the highest annual expenditures were $16,764,584.20 in 1808.

During the Madison administration we had the War of 1812. The highest annual expenditures during that war were $39,190,520.36 in 1813, a little over $22,000,000 more than the highest annual expenditures during the previous administration. Our school histories lead us to believe that the War of 1812 was a great war, but it is evident that war then did not cost so much as it does now.

Coming on down through the administrations of Monroe, John Q. Adams, Jackson, Van Buren, and Harrison and Tyler we find the annual expenditures varying from $12,000,000 during the administration of Tyler to $39,000,000 during Van Buren's administration. The Mexican War occurred during Polk's administration. This was another great war, according to our school histories. The highest annual expenditures during this administration were $59,451,177.65 in 1847, or $20,000,000 more than the high-water mark of the Van Buren administration.

I do not want to weary the House with these figures, so I will hasten. The highest annual expenditures prior to the Civil War were $83,751,511.57 in 1859. During the Civil War the expenditures increased greatly. The highest were for the fiscal year ending June 30, 1865, when they were $1,897,674,224.09. Then

they decreased rapidly. The lowest annual expenditures since the Civil War were for 1869, and the amount for that year was $321,490,597.75. It will be interesting to note in passing that this sum is almost four times more than the highest annual expenditures before the Civil War.

From 1875 to 1889 the national expenditures exceeded the $400,000,000 mark but once. Since 1889 there has been a constant increase until the three years preceding our entrance into the World War—1914, 1915, and 1916—the annual expenditures for each of those years exceeded the billion-dollar mark.

The annual expenditures during the World War, according to the figures given to me in a letter from the office of the Secretary of the Treasury, were as follows:

1917	$3,046,183,746.19
1918	21,813,356,508.39
1919	18,514,000,000.00

Now, let us come down to the problem we have before us for the next fiscal year, for which Congress must authorize appropriations prior to June 30 next. I submit here for the RECORD in parallel columns the total expenditures of each department for the fiscal year 1916, the year before the war, and what the administration asks for the fiscal year 1921, the year after the war. At any rate, we hope the war will be legally ended by the 1st of next July.

	Expenditures for fiscal year 1916.	Administration estimates for fiscal year 1921.
Legislative	$13,848,037.16	$19,844,934.95
Executive proper	395,949.11	2,221,224.00
State Department	6,444,594.11	12,920,609.91
Treasury Department	121,308,214.33	1,674,233,922.85
Independent bureaus and offices	7,221,833.24	508,749,449.59
District of Columbia	18,633,853.15	23,285,316.03
War Department	166,853,552.23	1,208,901,505.92
Navy Department	155,883,194.66	580,674,130.80
Interior Department	201,658,832.61	294,370,826.81
Post Office Department	313,499,162.80	398,837,543.00
Department of Agriculture	28,031,540.33	72,568,102.00
Department of Commerce	11,493,722.17	33,705,038.49
Department of Labor	3,531,144.47	8,974,574.00
Department of Justice	10,602,453.28	17,946,471.35
Panama Canal	17,503,728.07	18,245,391.00
Adjustment of miscellaneous accounts	1,016,310.50	
Total	1,072,894,093.23	4,855,410,031.62

Comparing the figures in these columns is most interesting. Every Government activity shows an increase. Some of the increases are astounding. Most of these increases can and will be reduced, with the exception of the Post Office Department. This department is the only department of Government that pays for itself. The increase in this department represents the natural growth of business of that department and the increases to the employees made necessary by the increased cost of living. The salary increases were not estimated by the department, which accounts for the committee's increase over the department's estimate.

I call your attention to the increase for the Treasury Department. This includes over a billion dollars for interest on our national debt and for benefits to the soldiers and sailors through the War Risk Insurance Bureau. These amounts can not and will not be reduced.

Now I call your attention to the astounding increase asked for by the War Department. The year prior to the war we spent for the Army $166,853,552.23. For next year they ask $1,208,901,505.92, about eight times the highest amount expended before the war and more than it cost to operate every activity of the Government before the war. I do not want to discuss the league of nations at this time, but permit me to make this observation in passing. Last summer when it appeared that the league would be forced through the Senate just as it came from the secret peace conference at Paris the Secretary of War and the Chief of Staff, with the knowledge and approval of the President undoubtedly, appeared before the Military Affairs Committee of the Senate and proposed a military program which, among other things, provided for a peace-time standing army of 576,000 men. Knowing that such a standing army could not be raised and maintained in time of peace by voluntary enlistments, the program further provided for conscription in time of peace to keep up this standing army and for authority to send the Army to any part of the world where mandates might be assumed or police required. After it became evident that the league could not pass the Senate without strong American reservations, Gen. Pershing last fall appeared before the House Military Affairs Committee and testified that in his judgment a standing Army of 250,000 men would be sufficient. If this appropriation for the War Department can be cut down in the same proportion, a material saving can be made on this one item alone.

The Navy is a little more modest. The year before the war the Navy cost $155,883,194.66. The amount asked for next year is $580,674,130.80. As I am going to place this table in the RECORD, Members can for themselves make comparisons of the other departments and bureaus.

The total amount expended for the year prior to the war was $1,072,894,093.23. The amount demanded by the administration for next year, which does not include salary increases to Government employees and other items heretofore called to the attention of Congress, such as deficiencies on war contracts, railroads, good roads, and so forth, is $4,865,410,031.62.

Mr. MADDEN. There is about a billion to be added.

Mr. RAMSEYER. The gentleman is correct in his statement; so that the amount is more nearly $6,000,000,000.

Mr. MANN of Illinois. And the interest on the public debt besides.

Mr. RAMSEYER. The interest on the public debt is included in the increase provided for the Treasury Department, to which I called the attention of the House a moment ago.

Mr. MADDEN. On which the interest is $1,017,000,000. And there was $75,000,000 in the last year's Post Office bill for good roads, and at least $400,000,000 will have to be paid to the railroads, which are not included in the estimates, and $250,000,000 increased compensation.

Mr. RAMSEYER. I thank the gentleman for his statement, because I know he speaks with authority on this subject.

THE NATIONAL DEBT.

The national debt, according to the Secretary of the Treasury, was $971,562,590 on June 30, 1916. On June 30, 1919, it was $25,484,506,160.05. By next June 30, by the same authority, the debt will be $26,516,506,160.05.

Mr. MADDEN. If the gentleman will permit, if bonds had been issued to cover the deficit of $3,050,000,000, it would amount to about $30,000,000,000.

Mr. RAMSEYER. Right here let me state that it is my understanding that there are about $23,000,000,000 of the debt in bonds—war bonds—and that the rest of the debt of $3,000,000,000 is in Treasury certificates, which are renewed every six months. Is the deficit to which the gentleman refers in the Treasury certificates?

Mr. MADDEN. There is a $3,000,000,000 deficit that is covered by the certificates. And, further, we have contract adjustments due to the unfinished and unadjudicated contracts for the war which will probably involve over two or three billion dollars more.

Mr. RAMSEYER. According to the Treasury Department, the cost of the war was $32,000,000,000. But I know that that does not include many things that have not yet been paid for, and which will have to be paid for; and there is no doubt in my mind that the war has cost considerably more than $32,000,000,000.

To pay the annual interest on the national debt will require the raising of revenues of over $1,000,000,000. For a number of years to come the interest on the national debt will be about the same as the total annual expenditures before the war.

Mr. BLANTON. Will the gentleman yield?

Mr. RAMSEYER. I will be glad to do so.

Mr. BLANTON. I am sure the collocation of figures here is of interest to men who want to make value of them. But what idea has the gentleman of giving value to the country by putting all these figures in the RECORD?

Mr. RAMSEYER. The Members here not only have the right to know, and should know, but the people also have a right to know what is the status of our national finances.

Mr. BLANTON. I was trying to gather whether it was the gentleman's idea that we should profit by these figures by beginning a sure-enough bona fide course of economy here.

Mr. RAMSEYER. That is something about which I shall have something to say before I conclude. We have had preaching enough about economy. It is easy to preach economy. I am sure the gentleman will join me with acts and deeds of economy.

The credits established by the Secretary of the Treasury in favor of foreign Governments since April 6, 1917, were at the close of the business day of October 24, 1919, as follows:

Belgium	$343,445,000.00
Cuba	10,000,000.00
Czechoslovakia	55,330,000.00
France	3,047,974,777.24
Great Britain	4,277,000,000.00
Greece	$48,236,629.05
Italy	1,620,922,872.99
Liberia	5,000,000.00
Roumania	25,000,000.00
Russia	187,729,750.00
Serbia	26,780,465.56
Total	9,647,419,494.84

It will be observed that the 11 foreign Governments to which we made loans during the war owe us nearly $10,000,000,000. For these loans we hold from the 11 foreign Governments demand certificates of indebtedness which bear interest equivalent to the rate of 5 per cent per annum, but arrangements have been made with these Governments by the Treasury Department to provide for the funding of the interest on these obligations for the next three years. In other words, these Governments will pay us no interest during the next three years, amounting to over $400,000,000 annually. During this period this interest will be paid by the American taxpayer. In a letter to me the Treasury Department explains this arrangement as follows:

> In view of the present derangement of the foreign exchanges, it would add to the difficulties of the situation and would not be to the advantage of the United States to require cash payment of interest.

Whether these foreign loans will ever be paid back is problematical. Some of them will be, undoubtedly, and I hope all. It is a fact that we have been urged to cancel them. I will never consent to that. While in France last spring I was reliably informed that certain of the European nations urged before the peace conference that we should assume a proportionate part of the allied war debts incurred before our entrance into the war. We will pay the debt we made and no more. Our Government has even been approached to guarantee the German indemnity to the allied nations. On this point the following Paris dispatch carried in our metropolitan press December 31, 1919, is significant:

> Discussing the loan, Alexander Ribot asked Premier Clemenceau reguarding guaranteeing of the German indemnity by the Allies. The premier replied, "That can not be taken up now because of the situation in Washington."

We must attend to it that the "situation" in Washington remains unchanged on this subject.

REVENUES TO MEET EXPENDITURES.

From 1866 to 1910 practically all the revenues to meet national expenditures were raised by indirect taxation, chiefly from customs duties and from internal revenue. These indirect taxes were paid by the people in a manner that did not call to their especial attention when and how much they contributed to the support of their National Government. However, with direct taxes in vogue since 1910, and especially during the World War, it is very different. The taxpayer knows when and how much he contributes to the maintenance of the National Government, and most naturally he will be inclined to hold to a stricter account the public servants who are intrusted with the expenditure of the public funds.

As an illustration of the transition from indirect taxation to direct taxation, I quote Mr. Good, of Iowa, chairman of the Committee on Appropriations, in his report on the national budget system:

> For the fiscal year 1909 the total ordinary receipts aggregated $603,589,489.84, of which $300,711,933.95 came from customs duties, $246,212,643.59 came from internal revenue, and the balance was received from the sale of public lands and other miscellaneous items, whereas for the fiscal year ending June 30, 1919, the total receipts from customs amounted to $184,457,867.39, while the internal revenue, including income taxes and corporation and excess-profits taxes, amounted to $3,839,950,612.05.
>
> It is thus seen that in the future by far the greater part of the revenue required for conducting the public business must come from direct taxes. This, coupled with the further fact that the ordinary expenses for running the Government will in the future probably exceed $4,000,000,000 a year, will cause the public to take a much greater interest than heretofore in appropriations by Congress. The political issues of the future will not be centered around the tariff but rather around the problems of economy as reflected in the appropriations made by Congress. If this is true, Congress must place itself in a position where it can meet these problems in the most efficient way. The soundest and most approved methods of business transactions must be adopted by Congress if it is to perform well and efficiently the duties which this new condition creates.

Prior to the World War during nearly every fiscal year there was a surplus of receipts over the expenditures. To be more specific, from 1866 to 1917, inclusive, the receipts exceeded the expenditures for each year with the exception of 1894, 1895, 1896, 1897, 1898, 1899, 1905, 1908, 1909, 1915, and 1917. The total amount by which the expenditures exceeded the receipts for the 11 years just named is $443,766,744.70. For the 52 fiscal years, 1866 to 1917, inclusive, the receipts exceeded the expenditures in 41 years, the total of such excesses for that period being $2,591,453,184.16.

The total receipts of the National Government during the war (not including moneys received from the sale of bonds) for each fiscal year ending June 30 were as follows:

1917	$1,452,302,345.80
1918	4,003,022,472.42
1919	5,515,882,546.40
1920 (estimated, including sales of war property)	6,203,000,000.00

It is estimated by experts of the Treasury Department and in Congress that for some years to come our national expenditures annually will not be less than $4,000,000,000, and possibly as high as $5,000,000,000. This is on the assumption, of course, that the world will settle down soon on a peace basis. It is generally conceded by gentlemen in a position to know that we can not greatly increase the total revenue receipts by indirect taxation over what they were before the war, and especially in 1910, when we collected $333,683,445 from customs duties alone, the highest ever collected in any one year from that source. So one thing is quite certain, that by far the greater portion of the revenues to be raised hereafter must be raised by direct taxation.

I have sought an opportunity to make this statement so that all who are interested in our national finances can get a clearer grasp of this very important and vital subject. Congress enacts laws to raise the revenues and makes appropriations authorizing the expenditure of moneys in the Treasury; but the administration, through the various executive departments, spends the money. Because of the greatly enlarged expenditures for the Government in the future it behooves Congress to keep a closer check on the spending departments of the Government. Most of the money to be expended in the future will come directly from the pockets of the people; and the people will hold every public official to the strictest economy, and very justly so.

The people will cheerfully pay the interest and principal on the national debt incurred in winning the World War. They will gladly pay for any generous provisions and benefits to the soldiers, sailors, and marines who made possible the winning of the war. They will not murmur because they are taxed to maintain any legitimate Government enterprise. But hereafter economy must be the watchword. Waste, extravagance, useless offices, and questionable ventures must be eliminated by the National Government. On the other hand, to meet the necessary annual expenditures of the Government and to pay off the national debt, it will be necessary for the people as a whole to practice economy in their daily life and to produce more. A nation in debt, as an individual in debt, can get out from under the debt only by working and saving. [Applause.]

Mr. Chairman, under leave to extend my remarks I submit the following:

Total annual expenditures by the United States Government from Sept. 2, 1789, to June 30, 1920.

Administration	Total expenditures.
George Washington—	
From Sept. 2, 1789, to Dec. 31, 1791	$3,797,436.78
1792	9,141,569.67
1793	7,529,575.55
1794	9,302,124.74
1795	10,435,069.65
1796	8,367,776.84
John Adams—	
1797	8,626,012.78
1798	8,613,517.68
1799	11,077,043.50
1800	11,989,739.92
Thomas Jefferson—	
1801	12,273,376.94
1802	13,276,084.67
1803	11,258,983.67
1804	12,624,646.36
1805	13,727,124.41
1806	15,070,093.97
1807	11,292,292.99
1808	16,764,584.20
James Madison—	
1809	13,867,226.30
1810	13,319,986.74
1811	13,601,808.91
1812	22,279,121.15
1813	39,190,520.36
1814	38,028,230.32
1815	39,582,493.35
1816	48,244,495.51
James Monroe—	
1817	40,877,646.04
1818	35,104,875.40
1819	24,004,199.73
1820	21,763,024.85
1821	19,090,572.69
1822	17,676,592.63
1823	15,314,171.00
1824	31,898,538.47
John Q. Adams—	
1825	23,585,804.72
1826	24,103,398.46
1827	22,656,764.04
1828	25,459,479.52
Andrew Jackson—	
1829	25,044,358.40
1830	24,585,281.55
1831	30,038,446.12
1832	34,356,698.06
1833	24,257,298.49
1834	24,601,982.44
1835	17,573,141.56
1836	30,868,164.04

Administration—Continued.	Total expenditures.
Martin Van Buren—	
1837	$33, 830, 097. 21
1838	39, 455, 438. 35
1839	37, 614, 936. 15
1840	26, 643, 656. 12
Harrison and Tyler—	
1841	32, 025, 070. 70
1842	32, 936, 876. 53
1843	12, 118, 105. 15
1844	33, 642, 010. 85
James K. Polk—	
1845	29, 968, 206. 98
1846	28, 031, 114. 20
1847	59, 451, 177. 65
1848	58, 241, 167. 24
Taylor and Fillmore—	
1849	57, 631, 667. 82
1850	43, 002, 168. 69
1851	48, 005, 878. 68
1852	46, 712, 608. 83
Franklin Pierce—	
1853	54, 577, 061. 74
1854	75, 354, 630. 26
1855	66, 164, 775. 96
1856	72, 726, 341. 57
James Buchanan—	
1857	70, 822, 724. 85
1858	82, 062, 186. 74
1859	83, 751, 511. 57
1860	77, 462, 102. 72
Abraham Lincoln—	
1861	84, 578, 834. 47
1862	570, 841, 700. 25
1863	895, 796, 630. 65
1864	865, 234, 087. 86
Lincoln and Johnson—	
1865	1, 897, 674, 224. 09
1866	1, 141, 072, 666. 09
1867	340, 729, 129. 33
1868	377, 340, 284. 86
Ulysses S. Grant—	
1869	321, 490, 597. 75
1870	703, 155, 391. 44
1871	692, 238, 332. 40
1872	682, 360, 760. 17
1873	524, 044, 597. 91
1874	408, 358, 615. 00
1875	377, 716, 938. 00
1876	365, 344, 356. 00
Rutherford B. Hayes—	
1877	338, 458, 987. 00
1878	339, 465, 202. 00
1879	405, 725, 732. 00
1880	397, 148, 016. 00
Garfield and Arthur—	
1881	384, 752, 946. 00
1882	369, 540, 668. 00
1883	367, 851, 213. 00
1884	345, 929, 182. 00
Grover Cleveland—	
1885	361, 659, 426. 00
1886	344, 068, 029. 00
1887	368, 679, 951. 00
1888	360, 837, 281. 00
Benjamin Harrison—	
1889	385, 315, 219. 00
1890	400, 095, 319. 00
1891	465, 979, 339. 00
1892	445, 382, 293. 00
Grover Cleveland—	
1893	492, 324, 027. 00
1894	480, 360, 798. 00
1895	474, 352, 879. 00
1896	478, 497, 145. 00
William McKinley—	
1897	497, 642, 512. 00
1898	578, 984, 163. 00
1899	746, 601, 266. 00
1900	635, 614, 393. 00
McKinley and Roosevelt—	
1901	657, 865, 253. 00
1902	625, 084, 600. 00
1903	673, 429, 859. 00
1904	739, 246, 428. 00
Theodore Roosevelt—	
1905	755, 350, 207. 00
1906	752, 163, 780. 00
1907	766, 424, 575. 00
1908	850, 880, 415. 00
William H. Taft—	
1909	905, 132, 383. 00
1910	911, 025, 594. 00
1911	913, 098, 258. 00
1912	925, 695, 713. 00
Woodrow Wilson—	
1913	967, 737, 255. 00
1914	1, 006, 662, 216. 00
1915	1, 052, 848, 682. 00
1916	1, 072, 894, 093. 23
1917	3, 046, 183, 746. 19
1918	21, 813, 356, 508. 39
1919	18, 514, 000, 000. 00
1920, estimated	11, 476, 627, 219. 00

Mr. BLACK. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Texas has six minutes remaining and the gentleman from Minnesota four minutes.

Mr. STEENERSON. Yesterday the gentleman from Texas [Mr. BLANTON], in his usual energetic manner, called attention to the fact that he desired legislation in regard to these unusual conditions due to the oil developments of Texas. He criticized the Republican side of the House, because he said there were only 13 or 14 of them who were here when this item of legislation, in which he was interested, was pending, and intimated that the party was deserving of criticism. But it seems to me the gentleman had no grievance. He stated himself that these conditions in Texas arose a year ago, and the other gentleman from Texas [Mr. PARRISH] said they arose a year and a half ago. So that for nearly a year, or, anyway, nine months, before the Republicans got control of the House of Representatives these conditions existed in Texas and no attempt at legislation was made. The Post Office appropriation act was not finally adopted until the 28th of February. It seems to me that they could, if these conditions were so critical, have attended to it then, as they controlled the Congress. The first the present chairman of the Post Office Committee heard of this was in October last, when we had under consideration a conference report on House joint resolution 151, when the gentleman from Texas [Mr. BLANTON] criticized the committee, and stated that he had called the attention of the department to it, and the department had requested legislation of the Post Office Committee. I felt that it was an unfounded statement at the time so far as the committee was concerned. I believed the gentleman was mistaken as to which committee he referred, because, it being an emergency, it was the usual course, if it was requested at all, to request it from the Appropriation Committee, and therefore I felt that the Post Office Committee was not derelict in any way. But I wrote to the Postmaster General, and I will have the answer read in a few minutes. I want to quote these words from it. It is dated November 12, 1919, and it says:

> In compliance with your request for advice as to the situation in the post office referred to by Mr. BLANTON, I wish to say that while I do not know the name of the office in question the departmental records fail to indicate the necessity for legislation to provide for payment in excess of the present maximum rate of $1,000 per annum to postmasters at offices of the fourth class. The difficulty experienced by the department in securing postmasters has been negligible, and while there have been a considerable number of resignations at the smaller offices, this condition is to be expected, and no serious difficulty has been experienced in filling vacancies thus caused.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. Mr. Chairman, I yield five minutes more to the gentleman from Minnesota.

Mr. STEENERSON. Mr. Chairman, I send this letter, with memorandum, to the desk, and ask that it be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., November 12, 1919.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. CHAIRMAN: Referring to your letter of the 25th ultimo, and my reply of October 29, regarding statements by Hon. THOMAS L. BLANTON during the debate on House joint resolution 151 on October 24 relative to the provision of law limiting the compensation of postmasters at offices of the fourth class to $1,000, exclusive of money-order fees, I wish to say that the departmental files fail to show that your committee has ever been requested to consider legislation so amending the act of March 3, 1883 (22 Stat., 600; ch. 142), as to provide for advancement of an office from the fourth to a higher class prior to the expiration of one year in the lower grade. The statute referred to has been amended several times in recent years so as to provide increased compensation within the maximum of $1,000 allowable to postmasters at offices of that class, but the provision for reclassifying such an office, which involves a readjustment of the postmaster's salary, has invariably restricted such advancement to the showing made by the office for "four consecutive quarters."

With reference to the Congressman's statement to the effect that he had been advised by Mr. Ellsworth, of this department, that the attention of your committee has been called to this matter, I am inclosing for your information memorandums submitted to me by Mr. Ellsworth, superintendent of the Division of Post Office Service, and Mr. W. S. Ryan, assistant superintendent of that division, covering interviews with the Congressman as accurately as is possible from memory.

In compliance with your request for advice as to the situation in the post office referred to by Mr. BLANTON, I wish to say that, while I do not know the name of the office in question, the departmental records fail to indicate the necessity for legislation to provide for payment in excess of the present maximum rate of $1,000 per annum to postmasters at offices of the fourth class. The difficulty experienced by the department in securing postmasters has been negligible, and, while there have been a considerable number of resignations at the smaller offices, this condition is to be expected, and no serious difficulty has been experienced in filling vacancies thus caused.

You will appreciate the fact that the resignation of a postmaster at a small office, such as those of the fourth class, is not in any respect a serious matter and does not tend to materially impair the service.

The records show that the department has been very liberal in the matter of allowances out of the appropriation for unusual conditions for quarters and employment of clerical assistance at offices in the Texas oil fields, and it is my opinion that the service in that section has been and is at this time as good as could reasonably be expected, in view of

the phenomenal conditions and the almost insurmountable difficulties encountered in the delivery of the mails as a result of the transient nature of the population of the towns in the oil belt.

Very truly, yours,

A. S. BURLESON,
Postmaster General.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, October 28, 1919.

Memorandum.

Statements by Hon. THOMAS L. BLANTON during the debate on H. J. Res. 151, on the 24th instant, are surprising. It is no doubt obvious that I would not advise a Congressman that legislation to provide for increasing the compensation of postmasters at offices of the fourth class had been requested of the Committee on the Post Office and Post Roads. So far as I know, such legislation has never been contemplated by the department, nor has it ever been considered necessary to the proper administration of the Postal Service. It is a fact that in a very few isolated cases, where unusual conditions exist, such as is the case at this time with reference to perhaps two or three fourth-class post offices in the Texas oil fields, postmasters at such offices are required for a few months to perform a higher grade of service than is as a rule expected of postmasters of fourth-class offices. However, under the law an office of the fourth class may be advanced to the third, second, or first class if the receipts for four consecutive quarters warrant such advancement, and it has been the experience of the department that fourth-class offices which for a few months are burdened with extra duties on account of some unusual business activity are as a rule more than compensated for this hardship by the salary paid after the advancement of the office, as the business frequently declines shortly after such advancement, with the result that the postmaster during his second year of service is not required to perform duties commensurate with the salary paid. Nitro, W. Va., is a case in point, and several other similar ones could be cited.

Congressman BLANTON has been advised by me that the appropriation for unusual conditions could not be used to augment the compensation of a postmaster at an office of the fourth class, inasmuch as the law specifically limits the salary at such an office to $1,000 per annum. The Congressman has been further advised that this appropriation was available for the employment of clerical assistance and rental of quarters at such offices, and this, as our records will show, has been done in every instance where the facts justified such action. In fact, with particular reference to the offices in the district represented by Mr. BLANTON, the files will show that the department has been very liberal in the matter of allowances, large sums having frequently been authorized by telegram on the request of the postmaster, without waiting to have an investigation made to determine the necessity for the expenditure of the amount requested.

The Congressman's statement relative to his efforts to secure aid from the department is astonishing. While he does not mention the number of visits made, the fact of having "worn out three pairs of shoes" in traveling to and from the department would indicate numerous calls. I would not attempt to hazard a guess as to the number of visits made to the department by Mr. BLANTON, but I think it is safe to say that he has not called at my office more than six times during the past six months. The files will show that he has written numerous letters concerning conditions at various offices in his district, and each communication received from him has been given very prompt and careful attention.

G. D. ELLSWORTH, *Superintendent.*

During the reading the following occurred:

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. STEENERSON. Can not we read the balance of that?

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that out of the regular time the balance of the letter may be read.

Mr. MANN of Illinois. Has not all time expired?

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] has one minute remaining.

Mr. BLACK. I promised to yield that one minute to the gentleman from Texas [Mr. BLANTON].

Mr. STEENERSON. All right. We will print it in the RECORD.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that it be read.

The CHAIRMAN. The Chair will state it can not be done in the committee, the time for general debate having been fixed by the House.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the letter be printed in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the balance of the letter be also printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK. Mr. Chairman, I yield the remaining time to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, this whole controversy is based upon numerous requests I made of the Post Office Department to furnish proper service to the oil-belt offices in my district and to the people of Desdemona, Tex., which grew from a little town of about 100 people to a town of approximately 20,000 people in a very few months. You could hardly get a man to act as a fourth-class postmaster for a first-class office. As soon as I can get the time I will place the real facts connected with this matter before the House.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Minnesota moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having assumed the chair as Speaker pro tempore, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTCHINSON, for 10 days, on account of important business;

To Mr. ROWAN, for five days, on account of the sickness of his son;

To Mr. NICHOLS of Michigan (at the request of Mr. SCOTT), for three days, on account of illness;

To Mr. RHODES (at the request of Mr. DYER), for two days, on account of illness; and

To Mr. JOHNSON of Washington (at the request of Mr. HADLEY), for the day, on account of illness.

LANDING OF THE PILGRIMS.

Mr. WALSH. Mr. Speaker, I ask unanimous consent for the present consideration of the House concurrent resolution which I send to the desk.

The SPEAKER pro tempore. The gentleman from Massachusetts asks for the immediate consideration of the House concurrent resolution which he sends to the desk. The Clerk will report it.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the time in which the joint special committee shall report, which committee was appointed under the provisions of the resolution (H. Con. Res. 14) of the present Congress authorizing the appointment of a joint special committee to confer with the officials of the Commonwealth of Massachusetts and others relative to the participation by the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims, be, and the same is hereby, extended until March 1, 1920.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARNER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Massachusetts [Mr. WALSH] if this is the third or fourth or fifth extension?

Mr. WALSH. I will state to the gentleman that this is the third extension, and I feel very much humiliated to be compelled to ask the extension. But two distinguished Members of the other branch who are very busy Members have been absent, and the committee has been unable to convene and consider a report. We have been unable to get the views of all the Members, and it was felt that if we could have this present postponement the recommendation of the committee would be made long before the date fixed. I have made it sufficiently remote so as to provide for any further contingency that might arise.

Mr. GARNER. The gentleman does not think that he will have to ask for any further extension of time?

Mr. WALSH. I am glad to say that I do not think it will be necessary.

The SPEAKER pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, a division.
The SPEAKER pro tempore. A division is demanded.
The House divided; and there were—ayes 26, noes 1.
So the concurrent resolution was agreed to.

ADJOURNMENT.

Mr. STEENERSON. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until Monday, January 12, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
1. A letter from the Secretary of the Navy, transmitting the average number of employees of the Navy Department receiving the increased compensation at the rate of $240 per annum during the first four months of the fiscal year 1920 (H. Doc. No. 588); to the Committee on Appropriations and ordered to be printed.
2. A letter from the Secretary of Commerce, transmitting a petition received from the inspectors and clerks of the Steamboat-Inspection Service at Cleveland, Ohio (H. Doc. No. 589); to the Committee on Appropriations and ordered to be printed.
3. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of State for contingent expenses and for foreign intercourse, fiscal year 1920 (H. Doc. No. 590); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11239) granting an increase of pension to Marguerite Murphy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. KENNEDY of Rhode Island: A bill (H. R. 11633) to provide for the purchase of a site and the erection of public buildings at Providence, R. I., for use as a quarantine station; to the Committee on Public Buildings and Grounds.
By Mr. VARE: A bill (H. R. 11634) providing for the appraisement of the value, the purchase of, and the operation of the pneumatic mail-tube properties in the city of Philadelphia and other cities where such equipment is now located; to the Committee on the Post Office and Post Roads.
By Mr. STRONG of Pennsylvania: A bill (H. R. 11635) for the erection of a public building in Blairsville, Indiana County, State of Pennsylvania, and appropriating money therefor; to the Committee on Public Buildings and Grounds.
Also, a bill (H. R. 11636) for the erection of a public building in Kittanning, county seat of Armstrong County, Pa., and appropriating money therefor; to the Committee on Public Buildings and Grounds.
By Mr. BOWERS: A bill (H. R. 11637) authorizing the acquisition of a site and the erection thereon of a public building at Keyser, W. Va.; to the Committee on Public Buildings and Grounds.
Also, a bill (H. R. 11638) authorizing the acquisition of a site at Berkeley Springs, W. Va.; to the Committee on Public Buildings and Grounds.
By Mr. DYER: A bill (H. R. 11639) to provide for the promotion of the senior major general on the active list of the United States Army, and for other purposes; to the Committee on Military Affairs.
By Mr. WATSON: A bill (H. R. 11640) authorizing the Secretary of War to donate to the cemetery at Barren Hill, Montgomery County, Pa., one brass cannon; to the Committee on Military Affairs.
By Mr. FRENCH: A bill (H. R. 11641) to prevent deceit and profiteering that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom manufactured in any State or Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate and Foreign Commerce.
By Mr. CLASSON: A bill (H. R. 11642) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate the claim of any member of the Wisconsin Band of Pottawatomie Indians against the United States, and for other purposes; to the Committee on Indian Affairs.
By Mr. VARE: Concurrent resolution (H. Con. Res. 44) directing the retention of the pneumatic mail tube equipment in the Philadelphia and other post offices, pending legislation affecting same in Congress; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. ALMON: A bill (H. R. 11643) granting a pension to Harriette Skelton; to the Committee on Invalid Pensions.
By Mr. BOWERS: A bill (H. R. 11644) for the relief of the heirs of John M. Corley; to the Committee on War Claims.
By Mr. CAMPBELL of Kansas: A bill (H. R. 11645) granting a pension to Sarah B. Jewett; to the Committee on Invalid Pensions.
By Mr. DALE: A bill (H. R. 11646) granting a pension to Carrie E. Brown; to the Committee on Invalid Pensions.
Also, a bill (H. R. 11647) granting an increase of pension to William H. Willey; to the Committee on Invalid Pensions.
By Mr. DENT: A bill (H. R. 11648) granting an increase of pension to John E. Coogle; to the Committee on Invalid Pensions.
By Mr. FESS: A bill (H. R. 11649) granting an increase of pension to Ellis Henthorn; to the Committee on Invalid Pensions.
By Mr. FORDNEY: A bill (H. R. 11650) granting a pension to Gladys R. B. Scheib; to the Committee on Pensions.
Also, a bill (H. R. 11651) granting a pension to Lucy J. Sheldon; to the Committee on Invalid Pensions.
By Mr. GREEN of Iowa: A bill (H. R. 11652) granting an increase of pension to Philander S. Groesbeck; to the Committee on Invalid Pensions.
By Mr. HUDDLESTON: A bill (H. R. 11653) granting a pension to Luke C. Monroe; to the Committee on Pensions.
By Mr. HULL of Iowa: A bill (H. R. 11654) granting an increase of pension to Marsh Smith; to the Committee on Invalid Pensions.
By Mr. KELLEY of Michigan: A bill (H. R. 11655) granting an increase of pension to John S. Jamison; to the Committee on Pensions.
By Mr. LEHLBACH: A bill (H. R. 11656) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.
By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11657) to carry out the findings of the Court of Claims in the case of Lemuel C. Canfield; to the Committee on War Claims.
By Mr. RICKETTS: A bill (H. R. 11658) granting an increase of pension to Catherine Lenz; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:
785. By Mr. DALLINGER: Petition of the executive committee of the Associated Industries of Massachusetts, indorsing House bill 11126, to save daylight in the first zone; to the Committee on Interstate and Foreign Commerce.
786. By Mr. ESCH: Petition of Rev. H. F. Fox and 34 other citizens of Urbana, Ohio, urging such legislation as will reduce the high cost of living; to the Committee on Agriculture.
787. By Mr. KELLEY of Michigan: Petition of members of the faculty of the veterinary division of the Michigan Agricultural College, in favor of reorganization of the Army Veterinary Corps; to the Committee on Military Affairs.
788. By Mr. LINTHICUM: Petition of S. J. McDonough, of Baltimore, Md., indorsing Mason resolution to establish consulates in Ireland; to the Committee on Foreign Affairs.
789. Also, petition of the P. Dougherty Co., of Baltimore, Md., indorsing the Husted amendment to House bill 7124; to the Committee on the Judiciary.
790. Also, petition of National Central Bank and National Bank of Baltimore, Md., indorsing the Cummins bill; to the Committee on Interstate and Foreign Commerce.
791. Also, petition of J. E. Kessler, of Relay, Md., and Sparrow Point Lodge, No. 63, of Baltimore, Md., protesting against passage of Cummins bill; to the Committee on Interstate and Foreign Commerce.

792. By Mr. O'CONNELL: Petition of Chamber of Commerce of the State of New York, advocating consular reforms; to the Committee on Reform in the Civil Service.

793. By Mr. RAKER: Petition from the San Francisco Council, Friends of Irish Freedom, indorsing the Mason resolution establishing diplomatic relations with the Irish Republic; to the Committee on Foreign Affairs.

794. Also, copy of telegram from the San Francisco Chamber of Commerce, indorsing the Cummins bill; to the Committee on Interstate and Foreign Commerce.

795. Also, petition of National Industrial Conference Board, transmitting resolutions relative to legislation regarding railroad strikes; to the Committee on Interstate and Foreign Commerce.

796. Also, petition of San Francisco Council, Friends of Irish Freedom, indorsing the Mason resolution to establish diplomatic relations with the Irish Republic; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *January 12, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have not built a social order that can stand alone. Apart from Thy continued grace and favor we may not hope to perpetuate the institutions that have brought happiness and freedom to the millions of Thy children. We seek day by day Thy continued favor and grace that we may continue upon the path upon which we have committed ourselves, and that we may so work together with God that the largest prosperity and the finest and divinest peace may come to the people. We ask Thy blessing in this divine endeavor. For Christ's sake. Amen.

JAMES D. PHELAN, a Senator from the State of California, appeared in his seat to-day.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with and the Journal was approved.

THE VETO POWER.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the Washington Post of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POWER TO VETO PEACE.

"The Constitution provides a way to enact laws despite the veto of the President. But there is no way to make a treaty against the veto of the President. If there should be in the White House a President who did not wish to make peace after his treaty had been changed by the Senate, it might happen that the United States would be unable to reach a state of peace, except on terms laid down by a single individual and in defiance of Congress. There might be a President so wedded to his own plan, so entangled by promises to foreign Governments, or so jealous of the rights of the Senate that he would refuse to exchange ratifications of a peace treaty if the Senate had made reservations in behalf of this Nation. The reservations might be desirable and warmly approved by the people, but such a President could say, 'I do not accept the action of the Senate as the will of the people, and I refuse to approve of the Senate's work.' He would be within his constitutional powers, and could not be compelled to exchange ratifications of the treaty.

"By a two-thirds vote Congress can repass a bill over a President's veto, and it becomes law. The same provision should be made in case of a treaty after it has been approved by the Senate by the required two-thirds vote. Having reached that stage, it should not be pigeonholed by the President, and he should not have the power to pigeonhole it. If he should refuse to proceed with exchange of ratifications, Congress should have power to make the treaty effective by a two-thirds vote, as in case of a vetoed bill. A treaty is a law, and so far as it affects American citizens it is nothing but a law. Congress can abrogate a treaty by passing a law, with or without the President's consent, and this has been done several times. If a treaty and a law are in conflict, the Supreme Court takes the last expression as the law, whether it be the treaty or a simple act of Congress.

"It is conceivable that a President of the United States might be elected who would misuse his power to pigeonhole a peace treaty, and thus keep the Nation in a state of war. A treaty is a contract between nations, and usually a peace treaty is a complicated bargain, the making of which required confidential exchanges between the parties, often leading to the making of secret pledges which must be kept from the knowledge of the people. In such a case the completed draft is apt to conceal as much as it reveals. It is also apt to be obscure, ambiguous, or even purposely misleading on important matters which have been disposed of secretly or which are to be handled privately by the Governments in a manner which would arouse antagonism or even war if known to the people. In that case the Senate would demand information and would not obtain it, or it would learn something indirectly which would cause it to make amendments or reservations for the sake of national security.

"Quite conceivably, amendments or reservations to a peace treaty would seem to be simple on their face and obviously unobjectionable, and yet they might vitally affect the pledges or commitments which a President had made privately to foreign Governments. The ambiguous language of a treaty might be so changed that instead of permitting a President to fulfill secret pledges it would disrupt the entire series of private understandings which has shaped the treaty. He would then be faced with the alternative of breaking his private agreements with foreign Governments or pigeonholing the treaty, notwithstanding his previous advocacy of it. He would possibly be able to convince some of his countrymen that the Senate's alterations had nullified the treaty, in which case he would have specious grounds for refusing to proceed with ratification; but, on the other hand, the people would probably insist upon ratification because of their anxiety to terminate the war. A stubborn President, however, could go to the end of his term without exchanging ratifications, notwithstanding the clamor of the people. Thus he could prove to foreign Governments his own personal good faith in endeavoring to secure ratification by the United States of a treaty with all its private implications and understandings unaffected by reservations or amendments.

"The present controversy over the treaty of Versailles has been valuable in bringing out the defect in the treaty-making power which is herein described. The truth is that the treaty-making power is not equally divided between the President and the Senate, since the President has an absolute veto. This lacuna should not be permitted to exist, for the reason that peace is usually reached by means of treaties, and it is unwise to leave to one man the power to continue a state of war against the will of the people and Congress.

"Congress can declare war with or without the President's consent, but it can not make peace by treaty without the President's consent. Surely if the Constitution makers found it desirable to empower Congress to overrule the President in making war, it would seem desirable that Congress should have power to overrule him in making peace by a treaty which he himself would have submitted."

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smith, Ga.
Ball	Harrison	Moses	Smith, Md.
Borah	Henderson	Nelson	Smith, S. C.
Brandegee	Hitchcock	New	Smoot
Calder	Johnson, S. Dak.	Newberry	Spencer
Capper	Jones, N. Mex.	Norris	Sterling
Chamberlain	Kellogg	Overman	Sutherland
Colt	Kenyon	Page	Thomas
Culberson	Keyes	Phelan	Trammell
Curtis	King	Phipps	Underwood
Dial	Kirby	Pomerene	Wadsworth
Dillingham	Lenroot	Ransdell	Walsh, Mass.
Edge	Lodge	Robinson	Walsh, Mont.
Gay	McCormick	Sheppard	Warren
Gerry	McCumber	Sherman	
Hale	McKellar	Simmons	

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. FERNALD] and the Senator from Maryland [Mr. FRANCE] are absent on official business.

I was also requested to announce that the Senator from Indiana [Mr. WATSON], the Senator from Idaho [Mr. NUGENT], the Senator from Connecticut [Mr. MCLEAN], the Senator from North Dakota [Mr. GRONNA], the Senator from Nebraska [Mr. NORRIS], and the Senator from Wyoming [Mr. KENDRICK] are detained on official business.

Mr. UNDERWOOD. I desire to announce that my colleague [Mr. BANKHEAD] is absent on official business.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Delaware [Mr. WOLCOTT], the Senator from Idaho [Mr. NUGENT], the Senator from Nevada [Mr. PITTMAN], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] and the Senator from Tennessee [Mr. SHIELDS] are detained on account of illness in their families.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WALSH of Montana conferees on the part of the Senate.

THE LODGE RESERVATIONS.

Mr. WALSH of Montana. Mr. President, in a letter from President Lowell to the junior Senator from Massachusetts [Mr. WALSH], printed in the RECORD a few days ago, there was advanced a new conception of the significance or at least of the operation of article 10 of the covenant of the league of nations. I never heard it advanced upon the floor of the Senate, and I do not believe that it was ever before presented for our consideration. It is set out only in outline in the letter, but, as I gather the idea, it is that article 10 does not obligate the United States or any member of the league of nations to go immediately to the aid of any other member whose territory has been invaded. It is argued that the obligation does not arise until after the termination of a successful war, whereupon all the other nations of the earth, being members of the league, are obligated to see that neither the territorial integrity nor political independence of the defeated nation is disturbed. In other words, Mr. President, it is as was done in the case of the Berlin conference after the close of the Russo-Turkish War. Turkey had been overwhelmed and was at the mercy of Russia, but the European nations stepped in and prevented her from appropriating the Turkish territory, as she desired to do and she was in a situation to do.

To illustrate the application of this idea to a case which might easily arise, let us assume that things went from bad to worse between this country and Mexico and we deemed it necessary to go into Mexico for the protection of the rights of our citizens and to insure a stable government in that country. We publish to the world, as we did in the case of the Spanish-American War, that we have no purpose whatever to interfere with the political independence nor to disturb in any manner the territorial integrity of Mexico. We are simply going in to straighten out matters and then we shall retire. The argument is that under article 10 no nation would be justified immediately in making war upon us to restrain us from doing so, but after we had gone in and had reasonably met the purpose for which we did go in, the other nations of the world would then prevent us from appropriating any of the territory of Mexico or interfering with the political independence of that country.

The idea, Mr. President, was, in fact, elaborated in an article written by the Hon. George Rublee, which was published some time ago, as I am told, in The New Republic. He asserts that it is the idea of article 10 which was prevalent in Europe at the time the covenant was adopted and which still obtains there. If so, it is most important that in the further consideration of the subject this idea should be borne in mind by Senators. Accordingly I offer for the RECORD the article to which I have referred, and I ask that it may be printed therein.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LODGE RESERVATIONS.

"In some way or other the peace treaty will come again before the Senate, and there will be a final effort to secure ratification.

"Two things are clear. First, the sentiment of the country and even of the Senate is in favor of ratification; secondly, in the existing political situation the treaty can not be ratified without reservations. The present deadlock results from the inability of the 81 Senators who voted for ratification to agree upon the character of reservations which should be adopted.

"A speedy compromise and agreement is what the country wants. Perhaps it is too much to hope that the Senators will put aside the partisan ill will and passion which has governed their consideration of the treaty up to the present time. We must put our trust in public opinion to compel a settlement which is not determined by the irrelevant desire to humiliate and discredit President Wilson.

"Public opinion, however, needs information. It is confused by the dispute about the meaning and effect of the covenant of the league of nations. Eminent Republican politicians have declared that it creates a supergovernment which is authorized to command this country, if it joins, in disregard of the limitations of the Constitution. This is denied. But the arguments on both sides have been so general, have dealt so little with the specific provisions and necessary working of the covenant that the public is not in a position to judge as to the merits of the contradictory assertions. Americans want to be sure that they know exactly what they are promising to do. Hence there is substantial popular support for reservations which will make this unmistakably clear.

"It will be useful to recall the obligations relating to war contained in the covenant. These are four in number: (1) The agreement to submit disputes either to arbitration or to inquiry and not to resort to war until three months after the award by the arbitrators or the report by the council. (2) The agreement not to resort to war against a member of the league which complies with an award by arbitrators. It should be borne in mind that there is no obligation to submit disputes to arbitration. Only such disputes are to be arbitrated as the members recognize to be suitable for submission to arbitration. But any dispute which is not submitted to arbitration must be submitted for investigation and report by the council. (3) The agreement not to go to war with any party to a dispute which complies with a report unanimously agreed to by the members of the council other than the representatives of the parties to the dispute. (4) The agreement to apply the economic boycott against any member of the league which resorts to war in disregard of any of the foregoing covenants. There is also the much-debated article 10, in which the members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. For reasons which will be given presently it seems clear that article 10 is not a promise to defend any member of the league against war by another State, but a promise to see that it shall not lose territory or political independence as a result of such a war.

"The covenant does not bind the members to employ military or naval force. In case of resort to war in violation of the agreements mentioned above it is the duty of the council to make recommendations as to the contribution of military or naval forces to be used to protect the covenants of the league. But the members do not agree to comply with the recommendations. Neither the council nor the assembly is authorized to bind members of the league to any course of action. They are empowered only to propose, advise, or recommend action. Each member of the league is free to decide whether it will adopt or reject the proposals, advice, or recommendations. In considering the covenant it is most important to keep this in mind.

"In the dispute over the provisions of the covenant the controversy is mainly as to whether they express the meaning which both sides agree that they ought to have. Everybody agrees that Congress must be free to exercise its constitutional powers in all cases, and especially to decide, in accordance with its judgment applied to the circumstances existing at the time, whether the army or navy shall be used. It is agreed that the Monroe doctrine should be outside of the sphere of action of the league, and that the league should not pass on domestic questions. Everybody agrees that the United States should be able to withdraw from the league on two years' notice and should decide for itself whether its international obligations and its obligations under the covenant have been fulfilled. Reservations covering these points are no longer opposed.

"The Lodge reservations, however, must be revised. Their tone is arrogant and offensive. Some of them make radical changes in the treaty which would upset the machinery for its execution, would be unacceptable to the other signatories, are not demanded by public opinion, and are not necessary for the protection of this country. Others should in substance be adopted because they make clear questions which either have been in dispute or do not touch a vital part of the treaty, and because a controversy which has cut so deep as this one can not be settled without compromise. But in their present form these reservations are so pervaded by latent hostility to the idea of cooperation among nations, by suspicion and selfish reluctance, that it is open to question whether our participation in the treaty on such a footing, even if accepted by the other nations, would be a benefit.

"The following analysis is an attempt to indicate the portions of the Lodge reservations which could be agreed to for the sake of securing ratification and to give reasons why the rest should be rejected.

"The preamble or first reservation is most objectionable. It requires the acceptance of the reservations by an exchange of notes by at least three of the four principal powers—Great Britain, France, Italy, and Japan. This requirement is bad manners, because, if we ask any of the signatories for an express acceptance, we should ask all. It is embarrassing to the powers to whom we put the demand and would almost certainly lead to delay and confusion by the reopening of negotiations. It is unnecessary because omission to object to the reservations would operate as an acceptance.

"The second reservation concerning the right of withdrawal from the league is interpretative and should be adopted. It should be altered, however, by providing that the notice of withdrawal shall be given not by a concurrent resolution of Congress, but by a joint resolution, in order that the President may retain his constitutional veto power.

"The third reservation relates to article 10 of the covenant of the league of nations containing the undertaking to preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. The reservation goes too far and should be modified. It refuses to assume any obligation under article 10, and by specific reference to the employment of military and naval forces it seems to imply that the only method of preserving the territorial integrity or political independence of a member of the league is by the use of armed force. Other methods are diplomatic action and economic pressure. Americans generally have a feeling of responsibility for the protection of the weaker nations which they have helped to liberate and set on their feet; and they would be willing to use diplomatic influence, or even economic pressure, for this purpose in cases where they might not be prepared to send American soldiers and sailors overseas to fight.

"The uneasiness over article 10 is due to the impression that it might require the United States to send troops to any part of the world to defend a member of the league against attack by another State. This is a mistake arising from failure to perceive the true function of article 10 in the covenant. It is not part of the machinery to prevent wars. That machinery is contained in articles 12, 13, 15, and 16. What article 10 secures is that wars which occur in spite of these other provisions shall not result in loss of territory or political independence by any member of the league. This becomes clear when one considers what would necessarily happen under the covenant in case of war.

"Let us suppose, for example, an attack by Roumania against Hungary without previous submission of the dispute to arbitration or to inquiry by the council. Under article 16 Roumania would ipso facto be deemed to have committed an act of war against all the other members of the league, each of which would be bound immediately to subject Roumania to the economic boycott. It would also be the duty of the council to recommend to the several Governments what effective military or naval forces the members of the league should severally contribute. The members of the league would further be bound mutually to support one another in the financial and economic measures taken, and to afford passage through their territory to the forces of the league. All this action of the league would take place under article 16 and not under article 10. In case the dispute had been submitted to arbitration, and Hungary had complied with the award of the arbitrators, if Roumania should then attack Hungary, the same results would follow. So also if the dispute had been submitted to inquiry, and Roumania should attack, notwithstanding the compliance of Hungary with the recommendations of a report unanimously agreed to by the members of the council.

"In none of the foregoing instances would there be recourse to article 10. Now, notice what would happen in case of an inquiry by the council if the report of the council were not unanimously agreed to. In that event the members of the league, under article 16, reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. War between Roumania and Hungary would be permitted and the other members of the league would be free to go in or stay out. Such liberty of action is entirely inconsistent with the view that article 10 imposes an obligation to defend members of the league against attack. The covenant, however, by article 10 does not allow even a permitted war to result in impairment of territorial integrity or of political independence. It requires the members of the league to seek, through the agency of the council, to agree upon a course of action which will prevent such a result.

"The preceding exposition shows that article 10 has far less importance in its practical bearing than is generally supposed, and that in the actual working of the league it will seldom be invoked. Fears which have been aroused would be dispelled by an interpretative reservation declaring that the United States assumes no obligation to employ its military or naval forces or to use economic pressure to preserve the territorial integrity and existing political independence of any member of the league unless Congress so provides.

"The fourth reservation requiring the assent of Congress for the acceptance of any mandate by the United States is interpretative and should be accepted.

"The fifth reservation relating to domestic questions is objectionable both in substance and in form and should be revised. It not only reserves to the United States exclusively the right to decide what questions are within its domestic jurisdiction but also declares that all political questions relating wholly or in part to its internal affairs 'are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or the assembly, or any agency thereof, or to the decision or recommendation of any other power.' The wording, not to mention its prolixity and the defiant tone, is so broad as to enable the United States to withdraw from the jurisdiction of the league almost every dispute which it may have. We shall not have many disputes which we could not fairly claim to involve a political question relating in part to our internal affairs. Among the examples given of the questions so reserved are commerce, which, if of an international character, is certainly not a domestic question, and the suppression of traffic in women and children and in opium and other dangerous drugs. Senator LODGE wants to forbid the agencies of the league to recommend to the United States cooperation in a world-wide plan for the suppression of traffic in women and children, in opium, or other dangerous drugs. This is absurd. The covenant makes the rules of international law the test of whether a question is domestic. If the Senate will not trust the council of the league to apply international law correctly, it ought at least to indicate a standard according to which the United States will decide. The reservation should go no further than to withdraw from the sphere of action of the league questions which the United States decides are, by international law, solely within its domestic jurisdiction.

"The sixth reservation is interpretative and, in substance, should be accepted. It is verbose and unduly self-important, and by its tone is likely to offend South American countries. No reason is apparent why a simple statement that the United States understands and declares that the Monroe doctrine is not within the sphere of action of the league would not answer the purpose.

"It is not necessary to declare that the United States will not submit domestic questions or the Monroe doctrine to arbitration, because, as pointed out above, the members of the league are bound to submit to arbitration only such disputes as they recognize to be suitable for arbitration. The horror with which Republican Senators regard the possibility that the council may assume to investigate and report on disputes involving an American domestic question or the Monroe doctrine evidences an extraordinary change of view with regard to national policy. It is not as generally known as it should be that in 1914, on the initiative of Secretary of State Bryan, the United States made treaties for the advancement of peace with nearly a score of States, including Great Britain, France, and Italy. All these treaties provide that disputes of every nature whatsoever shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, and that the parties shall not declare war or begin hostilities during such investigation and before the report is submitted. A year is allowed for the international

commission to complete its investigation and report. The Senate ratified all these treaties without opposition. They are now in force and are part of the supreme law of the land. Domestic questions and the Monroe doctrine are not excluded from their operation. The United States is, therefore, bound to submit for investigation and report by a body of which a majority are not to be American citizens any dispute over a domestic question or the Monroe doctrine that we may have with Great Britain, France, Italy, or the other countries which are parties to the Bryan treaties. The Bryan treaties are mentioned only to show the unreality of the issues which Senator LODGE has raised.

"The seventh reservation withholds the assent of the United States to the articles of the treaty relating to Shantung. American opinion regards the transfer of German rights in Shantung to Japan as one of the chief wrongs of the treaty. On the other hand, the country is not prepared to oust Japan by force. The general feeling is that if this reservation would make it impossible for the other powers to accept our ratification it should be dropped. Much, therefore, depends upon the knowledge which the administration must have regarding the attitude of the other powers. If the reservation is not fatal, its adoption might go a long way toward securing a satisfactory compromise in other respects.

"The eighth reservation ought to have much more careful examination than it has received and should be modified. It retains in Congress complete control over the extent of the participation of the United States in the commissions and other international bodies created to carry out the peace treaty and over the appointment of Americans on these bodies and on the committees of the league of nations, and it empowers Congress to define their powers and duties. There are very serious objections to these provisions. It is proper for Congress to provide by law for the appointment of the representatives of the United States in the assembly and the council of the league, and possibly of the American representatives on the international bodies which are to carry out the peace treaty. But it is not right to leave to the future discretion of Congress the decision as to whether the United States will participate at all in the bodies which are to execute the treaty and those which are to act for the league of nations. This is work which can not wait, and the other nations are entitled to know at once whether America is to cooperate with them or not. Congress also should not define the powers and duties of the American representatives. Their powers and duties are defined by the treaty. If the American representatives were governed by a different law prescribing different duties from those of their colleagues, the resulting confusion might render their presence more embarrassing than useful. Finally, the reservation might be construed so as to require appointments to the staff of the secretariat of the league to be approved by the Senate. This, at least, should be changed. The staff of the secretariat will have no political duties. They will represent, not the countries of which they are citizens, but the league of nations. They will be experts in international law, economics, finance, geography, etc. Their duty will be to gather and make available information for the use of the council and the assembly. The covenant provides that the secretaries and the staff of the secretariat shall be appointed by the secretary general (Sir Eric Drummond), with the approval of the council. Experts who serve the United States Government are appointed by the heads of departments without the approval of the Senate. The Senate should leave the selection of American experts for the secretariat to the secretary general and the council, who will know best the requirements of the work.

"The ninth reservation declares the understanding of the United States to be that the reparation commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States only when Congress has approved. The clearest feature of this provision is that it is self-regarding. The reparation commission has no express power to regulate imports and exports to and from Germany. But as Germany agrees to effectuate its findings, the meaning of the reservation probably is that the reparation commission is not to adopt, without the approval of Congress, any finding which would require German legislation affecting trade with the United States. This would be a cumbrous method of working, which might make serious trouble. The reservation should not be accepted unless it must be to secure ratification.

"The tenth reservation provides that the United States shall not be obligated to contribute any expenses incurred under the treaty until an appropriation therefor shall have been made by Congress. Of all the reservations, this is perhaps the pettiest and most humiliating for this country. The richest nation, the one least damaged by the war, is the only one to haggle about the expense of carrying out the treaty. If this reservation is not rejected entirely, as it should be, at least the secretariat of the league of nations should be excepted from its operation. The covenant provides that the expense of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union, of which the United States is a member. Under this scheme each member pays a fixed proportion of the total expense. If, however, the United States enters into no agreement and will contribute only what Congress chooses to appropriate, the plans of the secretariat can not be settled until Congress has made its appropriation. By niggardly appropriations Congress, which can not judge intelligently what the work of the secretariat should be, could cripple this agency, upon which the council and assembly must depend for information and expert advice.

"The eleventh reservation concerning the reduction of armaments should not be accepted. Article 8 of the covenant charges the council with the duty of formulating plans for the reduction of national armaments for the consideration of the several Governments, and provides that after these plans shall have been adopted, limits of armaments therein fixed shall not be exceeded without the concurrence of the council. Senator LODGE proposes to reserve the right to increase the armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war. The United States is less exposed than any other of the great nations to the danger of invasion or attack. Reduction of armaments, the surest safeguard against war, is possibly the greatest present need of the world. The continuance of competition in armaments will put an intolerable burden on every people, would perpetuate militarism, and would certainly lead again to war. The only hope of getting reduction lies in a general agreement binding on all nations alike. Let us do nothing now to lessen the chance of such an agreement. This reservation is not necessary for our protection. The members of the league are not bound to adopt the plans which the council will formulate. When these plans are presented we shall know more about the value of the league than we do now. If it should then be deemed necessary, we can require the covenant to be amended as a condition of our adoption of the plan.

"The twelfth reservation providing that Congress may permit the nationals of a covenant-breaking state residing in the United States to continue their relations with the nationals of the United States is harmless. Probably it expresses the interpretation which would be given to the covenant; in any case the departure from its terms is negligible.

"The thirteenth reservation relates to the system created by the treaty for the payment of prewar debts and for the adjustment of the proceeds of enemy property. It is vaguely worded and its application is not clear, but as it relates to matters of minor importance, and as any power may decline to participate in the system by giving six months' notice, it can be accepted for the sake of securing an agreement to ratify.

"For the same reason the fourteenth reservation concerning the international labor organization can be accepted. It withholds the assent of the United States to the provisions creating the international labor organization unless Congress shall hereafter make provision for representation therein. This organization is only authorized to make recommendations for legislation, which may be rejected, and to collect and distribute information on labor, so that it is hard to understand the reason for refusing to accept the provisions of the treaty. The adoption of the reservations would doubtless deeply disappoint the best elements of American labor. But after the Senate has enjoyed the satisfaction of showing its power, labor will probably be able to bring to bear sufficient influence to induce Congress to provide for American representation on satisfactory terms.

"The fifteenth reservation relates to the six votes in the assembly of the league of the British Empire and its self-governing dominions. The latter part, providing in substance that in case of any dispute between the United States and any part of the British Empire, none of the six votes shall be cast, is interpretative and should be adopted. But the first part, providing that the United States 'assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any members of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote,' should be rejected.

"In the first place, the self-governing dominions would not permit Great Britain to accept this provision. They rightfully feel that they have earned a voice in the league, and would regard the attempt to exclude them as an affront. In the second place, the provision is not necessary for our protection.

The whole outcry against the six votes is based upon a misconstruction of the covenant, which has misled many who are unfamiliar with its provisions, and which on the part of its leading opponents seems willful.

"Let us first consider the council, where the British Empire now has but one vote. It can not secure another without the consent of the American representative. The assembly may from time to time select the temporary members of the council, but it can do so only by unanimous agreement. The council, with the approval of a majority of the assembly, may name additional members of the league, whose representatives shall always be members of the council. But the council must be unanimous. It is therefore not possible for a self-governing dominion, colony, or part of the British Empire to have representation on the council unless the American representative assents.

"Now, as to the assembly: Except in regard to matters of procedure, the assembly can not make a decision, report, or finding without the concurrence of the representatives of the members of the league represented on the council. The United States has exactly the same protection against any unfavorable action by the assembly as it would have if the matter were before the council instead of the assembly. It is true that a new member may be admitted to the league by two-thirds of the assembly. In elections (but in no other case) the six votes confer unequal power. But has America anything to fear from the election of new members? The American view is that the league should embrace all civilized nations.

"The unreality of the objection to the six votes is seen when one recalls that Cuba, Haiti, Guatemala, Nicarâgua, and Panama will be members of the league, and that in fact it is likely that the United States will have more influence over the votes of these States than Great Britain will be able to exercise over the votes of Australia, Canada, and the other dominions.

"The covenant of the league is not perfect. Nobody contends that it is. But if we do not take it and use it in the trust that custom and experience will enable the world to so develop it so that in time there may be a saner management of international relationships, what is the alternative? The alternative is the 'balance of power' breaking down inevitably in disaster, in which, as recent experience proves, the United States will share."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution extending the time until March 1, 1920, within which the joint special committee shall report relative to the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims, in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. EDGE, from the Committee on Immigration, to which was referred the joint resolution (S. J. Res. 134) to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States, reported it without amendment.

Mr. LENROOT, from the Committee on Military Affairs, to which was referred the bill (S. 2956) to amend sections 4874 and 4875 of the Revised Statutes, and to provide a compensation for superintendents of national cemeteries, reported it with an amendment and submitted a report (No. 371) thereon.

WITNESS FEES IN FEDERAL COURTS.

Mr. NELSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3681) to amend section 848, chapter 16, Revised Statutes of the United States, relating to witness fees. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill just reported by him. Is there any objection?

Mr. NELSON. Mr. President, if no objection is made to the present consideration of the bill, I shall not take up the time of the Senate in making a statement in reference to it.

Mr. SMOOT. I should like to have the Senator from Minnesota state the purpose of the bill.

Mr. NELSON. I will state the purpose of the bill. Under existing law witnesses in United States courts are only entitled to a dollar and a half a day for attending court and 5 cents per mile in going and coming. Under present conditions it is exceedingly difficult to get witnesses to attend; they avoid doing so because it costs them much more than a dollar and a half a day for their board. They oftentimes have to pay as much as a dollar and a half for a single meal. The bill proposes to increase the payment for the attendance of such witnesses to $3 a day, the same as is paid in the case of jurors. That is the only change of existing law proposed.

Mr. KING. Mr. President, will the Senator from Minnesota permit an inquiry?

Mr. NELSON. Certainly.

Mr. KING. Is there any time limitation in the bill or is it proposed to be a perpetual policy, so far as this Congress may enforce a perpetual policy?

Mr. NELSON. If the bill is passed, it becomes the law in reference to the fees of such witnesses.

Mr. KING. In view of the fact that the Senator from Minnesota assigns as a reason for the passage of the measure the high prices now existing, would it not be proper to fix a time limit in the bill?

Mr. NELSON. I do not think under ordinary conditions $3 a day is too high for witness fees. We have been paying jurymen that sum, and I do not know why a witness should not have that much per diem for attendance.

Mr. HITCHCOCK. Mr. President, if the Senator from Minnesota will permit me, I think I can throw some light on this subject. I introduced this bill at the instance of the officials of the Federal court in Nebraska. The States west of Nebraska are operating under a statute which enables them to pay $3 a day for witnesses while the courts in States east of Montana are only permitted to pay $1.50 a day. That statute was enacted, I think, in 1856, very many years ago, when the dollar had an entirely different value from what it now has and when expenses were very much less. Jurors are now paid $3 a day for attendance. If a man is called as a juror in the same court he gets $3 a day, while the witness called in the same case only gets $1.50.

The experience of the Federal courts—at least that is true in my section of the country—is that it is a hardship for witnesses to attend court. The result is that when men ascertain the fact of this hardship, as they do from those who have had experience, they often suppress the fact that they have information which might make them witnesses. It is a serious hardship to bring a man, as is sometimes done, a hundred miles to a court in Omaha or in Lincoln, keep him there for a number of days, and only allow him $1.50 a day, when his actual cost of living during that time at some of the hotels is several times that amount.

The Federal officials are asking for this legislation; it is not being asked for by any class of individuals, for witnesses, necessarily, come from all classes of people and from various classes of people at different times. However, the Federal officials in order to promote court proceedings are asking that the old law, which was enacted more than two generations ago, be so changed as to make it less of a hardship for witnesses to attend court when called there. I believe the bill is an important measure and should be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 848 of chapter 16, Revised Statutes of the United States, be amended by striking out the words "one dollar and fifty cents" and inserting in lieu thereof the words "three dollars," so the same shall read:

"For each day's attendance in court, or before any officer, pursuant to law, $3, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning. When a witness is subpœnaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

"When a witness is detained in prison for want of security for his appearance he shall be entitled, in addition to this subsistence, to a compensation of $1 a day."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT AT LAURINBURG, N. C.

Mr. OVERMAN. I report back favorably without amendment from the Committee on the Judiciary the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina, and I ask unanimous consent for its present consideration. The bill only affects the time of holding a district court in my State.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act establishing terms of the district court in the city of Laurinburg, N. C., on the last Monday in September and March be, and the same is hereby, amended to read as follows:

"That terms of the district court for the eastern district of North Carolina shall hereafter be held in the city of Laurinburg on Monday before the last Monday in March and September instead of on the last Monday in September and March, as provided for in the original bill creating the terms of court at Laurinburg."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LITERACY TEST OF IMMIGRANTS.

Mr. STERLING. In the absence of the junior Senator from Idaho [Mr. NUGENT], I report back favorably without amendment the bill (S. 3566) to amend section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917. I call the attention of the Senator from New York to the bill.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from South Dakota.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. THOMAS. Let the bill be read, Mr. President.

The VICE PRESIDENT. Read the bill.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917, is hereby amended by adding at the end thereof the following:

"*Provided further*, That an alien who can not read may, if otherwise admissible, be admitted if, within five years after this act becomes law, a citizen of the United States who has served in the military or naval forces of the United States during the war with the Imperial German Government requests that such alien be admitted, and, with the approval of the Secretary of Labor, marries such alien at a United States immigration station."

Mr. CALDER. Mr. President, the purpose of the bill is to permit an alien who proposes to marry an honorably discharged soldier of the United States to come here and marry that soldier, provided the alien can pass every test save only the literacy test. I have been prompted to introduce the bill by the fact that a soldier of Italian birth who had lived in this country for 10 years, who fought in our Army in Europe and was wounded, went back to visit his own home in Italy, returned to America, where he was discharged, and then sent back to Italy for the girl he proposed to marry. She arrived here and passed every test save the literacy test, but she can not under the law be allowed to enter this country to marry him, and must accordingly go back to Italy. He can go back to Italy on the same ship with her and marry her there and bring her back to this country on the next ship. We have passed here several bills permitting the restoration of citizenship to American women who have married German noblemen, and it seems to me we ought to permit the literacy test to be waived in cases such as I have outlined.

Mr. THOMAS. I shall not object to the bill, but I think the title should be amended so as to read, "A bill to encourage matrimony abroad."

Mr. BORAH. Mr. President, do I understand the only difference between the law after this bill passes, if it does pass, and the law now is that the marriage may take place here instead of in Italy?

Mr. CALDER. Yes; rather than to require an American soldier to go back to Italy.

Mr. BORAH. In other words, if the American soldier should return to Italy he would be permitted to marry the woman and bring her here notwithstanding the fact that she is unable to pass the test?

Mr. CALDER. That is correct.

Mr. BORAH. I certainly do not desire to enforce that kind of a trip in these hard times.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT ST. LOUIS, MO.

Mr. SPENCER. I am authorized by the Committee on Public Buildings and Grounds to report back favorably without amendment the bill (H. R. 484) to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo., and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That in carrying out that provision in the act of Congress approved March 4, 1913 (37 Stats., p. 886), which authorized the construction of a building for the United States Subtreasury and other governmental offices in St. Louis, Mo., upon the site theretofore acquired for that purpose, the Secretary of the Treasury may have said building so constructed as to omit accommodations for the Subtreasury.

Mr. KENYON. Mr. President, may I ask a question of the Senator from Missouri, if it will not disturb the harmony of passing these bills quickly? Does the bill require an additional appropriation?

Mr. SPENCER. It does not. I was about to make a statement concerning it. Congress in 1910 authorized the purchase of a tract of land, which has been bought and paid for. In 1913 Congress authorized the erection of a building and an appropriation was made. The Secretary of the Treasury has come to the conclusion that in the construction of that building he can do without the use of that building for the Subtreasury, and he desires the authority of Congress in erecting the building to eliminate the provision for the Subtreasury. That is all that this bill, which has passed the House, proposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 3697) for the relief of Archie B. and Gladys B. Darling (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim of the owners of the derrick *Century* against the United States, and for other purposes; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 3699) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3700) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Co.; to the Committee on Claims.

A bill (S. 3701) granting an increase of pension to Minerva C. McMillan; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3702) to regulate the issuance of stock by corporations engaged in interstate commerce; to the Committee on Interstate Commerce.

By Mr. GERRY:

A bill (S. 3703) granting an increase of pension to Edward S. Stimpson (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3704) granting a pension to Amanda M. Chase (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3705) for the relief of George W. Stinebaker; to the Committee on Military Affairs.

WATER-POWER DEVELOPMENT.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

Mr. WADSWORTH. I present a number of amendments to House bill 3184, the so-called water-power bill, which I should like to have printed and lie on the table to be called up at the appropriate time.

The VICE PRESIDENT. It will be so ordered.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. WALSH of Montana submitted an amendment proposing to appropriate $25,000 for the construction and improvement of

the road through the Blackfeet Indian Reservation in Montana, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for the construction of a bridge across Two Medicine Creek, on the Blackfeet Indian Reservation in Montana, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

LAND GRANTS TO RAILROADS.

Mr. KING. Mr. President, during the debate a few days ago on the Cummins railroad bill the Senator from Oregon [Mr. CHAMBERLAIN] put into the RECORD some statements in regard to the railroad land grants. It is claimed by Mr. Baldwin, who has written to me, and who had a great deal to do with the railroad grants, that the statement made by the distinguished Senator from Oregon was inaccurate and did a grave injustice to those who were connected with the grants. He has sent me a statement and asked that, in justice, it be inserted in the RECORD. I have submitted it to the Senator from Oregon, and he has consented that it go in the RECORD. I think that it should be submitted and placed in the RECORD as a reply to the statement made by the Senator from Oregon, and I ask unanimous consent that it may be printed in the RECORD without reading.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

"The remarks of Senator CHAMBERLAIN, of Oregon, in the Senate on Friday, December 19, 1919, contain so many mistakes of fact and so many half truths that they do not correctly represent the subject of land grants to railroads. The Senator himself is probably an unconscious victim of this misrepresentation, because his speech consists largely of quotations from a publication called 'Encyclopedia of American Government.'

"The most casual reading of this encyclopedia article will show that it was hastily and carelessly compiled and that, so far as the Government land grants are concerned, it entirely omits consideration of the essential features. These features are the conditions and circumstances which led to the making of these land grants.

"What were the lands worth; that is, what value did the Government part with, and what exactions did the Government make from the companies to whom the grants were made?

"The first important Government land grant in aid of the construction of railroads was in 1850, which was a grant of 2,500,000 acres in Illinois to aid in the construction of the Illinois Central Railroad. The father of this measure was Stephen A. Douglas. Prior to 1850 there were no Government land grants, and a reading of the encyclopedia article quoted by Senator CHAMBERLAIN will show how insignificant were the money contributions prior to 1850. The fact is that in almost every case the States either owned the roads or were financially interested in them. The State of Michigan, for instance, built and owned the Michigan Central road from Detroit to Kalamazoo, which it operated for years at a loss and sold in 1846 for a small consideration. The land-grant policy of aid to railroads began in 1850 with the Illinois Central grant.

"If Senator CHAMBERLAIN had had an opportunity to read the debates in the Senate when these land grants were made, instead of inserting into the RECORD a mass of statements from an encyclopedia, he would have learned the conditions which existed in 1850, the motives and reasons which inspired the Senators of that day to vote these land grants, the values which the Government parted with, and the valuable financial reservations that were inserted as conditions of the grants, and the wisdom of the policy.

"The following are extracts from speeches of Henry Clay, Thomas H. Benton, and Stephen A. Douglas in the Senate upon the subject of the Illinois land grant which throw an illuminating light upon this whole subject and are typical of all the speeches made on the subject:

"'Mr. DOUGLAS. It is simply carrying out a principle which has been acted upon for 30 years, by which you cede each alternate section of land and double the price of the alternate sections not ceded, so that the same price is received for the whole. These lands have been in the market for 15 to 30 years; the average time is about 23 years; but they will not sell at the usual price of $1.25 per acre, because they are distant from any navigable stream or a market for produce. A railroad will make the lands salable at double the usual price, because the improvement made will make them valuable.'

"'HENRY CLAY. With respect to the State of Illinois—and I believe the same is true to a considerable extent with reference to Mississippi and Alabama, but I happen to know something personally of the interior of the State of Illinois—that portion of the State through which this road will run is a succession of prairies, the principal of which is denominated the "Grand Prairie." I do not recollect its exact length; it is, I believe, about 300 miles in length and but 100 in breadth. Now, this road will pass directly through that Grand Prairie lengthwise, and there is nobody who knows anything of that Grand Prairie who does not know that the land is utterly worthless for any present purpose—not because it is not fertile but for want of wood and water and from the fact that it is inaccessible, wanting all facilities for reaching a market or for transporting timber, so that nobody will go there and settle while it is so destitute of all the advantages of society and the conveniences which arise from a social state. And now, by constructing this road through the prairie, through the center of the State of Illinois, you bring millions of acres of land immediately into the market, which will otherwise remain for years and years entirely unsalable.'

"'THOMAS H. BENTON. From the consideration which I gave to that subject at that early day, it appeared to me that it was a beneficial disposition for the United States to make of her refuse lands, to cede them to the States in which they lay. Lands which had been 20 or 25 years in the market at the minimum price, and had never found a purchaser up to that time, were classed as refuse, and it was deemed that the State, as a local authority, might be able to make some disposition of them, which the General Government, without machinery of land offices, could not. The principle of the bill before the Senate is to take the refuse lands and appropriate them to a great object of internal improvement, which, although it has its locality in a particular State, produces advantages which we all know spread far and wide, for a good road can not be made anywhere without being beneficial to the whole United States.

"'But, Mr. President, with respect to the general proposition, this application rests upon a principle that young States are made desolate, in a great degree, by having lands in their midst that pay no taxes, undergo no cultivation, that are held at a price that nobody will pay, and which, in fact, in some parts of the country become jungles for the protection of wild beasts that prey upon the flocks and herds of the farmers.'

"Why did not Senator CHAMBERLAIN examine the record of these debates? Why did he not inquire and state what the railroad companies were compelled to give back in return for what the Government granted to them?

THE ILLINOIS CENTRAL GRANT.

"Because it was the first of these Government land grants and embraced the most valuable lands covered by any grant of agricultural land a correct knowledge of its value will throw light upon the whole subject.

"The first point to consider is what were these lands worth in 1850; what did the Government give to secure the construction of the Illinois Central road? What value did the Government part with?

"This all-important inquiry is ignored by Senator CHAMBERLAIN. The reason for its importance has been well put by Prof. Allen, of the University of Chicago, as follows:

"'In determining the principle represented by the lands we must take account of the actual value of the lands in 1851. The values which the railroad company was to receive for the lands were not foreseen, and the State could justly claim compensation only for the values it surrendered. The lands had been offered by the General Government at $1.25 per acre without finding buyers, but as soon as the lands were granted to the railroad company the minimum price for Government as well as railroad lands became $2.50. More than this they were sure to bring, but only in case the private corporation bring in the road to develop them.'

"What contribution, then, did the Government make toward the construction of the Illinois Central Railroad?

"Senator Douglas and all the other Senators state clearly what was the value of these lands. They had been in the open market for sale for 25 years with no purchasers. The promoters of the road, who took the risk of the venture, could have bought this land with no strings to it, no restrictions whatever, at $1.25 per acre. The grant was for 2,500,000 acres, so that the outside estimate of what the Government contributed was $3,100,000.

"The officials of the road could have bought the land for $3,100,000.

"But that is far more than the Government parted with, because not only did the building of the road enable the Government to immediately raise the price of all its adjoining lands from $1.25 to $2.50 per acre, as Senator Douglas explains, but it

gave them a market for land which, without the railroad, was not salable at any price.

"Senator CHAMBERLAIN in his speech was inconsistent in his attitude toward the railroad companies in this matter of the value of their land grants. In one sentence he denounces them for not holding the lands for higher prices and in another denounces them for refusing to sell to settlers at low prices. He says, 'If the lands had been husbanded as carefully as they ought to have been, these grants ought to have built the roads,' but in the very next sentence he bitterly denounces an Oregon railroad company for refusing to sell lands which he describes as 'magnificent' and 'covered with the finest timber in the world,' at $2.50 per acre. In one breath he condemns them because they sold the lands at low prices and in the next breath condemns them for refusing to sell at low prices.

"The Illinois Central grant, as stated, had a possible market value of $3,100,000. That is an outside estimate of what value the Government parted with as a contribution toward the building of a railroad through a region which Henry Clay described as 'utterly worthless for any present purpose' and Thomas H. Benton referred to as 'jungles for the protection of wild beasts that prey upon the flocks and herds of the farmers.'

"But what has the Government and the State of Illinois taken from the Illinois Central Co. and its owners in consideration of that land grant worth $3,100,000? It has already taken more than $21,000,000 in money and continues to take at the rate of hundreds of thousands of dollars every year.

"Senator CHAMBERLAIN protested, 'I am not inimical to railroads; I am friendly to them.' Why, then, did he not acquaint the Senate with something of the other side of the story? Why did he not mention what the railroad companies have been forced to pay for these land grants?

"The acts of Congress granting the lands contained provisions which, in some cases, have compelled the companies to pay out in money more than the lands were worth, and the various States to which grants were made in trust for specified companies added other costly conditions.

"Two of the clauses that have proved most expensive to the railroads are as follows:

"In 1876 Congressman Holman, of Indiana, caused to be inserted in the appropriation bill the following clause:

"'Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this section.'

"Another provision that was in all the grants reads as follows:

"'The railroad accepting such grant shall be free from toll or other charge upon the transportation of any property or troops of the United States.'

"In addition to the mail pay deductions and the stipulation for transportation of property and troops of the United States, the State of Illinois inserted in the Illinois Central grant a clause under which that company must pay in perpetuity 7 per cent of the gross earnings of these charter lines into the State treasury in lieu of general taxes, which would be approximately 3 to 3½ per cent. Under the Federal valuation law proceedings these figures are obliged to be correctly stated, and the following is an official statement of these items as of the valuation date of June 30, 1915:

Excess State tax on operating revenues	$16,499,995.00
Mail pay deductions	1,569,292.37
Freight deductions	448,327.70
Deductions for handling troops, munitions of war, etc.	2,630,643.24
	21,148,258.31

"There is no doubting the significance of these figures. They are typical of the greater part of all the land grants.

"The value of the Illinois Central grant was $3,100,000, and up to June 30, 1915, it had cost the company in cash $21,148,258, and these charges against its revenues are to continue forever. Any business man would say that the Illinois Central would be in better shape financially to-day if, instead of accepting this land grant, it had borrowed the money and bought this $3,100,000 worth of land outright and owned it free from restrictions.

"Concerning one important feature of the situation Senator CHAMBERLAIN in his speech makes a most unfortunate misstatement. He says that the grants provided that the roads would carry Government troops and property and munitions of war free. They did not contain any such provision. The clause referred to reserved to the Government the right to use the railroad the same as it could use any other highway, but did not require the companies to hire employees and buy coal and provide cars for the free use of the Government. As the Senator states, this question was submitted to the Supreme Court, which only allowed 50 per cent as the necessary operating charge. It is now over 80 per cent.

"Because of this Supreme Court decision Senator CHAMBERLAIN denounces the railroads. He says: 'The railroad companies did not carry out their agreement, but repudiated the contract solemnly entered into.'

"They did carry out their agreement, and they did not repudiate their contract. The Senator from Oregon seems willing to ignore the decision of the Supreme Court in favor of the companies upon a question that was open to reasonable doubt, and to characterize the acceptance by the roads of that decision as a repudiation of contract, and yet claims to be fair-minded! He offers that decision of the Supreme Court, which was rendered 43 years ago, as a reason why he now opposes return of these properties to their owners.

THE IOWA LAND GRANTS.

"Next in agricultural value to the Illinois lands were the grants to the State of Iowa in 1856 in trust for four named companies, namely, the Burlington & Missouri River (now Chicago, Burlington & Quincy), the Mississippi & Missouri (now Rock Island), the Cedar Rapids & Missouri River (now Chicago & North Western), and the Dubuque & Sioux City (now Illinois Central).

"The table which the Senator from Oregon inserts in his remarks is not a correct statement of the acreage received by the companies. In the case of the Burlington road his table states the acreage as 389,990 acres, when, in fact, it was 358,424 acres, a discrepancy of nearly 10 per cent. The explanation is this:

"The grants were of the odd-numbered sections within 6 miles of the line of road as definitely located, with indemnity for shortages to be selected within 15 miles, but could only apply to the 'public lands' within the designated limits. No land to which any title or even a 'claim of right' in any other person existed at the date when the grant took effect was 'public' land, and therefore no such land passed to the railroad company. In the older Western States (Illinois, Iowa, and Missouri) a large part of the lands had been 'entered' or filed upon or settled under military bounty land warrants or under preemption certificates, so that, although by the general terms of the act the 'grant' to the Burlington road in Iowa was over 900,000 acres, it was never able to get over 358,400 acres. In many cases also where lands were actually patented to railroad companies they afterwards lost them through conflicts with prior Mexican grants, swamp-land grants, Indian and military reservations, and other deductions.

"Similar conditions as to value of lands and deductions made by the Government in consideration of the grants prevailed in Iowa as in Illinois, and in some cases in a more marked degree.

"Take as an illustration the case of the Burlington grant, with which I am personally familiar. That company received 358,424 acres in Iowa, which had been in the market for many years at $1.25 an acre, with no buyers. Speculators would not buy these lands because they could not be sold at a profit. Money in that country commanded 10 per cent, and in many cases as high as 1 per cent a month. To the speculator it was more profitable to lend his money than to buy land from the Government at $1.25 an acre. Settlers would not buy the land even under the very liberal provision of the preemption laws, because there was no market for their products. Instances were numerous in western Iowa of land selling at 70 cents an acre which had been entered at $1.25, because purchasers could not then make a living on the land. That same land now sells for $200 an acre, because New England capital built a railroad for them. Who received the chief profit in that case? The landowner and not the owners of the railroad. For years after the Burlington road was built its stock, which had been paid for at par, sold at 15 cents on the dollar and its 10 per cent bonds sold much below par, although it owned these lands as well as the railroad. The owners of the Burlington road could have taken $450,000 in money and bought every acre of that Iowa land grant. But how much money has the Government compelled it to pay back as the price of that grant? Up to the 1st day of October, 1916, the company had paid to the Government $2,209,000 as the 20 per cent deduction from its mail pay, pursuant to the Holman law of 1876. Exact figures are not available since October, 1916, when the so-called 'space basis' for carrying the mails was inaugurated, but this exaction is going on year after year! Hundreds of thousands of dollars are now being paid every year by these land-grant roads out of their mail pay because of the 'gift' which Congress presented to them in 1856.

"In the case of the Burlington Co. in the State of Iowa it has repaid to the Government in cash by these mail-pay deductions alone more than five times the full money value which the Government parted with in making the Iowa land grant.

"Besides this, in carrying the train loads of troops and munitions of war and Government property across the State of Iowa, during the 50 years since the road was completed from Burlington to Omaha, at half the lawful tariff rates that company has repaid several times over the value of every acre of land that was granted to it.

"There is another side to this particular feature that is often overlooked. Other railroads have been built across Iowa since the land-grant period, such as the Milwaukee & St. Paul and Great Western, which are, technically, not subject to the 50 per cent reductions in tariff, but, being in land-grant territory, the Government authorities force them to also make the cut rate as a condition of giving them any business. The result is a 50 per cent tariff throughout this whole region, whether the road received a land grant or not. It is common practice for the Government to enforce this 50 per cent reduction from the tariff along the entire line of a transcontinental road which has no land grant, such as the Rio Grande and Western Pacific, solely because the Northern Pacific had a land grant for its entire length!

"The discrimination thus forced upon western roads by the Government in both mail pay and traffic generally, in comparison with great eastern lines, like the New York Central and the Pennsylvania and New Haven, which had no 'gift' of lands, is a severe and costly discrimination, to which the Senator from Oregon might well have called attention in discussing the railroad land grants.

THE NEBRASKA GRANTS.

"In the case of the large grant made to the Burlington road in Nebraska the company sold thousands of acres of these lands at 25 cents per acre, but at the date of the grant it is extremely doubtful whether the entire grant could have been disposed of at $1 per acre, since the United States Government had probably not sold an acre of its land adjoining the lands covered by this grant at its standard price of $1.25 per acre, while at the same time many persons by the purchase of land scrip acquired title to some of the choicest Nebraska lands, more favorably located than one-half or more of this grant, at a cost of less than $1 per acre. In many counties wherein these lands are located no homesteads—at a total expense of $14 for 160 acres—were located until long after the date of this grant, and many of these counties were not "organized" until 1871 to 1873, years after the date of this grant.

THE NORTHERN PACIFIC GRANT.

"The Northern Pacific Railway was not completed until 20 years after its land grant was made, and since then it has gone through bankruptcy twice, notwithstanding its ownership of these lands and of its railroad. How much good did the original stockholders to whom the lands were given realize from the gift? And the same inquiry is pertinent as to the Union Pacific land grant and the grants made to the Rock Island, the Santa Fe, and other western roads that have been foreclosed. Prior to the actual construction of the Northern Pacific the settlement and development of the country was insignificant. There were no dwellings, much less towns, except in the vicinity of Army posts and mining camps and a small community on Puget Sound. The whole country, excepting Indian and military reservations, was open to homestead and other entry under the public-land laws, and the maximum charge by the United States for agricultural lands entered prior to the definite location of the road was $1.25 per acre. Generally speaking, the Indians were occupying the territory to the exclusion of others. Practically all the value the lands now have has resulted from the construction of the road.

"Seven-eighths of all the lands granted to the Northern Pacific Railway have now been sold, and the net receipts and uncollected deferred payments have produced for the company an average of $2.89 per acre, as officially reported.

THE UNION PACIFIC GRANT.

"Under date of November 11, 1919, the land commissioner of the Union Pacific Railway made the following estimate of the value of the lands covered by their grants at the time of the grants, namely:

"In Nebraska and Kansas, $1 an acre.

"In Colorado, 50 cents an acre.

"In Wyoming and Utah, 25 cents an acre.

SOUTHERN GRANTS.

"The table which the Senator from Oregon caused to be inserted in the RECORD shows railroad grants of acreage in Southern States as follows:

	Acres.
Mississippi	1,075,345
Alabama	2,746,560
Florida	2,216,980
Arkansas	2,562,095
Missouri	1,837,968

"Hon. E. B. Stahlman, of Nashville, before a congressional committee, when resisting an attempt to still further reduce the mail pay of the land-grant roads, stated under oath:

"'The land granted in Alabama consisted of hills and mountains not susceptible of cultivation. The Florida lands were sand hills thinly covered with small pine of little value. Of these the best have been sold at 70 cents per acre. The companies can not realize 25 cents per acre on what remains unsold. When the grants were made, their value could not have exceeded 12½ cents per acre. Lands of greater value were sold all through Florida and Alabama for that price.'

"Hon. W. A. McRae, now commissioner of agriculture for the State of Florida, wrote from Tallahassee under date of November 21, 1919:

"'It would be fair to assume that the bulk of the lands granted to Florida railroads brought them less than $1.25 per acre.'

"When account is taken of the taxes paid and commissions, advertising, and other costs of selling, Mr. Stahlman's estimate that the value which the Government contributed toward the construction of these southern roads did not exceed 12½ cents an acre does not seem far out of the way.

"The grant to the St. Louis & San Francisco Co. was for 1,668,000 acres in Missouri, and concerning its value the land commissioner says: 'Fifty per cent of this grant was wholly worthless; 30 per cent was fair, and similar lands sold for 25 cents per acre; the remaining 20 per cent were worth $1 per acre.'

"Concerning the Atlantic & Pacific grant, the vice president of that company says: 'The company sold 3,500,000 acres at 75 cents per acre, 1,058,560 acres at 50 cents per acre to a cattle company, and 259,000 acres at 70 cents per acre, an average of 87 cents per acre, or $4,670,000. The taxes and expense of selling the lands to date have been $622,000, the mail pay deductions $430,000, and large deductions on account of transportation of troops and munitions of war. The company would be glad to sell all the land it now owns or will receive at 25 cents per acre. There is no demand for it, and the truth is it can not be sold for any sum.'

TEXAS GRANTS.

"More lands, by far, were granted by the State of Texas to aid in the construction of railroads than by any other State, mainly because they had more to give.

"What was the value of these lands according to the views of Texans who are qualified to speak?

"Two of the largest grants in Texas were those made to the International & Great Northern (5,646,720 acres) and to the Gulf, Colorado & Santa Fe (3,554,560 acres).

"The International & Great Northern lands (12,800 acres per mile) were forced upon the railroad company in 1875, in place of bonds of $10,000 per mile which had been granted and were promised—that is, the company was compelled to accept the lands on a basis of 78 cents an acre. But this was an exceptionally valuable grant because the surveys were allowed to be made in solid bodies, and the lands were wholly exempt from all taxes for 25 years. They had to be located in the arid regions of Texas, and lands of better value were freely sold in those days at 10 cents an acre.

"The result of being compelled to accept these lands was that the International & Great Northern was forced into bankruptcy in 1876, and in those proceedings these lands were turned bodily over to the bondholders, and did not really contribute to the building of a mile of the road.

"The Gulf, Colorado & Santa Fe built 1,000 miles of railroad in Texas and received land certificates on the first 200 miles, amounting to 3,554,560 acres, which they sold for $246,677, less $35,508 expenses, the net proceeds being $211,168. The road was cheaply constructed and the proceeds of their land grant were sufficient to pay for the construction and equipment of 10 miles of the 1,000 miles, according to the statement of date December 10, 1919, by the Federal manager, Mr. F. G. Pettibone, well known all over Texas. This was not an improvident or unusual sale. The prevailing price of similar lands in Texas from 1878 to along in the eighties averaged from 10 to 12½ cents an acre. Over 32,000,000 acres were granted in Texas, with an out-

side selling value of $6,000,000, which would construct and equip about 150 miles of the present 15,740 miles in that State, or less than 1 per cent.

"The tables filed by the Senator from Oregon aggregate 124,000,000 acres, and if the swamp and other lands granted by States, including Texas, are added, the grand total is approximately 174,000,000 acres, which no reasonable man with knowledge of the facts would estimate as having a value, when granted, to exceed $174,000,000, of which the companies have already repaid at least one half in cash and are subject to perpetual charges which in time will more than equal the other half.

"That is equivalent to saying that all the lands granted to all railroads in the United States have not been equal in value to 1 per cent of the cost of the roads. The figures of the gross sales will, of course, aggregate a larger amount, but from these must be deducted taxes, commissions, and sale expenses, and this increased value is a value which the railroad has itself created.

"The history of land grants to railroads in this country has not yet been written. It was in the main a record of pioneering and risk, of financial struggles, disappointments, and loss. When that history is impartially written and the facts of each grant are disclosed it will probably be made clear that from the point of view of the public it was a wise and beneficent policy, the chief beneficiaries of which have been the fortunate farmers who bought the lands and improved them.

"The railroad companies were interested in getting the lands into the ownership of actual settlers who would cultivate them and create traffic for their roads, which was far better for the general good than to have them owned by speculators. There is no evidence that they did not act in good faith in promptly disposing of the lands and devoting the proceeds to the construction of the roads.

"Senator CHAMBERLAIN in speaking of these grants characterizes them as 'gifts.' Gifts of this character are made by the public, not because the givers love those to whom they are made, but to induce the recipients to do something for them. What was the motive behind these so-called gifts of land? It was to induce those to whom the lands were offered to risk their money in building railroads through uninhabited regions in order that the public might profit by their investment. Instead of making a gift the public received a full and adequate financial compensation in the building of the roads entirely aside from the actual repayments of cash that have been exacted.

"Discussion of this subject from the standpoint of statesmanship, to say nothing of common honesty, would take into consideration the state of the country and conditions in the West and all the motives which led to the adoption of the policy by Congress.

"Instead of such discussion it has been the practice for years by a certain class of politicians to bring out and reproduce at intervals this detailed list of the acreage granted to railroads by States and by companies, without stating values or the conditions of the grants, and then by innuendo and insinuation, and sometimes by direct assertion, seek to create in the public mind of the present day a belief that the railroads were largely built by these gifts of land.

"Those engaged like Mr. Plumb in a propaganda for gaining control of the railroad property of the country without the investment of a dollar and without the slightest responsibility for consequences may be expected to indulge in more or less reckless assertion, but such indulgence is not looked for in the Senate."

THE AMERICAN METAL CO.

Mr. CALDER. I submit a resolution requiring from the Alien Property Custodian certain information relative to the sale of the American Metal Co., and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 275) was read, as follows:

Whereas according to press reports, the Alien Property Custodian has recently sold 34,644 voting trust certificates of the American Metal Co. to a syndicate, the members of which apparently include persons connected with the former German owners of this company, and persons whose ownership of stock in such metal companies was declared by the Alien Property Custodian in his report published in February, 1919 (S. Doc. 435, 65th Cong., 3d sess.), to be a menace to the country: Therefore be it

Resolved, That the Alien Property Custodian is hereby directed to report to the Senate as soon as practicable:

First, the names of the purchasers of such certificates; the number of certificates purchased by each; and the relations, if any, of each purchaser to the former German owners of such American Metal Co.

Second, the reasons for and the circumstances surrounding the sale of a large portion of such voting trust certificates to L. Vogelstein, in view of the reference to such Vogelstein on pages 92 and 93 of the report of the Alien Property Custodian herein mentioned.

Third, the provisions of law, if any, authorizing, and the reasons for, the formation of a voting trust and the sale of voting trust certificates, in lieu of the sale of the shares of stock taken from the alien enemy holders thereof.

Fourth, all other pertinent facts in connection with the sale and transfer of such voting trust certificates, and the issuance and award of such certificates by the advisory committee.

Mr. WALSH of Montana. Mr. President, I ask that the preamble of the resolution be again read. I did not hear it all read.

The preamble was again read.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

CESSION OF THRACE TO GREECE.

Mr. KING. Mr. President, I offer the following resolution and ask that it lie upon the table. It relates to the cession of Thrace to Greece. There is a resolution before the Committee on Foreign Relations dealing with the same subject. I shall not ask consideration of the resolution or its reference to that committee pending some action by the Committee on Foreign Relations, but if the committee fails to act within a short time I shall then ask for consideration of the resolution which I now offer.

Mr. BRANDEGEE. The resolution will be printed in the RECORD if it is not to be read?

Mr. KING. I ask to have it printed in the RECORD.

The resolution (S. Res. 276) was ordered to lie on the table, as follows:

Whereas it is imperative for the peace of eastern Europe that the peace conference make a proper disposition of the territories surrendered by Turkey and Bulgaria and comprising the residue of Thrace extending from Kavalla along the coast of the Aegean Sea to the line of the Chatalja Hills behind Constantinople, reserving to the league of nations proper control of the fortifications which command the Dardanelles to insure the free navigation of the straits between the Aegean and the Black Seas; and

Whereas Thrace is racially and geographically a proper part of ancient Greece; and

Whereas the Greeks in the hundred years since their emancipation from the domination of the Turks and the establishment of the independent Kingdom of Greece have striven consistently for the redemption of Thrace from alien rule; and

Whereas it is now within the discretion of the allied and associated powers to satisfy the proper national aspirations of the Greeks with regard to Thrace; and

Whereas the requirements of Bulgaria for the accommodation of its maritime commerce at an Aegean port may be completely satisfied upon the same terms which the Greeks have accorded Serbian commerce in the port of Saloniki: Now therefore be it

Resolved, That it is the sense of the Senate that those parts of Thrace which have been surrendered by Bulgaria and Turkey to the principal allied and associated powers and extending to the line of Chatalja Hills, behind Constantinople, should be awarded by the peace conference to Greece and become incorporated in the Kingdom of Greece, proper control of the fortifications which command the Dardanelles being retained under the authority of the league of nations, and Greece being charged with the duty of granting to Bulgaria arrangements for the accommodation of Bulgarian commerce at an Aegean port, of a similar character to the commercial accommodations granted Serbia at Saloniki.

COAL CORPORATION TAXES.

Mr. JOHNSON of South Dakota. Mr. President, there is on the calendar Senate resolution 257, requesting the Secretary of the Treasury to furnish a statement relative to dividends paid by corporations engaged in the mining and production of coal within the United States for 1917 and 1918.

The Senator from Georgia [Mr. HARRIS] has introduced a resolution providing for practically the same thing. I should like to call up the resolution of the Senator from Georgia, S. Res. 247, requesting information from the Secretary of the Treasury relative to income and profits tax returned from coal corporations. The Senator from Utah [Mr. SMOOT] objected to its consideration the other day on the ground that it could not legally be done.

Mr. SMOOT. I have not changed my mind in that respect, and I shall object to the consideration of it at this time.

Mr. JOHNSON of South Dakota. Has the Senator from Utah considered the resolution of the Senator from Georgia?

Mr. SMOOT. I have considered it and shall object unless an amendment has been offered to it. I do not know whether it has or not, or whether the Senator from South Dakota is going to offer it now.

Mr. JOHNSON of South Dakota. The resolution will be offered as it lies on the desk, and I should like to have the Secretary read it.

Mr. SMOOT. I see no objection to the Secretary reading it, but I do object to its present consideration.

The VICE PRESIDENT. What is the use of reading it, then?

Mr. SMOOT. There is no use whatever, as I object to it.

The VICE PRESIDENT. Objection is made. Morning business is closed.

LAND GRANTS TO RAILROADS.

Mr. CHAMBERLAIN. Mr. President, I desire to make just a few observations, with the consent of the Senate, in reference to a statement which was printed in the RECORD while I was temporarily out of the Senate, presented by my friend, the Senator from Utah [Mr. KING]. It was a statement attached to a letter written by Mr. W. W. Baldwin, of Chicago, to the Senator from Utah, in reference to some remarks made by me some days ago regarding land grants to railroads. I desire that what I say now shall be printed in connection with the article in question.

Mr. President, the statement prepared by Mr. Baldwin, which was printed in the RECORD, I think unjustly criticizes what I had to say when the Cummins bill was up for consideration in reference to grants to railroads. In his opening statement he says:

> The remarks of Senator CHAMBERLAIN, of Oregon, in the Senate on Friday, December 19, 1919, contain so many mistakes of fact, and so many half truths, that they do not correctly represent the subject of land grants to railroads. The Senator himself is probably an unconscious victim of this misrepresentation because his speech consists largely of quotations from a publication called Encyclopedia of American Government.

That statement is not true, and I may say, for the benefit of Mr. Baldwin, that I think, coming from a public-land and land-grant State, as I do, I know just as much about the general situation as he does. I do not know anything about the books of his company and which he represented as land agent, but it is a well-known fact that while figures do not lie, liars will sometimes figure. I do not mean to charge that Mr. Baldwin has falsified anything, because my friend, the Senator from Utah [Mr. KING], says he is a highly honorable man; but I do know, and I charge, that in many instances railroad companies that had these immense grants have charged up anything they pleased against the moneys received from the land grants. It has constituted a sort of a slush account into which they might inject many charges that ought not to have been made against the proceeds of the land grants, and ought not to have been charged against the Government at all.

But the statement I resent in this publication of Mr. Baldwin is that I was unconsciously misled by the Encyclopedia of American Government. Mr. President, I expressly copied into the RECORD, not what this encyclopedia had to say about the number of acres and the amount of these several grants, but I made portions of the report of the Commissioner of the General Land Office a part of my remarks, and I not only did that, but I gave the page of the report where the matter was to be found, and stated:

> Mr. President, in support of what I have to say about that, I call attention to State grants that were made from 1850 to June 30, 1919, and I am referring now to the report of the Commissioner of the General Land Office to the Secretary of the Interior for the fiscal year ended June 30, 1919, so it is a recent report.

And I then quoted from the report just exactly what the Commissioner of the General Land Office had to say about these land grants.

That report brought the condition of the grants down to June 30, 1919, as I recall it now. In order further to convince Mr. Baldwin of the accuracy of my statements, I ask to have printed in the RECORD, as an appendix to my remarks, a statement showing the land grants made by Congress to aid in the construction of railroads, together with data relative thereto, compiled from the records of the General Land Office by order of the Secretary of the Interior and printed as a public document in 1915. I do not ask to have printed anything with reference to wagon roads, canals, or internal improvements mentioned therein, but all that bears upon railroad grants. I do that, Mr. President, for the purpose of showing not only the original grants but the extent of the indemnity limits, where, in addition to the specific grants, the railroad companies were permitted to select lands outside of the grant itself; the name of the grantee; the grantees of the States, which were in nearly every case, if not in all cases, railroad companies; subdivisions of grants and present owners; the date of the several acts; and additional legislation affecting these grants. That gives in minute detail everything that affects these grants down to 1915.

Mr. President, Mr. Baldwin in his statement says I was inconsistent in the observations I made, that the railroad companies ought to have sold these grants and at the same time insisting that if they had been properly husbanded the grants which were made to the companies would have built the roads. I made no such statement, as far as the first part of his statement is concerned, but I did say, and I repeat, that if these land grants had been properly handled, and the moneys properly accounted for, in many instances they would have completed the roads.

In this connection I want to refer again to the Oregon & California grant and the California & Oregon grant, where millions of acres were given for the construction of a road practically from Portland, Oreg., to San Francisco. Mr. President, the company violated expressly the terms of the grants in these cases. They were limited to sell in quantities of 160 acres of land to actual settlers at $2.50 per acre. They held those lands back from cultivation and settlement for many years, and when they went up in price they sold larger quantities than 160 acres to other than actual settlers, and in addition to that sold for prices per acre far in excess of the amount specified in the grant itself.

The railroad companies, under the management of Mr. Harriman, finally, as these timberlands commenced to soar skyward in value continued to hold these lands from any settlement and cultivation in violation of the terms of the grant, with the result that proceedings were instituted in the Legislature of Oregon and by the people of Oregon to have the grants forfeited, and later a suit was commenced in the Federal court of Oregon to forfeit the grants. The Supreme Court of the United States, while they did not forfeit the grant in terms, in effect authorized legislative action which might forfeit the grant, reserving only to the railroad companies the price of $2.50 per acre; and Congress did, in 1908 or 1909, enact laws which forfeited the grants, and the lands are now restored to the people of the country and are being sold under rules and regulations provided by the Secretary of the Interior under the act of Congress.

I do not know, Mr. President, that I care to enter into a lengthy discussion of the statement of Mr. Baldwin. I simply wanted to say that he is entirely mistaken when he said I relied upon any encyclopedia for the information submitted by me in my remarks a few days ago. I relied upon the reports of the Federal Government—upon the reports of the Commissioner of the General Land Office. I repeat that the statements I made then were correct, and I now desire to duplicate that statement by printing in the RECORD, as an appendix to those remarks, another statement by another branch of the Government to show just exactly what these grants were and what subsequent legislation was had in regard thereto.

Mr. President, I desire to say in conclusion that many of the roads agreed to carry Federal troops and munitions of war under varying arrangements. I may have stated it a little too broadly if I said they agreed to carry them for nothing. In some instances the railroad companies have come back to Congress and asked for relief from the very terms of the grant under which they took those lands, and the Congress has sometimes afforded them relief. Relief has been asked within the last three or four years, to my certain knowledge. I refer particularly to chapter 209, Thirty-sixth Statutes at Large, pages 1037 and 1050, where it is provided amongst other things as follows:

> *Provided further,* That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

I ask to have printed as an appendix to my remarks a statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal improvements, together with data relative thereto, compiled from the records of the General Land Office by order of the Secretary of the Interior.

The VICE PRESIDENT. Without objection, it is so ordered.

The appendix referred to follows:

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
1	Sept. 20, 1850	9	466	From the southern terminus of the Illinois and Michigan Canal to a pont at or near the junction of the Ohio and Mississippi Rivers with a branch of the same to Chicago, on Lake Michigan, and another via Galena to Dubuque, in the State of Iowa.	Even sections within 6 miles of road.	Fifteen miles on each side of road. Even sections.	State of Illinois.	Illinois Central R. R. Co.	Illinois Central R. R. Co.	Aug. 2, 1852	10	27	For protection of settlers along line of road.
2	Sept. 20, 1850	9	466	From the mouth of the Ohio River to the city of Mobile.	.....do.....	Same. State elected to take indemnity from *odd* sections.	State of Mississippi, so far as road is in said State.	Mobile and Ohio R. R. Co.	Mobile and Ohio R. R. Co.	Mar. 3, 1849	9	772	Granting right of way.
										Aug. 2, 1852	10	27	For protection of settlers along line of road.
										Feb. 18, 1859	11	384	Confirming transfer from State to company and extending time for completion of road.
3	Sept. 20, 1850	9	466	.....do.....	.....do.....	Same. Odd sections as above.	State of Alabama, so far as road is in said State.	.....do.....	.....do.....	Mar. 3, 1849	9	772	Granting right of way.
										Aug. 2, 1852	10	27	For protection of settlers.
										Feb. 18, 1859	11	384	Confirming transfer and extending time for completion.
4	June 10, 1852	10	8	From Hannibal to Saint Joseph.	.....do.....	.....do.....	State of Missouri.	Hannibal and Saint Joseph R. R. Co.	Hannibal and Saint Joseph R. R. Co.	.....	.....	.....	.....
5	June 10, 1852	10	8	From Saint Louis to such point on the western boundary of the State as may be designated by the authorities of the State. Located via Springfield.	.....do.....	Even sections within 15 miles of road.	.....do.....	Pacific R. R. Co.	From Pacific, Mo., to State line, to the Saint Louis and San Francisco Rwy. Co. From Saint Louis to Pacific, Mo., to the Missouri Pacific Rwy. Co.	June 5, 1862	12	422	Extending time for completion of of road.
6	Feb. 9, 1853	10	155	From a point on the Mississippi River opposite the mouth of the Ohio River, in the State of Missouri, via Little Rock, to the Texas boundary near Fulton, in Arkansas, with branches from Little Rock to the Mississippi River and to Fort Smith, in Arkansas.	.....do.....	Fifteen miles on each side of road. States elected to take odd sections.	States of Missouri and Arkansas, respectively.	Cairo and Fulton R. R. Co.	From mouth of Ohio River, in Missouri, to Texas boundary at Texarkana, Ark., to Cairo and Fulton R. R. Co., now Saint Louis, Iron Mountain and Southern Rwy. Co.	Mar. 3, 1869	15	349	Extending time for completion of first 20 miles.
										May 6, 1870	16	376	.....do.....
								Little Rock and Fort Smith Rwy. Co.	From Little Rock to Fort Smith, Ark., to Little Rock and Fort Smith Rwy. Co.	Apr. 10, 1869	16	46	Extending time and providing that lands shall be sold to settlers at a price not exceeding $2.50 per acre.
										Mar. 8, 1870	16	76	Repealing proviso to act of Apr. 10, 1869.
								Memphis and Little Rock R. R. Co.	From Little Rock to Mississippi River, opposite Memphis, Tenn., to Memphis and Little Rock R. R. Co.	.....	.....	.....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks
Feb. 14, 1852.	Sept. 20, 1850. All lands within limits.	Aug. and Sept., 1852.	Public notice, by order of Commissioner of General Land Office.	Adjusted and closed.	2,595,133.00	2,595,133.00	707.73	707.73	None.	None.	None.	From Cairo to East Dubuque and from Centralia to Chicago, Ill. (See opinion of Attorney-General, Mar. 10, 185?, relative to extent of grant and location of Chicago branch, 5 Opin., 518.)
Nov. 18, 1851, from Alabama line to Tibby Creek. Jan 31, 1853, from Tibby Creek to Tennessee State line.	Sept. 20, 1850. All lands within limits. None. Indian lands.	Sept., 1853...	.....do.....	.....do.....	737,130.29	a 737,130.29	493	493	None.	None.	None.	From Mobile, Ala., to Cairo, Ill. Entire road held to be subject to obligations of grant, although grant of lands is confined to States of Alabama and Mississippi. (See opinions of Attorney-General, Aug. 17, 1852, 5 Opin., 603; and Nov. 21, 1871, 13 Opin., 536.)
Aug. 28, 1849, from Chestang's boundary to Mississippi State line. Map filed under act of Mar. 3, 1849. July 10, 1852, from Chestang's boundary to south boundary of Mobile.	Sept. 20, 1850. All lands within limits.	Sept., 1853...	.....do.....	.....do.....	419,528.44	419,528.44	.....	.....	.....	.....	.....	In the adjustment of this grant the road was treated as an entirety and without reference to the State line. Hence Alabama has had approved to her more and Mississippi less than they would appear to be entitled to in proportion to the length of the road in the respective States.
June 10, 1853. Jan. 3, 1854.	June 11, 1852. All lands within limits.	Grant adjusted in 1854.	.....	.....do.....	778,550.04	611,323.35	206	206	None.	None.	None.	From Hannibal to Saint Joseph, Mo.
Nov. 25, 1853.	June 11, 1852. All lands within limits.	Aug. and Sept., 1854.	By order of Commissioner of General Land Office, See notice No. 517.	.....do.....	1,159,080.33	1,161,284.51	241	241	None.	None.	None.	The mileage here given covers the road from Saint Louis to Springfield only, the portion between Springfield and the State line being reported as a part of Atlantic and Pacific R. R.
Aug. 11, 1855, in Arkansas Feb. 16, 1857, in Missouri.	May 19, 1853, under act of 1853; Sept. 6, 1853, and Jan. 23, 1854. June 13, 1867, Arkansas; May 17, 1870, Missouri, under act of 1866.	Aug. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	[1] 500,384.44 [2] 1,946,112.00	[1] 65,120.31 [2] 1,325,355.43	394	394.5	None.	None.	None.	From Bird's Point, Mo., opposite mouth of Ohio River, via Little Rock, to Texarkana, Ark.
Aug. 13, 1855.	May 19, 1853, act 1853; Mar. 14, 1868, act 1866.	Mar. 21, 1883.	By order of Commissioner of General Land Office.	Adjusted and closed.	1,052,082.51	1,052,082.51	165.16	165.16	None.	None.	None.	Little Rock and Fort Smith R. R., from Argenta, opposite Little Rock, to Fort Smith, Ark.
Aug 18, 1855.	May 19, 1853, act 1853; Mar. 14, 1868, act 1866.	Withdrawal never revoked; but little or no vacant lands within limits of grant.	.....	Practically adjusted, but not closed.	838,400.00	184,657.33	131	131	None.	None.	None.	Memphis and Little Rock R. R., from Argenta to Mississippi River, opposite Memphis, Tenn.

[1] Missouri. [2] Arkansas.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
6	July 28, 1866	14	338	Same	Odd sections within 5 miles of lands granted by act of 1853.	Odd sections within 20 miles of road.	States of Missouri and Arkansas, respectively.			June 2, 1864	13	95	Increasing indemnity limits to 20 miles and extending right of selection to even sections.
7	May 15, 1856	11	9	From Burlington on the Mississippi River, to a point on the Missouri River near the mouth of the Platte River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Extended to 20 miles by act of June 2, 1864.	State of Iowa	Burlington and Missouri River R. R. Co.	No subdivision. Present owner, Chicago, Burlington and Quincy R. R. Co.	July 1, 1864	13	335	Authorizing change in location of road; no change in location of grant.
										Mar. 3, 1865	13	526	Extending time for completion.
										Mar. 3, 1865	13	573	....do....
										Feb. 10, 1866	14	349	....do....
8	May 15, 1856	11	9	From Davenport, via Iowa City and Fort Des Moines, to Council Bluffs.	....do....	Fifteen miles on each side of road. See act June 2, 1864, extending limits to 20 miles.	....do....	Mississippi and Missouri R. R. Co.	No subdivision. Present owner, Chicago, Rock Island and Pacific Rwy. Co.	June 2, 1864	13	95	Authorizing relocation of uncompleted portion of road, and providing that grant be taken along new location within 20 miles.
										Mar. 3, 1865	13	526	Extending time for completion.
										Jan. 31, 1873	17	421	Confirming adjustment made by General Land Office.
										June 15, 1878	20	133	Directing restoration of vacant lands falling outside 20-mile limits of grant as relocated under act of June 2, 1864.
9	May 15, 1856	11	9	From Lyons City northwesterly to a point of intersection with the Iowa Central Air Line R. R., near Maquoketa, thence on said line, running as near as practicable to the 42d parallel, across the State to the Missouri River.	....do....	....do....	....do....	Iowa Central Air Line R. R.	Grant west of Cedar Rapids granted to the Cedar Rapids and Missouri River R. R. Co. Lands now owned by Iowa R. R. Land Co. Road operated by Chicago and North western Rwy. Co.	June 2, 1864	13	95	Releasing State from obligation to construct road east of Cedar Rapids; authorizing relocation of uncompleted portion west of that point, so as to connect with the Iowa branch of the Union Pacific R. R., (the eastern terminus of which was at Council Bluffs), and extending right of selection to *even* sections within 15 miles of original line, and to *all* lands within 20 miles of new line. For construction of this act, see Cedar Rapids and Missouri River R. R. Co. v. Herring (110 U. S., 27).
										Mar. 3, 1865	13	526	Extending time for completion.
10	May 15, 1856	11	9	From Dubuque to a point on the Missouri River near Sioux City, with a branch from the mouth of the Tete Des Morts to the nearest point on said road.	....do....	Fifteen miles on each side of road.	....do....	Dubuque and Pacific R. R. Co.	Dubuque to range 36 W. to Dubuque and Sioux City R. R. Co. Range 36 W. to Sioux City, to the Iowa Falls and Sioux City R. R. Co. Entire road operated by Illinois Central R. R. Co. Tete Des Morts Branch, to the Dubuque, Bellevue and Mississippi R. R. Co. Branch now operated by Chicago, Milwaukee and Saint Paul Rwy. Co.	June 2, 1864	13	95	Authorizing relocation of road west of Fort Dodge; not to change location of grant.
										Mar. 3, 1865	13	526	Extending time for completion.
										Mar. 2, 1868	15	38	....do....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Apr. 7, 1857..	May 10, 1856; June 16, 1864; and June 7, 1865. All lands within limits.	Dec. 15, 1887.	By order of Secretary of Interior.	Adjusted and closed.	1,046,062.73	389,930.11	279.98	279.98	None.	None.	None.	From Burlington to East Plattsmouth, Iowa.
Apr. 1, 1857, under act of 1856.	May 10, 1856; June 16, 1864; and June 7, 1865. All lands within 20 miles of original location.	Sept. 9, 1879.	By order of Commissioner of General Land Office, issued in accordance with act of June 15, 1878.	.....do.....	1,228,525.96	[1] 644,747.17	317.75	317.75	None.	None.	None.	From Davenport to Council Bluffs, Iowa. (See decision of Supreme Court in case of Grinnell v. R. R. Co., 103 U. S., 739.)
Jan. 11, 1870, relocation under act of 1864.	.....	Dec. 15, 1887.	By order of Secretary of the Interior.									
June 15, 1857, under act of 1856.	May 10, 1856; June 16, 1864; June 7, 1865; and June 12, 1875. All lands within 15 miles of original and 20 miles of new location.	May 22, 1891.	.....do.....	Practically adjusted, but not closed.	1,025,795.67	[1] 1,166,817.81	274.2	271.6	None.	None.	None.	From Cedar Rapids to Council Bluffs Iowa.
Dec. 19, 1867, relocation under act of 1864.								2.6	None.	None.	None.	Lyons branch, from Lyons to Clinton, Iowa.
Oct. 11, 1856.	May 10, 1856; Oct. 20, 1856; Oct. 22, 1856; and June 16, 1864. All lands within limits.	Dec. 15, 1887.	.....do.....	Adjusted and closed.	1,207,145.51	[1] 1,239,464.088	326.58	326.58	None.	None.	None.	Main line, from Dubuque to Sioux City, Iowa.
							10.178	10.78	None.	None.	None.	Tete Des Morts Branch, from the mouth of Tete Des Morts River to the main line near Dubuque.

[1] Includes 35,685.49 acres of the Chicago, Rock Island and Pacific R. R., 103,755.85 acres of the Cedar Rapids and Missouri River R. R., and 77,535.22 acres of the Dubuque and Sioux City R. R. situated in the old Des Moines River grant of August 8, 1846, which should be deducted from the foregoing amounts. (Wolcott v. Des Moines Co., 5 Wall. 631.)

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
11	May 17, 1856	11	15	From the Saint Johns River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Florida.	Florida, Atlantic and Gulf Central R. R. Co. Pensacola and Georgia R.R. Co.	Jacksonville to Lake City. Lake City to Pensacola. This portion of the grant was again divided in 1881, the portion extending from the Apalachicola River to Pensacola being conferred by the State upon the Pensacola and Atlantic R. R. Co., now Louisville and Nashville R. R. The road and, presumably, the grant from Jacksonville to the Apalachicola River, is now owned by the Florida Rwy. and Navigation Co., now part of Seaboard Air Line.	.....	...	....	NOTE.—Notwithstanding the division made by the State, this grant was, after full consideration, treated as a single grant, and the lands certified accordingly.
12	May 17, 1856	11	15	From Amelia Island (Fernandina), on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Keys, on the Gulf of Mexico.	.....do.....	.....do.....	.....do.....	Florida R. R. Co., which, by change of name, became the Atlantic, Gulf and West India Transit Co.	No subdivision. Present owner, Florida Central and Peninsular R. R. Co.	.....	...	....	.....
13	May 17, 1856	11	15	From Pensacola to the State line of Alabama, in the direction of Montgomery.	.....do.....	.....do.....	.....do.....	Florida and Alabama R. R. Co., of Florida.	No subdivision. No change of ownership known to this office. Road operated by Louisville and Nashville R. R. Co.	.....	...	....	.....
14	May 17, 1856	11	15	From Montgomery to the boundary line between Florida and Alabama, in the direction of Pensacola, to connect with the road from Pensacola to said line.	.....do.....	.....do.....	State of Alabama.	Alabama and Florida R. R. Co., of Alabama.	No subdivision. Present owner, Mobile and Montgomery Rwy. Co.	.....	...	....	.....
15	June 3, 1856	11	17	From the Tennessee River, at or near Gunter's Landing, to Gadsden, on the Coosa River.	Odd-numbered sections within 6 miles of road.	.....do.....	.....do.....	Tennessee and Coosa R. R. Co.	No subdivision. Present owner, the grantee of the State.	Sept. 29, 1890 Mar. 3, 1903 Mar. 4, 1907	26 32 34	496 1222 1408	Forfeiting uncompleted portion of grant. Providing for an exchange of lands between settlers and the company or its vendees. .....do.....
16	June 3, 1856	11	17	From Gadsden to connect with the Georgia and Tennessee, and Tennessee line of railroads, through Chattooga, Wills, and Lookout Valleys.	.....do.....	.....do.....	.....do.....	Coosa and Chattooga R. R. Co.	From Gadsden, through Chattooga Valley, to Georgia State line. No company claiming grant is known to General Land Office.	Apr. 10, 1869 Sept. 29, 1890	16 26	45 496	Reviving grant and extending time for completion of road. Forfeiting entire grant.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Aug. 17, 1857. Aug. 17, 1857, from Lake City to Tallahassee. May 10, 1858, from Tallahassee to Pensacola.	May 17, 1856; May 23, 1856. All lands within limits.	Jan. 17, 1888, from Jacksonville to Apalachicola River. Aug. 15, 1857, from Apalachicola River to Pensacola.	By order of Secretary of the Interior. ....do.....	Adjusted and closed. ....do.....	1,315,496.22	1,308,620.88	370	189	181	181	None.	Completed from Jacksonville to Lake City, 59 miles, and from thence to Quincy, 130 miles additional within time prescribed by granting act. Completed from Quincy to Apalachicola River, 20 miles, in 1873, and thence to Pensacola, 161 miles, in 1883. Adjusted as one grant.
Sept. 22, 1857, from Fernandina to Waldo, and thence to Cedar Keys.	May 17, 1856; July 8, 1856; and Sept. 6, 1856.	Aug. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	1,034,279.72	731,711.77	237.65	85	152.65	152.65	None.	Completed from Fernandina to Waldo within time prescribed, and from Waldo to Tampa after that time.
Dec. 14, 1860, from Waldo to Tampa.	Sept. 6, 1856; Apr. 25, 1857; and Mar. 16, 1881. All lands within limits.	.....	.....	.....	.....	.....	70	70	None.	None.	None.	Cedar Keys branch, from Waldo to Cedar Keys.
Aug. 13, 1856.	June 9, 1856. All lands within limits.	Dec. 15, 1887.	....do.....	Adjusted and closed.	147,942.81	166,691.08	44	44	None.	None.	None.	From Pensacola, Fla. to Flomaton, Ala.
Sept. 18, 1856.	May 17, 1856; February 13, 1857. All lands within limits.	Dec. 15, 1887.	....do.....	....do.....	439,972.58	399,022.84	119	119	None.	None.	None.	From Montgomery to Flomaton, Ala.
Jan. 18, 1859.	June 19, 1856; Feb. 13, 1857. All lands within 15-mile limits.	Aug. 15, 1887.	....do.....	Practically adjusted, but not closed.	96,033.12	67,784.96	36.05	None.	10.22	36.05	25.83	From Gadsden to Guntersville, Ala.
Sept. 20, 1858.	June 19, 1856; Feb. 13, 1857. All lands within 15-mile limits.	No withdrawal of indemnity lands has been recognized since the war of 1861.	.....	Not earned..	.....	None.	37.5	None.	None.	37.5	37.5	From Gadsden to Georgia State line.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
16	.....	...	...	.....	.....	.....	.....	Wills Valley R. R. Co	From Gadsden, through Wills and Lookout Valleys, to Wauhatchie, Tenn. Present owner, the Alabama and Chattanooga R.R. Co.				
17	June 3, 1856	11	17	From near Gadsden to some point on the Alabama and Mississippi State line in the direction of the Mobile and Ohio R. R.	Odd-numbered sections within 6 miles of road.	Fifteen miles on each side of road.	State of Alabama.	Northeast and Southwestern R. R. Co.	No subdivision. Present owner, the Alabama and Chattanooga R.R. Co.	Apr. 10, 1869	16	45	Reviving grant and extending time for completion of road.
18	June 3, 1856	11	17	From Girard to Mobile, Ala.	.....do.....	.....do.....	.....do.....	Mobile and Girard R. R. Co.	No subdivision. Present owner, the grantee of the State.	Sept. 29, 1890	26	496	Forfeiting grant between Troy and Mobile, Ala.
										Mar. 3, 1903	32	1222	Providing for an exchange of lands between the company, or its vendees, and settlers.
										Feb. 24, 1905	33	813	.....do.....
										Mar. 4, 1907	34	1408	.....do.....
19	June 3, 1856	11	17	From Montgomery, Ala., to some point on the Alabama and Tennessee State line, in the direction of Nashville, Tenn.	.....do.....	.....do.....	.....do.....	Tennessee and Alabama Central R. R. Co.	No subdivision. Present owner, the South and North Alabama R. R. Co.	Mar. 3, 1857	11	200	Amending act of June 3, 1856, as to name of company.
										Mar. 3, 1871	16	580	Reviving grant and extending time for completion of road.
20	June 3, 1856	11	17	From Selma to Gadsden, Ala.	.....do.....	.....do.....	.....do.....	Alabama and Tennessee Rivers R. R. Co.	No subdivision. Present owner, the Selma, Rome and Dalton R. R. Co.	May 23, 1872	17	159	Confirming to State lands theretofore certified, and granting right of way.
										Sept. 29, 1890	26	496	Forfeiting grant between Jacksonville and Gadsden, Ala.
21	June 3, 1856	11	21	From Little Bay de Noquet to Marquette, Mich.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Michigan.	Bay de Noquet and Marquette R. R. Co.	No subdivision. Present owner, Marquette, Houghton and Ontonagon R.R. Co.	.....	...	....	NOTE.—The act of Mar. 3, 1865, provided that this company should receive lands for only 20 miles of road, viz, 200 sections; and that said lands should not be selected east of the line between ranges 26 and 27 west or south of the line between townships 47 and 48 north.
21a	Mar. 3, 1865	13	520	Twenty miles westerly from Marquette, Mich.	Four additional sections per mile.	Twenty miles.	.....do.....	.....do.....	.....do.....	.....	...	....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Nov. 29, 1858	June 19, 1856; Feb. 13, 1857. All lands within 15 mile limit.	Aug. 15, 1887	By order of Secretary of the Interior.	Practically adjusted, but not closed.	832,693.62	653,888.76	272	272	None.	None.	None.	From Mississippi State line, near Meridian, to Wauhatchie, Tenn. Company received lands for road in Alabama only. The Wills Valley portion of this grant was adjusted separately and has been closed.
June 1, 1858..	....do.....	Aug. 15, 1887.	....do.....	Adjusted and closed.	302,181.16	302,181.16	223.6	54	30	169.6	139.6	Completed from Girard to Union Springs, Ala., within the time required, and from Union Springs to Troy after that time. Unconstructed from Troy to Mobile. In this connection see certificate of governor of Alabama, dated March 20, 1884, relative to construction of a railroad from Pollard to Mobile, 63 miles, by the Mobile and Great Northern R. R. Co., here reported as unconstructed.
May 30, 1866, from Decatur to Calera. July 26, 1871, from Montgomery to Calera.	June 19, 1856; Feb. 13, 1857; and Jan. 7, 1869; Sept. 26, 1866; and Apr. 27, 1871. All lands within 15-mile limits.	Dec. 15, 1887.	....do.....	Practically adjusted, but not closed.	594,689.60	445,438.43	183	183	None.	None.	None.	From Montgomery to Decatur. No action appears to have been taken by the company under the grant between Decatur and the State line of Tennessee. No road was located between said points, and no lands are withdrawn therefor.
Mar. 27, 1858.	June 19, 1856, and Feb. 13, 1857. All lands within 15-mile limits.	Dec. 15, 1887.	....do.....	....do.....	508,620.33	458,555.82	167.35	100	43.93	67.35	23.42	Completed from Selma to a point about 9 miles west of Talladega within the time required, and from thence to Jacksonville after that time. Uncompleted from Jacksonville to Gadsden.
Dec. 17, 1857.	May 30, 1856, under act of June 3, 1856. No withdrawal under act of 1865. Selections made within limits of Marquette, Houghton and Ontonagon grant.	Sept. 12, 1879, of lands withdrawn under act of 1856 not covered by grant of 1865.	....do.....	Adjusted and closed.	128,000.00	128,301.05	20	20	None.	None.	None.	From Marquette to a point 20 miles southwest thereof.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but no increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
										June 18, 1864	13	137	Extending time for completion of road.
										June 18, 1864	13	409	Explaining act extending time for completion of road.
										May 20, 1868	15	252	Extending time for completion of road.
22	June 3, 1856	11	21	From Marquette to Ontonagon, Mich.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Michigan.	Marquette and Ontonagon Rwy. Co.	No subdivision. Present owner, Marquette, Houghton and Ontonagon R. R. Co.	Apr. 20, 1871	17	643	Authorizing resurvey and new location of that part of the line between Marquette and Ontonagon. No change in location of grant.
22a	Mar. 3, 1865	13	520	....do.....	Four additional sections per mile.	Twenty miles.	....do.....	....do.....					
										Mar. 2, 1889	25	1008	Forfeiting grant between L'Anse and Ontonagon, Mich.
23	June 3, 1856	11	21	From Ontonagon, Mich., to the Wisconsin State line.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Ontonagon and State Line R. R. Co.	No subdivision. Present owner, Ontonagon and Brulé River R. R. Co.	Mar. 2, 1889	25	1008	Forfeiting uncompleted portion of grant.
24	June 3, 1856	11	21	From Marquette, Mich., to the Wisconsin State line.	.....do.....	.....do.....	.....do.....	Marquette and State Line R. R. Co., afterwards known as the Chicago, Saint Paul and Fond du Lac R. R. Co.	No subdivisions. Present owner, Chicago and Northwestern Rwy. Co.	July 5, 1862	12	620	Authorizing State to relocate road so as to reach State line at mouth of the Menominee River; to surrender lands received along original location and select other lands along new location.
24a	Mar. 3, 1865	13	520	From Marquette, Mich., to the Wisconsin State line at the mouth of the Menominee River.	Four additional sections per mile.	Twenty miles.	.....do.....	Peninsula R. R. Co.	.....do.....	May 20, 1868	15	252	Extending time for completion.
										May 23, 1872	17	160	Authorizing relocation of road. Change of road not to change location of grant.
25	June 3, 1856	11	21	From Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Amboy, Lansing and Traverse Bay R. R. Co.	Lansing to Traverse Bay, owned by the Jackson, Lansing and Saginaw R. R. Co. From Amboy to Lansing, owned by Northern Central Michigan R. R. Co.	July 3, 1866	14	78	Reviving grant extending time for completion, and providing that no lands shall be applied to construction of road south of Owosso until road north of that point has been completed and lands patented.
										Mar. 2, 1867	14	425	Extending time for completion.
										Mar. 3, 1871	16	586	Authorizing company to change northern terminus of its road to the Straits of Mackinaw; change in location of road not to change location of grant.
										Sept. 29, 1890	26	496	Forfeiting grant between Jonesville and Amboy, Mich.
26	June 3, 1856	11	21	From Grand Rapids to some point on or near Traverse Bay.	.....do.....	.....do.....	.....do.....	Grand Rapids and Indiana R. R. Co.	No subdivision. No change in ownership.	Mar. 3, 1865	13	530	Extending time for completion.

Improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 14, 1859	May 30, 1856; Apr. 28, 1865. All lands within limits.	Aug. 15, 1887	By order of Secretary of the Interior.	Practically adjusted, but not closed.	305,929.59	305,929.59	96	45.26	None.	50.74	50.74	Completed from a point on Bay de Noquet and Marquette R. R., in Sec. 16, T. 47 N., R. 27 W. to L'Anse within time required. Uncompleted from L'Anse to Ontonagon.
Nov. 30, 1857.	May 30, 1856. All lands within limits.	June 15, 1868.	By order of the Commissioner of the General Land Office.	Adjusted and closed.	35,679.79	34,227.08	75	None.	20	75	55	Completed from Ontonagon to a point near Rockland. Not constructed from Rockland to Wisconsin State line.
Nov. 30, 1857, under act of 1856.	May 30, 1856.	June 15, 1868.	....do.....	.....	.....	.....	.....	.....	.....	.....	.....	
Jan. 11, 1865. Relocation under joint resolution of 1862.	Jan. 16, 1865; May 26, 1865. All lands in limits.	Dec. 15, 1887.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	680,033.37	518,065.36	125.2	125.2	None.	None.	None.	From Wisconsin-State line, near mouth of Menominee River, to junction with Marquette, Houghton and Ontonagon R. R., at Negaunee, 12.1 miles west of Marquette.
Oct. 23, 1858.	May 30, 1856. All lands within limits.	Dec. 15, 1887.	....do.....	....do.....	1,053,138.67	743,787.58	261.37	188.10	73.27	73.27	None.	Jackson, Lansing and Saginaw R. R. completed from Lansing to a point in section 20, township 29 north, range 3 west, within time required, and from point last named to Mackinaw City, on the Straits of Mackinaw, after that time.
							80	None.	60	80	20	Northern Central Michigan R. R. completed from Lansing to Jonesville; uncompleted from Jonesville to Amboy.
Dec. 2, 1857, from Grand Rapids to Traverse Bay; May 22, 1866, from Fort Wayne, Ind., to Grand Rapids, Mich.	May 30, 1856, all lands within 15 miles from Grand Rapids north; Oct. 23, 1866, all lands within 20 miles within State of Michigan.	Dec. 15, 1887.	....do.....	....do.....	954,373.83	852,521.10	333	333	None.	None.	None.	From Fort Wayne, Ind., to Petoskey, Mich. Received lands in Michigan only.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extant of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
26a	June 7, 1864	13	119	Amends act of June 3, 1855, so that same shall read "From Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, thence by way of Grand Rapids to some point on or near Traverse Bay."	.....	Twenty miles.	State of Michigan.	Grand Rapids and Indiana R. R. Co.	.....	.....	.....	.....	.....
27	June 3, 1856	11	21	From Grand Haven to Flint and thence to Port Huron.	Odd sections within 6 miles of road.	Fifteen miles on each side of road; odd sections.	.....do.....	Detroit and Milwaukee R. R. Co.	From Grand Haven to Owosso.	Mar. 3, 1879	20	490	Releasing reversionary interest of the United States in and to the lands certified.
								Port Huron and Milwaukee R. R. Co.	From Owosso to Port Huron. The present owner of the lands certified for both of above roads is the Port Huron and Lake Michigan R. R. Co.	Mar. 3, 1879	20	190	.....do.....
28	June 3, 1856	11	21	From Pere Marquette (Ludington) to Flint.	.....do.....	.....do.....	.....do.....	Flint and Pere Marquette R. R. Co.	No subdivisions. No change of ownership.	Feb. 17, 1865	13	569	Extending time for completion.
										July 3, 1866	14	78	**Authorizing change in location of road without prejudice to land grant.**
										Mar. 3, 1871	16	582	Extending time for completion.
29	June 3, 1856	11	20	From Madison or Columbus, by way of Portage City, to the Saint Croix River or Lake, between townships 25 and 31, and thence to the west end of Lake Superior and to Bayfield.	Odd sections within 6 miles on each side of road.	Odd sections within 15 miles of road.	State of Wisconsin.	La Crosse and Milwaukee R. R. Co.	Between Madison and Portage to Madison and Portage R. R. Co. Between Portage and Tomah to Wisconsin Railroad Farm Mortgage Land Company.	July 27, 1868	15	238	Authorizing the State to dispose of the lands granted and which may have inured for the benefit of the Wisconsin Railroad Farm Mortgage Land Company.
29a	May 5, 1864	13	66	From Tomah to Saint Croix River or Lake between townships 25 and 31.	Odd sections within 10 miles of road deducting lands granted by act of 1856.	Odd sections within 20 miles of road.	.....do.....	Tomah and Lake Saint Croix R. R. Co.	Between Tomah and Lake Saint Croix to the Tomah and Lake Saint Croix R. R. Co., afterwards West Wisconsin Rwy. Co., now Chicago, Saint Paul, Minneapolis and Omaha Rwy. Co.	July 13, 1868	15	257	Extending time for completion.
										Mar. 3, 1873	17	634	To quiet title of settlers on lands claimed by West Wisconsin Rwy. Co.
29b	May 5, 1864	13	66	From Saint Croix River or Lake, between townships 25 and 31, to the west end of Lake Superior, and from some point on said road to Bayfield.	.....do.....	.....do.....	.....do.....	Saint Croix and Lake Superior R. R. Co.	Between Saint Croix Lake and the west end of Lake Superior (Superior City) and Bayfield to the Saint Croix and Lake Superior R. R. Co., so much of this grant as lies between Saint Croix Lake and Bayfield was granted by the State (act Mar. 4, 1874) to the North Wisconsin Rwy. Co. and the portion	.....	.....	.....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 5, 1858	May 30, 1856. All lands within limits.	July 31, 1882.	By order of the Secretary of the Interior.	Adjusted and closed.	37,467.44	37,467.44	200.05	140.05	60	60	None.	With the exception of 60 miles lying between Port Huron and Flint these roads appear to have been constructed without reference to the land grant. (See Rogers *vs.* Port Huron and Lake Michigan R. R. Co., 45 Mich., 460.) The lands certified to the State were conveyed by the governor to the Port Huron and Lake Michigan R. R. Co. May 30, 1873, to aid in building the 60 miles of road above referred to.
Dec. 9, 1857	May 30, 1856	do	do	do								
Aug. 18, 1857	do	Aug. 15, 1887	do	Practically adjusted, but not closed.	583,290.83	512,877.03	170.66	170.66	None.	None.	None.	From Ludington to Flint.
July 16, 1857, and Sept. 7, 1857.	May 29, 1856. All odd sections within 15-mile limits.	Withdrawal never revoked, but no known vacant lands within limits of grant.				1,115.38	39.	None.	39	39	None.	From Madison to Portage.
	do	Aug. 15, 1887.	do									
Sept. 7, 1857, under act of 1856. June 9, 1865, under act of 1864; relocation.	May 29, 1856, under act of 1856; odd sections within 15-mile limits. Feb. 5, 1866, under act of 1864; odd sections within 20-mile limits.	do	do	do	1,208,404.09	576,863.36	256.90	217.9	39	39	None.	From Portage to Tomah. From Tomah to Hudson. The company appears to have abandoned and taken up the road between Tomah and Warrens, 12 miles, and in lieu thereof to have constructed a road from Warrens to Camp Douglass.
Mar. 2, 1858, from Prescott to Superior City, under act of 1856. July 17, 1858, Bayfield branch, under act of 1856. Apr. 22, 1865, under act of 1864; both lines, by adoption of location under act of 1856.	May 29, 1856, under act of 1856, odd sections within 15-mile limits. Feb. 28, 1866, under act of 1864, odd sections within 20-mile limits.	None, but no known vacant lands in limits.	Withdrawal revoked Jan. 8, 1891.	Adjusted and closed.	1,288,208.90	1,288,208.90	243.9	None.	243.9	243.9	None.	Hudson to Superior City. Branch from point on main line in Sec. 35, T. 40 N., R. 12 W., to Bayfield.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
29b	.....	...	...	.....	.....	.....	.....	.....	between the junction with Bayfield Branch and Superior City was by the same act granted to the Chicago and Northern Pacific Air Line Rwy. Co. The whole grant north of Saint Croix Lake is now vested in the Chicago, Saint Paul, Minneapolis and Omaha Rwy. Co., by consolidation with the North Wisconsin Rwy. Co., and by grant from the State by act approved Feb. 16, 1882.				
30	June 3, 1856	11	20	From Fond du Lac, on Lake Winnebago, northerly to the State line. Road as constructed extends from Fond du Lac, via Appleton and Green Bay, to the mouth of the Menominee River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Wisconsin.	Chicago, Saint Paul and Fond du Lac R. R. Co.	No subdivision.... Present owner, Chicago and Northwestern Rwy. Co.	Apr. 25, 1862	12	618	Authorizing relocation of road, but not to change location of grant. Also granting 80 acres in Fort Howard Military Reserve for station purposes.
										Mar. 3, 1865	13	520	Extending time for completion.
										May 20, 1868	15	252	Directing issue of patent for 80 acres in Fort Howard Military Reserve.
										Mar. 3, 1869	15	307	Authorizing company to select its lands along the full extent of its road as originally located.
31	June 3, 1856	11	18	From Texas line, in State of Louisiana, west of the town of Greenwood, via Greenwood, Shreveport and Monroe, to a point on the Mississippi River opposite Vicksburg.	.....do.....	.....do.....	State of Louisiana.	Vicksburg, Shreveport and Texas R. R. Co.	No subdivision of grant. Present owner, Vicksburg, Shreveport and Pacific R. R. Co. Road from Texas State line owned and operated by Texas and Pacific Rwy. Co.	None.....	...	...	.....
32	June 3, 1856	11	18	From New Orleans, by Opelousas, to the State line of Texas.	Odd section within 6 miles of road.	.....do.....	.....do.....	New Orleans, Opelousas and Great Western R. R. Co.	No subdivision.... Grant forfeited as to lands not lawfully disposed of by State. Present owner of lands "lawfully disposed of" by State, if any, not known to General Land Office. Road, so far as built, operated by the Southern Pacific Company, but owned by Morgan's Louisiana and Texas R. R. Co.	July 14, 1870	16	277	Declaring forfeiture of all lands not lawfully disposed of by State.
33	Aug. 11, 1856	11	30	From Jackson to the line between the State of Mississippi and State of Alabama.	Even sections within 6 miles of road.	.....do.....	State of Mississippi.	Southern Railroad Co.	No subdivision; present owner, the Vicksburg and Meridian R. R. Co.	.....	...	...	None.....
34	Aug. 11, 1856	11	30	From Brandon to the Gulf of Mexico.	.....do.....	.....do.....	.....do.....	Gulf and Ship Island R. R. Co.	No subdivision; present owner, the Gulf and Ship Island R. R. Co.	Sept. 29, 1890	26	496	Forfeiting uncompleted portion of grant.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Nov. 30, 1857, from Fond du Lac to Michigan line.	May 29, 1856.	Dec. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	560,605.87	546,446.29	116	116	None.	None.	None.	Road as constructed extends from Fond du Lac, via Appleton, to Michigan State line near the mouth of the Menominee River. Located line, for and along which company received its lands, extends from Fond du Lac, via Appleton, northerly to Michigan State line in town, 41 N., range 14 E., about 167 miles.
Jan. 8, 1863, through townships 31 to 36, inclusive.	Mar. 6, 1863.											
June 1, 1868, from township 36 to Michigan line.	June 18, 1868.											
Mar. 27, 1857.	May 31, 1856.	Aug. 15, 1887.	.....do.....	.....do.....	699,220.90	371,768.86	190	94	96	96	None.	Completed from Texas State line to Shreveport, 20 miles, and from Delta, La., opposite Vicksburg, Miss., to Monroe, La., 74 miles, within time required, and from Monroe to Shreveport after that time.
Dec. 5, 1856..	May 31, 1856.	Mar. 15, 1873. All lands within grant west of Brashear City (to which the road was built in 1860) and outside the withdrawal limits for the New Orleans, Baton Rouge and Vicksburg R. R., act Mar. 3, 1871.	Order of Commissioner of General Land Office: under forfeiture act, Jan. 30, 1873.	Grant forfeited.	.....	.....	80	80	None.	None.	None.	The mileage here given refers only to the road from New Orleans to Brashear City, now Morgan City, the grant for the remainder having been declared forfeited. The lands certified under this grant were reconveyed to the United States by the governor of Louisiana February 24, 1888, the grant not having been earned.
Sept. 19, 1857.	Aug. 9, 1856, and Aug. 15, 1856.	Aug. 15, 1887.	Order of the Secretary of the Interior.	Adjusted and closed.	409,499.81	199,101.51	113.5	113.5	None.	None.	None.	From Jackson, via Meridian, to Alabama State line.
Nov. 27, 1860.	Aug. 9, 1856, Aug. 15, 1856, and July 8, 1884.	Aug. 15, 1887.	.....do.....	.....do.....	146,222.67	139,113.22	170	None.	20	170	150	Located line extends from Brandon to Mississippi City.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
35	Mar. 3, 1857	11	195	From Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Minnesota.	Minnesota and Pacific R. R. Co., afterwards Saint Paul and Pacific R. R. Co.	Stillwater to Saint Paul. Present owners, Saint Paul, Stillwater and Taylor's Falls R. R. Co., and the Stillwater and Saint Paul Rwy. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
									Saint Paul to Brookinridge. Present owners, the Saint Paul, Minneapolis and Manitoba Rwy. Co.	Aug. 5, 1892	27	390	Relief of settlers in limits of grant in North and South Dakota.
35a	Mar. 3, 1865	13	526	.....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	.....do.....	.....do.....	.....do.....	.....	.....	.....	.....
36	Mar. 3, 1857	11	195	Branch of above road (from Saint Anthony) via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the legislature might determine.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	.....do.....	.....do.....	From Saint Anthony (East Minneapolis) to Watab, and from Saint Cloud to Saint Vincent. Present owner, the Saint Paul, Minneapolis and Manitoba Rwy. Co.	July 12, 1862	12	624	Authorizing location to Lake Superior instead of Saint Vincent.
										July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
36a	Mar. 3, 1865	13	526	Same..... Also from some point on existing line between Saint Anthony and Crow Wing, and extending northeasterly to the waters of Lake Superior. (See act March 3, 1871, changing location so as to extend from Saint Anthony, via Crow Wing to Brainerd and from Saint Cloud to Saint Vincent.)	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	.....do.....	.....do.....	From Watab to Brainerd. Present owner, Saint Paul and Northern Pacific R. R. Co.	Mar. 3, 1871	16	588	Authorizing State to alter location of branch lines, so as to construct from Crow Wing to Brainerd, and Saint Cloud to Saint Vincent, instead of constructing from Crow Wing to Saint Vincent and from Saint Cloud to Lake Superior.
										Mar. 3, 1873	17	631	Extending time for completion.
										June 22, 1874	18	203	Extending time for completion and saving rights of settlers. Company refused to accept, and Department held act inoperative. (See Kemper v. St. P. & P. R. R. Co., 3 Copp's L. O., 170.)
										Aug. 5, 1892	27	390	Relief of settlers in limits of grant in North and South Dakota.
37	Mar. 3, 1857	11	195	From Saint Paul and from Saint Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi River, and thence to the southern boundary of the State.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Southern Minnesota and Minnesota Valley R. R. Co.	No subdivision. Present owner, Saint Paul and Sioux City R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity; also extends time for completion of road.
37a	May 12, 1864	13	72	.....do.....	Ten miles...	Twenty miles.	.....do.....	.....do.....	.....	Sept. 29, 1890	26	496	Forfeiting grant between Saint Anthony, via Minneapolis, and Shakopee, Minn.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated are of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Dec. 5, 1857, Stillwater to R. 38 W.	Mar. 7, 1857; June 20, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891.	Order of the Secretary of the Interior.									Constructed by Stillwater and Saint Paul R. R. Co. From Stillwater to junction with Saint Paul and Duluth R. R. at White Bear. From Stillwater to Saint Paul. Constructed by Saint Paul, Stillwater and Taylor's Falls R. R. Co. For full history of construction of two roads above mentioned see letter from Commissioner of General Land Office to Secretary of the Interior, dated Feb. 6, 1886. From Saint Paul to Breckinridge.
Range 39 to 41 W., July 30, 1868.	Aug. 14, 1868, and Apr. 12, 1869.											
Range 41 to Breckinridge, May 10, 1869.	May 25, 1869.											
.....	.....	.....	.....	Not adjusted	3,770,533.32	3,256,477.73	693.80	456.19	232.24	237.61	5.37	
Dec. 5, 1857, from Saint Anthony to Crow Wing.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891.	Order of the Secretary of the Interior.									Saint Paul, Minneapolis, and Manitoba Rwy., from Minneapolis to Watab. Completed from Minneapolis to Sauk Rapids within time required. Saint Paul and Northern Pacific R. R., from Watab to Brainerd.
Dec. 19, 1871, from Saint Cloud to Saint Vincent.	Feb. 6, 1872.	.....do.....	.....do.....									Saint Vincent extension, Saint Paul, Minneapolis and Manitoba Rwy., from East Saint Cloud to Saint Vincent, with a branch from Saint Vincent to the international boundary. Completed from East Saint Cloud to Melrose, 35 miles, and from a point in Sec. 35, T. 135 N., R. 45 W., to a point in Sec. 7, T. 154 N., R. 47 W., 105 miles, within time required. Last bracketed roads adjusted as one grant.
Crow Wing to Brainerd, Feb. 18, 1879.												
Feb. 20, 1858, from Saint Paul and Minneapolis to Sec. 31, T. 107, R. 31.	Mar. 7, 1857; June 22, 1857; Mar. 21, 1858; and July 7, 1864.	May 22, 1891.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,126,578.55	1,126,578.55	190 25	190 None.	None. None.	None. 25	None. 25	From Saint Paul to Iowa State line. From Saint Anthony via Minneapolis, to point of junction (Shakopee) west of Mississippi River.
June 28, 1865, from Sec. 31, T. 107, R. 31, to Sec. 30, T. 104, R. 39.	Aug. 10, 1865.											
July 7, 1866, from Sec. 30, T. 104, R. 39, to southern boundary of State.	Oct. 10, 1869.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
38	Mar. 3, 1857	11	195	From Minneapolis, via Faribault, to the north line of the State of Iowa.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Minnesota.	Minneapolis and Cedar Valley R. R. Co.	No subdivisions. Present owner, Minnesota Central R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
38a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....					
39	Mar. 3, 1857	11	195	From Winona, via Saint Peter, to a point on the Big Sioux River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	....do.....	Winona and Saint Peter R. R. Co.	No subdivision. Present owner, Winona and Saint Peter R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
39a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....	....do.....	Jan. 13, 1873	17	409	Extending time for completion.
40	Mar. 3, 1857	11	195	From La Crescent, via Target Lake, up the Root River Valley to a connection with the Winona and Saint Peter R. R.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	....do.....	Southern Minnesota R. R. Co.	Operated by the Chicago, Milwaukee and Saint Paul Rwy. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
40a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....					
41	July 1, 1862	12	489	From a pointon the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, in the Territory of Nebraska, to the western boundary of Nevada Territory; also from a point on western boundary of Iowa to the one hundredth meridian aforesaid.	Odd sections within 10 miles on each side of road.	No indemnity.	Union Pacific R. R. Co.	.....	No subdivision. Union Pacific R. R. Co.	July 3, 1866	14	79	Authorized company to locate and construct its road from Omaha westward by the best and most practicable route without reference to the initial point on the one hundredth meridian previously provided by law.
										July 26, 1866	14	307	Grants right of way through military reservation and authorizes the President to set apart lands for depot purposes.
41a	July 2, 1864	13	356	....do.....	Odd sections within 20 miles on each side of road.	....do.....	....do.....	.....	.....	Apr. 10, 1869	16	56	Provides for the protection of the interests of the United States in the Union Pacific R. R. Co. for a common terminus of the Union Pacific and Central Pacific roads at or near Ogden.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 25, 1858.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and Dec. 6, 1867.	Withdrawal not revoked, but no known vacant lands in limits.	.....	Practically adjusted but not closed.	533,705.71	179,734.29	115	115	None.	None.	None.	From Minneapolis to Iowa State line near Lyle, Minn.
July 29, 1858, Winona to range 31.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,551,289.50	1,680,974.92	323.22	323.22	None.	None.	None.	From Winona, via Saint Peter, Minn., to the Big Sioux River, near Watertown, Dak.
Aug. 3, 1864, ranges 32 to 37, inclusive.	Aug. 10, 1864, and July 10, 1875.											
Feb. 23, 1867, range 38.	Aug. 15, 1867											
Sept. 10, 1868, ranges 39 to 43, inclusive.	Aug. 15, 1867, and Apr. 24, 1869.											
Sept. 1, 1873, range 42 to Big Sioux River, in Dakota.	Sept. 2, 1874											
Feb. 20, 1858.	Mar. 7, 1857; June 22, 1857; Mar. 30, 1858; and July 10, 1865.	.....do.....	.....do.....	.....do.....	382,161.77	88,987.99	76.5	18	None.	58.5	58.5	Located from La Crescent, via Houston, to a connection with the Winona and Saint Peter Railroad at Rochester. Completed from La Crescent to Houston within the time required. Uncompleted from Houston to Rochester. About 22½ miles of the line west of Houston located under the grants of 1857 and 1865, and here reported as uncompleted, is covered by the road located and constructed by the Southern Minnesota R. R. Co., under the grant of July 4, 1866. See No. 55.
First 100 miles west of Omaha, Oct. 24, 1864.	Dec. 15, 1863; Dec. 22, 1863; Dec. 16, 1864; and Dec. 19, 1864.	No right of indemnity.	.....	Not adjusted.	12,119,671.63	11,935,776.69	1,038.68	1,038.68	None.	None.	None.	Extends from the Missouri River at Omaha, Nebr., to a junction with the Central Pacific R. R. in the northwest quarter of northeast quarter, section 1, T. 6 N., R. 2 W., Utah, 5.11 miles north of the town of Ogden. See act of May 6, 1870. The Central Pacific R. R. Co., however, leases and operates the road between the point of junction and Ogden, 5.11 miles, the running connection being made at the latter point. Company received bonds for 1,038.68 miles.
First 100 miles west of Omaha, Nov. 4, 1864.												
100 miles west of Omaha to Salt Lake, June 25, 1865.	Dec. 18, 1867, and Dec. 28, 1867.											
Second 100 miles west of Omaha, Jan. 19, 1866.	Feb. 6, 1866.											
Second 100 miles west of Omaha, June 29, 1866.	Aug. 21, 1866.											
Third 100 miles west of Omaha, July 23, 1866.	None.											
Third 100 miles west of Omaha, Mar. 30, 1867.	June 26, 1867, and Apr. 21, 1871.											
Fourth 100 miles west of Omaha, Mar. 14, 1867	June 26, 1867.											
Fourth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1869; Dec. 21, 1870; Apr. 21, 1871, and Nov. 8, 1873.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
41a										May 6, 1870	16	21	Fixes the point of junction of the Union Pacific and Central Pacific R. R. companies.
										June 20, 1874	18	111	Amends sec. 15, act July 2, 1864, and provides for a penalty for a refusal of the company or any officer or agent thereof to use and operate the Pacific railroads as a continuous line, and a mode of enforcing said penalty.
										May 7, 1878	20	56	Provides for a sinking fund, etc.
										June 24, 1912	37	138	Legalizing conveyances of rights of way.
42	July 1, 1862	12	489	From the Missouri River, at the mouth of the Kansas River, to a connection with the Union Pacific R. R. at the 100th meridian of longitude.	Odd sections within 10 miles of of road.	None	Leavenworth, Pawnee and Western R. R. Co.		That part of the grant which lies between Denver, Colo., and Cheyenne, Wyo., was assigned to the Denver Pacific Rwy. and Tel. Co. Present owner, Union Pacific R. R. Co.	May 7, 1866	14	355	Extending time for completion.
										July 3, 1866	14	79	Extending time for filing map and authorizing change of route.
										Mar. 3, 1869	15	324	Authorizing assignment of portion of grant to Denver Pacific Rwy. and Tel. Co.
42a	July 2, 1864	13	356	....do.... (See act July 3, 1866, authorizing connection with Union Pacific R. R., to be made at a point not more than 50 miles west of the meridian of Denver, Colo.)	Odd sections within 20 miles of road.	None	....do....		Remainder of road and grant was owned by the Union Pacific Rwy. Co., Eastern Division, which, by change of name, became the Kansas Pacific Rwy. Co. Present owner, Union Pacific R. R. Co., except in Kansas, where Union Pac. Land Co. owns grant.	Mar. 3, 1869	15	348	Authorizing change of name to Kansas Pacific Rwy. Co.
										June 20, 1874	18	111	Relative to operation of road.
										May 7, 1878	20	56	Provides for sinking fund.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Fifth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1869; Dec. 21, 1870; Nov. 8, 1873; Aug. 9, 1870; Apr. 17, 1871; and May 11, 1872.											
Sixth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1879; Nov. 8, 1873; Aug. 9, 1870; Apr. 17, 1871; and May 11, 1872.											
Seventh 100 miles west of Omaha, July 2, 1868.	Aug. 9, 1870, and Apr. 17, 1871.											
Eighth 100 miles west of Omaha, Oct. 21, 1868.	Do.											
Ninth 100 miles west of Omaha, Oct. 21, 1868.	Do.											
Tenth 100 miles west of Omaha, Apr. 28, 1869.	Aug. 9, 1870; Apr. 17, 1871; May 15, 1869; Apr. 6, 1870; Apr. 22, 1872; and Oct. 16, 1873.											
Eleventh 100 miles west of Omaha, Apr. 28, 1869.	Do.											
Denver Pacific, Aug. 20, 1869.	Oct. 4, 1869, Aug. 9, 1870, and Nov. 7, 1870.	No right of indemnity.	None.....	Practically adjusted, but not closed.	1,129,300.17	807,564.76	106	106	None.	None.	None.	Denver Pacific Rwy. from Denver, Colo., to junction with Union Pacific Rwy. at Cheyenne, Wyo. This road received no bonds.
Kansas Pacific.	.....	.....do.....	.....do.....	.....do.....	7,776,238.14	6,175,660.63	638.6	638.6	None.	None.	None.	Kansas Pacific Rwy., from Missouri State line, near Kansas City, to Denver, Colo. (See opinion of Attorney-General, Feb. 25, 1882, relative to construction.) This company received bonds for 393.9425 miles of road only, that being the length of the road constructed by the company from the State line to Fort Riley, together with the length of "the most direct and practicable route for a railroad" line from Fort Riley up the Republican River to a connection with the Union Pacific R. R. at the 100th meridian, according to the survey made during the summer of 1868, under the direction of the Department of the Interior, by Brevet Maj. C. W. Howell, Captain of Engineers, U. S. Army, and approved by the President Oct. 30, 1868.
Probable route: Lawrence to 100th meridian in Nebraska, July 4, 1862.	July 17, 1862.											
General route: Kansas City to 100th meridian in Nebraska, July 1, 1865.	None.											
Fort Riley to Colorado boundary, July 11, 1866.	July 14, 1866.											
Colorado line to Denver and beyond, Nov. 30, 1866.	Dec. 10, 1866.											
Definite location: Kansas City to Fort Riley, Jan. 11, 1866.	Feb. 16, 1866.											
Fort Riley to Fort Harker, May 8, 1867.	June 14, 1867, and July 18, 1867.											
Fort Harker to Fort Hays, Sept. 21, 1867.	Feb. 5, 1868.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
42a													
43	July 1, 1862	12	489	From San Francisco, Cal., or navigable waters of the Sacramento River, to eastern boundary of California, with right to continue construction until Union Pacific R. R. is met.	Odd sections within 10 miles on each side of road.	None	Central Pacific R.R. Co.		Portion of grant between San José and Sacramento assigned to Western Pacific R.R. Co. (see act of March 3, 1865), and subsequently again merged in Central Pacific by consolidation.	Mar. 3, 1865	13	504	Ratifying assignment to Western Pacific R.R.Co. of portion of grant between San José and Sacramento.
										July 3, 1866	14	79	Relative to location of road east of California.
43a	July 2, 1864	13	356	....do....	Odd sections within 20 miles on each side of road.	None	....do....			May 21, 1866	14	356	Extending time for completion of first section of road, etc.
										Apr. 10, 1869	16	56	Relative to point of connection between Central Pacific and Union Pacific Railroads.
										May 6, 1870	16	21	Fixes point of junction of above roads.
										June 20, 1874	18	111	Provides for operation of Pacific roads as a continuous line.
										May 7, 1878	20	56	Provides for sinking fund.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Definite location: Fort Hays or 290th milepost to 335th milepost, Dec. 6, 1867.												
335th to 405th milepost, May 6, 1870.	Sept. 15, 1870.											
405th milepost to Denver, Colo., May 26, 1870.	Apr. 27, 1874, Apr. 29, 1874, June 24, 1870, and Sept. 29, 1870.											
Western Pacific.	.....	No right of indemnity.	None.....	Not adjusted	1,349,758.96	458,147.97	123.16	123.16	None.	None.	None.	Western Pacific R. R., from Sacramento to San José, Cal. Company received bonds for 123.16 miles. See restoration of June 6, 1873.
General route: Sacramento to San Francisco, Dec. 8, 1864.	Dec. 23, 1864.											
Definite location: San José north 20 miles, Nov. 10, 1866.	May 6, 1870.											
1st to 20th mile south and west of Sacramento, Sept. 1, 1869.												
20th to 83d mile south and west of Sacramento, Oct. 27, 1869.												
83d to 103d mile south and west of Sacramento, Jan. 21, 1870.												
Sacramento to San José, Feb. 1, 1870.												
General route: Sacramento to eastern boundary of State and to Big Bend of Truckee River, June 30, 1862.	Aug. 2, 1862.	.....do.....	.....do.....	.....do.....	8,029,382.84	5,842,717.72	737.5	737.5	None.	None.	None.	Central Pacific R. R., from Sacramento, Cal., to junction with Union Pacific Rwy., in Sec. 1, T. 6 N., R. 2 W., near Ogden, Utah. (See No. 41.) The road between the 690.3ths mile (promontory) and the junction with the Union Pacific, 47.2 miles, was constructed by the Union Pacific R. R. Co., and purchased by the Central Pacific R. R. Co. (See joint resolution, April 10, 1869.) Company received bonds for 737.5 miles.
Sacramento to eastern boundary of State and to Big Bend of Truckee River, July 6, 1864.	Aug. 9, 1864, and Aug. 30, 1866.											
Salt Lake to eastern boundary of California, Apr. 28, 1865.	May 12, 1865.											
Monument Point to Echo Summit, Oct. 20, 1868.	May 15, 1869.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
43a													
44	July 1, 1862	12	489	From Saint Joseph via Atchison to connect with Union Pacific R. R. through Kansas.	Odd sections within 20 miles on each side of road.	None	Hannibal and Saint Joseph R. R. Co. of Missouri.		No subdivision. Present owner, Union Pacific R. R. Co., Central Branch.	None			
44a	July 2, 1864	13	356										
45	July 1, 1862	12	489	From Sioux City, Iowa, to point to be fixed by the President, to connect with road from point on west boundary of Iowa to a connection with lines of Union Pacific R. R. Co.	Odd sections within 10 miles on each side of road.	None	Union Pacific R. R. Co.		No subdivision. Present owner, Sioux City and Pacific R. R. Co.	July 2, 1864	13	536	Authorizing President to designate company to build road.
46	Mar. 3, 1863	12	772	From city of Leavenworth, by way of the town of Lawrence, and via the Ohio City crossing of the Osage River to the southern line of the State in the direction of Galveston Bay, in Texas, with a branch from Lawrence by the valley of the Wakarusa River to a point on the Atchison, Topeka and Santa Fe R. R. where said road intersects the Neosho River.	Odd sections for ten sections in width on each side of road and the branch.	Twenty miles on each side of road and branch.	State of Kansas.	Leavenworth, Lawrence and Galveston R. R. Co.	No subdivision. Southern Kansas Rwy. Co.	July 1, 1864	13	339	Authorized change of branch line to run from Lawrence to Emporia.
										Apr. 19, 1871	17	5	Authorized company to relocate portion of its road.
										July 24, 1876	19	101	Declared forfeiture of all unearned and unpatented lands.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Definite location:												
Sacramento east 50 miles, Mar. 26, 1864.	May 8, 1866, and Apr. 9, 1868.											
39th to 98th mile-post, Oct. 27, 1866.	Apr. 9, 1868.											
98th mile-post to Big Bend Truckee River, Nov. 14, 1867.	Apr. 9, 1868.											
Big Bend Truckee River to Humboldt Wells, Apr. 23, 1867.	Jan. 20, 1868, and Jan. 29, 1868.											
Humboldt Wells to Weber Cañon, May 15, 1868.	Feb. 27, 1869.											
General route:												
Saint Joseph to Republican River, June 27, 1863.	July 9, 1863..	No right of indemnity.	None.....	Practically adjusted, but not closed.	261,841.51	223,080.50	100	100	None.	None.	None.	From Atchison to 100th mile-post near Waterville, Kans. Company received bonds for 100 miles.
Probable route:												
Big Blue River to 100th mile-post west of Missouri River, Mar. 16, 1867.	Mar. 27, 1867.											
Definite location: Missouri River to S. 9, T. 5 S., R. 8 E., Mar. 6, 1866.	Mar. 15, 1866.											
Missouri River to 100th mile-post, May 29, 1868.	June 5, 1868, June 22, 1868, and June 24, 1868.											
Jan. 4, 1868..	Feb. 17 and 18, 1868.	.....do.....	.....do.....	.....do.....	597,826.43	42,610.95	101.77	101.77	None.	None.	None.	From Sioux City, Iowa, to Fremont, Nebr. Company received bonds for 101.77 miles.
Lawrence to north boundary of Osage ceded lands Nov. 28, 1866; from thence to south boundary of State, Jan. 2, 1868.	Apr. 30, 1863; Apr. 30, 1867, Jan. 2, 1868.	Sept. 6 1877.	By orders of Secretary of the Interior and General Land Office under act July 24, 1876.	.....do.....	485,545.69	a 249,446.13	142.8	142.8	None.	None.	None.	The mileage here given covers the road from Lawrence to the Southern boundary of Kansas only, as the main line between Leavenworth and Lawrence and the Wakarusa Valley Branch were never located nor constructed, and the grant therefor has been forfeited. a Includes 186,936.72 acres of the "Osage Ceded Reservation," which are to be deducted from the above amount under the decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad *v.* The United States (92 U. S., 733).

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
47	Mar. 3, 1863	12	772	From the city of Atchison via Topeka, the capital of the State, to the western line of the State, in the direction of Fort Union and Santa Fe, N. Mex.	Odd sections for 10 sections in width on each side of road.	Same. On each side of road.	State of Kansas.	Atchison, Topeka and Santa Fe R. R. Co.	No subdivisions. Atchison, Topeka and Santa Fe R. R. Co.	None			None
48	Mar. 3, 1863	12	772	Branch of above road from point where same crosses the Neosho River, down the Neosho Valley to the point where the L., L. and G. R. R. enters said valley.	do	do	do	Union Pacific R. R. Co., Southern Branch, which, by change of name, became the Missouri, Kansas and Texas Rwy. Co.	No subdivision. Missouri, Kansas and Texas Rwy. Co.	None			None
48a	July 1, 1864	13	339	From Emporia via Council Grove to a point near Fort Riley on the Branch Union Pacific R. R.	do	do	do	do					
48b	July 23, 1866	14	289	From at or near Fort Riley, Kans., down the valley of the Neosho to the southern line of Kansas.	do	Same. Embraces both odd and even sections.	do	do					
49	May 5, 1864	13	66	From Portage City, Berlin, Doty's Island or Fond du Lac, as the State may determine, in a northwestern direction to Bayfield, thence to Superior or Lake Superior.	Odd sections for 10 miles on each side of road.	Twenty miles on each side of road.	Wisconsin	Portage, Winnebago and Superior R. R. Co.	No subdivision. Present owners, the Wisconsin Central R. R. Co. Road constructed only from Portage via Stevens' Point to Ashland.	June 21, 1866	14	360	Authorizing location of road so as to cover points named in granting act, etc.
										Apr. 9, 1874	18	28	Extending time for completion of road.
										Mar. 3, 1875	18	511	Authorizing company to straighten line of their road.
										Sept. 29, 1890	26	496	Forfeiting grant between Ashland and Superior City, Wis.
50	May 5, 1864	13	64	From St. Paul, Minn., to the head of Lake Superior.	do	do	Minnesota	Lake Superior and Mississippi R. R. Co.	No subdivision. Present owners, the Saint Paul and Duluth R. R. Co.	July 13, 1866	14	93	Authorizing company to make up deficiency of land within 30 miles of the west line of road.
										July 13, 1866	14	97	Provides for certification of lands.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Atchison to Emporia, Oct. 19, 1868.	Apr. 20, 1863, and Dec. 30, 1868.	Oct. 17, 1883	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	2,885,496.43	2,944,788.14	469.35	469.35	None.	None.	None.	From Atchison, Kans., to western boundary of State near town of Coolidge.
Emporia to Wichita, Sept. 3, 1869.	Apr. 30, 1863, and Oct. 23, 1869.											
Wichita to Fort Dodge, Jan. 30, 1871.	Feb. 6, 1871, Feb. 25, 1871, and Feb. 27, 1871.											
Newton to 27, 23, 5 W., Sept. 28, 1871.	Sept. 28, 1871.											
Mouth of Pawnee Creek to west line of R. 27 W., Apr. 19, 1872.	May 10, 1872.											
Sec. 15, 29, 27 W. to Colorado line, June 29, 1872.	July 19, 1872, and Apr. 13, 1882.											
Junction City to north boundary Osage ceded lands, Feb. 19, 1867.	Mar. 23, 1863, Apr. 30, 1863, and Mar. 19, 1867.	Aug. 17, 1887	....do.....	....do.....	1,121,784.18	[b]976,593.22	180.5	180.5	None.	None.	None.	From Fort Riley to southern boundary of Kansas.
							155.35	155.35	None.	None.	None.	From the southern boundary of Kansas, through the Indian Territory to the Red River, near Preston, Tex. This road through Indian Territory was not constructed under the company's grant of July 26, 1866, but under the 8th, 9th, 10th, and 11th sections of the act of July 25, 1866 (14 Stats., 236), granting lands for the Kansas and Neosho Valley R. R. Co., which act also makes a grant in said Territory when the Indian title is extinguished, provided the lands become part of the public domain.
North boundary of Osage ceded lands to south boundary of State, Jan. 8, 1868.	Jan. 21, 1868.											[b] Includes 270,970.78 acres in the "Osage Ceded Reservation," which should be deducted under decision cited in note a.
Nov. 10, 1869.	Dec. 10, 1869, and Feb. 2, 1870. Twenty miles on each side of road.	Aug. 15, 1887	....do.....	....do.....	1,232,562.24	838,227.69	341	248	9	93	84	Completed from Portage via Stevens' Point to Ashland, 257 miles, of which all but 9 miles, between Sec. 21, T. 41 N., R. 1 W., and Sec. 11, T. 42 N., R. 2 W., was completed within the time required. Not constructed from Ashland to Superior City. Forfeited lands restored Jan. 16, 1891.
Sept. 25, 1866.	May 26, 1864, and Nov. 2, 1866. All lands within limits.	.....do.....	.....do.....	.....do.....	934,835.92	860,973.62	154.42	154.42	None.	None.	None.	From Saint Paul to Duluth. Twenty-three and a half miles of this road, extending from Northern Pacific Junction to Duluth is owned and operated jointly with the Northern Pacific Rwy. Co.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
51	May 12, 1864	13	72	From Sioux City, Iowa, to south line of State of Minnesota.	Odd sections within 10 miles on each side of road.	Twenty miles on each side of road.	State of Iowa	Sioux City and Saint Paul R. R. Co.	No subdivisions. Sioux City and Saint Paul R. R. Co.	Sept. 29, 1890	26	496	Forfeiting grant between Le Mars and Sioux City, Iowa.
52	May 12, 1864	13	72	From a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction until it shall intersect the said road running from Sioux City to the Minnesota State line.	.....do.....	.....do.....	.....do.....	McGregor Western R. R. Co.; McGregor and Sioux City R. R. Co.; McGregor and Missouri River R. R. Co.; Chicago, Milwaukee and Saint Paul Rwy. Co.	Construction of road as follows: McGregor to Calmar, by McGregor Western Co.; Calmar to Algona, by McGregor and Missouri River Co.; Algona to Sheldon, by Chicago, Milwaukee and Saint Paul Co. The latter company is the present owner.	.....	...	....	None.....
53	July 2, 1864	13	356	From Missouri River, south of the mouth of the Platte River, to some point, not further west than the 100th meridian of west longitude, to connect with the Union Pacific R. R.	Odd sections to amount of ten sections per mile on each side of road.	None.....	Burlington and Missouri River R. R. Co.	.....	No subdivision. Present owners, Chicago, Burlington and Quincy R. R. Co.	Mar. 3, 1865 July 26, 1866 Apr. 10, 1869 May 6, 1870	13 14 16 16	504 367 54 118	Authorizing company to issue bonds. Granting right of way through military reservation. Authorizing company to assign its right to a company to be organized under the laws of Nebraska. Authorizing change of route and connection with Union Pacific R. R. Co.
54	July 2, 1864	13	365	From point on Lake Superior, in Minnesota or Wisconsin, thence westerly by most eligible route to a point on Puget Sound with a branch via the valley of the Columbia River, to point at or near Portland, Oreg. See joint resolutions of May 31, 1870, changing route so as to authorize construction of main line via valley of Columbia River to Puget Sound and branch line across Cascade Mountain.	Odd sections to amount of ten sections per mile on each side of road in State and twenty in Territories.	Thirty miles in States and 50 miles in Territories on each side of road.	Northern Pacific R. R. Co.	.....	No subdivision. Present owners, Northern Pacific Rwy. Co.	May 7, 1866 July 1, 1868 Mar. 1, 1869 Apr. 10, 1869 May 31, 1870 July 15, 1870 Sept. 29, 1890 Oct. 1, 1890 July 1, 1898	14 15 15 16 16 16 26 26 30	355 255 346 57 378 305 496 647 620	Extending time for commencing and completing road. .....do..... Authorizing company to issue bonds, etc. Authorizing company to extend branch line from Portland, Oreg., to Puget Sound, etc. Authorizing issue of mortgage bonds, changing location of main and branch line, extending indemnity limits, etc. Proviso in general appropriation act requiring company to pay costs of surveys, etc. Forfeiting grant between Wallula, Wash., and Portland, Oreg. For relief of settlers on second indemnity lands. Provides for the adjusitment of conflicting claims of settlers and the company.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
July 17, 1867	Aug. 26, 1867	May 22, 1891	By order of the Secretary of the Interior.	Adjusted and closed.	279,437.16	c 322,412.81	83.16	56.25	None.	26.91	26.91	Completed from Minnesota boundary to a connection with Iowa Falls and Sioux City (Illinois Central) R. R. at Lemars. In the matter of the adjustment of this grant see decisions of the Secretary of the Interior. (6 L. D., 47, 54, and 162.) c Excess certified recovered in suit.
From McGregor to 12, 95 N., 35 W., Aug. 30, 1864; from that point to 18, 96, 38, Jan. 27, 1869; from thence to Sheldon, Sept. 2, 1869.	Sept. 12, 1864; Oct. 1, 1864; Oct. 24, 1864; Feb. 4, 1869; Mar. 15, 1870.	Dec. 15, 1887	.....do.....	Practically adjusted, but not closed.	1,285,150.83	326,216.10	251	251	None.	None.	None.	Completed from South McGregor via Calmar to a connection with the Sioux City and Saint Paul R. R. at Sheldon, in O'Brien County. See opinion of Attorney General (13 Opinions, 445), holding that road is not land grant between McGregor and Calmar. See, also, opinion of Attorney General relative to deviation of constructed road from line of definite location. (16 Opinions, 457.)
June 22, 1865	Feb. 3, 1866, Mar. 20, 1866, Mar. 24, 1866, and Dec. 11, 1871.	No right of indemnity.	.....	Adjusted and closed.	2,361,984.00	d 2,374,090.77	190.75	190.75	None.	None.	None.	From Plattsmouth to Kearney Junction, Nebr. This grant is one of quantity, *i. e.*, ten sections per mile on each side of the road, and is not confined to lateral limits (U. S. *v.* B. M. R. R. R. Co., 98 U. S., 334). The General Land Office holds that the company is entitled to lands for 184.53 miles, that being the length of its road. (See Commissioner's report to Department of Feb. 13, 1901. Case 8—7746.) d Excess paid for by company.
General route: Mouth of Montreal River, Wisconsin, to Red River of the North, Minnesota, Aug. 13, 1870.	Sept. 15, 1870	Aug. 15, 1887	By order of the Secretary of the Interior.	Not adjusted	43,159,428.04	35,176,619.27	78.50 237. 375.98 780. 90. 511.10 36.30	..... 228. 196.4 .... 106.1	78.50 9. 179.58 780. 90. 180. 36.30	78.50 9. 179.58 780. 90. 405. 36.30	.... 225.	Main line: Wisconsin. Minnesota. North Dakota. Montana. Idaho. Washington. Oregon.
							2,108.88	530.5	1,353.38	1,578.38	225.	
							153.93	.....	153.93	153.93	.....	Cascade Branch, Washington.
Eastern boundary of Washington Territory, via valley of Columbia River, to international boundary, Aug. 13, 1870.	Sept. 20, 1870; Nov. 21, 1870; Feb. 10, 1872; Feb. 14, 1872; Sept. 20, 1870; Feb. 9, 1872, and Feb. 14, 1872.											Main line as finally located and constructed extends from Ashland, Wis., to Wallula Junction, Wash., 1,741.48 miles, and from Portland, Oreg., to Tacoma, Wash., 142.40 miles. Completed from Northern Pacific Junction, Minn., to Bismarck, N. Dak., 424.4 miles, and from Kalama to Tacoma, Wash., 106.1 miles. Road still uncompleted between Wallula Junction, Wash., and Portland, Oreg. Company uses road of Oregon Rwy. and Navigation Co. between said points.
Through Minnesota, Oct. 2, 1870.	Nov. 7, 1870.											
Red River of the North to the mouth of the Walla Walla River, Washington, Feb. 21, 1872.	Mar. 30, 1872; Apr. 22, 1872; Apr. 15, 1872; Oct. 28, 1876; Mar. 30, 1872, and Apr. 15, 1872.											

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										Date of act.	Statutes.	Page.	Object of act.
54										Mar. 2, 1899	30	993	Authorizing the company to relinquish lands in the Mount Rainier Park and Pacific Forest Reserve and select an equal quantity elsewhere.
										Mar. 2, 1901	31	950	Extending the provisions of the act of 1898.
										May 17, 1906	34	197	Extending the provisions of the acts of 1898 and 1901.
										July 10, 1882	22	157	Right of way through Crow Reservation.
										Apr. 28, 1904	33	538	Validating conveyances forming right of way.
										Mar. 3, 1905	33	1014	Validating conveyances forming right of way, Spokane, Wash.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route:												
Lake Pend d'Oreille, Idaho, to Tacoma, Washington (branch), Aug. 20, 1873.	Oct. 6, 1873, and Nov. 1, 1873.											
Mouth of Snake River to Tacoma, Nov. 24, 1876.	None.											
Twin Wells to Tacoma, June 11, 1879.	July 3, 1879.											
Definite location:												
Junction with Lake Superior and Mississippi Railroad to Red River of the North at Fargo, N. Dak., Nov. 20, 1871.	Dec. 12, 1871.											
Fargo to Bismarck, N. Dak. May 26, 1873.	June 11, 1873.											
Kalama to Tenino, Sept. 13, 1873.	Jan. 21, 1874.											
Tenino to Tacoma, May 14, 1874.	Nov. 12, 1874, and June 30, 1875.											
Bismarck to Little Missouri River, July 20, 1880.	Aug. 23, 1880.											
Little Missouri River to mouth of Glendive Creek, Oct. 25, 1880.	Nov. 29, 1880, and Sept. 29, 1883.											
Wallula to Spokane Falls, Oct. 4, 1880.	Nov. 13, 1880; Nov. 17, 1880; Nov. 18, 1880; Aug. 16, 1881, and Nov. 29, 1880.											
Glendive Creek to Tongue River, June 25, 1881.	Sept. 29, 1883.											
Tongue River to eastern boundary of Crow Reserve, June 25, 1881.	Oct. 8, 1883.											
Through Crow Reserve June 27, 1881.	Nov. 14, 1883; June 8, 1883, and June 9, 1883.											
Spokane Falls, Wash., to Lake Pend d'Oreille, Idaho, Aug. 30, 1881.	June 9, 1884, and Jan. 7, 1888.											

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										Date of act.	Statutes.	Page.	Object of act.
5[illegible]													

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Definite location:												
Last crossing of Yellowstone River (western boundary of Crow Reserve) to Little Blackfoot River, July 6, 1882.	June 8, 1883, and June 9, 1883.											
Little Blackfoot River to southern boundary of Flathead Reserve, July 6, 1882.	July 30, 1883, and July 31, 1883.											
Junction with Lake Superior and Mississippi R. R. in Minnesota to T. 47 N., R. 2 W., Wisconsin, July 6, 1882.	Jan. 5, 1883; June 18, 1883; Oct. 11, 1883; Jan. 5, 1883; June 22, 1883, and Oct. 20, 1883											
Portland, Oregon, to Kalama, Wash., Sept. 22, 1882.	Jan. 30, 1888.											
Lake Pend d'Oreille, Idaho, to mouth of Missoula River, Montana, Dec. 12, 1882.	Sept. 1, 1884; Feb. 20, 1885, and Jan. 7, 1888.											
Through Flathead Reserve to mouth of Missoula River, June 8, 1883.	Sept. 25, 1884, and Jan. 7, 1888.											
Initial point at Ashland, Wis., west 50 miles, Nov. 24, 1884.	Feb. 3, 1887.											
Yakima to Ainsworth, June 29, 1883.	Jan. 6, 1885; Jan. 8, 1885, and Jan. 8, 1885.											
Yakima to Yakima River near Swauk Creek, May 24, 1884.	Jan. 6, 1885; Jan. 8, 1885, and Jan. 8, 1885.											
Tacoma to South Prairie, Mar. 26, 1884.	Nov. 28, 1884, and Dec. 1, 1884.											
South Prairie to Eagle Gorge, Sept. 3, 1884.	Nov. 28, 1884, and Dec. 1, 1884.											
Yakima River near Swauk Creek to near Eagle Gorge, Dec. 8, 1884.	Jan. [illegible], 1888.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
55	July 4,1866	14	87	From Houston, Minn., to western boundary of State.	Odd sections to amount of five sections per mile on each side of road.	Twenty miles on each side of road.	Minnesota...	Southern Minnesota R. R. Co.	No subdivisions. Present owners, Southern Minnesota Rwy. Extension Co.	July 13,1866	14	97	Providing for certification of lands, etc.
										Sept. 29,1890	26	496	Forfeiting grant between Houston and Rochester, Minn.
56	July 4,1866	14	87	From Hastings, Minn., to western boundary of State.	.....do.....	.....do.....	.....do.....	Hastings, Minn., and Red River of the North R. R. Co.	No subdivision. Present owners, Hastings and Dakota R. R. Co. It is understood that the charter of this company has been annulled by decision of Supreme Court of Minnesota. (See 21 L. D., 312.)	July 13,1866	14	97	Providing for certification of lands, etc.
57	July 23,1866	14	210	From Elwood, Kans., westwardly, via Marysville to junction with Union Pacific R. R. Co.	Odd sections within 10 miles of line of road.	.....do.....	State of Kansas for use and benefit of Saint Joseph and Denver City R. R. Co.	.....	No subdivision. Present owner of lands not known to General Land Office.	None.....	...	...	.....
58	July 25,1866	14	239	From junction with Central Pacific R. R. Co. in the Sacramento Valley, California, to north boundary of State.	Odd sections to amount of ten sections per mile on each side of road.	Thirty miles on each side of road.	California and Oregon R. R. Co.	.....	No subdivision. Present owners, Central Pacific Rwy. Co.	June 25,1868	15	80	Extending time for completion of road.
										Apr. 10,1869	16	47	Providing for sale of lands to actual settlers, etc.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route: Houston to western boundary of State, Aug. 11, 1866.	Aug. 23, 1866	May 22, 1891.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,571,259.11	457,757.45	279.37	149.35	130.02	130.02	None.	Completed from Houston to Winnebago City within time required, and from thence to Airlie on western boundary of State after that time. Road owned and operated by Chicago, Milwaukee and Saint Paul Rwy. Co. (See opinion of Attorney-General, Nov. 29, 1879, 16 Opin., 397, relative to failure to construct upon line of original location.)
Definite location: Sec. 21, T. 104, R. 37, to Sec. 20, T. 119, R. 46, Dec. 10, 1866.	Apr. 26, 1867.											
Sec. 21, T. 104, R. 37, to Sec. 2, T. 103, R. 18, Dec. 10, 1866.	Apr. 26, 1867.											
Sec. 2, T. 103, R. 18, to Sec. 22, T. 104, R. 8, Feb. 11, 1867.	Apr. 26, 1867.											
Houston to Sec. 22, T. 104, R. 8, Feb. 11, 1867.	Apr. 26, 1867.											
Sec. 4, T. 104, R. 39, to west line of State, May 4, 1871.	May 17, 1871. All lands within limits.											
General route July 11, 1866. Definite location June 26, 1867.	July 12, 1866; Apr. 22, 1868. All lands in limits of grant.	.....do.....	.....do.....	.....do.....	1,250,528.78	377,776.15	202.1	74	128.1	128.1	None.	Extends from Hastings to Ortonville on western boundary of State. Completed from Hastings to Glencoe within time required. Road owned and operated by Chicago, Milwaukee, and Saint Paul Rwy. Co.
March 28, 1870.	Apr. 8, 1870	Dec. 15, 1887	.....do.....	.....do.....	1,350,381.03	462,933.24	226	226	None	None.	None.	Extends from Elwood, Kans., to junction with Burlington and Missouri River R. R. at Hastings, Nebr. Road owned and operated by Saint Joseph and Grand Island R. R. Co. (See decision of Supreme Court in case of Van Wyck *v.* Knevals, 106 U. S., 360.)
General route: Roseville to Salt Creek, Sept. 13, 1867.	Oct. 29, 1867.	Aug. 15, 1887.	.....do.....	.....do.....	3,266,728.55	3,154,994.16	304	152	152	152	None.	From junction with Central Pacific R. R. at Roseville, Cal., to junction with Oregon and California R. R. at Oregon State line. Completed from Roseville to Redding within time required. But 192 miles have been accepted by president.
Definite location: Chico to Sesma, Sept. 6, 1871.	Oct. 6, 1871.											
Sesma to north line of T. 46 N., R. 5 W., M. D. M., Aug. 7, 1871.	Aug. 25, 1871.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
58													
59	July 25, 1866	14	239	From Portland, Oreg., to south boundary of Oregon, to connect with California and Oregon R. R.	Odd sections to amount of ten sections per mile on each side of road.	Thirty miles on each side of road.	Oregon Central R. R. Co., a company designated by legislature of Oregon.		No subdivision. Present owners, Oregon and California R. R. Co.	June 25, 1868	15	80	Extending time for completion of road.
										Apr. 10, 1869	16	47	Providing for sale of lands to actual settlers, etc.
										Apr. 30, 1908	35	571	Authorizing suit to forfeit grant.
										Aug. 20, 1912	37	320	Authorizing compromise of suit in part.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Definite location: North line of T. 46 N., R. 5 W., M. D. M., to northern boundary of California, Aug. 30, 1884.	Feb. 9, 1885.											
Constructed road: Junction with C. P. R. R., to Chico, Sept. —, 1871.	Apr. 8, 1871.											
Chico to 97 1/10 mile post, Jan. 29, 1874.	Oct. 6, 1871.											
97 1/10 mile post to 117 1/10 mile post, Feb. 9, 1876.	Feb. 25, 1876.											
117 1/10 mile post to Sec. 33, T. 32 N., R. 5 W., M. D. M., May 7, 1878.	June 10, 1878.											
East Portland to Jefferson, in 10 S., 3 W., Jan. 29, 1870.	Jan. 31, 1870.	Aug. 15, 1887.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	3,821,901.80	2,765,677.10	360	197	163	163	None.	Extends from Portland, Oreg., to junction with California and Oregon R. R. at California State line. Completed from Portland to Roseburg within time required. Road between Ashland and State line, 49 miles, has not been accepted by president.
Jefferson to 27 S., 6 W. (2 maps), Mar. 28, 1870.	Apr. 7, 1870, and July 12, 1870.											
27 S., 6 W., to Sec. 30, 30 S., 5 W., Jan. 7, 1871.	Mar. 31, 1871.											
Sec. 19, 27 S., 5 W., to station 1208 in Sec. 5, 30 S., 5 W., and showing amended line from station 1154, in Sec. 23, 29 S., 5 W., to station 1320x50, Sec. 6, 30 S., 5 W. Apr. 8, 1882, returned to secretary with report, and received back June 2, 1883.	July 5, 1883.											
Station 1320x50, Sec. 6, 30 S., 5 W., to station 2376x50, T. 31 S., 7 W., Apr. 6, 1882; other notes same as preceding.	July 5, 1883.											
Station 2376x50 to Sec. 33, 34 S., 6 W., Aug. 24, 1882, same notes as above.	July 5, 1883.											
33, 34 S., 6 W., to 21, 36 S., 3 W., June 6, 1883.	July 5, 1883.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
59													
60	July 27, 1866	14	292	From States of Missouri and Arkansas to the Pacific Coast, with branch from Canadian River, eastwardly to western boundary of Arkansas, at or near Van Buren.	Odd sections to the amount of 20 sections per mile on each side of road through Territories and 10 sections per mile through States.	30 miles in States and 50 miles in Territories on each side of road.	Atlantic and Pacific R. R. Co.		In Missouri grant is owned by Saint Louis and San Francisco R. R. Co.; balance is owned by the Santa Fé Pacific R. R. Co.	Apr. 21, 1871	17	19	Authorizing company to mortgage its road.
										July 6, 1886	24	123	Forfeiting grant opposite uncompleted road.
										Mar. 3, 1897	29	622	Defines rights of purchasers under mortgages authorized by act of Apr. 20, 1871.
										June 27, 1902	32	405	Authorizes Santa Fé Pacific Co. to sell or lease its railroad property and franchises, etc.
										Apr. 28, 1904	33	556	Relief of small-holding settlers in New Mexico.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
21, 36 S., 3 W., to south line of 32, 37 S., 1 W., July 3, 1883.	Sept. 3, 1883.											Extends from Portland, Oreg., to junction with California and Oregon R. R. at California State line. Completed from Portland to Roseburg within time required. Road between Ashland and State line, 49 miles, has not been accepted by president.
South line of 32, 37 S., 1 W., to east line of 25, 39 S., 1 E., Sept. 6, 1883.	Oct. 27, 1883.											
25, 39 S., 1 E., to north line of 30, 40 S., 2 E., Aug. 2, 1883.	Oct. 27, 1883.											
30, 40 S., 2 E., to southern boundary of State, in Sec 13, T. 41 S., R. 1 E., Aug. 18, 1884.	Dec. 19, 1884.											
Springfield, Mo., to west line of State, Dec. 17, 1866.	Feb. 14, 1867, and Apr. 30, 1867.	Aug. 13, 1887.	By order of Secretary of the Interior.	Not adjusted.	14,539,804.69	4,365,970.04						Main line.
							89	89				Missouri.
							355	36	50	319	269	Indian Territory.
							200	.....	.....	200	200	Texas.
							416	.....	167	416	249	New Mexico.
							383	.....	383	383	.....	Arizona.
							686	.....	.....	686	686	California.
Missouri State line to Kingfisher Creek, Indian Territory, Dec. 2, 1871.	None.						2,129	125	600	2,004	1,404	
Van Buren, Ark., to Canadian River, Indian Territory (branch), Dec. 2, 1871.	Mar. 3, 1872.											Branch from Van Buren, Ark., to main line in valley of Canadian River.
							5	.....	.....	5	5	Arkansas.
							295	.....	.....	295	295	Indian Territory.
							300	.....	.....	300	300	
Point last named to junction with main line (branch), Feb. 7, 1872.	None.											The mileage here given is that of said road as originally located from Springfield, Mo., to San Francisco, Cal., and from Van Buren, Ark., to main line. Road was completed from Springfield, Mo., to Vinita, Ind. Ter., within time required; from Vinita 50 miles westwardly, and from Isleta, N. Mex., to the Colorado River after that time. (See forfeiting act, July 6, 1886; also decision of Department, 4 L. D., 458.)
Kingfisher Creek to eastern boundary of New Mexico, Feb. 7, 1872.	None.											
Through New Mexico, Mar. 12, 1872.	May 8, 1872.											
Through Arizona, Mar. 12, 1872.	May 17, 1872.											
San Francisco to San Miguel Mission, Mar. 12, 1872.	Apr. 22, 1872.											
Western line Los Angeles County to T. 7 N., R. 7 E., S. B. M., Mar. 12, 1872.	Apr. 22, 1872.											
San Miguel Mission to western line Los Angeles County, Aug. 15, 1872.	Nov. 23, 1874.											
T. 7 N., R. 7 E., S. B. M. to Colorado River, Aug. 15, 1872.	Nov. 23, 1874.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
61	July 27, 1866	14	292	From connection with Atlantic and Pacific R.R. Co. near eastern boundary of California to San Francisco.	Odd sections to the amount of 20 sections per mile on each side of road through Territories and 10 sections per mile through States.	30 miles in States and 50 miles in Territories on each side of road.	Southern Pacific R. R. Co.	.....	No subdivision. Present owner, original grantee.	July 25, 1868	15	187	Extending time for completion of road.
										June 28, 1870	16	382	Authorizing company to construct road and receive patents along the designated route indicated by map filed in General Land Office Jan. 3, 1887.
										Sept. 29, 1890	26	496	Forfeits grant between Alcalde and Tres Pinos, Cal.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route: San Francisco to the Colorado River, Jan. 3, 1867.	Mar. 22, 1867	Aug. 15, 1887	By order of Secretary of the Interior.	Not adjusted	4,968,096.10	3,678,549.83	579.52	231.92	263.60	347.60	84	Mileage here given covers road from San José, Cal., to Needles, on the Colorado River. Company is not asserting any claim to grant between San José and San Francisco. Road completed from San José to Tres Pinos, 50 miles, and from Huron to Mojave, 182 miles, within time required, and from Mojave to the Colorado River after that time. Uncompleted from Tres Pinos to Alcalde. Department has accepted road as constructed from Mojave to Needles, Cal. Map showing constructed road east of Mojave filed in Department Jan. 7, 1885. See 25 L. D., 223.
Constructed road: San José to Gilroy, Aug. 7, 1871.	Sept. 12, 1871											
From Gilroy southward, 20 miles, Oct. 26, 1871.	Dec. 13, 1871											
From Goshen to NW. ¼ Sec. 30, T. 21 S., R. 25 E., M. D. M., Oct. 3, 1872.	Aug. 30, 1873											
NW. ¼ Sec. 30, 21 S., 25 E., M. D. M., to NW. ¼ Sec. 2, 25 S., 25 E., M. D. M., Aug. 11, 1873.	Do.											
NW. ¼ Sec. 2, 25 E., M. D. M., to NE. ¼ Sec. 9, 28 S., 26 E., M. D. M., Oct. 27, 1874.	Nov. 27, 1874											
Mojave to Needles, Jan. 7, 1885 (see 25 L. D., 223).												
NE. ¼ Sec. 9, 28 S., 26 E., M. D. M., to NE. ¼ Sec. 5, 30 S., 29 E., M. D. M., Aug. 26, 1875.	Oct. 26, 1875											
NE. ¼ Sec. 5, 30 S., 29 E., M. D. M., to SE. ¼ Sec. 33, 30 S., 31 E., M. D. M., June 19, 1876.	Aug. 8, 9, 1876											
Goshen to NE. ¼ Sec. 2, 19 S., 20 E., M. D. M., Jan. 27, 1877.	Mar. 13, 1877											
NE. ¼ Sec. 2, 19 S., 20 E., M. D. M. to NW. ¼ Sec. 11, 20 S., 17 E., M. D. M., Feb. 22, 1877.	Do.											
Sec. 33, 30 S., 31 E., M. D. M., to Mojave, Feb. 17, 1878.	June 13, 1878.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
61													
62	May 4, 1870	16	94	From Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River, near McMinnville.	Twenty miles on each side of road. Odd sections.	Twenty-five miles on each side of road.	Oregon Central R. R. Co.		No subdivision. Present owner, Oregon and California R. R. Co.	Jan. 31, 1885	23	296	Declaring forfeiture of all lands coterminous with uncompleted portions of road and not within grant for completed portion.
63	Mar. 3, 1871	16	573	From a point at or near Tehachapa Pass, via Los Angeles, Cal., to the Texas Pacific R. R. at or near the Colorado River.	Odd sections within 20 miles on each side of road.	Thirty miles on each side of road.	Southern Pacific R. R. Co.		No subdivision. Present owner, original grantee.				

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Construction roads: Seventeenth Section NW. ¼ 11-20, Sec. 17 E., to NE. ¼ 23-21, Sec. 14 E., Alcalde to Huron, Nov. 12, 1889.												
May 17, 1871, from Portland to McMinnville, and from Forest Grove to Caster Creek.	July 14, 1871.	.....	By order of the Secretary of the Interior, issued under forfeiting act.	Practically adjusted, but not closed.	397,602.16	128,618.13	144.5	47.5	.....	97	97	Completed from Portland, via Forest Grove, to McMinnville within time required. Grant for remainder of road forfeited.
February 2, 1872, from Caster Creek to Astoria.	Apr. 24, 1872, all lands within limits.											
General route: Tehachapa Pass, via Los Angeles, to the Texas Pacific R. R., at or near the Colorado River, Apr. 3, 1871.	Apr. 21, 1871.	Aug. 15, 1887.	By order of the Secretary of the Interior.	Not adjusted.	4,044,050.54	1,451,281.08	346.97	346.97	None.	None.	None.	From Mojave, Cal., via Los Angeles, to Colorado River at Yuma.
Constructed road: NW. ¼ Sec. 3, T. 2 N., R. 15 W., S. B. M., to NE. ¼ Sec. 27, 1 S., 9 W., S. B. M., May 11, 1874.	Sept. 17, 1874.											
NE. ¼ Sec. 27, 1 S., 9 W., S. B. M., to SW. ¼ Sec. 4, T. 3 S., R. 1 W., S. B. M., Nov. 15, 1875.	Dec. 20, 1875.											
SW. ¼ Sec. 4, T. 3 S., R. 1 W., S. B. M., to SW. ¼ Sec. 24, T. 5 S., R. 7 E., S. B. M., July 24, 1876.	Aug. 19, 1876.											
NW. ¼ Sec. 3, T. 2 N., R., 15 W., S. B. M., to NE. ¼ Sec. 17, T. 11 N., R. 12 W., S. B. M., Mar. 6, 1877.	Mar. 27, 1877.											
SW. ¼ Sec. 24, T. 5 S., R. 7 E., S. B. M. to SE. ¼, Sec. 26, T. 16 S., R. 22 E., S. B. M., Jan. 31, 1878.	Apr. 9, 1878.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
64	Mar. 3,1871	16	573	From New Orleans to Baton Rouge, and thence by way of Alexandria to connect with the Texas Pacific Railroad at the eastern terminus.	Odd sections within 20 miles on each side of road.	Thirty miles on each side of road.	New Orleans, Baton Rouge and Vicksburg R. R.	.....	No subdivisions. New Orleans Pacific R. R.	Feb. 8,1887	24	391	Confirms grant of Mar. 3, 1871, for N. O., B. R. & V. R. R. Co. to New Orleans. Pacific Company lying west of Mississippi River and between White Castle and Shreveport, forfeits all east of river and between New Orleans and White Castle, and protects actual settlers.
										Apr. 14,1890	29	91	For relief of settlers on lands in indemnity limits.
				Total.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NOTE.—The act of June 22, 1874 (18 Stat., 194), provides for the relinquishment by railroad companies in favor of settlers of lands granted to them, with right of selection in lieu of lands relinquished.

NOTE.—The act of Sept. 29, 1890 (26 Stat., 496), forfeited all railroad grants opposite unconstructed roads.

FORFEITED RAILROAD GRANTS.

1	June 29,1854	10	302	From southern line of Territory between ranges 9 and 17 via Saint Paul to eastern line of Territory in direction of Lake Superior.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	Territory of Minnesota.	Minnesota and Northwestern R. R. Co.	.....	Aug. 4,1854	10	575	Repealing granting act.
2	June 3,1856	11	17	From Elyton to Beards Bluff.	.....do.....	.....do.....	State of Alabama.	None, so far as known to General Land Office.	.....	July 10,1886	24	140	Declaring forfeiture of grant.
3	June 3,1856	11	17	From Memphis, Tenn., to Stevenson, Ala.	.....do.....	.....do.....							
4	June 3,1856	11	18	From New Orleans to Mississippi State line in direction of Jackson.	.....do.....	.....do.....	State of Louisiana.	.....do.....	.....	July 10,1886	24	140	.....do.....
5	Aug. 11,1856	11	30	From Tuscaloosa to the Mobile and Ohio R. R.	Same. Even sections.	.....do.....	State of Mississippi.						
6	Aug. 11,1856	11	30	From Mobile to New Orleans.	.....do.....	.....do.....	States of Alabama, Mississippi, and Louisiana, respectively	.....do.....	.....	July 10,1886	24	140	.....do.....
7	Mar. 3,1857	11	195	From the Chattahoochee River to Mobile, with branch from Eufaula to Montgomery.	Same. Odd sections.	.....do.....	State of Alabama.	.....do.....	.....	July 19,1886	24	140	.....do.....
8	July 4,1866	14	83	From Pilot Knob to southern boundary of Missouri.	Odd sections within 10 miles.	Twenty miles on each side of road.	State of Missouri.	Saint Louis and Iron Mountain R. R. Co.	.....	June 28,1884	23	61	.....do.....
9	July 4,1866	14	83	From southern terminus of above road to Helena, Ark.	.....do.....	.....do.....	State of Arkansas.	State never availed itself of this grant.	.....	None.....	.....	.....	.....
10	July 13,1866	14	94	From Folsom to Placerville, Cal.	Ten sections per mile on each side of road.	None.....	Placerville and Sacramento Valley R. R. Co	.....	.....	Apr. 15,1874	18	29	Declaring forfeiture of grant.

Improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route:												
Baton Rouge to Shreveport, Nov. 11, 1871.	Nov. 29, 1871.	Oct. 15, 1883.	By order of the Commissioner of the General Land Office	Practically adjusted, but not closed.	2,746,954.22	1,001,783.27	260	None.	260	260	None.	Mileage here given covers road from White Castle to Shreveport. Company waived and surrendered all its claim to the grant between White Castle and New Orleans, and Congress subsequently declared same forfeited.
New Orleans to Baton Rouge, Feb. 13, 1873.	Mar. 27, 1873.											
Definite location Oct. 27, 1881, Nov. 17, 1882.	Oct. 15, 1883.	Aug. 15, 1887.	By order of the Secretary of the Interior.									
					158,293,376.84	116,512,261.65	21,510.24	14,184.13	4,514.24	7,326.11	2,811.87	

FORFEITED RAILROAD GRANTS.

None	July 15, 1854. All lands within supposed limits.	Oct. 9, 1854	By order of Commissioner of General Land Office.								See decision of Supreme Court of United States in case of Rice *vs.* Railroad Co. (1 Black, 360), sustaining repealing act.
None	June 19, 1856. All lands within supposed limits.	Feb. 19, 1885. As to lands along Memphis road.	do								Withdrawal for Elyton and Beards Bluff road ignored since war of 1861.
None	June 16, 1856. All lands within supposed limits.	July 27, 1857	do								
None	Aug. 15, 1856. All lands within supposed limits.	None									Withdrawal ignored since war of 1861.
None	Apr. 21, 1857. All lands within supposed limits.	None									Do.
Apr. 23, 1870.	Apr. 28, 1870. All lands within limits.	Mar. 24, 1885.	By order of Commissioner of General Land Office under forfeiting act.				97.84	20	77.84	77.84	None.
None	None										
June 26, 1867.	June 26, 1871, and Aug. 29, 1867. All lands within 20 miles.	Apr. 27, 1874.									

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

FORFEITED RAILROAD GRANTS—Continued.

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
11	July 25, 1866	14	236	From eastern terminus of Union Pacific R. R. on a line between Kansas and Missouri, southwardly, through eastern tier of counties of Kansas to a junction with a railroad in course of construction at or near Preston, in Texas.	Same. Odd sections.	Twenty miles on each side of road.	State of Kansas.	Kansas and Neosho Valley R. R. Co.	No subdivisions. Present owner of road, Kansas City, Fort Scott and Gulf R. R. Co.	Mar. 3, 1877	19	404	Repealing sections 1, 2, 3, 4, and 5 of granting act, securing rights of settlers and releasing company from obligations.
12	Mar. 2, 1867	14	548	From Stockton to Copperopolis, Cal.	Five sections per mile on each side of road.	.....do.....	Stockton and Copperopolis R. R. Co.	.....	.....	June 15, 1874	18	72	Declaring forfeiture of grant.
13	Mar. 3, 1871	16	573	From at or near Marshall, Tex., to El Paso; thence by the most direct and practicable route to San Diego, Cal.	Twenty sections per mile on each side in Territories and ten in State of California.	Fifty miles on each side of road in Territories and thirty in State of California.	Texas Pacific R. R. Co.	.....	Marshall, Tex., to El Paso, Tex., Texas and Pacific Rwy. Co.	May 2, 1872	17	59	Changing name of company to "The Texas and Pacific Railway Company," authorizing issue of bonds and extending time for completion.
									Texas and Pacific Rwy. Co assigned grant from El Paso to Colorado River to the Southern Pacific R. R. companies of New Mexico and Arizona, respectively, and from Colorado River to San Diego to Los Angeles and San Diego R. R. Co. (See Senate Ex. Doc. No. 27, 48th Cong., first session.)	June 22, 1874	18	197	Relative to mortgage.
										Feb. 28, 1885	23	337	Declaring grant forfeited to the United States, and restoring lands to public domain.
14	June 3, 1856	11	21	From Ontonagon, Mich., to the Wisconsin State line.	Odd sections within 6 miles of road.	Odd sections within 15 miles of road.	State of Michigan.	Ontonagon and Brule River R. R. Co.	No subdivision. No change of ownership known to this office.	Mar. 2, 1889	25	1008	Forfeiting grant opposite unconstructed portion of road.
15	June 3, 1856	11	17	From near Gadsden to some point on the Alabama and Mississippi State line in the direction of the Mobile and Ohio R. R.	.....do.....	.....do.....	State of Alabama.	Coosa and Chattooga R. R. Co.	From Gadsden through Chattooga Valley to Georgia State line. No company claiming grant is known to General Land Office.	Sept. 29, 1890	26	496	Declaring forfeiture of grant.
				Total.....									

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

FORFEITED RAILROAD GRANTS—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
June 27, 1868.	June 12, 1869, and Oct. 19, 1869. All lands within 20 miles of road.	Dec. 28, 1878.	By order of the Secretary of the Interior.	.....	.....	526.94	160	160	None.	.....	.....	Road in Indian Territory built by Missouri, Kansas and Texas Rwy. Co. (see road No. 46). This company received patents for 21,341.77 acres of land, all of which was reconveyed to the United States Apr. 26, 1877, under act of Mar. 3, 1877, except 526.94 acres, for which it paid into the United States Treasury $1,498.80, the amount realized from the sale of said 526.94 acres.
Oct. 18, 1867.	June 3, 1871, and Oct. 26, 1867. All lands within 20 miles of road.	July 9, 1874.	By order of Commissioner of General Land Office under forfeiting act.	.....	.....	.....	.....	.....	.....	.....	.....	
General route: El Paso, Tex., to San Diego, Cal., Sept. 2, 1871.	Sept. 27, 1871, Nov. 16, 1871, and Nov. 22, 1871. Granted limits only.	Indemnity lands not withdrawn. Granted lands restored Mar. 17 and Apr. 4, 1885.	.....	.....	.....	.....	1,483	705	None.	778	778	Completed road extends from Marshall, Tex., to junction with the Galveston, Harrisburg and San Antonio R. R. at Sierra Blanca, about 90 miles east of El Paso. No portion of the road in any land-grant State or Territory has been completed.
Nov. 30, 1857	May 30, 1856, all lands within limits.	June 15, 1868.	By order of Commissioner of the General Land Office.	.....	.....	34,227.08	75	None.	20	75	55	
Sept. 20, 1858.	June 19, 1856, Feb. 13, 1857. All lands within 15-mile limits.	No withdrawal of indemnity lands has been recognized since the war of 1861.	.....	.....	.....	.....	37.5	None.	None.	37.5	37.5	From Gadsden to Georgia State line.
.....	.....	.....	.....	.....	.....	34,754.02	1,853.34	885.00	97.84	968.34	870.50	

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

CANAL GRANTS.

Chronological number.	Date of grant.	Statute.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
1	Mar. 2, 1827	4	236	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie.	A quantity of lands equal to one-half of five sections in width on each side of canal.	State of Indiana	General Land Office dealt entirely with State in adjustment of grant.
1a	May 29, 1830	4	416	do	Granting 29,528.78 acres to be selected in lieu of a like quantity theretofore disposed of by the United States.	do	do
1b	Feb. 27, 1841	5	414	Same as above, but relating to that part of canal between Tippecanoe Creek and Terre Haute.	Quantity equal to one-half of five sections in width on each side of canal between points named, with right to select other lands in lieu of those disposed of by the United States.	do	do
1c	Aug. 29, 1842	5	542	In aid of that part of canal covered by act of 1827.	Authorizing selection of 24,219.14 acres in lieu of lands covered by Miami Indian Reservation.	do	do
1d	Mar. 3, 1845	5	731	To aid in extending and completing the Wabash and Erie Canal from Terre Haute to the Ohio River at Evansville.	One moiety of the lands remaining unsold in a strip 5 miles in width on each side of canal, together with one moiety of all other unappropriated lands in the Vincennes land district.	do	do
1e	May 9, 1848	9	219	For entire length of canal as above described.	Authorizing State to select a quantity of land which, together with the land already received, will make the full amount equal to one-half of five sections in width on each side of canal.	do	do
2	Mar. 2, 1827	4	236	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie (so far as the same is in the State of Ohio).	A quantity of land equal to one-half of five sections in width on each side of canal.	do	State of Ohio, by joint resolution of State of Indiana approved Feb. 1, 1834.
3a	June 30, 1834	4	716	do	Authorizing State of Ohio to select a quantity of lands equal to the quantity of lands included in above grant previously sold by the United States.	State of Ohio	
2b	Aug. 31, 1852	10	143	do	Section 3, authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 19, 1848.	do	

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

CANAL GRANTS.

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Mar. 26, 1824	4	47	Authorizing State to locate canal to connect the navigation of the rivers Wabash and Miami of Lake Erie, and granting right of way 90 feet in width on each side of canal.	None		1,480,408.87	The length of the canal from the Ohio State line to Evansville, Ind., as shown by the official maps on file in the General Land Office, is as follows: From the Ohio State line to Terre Haute..... 225 miles. From Terre Haute to Evansville..... 144 miles. Total..... 369 miles. A map showing the location of the canal from the Ohio State line to the mouth of Tippecanoe Creek appears to have been filed in the General Land Office with letter from D. Burr, president of Board of Commissioners, dated Oct. 9, 1829, but this map can not now be found in the files of the office. The map now on file showing the location of the canal from the Ohio State line to Terre Haute was received in the General Land Office with letter from Hon. Thomas H. Blake, dated Dec. 26, 1848. The map showing the location of the canal from Terre Haute to Evansville was received in the General Land Office with letter from James H. Whitcomb, Esq., dated Dec. 29, 1845. In the final adjustment of the grant under the act of 1848, which act the General Land Office appears to have construed as applying only to that part of the canal which lies between the Ohio State line and Terre Haute, the State was allowed five sections per mile for each mile of canal between said points. In addition it was held that as the act of 1824 reserved a strip 90 feet in width on each side of the canal in perpetuity, the State lost the fee to that extent as to any of the alternate sections covered by the grant of 1827, and was entitled to other lands in lieu of the strip thus reserved. See letter from Commissioner of General Land Office to Secretary of the Interior of Feb. 23, 1850, Mis. Record 28, N. S., p. 344. With reference to the right of way granted by the act of 1824, diligent search in the records of the General Land Office fails to show that any reservation of such right of way was ever made. See opinion of Attorney-General, Jan. 16, 1879 (16 Opinions, p. 250), holding that the grant of 90 feet on each side of the canal is a grant not of the land but of an easement therein, and that the purchaser or grantee of the Government took the title subject to such easement, unless the same was excepted out of the patent. See also opinion of Attorney-General, Nov. 15, 1849 (5 Opinions, p. 179), that State was entitled to lands for navigable feeders, and letter of Commissioner of General Land Office to Hon. Thos. H. Blake, Nov. 24, 1849 (Mis. Rec. 27, N. S., p. 208), holding that there were no "navigable feeders" within the meaning of that term as used by the Attorney-General. Under the act of 1845, extending the grant from Terre Haute to Evansville, the State appears to have been allowed to select one moiety of the unappropriated lands within a strip 5 miles in width on each side of the canal, and, in addition, one moiety of all the unappropriated lands in the Vincennes district. See letter of Commissioner General Land Office to Secretary of the Interior, Mar. 16, 1852.
Mar. 26, 1824	4	47	Authorizing State to locate canal to connect the navigation of the rivers Wabash and Miami of Lake Erie, and granting right of way 90 feet in width on each side of canal.	June 17, 1833. All lands within 5 miles of the Miami (Maumee) River.	Not known. Grant has long been treated as satisfied and closed.	265,815.45	The length of the canal from the Indiana State line to Perrysburgh is 91 miles. Map thereof was filed in the General Land Office with letter from the governor of Ohio dated June 11, 1834.
May 24, 1828	4	305	Section 4, authorizing State of Indiana to relinquish and convey grant to State of Ohio.	Aug. 27 1836. All lands within 5 miles on each side of canal.	do		The grant was adjusted upon the principle which governed the adjustment of the grant to Indiana for the Wabash and Erie Canal, between the Ohio State line and Terre Haute. See letter from Commissioner General Land Office to Secretary of the Interior dated Dec. 6, 1850, Mis. Rec., N. S., vol. 30, p. 528; Secretary's reply of Dec. 10, 1850, and act of Aug. 31, 1852.
Mar. 2, 1855	10	634	Confirming selections made for benefit of canal.				

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

CANAL GRANTS—continued.

Chronological number.	Date of grant.	Statutes.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
3	Mar. 2, 1827	4	234	To aid in opening a canal to unite the waters of the Illinois River with those of Lake Michigan.	Quantity of land equal to one-half of five sections in width on each side of canal.	State of Illinois	General Land Office dealt entirely with State in adjustment of grant.
3a	Aug. 29, 1842	5	542	do	Authorizing State to select 5,760 acres in lieu of certain lands previously disposed of by the United States.	do	
3b	Aug. 3, 1854	10	344	do	Authorizing State to select balance of land due, the quantity to be ascertained upon the principles which governed the grant to the State of Indiana, under act of May 9, 1848.	do	
4	May 24, 1828	4	305	To aid in extending the Miami Canal from Dayton to the Maumee River at the mouth of the Auglaize River.	Quantity equal to one-half of five sections in width on each side of said canal.	State of Ohio	General Land Office dealt entirely with State in adjustment of grant.
4a	Apr. 2, 1830	4	393	do	Authorizing State to select other lands in lieu of lands sold by the United States.		
4b	Aug. 31, 1852	10	143	do	Section 3, authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 19, 1848.		
4c	Mar. 2, 1855	10	634	do	Confirmed selections made by State.		
5	May 24, 1828	4	305	Sec. 5. To aid in the construction of canals in the State of Ohio.	Five hundred thousand acres, to be selected from lands subject to private entry.	do	do
6	June 18, 1838	5	245	To aid in opening a canal to unite the waters of Lake Michigan, at Milwaukee, with those of Rock River, between the point of intersection with said river, of the line dividing townships seven and eight, and the Lake Koshkonong.	All unappropriated lands in sections designated by odd numbers, within the breadth of five full sections, taken in north and south or east and west tiers on each side of canal.	Territory and State of Wisconsin. Grant to vest in State when admitted into the Union.	Milwaukee and Rock River Canal Co.
7	Aug. 26, 1852	10	35	To aid in construction of a ship-canal around the falls of the St. Mary's River.	Seven hundred and fifty thousand acres, to be selected from public lands in the State of Michigan, subject to private entry.	State of Michigan	General Land Office dealt entirely with State in adjustment of grant.
8	Mar 3, 1865	13	519	To aid in construction of breakwater and harbor and ship-canal through any public lands upon the neck of land known as "The Portage."	Two hundred thousand acres, to be selected from public lands in odd sections, subject to private entry, nearest the location of the canal.	do	Portage Lake and Lake Superior Ship-Canal Co., now the Lake Superior Ship-Canal Railway and Iron Co.
8a	July 3, 1866	14	81	do	Two hundred thousand acres in addition to land granted by act of 1865—150,000 acres to be selected from odd, and 50,000 from even sections in upper peninsula of Michigan to which right of pre-emption or homestead has not attached.	do	do
9	Apr. 10, 1866	14	30	To aid in construction of breakwater and harbor and ship-canal to connect the waters of Green Bay with those of Lake Michigan.	Two hundred thousand acres, to be selected from public lands in odd sections, subject to private entry, nearest the location of the canal	State of Wisconsin	Sturgeon Bay and Lake Michigan Ship-Canal and Harbor Co.
10	July 3, 1866	14	80	To aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle	One hundred thousand acres, to be selected from the odd-numbered sections nearest the location of the canal to which the right of pre-emption or homestead has not attached.	State of Michigan	Lac La Belle Harbor Improvement Co.
				Total			

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

CANAL GRANTS—continued

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Mar. 30, 1822	3	659	Authorizing State to survey and locate canal, and granting right of way 90 feet in width on each side of same.	None			Length of canal from Illinois River, near Peru, to Lake Michigan at Chicago is 101.35 miles. Map of canal filed in General Land Office, with letter from governor of Illinois, dated Dec. 25, 1829.
Mar. 2, 1833	4	662	Authorizing State to use lands granted by act of 1827, for purpose of constructing a railroad instead of a canal, and extending time for completion.			324,282.74	Grant adjusted upon the principle which governed the adjustment of the grant to the State of Indiana for the Wabash and Erie Canal between the Ohio State line and Terre Haute. See act of Aug. 3, 1854, and letter of Commissioner of General Land Office to governor of Illinois, under date of Aug. 24, 1854, vol. 40, Mis. Rec., p. 456.
Mar. 2, 1833	4	662	Extending time for completion.	Sept. 28, 1828. Five miles on each side of Auglaize River from its head to its mouth.	Jan. 6, 1845	438,301.32	Length of canal from Dayton to the Maumee River at Defiance (mouth of Auglaize River) is 127.63 miles.
Feb. 18, 1905	33	721	Granting lands flooded for reservoir purposes.				Map filed in General Land Office with letter from Samuel Forrer, Engineer, dated May 10, 1832. In the adjustment of this grant the State was allowed to select a quantity equal to one-half of the area of the lands within 5 miles of the canal, amounting to 377,967.57 acres. See letter from Commissioner General Land Office to Secretary of the Interior under date of May 17, 1851 (Misc. Rec., N. S., vol. 32, p. 182), and Secretary's reply of June 17, 1851. In addition to the quantity in place the State selected 60,333.75 acres, which selections were confirmed by the act of Mar. 2, 1855.
				None		499,997.12	
Mar. 3, 1847	9	178	Providing that liabilities incurred by Territory shall be paid and discharged by State, and that even-numbered sections along line of canal shall be sold at the same minimum price as other public lands of the United States.	July 3, 1838, and Sept. 11, 1838. All lands within probable limits.	Apr. 20, 1840. All lands outside fixed limits, and even sections within those limits, the latter at $2.50 per acre. See Proc. 290.	138,995.99	Map of canal filed in General Land Office, with letter from governor of Territory, dated May 16, 1839. The State having failed to construct the canal, the lands were treated as having reverted to the United States. The State, however, having sold 125,431.82 acres, the lands thus sold were charged to her 5 per cent fund, at the rate of $2.50 per acre; the remaining lands, amounting to 13,564.17 acres, were charged to the Internal Improvement grant of Sept. 4, 1841. See Opinions of Attorney-General, July 24, 1852 (5 Opin., 574), and Sept. 18, 1854 (6 Opin., 732).
May 29, 1848	9	233	....do				
July 1, 1864	13	413	Providing that the lands sold by the State should be charged to her 5 per cent fund, at the rate of $1.25 per acre.				The joint resolution of July 1, 1864, however, provided that the lands sold by the State should be charged to her 5 per cent fund, at the rate of $1.25 per acre, and that the State should be credited with the amount legally applied towards the cost of selling the lands and constructing the canal.
None				None		750,143.03	
Apr. 10, 1869	16	55	Extending time for completion	May 26, 1865. All lands in odd-numbered sections in upper peninsula west of range 21 W. and north of town. 40 N.	June 15, 1868. See notice No. 727. Dec. 22, 1874; Mar. 7, 1879.	400,081.15	Act of 1865, 199,999.88 acres.
Mar. 2, 1871	16	599	....do				Act of 1866, 200,081.27 acres.
Mar. 27, 1872	17	44	....do				Map of canal filed in General Land Office May 1, 1865. Length of canal is about 2.25 miles. For a full statement relative to the grants for this canal, see letter from Commissioner General Land Office to Secretary of the Interior dated June 9, 1886, Annual Report General Land Office, 1886, p. 318.
Mar. 3, 1873	17	627	....do				
Mar. 1, 1872	17	32	Extending time for completion	None		199,630.98	Map showing the location of canal was filed in General Land Office, May 2, 1867, with letter from the governor of Wisconsin dated Apr. 29, 1867.
Mar. 7, 1874	18	20	....do				Mar. 10, 1883, Hon. Philetus Sawyer filed a second map showing a relocation of canal. Length of canal, according to map of 1867, is about 1.44 miles; according to map of 1873, about 1.39 miles.
None				July 14, 1866. All odd-numbered sections in upper peninsula of Michigan west of range 15 W.	June 5, 1874. Notice No. 752.	100,011.67	Length of canal, about seven-eighths of a mile.
						4,597,668.32	

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

RIVER IMPROVEMENT GRANTS.

Chronological number.	Date of grant.	Statutes.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
1	May 23, 1828	4	290	To aid in the improvement of the Muscle Shoals and Colbert Shoals in the Tennessee River and such other parts of said river within the State of Alabama as the legislature of said State may direct; and in certain event to aid in the improvement of the Coosa, Cahawba, and Black Warrior Rivers.	Four hundred thousand acres of relinquished lands in the counties of Madison, Morgan, Limestone, Lawrence, Franklin, and Lauderdale, in the State of Alabama.	State of Alabama	General Land Office dealt entirely with State in adjustment of grant.
2	Aug. 8, 1846	9	83	To aid in improving the navigation of the Fox and Wisconsin Rivers in the Territory of Wisconsin, and of constructing the canal to unite the said rivers at or near "The Portage."	A quantity of land equal to one-half of three sections in width on each side of the Fox River and the lakes through which it passes, from its mouth to the point where the Portage Canal enters the same, and on each side of said canal from one stream to the other.	Territory of Wisconsin; to become the property of the State of Wisconsin when admitted into the Union.	Fox and Wisconsin Improvement Company.
2a	Aug. 3, 1854	10	345	.....do.....	Authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 9, 1848.		
2b	Mar. 3, 1855	10	724	.....do.....	Declaring that it was the intention of the act of Aug. 3, 1854, to give to the State a quantity of land equal, mile for mile of its improvements, to that granted to Indiana under act of May 9, 1848.		
3	Aug. 8, 1846	9	77	The improvement of the navigation of the Des Moines River.	An equal moiety of alternate sections of land in a strip 5 miles in width on each side of the river.	State of Iowa	General Land Office dealt entirely with State in adjustment of grant.
3a	July 12, 1862	12	543	Extended grant from Raccoon Fork to north boundary of State, for improvement of the river, and to aid in the construction of a railroad along the river bank.	Odd sections within 5 miles of river	.....do.....	Des Moines Navigation and R. R. Co., now Des Moines Valley R. R. Co.
				Total.....			

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

RIVER IMPROVEMENT GRANTS—continued.

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Apr. 24, 1830	4	397	Extending time for completion..	None.....	.....	400,016.19	
Feb. 12, 1831	4	441	Authorizing State to construct canal around Muscle Shoals before completing other portion of canal.				
July 16, 1832	4	604	Authorizing State to alter the plan for improvement.				
Mar. 2, 1833	4	663	Extending powers of the board of canal commissioners.				
June 23, 1836	5	57	Authorizing State of Alabama to impose tolls on use of canal.				
May 29, 1848	9	233	Providing that reserved even-numbered sections shall be sold at the same minimum price as other public lands of the United States.	Aug. 8, 1846, lands within 3 miles; Apr. 3, 1855, notice No. 533; all lands within 5 miles.	Nov. 7, 1859; Nov. 14, 1859; notice No. 648.	683,722.43	In the adjustment of the grant of 1846, as amended by the act of Aug. 3, 1854, the State appears to have been allowed a quantity of land equal to three full sections for each mile of the Fox River and the lakes through which it passes, from its mouth to the point where the Portage Canal enters the same, and said canal from stream to stream.
Mar. 2, 1849	9	352	Confirming certain entries and authorizing State to select other lands in lieu of the lands covered thereby.				
June 9, 1858	11	313	Confirming State's selections of certain even-numbered sections.				Under the act of 1854, and resolution of 1855, the State claimed, in addition to the grant of 1846, five sections per mile for each mile of the Wisconsin River from its mouth to the Portage Canal. This claim was rejected by the Commissioner of the General Land Office Mar. 12, 1855, and his decision was affirmed by the Secretary of the Interior Mar. 26, 1855. The question was appealed to the President of the United States, who, by decision dated Feb. 11, 1857, affirmed the decision of the Secretary. For decision of the President, see Misc. Rec., vol. 49, p. 202.
Mar. 12, 1867	15	20	Extending time for completion.				
Mar. 2, 1861	12	251	Relinquished to State all the title the United States then retained in lands along the Des Moines River, and above the Raccoon Fork thereof, which had been improperly certified under the act of Aug. 8, 1846.	June 1, 1849; Apr. 6, 1850; July 26, 1851; May 18, 1860.	Not known. Grant has long been treated as satisfied and closed.	1,161,513.69	The act of 1846 did not specify any particular sections, but the State elected to take the odd.
Mar. 3, 1871	16	582	Confirmed the title of the State to certain indemnity lands which had been certified to the State for supposed losses within the grant in place, which were subsequently found not to exist.				On account of the great conflict of opinion among the executive officers of the Government, some contending that the grant terminated at the Raccoon Fork and others that it extended along the entire course of the river within the State of Iowa, the withdrawal of June 1, 1849, reserving the lands along the entire course of the river was made.
							The Supreme Court of the United States in April, 1860 (December term, 1859), in the Litchfield case (23 Howard, 66), decided that the grant did not extend above the Raccoon Fork, but the withdrawal of 1849 was continued until the act of July 12, 1862, extended the grant to the north boundary of the State.
							In Wolcott case (5 Wall., 681), Riley *vs.* Wells (December term, 1869), not reported; Williams *vs.* Baker (17 Wall., 144); Homestead Co. *vs.* Valley Railroad (17 Wall., 162), and other cases, the same court decided that the withdrawals of 1849 reserved the lands, and that the act of 1862 had the effect to give to the State all the land she originally claimed under the act of 1846. Area above Raccoon Forks 840,091.36 acres; area below Raccoon Forks 321,422.33 acres.
.....	...	...	.....	.....	.....	2,245,252.31	

RECAPITULATION—RAILROADS.

	Estimated area of grant, in acres.	Number of acres certified or patented to June 30, 1914.	Length of road, in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.
Adjusted and closed.....	17,077,864.91	16,281,833.97	4,718.44	3,754.53	554.90	963.91	371.51
Practically adjusted, but not closed.....	49,235,145.81	34,066,887.95	8,580.36	6,839.68	1,356.19	1,740.68	421.99
Not adjusted.....	91,980,726.12	66,163,539.73	8,211.44	3,589.92	2,603.15	4,621.52	2,018.37
Totals.....	158,293,736.84	116,512,261.65	21,510.24	14,184.13	4,514.24	7,326.11	2,811.87

CONDITIONS IN THE UKRAINE (S. DOC. NO. 176).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, in response to the resolution adopted by the Senate on December 16 (calendar day December 20), 1919, requesting the State Department to transmit to the Senate such information as may be available, not inconsistent with the public interest, showing the actual condition in the Ukraine with respect to the treatment of members of the Jewish race.

WOODROW WILSON.

THE WHITE HOUSE,
12 January, 1920.

HOUSE BILL REFERRED.

H. R. 11368. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, was read twice by its title and referred to the Committee on Indian Affairs.

LUDWIG C. A. K. MARTENS.

Mr. MOSES. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 277) was read, as follows:

Resolved, That the subcommittee of the Committee on Foreign Relations acting under the resolution of the Senate (S. Res. 263) agreed to on the calendar day of December 20, 1919, be, and hereby is, empowered to employ counsel.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. HITCHCOCK. Mr. President, before consent is given, I should like to have some explanation as to why counsel seems to be required.

Mr. MOSES. Mr. President, the subcommittee acting under the authority of the resolution cited held its first meeting this morning and discovered that the mass of material involved in the investigation which the Senate has already ordered is so great that no Senator could possibly give his attention to it without wholly neglecting every other duty which he owes to the Senate and to his constituents; and in order that there might be an orderly presentation of the case before the committee it was the unanimous opinion of the Senators attending the hearing this morning that this authority should be asked for.

Mr. HITCHCOCK. What sort of material is it that is before the committee? Can the Senator give us an idea?

Mr. MOSES. We have received memoranda of various sorts making various suggestions with reference to the subpœnaing of witnesses, and in a measure as to the sources from which information bearing upon this investigation may be drawn, to such a number and to such an extent that, as I have said, it would be impossible for any member of the committee to look it over even cursorily if he expected to do anything else. It was strongly the opinion of the Senators who were present this morning that if a real investigation was to be had along the lines of the resolution the committee should be aided by counsel.

Mr. HITCHCOCK. Mr. President, it seems to me that if counsel are to be employed the Department of Justice should be asked to detail a man for that purpose. I am a good deal opposed to authorizing a committee of the Senate, under circumstances like these, to employ counsel to aid it. I can hardly conceive of a set of circumstances which would justify it. I suggest to the Senator that in the case of the investigation made by the Judiciary Committee along similar lines, and of equal importance, that course was taken. The Department of Justice was asked to detail a man for that purpose.

Mr. MOSES. Mr. President, I am acting under the authority of the subcommittee in presenting this resolution, and so far as I am concerned I would rather have it encounter the opposition of the Senator from Nebraska by his refusal to unanimous consent for its consideration than to accept the suggestion which he has made. The committee feels that if it is to have counsel it should have counsel of its own choosing, in order that it might guide the course of the investigation, rather than to have it guided by any counsel who might be thrust upon it by detail from any department of the administration.

I say this without reference to the personality of whoever might be designated by the Department of Justice to assist the committee, and I say it further because there are certain trails which have already opened up in connection with certain documents already submitted to the committee which would indicate that it would be inconvenient and perhaps embarrassing if some agency of the Department of Justice were designated to direct the course of the committee so far as counsel went; and the committee feels that it should be wholly independent with reference to its counsel if the Senate is to give it authority to have counsel.

I will only add that if the Senate does not give the committee authority to employ counsel, as is suggested by this resolution, there will be many vacancies on the committee, because those members of the committee who were present this morning feel exactly as I have said—that they can not have an orderly and a proper investigation along the lines of the resolution unless they are assisted by counsel, and they firmly feel that that counsel should be of their own selection.

Mr. KENYON. Mr. President, had the Senator from Nebraska concluded?

Mr. HITCHCOCK. I was merely reserving the right to object. I shall be glad to yield to the Senator.

Mr. KENYON. I should like to ask the Senator from New Hampshire if Mr. Martens is not represented by counsel?

Mr. MOSES. He is. One of his counsel appeared this morning, and it was represented to the committee that he had been unable yet to get in proper touch with other counsel whom he expects to have to assist him before the committee; and it was in accordance with that information that the continuance of the hearing was had.

Mr. KENYON. Mr. President, I want to urge the Senator from Nebraska not to object. The matter is not without precedent. In the Lorimer investigation, counsel were employed. It became absolutely essential. The members of the committee could not give to that work the time that otherwise would have been required. I have gone into this matter enough to know that the investigation will amount to nothing if there is no counsel. It is absolutely impossible for the members of that committee to give to it the consideration which they should, and the investigation might just as well be abandoned if there is to be no counsel. It will not get anywhere.

Mr. HITCHCOCK. Mr. President, for this morning I think I shall object, but I shall be glad to talk the matter over with the Senator.

Mr. MOSES. Then I ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. POMERENE. Mr. President, if I may be permitted to make a suggestion, I was named by the chairman of the Committee on Foreign Relations as a member of this subcommittee, and I was obliged this morning to ask to be relieved of that duty because of my engagements on the conference committee on the railroad legislation; but I share the view of the Senator from New Hampshire that counsel ought to be appointed. I think I realize the tremendousness of the questions which will be presented to the subcommittee.

The suggestion has been made that the Department of Justice could send a representative to appear on behalf of the Senate. Of course that is possible. I do not know whether that would embarrass the Department of Justice or not. The papers indicate that the Department of Justice has been having under consideration certain procedure. As a lawyer, I think I can understand why the Department of Justice at this time might be somewhat embarrassed if they were to go into this investigation, which might proceed along entirely different lines, and might be more comprehensive than any investigation that the Department of Justice may see fit to make. For that reason it seems to me that the committee could serve the Senate very much better if they were aided by some lawyer who could act independently of the Department of Justice, and I hope that view will prevail in the end.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. HITCHCOCK. I object, Mr. President.

The VICE PRESIDENT. The Chair thinks this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MOSES. I asked, when the objection was made, that it be referred to that committee.

The VICE PRESIDENT. That order will be made.

PAY OF OFFICERS AND MEN OF COAST GUARD.

Mr. NELSON. I ask unanimous consent for the present consideration of Senate joint resolution 102. The object of the joint resolution is to have the officers and men of the Coast Guard Service who were attached to the Navy during the war but

have now been detached given the same salaries that officers and men in the Navy are receiving.

Mr. WADSWORTH. Mr. President, I do not intend or desire to interpose an objection, but I should like to ask the Senator from Minnesota a question. The Senator probably knows that on the calendar there is a bill (S. 3383) providing for an increase in the pay of the officers and men of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service, all under one bill reported from the Committee on Military Affairs. I merely wanted to ask the Senator from Minnesota if this bill for the consideration of which he now asks unanimous consent would, if enacted into law, have any effect upon the pay of the men in the Coast Guard Service?

Mr. NELSON. Why, they would get the same pay that they got in the Navy.

Mr. SMOOT. It would be an increase of pay.

Mr. NELSON. The Coast Guard was an independent service prior to the war. During the war they were attached to the Navy, and they cooperated with it and were getting the Navy pay. Since then they have been detached from the Navy and their pay is less, and they simply ask to get the same pay in the Coast Guard Service—which is the old Revenue Cutter Service—as in the Navy.

Mr. WADSWORTH. Then perhaps this will be the case: If the joint resolution is passed, and is followed by the passage of a general pay increase, the Coast Guard officers would get the same increase in pay as the naval officers?

Mr. NELSON. They would.

Mr. WADSWORTH. Having been placed upon the same basis as naval officers by the Senator's joint resolution?

Mr. NELSON. Yes.

Mr. WADSWORTH. I merely wanted to have that clear in my own mind, because there is another bill on the calendar affecting pay.

Mr. KING. I would like to ask the Senator a question. I see by the press that some committee—I presume the Naval Affairs Committee—has recommended an increase of from 30 to 50 per cent in the compensation of certain persons in the Navy. I am not sure whether it extends only to the seamen or whether it includes the officers of the Navy. If that bill should become a law, then I presume if the joint resolution the Senator is asking the consideration of now should be enacted into law, automatically they would receive the same 30 or 50 per cent increase which is granted by the measure to which I have just referred.

Mr. NELSON. That is true; but I can see no reason why they should not. Their work is as difficult and hazardous in time of peace as that of the Navy. Whether that bill will pass or not I can not say. That is another question.

Mr. KING. I should like to ask the Senator whether or not persons competent to judge, and by that I mean naval officers and officials of the Treasury Department, who have had cognizance of the activities of the Coast Guard Service, feel that the services bear such a relation to each other in importance as to require the same compensation in the two departments?

Mr. NELSON. They certainly do. The head of the department, as well as the head of the service, feel that they are entitled to as much compensation as officers in the Navy in time of peace, and from my own knowledge of the duties performed by the Coast Guard I have no doubt of it at all. They are on active duty late and early, all the time, patrolling our coasts. They are as busy as they can be, and they perform as efficient duty as those in the Navy in time of peace.

Mr. KING. Mr. President I shall not object to the consideration of the joint resolution. I understand that an amendment which I shall offer will be agreed to. But I take this occasion to express the view that in my opinion the services are so dissimilar as to call for different pay. I see no reason why an employee of the Coast Guard Service whether officer or seaman, if that is the proper term, should receive the same compensation as men in the Navy, who are called upon to leave their homes for months at a time and go to foreign ports and to meet the hazards and responsibilities that are incident to naval service. However, if the Senate believes that the services call for the same compensation, I shall not object to the consideration of the joint resolution. I think it is unwise and improper legislation.

The joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That commissioned officers, warrant officers, and petty officers and other enlisted men of the United States Coast Guard shall receive the same pay and allowances as are now or may hereafter be prescribed for corresponding grades or ratings and length of service in the Navy: *Provided*, That nothing herein contained shall operate to reduce the pay or allowances that would have been received by any person in the Coast Guard except for the passage of this resolution.

The joint resolution was reported from the Committee on Commerce with an amendment to insert at the end the following proviso:

Provided, That the senior district superintendent, the three district superintendents next in order of seniority, the four district superintendents next below these three in order of seniority, and the five junior district superintendents shall have the rank, pay, and allowances of captain, first lieutenant, second lieutenant, and third lieutenant in the Coast Guard, respectively.

Mr. KING. I hope the Senator from Minnesota will not insist upon the committee amendment.

Mr. NELSON. I ask the Senate to disagree to the amendment.

The amendment was rejected.

Mr. KING. I should like to ask one further question. As the joint resolution now reads, it does not call for officers in the Coast Guard to receive automatically, or by any system, the same grades enjoyed by officers in the Navy.

Mr. NELSON. No; it has nothing to do with grades. The committee amendment having been eliminated, it has to do with nothing except with the pay question and nothing as to grades of officers.

Mr. KING. The grades are determined by some other statute or by regulations of a different character from those prevailing in the Navy?

Mr. NELSON. Yes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY SENATOR HARDING.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that the address delivered by the Senator from Ohio [Mr. HARDING] before the Ohio Society in New York City on Saturday last may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Mr. Toastmaster, ladies, and gentlemen, the topic of the evening makes it befitting to allude to the contemporaneousness of the birth of Ohio and the beginning of Americanism. Ohio became a definite part of the Northwest Territory in 1787, and the first flaming torch of Americanism was lighted in framing the Federal Constitution in that momentous year. Everything else American is preliminary or subsidiary.

"The Pilgrims signed their simple and majestic covenant a full century and a half before, and set aflame their beacon of liberty on the coast of Massachusetts, and other pioneers of new-world freedom were rearing their new standards of liberty from Jamestown to Plymouth for five generations before Lexington and Concord heralded a new era; and it was all American in the destined result, yet all of it lacked the soul of nationality. In simple truth, there was no thought of nationality in the revolution for American independence. The colonists were resisting a wrong and freedom was their solace. Once it was achieved, nationality was the only agency suited to its preservation.

"Ours was the physically incomparable America, so enriched by God's bounty and so incalculable in its possibilities that adventurous Spaniard and developing Englishman stood only at the gateway and marveled. Ours were American colonies in name, but the colonists were still echoing the prejudices and aspirations of the lands from which they came. There were conflicting ideas, varying conditions, and contending jealousies, but no common confidence, no universal pride, no illuminating spirit. These essentials came with the adoption of the Federal Constitution and the riveting of union, and the star of the American Republic was set aglow in the world firmament on the day that ratification was effected.

"On that day Americanism began, robed in nationality. On that day the American Republic began the blazed trail of representative popular government. On that day representative democracy was proclaimed the safe agency of highest human freedom. On that day America headed the forward procession of civil, human, and religious liberty, which ultimately will effect the liberation of all mankind.

"I am not thinking to magnify its comparative excellence, its charm of simplicity, or its exalted place among the written fundamental laws. I am recalling the Federal Constitution as the very base of all Americanism, as the ark of the covenant of American liberty, as the very temple of equal rights, as the very foundation of all our worthy aspirations. More, it was the supreme pledge of coordinate government by law, with the sponsorship of majorities, the protected rights of minorities, and freedom from usurpation of power—the people to rule.

"Men ofttimes sneer nowadays like it were some useless relic of the formative period, seemingly unmindful that on its guaranties rests the liberty which permits ungrateful sneering. Others pronounce it timeworn and antiquated and unsuited to modern liberty, but they forget that the world's orderly freedom has come of its inspiration. Perhaps its very simplicity, its utter naturalness for popular government under majority

rule, has led to scant appreciation if not unmindfulness. But it does abide and ever will so long as the Republic survives.

"The trouble is that its sacredness, if not forgotten, has been too little proclaimed. Most of us think it too righteous to assail and too essential to ignore, and we have held the superstructure so nearly ideal that for more than a hundred years we have had no peace-time statute to make seditious utterance a crime. Apparently we have held the freedom of speech which the Constitution guarantees more sacred than the guaranteeing instrument. I have come to think it is fundamentally and patriotically American to say there isn't room anywhere in these United States for anyone who preaches the destruction of the Government which is within the Constitution.

"This patriotically, if not divinely, inspired fundamental law fits every real American citizen, and the man who can not fit himself to it is not fit for American citizenship nor deserving of our hospitality. It fully covers all classes and masses in its guaranteed liberties, and any class or mass that opposes the Constitution is against the country and the flag.

"This Republic has never feared an enemy from without. It no longer intends to be menaced by enemies from within. If any man seeks the advantages of American citizenship, let him assume the duties of that citizenship. If he wishes the freedom of America, let him subscribe to freedom's protection. If he craves our hospitality, let him not abuse it. If he wishes to profit by American opportunity, let him join in making the same opportunity open to others. One can not be half American and half European or half something else. This is the day for the all-American.

"Nor can the foreigner hereafter be a prolonged visitor or resident alien, gathering the fruits of American opportunity, assuming the privileges of a citizen without whole-heartedly plighting his faith of citizenship. I do not mean the mere perfunctory declaration and legal naturalization. I mean renounced allegiance to the land from which he came and a heart and soul consecration to this Republic. It were better to leave some of our industrial work undone than to have the Government undermined in its doing.

"But we must not accept the overwrought impression that the assault on stable American Government is chargeable wholly or mainly to those of foreign birth who have not sworn American allegiance. The worst disloyalists and most effective conspirators wear the garb of full-fledged American citizenship, and many of them inherited American opportunity at their birth and turned liberty into license. The ignorant foreigner is more a victim than a conspirator, because he has heard the gospel of revolution when no one preached the blessings of orderly government and the rewards of American opportunity. Agitator and revolutionist found profit in agitation. They learned the foreigner's language and thought his thoughts and reached his sympathies, and lied to his ignorant prejudices, while the captains of American industry were counting dividends without concern for the human element in their making. There were exceptions to this crime of negligence, but in most instances the Americans who invited and enlisted foreign activities to swell the man power of industry have neglected to teach the American language, failed to utter American sympathies, forgot to extend American fellowship, and omitted the revealment of the loftier ideals of American citizenship. The grind of the workshop alone is poor culture for that citizenship which makes the ideal republic.

"It is well enough to preach Americanism, and we ought. It is more important to practice it, and we must. In truth, my countrymen, we need practical Americanism in business as well as proclaimed Americanism in politics. It is superb to lead in commerce and excel in industry—and no nation ever filled a brilliant page in history until it reached industrial and commercial eminence—but the distinction is too costly if wrought in the neglected qualities of citizenship and attending unrest and ultimate revolution.

"It is well enough to be concerned about the quantity and quality of our wares, but it is better to be sure of the spirit of the workers who make them. We must be thinking of men as well as materials and the conditions of making as well as marketing. The enhancement of conditions in 20 years is tribute to awakened American conscience, but the neglect of education is the warning to American heedlessness.

"There must be concern about devotion and duty as well as dividends. There must be a thought of the eventful morrow as well as the golden day. It is of no avail merely to preach contentment. Content never lighted a furnace nor turned a wheel in all creation. It doesn't exist in the human being who is really worth while. Mere subsistence does not make a citizen, and generous compensation without thrift blasts every hope of acquirement.

"What humanity most needs just now is understanding. The present-day situation is more acute because we are in the ferment that came of war and war's aftermath. Ours was a fevered world, sometimes flighty, as we used to say in the village, to suggest fever's fancies or delirium. I forbear specification. But we are slow getting normal again, and the world needs sanity as it seldom needed it before.

"Many have thought the ratification of the peace treaty and its league of nations would make us normal, but that is the plea of the patent-medicine fakir, whose one remedy marvelously will cure every ill. Undoubtedly formal peace will help, and I would gladly speed the day, if we sacrifice nothing vitally American. Yet as a matter of fact actual peace prevails and commerce has resumed its wonted way.

"Normal thinking will help more. And normal living will have the effect of a magician's wand, paradoxical as the statement seems. The world does deeply need to get normal, and liberal doses of mental science freely mixed with resolution will help mightily. I do not mean the old order will be restored. It will never come again. A world war's upheaval which ends autocracies and wipes out dynasties and multiplies cost of government, an upheaval which shifts the sacred ratio of 16 to 1 until silver is the more sacred, sweeps humanity beyond any return to precise prewar conditions.

"But there is a sane normalcy due under the new conditions, to be reached in deliberation and understanding. And all men must understand and join in reaching it. Certain fundamentals are unchangeable and everlasting. Life without toil never was and never can be. Ease and competence are not to be seized in frenzied envy; they are the reward of thrift and industry and denial. There can be no excellence without great labor. There is no reward except as it is merited. Lowered cost of living and increased cost of production are an economic fraud. Capital makes possible while labor produces, and neither ever achieved without the other, and both of them together never wrought a success without genius and management. No one of them, through the power of great wealth, the force of knowledge, or the might of great numbers is above the law, and no one of them shall dominate a free people.

"There can be no liberty without security, and there can be no security without the supremacy of law and the majesty of just government. In the gleaming Americanism of the Constitution there is neither fear nor favor, but there are equal rights to all, equal opportunities beckoning to every man, and justice untrammeled. The government which surrenders to the conspiracies of an influential few or yields to the intimidation of the organized many does justice to neither and none and dims the torch of Americanism which must light our way to safety.

"Governmental policies change and laws are altered to meet the changed conditions which attend all human progress. There are orderly processes for these necessary changes. Let no one proclaim the Constitution unresponsive to the conscience of the Republic. We have recently witnessed its amendment with less than 18 months intervening between submission and ratification, with some manifestation of sorrow marking the fundamental change. It promptly responds to American conviction and is the rock on which is builded the temple of orderly liberty and the guaranteed freedom of the American Republic.

"The insistent problem of the day, magnified in the madness of war and revealed in the extreme reaction from hateful and destroyed autocracy to misapplied and bolshevist democracy, like the pathos of impotent Russia, is the preservation of civil liberty and all its guaranties. Let Russia experiment in her fatuous folly until the world is warned anew by her colossal tragedy. And let every clamorous advocate of the red régime go to Russia and revel in its crimsoned reign. This is law-abiding America!

"Our American course is straight ahead, with liberty under the law, and freedom glorified in righteous restraint. Reason illumines our onward path, and deliberate, intelligent public opinion reveals every pitfall and byway which must be avoided. America spurns every committal to the limits of mediocrity and bids every man to climb to the heights and rewards him as he merits it. This is the essence of liberty and made us what we are. Our system may be imperfect, but under it we have wrought to world astonishment, and we are only fairly begun.

"It would halt the great procession to time our steps with the indolent, the lazy, the incapable, or the sullenly envious. Nor can we risk the course sometimes suggested by excessive wealth and its ofttimes insolent assumption of power, but we can practice thrift and industry, we can live simply and commend righteous acquirement, we can make honest success an inspiration to succeed, and march hopefully on to the chorus of liberty, opportunity, and justice.

"Sometimes we must go beneath the surface Gulf Stream to find the resistless currents of the great ocean. It little matters what a man proclaims in an ephemeral outcry for fancied reformation, you get the true undercurrent when you learn his aspiration for his children and his children's children. He stands with his generation between yesterday and the morrow, eager to lift his children to a little higher plane than mediocrity can bridge and which socialism never reaches. He wants to hand on American freedom unabridged; he wants to bequeath the waters of American political life unpolluted; he would bestow the equality of opportunity unaltered and the security of just government unendangered. The underwriting is in the complete and rejoicing Americanism of every citizen of the Republic.

"Mr. Toastmaster, we have been hearing lately of the selfishness of nationality, and it has been urged that we must abandon it in order to perform our full duty to humanity and civilization. Let us hesitate before we surrender the nationality which is the very soul of highest Americanism. This Republic has never failed humanity or endangered civilization. We have been tardy about it, like when we were proclaiming democracy and neutrality while we ignored our national rights, but the ultimate and helpful part we played in the Great War will be the pride of Americans so long as the world recites the story.

"We do not mean to hold aloof, we choose no isolation, we shun no duty. I like to rejoice in an American conscience, and in a big conception of our obligations to liberty, justice, and civilization. Aye, and more, I like to think of Columbia's helping hand to new republics which are seeking the blessings portrayed in our example. But I have a confidence in our America that requires no council of foreign powers to point the way of American duty. We wish to counsel, cooperate, and contribute, but we arrogate to ourselves the keeping of the American conscience and every concept of our moral obligations. It is fine to idealize, but it is very practical to make sure our own house is in perfect order before we attempt the miracle of Old World stabilization.

"Call it the selfishness of nationality if you will, I think it an inspiration to patriotic devotion—

"To safeguard America first.

"To stabilize America first.

"To prosper America first.

"To think of America first.

"To exalt America first.

"To live for and revere America first.

"We may do more than prove exemplars to the world of enduring, representative democracy where the Constitution and its liberties are unshaken. We may go on securely to the destined fulfillment and make a strong and generous Nation's contribution to human progress, forceful in example, generous in contribution, helpful in all suffering, and fearless in all conflicts.

"Let the internationalist dream and the Bolshevist destroy. God pity him 'for whom no minstrel raptures swell.' In the spirit of the Republic we proclaim Americanism and acclaim America."

LIBRARY OF HOWARD UNIVERSITY.

Mr. SMOOT. Mr. President, last Thursday, January 8, I called the attention of the Senate to a pamphlet written by Albert Rhys Williams on bolshevism and what it meant. The pamphlet comprised, I think, some 72 questions and answers. The pamphlet came from the library of the Howard University.

I have received and I suppose every other Senator has received from an official of the university, the secretary-treasurer, a communication headed as follows:

The following statement furnished the press by Dr. J. Stanley Durkee, president of Howard University, is also forwarded to Senators and Representatives of the United States Congress for their information.

(Signed) E. J. SCOTT,
Secretary-Treasurer.

The statement is headed:

Head of Howard University says institution does not sympathize with soviet or bolshevik movements. Its record of proved loyalty. Says pamphlet should be suppressed by the Government.

I have read the statement furnished to the press of the country by the president of the university, and I agree with his statement. All I care about it is to see that that pamphlet is removed from the Howard University library. I know of no one in Congress who has given more attention to Howard University and who is more in favor of its continuance and assistance to be extended by the Government of the United States than I. It is for that reason that I took the interest in the matter that I did.

I am very glad to have received from the president of the institution a personal letter in which he speaks of the pamphlet in most positive terms as not being worthy of a place in the library not only of Howard University but of any other school library in the United States.

I ask that the statements to which I have referred be published in the RECORD without reading, and I also should like to have printed in the RECORD at the same time the letter from the president of Howard University addressed to me.

I desire the same publicity given through the CONGRESSIONAL RECORD made by the officials of the institution as was given the statement made by me. I am delighted to see the spirit manifested in the letter of the president of the university addressed to me, and I want to assure him that, as far as Howard University is concerned, if they do the same work and along the same lines that they have done in the past I shall be very pleased indeed to vote for appropriations from the Treasury of the United States to assist them, as I have in the past. There ought to be more such schools in the United States. But I could not allow the question to pass without calling attention to the fact that a book of the character referred to, and written by Albert Rhys Williams, was in the library of that institution. I agree with the statement made by the president of the institution as to the desirability of having the publication removed not only from the library of Howard University, but from every school library in the United States.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

The following statement furnished the press by Dr. J. Stanley Durkee, president of Howard University, is also forwarded to Senators and Representatives of the United States Congress for their information.

E. J. SCOTT, *Secretary-Treasurer.*

HEAD OF HOWARD UNIVERSITY SAYS INSTITUTION DOES NOT SYMPATHIZE WITH SOVIET OR BOLSHEVIK MOVEMENTS—ITS RECORD OF PROVED LOYALTY—SAYS PAMPHLET SHOULD BE SUPPRESSED BY THE GOVERNMENT.

WASHINGTON, D. C., *January 9, 1920.*

Dr. J. Stanley Durkee, president of Howard University, in replying to the statement made by Senator SMOOT, of Utah, in the United States Senate, Thursday of this week, calling attention to the pamphlet by Albert Rhys Williams, states:

"The pamphlet in question was donated to the library of Howard University about a year ago. Hundreds of books and periodicals are thus donated and accepted each year, and in this case the pamphlet itself was not catalogued until eight or nine months ago. Since the cataloguing of the pamphlet it has been called for twice, which is proof positive that no particular attention has been paid to it by students or teachers. A letter from the librarian of the university in reference to this whole matter may be of interest:

"'HOWARD UNIVERSITY,
"'*Washington, D. C., January 9, 1920.*

"'President J. STANLEY DURKEE,
"'*Howard University, Washington, D. C.*

"'DEAR SIR: In response to your request of this date, I have the honor of making the following statement of facts concerning the presence in this library of the pamphlet, Bolsheviks and Soviets, and its use by students and faculty.

"'Two copies of this pamphlet were presented to us by one of our students about a year ago. When first presented, and before it was properly catalogued, it was probably read by several students, for there was at that time a great deal of interest in and curiosity about the new Russian Government and a very great disagreement as to the bare facts about it. The pamphlet was formally catalogued about eight or nine months ago, and since that time, according to the charging cards, only two students have asked for it, one on October 27, 1919, and one on December 30, 1919. As all use of a book in the building as well as use of it at home is recorded on these cards, it would seem to be conclusively proven that this pamphlet has been asked for but twice.

"'It is—or was, I know—in the United States Library of Congress, for the cards on which it is recorded in our card catalogue were printed and distributed by the Library of Congress.

"'Very respectfully, yours,
"'(Signed) E. C. WILLIAMS,
"'*Librarian.*'

"Howard University is the one outstanding national university of the negro people of America. It trains a larger number of negro college and professional students than any other institution of learning in the world. It is located at the head of the black belt and sends into the heart of the black belt of the South a larger number of graduates than any other institution. These graduates are all hard at work promoting good citizenship and seeking to raise the whole level of life among the negro people.

"During the recent war the university rendered service to our Government of the highest and most patriotic character. It had more graduates to receive commissions and serve as officers with colored military units than any other institution in America for the training of negro youth. The complete facilities of the university were placed at the disposal of the Government. National Army training detachments, students' army training corps, and reserve officers' training corps units were trained at the university. The student army instruction camp for 70 colored institutions of learning was also conducted here. In all, 1,786 men were trained for war work.

"With such a record of proved loyalty, it is most unfortunate that statements should be made calculated to convey the thought and idea that the university sympathizes directly or indirectly with soviet or bolshevik movements. Neither through classroom teaching nor otherwise has the university expressed any sympathy with movements seeking the overthrow of established order. On the contrary, the university has unhesitatingly stood in positive fashion for law and order and against movements designed to interfere with the orderly functioning of the great departments of the Government.

"To-day is the first time I have seen or read the pamphlet. I heartily agree that such false statements should not have circulation. The pamphlet should be suppressed by the Government. I am surprised to learn that it has not been suppressed. I have instantly withdrawn these copies from our library."

HOWARD UNIVERSITY,
OFFICE OF THE PRESIDENT,
Washington, D. C., January 10, 1920.

Hon. REED SMOOT,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR SMOOT: I noticed in the Evening Star of January 8 a statement in which you were calling attention to a certain book which was alleged to be circulating in Howard University regarding the bolshevik and the soviet.

I wish to say that I have looked the matter up very carefully and the report inclosed in this letter will give you absolute facts regarding the situation.

Frankly, Mr. Senator, after having read the pamphlet, I agree with you from my heart that such false statements ought not to be circulated, and, in my judgment, the Government should suppress the printing of such pamphlets as these. I only regret that my attention was not called to the matter before it was necessary to give it to the public, for, as doubtless you well know, the damaging statement will go to the end of our country, while the ameliorating facts which we are now stating will not be given very much credence by the newspaper world.

May I ask from you, Mr. Senator, an appointment, that I may sit down and chat with you for a few moments over some of the great questions which are so desperately perplexing me in my work here? I should esteem this a personal favor, and I think it would be of vast good for our America.

With kind personal regard and the greetings of the season, I remain,

Respectfully, yours,

J. STANLEY DURKEE,
President.

TREATY RESERVATIONS.

Mr. KING. Mr. President, I have received a number of communications during the past few days urging the immediate ratification of the treaty. There is a general feeling throughout the country that the Senate should promptly adopt a resolution of ratification. There is, I believe, genuine disappointment because of the failure of the Senate to take affirmative action upon this matter.

In an address delivered a few days ago, I earnestly urged that the Senate proceed to the consideration of the treaty and called attention to the perilous situation in Europe, and to the general spirit of unrest throughout the world, and expressed the view in substance that if the treaty were ratified and this Nation entered the league of nations, and that organization functioned as the covenant of the league provides, it would stabilize conditions, dissipate much of the unrest, and arouse hope throughout the world. I again asseverate with the utmost earnestness that we should act now. We should dispose of the treaty, ratifying it with such fair and proper reservations as will meet the wishes of the Senators and the American people who earnestly are in favor of a league of nations, and the adoption of a plan that will make for the peace of the world.

Some of the communications received by me urge that the Senate follow what is denominated as "Mr. Bryan's plan." Apparently the press—and particularly the Republican press—has been interested in emphasizing the idea that Mr. Bryan is the leader of the Democratic Party and that he came to Washington and promulgated a new plan concerning the ratification of the treaty, and that under his influence and leadership Democratic Senators are about to abandon former views and ratify the treaty in pursuance of the plan submitted by him. Mr. Bryan is a great American and a very conspicuous figure in the Democratic Party and in the Nation, but it would be improper to say that he suggested a new plan of dealing with the treaty, or developed a novel theory in dealing with this grave and important matter. Several months ago the able Senator from North Carolina [Mr. SIMMONS], one of the oldest and most respected Members of this body, and one to whom the Democrats look for guidance and leadership, stated upon the floor of the Senate that in his opinion the treaty should be ratified promptly, but that because of the divergence of views it appeared to be necessary, in order to secure ratification, that reservations to the treaty be incorporated in the resolution of ratification.

The distinguished Senator from Georgia [Mr. SMITH] months ago stated in substance in an address delivered in this body that he was heartily in favor of the ratification of the treaty, but that reservations, and particularly a reservation affecting article 10, would be necessary in order to secure favorable action upon the resolution of ratification. The Senator from Nebraska [Mr. HITCHCOCK], the leader of the minority, has repeatedly announced that reservations would be accepted by the minority, and he offered a number of reservations and moved their adoption. He offered a resolution containing a number of reservations, one of them dealing with article 10 of the treaty. Several other Democratic Senators have stated upon the floor of the Senate and in public addresses that they were in favor of reservations or interpretative reservations. I think all of the Democratic Senators have voted for reservations, including a very important reservation dealing with article 10. A number of Democratic Senators have openly expressed the view that a reservation must be adopted dealing with article 10, which would relieve the treaty of the interpretation that article 10 imposes a legal and moral obligation to protect the territorial integrity of any member of the league in advance of action by the Congress of the United States.

Mr. Bryan's views in respect to article 10 of the treaty, as expressed by him at the recent banquet given by the national Democratic committee, contained no new program. He urged conciliation, and that Senators make such concessions as would secure a prompt ratification of the treaty. He frankly stated that he had urged the ratification of the treaty without amendment or reservation, but that that seemed impossible, and he therefore felt that it was the duty of Senators to make such reasonable concessions as would enable them to reach a common ground, that would bring about an immediate ratification of the treaty with Germany. No one questions the good faith or the sincerity of Mr. Bryan, and there is no doubt but what his views have weight throughout the country. But in the interest of accuracy I want the country to understand that many Democratic Senators for months have been urging that the treaty be ratified and that ratification may not be obtained without reservations; that among the reservations there must be one that squarely dealt with the question of the obligation placed by article 10 upon the members of the league. The question of reservations did not originate with Mr. Bryan. The suggestion that a reservation with respect to article 10 be adopted was not first suggested by Mr. Bryan. I repeat what I have said upon a number of occasions, that the treaty will be ratified, and my opinion is that it will be ratified at an early date, and that it will contain reservations. That it should be ratified, I believe most Americans heartily agree. That there should be reservations incorporated in the resolution of ratification, if necessary to secure its ratification, I believe a majority of the American people desire.

Mr. ASHURST. Mr. President, I also believe the treaty will be ratified, but I think it will be ratified sooner because William Jennings Bryan came to town.

THE CALENDAR.

Mr. WADSWORTH. Mr. President, there is a rule that on Monday we shall proceed with the calendar.

The VICE PRESIDENT. There is.

Mr. WADSWORTH. I ask that we may do so immediately.

Mr. SMOOT. In this connection I desire to ask unanimous consent that we begin with Calendar No. 241, Senate bill 411, as that was the number on the calendar which we reached on last Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The calendar is in order. The Secretary will state the first bill on the calendar.

The bill (S. 411) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was announced as first on the calendar.

Mr. SMOOT. I ask that that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1233) to repeal an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, was announced as next in order.

The VICE PRESIDENT. The bill was reported from the Committee on the Judiciary adversely. The question is, Shall the bill be indefinitely postponed?

Mr. SMOOT. Mr. President, in the absence of the Senator from Iowa [Mr. CUMMINS], the member of the Committee on the Judiciary making the report, and also in the absence of the Senator from Maryland [Mr. FRANCE], I ask that that motion be not acted upon to-day, but that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. SMOOT. This bill was also reported adversely. I ask that it may go over for the same reason.

The VICE PRESIDENT. It will go over.

The bill (S. 2614) for the relief of Francis M. Atherton was announced as next in order.

Mr. THOMAS. I ask that that may go over.

The VICE PRESIDENT. The bill will be passed over.

BURIAL EXPENSES OF RESERVE AVIATORS.

The bill (S. 3384) to provide for burial and expenses of transportation of remains of certain officers and enlisted men of the reserve forces of the United States was announced as next in order.

Mr. KING. Does the Senator from New York desire to take up the bill this morning?

Mr. WADSWORTH. I think it is a measure which ought to pass. The men were killed while on duty under authorization of the Secretary of War. I think we should follow the custom of the military service, and that the men's burial expenses should be paid by the Federal Government.

Mr. KING. I did not know but there was another bill duplicating the same subject.

Mr. WADSWORTH. Not that I know of.

Mr. KING. I have no objection.

Mr. WALSH of Montana Mr. President, I desire to make an inquiry of the Senator from New York [Mr. WADSWORTH]. Evidently there are two varying views concerning what ought to be done in this matter. Evidently quite a large number of people feel that the bodies of these men should remain in the cemeteries for which provision has been made in France. Others insist that the bodies should be returned to this country. I desire to inquire of the Senator if hearings were had on this bill so that these varying views were presented to the committee?

Mr. WADSWORTH. Mr. President, I think the Senator misapprehends the nature of this bill. This bill has nothing to do with the removal of the remains of the soldiers now buried in France. This is a bill authorizing the payment of the funeral expenses of the reserve officers and enlisted men who, subject to the authority of the Secretary of War, navigate airplanes in time of peace and are so unfortunate as to meet with fatal accidents.

Mr. WALSH of Montana. At the various flying fields in the United States?

Mr. WADSWORTH. Yes; at the flying fields here in the United States.

Mr. WALSH of Montana. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the allowances for the expenses of interment and for the preparation and transportation of the remains of officers and enlisted men of the reserve forces of the United States, whether on active or inactive status, whose death results from aeronautical duty performed with the approval and under regulations prescribed by the Secretary of War, shall be, and are hereby, made the same as those authorized for officers and enlisted men on the active list of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

The bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause the Chickamauga and Chattanooga National Park to be restored to the condition in which it was at the time it was taken over for military purposes during the World War by removal therefrom of all buildings and structures erected thereon for military purposes, obliterating all roads, trails, walks, and paths not forming parts of the plan of the park, filling all trenches and other excavations made or caused in the training of troops, resodding, and doing any and all other acts and things necessary or expedient in order to restore the entire area so occupied as nearly as practical to its former condition as a national park.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of $65,000, or so much thereof as may be necessary, the same to be available for expenditure under the provisions of this act until this restoration work is completed or the appropriation exhausted.

Mr. KING. I should like to ask the Senator from New York whether there is any exigency which calls for this work at the present time? I fancy it will cost a considerable sum; and in view of the large demands which are being made upon the Public Treasury and the high cost of labor and material, I am led to inquire whether the situation is such as to call for immediate action in respect to this matter?

Mr. WADSWORTH. The situation is described in the report of the committee, which includes a letter from the Secretary of War. As the Senator from Utah knows, the Chickamauga and Chattanooga National Park was set aside by Congress many years ago; it has been maintained under a separate organization, and is not now in the War Department, as I recollect.

When the United States went into the recent war a great deal of land inside the park was deemed of great value for cantonment and camp purposes, and the War Department took it over. They have built trenches and excavations at one place or another in this public park, which is supposed to be for the benefit of the people of the United States. The bill appropriates $65,000 to restore the park, to fill up those trenches and excavations, and to level off the ground, as best they can, inside the limits of the park. The War Department, of course, is in honor bound to do that work at some time or another; it can not very well go into a great public park like that of Chickamauga and Chattanoooga any more than it could at Gettysburg, tear the whole place to pieces, and then never restore it to its original condition.

Mr. KING. I agree with the Senator from New York that under his statement the work of reparation should be made, but the only point in my mind was whether the work should be now undertaken.

Mr. WADSWORTH. It might be well to say to the Senator from Utah that the Army buildings, the cantonment buildings, and the various storehouses that are now there are to be sold, indeed, probably have been sold; and the money gotten from those sales would be sufficient to pay the cost of restoring the ground to its former condition; but under the law the money from those sales has to revert to the Treasury. So we have to make the appropriation sooner or later to do this work. As a matter of fact, the salvage is going to be enough to cover the cost of the work.

Mr. KING. I shall not object to the consideration of the bill.

Mr. SMOOT. I notice that the chairman of the park commission estimates that the total amount required to do the work will be $105,273.

Mr. WADSWORTH. Yes.

Mr. SMOOT. If that is absolutely required, would it not be better to make one appropriation to do the work than to have the $65,000 which is appropriated, and perhaps wasted, expended and then be asked for the full amount?

Mr. WADSWORTH. The representative of the department says that it will not cost that much, and the committee was glad to take the lower figure.

Mr. SMOOT. The action of the committee was proper; but the Secretary of War says:

But it is believed that the essential work can be carried out for the amount requested in the proposed bill—

Namely, $65,000. I do not know what the Secretary of War means by "essential work," and if that is all that is to be expended for this purpose, well and good; but what I am fearful of is that a year or two after this money shall have been expended they will again come back and ask that a large amount be appropriated for the same purpose.

Mr. WADSWORTH. Well, we will take no chance of that.

Mr. SMOOT. I always prefer when we have a job to do, to do it right in the first instance.

Mr. WADSWORTH. I do not think they should have a subsequent appropriation, and I should not favor appropriating $105,000 for the purpose. I think we can make them do the work for the $65,000.

Mr. SMOOT. Let us refuse to make any further appropriation if they do not do the work for $65,000.

Mr. WADSWORTH. I will stand with the Senator from Utah on that contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANCE TO CIVILIAN AVIATORS.

The bill (S. 3386) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts was announced as next in order.

Mr. KING. Let the bill be read, Mr. President.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at contract price, plus 10 per cent of such price, gasoline, oil, and aircraft supplies of all kinds to the persons in charge of civilian aircraft landing upon or near aviation posts or stations and in need of assistance either for the continuation of their journey or for the protection of the lives of the passengers or crews: *Provided*, That these shall be sold only in such limited amounts as may be needed to enable the aviator to get to the nearest point where such supplies can be bought and when it is impracticable to obtain same in the vicinity. The money realized from the sale of said articles shall be passed to the credit of the appropriations from which such supplies were purchased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPENDENTS OF CERTAIN OFFICERS OF FRENCH MILITARY MISSION.

The bill (S. 3387) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States, was announced as next in order.

Mr. KING. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the dependents of First Lieut. Jean Jagou, Seventy-third Infantry, and First Lieut. Fernand Herbert, One hundred and sixty-third Alpine Infantry, both of the French Army, and who were accidentally drowned July 26, 1918, near Camp Cody, N. Mex., while on duty with the French military mission and acting as instructors of United States troops at Camp Cody, N. Mex., such sums of money as by the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, as amended," approved June 25, 1918, is provided to be paid as compensation to the widow or children or other dependents for the death from causes occurring in the line of duty in the service of the United States; and such compensation shall be payable and be paid as of and from the 26th of July, 1918, and under and according to the terms, conditions, and basis of compensation in said act provided, and such sums shall be in full of all claims, legal or equitable, of said Jean Jagou and Fernand Herbert, their heirs, representatives, or assigns.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE OF REGULAR ARMY OFFICERS WITH TROOPS.

The bill (H. R. 7752) relating to detached service of officers of the Regular Army was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That, after the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof.

Mr. KING. Mr. President, I should like an explanation of this bill from the Senator having it in charge.

Mr. WADSWORTH. Mr. President, this proposed law is rather important. The Senator from Utah will remember that under the military law as now written an officer of the Regular Army must spend a certain proportion of his time with troops in time of peace and also in time of war, if there is no change made in the statute. As soon as the war broke out, of course every officer of the Army was assigned to one duty or another. During the period of our participation in the war officers were sent to France, to Belgium, to Italy, to England, to Siberia, to northern Russia, to Spain, and to other parts of the world on military duty. They were transferred back and forth. Sometimes they were with troops and sometimes they were serving in a category which made it difficult to determine whether or not the service was with troops under the meaning of the statute. Now that they have come back and to all intents and purposes a state of peace, so far as the Army is concerned, has been restored, the department is confronted with the almost hopeless task of finding out how many days or weeks or months each and every officer of the United States Army spent with troops or away from troops in order to determine whether or not he can now be sent on detached service in the United States. To find out exactly how many days every officer serving in the war has spent with troops and add it to the number of days that he spent with troops before we went into the war; to find how many days he was on detached service during the war, what the detached service was, to define it, and add that to the number of days or weeks or months that he had been on detached service before we went into the war is an utterly impossible task. It would require the keeping of a daily diary by every officer of the Army during the war. So the committee has come to the conclusion, at the suggestion of the War Department, that the law which provides that officers shall spend a certain percentage of their time with troops should be rigidly applied should only apply in time of peace, because when war comes the changes, the transfers, and the assignments to duty are so rapid and so innumerable that it is utterly impossible to apply the law.

So this bill provides, in effect, that during a period of war, when all officers, whether they happened to be with troops or not, were contributing to the best of their ability to the defeat of the enemy, whether they happened to be here in the War Department or in the front-line trenches in France, in the city of Paris in liaison work, or in London or in Queenstown or in Siberia or in Italy, or wherever they were, they should all be considered to have been serving with troops. When the emergency is terminated that rule terminates and they go back to the old rule that they must actually serve a certain percentage of their time with troops.

Mr. KING. Mr. President, if the Senator will permit an inquiry, when under this bill or under the interpretation which the War Department places upon it or upon existing law will the emergency cease to exist, if it has not already ceased?

Mr. WADSWORTH. The emergency, of course, can not be deemed to have ceased to exist until so declared by the President.

Mr. KING. This bill would mean that officers now serving in the department, with no possibility, at least for some time, of their serving with the troops, should be regarded as having rendered service with troops?

Mr. WADSWORTH. Yes; during the emergency. It is almost impossible, I will say to the Senator, to draw the line. It can not be drawn rigidly. The whole Army has been mixed up; officers have been sent everywhere and on all kinds of duty; it is a vast kaleidoscope. For instance, if this bill is not passed, many of the student officers in our service schools will have to be taken out of those schools, because under the rigid application of the existing peace-time law, which is now in effect in time of war, they have not served the required time with troops. It is not their fault if during the war itself, while we were in the war, they went where they were ordered to go. As I said before, you would have to require them in advance of our going into any war to keep almost an hourly diary of everything they did during the war, and figure out the number of hours or days they served with troops, and the number of hours or days they served away from troops. In time of war it is mighty hard to define what service with troops is. It may be half a day with troops and half a day away from troops.

Mr. SMOOT. Do I understand that the officers are so disposed not to serve with troops that they want to keep it down to the very hour?

Mr. WADSWORTH. Not at all; but it is to avoid their being compelled to do that, and to avoid making the department search back through the daily record of every officer in the war who is a member of the Regular Establishment, that this bill is introduced. Why, I have yet to find an officer who was not exceedingly anxious to serve with troops; but the trouble is that in time of war you can not define what service with troops is. It is mighty hard.

Mr. SMOOT. There is nothing in the law, is there, that requires that there shall be just so many months of service with troops?

Mr. WADSWORTH. Yes; two years out of every six.

Mr. SMOOT. Yes; but there is nothing in the law that says that an officer can not serve three years out of six, is there?

Mr. WADSWORTH. Oh, no.

Mr. SMOOT. Then it seems to me that this is a relief measure.

Mr. WADSWORTH. It is a relief measure for the war-time period.

Mr. SMOOT. And, being a relief measure, it points to the fact that the officer would prefer to serve somewhere else than with troops?

Mr. WADSWORTH. Oh, no; it was not a matter of his preference. He had to go where he was ordered in time of war.

Mr. SMOOT. I recognize that.

Mr. WADSWORTH. He did not make application to go on service away from troops. He was sent on service away from troops. He may have spent 18 days in the service, and then may have been transferred to another part of the line, or another part of the Army zone, and found himself on service with troops again. Now, you have got to figure out the number of days that he was with troops and the number of days that he was not with troops, and to do that is an impossible task.

Mr. SMOOT. The theory of the bill is that wherever an officer serves exactly two years with troops he is all right. Now, it seems to me that any officer would prefer to be with troops three years than to try to bring it right down to the fact that he had served only two years and one day, or just exactly two years; and I can not see anything in the bill except that it is to take care of the officer who does not want to serve with troops more than two years.

Mr. WADSWORTH. No; Mr. President, it does not take care of officers that want this or that. It cuts a Gordian knot that can not be cut otherwise. It is not a question of the officer's preference or where he wanted to serve. His preference was not consulted. Under the law as it stands an absolutely accurate estimate must be made as to the number of days, up to and including a total period of two years, during which that officer served with troops. Now, you can not apply that rule in time of war to thousands and thousands of officers.

Mr. SMOOT. In order to be sure that he had served two years out of six; that is all there is to it.

Mr. WADSWORTH. Certainly; but it is the department has to obey the law. If this bill does not pass, the Secretary of War must get from every officer who served in the war an absolutely accurate diary, in order to ascertain whether his service in the war with troops, added to his service with troops

before the war, aggregates two years; and you can see that it is an impossible thing for him to do. It would take months and months.

Mr. KING. Mr. President, may I make a further inquiry of the Senator? The purpose of this bill, of course, is to give to certain officers greater compensation than they otherwise would obtain.

Mr. WADSWORTH. Oh, no. Compensation is not touched at all by it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. Is it the same with troops?

Mr. WADSWORTH. Why, certainly. The pay of an officer is just exactly the same whether he is serving with or away from troops. This has nothing to do with pay. It is simply to make it possible to administer the detached-service law. In other words, under this bill the detached-service law would be suspended for the period of the war.

Mr. KING. Would it affect the large number of officers who, by special legislation which we enacted recently, were permitted to remain in the service for a period of one year?

Mr. WADSWORTH. No; only officers of the Regular Army.

Mr. KING. The Senator will recall that we passed legislation some time ago, under the request of the Secretary of War, in order to wind up the affairs of the Army and to make disposition of vast accumulations of funds and salvage the same. Additional officers were required, and, as I recall, we provided for either twelve or eighteen thousand officers to remain for one year.

Mr. WADSWORTH. Yes; but those are not Regular Army officers. Those are emergency officers. We authorized the Secretary of War to keep a number of the emergency officers in service to the end of this fiscal year, that number of emergency officers plus the regular officers not to exceed 18,000 in the aggregate. That 18,000 officers' bill has nothing to do with this. These are only regular officers. You try to count up the number of hours a day——

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. McKELLAR. Does it not mean simply this, that those who have been serving on staff duty during the war—say, two years during the war—will now be eligible to serve on staff duty here? That is the substance of it, is it not?

Mr. WADSWORTH. In part; yes.

The VICE PRESIDENT. Is not this the point of it, that the department is compelled to require officers to serve with troops for two years, and this is to enable them to find out who is eligible?

Mr. WADSWORTH. No, Mr. President; not just that. The law provides that officers must serve with troops two years out of six. Now, war comes along, and the whole list of officers is shuffled up, and men are sent far and wide all over the world. One day they will be with troops, and a week later they may not be with troops. The week after that they may be taken away from troops and sent on some exceedingly important detached service which will consume only three or four or five days. Those little periods will all have to be figured out and counted up for every officer of the Regular Army in order to determine whether or not he has had his two years with troops before he can be assigned to detached service at the termination of the war. Now, you can not figure it out; it can not be done; and the purpose of this bill is to suspend the operation of the detached-service law during the period of the war. It does not make favorites of anybody. It does not suit or meet anybody's preference. They had to go where they were ordered. Sometimes they were with troops, and sometimes they were not; one day on and one day off.

Mr. NELSON. Mr. President, may I ask the Senator a question? Is not the purpose of the bill to overcome the provisions of the statute that require an officer to serve with troops, and to be on detached service only for two years at a time? In other words, was it not to prevent officers remaining here in Washington instead of being with their troops? Was not that the purpose of the detached-service law?

Mr. WADSWORTH. That is the fact.

Mr. NELSON. There were so many officers who stayed here in Washington, and got what we call soft snaps, that in order to put a stop to that they enacted this law requiring them to be two years with troops before they could be detached and come here to Washington and have a good time.

Mr. WADSWORTH. That is true.

Mr. NELSON. And this is to overcome that law.

Mr. WADSWORTH. No, Mr. President; it is not to overcome that law.

Mr. KING. This is to perpetuate that law.

Mr. WADSWORTH. Mr. President, I think the question was put to me, and perhaps I may answer it.

Mr. KING. I beg the Senator's pardon.

Mr. WADSWORTH. It is not to overcome that law. The Military Affairs Committee does not want that law repealed. We want it on the statute books. We want to keep it there in time of peace; but when war comes you can not enforce it. It is impossible to make the computation, and this bill is to suspend that law for the period of the war; that is all.

Mr. NELSON. Let me tell the Senator how it strikes me. There were a lot of officers who were kept here in Washington in the departments during the war. They had the benefit of city life. They would like to continue here. They would have to go back now with their regiments or their troops to do service, because they have been away on detached service so long. Now, if we eliminate this law, it simply allows them to stay a little longer around Washington; that is all.

Mr. SMOOT. I will say to the Senator that as I understand it, it means that the time that those officers served in Washington is to be credited to the two years' service with the troops that is required out of every six.

Mr. NELSON. Yes; I so understand it.

Mr. SMOOT. And it is just the reverse of what the Senator says.

Mr. NELSON. Oh, no; I so understand it. This is to give them credit for that as though they were with their troops.

Mr. KING. That is right.

Mr. NELSON. That is what I said.

Mr. SMOOT. I misunderstood the Senator.

Mr. NELSON. It is to give them credit for that service, and to enable them, if this bill becomes a law, to get a new detached service here of two years. It enables a lot of these officers who have been here in Washington and have not been abroad, if they get that counted, to have it counted as though they had been in service with troops, and they can get two years additional of detached service.

Mr. KING. I should like to suggest to the Senator from Minnesota that a short time ago there were more than 3,000 officers in the city of Washington—and I think there are as many now—many of whom, captains, majors, colonels, and perhaps higher ones, were performing unimportant work, much of it mere clerical work calling for no technical skill or ability and but little responsibility, work that a $100 per month clerk could perform. If this bill is to keep officers here in Washington doing nothing, or next to nothing, I think it is a very improper measure. There ought to be some method provided by which officers will go where they can be of some service to the Government. If we should introduce bills reducing the expenses of the War Department, I think we would be doing better service for the country. During the war we gave to this department unstintingly and, indeed, extravagantly. Now the war is ended, and officials in this department are not fully responding to the spirit of economy which should prevail in all branches of the Government.

For instance, there is a zone depot in New York operated by the War Department. My information is that there were recently 11,000 persons employed in the work of this depot. Two-thirds of the number were clerks, and a large number of heads and chiefs and bosses. There were two clerks for each other employee. My information is that there is inefficiency, waste, and improvidence in the administration of certain branches of the War Department.

I should be glad if the Military Affairs Committee or some efficiency bureau would challenge attention more frequently to the extravagance and inefficiency in the administration of the War Department, and take steps to correct the evil.

Mr. WADSWORTH. I am in entire sympathy with the Senator's desire for retrenchment, but I may remind him that this bill does not cost the Government a cent. It has no effect whatever on appropriations, pay, rank, or allowances. It has nothing to do with it.

Just let me read a portion of a paragraph in the report submitted by the Secretary of War:

> The kinds of service that took officers from their organizations before the war were few compared with those that took them away during the war, and the difficulties in deciding whether service performed prior to the war amounted to detached service would naturally be multiplied a thousandfold during the war by reason of the conditions of service which then obtained. It will be impossible to anticipate what may be shown by the records kept in France, England, and Siberia with reference to the kind of service that officers have performed, but it is safe to say that it will be a long time after the emergency has terminated before the war-time records can be made available for the purpose of ascertaining the nature of the services rendered by officers during the war. Nothing satisfactory nor dependable would result from calling on each officer of the Regular Army to furnish a report of his services during the war, for the reason that in most cases officers would not be

able to furnish the necessary reports without consulting records which would not be available to them. The result would be that it would be scarcely possible for any commanding officer of any grade or in any position to detail an officer on detached duty without incurring the risk of stoppage of pay—

Which is the penalty under the law that we are now trying to suspend for the period of the war—

For violation of the detached-service law.

An officer comes back from France, having been there 18 months. He may have gone over with a combat division; he may have served with that division for one month and three days—he forgets just how long he has been with that division, but perhaps it is a little over a month—he is then detached and sent down to Italy to be a supply officer for a while with the regiment of Infantry we had with the Italian Army. He stays there perhaps two months and six days—he can not remember just when or how long—and he is detached from there and sent back to France, and serves three more weeks with another combat division with troops. Then again he is detached and sent to General Staff headquarters for some special purpose for two or three weeks more. From there he may be sent to Belgium, this all being in time of war. He goes where he is sent. He may be in Belgium two months; he may be sent over to England on some important mission, and be there two weeks, and come back and rejoin his old regiment or another regiment or a different branch of the combat service.

That has happened in thousands and thousands of cases, and you can not calculate it all out; and unless you do calculate it all out and get it absolutely accurate, no officer returning from France can be put upon detached service in this country, for if it should be proved years from now that he had been on detached service too long during the war to enable him to be put on detached service when he gets back from the war, the man who so put him on detached service forfeits all his pay and allowances. It is an impossible situation.

People are apt to take great joy in talking about the officers here in Washington; but it is not only the officers here in Washington, it is the officers of the whole Regular Army who may have been serving all over the world, sometimes with troops, sometimes away from troops; and there are some classes of services that have not been defined as belonging with troops or without troops.

Mr. WALSH of Montana. I inquire of the Senator from New York whether the objection which has been urged to the bill could not be met by adding to it the following:

Except such as are performed in the city of Washington.

Would not the purpose of the original act thus be preserved?

Mr. WADSWORTH. I think that would be an injustice. Why discriminate against the officers who were ordered to Washington? It was not their fault.

Mr. WALSH of Montana. The original act discriminated against them. It was intended to discriminate against them.

Mr. WADSWORTH. Yes; in time of peace the Congress saw fit to lay down a rule governing the War Department, and the intent was really to make a rule to govern in time of peace, so that certain groups of officers could not be anchored here in Washington and stay on indefinitely. But in time of war, it seems to me, Congress might well let the Commander in Chief assign officers to serve where and when they are needed; and that is the purpose of this bill. I do not believe it would be just or right to pass this bill and insert in it an exception. Why not include Hoboken, the great port of embarkation? Why not include Newport News or Charleston or New Orleans and say it shall not apply to officers who were assigned to any of those places?

Mr. WALSH of Montana. It would not interfere with the assignment of these officers in time of peace at all, but if they had served during the war in the city of Washington it would then be necessary for them to be assigned elsewhere.

Mr. WADSWORTH. The present law does not say anything about their not serving in Washington more than two years.

Mr. WALSH of Montana. I understand; but we all understand that that was the real purpose of the original act.

Mr. WADSWORTH. That was its main purpose; but it also applies to any headquarters of a department. It applies to Governors Island, it applies to Chicago, San Francisco, or wherever there is a headquarters of a department with an administrative staff. It applies to officers serving in the Ordnance Department or in the Quartermaster Corps. Their service is not with troops. They may be going right along behind the troops and supplying them, but their service is staff service, and they must serve two years out of every six with troops, and those services are not included. I do not think you can make an exception in any case. Mr. President, I have nothing more to say about the bill. I did not mean to take so much time.

Mr. KING. Mr. President, I have such confidence in the Senator from New York, who gives earnest attention to the measures coming from his committee, that I do not feel at liberty to vote against this bill or to oppose its consideration; but I do hope the Senator will pardon me if I again invite his attention to what I conceive to be the extravagance of the War Department. Only recently—and this is only one very small item out of a multitude which could be brought to the attention of his committee—certain officers of the War Department made a requisition for trucks to cost approximately a million dollars, notwithstanding the fact that there were hundreds of trucks owned by the Government, many of which had never been used or cared for by the department.

I called the attention of the Senator a moment ago to the situation of the zone depot in New York, where there are thousands of unnecessary employees, and to several divisions of the War Department here where there are thousands of unnecessary clerks and employees. It seems impossible to get the officials in charge of those divisions or bureaus to reduce as they should the army of supernumeraries; and unless the committee takes the matter in hand and compels reductions, or unless the Appropriations Committees of the Senate and the House refuse to make appropriations, the War Department, as well as other departments—and the War Department seems to be one of the greatest offenders—will continue in service the thousands of unnecessary clerks, functionaries, and employees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARRIAGE IN THE ARMY AND NAVY.

The bill (S. 3245) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, on page 1, line 9, to strike out the word "or" and to strike out the semicolon following the words "Marine Corps" and insert "or Coast Guard"; on page 2, line 1, to strike out the words "Coast Guard"; on page 4, line 12, after the word "Navy," to insert the words "or of the Coast Guard"; on page 4, line 25, to strike out the amount "$5,000" and insert in lieu thereof "$1,000"; on page 5, line 1, to strike out the word "five" and insert in lieu thereof the word "one"; on page 6, line 7, after the word "contracted," to insert the words "or shall be forwarded to the head of the department under which the Coast Guard is operating for file in the records of that department, if such certificate shall relate to the marriage of a person in the Coast Guard," so as to make the bill read:

Be it enacted, etc., That for the purposes of this act, unless the context otherwise requires—

The term "person in the military or naval forces" shall be held to include:

(a) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Army, Navy, the Marine Corps, or Coast Guard;

(b) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Lighthouse Service, Coast and Geodetic Survey, and Public Health Service; serving, pursuant to law, with the Army or the Navy.

SEC. 2. That the term "person in an auxiliary organization" shall be held to include every male or female citizen of the United States attached to and serving with any one or more of the following, namely: American Red Cross, Young Men's Christian Association, Young Women's Christian Association, Salvation Army, Knights of Columbus, and Hebrew Welfare Board, and with any other similar civil auxiliary organization engaged in the work of aiding or entertaining the forces of the United States.

SEC. 3. That the term "foreign service" shall be held to include all service outside the limits of the United States, its Territories and possessions; and the term "foreign country" shall be held to include any country other than the United States, its Territories and possessions.

SEC. 4. That every person in the military or naval forces of the United States while on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, shall, prior to contracting marriage in any foreign country, execute and subscribe an affidavit, in such form as may be prescribed by the Secretary of War and the Secretary of the Navy, in duplicate, before an officer of the military or naval forces of the United States authorized to administer oaths, in which affidavit the person desiring to marry shall make oath that he has attained the age of 21 years, if male, or that she has attained the age of 18 years, if female, and that he or she is unmarried, and knows of no reason why he or she may not lawfully contract matrimony, and said affidavit shall further contain a complete description of affiant, the date and place of his or her entry into the military or naval forces of the United States, or into the auxiliary organization of which he or she is a member, a statement as to whether he or she is a natural born or naturalized citizen of the United States, and if natural born said affidavit shall state the date and place of his or her birth, and if naturalized it shall state the date and place of naturalization; and such other matters as may be specified in the regulations that may be prescribed to carry into effect the provisions of this act: *Provided*, That an alien serving in the military or naval forces of the United States on foreign service shall be subject to the provisions of this act in like manner and under like con-

ditions and penalties as a native-born citizen so serving: *Provided further*, That the officer in command of the unit to which the person making the affidavit is attached shall immediately after the making of said affidavit cause the available records of said unit to be examined and, if such examination does not disclose that any of the statements in said affidavit are untrue, shall thereupon certify that he believes the statements therein to be true, and that he is one of the superior officers of the affiant. One original copy of said affidavit and certificate shall be filed with and become a part of the records of the unit to which the affiant is attached and the other original copy thereof, together with a translation of the same in the language spoken in the country where said affidavit is made and certified to be a true translation by the officer before whom the affidavit was made, shall be delivered to the person making the affidavit.

SEC. 5. That all officers of the Army or of the Navy or of the Coast Guard of the United States who are now, or may hereafter be, authorized to administer oaths for any purpose are hereby authorized to administer the oaths required to be made by this act.

SEC. 6. That any person in the military or naval forces of the United States on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, who shall contract marriage in such foreign country in violation of the provisions of this act, shall, upon indictment, trial, and conviction thereof in the district court of the United States in the district in which he or she may be found, be punished by a fine of not more than $1,000, or by imprisonment in a penitentiary for not more than one year, or both, and any such person who shall knowingly make any false statement in the affidavit herein provided for with reference to any matter herein prescribed to be contained in such affidavit shall be deemed to be guilty of perjury, and upon indictment, trial, and conviction in the district court of the United States in the district in which he or she may be found shall be punished by a fine of not more than $10,000, or by imprisonment in a penitentiary for not more than 10 years, or both.

SEC. 7. That a copy of either of the originals of said affidavit hereinbefore provided for, when duly certified by its official custodian, shall constitute prima facie proof of the fact that the statements therein contained were made, subscribed, and sworn to by the person whose name is affixed thereto as maker thereof, and that the person purporting to administer the oath was authorized so to do.

SEC. 8. That a copy of the certificate of any marriage contracted in accordance with the provisions of this act, when certified by the minister of foreign affairs of the country in which such marriage shall have been entered into, shall, when forwarded to the Secretary of State of the United States, be by him transmitted to the Secretary of War for file in the records of the War Department, provided such certificate shall relate to the marriage of a person in the military forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, or shall be forwarded to the Secretary of the Navy for file in the records of the Navy Department, if such certificate shall relate to the marriage of a person in the naval forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, or shall be forwarded to the head of the department under which the Coast Guard is then operating for file in the records of that department, if such certificate shall relate to the marriage of a person in the Coast Guard, and a copy of any such certificate so filed, shall, when authenticated in the manner prescribed by section 882 of the Revised Statutes, be admissible in any court of law or equity as prima facie evidence of the marriage therein certified.

The amendments were agreed to.

Mr. GRONNA. Mr. President, before the bill is passed, will the Senator from New York give us some information in regard to it? I do not know that I have any objection to it, but it is rather far-reaching.

Mr. WADSWORTH. I can best explain the necessity for this legislation by referring to the committee report, which contains the letter of the Secretary of War. I shall read just a portion of it, and then I think the measure will be clearly understood. His letter states:

You are doubtless aware that the laws of France relative to the capability of persons desirous of contracting marriage are exceedingly complex and call for many official documents showing the past history of the candidates for marriage and which will legally establish the facts that such person is unmarried. It was soon evident that with our Army it was in many cases impossible to comply with the French laws on the subject—

That is, American soldiers simply could not produce these records—

Yet you will understand that in most cases our men would be unfamiliar with the French laws on the subject, and when the persons concerned desired to marry it would be found that the marriage could not be performed, as the necessary documents could not be produced by members of our forces.

* * * * * * *

Consequently an agreement was entered into by the Department of State with the Government of France waiving the excessive requirements of the French law and substituting in place thereof an affidavit setting forth that the person concerned was legally capable of contracting marriage.

The Government of France, while agreeing to this arrangement, is of the opinion that in case such affidavit contains a false statement specific punishment should be provided by law for making such false affidavit, and this bill (S. 3245) was proposed in order that prosecution could be made of such persons either in the Government service or after they had left such service, provided they were still within the jurisdiction of the United States, such person, of course, not being liable to punishment by foreign courts when without the jurisdiction of the country in question.

The proposed bill has not been limited to marriages in France, but has purposely been made broad enough to cover all countries in which our forces may happen to serve in peace or in war, thus giving a statute which it is hoped will govern our forces for all time.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	Moses	Smith, Md.
Ball	Harding	Myers	Smith, S. C.
Bankhead	Harris	New	Smoot
Beckham	Harrison	Newberry	Spencer
Calder	Henderson	Norris	Sutherland
Capper	Johnson, S. Dak.	Nugent	Thomas
Chamberlain	Jones, N. Mex.	Overman	Trammell
Colt	Kendrick	Page	Underwood
Culberson	Kenyon	Phelan	Wadsworth
Curtis	Keyes	Phipps	Walsh, Mass.
Dial	King	Poindexter	Walsh, Mont.
Dillingham	Kirby	Pomerene	Warren
Edge	Lenroot	Ransdell	Williams
France	Lodge	Robinson	
Gay	McKellar	Sheppard	
Gronna	McNary	Smith, Ga.	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Sixty-one Senators having answered to their names, there is a quorum present.

The first amendment of the Committee on Commerce passed over will be stated.

The ASSISTANT SECRETARY. On page 17, after line 23, strike out:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission, the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

And in lieu thereof insert:

That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

Mr. LENROOT. Mr. President, before the amendment is voted upon I wish to recall to the Senate that it is the amendment which I discussed the other day at some length. Its only purpose is to deprive the Government under any conditions or circumstances from exacting anything more than a nominal compensation for the privilege granted by the license. If the committee amendment is adopted it will be a clear gift of hundreds of millions of dollars to the water-power corporations of the country, without any return to the public.

It will be remembered that the conferees of the two Houses at the last session agreed upon a conference report on a similar bill, and that conference report, so far as compensation is concerned, was substantially in the language of the House bill which the Senate committee amendment seeks to amend. Under the House bill as it will stand, if the committee amendment is not agreed to, discretion is vested in the commission to make a charge for the power produced under the license. Now, it is said that this will be a charge upon the consumer, but I pointed out the other day that there are many, many cases where the consumer will not get the benefit of a nominal rate, and to fail to exact charge is merely to make a gift, without any consideration whatever to licensees under the bill and of something for which they themselves did not ask at the last session of Congress. I should like to know how any Senator can justify a provision depriving the Government of the United States from

seeking compensation amounting to hundreds of millions of dollars when it is not necessary, in order to secure the development of the water powers of the country.

There are two classes of cases where a nominal charge can not be reflected in the rate charged to the consumer or to the public. It is a giving of a special privilege to this class of corporations, and nothing more. Let me give the two illustrations that I gave the other day.

Take the case of a city using, we will say, 10,000 horsepower per day, produced by steam at a cost of $20 per horsepower. There is a demand in that city for an additional 5,000 horsepower, and there is a water-power project that will produce that additional 5,000 horsepower. Suppose the bill is passed and some one gets the license to produce that 5,000 horsepower to meet the increasing demands in the city and that water power can be produced for $10 per horsepower. Does anyone think for a moment that with two-thirds of the consumers in the city using steam power and one-third using water power there will be one rate for one-third of the people of the city and a rate twice as high for the other two-thirds? Of course not. The rate will be the same, and it will be measured by the highest horsepower cost that is furnished to the city. The result is that any public-utility commission in the country would permit a water-power utility to charge for the water power, that it produced at a cost of $10 per year, the same rate that is charged for the steam power, costing $20 per year. The result is that there is a gift to the company over and above a reasonable return upon the investment; there is a gift to them of $10 per horsepower per year. Who will stand here and justify that kind of a gift over and beyond a reasonable return to the public utility?

There is another class of cases that no regulating commission can by any possibility take care of, and that is the case where there is a water-power utility which gets a license under the bill and creates a vast amount of power, and alongside of that dam that utility organizes a manufacturing corporation producing fertilizer or fixed nitrogen. The only competition there is to-day is Chilean nitrate. They can charge what they please up to what the cost of the Chilean nitrate comes to. Suppose they get a license. The purpose of the production of that power is not to be sold to the general public to be regulated by a public-utility commission, but it is for the purpose of using that power themselves in manufacturing. Will anyone say that a State commission regulating the price that the utility company shall charge itself for the power that it itself uses affords any protection to the public? Of course not. There is another illustration where the only return that the public can receive is in the imposition of a charge.

What reason is there for giving to the companies millions of dollars that they never asked for at the last session of Congress? We talk about the development of the water powers of the country in the interest of the people, and I am heartily in accord with that, but if we have water powers in the country, and we have, and private capital is to develop them, there should be no further inducement to that private capital than is necessary to secure the development. They are entitled to a fair return, they are entitled to a liberal return, but when they have that, if we are representing the public interest here and not the water-power interests, we will take care to see that the public will get the benefit of these water powers in the United States.

Therefore, Mr. President, I hope that the Senate committee amendment will not be agreed to, and I desire a yea-and-nay vote upon the proposition in order that Senators may go on record upon it. I ask for the yeas and nays.

Mr. NELSON. Mr. President, a favorite way of arguing sometimes is to state an extravagant and unreasonable case and then to hold it up in holy horror and point out how dangerous it would be to do what is proposed to be done. Now, what are the facts? As a matter of law, aside from purposes of navigation, the use of the water in the different streams of the several States belongs to the people of those States and not to the Federal Government. The argument insisted upon amounts to this: That the Federal Government is to sell and to make a charge for water that does not belong to it, but which belongs to the people of the States.

The Supreme Court long ago, more than 100 years ago, if I recall correctly, or nearly that long ago, in the New Jersey case laid down the principle in reference to navigable waters that such waters belong to the people of the several States, and the interest of the Federal Government in them is only that incident to conserving navigation and commerce.

The Senator from Wisconsin insinuates that under the amendment the bill proposes to give away millions of dollars of the Nation's resources. It proposes nothing of the kind. The people of the States where water powers are to be developed will get the benefit of the development. We say in the amendment—and that is the principle involved—that where a dam is built by private capital, not by the money of the United States, aside from administrative expenses, the expenses of approving the plans and specifications and supervising the work, the Federal Government shall charge for no other expense; that if there is any charge to be made, the authority to impose it lies in the people of the several States. More than that, every time a charge is added, the power developed is made more costly and expensive to the consumer.

The Senator has referred to a few isolated cases that may exist in the country where there may be water-power development near an electric-light plant which is operated by steam. Those cases are very few and far between. I desire to say that where water power is developed and electric power is thereby secured in the neighborhood, it is not likely that any steam plant will be started in competition with it, for it can not compete with it.

I am in favor of the amendment, and so is a majority of the committee, because we believe that the people of the States are the ones who are interested in and are entitled to compensation. We believe that the people of the States should have the benefit of it in two ways: First, if they desire to make a charge for the use of the water, let them make it, but they can reach it in another and better way; that is, by regulating, as the bill proposes, the charge for furnishing electric power.

Why should the Federal Government charge the people of the States for the use of water which belongs to them, where the development is brought about by the capital of the people of the State? Why should the Government charge more than for the expenses involved in such a case?

Mr. President, it is said that there is a water-power trust; that is continually held up before us. I have not seen any water-power people; none of them has ever labored with me since I came to Congress. Long before this bill was pending, when Mr. Roosevelt sent in his letter to the Committee on Commerce, our committee investigated the subject and came to the conclusion that where, by private capital, a dam was built that did not interfere with navigation but rather promoted it, then, and in that event, outside of the administrative expenses, whatever charges were to be made for the use of the water were to inure to the people of the States in one form or another; either directly, if you choose, by way of compensation, or indirectly—which, perhaps, would be the most usual course—by reduced rates.

What is the object of this proposition? It is to give a commission here in Washington authority to exact millions in fees out of the people of the States who have long been waiting to secure water-power development. It is to force millions into the Treasury of the United States. Where the Government itself builds a dam, it is right enough to impose a charge for the Government's money invested in it; but in a case where the Government does not invest a penny, and where the enterprise is really in aid of navigation, I ask why should the people of the States be mulcted and made to pay to the Federal Government for property which the Federal Government does not own?

It can not be gainsaid or denied by any decision of the Supreme Court or any legal authority in this country that, aside from the purposes of commerce and navigation, the use of the water in the several States belongs to the people of the States. If it belongs to the people of the States, why should the Government take the property of the people of the States, sell it to them, and make them pay for it?

In cases where we give the Government control and say no dam shall be constructed without the consent of the Government, that is done for the purpose of giving the Government control of navigation. When we require that the plans and specifications shall be submitted to the Government, we do so in order to see that the Government's wishes in respect to navigation are carried out.

We provide in this amendment that all expenses which the Federal Government incurs in connection with water-power development constructed by private capital shall be reimbursed to the Federal Government so far as the expenses of examining and approving the plan, supervising the work, and seeing that it is executed properly are concerned. Beyond that we leave the property of the State to the State, with the authority in the State to determine whether a charge shall be imposed or a reduction of rates effected. It goes without saying that all the burdens put upon water power in these cases will ultimately come out of the consumer in one form or another. Throughout our country we have valuable water powers which, when developed, the several States can regulate by fixing the rate to be charged for the use of such power. If the Federal Government is not allowed to exact tribute or royalty or tolls, as it has been insisted by one class of men in this country it should exact, the consumers in the States will get the benefit.

It does no good to hold up a scarecrow and say "we are giving away millions." The Federal Government is not giving away any of its property; it is simply consenting that the people of the several States may use their own without paying tribute to the Federal Government.

Mr. President, I do not care about entering further into the discussion of this subject. I have gone through it time and again; I have written several reports, both as a member of the Committee on Commerce and as a member of the Committee on the Judiciary; I have investigated this question from end to end; and I have never yet found any legal authority for the contention that the waters in the navigable streams in this country, outside of commerce and navigation, belong to the Federal Government.

Reference has been made to the Chandler-Dunbar case; but in that case Congress passed an act declaring that all the water in the stream involved and all of the land beyond the canal strip and the international boundary was needed for the purposes of navigation, and hence that the Federal Government had a right to take it, because they did so not for water-power purposes but for the purposes of navigation.

Mr. President, I have briefly stated my views on this question, and they are the views, I think, of most men who have given the legal question any study. Much has been made of the fact that State utilities commissions and the States themselves would not be apt to reduce rates. That is assuming that the authorities of the States will fail to do their duty. In connection with that assumption is another one to which I have already referred, namely, that in the case of many water-power projects there will also be power plants generated by steam. That will happen only in a very few cases. As I said a moment ago, if a water-power plant is installed in the first instance, affording the people the cheap power which they ought to have, steam power will never be installed side by side with it.

Mr. President, in this contention I am for the rights of the public and of the people of the States. It is untrue that we are making a gift to any water-power trust, as Senators insinuate. We are, I repeat, simply giving the people of the States what is their own, for which they do not owe a thing to the Federal Government. It is simply because the Federal Government controls navigation that the people of the States have to come to Congress and ask consent to develop water powers on navigable streams. Because of that element the argument is made, "Oh, yes; we will give you consent; but, if you want consent, you have got to pay for this whole thing, for the use of the entire power," as though it belonged to the Government of the United States. "We admit that the States have some property in these waters, but inasmuch as you come here and want the privilege of building dams you must pay for the entire value of the power created, regardless of the question whether or not it belongs to the Federal Government."

I can not agree to any such doctrine. While I am as strongly in favor as any other Senator of sustaining the Federal Government in peace and in war and at all times, I am equally interested in sustaining the power and authority and interests of the several States. Our Union can only exist and be perpetuated as the fathers ordained it by according not only to the Federal Government its just rights but by according to the several States of the Union and the people of those States the rights and the property that belong to them.

Mr. NORRIS. Mr. President, I am not going to discuss the legal right of the Government to charge a license fee. I believe that will be conceded. I am not going to enter into a controversy with the Senator from Minnesota on the proposition that the water does not belong to the Government of the United States; but I do contend that since the dams can not be constructed and these water-power propositions developed without the consent of the Federal Government, the Federal Government has a legal right and a moral right to grant the concessions on such terms as it may see fit. It follows, therefore, that it has a right to charge if it wants to.

I would be the last man in the world to make even any charge if in all cases the people of the country got the full benefit. I do not, however, agree with the contention that is made that the people will get the full benefit. There might be instances where they would; but the Senator from Wisconsin, I think, has very clearly pointed out by way of illustration two or three instances where it would not be done.

There are a great many other illustrations that might be given. It does not necessarily follow, because part of the power, we will say, for a city, is developed by steam and part by water, that that is the only instance. It may be, and it is true, that a great many instances where the rates to be charged must be the same come from the development of various water powers in addition to steam; and one may be expensive, and the other much less expensive.

In the case that the Senator from Wisconsin puts, where a part of the power for a city, let us say, is developed by steam and costs $20 a horsepower, and the balance of the power is developed by water that costs $10 a horsepower, when the civil authorities of that State come to fix the charge that the consumers of that power or that light must pay to the company that develops it, they can not fix two rates. It must be one rate, and they must fix a rate that will enable the company in developing the power to make a reasonable interest return on the investment in the steam plant. When they do that they give them an exorbitant profit on that part of the power that is developed by water.

The Senator from Minnesota says we are taking it away from the people. Let us see. Take that illustration. Who is going to get the difference? Why, of course, it follows that the corporation or the individual or the partnership developing the power, owning the steam plant and the water power is going to get it, and upon the water-power part of the development it is going to make an enormous profit. The people are not going to get the benefit of it. The people are going to pay according to the investment in the steam plant, the more expensive part of the power that is necessary to give them electricity.

Now, how are you going to give it to the people? The method provided by the House bill, the proposition argued by the Senator from Wisconsin, is in my judgment the only way in which you can give it to the people. Let this commission in that case charge a rate for a license for the development of the power that comes from the water that will be sufficient to make up the difference; otherwise the company developing the water power would make all of the difference, and the people of the immediate vicinity would get no benefit whatever from it.

How do the people get it? Later on in this bill, unless another Senate amendment is agreed to that I think ought not to be agreed to, it is provided how this license money gets back to the people. It is turned over to the reclamation fund, to the national forests, and to some other activities, all going to the benefit of the people. Otherwise, the water-power people get it, and the public get nothing.

There are a great many instances where water power is developed in some system from various dams where perhaps steam has nothing to do with it. One is expensive, and the other is not; but, since they are combined and used in the same business, whatever it may be—it may not be a municipality; it may be sold to private users without the instrumentality of a municipality—although it costs in one case twice as much as in another, the rate to be charged must be the same. This device that is in the House bill, and which the Senate amendment would take away, enables the commission to equalize that, and to give back to the people in the way of a license fee that which in one case would otherwise give them an exorbitant profit.

I agree with the Senator from Minnesota that I want to get this to the people just as nearly as possible at cost; and if we could have a case—and there will be many such—where the development of a water power probably will supply some section of the country completely, and it will not come in competition with steam power or with some other water power that costs more money to develop it, it will be the duty of the commission in that case to charge a license fee that will be nominal, probably. The people in that case get the benefit of it; but in order to safeguard it and let the people get the benefit of it in every case, it seems to me it is absolutely necessary that the commission should have the authority, and should exercise it, to charge a license fee according to the conditions of each particular project and each particular locality that must be supplied.

Mr. LENROOT. Mr. President, the Senator from Minnesota [Mr. NELSON], for whom, of course, I have the highest respect, does not seem to distinguish between the people of a State and a water-power corporation within that State. During the course of his argument he assumed that a gift to a water-power corporation was a gift to the people. I am not going to stand in my place here and argue that a water-power corporation, a water-power utility, and the people of a State are the same thing.

The Senator from Minnesota argues that we are depriving the people of a State of something under this amendment. Why, Mr. President, we are doing nothing but saving to the people of a State some of the benefits of a resource over which that State, as a member of this Union, has control and giving it to special privilege, and you can not get away from it.

The Senator says we have no right, either legal or equitable, to exact a charge when we are only giving our consent, and

in the very next breath he admits that the Government itself might erect every one of these dams and make a charge. What is a licensee under this bill but an agent of the State? And if the Government itself could build these dams and make a charge for the power produced, why can it not and why should it not say to its agents, "Instead of your having all that the Government might make out of this dam, you shall only have a portion of it and the people of the United States shall retain the balance"?

The Senator made the old argument that the consumer would have to pay a higher rate. If this discretion is vested in the commission—and that is all that is proposed in the House bill—I do not want to see anything more than a nominal charge in any case where there is a general distribution of the power, based upon a rate that will afford only a fair return upon the capital invested; but I do want the commission to exercise that discretion, so as to prevent these utilities in addition to getting this fair return from making exorbitant returns out of the people of this country.

No, Mr. President, in my judgment there can be no defense for the Senate amendment; and with all due respect to the Senator from Minnesota, if one stands here representing the public interest I do not see how he can support this Senate amendment. It is true that these water-power interests want to get all they can. I do not blame them for that. We are the ones that are to blame if we give them all that they ask for, and it ought to be a sufficient standard or guide as to how much it is necessary to give them to secure development when they said less than a year ago that they were willing to develop the water powers of this country, with the right of the commission to make a charge, just exactly as I now propose. Does the Senator from Minnesota now give any reason why we should give these interests special privileges greater than they were asking for last March? And if no reason exists, how can any Senator justify his vote for this Senate amendment?

I ask for the yeas and nays on the amendment, Mr. President.

Mr. NELSON. Mr. President, I repel the insinuation in the remarks of the Senator from Wisconsin [Mr. LENROOT] that we who advocate this principle represent the water-power corporations or their interest. I have been in public life a good many years, and I never have had the insinuation thrown up against me, directly or indirectly, that I represented any special interest or had been willing to turn over the property of this Government into their hands. I have always, in my service here, aimed to protect not only the Government of the United States but the rights of the people of the several States, and when the Senator says he can not see how any man can vote for this amendment he implies that the side that takes his view of the case is the only just side, and that the other side is morally wrong. That kind of an argument does not appeal to me, and I simply rise to protest against that form of argument.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. NELSON. I am through.

Mr. LENROOT. I just want to say that, of course, I never said nor did I ever intend to intimate that the Senator from Minnesota represented any special interest. I know him better than that. We all know him better than that. I merely said, and I reiterate, that the position he takes, however honest it may be, is clearly in the interest of the water-power companies, and, in my judgment, against the interest of the public. I have a right to my opinion. He, of course, has a right to his.

The PRESIDING OFFICER. The question is on the amendment of the committee, on which the yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. NEWBERRY (when his name was called.) I am paired with the senior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I transfer my pair with that Senator to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. KENDRICK. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present he would vote "nay."

Mr. DILLINGHAM. May I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DILLINGHAM. Then I withhold my vote, having a general pair with that Senator.

Mr. EDGE. Has the Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDING OFFICER. He has not.

Mr. EDGE. In his absence I will withhold my vote. If permitted to vote I would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER] on account of illness.

Mr. WALSH of Montana (after having voted in the negative). I voted, not knowing of the absence of my pair, the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer my pair to the Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I notice the absence of the Senator from Pennsylvania [Mr. KNOX]. In his absence I voted inadvertently. I transfer my pair with that Senator to the Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. BALL. I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] to the Senator from Kansas [Mr. CURTIS] and vote "yea."

Mr. EDGE. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate on account of illness in their families.

The Senator from Delaware [Mr. WOLCOTT] is absent on public business.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 28, nays 29, as follows:

YEAS—28.

Ball	Edge	Nelson	Spencer
Bankhead	Hale	New	Sterling
Borah	Harding	Overman	Sutherland
Brandegee	Jones, N. Mex.	Page	Underwood
Calder	Lodge	Phipps	Wadsworth
Chamberlain	McNary	Sherman	Warren
Colt	Moses	Smoot	Watson

NAYS—29.

Beckham	Henderson	McKellar	Thomas
Capper	Johnson, S. Dak.	Norris	Trammell
Dial	Kendrick	Nugent	Walsh, Mass.
Gay	Kenyon	Phelan	Walsh, Mont.
Gerry	Keyes	Ransdell	Williams
Gronna	King	Sheppard	
Harris	Kirby	Smith, Ga.	
Harrison	Lenroot	Stanley	

NOT VOTING—38.

Ashurst	Frelinghuysen	McLean	Shields
Culberson	Gore	Myers	Simmons
Cummins	Hitchcock	Newberry	Smith, Ariz.
Curtis	Johnson, Calif.	Owen	Smith, Md.
Dillingham	Jones, Wash.	Penrose	Smith, S. C.
Elkins	Kellogg	Pittman	Swanson
Fall	Knox	Poindexter	Townsend
Fernald	La Follette	Pomerene	Wolcott
Fletcher	McCormick	Reed	
France	McCumber	Robinson	

So the amendment was rejected.

Mr. SMOOT. Mr. President, I desire to reserve the right for a vote upon this amendment when the bill reaches the Senate.

The next amendment passed over was, on page 19, line 16, to strike out "50" and insert "200," so as to read "not more than 200 horsepower."

The amendment was agreed to.

The next amendment passed over was, on page 20, in line 21, after the word "prohibited," to strike out the remainder of the paragraph and to insert:

In issuing licenses for a minor part only of a complete project, or for a complete project of not more than 200 horsepower capacity, the commission may, in its discretion, waive such conditions, provisions, and requirements of this act, except the license period of 50 years, as it may deem to be to the public interest to waive under the circumstances.

Mr. CURTIS. Mr. President, I was called out on official business and was unable to be present at the former vote. At this time I suggest an amendment to the chairman, and hope he may be able to accept it. I move to amend by adding at the end of the bill the following:

Provided, That the provisions hereof shall not apply to lands within an Indian reservation.

Mr. NELSON. I have no objection to the amendment suggested by the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The READING CLERK. The next amendment passed over is on page 26. All the amendments are agreed to except on line 20, before the words "then the commission," where the committee inserted "which is accepted."

Mr. NELSON. Mr. President, an amendment was adopted the other day, offered by the Senator from Montana [Mr. WALSH], which covered a part, but not entirely all, of the provision from the word "*Provided*," in line 17, page 26, down to the word "then," in line 20. In order that I may perfect the amendment, I move to reconsider the vote on the amendment offered by the Senator from Montana.

The motion to reconsider was agreed to.

Mr. NELSON. I now offer as a substitute for that amendment the following:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or tender a new license to the original licensee, upon the terms and conditions aforesaid, which is accepted.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. LENROOT. Mr. President, a parliamentary inquiry. This is not a substitute for the amendment that was reconsidered. If the Senator will strike out the words "which is accepted" it will be, but the words "which is accepted" have never been agreed to, and we can take up that amendment later.

Mr. NELSON. There are other words that were not in the amendment. The words "upon the terms and conditions" were not in the amendment. I offer a substitute for the whole paragraph from the word "*Provided*" down to the word "then," in line 20.

Mr. LENROOT. Mr. President, is it in order to offer in lieu an amendment that covers two lines of a long proviso, a substitute that covers the entire paragraph, which contains amendments that have been proposed and have never been acted upon?

The PRESIDING OFFICER. The question is first on the amendment which has been reconsidered.

Mr. LENROOT. That is the question. Now, the Senator from Minnesota offers an amendment which he terms a substitute, which is not a substitute for that amendment, but is a substitute for the entire proviso.

The PRESIDING OFFICER. The question is upon the amendment which was reconsidered.

Mr. LENROOT. Very well. I am in favor of that.

Mr. SMOOT. The amendment having been reconsidered, of course the question before the Senate is as the Chair states, but the Senator from Minnesota offers a substitute for the amendment now before the Senate, and under the rules he has a right to do that.

The PRESIDING OFFICER. He has a right to offer it, but not as a substitute. The Secretary will read the proviso.

The Reading Clerk read as follows:

Provided, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a new license to the original licensee——

Mr. SMOOT. "Upon the terms and conditions."

Mr. NELSON. That is as far as the amendment of the Senator from Montana [Mr. WALSH] went. My substitute includes that and then includes the words "upon the terms and conditions aforesaid" and the words "which is accepted." The amendment is now before the Senate and I have a right to offer a substitute.

The PRESIDING OFFICER. It is a substitute for the amendment, but the Senator, as the Chair understands, offers in addition to that to amend the text.

Mr. SMOOT. To bring the question directly before the Senate, if the Senator will offer an amendment to that amendment by adding the words "upon the terms and conditions aforesaid, which is accepted "——

Mr. LENROOT. "Which is accepted" is already pending as a Senate committee amendment.

Mr. NELSON. I offer that as an amendment or substitute. A substitute is simply an amendment. I offer it as an amendment to the amendment of the Senator from Montana [Mr. WALSH], and it differs from that in including the words "upon the terms and conditions aforesaid, which are accepted."

Mr. LENROOT. Why should the Senator be unwilling to let the Senate act separately upon the words "which are accepted"? There is no objection to his proposal for the substitution of those words. Why should the Senator be unwilling to have the Senate have a yea-and-nay vote on the words "which is accepted"?

Mr. WALSH of Montana. May I suggest that the Senator can accomplish that by asking for a division of the question?

Mr. LENROOT. That probably can be done, but may we have the Secretary read the proviso as it would read if adopted?

The Reading Clerk read as follows:

Provided, That in the event that the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a license to the original licensee upon the terms and conditions aforesaid—

Mr. LENROOT. Let us adopt that.

Mr. SMOOT. Why not allow the Senator from Minnesota to make a motion now to amend the amendment? The result will be exactly the same. If we vote to accept the amendment to the amendment it then becomes a part of the amendment, and then it will be adopted as a whole.

Mr. NORRIS. Mr. President, I think the Senator from Minnesota [Mr. NELSON] does not understand the parliamentary situation to be the same as that disclosed by what the Clerk has read. The proviso read by the Clerk as the amendment would be agreed to does not contain the words "which is accepted." If the Chair holds that the Senator from Minnesota has the right to offer what he has offered as a substitute, then I want to have an opportunity to make a motion to amend the substitute by striking out the words "which is accepted."

The PRESIDING OFFICER. The Chair holds that the amendment offered by the committee inserting the words "which is accepted" is the question now pending.

Mr. NORRIS. I agree with the Chair, but the Senator from Minnesota [Mr. NELSON] did not understand it that way.

The PRESIDING OFFICER. The amendment which was adopted has been reconsidered and the Senator from Minnesota has offered a substitute for the amendment heretofore adopted.

Mr. NORRIS. Does the Chair hold that he can do that?

The PRESIDING OFFICER. The Chair thinks not.

Mr. NORRIS. That is all I want to know. That makes it clear.

Mr. SMOOT. There is no question but that the Senator from Minnesota can offer an amendment to the amendment.

The PRESIDING OFFICER. He can offer an amendment to the amendment.

Mr. NORRIS. Let me make a suggestion to the Senator from Utah. Here we have a committee amendment pending, the words "which is accepted." Suppose the Senator from Minnesota offers his amendment to the amendment of the Senator from Montana, why do we want to have the amendment pending to the amendment of the Senator from Montana, and have also pending the committee amendment? We ought to have one vote on it and let that end it. I do not care at which place it comes, but I do not think it is quite fair to propose it first as an amendment to the amendment of the Senator from Montana, when there is already pending before the Senate a committee amendment. Why not adopt the amendment of the Senator from Montana, and then we will come to the other amendment that is pending and can vote on it, and it will show the sense of the Senate when that vote is taken.

Mr. SMOOT. If we adopt the amendment now, then the amendment can not be offered to that amendment in the Committee of the Whole.

Mr. LENROOT. Oh, yes; a substitute can be offered for the whole thing.

Mr. SMOOT. Yes; a substitute can be offered for the whole thing, but we have already passed upon all of it except the three words "which is accepted."

Mr. LENROOT. No; that is not true. The Senator has an amendment to which there is no objection, inserting "upon such terms and conditions."

Mr. SMOOT. I understand the amendment of the Senator from Montana adds the words "upon the terms and conditions aforesaid."

Mr. LENROOT. Oh, no.

Mr. SMOOT. Then the statement made by the Senator from Nebraska [Mr. NORRIS] was hardly correct when he said "which is accepted" is the only question.

Mr. NORRIS. That is all there is in dispute here.

Mr. NELSON. If the amendment of the Senator from Montana is read it will be found that it covers everything as the bill was reported, except the words "upon the terms and conditions aforesaid" and the words "which is accepted." Those are the two clauses added. He offered that amendment to the proviso. I moved to reconsider the amendment, and it was reconsidered. Now I have a right to offer an amendment to that amendment or to move a substitute for it as an entirety.

Mr. LENROOT. Does the Senator offer it as a substitute?

Mr. NELSON. I offer it as a substitute.

Mr. LENROOT. Then I ask for a vote upon the pending committee amendment before the substitute is voted upon. We have a right to perfect it first.

Mr. NORRIS. The Chair has held that he could not offer it.

Mr. SMOOT. I think the Chair is right as to the substitute but not as to the amendment. If the Senator from Minnesota desires to offer it as an amendment to the amendment, then it would be within the rule.

Mr. NELSON. That is what I do. I offer it is an amendment to the amendment of the Senator from Montana. We had the proviso before us the other day, and the Senator from Montana moved an amendment to that paragraph of the bill. I asked to-day to have that amendment reconsidered, and it was reconsidered. I now offer an amendment to his amendment, which is proper. When we had the bill under consideration that amendment was in order, and now when the amendment is reconsidered I have a right to offer an amendment to the amendment. There can not be any doubt about it.

Mr. LENROOT. If the Senator from Minnesota offers the amendment, I make the point of order that it is in fact a substitute, and we are entitled to perfect the text as proposed by the committee before voting upon his substitute.

Mr. SMOOT. To vote upon the amendment offered by the Senator from Minnesota is to perfect the text, and a vote to perfect the text comes before a vote upon the question itself.

Mr. LENROOT. No; there is a Senate committee amendment pending upon which we are entitled to have a vote before we vote upon anything striking that out.

Mr. SMOOT. The Senator will get a vote directly upon the words "which is accepted" by voting for or against the amendment of the Senator from Minnesota.

Mr. LENROOT. Mr. President, I am surprised that the proponents of this proposition are for some reason unwilling to have the Senate vote upon the sole question whether we shall make this a perpetual franchise.

Mr. SMOOT. Mr. President, I wish to say that the proponents of the measure have no idea of preventing a vote. If we vote now upon the motion made by the Senator from Minnesota we vote directly upon that question. When we vote on the amendment to the amendment offered by the Senator from Montana, and that is disposed of, if it is carried, then we would vote on whether we shall substitute that for the committee amendment. So we get not one vote but two straight votes.

Mr. LENROOT. The Senator from Utah is entirely wrong. The amendment proposed by the Senator from Minnesota we are in favor of in part and in part we are opposed to it.

Mr. SMOOT. Then all the Senator has to do is to ask for a division. There will be no question about it.

Mr. LENROOT. Why do the Senator from Minnesota and the Senator from Utah object to having a straight vote upon the words "which is accepted," as contained in the Senate bill?

Mr. SMOOT. The Senator from Utah does not object.

Mr. LENROOT. Then why does the Senator from Minnesota object?

Mr. SMOOT. I do not think the Senator from Minnesota objects.

Mr. LENROOT. Then why not consent to omitting the words "which is accepted" from the amendment? Then we will adopt that amendment and vote on the other separately.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. Assuming the substitute proposed by the Senator from Minnesota to be in order, I inquire of the Chair whether it is open to a division so that a separate vote can be had upon all the substitute except the words "which is accepted" and a separate vote upon that part of the substitute?

The PRESIDING OFFICER. The Chair so holds.

Mr. WALSH of Montana. Then why should we hesitate to proceed in that way?

Mr. LENROOT. I am perfectly willing to accept the ruling of the Chair, but it is very clear it is not open to a division, because there are not substantive propositions, each of which may stand alone, which is the rule regarding the division of questions. "Which is accepted," if the other portion of the amendment were not voted upon, would mean nothing.

Mr. NORRIS. A parliamentary inquiry, Mr. President. Has not the Chair already decided that the substitute offered by the Senator from Minnesota can not contain the words "which is accepted"?

The PRESIDING OFFICER. No. The amendment was reconsidered, and the Senator offered his substitute, and the Chair decided that the Senator could not include in that substitute an amendment proposed by the committee that has not been acted upon.

Mr. NORRIS. I understand that.

The PRESIDING OFFICER. The Senate has a right to pass upon the committee amendments.

Mr. NORRIS. Mr. President, then I understand that the Senator from Minnesota offers it as an amendment, and the Chair holds that he can include in it the words indicated?

The PRESIDING OFFICER. The Senator can offer any amendment he desires to the bill in order to perfect its text.

Mr. NORRIS. As a matter of fact, the Senator from Minnesota offered it as a substitute, and so stated at the time. I am interested in making this inquiry for the reason that I make the point that it is a substitute. I do not care what it is called; you can not make it anything else by calling it something else. I wish to call the attention of the Chair to the fact that if it is a substitute and the Chair should hold that the Senator had a right to include in the substitute the words "which is accepted," then I was going to make a motion to amend the substitute by striking out those words. If it is offered as an amendment—if such a thing were possible—then it is not subject to further amendment, for it is already an amendment to an amendment, which, under the rules of the Senate, can not be amended.

When all Senators concede that the only thing in dispute here or anywhere, so far as I know, is whether the words "which is accepted" shall be included or excluded from the legislation, why should we not have a vote directly on that proposition? No Senator objects to the remainder of the proposal of the Senator from Minnesota; it is conceded, I think, by everybody that it is all right and we are all ready to vote for it; but I do not like the idea, whether intended or not—and I do not presume it is so intended, though it has that effect—of saying, "We will offer this first as a substitute; then if the Chair holds that it is not a substitute, we shall offer it as an amendment; we will put these words in; and we will thereby make it out of order to move to strike them out"; so that some of us will have to vote for something that we do not want in order to get something that we do want. If the amendment should be agreed to, it becomes a part of the bill, and it would not make any difference what happened to the committee amendment; nobody would care. Those who are behind the bill would be agreed that it should be defeated, because the objectionable words would be already included in the bill. If the Chair is going to hold to that effect, Senators who are in favor of the amendment, but opposed to the portion of it including the words "which is accepted," will be put in the attitude where there never will be an opportunity to vote directly upon that proposition and have the vote count.

I repeat we are in favor of the remainder of the amendment; but if we agree to the words to which I have referred, we put them in the bill. Then the Chair will say, "The next amendment is the committee amendment, found on line 20, to include the words 'which is accepted.'" It can then be said, "Why, yes; we will vote with you and strike that out, because we have already inserted it in the other amendment." I hope we are not going to place the Senate in that kind of a parliamentary predicament, where those who want to strike that language out are not going to have an opportunity to do so and have their action effective. The words objected to are going to be put in the bill twice—that is the effect of the procedure here—and they are going to be put in in connection with other words which all Senators desire to have inserted, under a parliamentary procedure under which it is not in order to strike the words out of the amendment. If a Senator had no idea whatever about parliamentary procedure, common justice would demonstrate that that would be so unfair and so unreasonable that it could not stand anywhere.

The PRESIDING OFFICER. The Chair thinks unquestionably that the Senate has a right to pass upon the committee amendment.

Mr. NELSON. Mr. President, the Senator from Nebraska [Mr. NORRIS] makes a distinction between a substitute and an amendment. A substitute is only an amendment. If a measure is pending and a substitute is offered for it, it is simply an amendment. There is no distinction in the parliamentary situation between a substitute and an amendment. We use the term "substitute," but it simply means an amendment. If Sen-

ators do not like the amendment I have offered, they can vote it down, and then offer another amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. WALSH of Montana. Mr. President, I ask for a division of the question. I request a vote on all of the amendment except the words "which is accepted."

Mr. NELSON. I have no objection, Mr. President, to dividing the question; but I do object to the charges and insinuations made by the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair understands there is no objection to the adoption of that part of the substitute offered by the Senator from Minnesota which does not include the words "which is accepted." If there is no objection, the amendment, with the exception of the words indicated, stands adopted by the Senate. Then the question recurs on agreeing to the words "which is accepted."

Mr. LENROOT. Mr. President, just a word upon this amendment. I desire again to reiterate that in the position which I take, I do not wish to reflect in the slightest degree upon the good faith of the Senator from Minnesota [Mr. NELSON]. But having said that, I must be permitted to express myself most freely upon the effect of the Senator's course, so far as the public interest is concerned.

I desire to say, Mr. President, just a word now to the Senators on this side of the aisle. There is nothing that has come up within the last 12 months, if this amendment be adopted which the Senator now proposes, that will be a greater reflection upon the Republican Party than the action of the Senate here to-day in connection with the other amendment, which fortunately was lost by one vote.

Mr. President, it is not long ago that the Senate took action with reference to special privilege toward labor; it is not very long ago that the Senate incorporated in the railroad bill an antistrike clause. We found many Senators then declaiming against special privilege; but where are those Senators now when it comes to a special privilege to organized wealth in this country? Where are those Senators this afternoon when it is proposed by these amendments to give away the most valuable resources remaining in the control of the people of the United States; giving them away not for 50 years, but if the amendment which is now proposed be accepted, if we do not strike out the words "which is accepted," giving them away forever? Oh, what a record the Senate will make this afternoon if it adopts the amendment proposed by the Senator from Minnesota!

Mr. STERLING. Mr. President, if the Senator will explain a little more fully why it is that he thinks these special privileges are given away by the use of the words "which is accepted," I shall be glad to hear him. My attention has been called only lately to this proposed amendment. I did not hear the discussion of the amendment of the Senator from Montana the other day.

Mr. LENROOT. Mr. President, I shall be very glad to accede to the request of the Senator from South Dakota. Under the previous sections of this bill it is proposed—and of that I am in favor—to grant a license for a term of 50 years for the development of navigation and water power. We are all in favor of that; but then we come to the proviso—

That in the event the United States does not exercise the right to take over—

I am reading now from the text of the bill, and the amendment does not change this feature in any respect—

or does not tender a new license on reasonable terms to the original or a new licensee which is accepted, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

Mr. STERLING. The amendment of the Senator from Montana, as I understand, proposed to strike out the words "on reasonable terms."

Mr. LENROOT. "On terms and conditions as aforesaid." That will be the Senator's amendment, and I have no objection to that.

Mr. STERLING. But the words "on reasonable terms," in line 19, are to be stricken out, according to the amendment of the Senator from Montana.

Mr. LENROOT. Those words are to be stricken out. The Senator, I take it, wants to know in what way this becomes a perpetual franchise?

Mr. STERLING. Yes.

Mr. LENROOT. Under this proviso there are three things that may occur. The United States may take over the plant and pay the net investment and severance damages. I showed the other day that it might easily be that the severance damages under the bill with this proviso would be more than the cost of the entire project. The Government might take it over itself, or it might issue a new license to a new licensee; but if it did that the new licensee would have to pay exactly what the Government would have to pay, and neither the Government nor the new licensee under the terms of this bill can ever take it over at what it cost the original licensee, or ever take it at what it is worth either to the Government or to any third person, because the severance damages constitute no element of value; the new licensee gets nothing of value in money which he is required to pay for severance damages. So the Government would not take it over, and the new licensee would not take it over.

Then what happens? It is provided in the first part of the section that a new license may be tendered the original licensee under such terms and conditions as may be authorized or required under then existing laws and regulations. Now comes the proviso that if the Government does not take it over, or a new license is not issued to a new licensee, or a new license tendered to the original licensee which is accepted, then a license shall be issued from year to year.

Mr. STERLING. May I ask the Senator from Wisconsin must there not be in any event an acceptance of the tender of the Government?

Mr. LENROOT. No; they will get a license from year to year, going on forever, by simply saying, "We will refuse to accept."

Mr. STERLING. Will it go on forever, may I ask the Senator?

Mr. LENROOT. Unless the Government takes it over, it will.

Mr. STERLING. The Government can take it over at any time, can it not?

Mr. LENROOT. Oh, yes; of course it can, by paying, as I just stated, not only all that was invested in it but such severance damages as may be allowed. As I said the other day, it is a curious fact, Mr. President, that most of those who argue that this is a protection to the Government because the Government has the right to take over the project, when you ask the question whether they are in favor of Government ownership of these utilities will say "No." What becomes of the sincerity of such an argument as that? So this is, for all practical purposes, a perpetual license, unless the Government itself shall go into the business not only of taking over water powers but into the general public-utility business of furnishing power and light and heat to the people of this country.

So, Mr. President, unless the words "which is accepted" are stricken out of the bill, the record that will be made to-day will be the granting of perpetual franchises to these water-power utilities, beyond the power for all time to come of regulation or compensation in the public interest. I should be sorry to see any such record made here to-day, whereby the Republican Party, so far as it is represented in the Senate of the United States, shall take a position against special privilege to labor and to the men who toil but in favor of special privilege and perpetual franchises to the wealth of this country.

Mr. SMOOT. Mr. President, I can not understand why the Senator from Wisconsin claims that there is a perpetual license granted under the provisions of this bill if the words "which is accepted" remain a part of it. I can not see that special privileges are granted to the capitalistic class of America, the men who advance the money for the building of these plants and the establishment of this industry. I have tried to follow the Senator very carefully in what he says, but it is impossible for me to see this question as he has portrayed it.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. If the license is not accepted under the proviso, what happens?

Mr. SMOOT. Will the Senator allow me to come to that in the way I intended to? I will gladly answer it then.

Mr. LENROOT. To be sure.

Mr. SMOOT. In the first place, I want it distinctly understood that I am not in accord with the statement made that the bill gives away the last of the natural resources of the country. The bill gives away nothing. The company which develops a water power secures the money for so doing and runs all of the chances of the enterprise being a success or a failure. The Government of the United States takes no chances whatever. If it is not a paying proposition, the Government of the United States would still collect as much money as the contract calls for for every horsepower that is developed upon the project. Not only that, but the price at which the power

can be sold is to be fixed, regulated, and controlled by officials of the Government; and I now state, as far as I am personally concerned, I would not want to take any interest whatever in any power project that may be undertaken under the provisions of the pending bill.

The pending bill is a compromise measure, just the same as the leasing bill was a compromise measure, and agreed to with a hope of future development of the natural resources of our Western States, which at the present time and for years past have been locked up and the situation absolutely controlled by the bureaus here in the departments at Washington, so that all development of water power ceased. If any person or persons undertake to develop a water power, even though the site be upon lands not withdrawn from entry, as soon as the announcement is made by the party who has concluded that a power plant could be successfully established, the Government of the United States, no matter how much money he has spent upon his preliminary work, immediately withdraws it, and all improvement ceases.

So, Mr. President, there is not very much of a gift found in the provision of the pending bill, and there never can be a very great profit made out of any project developed under it. I think that more benefit will come to the country by the passage of this bill from power plants developed upon navigable streams of this country than in the sparsely settled Western States, where the great inland water powers can be developed. I know of electric power companies investing large amounts of money in the development of power, and it has taken 10 years or more before even the running expenses of the company could be paid from the revenues received from the sale of the power.

I am not objecting to the regulation on the part of the Government, as provided in the bill; but I do think that every charge that is imposed upon every horse power generated will be passed on to the consumer, and at the same time the people living in the States where these power sites are located prevented from collecting taxes from withdrawn lands, in some cases reaching as high as 76 per cent of the area of the State, and that being so you can readily see that all the expenses of maintaining an orderly form of government must be met by the imposition of taxes upon the industries and improvements of the remaining 24 per cent of the area of the State. The Government of the United States holds its hand over that 76 per cent. No taxes can be imposed, no development can be made, and the State is barred from receiving any benefits of taxation.

The Senator asks if the Government does not take over the license at the end of 50 years, what is going to happen? If a new licensee does not take it over at the end of 50 years, what is going to happen? Why, Mr. President, if the Government will not take over the plant at the end of 50 years, and if it can not find a new licensee, it will be operated by the owners from year to year until the Government does take it over or finds a new licensee. What reason for complaint has the Government or the people if the plant is so uninviting that a new licensee can not be found or the Government itself decides it is not worth the taking over?

Why, Mr. President, is the privilege of allowing the owners of the plant to run it another year a special favor, a special privilege to the company that has put its money into the business and operated it for 50 years? Nonsense! The company may only be making a profit of 1 per cent. It may be that it is making no profit at all, and under such conditions a new licensee would not want to take it over. Why should he? He can find better use for his money. If it is in such condition that the Government will not take it over, what disadvantage is there to the Government or the people if the man who has developed the property runs it for another year, and at the end of just one year's extension, if the Government will not take it over or a new licensee can not be found that will take it over, who is going to be hurt if it is operated by the owners? The Government will be getting its charges for another year. Every 12 months the same question will arise. Does any Senator think for a minute that a concern operating a plant of that kind wants to be put in that position, that it knows nothing about what is going to happen to its business at the end of every 12 months?

I want to say that the result will be that when a company constructs one of these plants, unless at the end of 50 years the Government wants to take it over, and it is profitable to do so, or unless the Government can find a new licensee, you can depend upon it that there has not been very much profit for the man who is operating it under the 50-year lease.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. Would the Senator be willing, then, to vote for an amendment striking out the provision with reference to severance damages, so that the Government or a new licensee might take over this property at what it was worth to them?

Mr. SMOOT. Mr. President, the severance damages are nothing more than any honest man in a transfer of such property would agree to with any honest purchaser. It is nothing more nor less than the Government agreeing that in the severance of the property from the original licensee, whatever damages there might be should be paid by the Government in case the Government takes over the property, or the new licensee if there should be one, and I say that no honest person can object to that principle.

Mr. LENROOT. What would the new licensee get for the severance damages that he would have to pay?

Mr. SMOOT. He would get whatever value the required severance was to him, and that would be the severance damage to the builder of the plant. Mr. President, I want to say that all of the disadvantages in building the plant, the time it took to build up a demand for the power, and all of the burdensome unseen expenses of starting any kind of a business like the ones contemplated under this bill fall upon the original licensee. The man who asks for the second license has nothing like this to pass through. The business, if it is successful, is established at that time. He steps in without an effort, and it does seem to me he should be perfectly willing to pay a reasonable price, as the bill provides, whenever the property is transferred to him as a new licensee.

Mr. LENROOT. The Senator understands he has to pay all those expenses, too, does he not?

Mr. SMOOT. Well, there is not any question of a doubt whatever that the severance of the property will be decided between the Government of the United States, or the man who first built the plant and put it into operation, and the new licensee. The original promoter of the business, if he remains in it for 50 years, or, if he does not, his successors in business, are never going to secure any advantage in the severance of it, and I say now that if the Government of the United States at the end of 50 years does not take over the property there will be some good reason for it. If the Government of the United States can not find a new licensee to take over the property there will be some good reason for it, and that reason will be that it will neither pay the Government of the United States nor pay a new licensee to do so. So every interest of the Government is protected, and every interest of the new licensee, if there be one, will be protected; and it seems to me that all that the severance provision does is to protect the first licensee, who took the first step to establish the industry. I know there is no man living who would say that he should not be protected in this, and that is all the bill does.

In relation to the words "which is accepted," what does it mean and what is the result of their use? I can not see the result as portrayed by the Senator from Wisconsin. They mean that if a new licensee is not found that will accept the terms offered by the Government, then the original licensee can proceed from year to year to operate the plant. Do not think for a minute that that is a favorable position for the licensee to be in with ten millions of dollars invested or one million or whatever the amount may be, not knowing whether he will be allowed to operate on the 2d day of January of each year. I say that every endeavor would be made and every point stretched to the limit by the original licensee to keep the plant in operation. The original licensee is entitled to know if the offer of the Government to the second licensee is accepted; then I say that the words "which is accepted" ought to be in this bill, for not only the protection of the man who has put his money into the concern and made it a going concern for 50 years, but also, it seems to me, Mr. President, it is nothing more than right between the Government of the United States and a second licensee. Why should it not be known that it is acceptable to the new licensee? If a licensee will not accept it, why should the original licensee be deprived of operating the plant year by year? Do you want it to stand idle? Do you want it to go to rack and ruin until some new licensee is found by the Government?

That is all there is to it, Mr. President, and I hope and trust the amendment offered by the Senator from Minnesota will be agreed to by the Senate.

Mr. NORRIS. Mr. President, I believe that after all argument is sifted down and we have gotten to the bottom, this is a question as to whether we want to give a perpetual lease or a limited lease.

The Senator from Utah [Mr. SMOOT] has made an extensive and an able argument, and I believe that if it is analyzed, if he would analyze it himself as he usually analyzes other people's arguments he would have to reach the conclusion that this lan-

guage if kept in the bill means that instead of issuing a license for 50 years, we ought to put in the bill a provision for a perpetual license and be done with it at once. The Senator's argument leads in that direction, and there can be a great deal of argument offered in favor of the proposition that the license should be perpetual. I am not in favor of it, but I know that lots of good men are, and you can make the same argument for a perpetual license as the Senator has made for these words.

He asks what difference it would make when the 50 years are up if the man has another year, and when that year is up he has another, and so on. It might not make any, Mr. President. The Government might be willing to do that. But if we are going to limit these leases to 50 years, then the Government ought to have the right at the end of the 50 years to say something about a new license, or what should be done with the property. Either that or meet the question squarely and say, "Let us have a perpetual license."

The Senator from Utah is not in favor of the Government taking over these properties. He will be here, I suppose, 50 years from now—I hope he will—sitting in the same chair where he is now, leading the Senate, and the country to a great extent, as he is now, studying all these questions as he studies them now, as diligently as any man in the United States. He will be here at that time, and he will say, "The Government must not take over these properties. The Government must not go into this business."

The answer is, if the Government does not do it the man goes on from year to year on his own terms. So it will reduce itself to this: This corporation that has operated a water power for 50 years, when the time expires and the Government presents its new lease, will decide the question on this basis, and very properly; I am not finding fault with them at all: "Is the new lease better for us than the old? If it is, we will take it; if it is not, we will refuse to take it, because if we refuse to take it, under the law passed 50 years ago, we are entitled to have it from year to year under those terms."

That is the right they will have at the end of the 50 years.

Mr. SMOOT. The Senator leaves out one very important thing in the statement he has just made. The bill provides for a new licensee.

Mr. NORRIS. Yes.

Mr. SMOOT. And the Government is not compelled to grant the license to the original licensee. A new licensee can make a new application, and if his application offers more than what the original licensee would pay, the Senator does not think for a moment but what the Government of the United States would grant it to the new licensee?

Mr. NORRIS. The Senator does not call attention, however, to the fact that this law which we are now passing is so circumscribed that the new licensee will have some disadvantages. He will have to pay some things that he probably would not want to pay. He will probably refuse to comply with the law in regard to severance damages and in regard to carrying out the contracts that the old corporation has made, and unless he does agree to stand for those things he will stand nowhere; he will not have any opportunity to lease it, and he can not be a licensee, because those are the things he has to assume under the law.

Mr. SMOOT. I will say to the Senator that the original licensee would have the same contracts to meet. He has made them, and he would have to comply with them entirely if he took it. So they are on the same footing there.

Mr. NORRIS. No; they are not on the same footing there. I can tell the Senator why I think they are not on the same footing. However, there is another thing that the new licensee would have to pay that the old licensee, of course, would not have to pay, and that would be the severance damages. When the 50-year period is somewhere near up, if this corporation desires to retain the control of it, or to make it difficult for any other corporation to take over the property and enter into a new contract with the Government of the United States, they could enter into a good many contracts with corporations that in effect would be themselves, which would be burdensome. It is true those contracts would have to be approved by the commission; but the commission is not going to criticize them or hold them up or refuse to permit a contract to be made. If they make a contract that does not seem favorable to themselves, they will be supposed to be looking after their own interests, and another corporation, practically composed of the same men, perhaps, could easily be given a contract that would be extremely advantageous. It would not make any difference to this old corporation, the other one making a contract with them, the existing licensee, because for them it would be taking money out of one pocket and putting it into another. If they sold themselves power at less than cost, they would lose on the one side, but they would make it all back on the other. If they had some contracts like that—and they would very likely, at the expiration of the 50 years, have them in readiness for just this kind of emergency—then the new licensee, if he took it over, would have to assume them, and they would be able then, if the new licensee was foolish enough to assume them, to go on with their other corporation and get their electric light or their hydroelectric power, or whatever it might be, at a very much reduced rate.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. PHIPPS. I should like to inquire if the Senator is familiar with the operations in any State having a public-utilities board, where a company is privileged to make a contract at a certain rate for hydroelectric power to one company and exact different rates from another company, under practically similar conditions?

Mr. NORRIS. What is the Senator's question?

Mr. PHIPPS. The point is that public-utilities commissions can not make rates to one company and refuse the same rates to other companies in the same line of business or using the same amount of power. In other words, they can not make one rate to themselves and different rates to the public. Is not that the fact?

Mr. NORRIS. I suppose that is very often the fact. But a subsidiary company, composed of the same men who own the original parent corporation, might have—it would be very easy for them to have—a case where they were getting the only contract in a particular line, and all other contracts with other men, or municipalities, or corporations were entirely of a different nature. And so, if they made a contract of that kind with that kind of a corporation, they would not impugn that kind of law if such a law exists.

Mr. PHIPPS. Then I should like to inquire of the Senator if it is not a fact that not only the earnings of the parent corporation but also the earnings of the subsidiary companies are limited to a certain rate per cent on the actual value of the property and the investment in the business?

Mr. NORRIS. Does the Senator ask me if that is always the case?

Mr. PHIPPS. I ask if the Senator knows of any State having a public utilities commission where that is not the case?

Mr. NORRIS. That is sometimes the case and sometimes not. If I understand the Senator's question, I do not know that it has any application to what I am discussing here.

Mr. LENROOT. I would like to ask the Senator from Colorado if he can name a single case where a State undertakes to regulate the rates and products of a corporation the subsidiary of a manufacturing corporation?

Mr. PHIPPS. If the Senator will tell me where there is a manufacturing corporation that is subsidiary to a hydroelectric power corporation, I will undertake to answer his question.

Mr. LENROOT. There may be many.

Mr. PHIPPS. To my knowledge to-day, if such companies should come into existence I have no doubt that the States would well be able, through their legislatures, to take care of their proper regulation, as they have demonstrated their ability to regulate the business of hydroelectric power companies.

Mr. NORRIS. I think some of them will—I have no doubt of it. I am not finding fault with any State. I hope they all will. Some of them will not. But as a matter of fact, whether they do or whether they do not, a corporation that would have an advantageous contract would not necessarily be a subsidiary of the parent corporation. The stock might be absolutely independent and in no way connected with it except that the men or the interests who owned one might own the other.

Mr. PHIPPS. It seems to me that the Senator is setting up a supposititious case which is not at all likely to ever happen. But as it is possible, although not at all probable, it did seem to me that the case would well be met by the legislative bodies, who have shown their ability to handle cases just as difficult and just as intricate. I can not understand why the Senator seems to insist upon the power companies, at the expiration of the 50-year period, being compelled to accept any form of contract for a new period which the commission, through its representatives, may decide is a proper and fit contract for those companies to accept. Surely the contract must be reasonable, and yet the words "reasonable in its terms" have been stricken out and others have been substituted.

Mr. NORRIS. I do not want to discuss that. I think they ought to have been stricken out; I think they were properly

stricken out; but I do not want to take up the time of the Senate to discuss it, because it is not before the Senate.

Mr. PHIPPS. That is true; they have been stricken out.

Mr. NORRIS. I think properly so, but I am not going to try to give my reasons for it, because I want to confine the discussion so far as I am concerned to the particular question that is before the Senate. The Senator says that at the end of 50 years—and that is the argument of the Senator from Utah, too—the corporation which has the license and is operating the property ought to be able to say whether it will go on or not. Of course it is able to say. On the other hand, we do not want to put the Government in such a position that no matter what conditions may exist 50 years from now, it is within the power of that corporation to continue under the old law. We stand that way because we believe in a lease that is limited. The bill is drawn on the theory of a limited lease. I said a while ago that there is a good line of argument that can be made for a perpetual lease, but Senators ought to be willing to meet that squarely and not go on the theory that we will put into the law a term of 50 years and then surround it by a whole lot of things that in effect make it perpetual if the corporation that has the lease wants to make it perpetual.

Mr. PHIPPS. Will the Senator yield?

Mr. NORRIS. I think we ought to be able to say when we make the lease the same as you say to your tenant farmer when you lease him some land, "When your lease is up the landlord must have something to say about leasing it again"——

Mr. STERLING. Mr. President——

Mr. NORRIS. Even though some investment has been made by the tenant. I first yield to the Senator from Colorado.

Mr. PHIPPS. Mr. President, I merely want to express the feeling that it does not seem to me necessary and it does seem unwise to leave the full latitude that would be given under this clause to the commission, which, of course, would function through its assistants, or through minor officials, to place before a company which may have developed not only an industry, but may have developed thousands of acres of country by reason of its investment in the business—at the expiration of the lease to hand out a new lease on such ridiculous terms that the company would be unable to accept it. That is not an impossibility, judging by the experiences of the past which these same officials have had with officials of the Government. You can not call such a document a contract upon which a decision should be made if it is absolutely one sided and unfair, and it might well be.

Mr. NORRIS. The Senator's position reduces itself to this: At the end of 50 years the Government of the United States is going to be unfair; it is going to be unjust; it is going to try to crush these men who have developed the country and who have developed the water power and done such great good for humanity. I do not go on that theory.

Mr. PHIPPS. I have not said that.

Mr. NORRIS. That may be true. He says that they are going to be presented with a contract that is not fair; that is unjust. I am assuming that the Government of the United States 50 years from now is going to be fair. If it is not going to be fair, then there is something in the argument.

Mr. PHIPPS. If the Senator will pardon me, that was not my exact language, but that possibility is there just the same.

Mr. NORRIS. I know it is.

Mr. PHIPPS. Judging by past experience, I think I am quite right in calling attention to that very feature of the contract, that the contract should not be used to the disadvantage of the person who has developed the property, unless on its face and under its terms it was reasonable and one which should be accepted by the lessee.

Mr. NORRIS. I do not want to be understood as saying that condition could not come about, as the Senator has indicated. That, reduced to the minimum, is the argument also of the Senator from Utah [Mr. SMOOT]. At the end of the 50-year period, probably before that or about that time, assuming that some water powers have been developed under the law if it is passed, Congress will undoubtedly legislate upon the subject. We can not now tell, even by the wildest stretch of the imagination, what conditions are then going to be. They may be entirely dissimilar to what they are now, and they may not have changed much, of course; but Congress will be here if the Government is here, and Congress will legislate and the commission will carry out the instructions if it is permitted to remain in power.

There may be a different instrumentality of the Government that will handle this at that time, but if we are going to lease on a term of years and not try to make a perpetual lease we must—I think we can; at least, I am going on that theory—trust our Government to be square and to be honest with those men, if there are any at the end of 50 years, who have developed the water powers of the country.

Mr. SMOOT. Will the Senator yield?

Mr. NORRIS. In just a moment I will yield. It seems to me we ought not to go on any other theory. If we think 50 years is not the right term and that it ought to be 100 years or 1,000 years or to run through all eternity, then we ought to make it that way; but if we are going to make a term of 50 years—and it seems to be the judgment of both the House and the Senate that that ought to be the length of the term—we must, it seems to me, and I think we can do it with perfect candor and without any risk, trust to the Government of the United States to be fair at the end of 50 years.

If you take the other course you trust the corporation to be fair. Will the corporation enter into a new contract with the Government unless the Government offers it a contract at the end of 50 years that is better than the one it worked under for the first 50 years? Nobody expects that. The corporation is going to get as good a deal as it can get and it will take whichever contract to it seems best, looking at it from the financial standpoint.

I yield now to the Senator from Utah.

Mr. SMOOT. The Senator expresses himself that at the end of 50 years he believes the Government will be perfectly fair. If that is the case, why should the Government not be fair in preventing the owners of the property making leases to institutions owned by themselves at ruinous rates, because the Senator knows very well that those rates have to be submitted to the commission and the commission will have to pass upon them? Does not the Senator think that the commission would know immediately that those rates were made for some purpose?

Mr. NORRIS. They might, that is true, and they might refuse to let them do it.

Mr. SMOOT. Does the Senator think that they would do it?

Mr. NORRIS. The corporation might be so honest that they would not try to do it. I have only offered that as one of the burdens that might be fixed up to compel the new lessee, if they had one in contemplation, to assume and thus prevent it from entering into the lease. I know it is done in other ways.

Some time ago, in a very important investigation, a committee of which I was a member had occasion to go into the coal question at some length. That was several years ago, when I was a member of the Judiciary Committee of the House of Representatives. It developed that in the coal-mining regions every railroad company organized had a coal company with which it worked. They did not all do it in the same way, but here is one instance that I remember of a railroad company and a coal company: The stock of the coal company was owned by the railroad company. The officers of the railroad company were the officers of the coal company. They could and did put men out of business who were competitors of the coal company by making a rate that was so high that it was practically confiscatory. In time we got that remedied. I think the man in the particular instance I am thinking about is in business now and making money and doing well, but it took him years and years of labor; he spent thousands and thousands of dollars in expense and was into all kinds of litigation and thought for a good while he was bankrupt and would have to quit business. They would follow that plan, probably.

I only cite that to show that now those things are done. This railroad company could charge a man in the coal business a thousand dollars a ton for transporting coal and it could charge the same rate to the coal company in which it was interested. It could make money on it and the coal company would lose it. It all went into the same pocket in the end, but the man who had to compete with that coal company had to go out of business; he did not have a railroad company to take up the slack.

It seems to me that something might occur about the time the leases are expiring so that the contracts would have to be assumed. It might be easy for one corporation to carry all the burdens for another. At least it gets down to the proposition that we make leases for 50 years, and at the end of 50 years we must trust the Government or the corporation that has the lease. If we do not want to make it perpetual, then we ought to strike out the words "which is accepted," and then it is up to the Government to be square and just, whatever instrumentality at that time may be looking after the interests of the Government, under whatever laws Congress may pass at that time.

Mr. KNOX. Mr. President, I ask unanimous consent that an amendment which I offered to the pending bill, on page 35, line 13, may now be taken up. I am only justified in making the

request because there are reasons which are imperative why I should leave the Chamber and of such nature that I must yield to them.

I think perhaps the Senator in charge of the bill will accept the proposed amendment. It provides—

that no contract, which shall have been lawfully made, for power, light, heat, or water, or for the service or delivery of the same to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any license under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any license granted thereunder.

The theory of the amendment is that under the bill, if an existing company takes out a license, it automatically becomes subject to the regulatory power of any public-service corporation within its State. If it does not take out a license, it is subject to the regulatory power of the commission created by the bill.

I frankly and fully admit that any preferential contract, any discriminatory contract, would not be a lawful contract, and would not be protected by the amendment, but the fear that there is something in the bill which might impair the obligations of the existing contracts has caused the parties who have brought the matter to my attention to believe that this is a measure of safety.

I am perfectly familiar with the law governing public-service corporations in most of the States, and I know that the law is that no matter what the contract may say, no matter whether its term has a determinate or a definite period, that they are all subject to the higher power of the State, or the police power of the State, to be exercised through the commission, if there is a commission, and if there is no commission and they take out a license under the act they become subject to the same power under the commission created by the bill.

The VICE PRESIDENT. Is there objection to present consideration of the amendment?

Mr. LENROOT. I have no objection to the amendment, but I desire to ask the Senator from Pennsylvania whether he would be willing to accept an amendment to the amendment to read "not extending beyond the term of the license"?

Mr. KNOX. I would be perfectly willing to do that.

Mr. LENROOT. So that it would read:

That no contract which shall have been lawfully made, not extending beyond the terms of the license—

Mr. KNOX. That is entirely satisfactory to me.

Mr. WALSH of Montana. I regret that I was unable to follow the reading of the amendment tendered by the Senator from Pennsylvania. Does the Senator from Pennsylvania particularly desire to take action on that matter this afternoon?

Mr. KNOX. As the reason which calls me from the Senate now is likely to continue to exist for some little time, I should very much like to have my amendment acted upon. I thought perhaps the chairman of the committee might be willing to accept it, subject to consideration in conference.

Mr. WALSH of Montana. Mr. President, the subject is one of very deep interest and concern to all of us in the West. I have not had an opportunity to look into that feature of the bill, but I rather imagine that there is not any provision at all in relation to carrying contracts over the period of the lease. I had supposed there was. There have been such provisions in previous bills. We shall certainly be obliged to tender something along that line in order to protect irrigation interests, because we hope to utilize many of the power plants that will be developed under the provisions of this bill for the purpose of pumping water for irrigation. That is a use to which many power plants in the West are now devoted. Indeed, one of the great dams across the Missouri River, only 15 miles from my own home, develops power, a large portion of which is utilized for the pumping of water by means of which extensive areas are irrigated.

Those corporations enter into contracts, which are perpetual in their terms, with the owners of lands, under which they undertake to supply them with water for the irrigation of the lands for all time at a fixed price. I feel that that is a very wise policy, and one that ought to be encouraged and recognized in the bill, so that when we come to consider the question of contracts to be carried beyond the period of the license, I should like to see that that feature is taken care of.

Mr. KNOX. Does not the Senator from Montana see that no matter under what circumstances or for what period of time any contracts may be made, they are all subject to the superior power either of the State or of the commission created under this bill? The main purpose of the amendment is to protect cases—many of which I have known, and, I have no doubt, the Senator from Montana, living in a section of country that has been more recently developed than the section from which I come, knows of many more—where projects have had the lifeblood put into them by being able to locate some large industry or, as in the case to which the Senator refers, make arrangements for the irrigation of vast areas of land, which guaranteed them from the start a revenue which enabled the project to be developed and extended to other uses. All I want to try to safeguard is that as to those contracts—in so far as they are lawful contracts, in so far as they are not discriminatory, in so far as they are reasonable, and in so far as the service to others similarly situated is the same—there shall be no action under this bill, by reason of the fact that the existing companies may avail themselves of the provisions of the bill by taking out licenses that shall impair the valid obligations of the previous contracts which have been made. That is as simple a way as I can put it, and I think it is comprehensive.

Mr. WALSH of Montana. I should like very much to take the matter into consideration; but I want to submit this further consideration to the Senator having charge of the bill and to others who are interested. If we do not make some provision by which contracts may be carried beyond the period of the license, we are going to put at a most decided disadvantage the pioneer companies, those that are first organized and established under the bill, as against those that are developed in the course of time and when the conditions are very much more favorable to the development of enterprises of this character. To illustrate: The company now taking a license may very well make contracts for a period of 30, 40, or 50 years; and, as suggested by the Senator from Pennsylvania [Mr. KNOX], any great industry that is to be established where it can be supplied from a particular plant will, of course, make a contract for as long a period as it possibly can, feeling, of course, that before the industry is established, it will be in a situation to get better terms than it would if it were already established and were making contracts for only short periods. I could tell of some unfortunate experiences in that connection.

When the lease, however, is expiring and has, we will say, only 10 years to run, having already run 50 years, the old plant comes into competition with a new plant which is only 2 years old, we will say. In bidding for the supply of power to a manufacturing industry that is to be located in a locality that can equally be supplied by the old plant or by the new one, of course the old plant can not bid. It will offer power at a certain price, but it can make a contract for 10 years only, while the new company will offer the power at exactly the same price but will offer a contract for a longer term of years—30, 40, or 45 years—and thus, Mr. President, the companies that ought to be encouraged—that is to say, the pioneer companies that go into the field before the country is developed—are put at a very decided disadvantage as against the newer companies.

Mr. LENROOT. Will the Senator yield to me?

Mr. WALSH of Montana. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is the Senator familiar with section 22 of the bill, which relates to the matter to which he refers?

Mr. WALSH of Montana. I must confess that I have not looked into it particularly.

Mr. LENROOT. The bill does now provide for the making of contracts extending beyond the period of the license upon the joint approval of the State utility commission and the commission created by the bill.

Mr. WALSH of Montana. Such a provision as that I had in mind; but I feared, because of the amendment offered by the Senator from Pennsylvania [Mr. KNOX], that some such provision was not found in the bill. I had forgotten the specific provision to which the Senator from Wisconsin now refers.

The VICE PRESIDENT. Is there any objection to the consideration of the amendment offered by the Senator from Pennsylvania?

Mr. NELSON. Mr. President, I have no objection to the amendment; at all events, I am quite willing that it should be adopted and go to conference, where we can consider it in conference in more detail. In this connection, however, I desire to call attention to section 23, which provides:

SEC. 23. That the provisions of this act shall not be construed as affecting any permit or valid existing right of way heretofore granted, or as affecting any authority heretofore given pursuant to law; but any person, association, corporation, State, or municipality holding or possessing such permit, right of way, or authority may apply for a license hereunder.

That is, they may come under the provisions of this proposed law if desired.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. LENROOT. Mr. President, did the Senator accept the amendment which I suggested to his amendment?

Mr. KNOX. I accepted it.

Mr. LENROOT. Were the words suggested by me incorporated in the amendment?

Mr. WALSH of Montana. I ask that the amendment as modified be stated.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The ASSISTANT SECRETARY. On page 35, at the end of line 2, after the proviso already agreed to at that point, it is proposed to insert the following:

Provided further, That no contract, which shall have been lawfully made, not extending beyond the term of the license for power, light, heat, or water, or for the service or delivery of the same to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any license under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any license granted thereunder.

Mr. LENROOT. I should like to ask the Senator from Pennsylvania his construction of the words "shall have been lawfully made." Would not that validate a contract made subject to the passage of the act, but before applying for a license, in case of an existing project?

Mr. KNOX. The idea when the amendment was drawn was that they should be existing lawful contracts.

Mr. LENROOT. Then the Senator would not, I take it, object to an amendment after the word "made" inserting the words "prior to the passage of this act"?

Mr. KNOX. I would have no objection whatever to that.

Mr. LENROOT. The Senator would not want them to make contracts with a view to coming under the act?

Mr. KNOX. I quite understand the position of the Senator from Wisconsin.

Mr. LENROOT. Then I move to amend the amendment by inserting after the word "made" the words "prior to the passage of this act."

Mr. KNOX. I accept that amendment.

The VICE PRESIDENT. The Chair will inquire where those words will come in?

Mr. LENROOT. In line 2, after the word "made," insert the words "prior to the passage of this act" just before the amendment which I proposed, which was accepted, so that it would read:

That no contract which shall have been lawfully made prior to the passage of this act, not extending beyond the term of the license.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. After the word "made," in line 2, and after the comma, it is proposed to insert the words "prior to the passage of this act, not extending beyond the term of the license."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question now is on agreeing to the amendment as amended.

Mr. WALSH of Montana. Mr. President, I must confess that I do not understand this amendment at all. I tried to follow the Senator from Pennsylvania, but I did not hear all that he said. I have gone over it again, but I do not really know what it means nor to what kind of circumstances it is supposed to apply. It reads:

Provided further, That no contract which shall have been lawfully made for power, light, heat, or water, or for the service or delivery of the same, to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same, shall be subject, shall be affected by any license under this act.

That contemplates a contract that is to be made with a company which secures a license. Of course, that contract must of necessity be affected by the license. It is governed by all the terms of this act which govern licenses.

Mr. KNOX. I hope that the construction that the Senator from Montana is now putting upon the amendment is without recalling the provisions of the nineteenth section. That section permits any existing public-service corporation to avail itself of a license. That may be a corporation that 20 years ago or 15 years or 5 years ago made a contract for supplying electric energy or power to an industry that was built up on the basis of the contract. That old public-service corporation may come in and avail itself of a license under the terms of this bill. All we are desiring to accomplish is that if they do come in under the provisions of section 19 or any other provision of the bill, their coming in and taking a license under this measure will not affect contracts that are already in existence and which in their nature are lawful; that is, nondiscriminatory and fair. That is all there is to it.

Mr. WALSH of Montana. Can the Senator call our attention to some concrete case that will make clear to us the conditions he has in mind?

Mr. KNOX. I presume I could name 20 large industrial establishments in the United States that have been the financial source from which the means have been drawn to develop water powers for the construction of electric light plants. The proponents of these enterprises go to a number of prominent people who are disposed to enter into certain lines of business and procure them to locate at a particular place, and give them a contract at a particular rate, sometimes for a determinate and sometimes for an indeterminate period of time. On the basis of the revenue that is assured to the power company from such a contract they go on and develop their property, and they extend their service to the surrounding neighborhood. Now, under the nineteenth section of this act they may avail themselves of a license under the act; and this amendment is designed, as I have said over and over again, to prevent the taking out of that license from affecting the validity of that contract, if that contract will stand the test which practically all public-service commissions now impose upon public-service companies. The public is protected in this way: That is the enterprises happen to be located in States where they are not subject to the jurisdiction of a public-service commission which enforces that beneficent rule of law, they become automatically subject to the same rule under the terms of this bill.

Mr. WALSH of Montana. Mr. President, I do not know yet how this amendment is going to operate. The section to which the Senator refers was inserted in the bill to meet the conditions which make the legislation necessary. That refers undoubtedly to licenses which are issued under the act of 1901, which everybody knows are revocable at the will of the Secretary of the Interior. Anyone having such a license as that may surrender that license and take one under this act; but, of course, anyone having a power plant established under the provisions of the act of 1901 could not have made any contracts for any definite period of time, because anyone holding a license of that kind was subject to have it canceled at any time, so there is not any need of protecting him. On the other hand, everyone else who has established any water-power plant in this country establishes it under a perpetual license, at least so far as the Government of the United States in concerned.

We have in our State a number of power plants that were built under the provisions of acts of Congress, and these are perpetual. Of course, they have gone on and made contracts perpetual in their character, or at least for a long series of years. They, of course, will not give up their perpetual right, their absolute and unqualified right, and take a license under this bill; and there is no protection needed for contracts which they have entered into. So in many cases the land upon which the dam was built was owned by private parties having a title in fee, and they sold the land thus held by a title in fee to the parties who built the plant, and the parties who built the plant have a title in perpetuity to that land, and they have made contracts extending for an indefinite time in the future; and I dare say that it is something of that character that the Senator from Pennsylvania has in mind. I do not know of any power plants in the East that are not built upon ground to which the owner has a title in fee, and if they were it would not seem as though this bill could affect them at all, if the title which they got from their grantors was a limited fee and not a title in perpetuity.

In other words, Mr. President, there are two classes of power development. One class of power development has the title in perpetuity, and they have made contracts accordingly, and their contracts can not possibly be affected by this. There is another class of power plants, that are constructed under a revocable license which may be revoked at any time, and they can not possibly have any contracts which will be preserved by this amendment. If there is any other class of power plants to which it would apply I shall be very glad to be enlightened about it, but at the present time I have not in mind a plant to which it would become applicable. Possibly the Senator from Wisconsin may have a more definite idea about it than I have.

Mr. LENROOT. I do not know of any cases in the East that would be affected by this bill or the amendment which the Senator proposes. Does the Senator know of any?

Mr. KNOX. Not unless it might be the power plants at Niagara Falls and along the St. Lawrence River. I must confess that I have not made any effort to locate them.

Mr. LENROOT. That would be one case; yes. That is the only one that I can think of.

Mr. WALSH of Montana. But, Mr. President, my understanding about the power plants at Niagara Falls is that those grants are in perpetuity.

Mr. LENROOT. Oh, no. It is running from year to year now.

Mr. WALSH of Montana. Is that so? Well, if that is the case, then, of course, those power plants could not possibly have made contracts for long periods if their license extended only from year to year. Certainly a man would not be so lacking in business judgment as to make a contract under which he was obligated to deliver power for 25 years, when his license permitted him only to occupy it from year to year.

Mr. KNOX. I think quite to the contrary. I think the probabilities are—and I do not state this from any knowledge of the subject, but based on some analogous cases—that they have made their contracts for a long period of time, subject, of course, to the ability to renew their licenses.

Mr. WALSH of Montana. Then their contracts will still be subject to the renewal of this license at the end of the 50-year period. The only difference between the two is that they are taking 50 chances to 1 upon the termination of their license and the surrendering of their contracts. This bill as it stands is giving them very much more than they are getting now, and so they do not need any further protection, if that is the situation.

Mr. KNOX. The Senator is unconsciously, perhaps, leading me away from the exact point. It is not a question of the character of the license. It is not a question of the character of the corporation. It is not a question of the title that it holds to the lands upon which the project is located. It is a question of whether we will assure them all; to the extent that they have valid legal contracts they are not affected by the terms of this bill. Now, if the contracts are not legal, or run out in a short period of time, or if they are subject to the expiration of licenses which they hold from the Government, that is a risk, of course, that they take.

Mr. LENROOT. Mr. President, the only thing I can see that will be affected by the amendment is in the case where it is provided in the bill that if there be no State regulatory commission regulating the rates of a licensee, the commission shall regulate the rates; and in the case of an existing contract that was lawfully made, I take it that the Senator's amendment would exclude that contract from regulation under this bill.

Mr. KNOX. If lawfully made.

Mr. LENROOT. A contract lawful when made.

Mr. KNOX. No; I think sometimes a contract which is lawful when made may by subsequent events, or by a change of circumstances or conditions, become an unreasonable contract. I think, if the Senator will permit me to say so, that all contracts of this class, no matter how solemn the engagement may be that is entered into between the parties, are subject to the ultimate police power of the State, and, in case of taking a license from the Federal Government, are subject to what we might call the police power of the Nation, which I believe the Supreme Court says exists.

Mr. LENROOT. I quite agree with the Senator that a contract might be lawful when made, but, because of subsequent events, might become unlawful; but the language of his amendment, so far as this act affecting the contract is concerned, is limited to those that have been lawfully made.

Mr. KNOX. Prior to the passage of this bill.

Mr. LENROOT. Yes; but if such circumstances should arise that under a proper exercise of the police power that lawful contract when made has become unlawful, nevertheless the amendment would exclude it from the act.

Mr. KNOX. I do not think by legislation you can exclude the power either of the Government or of the State from passing upon that question. The public weal rises paramount to private interests in all of these contracts.

Mr. LENROOT. I would agree so far as the State commission is concerned; but the Senator does not think, does he, that where the project is wholly within a State the Federal Government could exercise a police power except where it becomes a matter of contract under a license?

Mr. KNOX. You would have no power over an enterprise existing exclusively in a State unless that enterprise took out a license and availed itself of one of the provisions of this bill.

Mr. LENROOT. Then, I say, it becomes a contractual relation and a consent that this power be exercised by the Federal Government.

Mr. KNOX. Certainly.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania as modified.

On a division, the amendment as modified was agreed to.

The VICE PRESIDENT. We return now to the former amendment, which will be stated.

The ASSISTANT SECRETARY. On page 26, in the amendment offered as a substitute by the Senator from Minnesota, upon which there was a division, it is now proposed to add, after the word "aforesaid" in the said amendment, the words "which is accepted."

Mr. NELSON. Mr. President, I want briefly to reply to the arguments that have been made by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Nebraska [Mr. NORRIS]. Their whole argument is founded on a mistake and an unjust assumption as to what the real condition is. Both Senators start in by stating that this amounts to a perpetual license. If you examine the language carefully you can see nothing of the kind. After that amendment just adopted comes this language:

> Then the commission shall issue, from year to year, an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license issued.

In other words, the Government is not tied up, if you give full meaning and effect to that language; and it is a rule of construction that applies to statutes universally that you must give force and effect to all its parts. If you give force and effect to that part of the statute it simply amounts to this, Mr. President, that the Government, if a license by the original licensee is not taken out, or nobody else takes it out, is only tied up for a year. At the end of the year the Government can take possession of the property or they can give a new license to somebody else. How you can torture that language into a perpetual lease or into a perpetual grant passes my comprehension.

It strikes me, Mr. President, that if at the end of 50 years there is a developed water power it is to the interest of the Government and to the people of the United States that somebody should operate that power. If the original licensee declines to take out a new contract, or fails to do so, the most that he can acquire, if there is not another licensee, is a renewal of the lease for one year. It provides for a license either to a new licensee or to the original licensee; and if a license is not taken out, either by a new licensee or by the original licensee, the most that can happen is that there will be a renewal of the lease for just one year. At the end of that year the Government has still the option of taking over the property or leasing it to somebody else, and that applies year by year every year. You give an annual license for a year, and at the end of the year the Government has the power to take over the property or the power to lease it to a new licensee. How you can construe that language into a perpetual license passes my comprehension.

More than that, Mr. President, I think that is a valuable provision for the Government, in this respect: Suppose for any reason the original licensee declines to proceed further, declines to take out a new license under onerous conditions, as he conceives, and suppose a new license is offered with very onerous and different conditions from the original license. Suppose the licensee feels that he is unable to accept it, and suppose nobody else is willing to come in at the end of the 50 years. The use of that water power ought not to lapse; and so, in order to prevent a lapse, the Government says that it can continue for a year, year by year. But the Government has the right at any time—I take it it would be at the end of the year, probably—to take over the property, and it has the right to make a new license.

So the Government is not bound at all, as it is assumed in the argument. It has a free hand; at the end of every year it can take possession of the property itself or it can lease it to a new licensee.

It seems to me that that is wiser than to have the use of the power entirely lapse. It is the theory of that provision, undoubtedly, that instead of having the use of the water power remain idle or abandoned it shall be extended from year to year. It is like a tenant on a piece of land who holds over because the landlord can not immediately find another tenant. If the original lessee declines to take it over on the terms proposed, or a new lessee declines at the end of the 50 years, there is the power and no one to run it, neither a new licensee nor the old licensee. Under those conditions all the Government can do is to issue a new license from year to year. It is only committed for a year at a time. At the end of every year the Government can take possession of the property or lease it to somebody else. The language is plain and unmistakable. How it can be tortured into the theory and views expressed by the Senators from Nebraska and Wisconsin passes my comprehension.

The language is perfectly plain:

> Then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until—

There is nothing perpetual in that—

> until the property is taken over—

That means taken over by the Government—

> or a new license is issued.

The Government has the option at the end of every year. It is not tied up for more than a year at a time. At the end of every year it has the option to take over the property or to lease it to a new lessee. As I said, how you can torture that into a perpetual lease passes my comprehension. No court would hold such a view as is announced by the Senators from Nebraska and Wisconsin upon that plain language.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. Yes, sir.

Mr. LENROOT. If the Government does not take it over, or a new licensee does not take it over, how many years will the original licensee be entitled to a license from year to year?

Mr. NELSON. That would depend. The Government at the end of every year——

Mr. LENROOT. I said if they did not take it over.

Mr. NELSON. At the end of every year the Government has the option of taking it over or finding a new licensee.

Mr. LENROOT. But if it does neither?

Mr. NELSON. Do you want the power to remain in abeyance?

Mr. LENROOT. If it does neither, for how many years would the original licensee be entitled to a license from year to year?

Mr. NELSON. It is wholly at the option of the Government to determine how many years. It is not at the option of the licensee. The Government can terminate it at the end of every year.

Mr. LENROOT. By taking it over?

Mr. NELSON. No; by letting it to a new licensee.

Mr. LENROOT. If it does neither?

Mr. NELSON. If it does neither, then it continues only for a year at a time.

Mr. LENROOT. For a thousand years?

Mr. NELSON. No. The Government can at the end of any year take the property over or license to a new licensee.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. NELSON. Certainly.

Mr. MYERS. Let me suggest, in response to what the Senator from Wisconsin has said, that if the Government does not want it and nobody else wants it, and it can not be otherwise disposed of, it would be better to have it run from year to year forever than to be just abandoned and have nobody producing any power.

Mr. NELSON. Certainly; the Senator is undoubtedly correct.

Mr. WALSH of Montana. Mr. President, I am going to vote against this amendment, but there is not any doubt that the Senator from Minnesota is correct. It is utterly unjustifiable to say that with this language in the bill the right of the licensee becomes perpetual. If I lease a man my house and lot for 10 years, and thereafter he may take it from year to year, until I want it myself, or can find some other tenant for it, I can not say that he has a perpetual license to my house and lot. That is simply a denial of terms. It does not mean anything.

I also want to protest, Mr. President, against the suggestion made by the Senator from Wisconsin that we are now giving away the last resources of the Government. Every time we take up bills looking to the utilization of the vast undeveloped resources of the Government of the United States somebody gets up and characterizes the legislation as an act to give away something.

Mr. President, we are dealing with these water-power interests in the best way we know how, not in the interest of the fellows who get them at all but in the interest of the people of the United States. If we know any better way to handle these great resources for the benefit of the people of the whole country, let us adopt that plan. This is the best plan that has been worked out, and why seek to throw discredit upon this or any other plan by speaking of it as a plan to give away the resources of the United States?

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. WALSH of Montana. I would be very glad to yield.

Mr. CHAMBERLAIN. The Senator knows it has been the policy to withdraw from utilization possible water-power plants in the West. Does the Senator know how far that policy has been in vogue?

Mr. WALSH of Montana. It has been in effect, of course, for the 10 years since 1909.

Mr. CHAMBERLAIN. Does the Senator know of a single water power that has been developed by the Government, or anybody under the Government, since that policy was adopted 10 years ago?

Mr. WALSH of Montana. Practically none. The power is lying there useless to anybody. We are consuming our coal, we are consuming our oil, in the development of power, as was demonstrated by the Senator the other day, to the extent of a million dollars a day, all waste; that might be all saved if we developed and utilized these water powers.

Yet, just as sure as we get up any of these bills, somebody wants to throw discredit upon the thing by talking about giving away something to somebody. We are giving it away to whoever utilizes it, because we believe that the people of the United States get an equivalent arising out of the development of these resources. The Government of the United States is endeavoring to arrange the very best terms they possibly can with the people they are inviting to go out and develop these resources. The Government of the United States, and the people of the United States, want many men who have the money and the enterprise and the initiative to go out there and take those water powers upon the terms we propose, and utilize them instead of allowing them to lie idle.

Now, Mr. President, I think that there is so little difference between the real force and effect of this bill whether the words "which is accepted" are in the bill or out of the bill, that it is a matter of no consequence to me how anybody votes upon the matter. I am going to vote against the committee amendment. I will try to explain, if I can, just exactly the difference between the bill with them in and the bill with them out, and it is scarcely the difference between tweedledee and tweedledum. If you have these words in the bill, then if a lease is tendered to the licensee at the end of his period, and he does not accept it, he is then entitled to a lease from year to year. The Government may take the property over at the end of any year, or it may lease the property to another licensee.

What will happen, Mr. President, if these words are not in the bill? Then let us assume that the 50-year period has expired, and the commission tenders to the licensee a new license, but it is not satisfactory to him and he does not accept it. Under the circumstances he will not be entitled to a lease from year to year. But will the plant stop? Will the industries that have been developed and grown up by reason of the existence of this power plant, and which are supplied by power from it, stop? Will the great communities that have been built up, will the populous cities that get their light from these power plants, go in darkness? Will street railways getting their power from the power plant stop running? Will the mills and factories that supply the population of great cities with labor supplied with power from the power plant go idle?

Why, Mr. President, it is unthinkable. The court will not permit anything of the kind. If the parties who own the property should endeavor to stop running it the court would mandamus them and compel them to go on and operate the property, and they would be entitled to receive compensation for the service they rendered, and they would be obligated to pay to the United States a reasonable sum for the use of the property of the United States during that time.

Mr. NELSON. Mr. President——

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. WALSH of Montana. I yield to the Senator from Minnesota first.

Mr. NELSON. I want to ask a question of the Senator from Montana, who is a very able lawyer. The amendment which we have already adopted provides that in the event the United States does not issue a license to a new licensee or tender a new license to the original licensee, then this condition takes place. The question I propound is this: If no new license is issued, would not a mere tender of a license made to the original licensee set in operation the balance of the proviso, and would not these words apply, that "then the commission shall issue from year to year an annual license," and so forth?

Mr. WALSH of Montana. If the commission tenders a license——

Mr. NELSON. If there was a mere tender, would not that set that portion in operation?

Mr. WALSH of Montana. If there was a tender of the license and it was not accepted, then the licensee would not be entitled to a license from year to year. If the license was tendered and was accepted, of course that would dispose of the matter.

Mr. NELSON. But if a tender was made and no new license executed, and no acceptance of the tender, what then?

Mr. WALSH of Montana. If the tender was made, then the concluding portion would not come into operation; there would be no license from year to year. The license from year to year would come into operation only in case the commission made no tender of a new license.

Mr. NELSON. But suppose the tender of a new license was not accepted and it did not go into operation; then the plant would remain idle?

Mr. WALSH of Montana. No; the plant would not remain idle.

Mr. NELSON. What would become of the plant?

Mr. WALSH of Montana. None of the plants would remain idle. That is just the point I am making. It would not remain idle and could not remain idle.

Mr. NELSON. What would become of it if a license was not issued to a new licensee or a tender made to the original licensee and neither of such terms or licenses were accepted and the 50 years were out? What would become of the property?

Mr. WALSH of Montana. It would go right on operating just the same as before.

Mr. NELSON. They would continue to hold under the original license?

Mr. WALSH of Montana. They would not continue to hold under the original license; they would simply be occupants of the property.

Mr. NELSON. They would be tenants by sufferance?

Mr. WALSH of Montana. Exactly; holding just as long as the Government consented to that situation.

Mr. NELSON. They would be tenants by sufferance until interfered with by the Government?

Mr. WALSH of Montana. Exactly. So the only difference between the two would be that in the one case they would be tenants by sufferance and the Government entitled to put them out at any time, and under the other arrangement they would be tenants from year to year and the Government entitled to put them out at the end of the year. That is all the difference.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. In the one case they would be tenants by sufferance and in the other case tenants from year to year, and the Government could in one case intervene at any moment and in the other case at the end of the year.

Mr. WALSH of Montana. The Senator has stated my views correctly.

Mr. NELSON. So that the argument that the provision makes a perpetual lease is not true, is it?

Mr. WALSH of Montana. I do not take that view of it. I yield now to the Senator from Wisconsin.

Mr. LENROOT. The Senator says that the only difference is that they would be a tenant by sufferance in the one case and a tenant from year to year in the other, and in either case the Government could put them out.

Mr. WALSH of Montana. Yes.

Mr. LENROOT. The Senator does not mean that.

Mr. WALSH of Montana. Of course I do. Why should I not mean it?

Mr. LENROOT. Because under the license from year to year, as proposed by the amendment, that year to year must run on forever, unless the Government takes over the property and unless the Government pays compensation.

Mr. WALSH of Montana. So must the tenancy by sufferance run on forever.

Mr. LENROOT. No. Under a tenancy by sufferance the Government does not have to take it over, but can order it removed and stop the work, unless they accept the tenancy.

Mr. WALSH of Montana. That is the proposition I want to present. Of course, the party holding the license, with a great community depending upon it, would be obliged to operate. It is a public-service corporation. In our city a water company had a franchise to supply the city with water. It had a franchise for 20 years. The 20-year franchise expired and they were threatening to shut off the water as soon as their license expired unless a new franchise, upon terms dictated by them, should be granted them. We proceeded by mandamus against them and compelled them, notwithstanding the expiration of the period of their license, to supply the city with water. They were entitled simply to a reasonable compensation for the services rendered, the city being entitled at any time to grant a new franchise or license to anyone else that would assume operation there.

This power plant would be supplying industries and the court would require the power plant to continue supplying the industries. Of course, the Government of the United States could step in and say, "We propose to tear this whole business out"; but just think of the United States doing anything of that kind!

Mr. LENROOT. I do not think they would.

Mr. WALSH of Montana. Of course, they would have power to do it; but we must remember that this is in the hands of a governmental commission, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Now, just imagine those men going to Niagara Falls, for instance, and directing the destruction of a dam across Niagara Falls, with populous industrial centers upon both sides of the international line dependent upon the continuance of the operation of that dam at Niagara Falls.

Mr. CHAMBERLAIN. Mr. President, I am thoroughly in accord with the views of the Senator, even if the words "which is accepted" are included, that it does not make a perpetual lease, as is insisted by the Senator from Wisconsin. If I thought so, I would be opposed to the amendment myself. The Senator from Montana opposes it, but I favor it simply for the reason that it fixes the terms of the contract definitely for one year after the 50-year period has expired, whereas if you leave it "which is accepted," the language proposed as an amendment, there is no definiteness, there is no certainty about the terms under which the plant shall be operated. In other words, as the Senator says, we will have to go into court and have the court fix the rate for the original licensee.

Mr. WALSH of Montana. The Senator is quite right about that, and that is why I am in favor of it. I am in favor of it because if it goes on from year to year it will go on upon the terms of the original lease. We are speaking about a condition 50 years from now. Fifty years from now the terms and conditions of the lease, although they are all right so far as the public are concerned now, may be exorbitant so far as the public are concerned 50 years from now.

I do not want the public to be obliged to pay any more than the fair value of the thing at that time nor the fair value of the service at that time. That is to say, it may be entirely unfair to the public and they will be obliged to pay at that time to the Government, for the use of the property of the United States of which they make use, the fair value of the property at that time.

Mr. CHAMBERLAIN. Does not the Senator believe that if the charges as fixed now are exorbitant at the end of the 50-year period, there is no question but that there will be a great many applicants for the new license?

Mr. WALSH of Montana. Let us suppose it is the other way. Let us suppose they are disproportionately low. Of course, we want to encourage these enterprises. We are going to try to have the commission fix the initial price as low as it is possible, and accordingly 50 years from now the price which they pay will not be adequate, considering conditions that exist at that time. I do not want to allow them to go on from year to year under the lease by which they are obliged to pay the original amount if a greater amount than that is due. But the Senator is quite right. If it is inordinately low, there possibly will be bidders at that time, but notwithstanding that there is not enough difference between the two propositions, as I view them, to cause any very great concern on the part of anybody.

Mr. LENROOT. Is not this the difference between the two propositions? If the Senate committee amendment is adopted, the Government must tender a lease such as the licensee is willing to agree to or else go on under the original license, while without the amendment proposed by the Senator from Minnesota the licensee will accept such terms as the Government is willing to tender or else must make fair compensation to the Government for the use of the property.

Mr. WALSH of Montana. I canvassed that the other day, and I believe both of them are under more or less constraint. I do not quite agree with that, because the Government will be under a measure of constraint to have the plants go on as well as the licensee will be under some constraint to accept the terms that are proposed. The Government will want the plant to go on, and to go on under terms that are entirely satisfactory, because, as I have indicated, it will be supplying industries and communities. Those communities will all be bringing pressure to bear upon the governmental agencies to conclude a contract that will enable them to go on and make contracts for a long period of time, and so the commission will be constrained to yield to their demands and exact a less price than they otherwise would.

On the other hand, the licensee, desirous of putting himself in a position where he can make contracts for the future, will want a license. So I believe the conditions are such as to bring them together on fairly reasonable terms. I do not believe the language is necessary at all, and I am accordingly going to vote for it, but the difference between the two propositions it seems to me is by no means as important as one would gather from the discussion.

Mr. NELSON. Unless there is some one, and I know of no one, who wants to discuss the bill further this evening, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 13, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 12, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Come Thou Almighty Father, with all Thy potent influence, shed abroad the light of heaven to illumine our minds and strengthen our hearts, that we may walk worthy of the vocation wherewith we are called, satisfy the longings, hopes, and aspirations of our souls, and leave behind us a record worthy of emulation.

Each day brings its new opportunities. Strengthen us to surmount the barriers in the way, to beat down the temptations which assail us and march on to a higher civilization. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, January 10, 1920, was read and approved.

EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia.

Pending that motion, I should like to see if we can reach some agreement about the time for general debate. It has been suggested that we have two hours on a side, four hours of general debate.

Mr. WILLIAMS. Mr. Speaker, I suggest that the debate be limited to the bill.

The SPEAKER. Does the gentleman from Michigan make that a part of his request?

Mr. MAPES. Yes; I would be glad to have it limited to the bill.

Mr. MADDEN. Reserving the right to object, I should like to know whether the debate is going to be divided between those who are for the bill and those who are against it, and how it is going to be divided?

Mr. MAPES. As far as I am concerned, I would be glad to have the time in opposition controlled by some gentleman who is opposed to the bill. It has been suggested that the gentleman from New York [Mr. GOULD] control the time on that side.

Mr. CLARK of Missouri. Mr. Speaker, what is the request?

The SPEAKER. As so far presented, it is that the general debate on this bill be limited to four hours and that it be confined to the bill.

Mr. MAPES. In order to get it before the House I will ask that the time be controlled one-half by the gentleman from New York [Mr. GOULD] and one-half by myself.

Mr. CLARK of Missouri. Are you both for the bill or both against it?

Mr. MAPES. The gentleman from New York [Mr. GOULD] is against the bill and I am for it.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to four hours, to be confined to the bill, one-half to be controlled by himself for the measure and one-half by the gentleman from New York [Mr. GOULD] against the measure. Is there objection?

Mr. WOODS of Virginia. Mr. Speaker, we think one-half the time should be controlled on the Democratic side. Speaking for the other members of the committee, I will say that we will try to apportion the time to Members, regardless of which side of the bill they are on.

Mr. WILLIAMS. Reserving the right to object, the committee, as I understand it, are about fifty-fifty on this bill. Eight members have signed the minority report, and I think that those who are opposed to the bill are undoubtedly entitled to control the time on that phase of the subject.

Mr. CARTER. May I ask the gentleman a question?

Mr. WILLIAMS. Certainly.

Mr. CARTER. Are there any Members of the minority of the House who are opposed to the bill?

Mr. WILLIAMS. No Member of the minority signed the report. I do not know.

Mr. CARTER. If any Member of the minority of the House is opposed to the bill, certainly he should have control of the time.

Mr. WILLIAMS. The minority report is signed entirely by Members on this side of the aisle.

Mr. CLARK of Missouri. The gentleman from Virginia [Mr. WOODS] is a member of the committee, and he is for the bill and against the fifty-fifty business. Now, Mr. Speaker, every time we have a long debate here there is this same row about who shall represent what. If the gentleman from Virginia [Mr. WOODS] controls half the time, I think he will treat Democrats and others fairly and parcel out the time to both sides.

Mr. WILLIAMS. Who is to control the other half? The gentleman from Virginia [Mr. WOODS] is for the bill and the chairman of the committee is for the bill.

Mr. CLARK of Missouri. I do not care anything about what the chairman of the committee is in favor of. I am talking about having the control of half the time on our side.

Mr. CARAWAY. I think on general principles we ought to have seven-eighths of the time. We have got the wisdom on this side, and the people are for us and against you. [Laughter.]

Mr. GARD. The gentleman from Michigan [Mr. MAPES] and the gentleman from Virginia [Mr. WOODS] are both in favor of the bill. Has there been any arrangement about the division of the time between the gentleman from Virginia [Mr. WOODS] and the chairman of the committee?

Mr. MAPES. No; there has not. If I am to control the time in favor of the bill, I expect to yield to those members of the committee who desire time.

Mr. GARD. I suppose the gentleman will also yield to other Members of the House who desire to speak on it?

Mr. MAPES. Yes.

Mr. LITTLE. Mr. Speaker, reserving the right to object, I should like to ask a question. I notice that the bill says that the expenses of the government of the District of Columbia shall be paid out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and that the remainder shall be paid out of the Treasury of the United States. Will the chairman of the committee object to an amendment saying that not more than 50 per cent thereof shall be paid by the United States?

Mr. MAPES. I think that question may very properly be considered when we take up the bill under the five-minute rule, and that the chairman of the committee ought not to agree to any such amendment at this time.

Mr. LITTLE. I do not ask the gentleman to agree to it. I just wondered if you would object particularly.

Mr. MAPES. Yes; I think I would object.

The SPEAKER. Is there objection to the request?

Mr. GARD. What is the request?

The SPEAKER. The Chair will state it again. The request is that general debate be limited to four hours, to be confined to the bill, half the time to be controlled by the gentleman from Michigan [Mr. MAPES] and half the time by the gentleman from New York [Mr. GOULD]. Is there objection?

There was no objection.

The motion of Mr. MAPES was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7158) to provide for the expenses of the District of Columbia, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid, from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor, and the remainder shall be paid out of the Treasury of the United States: *Provided*, That the amounts to pay the interest and sinking fund on the funded debt of the District of Columbia shall be paid one-half out of the revenues of the said District and one-half out of the Treasury of the United States.

SEC. 2. That all acts and parts of acts in so far as they conflict with any of the provisions of this act are hereby repealed.

The CHAIRMAN. The gentleman from Michigan is recognized for two hours.

Mr. CRAMTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. MAPES. Mr. Chairman, if this bill had not been dignified by persistent and highly respectable opposition one would not think that it was of such great significance or that it was of paramount importance either to the Nation or to the residents of the District of Columbia. Attempts have been made to read different meanings into it, which are not expressed in the bill itself. Opposition to it arises chiefly because of what its opponents have worked themselves up to imagine it means, or what they imagine will follow its enactment into law, rather than because of anything contained in the bill itself.

It is short and simple. There is no hidden meaning in it. It is hoped by its passage to accomplish two things only. The first is to clear up a legislative situation which has embarrassed the procedure of Congress for several years and on one or two occasions has almost been the means of causing an extra session of Congress. The second is to make available the present surplus in the Federal Treasury to the credit of the District of Columbia and change a provision of existing law which prevents the expenditure of a part of the money now raised by taxation because of the arbitrary fixed tax rate.

The language of the bill is the same in effect as that which has been carried as a rider upon the District of Columbia appropriation bill and passed by the House of Representatives five different times in as many years, namely, in the third session of the Sixty-third Congress, the first session of the Sixty-fourth Congress, the second and third sessions of the Sixty-fifth Congress, and again in the first session of the present Congress. As is well known, the House of Representatives has passed it, but the Senate has not only not passed it but has refused to give it serious consideration, assigning as the reason for its refusal to do so that it was a rider upon an appropriation bill, and that it would not consider a matter of so much importance in that way. As a result, in order to secure the passage of the District appropriation bill, the House each time has been obliged to recede from its insistence upon the legislation. In order to meet the objection of the Senate, and conceding that it is better procedure to consider it as a separate bill than as a rider upon an appropriation bill, as chairman of the Committee on the District of Columbia I introduced it as a separate bill, and the committee has considered and reported it as such. Its enactment into law would remedy this legislative situation, with which you are all familiar, and eliminate the cause which has held up the District appropriation bill for several sessions of Congress, and which apparently becomes more serious in each succeeding Congress. If the Senate refuses to consider it as a separate bill, the House can hereafter very properly insist upon its staying in the District appropriation bill.

But it is said that if passed it would repeal the half and half. So it would. People therefore favor or oppose the pending bill because they oppose or favor the half and half. But there are other considerations which should be kept in mind in order to have a complete understanding of the situation here in the District, so far as the system of taxation and of making appropriations for the expenses of the District government are concerned. In fact there are three provisions of existing law which ought to be kept in mind throughout the consideration of this legislation.

The first one is referred to as the half-and-half law. The half and half, as applied to the principle of making appropriations for the expenses of the government of the District of Columbia, gets its name from the provision in the act of 1878 providing a form of government for the District of Columbia, which reads as follows:

> To the extent to which Congress shall approve of said estimates (i. e., the annual estimates to Congress of the Commissioners of the District of Columbia for the expenses of the District government), Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

The second provision to be kept in mind is contained in an act approved March 3, 1909, and limits the action of the commissioners in submitting their estimates. It is as follows:

> The Commissioners of the District of Columbia shall not submit, nor shall the Secretary of the Treasury transmit, to Congress regular annual estimates for expenses of the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year. Said estimates shall take into consideration and embrace all charges against the said revenues arising under appropriations other than the regular District of Columbia bill.

The third provision of existing law to be kept in mind is the one making the arbitrary fixed tax rate for the District of Columbia. The tax rate does not fluctuate or depend at all upon the budget or the expenditures of the municipality as it does in all other cities or municipalities in the United States. Every other community knows that it must pay for public improvements and benefits either by increased taxes or bonded indebtedness. There is no such restraining influence against extravagance here. Is there any wonder that there is such a persistent demand on the part of local interests for increased governmental expenditures in the District of Columbia as long as they receive practically all of the benefits and bear none of the burdens of such increase? No matter how much or how little, how extravagant or how economical the expenditures of the government of the District of Columbia are, the tax rate remains the same. Consequently the amount of taxes raised from the fixed tax rate is in no way dependent upon the needs of the government, but is likewise fixed and arbitrary.

What is the result of these different laws? The result is that there is raised every year by taxation within the District of Columbia a sum of money greater than one-half the total amount which Congress, in its wisdom, sees fit to appropriate for the government of the District. A surplus is thereby created in favor of the District which under existing laws can not be used. This surplus is deposited in the Treasury of the United States, and is there held to the credit of the District of Columbia. It now amounts to $4,063,922.18. It increases from year to year, and unless there is some change in existing law it can never be used.

Furthermore, as the value of the property within the District increases, if the assessed valuation is raised accordingly, the amount added to this surplus each year will be more and more.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. SMITH of Michigan. What is the amount of that surplus at this time?

Mr. MAPES. Four million and sixty-three thousand dollars in round numbers.

In addition to that, out of the total annual appropriation for the District of Columbia at present the sum of $975,408 is for the interest and sinking fund on the funded debt to retire the so-called 3.65 bonds. The entire bonded indebtedness will be paid off in 1922, after which the District surplus will be increased on the same calculation, one-half of $975,408, or $487,704 per year, nearly one-half million dollars, in addition to the amount now being added to the surplus to the credit of the District every year.

Anyone at all familiar with the procedure of Congress knows that it will not appropriate for more than the commissioners' estimate, but it will in all probability pare down their estimates. Accordingly, if some such legislation as this is not passed there is bound to be a surplus of revenue raised in the District by taxation over and above the District's half of the appropriation.

There may be some reason why Congress should permit such a situation to continue, but I have been unable to find any that appealed to me, and it seems to me that it would be difficult to propose a bill that would be more conservative or more in accord with sound economic business and common sense than the present one.

The total assessed valuation of the real estate in the District of Columbia (I speak only of real estate, because the taxes on real estate constitute most of the District's revenue) for the fiscal year ended June 30, 1915, was $390,098,849, and for the fiscal year ended June 30, 1919, it was $414,610,691, or an increase in assessed valuation of $24,511,842, or a little over 6 per cent for the four years covering the war period. Land and improvements thereon are valued separately for assessment purposes in the District. It is of interest to know that the valuation of the land in the District, without the improvements, for the fiscal year ended June 30, 1915, was $208,085,318, and for the fiscal year ended June 30, 1919, was $208,097,025, an increase of less than $12,000 for the entire District in the four war years.

It would be amusing, if it were not such a serious matter to so many people, to call attention to the difference between the increased value of real estate in the District of Columbia for assessment purposes and the increase in the value for sale or rental purposes during this same period; but, looking at the matter from the standpoint of the local interests, it would be folly to increase the assessed valuation as long as the present very low tax rate will produce a surplus in favor of the District, which can not be touched because of a law which Congress permits to remain upon the statute books, and it is expecting almost too much of human nature to think that the assessor's office, surrounded as it is by local influences, will do so. From the standpoint of the local interests, which the officials of the District of Columbia represent, existing law offers every inducement to the assessor on the one hand to keep down the assessed valuation and to the commissioners on the other to pad their estimates.

Mr. BLANTON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. BLANTON. Is there another city of 400,000 people in the United States that has as low tax rate as the District of Columbia?

Mr. MAPES. Not to my knowledge.

Mr. BLANTON. One further question: Is it not a fact that every owner of property in the District of Columbia, whether he is a Representative or a Senator or an ordinary civilian, benefits by this low rate of taxation?

Mr. MAPES. It seems to me so.

The assessor, in the very nature of things, will not care to raise by taxation from his local associates more revenue than can be used, and the commissioners will endeavor to find ways and means of spending all the revenue that the arbitrary system with which they have to deal provides them. It would seem as though the present laws were a direct invitation to the local officials to figure in every way possible to give the National Government the worst of it.

From the standpoint of the national interest, can any defense be made to a system which encourages such results? It is positively vicious in its tendencies. Can Congress justify itself in permitting a law which produces such a situation to remain on the statute books? Why should we perpetuate a law or a system which arbitrarily raises by taxation more money every year than can be expended?

A great many Members of the House of Representatives are justly proud of their business experience and success. Is there a business man who would permit such a system in his personal affairs or private business?

Is here not a good place for Congress to begin to economize by making available the present surplus of $4,063,922.18 now in the Treasury to the credit of the District of Columbia, as well as the future surpluses which are bound to arise every year? Is there any better time to make the change than now, when people are being taxed to the limit and are demanding a reduction in all Government expenditures wherever possible?

The pending bill does not propose to increase the tax rate or change in any way the tax system now in effect in the District. If it should be enacted into law the taxpayers in the District would not thereby be required to pay 1 cent more in taxes than they are now required to pay. It merely provides, to quote the language of the bill, that the "expenses of the District of Columbia shall be paid from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor, and the remainder shall be paid out of the Treasury of the United States"; that is, apply the money that is now raised by taxation in the District of Columbia by the present arbitrary tax rate fixed by law, as far as it will go, toward the payment of the expenses of the District government, the balance to be paid out of the Federal Treasury.

Inasmuch as the taxes paid by the residents of the District, based upon a true valuation of their property, are very much less than the taxes figured upon the same basis paid by residents of any other city in the United States which approaches Washington in size or advantages, it would seem not only eminently fair to the taxpayers of the District but exceedingly liberal to them, as long as they are not required to pay any more, to use the money thus raised before asking the Federal Government to contribute to the expenses of the local government, and that not to do so is grossly unfair to the taxpayers of other cities, who pay much higher taxes for State, county, and municipal purposes and who are required to pay their proportionate share of any contribution by the Federal Government to the expenses of the government of the District of Columbia.

Keeping in mind the three provisions of law to which I have called attention, namely, the half-and-half law, the law fixing an arbitrary rate of taxation for the District, and the law limiting the estimates of the commissioners to twice the estimated revenues of the District, I submit that there is no escape from the indefensible condition to which I have called attention without the passage of some such legislation as is proposed in the pending bill unless Congress plans to appropriate more than it allows the commissioners to estimate for or is willing to repeal the law limiting their estimates, either one of which alternatives would be a direct invitation to extravagance in the conduct of District affairs, and now is a poor time for Congress to be making such suggestions to any department of the Government.

There is one other alternative, which the modesty of the local taxpayers has not permitted them even to suggest, and that is a reduction of the already low tax rate, and that, of course, would not make available the present surplus.

Some of the witnesses before the District Committee criticized the House of Representatives and the committee for passing this legislation without giving it proper consideration and without a sufficient understanding of the subject. The answer to that criticism is that the matter has been before Congress for several years, and the criticism directed against the Members of Congress who favor the legislation is due to the fact that they understand the question too well to suit certain people instead of too little.

The joint select committee of Congress, appointed pursuant to the act approved March 3, 1915, to determine the fiscal relation between the United States and the District of Columbia, recommended the principle proposed in this bill. That committee, on page 8 of its report, said:

> We find after a most careful consideration of all of the evidence and circumstances as shown to exist at this time that there is no reason for any arbitrary rule of proportionate contribution for the expenses of the District of Columbia by the residents thereof and by the people of the United States who reside outside the District of Columbia; that the correct rule should be that the responsibility in taxation of the residents of the District of Columbia be as fixed and certain as the responsibility of residents of other American cities comparable with the city of Washington.

This proposed legislation was also recommended in substance by the then two civilian Commissioners of the District, Mr. Newman and Mr. Brownlow, when they appeared before the joint select committee. The commissioners represented the city government, and, although representing and surrounded entirely by local interests, they had the courage to speak their convictions on this subject, and their statements are a complete answer to every objection that has been raised to the legislation. Commissioner Newman testified before the joint committee on page 917 of the hearings:

> It seems to me that these certain surpluses automatically dispose of the half and half, for this reason, that to defend the half and half in the face of them means to do one of two things—appropriate twice as much money every year as the District raises and thereby absorb the surplus or reduce the tax rate in the District of Columbia.
>
> I do not anticipate that any member of this committee would seriously propose to this Congress a reduction of the tax rate in the District of Columbia. When you realize—

He said—

> that this 1 per cent includes a great many State and county taxes which you pay in your home cities it must be apparent to each of you that the present tax rate, at least, is not oppressive. On the other hand, I think it must be apparent also to every member of this committee, when you sit down and calmly consider the appropriating habits of the Congress of the United States, that Congress is not going to make appropriations for twice the amount of these increasing revenues of the District of Columbia.

And again, on page 918 of the hearings, Mr. Newman said:

> If you continue the half-and-half, in order to obviate the accumulation of a surplus which will not be used you must do one of two things, reduce the tax rate or appropriate twice the amount raised by the existing tax rate. I do not believe that Congress will appropriate twice the amount of taxes raised in the District of Columbia, and I say that because those things do not happen in the process of making appropriations.

And again he said:

> Unless you reduce the tax rate that surplus is bound to accumulate. Just one word—

He continued—

> as to why that surplus should not be piled up. We do not need it—I mean, as a surplus. Our indebtedness is very small. We owe less than $6,000,000.

It has since been reduced so that now it is only a little over $2,000,000.

> The balance of the 3.65 bonds is all the money that the District of Columbia owes. In other words, we have a debt less than $6,000,000 (now $2,000,000) and an assessed valuation of about $400,000,000. We are in very fine financial condition. If at any time it was desirable to undertake a large extraordinary project—for instance, the development of the Great Falls water-power scheme—it could, and I think should be financed by a bond issue, as other municipalities finance unusual expenses of that character, and this could be done for the double reason that we have a very small debt and that we have a very great advantage over every other city in the issuing of bonds, in that we can float them at a lower rate of interest.
>
> A defender of the half-and-half system might—

He continued—

> with some logic advocate the payment of the balance of less than $6,000,000 of 3.65 bonds with the surplus of District revenues, but we are paying those bonds off at a rate of about $700,000 a year now, and even if we should devote all our surplus to paying off these bonds in two or three years they would be paid up and we would again be in the same situation we are in now.

Commissioner Brownlow, before the same committee, testified on page 930 of the hearings as follows:

> I do not believe it is possible to arrive at an equitable proportion by the process of treating the holdings of the Federal Government as private property and exacting from the Federal Treasury a contribution which would equal the amount of taxes levied upon the Federal property if it were in private ownership.
>
> Neither do I believe that an equitable proportion can be stated in terms of percentages. Any fixed apportionment implies a marked division between national and municipal functions and interests, and if there be such division, in the nature of events it must vary from year to year. Assuming that there is such a division of interest, it must follow that if the half-and-half be entirely just and equitable this year, it may well be that next year it will be unjust and inequitable.
>
> I believe that the National Government should assume full and sole responsibility for the National Capital, meeting its every expense by a direct appropriation from the Federal Treasury; that the people here should contribute toward the national expenses an amount equal to the taxes paid by citizens of other American cities of approximately the same size.

If the Commissioners of the District, representing as they did the local government, took that position, why should Congress hesitate to pass this legislation?

The legislation is opposed because its opponents think they see in it an attempt to raise more money by taxation in the District. They fear that its passage will mark the beginning of legislation to require the taxpayers of the District of Columbia to pay more taxes, taxes more like what people have to pay who live in other cities in the United States, and their opposition to it on that ground leads them to maintain that the taxes paid by the residents of the District of Columbia are now fairly comparable to those paid in other cities. The statement of their position on this point, as stated in the minority report, is that "the property taxes paid by citizens of Washington are fairly comparable in every way to the taxes paid by citizens of other cities similar to Washington in resources and population."

It does not follow that the passage of this bill will be followed by other legislation increasing the tax rate in the District, although as far as I am concerned I am willing to meet the issue thus raised by its opponents.

I have no desire to argue the perfectly obvious. The membership of the House who pay taxes in other places know how the tax rate here compares with what they have to pay in other places. It is only necessary to compare their tax receipts on other property with the tax rate here.

The law requires that real estate in the District of Columbia shall be assessed at "not less than two-thirds of the true value thereof," and the assessor in making the assessment acts upon the assumption that the law requires him to assess it at not more than two-thirds of the true value. The rate upon that two-thirds assessed valuation is 1½ per cent, or 1 per cent of the true value, assuming that the assessment is actually two-thirds of the true value.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. EVANS of Nebraska. Can the committee advise us as to what the corresponding value is comparing the actual sales made at the time of the last assessment with the value fixed by the assessment?

Mr. MAPES. In a general sort of a way I will say, as I have called attention to the fact, that the assessed value in the District of real estate has increased about 6 per cent in the last four years, and the gentleman can draw his own conclusion as to whether or not that is equal to the actual increase of value.

Mr. EVANS of Nebraska. There has been no actual comparison made by the committee?

Mr. MAPES. No actual comparison.

Mr. WILLIAMS. But the value approximates very closely to the assessed value.

Mr. MAPES. I will say that there was some evidence introduced along that line. I think it has been the consensus of opinion here in the District that after the report of the so-called George committee in 1912 the tax assessors raised the assessment of the real estate generally, at least the down-town portion of it, to where the assessed valuation was about two-thirds of the real value. Of course, since that time, as gentlemen know, we have had the war, and valuations have gone up very much.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. ZIHLMAN. I submit that the gentleman ought to give the figures given in the hearings as to the bona fide sales and assessed value in the down-town section.

Mr. MAPES. I have not those figures, but I assume the gentleman will give them when he gets the floor.

Mr. ROSE. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. ROSE. Would it not be fundamentally wrong to increase the tax laid in the District of Columbia when it is absolutely shown that the money can not be used for District purposes?

Mr. MAPES. There does not seem to me to be any sense in it. I do not think the assessors, with the local influences, will have any tendency to increase the assessment under present conditions.

Mr. ROSE. Is there any city in the United States that has a surplus fund as shown here raised from taxation?

Mr. MAPES. Not that I know of.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. SMITH of Michigan. Will the gentleman please state what the assessment is on personal property in the District as compared with the tax on personal property in other cities?

Mr. MAPES. I am coming to that in a minute.

Mr. SMITH of Michigan. I have heard it stated that this is a rendezvous for people who wish to avoid taxation on personal property, and that is the reason for my question.

Mr. BLANTON. And that is what it is.

Mr. MAPES. For practical purposes, the tax rate on personal property might well be ignored in the consideration of this question, as it usually is as a matter of fact, because the great bulk of the taxes in the District are raised on the real property, although the rate on personal property here is much lower as compared with the rate on personal property in most other places than even the rate on real estate.

Intangible personal property, such as stocks, bonds, notes, mortgages, etc., is taxed at four-tenths of 1 per cent only, and tangible property, after exempting household furniture to the value of $1,000 and all libraries, wearing apparel, articles of personal adornment, family pictures, and heirlooms entirely, pays a tax of 1½ per cent.

In my opinion it requires no argument to convince the impartial student of affairs or the taxpayers of other localities that the residents of no other city in the United States which approaches Washington in population or advantages enjoy anywhere near as low a tax rate, based upon a true valuation of the property, as do the taxpayers of Washington. The truth of this statement has been demonstrated over and over again in the discussion of the subject upon the floor of the House. Congressman Prouty, of Iowa, in the Sixty-third Congress, put into the RECORD a list of 40 leading cities throughout the country, giving the tax rate in each city, figured on the true valuation of the property. The average for all the cities was about 2 per cent, or twice what it is in Washington on the real estate alone.

The gentleman from Iowa [Mr. GOOD], chairman of the Committee on Appropriations, testified before our committee on page 240 of the hearings, that in his home city, with a population of about 45,000, a house and lot, which would sell for $4,000, paid from $90 to $100 taxes. Here it would pay $40, assuming that it was fully assessed.

The gentleman from Texas [Mr. LANHAM], a member of the committee, showed the committee a tax receipt for the taxes on a piece of property in a city in his district, valued at $4,000, on which he had paid taxes amounting to $132, or over three and one-third times what the same property would pay in the District of Columbia. Mr. LANHAM stated that the valuation on his property was a fair market value, and that the gross annual return from the property was only $393.

The gentleman from Florida [Mr. DRANE] brought out the fact that the tax rate on a full valuation in Jacksonville, Fla., is 3½ per cent, in Tampa and Lakeland, Fla., it is 3 per cent.

The gentleman from Maryland [Mr. ZIHLMAN], who signed the minority report, brought out the fact before the committee that the tax rate on a valuation of 80 per cent in the city of Baltimore is 3½ per cent, which is equivalent to 2⅘ per cent on a full valuation, or two and two-thirds times what it is here in Washington.

The gentleman from Mississippi [Mr. SISSON], in testifying before the committee, showed that the tax rate, including city, county, and State taxes, in Louisville, Ky., was 2.72 per cent on a true valuation; in Dallas, Tex., 2.97 per cent; in Buffalo, N. Y., 3.93 per cent on a valuation of 94 per cent. And so one might go on, but it seems to me unnecessary to multiply examples to prove what all human experience shows to be the fact.

I would like, however, to call attention to one further piece of testimony on this subject. The minority report filed against this bill is said to have been written by the gentleman from Illinois [Mr. WILLIAMS]. It is fair to assume, therefore, that he is the author of the statement appearing in the minority report to which I have called attention, to the effect that—

> The property taxes paid by citizens of Washington are fairly comparable in every way to the taxes paid by citizens of other cities similar to Washington in resources and population.

The newspapers of the District have in the last few days called attention to the fact that some of the members of the committee who voted to report this bill have since indorsed the minority report. It may be interesting to know the opinion of the gentleman from Illinois on this point which he makes in the report at the time of the hearings, as voluntarily expressed by him before the committee.

On page 167 of the hearings, Mr. WILLIAMS, interrupting the witness, Mr. Theodore Noyes, made this statement:

> I do not think that we can sustain this proposition if we start out to assert that the property bears as much taxes in the District of Columbia as it does in other parts of the country.

And, again, on page 163, Mr. WILLIAMS, interrupting the same witness, said:

> It does not pay to say to Congress that the taxes are as high in other cities as they are in the city of Washington, when as a matter of fact Members of Congress know that that is not a sound proposition, because they pay taxes in different cities.

I am willing to stand on that proposition as announced by the gentleman from Illinois during the hearings, and I challenge anyone to prove that it is incorrect.

I thought, perhaps, that the statement in the minority report might be based upon the personal experience of those who signed it, so last week I sent identical telegrams to the city treasurers of the home cities of all the Members who signed that report to ascertain the tax rate in their home cities, in order to see how it compared with the rate in Washington. Some of them live in small places—smaller than I realized until I looked up the population in the census report—but I think it is fair to say that the larger the city the more advantages it affords in the way of paved streets, sewer system, water works, public lighting system, and so forth, and the higher is the tax rate, so that the comparison would naturally be in favor of their position.

The telegram in each case was addressed to the city treasurer, and the body of it was as follows:

Will you telegraph me collect tax rate for one year on assessed valuation of property in (name of town), including city, county, and State taxes, and basis of assessment, whether on full valuation or not?

I will give the replies, as far as I have received replies, from the different city treasurers of the home cities of the signers of the minority report in the order in which their names appear on the report.

The first is from the city treasurer of Louisville, Ill., the home of the gentleman from Illinois [Mr. WILLIAMS]. Louisville, Ill., according to the census report, had a population in 1910 of 670. It is therefore only a village. I do not know whether or not it has a sewer system, a public lighting system, water works, or how many paved streets, or what other city improvements and advantages it may have; but the telegram from the treasurer of Louisville is as follows:

Tax rate, city, $1.43½; county rate, regular, 50 cents, and special, 34 cents; State rate, 40 cents; taxes computed on one-half valuation.

FRED MCCOLUM,
City Treasurer.

The combined rate given in the telegram makes a total tax in Louisville, a village of 670 inhabitants, of $2.67 for every hundred dollars' assessment on a 50 per cent valuation, or $1.33 on a full valuation, which is one and one-third times as much as the residents of the National Capital have to pay, with all of its advantages.

Without taking the time to read the other telegrams in full, I will only give their substance.

I did not receive any reply to my telegram to the city treasurer of Seneca Falls, N. Y. On looking up the census I find reference to Seneca Falls village, and perhaps I did not properly address the telegram. The treasurer of the city of Cumberland, Md., the home of the gentleman from Maryland [Mr. ZIHLMAN] replied that the taxes in that city, for the city were $1; for the county, $1.17; for the State, $0.31, and that the assessed valuation of the city is $25,000,000, and the basis of taxation about 80 per cent. Twenty-five million dollars assessed valuation is over one-fifteenth of the assessed valuation of the city of Washington. The population of Cumberland was 21,000 in 1910. The total tax rate on 80 per cent in Cumberland, according to the telegram is $2.48 per hundred, or on a basis of 100 per cent it would be $1.98, or practically twice what it is in the National Capital.

The city treasurer of Clarksburg, W. Va., the home of the gentleman from West Virginia [Mr. REED], telegraphed that the city rate there was 60 cents; the State and county tax rate, $1.44; and the basis of assessment, full valuation, making the total tax rate of $2.20 in a city with a population of 9,201.

The city treasurer of Cape Girardau, Mo., the home of the gentleman from Missouri [Mr. HAYS], telegraphed that the rate, city, county, and State in that city is $3.38, and the assessment basis 45 per cent. That is equivalent to $1.50—or one and one-half times what it is in the great National Capital—in a city with a population of 8,475.

The city treasurer of Lewisburg, Pa., a city with a population in 1910 of 3,081, telegraphed that the assessed valuation of Lewisburg is $1,520,605, that the school tax is 10 mills, the borough tax 6½ mills, the borough bond tax 2¾ mills, and the poor tax 3 mills, on a valuation of 75 per cent, making a total tax of 22¼ mills on the valuation of 75 per cent, or one and two-thirds as much as is paid in the District of Columbia.

The treasurer of the city of Steubenville, Ohio, the home of the gentleman from Ohio [Mr. MURPHY], a city with a population of 22,000, one of the largest from which I received replies, telegraphed that the total tax rate there is $17.40 per thousand on a valuation which is about three-fourths of the true valuation at the present time, which would make $1.30 on a full valuation, or one and one-third times what it is in the city of Washington.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MURPHY. The valuation for taxation when those figures were given was such that you could not sell your property for the tax value in many instances stated. The figures given are not fair.

Mr. MAPES. That perhaps explains the wording of the latter part of the telegram, which seemed to me to destroy its value, but after the gentleman's explanation I think it helps, because the telegram says:

This assessed valuation is about three-fourths of the true valuation at the present time.

It, of course, is higher than it was when the assessment was made.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WILLIAMS. What was the rate of the tax levied in the city of Steubenville?

Mr. MAPES. The total was $17.40.

Mr. WILLIAMS. On a two-thirds valuation?

Mr. MAPES. On a three-fourths valuation.

Mr. WILLIAMS. How would that make more than twice the rate in the city of Washington?

Mr. MAPES. I said one and one-third.

Mr. WILLIAMS. I misunderstood the gentleman. That includes the county and State tax?

Mr. MAPES. Yes; it includes all the tax they have to pay, as the 1 cent includes all of the tax the residents of the District of Columbia have to pay.

I have only one more, from the city treasurer of Springfield, Ill., the home of the gentleman from Illinois, Mr. WHEELER. He telegraphed that the total tax rate for the city of Springfield is $6.67½ on $100 assessed valuation, property assessed on one-half of 65 per cent of full value, which is $2.13 per hundred on full valuation, in a city with a population of 51,000.

Of course, there is no other city that has the same advantages that Washington has, so that it is impossible to make an absolute comparison with other cities, but for one I do not believe that it is possible to successfully maintain the position that property in Washington pays as much taxes as property in any other city in the United States which approaches it in population or advantages.

The witnesses before the committee in their attempt to justify their position argued that the per capita tax, or the total tax of the city, should be the basis of comparison. I do not believe that there is any justness in such a comparison. Time will not permit any more than a reference to that argument, but it seems to me that a person's ability to pay or the amount of property he owns should determine his tax obligation in Washington, the same as it does in other places. In other words, to give an extreme illustration, a community consisting of millionaires should expect to pay more than a community consisting of paupers, even though each has the same number of souls. The great body of industrial workers and laborers in other cities, whose per capita tax is small, more than offsets any similar body in Washington. It is well known that there are scarcely enough working people in Washington to take care of the demand in this nonindustrial city.

The minority report, in addition to the interesting historical résumé which it gives of the fiscal relations between the National and District Governments, concludes with two other statements to which I can only refer. It says that "the amount of revenue derived from District taxation doubled by the addition of a like amount from the Federal Treasury is not more than the needs of the District require."

The answer to that is, as already pointed out, that it is more than Congress has appropriated for the last few years, or in all probability will ever again appropriate in the future for the needs of the District, and now is a poor time for Congress to adopt a policy of more liberal appropriations for any department of the Government.

The final conclusion of the opponents of the bill is that the "best interests of the Capital City will be served by leaving unchanged the act of June 11, 1878." It is the old argument. Because a thing has always been, do not change it, no matter what changes have taken place in the circumstances which brought it into being. The Congress of 1878 could not fix the legislative policy of the Nation toward the District for all time.

There is nothing sacred about the half-and-half law. The reason for it no longer exists. It was passed to save the city from itself after a period of gross mismanagement and extravagance in the administration of the city's affairs. The local administration had been literally running riot in the conduct of affairs. The joint select committee of Congress appointed in 1874 to inquire into the affairs of the District government, of which the

late distinguished Senator Allison, of Iowa, was chairman, said, in its report:

> Your committee are unable to see but one way in which the board—the then board of public works of the District—could have expected to pay this large debt; that is, by receiving aid from Congress, as it must have occurred to them that the resources of the District could not be taxed sufficiently to pay them.

That joint select committee, to quote the language of its report, "unanimously arrived at the conclusion that the existing form of government of the District is a failure and that no remedy short of its abolition and the substitution of a simpler, more restricted, and economical government will suffice."

It also recommended "a tax of 3 per cent upon real estate in the city of Washington and 2½ per cent in the city of Georgetown and 2 per cent in the county outside to maintain the government of the District for the year ending June 30, 1875."

It would be interesting to know why Congress in 1878 fixed so much lower rate of taxation than was recommended by the joint committee in 1874. Singularly enough there was very little discussion of the matter in the congressional debates.

Conditions in the District, however, have entirely changed since 1878. The population then was about one-third of what it is to-day. The city was greatly in debt and threatened with bankruptcy. Its total indebtedness was nearly $25,000,000, or about $150 per capita, much larger per capita than that of either New York, Boston, or Philadelphia at the time. Now the city is prosperous, it has been greatly improved, it has a population estimated at over 450,000, and its finances are in splendid condition. In less than three years it will have no indebtedness. Why should it be coddled any longer?

Indeed, the reason for the changed condition of affairs in the District of Columbia now over what they were in 1878 and before is due not to the half-and-half provision in the law of 1878 but to the fact that Congress at that time determined to exercise its constitutional power of exclusive legislation over the District, which it had not done before. It has kept control of local affairs ever since that time, and there is no suggestion of a change in that respect in this bill. As a matter of fact, the half-and-half provision of the act of 1878 was a minor consideration in that important piece of legislation, except as it furnished undue protection to the local interests from taxation with which to pay for their own extravagance.

The joint select committee of Congress appointed pursuant to the act approved March 3, 1915, speaking of the half-and-half, says very forcibly, on page 11 of its report:

> While there were those in 1878 who doubted the propriety, or even the expediency, of legislation fixing a certain and definite ratio of contribution by the Government to the payment of the expenses of the District, this act was apparently considered a satisfactory compromise solution of a problem then exceedingly difficult of proper determination by reason of the conditions in the District of Columbia at that time.
>
> But we think that the conditions of to-day and of the few years last past are so different from the conditions of 1878 that this arbitrary rule—a rule of then seeming necessity—need no longer be applied to District appropriations.
>
> Then the District was under a great debt; to-day that debt has been very largely paid, and the next few years will see it completely paid in the manner we have described herein.
>
> Then the District was suffering from the many experimental forms of government which had been tried in successive years almost; to-day the form of government is one of long existence, tried and tested.

As said in the majority report:

> It is not a sufficient answer to those who ask for the repeal of the half-and-half principle to say that it is necessary in order to maintain and support the Capital City on a scale befitting a great Nation. Congress has always contributed to its care and upkeep, and undoubtedly always will. It is folly to argue that the Members of Congress who come to Washington from all over the Nation, who represent the national thought, and who take a natural pride in their Capital City, will not provide liberally for its maintenance. As a matter of fact the American people as a whole take an ever-increasing pride in the Nation's Capital, and they will see to it that it is fittingly and liberally maintained. Let the residents of the District of Columbia, who receive the most direct benefits from its development and improvement, do their share as citizens of a great city, and there need be no fear but that the Nation as a whole, through Congress, will do likewise.

It is perhaps to be expected that the big taxpayers in the District of Columbia should desire to keep their taxes down as low as possible, and therefore oppose any change in the existing arrangement. If they can hoodwink Congress into keeping the present tax rate of 1 per cent on the statute books, instead of the average rate of other cities of 2 per cent, it means a saving every year of just what they now pay in taxes. It would be nice if your constituents and mine did not have to pay any taxes to support the Government under which they live, but they do, and as long as they do, why should the residents of the District of Columbia, who enjoy the privilege of living in the Capital City, with all its advantages, be given a freedom from taxation which people living in other cities, with fewer advantages, do not have? People come to Washington to live for various reasons. I will not say that they come primarily to escape taxation, but I will venture the assertion that the tax rate here has no tendency to keep them away. I do not know why they come, but anyone who will take the trouble to investigate will find many cases of wealthy people who claim a residence in Washington, whose interests and natural residence are in other places.

I realize the strength of the opposition to this bill. But the Congress of the United States ought to do justice to the people of the Nation as a whole before being liberal to those who reside in the District of Columbia.

Certainly it is not unreasonable to require the District to pay the expenses of the District government out of revenues raised by taxation from the present low tax rate to the extent that they are sufficient therefor. [Applause.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM], a member of the committee.

Mr. LANHAM, by unanimous consent, was given leave to revise and extend his remarks.

Mr. LANHAM. Mr. Chairman, as a member of this committee who attended the hearings and voted for a favorable report on the bill under consideration, I think that the accusation can not justly be urged against me that I have not a proper pride in the beautification of the National Capital and in its civic progress and development. In addition to the interest which every patriotic American feels in it, I have the added impulse and impetus of having lived here many years as a boy and of having attended the public schools in this city. And so, as a quasi-citizen of the District through that personal experience of boyhood residence, I wish in my observations to be fair to its citizens and also to the other people of the United States who as taxpayers contribute a part of the District's governmental expenditures.

It seems to me that the matter of pride in the Nation's Capital does not necessarily enter into this question of its fiscal relations as presented by this bill. I think it may be safely assumed that the Congress, composed of representative and patriotic citizens from all sections of our country, will at all times befittingly maintain that pride, and that their legislative action will reflect it.

I take it for granted that the people of the District wish loyally to bear their proportionate part of the expenses of the government with reference to the District. A proper regard for the welfare of the Capital should, like charity, be at least manifested here, even if it should not begin here. And I accord to these citizens the same patriotic purposes which I claim for myself.

The life of a citizen of the District of Columbia is not a specially undesirable and burdensome one. He has many cultural and educational and recreational advantages which the people of the several States can not enjoy, even with an increased rate of taxation. He does not contend that his tax contribution is excessive. It is 1 per cent on a full valuation of realty and tangible personal property and three-tenths of 1 per cent on intangible personal property.

It should be borne in mind that not all the people of the District wish or maintain that the present so-called 50–50 system should be continued. Two of the commissioners who appeared before the joint select committee in 1915 practically advocated the abolition of it. Several citizens presented similar views at the recent hearings. And it should be remembered, also, that the abrogation of this policy does not necessarily impair or prevent any efficiency which may have been attained here in the operation and administration of taxation. If the rate be low by reason of that efficiency, this bill does not seek to make any change in that rate. The only extra burden its passage would place upon the citizen of the District would be one arising from a more adequate assessment of the valuation of his property. Under the 50–50 plan it seems that this valuation has necessarily been low in order that the revenue might not be in excess of that which Congress could reasonably be expected to duplicate.

The present system had its origin at a time when those who advocated it said that 50 per cent was the proper and equitable proportion of expense to be borne by the National Government. That time, it seems, in the course of history has passed. We shall see this from the present respective valuation of governmental and private property.

I repeat that the bill under discussion does not seek to change the system of taxation or increase the rate. There is by existing law a limitation on the commissioners of the District which forbids the preparation of a tax program in excess of double the amount of the estimated revenues for the fiscal year, and the Secretary of the Treasury is likewise precluded from submitting estimates beyond that sum. Under this limitation has arisen a surplus of District revenues, referred to

by the gentleman from Illinois [Mr. WILLIAMS] as a small one, but now amounting to more than $4,000,000. This amount, now in the Treasury, has been paid by the people of the District of Columbia through taxation, and it can not be used under the provisions of the prevailing 50-50 plan. This surplus will increase rather than diminish under the present régime.

There are some who believe that the Government should bear no part of the expense of the local affairs of the District. It is not my contention that there should be any mathematical nicety of proportion between the amount of expenses borne, respectively, by the people of the United States and the people of the District. But if one should contend for a principle of this character, the present plan of 50-50 does not represent it.

A few days ago, for my information, I asked Mr. William P. Richards, assessor of the District of Columbia, for a statement of the relative valuation of United States property and of privately owned property. In a letter to me dated January 8, 1920, accompanying a brief tabulation in this regard, he says:

The assessment of Government property includes all lots, reservations, and parks owned by the United States and the improvements thereon. It does not include any of the streets or avenues, or parts of streets, except so much as may be included within the small triangular or circular spaces that come at street intersections. The total acreage of Government-owned property is 7,420 acres.

The assessment of exempt property was made by the Board of Assistant Assessors and the valuation was deduced by comparison with surrounding values of privately owned real estate. Of course, where property is of a special site and in large holdings, the judgment of the assessors would guide as to whether it had any advantage over surrounding property and should be assessed at any higher rate. United States buildings are included herein at approximately two-thirds of their original cost, although in a few instances allowance has been made for depreciation. Many of them, being of a monumental character, could not be reproduced to-day at anything like their original cost.

The office has, during the last two years, obtained a great deal of detailed information as to the cost of Government buildings from the various departments having such buildings in charge.

In regard to the parks included within the inclosed estimate, I will state that Rock Creek Park, Potomac Park, Bolling Field, grounds along the Anacostia River, and such places as the Insane Asylum, Boys' Reform School, Soldiers' Home, Naval Observatory, etc., are all included, and, in addition, some several hundred small circular and triangular parks within the city limits are included in the estimate.

I think it would be well at this point to call attention to the fact that county and city lines have been obliterated in the District, and that the same rates of taxation on real estate, tangible and intangible personal property, apply in the outlying sections of the District that exist in the city proper. Much of the Government property located in the District is not, strictly speaking, in the city itself.

The table given by the assessor is as follows:

Assessed value of real and personal property, District of Columbia.

Real estate taxable, 1919:	
Land	$208,097,025.00
Improvements	206,513,666.00
Total	414,610,691.00
Tax	6,219,160.00
Personal property:	
Tangible ($56,226,510, at 1½ per cent)	843,397.66
Intangible ($293,506,450, at ⅗ of 1 per cent)	880,519.34
Banks, public utilities, etc. (2 to 6 per cent)	951,234.04
Total	2,675,151.04
United States property:	
Land	131,660,620.00
Improvements	114,097,500.00
Total	245,758,120.00
District of Columbia property:	
Land	4,899,224.00
Improvements	10,181,700.00
Total	15,080,924.00
Religious, educational, charitable institutions, and foreign legations:	
Land	10,679,003.00
Improvements	16,754,600.00
Total	27,433,603.00
Real estate taxable, 1920:	
Land	213,499,811.00
Improvements	213,123,819.00
Total	426,623,630.00
Tax	6,399,354.45

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. I shall ask the gentleman from Michigan to yield me additional time.

Mr. MAPES. I yield five minutes more to the gentleman.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. LAZARO. As quoted in the newspapers, I find that the minority report says that the amount of revenue to be derived from the District taxation, doubled by the addition from the Federal Treasury, is no more than the needs of the District require; that many very necessary improvements are now being delayed, and all the available revenue under the existing arrangements will not more than meet the pressing needs of the District for years to come. What does the gentleman say about that?

Mr. LANHAM. I think the passage of the pending bill will place at the disposal of the District of Columbia for expenditure the surplus of more than $4,000,000 now in the Treasury. As indicated, under the present system this surplus will increase for the next few years, because a considerable part of the revenue of the District is now being devoted annually to the payment of the funded indebtedness, which will be entirely paid in 1922, and the passage of this bill would help rather than hinder the satisfactory solution of the problem the gentleman presents.

Mr. LAZARO. By increasing the taxes in the District?

Mr. LANHAM. Not necessarily; but by making available the entire revenue from the taxes in the District, supplemented by such sum as Congress would see fit to appropriate.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I have some things I want to say in the five minutes just granted me, and I must decline to yield.

As will be seen from the table to which I have referred, the valuation of the property belonging to the United States is $245,758,120, as against a total of $414,610,691 owned by the people in the District, which falls considerably short of the proportion of 50-50. The valuation for 1920 of the District property is $426,623,630.

Mr. JUUL. Mr. Chairman, will the gentleman yield? I am anxious to have him answer a question.

Mr. LANHAM. My time is so limited that I must decline to yield.

Mr. JUUL. I hope the gentleman from Michigan will give him time so that he may answer the question.

The CHAIRMAN. The gentleman declines to yield.

Mr. LANHAM. The increase in the valuation of District property from approximately $390,000,000 to more than $414,000,000 during the fiscal years from 1915 to 1919, including the war period, does not indicate an excessive assessment or an intolerable burden; and, in my judgment, it does not properly reflect the greatly increased price in sales and rentals in the District.

I want to call attention to the per capita basis of comparison upon which those who oppose this bill principally urge their contention. Tables are inserted in the hearings which show the per capita payment of taxes on realty and personal property in many cities of the United States. These tables were prepared by some gentleman connected with the Census Bureau, and Washington seems to enjoy a splendid rating according to this standard. We are discussing a property and not a per capita tax. That might be a fair basis for a comparison of poll taxes. The Census Bureau probably gives the national debt also by its per capita burden, but we know very well that the payment will not be made according to this per capita arrangement. With reference to the matter in hand, such a standard is a mere camouflage of figures.

For example, I notice on page 64 of the hearings in one of these tables that in the city of Fort Worth, Tex., where I reside, the per capita realty tax levied is $8.50, and in Washington, D. C., it is $16.55. The per capita total property tax levy in Fort Worth is given as $11.24 and in Washington as $20.68. We have in the State of Texas a law requiring a full valuation. I say without shadow of hesitation that assessment in Texas is as nearly two-thirds of the value as it is in the District of Columbia, where a two-thirds valuation is the basis. And yet, exclusive of the State and county taxes which our Texas people pay and which are not required of residents of the District of Columbia, the Fort Worth citizen in his municipal tax alone exceeds by six or seven dollars per $1,000 the tax contribution of the Washington citizen. The per capita standard will hardly be thought fair, under these circumstances, by the proverbial Jones who pays the tax. And it is worthy of mention in this connection that the people of the District of Columbia enjoy many privileges and benefits similar to those which accrue to the people of the several States by the payment of State and county taxes from which the Washingtonian is immune.

Nor do I think the total revenues of the respective cities, another favorite comparison of the opponents of this measure, afford an accurate criterion for our guidance. Too many and varied elements enter into a computation of this character, and no city is strictly typical according to such a test. The nature

and extent of the funded indebtedness, for instance, may occasion a considerable disparity in cities of approximately equal population. And let me remark, in this connection, that this bill takes care of the funded debt of the District of Columbia upon the existing 50–50 basis.

Mr. Chairman, it has been asserted at the hearings, and will likely be restated on the floor of the House, that a number of wealthy men have been attracted to make their homes in Washington by reason of the very low rate of taxation on intangible personal property. I have even heard that some have been able to defray their living expenses on the saving thus made possible here. I have no definite information on this subject, but the positive statement was made before the committee that some men of means have moved here because of such disparity in rates in Washington and in the States. The Washingtonian is entitled to fair and just consideration, but he has no right to demand that he be petted and pampered at the expense of the people of the country. In my humble judgment the provisions of the pending bill are drawn in the real interest of the citizens of our country, both here and elsewhere.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GOULD. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman and members of the committee, I am one of those who came to the consideration of this question prejudiced against the city of Washington, because, as I thought, of the higher cost of living here, and because of the many reports that I have heard concerning the way the citizens of the District were escaping taxation. After listening to the hearings and studying the figures that were there produced, however, I am convinced that this change ought not to be made at this time. It seems to me that when we are trying to curtail in every way, trying to save money for the country, and to pare down our expenses in every direction, it is not a proper time for us to take up this measure and do away with a law that has worked satisfactorily for the last 40 years, and do away with that law in such a way as will leave unlimited the amount that the United States Government will have to pay toward the administration of the District of Columbia.

I was away from Washington at the time the minority report was signed, and I presume it was for that reason that the chairman of our committee did not telegraph to Newport to find out in regard to our methods and rates of taxation. I would state for the information of the House that our rate of taxation is about $1.80, and as has been well said by my colleague, Mr. WILLIAMS, you can not judge, you can not compare merely by the rate alone, you must have the rate and the assessment. It seems to me that here in the District of Columbia we have a method of assessment that is fair and equitable to all of the citizens and the taxpayer. The tax assessor, unlike in many of our cities and towns, is not elected by the people, but holds a permanent appointment, and therefore is removed from any prejudice or feeling that he might have that he has to favor anyone in order to secure his reelection. The figures that have been produced before the committee show that the valuations that he has put upon the property here in the District of Columbia are fair and equitable to all concerned. If you look at the tables that have been placed in the record, that have been produced before the committee, you will find that those tables show that practically the sales, and all of the available data from the sales, show that the tax assessment has equaled, if not exceeded, the proceeds from the sales.

You will also find that based on the tax assessment and on the tax rate as established by law, that the citizens of Washington are paying an equal if not a larger amount per capita than the citizens of most any other city of any of the States of the Union. Now, in our State of Rhode Island our assessors are sworn to assess the property according to its true fair market value, but as a matter of fact they do not. As a matter of fact they assess it as low as 50 per cent, and in some cases lower. Our State tax is based upon our total assessment, and it is to the interest of the cities and towns to keep the assessment low in order to avoid the high State assessment. It has been the tendency throughout our cities and towns to keep the assessment down and the rate up. And so it has been demonstrated by the tables that have been furnished before our committee from a disinterested source, by Mr. Grogan, of the Census Bureau, that whereas in many cities and towns throughout the United States the State law requires the full fair cash value to be assessed that the tax was anywhere from 25 to 80 per cent, and not according to a true fair cash value. Therefore it seems to me that as this whole attack upon this present half-and-half system in the District here is founded upon a misunderstanding, upon the supposition that the taxpayers of the District of Columbia were not paying their full tax burden and were not sustaining their proper proportion as between the United States and the District, and as that has been absolutely demonstrated to my mind and the mind of many of the members of this committee to be wrong, that we ought not at this time to pass this bill to do away with that. As I understand the attitude of the citizens of this District they want to be sure of something definite. Now, if we are going to wipe away something that has been on the statute books of the United States for the last 40 years, we ought not to wipe that away unless we can show something better, and we ought to have a definite arrangement between the United States and the District in order that this great national city of ours may develop. Now, it has been said here there is a surplus of $4,000,000 in the Treasury. That $4,000,000 has not been taken from the taxpayers of the District, but it is money that the United States should have appropriated from year to year over the past 40 years. It seems to me that is a very small amount for that time, since 1878.

Mr. JUUL. I would like to ask the gentleman a question; will the gentleman yield?

Mr. BURDICK. I will yield.

Mr. JUUL. Does the gentleman maintain that there is an obligation on the part of the United States Government to appropriate money to pay for purely local matters?

Mr. BURDICK. Purely local matters?

Mr. JUUL. Yes.

Mr. BURDICK. I do not call anything that goes on with regard to the maintenance of the District of Columbia as a purely local matter; I call it a national matter.

Mr. JUUL. Does the gentleman maintain that if some real estate men start a new subdivision in Washington it is part of the business of the National Government for your State and my State to put down pavements, sewers, and furnish water?

Mr. BURDICK. No; I do not maintain and have not so maintained——

Mr. JUUL. But the gentleman advocates 50 cents on the dollar for such improvements all right.

Mr. BURDICK. I do not maintain that the United States Government should develop private property, and I do not understand that it so does; but I do maintain that the United States should pay a fair proportion of all the expenses of maintaining the government of the District of Columbia, and I do maintain that there are many things here in the District of Columbia that need attention and need large sums of money expended in the development, not only of waterworks that has been referred to, but schools, the fire department, and so forth.

Mr. JUUL. How does the gentleman get waterworks in his town——

Mr. BURDICK. In my particular city——

Mr. JUUL. Your people pay for that?

Mr. BURDICK. In my particular city it is run by a private corporation and not by the city. But this unexpended balance that has accumulated in the Treasury is not an indication that the money is not needed here. We need here in the District more schools; we need a better system of waterworks; we need a better fire department; we need more attention to our streets, and there are various ways in which double the amount which is now raised by taxation can be well and economically spent, because this is the national city, and it ought to be the model city of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of Illinois having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1726) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SMOOT, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7752. An act relating to detached service of officers of the Regular Army.

EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. GOULD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, the majority membership of the Committee on the District of Columbia in reporting this bill, which is to abolish the present fiscal arrangement between the Government and the District of Columbia, which arrangement has been in successful operation since 1878, base their reasons for the passage of this bill upon two propositions.

One is that there has grown up, because of the present system of the District of Columbia collecting one half of the expenses of the District government and the Federal Government contributing the other half, a surplus in the Treasury of the United States to the credit of the District; and, second, that property in the District of Columbia is very much underassessed.

Now, in reference to the first proposition, it is inevitable under the present system that there should be a surplus in the Treasury, because the District Commissioners are prohibited by the act of 1909 from submitting estimates to Congress in excess of the revenues of the District, and when these estimates are cut by the Appropriation Committee the money goes into the Federal Treasury as a surplus.

The present assessable basis for taxation purposes yields an annual revenue of some $9,000,000, and under the present law the Federal Government appropriates a like sum, making a total revenue for the District for the ensuing year of $18,000,000, in round figures.

The Commissioners of the District state in their annual report that when they were preparing their estimates to the Congress for the ensuing fiscal year they made material reductions in the estimates submitted to them, and they made no estimates for increase in salaries, because that matter was being considered by the Joint Commission for Reclassification of Salaries, and when the total of these reduced estimates was reached the revenue needs of the District for the ensuing fiscal year were $22,865,676, yet, because of the limitation of the law above referred to, it was found necessary to reduce them to $18,000,000 plus.

These estimates therefore fall short of the actual needs of the District by $4,623,670, although there is at this time a surplus of District revenues, made up of accumulations over a period of years, of $4,063,922.

Now, if the District Commissioners had not been prohibited by the act of 1909 from submitting the actual revenue needs of the District to the Appropriation Committee, they would have submitted estimates of $22,000,000 plus, and if the present bill is enacted into law at this time, and the Appropriation Committee was to allow the actual needs of the District, the Government's share of expenses under these estimated revenues would be $13,000,000, in round figures, and the contribution of the District to the expenses of the government would only be $9,000,000, so that under the present plan proposed by the Mapes bill the expenses of conducting the business of the District of Columbia would be $4,000,000 in excess of what we will contribute because of the limitation above referred to.

The surplus, upon which so much stress has been laid by the gentleman from Michigan [Mr. MAPES], has grown up over a series of years. The money is not in the District treasury; it is in the Treasury of the United States. It is true it is credited to the District, but the District Commissioners can not use this money until authority is given by Congress to do so.

Now, there have been no estimates made, no figures given, as to the surplus for this year, the fiscal year ending June 30, 1920. I have just talked with the clerk of the Committee on Appropriations and he informs me that owing to numerous deficiency appropriations which must be made during the balance of the present fiscal year there is hardly a possibility of there being a cent of surplus during the present year. And the very efficient clerk to that committee also advises me that if the revenues of the District during the coming year are sufficient to pay the expenses of conducting the District government, the people of the District are going to be mighty lucky.

Therefore, what reason can be advanced for the passage of this bill at this time?

The system proposed, under which Congress can appropriate liberally during one year and meagerly or parsimoniously during another year, was tried unsuccessfully in the District for more than 70 years.

And the wise statesmen who framed the organic act for the District of Columbia, believing that the people of the United States wished to contribute liberally to the upkeep and upbuilding and beautification of their Nation's Capital, decreed by law that the Government should contribute one-half, or 50 per cent.

Mr. JUUL. Will the gentleman yield there?

Mr. ZIHLMAN. I yield.

Mr. JUUL. I want to know if the gentleman thinks it is fair and just to the country and the other cities of the country that one-half should be paid out of the National Treasury if that one-half reduces much more than what the Government ought to pay in taxes if it was a taxpayer?

Mr. ZIHLMAN. I have stated to the gentleman that the revenues of the District and the contribution of the Federal Government are not going to be sufficient during the coming fiscal year to meet the actual needs and expenses of the Government, as I have just read from a report of the commissioners.

Mr. JUUL. May I just ask the gentleman is there anything constitutional or religious in the 1½ per cent? Out in my town and in yours if 1½ per cent does not pay revenue enough they raise it to 6.

Mr. ZIHLMAN. I will say to the gentleman there is nothing to prohibit Congress in its wisdom raising the tax rate which is fixed by law in the District of Columbia at any time without the passage of the pending bill. If the rate is not sufficient, let us raise the rate. But the estimates made by the District Commissioners are in excess of $22,000,000. The actual revenues from all property taxed in the District are, in round figures, $9,000,000. If the Government contributes 50 per cent, an equal amount, the actual revenues of the District are going to be during the coming fiscal year $18,000,000. Therefore the needs of the District are to-day $4,000,000 in excess of the revenues, even taking into consideration the $9,000,000 contributed from the Federal Treasury for the upbuilding, beautification, and maintenance of the Nation's Capital.

It is well known that because of this limitation, because the District Commissioners are restricted in their estimates to the acual revenues of the District, or one-half of the actual revenues of the District, they are unable to provide in their Book of Estimates for the very necessary school improvements. It has been stated in the daily press of this city, and a report was made by a committee representing the Washington Board of Trade, that the school conditions of the District of Columbia at the present time are a disgrace to this city and the Nation.

Mr. JUUL. Can not we levy more taxes?

Mr. ZIHLMAN. Congress can increase the tax rate of 1902 at any time.

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland yield?

Mr. ZIHLMAN. I do not think the gentleman's questions are relevant, and therefore I decline to yield further.

It is well known that money is needed for necessary highway improvements. The District Commissioners in their report state that the highways leading out into the States should at least be kept up in as good a condition as the highways of the neighboring States. And I heard a gentleman say the other day, one who is not at all interested in this subject, and who knew nothing about it coming up here to-day, that you can tell the moment you hit the District line, coming in from the State of Maryland, by the condition of the roads.

The District Commissioners have outlined a very elaborate plan of park improvements here in the District which they are unable to carry forward or to undertake at this time because of insufficient revenues.

There is need for a greatly augmented street and highway improvement program; there should be prompt provision for modern bridges, as set forth in the District Commissioners' report, where existing structures are not fitted to carry the burdens of modern traffic; and there is need for modern equipment and accommodations for the several refuse disposal systems, which have greatly come under the direct supervision of the District government.

Increases in the personnel of the police department as well as in the salaries of its members are made imperative by the growth of the city; the fire department needs not only better salaries, but it should be expanded by the provision of additional fire houses in newly built-up sections of the city, and, above all, it should be modernized by the substitution of motor equipment for horse-drawn apparatus; all of which is covered on page 6 of the report of the Commissioners of the District of Columbia.

They also point out that funds are urgently needed that the Commissioners may proceed with the construction of the Gal-

linger Municipal Hospital, and should be placed in operation as soon as it is humanly possible.

Money is needed for the care of the feeble-minded, and for a new institution to take the place of the antiquated Industrial Home School.

It is necessary, according to the Commissioners, and the engineers of the War Department, that there should be plans developed for an additonal water supply, as the District is to-day using the safe maximum capacity of the present conduit.

A bill providing for the investigation of this subject has already passed the House and is now on the calendar of the Senate.

Now, there is another very important matter that should be considered in this connection, and that is that a great majority of the employees of the District are receiving the same rate of compensation that they received in 1874.

There are 934 employees in the District government who receive less than $1,000 per year; 166 of them only receive $600 per year; 43 receive less than $700 per year; 111 receive less than $800 per year and more than $700; and 247 of them receive between $800 and $900 per year.

These are men on the statutory pay roll, and, in addition to these, there are a great many per diem employees who receive less than is paid in other branches of the Federal Government.

The Congress of the United States has appointed a commission to investigate this matter. The time under which they can make their report has been extended 60 days. No estimate has been made by the District Commissioners providing for an increase in their compensation, which must be given in order to enable them to live.

The Congress, through its proper functioning committee, has regulated and conducted the affairs of the District of Columbia in a most satisfactory manner, and there is no necessity of abolishing the present system, which has been in operation for more than 30 years, and substituting a method of raising revenues which has been found unsatisfactory and discarded.

The very able chairman of the committee—and I call attention to this fact to illustrate the haphazard and reckless method by which the committee attempts to strike down the present system and set up in its stead a new system—makes a report, and on page 3 of that report it is stated that in 1922 the bonded indebtedness of the District of Columbia is going to be paid off, and that there is going to be an additional surplus in that year of $487,704.

It is a far-seeing financier and statesman who can so accurately figure out a surplus which will occur in 1922, in the face of the rapidly mounting cost of materials and the mounting cost of government, and if the predictions which have been made as to the successful operation of the plans provided for in the present bill are no more definite than the statements contained in this report, then I make the prophecy that in a very few years Congress will be glad to restore the present system.

Therefore the matter of the surplus is inevitable under the present system. The District Commissioners are prohibited by law from submitting estimates of their actual needs, and can only submit estimates equal to the revenues, and as Congress is bound to cut down these estimates in various particulars, a surplus is the inevitable result.

Congress should appropriate the existing surplus to meet some of the pressing needs of the District, and the limitation as provided in the act of 1909 should be repealed, as recommended in the District Commissioner's annual report.

Now, as to the statements which have been made as to the undervaluation of property in the District, I find that in 1889 the total assessable basis of land and improvements in the District of Columbia was $115,000,000 plus. In 1919 it was $414,000,000 plus, so that there has been an increase in the assessable basis of the District in the past 29 years of nearly 300 per cent.

In the figures which have been submitted by the District Assessor's office I find a table of sales which have been made in the downtown or business section of Washington, which is the best barometer of values and actual values and assessments in any community.

In 1916 the consideration of the sales in this section of the ctiy were $3,481,650, while the basis of assessment, which is the full value, taxes being paid on two-thirds of this amount, was $4,280,268. In 1917 the consideration of sales in the business section was $4,105,353, while the basis of assessment was $4,502,190. In 1918 the consideration of sales was $5,102,880, while the basis for assessment was $5,144,776. In 1919 it reached $13,507,667 in the matter of considerations, and the basis of assessment was $13,394,569. The total consideration for sales in the four years was $26,197,550 and the basis of assessment $27,321,803.

The Southern Building, at Fifteenth and H Streets, was assessed for $1,794,540, and the consideration of the sale in 1919 was $1,800,000. The site of the Cosmus Club, at 21 Madison Place, was assessed at $269,250, and the consideration of the sale was $250,000. The Washington Hotel site, at Pennsylvania Avenue and Fifteenth Street, was assessed for $960,000 and sold for $800,000 in 1916. The Ames Building, in the 1400 block on G Street, was assessed for $193,230 and sold for $155,000. The Y. M. C. A. Building, on F Street, was assessed for $286,940 and sold for $250,000. The Lawrence Building, on G Street, was assessed for $382,160 and sold for $332,500.

I venture the assertion that in no other city in the country will the assessment reach the proportion of the sales price as here shown.

The assessor's office has also submitted transfers made in 1916 and the assessments as of that date, which show that the assessments total more than the consideration given.

Since 1916 we have entered the war, and resident property has doubled and trebled in value, and it is impossible for the assessor's office to accurately determine the cash value.

A great deal has been said here to-day about the low rate of taxation in the city, and, in view of the fact that each city has its own methods and own laws governing the assessment of property, this would hardly seem a fair standard in determining property values in the District of Columbia, where one-third of the real estate is owned by the Government.

Taking the cities of 30,000 and over which are near the city of Washington we find that the per capita receipts for all taxes in Baltimore, Md., is $21.05; Norfolk, Va., $21.03; Roanoke, Va., $12.87; Wilmington, Del., $11.56; and in Washington, D. C., $23.79. These figures are taken from the United States census report.

The per capita property tax levies in 1918 show that Baltimore made a per capita tax levy of $20.02; New Orleans, $14.91; Chicago, $22.48; Cleveland, $26.28; Indianapolis, $17.13; Louisville, $17.02; Grand Rapids, $16.93; and Nashville, $10.58.

When it is considered that one-third of Washington's population is colored, and that a great element of this colored population are comparatively poor, it would seem that the assessable basis in Washington and the taxes paid compare favorably with the amounts levied and collected in like cities.

The needs of the District are many and pressing, and if the present rate, which was fixed in 1902, is not sufficient to meet these needs it should be increased in order that Washington, the Capital of a Nation of more than a hundred million people, may continue to be a source of pride to the people of a great Nation.

Above all things, the citizens of the District are entitled to more, whether the Government is going to contribute to the maintenance of the District; and if so, as to what percentage the Federal Government will contribute, and it should not be left to the whim or caprice of each succeeding Congress.

The CHAIRMAN (Mr. COOPER). The time of the gentleman from Maryland has expired.

Mr. GOULD. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. WOODS].

Mr. MAPES. I also yield 15 minutes to the gentleman from Virginia [Mr. WOODS], with the understanding that he intends to yield to other Members on his side.

The CHAIRMAN. The gentleman from Virginia [Mr. WOODS] is recognized for 30 minutes.

Mr. WOODS of Virginia. I yield seven minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I came to Congress seven years ago. I got on the "town council" by accident when I got here and stayed. I have read everything that I have heard these gentlemen say in opposition to this bill, when it was published in the papers the first year I got here. It is an absolute waste of good white paper for gentlemen to extend their remarks in the RECORD, because all they have said was in the Evening Star yesterday and the day before and the day before that. It has all appeared in the Star and the Post and the other papers every time a measure has been before this Congress that sought to abolish the sacred "hahf-and-hahf." I hope you notice how it is pronounced. Some of you have made the mistake of calling it "haf-and-haf." [Laughter.]

The gentleman from Illinois [Mr. WILLIAMS] said that all his people, if I understood him correctly, were perjurers when they swore that their property was assessed at 50 per cent. He said it was really assessed at 8 per cent. Of course, that does not apply to the gentleman's own property. I presume he has some property to assess. But this does not deal with the question of the rate of taxation. That is not really involved in this bill. I should like to say this: Every man on this floor who pays his taxes in his own city and pays taxes here pays twice as much on the same valuation of property in his home city as he pays here, and I shall pause to let anybody rise and deny that who may wish to do so. I have paid taxes in two

jurisdictions myself, and I know. Yet there is not another place anywhere in the United States where the advantages are so great as they are here. The rate of taxation in my home town, a place of about 12,000 people, an ordinary town of that kind and size, is three times as high as it is here and the advantages are not a third as great.

These gentlemen talk to you about the vast areas of the Government's property in the District of Columbia. Practically every foot of that land consists of highly developed parks, which the people here have been relieved of the expense of acquiring and improving. Now, who of you would think of complaining if somebody would donate to your city a beautiful park like Rock Creek Park? Yet they want to charge the people living in every town and village and on every farm and ranch in America, levy tribute upon them to help maintain Rock Creek Park, because they say it is Government property, although it is exclusively enjoyed by the people who live here or who happen to be temporarily residing here.

Just in passing, the gentleman from Illinois [Mr. WILLIAMS] was talking about the rate of taxation and that the people of the District of Columbia were overtaxed. I do not know about that. I know that if the property is worth anything like the rent that they charge for it, it is not assessed at 5 cents on a dollar of its actual value. I have been a renter occasionally myself, and I know that. And if I am not mistaken the rate of increase in taxation in the District of Columbia has been only 4 per cent in six years.

Mr. ROWE. Six per cent.

Mr. CARAWAY. Six per cent. Yet the value on real estate has increased more than 100 per cent in that time.

Therefore if they were assessed 75 per cent four years ago, they are not assessed 35 per cent now and everybody knows it.

But I am going to make this assertion, that the Government ought not to contribute one 5-cent piece to the maintenance of local improvements in the District of Columbia. [Applause.] It ought to keep up its own property and it ought not to do anything more. There is not a city in America that would not be glad to duplicate every improvement that the Government has in the District of Columbia, give the Government a free title to it and exempt it from any contribution to local improvements, and then be the gainer by getting the Government's activities. The Government is the greatest employer and it has the greatest pay roll of any institution in the world, and it makes the prosperity of the District of Columbia. Yet they say that it is a great burden for them to carry. There are counties in my State where more than 50 per cent of all the land in the county is in a Government forest reserve, growing timber in order that the people in the District of Columbia and in your State and in every other State in this Union may have lumber. Yet the Government does not contribute 5 cents toward maintaining the local government in those counties, and the people owning the 50 per cent of the property must bear all this expense. Yet the forests make no local returns, the people there get no advantage you do not enjoy with them. It does not furnish employment, it does not maintain a pay roll or increase the prosperity of the people living near it. It is simply maintained for the benefit of all the people, and if I should introduce a bill to-day asking you to pay half the expenses of those counties you would not vote for it. The gentleman from Illinois [Mr. WILLIAMS] would not do it. The gentleman from Maryland [Mr. ZIHLMAN] would not do it, and these other gentlemen who spoke here would not vote to pay 5 cents of the expenses of the local government there, although the Government of the United States owns one-half of all the taxable property in the county if it were listed for taxation. There are States in this Union where the Government owns nearly 90 per cent of all the lands in the State, and yet the other 10 per cent in value and area are required to keep up all the expenses of the State, county, and municipal governments, and these reserves add nothing to the local revenues at all. If there is a man here who will say that he will vote for a bill to pay 90 per cent of the expenses of those local governments, because 90 per cent of the property in those States belongs to the Government of the United States, I wish that man would stand up and say so. And yet, if you are not willing to do that, you are not willing to do exact justice under similar conditions. For instance, the people in the District of Columbia. [Applause.]

Mr. WOODS of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I have appeared before the House a great many times in the discussion of this question, and I can not add anything to what I have already said. To the membership of the House who have kept up with the discussion this bill is a very simple one. It does not attempt, as explained by the chairman of the committee, to change the rate of taxation, it does not attempt to change the basis or the rule of valuation of property. It simply provides that the money collected for the District of Columbia under the present rule of assessment, under the present rate of taxation, shall be first used before the Federal Treasury responds toward its part of the expenses of the District of Columbia.

Now, in the short time that is allotted to me I can not go into all the details; but the amount of money which the Federal Government responds to in the maintenance of this government does not all appear in the District of Columbia appropriation bill. There is more than a million dollars included in the legislative, executive, and judicial appropriation bill, in the sundry civil bill, and in the deficiency bills. Of course, the items in the deficiency bills are items that appear in the legislative and the sundry civil, where there has not been enough money appropriated to conduct the activities.

Gentlemen, when you understand the history of this legislation, when you go back to that time when the District of Columbia was overwhelmingly involved in debt, when there was something like 50,000 or 60,000 people in the District, when they owed between forty and fifty million dollars, you will know that the time had come when the bonds issued under the existing government were about to mature and they were having great difficulty in having the bonds refunded. The government was so corrupt that it was a stench in the nostrils of the American people.

Congress regarded itself as responsible because the State of Maryland and the State of Virginia had ceded to the National Government the sovereignty over this little spot called the District of Columbia; and when the Government of the United States felt that it did not want to be troubled with local government it had passed an enabling act for the District of Columbia to run its own affairs. When the Government found itself confronted with the proposition that this was not a decent and safe place for people to live in, that it was a place where they would steal all the property belonging to the District, as was argued by Mr. Blaine in the Senate and Mr. Blackburn in the House, who went into all the details in discussing this question, it was proposed that the Federal Government should assume the payment of the indebtedness of the Distirct of Columbia, and they issued what is known as the 3.65 bonds. That is, they would take over the government, collect all the money, and guarantee the payment of that enormous debt. By the way, in 1922 that debt will be liquidated, for the Federal Treasury responded not only to the half of the forty-odd million dollars but in addition the Federal Government responded in its half of the interest.

Now, the District of Columbia, in that dire condition where they could not pay the debt without an overwhelming taxation that would amount to confiscation, under that condition the Federal Government, in order to relieve the burden then on the taxpayers, passed this 50-50 proposition. And yet you will find these gentlemen who have been enjoying that benefit for nearly 50 years say that this is a sacred right. Gentlemen, I deny that. Under that system they have greatly reduced the rate of taxation in the District of Columbia, until the last legislative act provided that there should be only 15 mills tax on a two-thirds valuation, which is the same as 1 mill on a full valuation. The newspapers are beginning in a mild method to say that the rate of taxation should be reduced in the District of Columbia because the District of Columbia pays more taxes than it ought to pay.

Gentlemen, I make this statement after one year's investigation. I wrote to all the cities of 150,000 inhabitants and over, and I say without hesitation that, with the State and county taxation, those people pay over two and a half, three, and in a few instances nearly four times as much as they pay in the District of Columbia. No juggling of figures can change that fact. If you want to find out—I shall not call names—but certain newspapers in the city of Washington contend that the difference is in the assessed valuation. I went to some gentlemen of the House, some Members of the House and some outside, and asked them how much they had invested in the city, and they told me. I asked them how the taxation of property here compared with the taxation at home, and in every instance they said that their home city tax was twice what the whole tax was here, and in addition they had to pay the county and State tax. Now, the county and State tax is all merged into one in the District of Columbia.

This bill is the fairest, in my judgment, that the people of the District of Columbia can ever get. We do not change the rate of taxation nor the rate of assessment. We change no law. We simply say by this bill which is before this House—and the question has been before the House before and was passed first by a large majority, second by a two-thirds, and third by

a great many more than two-thirds. The first time the House was unable to get a roll call, the next time the advocates of the half and half did not even ask for a roll call. There has been only one attempt when it was seriously discussed in the Senate by Senator KENYON and Senator James, the only two men who did discuss it. The vote in the Senate was astounding.

From that date to this they have not dared to submit that matter to the Senate under a fair discussion. Not only that, but in conference—and I am not betraying any secrets, because I made the statement once before in this House—I told the Senate conferees, "If you will make a clear statement in writing, stating your reasons for adhering to the half-and-half plan, I will take that written statement of fact to the House of Representatives and I will read that written statement as your reason and not open my mouth, and simply say to the House that that is the reason upon which the Senate proposes to stand," and the conferees on the part of the Senate declined to make a statement, and no man who knows the facts can go back home to his people and justify this system of taxation. [Applause.]

Now, a word with reference to the people living in the District of Columbia. I told one of those citizens who came to me and asked what measure of taxation they were going to have, that of course we wanted a just and reasonable rate, as the other people throughout the country pay, and I said that that was all that they ought to pay. He replied that this half and half simply fixed the amount, and that it was a protection to the people of the District. I said, "You talk about the half and half, but suppose for the sake of argument that the people of the District of Columbia should find themselves confronted by a Congress that had determined to make Washington one of the most beautiful cities in the world; suppose that they had decided to spend $100,000,000 in the beautification of parks and various portions of the city and called upon you to put up another $100,000,000. It would practically be confiscation, and you would then cry out against the half-and-half plan." I said further to him that it was only because he was paying about half the rate of taxation that the other people pay that he wanted this continued, and suggested that he would better accept the proposition that Congress was now making, because if they do not, if it ever gets to be an issue in congressional districts, my prediction was that there would be many a strange face here, because it is the simple things in Congress that frequently determine the result of elections more often than the large ones. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WOODS of Virginia. Mr. Chairman, I think we all concede, and certainly the majority of the committee concede, and it is their disposition, that the people of the city of Washington should not be taxed more than the people of the country and other cities of similar size. We all believe that the National Capital should be an object of pride—in its upkeep, in its beauty, in its living conditions, in its advantages and opportunities, of every American citizen, and I have seen no disposition manifested on the part of any member of the committee to discriminate or to tolerate discrimination against the National Capital. It is admitted, however, by the citizens' committee opposing this measure that they are taxed 1 per cent on actual valuation. It is actually less than that, but we will take that for the sake of argument. They have marshaled a mass of figures of per capita tax, and different kinds of taxes compared with other cities, but I have only to ask the members of this committee to use their own observation in their own cities, and I will venture to say that in the country over there is hardly a Congressman here who will not say that cities of this size in his State pay an ad valorem tax of at least 2 per cent or practically that. Not only that, but the other cities pay different kinds of taxes which do not prevail here. You pay an income tax and there is none to pay here, for municipal purposes. You pay an inheritance tax in your own State and none here. You pay an occupational tax and there is none here. This ad valorem tax is practically the only tax that the citizens of Washington pay. Take your automobile——

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. HUSTED. I have not any doubt that the people of Washington get off very easily, but is there not some merit in the contention that the proportion should be definitely determined, instead of being left up in the air, as I assume it is by the provisions of this bill?

Mr. WOODS of Virginia. I think that would be most desirable, and if the gentleman can tell me an act of Congress can be passed which another Congress can not change, I would be very glad to have him do so. I think the proportion is unfair to the country. I do not think the people of the city of Washington are paying taxes commensurate with the citizens of other cities throughout the country.

Mr. HUSTED. Of course, you can not pass an act of Congress that some other Congress can not change, but it seems to me that it would be desirable for the people of the District who own real estate here to have some idea as to the proportion which the Government will pay and the proportion which the city will pay.

Mr. WOODS of Virginia. That would be desirable.

Mr. HUSTED. It would seem to me a bad thing to leave it up in the air, leave it to some committee to determine each year what it shall be.

Mr. WOODS of Virginia. I take it that if the Congress fixed the proportion that proportion would be maintained for a number of years, certainly until conditions changed. I started to say something about the automobile privilege tax. You know what you pay at your home. You pay only $5 here.

Mr. MANN of Illinois. Oh, more than that.

Mr. WOODS of Virginia. I am not talking about the ad valorem tax.

Mr. ZIHLMAN. I would suggest to the gentleman that he has overlooked the poll tax, such as he pays in Virginia.

Mr. WOODS of Virginia. Yes; and we find it a very helpful thing. It gives us a better electorate. Let us take the intangible tax alone. These gentleman have marshaled here a set of figures to disprove a fact that all of us know when we come to look at the conditions in regard to making up this intangible tax. This intangible tax here for the year 1919 was $880,000. Down in my district in the city of Lynchburg, with a population in 1910 of 29,000 plus—it has increased since—the taxpayers pay an intangible tax of $253,000, and intangibles are taxed at a rate lower—nearly one-third as much as is paid in this wealthy city—than any other property. I think that this submission of figures is a species of legerdemain to disprove a fact. The property owners of the District of Columbia are not paying a tax commensurate with the tax paid by other people. They ought to pay more, according to the privileges they enjoy, and inasmuch as they have no voice in the Government Congress ought to be very careful to see to it that they are not unjustly treated.

Mr. JUUL. Will the gentleman yield?

Mr. WOODS of Virginia. Yes; for the question, because my time is limited.

Mr. JUUL. The gentleman stated they should pay no more than a fair tax. Does not the gentleman think that they should pay a sufficient tax to pay for what is absolutely local?

Mr. WOODS of Virginia. No; I think in view of the fact that a good deal of Government property is not taxed here, in view of the fact we want to maintain this city on a high plane, I think the Federal Government should contribute to the expense.

Mr. JUUL. That is exactly what I said, that the Government should pay that part that the buildings here would justify and the rest should be paid by the city.

Mr. WOODS of Virginia. The city should certainly pay more than it is paying. Mr. Chairman, I yield the residue of my time to the gentleman from Virginia [Mr. SAUNDERS].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. SAUNDERS of Virginia. Mr. Chairman, I have heard the arguments in reference to the half-and-half proposition during a period now of something like 14 years, but have never heretofore taken any part in the debate. It seems to me, however, that this insistence on the part of the citizens of the city of Washington that they have some sort of moral right to this exact proportion of 50 to 50, is so illogical and so unreasonable that it justifies a few words on my part in opposition to this contention. I understand that some gentlemen have stated that should the House discontinue the present plan of making appropriations for the District they propose to carry the fight into their districts. I would advise them against this course. [Applause.] If the people in the country districts come to a full realization of the meaning of the half-and-half system, namely, that it is such an appropriation of the national funds that it has served to make Washington the Mecca of the tax dodgers, I imagine that the voters will not be slow to rebuke the men who are responsible for the continuance of this unjust and vicious system. [Applause.] Mr. Chairman, that is precisely what Washington is to-day. Men from all over the United States come to this city by reason of the favorable tax conditions that prevail here, as compared with conditions at home.

Mr. MOORE of Virginia. If the gentleman will permit, I would like to suggest this to my colleagues, that perhaps we are talking about one thing here which is taxation, but not legis-

lating about that thing, but, on the other hand, legislating in reference to something else, and that is the matter of proportion.

Mr. SAUNDERS of Virginia. We are legislating in this bill in a way to make possible hereafter a just and adequate system of taxation to meet local needs. Our present complaint is that the United States is called upon to furnish one-half of the money required for purely local necessities. I have in mind a case from Virginia that will illustrate the point I made a few moments ago. A very large property owner in that State from the district represented by my colleague, Mr. WOODS, was required to make a return of his intangible property for taxation. This gentleman had a very small amount of real estate, but a very large fortune otherwise, and the city of Lynchburg saw no reason why he should not pay his taxes on this property, and thereby contribute to the general fund for civic purposes. At the very moment that the city of Lynchburg was preparing to take practical steps to enforce its tax laws against this taxpayer, he hied himself to the city of Washington, where there was no tax on intangibles to vex him, or limit him in the enjoyment of his large estate. He lived here for the balance of his days. What was true of that particular gentleman, is true of very many others who have come here from the various States of the Union to escape local taxation. It is not just to these localities that Washington should offer a comparatively tax-free haven to great wealth. My colleague, Col. WOODS, mentioned various taxes not found here, but which exist in the States, the inheritance tax, the income tax, the poll tax as suggested by the gentleman from Maryland [Mr. ZIHLMAN], and still other taxes paid by the taxpayers at home but not a part of the tax system of Washington. In spite of the fact that all of these taxes are essentially just, and paid elsewhere we are asked to maintain a system which renders these taxes unnecessary, so long as the Nation pays one-half of the sum required for the municipal purposes of Washington. The taxpayers of Washington should be fairly taxed for civic requirements, leaving the Government free to supplement the fund thereby raised, to such an extent as may be deemed proper.

Mr. REED of West Virginia. Where does this bill change that?

Mr. SAUNDERS or Virginia. This bill does not change that at all. But as soon as we change the absolute fifty-fifty relationship, the legislation will follow by which we will impose a just system of taxation. The first thing however to be done is to terminate the present arbitrary and illogical relationship. That is what we propose to do now. Mr. Chairman, I am perfectly agreeable to the proposition that by reason of the fact that the Capital of the Nation is here, we ought to make a contribution out of the Treasury to make this a city beautiful, but I deny that with reference to schools, and other purely local features of the city government, they should be maintained in part out of the national funds. Why should we pay for them? Continually Congress is being upbraided by the newspapers of this Capital, for not increasing the pay of the policemen, for not increasing the pay of the firemen, for not increasing the pay of the school-teachers. Discontinue the arbitrary and unjust fifty-fifty plan, and then the people who desire increases in these directions, can be taxed to provide the funds necessary. The money required, will appropriately be provided by the very people who insist that these increases should be made.

Mr. FOCHT. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. I do not know that I have any time remaining. If the gentleman will give me half a minute, I will try to answer his question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULD. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Mr. Chairman, I consider it a privilege as well as the duty to oppose the passage of this bill. For several years I have followed the course of the propaganda resting behind this proposition. This bill is the direct product of certain ideas that were distilled in the mountain dews of Kentucky. Just why they have now got a home in the State of Michigan I am unable to explain——

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. ANDREWS of Nebraska (continuing). Unless perchance that is the home of the great idealist, Henry Ford.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes; for a question.

Mr. ROBSION of Kentucky. To what does the gentleman refer?

Mr. ANDREWS of Nebraska. I refer to the fourth Kentucky district.

Mr. ROBSION of Kentucky. Well, that is all right.

Mr. ANDREWS of Nebraska. Certainly it is; the gentleman recognizes the history and the story.

Mr. Chairman, when this discussion was commenced some eight or nine years ago, I noted that many allegations were made that marked dishonesty had been practiced against the United States in the final settlements between the District of Columbia and the Federal Government under the law of 1878. I turned to the files of my office in the Treasury and drew up the accounts to which those charges related. I called for the clerk that made the examinations. I went through the story and reached the conclusion that the charges were untrue. Very soon after that the Secretary of the Treasury directed a reexamination of that question, and the decision of the chief law officer of the department sustained my conclusion in relation to it.

Now, I want to say that, so far as the Treasury is concerned, so far as the expenses of the District may be concerned, that I do not see any grave danger in the surplus to which the majority report refers. When I read that report and noted the uneasiness of mind with which the chairman penned those lines it occurred to me that he must have been the campaign manager of the national campaign of 1884, charging that a surplus in the Treasury was a national menace. Here we meet again with a surplus of $4,063,000, a great menace to the District, a great menace to the taxpayers of the Nation! Why do we have that surplus of $4,063,000? Simply because, and only because, Congress has refused to appropriate the required amount of money to take that portion out along with other moneys to pay the bills estimated for by the Commissioners of the District of Columbia.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will yield.

Mr. BLANTON. I will tell the gentleman why it is there. It is because $4,063,000 has been taken out of the people's pockets and put into the Treasury.

Mr. ANDREWS of Nebraska. Here is the answer, and I want the gentleman to notice: Beginning with 1910, including 1920 and the years intervening, on the District bill alone the commissioners asked for $22,640,000 more than Congress appropriated. There is the reason, and that is the only reason. Necessary improvements were refused from year to year. The public schools have suffered seriously.

Now, let us turn for a moment to some of the by-products of this propaganda. What are they? When this propaganda commenced many of the people loaning money from the various States to people of moderate means in the District of Columbia who were trying to build moderate homes served notice that the loans would be recalled at maturity. When the loans could not be paid the rates of interest were advanced, so that clerks in the departments drawing moderate salaries, clerks in the stores, and in the shops, and the factories, were compelled to pay increased rates of interest, from 4½ to 5 and 5½ to 6 per cent. It would have been higher than that if the law had not made 6 per cent the maximum. Increased rates of rent followed necessarily. There, Mr. Chairman, is the explanation of the paralysis in the real estate market of the District of Columbia. That answers why there has been no appreciable advance in the real estate market on property sold in the major part of the District of Columbia.

Now, I have heard men directly responsible for this propaganda on the floor of this House talk against profiteering, when, as a matter of fact, the propaganda initiated and promulgated by those very men have taken from the pockets of people of moderate means millions upon millions of dollars in the District. I know these things, because I was right in the midst of the men and the women who had to meet them. That is the actual result of this vicious propaganda. That is one reason why I consider it a privilege and a duty to vote against this bill. We should have something fixed and definite, as we were supposed to have before this propaganda began.

Turn for a moment to the early history of the Nation and the founding of the Capital here. Read the words of George Washington, Alexander Hamilton, Thomas Jefferson. What was the idea of building the National Capital on a small tract of ground? What was logically involved in the plan? That plan directly involved the necessity on the part of the General Government to provide for the expenses of its own National Capital. There was no other course available. It was absolutely unquestioned. Washington and Hamilton and Jefferson saw growing up on a small section of land a National Capital of dignity and power, commensurate with the dignity of the American Republic. How could it be provided for outside of the National Treasury? On this basis I assert this proposition, that it is, Mr. Chairman, the primary duty of the Federal Government to support the National Capital. [Applause.] Mark you, that principle is in-

volved in the original idea. But in the development of the plan under the law now in force, who is it that does the work? The President of the United States and the Senate furnish the Commissioners of the District of Columbia. Through executive power of the Federal Government the District government is created. The Commissioners of the District of Columbia, the judges of the courts, the policemen on the streets, the school board, and the teachers in the public schools are the representatives of the Federal Government of the United States. They are not the representatives of the people who live permanently in the District of Columbia, because no one votes here. There are no elections here, the government being under the direct control of the President and Congress. The President appoints the principal executive and court officials and Congress enacts the laws, including what are commonly called city ordinances. Presidents, members of Cabinets, Senators, Congressmen, officers, and clerks in the departments go home to their respective States to vote, just as though the District of Columbia, including Washington, were a part of each voting precinct in the United States. For that reason it is the duty of the Federal Government to support the government it has created to manage and control affairs in the District of Columbia.

But the people who come into the District and hold property here should help the Federal Government pay the bills. Now, I want to call attention to this fact. We should reverse our ordinary method of reasoning. Frequently it is said that the Government should help the people of the District finance the enterprise. Not so. The people of the District should help the Federal Government finance the enterprise; and if $1.50 on each $100 will not meet the needs of the National Capital, make the rate still higher until it does. And let the Federal Government and the people of the Nation and of the District of Columbia stand side by side and furnish the money to do the work.

How much have we heard, even from the chairman of the committee, in regard to the improvement of our schools? Scarcely a word. Who uses the schools? The children of the Members of Congress, of Senators, and clerks in the departments. Uncle Sam does business here. His people and his servants are the ones that receive the largest benefits. But let the property located here come side by side with the needs of the District. Develop the water system as it ought to be; develop the schools as they ought to be developed. And, my friends, upon that basis the present law will not furnish us any more money than we need. I doubt whether it will furnish enough. If I were voting for a change in existing law and conditions, I would say advance the rate of taxation and let the Federal Government meet it, and put in the water system, enlarge your schools, until the National Capital shall stand as a model to the nations of the world in education, in beauty, in attractiveness everywhere. And if we reverse this little by-play in mathematical gymnastics in trying to prove something and hitting nothing we will get somewhere in the advancement of the great work of the National Capital.

Mr. Chairman, I yield back the rest of my time. [Applause.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Chairman, I have never until now participated on the floor in these discussions over the half-and-half proposition. But five years ago I served on the Joint Committee on Fiscal Relations to investigate this subject. We deliberated nearly all summer of the year 1915 and the major portion of the fall. We took nearly 2,000 pages of testimony and prepared and signed and presented a unanimous report on the subject to the House of Representatives and to the Senate. My colleague from Illinois [Mr. WILLIAMS], with the diligence which always characterizes him in everything he undertakes, copies portions of that report in which it appears that the members of the joint commission said:

> The annual tax rate in Washington is approximately $16 per capita.
> In the judgment of your committee this is a reasonable tax levy at this time, especially when we consider, as we must, that a large proportion of the population here pays but a small amount of taxes imposed.
> We find from the evidence of fair-minded men, residents of Washington, familiar with real-estate values in general, that the present assessment of real estate for taxation is fair and reasonable.

This portion of that report is quoted as a reason why this bill should not pass.

Mr. WILLIAMS. Mr. Chairman, will my colleague yield?

Mr. HENRY T. RAINEY. Yes.

Mr. WILLIAMS. That portion is quoted to disprove the statement that the citizens of the District of Columbia are undertaxed.

Mr. HENRY T. RAINEY. Yes. The three Senators on the joint commission are no longer Members of that body. The only members of that joint commission are Judge GARD, of Ohio, and myself. He will confirm what I am now prepared to say, that although the investigation was ex parte in character, and we heard the gentlemen who principally represented the District of Columbia and presented matters from their viewpoint, every member of that joint commission reached the conclusion that the half-and-half proposition ought to be repealed. In our report, which was prepared by the gentleman from Ohio [Mr. GARD]—every word of it was written by him, and he will confirm what I say—we recommended in the report the very legislation which is now pending before this House.

Now, I note also—and I have not much time—that my colleague from Illinois, Mr. WILLIAMS, quotes from Gov. Blackburn, of Kentucky, referring to a speech he made on May 7, 1878, speaking in the House in favor of the half-and-half bill, and he correctly quotes from his speech. Gov. Blackburn at that time was chairman of the Committee on the District of Columbia and prepared that half-and-half bill. He himself drew this measure which is called the fundamental law of the District on the subject, and he spoke in its favor, and largely on account of the fight he made his bill was written into the law.

Now, Gov. Blackburn appeared before our committee in 1915, 37 years after he made this speech. When he appeared he was a member of the Lincoln Memorial Commission, residing here in the city of Washington. Gov. Blackburn on that occasion, in 1915, referring to the subject, said—and what Gov. Blackburn thought about it in 1915 is of more value now than the argument he used in 1878:

> The status of 1878 no longer exists here now. For that reason I believe that the time has come to abolish the 50 per cent division of expenses between the private property holders and the Federal Government.

I am reading from page 1426 of Document No. 247, Sixty-fourth Congress, first session.

> If the half-and-half division of the expenditures was fair in 1878, it certainly is not fair now.
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> * * * * * * *
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> There are other reasons that commend themselves to my judgment. I do not believe that the Federal Government ought to be in a business partnership with anybody. I do not think it comports with the dignity of a nation of 100,000,000 people to maintain a business partnership with those who pay taxes in the District.
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> * * * * * * *
>
> I do not believe that any man should be benefited by or penalized because of his living in the Capital City. * * *
>
> I believe that that partnership ought to be dissolved. The law of 1878 has stood the test of experience for more than one-third of a century. It has lasted longer than I thought it would endure at the time of its enactment. * * *
>
> I have no regrets to express and no apology to offer for the act of 1878. For 36 years it has answered the purposes of those who framed it and answered those purposes well, I think; but I think the time has come now when a different condition should obtain.

And then Col. Worthington, representing the District organizations, called his attention to this very speech, a portion of which my colleague has embodied in this report, and Gov. Blackburn said:

> I repeat every word of that now, and indorse every word of it now. I have stated to the joint committee that at that time I believed that the act of 1878 was the best solution that could then be had. I am satisfied beyond all peradventure of doubt that that conclusion was correct; more than the act of 1878 got could not have been passed through the two Houses. If conditions as to holdings of real estate in the District of Columbia were to-day what they were 36 years ago, I would still insist that the equal division of municipal expenditures was approximately fair between the Federal Government and the private taxpayer.

Gov. Blackburn—and this was among his last official acts before his death—appeared before our committee and asked that the act of which he was the father, which he had succeeded in getting through Congress, should be repealed.

I think his opinion in 1915 is worthy now of more serious consideration than his opinion in 1878 should now receive. The citizens of the District of Columbia ought to pay as much in taxes to-day as they would pay for public purposes if they lived in any other city with similar surroundings; and they ought to pay that much, no matter how much the Government pays, and they ought to pay no more than that, no matter how much the Government pays. This city belongs to the people of this Nation. It does not belong to those who happen to live here. It does not belong to the Government employees who live here. It is a national city, created for the purpose of being a national city, and created originally in order that it might be maintained without any form of local government; and since Congress conclusively took charge of the affairs of this city, it has been the best-governed city in the United States. When it tried to govern itself, after the act of 1871, there were scandals greater than any other city of this country ever developed, and after three years of attempting to govern itself in the early seventies it came out with a debt of over $25,000,000, which the Government was compelled practically to assume and guarantee, and the National Government has been paying half of it ever since,

and the Government would have to pay all of it, of course, if the District did not pay half of it.

I am not one of those who think that the taxpayers who live here in the District of Columbia ought to pay all the expenses of maintaining this beautiful Capital.

This city ought to be maintained as the most beautiful capital in the world. The people who live here ought not to be required to pay all the expense of maintaining its broad boulevards, its magnificent park systems, its hundreds of miles of sewers, but they ought to be required to pay as much as they would pay in other cities similar in population. Of course, there is no city in the United States, no city in the world, that will afford to the people who live within its boundaries the cultural opportunities, the educational opportunities, the social opportunities, open to the people who live here in this great Capital of this great Nation. But it is not too much to require them to pay what they would pay on the property they own here if they lived in Newark, N. J., or New Orleans, La., the two cities which in population most nearly approximate the city of Washington.

If the citizens who live here pay as much as they would pay if they lived elsewhere, or in the cities I have mentioned, we ought not to attempt to maintain this beautiful Capital on the amount they contribute, and there is not the slightest danger that any attempt of that kind will be made. This is a national city and Congress will appropriate always whatever balance is needed. In order to indicate what I mean when I say that the conditions in no other city will apply to the conditions here, I might call attention to the fact that just a few years ago when we had here in Washington a windstorm, which many of you will remember, and which blew down trees all over the city, I obtained figures at that time as to the number of trees destroyed. They were hardly missed when the débris was cleared away, and there are no marks of that storm now. There were as many trees destroyed in that storm as there are in any other city in the world.

Washington is not a large city, but we have here more square yards of asphalt paving than they have in the neighboring city of Baltimore, which is one of the great cities of the country. We have here more miles of sewers than they have in Baltimore. I present these facts to show how impossible it is to expect the people who live here to bear all the expenses of maintaining this city. The newspapers of Washington seem to think that some such movement as that is ultimately contemplated. Many of the citizens of Washington seem to think that this legislation would be the first step in that direction. But let me say to the citizens of Washington and to the newspapers of Washington they need have no such fears. This city belongs as much to the people who live in Illinois as it does to the people who happen to live here. The people of this country, without any assistance or suggestions from that portion of the population which lives in Washington, will maintain their Capital as the greatest capital of the greatest Nation in the world ought to be maintained.

For a long time there have been many Members of Congress who have been compelled to face in their elections the charge that they have voted to appropriate out of money contributed by the taxpayers from their districts funds for moving ashes and garbage from the back doors of residents in the city of Washington and that they are compelled to help maintain million-dollar high schools here; that they are compelled to help maintain here great manual-training schools. As a matter of fact, all of you know the fallacy of an argument like that, but the time has come to stop it. Members of Congress ought to be compelled no longer to face this charge, and the only way to relieve the membership of this burden is to abolish this half-and-half proposition, by which the National Government contributes one-half the expenses of maintaining this Capital.

The history of the support by the Federal Government of the National Capital is interesting. The capital was located here in Washington in order that the affairs of the District might be administered by Members of Congress and not by any local government. Delegates to the Constitutional Convention—many of them—had been Members of the Congress which in 1783 was compelled by a riotous mob of Revolutionary soldiers to move the capital of the United States from Philadelphia, Pa., to Princeton, N. J., after the governor of Pennsylvania had assured them that his State militia would not be able to cope with the disciplined veterans of the War of the Revolution. As the result of the experience Congress had in 1783 in Philadelphia it was easy to place in the fundamental law of the land the provision for this District. President Washington was authorized to lay out the city here where it is. He required the landowners—there were 19 or 20 of them, I think, who owned the site of the original city of Washington—to deed to him the 6,111 acres upon which the city was built. After laying out the city streets and the alleys and the avenues, and after laying out the lots, George Washington deeded back to the former owners 10,136 lots, that number being one-half of the total number of lots laid out. The people who lived here at that time were anxious to undertake the burden of a national city. They knew that here was to be located the greatest business in the world, the business of conducting this great Government, with its tens of thousands of employees, and they did maintain the city—it was not an expensive proposition to maintain the city in those days—until early in the last century, when the first considerable municipal improvement was undertaken, and this improvement consisted in the building of a "path from the President's house to Georgetown."

My recollection is that the Federal Government paid one-half of that expense, and from that time on the Federal Government has contributed to the support of the District perhaps as much as the Federal Government ought to have contributed. From 1790 to 1835 it cost about $5,500,000 to pay the municipal expenses of the District of Columbia. During that period of time the Government contributed about one-half of this amount, but during 22 years of that time the Government made no contribution at all; in fact, during that period of time no contribution was requested by the citizens who lived here; but in 1835 the city had developed to such an extent that maintaining it was a burden the citizens who lived here ought not to be compelled to sustain. They appealed then to Congress and from that time on a large contribution was made by the Federal Government. Contributions were made when the Federal Government deemed contributions were necessary and they were usually made when the citizens demanded contributions.

But in 1871 under Gen. Grant's administration, when an era of good feeling was commencing following the Civil War, and when there were steps taken to restore the rights of citizenship of Southern States, it was considered opportune to give the District of Columbia local self-government and under the suggestion of the Grant administration a governor was appointed for the District of Columbia, and a legislative body was established, composed of 22 members, half of that number being appointed by the citizens of the District and the other half appointed by the President. As the result of this local self-government in three years of time the city was plunged into debt to the amount of $25,000,000, a debt which amounted to $150 per capita for the people who happened to live here, and this was $30 per capita more than the debt of any other city in the United States. The Government was compelled to take away from the city its self-governing organization and to resume again the burdens of governing this city, and from that time on the city of Washington has been the best governed city in the world. The scandals of the Shepherd administration, from 1871 to 1873, are still remembered. No other city ever experienced anything like it. It is not likely that the District of Columbia will be again self-governing. Self-government for this city is an impossibility for the simple reason that they depend too much upon the Treasury of the United States. The Government will not permit its Capital to incur debts which it will not pay, and for that reason the civic restraints which govern citizens of other cities will never prevail here. In 1878 the organic act was passed providing that the Government pay half and the citizens pay half of the expenses of maintaining this city upon the theory at that time that the Government owned in value perhaps one-half of the property, but the Government built its own buildings and the Government maintained its own buildings. The Government provided the magnificent grounds which surround these buildings, and the Government maintained these grounds. The Government polices its own buildings and the grounds about them, and these items are not included as a part of municipal expenses. The Government will be discharging its full duty to the National Capital if after the people who live here pay the taxes they ought to pay—the taxes they would pay if they lived in other cities of similar size—the Government pays the balance, whatever it may be, whether that balance be more than the citizens pay or less than the citizens pay. From 1835 to 1870 it cost to maintain the National Capital, in round numbers, $20,000,000, of which amount the citizens contributed $5,000,000 more than was contibuted by the Federal Government, and this was about the proportion the citizens ought to have contributed during that period of time.

The argument usually made by the newspapers published here and by the citizens who live here in favor of the half-and-half proposition is that the city did not become a great and beautiful city until after the Government fixed the exact ratio of 50–50 in the matter of paying expenses. They say that from 1878 to the present time the greatest growth and the greatest development in the Capital occurred. Of course, the fact they state is true, but it is a fact that every city in the Union, including even the old cities of the East, much older than Washington, made the greatest growth and development after 1878. During that period of time street railways abandoned the old system of horse cars and attained their present comfort in the

matter of transit. During that period of time electricity came into use. During that period of time gardens and parks made their greatest development. During that period of time, I remember that the city of Chicago was entirely rebuilt, even the buildings in that great city were torn down and renewed. There is nothing in this argument. There is no alchemy in the half-and-half proposition which insures to this city its continued development in beauty and in every other thing which makes a city magnificent and great. The citizens of Washington take themselves too seriously. The editorial staffs of Washington newspapers take themselves too seriously. Men who favor a continuance of this illogical half-and-half proposition will have their pictures printed on the front pages of Washington newspapers indefinitely in the future. Their names will appear in the front page headlines after this discussion is over. Those of us who stand for a more logical system expect nothing of this kind. So far as I am concerned in the future I expect to vote for those appropriations from the Federal Treasury needed to maintain the magnificence of this Capital city, and I expect at all times to vote to compel taxpayers who live here to pay as much as they would pay on their property if they lived in any other city of similar size.

The Federal Government assumed the payment of one-half of the indebtedness contracted by the Shepherd government in the city of Washington and the Government has been paying one-half of the sums paid on that account ever since. The bonds issued at that time—the 3.65 bonds—are not yet paid. Nine hundred and seventy-five thousand dollars will be paid this year on those bonds; $975,000 will be paid next year, and $975,000 will be paid in the fiscal year of 1922, and when the 1922 payment is made the bonds will all be paid. This will release the citizens of Washington from paying one-half every year of the $975,000. The citizens who live here have nothing of which to complain. They have been treated fairly and liberally by the Federal Government. We have paid one-half of the debt contracted by the District during the three years it was a self-governing city, and it is to be hoped it will never be a self-governing city again. After the citizens have paid the taxes they ought to pay, Congress will pay what balance is necessary. The Federal Government ought to do that much; it ought not to do more than that.

I am surprised that the half-and-half proposition receives at this time so much support in this body. It never before received support similar to the support given it now. Nearly one-half the members of the District Committee have signed the minority report. We have been appropriating so many billions of dollars during the war that the conscience of Congress in the matter of appropriations may be blunted to a certain degree, but I will be surprised indeed if the proposition of the committee to abandon the half-and-half proposition and to adopt a logical plan does not again pass this House. As far as I am concerned, I expect to vote for the committee bill.

Mr. FOCHT. Mr. Chairman and gentlemen, for many years as a member of the Committee on the District of Columbia I have listened to arguments for and against this half-and-half method of taxation, until finally, when the bill was reported to the House by the vote of the committee, I am constrained to believe that as the years go by the arguments become more confounding and confusing instead of enlightening. The bill came here with nine names attached to what was called a minority report, which, in fact, was a majority report against any change. As for myself, I might say to the several gentlemen who talked about going home to your constituents and facing them on this little proposition of taxation in Washington, or the District of Columbia, that I have been to see those folks many times, and I expect to go to see them many times in the future, and I want to say to those gentlemen that those very people are glad indeed that there is some inducement for people to come to live in Washington, even if residents are given a small shade of reduction in taxation. They are proud of their great Capital city. They are willing that it shall be beautified; that there shall be better accommodations here; that it may become an example to the whole world; that we may have that good government here spoken of a minute ago.

Mr. SAUNDERS of Virginia. Will my friend yield?

Mr. FOCHT. Briefly.

Mr. SAUNDERS of Virginia. Is this city going to be beautified by bringing tax dodgers here?

Mr. FOCHT. They can not dodge taxes when they have property here. It is your fault and mine if we do not get them. But you will not get them under this bill, and I will tell you why. If they are half as crooked and venal as they are claimed to be, the best way is to make them pay a definite and fixed amount. I should like to know how you are going to get them under an assessment system, if they control the assessor. You gentlemen are all wise enough to know what happens under an assessment system. You know that the assessment of property is sometimes very much a matter of sentiment, sometimes a matter of judgment and viewpoint, often a matter of necessity. So how are you going to get at it? We do know that when we get the 50 per cent from them we get a fixed and sure amount; but if you are going into this haphazard, indefinite, unbusinesslike proposition which is offered in this bill, you are saying to them, "Give us what you please, what the assessors choose to assess, and we, like easy marks, will give them the balance." That reminds me of how the late Senator Quay once jocularly replied to the importunities of a soliciting promotor. He said, "You go out and see what you can make and I will give you half of it," and that is the way with this sort of a proposition.

This is no time to make the change, anyhow. You see the sentiment of the committee expressed in their negative recommendation on this bill, which ought to be an expression of value. But while the bill may pass the House, it will not pass the body at the other end of this Capitol. With the present disturbed condition of values, especially in Washington, this is no time to tamper with assessments. Anyhow, one thing that we always try to arrive at in a city or county or any division of government is to reach the point where we have ample funds, and certainly we have enough here when they say they have a surplus of $4,000,000, which indicates good housekeeping.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, the purpose of this bill is to establish complete and ample justice between the residents of the District of Columbia and the taxpaying residents of all the cities of the American Union and to clear away the most marked feature of special privilege which exists on the statute books to-day. There has been a singular unanimity of every board and of all persons who have had occasion to investigate this matter, until now we come to the carrying out, by the language of this bill, of the action of chairmen of Committees on Appropriations, Messrs. Fitzgerald, Sherley, and GOOD, and the action of chairmen of the District of Columbia Committee, Messrs. JOHNSON and MAPES, and of the report of the Fiscal Relations Commission of 1915, of whom there are two members now in the House and who vouch for what that means. It is the carrying out of what this District of Columbia Committee has done in the last two or three weeks, and of the action of this House of Representatives seven times repeated, which has declared that this fictitious principle of the so-called half and half is absolutely no longer necessary and should not be tolerated upon the statute books of the United States.

Now, the Fiscal Relations Commission found—and the House has followed their finding a number of times—that it was impossible to determine whether 20 per cent or 30 per cent or 40 per cent or 50 per cent was an adequate contribution by the General Government, but they found, and found justly, that the people here should pay a fair and reasonable tax upon their taxable property, and that beyond that every cent necessary to maintain this Capital as the model city not alone of the United States but of the world should be made up by the General Government. That is the report of the Fiscal Relations Commission; that is the plan that I think should be followed; and that is what is applied here. Now, the last time we considered it we found there was an immense surplus credited to the funds of the District of Columbia standing unexpended, useless for any municipal purpose, over $4,000,000 of the people's money lying idle. No State, no municipality anywhere except here in the District of Columbia, has any such fund of the people's money lying idle. When we sought to avoid that, we were told that it is all a matter of bookkeeping; that it would not be appropriated, anyhow. But now we find by this publication issued yesterday in the District of Columbia, where the gentleman from New York [Mr. GOULD]—by adoption, I believe—takes on a statement. We find that there should be two things, one that the law of limitation should be removed, and the other that the surplus should be expended. This is the development that everybody anticipated. We were told that the surplus was a matter of bookkeeping; that it did not amount to anything; and now here we find as the entering wedge the two things, remove the limitation on appropriations, throw open wide the door to estimates no matter how radical or useless, and, more than that, spend the $4,000,000—no matter what you spend it for, but get rid of it; it belongs to the people of the United States; take it from the Treasury and spend it; throw it to the winds so that we will not be charged with having a surplus. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOULD. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. HAYS].

Mr. HAYS. Mr. Chairman, the bill under consideration proposes to abolish the half-and-half system by which the people of Washington and the Federal Treasury contribute equal amounts to the maintenance of the District government. The method of establishing and governing the city of Washington and the District of Columbia is unique in comparison with the history of any other national capital. Here the scheme and plan for a Federal seat of government was conceived and drafted long before the city became a reality. In all of the older nations the capitals were established in existing cities, but in the United States the Capital was first designed and the city followed.

The preliminary steps to create a national reserve for the seat of government were taken in 1778, when the Congress was in session in the city of Philadelphia. Thereafter followed such legislation and consummation of plans as resulted in laying off the District of Columbia separate and apart from the jurisdiction of any of the sovereign States in America. In the year 1800 the offices and departments of our National Government were duly established in the city of Washington and within the District of Columbia. Two years later the city itself was incorporated. From the time the seat of government was established here down to the year 1878 there was no fixed and determined understanding between the people of the Nation and the people of the District of Columbia as to what portion each should bear in meeting the expenses of municipal development and maintenance. During all of those years the people submitted to a burden of heavy taxation, and all of the money so paid was spent for public improvement purposes. The tax money was supplemented by sporadic appropriations by Congress. Some years Congress appropriated much, some years it appropriated little, and some years it appropriated nothing at all. The results of that uncertain situation were disastrous in the extreme. The city government became heavily involved in debt; municipal bankruptcy was threatened. With all their abundant outlay of cash, the streets were dilapidated and municipal progress was halted. Property values fluctuated with the varying uncertainty of tax levies. Public spirit was in a chaotic condition and municipal progress had stopped. Congress at last realized the impending calamity and appointed a commission to ascertain the facts and define the causes and to suggest a legislative remedy. Many months of hard labor by the wisest men of the Nation was given to this task, and when their report was made it was followed by the enactment of what is known as the organic act of July, 1878, which provided a new form of government for the District of Columbia and the city of Washington. That organic law provided, among other reforms, that the expense of maintaining the municipal government should be divided half and half between taxation against the citizens of the District and appropriations from the Treasury of the United States.

During all preceding years the tax money paid out by the people of the District in developing a Capital for the whole United States had exceeded the amount of money contributed by the Government for that purpose to the extent of more than $9,000,000. Since that time, however, the District and the Government have been matching dollars in meeting that expense.

The proponents of the pending bill propose to abolish the half-and-half provision without substituting anything better in its place. The natural result of the passage of this bill would be a reversion to the unsettled conditions formerly prevailing with all the attendant uncertainty as to the amount of taxation, the comprehensiveness of the improvements, and the whim and caprice of varying congressional appropriations.

In all of the hearings held on this bill and in the arguments submitted by its advocates the whole fight seems to be bottomed on the theory that the people of Washington are not taxed as heavily as the citizens of certain other municipalities in the United States. That general statement may be true, although the facts do not seem to bear it out. But whether it is true or not is unimportant, because it does not involve the fundamental principle to which we should look in settling this controversy.

If it be true that Washington citizens pay less taxes than the people of other cities, remember that this is not a commercial city; that it is not maintained by mines or factories, or farming interests, or shipping facilities, or any of the other peculiarly local conditions that build up cities of their own accord. If it be true that these citizens bear light tax burdens, it is also true that in no other city of America is so large a proportion of the most valuable real estate entirely excluded from responding to any tax whatever. If it be true that they pay less tax, it is also true that what they do pay is expended for the benefit of the whole Nation as well as for themselves. In every other American city the taxes are paid for purely local benefit, but here the taxes are largely paid for the national benefit.

If it be true that they pay less taxes, it is also true that they receive less in return for what they pay. In every other city of America the people who pay taxes for governmental purposes enjoy the right of administering their own government according to their own will. They determine through appropriate representation how the taxes they pay shall be expended. When we remember the impositions practiced upon the colonies before the days of the Revolution, and when we remember that the unjust burden of taxation without representation was one of the primary causes of the birth of this infant Republic, it seems to be the very irony of fate that this city, which is presumed to typify in its magnificence the soul of Americanism, should be the only spot in the Nation subject to taxation without representation.

The people of Washington and the District of Columbia have no voice in choosing the people who make their laws; they have no part in framing those laws; they are not consulted as to who shall be the officers to enforce their laws; they do not determine the amount of their own taxation; and they are utterly helpless in determining how their tax money shall be spent. Congress makes all the laws for the District of Columbia, and the officers and boards appointed by the President administer those laws. The people of the District have no vote in determining the Membership in Congress nor in electing the President.

I am not concerned about the relative rate of taxation in Washington and in other cities. Whether these people pay a higher tax rate or a lower tax rate than the people of Cincinnati, or San Francisco, or New Orleans, or Detroit, is neither here nor there in determining the fundamental problem in hand. That comparison is irrelevant and immaterial and far afield from the real issue involved here.

One important question is: Who is benefited by the money that is spent in maintaining the Capital City of the Nation? The obvious answer must be that the benefits accrue to the inhabitants of Washington on one hand and to the citizens of the Nation on the other hand. To determine the respective needs of these two bodies of people in that behalf reaches the real crux of this inquiry. Consider, if you please, the relative disadvantages they would suffer without such expenditures. If the streets are neglected, if the parks become unsightly, if the water supply is cut off, if fire protection fails, if the police organization ceases to function, would not the calamity to the whole body of the American public be vastly greater than the mere inconvenience suffered by the population of this city? Then, gentlemen, it is but reasonable that the Government should bear at least an equal portion of the expense incurred in the upkeep of these municipal requirements so important to our national welfare.

Another important fact that should not be forgotten is that the Government has made necessary a much heavier maintenance account than is the case in the average American city. The splendid magnificence of the District as laid out by Gen. Washington, with its broad thoroughfares, with its graceful parks and squares and circles, require improvements of such expense and elegance as to harmonize with the artistic scheme upon which the city has been planned.

It costs large sums to pave the wide streets; ornate bridges are required; and everything must be on a larger and more extensive scale than elsewhere to conform to the artistic dignity of a city designed with national pride for the home of our Federal Government. And remember, the people of Washington have no voice in saying whether these things will be so or not. These expenses were determined for us in plans approved more than a century ago and handed down to us as a mandate from the founders of this Federal City.

Justice and equity demand that the people of the Nation should join with the people of the District in meeting the expense of maintaining the Capital City in ratable proportion to their respective needs. Certainly it can not be said that our National Government has less interest in its only established and permanent home than has a changing resident population.

The District of Columbia is primarily the seat of government for the United States; the growth and development of a great municipality within the District was a probable and a necessary incident; but Washington as a city is secondary in importance to Washington as a Capital. The Federal Government is not located in the city of Washington for the benefit of the citizens of this city; the Federal Government is located here for the benefit of the whole people of the United States.

In the ordinary city the interest of the people of that city is the supreme purpose of its municipal existence; but in the case of our Federal seat of government the place is primarily

a capital and only incidentally a city. The magnitude of the plan of the city of Washington, with the number and the length and width of its thoroughfares to be built and maintained, imposes a burden vastly greater than a city planned by local interests would undertake; moreover, the greatness of the improvements as to beauty and expense must be harmonious with the original design, and the cost is vastly more than the ordinary city would afford.

Here is another fact absolutely unique in the history of city building. The seat of government is confined to the present boundary limits of the District of Columbia. Congress itself has no power to extend those limits. In other municipalities the amount of taxable real estate increases in area with the extension of city boundaries, but the very reverse is true in the District of Columbia. The Federal Constitution prevents an increase in acreage; but it grants to Congress, regardless of the will of the local people, the right to reduce the amount of that acreage for the purposes of taxation. Year by year more and more of this land is purchased or condemned by Congress, and is laid off for public highways and taken for public parks and building grounds. Every acre so taken reduces the source of tax production, and at the same time it increases the need of money for the upkeep of the city and the District.

When these facts are fairly considered it seems just and reasonable that the United States should bear at least half of the burden of development and upkeep in the District of Columbia. Moreover, for the sake of quietude and certainty on the part of the Government, as well as on the part of the District, the relative proportions of the money to be paid for this purpose should remain definitely fixed by law. Therefore, Mr. Chairman, I oppose the passage of this bill. [Applause.]

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, in five minutes one can not discuss the real merits of the pending measure. Gentlemen say they are not concerned with regard to the relative amount of taxes that the taxpayers of the city of Washington shall pay into the Treasury for the support of the city, and yet, as a business proposition, that is all that this bill is to do. The city of Washington to-day has an indebtedness of about $3,000,000, and under the sinking fund requirements that debt will be all paid in 1922. There is not another city in the United States anywhere that can show a financial condition to compare with that.

This matter has been before the House for several years, and about every time it has been before the House two-thirds of the membership have been in favor of repealing the law and in favor of a proposition such as that carried in the pending bill. It seems to me that the measure is entirely fair. It ought to be fair to the District of Columbia. We ought not to enact any legislation that is unfair, and those who would claim that Members who favor this legislation are inclined to be unfair to the District I think are misstating the question altogether.

Mr. LONGWORTH. Would the passage of this bill of itself increase the taxes of the citizens of the District?

Mr. GOOD. It would not of itself. It might make it necessary to increase the taxes, and I am not sure but what it should. In my city, a town of less than 50,000, I have to pay taxes at the rate of more than 2 per cent upon a fair cash valuation of my property. I think our rate is about the experience in other cities of that size and larger. Here we assess the property at two-thirds of its valuation, and the actual assessment figures out about 1 per cent of the actual value. It seems to me, in all justice to the property owners here, that it will not be treating them unfairly, enjoying all the benefits of what I believe is destined to be the greatest city in America in many respects, if we require them to pay a tax equal to that paid by people in other cities. I believe Washington is destined in many respects to be the center of great activities; it is destined to become the center of art, literature, and science in the United States. It is recognized as the political center. I believe it is destined to be that, but I do not believe that Washington is soon to be the city it is destined to become if we do not change this method of taxation. The sooner we change this system, the better for Washington. I think our schoolhouses in Washington do not measure up to the requirements and needs of the city. The character of buildings on Pennsylvania Avenue would be a disgrace to a town of 10,000 people, and yet they continue, and will continue, until we adopt a business plan of taxing the city of Washington. Adopt a business plan, adopt the same plan that other cities adopt, and let property, whether it is Government property or other property, bear its just proportion of carrying on the activities of the city, and I think you will see a more healthy growth in the city of Washington. Those who are opposing this legislation in 10 or 20 years from now will acknowledge the fact that it is bottomed upon good business principles and will mean more for the growth of Washington than any legislation that Congress could possibly pass.

Mr. MAPES. Mr. Chairman, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

Mr. CRISP. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count.

Mr. CRISP (interrupting the count). Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Chairman, Washington has been called the most beautiful city in the world. I have not traveled abroad, so I can not from personal knowledge say that Washington is the most beatiful city in the world, but I do know that as the Capital of this great Republic it is destined to be the most beautiful city in the world. It was excellently planned, and while its builders have not followed the original plan intelligently at all times, we are gradually coming back to the old plan, and eventually this city will be developed in a manner in keeping with the might and majesty and strength of the Republic. I have never met a Member of Congress who was not kindly disposed toward the Capital of the United States. I have never known one who remained here for any length of time who was not enthusiastic with regard to its development and anxious to do what he could to promote its growth along the finest and best lines.

Some years ago conditions arose in the city of Washington under which it became necessary for the Federal Government to come to the relief of the inhabitants of the city. A local government, unfortunately administered, had plunged the city into debt in the sum of about $150 per capita. There was no possible way to meet this indebtedness, and to insure the growth and development of the city otherwise than by the aid of the Federal Government and the Federal Treasury. A plan was adopted under which the Federal Government was to contribute one-half of the expenses of the city. It was a good plan, it was a sound plan, at the time and under conditions then existing. For some time the Federal contribution was scarcely enough; it was difficult to pay the debt, to provide for the administration of the city, and to extend its streets as they were needed with the 50 per cent contribution made by the Government. But gradually conditions changed, the debt was steadily reduced, and is now almost extinguished, and the city has grown wonderfully; great wealth has been brought here from the ends of the Union, and conditions are such and will continue to be such that a contribution of 50 per cent toward the running expenses of the city by the Federal Government is not necessary. It has not been necessary for a number of years past. The old plan has outlived its usefulness. While good and useful at the time adopted, it no longer fits the conditions. It is neither fair to the people of the country generally nor is it fair to the District of Columbia that there should be this fixed one-half contribution from the Federal Treasury. The plan that is proposed is fair, equitable, reasonable. Under it the people of the District will contribute a reasonable sum to the maintenance of their Government, and all the amount needed to run the District government and meet the District needs over and above that fair contribution is to be paid out of the Federal Treasury. As a matter of fact, it is exactly what we have been doing in the past. It is what we are doing now.

Mr. WILLIAMS. Then why change it?

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. There is no such thing as a District of Columbia fund or a District of Columbia treasury.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURPHY. Will the gentleman explain to the House on what he bases the assumption that future Congresses will be more generous when they have no such sum to draw from than the present Congress is with the $4,000,000 that belongs to the people of the Nation to be spent on their Capital City, which remains in the Treasury?

Mr. MONDELL. I was not talking about generosity or lack of generosity of the Congress to the District of Columbia. I take it for granted that the Congress will always be generous to the District; but I say that it is not fair to the taxpayers of the district which my friend represents to say to them, "You shall help pay half toward the maintenance of the government in the District of Columbia, whether that sum is needed or not."

Mr. Chairman, this is not a question of the rate of taxation in the District of Columbia, though one might judge it to be so from the argument that certain gentlemen make. I have expressed no opinion with regard to the present assessment or tax rates, because that is a matter not necessarily involved in this discussion. Years ago when the question of the fiscal relations of the District with the Federal Government were discussed I did not favor a change from the half-and-half rule because, while I believed we we were reaching a period when the old rule was not equitable, I was not certain what rule should be adopted. I gave the matter considerable thought and study, and I was for a time of the opinion that while the half-and-half rule no longer provided a fair apportionment of expenditure there should be some definite rule of apportionment; but as time has passed I have changed my mind in regard to that and have come to the conclusion that it is impossible to fix any hard and fast rule of division of expenditure and that the plan now proposed is not only fair and equitable but that it is the only workable plan.

I think our experience in dealing with the District in the matter of appropriations for the last few years makes it very clear that the present rule or plan is not sound. We have appropriated all that should have been appropriated under the circumstances, and yet up to the 1st of last July the District revenues have exceeded one-half of the appropriations by over $4,000,000. As a matter of fact, we have not been following the half-and-half plan.

I am in hopes that before long conditions will justify considerably increased expenditures by the District government and we may reach a condition where for a time the appropriations are equal to or even exceed double the revenues of the District. I for one should not hesitate to vote for a District bill simply because its sum total was double the income of the District, but I do not believe that it is practical or wise to have a hard and fast rule. For one thing, it handicaps the commissioners of the District in making their estimates, which is not fair to the District. Under the rule proposed the limitation which now exists on estimates would naturally be removed. The commissioners would estimate for the needs of the District, the Congress would appropriate such sums as in their opinion were wise, the District funds would flow into the National Treasury as now, and we would be free from the ever-recurrent question as to whether or not the appropriations were double the District revenue; and if not, whether or not there was a sum in the Treasury representing the difference and who it belonged to.

The plan proposed is simple, sane, and sound, and with a Congress disposed to deal with the District fairly, as I believe the Congress always will be, will afford the basis of more harmonious relations between the District and the Congress than now exists.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid, from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and the remainder shall be paid out of the Treasury of the United States: *Provided*, That the amounts to pay the interest and sinking fund on the funded debt of the District of Columbia shall be paid one-half out of the revenues of the said District and one-half out of the Treasury of the United States.

Mr. CRISP. Mr. Chairman, I move to strike out the last word. I can not make any argument in five minutes and neither can I hope to add anything to the splendid presentation of the case made by the chairman of the committee, the gentleman from Michigan [Mr. MAPES]. It seems to me that his argument is conclusive in the matter; but, speaking to my new colleagues, let me say that in the Sixty-third Congress I introduced a bill to repeal this half-and-half law, which was the first bill ever introduced in Congress on that subject. In that Congress the House passed the bill repealing the law, and in each Congress thereafter the House has passed an act repealing the law, but it has been defeated in the Senate. Now, gentlemen of the committee, I believe that the people of the city of Washington pay the lowest tax rate of any city anywhere near the size of the city of Washington in the world. That belief is based upon comparative figures furnished me by an impartial source.

Gentlemen of the committee, you will bear in mind that in Washington there is only one tax levied, which is the city tax. They have no State and county taxes, as we have in all States of the Union. So when they pay one tax that is the only tax they do pay. The figures were furnished me by the United States Census Office, and I used them in a speech here about two years ago; I do not think there has been any change since then, and I will take the liberty of calling the attention of my colleagues to these comparative figures, showing what taxes the citizens of the United States pay in cities of approximately the size of the city of Washington:

	Nominal tax rates.			Total.	Reported basis assessment.	Reported true tax rates.	Rate per hundred.
	City.	County.	State.				
					Per cent.		
Detroit	$19,832	$1,454	$2,204	$23,580	100	$23,580	$2.33
Milwaukee	11,468	3,425	985	15,878	90	14,290	1.62
Cincinnati	11,430	2,959	451	14,840	100	14,840	1.48
Newark	13,700	4,076	2,564	20,400	100	20,400	2.04
New Orleans	22,000	.....	6,450	28,450	75	21,338	2.13
Washington	15,000	.....	.....	15,000	66⅔	10,000	1.09
Minneapolis	23,460	2,950	3,580	29,990	50	14,995	1.49
Jersey City	13,800	5,550	2,590	22,000	100	22,000	2.20
Indianapolis	15,900	2,615	3,185	21,900	60	13,140	1.31
Louisville	17,900	2,800	5,000	25,700	70	17,990	1.73
Atlanta	12,500	.....	5,000	.....	60	.....	.....

I do not think it just to the people of your district and mine that we should continue to pay one-half the operating expenses of the District of Columbia when the property owners here are undertaxed. Some gentleman seems to think it is wickedly wrong to amend this so-called half-and-half act, the act of June 11, 1878, which the people of the District of Columbia delight to call their constitution. Let me say to you, my friends, that law has been amended in several instances, but in every instance the amendment was to lighten the tax burden of the citizens of Washington instead of lightening any of the tax burdens of the people of the United States by reducing the amount appropriated out of the people's treasury as a gratuity to the local taxpayers. When this half-and-half act was passed on June 11, 1878, this provision was in it:

That the rate of taxation on all real and personal property shall be $1.50 per hundred.

(See Stat., vol. 20, p. 105, 45th Cong.)

Under this law the original tax rate on all real and personal property was $1.50 per hundred, and it was levied on property assessed at its full value. On July 1, 1902—Statute, volume 32, pages 616, 618—this half-and-half act was amended, but that amendment was to reduce the tax on local real estate by reducing the assessment basis from the full value to two-thirds of the value, and in addition to that the tax law relating to personal property was amended so as to exempt all intangible personal property—money, stocks, notes, accounts, and so forth—from all taxation. It was taxed under the original half-and-half act. Upon the passage of this act all intangible personal property in the District was exempt from all taxation from that time, July 1, 1902, until this agitation started resulting in remedial legislation in 1916.

September 1, 1916 (Stats., 39, p. 717, 64th Cong.), Congress passed a law putting a tax of four-tenths of 1 per cent on intangible personal property, and that is the law to-day, a mere bagatelle compared to what your constituents pay. Some gentlemen say that if we repeal this law it is not just to the taxpayers of Washington, for they would be uncertain as to what amount of taxes they shall pay. My friends, the amount they will pay is just as certain, just as definitely fixed, if this law is repealed as it is to-day. Under the law as it is to-day the commissioners make their estimates of expenditures, and it is for the Congress to say whether they will approve them, how much the Congress will appropriate, and under the existing law one-half of the amount Congress determines is paid out of taxes from the District and the Federal Government pays the other half of the amount. If you repeal this law, the tax paid by the people of Washington will remain just exactly what it is to-day, $1 on the hundred on real estate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRISP. May I ask for five minutes more?

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. You see the tax rate is just as fixed, just as certain as it is to-day. Local property owners will pay the tax rate of $1 on real estate and four-tenths on intangible property, just as they do now, and then it will be for the Congress to say what other amount shall be appropriated for the use of the District. This bill clearly works no hardship, no injustice upon the people of the District. Now, in conclusion, in my judgment if this law is repealed it will mean that no inequitable hardship will be imposed upon the people of the District of Columbia, but the people of your district and mine will be relieved of an unjust tax burden that they are now bearing for the people of the District of Columbia. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Add at the end of the page: "*Provided further*, That hereafter there shall be no restrictions on the right of the District Commissioners to estimate the expenses of the District for any fiscal year."

Mr. MAPES. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MADDEN. If the gentleman is going to make the point of order, make it; I do not want any reservation.

Mr. MAPES. I make the point of order.

Mr. MADDEN. What is the point of order? It is not subject to the point of order.

Mr. MAPES. I make the point of order that this amendment is not germane to this bill, which simply provides for the use of money raised by taxation within the District, and can not be amended by an amendment in the nature of that which the gentleman offers.

Mr. BLANTON. Mr. Chairman, I make the further point of order that this bill seeks to amend the present law only in one particular, and the gentleman's amendment seeks to amend it in another particular, which is not germane to the present bill before the House.

Mr. MANN of Illinois. This bill does not seek to amend the law in any particular.

Mr. MADDEN. Mr. Chairman, I do not think either gentleman has stated a reason why this amendment should not be made a part of the bill or submitted to the committee for consideration. The bill itself provides that all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and the remainder shall be paid out of the Treasury of the United States, and this amendment simply seeks to provide that the District Commissioners shall have the unrestricted right to estimate what the expenses are to be, a function absolutely necessary for the proper conduct of the District government. The mere fact that the expenses are to be paid indicates that they must be estimated for before appropriated.

Mr. BEGG. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. BEGG. The question I would like to ask you and have made clear is, suppose that your amendment is incorporated, then would there be anything to prevent the District Commissioners estimating the expenditures for the year at, say, five times more than the rate of taxation would provide, and would not Congress be obligated at such time to make up whatever deficit they would find?

Mr. MADDEN. There is nothing to prevent the District Commissioners under this provision, if it should become a part of the law, from making any estimates they please, to the extent that they please, for any improvements that might be required legitimately in the District. For example, if we have not schools enough to accommodate the children who happen to live here, they would have a right to estimate for an additional number of schools, and they have been restricted in that right under the law as it now exists. If we have not a sufficient water supply, they would have a right to estimate for the cost of creating a water supply. If we have not a sufficient sewerage system to meet the needs of sanitation in the District, they would have the right to estimate for the cost of that. But it would still be within the power of the Congress of the United States to say what part of the recommendations would be adopted.

It seems to me that the most salutary thing that could be done, Mr. Chairman, is to give the District Commissioners the power to make the estimates for the important and vital needs of the District. And if this is not a part of a law which provides how the money raised shall be expended I do not know what could be a part of the law. If this is subject to a point of order, why, you can not offer an amendment to this bill that would not be subject to a point of order. My judgment is that the one thing most vitally needed in the District to-day is the power sought to be given to the commissioners by the amendment which I have offered.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MADDEN. Yes; I yield.

Mr. ZIHLMAN. Is not the language of the gentleman's amendment recommended to Congress by the commissioners?

Mr. MADDEN. I do not know. The language I offer is not recommended by anybody. It is from my own fertile brain, and can not, in my judgment, be considered as not germane, as not appropriate, or in any way subject to a point of order.

Mr. MANN of Illinois. I do not recall the exact language of the recent law limiting the authority of the commissioners to make estimates, but I know this, that it contemplates and provides that the estimated expenditures made by the District Commissioners shall not exceed more than twice the estimated amount raised by taxes in the District. So that it is indirectly bound up with the half-and-half proposition. The whole theory of the law in reference to limiting the estimates by the commissioners is based on that proposition, to the effect that the estimates shall not be greater than the amount estimated to be raised by the District as one half and the amount contributed by the Government as the other half.

Now, if that were not the case, I do not think this amendment would be germane to the bill. But that is the whole theory of that provision of the law. It is directly based upon the half-and-half proposition. It seems to me that an amendment to change the provision of the law is germane to a proposition to abolish the half and half, as the two are bound up together.

Mr. SISSON. Mr. Chairman, the gentleman from Illinois is correct as to the rule in reference to the estimates of the District Commissioners. Their estimates shall not be more than double the amount of taxation that is raised by the District of Columbia.

Mr. MANN of Illinois. The estimated amount.

Mr. SISSON. The estimated amount. Therefore the limit of appropriations would be twice the amount of money raised in the District of Columbia.

Mr. MANN of Illinois. You mean the estimates?

Mr. SISSON. Yes.

Mr. MANN of Illinois. Which is all based on the half-and-half plan.

Mr. SISSON. That is true. And if, as a matter of fact, at the end of the year money had actually been appropriated by Congress which exceeded the amount that was raised in the District of Columbia, the District of Columbia, of course, would then be indebted to the Federal Treasury an amount of money over and above this 50 per cent that was raised. But in order that the District Commissioners shall not go beyond that the law provides that the estimates shall not go beyond the amount of money that will be raised under the present half-and-half system—that is, the present rate of taxation.

Mr. MANN of Illinois. And that provision was all based on the half and half?

Mr. SISSON. Yes.

Now, Mr. Chairman, as I understand this amendment, the amount of money that is to be contributed out of the Federal Treasury shall not exceed the amount now paid in the District of Columbia. Now, if that is true, the amendment of the gentleman from Illinois would change the present law, because, as I understand, this bill does not change the present law as to the rate of assessment or as to the method of assessing the property.

The single thing that is done in this bill is to provide that the money raised in the District of Columbia shall first be appropriated toward the payment of whatever amount Congress may appropriate before any money can be paid out of the Federal Treasury.

Now, the amendment offered by the gentleman from Illinois [Mr. MADDEN] fixing the amount that Congress would be obligated to appropriate would, to the extent that his amendment in the future might be binding upon Congress, place the moral obligation upon Congress, to appropriate the amount of money that the District Commissioners might say was needed.

Mr. MADDEN. No; not at all. It simply gives an opportunity, if it becomes a part of the act, for the commissioners to express an opinion as to vital improvements that are necessary in the District, whereas they have not that opportunity now.

Mr. SISSON. I think they do that now, Mr. Chairman. For example, I have this estimate before me now. Last year they asked for money to be appropriated to the extent of something like $19,000,000. We actually appropriated about $15,000,000. This year they ask for more than $19,000,000, and there is more than $1,000,000 in addition to that carried in the sundry civil bill and in the legislative, executive, and judicial bill, which is now pending in our committee. They are asking for over $19,000,000. In these other bills the clerk to the committee told me the amount ran to considerably over $1,000,000, which they are now demanding of the subcommittee of which my friend from Minnesota [Mr. DAVIS] is chairman, and that, together with what is being demanded of the other committee, amounts to over $2,000,000, which is asked for by the District Commissioners.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. SISSON. Yes.
Mr. MADDEN. It may be essential that they should have $20,000,000.
Mr. SISSON. Of course, Congress in the last analysis would be the final judge.
Mr. MADDEN. Surely.
Mr. SISSON. But we are discussing the question of whether the gentleman's amendment changes the existing law. The only change made, as has been contended always with reference to this particular legislation, is the application of the funds collected from the District of Columbia. Therefore all the other law with reference to assessments, with reference to rates of taxation and methods of collecting taxes, remains just as it is now. The only provision is in this law that the money collected first from the District of Columbia shall be expended from the Treasury before any warrants are drawn from the General Treasury of the Federal Government to pay the bills of the District.
Mr. TOWNER. Mr. Chairman, I desire to say one word about the point of order, and it occurs to me that there can be no question but that the point of order is well taken.
In every fiscal arrangement there are two things that are to be considered. One is the question of raising revenues, either by taxation or in some other way.
Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. TOWNER. Yes.
Mr. MADDEN. This does not provide for raising revenue. This provides for appropriating revenue.
Mr. TOWNER. I was just going to try to show that that is the vital difficulty with your amendment. This bill has nothing to do with raising revenue. It has nothing whatever to do with estimates of revenues. It has nothing to do with the method of taxation of the District of Columbia. There is only one thing that this bill does. It provides how these taxes that are collected, these revenues that are provided upon the estimates that are now made, shall be paid. To say now that because we provide a method of payment you can put upon this kind of a bill a proposition also in regard to the manner of raising revenue is certainly not germane to this bill.
There is no question whatever but that this bill has nothing to do with the raising of revenue. It does not change the existing law in any way whatever in regard to the raising of revenue, in regard to the taxation of the District.
Mr. MADDEN. Mr. Chairman, will the gentleman yield again?
Mr. TOWNER. Certainly.
Mr. MADDEN. Does the gentleman contend that the amendment that I have offered has anything to do with the raising of revenue?
Mr. TOWNER. I certainly do.
Mr. MADDEN. It simply estimates how much of the money already raised is to be expended for the District expenses.
Mr. TOWNER. Oh, I think not. The gentleman is still one further removed from the proposition of raising revenue. Estimates are made for the purpose of determining how the revenues shall be raised. The estimates are made by the Commissioners of the District of Columbia for the purpose of basing taxation upon them.
Mr. MADDEN. Mr. Chairman, will the gentleman yield further?
Mr. TOWNER. Yes.
Mr. MADDEN. If I understand the situation, certainly the gentleman must misconceive the purpose of the amendment. The law under which taxes are levied fixes the rate, the method. It is already in existence. This amendment does not seek to amend that law in any respect. This bill deals with the revenues that are already collected under the tax levy, and my amendment provides that in the distribution of the funds already collected under the levy and sought to be appropriated it shall be within the power of the Commissioners of the District to estimate the purposes for which this money shall be expended.
Mr. TOWNER. Yes; and the estimates of how much money shall be expended for any particular purpose have not any reference to the manner in which these funds shall be paid, and the proposition involved in this bill is simply as to how they should be paid. The language of the bill is that—

All appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid from and after July 1, 1920—

And so forth. It seems to me that anything that has not to do immediately with the method and manner of payment, as expressly provided in this bill, is not germane.
Mr. CRAMTON. Mr. Chairman, I believe that I am in sympathy with the proposition embodied in the amendment offered by the gentleman from Illinois [Mr. MADDEN], but I am not able to see how it is germane to this bill.
It has been suggested by the gentleman from Illinois [Mr. MANN] that the provision with reference to the limitation upon the estimates and the half-and-half principle are so bound up together that one could not exist without the other.
As a matter of fact, the half-and-half principle was in legislation for 30 years before the limitation as to estimates was adopted, and it might very well be that Congress would desire to have the limit remain upon the estimates, even if the bill before us should become a law. The present revenues of the District approximate about $10,000,000 a year. If the present limitation is continued upon the estimates the commissioners can not send to Congress estimates for appropriations for more than $20,000,000. Now, if this bill becomes a law Congress might desire to have that continue to be the case, because under this bill Congress assumes the responsibility of paying what the revenues of this District will not furnish, whatever that amount may be, and we might still desire to put a check upon the estimates of the commissioners. Whether we desire to do so or not will be for Congress to decide. The point I want to make is that the proposition of a limitation upon estimates is not so bound up with the half-and-half principle that neither could exist without the other. Now, as to its being germane to this bill, not being essentially tied up with it, the bill has to do entirely with a function of the Treasury Department in determining to what fund to charge these expenditures after Congress has made the appropriation and the money has been spent, but the amendment has to do with a function of the Commissioners of the District in the estimates they make to Congress as to the amount of money required for the use of the District. It seems to me it deals with another function with reference to District finances. There really are the three functions—first, the estimate of the commissioners; second, the appropriation of the money by Congress; and third, the settlement of the bills by the Treasury Department. Hence it seems to me it is not germane to the bill before us.
The CHAIRMAN. It appears to the Chair to be rather far-fetched to claim that this particular amendment is germane to the bill, which has to do with the appropriation, while the amendment is a limitation on the ability of the commissioners to say what shall be estimated. Consequently the Chair feels impelled to sustain the point of order.
Mr. MAPES. Mr. Chairman, I should like to see if we can arrive at some agreement as to the debate on the bill under the five-minute rule. I ask that the debate on this section and all amendments thereto be limited to 35 minutes, 10 minutes to be used by the gentleman from Illinois [Mr. MADDEN], 5 minutes by the gentleman from Texas [Mr. BLANTON], 5 minutes by the gentleman from Missouri [Mr. RUCKER], 5 minutes by the gentleman from Illinois [Mr. MANN], and 5 minutes by the gentleman from Iowa [Mr. TOWNER], reserving 5 minutes for myself.
Mr. MANN of Illinois. I should like to inquire whether under that provision 30 minutes are to be devoted to debate in favor of the bill and only 5 minutes against it? It is a little strenuous, I think, to close debate so soon on so important a proposition.
Mr. MAPES. Does the gentleman desire any further time?
Mr. MANN of Illinois. I want as much time as you take in favor of the bill.
The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this particular section and all amendments thereto be limited to 35 minutes.
Mr. MADDEN. I object.
Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I have listened to the arguments presented, and as far as I have been able to gather, the main argument that has been presented in favor of the bill is that the tax rate in the District of Columbia is too low. Gentlemen have said in one breath that the tax rate in the District is too low, but they say, "Holy horror, we are not interfering with it." Well, if the tax rate in the District of Columbia is too low, why do not gentlemen who have made that argument propose to increase the tax rate? If the taxes which are raised are too low, it seems to me the orderly method would be for Congress to provide for increasing them, because they are raised under an act of Congress, and the jurisdiction of the subject matter is in the District of Columbia Committee of the House of Representatives.
Mr. MAPES. Will the gentleman yield?
Mr. MANN of Illinois. I will yield, but I shall want a little more time.
Mr. MAPES. What would be the sense of raising the tax rate and thereby increasing the revenues obtained through

taxation, as long as Congress has adopted the policy of appropriating less than twice what has been raised?

Mr. MANN of Illinois. I supposed somebody would ask that question. That has nothing to do with it. Under the system now in force under the limitation of estimates it is inevitable that there will always be a surplus left over, because we always cut the estimates, and you can not estimate more than the amount that is raised. If the taxes are too low here, they should be raised, and then if there is too much surplus it will be time to dispose of that proposition.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN of Illinois. I will, but I have not much time, and I hope that gentlemen will not fritter away my time.

Mr. CRAMTON. I have not taken any time so far, and I will not take any of the gentleman's time.

Mr. MANN of Illinois. Now, I think that it may be possible that there should be a difference in the rate from 50-50 to some other rate. I think that there ought to be a fixed relationship between the taxes raised by the people of the District of Columbia toward the expenditures here and the amount contributed out of the General Treasury.

I believe in Washington. I believe it is the duty of the people of the United States to maintain a well-ordered, well-governed, well-provided, beautiful city. [Applause.] It can not be done without paying something out of the Federal Treasury. Under the proposition now pending it will be urged every time an appropriation is proposed in the House of Representatives that all of this money is to be paid out of the Federal Treasury because the amount raised in the District will never be more than enough to pay the undisputed and uncontroverted items, and it will be constantly urged not to appropriate money to help the city along because it will have to be paid out of taxes raised by our people.

I think we ought to maintain a city in Washington, and not on a niggardly plan. I have no doubt whatever that the people of my district pay their proportion of taxes for the benefit of the Capital City of the Nation more freely than they pay any other tax of the Government, and my people pay a considerable proportion of the taxes, a great deal more than many of the States represented in this House. We do not feel niggardly toward Washington. In the old days, when Washington was an old, run-down city, dirty and unkempt, the people were not proud of it. They are proud of it to-day, and a large share of the expenditures in Washington is made because of the great number of your constituents and my constituents who come to this beautiful city to visit it, and no one comes here and goes home who is not prouder of his Government after he has been here than he was before he came. [Applause.]

Mr. MAPES. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 72, noes 1.

So the motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 1, strike out lines 1 and 2.

Mr. BANKHEAD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The motion comes too late. The motion to strike out the enacting clause should be offered before a motion to amend had been concluded.

The CHAIRMAN. The point of order is overruled. The question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken and the Chair announced himself in doubt.

The committee divided; and there were—ayes 37, noes 63.

So the motion to strike out the enacting clause was rejected.

The Clerk read as follows:

SEC. 2. That all acts and parts of acts in so far as they conflict with any of the provisions of this act are hereby repealed.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I tried to answer the gentleman from Nebraska [Mr. ANDREWS] when he asked why this $4,063,000 is still in the Treasury. It is in the Treasury because a similar amount of $4,063,000 has been taken out of the pockets of the whole people of this country and has made good that pro tanto part of the taxes of the District of Columbia. The gentleman from West Virginia [Mr. REED] stated that this bill should be defeated and the half-and-half plan continued, because he said the people of France are willing to be taxed to keep up the beauty and grandeur of Paris, that the people of Italy were willing to be taxed to keep up the great city of Rome, and, therefore, that the people of the United States ought to be willing to be taxed to keep up the city of Washington. The people of the United States are perfectly willing to be taxed to keep up the beauty of this great city, but they are not willing to be taxed to pay a great big per cent of the taxes of the people who live in this city of Washington. I want to give you a few facts that the people of the United States, the common people, have begun to realize, and one of them is that there is one city, the expense of which is not borne by the people of that city, and that that is the city of Washington. The expense of every other city is borne by levying a tax upon its inhabitants.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield now, I have not the time.

Mr. BLANTON. Another thing that the people of the United States know is that while the people of Washington live here and enjoy these magnificent public buildings and the numerous other attractions they do not pay a just proportion of taxation to maintain any great city. They enjoy the beauty of the Congressional Library, they enjoy the splendor of our many public buildings of interest, they enjoy the beauty and enjoyments of the parks, and if you do not believe it, then go out to Rock Creek Park in the summer time, on any afternoon, and you will see thousands of people picnicking there. They enjoy swimming in the Tidal Basin in summer and skating upon it in winter. Go elsewhere in the city and you will see that they enjoy the miles and miles of splendid paved streets and driveways. They enjoy the splendid lighting system and the splendid water system, because we have the best water in the United States at a less rate than anywhere else in the whole United States; and they enjoy the good artificial gas system here, because they do get artificial gas here at as low a rate almost as you do almost anywhere else in the United States.

They enjoy every single benefit imaginable we provide here in the city of Washington. And what is it that they pay in taxes? One dollar on real estate. What do they pay on their intangible personal property? The people of the United States have begun to know, and they do know, that the people in Washington pay the little, pitiful sum of four-tenths of 1 per cent on their intangible personal property, such as stocks, bonds, notes, and so forth, and they do it because we permit them to do it. We sit here and take out of the pockets of the people of the United States the balance to make up their taxes year after year. I am not going to do it any longer. Are you?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7158, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MAPES. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. Mr. Speaker, a division having been had, I make the point of order that there is no quorum present.

Mr. MAPES. Is this on the final passage?

The SPEAKER. Yes; it is on the final passage. The gentleman from Texas makes the point of order that there is no quorum present, and the Chair thinks that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 209, nays 115, not voting 104, as follows:

YEAS—209.

Almon	Black	Browne	Classon
Ashbrook	Bland, Ind.	Buchanan	Cole
Ayres	Bland, Mo.	Byrns, Tenn.	Collier
Babka	Bland, Va.	Caldwell	Connally
Baer	Blanton	Caraway	Cooper
Bankhead	Boies	Carss	Cramton
Barbour	Box	Carter	Crisp
Barkley	Brand	Casey	Currie, Mich.
Bee	Briggs	Christopherson	Dale
Begg	Brinson	Clark, Mo.	Davis, Minn.

Davis, Tenn.	Hernandez	Mapes	Saunders, Va.
Dempsey	Hersman	Martin	Sears
Dent	Hickey	Merritt	Sells
Dickinson, Mo.	Hicks	Michener	Sherwood
Dickinson, Iowa	Hoch	Miller	Sinclair
Dominick	Hoey	Minahan, N. J.	Sinnott
Donovan	Howard	Monahan, Wis.	Sisson
Doughton	Huddleston	Mondell	Small
Dowell	Hull, Iowa	Mooney	Smith, Mich.
Drane	Hull, Tenn.	Moore, Ohio	Smithwick
Dunbar	Igoe	Mott	Steagall
Dupré	Jacoway	Nelson, Mo.	Steenerson
Echols	James	Nelson, Wis.	Stephens, Miss.
Elliott	Jones, Pa.	Newton, Minn.	Stephens, Ohio
Ellsworth	Jones, Tex.	Newton, Mo.	Stoll
Emerson	Juul	Nolan	Strong, Kans.
Evans, Mont.	Kearns	Ogden	Summers, Wash.
Evans, Nebr.	Kelley, Mich.	Oldfield	Sumners, Tex.
Evans, Nev.	Kelly, Pa.	Oliver	Swope
Fairfield	Kennedy, Iowa	Overstreet	Tague
Ferris	Kettner	Padgett	Taylor, Colo.
Fisher	Kincheloe	Park	Taylor, Tenn.
Foster	Kinkaid	Parrish	Thomas
Frear	Kleczka	Phelan	Tilson
Freeman	Knutson	Purnell	Timberlake
French	Kraus	Quin	Towner
Fuller, Mass.	Lampert	Rainey, Ala.	Upshaw
Gallagher	Lanham	Rainey, H. T.	Venable
Gard	Lankford	Rainey, J. W.	Vestal
Garland	Larsen	Ramseyer	Vinson
Garner	Lazaro	Randall, Calif.	Walsh
Garrett	Lea, Calif.	Randall, Wis.	Weaver
Good	Little	Reavis	Webster
Goodwin, Ark.	Lonergan	Rhodes	Whaley
Graham, Ill.	Longworth	Ricketts	White, Kans.
Green, Iowa	McAndrews	Robinson, N. C.	Wingo
Greene, Vt.	McCulloch	Robsion, Ky.	Woods, Va.
Hardy, Tex.	McFadden	Romjue	Wright
Harreld	McGlennon	Rose	Yates
Hastings	McLane	Rouse	Young, Tex.
Haugen	Major	Rubey	
Hayden	Mann, S. C.	Rucker	
Heflin	Mansfield	Sanford	

NAYS—115.

Ackerman	Fuller, Ill.	McKinley	Shreve
Anderson	Gallivan	McLaughlin, Mich.	Smith, Idaho
Andrews, Nebr.	Glynn	McLaughlin, Nebr.	Smith, Ill.
Anthony	Goodykoontz	MacGregor	Snyder
Bacharach	Gould	Madden	Stevenson
Benham	Greene, Mass.	Magee	Stiness
Benson	Griest	Maher	Sweet
Blackmon	Griffin	Mann, Ill.	Temple
Brooks, Ill.	Hadley	Mead	Tincher
Brooks, Pa.	Hawley	Montague	Tinkham
Burdick	Hays	Moore, Va.	Treadway
Burroughs	Holland	Morgan	Vaile
Butler	Houghton	Mudd	Volstead
Campbell, Kans.	Humphreys	Murphy	Ward
Chindblom	Husted	Neely	Wason
Cleary	Ireland	O'Connell	Watkins
Coady	Jefferis	Olney	Watson
Copley	Johnson, S. Dak.	Osborne	Welling
Crago	Kendall	Paige	Wheeler
Curry, Calif.	Kiess	Parker	White, Me.
Dallinger	King	Peters	Williams
Darrow	Layton	Raker	Wilson, Ill.
Denison	Lee, Ga.	Ramsey	Wilson, Pa.
Dunn	Lehlbach	Reber	Winslow
Dyer	Linthicum	Reed, W. Va.	Wood, Ind.
Esch	Luce	Riordan	Woodyard
Fess	Lufkin	Rodenberg	Young, N. Dak.
Focht	McArthur	Rogers	Zihlman
Fordney	McKinlry	Sanders, N. Y.	

NOT VOTING—104.

Andrews, Md.	Elston	Kreider	Rowan
Aswell	Fields	Langley	Rowe
Bell	Flood	Lesher	Sabath
Booher	Gandy	Luhring	Sanders, Ind.
Bowers	Ganly	McClintic	Sanders, La.
Britten	Godwin, N. C.	McDuffie	Schall
Browning	Goldfogle	McKenzie	Scott
Brumbaugh	Goodall	McKeown	Scully
Burke	Graham, Pa.	McPherson	Siegel
Byrnes, S. C.	Hamill	MacCrate	Sims
Campbell, Pa.	Hamilton	Mason	Slemp
Candler	Hardy, Colo.	Mays	Smith, N. Y.
Cannon	Harrison	Moon	Snell
Cantrill	Hersey	Moores, Ind.	Stedman
Carew	Hill	Morin	Steele
Clark, Fla.	Hudspeth	Nicholls, S. C.	Strong, Pa.
Costello	Hulings	Nichols, Mich.	Sullivan
Crowther	Hutchinson	O'Connor	Taylor, Ark.
Cullen	Johnson, Ky.	Pell	Thompson
Davey	Johnson, Miss.	Platt	Tillman
Dewalt	Johnson, Wash.	Porter	Vare
Dooling	Johnston, N. Y.	Pou	Voigt
Doremus	Kahn	Radcliffe	Walters
Eagan	Keller	Rayburn	Welty
Eagle	Kennedy, R. I.	Reed, N. Y.	Wilson, La.
Edmonds	Kitchin	Riddick	Wise

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. BRITTEN with Mr. WILSON of Louisiana.

Mr. BROWNING with Mr. WELTY.

Mr. BURKE with Mr. TILLMAN.

Mr. CANNON with Mr. TAYLOR of Arkansas.

Mr. COSTELLO with Mr. STEELE.

Mr. CROWTHER with Mr. STEDMAN.

Mr. EDMONDS with Mr. SMITH of New York.

Mr. ELSTON with Mr. SIMS.

Mr. GOODALL with Mr. SCULLY.

Mr. GRAHAM of Pennsylvania with Mr. SANDERS of Louisiana.

Mr. HAMILTON with Mr. ROWAN.

Mr. HERSEY with Mr. POU.

Mr. HILL with Mr. PELL.

Mr. HULINGS with Mr. O'CONNOR.

Mr. JOHNSON of Washington with Mr. MAYS.

Mr. KAHN with Mr. McDUFFIE.

Mr. STRONG of Pennsylvania with Mr. CAREW.

Mr. McPHERSON with Mr. McKEOWN.

Mr. THOMPSON with Mr. CULLEN.

Mr. HUTCHINSON with Mr. DOOLING.

Mr. MORIN with Mr. HERSMAN.

Mr. MOORES of Indiana with Mr. JOHNSON of Kentucky.

Mr. LANGLEY with Mr. JOHNSON of Mississippi.

Mr. KREIDER with Mr. JOHNSTON of New York.

Mr. KENNEDY of Rhode Island with Mr. KITCHIN.

Mr. KELLER with Mr. McCLINTIC.

Mr. HARDY of Colorado with Mr. RAYBURN.

Mr. NICHOLS of Michigan with Mr. HAMILL.

Mr. PLATT with Mr. GODWIN of North Carolina.

Mr. PORTER with Mr. GANLY.

Mr. RADCLIFFE with Mr. GANDY.

Mr. REED of New York with Mr. FLOOD.

Mr. RIDDICK with Mr. FIELDS.

Mr. ROWE with Mr. EAGAN.

Mr. SANDERS of Indiana with Mr. EAGLE.

Mr. SCHALL with Mr. DOREMUS.

Mr. SCOTT with Mr. DEWALT.

Mr. SIEGEL with Mr. DAVEY.

Mr. SLEMP with Mr. CULLEN.

Mr. SNELL with Mr. CANTRILL.

Mr. VARE with Mr. CANDLER.

Mr. VOIGT with Mr. BYRNES of South Carolina.

Mr. LUHRING with Mr. BOOHER.

Mr. MACCRATE with Mr. BELL.

Mr. MASON with Mr. ASWELL.

On this vote:

Mr. HUDSPETH (for Mapes bill) with Mr. CAMPBELL of Pennsylvania (against).

Mr. WALTERS (for Mapes bill) with Mr. BOWERS (against).

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
January 12, 1920.

Hon. FREDERICK H. GILLETT,
House of Representatives.

MY DEAR MR. SPEAKER: I wish to tender my resignation as a member of the Committee on Pensions. Trusting this may be accepted at once, I am,

Very respectfully, JAMES V. McCLINTIC.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTCHINSON, for 10 days, on account of important business.

To Mr. ROWAN, for five days, on account of sickness of his son.

To Mr. NICHOLS of Michigan (at the request of Mr. SCOTT), for three days, on account of illness.

To Mr. RHODES, for two days, on account of illness.

To Mr. JOHNSON of Washington (at the request of Mr. HADLEY), for the day, on account of illness.

To Mr. SCOTT (at the request of Mr. MAPES), for two days, on account of illness.

PENSIONS.

Mr. SELLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1726, insist on the House amendments, and agree to the conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table a bill, which the Clerk will report, adhere to the amendments of the House, and agree to a conference.

The Clerk read as follows:

A bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SELLS, Mr. KIESS, and Mr. MEAD.

LEAVE TO PRINT.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that those Members of the House who desire to do so shall have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members of the House who desire to do so shall have five legislative days in which to extend their remarks on the bill just passed. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, unless it is restricted to Members' own remarks and not to include newspaper articles and other dissertations, I shall object.

Mr. MAPES. I am perfectly willing to agree to that.

The SPEAKER. With the restriction suggested by the gentleman from Massachusetts [Mr. WALSH], is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3317. An act to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3175. An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President, for his approval, the following bills:

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River, near Iron Wood Bluff, in Itawamba County, Miss.;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 8084. An act granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Peedee River at or near the town of Cheraw, S. C.;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.; and

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia.

ADJOURNMENT.

Mr. MAPES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 13, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of the Board of Engineers for Rivers and Harbors on a reexamination of Skagit River, Wash. (H. Doc. No. 591); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting draft of proposed legislation to change the name of the "Bureau of Steam Engineering" to the "Bureau of Engineering," and the "Bureau of Navigation" to the "Bureau of Personnel" (H. Doc. No. 592); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which which referred the bill (H. R. 11430) to punish offenses against the existence of the Government of the United States, and for other purposes, reported the same with an amendment, accompanied by a report (No. 536), which said bill and report were referred to the House Calendar.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11449) providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person, reported the same without amendment, accompanied by a report (No. 537), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 11489) concerning proof of widowhood in claims for pension, reported the same without amendment, accompanied by a report (No. 538), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands, reported the same with an amendment, accompanied by a report (No. 539), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 11659) to provide for the erection of a public building at Benton, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11660) to provide for the erection of a public building at Herrin, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11661) to provide for the erection of a public building at Carbondale, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL of Wisconsin: A bill (H. R. 11662) to provide for the acquisition of additional land and for the erection of a Federal building in the city of Kenosha, county of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. McCLINTIC: A bill (H. R. 11663) authorizing bonded warehouses and other buildings used for the purpose of storing spirituous, intoxicating liquors to be turned over to the Department of Agriculture to be used as warehouses for the storing of agricultural products; to the Committee on Agriculture.

By Mr. HEFLIN: A bill (H. R. 11664) for the disposition of the proceeds of the illegal cotton taxes collected in 1862, 1864, and 1866; to the Committee on War Claims.

By Mr. KELLEY of Michigan: A bill (H. R. 11665) to increase the efficiency of the commissioned, warrant, and enlisted personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation; to the Committee on Naval Affairs.

By Mr. LUHRING: A bill (H. R. 11666) declaring certain persons ineligible as candidates for election to the House of Representatives and Senate of the United States, excluding their names from the official ballots, and conferring jurisdiction upon the circuit and district courts of the United States in such cases; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BLAND of Virginia: A bill (H. R. 11667) to construct a public building for a post office at Warsaw, Richmond County, Va.; to the Committee on Public Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 11668) to require agents, brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on the Judiciary.

By Mr. DICKINSON of Missouri: A bill (H. R. 11669) authorizing the acquisition of a site and the erection thereon of a public building at Windsor, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11670) authorizing the acquisition of a site and the erection thereon of a public building at Rich Hill, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11671) authorizing the acquisition of a site and the erection thereon of a public building at Eldorado Springs, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. McLANE: A bill (H. R. 11672) making it possible for the natural and artificial ice industries of the country to be included in the next industrial census; to the Committee on the Census.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 11673) to authorize the War Department to restore the Gettysburg National Military Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor; to the Committee on Military Affairs.

Also, a bill (H. R. 11674) to provide for the permanent improvement of part of the Taneytown public road within the limits of the battle fields of Gettysburg; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 11675) to provide for the purchase of a site and the erection of a public building thereon in the city of Delta, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. STRONG of Kansas: A bill (H. R. 11716) authorizing the Secretary of War to make settlement with the lessees who erected buildings on the zone of Camp Funston activities and amusements, at Camp Funston, Kans.; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11676) to correct the military record of Sanford F. Timmons; to the Committee on Military Affairs.

Also, a bill (H. R. 11677) granting an increase of pension to Albert Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11678) granting a pension to Solomon Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting an increase of pension to James K. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11680) granting an increase of pension to Rufus J. Tyhurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11681) granting an increase of pension to Adam Maharg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting a pension to Orlando R. Edwards; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 11683) granting a pension to Jeremiah Robinson; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11684) for the relief of Hewson L. Peeke; to the Committee on Claims.

By Mr. BLAND of Virginia: A bill (H. R. 11685) granting an increase of pension to William A. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting a pension to Mathilda C. Greenwood; to the Committee on Pensions.

By Mr. BROWNE: A bill (H. R. 11687) granting an increase of pension to Walter B. McKey; to the Committee on Pensions.

Also, a bill (H. R. 11688) granting an increase of pension to Hyram Colwell; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 11689) granting an increase of pension to James L. Moore; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11690) granting an increase of pension to James M. Divine; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11691) granting an increase of pension to Abraham M. Reams; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 11692) granting an increase of pension to Lena Mauter; to the Committee on Pensions.

Also, a bill (H. R. 11693) for the relief of Anton Smith, alias Charles Roehmer; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 11694) granting an increase of pension to Susan Chittenden; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11695) for the relief of Thomas E. Philips; to the Committee on Military Affairs.

Also, a bill (H. R. 11696) granting a pension to Anna Dixon; to the Committee on Pensions.

Also, a bill (H. R. 11697) granting a pension to Patrick H. Gubin; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11698) granting a pension to Rose M. Painter; to the Committee on Pensions.

Also, a bill (H. R. 11699) granting an increase of pension to Anna E. Herrington; to the Committee on Pensions.

By Mr. LAYTON: A bill (H. R. 11700) for the relief of Moore L. Henry; to the Committee on Claims.

By Mr. McGLENNON: A bill (H. R. 11701) granting an increase of pension to Gilbert Smith; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 11702) granting a pension to Marin C. Vance; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11703) granting a pension to Albina Van Meter Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11704) granting an increase of pension to Cicero Phipps; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11705) granting an increase of pension to Harriet H. Carmical; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11706) granting a pension to Patrick Kinney; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11707) to correct the military record of Andrew Potter; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11708) granting an increase of pension to James H. Watson; to the Committee on Pensions.

Also, a bill (H. R. 11709) granting an increase of pension to Andrew T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11710) granting a pension to Andrew J. Showan; to the Committee on Pensions.

Also, a bill (H. R. 11711) granting a pension to John F. McNeeley; to the Committee on Pensions.

Also, a bill (H. R. 11712) granting a pension to Samuel S. Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11713) granting a pension to Benjamin Phillips; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 11714) granting an increase of pension to Ephraim A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11715) granting a pension to Cora Booram; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

797. By Mr. BRIGGS: Petition of Merchants' Association of Texarkana, Tex., and Retail Merchants' Protective Association of Denison, Tex., advocating adoption of 1-cent postage for "drop" letters; to the Committee on the Post Office and Post Roads.

798. Also, petition of Lodge No. 923, Benevolent and Protective Order of Elks, of Amarillo, Tex., condemning bolshevism and other radicalism and advocating deportation of aliens teaching same and legislation to cancel citizenship papers of naturalized aliens espousing such doctrines; to the Committee on the Judiciary.

799. By Mr. DENISON: Petition of W. J. Blair and other members of Farmers' Educational and Cooperative Union of America, of Sparta, Ill., urging enactment of a law prohibiting gambling in farm products; to the Committee on Agriculture.

800. Also, petition of miners of Johnston City, Ill., protesting against proceedings by the Federal Government against miners; to the Committee on the Judiciary.

801. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against coal miners; to the Committee on the Judiciary.

802. Also, petition of miners of Johnston City, Ill., protesting against Federal proceedings against coal miners; to the Committee on the Judiciary.

803. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

804. Also, petition of miners of Herrin, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

805. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

806. Also, petition of miners of De Soto, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

807. Also, petition of Federal Labor Union of Duquoin, Ill., protesting against Federal procedure against miners' unions; to the Committee on the Judiciary.

808. Also, petition of miners of De Soto, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

809. Also, petition of miners of Duquoin, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

810. Also, petition of miners of Herrin, Ill., protesting against Federal proceedings against miners" unions; to the Committee on the Judiciary.

811. Also, petition of miners of Christopher, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

812. Also, petition of miners of Christopher, Ill., protesting against certain Federal proceedings against mine workers; to the Committee on the Judiciary.

813. Also, petition of miners' union of Benton, Ill., protesting against proceedings against mine workers; to the Committee on the Judiciary.

814. By Mr. EMERSON: Petition of Painesville Lodge No. 549, Benevolent and Protective Order of Elks, urging the enactment of legislation directing the deportation of undesirable aliens; to the Committee on Foreign Affairs.

815. By Mr. FULLER of Illinois: Petition of sundry citizens of Illinois, opposing the bill to transfer the Bureau of Education to the Department of Labor; to the Committee on Education.

816. Also, petition of the Illinois Press Association, concerning the print-paper situation; to the Committee on the Post Office and Post Roads.

817. Also, petition of the Union League Club of Chicago, favoring increased pay for the officers and men of the Navy; to the Committee on Naval Affairs.

818. Also, petition of the Dairymen's League (Inc.), of New York, favoring the Capper-Hersman bill; to the Committee on Interstate and Foreign Commerce.

819. Also, petition of the National Industrial Conference Board, favoring the antistrike provision of the Senate railroad bill; to the Committee on Interstate and Foreign Commerce.

820. Also, petition of the American Federation of Railroad Workers, protesting against the passage of the Cummins and Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

821. By Mr. LINTHICUM: Petition of Hochschild, Kohn & Co., of Baltimore, Md., in connection with proposed revision of income and excess-profits tax; to the Committee on Ways and Means.

822. Also, petition of Walter E. Faxwell, 1545 Hanover Street; D. May, local chairman of Lodge No. 432; J. A. Tugitt, 1290 Riverside Avenue, all of Baltimore, Md., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

823. Also, petition of the National Union Bank of Maryland, P. L. Goldsborough, president, favoring the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

824. Also, petition of W. George Wittig, president Auxiliary One hundred and tenth Machine Gun Battalion, Twenty-ninth (Blue and Gray) Division, favoring the Royal C. Johnson bill for bonus to soldiers of the late war; to the Committee on Military Affairs.

825. Also, petition of Willoughby M. McCormick, of Baltimore, Md., urging Congress to back up the Department of Justice in its fight to rid our country of radicals, anarchists, Bolshevists, and I. W. W's; to the Committee on the Judiciary.

826. Also, petition of sundry citizens of Baltimore, Md., favoring House bill 10835, fixing compensation of officers in the National Army who incurred disability while in the service; to the Committee on Military Affairs.

827. By Mr. McCLINTIC: Petition of George Washington Branch, Friends of Irish Freedom, protesting against loans to foreign nations; to the Committee on Ways and Means.

828. By Mr. MURPHY: Memorial of the Women's Foreign Missionary Society of the Methodist Episcopal Church of Wellsville, Ohio, praying for the passage of House bill 8063; to the Committee on Foreign Affairs.

829. By Mr. NELSON of Wisconsin: Petition of central committee of the Socialist Party of Douglas County, Wis., protesting against the raids now being carried out against foreign-born workingmen in this country; to the Committee on the Judiciary.

830. By Mr. ROWAN: Petition of Miss G. G. Quinn, of New York City, favoring return of railroads to owners; to the Committee on Interstate and Foreign Commerce.

831. Also, petition of National Industrial Conference Board, favoring legislation preventing any interruption of railway service; to the Committee on Interstate and Foreign Commerce.

832. Also, petition of president of the Order of Railroad Telegraphers, in connection with its relation to the Board of Railroad Wages and Working Conditions; to the Committee on Interstate and Foreign Commerce.

833. Also, petition of president of American Federation of Railroad Workers, protesting against passage of Cummins-Esch bill; to the Committee on Interstate and Foreign Commerce.

834. Also, petition of the New York State Forestry Association urging appropriation increase for the United States Forest Service; to the Committee on Agriculture.

835. Also, petition of R. P. Love, of Philadelphia, Pa., in connection with the Post Office Department; to the Committee on the Post Office and Post Roads.

836. By the SPEAKER (by request): Petition of sundry citizens of Chicago, Ill., protesting against present situation in respect of miners; to the Committee on the Judiciary.

837. By Mr. TAGUE: Petition of associated industries of Massachusetts indorsing House bill 11126, entitled "A bill to save daylight in the first zone"; to the Committee on Interstate and Foreign Commerce.

838. Also, petition of C. S. Luitweiler, of East Boston, Mass., advocating legislation protecting the public against combinations affecting transportation; to the Committee on Interstate and Foreign Commerce.

839. Also, petition of George F. Swain, of the Harvard Engineering School, in connection with the proposed national department of public works; to the Committee on Ways and Means.

840. Also, petition of American Legion Post No. 69, Malden, Mass., favoring bonus to discharged soldiers; to the Committee on Military Affairs.

841. By Mr. TAYLOR of Tennessee: Petition of C. M. McClung & Co., wholesale hardware and supplies, Knoxville, Tenn., opposing legislation contained in House Document No. 284, regarding the sale of explosives; to the Committee on Mines and Mining.

842. By Mr. TIMBERLAKE: Petition of employees of the office of the United States surveyor general for Colorado, asking appropriation for substantial salary increases for fiscal year 1921; to the Committee on Appropriations.

843. By Mr. VARE: Petition of Joint Board of Cloak and Shirt Makers' Union of Philadelphia, relative to seating of Victor L. Berger; to the Committee on Elections No. 1.

SENATE.

TUESDAY, *January 13, 1920.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, we bless Thee that through the passing years Thou dost remain the same yesterday, to-day, and forever. We thank Thee for all the privileges of life, and beseech of Thee to sanctify to us every high engagement of duty and enable each to understand the dignity of service. Regard Thy servants before Thee this morning with all the manifold demands upon them. Give wisdom to each, and such direction to the great interests of the country that Thy glory may be served and the good of the Nation and of the world may be enlarged and increased. We ask it for Thy name's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

TREATY OF PEACE WITH GERMANY.

Mr. CURTIS. I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO COMPROMISE ON AMERICANISM.

"The most persistent and skillful efforts have been made for months to convince Americans that the welfare of the United States and Europe was bound up in the treaty with the Germans. Those efforts have been successful in such measure that many American citizens of the most devoted patriotism are somewhat impressed by such talk as this: 'There, you see the nations of Europe going forward with the peace treaty and the league of nations, while the United States hangs back with Turkey and Russia. The United States helped to end the war, but it becomes a slacker in the work of making peace.'

"But such statements have no weight with those Americans who have studied the situation carefully and are capable of judging the duty of the United States as based upon its peculiar structure, its traditions, and its relations with Europe. The first and most important point to be borne in mind is that the treaty of Versailles was never authorized or approved by the people of the United States and is contrary to the policy of the United States in declaring and prosecuting the war, in this respect, that while war was declared separately and while the United States refrained from allying itself with the nations arrayed against Germany, the treaty attempts to commit the United States to all European settlements, exactly as if this country had been an ally and had committed itself to all the allied treaties and agreements.

"There was no authority, no excuse, and no necessity for making the United States a party to the settlements in Europe. The United States went to war for a specific purpose, and throughout the war it scrupulously refrained from entangling itself in the engagements of the Allies. President Wilson was so consistent and precise in distinguishing the relations between this Government and the Allies that he received unmerited criticism, including criticism from this newspaper. He was right and his critics were wrong. But as he was right in maintaining the distinction at that time, he was wrong in cutting away from it at Paris and attempting to make the United States a full-fledged ally of the Allies in all European political questions, notwithstanding the fact that the United States had never contracted or authorized such alliance.

"It is beyond the power of a President to contract an alliance between this Government and any other. If he attempts to make a treaty of alliance with Europe, which is the real nature of the treaty of Versailles, he invites the opposition of all Americans who cherish the traditions of their country as bodied forth in the Monroe doctrine and other American principles. If the people and the Senate approve of his proposal there is nothing more to be said; but until they do approve, it is as offensive as it is injudicious to assert that the United States is a slacker in the work of world peace.

"The assertion that it is the duty of the United States to ratify the treaty of Versailles is a gratuitous and impudent assumption which has no basis of justification in the history or present purpose of the people of this Nation. There is not a shred of evidence which shows that the United States is bound to reverse itself and enter into European quarrels. On the contrary, all that has been done by the United States Government since it declared its independence, including the war against Germany, has been contrary to the idea of participating in European politics.

"The treaty of Versailles concerns the United States very little and very remotely, except as to the proposed league of nations, which is a plan for permanently entangling the United States in European affairs. Aside from the league of nations covenant, the treaty can be executed without the United States as well or better than with it, and the nations concerned are proceeding to execute it. The only portions that affect the United States are certain provisions in section 10 (not article 10), which are not of sufficient importance to consume more than a week's time in a separate adjustment between the United States and Germany.

"The demand for ratification of the treaty is not because of the peace settlements with Germany. It is because the league of nations will be a failure unless the United States can be drawn into European politics. The statements are made that 'the world will break down' and that 'Europe will fall into chaos' and that 'the little freed nations will be destroyed' unless the United States joins the league of nations. There is not a word of truth in these statements. They are utterly without effect upon Americans who know wherein the true strength of America lies as a defender of liberty. It is not in the entanglement of its free will that the United States is strong, but in its independence and unfettered freedom of decision and action.

"There is still talk of 'compromise' on the question whether the United States shall remain master of its will or surrender it to a combination of foreign nations. There will be no compromise, because there can not be one. If Democratic Senators wish to get the treaty out of the way before it wrecks their party they can vote for reservations which will safeguard the independence, honor, and vital interests of the United States. If they do not wish to do that, the treaty will remain as it is—unratified and inapplicable to the United States."

EXCHANGE OF LABOR-SAVING DEVICES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement showing for the fiscal year ended June 30, 1919, the exchanges made by the department and its several bureaus and offices of typewriters, adding machines, and other similar labor-saving devices, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its amendments to the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SELLS, Mr. KIESS, and Mr. MEAD managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 3175) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation, and it was thereupon signed by the Vice President.

JOSEPH A. PRAT.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 3210) for the relief of Joseph A. Prat, asked to be discharged from its further consideration and that it be referred to the Committee on Post Offices and Post Roads, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings under a five-year lease on the zone at Camp Funston, Kans., and for other purposes; to the Committee on Military Affairs.

By Mr. NEWBERRY:

A bill (S. 3707) for the relief of Burdett O'Connor; to the Committee on Military Affairs.

By Mr. McNARY (by request):

A bill (S. 3708) to punish violation of the eighteenth amendment to the Constitution by American citizens in certain foreign countries; to the Committee on Foreign Relations.

By Mr. UNDERWOOD:

A bill (S. 3709) for the relief of Capt. James G. Oakley; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 3710) for the erection of a public building at Ocilla, Ga.;

A bill (S. 3711) to provide for the erection of a public building at the city of Buford, Ga.;

A bill (S. 3712) authorizing the erection of a post-office building at Commerce, Ga.; and

A bill (S. 3713) for the erection of a public building at Baxley, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. PHIPPS:

A bill (S. 3714) to provide for the erection of a public building in the city of Montrose, Colo.; to the Committee on Public Buildings and Grounds.

AMNESTY TO PRISONERS.

Mr. CHAMBERLAIN. Mr. President, I propose the following resolution and ask unanimous consent for its immediate consideration. If it evokes any discussion, I will withdraw it.

The resolution (S. Res. 278) was read, as follows:

Resolved, That the Secretary of State be requested to procure and furnish to the Senate information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislation or executive proclamation or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

Mr. CHAMBERLAIN. I simply desire to get information from these Governments ascertaining what has been done with reference to granting amnesty; that is all.

The resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF RIVER ROUGE, MICH.

Mr. SHERMAN submitted the following resolution (S. Res. 279), which was referred to the Committee on Appropriations:

Whereas an appropriation has been heretofore made for the improvement of the River Rouge, Mich.; and
Whereas it now appears that this improvement is solely for the benefit of Henry Ford and the Ford Motor Co.; and
Whereas it appears that Henry Ford is attempting to use this appropriation contrary to the intention of Congress, and is using the name and sovereign rights of the United States of America and the powers of the Secretary of War for his own private benefit; and
Whereas there are certain reports, charges, and rumors tending to show the unlawful use of influence, which should be fully investigated and their truth or falsity ascertained: Therefore be it

Resolved, That the Senate Committee on Appropriations is hereby directed to inquire into and completely investigate the whole subject matter of the River Rouge improvement, including in particular the interests and influence of Henry Ford and his agents therein, and the use of the name of the United States of America and powers of the Secretary of War in condemnation proceedings therefor.

Resolved further, That pending this investigation and the report of the committee thereon the Secretary of War and the Attorney General of the United States be hereby requested and called upon to suspend and withhold all acts and proceedings, whether in court or elsewhere, directed toward the widening of the River Rouge or the appropriation of property therefor.

REMOVAL OF SOLDIER DEAD FROM FRANCE.

Mr. THOMAS. Mr. President, I have no doubt that every Senator has received a communication from Mabel Fonda Gareissen, of New York City, bearing date the 1st of January, relating to the desire, very naturally entertained by relatives of those sacrificed during the recent war and whose bodies are reposing in French soil, to have them transported to America for permanent interment. That is a sentiment with which every man must deeply sympathize and in his official action as well as his personal conduct accede to as far as possible. If, consistently with the policy of the French Government and its ultimate consent, the bodies of those whose relatives desire their transportation across the ocean can be brought back, it should be done. But the situation seems to have developed a commercial enterprise known to the world as The Purple Cross, said by this lady to include the American Undertakers' Association, whose purpose, seemingly, is to commercialize the grief and affliction of parents and widows and children of those who have offered up their lives for their country across the sea.

I do not, Mr. President, indorse this recital or affirm that it is true, but it is in line with a number of circumstances that have developed since the close of the war, indicating that The Purple Cross is an organization designed to profit from this sentiment and secure appropriate legislation to enable them to effectuate their purpose. However that may be, the public is entitled to know what the views of this lady upon the subject may be, particularly as she assumes to give an interview that occurred between a representative of The Purple Cross and a lady speaking in behalf of what is called a "gold-star mother." If The Purple Cross is not the sort of organization that is here disclosed, then it is as much concerned in having the truth known as the country can be. If, on the other hand, it is true, then certainly it should be known and the facts considered in any legislation that we may undertake regarding this very important subject. I ask unanimous consent, therefore, for the insertion of this letter in the RECORD.

Mr. LODGE. Mr. President——

Mr. THOMAS. I yield.

Mr. LODGE. If the Senator from Colorado will permit me, I merely wish to say that I have received a letter similar to that just presented by him. I believe it to be written in good faith, and I think the subject ought to be referred to some appropriate committee to inquire into it. If there is any truth in the statement, it is a scandal.

Mr. THOMAS. I think the Senator's suggestion is a very pertinent one, and instead of merely asking that the letter be inserted in the RECORD——

Mr. LODGE. I think the letter had better be inserted in the RECORD.

Mr. THOMAS. I will supplement that request, and I ask that the letter be also referred to the Committee on Military Affairs, with a request that the committee investigate the subject and make report to the Senate.

Mr. LODGE. That is the committee to which it should be referred.

Mr. WARREN. Perhaps the Senator from Colorado will remember that legislation in reference to this matter has been heretofore considered, and that even at the commencement of the war, before there was any use for such a service, mothers of soldiers came before the Military Committee in regard to the matter. It seemed then, with the slight information which we had upon the subject—and we were not impressed that it was then necessary to go further—that there was a sort of trust that proposed to take over the entire situation.

Mr. THOMAS. The Purple Cross?

Mr. WARREN. Yes; The Purple Cross.

Mr. THOMAS. Yes; I think its adjective description might well be amended.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

JANUARY 1, 1920—8 P. M.

MY DEAR SENATOR: I am a gold-star mother and vitally interested in what is to be done with the bodies of our soldiers who lie in France.

Therefore I decided to discover for myself the truth of the persistent rumors that "The Purple Cross" (American Undertakers' Association) is back of the movement to bring to America the bodies of our heroes.

After some thought, I asked Miss Jane O'Ryan, sister of Gen. O'Ryan, if she would go with me to Campbell's, 1970 Broadway, New York City—the leading undertaker of America. She consented, and at about 5.15 p. m., January 1, we entered, Miss O'Ryan preceding me.

A man came forward to meet us. The following is the gist of the conversation that ensued:

"Miss O'RYAN. My friend is a gold-star mother, and I hope you can tell us something definite concerning the return from France of our dead soldiers.

"MAN (politely, but with hesitation). I don't know. I can't say, but I'll see. Won't you be seated?"

Very soon a tall, pale-faced, youngish man with a kindly expression entered. He wore horn-rimmed glasses and a well-made cutaway suit. He spoke with authority, as one of the proprietors or managers.

Miss O'Ryan repeated the statement she made upon entering.

After observing us closely, the man said:

"MAN. Yes; the dead in France are to be returned. We are now working in England.

"Mrs. GAREISSEN. Are all the bodies to be brought over from England?

"MAN. Yes; and from Italy; from all the countries but France.

"Mrs. GAREISSEN. But when will you begin in France?

"MAN. It's a little hard to say, for the French Government has not yet given permission.

"Mrs. GAREISSEN. But the papers have announced that France had given permission.

"MAN. It's a mistake. We have definite news from Washington. France is, as you know, in a terrible condition since the war. Think of the ruined cities, and labor is hard to get. We were even willing to supply the labor, but without result. If we asked to have our dead returned now, England and the other countries would also.

"Mrs. GAREISSEN. But when do you think you can get France's permission?

"MAN. Her own people have to be thought of first, naturally, and the transportation is very difficult. You can see France's viewpoint. Everything can't be done at once. But I think we can begin by spring.

"Mrs. GAREISSEN. Spring is a long time. Are you doing everything in your power to hasten this?

"MAN. Every pressure is being brought to bear.

"Mrs. GAREISSEN. What, for instance?

"MAN. We have powerful representatives at Washington.

"Mrs. GAREISSEN. Do you mean your own representatives?

"MAN. Yes; and not only our own but Congressmen.

"Mrs. GAREISSEN. That is interesting. Have you been trying to persuade Congressmen for any length of time?

"MAN. Indeed we have. We have been after them from the very beginning. Every pressure has been brought to bear.

"Mrs. GAREISSEN. Are you sending embalmers over?

"MAN. No; the dead are in no condition for embalming. We will use strong disinfectants, place the bodies in hermetically sealed caskets, and they will not be reopened.

"Mrs. GAREISSEN. Where will you get these caskets?

"MAN. We will take them to France from America.

"Mrs. GAREISSEN. You mean you will ship all these caskets from America?

"MAN. Yes; we will use our own caskets, made in America.

"Mrs. GAREISSEN. How much is it going to cost to do all this?

"MAN. It isn't going to cost you people anything. The Government is going to pay us."

A repetition of the question as to what the cost would be brought no response.

"Mrs. GAREISSEN. After our dead arrive, can we be certain they are our own?"

The man hesitated and cleared his throat, "Well," he said (with very evident doubt as to the result), "we are going to be as careful as possible.

"Mrs. GAREISSEN. You are very honest.

"MAN. I mean to be honest."

As we left he gave us each a beautiful pink rose and bade me stop in from time to time and he would keep me posted.

We dropped the roses on the sidewalk when out of sight.

I send you this as a gold-star mother who protests against such activities as are described above.

Is it possible that the undertakers of this country would profiteer and use to that end the bodies of our American boys, one of whom is my own son?

I appeal to you for an answer.

Respectfully, MABEL FONDA GAREISSEN.

HOUSE BILL REFERRED.

H. R. 7158. An act to provide for the expenses of the government of the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

CALLING OF THE ROLL.

The VICE PRESIDENT. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Hale	McLean	Simmons
Beckham	Harding	McNary	Smith, Ga.
Borah	Harris	Moses	Smith, Md.
Capper	Harrison	Nelson	Smith, S. C.
Chamberlain	Henderson	New	Smoot
Colt	Hitchcock	Newberry	Spencer
Culberson	Johnson, S. Dak.	Norris	Sterling
Curtis	Kendrick	Nugent	Sutherland
Dial	Kenyon	Overman	Thomas
Dillingham	King	Page	Trammell
Fernald	Kirby	Phelan	Underwood
France	Lenroot	Pittman	Wadsworth
Gay	Lodge	Pomerene	Walsh, Mont.
Gerry	McCormick	Ransdell	Warren
Gore	McCumber	Robinson	Williams
Gronna	McKellar	Sheppard	Wolcott

Mr. CURTIS. I was requested to announce the absence of the Senator from Washington [Mr. JONES] on account of illness in his family. I will let this announcement stand for the day.

Mr. MOSES. I announce the absence from the city of my colleague [Mr. KEYES] on account of illness in his family. I make the announcement for the day.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I will let this announcement stand for the day.

Mr. TRAMMELL. My colleague the senior Senator from Florida [Mr. FLETCHER] is detained by illness.

Mr. MCKELLAR. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Virginia [Mr. SWANSON] are detained from the Senate by illness in their families.

Mr. GERRY. I desire to announce that the Senator from Massachusetts [Mr. WALSH], the Senator from Montana [Mr. WALSH], the Senator from Kentucky [Mr. STANLEY], the Senator from Arizona [Mr. ASHURST], and the Senator from North Carolina [Mr. OVERMAN] are absent on official business.

Mr. UNDERWOOD. I wish to announce that my colleague [Mr. BANKHEAD] is absent on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

WATER-POWER DEVELOPMENT.

Mr. NELSON. I move that the Senate proceed to the consideration of the unfinished business, House bill 3184.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. NELSON. Mr. President, the pending question is upon the amendment reported by the committee. I will briefly explain what the amendment is about. I refer to section 15, page 26 of the bill, in line 17, commencing with the proviso. As we have amended the bill it reads:

That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or tender a new license to the original licensee, upon the terms and conditions aforesaid, which is accepted.

The words "which is accepted" are the words that are to be voted upon. That is an amendment recommended by the committee, and the question is on adopting the words "which is accepted."

Mr. THOMAS. Mr. President, I have been too busily engaged in committee work to give much personal attention to the pending measure, which has occupied the attention of the Senate for several days past. I do not now intend to discuss the subject at any length, because I am sure I could add nothing to what has been said concerning it, and also because I am not sufficiently familiar with the details of the bill to entitle me to speak even with familiarity, to say nothing of speaking by authority.

I am in sympathy with the general proposition of the bill, of course, and have always contended that the water powers of the country should be utilized and developed to a state of the highest efficiency; but I have objected to the limitations that all bills which have referred to the subject since I have been a Member of the Senate have carried. I have also protested against the extension of the national authority over the running streams of the country, whether navigable or not. I am, therefore, opposed to the general purview of the bill, which, assuming that jurisdiction to exist, establishes a commission and endows it with jurisdiction over the whole subject. However, that seems to be the trend of public opinion, and I am satisfied that if any legislation at all is to be enacted upon the subject, only such legislation as recognizes that sentiment and embodies it within its details is possible. The bill, therefore, if I had had the responsibility of framing it, is essentially different from such a measure as I would have presented for the consideration of the Senate.

I desire to say a word, and a word only, regarding the amendment now pending. I have only heard a part of the discussion upon it; but I have read the report contained in the CONGRESSIONAL RECORD of what took place yesterday afternoon. I have come to the conclusion that the Senate committee amendment is a very necessary one, and one which is very properly designed to safeguard the rights of existing lessees under the bill. The ease with which men might negotiate for a new lease, accede to such terms as the Government might exact, and then, by their silence, fail to act affirmatively upon it and thereby suspend or defeat an existing lease is quite apparent. It may be that the words are superfluous—the Senator from Montana [Mr. WALSH] thinks they are—but if they are superfluous, then it will certainly do no harm to incorporate them in the bill. Those who desire to expunge them not only do not regard them as superfluous but as extremely important.

Mr. President, I think that when the Government makes a lease of any of its property—and I am very sorry to see the Government of the United States become a universal landlord—it should treat its lessee with the same consideration that a private lessor is required by the laws of the country to treat a private lessee. It is perfectly proper, if we are going into the leasing business, that a specific limitation should be placed upon leases of this character; it is perfectly proper, if the Government desires to exercise the right of recapture, that the right should be clearly given it in whatever statute we may enact; it is perfectly proper that at the close of the lease the landlord should have the power to renew that lease upon such terms as a third person may be willing to offer, failing which, to grant a lease to the proposed lessee offering better terms therefor. That is a very simple process. If at the end of a lease the lessee does not desire to continue it, or is unwilling to continue it upon terms that are satisfactory to third persons, he can, of course, retire, and the enterprise will continue under the new arrangement; but to provide that some outsider may go in and negotiate a lease and then decline to accept it, and thereby terminate the existing lease, is not only unjust and inequitable, but to my mind it is morally and legally wrong.

It will not do to say, Mr. President, that such a result would not follow the excision of these words, because there are adventurers in every country, and they are prone to attack any business that is either profitable or speculative, and, unless the requirement of acceptance specifically appears, particularly after the discussion over the amendment which becomes a part of the public records, to my mind the bill would not only offer but invite the activities of men having no purpose in the world other than to profit by the unfortunate or inconvenient position or attitude of others.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. In just a moment. We have some illustrations arising under the operation of other laws that justify my apprehensions regarding this measure. I now yield to the Senator.

Mr. LENROOT. I do not think the Senator has quite the correct construction of the language as it now stands.

Mr. THOMAS. That may be.

Mr. LENROOT. The words "which is accepted" do not apply to a lease to a new licensee; they only apply to a tender of a lease to the original licensee.

Mr. THOMAS. If that is the case—and I will accept the Senator's construction of it—I think the words should be there, because acceptance of terms necessarily must be the expression of an acceptance of the contract, either by acquiescence or by express action.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. NELSON. The matter as to whether the words apply simply to the original licensee or to the new licensee can be easily cleared up. The words "which is accepted" can be made to qualify both, if they do not now do so.

Mr. THOMAS. Of course, if they do not apply to both, they should apply to both. My reading of the provision, together with the comments which were offered upon it, must be my excuse, if any is needed, for my construction of the clause. If, however, its effect is as stated by the Senator from Wisconsin, I shall say no more about the subject, but simply content myself by voting. It was my purpose to direct the attention of the Senate to certain instances, occurring under previous legislation, justifying the apprehension which I have expressed as to what might follow in the event the words were excluded from the bill.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. LENROOT. I should like to state to the Senator just what the language is; and I am sure he will agree with me that the language as it now stands is, "if a new lease is not issued to a new licensee, or tendered to the original licensee." Now, I want to ask the question whether the use of those two words, "issued" and "tendered," does not clearly imply that in the case of the issue it must have been accepted, and in the case of a tender, of course, there would be no acceptance?

Mr. THOMAS. Oh, I think so; but it should be made to apply to both.

Mr. LENROOT. Mr. President, for the benefit of some of the Senators who were not present during the discussion yesterday, I wish to occupy just a few moments upon this amendment; and I want to repeat that notwithstanding the specious arguments that were made here yesterday afternoon, if this amendment is adopted it becomes for all practical purposes a perpetual license to licensees under this bill, because, under the terms of the bill, it is made practically impossible—yes, I will say it is made impossible—for a new licensee ever to come in and take this property, because, in addition to paying the value of the property, in addition to paying every dollar that the licensee has invested in the property, he must pay severance damages for which he will get no return or no value whatever.

The Senator from Colorado said the same rule ought to apply in business of this character that a landlord and tenant should pursue in private business, and I agree with him, and that is all that I am asking for; but let us see if the Senator would apply to private business, if he were himself a landlord, the rule that is proposed to be adopted in this bill.

Would the Senator from Colorado, as a landlord, make a lease of a piece of real estate for 50 years, with a provision that at the end of 50 years, unless he purchased the improvements made upon that real estate by the lessee and in addition paid the lessee all damages that he might sustain by reason of finding a new location or loss to his business, in the event he was unwilling to do that he, the landlord, would not be permitted to make new terms for that lease? I want to ask the Senator from Colorado that question, and I shall be glad to have him reply.

Mr. THOMAS. Why, Mr. President, assuming the Senator's premise to be correct, the answer is obvious—I would not.

Mr. LENROOT. Certainly it is obvious, and that is what I am complaining about in this bill. The Senator in his argument has assumed that this recapture clause will permit the Government or a new lessee to take over the project for what it is worth, or what it had cost the licensee, and that is not true at all. On the contrary, under the provisions of this bill, for the Government or a new lessee to take over the property he might be compelled to pay twice what the property was worth either to him or to the Government. He might be compelled to pay twice the amount of money that was invested in the property by the licensee. Now, if Senators representing the people are willing to apply the same business principles to the Government's business that they would to private business, I say to the Senator from Colorado that I do not see how he can favor this amendment.

Now, let us see as to whether or not I am right in the statement I make.

Later on in this bill it is provided that in addition to paying the net investment of the licensee the licensee shall also be entitled to severance damages. And what will "severance damages" mean? It will mean just this as the bill now stands: If a licensee is enabled to produce water power for $10 per horsepower and steam costs him $20 per horsepower, and by reason of the expiration of this license a new licensee comes in and takes it over, the licensee will have to build a steam plant to supply that amount of power, which will cost him twice as much as the water power. What will the severance damages be to him? It will be the difference between $10 per horsepower and $20 per horsepower. The new licensee or the Government, in order to take over this property, must then, in addition to paying every dollar that has been invested in the property, pay to the licensee $10 per horsepower for an indefinite time in the future. Why, Mr. President, no private citizen would ever think of making such an unconscionable contract; and yet on the floor of the Senate it is urged that the Government, by the acceptance of this amendment, make such an unconscionable contract as that!

So, Mr. President, the right to take over this property by the Government or the right to issue a new license is nothing but words, and there is no substance to it. It is no protection whatever to the public.

I want to say again that, strange as it may seem, the very Senators who urge that this is a right that is a protection to the Government are usually the same Senators who, the moment it was proposed, would shout "socialism" and declare that the Government must never undertake it.

No, Mr. President; if this amendment be adopted, for all practical purposes this is a perpetual license; and I challenge any Senator who is supporting this amendment to say that in his private business, himself acting as a landlord, he would ever think of making such a contract as he asks the Government to make in this amendment.

Is it a perpetual license? Let us see.

Under the language of the amendment, if at the end of the term the Government does not take it over, does not issue a new license—which, I have just shown, is practically impossible of contemplation—and does not tender a new license, under the terms as they then exist, to the original licensee which is accepted, then the licensee is entitled to a license from year to year for all time to come. There can not be any doubt about it.

Mr. STERLING. Mr. President, why does the Senator say that the licensee is entitled to a license for all time to come, when the Government, under the very terms of the bill, may take it over at any time?

Mr. LENROOT. Just the same as the Senator would say that this is a license for 50 years. He says that, does he not? The Senator would say that this is a license for 50 years?

Mr. STERLING. Originally; yes.

Mr. LENROOT. Originally, it is a license for 50 years. Well, why does the Senator say that? At any time during the 50 years the Government may take it over, and it is expressly so provided in the bill. Why does the Senator, then, say that this is a license for 50 years?

Mr. STERLING. Because in the first instance it is a license for 50 years, with the condition that the Government may take it over at any time on two years' notice, as I understand the terms of the bill.

Mr. LENROOT. Oh, no; they may take it over at any time.

Mr. STERLING. Well, the Government may take it over at any time.

Mr. LENROOT. Very well. Then I will modify my statement by saying that this is a perpetual license, conditioned

upon the right of the Government to take it over and pay not only the value of the property but any severance damages in addition. In other words, the Government will have the same right to take over this property at the end of 50 years that it has at the end of 5 years or 10 years or 20 years. So when the Senator from South Dakota says that this is a license for 50 years then by the same reasoning it is a perpetual license, because if I am entitled to a license from year to year for a thousand years without my possession being possible of being disturbed except through the right of the landlord to take it over under the conditions named, it makes no difference whether you say from year to year or a thousand years in the first instance. So this is a perpetual license; and what is it proposed to do? Instead of the Government, the people, determining the terms of the new license, we, representing the public, supposed to be safeguarding the public interests here, deliberately propose to let the water-power corporations determine the terms of the new license. That is the whole issue here: Shall the people represented in the Congress of the United States at that time determine the conditions of a new license or shall we let the water-power utility dictate to the people of the country what kind of a license they shall have?

That is the situation. The Senate can make this kind of a record if it desires to do so; but I am satisfied that if this amendment should be adopted and agreed to in conference this bill never will become a law, and it ought not to.

Mr. NELSON. Mr. President, does Mr. Pinchot have a veto of the bill if we pass it?

Mr. LENROOT. No; but President Wilson does have a veto of the bill, and I think I know President Wilson's attitude upon this very proposition, and if this amendment does go into the bill and is agreed to in conference, and this bill is sent to him, President Wilson never will have rendered a greater service in the conservation of our natural resources than in the veto of this bill.

It so happens that for many years I have been very closely connected with this legislation, and I want to say to the Senator from Minnesota that I am not speaking from hearsay or speaking in the air. If Senators here really desire water-power legislation at this session of Congress they will not adopt this amendment, and all the arguments that may be made that this is a year-to-year license will not deceive the public, because the public will well understand that what is being protected here is not the public interest but is private interest—not intentionally; I do not charge the distinguished Senator from Minnesota, of course, with consciously or knowingly favoring private interest—but that is the effect of the position that he takes, and it is clearly contrary, as I see it, to the public interest.

What will be the result if this amendment is not adopted? At the end of 50 years, instead of the licensee sitting still and saying, "I will not accept a new license unless it is more liberal than the one issued under this law," instead of his being able to continue forever under the terms of this law made 50 years before, the people of the United States, represented in the Congress of the United States, will have the opportunity to say what the terms of that new license shall be, and the licensee will then be under the constraint to accept such terms as the Government may tender him at that time.

Does the Senator from Minnesota take the position that the Government is going to be unfair to these licensees, that the Government can not be trusted, that the people of this country can not be trusted, and that private interests must be protected against injustice upon the part of the Congress of the United States? That is the position that the Senator from Minnesota takes. It is a position that I absolutely refuse to take upon this or any other measure.

Mr. President, if there is to be any advantage between private interests and public interests the advantage should lie with the public interests. I want to repeat that it is only a few months ago when the water-power interests represented here, some of them in the galleries this morning, said they were perfectly willing to take this legislation without the amendment which the Senator from Minnesota now asks for. Why, then, should we give to private interests more and greater privileges than they themselves asked for in March? That will be a question which will have to be answered some day to the people of the United States if this amendment is adopted.

Mr. WALSH of Montana. Mr. President, before the Senator takes his seat I should like to ask him a question.

Mr. LENROOT. I yield.

Mr. WALSH of Montana. Intensely interested as I am in seeing this legislation enacted, I am very deeply concerned in the statement made by the Senator from Wisconsin in his remarks just now that the adoption of this amendment would kill this bill. I repeat that I am going to vote against the amendment; I am going to vote with the Senator from Wisconsin to eliminate it; but I am sure he attaches too much importance to it, and I want to ask him a question. He repeats that with the amendment the lease becomes perpetual, except for the right of the Government to take it at any time when it sees fit, as provided in the recapture clause. Let me ask the Senator whether in exactly the same sense the lease would not be perpetual if this provision were not put in; that is to say, the 50 years would expire and the lessee or licensee would remain in possession of the property, operating it, as I suggested yesterday, and continuing to operate it in perpetuity until some other provision was made for either the Government to take it over or to turn it over to some other lincensee? Would not that be the situation?

Mr. LENROOT. Certainly not. It would be operated, I have no sort of doubt——

Mr. WALSH of Montana. But how?

Mr. LENROOT. It would be operated under a lease which the Government would then tender.

Mr. WALSH of Montana. But we will suppose that the clause we are considering assumes that the lease or license tendered by the Government is not accepted by the licensee. That is the condition which puts it into operation. He will not accept it. If this clause is not in he can not get a lease from year to year. What would happen? He would still remain in possession of the property, and he would continue to operate it, being obliged to pay to the Government, so long as he occupied it, the reasonable value of the occupation of the Government property. If no one else came on to take it, and the Government did not take it over, he, of course, would hold it in perpetuity, just exactly as the other fellow would hold it in perpetuity in that same sense if he had a lease from year to year. The only thing that would interrupt that, of course, would be that the Government might say to him, "We are going to blow up this dam; it is an obstruction in the navigable stream," or "it is upon the public land and we will go out and destroy this dam."

That is the only chance there is. But, of course, it is unthinkable that the Government would do anything of that kind, and constantly we must dismiss that. So, as suggested by the Senator from Minnesota [Mr. NELSON] yesterday, it is simply the difference between a lessee from year to year and lessee by sufferance. In one case he is a tenant by sufferance and in the other he is a tenant from year to year, and in either case, as the Senator from Wisconsin has suggested, the thing may go on perpetually, unless the Government takes it over or some one else takes it over. So, while I am with the Senator from Wisconsin, I am apprehensive that some one will attach importance to the matter sufficient to defeat this legislation, and I should like to relieve the public mind of that idea if I could do so.

Mr. LENROOT. Of course, the mere existence of a project perpetually is not anything I am objecting to. It is the continuation of a project under a law that has been passed 50 years before, and under a license that has been issued 50 years before, the terms of which at the end of 50 years may be very unfair to the public, which under this amendment would go on perpetually, under this unfair license or lease.

Mr. WALSH of Montana. Mr. President, I agree with the Senator in that, and that is why I am going to vote against the amendment. The terms prescribed 50 years from now may not be reasonable terms, and I want reasonable terms at that time. That is all there is to it. It is a question as to whether it shall go on under the terms prescribed from year to year or go on upon terms that are held, either by mutual agreement or by determination of the court, to be reasonable. .

Mr. LENROOT. Of course, that is the whole contention, whether there shall be a perpetual license, although in form running from year to year, under the terms of the original lease; or whether it shall be subject to new terms. That is the whole controversy.

Mr. WALSH of Montana. The point I am making is that if the one is a lease in perpetuity, the other is equally so.

Mr. LENROOT. No; it is not. Of course, there are two things that might occur. In the first place, even assuming that the Government did not take it, and they were a tenant by sufferance, and the Government offers them reasonable terms, I think a court would compel them in the operation of that utility to accept and go on and pay the Government whatever was reasonable. I think the Senator will agree with me.

Mr. WALSH of Montana. I fully agree with that. The court would compel them to operate it, and then there would be determined what charge is a fair and reasonable charge to pay to the Government.

Mr. LENROOT. Then in addition, Mr. President, the very power of the Government to say to the licensee, "You shall

remove your works," the Senator knows in this public business, as he knows in private business, would be most influential upon the licensee in deciding the question whether he would accept such terms as the Government may then offer. There can not be any possible doubt about that. So it all resolves itself back to the question whether the licensee, under the amendment that is proposed, shall have a perpetual right to go under the terms of the original lease or whether, if the amendment is not adopted, the Government at the end of 50 years will have the right to make new terms that will be fair both to the licensee and to the public.

The VICE PRESIDENT. The question is on the adoption of the committee amendment.

Mr. SMOOT. I ask for the yeas and nays.

Mr. LENROOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Gore	McKellar	Robinson
Bankhead	Gronna	Moses	Sheppard
Beckham	Hale	Myers	Simmons
Borah	Harding	Nelson	Smith, S. C.
Brandegee	Harris	New	Smoot
Capper	Harrison	Newberry	Spencer
Chamberlain	Henderson	Norris	Sterling
Colt	Johnson, S. Dak.	Nugent	Sutherland
Culberson	Kellogg	Overman	Trammell
Dial	Kendrick	Page	Underwood
Dillingham	Kenyon	Phelan	Wadsworth
Fernald	King	Phipps	Walsh, Mont.
France	Kirby	Pittman	Warren
Gay	Lenroot	Pomerene	Watson
Gerry	McCumber	Ransdell	Wolcott

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. I will let that announcement stand for the day.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question is on the adoption of the committee amendment, on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. I do not see him in the Chamber, but on this question I am assured that I am at liberty to vote. I vote "yea."

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the junior Senator from New Mexico [Mr. JONES] and vote "nay."

Mr. KING (when the name of Mr. KEYES was called). The junior Senator from New Hampshire [Mr. KEYES] is detained on account of serious illness in his family. I have a general pair with that Senator. Not knowing how he would vote on the pending amendment, I withhold my vote.

Mr. NEWBERRY (when his name was called). I am paired with the senior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence I do not feel at liberty to vote. If he were present, I would vote "yea."

The roll call was concluded.

Mr. HARRIS (after having voted in the negative). I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and let my vote stand.

Mr. BALL. I have a pair with the Senator from Florida [Mr. FLETCHER]. He is confined at his home by illness. On this question he would vote the same way I do, and I shall therefore vote. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and let my vote stand.

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. SMOOT. I wish to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

I desire also to announce the following pairs:

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

Mr. GERRY. The Senator from Arkansas [Mr. ROBINSON], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from New Mexico [Mr. JONES], and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

The Senator from Tennessee [Mr. SHIELDS] and the Senator from Virginia [Mr. SWANSON] are detained from the Senate by illness in their families.

The result was announced—yeas 40, nays 23, as follows:

YEAS—40.

Ball	Lodge	Page	Smith, S. C.
Bankhead	McCumber	Phelan	Smoot
Brandegee	McLean	Phipps	Spencer
Chamberlain	McNary	Pittman	Sterling
Dillingham	Moses	Poindexter	Underwood
Fernald	Myers	Ransdell	Wadsworth
Gerry	Nelson	Sherman	Warren
Hale	New	Simmons	Watson
Harding	Newberry	Smith, Ga.	Williams
Kellogg	Overman	Smith, Md.	Wolcott

NAYS—23.

Beckham	Gay	Kendrick	Pomerene
Borah	Gore	Kenyon	Sutherland
Capper	Gronna	Lenroot	Trammell
Cummins	Harris	McKellar	Walsh, Mass.
Dial	Harrison	Norris	Walsh, Mont.
France	Henderson	Nugent	

NOT VOTING—32.

Ashurst	Fletcher	King	Robinson
Calder	Frelinghuysen	Kirby	Sheppard
Colt	Hitchcock	Knox	Shields
Culberson	Johnson, Calif.	La Follette	Smith, Ariz.
Curtis	Johnson, S. Dak.	McCormick	Stanley
Edge	Jones, N. Mex.	Owen	Swanson
Elkins	Jones, Wash.	Penrose	Thomas
Fall	Keyes	Reed	Townsend

So the amendment of the committee was agreed to.

The next committee amendment passed over was, on page 27, after line 22, to strike out section 17 in the following words:

SEC. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national forests is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of Agriculture in the survey, construction, and maintenance of roads and trails within such national forests. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national parks is hereby reserved and appropriated as a special fund in the Treasury, to be expended under the direction of the Secretary of the Interior in the improvement and development of such parks. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, and of national monuments, and power site or other reserves outside of national forests, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act. All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. Fifty per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States, or in the construction, maintenance, or operation of head water or other improvements of navigable waters of the United States.

And to insert in lieu the following:

SEC. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States and shall be reserved as a special fund therein. Such part of said fund as Congress may from time to time direct shall be appropriated toward paying the costs of administration of this act and of conducting the investigations authorized by this act. The remainder of said fund, if any, shall be expendable under the direction of the commission in the maintenance and operation of dams or other navigation structures owned by the United States or in the construction, maintenance, and operation of headwater or other improvements of streams upon which the commission is authorized to issue licenses under this act: *Provided*, That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation.

Mr. LENROOT. Mr. President, I am not going very seriously to object to the proposed amendment, but I do want to call the attention of western Senators from public-land States to what the amendment does. First, the bill does provide that there shall be some remuneration from those who use the water power, but within the public-land States they can not use any of it if the amendment is agreed to.

Mr. WALSH of Montana. I have presented an amendment to cover the point suggested by the Senator from Wisconsin, and I ask for its consideration at this time. There would be several amendments necessary in order to accomplish what I have in mind.

On page 29, in line 9, after the word "any," insert in the first place, "in so far as the same may be derived from dams in navigable streams," so that the same shall read:

The remainder of said fund, if any, in so far as the same may be derived from dams in navigable streams, shall be expendable under the direction of the commission in the maintenance and operation of dams or other navigation structures owned by the United States or in the

construction, maintenance, and operation of headwater or other improvements of streams upon which the commission is authorized to issue licenses under this act.

In other words, Mr. President, I think nobody will insist that the revenues derived from the dams upon the public lands should be utilized in the construction of works in navigable streams. Whatever revenue is derived from the dams in navigable streams may very properly be put to the construction of other works in navigable streams.

I ask that the amendment which I have offered be followed up by the following amendment: After the word "act," in line 15, on the same page, I move to insert the following: "and in so far as the same may be derived from licenses to occupy portions of the public lands under this act the one-half thereof shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, and the other one-half paid to the States in which are located the lands occupied, in the proportion to each that the amount derived from lands within its bounds shall bear to the whole amount derived from such occupancy of all such lands."

In other words, the point is that there shall be taken out of this fund, in the first place, whatever is necessary for administrative purposes. Then whatever is left, of so much of it as is derived from dams in navigable streams, shall be devoted to the construction of works of improvement upon such streams; so much of it as is left derived from dams upon public lands shall be divided into two equal parts, one half going into the reclamation fund and the other half to the States in which the improvements are located. This principle was adopted in what is known as the oil-leasing bill with reference to the distribution of the proceeds from the lands coming under that measure.

It will be remembered that under the act of 1902 the entire proceeds derived from the sales of public lands are placed in the reclamation fund, and there become a revolving fund for the construction of great works of irrigation in the arid section; in other words, all the proceeds of the public lands are pledged and devoted to that purpose. On the public lands, all of the lands of value for water-power purposes have been reserved and they no longer contribute anything to the reclamation fund. Under the provisions of this bill they never will be sold; but, instead of selling them, it is expected that an annual rental or royalty will be derived from such lands, and by every just rule and reason the proceeds derived from the leases should go into the reclamation fund, just the same as the proceeds would go if the lands had been sold in the way in which it was expected they would be and in the manner in which the public lands generally have been disposed of.

There is, however, another element to be considered, and that is the element of the water itself. For many years a contest was waged in both branches of Congress to a very large extent upon the question as to whether the water in the streams flowing through the public lands belonged to the Government of the United States or belonged to the States in which the rivers flow. Objection was made for many years against any provision in the disposition of these lands which contemplated the payment of a royalty to the Federal Government, it being insisted that the water, which was really the source of the revenue, belonged to the States, respectively, and not to the Government. However, upon further consideration it was conceded upon all hands that whether that were true or untrue the Government, as a matter of fact, does own the lands upon which the dams are to be constructed, and the Government, owning the lands upon which the dams are to be constructed, may impose just exactly what terms and conditions it may deem fit for the occupancy of those lands.

Mr. NELSON. Mr. President, I desire to say to the Senator from Montana that, so far as I am concerned, I am willing to accept the amendment and have it go to conference.

Mr. WALSH of Montana. Then I have no purpose of speaking further.

Mr. KING. Mr. President, before the Senator from Montana resumes his seat I should like to ask him a question. To bring it to a concrete case, where the Government owns large areas of land on both sides of a stream, but at the particular place where the dam is to be constructed the lands have been acquired by private parties—and that is true in many cases in the West; the available dam sites have been appropriated by individuals and they own the lands—under the Senator's amendment what would become of the proceeds in that case?

Mr. WALSH of Montana. In that case, if the land upon which the dam was built belonged to private parties, no permission for occupancy of the lands upon which the dam was constructed would be needed at all; one would not be obliged to go to the commission to get any permission whatever, assuming, of course, that it was a nonnavigable stream.

Mr. WILLIAMS. The Senator is speaking of a nonnavigable stream?

Mr. WALSH of Montana. Assuming that it was a nonnavigable stream and the land upon which the dam was to be constructed belonged to private parties.

However, there is another consideration; the reservoir may conceivably cover public lands, and in that case it would become necessary to come to the Government in order to get permission to cover, by the reservoir, the public lands.

Mr. KING. Mr. President, if the Senator from Montana will pardon me further, I have followed the Senator and I agree with the statement which he makes, but under the definition of navigable streams as found in the bill it seems to me quite apparent that practically every stream which finds its way sooner or later into the ocean would be denominated a navigable stream. We know that now the Government of the United States under appropriations made in river and harbor bills has selected little rivulets and brooks and streams that do not contain one second-foot of water and denominated them, if not navigable streams directly, parts of navigable streams and have assumed jurisdiction over them because they were necessary to navigation.

Mr. WALSH of Montana. Of course, the remarks of the Senator from Utah are now directed to the propriety of the definition of navigable streams found on pages 4 and 5 of the bill, and do not in any wise affect the feature of the bill to which we are now referring.

Mr. KING. Mr. President, they affect the feature of the bill to which we are now referring only in this, that in the instance which I gave a few moments ago, where the land might be owned by private individuals and the stream be really insignificant, yet under this bill and under the rulings now of the Federal authorities such a stream would be denominated a navigable stream and jurisdiction would be assumed of it.

Mr. WALSH of Montana. I must say to the Senator from Utah that I have not been able to satisfy myself that the definition of navigable streams given in the bill corresponds to the definition as it has been laid down by the court; in fact, my own disposition about the matter is to believe that the definition of navigable streams as given in this bill does not go quite so far as the definition actually given by the court; but, of course, it is a rather difficult matter frequently to decide whether a stream is or is not navigable according to the definition in this act or under the definition of the court, and we must repose in some body eventually the question of determining whether a particular stream at a particular place is or is not navigable. I do not know where we could repose it any more safely than in the heads of three great departments—the Department of War necessarily looking after the navigable streams; the Department of the Interior necessarily looking after the rights of the public in the public lands; and the Secretary of Agriculture, of course, interested so far as there are forest reserves. I do not know where we could repose better than in such a commission the question of determining for the purpose of legislation what is a navigable stream and what is not a navigable stream. I thank the Senator from Minnesota.

The VICE PRESIDENT. Does the Chair understand that the four amendments in the printed copy presented by the Senator from Montana are offered?

Mr. WALSH of Montana. There are two of those amendments that relate to another feature of the bill, although connected with the feature now under discussion. I think it would be advisable to act upon the two amendments already read.

The VICE PRESIDENT. Upon the first two. The Senator from Minnesota has accepted them?

Mr. NELSON. I accept the amendments to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Montana to the amendment of the committee.

The amendments to the amendment were agreed to.

Mr. WALSH of Montana. The next two amendments relate to the same question.

Mr. NELSON. Is not the question now upon agreeing to the amendment as amended?

The VICE PRESIDENT. The Chair understands there are two more amendments to be offered by the Senator from Montana.

Mr. WALSH of Montana. The amendment proposed by the committee continues:

Provided, That all proceeds from any Indian reservation—

And so forth.

I think that should read "proceeds from licenses authorizing the occupancy of any part of any Indian reservation."

Mr. NELSON. I could not catch what the Senator said. What is the amendment he now proposes?

Mr. WALSH of Montana. It is very largely a matter of language. After the word "*Provided*," in line 15, the language is, "That all proceeds from any Indian reservation." I ask that, after the word "from," there be inserted the words "licenses authorizing the occupancy of any part of," so that the amendment will read:

Provided, That all proceeds from licenses authorizing the occupancy of any part of any Indian reservation.

Mr. NELSON. I have no objection to that amendment.

Mr. LENROOT. Suppose there was a license granted affecting in part public lands and in part lands outside of public ownership.

Mr. WALSH of Montana. I am about to tender an amendment to cover that situation.

Mr. LENROOT. Very well.

Mr. WALSH of Montana. That would come in at the end of the committee amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. I now offer an amendment on page 29, line 17, after the word "reservation," to insert "and when the license authorizes the occupancy of both public lands and lands within an Indian reservation the charges shall be allotted as between the Indian owners and the Treasury of the United States as the said commission shall direct."

Mr. NELSON. I have no objection to that amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, I inquire of the Senator from Minnesota having the bill in charge——

Mr. NELSON. Mr. President, if the Senator will allow me, there is one little committee amendment which has been passed over, I think; it is the last committee amendment but one.

Mr. KING. If the Senator will excuse me, I am directing attention to section 17. I do not understand that that has been agreed to as yet.

The VICE PRESIDENT. It has not as yet been agreed to.

Mr. NELSON. I understand the amendment as amended has been agreed to.

Mr. KING. I do not so understand.

The VICE PRESIDENT. It has not been agreed to as yet.

Mr. KING. I am directing the attention of the Senator from Minnesota to a portion of this section, which reads as follows:

The remainder of said fund, if any—

Then follows the amendment offered by the Senator from Montana, the exact language of which I do not have before me—

shall be expendable under the direction of the commission in the maintenance and operation of dams or other navigation structures owned by the United States or in the construction, maintenance, and operation of headwater or other improvements of streams upon which the commission is authorized to issue licenses under this act.

The point upon which I desire the opinion of the Senator from Minnesota is this: Is it the intention of the committee, without restriction, without any limitation whatever, to commit to this commission the right to determine where these expenses shall be made, the streams upon which they shall be made, the headwaters of streams where the money shall be expended, and to keep out of the hands of Congress the determination of such questions? It seems to me too great a power to lodge in a commission, without any restriction or limitation, to say to them that they may spend money wherever they please upon any stream. With respect to the improvement of the streams of the United States, authorization has to be made by Congress of improvement upon a particular stream.

Mr. WILLIAMS. Mr. President——

Mr. KING. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator whether he thinks Congress, as constituted, would spend the money any more wisely or any more fairly than a commission? It is still one-man power, as a rule; namely, the chairman of a committee.

Mr. KING. Well, Mr. President, I do not know that the suggestion which I have made calls for the institution of a comparison as to the relative wisdom of the two bodies.

Mr. WILLIAMS. It necessarily does, because the Senator says that it ought to be transferred to Congress because we could not trust the commission; so the question as to whether we could trust Congress any more is absolutely relevant.

Mr. KING. I will say, if the Senator wants an answer, that, in my opinion, I would not trust the commission. I would rather trust Congress, notwithstanding the sins of omission and commission upon the part of Congress. I would prefer that the Congress of the United States determine the streams upon which these improvements shall be made.

Mr. WALSH of Montana. Mr. President——

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. Let me say to the Senator from Utah that he perhaps has in mind the fact that we turned over the entire proceeds of all the sales of the public lands for the reclamation of the arid lands, and we reposed in the Secretary of the Interior the entire discretion as to where he should spend that money. He, and he alone, determines whether a project in the State of Utah or in the State of Montana is sufficiently meritorious to warrant the expenditure of money on it. The Senator will remember that when the bill was originally enacted the Secretary of the Interior was restricted in this respect, that he was obliged to spend in each State an amount substantially equal to the amount which was derived from the sale of lands in that State, although he was permitted to exercise unrestrained discretion within the particular State as to where he would spend the money; but even that restriction was taken off subsequently by an act of Congress, and now he is at liberty to spend in the State of Utah money the greater part of which comes from the State of Montana; but we have not had any cause to complain about it. I have discovered, by a comparison of the figures, that it works out pretty much the same as it did before; that on the whole each State is getting about the same proportion of the entire fund that it contributes to the entire fund. Now, I say that that has been our experience with it. There we have reposed the whole thing in the judgment and discretion of one man, the Secretary of the Interior. Here we have reposed it in the three.

Mr. KING. Mr. President, I make no criticism of the legislation to which the Senator from Montana has alluded. I am familiar with that legislation, and I express no opinion as to whether the legislation is wise or unwise, or whether it has worked satisfactorily or otherwise. I rose simply for the purpose of inquiring whether the committee had considered the matter to which I called the Senator's attention, and whether it was his understanding that this bill committed without limitation to the commission created by the bill the authority to spend the money wherever it pleased.

Mr. NELSON. Mr. President, the committee considered it, and they conceived that this commission ought to have the right to determine where this money should go; but the Senator will remember that under the amendment of the Senator from Montana, just adopted, it is limited to navigable streams. As I understood the amendment of the Senator from Montana, it applies only to the funds that are derived from water power on navigable streams. Am I not correct?

Mr. WALSH of Montana. The Senator is correct.

Mr. NELSON. On all other streams the distribution is made according to his second amendment.

Mr. KING. Oh, I appreciate that fact; but I wanted to know whether the committee was willing, and whether that was their intention, to commit without any limitation whatever the power of expending these proceeds to that commission.

Mr. NELSON. That was the intention of the committee, I think.

Mr. KING. I do not approve of the plan.

Mr. NELSON. I do not recall that there was any particular discussion about the particular question to which the Senator refers; but the Senator can readily see that it would be wiser to commit to the commission the determination as to where that surplus should go in the case of navigable streams than to any other body. I can not conceive of any other body or tribunal that it could well be accorded to or that could be given that power.

Mr. LENROOT. Mr. President, I should like to call the attention of the Senator from Minnesota to this fact: When this amendment was adopted by the committee it was upon the theory that the amendment as to compensation by the committee would be adopted, whereby there would be only a nominal charge; there would be no substantial funds expected to be derived from issuing these licenses in the case of navigable streams. Up to the present stage of the bill, however, the Senate has refused to adopt that amendment without making very substantial charges; and that being so, I think the Senator will concede that while we might well repose in the commission the discretion to expend those proceeds of very small amounts, and where it contemplated only a nominal charge, discretion ought not to be reposed if there may be substantial funds derived from these licenses. Therefore I would suggest to the Senator that this be amended, in line 10, after the word "commission," by inserting the words "as may be authorized by Congress."

Mr. NELSON. I can not agree to that amendment. I do not think it is appropriate under the circumstances. The question will come up on the amendment to section 10, which was defeated in Committee of the Whole by a majority of one. That question has been reserved for a separate vote in the Senate, and we will know better when that is finally disposed of what final disposition to make of this amendment. For the present, I think it ought to be agreed to as amended by the Senator from Montana.

Mr. LENROOT. I should like to ask the Senator this question, then: If the Senate shall concur in the action of the Committee of the Whole at that time, he would have no objection to——

Mr. NELSON. Why, the Senator can reserve this amendment. I suggest that he reserve it.

Mr. LENROOT. Very well.

Mr. NELSON. Let the Senator reserve the right to a separate vote on this amendment in the Senate, and then we will see what we do with the other one. That is the best way.

Mr. WALSH of Montana. Mr. President, I should like to make a further suggestion with respect to this matter before it is disposed of.

I have in mind the importance of the suggestion made by the Senator from Wisconsin, in view of the attitude taken by the Senate. The fund may be a larger fund than was originally contemplated, but I want to add that I do not believe anybody ought to have any apprehension about lodging this power, without restraint, in this commission, no matter how large the fund may be. I want to say, further, that three and one-half years ago the policy which had been observed and pursued and followed down to that time with respect to the disposition of the reclamation fund was departed from. Down to that time the fund was apportioned among the various projects just exactly as the Secretary of the Interior directed. In 1916, however, the House of Representatives introduced an amendment, which eventually became law, under which no money could be expended from the fund except in pursuance of appropriations made by Congress—that is, specific appropriations made by Congress—the idea being that Congress wanted to retain, in a way, the control over this fund.

I opposed that amendment, and I opposed it with all the power I could command, and I opposed it upon the ground that then we would have the reprehensible logrolling that characterizes the disposition of the funds for the improvement of rivers and harbors; that I could get an appropriation for reclamation projects for Montana if I would stand in with the Senator from Utah to get an appropriation for reclamation projects in his State; and of course we would have to stand in with the Senator from Nevada, who would want appropriations for projects in his State; and so on down the line, and eventually we would take in a lot of projects that none of us could approve in any way whatever.

Now, fortunately, the system has not worked out that way, and it has not worked out that way because, apparently, the House Appropriations Committee has been quite willing to make these appropriations strictly in accordance with the recommendations and allotments that are made by the Reclamation Service and approved by the Department of the Interior; so that the logrolling process is not followed just simply because the change has been made nominally while really the old system remains in effect, the approval of the Congress down to the present time being simply formal.

Now, suppose that we do get a very considerable fund here. There is not a question in the world that every Member of Congress who can make any kind of an excuse for getting a part of that fund to improve the navigation of some alleged navigable stream in his State will be importuned by his constituents to go after that fund and get some of it. That, I think, will be a vicious system; so that I am quite willing, no matter how big that fund is, to allow it to be utilized for the improvement of rivers and harbors as this commission desires. But, Mr. President, I do not understand that the amendment proposed by the committee goes even to that extent.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I do.

Mr. NELSON. I want to call the Senator's attention to the fact that the Senator from Wisconsin has not yet offered the amendment. He has simply suggested it.

Mr. WALSH of Montana. I merely want to add that my understanding of this amendment, as it reads, is that it confines the utilization of this fund to the construction of work on dams that are authorized by Congress; but this would merely be supplemental in its character.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. LENROOT. I reserve this amendment for a separate vote in the Senate.

The PRESIDING OFFICER. There is one more amendment that was passed over, which will be stated.

The READING CLERK. On page 26, line 23, the committee proposes to strike out the words "as aforesaid."

Mr. NELSON. I ask that that amendment be rejected.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the committee.

The amendment was rejected.

Mr. NELSON. That disposes of the committee amendments.

Mr. NORRIS. Mr. President, I offer the amendment that I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. NELSON. Mr. President, will the Senator allow me first to offer an amendment?

Mr. NORRIS. Certainly. I understood, however, that the committee amendments were all disposed of.

Mr. NELSON. They are all disposed of, but I have a small amendment that I should like to submit.

Mr. NORRIS. Very well; I yield.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 33, commencing on line 14, it is proposed to strike out all the language down to the word "can," in line 17, and to insert in lieu thereof "That when any licensee," so that, if amended, it will read:

That when any licensee can not acquire by contract or pledges—

And so forth.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. LENROOT. I do not object to this amendment going to conference, as I have the assurance of the Senator from Minnesota that it will be carefully considered there. I think there is some merit in the amendment, provided that in all cases to which it applies the licensee is a public utility, subject to the fullest regulation upon the part of the State.

Mr. NELSON. I want to say to the Senator that I have no doubt the conferees will consider the amendment, and if it needs an amendment in the direction the Senator has suggested, such an amendment will undoubtedly be adopted.

The amendment was agreed to.

Mr. NORRIS. I submit the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. After line 21, page 14, insert:

The commission is hereby authorized and directed within one year after the approval of this act to construct or cause to be constructed on the Potomac River the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, including each and every detail and plan outlined and specified in said document or any of the exhibits, plans, and specifications attached thereto. And for such purpose the commission is hereby authorized to construct said project under its direct supervision or to enter into contracts for materials and labor for the construction of the same or any part of the same as in its judgment may be the most practical and economical, not exceeding a limitation of cost for all the items connected with and mentioned in said project of the sum of $25,000,000: *Provided*, That the commission may from time to time modify or change any of the plans or specifications in said document as it may deem advisable or practicable for the better carrying out of the purposes of this legislation; and if in the judgment of the commission the object to be attained by said project can be better or more economically brought about it is hereby authorized to change the location of said dam or to build two or more dams instead of the one specified in said document.

And the commission is hereby authorized and directed to acquire by purchase, condemnation, or otherwise a suitable site for said dam or dams and for all other real estate necessary to the carrying out in detail of said project, including all real estate that will be overflowed by the formation of the lake mentioned in said project. And whenever in any case the commission is unable to acquire by purchase at a fair value any land, property, or property rights necessary to be acquired in the carrying out of said project it is hereby authorized and directed, in the name of the United States, to begin and prosecute to final adjudication all necessary suits for the acquisition of such property in any court having jurisdiction.

In the construction of said project a separate account shall be kept of the expenditure necessary on account of the increased water supply for the city of Washington and the expenditure on account of the power development.

Mr. NORRIS. I do not care at this time, Mr. President, to go into a lengthy discussion of this proposition. I have discussed it on numerous occasions in the Senate, and it has been debated by other Senators at some length during the last four or five years at various times. I have tried in drawing the amendment

to give this commission authority that, as far as the details of the construction of this project are concerned, is practically unlimited.

The amendment first directs the commission to construct a power plant at Great Falls in accordance with a certain document. That is House Document No. 1400, of the Sixty-second Congress.

Mr. NELSON. Mr. President, will the Senator from Nebraska be kind enough to yield to allow the Senator from Alabama [Mr. BANKHEAD] to offer an amendment?

Mr. NORRIS. I will yield for that purpose and temporarily withhold this amendment. I understand the Senator from Alabama can not remain in the Chamber.

Mr. BANKHEAD. I thank the Senator from Nebraska. I offer the following amendment and ask that it be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On page 2, line 5, in section 2, strike out the words "that the commission shall appoint an executive secretary, who shall receive a salary of $6,000 a year, and prescribe his duties," and amend so as to make the clause read:

That the commission shall request the Chief of Engineers to detail an officer from the United States Engineer Corps to serve the commission as executive secretary and engineer officer, his duties to be prescribed by the commission.

Mr. BANKHEAD. Mr. President, I regard this executive officer as the most important officer connected with the board. I think it is highly important that the person selected should have expert knowledge of the work in hand, and it occurred to me that in order that the board might have an efficient secretary or executive officer, he ought to come from the Corps of Engineers, the members of which have expert knowledge of matters of this sort.

Of course, Mr. President, I have no idea, and I do not suppose anyone has, as to the person who would be selected by the board as its executive officer and what his qualifications are to be, whether he is to have any knowledge of the work that he is to have charge of. I think every Senator in the Chamber is ready to admit that the members of the board, the secretaries composing this board and having control of this work, can not give it their personal attention and will not give it their personal attention. Therefore, it occurs to me that it is highly important that the board having charge of this immense amount of work, having charge of this greatest of all developments, perhaps, in the United States, if we are to have the development that we hope will follow the enactment of this law, should have an executive officer or a secretary who is in a measure, and in a large measure, familiar with the duties of engineering, planning, and so forth, especially hydroelectric engineering. For that reason I offer the amendment. It does not add anything in the way of expenses.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I yield.

Mr. HARRISON. I wish to ask the Senator a question. I just read his amendment. The object, I understand, is to have appointed some member of the Engineer Corps of the United States Army?

Mr. BANKHEAD. Yes; that is what I hope will be done.

Mr. HARRISON. I am in entire sympathy with what the Senator is trying to do, and I think without question the secretary should come from the Army Engineers. But it seems to me that if we take a man out of the Army Engineers, we should offer some inducement to him. The salary provided is $6,000. I have drafted an amendment which I will read, so that the Senator can understand what I am trying to accomplish. I was going to suggest the following:

Amend the section in line 6, page 2, by striking out the words "shall receive a salary of $6,000 a year," and inserting the following: "who shall be appointed from the Corps of Engineers of the United States Army, and who shall have the rank, pay, and allowances of a brigadier general on the active list."

The pay of a brigadier general on the active list, as I understand it, is $6,000 a year. It seems to me that we ought to give him that rank and ought to keep him on the active list, because to appoint some person with the rank of colonel, for instance, would be to give him too low a rank, in my opinion, and holding this office he ought to get the pay and allowances of a brigadier general. I was in hopes that the Senator would reform his amendment so that we could carry out that idea.

Mr. BANKHEAD. Mr. President, I discussed this amendment with the Senator from Mississippi, and I have no objection in the world to his suggestion. I think perhaps it is wise for an amendment of that sort to be added to my amendment, if it can be adopted. What I want, and I think what the country wants, is the most efficient service that we can possibly get from this board that is to control and direct the operations of dam building, water development, and all that sort of business. The officer ought to be an able man, he ought to be an experienced man, and his surroundings and conditions ought to be such that he will know that he is not going to be changed with every administration that comes in, which might be possible. This is to be a temporary board. It can only serve during the present administration, or in case another Democratic administration should come in it might be reappointed.

This executive officer is the very backbone of the whole institution, and if it is going to be a success, as we hope it will, this man who is going to have control, direction, and supervison of this great work ought to be eminently qualified for the work. I take it nothing more disastrous could happen to this great piece of legislation than to permit it to pass the Senate in such a way that the board might go out and select some favorite, some eighteen hundred or twenty-five hundred dollar clerk, and give him the salary of $6,000. Of course, I do not mean to say that the board would not make the best effort they could to get a competent man, but there will be in a measure some guaranty if this most important of all the officers connected with the board shall come from the Army Engineers, a man who is educated in the work, a man whose whole life has been devoted to it, and a man whose future life is to be devoted to it.

I think the suggestion of the Senator from Mississippi is a very good one, that he shall come from the Army, with the rank of brigadier general, which rank, I am sure, receives the rate of pay inserted in the bill. I hope the amendment will be adopted.

Mr. WADSWORTH. Mr. President, I desire to call the attention of the Senator from Alabama to one question raised by his amendment. Incidentally let me say that I am in entire sympathy with both the Senator from Mississippi and the Senator from Alabama in desiring to have an Engineer officer as executive secretary; but, as I understand it, the Senator's amendment will make the language read as follows:

That the commission shall request the Chief of Engineers to detail an officer from the United States Engineer Corps to serve the commission as executive secretary and engineer officer.

I doubt our power to accomplish our purpose in that way. I think we must remember that the President is Commander in Chief of the Army. You can not delegate to the Chief of Engineers, on the recommendation of an outside commission, the power to designate an Army officer to work outside of the Army. I think it would be better, more in conformity with our form of Government, as it were, if you say that the President may designate.

Mr. BANKHEAD. I have no objection to that. I do not care who designates him. All I want is a designation that is going to meet the requirements of the board and the service.

Mr. NELSON. I suggest to the Senator from Alabama that he accept the amendment substituting the President of the United States for the Chief Engineer.

Mr. BANKHEAD. That is perfectly agreeable to me.

Mr. WADSWORTH. It seems that at least three Senators have had this very matter in mind. I, too, have an amendment on this very point. I do not intend to press it as against the amendment of the Senator from Mississippi. I will just read it:

Provided, That the President may, on request of the commission, designate and assign a commissioned officer of the Engineer Corps of the Army to act as such executive secretary, without compensation other than the pay and allowances of his grade.

Mr. BANKHEAD. Suppose he should be a colonel or a major?

Mr. WADSWORTH. Of course, majors ought not to be paid more than majors, and colonels ought not to be paid more than colonels. I do not object, however, to the suggestion of the Senator from Mississippi that he shall be a brigadier general.

Mr. BANKHEAD. That ought to get a better man.

Mr. WADSWORTH. But he should be taken from among the brigadier generals.

Mr. BANKHEAD. That is all right.

Mr. WADSWORTH. However, that is not the suggestion of the Senator from Mississippi. As I understand the suggestion of the Senator from Alabama, it is that an Engineer officer may be chosen and assigned to this work and then that he shall get the pay of a brigadier general.

Mr. BANKHEAD. That is the idea. That pay is provided in the bill.

Mr. WADSWORTH. Let me warn Senators that we are apt to have some trouble from that practice. If you commence the practice of detailing junior officers out of the Army to civilian employment with the rank and pay of grades higher than those

they occupy in the Army, you are courting trouble, jealousy, and friction.

Mr. BANKHEAD. The Senator from New York knows so much more about the Army business than I do and has made such a study of it that I am willing to accept his version of it. I am willing to accept as an amendment whatever he may suggest that will meet the requirements and give us an engineer officer to do this important work. So far as his rank and pay and all that sort of thing are concerned, I am not extremely particular about it.

Mr. WADSWORTH. Would it be possible, may I ask the Senator from Minnesota, for the conference committee to look after a little point like that?

Mr. NELSON. I would suggest to the Senator from New York, the Senator from Alabama, and the Senator from Mississippi that the conference committee will consider the matter, and if the provision is adopted we will make arrangements for suitable pay.

Mr. HARRISON. Will the Senator from New York yield for a moment?

Mr. WADSWORTH. Certainly.

Mr. HARRISON. In answer to what the Senator from New York said, I do not think that the commission would possibly appoint some major or anyone to this place who did not have the rank of brigadier general. The reason why I made it the rank of brigadier general is that they might think that there was some colonel thoroughly qualified for the work and give him that rank.

I think the ambition of every man in the Engineer Corps of the Army generally is to become chief of the Army Board of Engineers. That is the high place to which they aspire. Take one of these men out of the active list of the Engineer Corps and give him this civilian employment and he becomes stationary; he is stopped. He will not get his promotion, like he would if he remained in the service. He is almost stopped from ever being Chief of the Army Board of Engineers.

I have in mind two men up there. I do not know from what States they come. One of them is Col. Taylor, one of the greatest experts on waterways in the country, I think. He has been before the Rivers and Harbors Committee of the House for a long time and before the Senate Committee on Commerce. I have in mind also an officer by the name of Col. Keller, thoroughly familiar with waterways. Both those officers have made it their particular business. If you should select one of those men, it occurs to me they should be given the rank of brigadier general, because the salary is $6,000 a year as brigadier general.

Mr. WADSWORTH. I am in entire sympathy with the suggestion that the men should be well paid and should have the greatest possible ability, but you must remember when you legislate in this way to give an officer of the Army a rank that you are amending the military laws which govern promotion. You can not step in with measures introduced upon the floor of the Senate creating commissions and boards and bureaus of civilian character and provide by those laws that an Army officer shall be assigned to duty with them at a higher rank than he now has in the Army without tearing the Army all to pieces. The laws governing the promotions in the Army are the military laws, and we have always got to be consistent about it.

That is why I say if you want a brigadier general in this place you ought to take a brigadier general and not a colonel and promote him in this way to the rank of brigadier general. He would have to be confirmed by the Senate. There is another thing you must take care of. It will disturb the flow of promotion to make these special places and have them occupied by Army officers at advanced grades in rank. In my own amendment I make no mention of rank at all, but leave it to the President and the commission and the Chief of Engineers to select a man who is capable to fill the place and to have him draw the pay of his rank. Then we do not disturb the military situation at all.

Mr. NELSON. Will the Senator yield to me?

Mr. WADSWORTH. Certainly.

Mr. NELSON. I want to say to the Senator that they have in the Engineer Department a division that has charge of rivers and harbors, and my experience has been that they have never had a man of higher rank than colonel at the head of the division relating to rivers and harbors improvement. That is a division of the Engineer Department, and never that I have known of have they had anyone there of a rank higher than that of colonel. The committee on conference can readily adjust the question of salary without interfering with the question of rank.

Mr. HARRISON. If you should fix it at the rank of colonel and they should appoint a colonel to the place, then if he were trained in that particular line of work he would remain in that position and would not be promoted, because there would be no authority of law for him to be appointed to this place other than as a colonel.

Mr. NELSON. He is simply detailed. Of course, he would not lose his place and his rank. He would have the same chance for promotion.

Mr. HARRISON. I think we are all trying to arrive at the same proposition. I am sure it will be fixed in conference.

Mr. NELSON. I heartily approve of the amendment for two reasons. In the first place, we get rid of the salary of $6,000 a year for a clerk. In the next place, we get from the Engineer Department an expert man who is in that branch of the service and who is familiar with water power and familiar with river and harbor improvement. In the third place, we will not get a secretary who will come and go with the administrations and as to whom there will be a change every time there is a change in the administration. We will get an officer detailed from the Engineer Corps of the Army who is an expert, and he will remain there under his detail without regard to a change of administration, if any occurs. Furthermore, I want to say that we are now entering upon what I hope will be a long era of peace, and there will be an ample supply of Engineer officers who will be available for the work.

So, Mr. President, I think the amendment of the Senator from Alabama [Mr. BANKHEAD] is in the right direction and in the right spirit and ought to be adopted with the amendment suggested by the Senator from New York [Mr. WADSWORTH], substituting the word "President" for the words "Secretary of War."

The PRESIDING OFFICER. The amendment offered by the Senator from New York has been accepted. So the question is on the amendment offered by the Senator from Alabama as amended.

The amendment as amended was agreed to.

Mr. WADSWORTH. Mr. President, I offer the following amendment——

Mr. NELSON. Will the Senator allow me? The Senator from Nebraska [Mr. NORRIS] had offered an amendment and had the floor when I requested him to withdraw his amendment temporarily that the Senator from Alabama [Mr. BANKHEAD] might offer the amendment which has just been disposed of.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. WADSWORTH. I was not in the Chamber when the Senator from Nebraska yielded to the Senator from Alabama.

Mr. NORRIS. Mr. President, for the benefit of those who just came in, I will say that the pending amendment is an amendment which provides for the development of power at Great Falls by the Government of the United States, and also provides for an increase in the water supply for the city of Washington.

The document referred to in the amendment which I was about to explain when I was interrupted by the Senator from Minnesota [Mr. NELSON] is House Document No. 1400, Sixty-second Congress. The particular project referred to is the one known as No. 3 in that document. There are three propositions outlined in detail in that document. I think it was the Sixtieth Congress which appropriated the sum of $20,000 and instructed its use by the War Department for the purpose of developing power at Great Falls, near the District of Columbia, and also an increase in the water supply for the city of Washington.

The engineer detailed by the Secretary of War to make that investigation employed out of civil life some of the best engineers in the United States, one of them I think as good as anywhere in the world. They spent $20,000 in making that survey and that investigation. They went into detail as completely and as fully, I believe, as ever was done in an investigation of any proposed improvement or development of water power. The House document referred to in the amendment is the result of their labors, so that it cost the Government $20,000 to prepare that document.

In my judgment, while there have been a great many investigations of Great Falls, this is the most comprehensive and the fullest that has ever been made either by public officials or under public authority or by private individuals or corporations.

I desire to have the commission given authority to deviate from that if upon subsequent investigation they consider it wise to do so. So that while I have used the project as outlined in that document as a basis for the amendment, Senators will observe on reading the amendment that it practically gives the commission a free hand. They can under their own supervision do the work, or they can let it out by contract, or they can do part of it and let it partly out by contract. Instead of build-

ing the one dam provided for in the document they can build two or more dams. Engineers do not all agree as to whether other plans would not be better.

This particular document—speaking from memory now—provided for the construction of a dam 115 feet high at or near the western line of the District of Columbia where it crosses the Potomac River. It would dam the water up to the base of Great Falls so that the falls proper would not be interfered with. The power could be greatly increased by utilizing the falls themselves, and the amendment will give the authority to do that if it is desired. By increasing the height of the dam—the Government already owns above the falls—and conducting the water around the falls and dropping it into the river below the falls a great deal of power, with comparatively a much less expenditure of money, could be developed. The amendment would give authority to do that.

From the base of the falls, without interfering with the falls, to the place where the dam proposed in this particular document would be constructed would give a fall of about 115 feet. It would not interfere with navigation, because there is no navigation above the point where the dam would be constructed.

The particular document referred to provided for the development of the power, for the payment of all damages of all kinds, including the relocation of the Chesapeake & Ohio Canal now in operation between Georgetown and Cumberland, and including the payment of damages of all kinds occasioned by the overflowing of property. It also contemplated the construction of three plants in the city of Washington where the power would be distributed. In round numbers, as a result of that investigation as set forth in the document, it was shown that the project would cost $15,000,000, about one-third of which would be properly chargeable to the increase of the water supply of the District of Columbia. I have changed the amount from $15,000,000 to $25,000,000, because everybody realizes that the first figures were made before the war, and, if the present prices of material and labor shall be maintained, it will, of course, require a great deal more to construct it now.

In the amendment as printed and as it is on the desks of Senators it is provided that the work shall be done within one year. As I have offered the amendment, I have stricken that out, so as to leave those charged with the duty free to take a longer time if they deem best, but make it compulsory upon them either to construct or to cause to be constructed this project or some other project for the purpose of developing this water power.

Mr. President, every Senator is familiar with the power that has been going to waste through all these years at Great Falls. It is one of the great power possibilities of the country. Enough power can be developed if the falls proper should be utilized and also the fall between there and the boundary of the District of Columbia, to turn every wheel and to light every house in the District of Columbia. The power derived could be very greatly increased by the construction of dams farther up the stream to hold back its flood waters.

I believe that most Senators have at some time in their experience given attention to this particular proposition. I have talked with practically every Member of this body within the last four or five years in regard to the development of power at Great Falls. We now have a shortage of water in the city of Washington which has existed since the beginning of the war. At the time the appropriation was made for the particular investigation of which I have spoken, back in the Sixtieth or Sixty-first Congress, or perhaps the Fifty-ninth Congress, there was a shortage of water.

That, however, was before meters had been installed in the city of Washington. The officials lost interest in the proposition because about the time the report was made meters were installed and their installation saved a vast amount of water. We never had any difficulty so far as shortage of water is concerned until the recent war, when the population increased and necessarily a great deal more water was consumed by the citizens of Washington. Then the situation became very serious in the capital city, as it will continue to be, unless something is done to increase the water supply here. That is acknowledged and conceded, and it will not be possible to obviate it again by the installation of meters, for they have now been installed all over the District. It is a problem that must be met by working the two together as the amendment proposes to do by economies, both in the development of power and in the supply of water.

I do not want to take up the time of the Senate in discussing something which I believe is perfectly obvious. Every Senator is familiar more or less with the subject. In substance the amendment gives to this commission instructions to proceed to develop the power at Great Falls.

Mr. THOMAS. Mr. President——

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say that the Senator from Nebraska has on many occasions pressed this proposition for consideration, and I think that everything he has said about it and urged with reference to its necessity exists. To my mind it is one of the most desirable and one of the most important and one of the most essential water-power developments, and ought to be included in the pending bill, if possible.

Mr. NELSON. Mr. President, I have given some study and attention to the water-power development at Great Falls and for several years I have been of the opinion that the power there ought to be developed. As the Senator from Nebraska has stated, there is a scarcity of water in the city of Washington. I noticed recently that there was a scheme on foot to secure water from the Patuxent River. That would involve a great deal of expense, the Patuxent River being quite a small stream, much smaller than is the Potomac.

One objection that can be urged against the amendment, and the most serious objection, is that it is not really germane and proper in this bill; that it ought not to be inserted in the bill. However, in view of the importance of the subject, I am willing to have the amendment adopted and go to conference, where the conferees may consider it.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I have a number of amendments which I should like the opportunity of proposing now and having disposed of, especially as I am compelled to attend an important committee meeting in a few moments. I present the most important one first and ask the attention of the Senator from Minnesota to it.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was, on page 21, after line 9, to insert the following:

(j) That the licensee hereunder shall not directly or indirectly discriminate or permit discrimination in the apportionment, allotment, transmission, distribution, sale, or lease of power or electrical energy or current in favor of any municipality as against any other or others in respect of service, rates, or the quantity of power or electrical energy or current transmitted or supplied to it or them; but the licensee shall fairly and equitably apportion, allot, transmit, and supply power, electrical energy and current among and to such municipalities as can be efficiently served and supplied directly or indirectly by the licensee in proportion, so far as practicable, to their respective populations, industrial or commercial importance and prospects, needs, and requirements, so as best to subserve the public interests. This condition shall be binding upon every person, association, and corporation receiving power or electrical energy or current from the licensee and engaged in developing, transmitting, distributing, selling, or leasing power, electrical energy, or current to any municipality or to its inhabitants, and shall inure to the benefit of such inhabitants. Every contract, agreement, or understanding between the licensee and such person, association, or corporation shall be expressly subject to and limited by the provisions of this subsection. That this condition may be enforced and regulated by the commissions or other agencies mentioned in, and in the manner and to the extent prescribed by, section 19 of this act.

Mr. NELSON. Mr. President, I do not think I have any objection to the amendment, and I am quite willing that it shall go into the bill and be considered in conference.

Mr. WADSWORTH. Very well.

Mr. McKELLAR. Mr. President, I should like to ask the Senator from New York a question. I have never read the amendment, and heard it read a moment ago for the first time. It seems to me that the same rule provided in the amendment as to municipalities might apply to individuals. Will the Senator from New York state what objection there can be to making it apply to individuals as well as to municipalities?

Mr. WADSWORTH. To tell the truth, I had not thought of that. Let me say to the Senator in just a few words that the reason for the introduction by me of the amendment is that the city of Buffalo finds itself in a very peculiar position in relation to the power developed at Niagara Falls. The amendment is intended to apply not only to a municipality like Buffalo but to all municipalities and to protect them from discrimination in the distribution of power or electrical energy as contrasted with the treatment some neighboring city may receive and to make the agreement to refrain from discrimination a part of the conditions of the license.

Mr. McKELLAR. Mr. President, if the Senator will yield, I wish to say that I indorse that purpose very heartily; I think it is very proper, and the amendment should go in the bill by all means, but it seems to me that the amendment ought to be enlarged to apply the same principle to individuals, so that there can not be any discrimination of any kind.

Mr. WADSWORTH. I do not say that I should object to that; it suggests quite a debatable question, and I am not com-

petent to debate it right here and now. The Senator from Minnesota says that the question can be discussed in conference whether the amendment should be broadened to that extent.

Mr. NELSON. I think the amendment will be carefully considered in conference, and I will suggest to the Senator from Tennessee that he see the conferees or communicate with them on the subject and we will give it consideration.

Mr. McKELLAR. The thought occurred to me while hearing the amendment read. I hope the chairman of the committee will give the suggestion I have made consideration, and, with his assurance that it will be considered, I do not desire to detain the Senate regarding it.

Mr. NELSON. I am heartily in favor of the amendment and sympathize with its spirit, and also with the suggestion of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 8, line 20, after the word "along," it is proposed to insert the word "from."

Mr. WADSWORTH. The object of that is obvious. Under the language on line 20, reading "the * * * utilization of power across, along, or in any navigable stream," it would seem that the word "from" should be added, so that in the event of diversion of water to a distance from the stream, which could not be called "along" the stream, the case would be covered.

Mr. NELSON. Mr. President, I should like to have the amendment stated again.

The PRESIDING OFFICER. The amendment will be restated.

The READING CLERK. On page 8, line 20, after the word "along," it is proposed to insert the word "from," so that, if amended, it will read:

Utilization of power across, along, from, or in any of the navigable waters of the United States.

Mr. NELSON. I have no objection to that.

Mr. HARRISON. Mr. President, is it the idea of the Senator to take care of or to remove any doubt that boundary streams should be included in this legislation? Is that the object of it?

Mr. WADSWORTH. Of this amendment?

Mr. HARRISON. Yes.

Mr. WADSWORTH. No; this particular amendment would be applicable to all kinds of streams. If the Senator asks me if I am in favor of boundary streams remaining in this legislation, I say yes; but this legislation does not affect boundary streams in particular.

Mr. HARRISON. May we have the amendment stated again, please?

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I offer another amendment, which may be considered somewhat as a companion amendment of the last one.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 9, lines 10 and 11, it is proposed to strike out the words "and other navigation structures" and to insert in lieu thereof the words "or other structures affecting navigation."

Mr. LENROOT rose.

Mr. WADSWORTH. Does the Senator desire an explanation of the amendment?

Mr. LENROOT. Yes; I should like to know its purpose.

Mr. WADSWORTH. The purpose of the amendment is very obvious. The provision now reads:

That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam and other navigation structures have been approved.

Some of these water powers are going to be developed by structures that are not navigation structures, but which may affect navigation; so I propose to change that language so that it shall read in the way indicated.

Mr. LENROOT. I have no objection.

Mr. NELSON. There is no objection to that, Mr. President.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. Just one or two more, Mr. President. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 35, line 5, after the word "as," it is proposed to insert the words "confirming or otherwise affecting any claim, or as."

Mr. WADSWORTH. Mr. President, this amendment is rather important, and I ask the attention of the Senator from Minnesota and the attention of the Senator from Wisconsin.

The bill now provides—

That the provisions of this act shall not be construed as affecting any permit or valid existing right of way heretofore granted.

I should like to see that same principle applied to claims that may now be pending, and that is the purpose of my amendment. I do not want this bill in any way to confirm a claim to a right.

Mr. LENROOT. Does the Senator think it would do that?

Mr. WADSWORTH. It might do that just as well as it might affect a permit. You provide against its being construed as affecting a permit. Why not provide against its being construed as affecting a claim?

Mr. LENROOT. Because we have a repealing provision here that does repeal the law under which these rights are held.

Mr. WADSWORTH. I have a difficult situation in mind. It is one that the Senator from Wisconsin has often spoken about—the Niagara Falls situation. It so happens that the rights that those companies received there years and years ago, as I understand and recollect, came as grants from the State of New York; and those companies—rightly or wrongly, I do not know which—have claimed, or have indicated that they might claim, certain continuing rights to the diversion of water and the generation of power. It might be said that that claim has been a constantly pending one, but it never has been settled. The Niagara situation always has been uncertain as to its future for that reason. Now, I do not want this bill in any way to confirm that claim.

Mr. LENROOT. I have no objection.

Mr. NELSON. I have no objection, Mr. President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I think incidentally that may have some bearing on some of the objections that the Senator from Wisconsin has in regard to boundary waters being included in this bill.

I have one more amendment, and then I shall not bother the Senate again on this question. I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 14, line 23, after the word "granted," it is proposed to insert "by sale, assignment, consolidation, merger, or otherwise."

Mr. NELSON. I ask to have that amendment stated again.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

Mr. NELSON. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

The READING CLERK. On page 15, line 5, after the word "deed," it is proposed to insert "necessarily or in good faith executed."

Mr. LENROOT. I have no objection.

Mr. NELSON. That is all right.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

The READING CLERK. On page 17, line 15, after the word "the," it is proposed to insert "actual legitimate."

Mr. WADSWORTH. I notice that that language is used in a prior section of the bill, and I thought it might well go in there.

Mr. LENROOT. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. At the end of section 14, it is proposed to insert the following:

And provided further, That severance damages allowed hereunder shall not exceed the aggregate actual expenses or loss for maintenance, depreciation, and interest upon such part of the property not taken as is made temporarily idle by the severance therefrom of the property taken; such aggregate expenses to be computed for a period reasonably necessary for providing a substitute source of power, and in no case to exceed the value of the works taken.

Mr. LENROOT. Mr. President, this relates to the portion of the bill that will require the Government, if it takes over the property, or a new licensee, if a new license is issued, to pay, in addition to every dollar that has been invested by the original licensee, damages to the original licensee arising through the severance of the property. I have stated here a number of times during the last two days that it might easily be that the severance damages allowed under the bill as it now stands would be greater than the entire value of the property taken over, and I have given illustrations of how that would readily occur, and I want to repeat one of them, because, in my judgment, to leave the language as it is in the bill would make it absolutely impossible either for the Government ever to take over the property or for a new licensee ever to be willing to accept a license at the end of the 50-year term.

Mr. NELSON. Mr. President, I am willing to accept the amendment and have it considered in conference.

Mr. LENROOT. I am very glad. I shall not discuss it further, Mr. President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

Mr. KIRBY. I ask to have the amendment stated again.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 9, after the word "authority," it is proposed to insert:

Provided, That this act shall not apply to the waters of the St. Lawrence or Niagara Rivers.

Mr. HARRISON. Mr. President, will the Senator from Minnesota accept that amendment?

Mr. SMOOT. Mr. President, I will say that the Senator from Utah can not accept it.

Mr. HARRISON. Then I hope to convince the Senator from Utah that it should be accepted.

Mr. President, I have offered this amendment on the strength of what the Senator from Wisconsin stated on the floor of the Senate a few days ago, namely, that the development at Niagara Falls is included in this legislation. I had no idea, and it came to me as quite a surprise, that the development at Niagara Falls was included in this legislation until the statement was made by the Senator from Wisconsin. Evidently the inclusion of the Niagara Falls power development is a matter of inadvertence, or on the theory that the Niagara Falls development is the same as every other development in the United States. I say it may be an inadvertence, because the committee may have ascertained without any consideration of that subject that it was included after the bill was drafted and presented to the Senate.

I hope that is true, because I dislike very much to believe that the committee could come to the conclusion that the development at Niagara Falls is the same as the development at other places throughout the United States. Now, if the Senator from Minnesota will hear me for a few minutes—of course, however, if the Senator wants to retire——

Mr. NELSON. The Senator from New York [Mr. WADSWORTH] is more familiar with Niagara Falls than I am.

Mr. HARRISON. But I wanted to state to the Senator from Minnesota something that has happened touching the consideration of legislation affecting Niagara Falls that perhaps has not come to the attention of the Senator from Minnesota. I have such a high regard for the Senator's ability on water-power legislation that I am quite sure he would very much dislike to have the Senate of the United States pass any legislation upon a subject so important as Niagara Falls without giving it any consideration; and the fact of the matter is that the committee has not given any consideration to Niagara Falls, or else one or two members of the Commerce Committee of the Senate are mistaken about it.

Mr. NELSON. Mr. President, will the Senator yield to me a minute?

Mr. HARRISON. Yes, sir; I yield.

Mr. NELSON. I want to state to the Senator in all frankness that I never have given any especial consideration to Niagara Falls, nor has the matter been especially before the Committee on Commerce, of which I am a member. The bills giving extensions of time for Niagara Falls have always come from another committee—if I remember rightly, from the Committee on Foreign Relations. Am I not right?

Mr. HARRISON. The Senator is right.

Mr. NELSON. That committee has considered that question, and our committee—the Committee on Commerce—has given no special consideration to it.

Mr. HARRISON. I am glad to have had that confession from the Senator from Minnesota, and if the Senator will permit me, and will listen, he will agree with me that for that reason it should be excluded from this bill, because there are certain conditions that attach to water-power development at Niagara Falls which attach to no other development at any other place in the United States. It is quite true that in the House of Representatives, I think two years ago—in the last Congress, at least—when various committees of the House had different bills before them, the Public Lands Committee, the Committee on Interstate and Foreign Commerce, and the Committee on Agriculture, they could not get anywhere. So they thought it was the part of wisdom—and I think it was suggested by the President of the United States—that a special committee should be named in the House of Representatives, and that all bills touching water-power development on the public lands, in the navigable streams, or in the public domains should be thrown together, given to this committee, and that they should report a bill out of that special committee. So, acting upon that suggestion, and with agreement upon the part of the ranking members of the various committees which had water-power legislation before them, the Rules Committee of the House brought out a special rule creating a special committee, and referred all bills on this subject to that particular committee, and there was evolved from that committee the bill which is now before the Senate for consideration, with some few changes.

When the subject of a rule to create a special committee was discussed before the Rules Committee of the House, the Senator from Wisconsin [Mr. LENROOT] and myself happened to be members of that committee. They were cognizant of the fact that for over 10 years legislation touching Niagara Falls had been considered before the Rivers and Harbors Committee of the House and before the Foreign Affairs Committee of the House. Twice, I believe, a bill was passed through the House, known as the Cline bill, but which died in the Senate, making permanent legislation dealing with the subject in a comprehensive manner.

So the Rules Committee, without objection upon the part of any of the members of any of the committees that had bills touching water-power development before them, agreed that in considering this bill the subject of water-power development at Niagara Falls should be eliminated. So the rule was passed creating the committee, with a special injunction on that committee that water-power development at Niagara Falls should be considered exclusively by the Foreign Affairs Committee of the House. It was never contested in the House of Representatives. The bill came before the Senate with that understanding and with that agreement. Yet, although the acting chairman of the Commerce Committee of the Senate, the Senator from Minnesota [Mr. NELSON], has stated, no longer than 10 minutes ago, that in the consideration of this bill Niagara Falls water-power development was not considered, that he knew nothing about it, that another committee of the Senate had always had it before it, and there are Members of the Senate who object to excluding the Niagara Falls proposition from this bill. On what theory they can contend for that, I know not, unless it is on the theory that the conditions at Niagara Falls respecting water-power development are the same as at other places throughout the United States. They are not the same, and I shall show to the Senate that the conditions are vastly different.

This bill was designed to develop water power from the navigable streams and on the public domain in the United States. It was to encourage water-power development. The Niagara Falls water-power development is based on a treaty that we have with Great Britain. It is already developed, and has been developed for 40 years or more. The treaty was adopted in 1909, I think. It was adopted primarily between the two countries to preserve the scenic beauty of Niagara, something that has drawn tourists from all parts of the world, because Canada did not desire and the United States did not desire that the scenic beauty of Niagara Falls should ever be affected and disturbed. While the treaty primarily was to preserve the scenic beauty of the Falls, in order to do it, it said just how much water power might be developed, just how much water might be taken from the Falls on the American side and the Canadian side. They said in that treaty that to look after the matter there, to see that the scenic beauty of the Falls should not be affected, that no more water should be taken than was provided for in the treaty; that the rights enunciated in the

treaty should be respected, a joint high commission, so to speak, should be appointed, three commissioners from the United States and three from Canada, who might look after the matter, and that questions of dispute might be referred to the commission. Yet by this legislation, without any consideration of it, you would put this question in the hands of the commissioners provided for in this legislation. You would, in other words, invalidate and destroy the treaty that we entered into.

I say that the conditions obtaining at Niagara Falls do not exist at other places, because other places have not treaty rights involved; though they have the scenic beauty question involved. May I call the Senate's attention to the fact—and I am sure that the Senator from New York will agree with me—that for a long time there have been two power companies developing power at Niagara Falls on the American side. Those power companies have made large sums of money. I will not say that they have grown fabulously rich out of their investment, but they have prospered, and prospered immensely. They have practically a monopoly up there, and I understand now they have gotten together and have practically one proposition there.

Mr. McKELLAR. Mr. President, what effect would this legislation have on the contracts or licenses that those two companies have with the Government now?

Mr. HARRISON. Those are questions that should be considered by a committee studying this question separately and alone. I can not understand why we should legislate on a question of such importance, embracing so many various questions, without any consideration being given to it, as the chairman of the committee has stated. I say that these power companies have made a great deal of money. They are in a position up there to charge less for power than any other project that might be established in the United States. It is because they have the fall there; they have so much more power there than is found anywhere else. They can utilize the power so much cheaper at Niagara than anywhere else. There is no expense to go to there in utilizing it except in building the power houses, and so forth.

Yet, while the hearings show that they can develop water power for $6 a horsepower at Niagara Falls, they have charged in some instances, as I understand, $100 a horsepower for it. Over in the Province of Ontario, just across the Niagara River, there is a contract between the persons who develop water power on the Canadian side of Niagara Falls and the Province of Ontario to furnish power for $9.40 a horsepower. Yet on this side those power companies are charging at least $29 a horsepower, and I have heard it stated, and read it in the hearings, that in some instances they have charged $100 a horsepower.

Mr. WADSWORTH. Does the Senator say that $29 a horsepower is the lowest rate?

Mr. HARRISON. No.

Mr. WADSWORTH. The Senator said at least $29 a horsepower.

Mr. HARRISON. No; I will not say that $29 is the lowest rate.

Mr. WADSWORTH. That is what the Senator said.

Mr. HARRISON. But in the hearings before the committee it appeared that the general charge was around $29 per horsepower. It may have been somewhat smaller; but I do not care if it was $15 a horsepower. Nobody ever stated that they ever sold any power there for $15 a horsepower. The facts are that Ontario is getting it for $9.40 a horsepower.

Mr. WADSWORTH. Mr. President, I happen to know of power being sold there at $8.

Mr. HARRISON. May I ask the Senator to whom the power is being sold at that rate?

Mr. WADSWORTH. To a manufacturing concern.

Mr. HARRISON. To what manufacturing concern? I will state the reason why I ask. The statements made before the committee show that the power companies developing power at Niagara would organize a power company, of course, and then another company was organized, made up of practically the same people, called a distributing concern, and another one called a transmitting concern, a wheel in a wheel, each making its individual profit; and some of the concerns up there are owned by the same people who are interested in those power companies. It may be that some of those favorites are getting the power at a rate much lower than that charged other people.

Mr. WADSWORTH. I shall reply in my own time.

Mr. HARRISON. I did not catch the Senator's remark.

Mr. WADSWORTH. I think it is wise for me not to interrupt the Senator. I shall reply in my own time.

Mr. HARRISON. I will be glad for the Senator to interrupt me. I know he has the welfare of the people at Buffalo at heart, and I was very much in hopes that he would help me exclude this from the bill, so that we could really get some legislation beneficial to the consumers in that particular section. You can not get it if you leave it to the provisions of this bill, because the charges that they can make to the consumers of the country have got to be proportioned, as I understand, according to the people who take out licenses under the provisions of the bill; and if that is true then the people at Niagara Falls who are making enormous profits, and have been operating for so long a time, and can procure the power so cheaply and develop it so cheaply, are to continue to make enormous profits out of the proposition.

There are so many different things attached to Niagara Falls, the conditions there are so different, that it does seem to me it should be excluded from the terms of the bill. I can not for the life of me see how the Senate can do otherwise than eliminate it, in view of the statement of the acting chairman of the committee, who said that they had not considered Niagara Falls in connection with this legislation, in view of the fact that the resolution that was passed in the House of Representatives creating the committee from which this legislation came expressly stated "except, however, bills and resolutions of which the Committee on Foreign Affairs has jurisdiction under the general rules of the House."

Mr. DIAL. Is the price named by the Senator as the price at which power was being sold the price per annum?

Mr. HARRISON. Yes; per annum. There is another phase of this proposition in the bill that was passed by the House of Representatives affecting Niagara Falls, known as the Cline bill, that made it necessary that those power plants, or at least one of the power plants, if it was antiquated, should be remodeled and put upon a modern basis. I might say that under the treaty we are permitted to take 20,000 cubic feet of water per second from Niagara Falls; Canada is entitled to take 36,000 cubic feet per second from Niagara Falls. There are two power plants there, one of them built in a modern way, one of them developing power to the highest efficiency. The other, while it should perhaps, stating it roughly, develop 200,000 horsepower from the water it takes from Niagara Falls, is developing possibly 150,000 horsepower. That is because it is antiquated. The machinery is not modern. We made it necessary in the House bill that the power plant had to reform itself and be placed upon a modern basis, so that the highest efficiency might be reached. This bill does not do that. You can not get it under the terms of this bill.

Under the House bill, known as the Cline bill, we limited the lease term to 25 years. Here you give them a longer lease than that. Of course, the power companies at Niagara Falls want to be included in this general legislation. Of course they do not care anything about having the subject considered. But I submit to the Senate that this is too big a question, it is too important a question, to pass aside and include in a bill like this without any consideration of the subject at all.

Mr. WADSWORTH. Mr. President, I have listened to some of the statements of the Senator from Mississippi with a good deal of interest and some surprise. The Senator fails to tell the Senate that the House of Representatives of this Congress voted, so I am informed, by a vote of approximately 6 to 1 to instruct its water-power committee to include the consideration of Niagara Falls along with the navigable streams. He has laid immense stress upon the action of the House of two years ago, but he has not told the Senate what the House did in this Congress. So I think if we are to be guided by what the House has done in the past or what it desires at the present time, we are justified to that extent in following the last expression of the House regarding the consideration of Niagara Falls and boundary streams generally well within our proper authority.

Mr. HARRISON. Will the Senator yield?

Mr. WADSWORTH. I yield to the Senator from Mississippi.

Mr. HARRISON. Does the Senator from New York state now that the committee in the House of Representatives in considering this bill considered Niagara Falls in connection with it?

Mr. WADSWORTH. I say that the House of Representatives by an enormous vote authorized them to do it by a specific resolution. I do not know whether they did it or not. But the Senator from Mississippi has given the impression that the House of Representatives is opposed to the consideration of Niagara Falls in connection with the general water-power legislation, and that, I venture to say, is inaccurate.

Mr. HARRISON. May I ask the Senator to cite the RECORD to the effect that the House did that, because I think the Senator is in error about it. I have the CONGRESSIONAL RECORD here on the other proposition, which I can read to the Senator if he likes. The bill that came up this time is practically the

same bill that died in conference during the last Congress, and it was considered in the House and excluded Niagara Falls.

Mr. WADSWORTH. I regret that I can not put my finger on the page of the RECORD. I am informed by a Member of the House who took part in that contest himself in this Congress that that is the fact.

The Senator has said that the bill will repeal the treaty. I venture to ask Senators to give serious consideration to that assertion. The description given by the Senator of the treaty which exists between the United States and Canada is accurate. Under that treaty no more than 20,000 cubic feet of water per second may be diverted from the Niagara River above the Falls on the American side, and no more than 36,000 cubic feet of water may be diverted from the River above the Falls on the Canadian side.

There is nothing whatsoever in the bill that goes toward the repeal of that treaty; there is not a word said about it, and you can not repeal a treaty except by a specific repeal. There is no such proposal or suggestion here. Should this bill be enacted into law, the treaty would still be in effect. The limitation as to the diversion of water on either side of the river would remain just the same; the International Joint Commission would remain absolutely undisturbed in its powers and in its functions, and it would not be disbanded, as the Senator has suggested. The treaty would not be abrogated. It would be in full force and effect all the time. As the Senator has asked me to point out something in the RECORD which occurred some time ago, I should like to have him or any other Senator point out any provision of the bill that repeals the treaty.

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. McKELLAR. Will the Senator tell us whether or not the effect of the passage of the bill would be to give a franchise of 50 years to the two companies that now have it?

Mr. WADSWORTH. Not at all.

Mr. McKELLAR. I should like to know what effect it will have on those two companies.

Mr. WADSWORTH. I will come to that in just a moment. I simply want to clear up one or two things in my inadequate way in the beginning.

Mr. HARRISON. May I ask the Senator a question?

Mr. WADSWORTH. I yield to the Senator.

Mr. HARRISON. There is in this legislation, assuming that Niagara Falls is included, nothing that limits the diversion of water on this side of Niagara Falls?

Mr. WADSWORTH. Above the Falls?

Mr. HARRISON. Yes.

Mr. WADSWORTH. Nothing in this legislation, but the treaty——

Mr. HARRISON. The treaty expressly states that we can not take over 20,000 cubic feet per second.

Mr. WADSWORTH. That is true; and the treaty will remain in effect just the same.

Mr. HARRISON. Every piece of legislation affecting Niagara Falls up to date, including the legislation in the House, the Cline bill, and the Burton Act, that passed the Senate and the House, limited the amount of diversion from the river above Niagara Falls on this side. Is that true?

Mr. WADSWORTH. Yes; by reenacting the provisions of the treaty.

Mr. HARRISON. It expressly stated just what amount of water could be diverted.

Mr. WADSWORTH. I think so. I do not remember.

Mr. HARRISON. Under the express law if the commission should act they would have to act under the treaty, which limited the quantity to 20,000 cubic feet.

Mr. WADSWORTH. Under the bill they would. That is why I say the treaty is not repealed. The Senator has admitted out of his own mouth that the treaty is not repealed. The commission could not authorize the diversion of more than 20,000 cubic feet of water because the treaty does not permit it. Mr. President, I will have to admit I am not as thoroughly familiar with the situation at Niagara Falls as some of my colleagues have asserted on the floor of the Senate. My only interest in the proposition is that the great water powers at the Falls and below them and on the St. Lawrence River shall be treated just as any other great power is treated, subject, of course, to the limitations of the treaty. Let us go back a little way and see what happened.

Something like 30 years ago, perhaps more, perhaps 30 or 40—the Senator from Mississippi will correct me if I am wrong—the first power company started its construction at Niagara. As I recollect, it is called the Niagara Falls Power Co. It was a pioneer in that kind of work. There were no industries there. There was no other water power worthy of the name on either side of the river. Nobody tried to go there. If I recollect aright that company secured its rights or grants from the State of New York. It built an exceedingly expensive power house and shaft and long raceway tunnel. I remember in my much younger days seeing the work illustrated in the paper called the Scientific Magazine as a remarkable engineering feat, and commending the initiative and enterprise of the people who did it.

As I have been informed, the company went along for eight or nine years without ever making a penny. They had no market for their power. They had to induce manufacturers and power consumers to come to Niagara, and after a considerable period of time the community built itself up into a great manufacturing community such as exists there to-day. I believe it was after something like 8 or 10 years of experience of that sort that the company finally began to pay interest on its investment.

I merely relate this to qualify, if I may, some of the assertions of the Senator from Mississippi that the companies have made a large amount of money. It was a bitter, hard struggle for the company at first, so I am informed. That was the pioneer company and its machinery and appliances were the best known in that day.

Considerably later on another company, which has been referred to by the Senator from Mississippi, installed its works, and they were much more modern, much more effective, because the science or the art, as the case may be, had progressed tremendously in the interim. So the result was, as the Senator has said upon a former occasion, that the old company was operating in a most inefficient manner, and was not developing the horsepower per cubic foot of water diverted that the new company was developing, solely due to the fact that the machinery and appliances of the old company were out of date. To renovate and modernize the entire plant of the old company would have involved such an enormous expenditure that the company was not financially strong enough to do it.

When the war broke out the War Department at Washington was so anxious to have power used in the chemical industries that had been built up at Niagara Falls that it took occasion under legislation passed by the Congress to practically commandeer all that power and compel its delivery to those factories which were making things that the Government had to have in waging the war. The same complaint about the inefficiency of the old company was, of course, constantly being made and admitted by the old company, but to modernize the old company would have imposed such a heavy burden that they could not do it by themselves.

Then, upon the recommendation of the War Department the legislature of New York passed an act during the war authorizing the consolidation of the two companies, the new one and the old one. The administration in Washington urged it and the legislature at Albany passed the act and the governor signed the bill authorizing the consolidation of those two companies under the supervision of the public-service commission of the State as to capitalization and other features. So there is now but one company. The assets of the two old companies are merged in one. My information is that the one company will be of sufficient financial strength to enable it to modernize the appliances and the machinery of the older of the two companies.

However that may be, let me say to the Senator from Mississippi that the one company can not act or do anything in the future with respect to the diversion of water from above the Falls in contravention of the treaty or without the permission of this commission created under the bill. The company now operating at Niagara Falls will fall completely under the jurisdiction of the commission just as any other water-power company anywhere in the United States falls under it. It will fall completely, as to the matter of rates charged to consumers, under the jurisdiction of the public service commission of the State of New York as is provided in the bill for every other company in the country. There is no difference whatsoever between the treatment of the water-power developer at Niagara Falls and the treatment of water-power developers on the Columbia River or any other river in the country.

They fall under exactly the same jurisdiction; the Government wields the same power over them. Under the terms of this bill the Government can condition the issuance of a permit as it sees fit, and the Niagara company must comply or it can not divert any water. Under that state of facts—and I believe it to be the state of facts as I read the bill—why treat Niagara any differently from any other place?

Mr. HARRISON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. Yes.

Mr. HARRISON. Is it the Senator's opinion that under this bill the commission to be appointed by the bill could compel one of the companies to remodel its plant so that it might develop a higher power efficiency at Niagara Falls?

Mr. WADSWORTH. That is my opinion.

Mr. HARRISON. What part of the bill does the Senator have in mind that gives them that power?

Mr. WADSWORTH. Is there not a provision in the bill which gives the commission the right to revise and approve the plans and specifications for the power houses and transmission lines and all machinery and appurtenances?

Mr. HARRISON. That is in connection with the question whether or not they will grant a license for the construction of a dam. That is before the power plant is built and before the development is undertaken. The trouble about that situation is that the power plant at Niagara Falls is already constructed.

Mr. WADSWORTH. Yes; but the permit or the license has not been issued.

Mr. HARRISON. Permits have been issued.

Mr. WADSWORTH. Only temporarily, for a year at a time, until permanent legislation is enacted.

Mr. HARRISON. I have no interest in the world in this legislation, except that I think it is too important to be passed by the Senate without giving it special consideration; but I want to say to the Senator that I happened to be a member of the Foreign Affairs Committee of the other House and gave a great deal of consideration to the pending subject when that committee once—I believe at the invitation of the Chamber of Commerce of the city of Buffalo—visited Niagara Falls and had a delightful time. At that time, as the Senator from New York will recall, on the American side we were only diverting at Niagara Falls 15,600 cubic feet of water per second, while under the treaty we had a right to divert 20,000 cubic feet per second. I was in favor of "raising the limit," so to speak, so that the full amount of 20,000 cubic feet per second might be developed, for I did not believe that it would affect the scenic beauty of the Falls, and I thought the power was needed. For that reason I voted for that being done.

However, I desire to ask the Senator a question. Assuming that what he says is true—and I take issue with him as to that—all the legislation which we have previously enacted touching Niagara Falls has contained a limit as to the amount of water that could be diverted at Niagara. The Burton law provided for 15,600 feet. The Senator admits that there is no limitation placed in this bill; that it is merely placed in the control of the commission.

Mr. WADSWORTH. I do not admit that.

Mr. HARRISON. It is up to the commissioners; but they will probably follow the terms of the treaty. I can not understand how the commissioners would do otherwise. I am, however, of the opinion that we ought to put a limitation into whatever legislation is now passed. As I have stated, under the present law there can be diverted on this side 20,000 cubic feet of water per second. Is that not true?

Mr. WADSWORTH. Under a temporary permit.

Mr. HARRISON. Under a temporary permit. I think the last legislation, which was a war measure, provided for a three years' limitation.

Mr. WADSWORTH. I think it provided a limitation of one year, which expires in July.

Mr. HARRISON. Then, after July, under the law, only 15,600 cubic feet may be diverted; but if this bill is passed we shall provide permanently that 20,000 cubic feet per second may be diverted.

Mr. WADSWORTH. Not without a permit.

Mr. HARRISON. Oh, not without a license; but the Congress has reserved to itself the right to say how much water might be diverted at Niagara on this side; and there has been a great difference of opinion whether or not 20,000 cubic feet per second should be diverted or 15,600 cubic feet per second should be diverted. Time after time we have had a very hard row to hoe in order to get legislation providing for additional power being developed there; but under this bill, while it is not limited under its terms, it is set down that 20,000 cubic feet per second permanently, forever, may be diverted from Niagara Falls, and the only power which might say that it shall not be done is the commission named in this bill, which is also given the authority to say to whom the power shall go. Is not that true?

Mr. WADSWORTH. No, Mr. President; I think not.

Mr. HARRISON. I can not agree with the Senator.

Mr. WADSWORTH. This bill does not confer any perpetual rights for the diversion of water in Niagara Falls upon anybody. The water-power company that is there now and all the companies that may be organized there in the future to develop power upon other parts of the river, we will say below the Falls, must come to the commission and get a license, and the commission can prescribe the conditions upon which the license is to be issued. That includes the water that is now being diverted by reason of the temporary permit, which, as I recollect, will expire in July next. The companies will have to come, hat in hand, to the commission and ask permission to divert that extra 4,400 cubic feet of water per second, and the commission can lay down rules and conditions before they will consent to such diversion. The bill is perfectly clear about that; there is nothing in the bill that gives them anything in the way of a perpetual right to divert the water. They have to obtain the permission of the Federal Government. They are treated just as any other company is treated in the matter of diverting water from a stream.

Mr. President, my principal interest in this matter is not merely because I have lived all my life in the western part of the State of New York and have seen that region grow and thrive industrially and otherwise as a result of the development of water power, but it is because I have a dream about water-power development for this country. I think the Niagara, the St. Lawrence, and other streams are going to be used to an extent that, perhaps, some of us do not imagine to-day. I doubt if the time will ever come when any more water will be diverted from above Niagara Falls.

If there is to be a development in the future on a large scale, it will be on the river below the Falls, and when this bill is enacted, if it is to be enacted, any person or corporation or municipality or the State of New York itself, if it so desires, as I read this bill, may make application for a license to divert water for the purpose of developing electrical energy. It is my hope that under the conditions laid down by the Federal commission created under this bill the future development at Niagara or in that vicinity and on the St. Lawrence River will be given exactly the same kind of treatment as is given water-power developments on other streams of the United States. For the life of me I can not see why all should not be treated alike. The Federal Government will be in complete control; the 50-year license will run there just as it will run anywhere else; the recapture clause will be just as strong there as anywhere else; the right of the State public-service commission to regulate rates and other matters, which it is already doing, will be just as strong there as anywhere else; and, if the State fails, if it ceases to maintain an agency for the regulation of those matters the Federal Government, under the terms of this bill, will have the same right there to exercise its control and its power as it has anywhere else.

I should regret if boundary streams were left out of this bill, because I think there is no essential difference in the water-power problem on a boundary stream than there is upon an interior stream. Our Government has control of the shore on its side of the river and to midstream; it must always be limited by some treaty with its neighboring power, Canada. Such a treaty is now in effect; other treaties may be added to it; other provisions may be added to it more restrictive or more liberal, as the case may be. That is for the two countries to decide, but when the countries have decided how much water each may divert, then, from that point on, in what respect does the problem differ from the problem presented upon the Hudson River, where there are large water powers, upon the Racket River, in my State, where there are large water powers, upon the Genesee River, upon which I live and where there is a possible development of water power? So long as this bill is careful to clothe the Federal Government through this commission with power to control this question, to straighten out the uncertainty that has existed at this particular point for 30 years as to the right of anybody to do anything, then I think we are perfectly safe.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New York yield to the Senator from Minnesota?

Mr. WADSWORTH. I yield to the Senator from Minnesota.

Mr. NELSON. I should like to ask the Senator a question. If provision as to Niagara Falls were left out of this bill there would be no Federal authority under the law that could exercise jurisdiction over Niagara Falls?

Mr. WADSWORTH. None at all.

Mr. NELSON. They would be left in the air, would they not?

Mr. WADSWORTH. Absolutely.

Mr. NELSON. And the joint waterways commission could do nothing?

Mr. WADSWORTH. They could do nothing.

Mr. NELSON. Niagara Falls would be left hanging in the air outside of any Federal regulation?

Mr. WADSWORTH. That is where they have been for many years.

Mr. NELSON. There would be required either a separate law on the subject relating to Niagara Falls or they would be left in the air without any authority to provide for the development of water power there?

Mr. WADSWORTH. Of course, a separate law would be required, and when we came to draw that law and to pass it—and that might take us a long time—I venture to say that it would almost be word for word what we have in this bill. There would be the same kind of control jointly between the Federal Government and the States, the same kind of a license provision, the same power placed in the hands of some commission of the Federal Government to lay down conditions upon which the licenses shall be issued, and I think we would have practically the same kind of legislation, for why does it demand legislation of a different character?

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I yield.

Mr. HARRISON. With reference to the suggestion of the Senator from Minnesota that everything touching Niagara Falls will be up in the air if provision for power development there is not included in this legislation, it will not be up in the air any more than it has been up in the air for 20 years. It has been necessary to amend the Burton law year by year because no permanent legislation has been enacted touching Niagara Falls. The House of Representatives did its duty; it passed a comprehensive bill, a bill that did not impose a penalty of $1,000 a month if any of its terms were violated, but one that imposed a penalty of $10,000 a day and imprisonment for those who violated its terms. Under the penalty imposed by this bill a power company could violate it, pay the small penalty that is imposed, and go on with impunity. It would be but a mere toll, a mere tax, so to speak. I think the present law expires, as suggested by the Senator from Nebraska [Mr. HITCHCOCK], on the 1st of April. If it takes temporary legislation to extend that act, let us extend it. I am in favor of permanent legislation affecting Niagara Falls; I am in favor of a comprehensive plan; but I want to have Congress consider the proposition. I do not believe, however, that, in order to meet this little emergency, the Senate should pass a piece of legislation concerning Niagara Falls which they have not considered a particle, and which the Senator in charge of the bill says he has not considered.

Mr. WADSWORTH. Mr. President, the Senator and I have discussed that question. I want to call the Senator's attention to the CONGRESSIONAL RECORD. He asked me to point out the incident which I related earlier in my remarks. He will find on page 2147, under date of June 28, 1919, which was in this Congress, the record of the proceedings of the House on the matter to which I referred earlier in my remarks. If he will examine the remarks of Mr. FERRIS he will find that the very project which he discussed a little while ago was touched upon. Finally when the House came to a vote as to whether or not this committee should take under consideration the question of boundary streams the vote was 64 to 12 in favor of their doing so.

Mr. HARRISON. Was that vote taken before the committee considered it in the House, may I ask the Senator? How did the question come up?

Mr. WADSWORTH. When the resolution came before the House clothing this committee with power, or prescribing its functions, an amendment was offered excluding boundary streams. That amendment was defeated.

Mr. HARRISON. Oh, that was when the bill had been reported by the House committee to the House of Representatives without specific instructions to consider Niagara Falls, and then a motion was made on the floor of the House to exclude Niagara Falls from it, and then a vote was taken. Is that right?

Mr. WADSWORTH. That is my understanding.

Mr. HARRISON. Then the House committee did not give any consideration to Niagara Falls?

Mr. WADSWORTH. I did not say that it did.

Mr. HARRISON. I just wanted to get the Senator's position.

Mr. WADSWORTH. I said that the House itself was willing to consider Niagara Falls.

Mr. HARRISON. The House refused to exclude it. I stated that the House committee had not considered Niagara Falls, and that the rule that had created the committee especially said that Niagara Falls should not be included, and that the Senate committee had not considered it.

Mr. WADSWORTH. There is some doubt about that, Mr. President. I have not the RECORD before me. Now, may I ask the Senator just to listen to what Mr. FERRIS said:

> Mr. Chairman, to my way of thinking, and I feel sure I am right about this, this bill neither takes from or adds to any power that this International High Commission has. The real truth about it is it is not really a question involving the international commission at all. The bill makes no reference to it. The bill does not in any way involve them, and it does not in any way curtail their powers or reduce them. What are the facts?

Then he relates how the Foreign Affairs Committee and the Public Lands Committee and other committees have had jurisdiction over water-power legislation at different times.

Mr. President, I have taken more of the time of the Senate than I expected to take. I hope the amendment will not prevail. I hope that all the water powers of the country, regardless of their situation, will be treated upon the same basis.

Mr. LENROOT obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LENROOT. I do.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harris	Nelson	Smith, S. C.
Bankhead	Harrison	New	Smoot
Beckham	Henderson	Newberry	Spencer
Brandegee	Johnson, S. Dak.	Norris	Sterling
Capper	Jones, N. Mex.	Nugent	Sutherland
Chamberlain	Kellogg	Overman	Trammell
Colt	Kendrick	Page	Underwood
Dial	Kenyon	Phipps	Wadsworth
Dillingham	King	Pittman	Walsh, Mass.
France	Lenroot	Ransdell	Walsh, Mont.
Frelinghuysen	McKellar	Sheppard	Warren
Gerry	McNary	Simmons	Wolcott
Hale	Moses	Smith, Ga.	
Harding	Myers	Smith, Md.	

Mr. KELLOGG. I desire to announce that the Senator from Iowa [Mr. CUMMINS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Ohio [Mr. POMERENE], and the Senator from Washington [Mr. POINDEXTER] are engaged in a conference on the railroad bill.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present.

Mr. LENROOT. Mr. President, I am in favor of the adoption of this amendment for two reasons: First, because the propositions upon the Niagara and St. Lawrence Rivers are of such magnitude that they ought to be dealt with separately by Congress; secondly, because the improvement of the St. Lawrence River is now under investigation by the International Joint Commission, consisting of three members of the United States Government and three members of the Government of the Dominion of Canada, with instructions from this Congress to report as early as practicable upon the improvement of the St. Lawrence River, and we all know that that report, if made and favorably recommended, will cover the water-power improvement upon that river; and if the St. Lawrence River is to be included in this bill and the authority vested in this commission to grant licenses for dams upon the St. Lawrence River, it is absolutely in conflict with the legislation that this Senate enacted in the last river and harbor bill.

As to the importance of that improvement, Mr. President, let me say that last month, at the Rivers and Harbors Congress, the Assistant Secretary of the Interior, Mr. Vogelsang, read a paper upon this question and upon the potential water power in the St. Lawrence River. I ask at this time unanimous consent to include that paper in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Remarks of Alexander T. Vogelsang, first Assistant Secretary of the Interior, at the National Rivers and Harbors Congress, fifteenth convention, Washington, D. C., December 10, 1919.]

POWER DEVELOPMENT AS RELATED TO THE PROPOSED GREAT LAKES–ST. LAWRENCE TIDEWATER PROJECT.

"Gentlemen of the Rivers and Harbors Congress, I have been asked to make a brief address upon the question of hydroelectric power that may be developed along that part of the St. Lawrence River constituting the boundary between the United States and Canada in connection with a proposed waterway which will accommodate ocean-borne vessels.

"The advocates of this enterprise are chiefly resident far west of the St. Lawrence River, and the power feature of the work is only of incidental or general interest to them in their

promotion of the navigation project; but to the State of New York and portions of New England it is a matter of extreme importance.

"The Department of the Interior is charged with the administration and control of publicly owned hydroelectric power sites and has therefore ever kept itself abreast of the development of the art wheresoever that development may have taken place, and in the beginning I wish to give due and full credit for assistance in the preparation of this paper to the magnificent annual report of the Secretary of the Interior just issued and to the Geological Survey and the Bureau of Mines. Through the agencies of these bureaus the Department is in daily touch with the power question, and out of its abundant researches and statistics I am enabled to present in outline some views which may create at least a conception in the average mind of the prime importance of power in our economic fabric. It is, indeed, the first among the present-day problems of science.

"The development of this waterway with incidental power production is a work that appeals to our constructive imagination. It appeals to true statesmanship as defined by Jonathan Swift 200 years ago, when he said in the Voyage to Brobdingnag:

"And he gave it for his opinion that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together.

"I may add at this point that more than a million men are now engaged in producing mineral fuels the consumption of which expends and exhausts the stores of nature. On the other hand, the white coal of falling water is exhaustless, is everlasting. Any project that will lower transportation costs and at the same time yield energy for the use of man conforms to modern economic thought.

"There is a growing tendency to redistribute those industries of the country which require large amounts of power to locations where water power is abundant and cheap. Thus, water power will control the location of those industries in which the cost of power is a large item in the value of the product.

"Dr. Steinmetz estimates the theoretical maximum of hydroelectric power of the United States at 320,000,000 horsepower, though, of course, but a fraction thereof can be made practically available. The Geological Survey estimates the amount practically available to be 54,000,000 continuous horsepower, and of this the boundary waters in question can produce nearly 2,000,000 horsepower, half of which belongs to us.

"The census of 1912 shows that the developed water power of the United States was 4,870,000 horsepower. According to that census the installed capacity of stationary prime movers was 30,000,000 horsepower, furnished by water, gas, and steam. This does not include power generated in locomotives, marine engines, automobiles, and such apparatus. The average power furnished by these prime movers was probably not more than 20 per cent of installed capacity, so that power produced in 1912 was probably not more than 6,000,000 continuous horsepower.

"Seventy per cent of the water power is west of the Mississippi and over 70 per cent of stationary prime-movers horsepower is east of that river. Thus it is seen that the East is rapidly consuming the expendable resources of power, and that if she continues to sleep upon her water-power possibilities she may soon see the transfer of many of her great industries to the enterprising, forceful, and ever-alert West.

POWER POSSIBILITIES OF ST. LAWRENCE RIVER.

"St. Lawrence River from Tibbets Point, at the foot of Lake Ontario, to deep water at the level of Lake St. Francis at St. Regis, N. Y., flows about 113 miles along the international boundary and has a fall at low water of about 92 feet, of which about 91 feet is in the lower 48 miles, from Galop Rapids to St. Regis, there being a fall of but 1 foot in the 65 miles from Lake Ontario to Galop Rapids. The fall in the lower section of the river is concentrated in a number of rapids which are passed by means of canals and locks on the Canadian side. The Long Sault Rapids, with a fall of 48 feet, extend for about 12 miles along the lower end of this section.

"From St. Regis to ocean navigation at Montreal there is a fall of about 130 feet in a distance of about 70 miles, of which 129 feet is concentrated in two stretches of 14 and 8½ miles, the former including Coteau, Cedar, and Cascade Rapids, in which the fall is 84 feet, and the latter, including Lachine Rapids, in which the fall is 45 feet.

"It is only necessary to consider the immense amount of water flowing in the St. Lawrence River and its uniformity of flow to realize the tremendous amount of water power capable of being developed along the international portion of the river. The mean annual flow at the head of the river, as shown by records obtained from 1860 to 1917, is 241,000 second-feet. The effect of the Great Lakes, which act as a great system of storage reservoirs in regulating the flow in the St. Lawrence, is indicated by the fact that the maximum and minimum flow of the river differ by only about 25 per cent from its mean flow. A comparison of this ratio with similar ratios for the Ohio and Mississippi Rivers indicates that the flow of the St. Lawrence is remarkably uniform. The mean flow of the Ohio River at its mouth is about 300,000 second-feet, its maximum flow is about three times the mean, and its minimum flow is about one-tenth the mean. The mean flow of the Mississippi at the power plant of the Mississippi River Power Co. at Keokuk is about 50,000 second-feet. The maximum is about six times the mean and the minimum is about one-fifth the mean.

"The amount of theoretical power per foot of fall in the St. Lawrence River, as shown by the mean annual flow, is 27,360 horsepower, and as a total fall of 92 feet is available in the international section of the river the theoretical power in that section is about 2,520,000 horsepower. Assuming that only 70 per cent of this energy can be made available on account of losses in head and inefficiencies of water wheels and generating equipment, this strength of the river, owned equally by the United States and Canada, would furnish 1,764,000 horsepower, or 882,000 horsepower to each. About 95,000 horsepower of the portion belonging to the United States has already been developed by the St. Lawrence River Power Co. by means of a canal which diverts a maximum of 30,000 second-feet from the river near the head of the Long Sault Rapids through the power house into Grass River, which joins the St. Lawrence below the Long Sault Rapids. Here a head of about 40 feet is developed. After the power utilized at this development is deducted from the power of the portion belonging to the United States, the power not yet developed in that portion of the river amounts to about 790,000 horsepower.

"As a horsepower is practically three-fourths of a kilowatt, 790,000 horsepower is equivalent to about 590,000 kilowatts. This amount of power is about one-third the total installed generating capacity of all the plants engaged in producing electricity for public use in New York State, slightly more than the installed capacity of generators of similar plants in the State of Michigan, and about 75 per cent of the capacity of those in Massachusetts. In only six States in the United States does the total installed capacity of electric generators in public-utility plants exceed 590,000 kilowatts.

"This power may be used near the points of development by industries in which power is a large component of the product, or it may be transmitted as a public-service supply to power markets that are now dependent on fuels. Doubtless neither of these courses should be followed to the complete exclusion of the other, but it is worth while to examine somewhat the conditions of public power supply within transmission distance of these sites in order to see what are the possibilities of absorbing so large an amount of power.

"If the development were so made that a certain amount of regulation of stream flow by storage in Lake Ontario were possible, and if load conditions were adapted to the full utilization of all the power produced, it would appear that the share of the United States of the St. Lawrence River power would be about 425,000,000 kilowatt-hours per month. The amount of power produced from fuels in public-utility plants during the month of February, 1919, in New England and New York State was about 460,000,000 kilowatt-hours. The amount of power so produced from fuels during that month in the central New York region, from Albany to Buffalo, was only about 30,000,000 kilowatt-hours, so that if any considerable portion of the St. Lawrence River power were to be marketed for use by public utilities it would have to be transmitted to the metropolitan district of New York, a distance of about 350 miles. Here there is now produced from fuel at least 300,000,000 kilowatt-hours per month. Much of New England is within a transmission distance of 250 miles, and requires about 150,000,000 kilowatt-hours of fuel-produced energy monthly for public service alone. The industrial plants not supplied by public-service companies use a large additional but unknown quantity of energy. The transmission of these quantities of power over the distances indicated is unprecedented, but is not to be regarded as unattainable in the present state of high-tension operation. In view of these requirements there can be no reasonable doubt in anyone's mind that there would be an ample market for all the power that can be developed on the St. Lawrence. The annual value of our horsepower would be about $12,000,000, and figured on a 5 per cent basis would show a capital value of $240,000,000.

"The utilization of this power in public service to replace coal now consumed in the large manufacturing centers of New York and New England has an important bearing on the extension of the life of our coal deposits. On the basis of 3 pounds of coal

per kilowatt-hour, this St. Lawrence River power is the equivalent of about 7,750,000 tons of coal annually. This is about 1.3 per cent of the total production of bituminous coal in the United States in 1918. The amount of coal consumed per year by public-utility plants in New England and New York is only about 7,000,000 tons.

"If, on the other hand, the demand for electrochemical and other products requiring large quantities of power increases, these water powers will give opportunity for greatly enlarged industrial development. Doubtless most of the power developed on the Canadian side, not only in the boundary portion of the river but in the purely Canadian portion below, would be utilized for such purposes. This portion is within easy reach of the largest commercial centers, and after the St. Lawrence has been made more fully available for navigation it would be possible for ocean shipping to reach the factory sites. Assuming, as seems entirely probable, that these developments are made at low cost and can deliver power at attractive rates, it is entirely likely that this power can be marketed as rapidly as it can be developed.

"Under normal conditions the railroads, especially those in the northeastern part of the United States, are overburdened with coal. From 35 to 40 per cent of their cargo space is given up to the transportation of coal. The full utilization of the water powers of the St. Lawrence would reduce greatly the tonnage of coal to be moved into New York and the New England States.

"The saving in man power by producing energy by water power, as compared with steam power, is large, especially if the number of miners required to provide coal is considered. A large southern power company shows, by comparing the number of men needed to operate one of its hydroelectric plants on the Coosa River with the number, including the miners, needed to operate one of its steam plants, that in a water-power plant one man is required per 5,250 kilowatts of capacity, whereas in a steam plant one man is required per 74 kilowatts of capacity.

"Applying these figures to the water power available on the St. Lawrence and assuming that the 590,000 kilowatts of water power would replace the same amount of steam power, about 7,900 men would be released for work in other fields.

"The power possibilities of the St. Lawrence have therefore very large economic importance, and any plans for developing the river for navigation should make provision for the maximum development of the energy that it will afford. This provision can be made only by working out a comprehensive plan in which both Canada and the United States seek the best engineering and economic solution of the problem. No doubt private capital is available to make all this improvement in consideration of a grant of the power privilege, but there is equally no doubt that this will not be done. Canada as well as the United States would not permit it.

"The availability of the water power of the St. Lawrence should also receive the most careful consideration if Congress authorizes Secretary Lane's plan for a power survey of the North Atlantic industrial region.

"It is now three years since Congress was urged to authorize a study of the power possibilities of the congested industrial part of the Atlantic seaboard, with a view to disclosing not only the fact that a great saving in power could be effected and a much larger actual use of the power now produced could be gained, but that new supplies could be obtained both from running water and from the conversion of coal into power at the mines instead of after a long haul. The feasibility of constructing a supertransmission line of electric power paralleling the Atlantic seaboard from Richmond to Boston, affording connections at New York and Boston with the vast water-power resources of the St. Lawrence on the north and Niagara on the west, a main transmission line into which would run many minor feeding streams of power, and from which would diverge an infinite number of small delivering lines tying together the separated power plants of 10 States, so that one could give aid to the other, so that one could take the place of the other, so that all may join their power for good in any great drive that may be projected, may well be investigated by the Government, not with the thought that the Government would construct or even operate such a trunk line but that the project might so attract the attention of the engineering and financial world as to make it a reality.

"Such a system of transmission lines would take from the coal mine and the railroads much of their burden, and insure the operation of street lights, street cars, and essential industries in the face of railroad delinquencies.

"The demand for power for the use of industrial and public utilities in New England and New York is increasing. Winter conditions like those of 1917–18 would again cause, and to a greater degree, the same difficulty that then occurred in supplying coal to the country's essential industries. The water power of the St. Lawrence would furnish sufficient energy to supply a large part of the power now generated by fuel in the northeastern part of this dominant industrial district of the United States. The demand for power in this district would undoubtedly consume all that portion of the St. Lawrence power that belongs to the United States and all of that portion of Canada's share for which there was no demand in that country.

"The power production will pay the entire cost of all the work. As I understand it, our neighbor proposes to go into the enterprise on a 50–50 basis in spite of the apparent fact that the present advantage is enormously in our favor. Shall Canada's 7,000,000 people say, "I will," and shall Uncle Sam's 110,000,000 say, "I will not"? Or shall we rather cooperate and develop this waterway, obtaining thereby, practically as a by-product, this tremendous resource of power?

A WORD ABOUT COAL.

"About 55 per cent of the world's coal is in the United States. We must some day become great as a coal exporting Nation. In the prewar period we sold abroad only 4,500,000 tons of our annual production of 700,000,000 tons, which Secretary Lane visualizes in his report by stating that this amount of coal would build a Chinese wall along the outboundaries of the United States from Maine to Vancouver, to San Diego, and eastward to Maine again. England exported 77,000,000 tons. In fact, England's primacy in commerce is due to her coal exports, which afforded cargo to her merchant fleet and gave her bunkering facilities all over the globe.

"She can no longer maintain this figure of exportation for many reasons, and is even now asking us for coal. Continental Europe freezes to-day, and will probably henceforth be forced to large purchases from us. Indeed, her prayers to us to-day are as fervent for fuel as they are for food and credit. We must also henceforth largely supply the South American market. It is easily imaginable that clearing this waterway to navigation will release for export millions of tons of coal from the central fields, and thus stabilize labor and general mining conditions, giving to the mine worker what to-day he craves most—more days of work per year—with necessarily resulting benefit to the mine owner and operator as well.

"The railroads, indeed, should be relieved as much as possible of the carriage of coal. It is the largest single item of railroad freight. Hydroelectric power and power generated by coal at the mouth of the mine will in no distant day not only avoid the great haulage of this low-grade freight but will propel the trains themselves, which will carry the high-value product of looms and factories that also are driven by electric power. We may indulge the high conception that one day this great coal-producing Nation will operate her mills, her mines, her railroads by electric power and ship a vast mass of her coal production by water routes almost from mine to foreign market.

"The value and importance of water transportation will be discussed by others, but I venture this question: Where would our iron industry be to-day were it not for the cheap water transportation enjoyed by four-fifths of our total iron-ore production tributary to the Great Lakes? That waterway and not that iron is the foundation of our position as the world's greatest producer of iron and steel. This is a fair illustration of the claims made by the proponents of this improvement, that transportation governs production. Indeed, obstructions to navigation are obstructions to commerce and obstructions to production. The removal of the first enhances the others. High cost of freight rates promotes high cost of living and puts production on the 'red,' and when production goes upon the 'red' it is evidence that it has bled to death.

"In his introduction to that most valuable work, recently issued, entitled 'The Strategy of Minerals,' Secretary Lane observes:

"There is an international right to those things which are essential to life. * * * We are to grow nationally by our generosity internationally.

"Dr. Smith, Director of the Geological Survey and editor of this publication, also wisely asserts:

"A nation's resources are of largest value if they serve the world.

"These are truths becoming more and more evident to the American mind as each of these present stressful days passes on. As never before in the history of the world must we realize that the prosperity and happiness of other countries means the happiness and prosperity of America.

"A real and a sound objection to the construction of this waterway and the incidental production of this power may be found and no doubt some of merit may be advanced. I do not know what they may be, but no doubt objections of a military or political nature may be advanced. They, I should say, are most insubstantial, are entitled only to passing consideration, and really may be answered in a sentence.

NEW YORK THE CHIEF BENEFICIARY.

"Recurring again to the power possibilities of the St. Lawrence, I venture to say that it is readily perceptible to anyone that of all the States bordering or tributary to this waterway the greatest beneficiary of the development will be the great and Empire State of New York. The letting loose of this flood of power over her territory will cause her to leap to the front as a manufacturing State, and her products so stimulated by cheap power will find markets in all the countries of the world. With her magnificent harbor and the superb advantage of her barge canal, affording cheap water transportation thereto, and at the same time enjoying and possessing all the benefits of the St. Lawrence route, hundreds of miles nearer salt water than her western competitors, her high-value manufactures will have a permanent primacy over any other State in the Union. Indeed it is no idle dream to picture her barge canal and her lake shore dotted with factories of all kinds in enjoyment of this white coal at low rates in operation 365 days in the year, independent of season, their power coming into the factory on a wire instead of by rail and upon cars, free from labor, climatic, or transportation trouble or interruption. No other State of our Union has the same strategic advantage in power, population, labor supply, and transportation, and these advantages for natural and geographical reasons can probably never be lost, and this notwithstanding that the day is coming when the West will hold most of the black-coal reserves of the country, in addition to her everlasting majority of the white-coal supply.

"In conclusion let me say that enlightened selfishness, the truest and highest interest of our country, our duty to all mankind alike dictate that our back door, as well as our front door, be opened to ocean-borne commerce. This is especially manifest because the by-product of electric energy will more than pay the cost of the job."

Mr. LENROOT. In this speech of Mr. Vogelsang he shows that the water power that can be produced upon the St. Lawrance River from Lake Ontario to St. Regis, the boundary, is very nearly 2,000,000 horsepower, one-half of which will belong to the United States under the agreement between Canada and this country; and he goes on to show that if the Government itself improves this river in cooperation with the Dominion of Canada, if it itself makes the expenditures, the revenue of the United States Government out of the water power produced will more than pay the entire cost of the improvement; and yet, under the terms of this bill, this commission is authorized to grant licenses to those who may apply for them that may utterly destroy that scheme of improvement, for aught we know. But certainly, whether it did or not, instead of the revenue coming to the Government of the United States, if the Senate shall take the action which I apprehend it will take, overruling the action of the Committee of the Whole in permitting compensation to be charged, it will be another gift to these great water-power companies that may be developed upon the St. Lawrence River without any return or consideration to the Government.

That in itself is a very good reason for the exclusion of the St. Lawrence River. But there is another reason that applies as well to Niagara Falls, where a tremendous power is capable of being produced. Why is it necessary, Mr. President, to enact a general law for the granting of these licenses for the development of water power? There is only one reason, and that is because of the great number of applications that are made. Congress has not the time, with the multitude of other business that it always has before it, to consider those applications and act directly upon them. So I have always been in favor of authority being delegated to some officer or commission of the Government to grant these ordinary applications for the development of water power.

But, Mr. President, when we come to a case like Niagara Falls, and when we come to a case like the St. Lawrence River, with its million horsepower—and let me digress for a moment to ask the Senate whether they realize what a million horsepower means. I wonder how many of us know what the aggregate horsepower produced to-day in this country is, both by water power and by all other agencies that are stationary—steam, and so forth. It is only 30,000,000 in the entire United States; and on the St. Lawrence River alone—not speaking of the Niagara River—there can be produced one-thirtieth of all the stationary power used in the United States to-day.

When we come to propositions of this magnitude, the objection to Congress acting directly upon applications does not apply in the least degree. When we come to a project of the size and magnitude of Niagara Falls there is no reason why Congress should not act upon a special bill on that subject. It is quite as important as the kind of bills that the Senate does act upon, and the Niagara Falls project, as has already been stated, has never been before the Committee on Commerce; that committee has never had jurisdiction of that subject; and the Committee on Interstate Commerce, that always had this legislation in the House, so far as navigable waters are concerned, never has had jurisdiction of Niagara Falls. This legislation always came from the Committee on Foreign Relations in both Houses; this matter of Niagara Falls and the St. Lawrence River was not brought up or considered in the Commerce Committee, except that as a member of that committee I did offer an amendment excluding Niagara Falls and the St. Lawrence River; but the members of that committee, never having considered the subject, of course knew nothing of the details of the proposition.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. LENROOT. Certainly.

Mr. CHAMBERLAIN. Does the Senator think Congress or this commission should have jurisdiction to undertake to regulate water power on an international stream? Even if the bill passes without excluding Niagara Falls, would it not require a treaty between the two Governments before anything could be done on either side of the Niagara River?

Mr. LENROOT. Of course, it would; and we now have treaty provisions that take care of that very thing. As has been stated, we already have treaty provisions permitting the United States to use 20,000 cubic feet per second above the Falls, so that when this bill passes Congress will have nothing further to do with that subject unless it be to modify in the future the treaty provisions. Of course, they could not use more than 20,000 feet unless a new treaty were made. But so far as that 20,000 cubic feet was concerned Congress would have nothing more to do with it after this bill once passed.

Now, Mr. President, Senators will remember that there have been separate bills upon Niagara Falls, both in the Senate and in the House, and they have come up several years; and Senators will remember that the license of the present company producing the power at Niagara Falls has been extended from year to year by action of Congress. The last extension was made here last winter. But, strange as it may seem, there would have been no difficulty in securing at any time in the past permanent legislation upon the subject of the utilization and development of the Niagara Falls water power, in my judgment. As I said the other day, I can not produce the evidence, but I firmly believe that the present company developing that power defeated the legislation that was proposed.

The Senator from Mississippi [Mr. HARRISON], who was a member of the Committee on Foreign Affairs in the House, as well as of the Committee on Rules, well remembers the legislation that came from that committee. While they proposed permanent legislation with regard to this subject, the legislation never was enacted. There is no reason why Congress should not deal with it separately, and no reason why Congress shall not in the future take up this subject of Niagara Falls and deal with it in a separate bill.

That is especially true, Mr. President, if the Senate, when this bill gets into the Senate from the committee, shall overrule the action of the committee with regard to the Senate committee amendment whereby the United States will be prohibited from exacting any compensation, except a nominal compensation for the administration of the law. There is no question in the world but that the Niagara Falls power is worth millions and millions of dollars. Keep it in the bill, with the restrictions that are proposed, and you will just hand those millions of dollars to this special privilege.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. I yield.

Mr. WADSWORTH. If that is true of that particular water power, would it not be true of every one to whom you gave a license?

Mr. LENROOT. No

Mr. WADSWORTH. Why not?

Mr. LENROOT. It is not necessarily true, because a very large percentage of the production of power that is now used in Niagara Falls goes into manufacturing and production concerning which the public has no benefit whatever in any reduction of the price of the article produced. The Senator well knows that to be true.

Mr. WADSWORTH. I do not know it well. It is——

Mr. LENROOT. At least the Senator is suspicious that it is true.

Mr. WADSWORTH. No; I am not suspicious that it is true. To tell the truth to the Senator, I do not know much about the rates they charge; but I do know that as a result of the development of power, an enormous chemical industry has grown up. I suppose the same kind of an industry would grow up alongside of any other power; but it happens that this power is so large that it did attract chemical industries, who have made enormous strides in bringing to the service of the people many articles which they could never have gotten without this power. For instance, take the carbide, which is made at Niagara Falls in one of the big chemical plants. Carbide has been of some benefit to the people. All the acetylene gas plants in the United States are run with carbide. Without that power and without that carbide plant at Niagara Falls I would say the people of the country would not be quite so well off as they are now. It has contributed something. The Senator's statement that it has contributed nothing is a little extreme.

Mr. LENROOT. I did not say it had contributed nothing.

Mr. WADSWORTH. The Senator said that the people got no benefit.

Mr. LENROOT. I said they got no benefit of a reduction in the price by reason of the low cost of power.

Mr. WADSWORTH. That is a matter of the relation of the price to production.

Mr. LENROOT. That is the very point, Mr. President. There are only certain industries that receive the benefit of the Niagara Falls water power, and those industries can not go to any water power. There are not a multitude of opportunities in the United States. I think carbide is one of them. Certainly cyanamide is one of them. Fertilizer is one of them. There are only four or five water powers in the whole United States that can produce what is produced at Niagara Falls. One of them is the Priest Rapids on the Columbia River. There may be one or two more in the West. Another is Muscle Shoals.

Mr. WADSWORTH. Does the Senator suggest special legislation for Priest Rapids?

Mr. LENROOT. No; I have not suggested it, but I would be very glad if we did have it. But there is a very great distinction. On the development of Priest Rapids one of their principal activities, I am told, will be to pump water for irrigation and develop water above to reclaim a vast area of territory.

Mr. WADSWORTH. I do not mean to interrupt the Senator. I have some sympathy with some of the objections he has to the past history of the development of Niagara Falls, and a good many of the people in that neighborhood have the same objections, notably the city of Buffalo. If the Senator will remember, I introduced and secured the adoption of an amendment this morning which protects any municipality or all the municipalities situated within a power-transmission distance of a great power plant in such a way as to guarantee that they shall all get equal treatment in the distribution and transmission of the power. So that all industries, all peoples, and all municipalities will be treated alike; and the commission created under the bill, as the result of my amendment adopted this morning, is charged with the power and the authority to put that thing into the conditions of the license and then the State agency is to govern the rates. I think the thing is so thoroughly protected that we have nothing to fear.

Mr. HARRISON. Will the Senator yield?

Mr. LENROOT. I yield.

Mr. HARRISON. I notice in the hearings on this question before the House Foreign Affairs Committee there appeared the Referendum League of Erie County, by Louis Stockton, president, and Frank C. Perkins, consulting engineer. I know nothing about that league, but they presented this matter to the committee and they made this statement on the question of rates:

> Electricity can be produced at Niagara Falls, using the public waters, at a cost not to exceed $6 for horsepower per year, and is actually sold to the Ontario government for less than $10 per horsepower per year.
>
> Power produced at the Falls and transmitted to a much greater distance from the Falls than Buffalo is sold for less than the prices charged for like amounts of power in Buffalo.
>
> The distributing company in Buffalo charges the small consumer at the rate of $600 per horsepower per annum, as against the $6 per horsepower cost of production at the Falls.

Mr. LENROOT. That is true, Mr. President. I recollect the testimony. One of the activities made possible by this water power is the manufacture of fixed nitrogen, as is also the manufacture of fertilizers. As I recollect the testimony, the cyanamide industry receives its power for about $15 per year. But in so far as the manufacture of these products with these great water powers is concerned, we must look to the chemical products coming out of fixed nitrogen as one of the chief products, and a monopoly is the result. We have heard much of Muscle Shoals in the past. I did not know until the other day that it was the people operating at Niagara Falls who had the contract from the Government for the construction of the dam and power project at Muscle Shoals, and the Government has spent some $62,000,000 there under a contract with these same Niagara Falls people, as I understand it.

I have no doubt that with the two or three great water powers in the East, because we have got to have at least a production of 100,000 horsepower in a dam before fixed nitrogen can be produced, there is going to be no competition. It is going to be a monopoly, of course, and if we lose control there is no way by which the public, through the regulation of rates, is to receive any benefit from it, and therefore Niagara Falls ought to be dealt with separately and by itself.

Mr. WALSH of Montana. I desire to remind the Senator that the West will furnish a few competitors even of a hundred thousand horsepower.

Mr. LENROOT. How many?

Mr. WALSH of Montana. There is the Priest Rapids; there is The Dalles of the Columbia River in Oregon; there is the Polson and the Big Horn in Montana; and there is the Cabinet Gorge in Idaho.

Mr. LENROOT. I will say to the Senator that I remember looking it up quite carefully three or four years ago, and it is my recollection that there were not more than five in the entire United States capable of producing a sufficient amount of power to produce fixed nitrogen.

Mr. WALSH of Montana. I speak of these at least upon the authority of official records. All of them will furnish 100,000 horsepower.

Mr. LENROOT. Passing again from that to the St. Lawrence River, when an official of the Government who has made a thorough investigation of the subject states that if the Government itself develops, in the interest of navigation, the St. Lawrence River, that the revenue produced from the million horsepower thus created will pay for the entire cost of the improvement, will some one tell me why we should give a license to some one else to build dams and obstruct that river not directly in the interest of navigation? Why should we give to them this very, very great power, whereby, if we retain it ourselves, we will have an ocean waterway making the interior Great Lakes admit ocean vessels and carrying the ocean to the heart of the continent? Why should we by any legislation of this character interfere or conflict in the least degree with a project of such great magnitude?

For the two reasons stated I sincerely hope that the amendment will be defeated.

Mr. NORRIS. Before the Senator takes his seat I desire to ask a question for the purpose of getting some further information. The legislation we have heretofore passed provided for an investigation of the St. Lawrence River. Is there anything in that which provides that the Government shall develop this water power?

Mr. LENROOT. No. The legislation provides that the International Joint Commission shall investigate the subject and make recommendations to their respective Governments regarding the improvement of the St. Lawrence River, the two Governments cooperating. Under the investigation there can be and is now being no improvement of the St. Lawrence River without the creation of water power. Under the information that we now have, under a wise and comprehensive scheme of development, the water power produced will pay for the entire cost of the improvement.

Mr. NORRIS. I might say that in the development of that tremendous power, particularly when we must in order to develop it be in partnership as it were with another Government, and particularly when it involves also the navigation, as I understand that part of the contemplation, of the St. Lawrence River so that ships can sail across the Atlantic Ocean and up the St. Lawrence River and into the Great Lakes, to my mind those facts are sufficient in connection with the tremendous amount of power that can be developed for the Government itself to develop the power. If there were some assurance or reasonable belief that the Congress when the proper time came would provide for that, I would feel much more strongly in favor of voting to include in the bill a provision that would eliminate the St. Lawrence River and Niagara Falls, but——

Mr. LENROOT. May I say to the Senator at that point that the joint commission is now engaged in the work of investigating the subject. There are 14 States now organized for the purpose of doing everything in their power to further the

project. Appropriations have been made by the State legislatures and officials appointed to represent the States in that organization for most of those 14 States, as I recollect.

Mr. NORRIS. Those are States bordering upon the Great Lakes?

Mr. LENROOT. All that do border upon the Great Lakes are included, and Idaho, which is the farthest west, is a member of the organization. The Senator's own State of Nebraska is a member of the organization.

Mr. NORRIS. Is the object of that association the passage through Congress, if necessary, of a law that will provide for the development of the water power by the Government itself?

Mr. LENROOT. That is the whole object, for the two Governments, in cooperation, to make the improvement.

Mr. WADSWORTH. Does the Senator from Wisconsin say that those 14 States through their respective organizations are advocating water power?

Mr. LENROOT. No; the improvement of the river.

Mr. WADSWORTH. For navigation?

Mr. LENROOT. For navigation.

Mr. NORRIS. Of course, there are two things in the improvement—water power and navigation will go hand in hand.

Mr. WADSWORTH. They should go hand in hand.

Mr. NORRIS. Yes; they should.

Mr. WADSWORTH. But the method of the development of water power is not a part of the policy laid down by any of these associations.

Mr. NORRIS. I should like to ask the Senator from New York a question, and I am doing it with the same purpose in view that I had in asking a question of the Senator from Wisconsin. I am moved entirely by a desire to get information upon which to act.

When you couple up with this great enterprise the water power and the navigation, which I think all students of the subject must admit are inseparably connected and ought not to be separated, would the Senator from New York think that it would be practicable to turn over the water power part of it to a private corporation? Would it not be an instance for the Government? I presume it will be the Government that will have to build the dam to provide for navigation. No private corporation would do that unless they were given by the two Governments a license to take toll on all shipping by the river, which, of course, we would not want to be done.

Does not the Senator think that coupling those two things up as we must that the Government itself ought to use some instrumentality of its own to have charge of its part not only of the development of the water power that will come about, but in the regulation of its use? If the Government develops it, it would be able to meet all the objections that can be made and that have been made—and I think with a great deal of reason—by the Senator from Wisconsin and others in regard to the prices charged for hydroelectric power.

Mr. WADSWORTH. Of course, the Senator asks me a question directed at conditions which will arise quite a long distance from now. My own impression is, as to a power so enormous as that which may be developed in the St. Lawrence River, that the State of New York should develop it under a permit issued by the Federal Government.

Mr. NORRIS. I would not have any objection to that.

Mr. WADSWORTH. They have a right under the bill to do it. Let me remind the Senator of another thing when he suggests the Federal Government doing it. The Supreme Court of the United States, in a case having to do with this very place on the St. Lawrence River, has handed down a decision to the effect that these waters are held in trust for the people of the State of New York and that the Federal Government does not own the waters.

Mr. NORRIS. I would be just as well satisfied if the State of New York developed the power and owned it, and then let them handle it.

Mr. LENROOT. They can do it under the bill.

Mr. NORRIS. I doubt that somewhat. I presume technically they could; but does the Senator think that the State of New York would make application now, if we pass the bill as it stands, to do that thing?

Mr. WADSWORTH. I do not know, of course.

Mr. NORRIS. If I knew that, I would be glad to give them the opportunity to do it.

Mr. WADSWORTH. I do not know, of course. I think from former experiments that you will find the attorney general of New York contending against the right of the Federal Government to interpose at all to stop them from developing it, once they get the permit to divert the water in such way as not to disturb navigation. The State of New York, through its legal representatives, has never conceded ownership of the water in the Federal Government nor any of its control except in so far as that control was necessary to protect navigation. Governors and attorney generals have always said that under the Constitution of the United States that water was held in trust for the people of New York.

As coming from the committee the bill rather avoids that issue in a sense. It has been an old question between the Senate and the House, sought to be disposed of by authorizing the commission to charge a nominal rate to meet administrative expenses. I imagine that is one of the compromises.

Mr. NORRIS. I should like to say to the Senator from New York that that provision in the bill has a good deal of influence on me and on my mind in connection with this particular thing. As the bill stands now, by a vote of 29 to 28 the commission have been given the right to use their discretion in the amount of fee they shall charge the licensee. If I knew that was going to be changed when the bill gets into the Senate, I would not have any hesitancy in voting in favor of the pending amendment. I think that the illustration of the St. Lawrence River and Niagara Falls is quite apt as to the necessity of somebody being able to require the payment of a license fee or the cutting down of the fee that is charged by the power company for power and for light.

But the question I wanted to ask the Senator from New York is not that. I was diverted by the last sentence of his remarks. I rose to ask him or probably to suggest to him that he would not claim, of course, and would not advocate and would not want the State of New York to take the responsibility of improving navigation of the St. Lawrence River. He wants the Federal Government to do that, and he is very proper in that proposition, because it is greater than the State of New York, if we can improve the St. Lawrence River.

Mr. WADSWORTH. So as to carry ocean steamers?

Mr. NORRIS. Yes.

Mr. WADSWORTH. I have my own ideas about that.

Mr. NORRIS. We are benefiting the entire country. There is something that is practical, but I understand that is one of the purposes of the investigation now going on. That will require the construction of dams, and the same dam with locks in it that preserves navigation and makes navigation for ocean steamers possible will be the source of hydroelectric energy by the water power that it makes possible.

Would the Senator have the Federal Government construct the dam, and what arrangement would he have for the State to take over the water power that comes from the construction of the dam by the Federal Government?

Mr. WADSWORTH. The State, under this bill, can make application for a permit?

Mr. NORRIS. The State would have to build the dams in that case.

Mr. WADSWORTH. No; not necessarily.

Mr. NORRIS. I concede that it might be possible it would not, but nine times out of ten where a licensee gets a permit from the Government he will have to construct the dams.

Now, here is a proposition which involves another nation. The dams have got to be constructed by agreement with Canada. It will be necessary to get the consent of the Federal Government and also of the Canadian Government as to the location of the dams, as to their size, and also as to how the power and the commerce shall be handled. That makes it an involved question; but when such an agreement is reached, if it is reached, and the dams are constructed, the water power is possible; and it is not possible until that is done. That, of course, is a practical proposition and will be taken into consideration, very likely, by the representatives of the two Governments when they construct the dams, when they place them, and, indeed, when they plan them. When the Federal Government does all that, where is the jumping-off place going to be? Where is the State going to come in? Will it say, "We will take the power that is developed here"? Will it pay to the Federal Government? If it does pay, how much will it pay? For what proportion of the expense of the dams will it pay in order for it to own the electric energy that is developed there? It seems to me that it almost comes down to a national proposition, and, while it is possible to divide it and classify it, it is going to be, as a practical proposition, a very difficult matter.

I would not want to take this power away from the State of New York, even if I could, and carry it to some other State. It ought to be used in the State of New York. I should be glad to give it to the people of the State of New York, just as I have always favored giving to any municipality or to any State the water, or even the public lands, where they can be used for the benefit of all the people; but it seems to me when we come to the propo-

sition of turning this over to the State of New York we are met with a great many difficulties that from a practical standpoint are almost insurmountable.

Mr. NELSON. Mr. President, I can not recall anything in any previous legislation of Congress or in this bill that should militate against including Niagara Falls and the St. Lawrence River under the provisions of the bill. The Senator from Wisconsin [Mr. LENROOT] referred to an amendment which was adopted in the last river and harbor bill, but that amendment does not warrant the construction which the Senator put upon it. It must be remembered that the St. Lawrence River and the Niagara River are international streams, and whatever steps we take in reference to those streams must be taken in cooperation and in coordination with the Government of Canada. Here is the provision to which the Senator from Wisconsin refers, which was inserted in the last river and harbor bill:

SEC. 9. That the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington January 11, 1909, under the provisions of article 9 of said treaty, is requested to investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, and report to the Government of the Dominion of Canada and to the Congress of the United States, with its recommendations for cooperation by the United States with the Dominion of Canada in the improvement of said river.

All that commission has to do is to investigate and report. There is nothing in the water-power bill now pending that will interfere, at least, with the work of that commission. That commission must first determine what improvements to make in the river; in the next place they must make an estimate of the cost, and then recommend some plan of cooperation between our Government and that of Canada; in other words, what proportion of the improvements in order to make the St. Lawrence River navigable for ocean vessels must be borne by our country and what proportion must be borne by Canada.

I have not seen all of the St. Lawrence River, but from what little I have seen of it, say, from the eastern end of Lake Ontario as far as the mouth of the Ottawa River, I know it is a great, big, broad stream, full of islands; in fact, in the upper portion, near its outlet into Lake Ontario, there is for miles and miles an archipelago of islands. When it comes to the improvement of that river, the boundary line existing in the thread of the stream, it is not always possible in laying out a scheme of navigation among all the islands in that great river to tell on just which side of the center channel the improvement must be. It may be that a part of it must be on the Canadian side and a part on our side; but, at all events, it strikes me that this is an improvement that ought to be carried on by the United States Government in the interest of ocean navigation.

In order that the water-power commission may have an opportunity to consider this matter, in section 7 of the bill, in the last paragraph, there is this provision:

That whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any application for such project by any citizen, association, corporation, State, or municipality, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project or completion of any project upon any Government dam by the United States.

Mr. President, I am clearly of the impression that the improvement of this great ocean waterway from Lake Ontario to deep-water navigation below Montreal, on the St. Lawrence River, ought to be undertaken, and, so far as it is undertaken at all from our side of the line, be undertaken by the Federal Government and undertaken in cooperation with the Government of Canada. In the upper reaches of the river, where the Thousand Islands are found, I do not think it is possible that a dam will be erected from the main shore on the American side to the Canadian side. I think water power along the St. Lawrence River will be utilized pretty much after the same fashion or to the same extent as on the Niagara River at Niagara Falls; in other words, it seems to me that the most that can be done in that wide international stream to improve navigation will consist in the building of what are called wing dams, raising the water temporarily on one side, providing a navigable channel and a race to furnish water for any development that is made along that side of the channel.

Under this bill there is created a great water-power commission consisting of the heads of three of the great departments of the Government—the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. That commission is to pass on all water-power questions in the entire country; and I can not, for the life of me, see any reason why Niagara Falls and the water-power possibilities of the St. Lawrence River should not come under the jurisdiction of the commission. If we leave them outside of the jurisdiction of the commission, we will have to have a special law, and whatever law is enacted we will always be subject to the proprietary rights, the territorial rights of the State of New York.

I recall the decision to which the Senator from New York refers, to the effect that under the Constitution and laws of the United States, outside of the purposes of navigation, the State of New York is entitled to the use of the water up to the boundary line, subject, of course, to the rights of Canada; in other words, our use of that stream must be in cooperation and coordination with the Dominion of Canada, because it is an international watercourse.

We hear much in this discussion about giving away millions of dollars worth of water power; but giving a thing away implies ownership; a man can not give anything away that he does not own; and the people of the various States of the Union, owning the waters within their borders, are entitled to the use of those waters for all purposes except those of navigation. So it is idle, it is mere camouflage, to say that we are giving away millions and millions of dollars of water power to water-power companies. We are giving it away to the people of the States and to their representatives. The Government has not anything to give. It is easy for a man to say, "I will give you this, and I will give you that," when he does not own it; but here the purpose is to assume full and complete ownership over the navigable waters in the United States, and then say, "By the grace of Uncle Sam we will give you this power; we will give you the use of these waters"—give to the people of the States what they themselves own. That seems to me to be a most monstrous doctrine; and yet it is dinned into our ears here, day after day, that there are millions of water powers, and we are giving them away. We are not giving them away. We are giving them to the people of the States for their benefit; and under the provisions of this bill, if the amendment to section 10 is finally adopted, as I hope it will be, we will leave it to the States to say what they will charge for the use of the water, and we will leave it to the States to regulate what charges shall be made for electrical power.

I am in favor of supporting the Federal Government in all matters that strictly pertain to that Government, but I am also utterly opposed to divesting the people of the States of any of the rights given them under the Constitution and laws of the United States. We have been held up here in this discussion by innuendo with obloquy as though we were oblivious to the welfare and the rights of the United States, as though we were negligent in our duties, as though we were suffering the property of the United States to be scattered in a profligate manner to millionaires and to corporations and companies.

Mr. President, I never have been actuated by any spirit of that kind in all my long life, and I am getting too old to fall into that channel at this date. I have always believed that the only way to maintain the Government is to accord just and fair rights to all, rich and poor, to the States and the Federal Government, all within their proper province; and I never have felt like being stampeded because a corporation got some rights that properly belonged to it.

These great corporations are needed for the development of water power, and the obstacle to water-power development that has intervened now for 10 years has created a monopoly in this country by leaving it to those who own now-existing dams. By holding up legislation, by preventing legislation for water-power development for 10 years, those that were fortunate enough to have water powers before that time have had a monopoly of it, and they are anxious to continue the monopoly; and if I were actuated by the same spirit that I see manifested in other quarters, I might insinuate that the men who have these water powers, and who have had them for years, are jealous, and do not want any further legislation; but I shall not do that, Mr. President.

Why should we seek to separate Niagara Falls and the St. Lawrence River? They are water powers, perhaps on a larger scale than anywhere else in the country; but there is no reason why this water-power commission, composed of the heads of three departments, are not competent to pass upon that as well as upon the other water powers. If you do not leave them under this provision, if you do not leave them within the purview of this law, you leave them in the air, as it were, unless you enact some special legislation; and it is difficult to see what legislation you can enact that will be different in its legal effect and its consequences from the legislation involved in this bill.

I have faith that this water-power commission will manage Niagara Falls and the St. Lawrence River development as faithfully and honestly as I believe they will manage all other improvements; and, as I read a moment ago from the provisions of this very bill, whenever the commission come to the conclusion

that a great waterway improvement, improving the navigation of the country, should be undertaken by the Federal Government, the commission have a right so to decide and so to determine; and in that case they have no authority to grant a permit or license to anybody, but they are required to send the matter back to Congress.

So, in this case, I can see no want of harmony. If this international commission come to an agreement as to the mode in which the St. Lawrence River should be improved for purposes of ocean navigation, and they determine in their way—and it is doubtful whether they can do it exactly, but approximately—the cost, value, and plan of the improvement, and also agree upon a plan of cooperation with Canada—in other words, agree how much of the cost Canada must bear and how much our country must bear—that is an improvement that ought to be taken up by the Government of the United States and not left in the hands of any private corporation. Those are my honest views in this matter; and I can not for the life of me be imbued with the prejudice that seems to exist here against water powers because they are great and because they involve millions of horsepower.

Mr. LENROOT. Mr. President, the Senator from Minnesota throws out the suggestion that it is present water-power interests that are opposing this legislation. I do not believe that my good friend from Minnesota knows just what does lie back of these amendments that have been adopted by the committee. I do not believe that these water-power interests represented in the gallery have been talking with the good Senator from Minnesota; but, nevertheless, they are getting exactly what they want in this bill. They are writing in this bill the provisions that have caused so much discussion here in the Senate during the past two or three days.

I know what I am talking about in regard to the requests that they are making, because some of them have talked with me. I do not blame them for trying to get all the provisions in this bill that they are asking for; but when the Senator from Minnesota suggests that they are opposed to these propositions, it is not true, although the Senator does not know it.

Mr. President, no innuendo has been cast out by me at any point in this discussion, nor do I in the slightest degree reflect upon the integrity or the good faith of the Senator from Minnesota. Nevertheless, Mr. President, with the action of the Senate taken this morning making a perpetual franchise in this bill, if the Senate shall adopt the committee amendment whereby only a nominal compensation is permitted to be charged, I repeat that there is a surrender of the public interest to special privilege in this bill.

Oh, the Senator from Minnesota says that we have nothing that we can charge for; that the United States Government does not own the water. Why, suppose my good friend from Minnesota had received a grant, running away back in the years, that no building could be constructed upon F Street in the city of Washington without the consent of the Senator from Minnesota. I can not imagine the Senator from Minnesota saying, "I do not own that property, and you can have it, and I will not charge you a cent for it." The Senator from Minnesota is too good a business man for that. No one would think in private business of doing what is proposed in this bill, and we are nothing but trustees for the public; and why should we be more liberal with the rights of the people than we would be with our own individual rights? There is not a Senator on this floor who would deal with his own property as he proposes to deal with the people's interests in this bill, if these amendments are adopted.

I said yesterday, Mr. President, that when it comes to denying any special privilege to labor, to those who toil, we find Senators aplenty upon the Senate floor decrying against special privilege. When the antistrike clause in the railroad bill was before the Senate, there was no dearth of Senators declaiming eloquently that labor must have no special privilege or rights; but where are they to-day, when here it is proposed to grant a special privilege to wealth? Their reply is, "If the Government does not want to continue the lease, it can take over the property," and yet every one of them, if it were proposed to do that, would cry, "Socialism!" and vote against it.

Now, getting down to this amendment, I am very much surprised that my good friend from Minnesota, in so far as the St. Lawrence River is concerned, at least, is willing that the commission created by this bill should take jurisdiction of the St. Lawrence River, especially after what was said by the Senator from New York, that under the bill the State of New York itself could apply for a license and develop this water power. The Senator knows that the only opposition that thus far has appeared against the St. Lawrence River project comes from the same State of New York, and the Senator knows that under the provisions of this bill if the State of New York gets a license to develop that water power it is absolutely in conflict with a comprehensive scheme of improvement for ocean navigation. Congress itself can not thereafter, without taking over all that is done and paying for it, develop that waterway for ocean navigation. Is the Senator willing to surrender the control of Congress over that project, in which he and I are so much interested, into the hands of three men, with the power to block for all time the completion of that project, that means so much to his State and to mine?

Oh, the Senator says that there is a provision in the bill that if the commission deem that the Federal Government should improve this waterway they shall not grant a license, but report to Congress; but if the commission deem that it should be improved through private license, what power has Congress thereafter over it? What good will be done by a report of a joint commission that there shall be joint cooperation between Canada and the United States for the improvement of this waterway? By this bill Congress divests itself of power and jurisdiction to do that itself and delegates it to three men, and if the State of New York wishes to defeat this project all it has to do is to get two of the three commissioners to grant a license either to the State of New York or to some private utility corporation there, and then good-by to your ocean waterway from Montreal to Lake Ontario, making the Great Lakes admissible for ocean-going steamships.

Mr. President, for the reasons that I have given, this amendment ought to be adopted.

Mr. JOHNSON of South Dakota. Mr. President, I offer an amendment and ask that it be read and lie on the table.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Secretary will read.

The ASSISTANT SECRETARY. At the end of section 8, page 15, line 7, insert the following:

Provided further, That the United States may have the option to redeem such site or sites by payment to the proper persons holding such title under and by virtue of such mortgage, trust deed, conditional sale, or tax certificate of the entire amount due at the time such option applies for a period of one year from the date such right or title is secured, and if said option is acted upon all rights to such lease or license shall revert to the United States.

Mr. NELSON. Mr. President, I do not think that amendment should be adopted. That provision of the bill was amended this morning by an amendment offered by the Senator from New York [Mr. WADSWORTH]. The amendment relates to this paragraph of the bill:

SEC. 8. That no voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission—

That part of it was amended, too. It continues—

and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original licensee hereunder: *Provided*, That a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section.

That proviso was amended by an amendment of the Senator from New York, requiring that the mortgage or trust deed must be made in good faith, as I remember it. I can see no good of leaving authority for the Federal Government to come in and redeem the trust deed or mortgage unless the Government takes over the entire plant. If you leave the plant in the hands of the original owner or the assignee, it will accomplish no good to have a redemption of the mortgage, because it would simply compel the Government to invest a lot of money, and all the Government could hope to do would be to have its rights subrogated to the rights of the assignee or the general owner. I can see no good in the amendment.

Mr. JOHNSON of South Dakota. Mr. President, I do not see that the amendment of the Senator from New York touches the point at all. The amendment does not compel the Government to do anything. It simply gives the Government an option to redeem, the same as a mortgagee or anybody else would have, and as I see it, it prevents a great many at least of these powers going into the hands of one great corporation. I am not particular as to the language. I do not know much about water powers, or anything of that kind, but I know that under the provisions of the bill, where it exempts, as it necessarily would have to exempt titles obtained by mortgages or trust deeds, there is a great chance that a large number of the water powers in the United States will naturally drift into the hands of some great corporations. Those mortgages, trust deeds, and that class of securities would naturally have to be exempted under the provisions of that section, as I understand it; otherwise they would not be able to raise any funds; and all that I ask by my amendment is that the Government be given a chance to

redeem from sale, by paying the amount of the mortgage or trust deed, interest and expenses, the same as anyone else would have to do. I think, I will say to the Senator from Minnesota, that it is a very important provision to have in the bill.

Mr. NELSON. The trouble with it is that it would not make the Government, even if it redeemed, the owner of the property.

Mr. JOHNSON of South Dakota. I do not understand why we should not vest in the Government the same power it would vest in the man who held the mortgage and foreclosed it. I do not see why we should not permit the Government to stand in the same position as to title.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from South Dakota will be printed and lie on the table.

Mr. HARRISON. May I ask if a vote is about to be taken on the amendment I offered?

The PRESIDING OFFICER. The vote will be taken on the amendment offered by the Senator from Mississippi, but the Senate must first reconsider the vote by which the committee amendment was adopted.

Mr. NELSON. I take it the amendment of the Senator from Mississippi is pending. That has not been disposed of.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi is offered to an amendment of the committee already agreed to. The vote by which the amendment of the committee was adopted will have to be reconsidered.

Mr. HARRISON. I move to reconsider the vote by which the committee amendment was adopted.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. NELSON. That is a motion to reconsider the paragraph on page 4?

The ASSISTANT SECRETARY. On page 4, beginning on line 15, the committee propose to strike out all of lines 15, 16, 17, 18, 19, 20, and 21 and to insert the matter printed in italics defining what "navigable waters" means, down to and including line 9 on page 5, which has already been agreed to. The Senator from Mississippi proposes now to amend that amendment.

Mr. NELSON. I would suggest to the Senator that he can offer it as an independent proposition, without reconsidering the vote by which the committee amendment was adopted.

Mr. HARRISON. I ask unanimous consent for the purpose of considering my amendment, that the committee amendment be reconsidered.

Mr. NELSON. I have no objection to reconsidering it for that purpose.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and the question then comes on the amendment of the Senator from Mississippi to the amendment of the committee. The amendment to the amendment will be read.

The ASSISTANT SECRETARY. On page 5, line 9, after the word "authority," at the end of the committee amendment, insert the following proviso:

Provided, That this act shall not apply to the waters of the St. Lawrence or the Niagara Rivers.

Mr. NELSON. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER] and withhold my vote.

Mr. NEWBERRY (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED], which I tarnsfer to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH of Montana (when his name was called). Mr. President, I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

I desire to announce that upon the vote upon the committee amendment to insert the words "which is accepted" I voted without announcing my pair, not noticing the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN]. If I may do so, I will allow my vote to stand with this announcement.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. KELLOGG. I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. In his absence I withold my vote.

Mr. MYERS (after having voted in the negative). I voted in the absence of my pair, the Senator from Connecticut [Mr. MCLEAN]. I transfer my pair with that Senator to the Senator from Oklahoma [Mr. GORE] and allow my vote to stand.

Mr. STERLING (after having voted in the negative). Has the Senator from South Carolina [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not voted.

Mr. STERLING. I have a pair with that Senator. I transfer that pair to the Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. MYERS. I desire to announce that the senior Senator from Arizona [Mr. SMITH] is absent from the city on official business, and that the junior Senator from Arizona [Mr. ASHURST] is necessarily absent from the Chamber.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. PAGE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 16, nays 40, as follows:

YEAS—16.

Capper	Johnson, S. Dak.	McKellar	Sherman
Dial	Kenyon	Nugent	Trammell
Gerry	Lenroot	Pittman	Walsh, Mass.
Harrison	McCormick	Sheppard	Williams

NAYS—40.

Bankhead	Henderson	Newberry	Spencer
Brandegee	Jones, N. Mex.	Overman	Sterling
Chamberlain	King	Phelan	Sutherland
Dillingham	Kirby	Phipps	Thomas
Fernald	Lodge	Poindexter	Underwood
France	McNary	Pomerene	Wadsworth
Gay	Moses	Ransdell	Walsh, Mont.
Gronna	Myers	Smith, Ga.	Warren
Hale	Nelson	Smith, Md.	Watson
Harding	New	Smoot	Wolcott

NOT VOTING—39.

Ashurst	Elkins	Kendrick	Reed
Ball	Fall	Keyes	Robinson
Beckham	Fletcher	Knox	Shields
Borah	Frelinghuysen	La Follette	Simmons
Calder	Gore	McCumber	Smith, Ariz.
Colt	Harris	McLean	Smith, S. C.
Culberson	Hitchcock	Norris	Stanley
Cummins	Johnson, Calif.	Owen	Swanson
Curtis	Jones, Wash.	Page	Townsend
Edge	Kellogg	Penrose	

So Mr. HARRISON's amendment to the amendment of the committee was rejected.

Mr. NELSON. The Senate reconsidered the amendment that had already been adopted. I now ask for its adoption again.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I have learned with very considerable consternation that while I was down at lunch to-day the Senate adopted an amendment proposed by the Senator from Nebraska [Mr. NORRIS] under which the commission created by the bill is authorized and directed to proceed to develop the Great Falls water power on the Potomac River at a cost not to exceed $25,000,000, and that it was accepted without any discussion to any extent and without any dissent.

I rise to give notice that I shall ask for a separate vote on that amendment in the Senate. I desire to say briefly in this connection that it has always occurred to me as a most remarkable thing that the water power out there was not developed and put to some good use. I thought it strange. If it was out in our part of the country, it would never lie there undeveloped, and yet right here at the very doors of the Capital it does. In our part of the country some private enterprise would long ago have taken hold of it and developed it. It looks to me as if it is a most inviting project.

I had a conversation a short time ago with an engineer of very great ability and capacity and very great experience, who told me he had made a careful study of the project for interests that desired to develop it, and that by reason of the fact that there was no storage it could not be developed profitably except to the capacity of the stream in the season of low water, unless by a supplementary steam plant that would supply the needs in the season of low water. I do not know whether he is right or wrong about it, but I remember very distinctly that as early as 1914, probably in 1913, the whole subject was presented very elaborately to the Senate by the Senator from Nebraska [Mr. NORRIS].

I was very much taken by the proposition as then presented by the Senator, but, Mr. President, a report that was made prior to the year 1914 which disclosed that the property would be developed and made productive is of no significance now. Things have changed wonderfully since that time. The cost of installation of the plant has been increased as a matter of course with the increasing cost of everything. The interest that must be paid upon the money necessary to develop the property as a matter of course has been increased. A report from an engineer that prior to the year 1914 this property could be developed and made profitable and made a paying enterprise would not justify us in ordering the enterprise to be conducted at this time at all.

I thought that what would be done with reference to the amendment offered by the Senator from Nebraska would be to direct the commission to inquire and make a report to Congress about the advisability under existing conditions of making the improvement at the public expense. I believe that that would be commendable, but I can not believe that the Senate of the United States, upon the presentation that has been made to it, would want to go on record as willing to spend now $25,000,000 in the development of a plant without some further evidence that under existing conditions it can be made a profitable enterprise.

Mr. NELSON. I would suggest to the Senator from Montana that if he desires to make the motion to reconsider it, we can take it up in the morning.

Mr. WALSH of Montana. I move now to reconsider the vote by which the amendment was adopted.

Mr. NELSON. I move——

Mr. HENDERSON. Will the Senator yield for a moment? I wish to offer an amendment to the pending bill.

Mr. NELSON. Very well.

Mr. HENDERSON. I offer an amendment which I ask may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. WILLIAMS. Mr. President, I suppose that nobody wants to pay $25,000,000 out of the Treasury of the United States in connection with the Niagara project. I equally suppose that a great many people in the United States want to know something about this particular question, and I merely wanted to rise for the purpose of calling the attention of the Senate to the question at issue and asking each Senator to consider that independently of all the general questions which are at stake. It seems to me that this is a very important point, and if we are going to take care of the interests of the people at large as against the interests of the people who may fall heir to these licenses, or whatever you may choose to call them, we ought to think about it three times before we vote.

I have long since lost interest in the ordinary machinery of politics; I do not care anything about it; I contemn and despise it; but there are times when men ought to stop and think a while before they vote.

I find at this present moment that there are five Republican Senators present and that there are six Democratic Senators present. Those 11 Senators have heard the argument; none of the others has. This is a fair sample of the utility of the United States Senate to the people of the United States. Eleven Senators, five on one side and six on the other side, represent the two great parties here who are undertaking to determine very important industrial propositions; and this is a very important industrial proposition.

Mr. President, I withdraw my last remarks. There are two more Republicans who have come in since I made the reference. I ask that they be recorded. That is about the way the United States Senate, the fifth wheel in the Government of this country, is carrying itself. It is not paying any attention to its public business; I am not paying any attention to mine as a Member of this august body; nobody else is. Old Benjamin Franklin was about right when he said this was the fifth wheel and ought to be dispensed with. The American people are gradually rising to the height of demanding the abolition of the United States Senate simply because the United States Senate does not function; it does not operate.

Do you know, Mr. President, I feel almost tempted to demand the presence of a quorum in order to determine the pending proposition? I will not do so, because that would be unclublike, and I am a member of this club.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 14, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 13, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the spirit of good implanted in the soul of man which is ever struggling for supremacy. The most licentious admires purity in another. The most dishonest admires honesty in another. The consummate liar admires truth in another. We hold sacred the Bible not as a fetish but because it contains the fundamental principles of right, and truth, and justice. Every utterance of the prophet, sage, or exponent of righteousness appeals to all that is best in man.

We cherish the utterances of the Master. Every parable lives, because it finds a response in the heart. The Sermon on the Mount is immortal because it reaches the soul and inspires godliness.

Inspire us day by day with this holy truth and give us the courage to live it. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

REQUEST TO EXTEND REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Berger case.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the Berger case. Is there objection?

Mr. MANN of Illinois. I object. The gentleman from New York would not let Mr. Berger be heard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3681. An act to amend section 848, chapter 16, Revised Statutes of the United States, relating to witness fees;

S. 3696. An act to change the time for holding court in Laurinburg, eastern district of North Carolina;

S. 3566. An act to amend section 3 of an act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," approved February 5, 1917;

S. 3384. An act to provide for burial and expenses of transportation of remains of certain officers and enlisted men of the reserve forces of the United States;

S. 3386. An act to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said post;

S. 3385. An act to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor;

S. 3387. An act for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States; and

S. J. Res. 102. Joint resolution to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3681. An act to amend section 848, chapter 16, Revised Statutes of the United States, relating to witness fees; to the Committee on the Judiciary.

S. 3386. An act to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts; to the Committee on Military Affairs.

S. 3696. An act to change the time for holding court in Laurinburg, eastern district of North Carolina; to the Committee on the Judiciary.

S. 3566. An act to amend section 3 of an act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," approved February 5, 1917; to the Committee on Immigration.

S. 3384. An act to provide for burial and expenses of transportation of remains of certain officers and enlisted men of the reserve forces of the United States; to the Committee on Military Affairs.

S. 3387. An act for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States; to the Committee on War Claims.

S. J. Res. 102. Joint resolution to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy; to the Committee on Interstate and Foreign Commerce.

ARMY DISTINGUISHED-SERVICE MEDAL.

Mr. GALLIVAN. Mr. Speaker, I move that the Committee on Military Affairs be discharged from further consideration of the resolution H. Res. 428, and that it be placed upon its passage.

The SPEAKER. The gentleman from Massachusetts moves to discharge the Committee on Military Affairs from further consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 428.

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives the following facts in his possession incident to the awarding of the distinguished-service medal to certain officers and enlisted men of the United States Army and to civilians on account of distinguished or meritorious service during the World War:

(1) A complete list of officers and men recommended to receive these awards by their superior officers, together with the citation recommended in each instance and the specific act or acts on which the recommendations were based.

(2) A complete list of the civilians recommended to receive these awards by any official or board of officials, together with the citation in each instance and the specific act or acts on which the recommendations were based.

(3) A list of the names of the officers constituting the board or boards which passed upon the recommendations or made the awards of distinguished-service medals, whether sitting in Chaumont or Paris or London or Washington, D. C.

(4) A list of the names, if any, of the officers sitting on such boards who awarded distinguished-service medals to themselves or their colleagues.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WALSH. Mr. Speaker, I do not think we ought to pass on a question of this importance without a quorum. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms wil notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrews, Md.	Eagan	Humphreys	O'Connor
Anthony	Eagle	Hutchinson	Oldfield
Aswell	Evans, Mont.	Johnson, Wash.	Rayburn
Bell	Ferris	Kennedy, Iowa	Riordan
Benson	Fess	Kennedy, R. I.	Rowan
Bland, Ind.	Flood	Kitchin	Rowe
Booher	Focht	Kreider	Rucker
Bowers	Fuller, Mass.	Langley	Sanders, La.
Britten	Gandy	Layton	Scott
Browning	Ganly	Lesher	Scully
Brumbaugh	Goldfogle	Linthicum	Small
Byrns, Tenn.	Goodall	McCulloch	Smith, Idaho
Candler	Graham, Pa.	McDuffie	Snell
Carew	Griffin	McFadden	Strong, Pa.
Cleary	Hamill	McKenzie	Sullivan
Costello	Hamilton	McKeown	Taylor, Ark.
Crowther	Hardy, Colo.	McPherson	Taylor, Tenn.
Curry, Calif.	Harrison	MacCrate	Thompson
Davey	Hernandez	Mead	Vare
Dempsey	Hill	Moon, Tenn.	Walters
Dooling	Howard	Neely	Welty
Doremus	Hudspeth	Nicholls, S. C.	Wilson, La.
Dupré	Hulings	Nichols, Mich.	Woodyard

The SPEAKER. On this call 335 Members have answered to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. GALLIVAN] to discharge the Committee on Military Affairs from the consideration of House resolution 428.

Mr. GALLIVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. I understand this motion is not debatable?

The SPEAKER. It is not debatable.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I hope the gentleman will make that ten minutes, so that in case I desire to use the time I have may five minutes.

Mr. KAHN. I have no objection to that.

The SPEAKER. The gentleman asks unanimous consent that he may address the House for five minutes and that the gentleman from Massachusetts [Mr. GALLIVAN] may address the House for five minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, this resolution is clearly privileged.

Mr. MOORE of Virginia. May I ask that the resolution be reported.

The SPEAKER. It has been reported once. Without objection, the resolution will be reported again.

Mr. KAHN. This will not be taken out of my time?

The SPEAKER. Of course not.

The Clerk read the resolution again.

Mr. KAHN. Mr. Speaker, the resolution is clearly privileged. It calls for information for the use of the Members of the House. The Committee on Military Affairs considered the resolution but thought it advisable to find out from the War Department about how much time it would require to get the information and how much clerical help would be involved in furnishing it. I took up the matter with the Secretary of War a day or two after the resolution was introduced. The Secretary told me that he would furnish me that information and let me know just exactly what was involved in those particulars. I have not heard from the Secretary since, and, of course, I am not able to give the House any information as to how many clerks it would take to get this information or how many volumes of reports they would have to go through in order to furnish it. I think the information should be given to Congress, and I have no objection to the passage of the resolution.

The SPEAKER. The question is on the motion to discharge the Committee on Military Affairs from the further consideration of the resolution.

The motion was agreed to.

Mr. GALLIVAN. Mr. Speaker, I understand that I am recognized for one hour?

The SPEAKER. The gentleman is entitled to be recognized for one hour.

Mr. GALLIVAN. Mr. Speaker, I want to say that if there is any Member of the House who may feel inclined to oppose this resolution, that I will gladly yield some time to him before I have finished. I desire to be notified when I have consumed 45 minutes.

Now, Mr. Speaker, I want to ask the attention of the House very closely to what I have to say, because I can assure the House that I am not going to make any political speech or any political attack on anyone.

Mr. Speaker, I ask the House to note particularly that my resolution makes no reference to the awards of the distinguished-service cross. Many of the bravest of our boys, both officers and enlisted men, received this decoration for the performance of a service of unusual character and for exceptional bravery in the presence of the enemy.

The criticism to be made in awarding the distinguished-service cross is that of lack of uniformity on the part of the commanding officers in making recommendations, this lack of uniformity arising out of the different viewpoints of the several officers commanding troops as to who should and who should not be designated for having performed an unusual service under fire. It is known, however, that many recommendations for the distinguished-service cross never received favorable action. If there is to be any general investigation of the manner of making awards for distinguished service, whether that service be in the nature of the performance of administrative duty or of actual fighting on the battle front, then this investigation should include that of ascertaining the reasons why

favorable action was taken on some recommendations and other recommendations were set aside. There is one feature, however, in the awarding of distinguished-service crosses which should be closely looked into by any committee making an investigation of the award of medals, and that is where these medals have been awarded to aides and special staff officers of high commanders whose posts of command were in rear of the battle lines. It is a notable fact that many line officers who commanded troops in the front-line trenches, exposed to the fire of the enemy for 24 hours a day, received no recognition, while staff officers who for various reasons may have visited the front lines for very brief periods of time were rewarded because of "exceptional bravery in the presence of the enemy."

DISTINGUISHED-SERVICE MEDAL.

The awarding of the distinguished-service medal—that is, D. S. M.—often referred to by the Army as the "desk" service medal, is the subject of most severe criticism by practically every member of the United States military service, except, of course, the favored few who have because of friends at court received them. It would be manifestly unfair to broadly state, however, that none of these medals have been meritoriously awarded. This medal, which should be respected by the entire service, has been awarded to many splendid officers and men, but it has been cheapened, even dishonored and certainly ridiculed, by the bold and brazen manner in which it has been passed out to those who belong to the elect. It has been used as a reward for friendship, regardless of the service of the recipient. It has even been used to placate those who have been removed to make way for some one else. Furthermore, it is believed that practically every member of the General Staff here in Washington has been awarded one of these medals, regardless of the character of service performed, and, mark you, I desire to include in this statement those assigned to the General Staff for temporary duty.

Mr. SHERWOOD. Will the gentleman yield?

Mr. GALLIVAN. I prefer not to yield until I have concluded.

Mr. SHERWOOD. I simply want to know if these men were ever overseas.

Mr. GALLIVAN. No, sir; not the men I refer to.

The reading of the sum total of the citations in awarding the distinguished-service medal to swivel-chair officers of the General Staff, who never left Washington during the war, if believed, would certainly impress one with the fact that the war was fought with red ink at mahogany desks near the shadows of Washington Monument rather than in the Argonne and St. Mihiel sectors. If there is an officer of the General Staff who served in Washington during the war and who did not receive one of these medals, he must feel like a gray horse in a barnyard full of mules. [Laughter.]

Surely the "lounge lizards" of the "Second Army of the Potomac" can have no quarrel with their comrades, the "lobby lanciers" of the Capitol, as to the number of D. S. M.'s these two valiant units received for heroic service in this war. Scarcely a single one of them has been passed over.

As for France, wherever the commander in chief sent a "commissioned messenger boy" on an errand the D. S. M. was sure to be the reward. Napoleon said, "Every private carries a field marshal's baton in his knapsack." Gen. Pershing might have said, "Every staff officer and aid, with proper credentials as to standing with the elite, carries a D. S. M. in his messenger's case."

The "boulevard shock troops" of Paris and Chaumont and Tours can take oath as to the truth of the foregoing words. Scarcely a single member of that wonderful outfit but has received a special glorification by the placing of a distinguished service medal on his manly chest.

But let us return to Washington for the moment. We had four different Chiefs of Staff here in Washington during the period we were at war with Germany. Everyone who knows anything at all about the workings of the War Department knows that the predecessors to the present high priest of Prussianism, Gen. Peyton C. March, were considered unequal to the task. Through one pretense or another they were removed. Ordinarily when a man has failed in the performance of any specific task he is removed without reward. This, however, has not been true with reference to the removal of inefficients from their posts in Washington. These men have, on the other hand, been rewarded in the name of the President of the United States by the bestowal upon them of the distinguished-service medal. Whatever the answer may be for this action the fact remains that these men were here on duty in Washington and were tried out in the posts and were removed from their functions and transferred elsewhere.

Mr. KAHN. Will the gentleman yield?

Mr. GALLIVAN. I do not care to yield now unless the gentleman wants to make some assertion that should come in here.

Mr. KAHN. The gentleman refers to Gen. Bliss. Gen. Bliss was sent to France and functioned with the war commission; he functioned in France after January 18, 1918. During the balance of the war he was not here to perform the duty of Chief of Staff, and that is why another Chief of Staff was appointed in his place.

Mr. GALLIVAN. Gen. Bliss was removed long before he went to France. I may be in error about that, but that is my recollection, that he was removed before he went with the President.

Mr. KAHN. I think the gentleman will find that he went to France to serve over there, and Gen. Biddle was appointed Acting Chief of Staff while Gen. Bliss was in Europe. Gen. Biddle was then superseded.

Mr. GALLIVAN. I have not mentioned the name of Gen. Bliss. It is the distinguished chairman of the Military Committee who has brought names into the discussion.

Here are some quotations from the citations making the award of the distinguished-service medal to these men, no doubt honorable officers and of long and faithful service but unequal to the great task with which they were confronted. It is not my purpose to dwell too much in personalities in attempting to right a great wrong to loyal and faithful service. For this reason, names are not connected with the quotations of citations. Those who are interested may readily identify the officers concerned.

Quoting from citations relating to ex-Chiefs of Staff to whom the official action was tied:

For his most exceptional services as Assistant Chief of Staff, Acting Chief of Staff, and Chief of Staff of the United States Army, in which important positions his administrative ability and professional attainments were of great value to our armies.

Here is a quotation from the citation to another deposed chief, who became a charter member of that very much ridiculed body referred to in the Army as the "old women's knitting club"—the war council:

For exceptionally meritorious and conspicuous service as Chief of Staff in advocating and persistently urging the adoption of the selective-service law.

To a third, "* * * Who sat at the desk of the Chief of Staff * * *," weighed in the balance and found wanting, was given a distinguished-service medal, but some one's conscience must have been temporarily revived for no reference is made to his former duties while in the Chief of Staff's chair, but the citation is confined wholly to handing him a bunch of posies for service far away from the scene of active warfare.

The Kaiser, with some spark of appreciation for consistency, yet alive, said, "Me und Gott." Not so your Chief of Staff, United States Army, Peyton C. March, who sees no reason for including "Gott." It is simply "Me" with him. He naturally asks where this "Gott" comes in. Now, here is what is said, in the name of the President of the United States, of the man for whom no officer or soldier ever speaks a word except in contempt; the man whom the Regular Army believes has brought the entire service into disrepute and has destroyed the splendid morale of that once proud and loyal Army:

Gen. March (then major general, United States Army), as commanding general of the Army Artillery of the First Army from October 4, 1917, to January 31, 1918, initiated and prepared the plans for the organization of the Artillery of the American Army in France; as Acting Chief of Staff of the United States Army from March 2, 1918, to May 20, 1918, and as Chief of Staff of the United States Army (general, United States Army) after May 20, 1918, he performed with intelligence, zeal, and patriotic devotion duties of inestimable value in the development, the direction, and the carrying into effect of the military program of the United States.

No further comment is necessary. One is almost attempted to believe that the language is that of the Almighty High himself, for it is hardly possible that there is anyone in the military service who would voluntarily express himself in such laudatory terms—certainly no one except under orders.

In France there was a board of awards of medals that sat in Chaumont and looked with easy favor on giving awards to their friends, and with blind eyes and deaf ears to recommendations of those without the pale. The grand chief of this board is said to have been one "Davis," brigadier general, appointed to that grade over the heads of many senior officers of distinguished service; he was also adjutant general of the American Expeditionary Forces. Of course Davis has a medal, and it is also said that every other member of this famous medal board has a distinguished-service medal. For the sake of sparing the blushes and embarrassment of those very modest young men, it is said that each one was excused in turn from attendance at the sessions of the board while his remaining colleagues extolled him on his merits and wound up by reluctantly—because

of the embarrassment to him—awarding, in the name of the President of the United States, a distinguished-service medal. Here are just a few extracts from citations in placing the distinguished-service medal on these manly breasts:

For exceptional and meritorious and distinguished services as adjutant general of the American Expeditionary Forces; he has performed his exacting duties with high professional skill and administrative ability. The exceptional efficiency of the Adjutant General's Department under his direction was a material factor in the success of the staff work at general headquarters.

It was this "efficiency" that sent officers all over France looking for their regiments, and in some instances traveling many miles to join their organizations, only to learn on arrival that the vacancy to which they had been sent had been filled many days before. This "efficiency" was marked by the rule of the martinet, for "Cockey" Davis was at the helm. The same "efficiency" is yet on exhibition at heaquarters American Expeditionary Forces here in Washington. If you want any information just try the office of the American Expeditionary Forces, where Davis, a junior, many, many numbers below distinguished officers who are now majors and lieutenant colonels, yet retains his status of brigadier general by the grace of the former commander in chief of the American Expeditionary Forces.

Here is another member of the famous medal board. They had to try it twice on him before it would take. Here is the first effort to justify the use of the President's name:

For exceptionally meritorious and distinguished services. By his untiring efforts, his great ability, and his devotion to duty he has rendered most conspicuous services to the Government as deputy chief of staff of the American Expeditionary Forces.

That was the best that could be done extemporaneously, but it did not sound like much, so they took another whack at it:

For exceptionally meritorious and distinguished services. As a member of the operations section, general staff, General Headquarters, American Expeditionary Forces, he exhibited sound military judgment and foresight in drafting important plans. Later as deputy chief of staff of the American Expeditionary Forces throughout the period of active operations and thereafter he discharged the important and complex duties of his position with admirable efficiency, and by his untiring efforts and devotion to duty rendered conspicuous service to the Government.

Here is the man who after the armistice kept our 2,000,000 men in France performing maneuvers, regardless of weather, regardless of clothing, regardless of character of billets and of food. This is the man whom 2,000,000 Yanks have to thank for those trying times during the early winter of 1918–19, when for hours they plodded knee-deep in mud, often inadequately shod, cold to the skin, participating in a so-called training schedule. Note the following:

For exceptionally meritorious and distinguished services. In charge of the training section of the general staff, this brilliant officer perfected and administered the efficient scheme of instruction through which the American Army in France was thoroughly trained for combat in the shortest possible time. By his great depth of vision, his foresight, and his clear conception of modern tactical training he has enabled our forces to enter each engagement with that preparedness and efficiency that have distinguished the American Army in each battle.

What does the returning Yank think of that sentence which reads: "He enabled our forces to enter each engagement with that preparedness and efficiency that have distinguished the American Army in each battle"? Oh, that the thousands of American dead who were forced into the battle front without ever having fired a military rifle, with few weeks' military training of any character, could shout an answer from their poppy-covered graves in France!

Concerning another member of this board of immortals, as his friends thought, the quotation of the citation is expressed in the following manner when the distinguished-service medal is pinned by caressing hands to a blouse wrinkled through leaning over a desk:

For exceptionally meritorious and conspicuous services as assistant chief of staff. He handled with great executive ability and rare understanding all problems of equipping and supplying the large numbers of American troops arrived and operating in France, and by his large grasp of supply problems and tireless energy he has conspicuously aided the successful administration of the supply department.

Now for a few cases from several hundred pages devoted to placation, adulation, and admiration in Washington and in France:

For especially meritorious and conspicuous service in administering The Adjutant General's Department during the early period of the war. Through his efficient management this department was able to meet the excessive burdens placed upon it.

This is a case where the medal was given to a deserving man, not with the purpose of rewarding merit, but for the purpose of placating an officer who, because of his opposition to the plans of the General Staff to assume the administration of the entire Army, was conveniently dropped out of the office of that of The Adjutant General of the Army and assigned to the command of a division. Anyone having an intimate knowledge of the reasons underlying the change in the head of The Adjutant General's office can not help but smile when reading this citation conferring the distinguished-service medal upon a worthy and distinguished officer.

Now, Mr. Speaker, I have many more citations here which I will not read but I will ask unanimous consent to insert them in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WINGO. Reserving the right to object, what does the gentleman intend to insert?

Mr. GALLIVAN. Citations which have been awarded in general orders of the War Department.

Mr. WINGO. The gentleman is criticizing the exercise of discretion of the war officers in awarding these medals?

Mr. GALLIVAN. Yes.

Mr. WINGO. Does the gentleman mention their names?

Mr. GALLIVAN. I announced at the start that I would mention no names, with one or two exceptions, and I have not.

Mr. WINGO. Does not the gentleman think it would serve a more practical purpose if he would point out these instances and give the names of the men?

Mr. GALLIVAN. If the gentleman objects, I will read them.

Mr. WINGO. Unless the gentleman can specify the citations and give the names of the men——

Mr. GALLIVAN. I am surprised, Mr. Speaker, that objection comes from the Democratic side of the House when there is no politics in it. When these cases come up somehow or other the objection always comes from the Democratic side.

Mr. HEFLIN. The Democratic side——

Mr. GALLIVAN. The gentleman from Alabama is not in order. I have not yielded to him.

Mr. HEFLIN. The Democratic side is getting very weary of the gentleman from Massachusetts.

Mr. GALLIVAN. Mr. Speaker, I have not yielded.

The SPEAKER pro tempore (Mr. TILSON). The gentleman declines to yield. The gentleman from Alabama is out of order.

Mr. GALLIVAN. Here is the man whose attitude toward the National Guard officers of the Field Artillery is known to have been antagonistic and who attempted to institute such a high standard of technical qualifications as to eliminate a large number of these officers:

For especially meritorious and conspicuous service in planning and executing those measures responsible for the efficiency of the Field Artillery during the war.

Another officer whose services probably have contributed more to discontent on the part of the commissioned personnel of the Army than that of any other officer in the service, excepting the Chief of Staff, is the head of the personnel section, who formerly was secretary to the Chief of Staff and who was rapidly passed from grade of major to that of brigadier general and placed at the head of the personnel section of the General Staff.

For especially meritorious and conspicuous service as secretary of the General Staff and in the organization and coordination of matters relating to the commissioned personnel of the Army.

If any investigation is to be made of the awarding of distinguished-service medals, it is certainly urged that especial attention be given to this case, and also that of the former Chief of the Tank Corps. Here is what they say of him:

For especially meritorious and conspicuous service in the organization and administration of the Tank Corps.

If investigation is made of these cases, there is no doubt in the mind of anyone familiar with the work performed by these two officers as to what the result will be.

We find another officer who was on duty during the entire period of the war as a messenger between the General Staff and the foreign officers. They gave his function the high-sounding name of "liaison officer." His citation reads:

For exceptionally meritorious and conspicuous service. While on duty as liaison officer between the War Department and the foreign military missions he displayed the greatest discretion and ability and contributed materially to the successful conduct of military-diplomatic relations between the War Department and the allied military missions.

Now, listen to this one:

For exceptionally meritorious and conspicuous service; for duty rendered in the office of the Surgeon General as Chief, Air Service Division.

Then we have a medal bestowed on an officer for the following happy service:

* * * At the beginning of the war he was placed in charge of the physical training in officers' training camps.

There are other nice things said about this officer, but the above is the gist of the citation.

Mr. Speaker, I approach the next case with some trepidation lest I be accused of some political intent. I assure the House

that my speech has no political significance. I am trying to correct an evil which has shattered the morale of our Army almost beyond redemption. Whether the passage of this resolution and a subsequent investigation will bring about the necessary reforms is a matter of speculation. May I now refer to an especial case of international notoriety?

Gen. Leonard Wood, as everyone knows, was considered by the Army as one of its most capable officers and the only officer on the active list of the service who had exercised a high command. He was never given an important active command during the period of the war. However, in order to placate public opinion something must be done in recognition of the service. The bestowal of the distinguished-service medal on Gen. Wood is hardly approved by the entire military service, I am told, although I do not agree with the opposition, but the reason for such bestowal looks like an interrogation point in the minds of everyone who has a knowledge of Gen. Wood's treatment. This is the way the citation reads:

For especially meritorious and conspicuous service as a department, division, and camp commander during the war. He has displayed qualities of leadership and professional attainments of a high order in the administration and training of his various commands and has furthered in every way during the war the system of officers' training schools.

Here is another notable and interesting incident in the awards of decorations:

Maj. Gen. John F. Morrison was returned from France for the purpose of assuming charge of the training program in the United States. He established offices with the General Staff in Washington, but for some mysterious reasons suddenly disappeared and was given an outside command. It was generally understood that Gen. Morrison was not in sympathy with the General Staff's program, and because of this lack of harmony was either removed or voluntarily asked to be removed from his duties. Whatever the underlying facts may be, Gen. Morrison was awarded a distinguished-service medal for:

Exceptionally meritorious and conspicuous service as department commander, Western Department, in handling with great skill, tact, and sound judgment many difficult problems arising in his department.

During the early part of the war one of the problems confronting those officers in the War Department who were opposed to National Guard officers holding high rank was how to get rid of them. Some one conceived the brilliant idea of organizing "A Brigade and Field Officers' School." Such a school was approved and was located at San Antonio, Tex. The idea was a good one provided the satisfactory man could be secured to head this school. Such a man was found in the person of one Thomas B. Dugan, brigadier general of the Regular Army, hard-boiled and firm, with very definite ideas as to the proper place of a National Guard officer. To Gen. Dugan were sent many field officers of the National Guard whose attendance at that famous institution, the Brigade and Field Officers' School, marked the end of their military careers. This school was often referred to by the Army as the "canning factory." Dugan was afterwards given command of an infantry brigade in France, and later was in command of the division. He was given a distinguished-service medal, but tactfully no reference was made in his citation to his former functions as the head of the "canning factory" in San Antonio:

For exceptionally meritorious and distinguished services. He commanded the Seventieth Infantry Brigade during a part of the Meuse-Argonne offensive with great distinction and marked ability. By his painstaking energy, zeal, and great initiative he proved to be a material factor in the successes of the division.

It should be noted in this connection that the officers in Washington who approved in the name of the President of the United States and Secretary of War the discharge from the service of many National Guard officers were also rewarded with the distinguished-service medal.

And what shall I say of the notorious Bamford, who for 23 days was in command of the famous fighting Twenty-sixth Division, composed of New England's best and bravest boys in the National Guard? This man was removed after less than three weeks' command because of his bungling and brutality.

Bamford had gone to France as a captain, but because he was a favorite with the Leavenworth clique he had been advanced to the rank of brigadier general. When gallant Maj. Gen. Clarence R. Edwards, who had organized this wonderful fighting force and had led it overseas, who had rubbed elbows with even the lowliest private in his outfit and had lived with his men in trench and in hut, declined to do the dirty work of removing from their commands many brave officers from New England, whose only offense was that they were National Guard graduates, Bamford was sent up to take command of the division just before the armistice was signed, and he immediately proceeded to wreck its personnel by removing Brig. Gen. Charles H. Cole, of the Fifty-second Brigade; Col. Edward L. Logan, of the One hundred and first Infantry; Col. Hume, of the One hundred and third Infantry, and five other field officers. Frederick Palmer tells you in his book how thoroughly this wrecker—Bramford—did the job assigned to him, and yet when every officer so removed demanded a hearing and the outrage committed had been aired in Congress, the American "high command" in Chaumont ordered these officers returned to duty and every man of them came back to America in charge of his original outfit. Yet, Bramford received a distinguished-service medal. So, too, another in that division, Lieut. Col. Duncan K. Major, an officer loathed by every man in the outfit, and charged with disloyalty from the beginning to Maj. Gen. Edwards, was decorated with the distinguished-service medal. You may not know it but when the Twenty-sixth Division received orders to embark for home early in 1919, with its home port to be Boston, where the infamy of this man—Major—had been thoroughly advertised, he immediately requested a transfer because he did not dare to return to the city whose sons he had attempted to disgrace.

Who else in the Yankee Division are specially favored? Brig. Gen. Glassford, a regular; Col. Hiram I. Bearss, originally of the Marines; Col. Morris E. Locke, a regular. But, so far as I am able to learn, not an officer or man with the single exception of a second lieutenant, whose valor could not be overlooked—a lad named Reece—who went over and stayed with the division from the beginning to the end of its service was awarded a distinguished-service medal. Think of it, gentlemen! But five medals to a division through which there must have passed almost 50,000 men from the day it first set foot in the Chemin-des-Dames in February, 1918, until it finished its heroic work at 11 o'clock in the morning of November 11, 1918! Shame on the men who would deprive those who fought their best, under our colors, of merited decorations solely because those in power hated the commander of the Yankee Division!

But I have a few more interesting types among those selected for special preferment. We find an officer rewarded for performing, among other things:

* * * Due to his foresight and energy our armies in the field were at all times supplied abundantly with excellent maps of the theater of operations.

We find another officer decorated, because " * * * he revealed marked ability in the inspection of conduct and methods and showed military tactical knowledge of a high order."

We find another officer decorated because " * * * he organized and coordinated the several activities of the salvage depot at St. Pierre de Corps," and so forth.

We find that another officer engaged in the Services of Supply is decorated for: "* * * Under his administration the supply of troops, care of property, and the operation of the quartermaster depot at Gievere showed an excellent degree of efficiency."

Another officer gets the medal for performing "* * * the important duty of administering the Supplies Division of the Quartermaster Department of the American Expeditionary Forces."

Another quartermaster swells his chest to receive the medal because "* * * as quartermaster at Langres and at the regulating station at Is-sur-Tille his energy and thorough knowledge of methods and standards of supply have been of the greatest value to the Government."

Another officer gets the medal for "* * * most excellent service as a member of the United States Aeronautical Commission, charged with the selection of types of European aeronautical material to be manufactured in the United States."

Another case, and the special attention of the returned Yanks is invited to this case, for this is the gentleman who is responsible for the prompt delivery of letters from home. The specific information about this gentleman was given me by an officer returned from France who was in the American Expeditionary Forces three months before he received his first letter from his people in the United States. Listen to this:

For exceptionally meritorious and distinguished services. As chief of the Postal Express Service, he organized and administered with marked ability the postal service of the American Expeditionary Forces. He displayed great breadth of vision and untiring zeal in overcoming the many obstacles that were encountered in the organization of the service of handling mail for our troops in Europe.

We find a colonel of The Adjutant General's Office had been decorated because "* * * he displayed unusual skill and untiring zeal in organizing and administering the Statistical Division of The Adjutant General's Office."

The mothers of the United States who received notices of the death of their sons when they were not killed and of their safety when they had been killed will appreciate the following language used in bestowing the distinguished-service medal on

a lieutenant colonel of the United States Army: "* * * He handled the complex problems constantly arising with great discretion, displaying keen perception amid the maze of details involved in the reporting of casualties and changes of status of officers and soldiers. With unflagging energy and exceptional ability he performed a task of great magnitude."

Among the many officers who were rewarded for services in "the Battle of Paris" is that of a lieutenant colonel who was decorated for rendering exceptionally valuable service in connection with the selection of Signal Corps equipment.

The prohibitionists will appreciate the distinguished honor bestowed upon a colonel of the United States Army who now wears upon his proud and protruding chest the D. S. M. because he was "* * * responsible for the plentiful supply of pure drinking water to the combat troops."

Another officer, with the rank of lieutenant colonel, is given the D. S. M. because he "* * * was in charge of the locomotive and car repair shops at Nevers, and he carried out the installation and operation of this plant, exhibiting rare executive ability and engineering qualifications of the highest order."

We find another officer, a major in the service, receiving a medal "* * * by displaying untiring energy and enthusiasm in the performance of his important duties he developed efficient gas discipline in the Thirty-second Division, resulting in the prevention of gas fatalities."

We find that all of the personal aids of the commander in chief of the American Expeditionary Forces have been decorated, and it is also noted, in reading over the orders publishing the citations and the award of these medals, that three of the personal aids of the commander in chief have been decorated in the same orders.

We have a case of another colonel rewarded because "* * * as assistant to the adjutant general American Expeditionary Forces he was charged with the important duty of verifying, preparing, and distributing all orders and bulletins issued from general headquarters."

We find a colonel of Infantry who was decorated a long time after the armistice. He was in charge of the athletic training and received a medal for holding a track meet in Paris. The citation does not exactly say so, but the facts are that that was what actually happened.

It will be interesting to those soldiers who were passed through Brest on their way home shortly after the armistice to know that the officers in charge of that famous camp were decorated with the D. S. M. This information will be particularly interesting to the Senator's wife who broke down and cried when she saw the condition in which she found the American troops at that camp.

It is also noted that all the military attachés to foreign countries were decorated, regardless of the character of the service performed.

I would like to know how many civilians got a medal. Who were they? Most of us recall Eisemann, of Cleveland. Eisemann and his outfit were practically dropped, and yet I am informed this "brilliant genius" eventually received a D. S. M.

Mr. MOONEY. Mr. Speaker, will the gentleman yield?

Mr. GALLIVAN. I would rather not; but I yield to the gentleman lest I am in error.

Mr. MOONEY. I want to ask the gentleman if he knows that Mr. Eisemann was absolutely exonerated of every charge made against him?

Mr. GALLIVAN. I did not know that, and I am very glad to have the gentleman's statement go in with my remarks. My information was contrary to that fact, and that the McKellar investigation drove Eisemann out of Washington.

Oh, how my friend from Texas [Mr. BEE] enjoys this, as he enjoys everything I say when I address the House. He is my most impartial listener.

I have been asked whether more medals were given to officers who never left Washington than to men who went overseas, and I answer, proportionately, yes. I have been so advised by men who ought to know. At any rate, it seems advisable to me, in order to get all the information, to ask the Secretary of War for a report as to whom constituted the various boards designated for passing on recommendations for medals. While the officers of the Regular Army, including those youngsters who were appointed at the beginning of the war, represented less than 5 per cent of the total number of officers engaged in the war, it is believed that the report will show that practically 100 per cent of the members of the board named to pass on awards were Regular Army officers, graduates of West Point and of the service schools at Leavenworth. It is possible that there may have been some temporary officers on these boards, also some Regular Army officers who were commissioned from the ranks of civil life; but, if such is the case, the number of such in proportion to the whole will be found to be quite small. The control of all awards was practically in the hands of the West Point and Leavenworth cliques.

Mr. Speaker, an investigation has been ordered by another branch of this Congress into the awards of decorations by the Secretary of the Navy. I appeal to you to have another investigation which will include that branch of the military service, with its greater opportunity in the battle line to disclose heroes of rank or of file. When we find men honored and glorified by the award of this medal who were responsible for the frightful errors and delays in reporting casualties, men who made a madhouse out of the offices of the War Department throughout the entire country after the armistice had been signed, what answer can we make to the mothers and fathers who, exulting that their boys came out of the conflict alive, were driven frantic months afterwards to learn that they had been killed weeks, and in many cases months, before the armistice? You will recall at that time we had knowledge in this country of approximately but 80,000 casualties, and now we learn that the American Expeditionary Forces suffered 300,000 casualties. The armistice has been in effect over 14 months, some wounds have been healed, and our boys have been demobilized and have gone back to their civic pursuits. These lads did some wonderful fighting and have gloried in their participation in the war. How many of them have said to you as they have said to me, "Never again, never again"? Why do they hate the Regular Army and the system?

The proper answer to this is that the war was conducted from the beginning without taking into consideration the human element. Army theorists long trained in Prussian systems were in control. Their idea of an effective military force was to give a man a serial number and an officer a grade and to make grade and number fit in at any point where there were vacancies, regardless of whether or not there were any special qualifications. It is my firm belief that the underlying cause of this hate will be found in instruction given in the officers' training camps. These camps were in charge of officers of the Regular Army who had little contact with civil life and who had no appreciation of the necessity of making the military discipline of the Army conform to the average man's idea of a democratic army. It is the personal experience of many of the old officers of the Army who had profited by the experience of the war that it was this lack of appreciation of the human element that has caused practically every soldier who has worn the uniform to return to his home with an intense hate for the military institution. It should be borne in mind that the system of discipline in the old Regular Army can be traced to the same source as that of Frederick the Great, of Prussia, and there is but little distinction or difference in the methods. There is this difference, however, that in the Prussian Army an officer is required to make good. We have never been able to inject any such method in our system. The officers have been carried on, many of them wholly incompetent. Because of incompetence, together with a very autocratic system, nothing could be expected except that the system would fall down when it came in contact with any large number of American citizens, as was the case in our late war.

The remedy for existing conditions is one very difficult of solution by Congress. If the Army is to properly function, its administration must be left largely to the executive branch of the Government, as it is a part of that branch. Congress, of course, exercises its control largely through appropriations. The fundamental thing to be corrected is that of clipping the wings of the General Staff so that it can not exercise administrative control of the Army. Such control is not the proper function of the General Staff, never was intended to be, and never should have been permitted.

I am advised that the morale of the Army, as far as the enlisted men are concerned, has been shattered almost beyond belief. The officer morale has been shattered because of three particular reasons: First, the palpable display of favoritism in selections for promotion and in making citations and awards for medals; second, the reduction of many distinguished officers to junior grades upon their arrival at the port of debarkation of the United States, and placing them under the immediate command of officers many years their juniors and who have not been outside the United States during the war. This is quite a common abuse and the feeling in the Army over it is intense. Third, the manner in which the General Staff has handled the entire military situation. It has bungled practically every problem with which it has been confronted. It has handled the Army personnel with the total disregard of the human element. Selections for a high command have been made because of personal acquaintance rather than on military

record. It has destroyed practically every administrative branch of the Military Establishment and has usurped their functions to itself. There is no part of the Army which can now turn its hand without consulting some officer of the General Staff who is often a man of inexperience and with little knowledge of the subject upon which he is called to give an opinion and make a decision.

Mr. Speaker, I can not refrain from saying to this House that it is common talk in the Army, whenever medal awards are discussed, that our present Chief of Staff and one of his assistants, a colonel, whose duty it was to escort and dine foreign missions here in Washington, have no space left between their belts to their collars to display the medals that have been given them as a result of this service, and yet neither heard a hostile shot throughout the entire period of the war. I have no thought of preaching to this House about individual cases of officers and men who were recommended for service crosses and medals and who never received them. If I should enter on this phase of the story it would take more time and space than is permitted to a Member of Congress, even under extraordinary conditions.

There ought not to be any sound reason why the majority of the 2,000,000 men who saw service overseas are not genuine admirers of the Regular Army, and yet they are not. Why? I ask again. Gen Pershing has his four stars, the stars of Washington, and the thanks of Congress. Admitting the good things that have been done, and there were many such or else we could not have won this war, there should be no objection to an honest investigation, not only about the expenditures, about decorations, about promotions and demotions, but the most important question of all, Why does the American boy who won this war hate what his superiors did in France, and why does he hate the Regular Army? This is a question of extreme importance to the Army, to the Government itself, and, most of all, to the mothers and fathers of the young men of America who gave their sons freely and willingly that a world democracy might be perpetuated and that all nations might be free. [Applause.]

Mr. CALDWELL rose.

Mr. GALLIVAN. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. DEWALT].

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. Mr. Speaker, I rise to ask if the reporter has noted that the applause was on the Republican side?

Mr. GALLIVAN. Oh, there was some on the Democratic side. There are some intense patriots on the Democratic side who applauded it.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DEWALT] is recognized.

Mr. DEWALT. Mr. Speaker, the gentleman from Massachusetts [Mr. GALLIVAN] has been so very generous in the distribution of the time that was allotted to him, to wit, one hour, that I doubt very much whether anyone, even if he had the eloquence of a Demosthenes, or a Cicero, or a Daniel Webster, would be able to reply to him in this generous allotment given to me of eight minutes.

Mr. GALLIVAN. It is three minutes more than the gentleman asked for.

Mr. DEWALT. I never knew of any edifice that was ever erected, however beautiful, however strong, however fair its proportions, that some one was not able to criticize it and throw mud at it, and I believe also that it is far easier to tear down that which is built than to originally build it. There seem to be some men in this world, and their number is not few, who have the inherent desire to find fault and criticize that which has been done, instead of possessing initiative and trying to do that which should be done.

I have no quarrel with my friend from Massachusetts [Mr. GALLIVAN] as to what he desires to accomplish, namely, an orderly and seemly investigation, but I do have complaint to make, as a Member of this House, regardless of my political affiliation, in respect to the method that he pursues. I listened patiently to all that he had to say. In the course of his remarks, consuming 52 minutes, he cited possibly 50 cases, more or less, of those who had received the distinguished-service medal. Every one of them he condemned. Not one of them received his approbation. The wonder to me now is that we ever fought this war to a successful conclusion. All these men whom he has criticized took part in this great struggle, fostered and fathered, if you please, by the authoritative source of our Government, countenanced and upheld by the President of the United States, the Commander in Chief, recognized for their ability, if you please, by the Secretary of War. Yet the gentleman from Massachusetts condemns them all, finds no word of approbation for any of their acts. Again, I inquire, how it is that with these men in the service as they undoubtedly were, whether they were here in Washington performing the duties allotted to them and necessary for the prosecution of the war or in the front line of battle performing their duty—I wonder how it is that with them in the service, if they were such as he depicts them to be, we ever could have reached a successful issue.

I rise particularly at this time as a Pennsylvanian.

The gentleman from Massachusetts, careful perhaps and cautious in his way, not timid, for no one would accuse him of timidity, but perhaps overcautious, said that he would mention no names, but he does single out Gen. Peyton March. I know something of Peyton March's record. I have known him since he was a boy. I have what is to be considered the honor, not the distinction, but the pride, of being a Lafayette College graduate. I learned my first lessons as a college student under the guidance of the reverend father of Gen. Peyton March. I knew him as a boy. I have known of his career since his boyhood days. I have yet to hear from any authentic source, from any authoritative source, that he has ever been guilty of anything which deserves the just condemnation of any fair-minded man. [Applause.] I have heard him branded here in this House as that archfiend of rank Prussianism, or words to that effect. I cast them back into the teeth of the gentleman from Massachusetts [Mr. GALLIVAN] and say that he is little deserving of the position he holds as a Member from Massachusetts to use epithets against the Chief of Staff of the United States Army, Gen. Peyton March. [Applause.]

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. I yield.

Mr. GALLIVAN. Would the gentleman have made that charge against me if I had an opportunity to reply to him? Why does he wait until the closing hours of the debate to make that sort of a charge? [Laughter.] Oh, applaud, my southern Democratic friends—cheer.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. DEWALT. I will yield further if I am granted more time by unanimous consent.

Mr. GALLIVAN. Then I object for that sort of thing.

Mr. DEWALT. Mr. Speaker, I shall ask for recognition in my own right.

Mr. CALDWELL. Mr. Speaker, I was going to make a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. DEWALT. I do for a parliamentary inquiry; yes.

Mr. CALDWELL. Is it not a fact, in view of the fact that the previous question has not been demanded or moved, that any gentleman who is opposed to this resolution is entitled to recognition for one hour?

Mr. DEWALT. I am going to ask for recognition in my own right.

The SPEAKER pro tempore. Any Member who gets recognition is entitled to one hour.

Mr. DEWALT. Mr. Speaker, I believe I have recognition at this time, and I ask for an extension of that recognition beyond the eight minutes in my own right.

The SPEAKER pro tempore. Well, the Chair declines to recognize the gentleman further. The gentleman has two minutes remaining.

Mr. DEWALT. The gentleman from Massachusetts asks a very pertinent question, and says "If I had known the gentleman from Pennsylvania was to make a charge of that kind, I would have asked for time in which to reply." Ah, who knew what he was about to say except he himself? No one but he with his printed record before him. How could the gentleman from Pennsylvania, or any other Member of this House, anticipate what he was to say? I tried to make a reply in order, in my feeble way, as one Member to uphold what I believe to be a fair proposition, and that is this, that every man, whether he be in the Army or in the Navy, or whether he be in the ranks of civil life, should have a fair chance to meet his accusers face to face and also have a decent chance to make a reply. All these men enumerated by the gentleman from Massachusetts, whoever they may be, whatever their political affiliations may be, have been condemned by him upon the floor of this House, and not one of them will ever have an opportunity to make reply upon this floor. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GALLIVAN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts moves the previous question on the resolution.

Mr. BEE. Mr. Speaker, a parliamentary inquiry.

The question was taken; and the Speaker pro tempore announced the Chair was in doubt.

The House again divided; and there were—ayes 77, noes 67.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for the yeas and nays.

Mr. CRISP. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The point of no quorum has been made, and the Chair will endeavor to ascertain if there is a quorum present. [After counting.] One hundred and fifty-three Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 174, not voting 99, as follows:

YEAS—155.

Ackerman	Emerson	Kleczka	Ricketts
Anderson	Esch	Knutson	Riddick
Andrews, Nebr.	Evans, Nebr.	Kraus	Rogers
Anthony	Focht	Lampert	Sanders, Ind.
Bacharach	Fordney	Longworth	Sanders, N. Y.
Baer	Foster	Luce	Sells
Barbour	Frear	Lufkin	Shreve
Benham	Freeman	McArthur	Siegel
Bland, Ind.	Fuller, Ill.	McKenzie	Sinclair
Boies	Gallivan	McKinley	Sinnott
Brooks, Ill.	Garland	McLaughlin, Mich.	Slemp
Brooks, Pa.	Glynn	McLaughlin, Nebr.	Smith, Idaho
Browne	Good	Magee	Smith, Ill.
Burdick	Goodykoontz	Mapes	Smith, Mich.
Burroughs	Gould	Mason	Steenerson
Campbell, Kans.	Graham, Ill.	Miller	Stephens, Ohio
Cannon	Greene, Mass.	Monahan, Wis.	Swope
Chindblom	Greene, Vt.	Mondell	Taylor, Tenn.
Christopherson	Hadley	Moore, Ohio	Temple
Cole	Harreld	Moores, Ind.	Timberlake
Cooper	Haugen	Morgan	Tincher
Cramton	Hawley	Morin	Tinkham
Currie, Mich.	Hernandez	Nelson, Wis.	Treadway
Curry, Calif.	Hersey	Newton, Minn.	Vestal
Dale	Hickey	Newton, Mo.	Volstead
Dallinger	Hicks	Olney	Walsh
Darrow	Houghton	Osborne	Ward
Davis, Minn.	Hull, Iowa	Paige	Wason
Dempsey	Ireland	Parker	Watson
Denison	Jefferis	Peters	Wheeler
Dickinson, Iowa	Johnson, S. Dak.	Porter	White, Kans.
Dowell	Jones, Pa.	Purnell	White, Me.
Dunn	Juul	Radcliffe	Williams
Dyer	Kahn	Ramseyer	Wilson, Ill.
Echols	Kearns	Ramsey	Wood, Ind.
Edmonds	Kelley, Mich.	Randall, Wis.	Yates
Elliott	Kendall	Reber	Young, N. Dak.
Ellsworth	Kiess	Reed, N. Y.	Zihlman
Elston	Kinkaid	Rhodes	

NAYS—174.

Almon	Fields	McClintic	Rubey
Ashbrook	Fisher	McGlennon	Rucker
Ayres	French	McKiniry	Sabath
Babka	Gallagher	McLane	Saunders, Va.
Bankhead	Gard	MacGregor	Schall
Bee	Garner	Maher	Sears
Black	Garrett	Major	Sherwood
Blackmon	Godwin, N. C.	Mann, Ill.	Sims
Bland, Mo.	Goodwin, Ark.	Mann, S. C.	Sisson
Bland, Va.	Green, Iowa	Mansfield	Small
Blanton	Griest	Martin	Smith, N. Y.
Box	Hardy, Tex.	Mays	Smithwick
Brand	Hastings	Mead	Steagall
Briggs	Heflin	Merritt	Stedman
Buchanan	Hersman	Michener	Steele
Butler	Hoch	Minahan, N. J.	Stephens, Miss.
Byrnes, S. C.	Holland	Montague	Stoll
Byrnes, Tenn.	Huddleston	Mooney	Strong, Kans.
Caldwell	Hull, Tenn.	Moore, Va.	Summers, Wash.
Caraway	Humphreys	Nelson, Mo.	Sumners, Tex.
Carss	Husted	Nolan	Sweet
Carter	Igoe	O'Connell	Tague
Clark, Mo.	Jacoway	Ogden	Taylor, Colo.
Classon	James	Oliver	Thomas
Cleary	Johnson, Ky.	Padgett	Tillman
Collier	Johnson, Miss.	Park	Tilson
Connally	Johnston, N. Y.	Parrish	Towner
Copley	Jones, Tex.	Pell	Vaile
Costello	Keller	Phelan	Vare
Crago	Kelly, Pa.	Platt	Venable
Crisp	Kettner	Pou	Vinson
Cullen	Kincheloe	Quin	Voigt
Davis, Tenn.	King	Rainey, Ala.	Watkins
Dewalt	Lanham	Rainey, H. T.	Weaver
Dickinson, Mo.	Lankford	Rainey, J. W.	Webster
Dominick	Larsen	Raker	Welling
Donovan	Layton	Randall, Calif.	Whaley
Doremus	Lazaro	Reavis	Wilson, Pa.
Doughton	Lea, Calif.	Riordan	Wingo
Drane	Lee, Ga.	Robinson, N. C.	Wise
Dunbar	Lesher	Robsion, Ky.	Woods, Va.
Evans, Nev.	Little	Romjue	Young, Tex.
Fairfield	Lonergan	Rose	
Ferris	McAndrews	Rouse	

NOT VOTING—99.

Andrews, Md.	Eagan	Kennedy, Iowa	Rayburn
Aswell	Eagle	Kennedy, R. I.	Reed, W. Va.
Barkley	Evans, Mont.	Kitchin	Rodenberg
Begg	Fess	Kreider	Rowan
Bell	Flood	Langley	Rowe
Benson	Fuller, Mass.	Lehlbach	Sanders, La.
Booher	Gandy	Linthicum	Sanford
Bowers	Ganly	Luhring	Scott
Brinson	Goldfogle	McCulloch	Scully
Britten	Goodall	McDuffie	Snell
Browning	Graham, Pa.	McFadden	Snyder
Brumbaugh	Griffin	McKeown	Stevenson
Burke	Hamill	McPherson	Stiness
Campbell, Pa.	Hamilton	MacCrate	Strong, Pa.
Candler	Hardy, Colo.	Madden	Sullivan
Cantrill	Harrison	Moon	Taylor, Ark.
Carew	Hayden	Mott	Thompson
Casey	Hays	Mudd	Upshaw
Clark, Fla.	Hill	Murphy	Walters
Coady	Hoey	Neely	Welty
Crowther	Howard	Nicholls, S. C.	Wilson, La.
Davey	Hudspeth	Nichols, Mich.	Winslow
Dent	Hulings	O'Connor	Woodyard
Dooling	Hutchinson	Oldfield	Wright
Dupré	Johnson, Wash.	Overstreet	

So the previous question was refused.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. WILSON of Louisiana.

Mr. BEGG with Mr. TAYLOR of Arkansas.

Mr. BOWERS with Mr. WRIGHT.

Mr. CROWTHER with Mr. WELTY.

Mr. FESS with Mr. SULLIVAN.

Mr. BRITTEN with Mr. STEVENSON.

Mr. BROWNING with Mr. ROWAN.

Mr. FULLER of Massachusetts with Mr. RAYBURN.

Mr. BURKE with Mr. OVERSTREET.

Mr. GOODALL with Mr. OLDFIELD.

Mr. HAMILTON with Mr. O'CONNOR.

Mr. GRAHAM of Pennsylvania with Mr. NEELY.

Mr. HARDY of Colorado with Mr. MCKEOWN.

Mr. JOHNSON of Washington with Mr. MCDUFFIE.

Mr. HAYS with Mr. LINTHICUM.

Mr. KENNEDY of Iowa with Mr. KITCHIN.

Mr. HILL with Mr. HUDSPETH.

Mr. KENNEDY of Rhode Island with Mr. HOWARD.

Mr. HULINGS with Mr. HOEY.

Mr. KREIDER with Mr. HAYDEN.

Mr. LEHLBACH with Mr. HARRISON.

Mr. LUHRING with Mr. GRIFFIN.

Mr. MOTT with Mr. GANLY.

Mr. MUDD with Mr. GANDY.

Mr. MURPHY with Mr. FLOOD.

Mr. NICHOLS of Michigan with Mr. EVANS of Montana.

Mr. RAMSEY with Mr. EAGLE.

Mr. MCPHERSON with Mr. CULLEN.

Mr. THOMPSON with Mr. DOOLING.

Mr. HUTCHINSON with Mr. CAREW.

Mr. STRONG of Pennsylvania with Mr. HAMILL.

Mr. SCOTT with Mr. UPSHAW.

Mr. MCFADDEN with Mr. SCULLY.

Mr. REED of West Virginia with Mr. EAGAN.

Mr. RODENBERG with Mr. DUPRÉ.

Mr. ROWE with Mr. DAVEY.

Mr. SANFORD with Mr. COADY.

Mr. SNYDER with Mr. BRINSON.

Mr. WALTERS with Mr. CASEY.

Mr. STINESS with Mr. CANTRILL.

Mr. WINSLOW with Mr. CANDLER.

Mr. MCCULLOCH with Mr. CAMPBELL of Pennsylvania.

Mr. WOODYARD with Mr. BENSON.

Mr. MACCRATE with Mr. BELL.

Mr. MADDEN with Mr. BARKLEY.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TILSON). A quorum is present. The Doorkeeper will open the doors.

Mr. SAUNDERS of Virginia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DEWALT] is recognized.

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman from Pennsylvania [Mr. DEWALT] yield to the gentleman from Virginia for a parliamentary inquiry?

Mr. DEWALT. I will.

Mr. SAUNDERS of Virginia. The previous question having been voted down, does not the recognition pass now to some one recognized in opposition?

The SPEAKER pro tempore. The Chair so understands; and the gentleman from Pennsylvania having asked for recognition and having obtained time from those in favor of the resolution, it seems to the Chair, would be the proper one to be recognized, and therefore recognizes the gentleman from Pennsylvania.

Mr. SAUNDERS of Virginia. I did not ask for recognition. I asked if somebody who represented the opposition was not entitled to be recognized?

The SPEAKER pro tempore. The Chair so understands; and the gentleman from Pennsylvania is the only one the Chair has heard as being in opposition. The gentleman from Pennsylvania [Mr. DEWALT] is recognized.

Mr. JONES of Texas. Will the gentleman from Pennsylvania yield?

Mr. DEWALT. Certainly.

Mr. JONES of Texas. Mr. Speaker, the gentleman from West Virginia [Mr. NEELY] asked me to announce that he was compelled to be away on account of official business. If he had been present, he would have voted "nay."

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DEWALT] is recognized.

Mr. DEWALT. Mr. Speaker and gentlemen of the House, first let me congratulate the Republican membership for the fairness of their conduct in helping to defeat the demand for the previous question. [Applause.] Nothing is ever gained, either in political dispute or in argumentation on the floor of this House, by attempting to use what might be strictly known as "gag methods." And it was with not personal gratification, but with an estimate of the high character for fairness exhibited by my brethren on this side of the aisle that I noticed many of them were willing to hear, at least in part, some refutation of the arguments made by the gentleman from Massachusetts [Mr. GALLIVAN].

The gentleman from Massachusetts in the course of his remarks said that he did not desire to exhibit any partisan feeling. Far be it from me to have any such tenor in my thoughts or in my remarks. In fact, I can prove conclusively that there is no partisanship in this matter so far as I am concerned. I sit on this side of the aisle as a Democrat. The gentleman from Pennsylvania whose record I attempted, in a few feeble words, to defend, Gen. Peyton March, is a Republican, and I know it to be a fact. I know, further, that his brother, who is also a graduate of Lafayette College, was the Republican candidate for Congress in the Northampton-Pike-Carbon-Monroe district, represented by Mr. STEELE, and therefore I can well say, without fear of contradiction, that, so far as I am concerned, there is no partisanship in this matter.

But there is a greater issue than party here. What is it? It is the issue of fair play. Time and time again I have patiently—sometimes with impatience—listened to the arguments of men condemning the conduct of everybody, everywhere, and at every time—men in official station, men in private life, men in the Army and in the Navy—and I recognized, whilst that was going on, that these men had the privilege of the House, that these men who were doing the attacking had the privilege of the House, could say what they pleased to say, without the opportunity for anyone of these accused parties to be heard. From the very early Saxon days to this day there has been a right of trial. Every man accused under the laws, as now existing, and existing from all civilized time, has the right to be heard in his own defense. And yet as before said, just a few moments ago I heard the gentleman from Massachusetts [Mr. GALLIVAN] in a tirade, either because of personal spleen or for some motive unknown to me, besmirch the character of every one that he did not mention by name but described by official station. Is it any less an offense to accuse a man by innuendo than it is to point him out directly and say, "Thou art the man"? He took it upon himself to make the distinction as to Gen. Peyton March and Gen. Wood. I know nothing of the characteristics or the military record of Gen. Wood, except by what I have read, and by reputation. But it strikes me that if general report be true, there is no one second to Gen. Wood in ability as an Army officer. And I know that he is not a Democrat.

There is another issue that presents itself here. What good can this thing do? Is the country at large, are 110,000,000 people in this great country very much excited as to who received a distinguished-service medal? Are the people in California and New York and in Texas and in Maine excited as to whether or not Gen. Peyton March wears upon his manly breast, as characterized by the gentleman from Massachusetts [Mr. GALLIVAN], this distinguished-service medal? Are there not other matters here of far more moment, more worthy of the consideration of the statesman from Massachusetts? Is there not a legislative program here of construction and reconstruction, of the lessening of taxes and curtailing of expenses, the reorganization of the Army, the equipment of our Navy, the establishment of peace in the world? Are they not of more moment than this question as to whether Tom Jones or Jacob Smith was awarded a distinguished-service medal? [Applause.]

Another thought presents itself to my mind at this time. What good can come of this? The gentleman from Massachusetts says a reorganization of the staff; a betterment of Army conditions. I beg leave to differ with him. There is nothing so provocative of disorder, there is nothing so enhancing of dissatisfaction and discipline in any rank, be it civil or military, than this constant harping on and criticism of superiors. [Applause.] He has openly charged here that the men of the Regular Army are opposed to the military organization; that they hate their superiors. I have yet to hear, and I have met many of the boys that come from across the water—I have yet to hear any one of them say that he hated his superior officer. I have heard remarks of condemnation; yes. I have heard criticism; yes. I have heard complaint; yes. But that is natural and inherent in all large bodies of men. But when the complaint comes in this form, when a Member of the House of Representatives, representing in part the great State of Massachusetts, known and admired for its war record, esteemed and loved because of its glorious history, rises on this floor and says that the Army and the Regular Army hate their superior officers, I beg leave to challenge the assertion. [Applause.]

I do not believe it. But whether it be true or false, the best way to create dissatisfaction, the best way to create disorganization, tumult, and discontent, is to further and foster this criticism by these untimely and, in my judgment, unseemly remarks.

I grant you that many of these citations that were read by the gentleman from Massachusetts were couched, perhaps, in extravagant language. I know that when members of the bar meet and pass resolutions of condolence upon the death of a deceased member they do not hesitate very much in regard to the extravagance of their praise. These men, most of them, I suppose, are still living who have been awarded the cross or the medal, and in so awarding this honor and this token of merit I have no doubt that extravagant terms were used—hyperbole, if you please. But the main question was this: Were these medals awarded honestly and fairly? And can you arrive at a fair conclusion in regard to this matter by having this report and this resolution taken from the Committee on Military Affairs and thrown into the body of the House, demanding of the Secretary of War this information? He has not refused it. He has not denied it. The only remark that I hear, in confirmation of a refusal, is from the honored chairman of the Committee on Military Affairs, when he says that he made the request some time ago—how long ago he does not state—and that that request has not yet been complied with, and the chairman of the Committee on Military Affairs says he himself does not know how long the investigation would take, or how many clerks there would have to be employed.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. DEWALT. Yes.

Mr. JOHNSON of South Dakota. Recognizing the fact that there is a widespread feeling throughout the Army among the officers and enlisted men that there was a so-called "decoration ring," does not the gentleman believe that this resolution ought to pass, and that all the facts ought to be given to the American public?

Mr. DEWALT. In reply to that I have to say "Yes; there should be an investigation if there is any open charge of any unmerited awards." But we should have a bill of particulars, not a general blanket charge. When I plead in the courts, and when I file my declaration, if you please, it is a matter of right, it is a matter of justice that the party that pleads against me shall say, "Mr. DEWALT, file your bill of particulars of complaint." But here you have a general blanket charge, which says that every man, with a few exceptions, if you please—not naming the exceptions—has received an award not merited and by favoritism.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield for another question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. DEWALT. Certainly.

Mr. JOHNSON of South Dakota. I would like to ask the gentleman if the passage of this resolution will not lead to the giving of the facts upon which a bill of particulars can be made?

Mr. DEWALT. The resolution might lead to the giving of the facts, but the facts, in my judgment, can be more clearly obtained by a reply from the Secretary of War, and he has not yet said that he would not give it, and the chairman of the Committee on Military Affairs has not so said.

Mr. JOHNSON of South Dakota. If I said that every officer on duty at general headquarters of the American Expeditionary Force had been given by that "decoration ring" enough medals so that they jingle like a Polish Fourth of July, ought we not to pass a resolution to find out how they gave decorations to each other? [Applause.]

Mr. DEWALT. Well, in reply to that remark I will say that it jingles with glittering generalities. [Laughter.] Again I would ask the gentleman to present a bill of particulars.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. DEWALT. Yes.

Mr. CRAMTON. Does not the gentleman remember that the remarks of the gentleman from Massachusetts [Mr. GALLIVAN] were in themselves, so far as they went, a bill of particulars? And is not that what the gentleman objects to?

Mr. DEWALT. No; it was not a bill of particulars, because in the very essence thereof he said, "I refuse or I, at least, omit to mention the names, and I give you a general description, and therefore I leave it to you as a special pleader in the case, and, under the circumstances as detailed by me, to select any individual that you see fit to designate or judge," and that in itself is not a bill of particulars.

Mr. CRAMTON. Yet the gentleman's statement was such that the gentleman himself was able to fit them to the persons concerned.

Mr. DEWALT. Yes, to some; but as to most I confess my ignorance; and I think the gentleman will confess his own ignorance in regard to most of them.

But that is not the meat of the question. The meat of the proposition is just this: How many awards there were we do not know; how many there will be we do not know; but this we do know, that there has been presented here by a reputable Member of this House, for whom I have the very highest regard personally, coming from the great State of Massachusetts, a blanket charge against the general awarding of these service medals, because, he asserts, that the General Staff and the "Leavenworth clique," as he calls it, have been the instigators of the awards.

Now, I may be perhaps what is called—I believe somebody did call me here upon one occasion—a technical lawyer, but whether I be a technical lawyer or whether I be in common parlance but a lawyer and a member of the bar, I am more than that in my own estimation. I try to be and I hope I will be always a just man and a fair man [applause], and I believe there should be a recognition of the rights of these gentlemen who are thus openly attacked, if not directly by name, at least by innuendo.

Now, my friends, one word more and then I shall have finished. I said a few moments ago that I wonder how, if all these distinguished gentlemen, or extinguished gentlemen, as perhaps my friend from Massachusetts would characterize them, were such as he pictured them to be—and all these men took prominent parts in the war, whether here at home or across the sea—I wonder how we were ever able to win the war, in spite of such mismanagement and such incompetency. But we did win it. Thanks be to God, it is over, and there was no partisan feeling in that and there never will be. There was no division on party lines nor on sectional lines. The boys who were of the boys in blue in the days of the Civil War stood shoulder to shoulder with those who came from the wearers of the gray of the Southern Confederacy; those from the Atlantic coast went on in steady tread with those from the Pacific. They were all engaged in a common cause, to wit, the freedom of the world and the maintenance of American doctrines. I say, then, my friends, there was glory enough for all and there is glory enough for all. Let us not attempt to besmirch the fair fame of an individual in order to enhance the private spleen of other individuals. [Applause.]

Mr. Speaker, I reserve the balance of my time. I yield 10 minutes to the gentleman from Texas [Mr. BEE].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. BEE. Mr. Speaker, I was sitting quietly in my seat a few minutes ago and inadvertently remarked to a friend of mine that I thought the names of the officers attacked ought to be put in, and the gentleman from Massachusetts [Mr. GALLIVAN] had occasion to refer to his "friend from Texas," who was his impartial judge.

I want to say to the House that I have been a Member about 10 months, and I know now what has been the matter with my service. I have not heretofore enjoyed the acquaintance or friendship of the gentleman from Massachusetts [Mr. GALLIVAN]. For the first time I have been so honored, and I expect from this on I will be able to proceed with some degree of satisfaction to my constituents. However, I am going to take this opportunity to say that the old-time custom that throws a constitutional privilege about the language used by a Member of Congress in debate ought to have been abolished long since, if a man's character and reputation are to be aspersed and a man is to be villified by name, directly and by innuendo, upon the floor of this House, as has been done by the gentleman from Massachusetts. If a Member surrounds himself with the constitutional prerogative that prevents his being called to account elsewhere for language used on the floor, the sooner and the better for the manhood of this country that provision is set aside and the less will men on this floor be inclined to attack personally, by name, men not entitled to the floor of this House. [Applause.] I have been in this House about eight months. I have heard the gentleman from Massachusetts [Mr. GALLIVAN] on various occasions. I have never yet heard him say a good word of any man except two or three that he mentioned to-day.

I have found out since I came here that there are different kinds of Congressmen. They are all excellent men, but there are constructive Congressmen and there are men who do not do very much, and there are Congressmen who constantly criticize and abuse and accomplish nothing, and the gentleman from Massachusetts [Mr. GALLIVAN] is in the front row of the last class. [Laughter.] If the gentleman from Massachusetts had been alive in the days of George Washington, he would have been one of the Conway cabal that pursued Washington through his entire career. Had the gentleman from Massachusetts lived in the days of the War of 1812, he would have condemned Andrew Jackson for using cotton bales instead of something else of a defensive character at New Orleans. If the gentleman from Massachusetts had lived in the days of the Mexican War, he would have condemned Winfield Scott and Zachary Taylor. If he had lived in the time of the Civil War, the great Abraham Lincoln would have found in him a constant carping critic because he did not appeal to this gentleman's wise military judgment as to how that great war should be conducted.

In the days of the Spanish-American War and in the days of this great World War there may have been individual awards that ought not to have been made. It may be that some men have been granted medals to whom they should not have been granted. The gentleman does not differentiate between the distinguished-service medal and the distinguished-service cross. Take the list just published by the War Department and see the names of thousands of brave soldiers of this country who have been decorated with the distinguished-service cross because of their gallantry upon the field of battle. There may have been instances in which friendship has intervened. My new-found friendship for the gentleman from Massachusetts and his new-found admiration for me impels me to hope that in the years to come if he is again honored as a Member of this House the Democratic side of the House will not constantly have to remain silent under the speeches that he makes upon this floor amid the uproarious applause of the Republican side of the House. [Applause.]

The Democratic Party did not win this war. The Republican Party did not win this war. Thank God this was a people's war, for the glory of our united country. The general who commanded those forces, the great Pershing, is a Republican in politics and has been talked about as the Republican nominee for President, and Gen. March, a distinguished soldier, whom I know only slightly but favorably, is a Republican. There is no politics in this matter. Let me appeal to all the Members of this House when I say there is an opportunity and a chance for the people of this country to decide once more that the war is over, and it is over with glory and honor and credit to the great flag of our country and to the gallant sons of America upon the battle fields of France. [Applause.] And carping criticisms, personal flings, or what not ought not to disrupt the morale of the American Army. The gentleman from Massachusetts talks about the morale of the American Army being disrupted because somebody got a distinguished-service medal whom he thinks ought not to have received it. Let me say to the gentleman from Massachusetts that such speeches as he has made upon the floor of this House from carefully prepared manuscript, from which he would not divert for one minute, circulated over this country, will do as much to destroy the morale of the American Army, to destroy the respect of the men in the Army for their officers as the efforts of the rankest Bolshevik in this country who is trying to destroy the sanctity and the security of our institutions.

Let us admit that mistakes have been made. Let us consider that the men who participated in this war are human as we are, and that they have made their mistakes. Let us stop and consider that it takes a great mind, a great heart, and a great conscience to build the magnificent edifices of our country; but any man, no matter how small and insignificant he may be, can blacken, pull them down. I read once of a man who had slandered the character of a woman. He went to his good, old priest and confessed his fault and asked that he might atone for it, if possible. The priest said to him, "Take a goose and pick its feathers, as you walk from here to yonder corner. The man did so. Now, said the priest, "Go back over the same ground and pick up those feathers again and place them where they were." The man said, "I can not do it." The priest said, "That is exactly what you have done with your slander of the character of the woman whose name you have aspersed. You have scattered your slander abroad, and you can not recall it."

Therefore, I say to you, gentlemen of the House, that when my new-found friend, the gentleman from Massachusetts, scatters these aspersions against the character of these officers he leaves them in the position of the woman whose good name has been taken away from her. He gives them no chance for a word of explanation, because this record will be so full of innuendos that the enemies of these men can put them together to build an indictment against them and charge that they have been unworthy and unfaithful officers of their country in their country's hour of need.

Now, gentlemen of the House, I have taken more time than I ought. I am a new Member of the House, and the courtesy extended to me on every side by Republican and Democrat alike, the knowledge of their high character, has warmed the cockles of my heart and has done more to destroy the hot partisanship of my youth than any other agency that has ever come into my life.

I have found in this House that men are solely working for one single purpose from their viewpoints and localities, and that purpose is the upbuilding of our great country—the glorification of the flag—carrying this country forward to its great destiny beyond human ken. We all stand together for that flag and that country, and we look over here and there from our standpoint as we view the scene. I have found that out, but I could not let this opportunity pass without saying one word to this House, and I thank my friend from Massachusetts for his reference that gave me the opportunity to rise for these remarks.

Once more let us proclaim our allegiance to a united country, once more let us build our institutions so that they shall be impervious to attack, once more, be he a Member of Congress, an Army officer, or a citizen in the field, let this Congress put itself on record that no more shall personal aspersions destroy the character of helpless men who can not respond to these charges. [Applause.]

Mr. BEE had leave to revise and extend his remarks.

Mr. DEWALT. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Speaker, I was called from the House as the gentleman from Massachusetts [Mr. GALLIVAN] was addressing it on his resolution. As I was leaving I heard him refer to the Prussianized Chief of Staff of the American Army. The Chief of Staff is Gen. Peyton C. March, who was born and brought up in Easton, my native city, in Pennsylvania. It was to him that this Prussianized allusion was made.

I have known the family of Gen. March all my life. His brother was a schoolmate of mine, and although he was my opponent when I was last a candidate for Congress I never ceased to have a high personal regard for every member of the March family.

The father of Gen. March was probably one of the most distinguished linguists in the world. For more than 40 years he was professor of languages at Lafayette College in my home town, and probably received degrees from all the colleges in the United States, together with Oxford and Cambridge, and the most celebrated institutions in Europe.

Gen. March inherited in a marked degree the abilities of his father. I recall very well when he was appointed a cadet at West Point. His appointment came from a Democratic Congressman from that district, who recognized his preeminent ability and fitness for the appointment. His whole course of conduct since then has simply borne out what was expected of him at the time of his appointment.

His career in the Army has been one of the most notable careers of those in the Army at the present time. He has been recognized not only for his ability but for his fighting qualities as well. He has served with distinction in all the appointments of the Army from the time of his entering into it down to the present time. His service in the Philippines was of special distinction, and by reason of his own force of character and his own ability he has risen to the high station which he now commands.

Therefore when belittling reference is made to Gen. March it seems to me very fitting that, being unable to say anything in his own defense at this time, no one should be permitted to besmirch his military fame and allow it to go unchallenged before the country as coming from the House of Representatives of the United States.

When this war opened he was sent abroad. He desired to remain there, but, like a true soldier, when the orders came that he should return to this country he came back, notwithstanding his anxious desire to remain abroad at the battle front. In support of what I have just said, I wish to give this House not my opinion of his merits as a military officer but the estimate of men in the Army who have had special opportunity to recognize his merit and his work as a military officer. Not only his work as a military officer but the distinguished services that he has rendered the country in the Great War which has just closed, and which in the opinion of expert military officers is second only to that of Gen. Pershing himself. I wish to read to the House for its information on this subject another voice coming from Massachusetts, but of an entirely different character from what you have heard here. It is a letter which appears in the CONGRESSIONAL RECORD of last year, written by Gen. Duvall, a retired major general of the Army, to the Hon. HOKE SMITH, a Member of the United States Senate.

The letter is as follows:

BOSTON, *June 21, 1919.*

TO UNITED STATES SENATOR HOKE SMITH,
Washington.

MY DEAR MR. SENATOR: Because some time in the past 18 months you honored me by stating your confidence in my opinion on things military, and quite unsolicited gave me permission to address you on such subjects, I am going to take the liberty for the first time of offering you my professional opinion upon a matter in which I hope you will interest yourself for the good of the service, viz, the granting of suitable reward and honors to the Chief of Staff of our victorious Army.

Of Gen. Pershing's title to the recognition proposed by the President I need not speak to you, for the brilliant results accomplished by the commanding general in the field are plain to everybody, and can not be gainsaid by enemies or even ignored by the thoughtless, thus differing from the work of the Chief of Staff, which is little appreciated by laymen, and is only too likely to incur for him the enmity of those who feel a personal antogonism for the war-time rigors of military methods.

In this connection I can well understand that March's characteristic conciseness of diction and brevity of expression in both written and spoken intercourse might give offense to those who do not know the man, but this very failing, if you would call it so, is indicative of his power. He is habitually intensely concentrated, instinct with energy always unerringly and sharply directed. He can do and does do more work in a given time than any other three of four men, working in tandem, that I have ever known. I have observed him ever since he was a second lieutenant—in the regiment, in the artillery school, in the United States Volunteers, in campaign in the Philippines, and in the General Staff, where, when it was first organized (in 1903), he was in a division of which I was the head and in which Capts. Pershing and Dickman were also serving.

Knowing well his qualifications, as compared with those of all other officers of general rank, I say unhesitatingly that not only in ability to accomplish valuable work but in the amount of such work actually accomplished in this war he stands preeminent.

We are already beginning to forget the relief and amazement felt in this country and throughout the allied world at the size of the American force assembled in France for the summer campaign. Who accomplished this miracle? March, who was thus the author of Pershing's magnificent success. I do not believe there is another man in the Army who could have done what March did, and I say this from the standpoint of an old officer who has taken unmeasured delight in seeing come to the top in the test of war so many of the younger men whom I in former years had picked out and recommended for various advancements. March, in my opinion, though junior to many, always stood at the head of them all.

From my long experience and seasoned knowledge of the tone and spirit of the Army I wish to say to you, Mr. Senator, that whether March is at the moment popular or not in political or military circles, there can be no doubt that to reduce his rank in the face of his tremendous achievement would be a most disheartening precedent for all those in the profession capable of the sort of mental grasp, fearless decision, and energetic action necessary to military safety; the Army could but know that even consummate military skill is not sure of reward.

Finally, dear Mr. Senator, let me beg of you, for the welfare of the Army, to exert your powerful influence against the threatened denial of the fair reward intended by the President in nominating to the grade of General this great Chief of Staff.

With high regard, I am, very sincerely yours,

WM. P. DUVALL,
Major General, retired.

It is this man who brought about this great accomplishment referred to by Gen. Duvall, who performed the miracle necessary for Gen. Pershing to accomplish the great success that he had on the other side, that to-day is aspersed upon the floor of this House. It seems to me very fitting that the general estimate of the Army of the great accomplishment which Gen. March performed should be properly set forth in this RECORD. [Applause.]

By unanimous consent, Mr. STEELE was granted leave to extend and revise his remarks in the RECORD.

Mr. DEWALT. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I was unable to be present in the House at the time the gentleman from Massachusetts [Mr. GALLIVAN] made his argument in favor of House resolution 428, and I am not familiar with the charges and countercharges to which reference has been made by other Members of the House. I shall, therefore, confine my remarks to the resolution instead of discussing the wonderful achievements of the Army, talking about the Stars and Stripes and going far afield in a discussion concerning the relative merits of different Army officers. The resolution provides that the Secretary of War shall submit a complete list of the officers and men recommended to receive awards by their superior officers, together with the citation recommended in each instance and the specific act or acts on which the recommendations were based. It also provides that he shall submit a complete list of the civilians recommended to receive these awards by any officials or board of officials, together with the citation in each instance and the specific act or acts upon which the recommendations were based. It provides also for the list of the names of the officers constituting the board or boards which passed upon the recommendations or made the awards of distinguished-service medals, and also a list of the names, if any, of the officers sitting on those boards who awarded the distinguished-service medals to themselves or their colleagues. I submit that there is no reason in the world that should prevent the Secretary of War from giving these facts. It must be true that the majority of the officers who have been recommended for distinguished-service medals have been entitled to them.

This war could not be won in the front line by the combat troops. It took everyone, from the civilian to the combat men, to win. No one can or will object to the giving of a distinguished-service medal, but it is common knowledge and was common knowledge throughout the Army, and it is common knowledge throughout the Army to-day, that there have been some few cases where men have been awarded medals who were not entitled to them. Unless I had all of the facts in each individual case, I would not attempt to mention any particular individual officer, because it would be unfair for me, with the privilege of a Member of this House, to go upon the floor and attack some officer who could not strike back, but it being common knowledge and being admitted by all those who know, that there have been some injustices, I believe that without mentioning any names, without trying to attack an officer, without trying to defend one, these facts ought to be given to the House—each fact that has been asked for. I believe that the gentleman from Massachusetts is actuated by proper motives in making the request. The passage of this resolution is not an attack upon Gen. March nor is it a defense of him. It is not an attack nor a defense of any other officer in the service, but it is simply a demand for facts with reference to the giving of medals, and if there is one body of men in the world that ought to have those facts, it is this body, and I urge the enactment of the resolution.

Mr. DEWALT. Mr. Speaker, I yield six minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, the resolution asks for the names of the persons, and the facts on which the award was made, who were awarded the distinguished-service medals, not for the distinguished-service cross, not for any other decoration, and the names of the boards recommending same. I call the attention of the House to the fact that these boards were formed under general Army orders, giving the name, rank, and branch of the service of their membership, and that every time an award of the distinguished-service medal was made a general Army order, printed at the expense of the United States Government, was circulated throughout the Army and published in the service papers and the public press. The name of the man to whom it was awarded was given, and the distinguished service which he had performed was recited in sufficient detail to justify the award. Any Member of this House, any citizen of the United States, who is interested in any single instance, or every instance, where a distinguished-service medal was awarded can secure a printed copy of the official order, which will give him all of the facts that he wants. I understand that the gentleman from Massachusetts [Mr. GALLIVAN] has in his possession a stack of those orders of the War Department carrying, if not every one, practically every one of the distinguished-service medal awards that have been made during the war. The distinguished gentleman from South Dakota [Mr. JOHNSON] says that it was common knowledge that this was done by a clique; at least, I think that was the intent of his words, that it was common knowledge that favoritism was practiced here. Favoritism when? What is the common knowledge based upon? Is it based upon some general criticism of somebody who was dissatisfied, or has a glaring inequality been pointed out in any particular instance where a man's name was specified and the service for which he was recognized was criticized by any responsible person in the United States? If so, I have not heard of it.

Mr. BAER. Mr. Speaker, will the gentleman yield?

Mr. CALDWELL. I have only six minutes. The gentleman from Massachusetts [Mr. GALLIVAN] lays a great deal of stress upon what he calls the Leavenworth clique. Gentlemen, you remember that for years there has been a criticism in this country by irresponsible critics of the Army against the West Point men. Why? Because the West Point men, by reason of their training and education and ability and control, and certain men who did not have that training and ability could not get that control, and prompted by this natural and human jealousy, they criticized the men who were in power. For the same reason there has come about a criticism of what they call the Leavenworth clique. What is the Leavenworth clique? They are the graduates of the postgraduate school of the Army, an organization built at the expense of the American people, where Army officers of ability and distinguished character—West Point men and others—are sent for postgraduate training. Those of us who crossed the seas to examine what was done in behalf of the American people in this Great War were pleased to hear the reports on every hand from the men there who were explaining to us the service of our men in this Great War. They were proud of the service performed by the men from Leavenworth, because it was said that when a man was in battle, and he knew his neighbor was a Leavenworth man, even if communications were severed and conditions did change, he knew that by reason of the training that the Leavenworth man had, he could depend upon it that that officer would conduct himself as a Leavenworth man had been taught, and could go ahead with blind confidence. This was done, we were told, in many instances and justified that confidence and the expense to the American Government.

It is natural that men of the greatest experience and widest training, men upon whom we have lavished our money in order that they may be educated, should be put in control of our Army when it goes into battle and should be called upon to decide relative merits of men in the service. It is natural that the ambitious who are not so well equipped, who have not had such opportunity, should complain they have not the opportunity, and that somebody else was standing in their way, but it is also natural that a grateful American people will support the honored and distinguished men who have performed the service of winning this war for all humanity, and I hope that this House will not support an unjustified attack under cover against these men who have fought on behalf of American institutions. [Applause.] I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman yields back one minute.

Mr. DEWALT. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. MOORE]. [Applause.]

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 10 minutes.

Mr. MOORE of Virginia. Mr. Speaker, I shall use very much less time than the gentleman from Pennsylvania has so kindly allotted me for the little I have to say.

Now, what is the question which we are discussing? As I understand, the resolution which in the first instance was referred to the Committee on Military Affairs is a simple resolution of inquiry. It asks for information relative to a subject which is, of course, of general interest. Awhile ago the committee by a vote of the House was discharged from the consideration of the resolution. If it had then at once proceeded to vote upon the resolution I for one should have cast my vote in its favor. The naked resolution of inquiry would not have invited any opposition as far as I am concerned. If the Committee on Military Affairs to-morrow or at any subsequent time should bring in a resolution of this sort, I shall certainly vote in favor of it because I think it is to the advantage of all of us here and to the advantage of the people of the country that the information should be furnished. But while I should have supported the resolution if the gentleman from Massachusetts had not discussed it, I shall not now vote for it because he has coupled with it a violent and abusive attack upon certain individuals—a prejudgment of the case—and I for one do not propose to give my indorsement to the attack or the method of attack of the gentleman from Massachusetts. [Applause.] In my opinion that is unfair to those involved, the General Staff and the Chief of the General Staff. Why, if we vote for the resolution now it amounts to an adjudication of the charges against Gen. March. We may expect next week to be called on to vote

a prejudgment of Gen. Pershing, and the week after, perhaps, a prejudgment of some other officer, and there may be an endless performance in the way of the House reaching and expressing conclusions derogatory of individuals without giving those individuals any previous opportunity of making any explanation or offering any defense.

I hold no brief for anybody connected with the War Department. I am only speaking in the interest of fair play and of ordinary justice. I have but very slight acquaintance with Gen. March. I have come in contact with a few cases that had to do with the matter of deciding whether medals or crosses should be awarded, and I have felt that in at least two of those cases there was injustice done. But I do not believe the young men I have in mind would desire me to express approval of the wholesale attack made here this morning.

Indeed, it is perfectly obvious that with such a large Army and large Navy discriminations are inevitable and the heart burnings that may result are inevitable. That is a condition we have to recognize, but whether that be true or not, the outstanding fact is that we ought not to acquiesce in a condemnation without a hearing, and that the whole subject should be proceeded with in a more orderly way. Let the Committee on Military Affairs bring in a resolution asking for the information and I believe I can say with confidence that the resolution will receive unanimous approval on this side of the House. [Applause.] That is not only the orderly way with which to dispose of the matter, but it is the fair and just way. I respectfully submit to my friends upon the other side that they should take the course I am suggesting. [Applause.]

Mr. MANN of Illinois. Mr. Speaker, I move the previous question on the resolution.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. FIELDS. Is it in order at this time to rerefer the resolution to the Committee on Military Affairs?

Mr. MANN of Illinois. Not with the previous question being demanded.

The SPEAKER pro tempore. If the previous question is not ordered then it will be in order. The gentleman from Illinois moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. FIELDS. Mr. Speaker, I understand it is too late at this time to move to rerefer the resolution to the Committee on Military Affairs?

The SPEAKER pro tempore. Yes; the previous question has been ordered.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LITTLE. Am I in order?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LITTLE. How long has the Committee on Military Affairs already had to investigate the resolution?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry to propound to the Chair.

Mr. LITTLE. They have had it long enough, have they not?

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the Chair was in doubt.

The House again divided; and there were—ayes 73, noes 64.

Mr. SNYDER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from New York demands the yeas and nays. Evidently a sufficient number has arisen and the yeas and nays are ordered.

The question was taken; and there were—yeas 183, nays 123, not voting 122, as follows:

YEAS—183.

Ackerman	Chindblom	Dunn	Gould
Andrews, Nebr.	Christopherson	Echols	Graham, Ill.
Anthony	Clark, Mo.	Elliott	Green, Iowa
Babka	Classon	Ellsworth	Greene, Mass.
Bacharach	Cole	Emerson	Greene, Vt.
Baer	Cooper	Evans, Nebr.	Hadley
Barbour	Copley	Fields	Harreld
Benham	Cramton	Focht	Hawley
Blanton	Cullen	Fordney	Hernandez
Boies	Currie, Mich.	Foster	Hersey
Briggs	Dale	Frear	Hickey
Brooks, Ill.	Dallinger	Freeman	Hicks
Brooks, Pa.	Darrow	French	Hoch
Browne	Davis, Minn.	Fuller, Ill.	Houghton
Burdick	Denison	Gallagher	Huddleston
Burroughs	Dickinson, Iowa	Gallivan	Husted
Campbell, Kans.	Dowell	Gard	Ireland
Cannon	Dunbar	Glynn	James
Jefferis	Mead	Reber	Tague
Johnson, S. Dak.	Merritt	Reed, N. Y.	Taylor, Tenn.
Johnston, N. Y.	Michener	Reed, W. Va.	Temple
Juul	Miller	Rhodes	Thomas
Kelly, Pa.	Minahan, N. J.	Ricketts	Tilson
Kendall	Monahan, Wis.	Riddick	Timberlake
King	Mondell	Robsion, Ky.	Tincher
Kinkaid	Moore, Ohio	Rogers	Tinkham
Kleczka	Moores, Ind.	Rose	Towner
Knutson	Morgan	Sabath	Treadway
Kraus	Nelson, Wis.	Sanders, Ind.	Vaile
Lampert	Newton, Minn.	Sanders, N. Y.	Vestal
Layton	Newton, Mo.	Schall	Voigt
Lazaro	Nolan	Sells	Volstead
Little	Ogden	Siegel	Walsh
Lonergan	Osborne	Sinclair	Ward
Longworth	Paige	Slemp	Wason
Luce	Parker	Smith, Idaho	Watson
Lufkin	Parrish	Smith, Ill.	Webster
Luhring	Pell	Smith, Mich.	Wheeler
McArthur	Peters	Smith, N. Y.	White, Kans.
McLaughlin, Nebr.	Phelan	Steenerson	White, Me.
MacGregor	Purnell	Stephens, Ohio	Wilson, Ill.
Madden	Radcliffe	Stiness	Wood, Ind.
Magee	Ramsey	Strong, Kans.	Woodyard
Mann, Ill.	Ramseyer	Summers, Wash.	Young, N. Dak.
Mapes	Randall, Calif.	Sweet	Zihlman
Mason	Randall, Wis.	Swope	

NAYS—123.

Almon	Drane	Lankford	Rouse
Ashbrook	Edmonds	Larsen	Rubey
Bankhead	Evans, Nev.	Lea, Calif.	Rucker
Bee	Fairfield	Lesher	Saunders, Va.
Benson	Fisher	McAndrews	Sears
Black	Garland	McClintic	Sherwood
Blackmon	Garner	McGlennon	Sisson
Bland, Mo.	Garrett	McKiniry	Small
Bland, Va.	Godwin, N. C.	McLane	Smithwick
Box	Goodwin, Ark.	Maher	Snyder
Brand	Griest	Mann, S. C.	Steagall
Buchanan	Hardy, Tex.	Mansfield	Stedman
Butler	Hastings	Martin	Steele
Byrnes, S. C.	Hayden	Mays	Stephens, Miss.
Caldwell	Heflin	Mooney	Stevenson
Campbell, Pa.	Hersman	Moore, Va.	Stoll
Cantrill	Hoey	Nelson, Mo.	Sumners, Tex.
Caraway	Holland	O'Connell	Tillman
Carss	Hull, Tenn.	Oliver	Vare
Carter	Humphreys	Overstreet	Venable
Collier	Igoe	Padgett	Vinson
Connally	Jacoway	Park	Watkins
Costello	Johnson, Ky.	Platt	Weaver
Crisp	Johnson, Miss.	Pou	Welling
Curry, Calif.	Jones, Pa.	Quin	Whaley
Davis, Tenn.	Jones, Tex.	Rainey, Ala.	Wilson, Pa.
Dent	Kelley, Mich.	Rainey, H. T.	Wingo
Dewalt	Kettner	Rainey, J. W.	Wise
Dickinson, Mo.	Kiess	Raker	Woods, Va.
Donovan	Kincheloe	Riordan	Young, Tex.
Doughton	Lanham	Romjue	

NOT VOTING—122.

Anderson	Eagan	Kearns	Olney
Andrews, Md.	Eagle	Keller	Porter
Aswell	Elston	Kennedy, Iowa	Rayburn
Ayres	Esch	Kennedy, R. I.	Reavis
Barkley	Evans, Mont.	Kitchin	Robinson, N. C.
Begg	Ferris	Kreider	Rodenberg
Bell	Fess	Langley	Rowan
Bland, Ind.	Flood	Lee, Ga.	Rowe
Booher	Fuller, Mass.	Lehlbach	Sanders, La.
Bowers	Gandy	Linthicum	Sanford
Brinson	Ganly	McCulloch	Scott
Britten	Goldfogle	McDuffie	Scully
Browning	Good	McFadden	Shreve
Brumbaugh	Goodall	McKenzie	Sims
Burke	Goodykoontz	McKeown	Sinnott
Byrns, Tenn.	Graham, Pa.	McKinley	Snell
Candler	Griffin	McLaughlin, Mich.	Strong, Pa.
Carew	Hamill	McPherson	Sullivan
Casey	Hamilton	MacCrate	Taylor, Ark.
Clark, Fla.	Hardy, Colo.	Major	Taylor, Colo.
Cleary	Harrison	Montague	Thompson
Coady	Haugen	Moon	Upshaw
Crago	Hays	Morin	Walters
Crowther	Hill	Mott	Welty
Davey	Howard	Mudd	Williams
Dempsey	Hudspeth	Murphy	Wilson, La.
Dominick	Hulings	Neely	Winslow
Dooling	Hull, Iowa	Nicholls, S. C.	Wright
Doremus	Hutchinson	Nichols, Mich.	Yates
Dupré	Johnson, Wash.	O'Connor	
Dyer	Kahn	Oldfield	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDERSON with Mr. BARKLEY.

Mr. BLAND of Indiana with Mr. ASWELL.

Mr. BURKE with Mr. AYRES.

Mr. CRAGO with Mr. BOOHER.

Mr. DEMPSEY with Mr. BRINSON.

Mr. ELLSTON with Mr. BRUMBAUGH.

Mr. DYER with Mr. BYRNS of Tennessee.

Mr. ESCH with Mr. CLEARY.

Mr. GOOD with Mr. DOMINICK.

Mr. HAUGEN with Mr. DOREMUS.

Mr. GOODYKOONTZ with Mr. EAGAN.

Mr. HULL of Iowa with Mr. FERRIS.
Mr. KAHN with Mr. EAGLE.
Mr. KEARNS with Mr. GOLDFOGLE.
Mr. LANGLEY with Mr. GRIFFIN.
Mr. KELLER with Mr. LEE of Georgia.
Mr. KRIEDER with Mr. MAJOR.
Mr. MCKENZIE with Mr. MONTAGUE.
Mr. REAVIS with Mr. MOON.
Mr. MCKINLEY with Mr. NICHOLLS of South Carolina.
Mr. MCLAUGHLIN of Michigan with Mr. OLNEY.
Mr. MORIN with Mr. SANDERS of Louisana.
Mr. SINNOTT with Mr. ROBINSON of North Carolina.
Mr. WILLIAMS with Mr. SIMS.
Mr. YATES with Mr. TAYLOR of Colorado.

The result of the vote was announced as above recorded.

On motion of Mr. GALLIVAN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

COMPENSATION OF LABORERS IN CUSTOMS SERVICE.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11309.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for the present consideration of the bill H. R. 11309, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11309) to authorize the Secretary of the Treasury to fix compensation of certain laborers in the Customs Service.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to know exactly what authority this bill confers on the Secretary of the Treasury.

Mr. FORDNEY. It confers upon the Treasury Department the right to pay the going wages for common labor employed in the loading and unloading of ships. Under existing law the Government is restricted to the payment of 31¼ cents per hour for that kind of employment at the present time, and laborers can not be employed at that price.

I might say to the gentleman that the Government has been, contrary to law, paying higher wages, such wages as are paid for that class of work by others; but in December the Comptroller of the Treasury ruled that the Government had been paying those wages in violation of the law. Now the Treasury is restricted to the payment of 31¼ cents an hour for common labor, and they can not obtain the necessary labor at that price, and therefore they ask for additional authority to pay such wages as are paid for that class of work to a limited number of common laborers.

Mr. CLARK of Missouri. Does this give the privilege of raising wages as high as Government officials want to raise them?

Mr. FORDNEY. Let me say to the gentleman that the wages paid for this class of work vary at different ports of entry. The ports of entry mostly affected by these rates and concerned with this class of labor are named, and if I have the time I will give the gentleman the names of the ports. New Orleans is one of the ports. The wages there range from 50 cents to 75 cents an hour and a dollar per hour. Now, the Government, by the ruling of the Comptroller of the Treasury, is restricted to 31¼ cents an hour, and can not find the employees at that price.

Mr. CLARK of Missouri. Has the gentleman from Michigan investigated this matter himself?

Mr. FORDNEY. I have thus far: The committee requested from the Treasury Department a statement, copy of which I have here and which has been printed as a part of the report of the committee, showing the wages paid. I will say to the gentleman that Mr. Shouse, of the Treasury Department, the Assistant Secretary, points out that at New Orleans the wages are 80 cents per hour, and after 4 p. m. the wages are $1.20 an hour, while under the law the Government can pay only 31¼ cents per hour. At Galveston the wages are 65 cents an hour. At Norfolk, from 50 cents to 80 cents. At Tampa the wages are 55 cents an hour, and at Providence from 75 cents to $1 per hour.

Mr. CLARK of Missouri. Now, does the gentleman himself believe that this bill ought to be passed for the good of the public?

Mr. FORDNEY. Yes; for the good of the public; for the reason that the unloading of sugar at these points from vessels bringing sugar in from Cuba and so on is an important matter. Sugar is an important article of food that is badly needed by the people now. I say that for Government ships the Government can not find labor at 31¼ cents when others pay from 50 cents to $1.20 an hour.

Mr. VARE. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. VARE. The gentleman knows that in all the large cities the lowest price for common labor is 50 cents an hour?

Mr. FORDNEY. I believe that common labor can not be employed in the cities for less than 50 cents an hour—in any city in the land.

Mr. VARE. I wanted the House to know that in Philadelphia common labor can not be obtained for less than 50 cents an hour.

Mr. WINGO. Mr. Speaker——

Mr. WALSH. Regular order!

The SPEAKER pro tempore. The regular order is, Is there objection to the consideration of this bill?

Mr. WALSH. I object.

Mr. WINGO. Will the gentleman from Massachusetts withhold his objection?

Mr. WALSH. I will withhold it. If there is going to be objection made to the bill, the gentleman can explain it.

Mr. WINGO. Of course, we all agree that at 31 cents an hour under the present conditions it is impossible to get labor. The gentleman knows I would trust the Secretary of the Treasury as much as I would anybody, but I am not in favor of allowing a public official to go out and employ anybody he pleases at any price he pleases. We ought to fix a maximum.

Mr. FORDNEY. If you fix a maximum, that maximum is going to be the minimum immediately. The Secretary of the Treasury asked for permission to pay the prevailing rates to this limited number of laborers, numbering in round figures 176 men.

Mr. WINGO. Let us first ascertain what is a fair wage for this character of work and fix it as we would for any other department of the Government.

Mr. FORDNEY. At what rate would you fix it, and what would you pay for overtime?

Mr. WINGO. If I were the Secretary of the Treasury, I would have an investigation made, and I would say to Congress what I regard as a reasonable and proper compensation necessary to be paid. If he will do that, I will take his statement on it; but I am not going to permit any bill to go through that will authorize any executive officer of the Government to pay any price he pleases.

Mr. FORDNEY. I will say to the gentleman that that is exactly what the Secretary has done, and what he recommends.

Mr. WINGO. Then why not put it in the bill?

Mr. FORDNEY. How can you fix a rate from 40 cents to $1.20, and fix it by law?

Mr. WINGO. How do you do it in other employments under the Government?

Mr. FORDNEY. You can not do it. You can fix it definitely only in a particular port or city where the labor is employed.

Mr. WINGO. The gentleman is a business man and he knows that if he undertook to put that rule into his plants the wages would be going up all the time, and it would, if the money came out of the Public Treasury. I believe in high wages, but I believe we ought to put some stop to the height that you can go, because otherwise the rate will go higher. If one dollar is the proper height, say so in the act, and if $1.20 is proper, say so in the act.

Mr. FORDNEY. In line 4 I want to insert, at the suggestion of the Secretary of the Treasury, the word "temporary," so that it will read, "authorized to fix the compensation of temporary laborers in the Customs Service as he may think it advisable."

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question.

Mr. MONDELL. Objection has been made.

Mr. BLANTON. I would like to ask if any of these men whose salaries the Secretary of the Treasury is authorized to fix are longshoremen who struck at New York some time ago, whereby thousands of tons of food were allowed to rot and be destroyed?

Mr. FORDNEY. The Secretary names the cities.

Mr. BLANTON. New York is not involved in this?

Mr. FORDNEY. No; the Secretary gives the names of the cities, and they are all southern cities.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects.

THE VIRGIN ISLANDS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a report from the Committee on Rules, which will be read by the Clerk.

The Clerk read as follows:

Senate joint resolution 69.

Resolved, etc., That a joint commission, to consist of three Members of the Senate and three Members of the House, to be appointed by the Vice President of the United States and the Speaker of the House, respectively, is hereby created to visit the said Virgin Islands and to report fully to Congress as to whether or not the present plan of government of said islands is conducive to their welfare; what, if anything, Congress should do to stimulate industry and agriculture in said islands, and anything else with relation thereto that may be of aid to the American Congress in dealing with the problem of the government and advancement of the people of said islands. There is hereby appropriated the sum of $2,500 to be used only for the expenses of the members of said commission in visiting the said islands. Said commission shall file its report before the 1st day of January, 1920, and said commission shall end on said date.

With the following committee amendment:

Strike out all after the resolving clause and insert in lieu thereof the following:

That a joint commission to consist of three Members of the Senate and three Members of the House of Representatives, to be appointed by the Vice President of the United States, and the Speaker of the House, respectively, is hereby created to visit the Virgin Islands and to report fully to Congress as to existing conditions in the said islands, and particularly to report and recommend action by Congress, if need there be therefor, with reference to whether the present government under executive direction should be superseded by civil government provided by Congress as contemplated by act of March 3, 1917 (39 Stat., p. 1132), said government being now only temporary in character and by order of the President being now vested in officers of the Navy; also, as to whether Congress should at this time provide for a civil government of the island by an organic act; also what, if any, legislation is necessary pending the formation and adoption of an organic act, and as to the general conditions existing in the islands. Said report to be filed at the earliest date practicable, and during the Sixty-sixth Congress. That the expenses of said commission in carrying out the provisions of this resolution shall be paid in equal proportions from the contingent funds of the Senate and the House of Representatives, upon the audit and order, respectively, of the ranking Senate and House Members of said commission, the total amount not to exceed the sum of $2,500.

Mr. CAMPBELL of Kansas. Mr. Speaker, this is a Senate resolution amended by the House committee for the purposes indicated in the resolution.

We are now governing the Virgin Islands through the Navy Department. At the time the matter was considered here a few years ago it was the intention of Congress that these islands should at as early a date as possible be provided with a civil government. They are still governed by the Navy Department, and it is the purpose of this resolution to appoint a commission to visit the islands, with a view of ascertaining whether or not there should be a civil government there, and if so, the kind of government that they should have.

Mr. HICKS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. HICKS. Some two or three years ago the Naval Committee visited those islands, and I am wondering why it is necessary now for a commission to go there; because when we were there we found out that the naval authorities were making a thorough investigation of all the conditions on the islands, the sewerage system, the educational system, and everything pertaining to those islands, under the supervision of the Navy Department. Why can not all the desired information be obtained by inquiring of the naval authorities what in their judgment is the best policy to pursue, without going to all this additional expense? [Applause.]

Mr. TOWNER. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Iowa.

Mr. TOWNER. In response to the inquiry of the gentleman from New York, which is a very pertinent one, let me say that this legislation is at the instance of the Navy Department. I have a letter in my possession which I will not take the time to read unless the gentleman desires. When this resolution came over from the Senate it was sent to the Committee on Insular Affairs. I at once sent the resolution to the Secretary of the Navy. I had a conference with him and a conference with Admiral Oliver, under whose jurisdiction the islands have been governed ever since they were taken over. The legislation which we adopted provided that the occupancy by the military authorities should be only temporary, and it is the desire of the Secretary of the Navy that this be done. In other words, the time has come for the establishment of a civil government there, and that is the only purpose that this resolution has in view. These people down there have asked that this commission be sent there. As you will see this is a very small commission, consisting of three Members of the House and three Members of the Senate. The people of the islands have asked that this commission go down and hold hearings and allow them to be heard regarding conditions and regarding the kind of government they desire.

Mr. HICKS. I will say to the gentleman from Iowa, with the permission of the gentleman from Kansas, that I have no doubt whatsoever that a civil government should be established in those islands. My only point was that, with all the information now possessed by the Navy Department, which has been governing those islands for several years, it would seem an unnecessary expense for this Government to send a commission there to get facts which are now in the possession of the Navy Department.

Mr. TOWNER. In answer to that, I will say that I presume the Secretary of the Navy would be the better judge regarding that matter, and he thinks it very important that this commission be sent there.

Let me suggest also that probably one of the principal reasons that actuated the Secretary in taking this position is the fact that the people in the islands desire to be heard. They desire to have this commission come there and examine the situation and have hearings and allow them to be heard regarding the kind of government that they wish. It is for that reason largely that this inquiry is to be made.

Mr. CAMPBELL of Kansas. I understand the people of these islands want to be heard by a civil commission which will report directly to Congress their wishes concerning legislation with respect to a civil government there, rather than submit their requests through the military or naval authorities.

Mr. CALDWELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. CALDWELL. This bill carries an authorization of only $2,500, and there are six members of the commission—three from the Senate and three from the House. That is only $416.66 apiece. Does the gentleman think that will pay the expenses of a commission to make that kind of an inquiry?

Mr. CAMPBELL of Kansas. I am informed that the commission will be able to make the investigation for that amount.

Mr. TOWNER. The Secretary of the Navy expects to make the expense as light as possible by placing at the disposal of the commission, at some port of the United States, a vessel to convey them to these islands. The Secretary of the Navy expects to send down perhaps one or two naval officers to accompany the commission.

Mr. CALDWELL. Are we to understand, then, that this commission will have a battleship or cruiser, at an expense of $2,500 a day, to take them down there, and that this amount of $2,500 is not going to cover it?

Mr. TOWNER. No; that is not the expectation.

Mr. CALDWELL. What kind of a ship is going to take them?

Mr. BAER. The *Mayflower*.

Mr. TOWNER. The proposition is that we shall go down to Key West, where some of the smaller vessels of the Navy are cruising, and that the members of the commission can be conveyed in that way to the islands without additional expense. One of the destroyers or smaller vessels of the Navy can take the commission over there without any additional expense to the Government.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, the commission provided by this resolution is in no sense for a junketing trip. The inhabitants of the islands have been urging for some time that they be given a local self-government. As has been said by Judge TOWNER, the resolution comes at the suggestion of the Navy Department. The gentleman from Tennessee [Mr. GARRETT] and the gentleman from Iowa [Mr. TOWNER] concur that this is the proper procedure. The resolution is unanimously reported from the Committee on Rules. I think no further observations are necessary.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, first I would like to say that this resolution comes up as a privileged resolution from the Committee on Rules. So that it may not be taken too seriously as a precedent, I want to suggest that, in my judgment, it is not a privileged resolution. However, I believe in passing the resolution. The expense will amount to nothing. It might properly be paid if it amounted to something. This commission will undoubtedly be taken through the islands upon a naval vessel upon one of the trips that the naval vessels make to the islands whether the commission be sent or not.

It is appropriate to the dignity of this country that, having acquired these islands, having given them no permanent form of government, having put a temporary government there purely under the Navy Department, that we should take up for consideration in some way whether there shall be, and if so, what kind of a civil government there. Due dignity of our country to the islands and the people there ought to cause us to send a repre-

sentative of our legislative body there in order to talk with the people and get the local sentiment.

I visited these islands some years ago. Many Members of the House have been there, but I did not go with any committee of the House. When our vessel came into St. Thomas every man on board the ship, every woman and child, were more or less excited about getting ashore to buy things. St. Thomas was then what was called a free port; there were no duties on imports. It was the cheapest place to buy articles that there was on the American Continent, or probably in the Western World anywhere. Whether that continues now I do not know. They met with more or less of a loss when the Panama Canal was opened by changing somewhat the lines of trade, and they met with a serious loss when the war came on.

But we ought to deal fairly with these people. While we have acquired the islands for the benefit and protection of the United States, it is not the desire of the United States at any time to impose upon the local people because of the necessities of the Nation. I believe it would be a good thing if we could all go there, and I am sorry that we can not all go. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, something has been said about the manner of conducting the commission through the islands. I am informed that the Navy sends at irregular intervals its cruisers and destroyers down to that port, which is a naval base. They go at irregular intervals, and it is the intention that this commission shall go upon one of those trips, which will add nothing to the expense of the trip. The commission will only have the expense of traveling to the port at which they embark.

I suggest, as was suggested by the gentleman from Illinois and every gentleman here, that these people are entitled to the dignified consideration of the American Congress. We purchased these islands and the people with them. They have never seen a commission from the Government of the United States. They know nothing of the United States, except through the naval authorities. They have the right to know whether or not they are to be governed by a civil government or whether they are to continue under military rule.

Mr. SMITH of Michigan. Can the gentleman state what the population of the islands is?

Mr. CAMPBELL of Kansas. The population of the three islands is about 75,000.

Mr. SMITH of Michigan. When did we buy them?

Mr. CAMPBELL of Kansas. We purchased them of the Danish Government in 1917 at an expense of $25,000,000.

Mr. LAYTON. Was it by the determination of these people inhabiting the islands that we acquired control of the islands?

Mr. CAMPBELL of Kansas. No; we bought them for our own protection. We bought them for the purpose of keeping Germany from getting them. Now, we ought to give them a chance to tell the commission and Congress what kind of a government they would like to have.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. TILSON). When this resolution was submitted the Chair was not furnished with a copy, and assumed that it was the usual privileged resolution from the Committee on Rules. When it was read the Chair was clearly of the opinion that it was not a privileged resolution, but no one raised the point of order, and the gentleman from Kansas did not ask unanimous consent to consider it. There was, however, a decided pause, and no one objected or raised a point of order. Therefore the Chair assumed that unanimous consent had been given.

Mr. CAMPBELL of Kansas. The Chair stated that a privileged resolution had been offered, but, as a matter of fact, I submitted a report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. CAMPBELL of Kansas. Mr. Speaker, I do not recall whether when the joint resolution was read the amendment changing it from a joint resolution was reported.

The SPEAKER pro tempore. The Clerk informs the Chair that it was not.

Mr. CAMPBELL of Kansas. I ask unanimous consent that the resolution may be modified as indicated by the amendment in the report.

Mr. MANN of Illinois. But the resolution has been passed.

Mr. CAMPBELL of Kansas. I ask unanimous consent that the proceedings with reference to the passage of the resolution be vacated.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the proceedings agreeing to the resolution be vacated. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, I ask unanimous consent that the amendment be reported.

The Clerk read as follows:

The committee recommends that the resolution be changed from a joint resolution to a concurrent resolution.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. Does the gentleman wish to make any motion with reference to the preamble?

Mr. CAMPBELL of Kansas. I do not care to make any motion in relation to the preamble.

Mr. MANN of Illinois rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MANN of Illinois. Mr. Speaker, I desire to submit a parliamentary inquiry to the parliamentary sharps of the House, after the Speaker has considered it. This is a joint resolution as it comes to the House—

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled.

We have agreed to a proposition to change that to a concurrent resolution. However, the language has not been suggested as an amendment. I am prompted to make the inquiry I do so that the engrossing clerk of the House may know what he is to do. Will this then read—

Resolved by the Senate (the House of Representatives concurring)—

Or will it read—

Resolved by the House of Representatives (the Senate concurring)?

The SPEAKER pro tempore. The Chair is of opinion that we can not change the work of the Senate, and that it would be—

Resolved by the House (the Senate concurring).

It is a Senate joint resolution.

Mr. MANN of Illinois. It originates in the Senate, the House amends it and changes it to a concurrent resolution, but it seems to me that the House in making that change would still leave the resolving clause as having originated in the Senate—

Resolved by the Senate (the House concurring).

It occurs to me that that would be the proper mode. I do not think this question has arisen very often, though it has at times in the past.

The SPEAKER pro tempore. The language that is left in the resolution as it is now presented to the Chair is—

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled.

It does not appear in the resolution what the change should be.

Mr. MANN of Illinois. I understand, but it did not appear in the amendment. The amendment which we agreed to was the change from a joint resolution to a concurrent resolution. The amendment was agreed to, but the committee did not report the language striking out and inserting, leaving the matter to the engrossing clerk, and I expect the engrossing clerk will know more about it than all the rest of us put together.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. WALSH. Does the gentleman contend that after the Senate has passed a joint resolution the House can so change it to a concurrent resolution, and that the Senate will not have to concur in the action of the House?

Mr. MANN of Illinois. Oh, of course the Senate would have to concur in the amendment—that is, if it becomes a law or is passed by both bodies. We can change it. We have changed it, as the man said, when he was in jail.

Mr. WALSH. If the gentleman will permit, I understood him to state that he thought the amendment would make the resolving clause read—

Resolved by the Senate (the House concurring).

Mr. MANN of Illinois. Yes.

Mr. WALSH. The Senate would still have to agree to that.

Mr. MANN of Illinois. Certainly. They would have to agree to the amendment if it is passed by both bodies. That is an amendment that is suggested by the House.

The SPEAKER pro tempore. The question is finally on agreeing to the resolution.

The resolution was agreed to.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to reconsider the vote by which the resolution was agreed to and to lay that motion on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. I understood that all proceedings had been vacated. How far back did we vacate the proceedings?

The SPEAKER pro tempore. Before the third reading.

Mr. GARRETT. The only thing in my mind is whether the amendment has been adopted.

The SPEAKER pro tempore. Both amendments have been adopted and the resolution is changed to a concurrent resolution. Therefore it did not require a third reading.

Mr. SAUNDERS of Virginia. Mr. Speaker, as I understand it, the other matter has not been acted upon.

The SPEAKER pro tempore. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. Has the matter been disposed of finally?

The SPEAKER pro tempore. The resolution was agreed to and the proceedings by which it was agreed to were vacated. The resolution was then amended, and as amended has been agreed to.

Mr. SAUNDERS of Virginia. I did not hear it put to the House. Was it put to the House?

The SPEAKER pro tempore. It was.

Mr. SAUNDERS of Virginia. How was it decided finally that it should read—

Resolved by the House of Representatives (the Senate concurring).

How does it appear in the resolution as finally passed?

The SPEAKER pro tempore. It will appear—

Resolved by the Senate (the House of Representatives concurring).

Mr. SAUNDERS of Virginia. That is the form in which it will go to the Senate?

The SPEAKER pro tempore. That is the form in which it will go to the Senate.

Mr. CLARK of Missouri. Mr. Speaker, I want just to make a remark, that the thing was disposed of by the gentleman from Illinois [Mr. MANN] referring it to the enrolling clerk. That was what became of it at last.

The SPEAKER pro tempore. The action of the House was that the amendment be agreed to making it a concurrent resolution.

Mr. SAUNDERS of Virginia. I understand; but I am asking the form in which it was finally passed. Was it with the House of Representatives concurring or the Senate concurring? That question was raised and discussed, but I never heard it disposed of.

The SPEAKER pro tempore. The Chair is informed by the enrolling clerk that he has it with the House of Representatives concurring.

POST OFFICE APPROPRIATION BILL.

Mr. STEENERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 65, at not exceeding $3,000 each; 15, at not exceeding $2,500 each; 10, at not exceeding $2,000 each; 20, at not exceeding $1,900 each; 70, at not exceeding $1,800 each; 200, at not exceeding $1,700 each; 250, at not exceeding $1,600 each; 250, at not exceeding $1,500 each; 215, at not exceeding $1,400 each; 400, at not exceeding $1,300 each; 650, at not exceeding $1,200 each; 600, at not exceeding $1,100 each; 350; at not exceeding $1,000 each; 50, at not exceeding $900 each; 50, at not exceeding $800 each; in all, including increases hereinafter provided, $5,672,125. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. BEE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Minnesota a question. The procedure and table on which this compensation for assistant postmasters is fixed I notice ranges from $800 to $4,000?

Mr. STEENERSON. The figures here recited are the basic figures submitted by the department, so that the language is the same as it would be if we had not made the temporary increases, but the table is changed so as to correspond with the total of the temporary increases, and therefore we have this clause, "including increases hereinafter provided."

Mr. BEE. Do I understand as to assistant postmasters, for example, 350 at $1,000 each, that that $1,000 is the basic salary?

Mr. STEENERSON. That is the basic salary.

Mr. BEE. Added to that is the rate that the House fixed a while back?

Mr. STEENERSON. Certainly; there were two increases.

Mr. BEE. So it brings the increase up to what we gave them?

Mr. STEENERSON. The total will be sufficient to pay according to section 2, to continue the compensation now paid.

Mr. BEE. All right, sir.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, to get a little matter of brush cleared up in the RECORD. On October 24 last I called the committee's attention to the fact that a fourth-class postmaster, under the ruling of the department, was required to do first-class work on fourth-class pay for about a year after the receipts showed a first-class office before getting relief.

Mr. STEENERSON. Would not the gentleman just as well wait until we reach the clause for unusual conditions. It is not in order now.

Mr. BLANTON. This is a matter of some importance. I do not like the gentleman to take up what little time I have.

Mr. STEENERSON. The gentleman has not got any time.

Mr. BLANTON. It is a matter of getting the RECORD straight concerning a statement made by an official of the Post Office Department put in the RECORD last Saturday.

Mr. STEENERSON. Of course, the gentleman can not discuss unusual conditions in Texas on a motion to strike out the last word. Would not the gentleman prefer just as well to wait until we reach that clause?

Mr. BLANTON. Proceeding under such unusual conditions as the chairman finds himself in here now, with only a handful of Members present, I am sure he does not care to be fractious about a gentleman correcting the RECORD concerning a bill which he has in charge. I want to cooperate with the gentleman all I can, I am sure, if he will only let me.

Mr. STEENERSON. But I submit to the gentleman, would it not be proper——

Mr. BLANTON. If the gentleman will just let me alone for a few minutes, I will get through.

Mr. STEENERSON. How much time does the gentleman want?

Mr. BLANTON. Mr. Chairman, in order that I may not be interrupted, I ask to be permitted to proceed for 10 minutes to get a little matter straight.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, I prefer not to be interrupted. In trying to get relief for the post offices in the oil section of my district, on October 24, 1919, I made the following statement on the floor of the House, to wit:

[From the CONGRESSIONAL RECORD, pages 7453–7454.]

Mr. BLANTON. Mr. Speaker, not long ago, in company with Mr. Johnson, who is chief clerk in Mr. Koons's office, we went to the office of Mr. Ellsworth, who has charge of the post-office service, and Mr. Ellsworth stated to me that where through receipts a fourth-class post office suddenly increased to an amount authorizing it to be raised to a first-class office, the postmaster was required to continue working for a salary of $1,000 per annum for a whole year before his salary could be raised. I told him of a situation where a village of about 400 people in my district had suddenly grown to a city of 25,000 people. The post office there was in the hands of a man under the fourth-class status, who was being forced to hold that office with a salary of only $1,000 a year, notwithstanding the fact that the receipts of the office showed that it was a first-class office. Mr. Ellsworth and Mr. Johnson stated to me that under the law and under the regulations of the department based upon that law it would be necessary for that postmaster to continue to perform the service of a first-class office for 25,000 people for a whole year before his salary could be raised above $1,000 per annum. I will ask the chairman of the committee if that is not the law? I ask the distinguished gentleman from Illinois [Mr. MADDEN], the next ranking member on the committee, to state if that is not the law. They are silent. That is a condition that ought not to exist. Mr. Ellsworth stated to me that he had called the attention of our Post Office Committee to this emergency; and even though he had been granted an emergency fund, he could not pay that postmaster one single cent out of the emergency fund over and above his maximum of $1,000 a year for a fourth-class

post office. Consequently you can hardly get a man to think of holding the office of postmaster in that thriving city. Postmaster after postmaster has tried it and resigned, and the citizens in that district to-day are standing in line two, three, and four hours, and some of them are paying $2 to get a place up at the front of the line near the window, in order to get their mail. The distinguished gentleman from Colorado [Mr. HARDY] stated to me a few minutes ago that this very condition existed at Cripple Creek years ago, and at other places in the mining districts of Colorado. Is it possible that this kind of an emergency has appeared in the past history of this country and that this splendid, efficient Post Office Committee has not taken some steps up to this time to remedy that situation?

Mr. STEENERSON. If the gentleman will yield, I will say to him that neither the Postmaster General nor anybody else in the Post Office Department has ever notified the Post Office Committee of the condition the gentleman speaks of.

Mr. BLANTON. Mr. Ellsworth stated to me that he had called on Congress repeatedly for a larger emergency fund, and that he could not get it, and that several times his department had called attention to these emergency situations without avail.

Mr. BLACK. If my colleague will yield, I think what he has in mind is that he came before the Committee on Appropriations for a deficiency. The Committee on the Post Office and Post Roads does not deal with deficiencies, so I am sure it has not been before our committee.

Mr. BLANTON. However uninformed the committee may have been heretofore, with regard to the emergency situations I have mentioned, they can not state that they are uninformed now, because I have brought it to their attention, and I hope they will remedy the situation, so that the people in a city of 25,000 population can get their mail without standing in line three, four, and five hours and paying $2 for a place every day or two in order to get their mail. Some of my constituents who are business men have been forced to order their mail sent to another post office 25 miles away, and to send their automobiles for it every day. This is an emergency that could happen in any part of the country. Five years ago it was never dreamed that oil was in this section, and to-day in two counties in my district there are 200,000 barrels of oil flowing out of the ground every day.

Mr. PARRISH. Can the gentleman suggest any way by which we can run the post offices in our section of the country so that the postmasters can get this increased compensation without having to wait for a year?

Mr. BLANTON. There is no way to do it until we change the existing law. My colleague who has just interrogated me represents another district in the same fix. The wonderful oil fields have been developed at Burkburnett and other places in his district, and he has postmasters doing service for a first-class office with first-class receipts, but still receiving a fourth-class postmaster's salary. It is simply outrageous and should be remedied immediately.

Mr. Chairman, the only mistake I made in the above statement, was that I stated that my conversation was with Mr. Ellsworth, when I should have said that it was with Mr. W. S. Ryan, who is Mr. Ellsworth's assistant, who was then in charge of Mr. Ellsworth's office. Hence, naturally, Mr. Ellsworth denied having the conversation.

My colleagues will remember that the office of Mr. J. C. Koons, the First Assistant Postmaster General, is on the fifth floor of the administration building, and that we do most of our business concerning post offices with either Mr. Koons or his chief clerk, Mr. J. W. Johnston. It is rare that we go to the subordinates. Mr. Ellsworth's office is on the fourth floor. On this occasion last October when Mr. Johnston took me to Mr. Ellsworth's office in my effort to get relief for the Desdemona postmaster I of course expected to see Mr. Ellsworth, but he being out our business was transacted by Mr. Ellsworth's assistant, Mr. W. S. Ryan.

So in speaking of the interview later on in the House on October 24, 1919, it was the most natural thing in the world to mention the name Ellsworth, as the information came from his assistant in his office.

And on last Saturday my good friend from Minnesota, the chairman of this committee [Mr. STEENERSON], because I had humiliated him a little bit in calling attention to the fact that he had an unlucky number here, only 13 of his colleagues, in the consideration of this great supply measure, got a little affronted and attempted to trip me up by putting into the RECORD the statement of the Postmaster General that Mr. Ellsworth disclaimed having the said conversation with me.

Now, the good chairman ought to be a better sport than that. He ought to be a good sport and take his medicine, like we good Democrats did when the gentleman from Massachusetts [Mr. WALSH] administered it to us so often during the Sixty-fifth Congress. But while the good chairman was attempting to trip me up he ought at the same time to have printed in the RECORD the statement signed by Mr. W. S. Ryan, which was also attached as a memorandum to the said statement of the Postmaster General. Although attached thereto as a memorandum, it was not printed with the Postmaster General's statement, but was segregated therefrom and put in his desk by the chairman and was not printed in the RECORD. Why did not my good friend from Minnesota put it in the RECORD? Let me call your attention to some excerpts——

Mr. STEENERSON. The time had expired. I did not have time to read the letter, even.

Mr. BLANTON. We permitted you to print it, and you might just as well have printed all the memorandum as to print Mr. Ellsworth's. That was a memorandum.

Mr. STEENERSON. I gave it to the gentleman.

Mr. BLANTON. Not until I specially requested it this morning. I did not fall out with my good friend about that, but I want to get the record straight. My good friend did give me Mr. Ryan's statement when I went to him this Tuesday morning and demanded it.

Mr. STEENERSON. The gentleman did not demand it. He asked me for it.

Mr. BLANTON. I requested it politely, because I knew that was the way to get it. But it was a demand in effect.

Mr. STEENERSON. I did not know it or you would not have gotten it.

Mr. BLANTON. I went to Mr. Ryan yesterday, and found that he had made this statement, and that it should be attached to the statement of the Postmaster General. I was surprised that it had not been made public. Mr. Ryan did not deny having had the said conversation with me in October. He remembered every detail of it as I went over it with him. And, fortunately, one of my colleagues now seated here in the House happened to be present in October and heard it. Let me read the following excerpts from Mr. Ryan's statement:

[Excerpts from statement signed by W. S. Ryan on Nov. 11, 1919.]

I explained to Mr. BLANTON that the Post Office Department is without authority to increase the salaries of presidential postmasters except at the beginning of each fiscal year, and that such increases are based on the postal receipts of the previous calendar year. I explained to him also that a fourth-class post office must remain in that grade at least four quarters and that five quarters must elapse before reclassification can be made, except that a fourth-class post office, after remaining in the grade for four quarters, could be advanced to a higher grade at the commencement of any quarter when the compensation of the postmaster reached as much as $1,000 and the receipts amounted to at least $1,900 during that period.

Regarding the refusal of the department to grant sufficient amounts out of unusual conditions to conduct the offices in his district affected by the oil industries, it was explained to Mr. BLANTON that his postmasters had been granted every request since July 1 of this year; that during the last quarter of the last fiscal year it was necessary to curtail allowances for this purpose for the reason that Congress had seen fit to grant a less amount than was requested of the Appropriations Committee for unusual conditions. * * *

Mr. STEENERSON. What committee?

Mr. BLANTON. The Appropriations Committee, he states here. He did not tell me that then. He said "Congress." Let me show you what else he says:

In reply to his question as to whether this matter was brought to the attention of Congress he was informed that the same provision appeared in every bill, and it was presumed that Congress was fully acquainted with its provisions. * * * He stated that he was not aware of the fact that the Post Office Department is without authority to do the things he thought should be done, and that he was sure Congress did not understand the conditions. * * * He was told * * * that the matter had been brought to their attention in each appropriation bill framed for the Postal Service. * * *

It was pointed out to Mr. BLANTON, from records in this division, that every request made by the postmasters in his district, either for rental or clerical allowance, had been complied with, and that in some instances mentioned by him no correspondence was on file from postmasters making request for either clerical or rental allowance.

(Signed) W. S. RYAN.

Now, Mr. Chairman, who frames the bill for the Postal Service? What does Mr. Ryan mean when he says "that the matter had been brought to their attention in each appropriation bill framed for the Postal Service"? Are not such bills framed by the Post Office Committee?

He misled me. I am not responsible for that. That is what he told me, and I had a right to act on his information and to call the attention of the committee to what he told me. It is just a mere matter of his misleading me on the question.

Mr. Chairman, I am one of the few Democrats in this House who has ever been ready and willing to defend the Postmaster General and his administration. I have been criticized for so doing. In nearly an hour's speech I defended him against the assault made upon him by the gentleman from Minnesota [Mr. MILLER]. The Postmaster General is from my State, and I am a loyal Texan. But when he says that "every request made by the postmasters in the seventeenth district, either for rental or clerical allowance, had been complied with," and he intimates that he has had no serious trouble in filling vacancies caused by resignations in my district, and further says that "the service in that section has been and is at this time as good as could reasonably be expected," I can not defend him longer.

Such are not the facts, and every man in my district knows it, and every employee in the whole Post Office Department in Washington ought to know it. Postmasters have resigned from such places as Breckenridge, Caddo, Strawn, Ranger, Desdemona, Gorman, Lueders, Stamford, and other splendid towns, and only loyal patriotism has kept the other postmasters on the job in my district. It has been a very difficult matter to get men to apply for such vacancies.

At the very time these communications were written by Postmaster General Burleson, Supt. Ellsworth and Asst. Supt. Ryan, the postmasters and chambers of commerce at Cisco,

Gorman, De Leon, Eastland, Merkel, Breckenridge, Desdemona, and a number of other places were imploring the department for additional help, equipment, and assistance, and they are all still in dire need of it. Mr. Ellsworth tries to excuse himself by stating that he has had only six visits from men in the last six months. He does not attempt to state the numerous trips I have personally made to the First Assistant Postmaster General's office to see Mr. Koons and to see Mr. Johnston with regard to getting help for these offices.

Now, when Mr. Ryan told me in October that he had complied with the request of every postmaster I wrote the postmaster at Ranger, Tex., so informing him, and asking him to advise me if it were true, and, if not, to tell me what he still needed in order to give proper service to the 25,000 people in Ranger, Tex. He wrote me back that the department had not furnished him with the needed requirements, and gave me a specific list of his needs and necessities. At this time people in Ranger were paying $1 and $2 merely for a place in the line to get their mail, which was perfectly outrageous. I sent this letter to the department, and later on, to my great surprise and mortification, I found that the department had written an insulting letter to this loyal postmaster, who was serving more as an accommodation to his people than anything else, and had threatened him with suspension for having called on Congressmen for help, when, as a matter of fact, such Congressman had invited the communication.

Let me read you what the department wrote this loyal postmaster:

In view of the facts above quoted it is not understood why you should consider the Congressman's influence with the department necessary in order to secure authority for the employment of necessary clerical assistance. Furthermore, your statements to him are so grossly inaccurate as to raise the question as to your integrity. Ordinarily such conduct would subject the offender to summary removal. However, your record prior to the date of your letter to the Congressman has been good and you have evidenced an earnest effort to maintain the service at Ranger on a satisfactory basis. Therefore no action will be taken pending your reply to this letter, which you will be expected to submit promptly to me under personal cover.

J. C. KOONS,
First Assistant.

Now let me read you the letter from this good postmaster and the copy of his letter replying to First Assistant Postmaster General Koons:

RANGER, TEX., *December 8, 1919.*

HON. THOMAS L. BLANTON, M. C.,
Washington, D. C.

MY DEAR MR. BLANTON: You will pardon me for again writing you, but I am in receipt of a letter from the department in which they make this statement:

"It is not understood why you should consider the Congressman's influence with the department necessary to secure authority for the employment of necessary clerical assistance. Furthermore, your statements to him are so grossly inaccurate as to raise the question of your integrity. Ordinarily such conduct would subject the offender to summary removal. However, your record prior to the date of your letter to the Congressman has been good and you have evidenced an earnest effort to maintain the service at Ranger on a satisfactory basis. Therefore no action will be taken pending your reply to this letter, which you will be expected to submit promptly to me under personal cover.

"(Signed) J. C. KOONS."

Now, Mr. BLANTON, I took this office at a financial sacrifice in order to try to get the service on a basis that would be satisfactory to all concerned, feeling that I would be rewarded by the cooperation of both the patrons and the department, and that the salary would increase as the office progressed until I would not be wholly unpaid for the effort expended and the loss sustained.

Now, in view of the fact that I have been accused of grossly misrepresenting matters and unlawfully soliciting legislative influence to secure service at this place, I feel, Mr. BLANTON, that if I am guilty of these charges that I am not a fit personage to hold this responsible position, and I believe it your duty to ask that I be removed from the place. But if there is a doubt in your mind as to the correctness of these charges (copy of my reply to which are inclosed) I respectfully refer you to any of the following persons of Ranger, Tex.:

M. H. Hagerman, mayor; Gray Powell, chasier First National Bank; C. H. Butler, vice president Bank of Ranger; Mr. Chenowith, president Texas Bank & Trust Co.; George T. Hemingson, secretary of the chamber of commerce; Dr. M. S. Alexander; Dr. L. C. G. Buchanan, or any prominent business man in this city, and after your investigation you find that I am worthy to remain in this position as acting postmaster, I ask that you will kindly place this communication in your wastebasket and forget it.

Thanking you for your many favors granted to your people through your acting postmaster, I am,

Very sincerely, yours,

F. O. KELLY.

RANGER, TEX., *December 8, 1919.*

J. C. KOONS,
First Assistant Postmaster General, Washington, D. C.:

Replying to yours of December 2, initialed SSH, I submit the following:

Refer to my two letters of September 24, wherein I made my first recommendation for clerical and carrier assistance for the quarter ending December 31, 1919. There had been no other allowance asked for this quarter's business, and I made this as soon as I was notified that I had been selected by the sureties of the late postmaster to succeed O. R. Cooper as acting postmaster, and in these recommendations I asked for the following:

There had been allowed 11 regular clerks. I asked for 16 additional, to bring the total to 27 clerks, and gave designations to which they would be placed. Also, I asked for 2 additional carriers, to make a total of 5 foot carriers and 1 parcel-post carrier; also asked for a department-owned delivery truck for the parcel post. I stated that this was necessary for the proper conduct of the office and to give the patrons satisfactory service, and if you will follow the record of progress you will find that I was correct in every detail.

Then, on October 18, your letter stating that I had been allowed 7 additional clerks—3 at $1,500, plus 15 per cent, and 4 at $1,200, plus 15 per cent—and with the 5 auxiliary clerks granted this made a total of 23 clerks. All right. In the same mail with this letter I received from the Hon. THOMAS L. BLANTON, Member of Congress, a letter stating that you had informed him that I had been granted all that I had asked. This letter from the Congressman of this district came to me unsolicited, so far as I was concerned. His statement that you had granted me all that I had asked and his request that I advise him at once if there was anything else needed to give his people service were in a letter dated October 17. I held this letter, waiting advices from your office as to whether I would be granted carrier help you had promised him to grant, or, rather, according to his letter, that you had stated had been granted ("the department advises me that it has now furnished you with everything you asked for"). Very good. On November 24, 60 days after my request for relief in the city-delivery section, not having received any word from you in regard to same, I, at the request of Dr. M. S. Alexander, who had just received a letter from Congressman BLANTON, his personal friend, stating that he had not had a reply to his letter addressed to me, I could do nothing else than answer the Congressman's letter, and in answering same I gave him a plain statement of facts as they confronted us, and I have on file sufficient evidence to prove the correctness of every statement I made.

Your letter (pardon me for the statement) was not written granting the extra help for the city delivery until November 22, 58 days after I asked for same and 35 days after the Congressman's letter to me stating that I had been granted everything I had asked.

That part of your letter in which you state that my statements to the Congressman are so grossly inaccurate as to raise the question of my "integrity," if you can prove that any statement I have made to you or to Congressman BLANTON are not true, I am sure that Congressman BLANTON is man enough to ask that I be removed.

In appreciation of your statement that my record had been good and that I had evidenced an effort to maintain satisfactory service, allow me to say that I am here for the good of the service and am trying to give everyone a square deal, and run the office as near to the postal law and regulation as possible, and without fear or favor to anyone.

Any additional information you wish on this matter will be cheerfully given.

F. O. KELLY,
Acting Postmaster, Ranger, Tex.

I merely want to call this to the committee's attention. It is the duty of a postmaster, when he makes complaint to the department that he needs facilities to furnish service, and that department does not furnish them, and the people are clamoring at him, and he is holding that office just as a favor to the community, to call it to the attention of his Congressman.

Mr. CAMPBELL of Kansas. Is he still in office?

Mr. BLANTON. He is still in the office.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for five minutes more in order to fully explain the situation.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes more. Is there objection?

Mr. STEENERSON. Reserving the right to object, it is understood the gentleman will not ask for any more time?

Mr. BLANTON. I will not ask for any more.

Mr. STEENERSON. I will not interrupt. I want to know if this is the last five minutes he is going to ask for?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. If the Post Office Department wants me to defend it against criticisms hereafter, it must not write any more such uncalled-for, insulting letters to the loyal citizens who are trying to serve the people as postmasters in my district. The Army may scare soldiers into keeping their complaints away from their Congressmen in war times, but the Post Office Department is going to have awfully rough sailing in trying to assume such ironclad discipline in denying to postmasters the right to appeal to their Congressmen for proper and needed assistance required to render their patrons decent service in peace times.

I am the personal friend of the Postmaster General, of the Assistant Postmaster General, and of the men in their departments, and have no personal feeling in this criticism. Because west Texas is about 2,000 miles distant, these gentlemen must not assume that the good people there are not entitled to proper service. They have stood great inconveniences a long, long time. It is true that the department has until recently been handicapped for want of emergency appropriation. But with the emergency appropriation provided for in this bill, to meet these emergency conditions in the oil section of west Texas, there will be no further excuse for the department to longer withhold proper necessities from the many post offices needing immediate assistance in the oil belt.

I want to thank my colleague on the committee, the gentleman from Texas [Mr. BLACK], for his kind consideration in looking after this emergency, and I want to thank each and every member of this committee for their kind consideration. I wish for each of them, and their people, the prosperity that comes with oil abundantly flowing from the ground, and hope that Dame For-

tune may similarly smile on their districts, and then they may better understand the problems which have beset my colleague [Mr. PARRISH] and myself, for lo, these many months.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. STEENERSON. Mr. Chairman, I have tried hard to satisfy the gentleman from Texas [Mr. BLANTON], who has just addressed you. On October 24 last he made the statement, in criticism of the Committee on the Post Office and Post Roads, that the department had told him that they had frequently called the attention of that committee to the fact that there was not legislation sufficient to take care of these unusual conditions arising by reason of the oil developments in Texas. I stated then that the Post Office Department had never called the attention of the Post Office Committee to it, and Judge MOON corroborated my statement on the floor of the House on that date, October 24, and we let it rest.

The fact is, that there was at that time no bill introduced by anybody seeking to change the law in regard to unusual conditions. These, as I said on Saturday, had existed in some cases for a year and a half. Now, the Committee on the Post Office and Post Roads, when it took up the appropriation bill, concluded to do a thing that was unusual.

This is not a legislative bill. This is an appropriation bill, and the rules of the House forbid that we should have any legislation as a rider on this bill; but because of the representations of the gentleman from Texas [Mr. BLACK], who enjoys the confidence and respect of everybody on the committee, and I believe of everybody else who knows him, we yielded to his solicitation to change this law, and decided to report a section changing it, and I included it in the rule so as to make it in order. You will find it referred to in the rule making this provision in order, for the correction of the conditions referred to by the gentleman from Texas [Mr. BLANTON]. It was brought in when the bill was reported, and I thought one of the most pleased men in the House would be the gentleman from Texas [Mr. BLANTON]. Instead of that, to my great surprise, he began to lambast the Republicans for not being here in great numbers. I thought that whether we were few or many, as long as we were bringing in a bill for his benefit, he ought to be satisfied. I did not think he ought to lash us. All that I have said was in defense of the Post Office Committee, to wit, that the department had never called our attention to the matter or asked for any legislation in regard to the matter. I wrote to the department and asked if they had called the attention of the committee to the matter and if they had asked for such legislation, and the letters were read here on Saturday. The letter of the Postmaster General was read, all except the last clause, when the time expired, and at the request of the gentleman from Illinois [Mr. MADDEN] the whole letter was printed in the RECORD. I tried to have it read in full.

It is true that there is an exhibit referred to in that letter, but I did not think that was very important. It was simply corroborative of what was stated before. The gentleman asked for it and I gave it to him, and he has read part of it, but not all. The substance of it is in corroboration of what Mr. Burleson says in his letter, and of what Mr. Ellsworth says in his letter, to wit, that they had not called the attention of the Committee on the Post Office and Post Roads to this matter at the time they wrote, and that they had not asked for this legislation at that time. In fact, I think the Postmaster General's letter says that they did not need the legislation. However, upon further consideration the committee was satisfied that the conditions were such as to require legislation. We reported it, and I got a rule to make it in order as a rider on the appropriation bill. It is pretty hard to do anything more than that. I hoped that the gentleman from Texas would be satisfied. I tried to get him to wait until this clause in the bill was reached before taking up this personal controversy. I have no interest in the controversy between the gentleman from Texas and the Postmaster General. He can criticize the Postmaster General all he wants to. I am sure he will not think I had any intention of stopping that when I tried to limit him to 10 minutes.

Now, as I want to pass this bill at as early a moment as possible I hope this controversy may be ended.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BLANTON. I ask unanimous consent to extend my remarks in the RECORD by printing certain documents in connection with this matter.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by including certain documents. Is there objection?

There was no objection.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 3,300, at not exceeding $1,800 each.

Mr. BEE. Mr. Chairman, I move to strike out the last word. I will ask the gentleman from Minnesota if this same rule applies to this as applied in reference to the previous inquiry?

Mr. STEENERSON. Exactly the same.

Mr. BEE. And the aggregate will give all of them the amounts that we have allowed?

Mr. STEENERSON. The aggregate is sufficient to give them the temporary increase in addition to their basic salary.

Mr. BEE. That information is satisfactory to me. I withdraw the pro forma amendment.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, $1,350,000.

Mr. WATSON. I move to strike out the last word, in order to ask the chairman of the committee how many contract stations there are distributed throughout the country.

Mr. STEENERSON. I would have to look at the hearings in order to tell the gentleman that.

Mr. WATSON. What is a contract station?

Mr. STEENERSON. A contract station is a drug store or other store where they have a post office, and the department makes a contract with the proprietor of the store to attend to the business without regular clerks being appointed.

Mr. WATSON. This item is for compensation of clerks at contract stations. What salaries do you pay these clerks, and how many were employed last year?

Mr. STEENERSON. I would have to consult the record; it varies. I do not carry the figures in my head. There are quite a large number employed.

Mr. WATSON. I quested how the committee arrived at the amount of $1,350,000 unless they had some data.

Mr. STEENERSON. We have exact figures which are given in the hearings. The number is quite large. The gentleman will bear in mind that in the large cities, like New York and Chicago and even Washington, they have these stations mostly in drug stores.

Mr. WATSON. You do not mean substations, do you?

Mr. STEENERSON. I do not mean substations, but contract stations, where they do not have regular quarters; they do their business in drug stores or stationery stores or other such places.

Mr. WATSON. I wanted to know if the gentleman could state the average pay.

Mr. STEENERSON. That varies very much. In some places they do it for nothing.

Mr. WATSON. Then the amount of salary each clerk receives is unlimited?

Mr. STEENERSON. The department has full authority to make a contract and to pay anything it sees fit.

Mr. MADDEN. Up to $1,000.

Mr. STEENERSON. The trouble is not that they pay them too much, but too little. There is a limitation of $1,000, as the gentleman from Illinois has stated.

Mr. ROUSE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, including increases hereinafter provided, $9,750,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. We are now on paragraph lines 13 to 17, page 11, appropriating $9,750,000 for temporary clerks and employees at summer and winter resort post offices. How much is that an increase over last year?

Mr. STEENERSON. Quite a large increase. We have changed the compensation from 40 cents an hour to 50 cents an hour.

Mr. CALDWELL. Does this provide for the additional help?

Mr. STEENERSON. It is an increase of $3,250,000.

Mr. CALDWELL. Did the committee cut down the department's estimate?

Mr. STEENERSON. No, sir; we are satisfied that the growth of the business is such that they will need all they ask for.

Mr. CALDWELL. The reason I ask the question is because we find an appalling situation along the water front in New York State in the summer resorts. The post offices have been without the necessary labor to handle the mail during the past

year, and they have not had enough money to take care of it. I wanted to know whether the committee had allowed all that the department had asked for.

Mr. STEENERSON. We gave the department all it asked for.

Mr. CALDWELL. All right; if they do not give us better service next year we will curse them and they can not curse us.

Mr. ROUSE. This appropriation provides for 60 cents an hour and the last appropriation provided for 40 cents an hour.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post offices, $8,000,000: *Provided*, That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 20 years.

Mr. TILSON. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. STEENERSON. That is covered by the rule.

The CHAIRMAN The rule provides that this paragraph shall be in order.

Mr. TILSON. Then I move to strike out the last word, for the purpose of asking the gentleman the reason for making this extension to 20 years. Is it necessary to make the rental for such a long period in order to get the best terms?

Mr. STEENERSON. We had extensive hearings on that subject. Mr. Koons explained with minuteness the reasons for this. The parcel post has so increased in late years, in large cities especially, that they are crowded for room, and it is almost impossible to do the business. In order to get private capital to build suitable quarters, they will have to have assurance that they will be rented for a longer term than 10 years.

I will say to gentlemen that I expect to offer a similar amendment under the railway provision, because at many railway terminals the department has great difficulty in getting space enough to do the business.

Mr. TILSON. Is it the intention to erect or contract by lease for sensible buildings for conducting the business or is it to continue the policy of having ornamental buildings, as we have in the past, more for looks than for use?

Mr. STEENERSON. Yes; that is the intention, to have a business building; and the man that builds it furnishes the money and the departments rents it at a reasonable rental. They reserve the right in every lease to cancel it in case of an emergency.

Mr. TILSON. The policy of the Post Office Department should be to secure buildings whenever practicable in the vicinity of railroad stations so as to avoid the long haul of the mail to and from the post office.

Mr. STEENERSON. Yes; that is one of the developments and improvements in the Post Office Department.

Mr. MADDEN. Take it in the city of Chicago, we have several terminals, with 39 trunk-line railroads coming into that city. Each of the terminals has a separate distribution point. The proposition there would be to put all the terminals into one building and have the trains run into that building on the first and second stories. If that were done, the Government would save $605,000 in overhead charges alone.

Mr. TILSON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $10,250,000: *Provided*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

Mr. DONOVAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 19, insert a new paragraph, as follows:
"That the Postmaster General is authorized and directed to contract for pneumatic-tube service in the cities of New York and Brooklyn, in the State of New York, to the same extent and under similar conditions and provisions as was in force under the contract for this service prior to June 30, 1918."

Mr. DONOVAN. Mr. Chairman and gentlemen, we all recall when the Post Office bill was before the House in 1918, the great arguments, pro and con, for this very valuable service. At that time the complaint against its continuance was made largely on the ground that it had not met with success in some places, but it was never questioned that it had been a success in New York and Brooklyn, either by members of the committee or the postal authorities themselves. This House has on every occasion when the Post Office bill containing the pneumatic-tube appropriation was under consideration, voted in favor of it. The various commissions and the committees of both the House and Senate appointed to investigate the efficiency and the usefulness of this system to the Post Office Department, have voted not only for its retention but its extension.

I have offered this amendment, and ask for the reinauguration of the system in New York and Brooklyn, because we believe—and in this I am indorsed by the Harlem Board of Trade, the Washington Heights Civic Association, the New York Chamber of Commerce, the government of that great city, and the citizenry in general—that it is needed, that it is efficient, that it is very much desired, and that it should be restored.

We have 54 miles of this service, and I particularly speak of it because I represent that section of the greater city—Harlem and Washington Heights—which was greatly benefited by the system. One hundred and twenty-fifth Street, in New York City, and thereabout north, is a city in itself. It is a community center, so to speak, and from that point radiates a large volume of mail. We find that by reason of the suspension of this service we are handicapped in the collection and distribution of the mail. New York City has spent $400,000,000 for the construction and the submersion of passenger transportation to relieve the great congestion of vehicular traffic on the streets. It means little in money for the Post Office Department to relieve the greater city, by the reinauguration of the tube service, but the use of the tubes, now in existence, will add greatly to the comfort of the citizens and reduce in a marked degree the dangers encountered, owing to the speed with which the autos now in use must necessarily travel in order to reach their destination on schedule time.

I urge the House to give this amendment serious consideration, with the hope that if you can not subscribe to the reinauguration of the system in some of the cities, that at least you will permit its restoration in Manhattan Island, where no complaint has been made either by the postal authorities or any of the committees. [Applause.]

Mr. STEENERSON. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. What is the point of order?

Mr. STEENERSON. It is not authorized by law and it is a change of existing law.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For fees to special-delivery messengers, $5,000,000: *Provided*, That the Postmaster General may, under such rules and regulations as he shall prescribe, deliver special-delivery matter without obtaining a receipt therefor.

Mr. CRAMTON. Mr. Chairman, I make the point of order against the proviso in this paragraph, or I will reserve the point if the gentleman desires.

Mr. MADDEN. I do not think it is subject to the point of order. This is made in order by the rule, is it not?

Mr. CRAMTON. There is nothing in the rule with reference to that language.

Mr. MADDEN. I think there is.

Mr. CRAMTON. I have not been able to find it.

Mr. STEENERSON. No; I do not think it is in the rule.

Mr. BLANTON. Perhaps the gentleman from Kansas [Mr. CAMPBELL] has a supplementary rule in his hip pocket.

Mr. STEENERSON. Does the gentleman reserve the point of order?

Mr. CRAMTON. Yes.

Mr. MADDEN. Mr. Chairman, the situation under existing law is this: A special-delivery messenger is required when he undertakes to deliver a special-delivery letter to take it back with him if there is no one there to receive it and give a receipt for it. It has been proved by experience that that in a large measure discommodes the business public, because it frequently happens that the special-delivery messenger can not find the person to whom the letter is addressed. The result is that he leaves a note, in which he says that an attempt was made to deliver the letter and that the letter can be found at a certain station, or, if it be not called for at that station, that it will be delivered in the next regular mail.

The request has been made by a very large number of business people throughout the United States that receipts for the special-delivery letter ought not to be required under the circumstances that are described, and that the letter should be put under the door or put into the office in some way where it is addressed. That is what this language is for.

Mr. CRAMTON. I would say, Mr. Chairman, that it seems to me that any patron of the Post Office Department who pays a special price for a special service is entitled not only to have that service but to know that he has it.

There is a tendency in the Post Office Department gradually to do away with everything in the form of evidence as to its failure properly to function.

Mr. MADDEN. That is not this case.

Mr. CRAMTON. If the gentleman will permit. They have ceased to postmark the letters to indicate the time that they arrive at the city of destination so that they can pass the buck along from one office to another if a letter is unduly delayed in its delivery. In the handling of registered mail there is a very fine rule in the Post Office Department, so that if I pay a special fee for the registration of a letter or parcel in order to be sure of its delivery to the person addressed, unless I expressly state on the card that I want that letter or parcel delivered to the person addressed—that is what I paid for—unless I expressly state that it must not be delivered to anyone else, they deliver it to anybody they find, so that the result is often that packages are lost and the department denies liability. Now, there is a case of failure to secure the service to which the public is entitled. Now, there is not one person in a thousand—if the gentleman will permit—not one patron of the post office in a thousand who knows of that regulation so that he can expressly call for what he wants.

Mr. MADDEN. Will the gentleman yield for this question——

Mr. CRAMTON. I will say to the gentleman, if he will permit, I see in this case of special delivery there is some excuse for this legislation, although I realize——

Mr. MADDEN. I was going to ask the gentleman this question: Would he prefer to have a letter left at his office if he is absent for an hour, sent there by special delivery, without a receipt, or if he would prefer to wait until the next day to get it? That is what this legislation is for.

Mr. CRAMTON. I think there is merit in what the gentleman suggests. I think it carries with it the danger that they will hold it around for a week and then make delivery, and if they have no record showing the time of delivery they may say that they delivered it a week sooner.

Mr. STEENERSON. I would like to read the gentleman what Mr. Koons says about it.

Mr. CRAMTON. I have great respect for Mr. Koons.

Mr. STEENERSON. This is what Mr. Koons says; I asked him this question:

The CHAIRMAN. Your rules permit that after one attempt they either call for it or you send it by the regular official?

Mr. KOONS. Yes. There is one suggestion I want to make regarding the next appropriation, which really covers the matter we have been discussing—special-delivery messengers. At the present time an attempt is made to deliver a special-delivery letter or parcel, and if no one answers the bell a notice is put under the door that an attempt to deliver it has been made, and that the letter will be delivered by ordinary mail on the next regular carrier delivery. If that would be made at this hour of the day (4 o'clock), there would not be a regular carrier delivery before the next day, and you have either got to send to the post office to get that letter or wait until the regular delivery to-morrow morning, the same as was mentioned with regard to the box package.

If we could have a provision added onto this appropriation "that under such rules and regulations as the Postmaster General may prescribe, he may deliver special-delivery mail without taking a receipt therefor," the advantage of that would be that if the boy came to your house to deliver a letter, and there was no response to the bell, he could drop it in the letter box at the house or put it under the door and report to the postmaster when he returned to the office that he had delivered the letter without taking a receipt for it. We would prescribe a form for that. When you returned home you would have the letter, which is what you want. As it is now, you get a notice and have to go to the post office for it or wait until the next regular carrier delivery. It would be very satisfactory to the patrons. We would not abandon taking receipts where they could be obtained.

Mr. CRAMTON. I withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the First Assistant Postmaster General, $1,000.

Mr. STEENERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11578 had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7752. An act relating to detached service of officers of the Regular Army; and

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNING (on the request of Mr. ACKERMAN), for seven days, on account of illness.

To Mr. MCDUFFIE, for three days, on account of illness.

ADJOURNMENT.

Mr. STEENERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, January 14, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting report for fiscal year 1919, showing exchanges made in department and bureaus of typewriters, adding machines, etc. (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Tresaury, transmitting deficiency estimate of appropriations required by the Navy Department to compensate owners for a tract of land on Paris Island, S. C. (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting statement of receipts and expenditures in connection with the operation of the sewerage system at Fort Monroe, Va., fiscal year 1919 (H. Doc. No. 595); to the Committee on Expenditures in the War Department and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from Secretary of the Interior submitting an estimate of appropriation required for "Construction and operation of railroads in Alaska," fiscal year 1921 (H. Doc. No. 596); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Post Office Department for the fiscal year 1920 (H. Doc. No. 597); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required for "Photolithographing, Patent Office," fiscal year 1920 (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required for public printing and binding and for other expenses of the Government Printing Office, fiscal year 1920 (H. Doc. No. 599); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed paragraph of legislation authorizing the accounting officers of the Treasury Department to credit in the accounts of the special disbursing agents of St. Elizabeths Hospital amounts paid, or to be paid, in carrying out the provisions of the act of July 19, 1919 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which have been presented to this department and require an appropriation for their payment (H. Doc. No. 601); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General, and which require an appropriation for their payment (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINAHAN of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 10989) for the relief of the owners of a drill boat known as drill boat *No. 3* and a dredge known as dredge *No. 9*, reported the same with an amendment, accompanied by a report (No. 540), which said bill and report were referred to the Private Calendar.

Mr. MACCRATE, from the Committee on Claims, to which was referred the bill (H. R. 9794) for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias, reported the same without amendment, accompanied by a report (No. 541), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 11717) for the establishment and maintenance of a forest experiment station at Cloquet, Minn., in cooperation with the University of Minnesota; to the Committee on Agriculture.

By Mr. HEFLIN: A bill (H. R. 11718) providing that agents be sent into the South American Republics and into China and Japan for the purpose of inquiring into our trade relations with those countries and urging the use of American cotton goods; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 11719) to provide for the purchase of a site and erection of a public building thereon in the city of Delta, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. QUIN: A bill (H. R. 11720) to provide for the erection of a public building at Crystal Springs, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. WISE: A bill (H. R. 11721) providing for the purchase of a site and the erection thereon of a post-office building at the city of Monticello, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11722) providing for the purchase of a site and the erection thereon of a post-office building at the city of Thomaston, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11723) providing for the purchase of a site and the erection thereon of a post-office building at the city of Jackson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 11724) to amend the act for the promotion of vocational education in respect to the board created thereby; to the Committee on Education.

By Mr. LESHER: A bill (H. R. 11725) to provide for the purchase of a site for a public building at Bloomsburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11726) to provide for the purchase of a site for a public building at Milton, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SEARS: A bill (H. R. 11727) to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of the Government cut, Miami Beach, Dade County; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11728) providing for a site for a post office at Jacksonville, Duval County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. JACOWAY: A bill (H. R. 11729) to permit traveling salesmen to deduct expenses for meals and lodging in computing their net incomes for income purposes; to the Committee on Ways and Means.

By Mr. CRAGO: A bill (H. R. 11730) to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, and the Public Health Service; to the Committee on Military Affairs.

By Mr. BEE: A bill (H. R. 11731) authorizing the Postmaster General to enter into contracts with telegraph and telephone companies for the transmission of letters by electrical means of communication; to the Committee on the Post Office and Post Roads.

By Mr. HERSMAN: A bill (H. R. 11732) to provide for a public building at San Jose, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: Resolution (H. Res. 435) for the consideration of House bill 10074; to the Committee on Rules.

Also, resolution (H. Res. 436) for the consideration of Senate bill 3076; to the Committee on Rules.

By Mr. PORTER: Joint resolution (H. J. Res. 273) directing the President to require the exhumation and transportation forthwith of the bodies of all persons now buried in foreign countries who gave their lives in the late war in the service of the United States or in the service of the Allies; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11733) granting a pension to Ira Fouche; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11734) granting an increase of pension to Daniel L. Portley; to the Committee on Pensions.

By Mr. COSTELLO: A bill (H. R. 11735) granting a pension to William Costello; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 11736) for the relief of Reinman & Wolfort; to the Committee on Claims.

By Mr. KING: A bill (H. R. 11737) granting a pension to Mary Martha Hopkins; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 11738) for the relief of Nels D. Anderson; to the Committee on Claims.

By Mr. McGLENNON: A bill (H. R. 11739) for the relief of William Marzahl; to the Committee on Claims.

By Mr. RAINEY of Alabama: A bill (H. R. 11740) for the relief of Joseph A. Choate; to the Committee on Military Affairs.

By Mr. SEARS: A bill (H. R. 11741) for the relief of Mrs. Emma La Mee; to the Committee on Claims.

Also, a bill (H. R. 11742) granting an increase of pension to Sylvanus Strang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) granting a pension to Thomas J. Herndon; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11744) granting an increase of pension to Peter L. Tremper; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11745) granting a pension to William Eldmond; to the Committee on Pensions.

Also (by request), a bill (H. R. 11746) to authorize the President to appoint Capt. Harold K. Hines, United States Navy, retired, a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. TINCHER: A bill (H. R. 11747) granting a pension to Leonard H. Hemphill; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

844. By the SPEAKER (by request): Petition of Honolulu Post, No. 1, of the American Legion, favoring the formation of a separate air department to combine the air service of the Army and Navy and increasing the appropriation for equipment and personnel of the aerial forces, naval and military, now stationed in the Territory of Hawaii; to the Committee on Military Affairs.

845. Also, petition of Edward F. W. Beyer, of Wendel, Calif., regarding the conduct of certain officials of the Government of the United States during the recent World War; to the Committee on Foreign Affairs.

846. By Mr. BRIGGS: Petition of Hanson Post, American Legion, Amarillo, Tex., condemning the I. W. W.'s, the Bolshevists, and the radicals, and their acts and teachings, and calling upon Congress for legislation to punish such exponents of violence and revolution and to deport aliens that are undesirable; to the Committee on Foreign Affairs.

847. By Mr. CAREW: Petition of the Chamber of Commerce of the State of New York, to improve our foreign service; to the Committee on Foreign Affairs.

848. By Mr. CARSS: Petition of Eveleth Commercial Club, of Eveleth, Minn., regarding proposed hydroaeroplane station at Duluth; to the Committee on Naval Affairs.

849. Also, petition of M. S. Bersaglieri Society, of Duluth; Societa Italiana, of Hibbing; Society Christoforo Colombo, of Chisholm; Italian Social Club, of Duluth; Piemonte Society, of Hibbing; all in the State of Minnesota, regarding the immigration laws of the United States; to the Committee on Immigration and Naturalization.

850. By Mr. DALLINGER: Petition of Malden Post, No. 69, American Legion, asking for extra compensation for service men to the amount of $1 per day of service; to the Committee on Military Affairs.

851. Also, petition of Stoneham Post, No. 115, American Legion, Stoneham, Mass., protesting against the admission of Victor L. Berger to the Sixty-sixth Congress; to the Select Committee on Victor L. Berger Investigation.

852. Also, petition of Melrose Post, No. 90, American Legion, Melrose, Mass., protesting against the admission of Victor L. Berger to the Sixty-sixth Congress; to the Select Committee on Victor L. Berger Investigation.

853. Also, petition of executive committee of Associated Industries of Massachusetts relative to daylight saving; to the Committee on Agriculture.

854. By Mr. EMERSON: Petition of the Cleveland Advertising Club, urging the passage of the soldiers' land bill; to the Committee on the Public Lands.

855. By Mr. ESCH: Petition of Rotary Club of Wausau, Wis., favoring the Davey sedition bill (H. R. 10650); to the Committee on the Judiciary.

856. By Mr. FULLER of Illinois: Petition of the La Salle (Ill.) Chamber of Commerce, concurring in the treaty of peace with Germany; to the Committee on Foreign Affairs.

857. Also, petition of E. V. Price & Co., of Chicago, protesting against the excess-profits tax; to the Committee on Ways and Means.

858. Also, petition of the Illinois section of the American Association, favoring a water-supply service in connection with the reorganization of the Army; to the Committee on Military Affairs.

859. Also, petition of the Brotherhoods Joint Legislative Board of Illinois, opposing any legislation that will deprive railroad employees the right of collective bargaining and the right to strike; to the Committee on Interstate and Foreign Commerce.

860. By Mr. GALLIVAN: Petition of Associated Industries of Massachusetts, favoring House bill 11126, introduced by Hon. F. W. Dallinger, entitled "To save daylight in the first zone"; to the Committee on Interstate and Foreign Commerce.

861. By Mr. McDUFFIE: Papers to accompany House bill 11217, granting a pension to Sadie L. Runyan; to the Committee on Invalid Pensions.

862. By Mr. MAHER: Petition of sundry citizens of Brooklyn, N. Y., for the recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

863. By Mr. MORIN: Petition of the Pittsburgh Builders' Exchange, of Pittsburgh, Pa., urging a revision of antitrust acts and the enactment of effective laws embodying the principles of arbitration; to the Committee on the Judiciary.

864. By Mr. O'CONNELL: Petition of citizens of Brooklyn, N. Y., for the recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

865. Also, petition of the Merchants' Association of New York, for relief of the famished people of central Europe and Armenia; to the Committee on Foreign Affairs.

866. By Mr. RAKER: Petition of Lodge No. 1073, Benevolent and Protective Order of Elks, of Redding, Calif., relative to the spread of disloyalty and urging legislation to take care of the Bolshevists and anarchists; to the Committee on the Judiciary.

867. Also, petition of general manager of the California Cotton Mills Co., of Oakland, Calif., urging the return of the railroads to private ownership and the arbitration of all labor disputes between the employees and employers; to the Committee on Interstate and Foreign Commerce.

868. Also, petition of Red River Lumber Co., protesting against House bill 10738, providing for collective bargaining; to the Committee on the Judiciary.

869. Also, petition of Woman's Auxiliary, Local Post No. 64, Post Office Clerks, of Los Angeles, Calif., placing themselves on record as indorsing the Smith-Towner bill; to the Committee on Education.

870. Also, petition of Tegner Farm Center, of Turlock, Calif., relative to Japanese immigration to this country; to the Committee on Immigration and Naturalization.

871. Also, petition of Parents Teachers' Association, of Placerville, El Dorado County, Calif., indorsing the Smith-Lever bill; to the Committee on Agriculture.

872. Also, petition of Leese & Gottfried Co., of San Francisco, Calif., protesting against House bill 8315, the Siegel bill; to the Committee on Interstate and Foreign Commerce.

873. By Mr. TINKHAM: Petition of the Associated Industries of Massachusetts indorsing House bill 11126, introduced by Hon. F. W. DALLINGER, entitled "To save daylight in the first zone"; to the Committee on Interstate and Foreign Commerce.

874. By Mr. WARD: Petition of Willard L. Parker and other members of Dairymen's League of Hunter, N. Y., favoring enactment into law of Capper-Hersman legislation; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January 14, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy law is the law of all worlds and of all time, eternal and unchanging and perfect, and we seek to transcribe Thy law into the customs, manners, and purposes of this great Nation. We come to Thee for Thy guidance and blessing that we may have the inspiration to know the things of God, to write them in the forms of our laws and of our customs in our day. Guide us in the discharge of the duties of this day. We ask it for Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. CURTIS. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	Moses	Smith, Md.
Ball	Harrison	Nelson	Smith, S. C.
Bankhead	Henderson	New	Spencer
Calder	Hitchcock	Newberry	Stanley
Capper	Johnson, S. Dak.	Norris	Sterling
Chamberlain	Jones, N. Mex.	Nugent	Sutherland
Colt	Kendrick	Overman	Thomas
Culberson	Kenyon	Page	Townsend
Cummins	King	Phipps	Trammell
Curtis	Kirby	Pittman	Wadsworth
Dial	Lenroot	Pomerene	Walsh, Mass.
Dillingham	Lodge	Ransdell	Walsh, Mont.
Gay	McCormick	Robinson	Warren
Gerry	McCumber	Sheppard	Watson
Gronna	McKellar	Sherman	Wolcott
Hale	McLean	Simmons	
Harding	McNary	Smith, Ga.	

Mr. MOSES. I announce the absence from the city of my colleague [Mr. KEYES] on account of illness in his family. I ask that this announcement may stand for the day.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I will let this announcement stand for the day.

Mr. TRAMMELL. My colleague, the senior Senator from Florida [Mr. FLETCHER], is detained by illness.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] and the Senator from Tennessee [Mr. SHIELDS] are detained by illness in their families.

The Senator from Kentucky [Mr. BECKHAM] and the Senator from California [Mr. PHELAN] are absent on official business.

Mr. BANKHEAD. I wish to announce that my colleague [Mr. UNDERWOOD] is detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7752. An act relating to detached service of officers of the Regular Army.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented petitions of sundry citizens of Pratt and Osborne Counties, in the State of Kansas, and of the congregation of the Brethren Church of the southeast district of Kansas, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

Mr. SMITH of Georgia. Mr. President, I wish to present a memorial from men who claim to speak for 600 employees of a large manufacturing plant in Atlanta, Ga., urging that in the pending legislation provision be made to prevent any suspension of the operation of railroads. The memorial is short, and I ask to have it printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

ATLANTA, GA., *January 10, 1920.*

We, the undersigned, representing more than 600 employees of the Frank E. Block Co., wish to insist that our Representatives in Congress use their utmost influence to put through a law that will make it impossible to stop the operation of a railroad.

We feel that too much time has already been lost discussing the demands of the owners, as well as the demands of labor, and that the time has come when the great mass of American people, consisting of the manufacturers, the employees thereof, the mercantile and the clerical people, and the general traveling public need to have some consideration.

For the past two years the employees and traveling representatives of manufacturing and mercantile establishments have been too often put on the anxious bench by numerous threatened tie-ups of railroads.

We want to be assured of continuous supplies of raw material, so that we can continue at work, and that our food is to be brought to us without delay.

ED. F. LOGAN,
Chairman, Chief Engineer for Frank E. Block Co.

Mr. SMITH of Georgia. I present also a memorial from Atlanta Lodge, No. 65, Order of Railway Expressmen, of Georgia,

suggesting that under the terms by which boards of adjustment are to be formed as provided in pending legislation there is no representation of independent organizations of railroad employees. I move that the memorial be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. PHELAN presented a petition of the Chamber of Commerce of Los Angeles, Calif., praying for the enactment of legislation for the suppression of anarchy and un-American organizations, which was referred to the Committee on Immigration.

He also presented a memorial of Post No. 74, American Legion, of Modesto, Calif., remonstrating against the leasing of agricultural lands to orientals, which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEE ON FOREIGN RELATIONS.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (S. 3406) for the purchase of buildings and grounds for the embassy of the United States at Brussels, Belgium, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 56, submitted by Mr. BANKHEAD June 2, 1919, seeking a convention between the United States and certain Central American countries for the protection of migratory birds, reported it without amendment.

LUDWIG C. A. K. MARTENS.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 277, submitted by Mr. MOSES on the 12th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the subcommittee of the Committee on Foreign Relations, acting under the resolution of the Senate (S. Res. 263) agreed to on the calendar day of December 20, 1919, be, and hereby is, empowered to employ counsel.

LAND AT FORT SMITH, ARK.

Mr. FERNALD. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 9089) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, or other public purposes.

Mr. KIRBY. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Maine. It is a bill which provides for the grant to the city of Fort Smith, Ark., of the old Federal jail at that place. The proposal has been agreed to and recommended by the Secretary of the Interior and also by the Attorney General, whose department has heretofore had jurisdiction of the property. The House has passed the bill and I think it ought to be passed by the Senate.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. KING. Let the bill be read, Mr. President.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent granting, remising, releasing, and quitclaiming all right, title, claim, and interest of the United States of America in and to the block or square of land in the city of Fort Smith, in the State of Arkansas, bounded by Second and Third Streets and Rogers and Parker Avenues, fronting 300 feet on Second and Third Streets and 290.25 feet on Rogers and Parker Avenues, upon which is situated the old Federal jail, being a part of section 8, township 8 north, range 32 west, to the city of Fort Smith, Ark., in trust, for a site for a convention hall, community building, or other public purposes: *Provided, however*, That if said land shall not be used for such purposes it shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE PROPERTY IN NEW HAVEN, CONN.

Mr. FERNALD. I report back favorably from the Committee on Public Buildings and Grounds without amendment the bill (H. R. 9183) authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn., and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of the contract for the sale of the old post-office property in New Haven, Conn., entered into March 13, 1917, in such manner as he may deem equitable and just, if he shall determine that said contract has become inequitable and unjust on account of the unforeseen conditions arising since its execution, with respect to the Government's failure to deliver the property as soon as expected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3715) for the relief of James Rundle (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 3716) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Tribe of Indians to the Red Pipestone Quarries, South Dakota; to the Committee on Indian Affairs.

By Mr. SHERMAN:

A bill (S. 3717) to purchase a painting of Abraham Lincoln; to the Committee on the Library.

By Mr. KING:

A bill (S. 3718) to exclude certain foreign publications from second-class mailing privileges, to increase second-class postal rates, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. DIAL (by request):

A bill (S. 3719) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls; to the Committee on Claims.

CONSTRUCTION OF HOSPITALS AND SANITORIA.

Mr. SHERMAN submitted the following resolution (S. Res. 280), which was read and referred to the Committee on Appropriations:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the United States Senate what, if any, contracts he has entered into under the authorizations contained in section 7, chapter 98, of the public acts of the Sixty-fifth Congress, third session (vol. 40, Stat. L., p. 1302).

FEDERAL RESERVE BANKING SYSTEM.

Mr. McKELLAR. Mr. President, it is not often that the Washington Post gives credit to the administration for anything good, but in an editorial this morning it is so very fair, just, and even complimentary toward the Federal reserve banking system that I ask unanimous consent to have the editorial entitled "Banks are prosperous" inserted in the RECORD without reading. This is certainly a case of giving credit where credit is due, for certainly a banking system that has stood the stress and burden of not only financing this country during the war but of our Allies as well without a hitch and now, a year after the war is closed, makes such a showing as is in this editorial so well set out, is a banking system of which we are all proud.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BANKS ARE PROSPEROUS.

"The splendid record made by the banks of the country during 1919 is not only a tribute to the Federal Reserve System but it presents an encouraging outlook for business generally. It was a year of unprecedented prosperity, the banking institutions showing gross profits of about $1,000,000,000, with net profits close to $300,000,000.

"The call for reports on the condition of national banks on November 17 elicited the fact that national bank resources aggregated $22,444,992,000, which is $829,000,000 more than ever before were reported in the history of the country. Another very significant fact is that at the close of the fiscal year June 30 there were 18,240,300 individual deposit accounts in all the national banks, which was an increase of more than 10,000,000 accounts during a period of three years.

"It is highly complimentary to the efficacy of the Federal Reserve System that the element of safety to depositors has been so increased that bank failures are now a rarity. During the year ended October 31, 1919, there was not a national bank failure which resulted in the loss of a single dollar to a depositor. The increase in the number of national banks has been remarkable. The Comptroller of the Currency states that since March 3, 1913, more than 1,000 charters for national banks have been issued and that during 1919 more national institutions were chartered than for any other year in a decade.

"These facts indicate that, whatever handicaps this country may labor under at this time, the financial condition of the United States is excellent. There is plenty of money and it is in circulation. The circumstances are favorable for a great era of prosperity, notwithstanding the unfavorable conditions elsewhere."

LANDING OF THE PILGRIMS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the time within which the joint special committee shall report, which committee was appointed under the provisions of the resolution (H. Con. Res. 14) of the present Congress authorizing the appointment of a joint special committee to confer with the officials of the Commonwealth of Massachusetts and others relative to the participation by the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims, be, and the same is hereby, extended until March 1, 1920.

Mr. HARDING. Mr. President, I hope the Senate will readily concur in this resolution. For the information of the Senate I may state that a joint committee has essentially agreed upon a report which it is to make to the Congress, but the introduction of a Provincetown feature of the celebration brought about the appointment of an additional commission on the part of the State of Massachusetts, and the committee did not think it becoming or considerate to make a final report until it could have a conference in this city with the Provincetown commission. For that reason it asks for an extension of time to make its report.

The concurrent resolution was considered by unanimous consent and agreed to.

CONDITIONS IN THE VIRGIN ISLANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands, which were to strike out all after the preamble and insert:

Resolved by the Senate (the House of Representatives concurring), That a joint commission to consist of three Members of the Senate and three Members of the House of Representatives, to be appointed by the Vice President of the United States, and the Speaker of the House, respectively, is hereby created to visit the Virgin Islands and to report fully to Congress as to existing conditions in the said islands, and particularly to report and recommend action by Congress, if need there be therefor, with reference to whether the present government under Executive direction should be superseded by civil government provided by Congress as contemplated by act of March 3, 1917 (39 Stat., p. 1132), said government being now only temporary in character and by order of the President being now vested in officers of the Navy; also, as to whether Congress should at this time provide for a civil government of the island by an organic act; also what, if any, legislation is necessary pending the formation and adoption of an organic act, and as to the general conditions existing in the islands. Said report to be filed at the earliest date practicable, and during the Sixty-sixth Congress. That the expenses of said commission in carrying out the provisions of this resolution shall be paid in equal proportions from the contingent funds of the Senate and the House of Representatives, upon the audit and order, respectively, of the ranking Senate and House members of said commission, the total amount not to exceed the sum of $2,500.

To amend title to read as follows: "Concurrent resolution appointing a commission to report on conditions in the Virgin Islands," and to strike out "S. J. Res. 69" where it precedes the title in said resolution and insert "S. Con. Res. 69."

Mr. KENYON. I move that the Senate concur in the House amendments. The resolution has been changed from a joint to a concurrent resolution, and there are some other changes made, grammatical in their nature.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 13th instant approved and signed the following bill:

S. 2902. An act to amend section 5182, Revised Statutes of the United States.

WATER-POWER DEVELOPMENT.

The PRESIDENT pro tempore. Morning business is closed.

Mr. NELSON. I move that the Senate proceed to the consideration of the unfinished business, being what is known as the water-power bill.

Mr. HARRIS. Mr. President, I should like the Senator from Minnesota to kindly yield, in order that Senate resolution 247 may be now considered. I think it will take but a few moments to dispose of it, and I have been endeavoring for some time to get the resolution before the Senate.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senate from Georgia for that purpose?

Mr. NELSON. I withhold my motion. What is the resolution to which he refers, I will ask the Senator from Georgia?

Mr. HARRIS. It is the resolution calling upon the Secretary of the Treasury to inform the Senate as to the profits of the coal operators since the last report to the Senate a year and a half ago.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution referred to by the Senator from Georgia?

Mr. PHIPPS. I object to the present consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Colorado objects to the present consideration of the resolution.

Mr. NELSON. I renew my motion that the Senate proceed to the consideration of the water-power bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. SMITH of Georgia. I offer the amendment which I send to the desk to the pending bill, and I ask for the consideration of the proposed amendment by the chairman of the committee. I understand he will not object to it.

Mr. NELSON. I wish the Senator from Georgia would withhold his amendment for a moment. I think there is an amendment pending.

Mr. SMITH of Georgia. I withhold the amendment. I thought the amendment to which the Senator refers had been disposed of.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Montana [Mr. WALSH] to reconsider the vote whereby the so-called Norris amendment was agreed to.

Mr. NORRIS. Mr. President——

Mr. NELSON. If the Senator from Nebraska will allow me, I desire to say that there was an amendment offered by the Senator from South Dakota [Mr. JOHNSON] which was not disposed of.

The PRESIDENT pro tempore. The Chair is informed that the amendment referred to by the Senator from Minnesota was offered simply for the purpose of being printed and to lie on the table until called up.

Mr. NELSON. Then it was not offered as an amendment to be immediately considered?

The PRESIDENT pro tempore. It was not.

Mr. NELSON. Very well. Then the motion of the Senator from Montana [Mr. WALSH] to reconsider the amendment proposed by the Senator from Nebraska [Mr. NORRIS] on yesterday is the pending motion.

The PRESIDENT pro tempore. The Chair understands that the pending question is the motion of the Senator from Montana to reconsider the vote by which the amendment offered by the Senator from Nebraska was agreed to.

Mr. NELSON. That is correct.

Mr. NORRIS. Mr. President, I shall not offer any objection to the reconsideration of the amendment. I am willing that it shall be reconsidered to give the Senator from Montana an opportunity to be heard.

Mr. THOMAS. Mr. President, may I ask the Senator if reference is made to the Great Falls amendment?

Mr. NORRIS. It is.

Mr. THOMAS. I think the Senator from Nebraska is extremely generous in consenting to a reconsideration of his amendment, because he has tried unsuccessfully heretofore to secure favorable consideration of that project in different forms. He has convinced me long ago not only of its expediency but of the necessity of its development, and particularly in connection with the growing demands of the Capital City. Of course, if he does not object, I shall not do so.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Colorado that I feel that it is my duty to extend this courtesy to the Senator from Montana.

Mr. THOMAS. I shall not object if the Senator does not.

Mr. NORRIS. Of course, I dislike to see the amendment reconsidered, but the Senator from Montana was not present when the amendment was adopted. I did not know that he wanted to be heard on it; I did not know that he had any objection to it; but I think it is the usual courtesy when such a thing occurs to let the amendment be reconsidered. I shall still contend for the adoption of the amendment, of course, but I am willing that it shall be reconsidered to give the Senator from Montana the opportunity he desires.

The PRESIDENT pro tempore. The question is on reconsidering the amendment.

Mr. NORRIS. I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the reconsideration of the vote by which the amendment was adopted. Is there objection? The

Chair hears none, and the vote is reconsidered. The question is upon agreeing to the amendment proposed by the Senator from Nebraska.

Mr. WALSH of Montana. Mr. President, I desire to say only a few words in addition to what I submitted upon this matter at the last session of the Senate. I have a very strong prepossession in favor of the Government undertaking the development of the Great Falls water-power project. My recollection is that I voted in favor of the amendment submitted by the Senator from Nebraska some five or six years ago looking to the development of this property by the Government. To those of us who know something about water-power development, it looks, at least it would so appear to the casual observer, to be a most inviting project. Moreover, the Government of the United States in the city of Washington and in the adjacent territory is a great consumer of power, and it would seem quite appropriate that it search out some source from which it can supply itself, instead of purchasing power from private investors. It seems to me quite an appropriate thing that the Government should make this experiment, and I hope to be convinced again that the project is a wise one, and that it can be developed with profit to the Government of the United States; but, Mr. President, I have no information upon which I can form any kind of a judgment at the present time as to whether or not it would be wise to put the money of the Government into this project.

I recall very well the report submitted on this project by the Senator from Nebraska, my recollection is in the year 1913—certainly not later than the year 1914—five or six years ago. If any real investigation of the matter has been made since that time—I mean such an investigation as private investors would have made with a view to putting their money into the enterprise—it has not been called to my attention. If anything of the kind has been done I should be very glad to be advised about it; but since that time, as I stated upon yesterday, I have been informed by an engineer of very great experience and ability that it is not anywhere nearly as inviting a project as it would seem to be to the casual observer, by reason of the fact that storage is next to impossible, or at least exceedingly expensive, and that the development could go on supplying power for the entire year only to the extent that the water flows in the low-water season; or, if the development went beyond that, it would be necessary to have a very expensive auxiliary steam plant, and that, by reason of that condition of affairs, it is not under ordinary circumstances a feasible project, unless it should become one unit in series of plants the power from which could be interchanged, according to the well-known practice among power companies; indeed, I might say the almost essential practice. Whether or not that contention is sound I do not know. As the matter now stands, with the information I have about it, I am in this situation: I would not put my own money into the enterprise. If a man came to me, without any further information about the matter than I have now, and wanted me to put some money, if I had the money to invest, in a private corporation for the development of this property I would say, "No; I could not think of such a thing; the information that I have leads me to doubt the feasibility and the success of the enterprise." But I might easily be convinced, if a thorough investigation were made by a competent engineer who staked his reputation upon the success of the enterprise.

I shall offer as a substitute for the amendment offered by the Senator from Nebraska one to the effect that the power commission is authorized and directed to make an investigation as to the feasibility of the project and the financial and economic features of it, and report the same to Congress with a view to the adoption of some measure such as that suggested by the Senator from Nebraska, if the report shall be finally favorable.

Mr. NELSON. Mr. President, will the Senator yield to me a moment?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NELSON. I stated before, when this amendment was up, that, to my mind, the most serious objection which could be made to it was that it was not exactly germane to this bill; but I desire to say further, as I said before, that one thing that makes me favorable to the amendment is this: There is a scarcity in the supply of water in the city of Washington, and an agitation is being carried on for the purpose of securing more water, and there is a scheme on foot to draw water from the Patuxent River. In view of the fact that the Patuxent River is a very small stream—you pass it on the road from here to Baltimore, and it has two branches which are little more than creeks—it seems to me that the idea of taking water from the Patuxent River to supply this city, instead of aiming to get an additional supply from the Potomac River, is folly; and for that reason, inasmuch as we need an additional supply of water for the city of Washington, I think this power at Great Falls should be utilized. Additional water is urgently needed for the city; and it seems to me that it would be much easier and much more expeditious to secure water from Great Falls than to undertake a new scheme on the Patuxent River.

Mr. DIAL. Mr. President, I agree with the Senators who want this amendment agreed to. I do not think the scarcity of water here has very much to do with it. If we are going to get a new supply, I think it would be well to go out to Great Falls. One reason why water is scarce in the District of Columbia, I think, is that we charge practically nothing to the consumer. That can be remedied somewhat; but I do not think it is necessary to keep on making surveys out here at this place. We have some magnificent reports already, and the capacity is the same now as it was then, and the only difference would be the additional cost of labor and machinery to bring the estimate up to date, if anyone wanted that information. But we all know that while labor and machinery have increased in cost, coal has also increased, no doubt, correspondingly; and if it was a good proposition in 1913, when that report was made, it is equally as good a proposition now.

It occurs to me that we should encourage all possible water-power development in the United States. It will have a wonderful effect upon the people at large to see a development of this kind here close to Washington.

I know the first time that I ever saw a dam of this kind the wonderful effect it had on my mind. That would suggest to other people the desirability of going home and developing the powers near by. They would see where it was practicable and where the use existed for the power near by. We ought to develop every water power that we possibly can and save our coal for future generations.

Personally, I doubt very much—I do not claim to be a hydraulic engineer, notwithstanding I have had a little experience, but I do not claim to be an expert—I doubt very much the practicability of building a dam anything like 115 feet high. That, however, is a question for the experts.

In this stream, of course, we have a low period of water, usually coming along in the fall months, but to undertake to have a great storage reservoir there would be very expensive indeed; so possibly a dam considerably below that height, so as to develop the natural flow of the river, would be all that would be necessary. But there is no question about water power being profitable where it can be developed at anything like reasonable cost, and where you are contiguous to a good market, as is the case here.

As to the secondary power during these months when the water is low some arrangement probably can be effected with the steam plants here. I am not familiar myself with the ownership of the steam plants in the District of Columbia, but I do not desire to confiscate anybody's property. Probably they can be bought, or arrangements can be made to have this plant operate in conjunction with present established steam plants, and thus produce a uniform quantity of power throughout the 12 months of the year. But by all means I think we ought to go ahead and develop that power. I think it is worth millions and millions of dollars, as I said before, to have a sample to show the people of the United States, and there is no use of having any more surveys about it. You can have an estimate brought up to date for a very small cost, if you want that, as to the cost of machinery and the cost of labor.

Mr. NORRIS. Mr. President, I feel so confident that this amendment ought to be agreed to that I sincerely trust that Senators who have any doubt about it will give me their attention while I review briefly what I believe will convince all fair-minded men that this development ought to take place. I feel very deeply about it. It does not take an expert to go out and look at Great Falls and realize that almost within sight of the dome of this Capitol is a great flow of water that during all the years that are past has been going down the Potomac River without doing anybody any good that if properly harnessed will save thousands and millions of money, besides being a great measure of conservation.

The Senator from Minnesota [Mr. NELSON], in his usual wise way, struck one of the keynotes here. We are short of water right now. Regulations had to be issued last summer, and it will be so again, in the Capital City restricting the use of water. There is not enough water to supply the people. There were times last summer when the city would have been in danger, had there been a great conflagration, on account of a shortage of water. We are at the danger point now. The great criticism with Congress is that this ought to have been done years ago.

The proposition is, as the Senator from Minnesota says, to go to the Patuxent River, a small stream, and get water. That

is something that can be done. It is outlined in the report. They went into it in detail, and turned it down; not because it could not be done, but because it meant no water-power development. Whenever you get that through, whenever you disassociate from this proposition the water supply for the city of Washington, all those of us who know what a wonderful influence is being brought to bear to prevent the development of a great water power like this will have taken away from those who favor it one of their arguments. One-third of the amount that will be required for the development of this power can be properly charged to the increased water supply of Washington. There is no question about a supply of water—it is practically unlimited—if you develop this proposition, but if you take the Patuxent as a source of supply, while it will run for a good many years past our lives, by building a lot of conduits and spending a whole lot of money, the supply from that source is not unlimited. The time will come some day when our children even then will have to increase that supply and go further and expend more money.

The Senator from Montana [Mr. WALSH] is favorable to the proposition, as I understand; but his chief argument is that the report upon which I base my argument is old and that it has not been investigated recently by engineers. Mr. President, that is true. It was made before the war with Germany, and there has been none made since. That was not the first report that was made. There have been seven or eight investigations made. I presume more than $100,000 of public funds has been expended in the various investigations of this power, and wherever the investigation was made by competent engineers they have always made a favorable report; and then what happened? The report comes in, and Congress lays it aside until it gets old; and when it is proposed again, then it is said, just like the argument made here to-day, "Let us have another investigation." That runs it over for three or four years, and that report will go in the pigeonhole, and the investigation goes on forever.

It is true that it will cost more now, and the figures of the engineers, of course, will have to be changed. We know that. We do not need an expert to tell us that. But, Mr. President, God's laws have not been changed. Water runs down hill just the same now as it did before the war. The same amount of water going down the same distance will produce the same amount of power. The fundamental elements have not been changed. The desirability of harnessing this power is just as great and greater now than ever; and, Mr. President, the water supply is not the only thing that we ought to consider. We have suffered in this Capital City during the last winter, and to some extent we are suffering now, from a shortage of coal. If this water power had been developed a shortage of coal in the city of Washington would have been unknown. There would not have been a day when there would have been a shortage of coal. Practically all of the coal that is being used for the development of hydroelectric energy would have been saved. There is not any doubt about that, and that is true now just as it was before the war.

I feel that if you do nothing here but what the Senator says he is going to try to do by his substitute, you will have killed this project for another 10 or 12 years. In the meantime the city will have to have more water, and they will go ahead, as the Senator from Minnesota says, and develop the Patuxent proposition, which has nothing to do with power, and they will spend a whole lot of money in building an aqueduct. As the Senator from Minnesota suggests there will be a lot of other expenses connected with it, while here we have an aqueduct already.

Mr. President, I know that the construction of this project is going to cost a good deal. The estimate of the cost before the war was $15,000,000, in round numbers. I have placed a limitation in the authorization here of $25,000,000. It does not mean that that is going to be appropriated.

The amendment does not appropriate a dollar. The engineers that made this investigation and made the Langfitt report estimated that from the time of the beginning until it was all completed it would take from six to eight years. The appropriation and expenditure of this money is going to be divided up during quite a number of years.

Now, let me meet another objection. It is said that the water in the Potomac River varies a great deal, and that there is not any way to get a storage of water. That, in my judgment, is the only weakness of this proposition; but it is not true that there is not any place to develop storage. In the very plan that I am speaking of there is a storage lake 9 miles long and 115 feet deep, covering over 3,000 acres. That will store a good deal of water. It is not as complete a storage as ultimately will be brought about.

Finally, Mr. President, those who follow us, if we will take this first initial step, will build dams at other places. Col. Langfitt told me himself, although he has said nothing about that in his report, there are three places where, at a comparatively small expense, immense storage dams will be constructed. So, he said to me, if Congress will take this step, if they will start this development and then continue it as we go on and need more power, it will eventually reach a point where the flow of the Potomac River over this dam will practically be the same every hour in a day and every day in the year.

The cost, according to this report, of putting the electricity on the three stations in the city ready for distribution would be about one-fifth of 1 cent per kilowatt hour. I realize that has to be increased, because everything is higher now; but the cost upon the completion of the plan that he has recommended would take the price of the electricity down to 2 and a fraction mills per kilowatt hour, not to the consumer—I do not want to have any misconception—but on the switchboard ready for any plan of distribution.

Mr. President, the Government of the United States and the government of the District of Columbia use now about half of the electricity that is developed in this District. We are the great consumers of electricity. Those were the figures, in round numbers, as I remember them, when this report was made. I presume they have increased now, and they will increase more as time goes on. The Government will have to go further in the way of erecting buildings and the use of power and light. So we are making something for ourselves. Col. Langfitt made an estimate allowing for depreciation, for cost of handling the plant, and all the expenses that I think anyone could possibly ask to have included. The Senator from Indiana [Mr. NEW] suggests to me the city will grow, but the water power will not. But this water power can be developed by stages. This is only one stage of it. I was about to say that, charging off for depreciation in all lines, and the cost of operation in everything, Col. Langfitt showed in his report that this entire expense of a little over $15,000,000 would pay for itself in 43 years.

Mr. President, when we construct an improvement that we know is going to wear out in 10 years, we have to take that into consideration. The cost of the product, whatever it may be, depends somewhat upon the term of life of the improvement. When we take into consideration that this proposition, properly carried out, this dam properly constructed, means a thousand years, that it means all time, the cost absolutely sinks into insignificance. It may be that at the present time a business man would not go into the venture and would not go into other ventures because of the high cost of labor and the high cost of material. The amendment does not require the commission to commence at any particular time, and yet business men are going into all kinds of ventures. We have buildings going up in this city now and plans for more buildings next year that will outstrip any year that the city has ever had, notwithstanding the high cost. I am one of those who wants to be economical. I had this proposition put up to me at the beginning of the war, when the coal shortage was acute, when the Government was short of power everywhere, and I turned it down. I said, "I am going to wait until the war is over. I doubt the wisdom of the Government putting the money into it right now."

My amendment is so drawn—and if it is not drawn that way I would be glad to have an amendment that would make it so—it is so drawn as to give the commission complete discretion in the matter. But I am not willing to accept an amendment that will simply provide for an investigation and a report to Congress without any instruction for them to go ahead with it.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. SMITH of South Carolina. Has not this project been surveyed from time to time?

Mr. NORRIS. Yes, sir.

Mr. SMITH of South Carolina. Are not all the facts relative to the possibility of developing that power already available to Congress?

Mr. NORRIS. I can not conceive of a single thing in connection with the project that is not known, excepting that the figures will have to be added to on account of the high cost of labor and the high cost of material.

Mr. SMITH of South Carolina. I would like to ask the Senator if he knows just what primary horsepower may be developed at Great Falls?

Mr. NORRIS. That will depend to a great extent on how far we go. The particular dam that Col. Langfitt provided for, which was, as I said yesterday, near the west line of the Dis-

trict, across the river, 115 feet high, dammed the water up to the base of Great Falls, and made that lake, that storage capacity. It did not interfere with the fall of the water going over the rocks there. He said there was not any doubt in his judgment but that the next step to take would be to increase the dam which we already have now west of the falls and carry the water around the falls and drop it into the river at that point. That would give them a drop there of all the water which comes down the river of 33½ feet in addition. If that were developed we would have, in round numbers, 100,000 horsepower.

Mr. SMITH of South Carolina. That is, taking the power developed at the initial fall and the power developed at the outflow of the storage dam below the falls?

Mr. NORRIS. Yes, sir. There are times in the year when the river gets low, when we would need steam facilities. But, Mr. President, we have them now. We have between 60 and 70 different electric plants in various places that the Government already owns in the District. It already owns, paid for by the Government of the United States, sufficient steam power in the driest day of the driest year we have ever had to supply the additional energy that will be necessary, and that is going to be only a comparatively small portion of the time. There are tables in this report based on a measurement of the river for 15 years; and, by the way, the water flowing down the Potomac River has been measured as carefully as the water of any stream anywhere in the world. These tables show exactly what we can expect, basing our estimates upon a measurement of 15 years.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. NORRIS. I will.

Mr. NELSON. In connection with what the Senator states I want to read a brief paragraph from the report made on this water power in the third session of the Sixty-second Congress. I read from page 10:

> The discharge of the Potomac River from 15 years' observation by the United States Geological Survey varies between 600,000,000 gallons daily and 84,000,000,000 gallons daily. As the predicted maximum daily consumption in 1950—

That is, for the city of Washington—

> is only 129,000,000 gallons, it may be stated that the Potomac River at Great Falls can furnish for all time a sufficient water supply to the city, and that until long after the usual limits of predictions have been passed a surplus will be available, even in times of excessive drought.

Mr. NORRIS. I thank the Senator for his contribution. Col. Langfitt in his report gives a table in which he shows the development of horsepower based on the measurement of this water for 15 years. It never would go down and never has gone down at any time when they have measured it to a less horsepower than 15,400. During a period of 15 years, according to this table, there was a minimum development of 15,400 horsepower. There were 300 days in every year for 15 years when there would be a development of 27,500 horsepower. There were 250 days in every year when there would be a development of 37,600 horsepower. There were 220 days in every year when there would be a development of 47,700 horsepower. There were 182 days in every year when there would be a development of 66,300 horsepower. There were 159 days in every year when there would be a development of 78,100 horsepower. There were 128 days in every year when there would be a development of 99,500 horsepower. There were 105 days in every year when there would be a development of 98,200 horsepower, and so on.

Mr. PHIPPS. Mr. President——

Mr. NORRIS. That is, without utilizing the falls proper. If you would conduct the water around the falls and get the benefit of the falls itself, in addition to the dam that Col. Langfitt is discussing here, you would have an additional fall, as I said a while ago, of 33½ feet. I yield to the Senator from Colorado.

Mr. PHIPPS. I merely wish to ask the Senator if those figures are based on the natural fall of the stream without any reservoir to hold back a portion of the flood waters?

Mr. NORRIS. Yes; that is my understanding of it.

Mr. PHIPPS. I wanted to get that clear.

Mr. NORRIS. The lake that I have mentioned, which would be the result of the construction of the dam if they follow this plan, will give a storage capacity covering 3,000 acres of land, and, as Col. Langfitt says in the report, that storage capacity would be be sufficient so that, unless they had a very long season of drought, they could regulate the flow of the stream over the dam without the necessity of asking anything from the steam auxiliary.

There are other plans—for instance, the Leighton plan, one developed before this, that did not contemplate the construction of a dam and would not cost nearly as much money; and you can get a great deal of electricity there without spending that much money. He proposed to increase the dam that the United States already owns—that is, above the falls—and then take the water out there and bring it around in a canal only 2 or 3 miles in length, or a few miles, I do not remember how much, and then drop it into the river just this side of the falls. Of course, that plan would not cost anywhere near so much money and it would develop a great deal of power. However, it would not have the benefit of the lake to store water. It would be able to store what the dam above the falls would store, and nothing else. We have one dam now. The Government owns it; the Government constructed it. That is where we get the water for the supply of the city. It stores a good deal of water. If we build the dam that is provided here, it would get the benefit of all the fall from the bottom of the falls to the District line, which is something over 115 feet. By using the falls proper, by using the water twice, we would get a total fall of about 150 feet, or in that neighborhood.

Briefly, let me, in conclusion, call the attention of the Senate to these considerations: First, we must have an additional water supply for the city of Washington, whether we ever construct this dam or not. We have to have it. We are now getting our water from the Potomac River. This plan provides for its increase almost to an unlimited extent from the same source from whence we get it now. If we do not do this, we have got to adopt some other plan, which will probably be the Patuxent River, and get a supply of water there, which will not be inexhaustible to begin with. It will last for a good many years. It will increase the supply, as I remember it, somewhere in the neighborhood of 90,000,000 gallons a day; but if the city keeps on growing long enough and demands an increased supply, that would eventually be insufficient. This proposed plan will end it forever, so far as the water supply is concerned, and by the building of this falls proposition we do several things at one time by the expenditure of the money only once. That is, we get power, we get light, and we get water.

Do not forget, Senators, that, laying aside all financial considerations, the question of conservation ought to be considered. There will be no more shortage of coal in the city of Washington, no more suffering for lack of coal if this proposition is put into effect. That will be ended forever. The cost of electricity to the consumers in this city will be at least cut in two. The Government will get its electricity for practically nothing.

I could go through the report and give the amount of money which up to the year 1912, when the report was made, had then been spent for electricity, but it is unnecessary. Everybody, it seems to me, can see the desirability of doing this work. Do not stop it at an investigation. There is not anything different in the river now than there was when it was investigated before. The water is there just the same. It has been investigated seven or eight times by competent engineers, and the result always is that Congress lays the report aside and does not act on it until it is old, and then when it comes up again the argument is at once advanced, let us have another investigation, and then you start to investigate.

With all respect to my friend the Senator from Montana [Mr. WALSH], if the substitute that he said he was going to offer to the amendment is agreed to, I think it means the eternal death of the development of water power at Great Falls, because in the meantime other sources of water supply will be had, and then one of the great economies of this plan is killed, and killed forever.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. CHAMBERLAIN. It was stated a while ago that the dam would be so high that it would be impossible of construction. Does the Senator remember what is the height of the Roosevelt Dam? It seems to me that it is higher than this proposed dam.

Mr. NORRIS. Yes. I can not give the exact figure, but I think the Roosevelt Dam is something like 250 feet high.

Mr. CHAMBERLAIN. I have seen it. I know it is very high, and I know it is very much higher than the one proposed in this project.

May I say further to the Senator that I feel about the amendment just as he does. I shall vote to amend the bill by adding the Senator's amendment. I think, aside from the necessities of the District and to relieve the coal situation here which is bound to come in the future days, that it would be a splendid object lesson——

Mr. NORRIS. It would be.

Mr. CHAMBERLAIN. To teach Members of Congress the possibilities of water-power development. The objections that many

of them have to the development of western water power indicates that they have never given the subject very much consideration. I think every Member of Congress could then go out to Great Falls and see what a real water power is and what could be done with water power in the West.

Mr. SMITH of South Carolina. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. Is it not a fact that the nature of the rock, the natural foundation there, is reported by engineers to be first class?

Mr. NORRIS. Yes, sir.

Mr. SMITH of South Carolina. The abutments on either side constitute a foundation that would justify the engineers in building a dam to the extreme possibilities?

Mr. NORRIS. Yes; that is all true.

Mr. SMITH of South Carolina. That is my understanding of the situation.

Mr. NORRIS. The amendment does not bind the commission to this particular plan. I have been speaking of a plan by Col. Langfitt. I am not an expert; I am not an engineer. I have to follow other men who are experts. I have no hesitancy in following him. I went all over it with him about the time the report was made, but I have left the way open in my amendment, so that if the commission does not think the particular plan ought to be followed they can adopt any other plan.

In the various reports that have been made by experts there have been various kinds of plans proposed. I leave that entirely open with the commission. They can adopt any plan they want to. Their hands are absolutely free. If the amendment does not so provide, then I am willing to accept an amendment that will do it. That is my intention in the bill. I do not want to tie their hands in any way. I want to have one thing in it for sure, and that is that they will be directed by the bill to go ahead and make that improvement. We have had investigations enough, all of them showing that it ought to be done.

I am not going to put my judgment up that this plan or that plan or some other plan ought to be followed. Any plan will suit me. Let those in charge decide it upon expert testimony. They will have it all before them. It is all a matter of record. But let us not stop by saying, "Look it up and report to Congress." Let us direct them to go ahead. I have not limited them in time. As I first drew the amendment I said they must do it within a year; but, as I have offered the amendment, I have stricken that out. It seems to me they ought to do it as soon as possible, but if it takes them more than a year to look it up and advise about it and examine the different plans, I am willing to give that time to them. I only want to make it certain that the sin that the Government has been committing during all these years in permitting that power to go to waste shall cease, and that we shall proceed not only for the benefit of the Government and the people particularly of the District, but, as the Senator from Oregon [Mr. CHAMBERLAIN] says, as an object lesson to the entire country and to all the world in the development of power.

Mr. LODGE. Mr. President, I merely wish to ask the Senator a question. I agree that the power ought to be utilized. Can it be utilized in such a way as to avoid the destruction of the falls?

Mr. NORRIS. Yes. There we will come to a disagreement. Personally I think if they would utilize the falls they would add to its beauty, but the particular plan which Col. Langfitt outlined did not touch the falls at all. He has shown the plan for a lake, which he says, and I think very properly, would greatly add to the beauty. It would be covered with boats. It would become a great place for people of this city to visit, being a lake that would cover 3,000 acres.

My judgment is that the falls proper ought to be utilized, but the commission does not have to do that under this amendment. Langfitt did not do it out of consideration for the feeling that was more or less general that the beauty of the falls should not be destroyed. To my mind we will add to its beauty. I would rather see the water power developed by a great dam there. In my judgment it would be more beautiful than the falls as they are, but that is not necessary, of course.

Mr. STERLING. May I ask the Senator where, with reference to the falls under Mr. Langfitt's plan, the dam is to be located?

Mr. NORRIS. Nine miles this side, which is either at or very near the line of the District of Columbia.

Mr. STERLING. Of course that could not interfere with the scenic beauty of the falls.

Mr. NORRIS. Oh, no; it dams the water up to the foot of the falls, but does not go any farther.

If there are no other questions, I believe I have nothing further to say.

Mr. WALSH of Montana. Mr. President, I have no disposition to differ with the Senator from Nebraska concerning the merits of the project upon the basis of the report of which he speaks. I have that report before me. It was made and submitted to Congress on the 14th of February, 1913. That is all but seven years ago; and I submit there is not a business man in the United States who would put a dollar into a power site at the present time upon the strength of a report that is seven years old concerning the feasibility of a project.

Everybody knows that conditions have changed and radically changed since that time. We should have an investigation to show that it is just as inviting a project now as it was then, but I submit that it would be the height of imprudence for the Congress of the United States in a representative capacity to launch into this project without some information concerning the feasibility of it under conditions as they exist to-day.

I am very heartily in favor, if it can be done with profit to the Government of the United States, of the development of this project by the Government of the United States, and I want to make it an example, if I can, of the possibility of thus developing by the Government of the United States some of these powers with profit and benefit to the people of the United States. I hope the United States will some time or other take on the development of some other of the great water powers besides the power possibility of Muscle Shoals, but I want this to be an example instead of a warning. I want to see the States, I want to see the counties, I want to see the municipalities avail themselves of the opportunity that is afforded by the bill to construct and develop water-power plants within their borders.

I hope that we shall be able to create in the West irrigation districts that shall undertake to establish power plants in order to pump water for utilization in irrigation and to take care of our problems of that character in that way; but if we shall go into this enterprise, as I insist, blindfolded at the present time, and it shall be demonstrated by actual and sore experience that the project is a failure, the greatest kind of a deterrent will arise against any sort of a municipal or public development of water powers.

Mr. SMITH of South Carolina. Mr. President, may I interrupt the Senator from Montana?

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH of Montana. I yield.

Mr. SMITH of South Carolina. The Senator from Montana speaks of the recommendation which was made seven years ago and of the different conditions which then existed. The Senator, of course, has reference to the difference in the cost of materials. Surely the general physical conditions upon which the civil and hydrographic engineers and topographers then based their reports have not changed. The question then would be as to whether the cost of material and of construction is such at this time as to deter us from carrying out the project which is seven years old, based upon its feasibility as a physical property which can be developed.

Mr. WALSH of Montana. Undoubtedly. As a matter of course, it was necessary at that time to institute a comparison between the cost of producing power through the fall of the waters of the Potomac River as against producing power by coal under then existing conditions; and that is the problem to-day. I do not know whether the same relation which obtained then between the cost of developing water power and the cost of the power produced as compared with the cost of power derived from coal obtains now.

Mr. SMITH of South Carolina. I desire to vote for the amendment, because I believe that the lack of the conservation and utilization of the power at Great Falls for the use of the District of Columbia is a severe commentary on the Congress. The question of the initial cost may be one for consideration; but the overhead charges and the primary cost of installing the proper machinery to develop the power will be practically the only element of comparison in ascertaining the immediate difference between the cost of power derived from coal and the cost of light, heat, and power derived from the falls; for, after the initial cost has been met, then for the future there will be a gradual absorption of the cost, because there will not be a necessity for repeating the initial cost. In the production of coal the price rises and falls according to the wages paid those who dig it out and the cost of transportation; but here you have a fixed permanent charge, which is the initial charge; and after that the cost will be negligible as compared to the cost of production of heat, light, and power in any other way.

Mr. WALSH of Montana. Of course, the Senator from South Carolina is quite right about that. The actual running expenses in the operation of a water-power plant are, as a rule, very trifling. The burden comes in the interest charge upon the original investment. Even in the application of the power that

is true, for in the application of the hydroelectric power to the operation of steam railroads the cost, of course, of turning on the current is practically nothing as compared with the feeding of coal under a boiler for the generation of steam; but the cost of the installation of the plant in the first place is a great one. Of course, that cost is continually bearing interest, and so it becomes a question as to the original cost, which, of course, enters into the question of the continuing charges and the cost of producing the power as it is used by the consumer.

Mr. SMITH of South Carolina. That is, the Senator's idea is that the initial cost, the cost of installation, may be so great that the interest on it would not compare favorably with the cost of power derived from steam produced by coal?

Mr. WALSH of Montana. The Senator is quite right. In many parts of the country where coal is readily available there are water powers lying perfectly idle, and it is uneconomical to develop such water powers, because power can be produced from coal at a less cost than it can be secured by the development of the water power. So I might say, in some parts of the West—in the State of California, for instance—they are able to produce power by fuel oil at a less cost than would be involved in the development of the water power.

Mr. SMITH of South Carolina. Then, the Senator's idea is that before we commit ourselves to this proposition an investigation should be made in order to ascertain what under present conditions the initial cost of constructing this dam and the other necessary appliances to develop the power would be, in order to ascertain the charges for heat, light, and power that would then be necessary through a term of years to absorb that cost as compared with the present cost of providing such power?

Mr. WALSH of Montana. Exactly; to bring the information down to date before we undertake the enterprise.

Mr. President, there is just one other thing that I desire to say. The Senator from Nebraska says the trouble about this matter is that after an investigation is directed and had Congress puts the proposition off. Of course, that does happen; it has happened in this case; but there is no reason why the amendment which is now offered by the Senator from Nebraska should not be put on the District appropriation bill at any session of Congress. Of course, it would be even more appropriate as a part of that appropriation bill than it would be as a part of the pending measure.

Mr. NORRIS. May I interrupt the Senator?

Mr. WALSH of Montana. I shall be very glad to yield.

Mr. NORRIS. Does not the Senator know that it would be subject to a point of order upon the District appropriation bill, and that any one Senator could keep it out of that measure?

Mr. WALSH of Montana. Yes. The Senator succeeded, however, in getting it upon the District appropriation bill in the case to which I referred. I do not agree, however, that the committee having the District bill in charge would decline to give its approval to the proposal if the report seemed to justify it; but, for the matter of that, there are many bills to which it could be attached quite as appropriately as to this bill. Accordingly, as a substitute for the amendment of the Senator from Nebraska, I offer the following:

The commission is hereby authorized and directed to investigate and, on or before the first Monday in December, 1920, report to Congress the cost and, in detail, the economic value of the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana to the amendment of the Senator from Nebraska.

Mr. KING. Mr. President, I have just been reading the RECORD of yesterday's proceedings, and find that in the discussion of this bill yesterday a distinguished and able Senator, one whose long and brilliant career in public life properly entitles his utterances to very great weight, severely criticized the Senate, and in the course of his remarks referred to a statement by Benjamin Franklin to the effect that the Senate was a fifth wheel and ought to be dispensed with. The Senator called attention to the fact that there were but few Senators upon the floor at the time he participated in the discussion.

Mr. President, yesterday more than 20 committees were in session, and a number of hearings were being conducted. Many of them began at 10 o'clock in the morning, and several continued in session until 6 o'clock in the evening. Of my own knowledge there were scores of Senators yesterday in attendance upon committees and hearings for from four to six and eight hours.

The service of Senators is not to be measured by the number of hours they are in attendance during the sessions of this body. I am one of the Senators usually in the Chamber when the Senate is in session, but in endeavoring to be present I am neglecting important work—perhaps more important to the country than even the work here upon the floor—which is going on before committees. Yesterday many Senators were required to attend as many as four committee meetings, and these committees were sitting during the session of the Senate. It was impossible for Senators to be present here and in attendance upon committees.

There are now in session, engaged in very important work, two committees of which I am a member. In order to discharge what I conceive to be my duty in being present here I am omitting the performance of work which is committed to these committees of the Senate.

Mr. President, Senators work from 8 to 12 hours a day, and I know of many Senators who give as much as 14 hours a day for weeks at a time to their senatorial duties. In my opinion no men in public service or private employment spend more hours in hard, onerous service than do the Members of this body. The mere fact that they are not always upon the floor during the discussion of measures is no indication of a failure to discharge the duties which rest upon them.

The Senator stated that the Senate had "ceased to function." Mr. President, permit me to state that in my opinion——

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. Let me complete the sentence. The criticism is not warranted. The Senate does function and enacts a vast amount of important legislation and considers questions vitally affecting our Nation as well as the entire world. I now yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I notice that the name of the Senator who so severely criticized the Senate in the closing hours of the session yesterday is not recorded on two out of the three roll calls had on yesterday.

Mr. KING. Mr. President, numerous committees are now in session and many of the Members of the Senate are attending such sessions. There are not many Senators in the Chamber, and they either have considered this bill and have made up their minds as to what their votes will be upon its features, or they are willing to be guided in part by those who have given, perhaps, months and years to a consideration of the question involved in this proposed legislation. It is humanly impossible for each Senator to investigate the thousands of questions presented for consideration and action in the Congress of the United States. As everybody knows, much of the work of Congress, indeed most of its work, is done through committees, who make extensive investigations and conduct elaborate hearings in order to present to the Senate measures for consideration. In the performance of this work Senators are almost daily occupied, not only when the Senate is not in session, but also prior to its convening and often after adjournment has been had. The scores—and I was about to say hundreds—of volumes of printed testimony taken at each session of Congress are convincing evidence of the constant and grinding work of Senators and disproves any charge that the Senate is negligent in the discharge of the responsibilities devolving upon it.

There is a committee of conference now considering the railroad bill, a measure of vital importance to this Republic. The conferees now considering the matter have spent but few hours upon the floor of the Senate since that important measure was committed to their hands. They would have been derelict in their duty, in my opinion, if they had spent their time here upon the floor instead of meeting with the conferees of the House and attempting to work out some legislation that would deal with this question, the most important domestic question now before us.

Now, Mr. President, just a word in regard to the amendment which has been submitted by the Senator from Montana.

I hope that amendment will prevail. I am not unfamiliar with the project for which the Senator from Nebraska [Mr. NORRIS] has so ably and eloquently pleaded. If I may be pardoned a personal allusion, a number of years ago, when I was in the House, I was appointed in connection with Gov. Odell, then a Member of the House, to make an investigation of the Great Falls of the Potomac River.

I made as full an investigation as possible of the Great Falls, the question of their acquisition by the District of Columbia, the advantages, if any, that would result from such action, and generally all related questions. At that time a suit was pending against the Government for several hundred thousand dollars because water had been diverted above the falls, which, it was claimed, diminished the value of the riparian property upon each side of the falls. Indeed, as I recall, a judgment against the Government for over $400,000 had been rendered in the Court of Claims, and another suit was pending for a sum, as

my memory now serves me, somewhat in excess of the judgment which the Court of Claims had rendered against the Government.

After making an investigation, and being brought into contact with the owners of the falls, the riparian owners, a tentative arrangement was made under the terms of which the Government or the District would acquire the falls and the riparian rights upon each bank for a sum very little in excess of the judgment which had been rendered against the Government.

The arrangement, if carried into effect, would have satisfied judgment, abated the pending suit, and given the falls, with all of the benefits and advantages resulting therefrom, to the Government of the United States.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. What happened to the Senator's report?

Mr. KING. The Committee on the District of Columbia in the House approved the report made by the subcommittee and recommended that the Congress make the necessary appropriation to acquire the falls. Opposition developed when the matter came before the House. Able and distinguished Members of the House, at least one of whom is still there, opposed the proposition. I was young and callow, and their prestige and standing enabled them to vanquish the supporters of the measure.

Mr. NORRIS. Now, let me ask the Senator another question. Is it not true that those who succeeded in defeating the Senator did it on the ground that there had not been sufficient investigation made there, and they wanted more light and more investigation; and what year was that?

Mr. KING. Mr. President, I am afraid if I tell the Senator the year, he will think that I am an antediluvian, it was so long ago. As I recall, it was in the year 1898 or 1899.

Mr. NORRIS. Does not the Senator know that that same kind of proceeding has been going on ever since? And the thing that surprises me is that the Senator now is adding his powerful eloquence and influence to that same kind of proceeding, "more investigation," "more light." They have been investigating it for a long time. The Senator was not the first man who investigated it. It was investigated in 1839, I believe, to begin with, and people have been yelling for more investigation ever since.

Mr. KING. Mr. President, the Senator does me great honor in attributing to me great influence——

Mr. WALSH of Montana. Mr. President——

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. I inquire of the Senator whether he would advise undertaking a project upon a report made in 1839?

Mr. NORRIS. Well, I would want to see the report. I have an idea that probably I would, if I saw it.

Mr. KING. Mr. President, it may seem somewhat inconsistent with the view which I then entertained that I should now be found in opposition to the position taken by the Senator from Nebraska; but I do not think there is any incongruity in the position which I then assumed and the position which I now assume. I was not then contending for the construction of a power plant, or for the investment of $25,000,000. I was only pleading for an appropriation of approximately $500,000 to settle a judgment against the Government of nearly that amount and to defeat a suit which was then pending for as large a sum, and which would have resulted in another judgment against the Government, and to give to the Government the falls, with all riparian rights. It was also understood that still greater quantities of water would be required for use in the District, which the Potomac must supply, and that the diversion of the same above the falls would result in still further claims for damages. As I now remember, the view was entertained by some of the committee that if at any future time an electric power plant was deemed necessary or feasible the Government would be unembarrassed by condemnation proceedings or by having to combat the fanciful claims of those who might claim ownership of the falls or the property upon either side thereof.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. KING. Yes; I yield to the Senator.

Mr. NORRIS. The Senator will not contend, will he, that he was not then advocating taking the first step necessary to construct a hydroelectric power plant? Why would the Government want to buy the land that the Senator wanted it to buy unless they expected to utilize it by developing this power?

Mr. KING. Mr. President, the paramount object which I then had in view was to satisfy the judgment against the Government and abate the suit then pending, which was meritorious, because the District had taken out above the falls a considerable quantity of water, and thus had diminished the value of the riparian property, and obtain the lands upon either side of the falls so that when further diversions occurred, no actions for damages would lie against the Government. I knew that with the growth of the city we would be compelled again to go to the stream and divert more water for municipal purposes, and that such action would certainly lead to further litigation. But I will say to my friend in perfect frankness that I did believe then and I believe now that the falls did possess some potential value for power purposes; but that, as I said, was a secondary consideration in influencing the conclusion which I then reached.

Mr. President, the amendment now pending before us calls for the construction of an electric plant at an expense of $25,000,000 within one year after the approval of this act.

Mr. NORRIS. No; Mr. President, let me interrupt the Senator. The language "within one year after the approval of this act" is not in the amendment as I have offered it. If the Senator will strike out that language, he will have the amendment as I have proposed it.

Mr. KING. Mr. President, I regret that I have not before me, then, the amendment as finally perfected.

Mr. NORRIS. If the Senator will strike out the words commencing on line 2, "within one year after the approval of this act," he will have the amendment just as I have offered it.

Mr. KING. The printed copy of the amendment which I have before me reads:

> The commission is hereby authorized and directed, within one year after the approval of this act, to construct or cause to be constructed on the Potomac River the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session.

And so forth. As I understand the Senator now, the words "within one year after the approval of this act" are to be eliminated. That removes one of the serious objections which I had to the measure, because I think it would be very unwise for us to direct the construction of a plant of this magnitude within the coming year, taking into account the shortage of labor, the high cost of production, and the many difficulties and obstacles that would not be encountered at a date more remote.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. KING. I yield.

Mr. BANKHEAD. I believe this measure carries an appropriation of $25,000,000 for all purposes.

Mr. KING. No; just for this plant.

Mr. BANKHEAD. I mean for this plant at Great Falls—the purchase of land and the building of power houses and dams and transmission works. Can the Senator tell us when that estimate was made and by whom?

Mr. KING. I am unable to throw any light on that matter.

Mr. BANKHEAD. Perhaps the Senator from Nebraska can do so.

Mr. KING. I was just about to say that the only knowledge I have on the subject is contained in the statement made by the Senator from Nebraska, and, as I understand, his statement, in part at least, is predicated upon a report found in House Document No. 1400 of the Sixty-second Congress. The Senator from Montana [Mr. WALSH] a moment ago called attention to the fact that that report was 7 years old, and everybody knows that in seven years remarkable progress has been made in electrical development, and machinery which seven years ago was adequate and suitable for electrical purposes is out of date. In other words, plans for an electric plant of the magnitude and importance of the one under consideration prepared seven years ago are but a poor and uncertain guide for action now.

Mr. BANKHEAD. What I am trying to ascertain is, who makes this estimate of cost? Perhaps the Senator from Nebraska can answer that question. Who makes this estimate of $25,000,000 as the cost, and when was it made?

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. KING. I shall be glad to yield to permit the Senator to furnish the information requested.

Mr. NORRIS. I will say that the estimate made by Col. Langfitt, when he made this report, was $15,000,000, in round numbers. There were some extra dollars that I can not remember, but the estimate was approximately $15,000,000.

Mr. BANKHEAD. When was that report made?

Mr. NORRIS. It was made in 1913 or 1912, I believe. The reporter has taken the report from my desk and has not returned it.

Mr. BANKHEAD. Then, I want to ask the Senator a further question. The estimate made in the report was $15,000,000?

Mr. NORRIS. Yes.

Mr. BANKHEAD. I want to ask the Senator if he does not recognize that the cost of everything that would enter into the construction of a plant of that kind has at least doubled, and perhaps trebled, since that time?

Mr. NORRIS. That is the reason why I have placed the authorization at $25,000,000. I want to say to the Senator in that connection that in round numbers one-third of the expense is properly chargeable to the increase of the water supply of the District of Columbia, which, as I have shown—the Senator was not here, but I think I have shown it—is something we have got to expend money for anyway, and we have got to do it within the next few years, or we will be out of water in the District of Columbia.

Mr. BANKHEAD. If the Senator will yield one moment further——

Mr. KING. I yield.

Mr. BANKHEAD. I have been at Great Falls several times, and, while I am not an expert, I think there are great possibilities there for power. I think it ought to be developed; I think it ought to have been done before now; but I do not think it ought to be put into this bill in this way without any preparation or without any knowledge of the situation as it exists now. You might just as well go out here and select some other favorable site and put it onto this bill as an amendment because it appears to be a necessity for some great city, or something like that.

I should be perfectly willing to vote for a carefully prepared bill, carefully guarded, after a thorough investigation has been made now by competent hydroelectrical engineers, and all that; but I am not going to vote for this as an amendment to this bill. My experience is that Army engineers, as a rule, know very little about hydroelectric engineering. They build dams, they improve rivers, but it is a very different proposition when you come to the construction of a great hydroelectric power plant. It takes a different kind of talent and a different caliber, and all that. This amendment ought not to go into this bill.

Mr. NORRIS. Mr. President, will the Senator from Utah yield further?

Mr. KING. I yield.

Mr. NORRIS. I would like to say, in reference to the Army engineer knowing nothing about electric power, that Col. Langfitt, in the expenditure of $20,000 that was given for the purpose of the investigation, spent the greater portion of it in the employment of hydroelectric engineers. I think he employed one of the greatest hydroelectric engineers in the country, if not in the world, whose judgment he took in making up his report as to the hydroelectric power.

Mr. KING. Mr. President, I think the statements just made by the Senator from Alabama [Mr. BANKHEAD] are very pertinent, and show the unwisdom of incorporating the amendment offered by the Senator from Nebraska [Mr. NORRIS] in this bill. Let us just for a moment—and I am diverting from what I intended to say—consider the object of this bill. This bill is not primarily designed for the purpose of enabling the Government to engage in the erection of hydroelectric plants or to construct dams. The theory seems to be that private capital is willing to develop the water-power resources of our country, but that under the commerce clause of the Constitution the United States must assume control for administrative purposes of the navigable streams. The commission created by this bill is administrative in character rather than executive. It is to grant licenses to applicants who seek to develop the power resources of the Nation. It is not constituted primarily for the purpose of constructing dams or electric-power plants, and the devolving of the duty contemplated by the amendment offered by the Senator from Nebraska upon this commission, of the construction of a vast hydroelectric plant, I submit is not consistent with the primary duty which rests upon the commission created by this bill.

Indeed, to constitute the commission an executive body to build dams and electric plants is at variance with the letter and the spirit of the bill.

Mr. President, if it is necessary—and perhaps it is—that a power plant should be constructed at the Great Falls in order to conserve the power that is now going to waste and to furnish power and light to the District, then it seems to me improper to place the duty and the responsibility upon this commission for that purpose. If, as an original proposition, aside from this bill, and assuming that the commission provided by this bill were in existence, we were called upon to pass upon the question of building a power plant at the Great Falls, I doubt if any Senator here would suggest that the duty be devolved upon the commission provided in this bill, because, as I said, the commission's duties are administrative. It is called upon to grant licenses to various corporations and persons who seek to avail themselves of the opportunity to develop the unused power of the country. I think the District Committee ought to go into this matter, ought to determine whether or not, in the interests of economy and the public welfare, a power plant should be constructed; and if the District Committee upon full investigation believes that the plan of the Senator from Nebraska is rational, is sound, is advantageous, let them report a bill and make provision for the instrumentality or agency that will be employed in the construction of this plant. However, it would be consistent with the bill to direct the commission to make such investigation for the guidance of Congress.

With my present view, it seems to me that the duty ought to be devolved upon the engineering force of the District to construct the plant if the erection of one is determined upon, empowering it to call such technical skill to its assistance as would be necessary.

Mr. President, it seems to me that this is too much of a leap into the dark. We do not know what it will cost. The Senator says that in the report $15,000,000 were fixed as the maximum, and yet this bill calls for $25,000,000. Is it known what the land will cost? Everybody knows that land has appreciated in value during the past seven years. Farms which seven years ago could have been purchased in many places, to my knowledge, for a few dollars per acre now bring hundreds of dollars per acre. Lands along the Potomac undoubtedly have appreciated very much in value—or at any rate such will be the claim of the owners of the same.

What will be the value of these lands if we wait a year or two years, when some of this vast volume of credit has been reduced and inflated values lose their altitudinous heights, when we get down to normal conditions again? Under the exaggerated view which prevails in this country as to the value of everything, Mr. President, we do not know how much the Government will be mulcted, and I use the term advisedly. I have no doubt that the jury would give thousands where Col. Langfitt, if he determined the value of the land, fixed hundreds of dollars. It is too uncertain a proposition, it is too indefinite, for us now to act intelligently upon it. The amendment offered by the Senator from Montana ought to prevail. The report called for by it will be submitted at the close of this year; by that time, the Lord willing, we will be getting down nearer to bedrock in prices, getting down more nearly to the real value of property, and down to normal conditions.

With labor to-day only 60 per cent efficient, as it is claimed, it is apparent that the costs will be greatly augmented. If the Government should enter upon the construction of the plant now, with the present shortage of labor, with the high price of labor, the costs would be considerably more than 100 per cent over what they will probably be two or three years hence. Let us wait a little while. We have waited for many years, it is true, as the Senator has said. All things come, as we are told, to those who wait, and sometimes a little procrastination makes for economies, makes for improved conditions, and more satisfactory results. If we will wait a year or two years before engaging in this undertaking and then go at it with a will, with full and complete knowledge before us, we will complete the enterprise just about as soon as if we should start now and at a cost very much less than if we undertake this project now.

Let me again refer to this sentence in the bill:

> And the commission is hereby authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site for said dam or dams and for all other real estate necessary to the carrying out in detail of said project, including all real estate that will be overflowed by the formation of the lake mentioned in said project.

How many acres are to be overflowed? How large an area is to be destroyed in the backing up of the water? How much will that cost? I said that with the exaggerated views now prevailing with respect to the value of real estate, Mr. President, it will cost very much more than it ought to cost.

Of course, some of the good people of the District, when it comes to paying taxes, think that their property is of but small value. When it comes to charging rents, and selling property to the Government, the same persons entirely change their views. The psychology of some of the property owners of the District of Columbia is a remarkable thing. When they want to rent their property to Representatives and Senators and employees of the Government, the property is as priceless as the possessions in the New Jerusalem. And if they want to sell it to the Government for dormitories, or for public buildings, it is more valuable than the choicest holdings in New York City abounding upon Fifth Avenue or Broadway. I do not want to

put the head of the Government into the lion's mouth any oftener than we are compelled to. I do not want to go before the juries of the District within the next year to assess the damages upon property that will be necessary if this project is carried into effect. I do not want to buy now from the electric—I was about to say "trust"—the electric trusts, and those who furnish the machinery for these hydroelectric plants. Let us wait until prices come down, until we can get a quid pro quo, until the Government is in a position to meet the expenditures called for by the amendment offered by the Senator from Nebraska.

Mr. NORRIS. Mr. President, does the Senator realize, in connection with the legal discussion that he has been making of this amendment, that there would not be any condemnation trial before a jury in the District of Columbia? Does he not realize that it would all be outside of the District, and this terrible catastrophe of the Government running up against a jury in the District of Columbia would not take place? None of the property to be taken under condemnation proceedings would be in the District of Columbia.

Mr. KING. Mr. President, for the moment I labored under the impression that a portion of the property was in the District of Columbia. But I do not care whether it is in the District or not. If the Government goes across the District line into Maryland, or across the line into Virginia, and goes into the Virginia or Maryland courts, I submit it will have the same question to deal with.

Mr. NORRIS. That may be; but I thought the Senator only felt this awful fear against being robbed by the people of the District, and that it did not apply to citizens of Maryland and Virginia.

Mr. KING. My statement about condemnation proceedings in the District courts does not call for any material modification of the substantial part of the statement which I made. The juries of Maryland, or of Virginia, or of Pennsylvania, or Utah, or any other State now under the impulses and views now guiding the people will act substantially alike.

Property has inflated values, and jurors will honestly find high values. In suits for condemnation experts will contend that the land needed for power purposes is of enormous value, and they will give the various elements of damage, the uses to which it may be put for power purposes. We talk so much about electric energy and its necessity and its value that experts unquestionably would place a very high value upon property available for power purposes. The Senator will remember in his long legal experience the many cases which show that the uses to which the property may be put, regardless of the use to which it is presently put, may be taken into consideration in fixing the values.

So the experts, whether from Virginia or Maryland or the District of Columbia, would find powerful elements of value in the land which would have to be condemned under this bill.

Let me appeal to my good friend from Nebraska, knowing that he is an economist, to pretermit the consideration of this item now. I sympathize with the Republicans. They have sorrows and tribulations enough. I want to help them. They are between the devil and the deep sea, if I may use such unparliamentary language, Mr. President. Many people are demanding enormous appropriations, people are knocking at the door of Congress constantly, not for thousands and hundreds of thousands, but for millions and hundreds of millions of dollars.

On this side we can look with some complacency upon these demands, and perhaps some of us may contend that they be granted, but I want to say to the Republicans that they have a serious responsibility resting upon their shoulders. The Republican Party is going to be held accountable by the country for the expenditures which are made, and if it does not practice economy, if it does not cut down expenses whenever and wherever possible, the people will rise against that party, as I hope and believe they will at the next election, and the Democratic Party will not only elect the next President but will control the House and the Senate.

But I hope to be nonpartisan enough, enough of an American and a patriot to stand by you, Senators, when you stand for economy. I have denounced upon several occasions during my short stay in the Senate my own party for appropriations which I conceived to be improper.

I shall not hesitate to denounce it again if I believe it is exceeding the bounds of propriety and of rigid economy in the expenditures which it advocates or which it makes. I desire to join hands with Senators across the aisle in working for economy, for the reduction of taxes, and for retrenchment and reform. There are enough burdens that we are compelled to meet, and we ought not to take upon our shoulders any that we may postpone for a reasonable time.

I appeal to my distinguished friend to withdraw his amendment, or, if not, to accept the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. Mr. President, the Senator from Utah, if he were consistent, it seems to me, would follow the conviction and the judgment that he reached many, many years ago on the proposition. When he was a young man in his prime in the House of Representatives he studied this question. He then reached the conclusion, he confesses now, that we ought to take hold of it, but he was beaten over there by the old warhorses, he says, the influential fellows who rode over him.

Now, they have been investigating Great Falls ever since. Water has been going to waste and power has been lost ever since. The Senator has grown, come to the Senate, joined the old warhorses, and is now trying to kill the very thing that before he came to be influenced by these powers and these associations he favored. He is now trying to kill the child that in the honest vigor of his youth he tried to sustain. It was killed then by men who had been in public life long and had become powerful. They ran up against this great unseen power that always reaches out its hand to prevent development where it interferes with their influential gain, and now even the Senator, unconscious, of course, that this influence has ever grasped him in his older age and got him beneath its power, is turning his back upon the proposition which, when he did investigate it, he thought was all right.

Mr. NELSON (in his seat). The child of his youth.

Mr. NORRIS. The child of his youth, as the Senator from Minnesota says.

The Senator from Alabama [Mr. BANKHEAD] is another man who is in favor of this thing. He has, he says, been out and looked at Great Falls, and he knows that it ought to be developed. He realizes that, as every other man does who goes out there, but he says, "Let us investigate it first." We have investigated it for 40 years. Now let us investigate some more, because, forsooth, there has been report made yesterday or last week about it. We have reports without number. I commented upon one of them that goes into great detail, as great detail as ever was gone into by any investigator of any water proposition in the world.

The Senator did not hold up the War Department, though, when they spent $63,000,000 or $64,000,000 of public money developing water power in Alabama without an investigation and without a report to Congress as to whether it was proper. That is a horse of a different color.

Mr. BANKHEAD. Mr. President——

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BANKHEAD. I am sure the Senator wants to be perfectly fair.

Mr. NORRIS. I do.

Mr. BANKHEAD. He knows perfectly well that the development in Alabama about which he is talking now was purely and strictly a war measure.

Mr. NORRIS. If the Senator had permitted me to go on for another sentence, that is just what I was going to say.

Mr. BANKHEAD. I did not think the Senator would.

Mr. NORRIS. The Senator was wrong about that, if it is possible for him to be wrong. It was a war measure. I am one who never criticized the Government for doing it.

But what kind of a measure is this? Here is something that is admitted to be not only for the benefit of the Government of the United States but for the people of the Capital City, who must live here to transact the Government business, a proposition in which the Government is directly interested. The Government consumes in round numbers half of the electric power that is consumed in the District of Columbia. Those who must do its work are paying exorbitant prices for coal, for electric light, for street car tickets, and yet they say before we will give any relief we must have another investigation.

The Senator from Utah [Mr. KING] forgets, entirely forgets, I think, that if we investigate for another 10 years one of the chief arguments in favor of the development will have disappeared, and that is the water proposition, that now we can get with greater economy both as to the water part of it and the electric part of it, while if it is delayed, as one of them will have to be unless we do it now, the other one will be more expensive on account of the division of the proposition.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to suggest to the Senator from Nebraska that in the great project at Muscle Shoals, the Government is now asking for $12,000,000 more. The bill is now pending before a committee of which the Senator from Nebraska is a member.

Mr. NORRIS. I suppose the Senator from Alabama, when that comes up, will insist that it be not allowed and that somebody shall be instructed to make an investigation and report to Congress on it.

Mr. GRONNA. I was also going to suggest that that is only an experimentation and for the manufacture of nitrogen to be sold and disposed of by the Federal Government. In other words, it is putting the Federal Government into actual business.

I have no objection to the improvement of Muscle Shoals or any other water power. The Secretary of War I understand has recommended it; in fact, I know that he has recommended the further appropriation of $12,000,000 in the bill introduced by the distinguished Senator from New York [Mr. WADSWORTH].

It seems to me that the Great Falls water power has been going to waste, as the Senator from Nebraska has well said, for a long time. There is no experimentation about it. It seems to be agreed by all those who have spoken of it that it is feasible and possible to make a great water power there. It would mean conservation. It would benefit not only the people of the District of Columbia and the city of Washington but the people of the entire country, because it would save coal and it would save oil. Of course, it would be very, very beneficial to the citizens of Washington.

How any man who is in favor of the further improvement of Muscle Shoals or any other water power can oppose this project is more than I can understand.

Mr. BANKHEAD. Mr. President, I desire to say just a word with reference to Muscle Shoals. The improvement of Muscle Shoals is not a power proposition at all. The money that has been expended at Muscle Shoals has been for the construction of a nitrogen plant and other plants in the furtherance of making fertilizers and explosives and matters of that sort. It has not been expended for water power. It has not been expended for the improvement of the river. They are now at work on a great dam there in connection with those plants, all appropriated for by Congress.

As I have said, I have no objection to the improvement here. I think this water power ought to be developed, but I think it ought to be developed in the proper way. I do not know how the measure has been prepared; I do not know who prepared it, I do not know how carefully it is drawn, I do not know how the interests of the people of the country or of Washington, or Virginia, or Maryland, whose property is involved, are going to be preserved. I do not know anything about that.

I should be very glad to vote for an independent bill on the propositon. I think it is a great mistake to undertake to inject it into this bill, that has for its purpose an entirely different proposition, and that is the development of water power all over the country by private corporations and private enterprise under the direction of the Government. There is no connection between the two and can be none.

Mr. NORRIS. Mr. President, I want to refer to the objection which the Senator from Alabama [Mr. BANKHEAD] has made. It has been made also by the Senator from Utah [Mr. KING], and also I think by some other Senators. They are all in favor of the development of water power at Great Falls, but they are not in favor of having the amendment put on to the pending bill because it is not a good bill to put it on. The Senator from Utah [Mr. KING] thinks it is something that ought to come from the District of Columbia. The Senator from Alabama [Mr. BANKHEAD] thinks it ought to come out as an independent and separate bill. I would just as leave have it if it came in any of those different ways, but the Senators know that it can not come in that way.

Senators know that this is a proposition which, if it ever becomes a law, has got to be put on some bill which everybody knows is going to pass.

Mr. BANKHEAD. Why is that true?

Mr. NORRIS. The Senator has asked me a question that I dislike to go into, but I will say to the Senator that a bill providing for the development of this project was introduced and has been pending before the committees of Congress every since the Langfitt report was made, but that bill has never yet got out of a committee, and it never will.

Mr. BANKHEAD. If the Senator will permit me, I will say that the water power bill, the very bill that we are now considering, has been pending before the Senate for 10 years.

Mr. NORRIS. Yes; but it got out of the committee and it passed the House of Representatives and the Senate.

Mr. BANKHEAD. Yes; but it did not become a law.

Mr. NORRIS. There is not any such delay with this kind of a bill. The Senator says that my proposal ought to come up as an independent measure and he would then vote for it. Some other Senator would vote for it if it came from the Committee on Naval Affairs, probably, though he would not vote for it unless it did so; and some other Senator would vote for it if it came from the Committee on Appropriations, but unless it did he would not have anything to do with it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Montana. The power now consumed by the Government of the United States in all of its branches in the District of Columbia is supplied from what source?

Mr. NORRIS. Some of it the Government makes and some of it it buys. It all comes, however, from steam plants.

Mr. WALSH of Montana. What proportion of that power is bought?

Mr. NORRIS. I can not now tell the Senator.

Mr. WALSH of Montana. Really, the very great proportion of it is supplied by the Government's own plants, is it not?

Mr. NORRIS. In my judgment—I may be wrong about it; it is my recollection, however—the Government does not make one-half of the electricity that it uses.

Mr. WALSH of Montana. Very well. Then, I infer from the statement of the Senator that it is the private corporations which supply the other half of the power that stand in the way of this legislation, and of course the inference from the remarks of the Senator is that those of us who now object to the investment of this sum without any further investigation are, in some way or other, representing them?

Mr. NORRIS. No; the Senator is not justified in taking that position.

Mr. WALSH of Montana. I am very glad to hear the Senator say that.

Mr. NORRIS. I do not want the Senator to take that position; I do not think he has any reason to take that position.

Mr. WALSH of Montana. What I want——

Mr. NORRIS. Let me go on now for just a moment. I have not any question whatever of the sincerity of purpose of anybody who is either for or against this proposal, but it does not follow because I believe that that I can not call attention to what I believe to be their illogical position.

I had just as lief that this particular proposition came from the Committee on Irrigation; but everybody must admit that under the rules of the Senate it is in order as an amendment to the pending bill. So, under the rules of the Senate, the amendment is properly and legally before the Senate.

Mr. WALSH of Montana. Will the Senator pardon another question?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Montana. If that is the case, I wish the Senator would overcome his objection and merely tell us why the bill embodying his proposal does not come out of the committee.

Mr. NORRIS. The same thing has happened to a thousand other bills.

Mr. WALSH of Montana. The Senator intimated that there was something obscure about the reason why this bill did not come out of the committee.

Mr. NORRIS. That is the Senator's language; that is the Senator's construction. I did not say that there was something obscure about it. The Senator knows that any proposition of this kind, unless it can be put onto some one of the great bills that must pass, unless it is backed up by the administration or by some political party in control, or something of that kind, never does get out of the committee. There are thousands of such bills; this is not the only one; there are a great many others. I do not say that the Potomac Electric Power Co. is doing its best to pass this bill; it is against it, of course, and whatever it can do against the bill will be done. Wherever it can wield any influence, it will wield it; there is not any doubt about that.

I am not charging and I do not believe that any Member of the Senate or of the House of Representatives is directly or consciously influenced by anything of that kind, but there are 10,000 ways in which that may come about. Since the question has arisen I am going to tell the Senate the circumstances in this case.

Immediately or soon after Col. Langfitt made his report I introduced a bill which, in substance, carried out the proposition which is now before the Senate. I had a man come into my office who said, "You will not get anywhere with your bill." I thought, inasmuch as the bill authorized the Secretary of War to make the improvement, it would be referred by the committee to the Secretary of War; that the Secretary of War would have to take the advice of some engineer, and that Col. Langfitt

would naturally be the man who would be consulted. He knew more about it than did any other man in the Army or, perhaps, in the whole Government service. This man said to me, "Langfitt will not be here." I thought the matter would be reported on immediately. The man said to me, "I do not mean to say, now, that the Secretary of War is against it, or that the President is against it; I do not think they know anything about it; I do not want to be understood as charging that; but in some way, somewhere, there will be influence brought to bear that will take Langfitt out of the city of Washington and away from the District of Columbia." And that is just what happened. Of course, it might have been a coincidence, for such officers are frequently transferred from place to place; but when the bill was referred to the department Langfitt was somewhere down in the Southern States superintending the putting of some water into or the building of dams in a lot of creeks down there, or snagging them, or something of that kind, under the river and harbor bill, so the bill had to be referred to somebody who did not know anything about it. That is what actually occurred. I am not saying and I have not any reason to believe that the officials above Col. Langfitt who transferred him did so to get him away from this proposition; yet the man who came in my office and prophesied in advance what would happen was right, that is what did happen. Such things do happen; there are 10,000 ways in which such influences can control and can delay, and that is what has happened to this proposition. For seven years there has been nothing but delay, and now it is met in the Senate by a number of Senators, all of whom are in favor of it, but none of whom seem to want it; they want it in some other way.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield.

Mr. CHAMBERLAIN. I think it would be well for the Senator to state the name of the man who assumed to know so much about this matter; it would be enlightening to the Senate I am sure. Further than that, he should name the man who subsequently investigated and made the report which Col. Langfitt ought to have been called upon to make.

Mr. NORRIS. I will say to the Senator I can not give either name now; I do not have either one in mind. It is just one of the things that happens. This matter has been sidetracked and, in my humble judgment, while I do not question the honesty of those who want to take such action, to provide for another investigation will simply be to put it on another sidetrack, and I do not know where the end will be.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Montana as a substitute for the amendment proposed by the Senator from Nebraska.

Mr. WALSH of Montana. I ask for the yeas and nays.

Mr. NORRIS. Mr. President, in order to have Senators present before the roll call is commenced, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	Lenroot	Sheppard
Ball	Gay	McCormick	Smith, Ga.
Bankhead	Gronna	McKellar	Smith, S. C.
Beckham	Hale	Moses	Stanley
Brandegee	Harding	Nelson	Sutherland
Calder	Harris	New	Thomas
Capper	Harrison	Newberry	Trammell
Chamberlain	Henderson	Norris	Underwood
Colt	Hitchcock	Nugent	Wadsworth
Culberson	Jones, N. Mex.	Overman	Walsh, Mass.
Curtis	Kendrick	Page	Walsh, Mont.
Dial	Kenyon	Phelan	Watson
Dillingham	King	Phipps	Wolcott
Fernald	Kirby	Pittman	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER], on account of illness.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum is present. The question is on the adoption of the amendment offered by the Senator from Montana in the nature of a substitute for the amendment of the Senator from Nebraska.

Mr. GRONNA. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In lieu of the amendment proposed by the Senator from Nebraska [Mr. NORRIS], the Senator from Montana [Mr. WALSH] proposes the following substitute:

The commission is hereby authorized and directed to investigate and, on or before the first Monday in December, 1920, report to Congress the cost and, in detail, the economic value of the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government.

Mr. GRONNA. Mr. President, if I may have the attention of the Senator from Montana, if he is in the Chamber, I will suggest to him that this might properly be made an amendment to the amendment offered by the Senator from Nebraska. I can not vote for this amendment as a substitute for what has been offered by the Senator from Nebraska. I can see no objection to a provision which would ask for an investigation. This is only an authorization of a certain amount of money, and it does not say that the building of these dams and the development of the water power shall be commenced within any given period of time. I do not know that it is necessary as an amendment, but I certainly can not vote for making this a substitute for the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on the adoption of the amendment, in the nature of a substitute, offered by the Senator from Montana [Mr. WALSH], on which the yeas and nays have been requested and ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence, I withhold my vote.

Mr. KELLOGG (when his name was called). I am paired with the Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. NEWBERRY (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. CUMMINS. I desire to announce the necessary absence of the senior Senator from Arkansas [Mr. ROBINSON].

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand, however, that if he were present he would vote as I shall vote. I vote "nay."

Mr. WALSH of Montana. I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. SMITH of South Carolina. I rise to ask if the Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH of South Carolina. As I have a general pair with that Senator, I withhold my vote.

Mr. CURTIS. I wish to announce that the senior Senator from Utah [Mr. SMOOT] is detained on business of the Senate.

I desire also to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 22, nays 41, as follows:

YEAS—22.

Bankhead	Henderson	Phelan	Trammell
Beckham	Hitchcock	Pittman	Underwood
Culberson	Jones, N. Mex.	Ransdell	Walsh, Mont.
Gay	King	Smith, Ga.	Wolcott
Gore	McKellar	Stanley	
Harrison	Myers	Thomas	

NAYS—41.

Ball	Cummins	Harris	McCormick
Borah	Curtis	Kellogg	McNary
Brandegee	Dial	Kendrick	Moses
Calder	Dillingham	Kenyon	Nelson
Capper	France	Kirby	New
Chamberlain	Gronna	Lenroot	Norris
Colt	Hale	Lodge	Nugent

Overman	Pomerene	Spencer	Watson
Page	Sheppard	Sutherland	
Phipps	Sherman	Wadsworth	
Poindexter	Smith, Md.	Walsh, Mass.	

NOT VOTING—32.

Ashurst	Harding	McLean	Smith, Ariz.
Edge	Johnson, Calif.	Newberry	Smith, S. C.
Elkins	Johnson, S. Dak.	Owen	Smoot
Fall	Jones, Wash.	Penrose	Sterling
Fernald	Keyes	Reed	Swanson
Fletcher	Knox	Robinson	Townsend
Frelinghuysen	La Follette	Shields	Warren
Gerry	McCumber	Simmons	Williams

So the amendment of Mr. WALSH of Montana, in the nature of a substitute, was rejected.

The PRESIDING OFFICER. The question now is upon the original amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. The Senator from Georgia offers the following amendment: On page 33, in line 17, after the word "pledges," insert "an unimproved dam site or."

Mr. SMITH of Georgia. I call the attention of the chairman of the committee to this proposed amendment. I understand that he will not oppose it.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 31, line 14, after the word "matter," it is proposed to insert:

In any valuation of the property of any licensee hereunder for the purposes of rate making no value shall be claimed by the licensee or allowed for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I offer the amendment which I send to the desk, and I call the attention of the Senator in charge of the bill to the language on page 19. The clause commencing on line 22 properly provides that where one is operating on a stream and has built works or properties, and another applicant comes along and derives the benefit of the works already instituted, the second applicant shall pay his proper proportion of the expense contingent on the upkeep of the improvements, and so forth. To cover that point the language of the bill provides on page 19, line 22:

That whenever any licensee hereunder is directly benefited by the construction work of another licensee.

I suggest adding the words "a permittee," for this reason: Those operating works to-day are not licensees; they are operating under permits; and unless something is put in this clause to cover them they are at a disadvantage, because they will not properly be classed as licensees. It seems to me it clarifies the meaning of the clause and only carries out what is intended by the proponents of the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado. The Secretary will state the amendment.

The READING CLERK. On page 19, line 23, after the word "licensee," insert a comma and the words "and permittee."

Mr. NELSON. Mr. President, I have no objection to the amendment.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, in the same paragraph, in line 25, page 19, the language is:

The commission may in its discretion.

I have already sent to the desk a proposed amendment, which has been printed, and which provides that the words "may in its discretion" shall be stricken out and the word "shall" inserted in place thereof, the intent being that it should not be within the discretion of some representative of the commission to say whether or not those who are coming in to benefit under works, dams, or other properties already established on a stream shall be called upon to pay a just proportion of the upkeep and the cost of the installation. I called this amendment to the attention of the Senator having the bill in charge.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 19, line 25, strike out the words "the commission may in its discretion" and insert in place thereof the word "shall," so as to read:

That whenever any licensee hereunder is directly benefited by the construction work of another licensee or of the United States of a storage reservoir or other headwater improvement, the commission shall require—

And so forth.

Mr. NELSON. I have no objection to the amendment.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, on page 14, line 10, after the word "plans," I have offered an amendment which was printed. It is an additional proviso, which I request the Secretary to read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On page 14, line 10, after the word "plans," add the following proviso:

Provided, however, That nothing contained in this section shall apply as to any nonnavigable stream or streams at the headwaters of which a storage reservoir or reservoirs used or to be used for power purposes has or have already been constructed, or are in process of construction, but in all such cases the party or parties operating or actually engaged in constructing power works on such stream or streams shall have the preferential right to a license or licenses for other or secondary power developments.

Mr. PHIPPS. Mr. President, a few days since I took occasion to make some general remarks, and touched on this question, which I consider of some importance. The object of this proposed additional proviso is to protect those people who take the initial risk, who go in and venture their money in constructing reservoirs upon the headwaters of streams and demonstrate the power-producing possibilities of the streams. It seems to me only fair and reasonable that where that initial risk is undertaken by an individual or a company, and the possibilities of the stream have been in part developed, no newcomer should be allowed to come in and take advantage of the situation, and be allowed to develop the secondary power possibilities of the stream, until and unless the original locator on the stream has first been given an opportunity to make that development.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. PHIPPS. Certainly.

Mr. CHAMBERLAIN. That would practically give the man at the head of the stream, who has created a storage reservoir, a practical monopoly of the stream, no matter how long the stream might be.

Mr. PHIPPS. Not necessarily, I will say to the Senator. I want to illustrate by citing a case that occurred on one of the rivers in California—the San Joaquin, if my memory does not fail me—where a power company made an initial installation of a fair-sized power plant, I think with a capacity of 5,000 horsepower, and also constructed two reservoirs, I believe, on the headwaters of that stream. It was not a strong company financially. It was developing its business; it had to make its way. But before it had marketed its output up to its full capacity another and larger and stronger company came along and filed on the lower reaches of the same river to develop the secondary horsepower. Whereupon the initial company, finding that that application had been lodged in the Interior Department, tried to intervene and file. The net result was that the newcomer, the second and larger and more powerful company, obtained the privilege under a permit simply because it filed its application first, and developed horsepower there which was partly furnished by means of the dam built at the expense of the initial locator, and paid no consideration whatever for the service it so derived. That is a situation which I do not think should be permitted. I believe where an applicant files in all good faith on a stream, his application should always be considered, as it will be; but I do not think that the mere fact of filing an application should, by reason of its priority in filing, preclude the one who is better entitled to develop that secondary horsepower from having the privilege.

Mr. CHAMBERLAIN. It does not seem to me that the amendment ought to be adopted. Take the Columbia River, for instance, at the headwaters of which the possibilities of power development may not be very large, or take the head of the Deschutes River in Oregon, where the possibility of water-power development is not large, but as you get toward the mouth it constantly increases. Take either of those streams, and the man who has taken the initial steps at the headwaters of either would practically have a preferential right for power along both streams to the mouth.

Mr. PHIPPS. He would merely have the right to have his application considered at the time an additional application might be made upon the stream.

Mr. LENROOT. He would have a preferential right.

Mr. CHAMBERLAIN. He would have a preferential right. Here is the danger of the provision. In the illustration the Senator cites the initial development of the California stream was by a company of small resources. The second company, which developed below, was a powerful company. Would it not enable the initial locator of a power plant at the head of the two streams I have instanced to form combinations with everybody who went in below, so that they practically would have a monopoly of the whole stream?

Mr. PHIPPS. I do not feel that it would have that effect. Certainly that is not the intention of the amendment I have offered. Where a company takes the initial risk, goes in and ventures its money in developing the possibilities of a stream, part of its installation, in ninety-nine cases out of a hundred, in the mountain sections on these small streams, as the Senator knows, will be a dam, a reservoir, or reservoirs. Having made the production of power in paying quantities a possibility by reason of this investment, is it not reasonable to give that first locator a right to continue the development of the possibilities of the stream? He may locate his first plant away down on the stream, but his reservoir is up at the head. Some one may come in and locate above him and might very seriously interfere with the supply of power.

Mr. LENROOT. Will the Senator yield?

Mr. PHIPPS. Certainly.

Mr. LENROOT. Would not the inevitable result be to grant a monopoly to all the power upon the given stream, and that there could be no such thing as competition?

Mr. PHIPPS. I do not think it would have that result.

Mr. LENROOT. He would have a preferential right.

Mr. PHIPPS. I did not intend that it should extend for all time, and that no one else could locate on the stream, but where some one else comes in and files, that then the original locator would have the right to file along with him, and that his claim would be considered in preference to the other.

Mr. LENROOT. That is not the language of the Senator's amendment. If he has a preferential right to a license, his filing would take precedence, of course, under the terms of the amendment.

Mr. PHIPPS. If the Senator will suggest wherein that language could be modified to meet his objection, I will be glad to accept his suggestion.

Mr. LENROOT. If he does not desire a preferential right, he has the right without the amendment to make his filing and be considered with others. An amendment is not necessary unless the Senator desires to give him a preferential right to a license.

I do not know that the Senator has offered an amendment, but he spoke to me about an amendment yesterday by which it would be made mandatory upon the commission to require a licensee down a stream to pay his equitable share of any headwater improvements, and I have no objection to that amendment. If a new licensee down the stream is, under the terms of the bill, compelled to compensate the licensee who has constructed the headwater improvements, there is no injustice to the first licensee.

Mr. PHIPPS. My desire was to give the individual or company who demonstrated the power-producing possibilities of a stream some consideration over and against that which might be extended to the ordinary citizen. Anyone is privileged to come in at any time and file for water-power possibilities, and it seemed to me, and I still believe, that the person who has made the development of the power a possibility on a stream should have some advantage over a newcomer.

Mr. NELSON. Mr. President, I regret to say that I can not agree to this amendment. I am inclined to agree with the Senator from Oregon [Mr. CHAMBERLAIN], as well as the Senator from Wisconsin [Mr. LENROOT], that the amendment would give those who made the headwater reservoirs a monopoly of the stream. There is no occasion for that, for this reason: If they have made any improvement at the headwaters of which any project lower down gets the advantage, under other provisions of the bill they are entitled to compensation. I think it is a dangerous amendment and ought to be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. PHIPPS].

The amendment was rejected.

Mr. PHIPPS. I move a further amendment, on page 25, in line 18, after the word "revenues," to insert the words "relating thereto." The intention is merely to make it explicit that the property to be taken into consideration is where the revenue from the property relates only to property which has been received from the United States Government under license or lease.

Mr. NELSON. I think that is putting too narrow a limitation on it, and it would not be a good plan to have the amendment agreed to.

Mr. PHIPPS. Then, if the Senator will permit me, I wish to call attention to the other feature. Unless you do limit the words "prospective revenues" by adding the words "relating thereto," so as to confine them to the property received from the United States Government, you make it possible for the commission to figure the revenue that a company might receive on property that never did belong to the United States Government. It has no investment in private properties which have earning powers and are bringing in revenue.

The object is simply to clarify the language and make it definite that the prospective revenues taken into consideration in this case are those revenues received through the use of property that had belonged to the Government.

Mr. LENROOT. Will the Senator yield?

Mr. PHIPPS. Certainly.

Mr. LENROOT. Of course the Senator realizes that the word "project" is defined elsewhere in the bill and that it must be an entire unit of development. Then under other provisions of the bill the Government is given the right to take it over under the conditions named, with the idea that when they get a license for a unit of improvement, although it may not all be upon Government land, it is to be considered as one unit, and, getting that license, they agree then that prospective revenues or prospective profits shall not be considered at the end of the term. They certainly ought not to be, because you are just making it that much more impossible for it ever to be taken over if you do consider them.

Mr. PHIPPS. I will ask the Senator if he will kindly state wherein there could be objection to the qualifying words which are intended to clarify the meaning of the clause?

Mr. LENROOT. The license covers a unit of improvement, and it must cover a unit of improvement.

Mr. PHIPPS. That I understand.

Mr. LENROOT. Then the Government is given the right to take over the entire unit of improvement, and that becomes a part of the contract.

Mr. PHIPPS. That is true.

Mr. LENROOT. They are not given the right to take over part of a project, but they take over the entire project, which is a complete unit of development. If the Senator is going to allow prospective profit for part of that unit of development, does not the Senator see that it would be absolutely impossible for the Government ever to take it over or another applicant ever to get a new license?

Mr. PHIPPS. I will state the point I am trying to cover. I will endeavor to illustrate it in this way: The power company may have two or more producing plants, one of which may be under license from the Government, and the other may be on private property and not under the control of the Government at all as far as the license is concerned. The Government in a case of that kind may come in and take over the project which is under license and if called upon make adjustment of the revenues, not of the project, but under this clause the revenues of the company may be considered.

Mr. LENROOT. Oh, no; it would be the revenues of that unit of development; but suppose in the unit of development only a portion of it is on Government property, under the Senator's amendment you would have to apportion the revenues properly chargeable to that Government property on the entire unit and allow them prospective profits upon all the balance.

Mr. PHIPPS. That is not the intention at all. I do not think the language would have that effect.

Mr. NELSON. Mr. President, I think the Senator from Wisconsin [Mr. LENROOT] has stated correctly the objections to the amendment. It ought not to be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. PHIPPS].

The amendment was rejected.

Mr. PHIPPS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 25, lines 18 to 23, strike out the following:

Provided further, That the values allowed for water rights, rights of way, lands, or interest in lands shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee.

And insert the following in lieu thereof:

Provided further, That the values allowed for water rights, rights of way, lands, or interest in lands or other property of the United States licensed by the commission under this act shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee: *Provided further*, That the values allowed for water rights, rights of way, lands, or interest in lands or other property heretofore acquired by the licensee shall be just and reasonable.

The amendment was rejected.

Mr. NUGENT. Mr. President, on behalf of the Senator from Kansas [Mr. CURTIS], who is absent from the Senate on official business, I tender an amendment. On page 19, after the word "charge," in line 17, I move to strike out the semicolon, insert a comma and the words "except on tribal lands within Indian reservations."

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 19, in line 17, after the word "charge," insert the words "except on tribal lands within Indian reservations."

Mr. NELSON. There is no objection to the amendment.

The amendment was agreed to.

Mr. LENROOT. I should like to ask whether the same amendment should not be made at the end of line 13?

Mr. NELSON. That has been covered by an amendment offered by the Senator from Kansas [Mr. CURTIS].

Mr. NUGENT. Mr. President, I tender the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, after line 5, insert the following:

In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interests in lands. The commission shall deposit one of said statements with the Secretary of the Treasury. The licensee shall grant to the commission or to its duly authorized agent or agents at all reasonable times free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto.

Mr. NELSON. Mr. President——

Mr. NUGENT. I yield to the Senator from Minnesota.

Mr. NELSON. I have no objection to the amendment, but I should like to have it inserted at the end of line 17, on page 7, so as to make it a part of that paragraph.

The PRESIDING OFFICER. Does the Senator from Idaho consent to that arrangement?

Mr. NUGENT. I will say to the Senator from Minnesota that I think I have inserted it in the proper place in the bill, for the reason that it relates to the question of net investment, which is defined in the paragraph immediately preceding line 5.

Mr. NELSON. If the Senator will look at the bill, he will see that it is an amendment to section 4. That section starts out by stating "That the commission is hereby authorized and empowered," and then the first subdivision is (a) "to make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries," and so forth. I think it would be more appropriate to come at the end and as a part of that paragraph, especially because, if it goes into conference, we can in that way handle it better and get it in shape if there is any question about it. I am in favor of the amendment, but I suggest that it be added at the end of line 17.

Mr. NUGENT. I am still of the opinion that I have offered the amendment for incorporation in the bill at the proper place, but at the same time I have no objection to incorporating it after line 17.

Mr. NELSON. As a part of that paragraph.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 7, after line 17, as a part of subdivision (a) insert the matter just read at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NUGENT. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 9, line 8, after the word "reservation," insert the following:

Provided, That in respect to tribal lands embraced within Indian reservations, which said lands were ceded to Indians by the United States by treaty, no license shall be issued except by and with the consent of the council of the tribe.

Mr. NELSON. I do not believe in that amendment. It would allow a few Indians to hold up an improvement; but I am willing that it shall go to conference.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. NUGENT].

The amendment was agreed to.

Mr. LENROOT. The word "*further*" should be inserted after the word "*Provided*." There is already a proviso in that section.

The PRESIDING OFFICER. The Secretary will take notice of the suggestion of the Senator from Wisconsin.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The ASSISTANT SECRETARY. On page 19, line 9, after the word "is," it is proposed to insert "sold to the public without profit or is"; so as to read:

Provided, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. SPENCER. Mr. President, I offer the amendment to the pending bill which I send to the desk.

Mr. NELSON. We are through with the amendments to the bill, so far as I know.

Mr. HENDERSON. I have one amendment to offer.

Mr. KING. I also have an amendment to offer.

Mr. HENDERSON. I have offered an amendment which was printed last night, and which I desire to submit at this time.

Mr. SPENCER. I ask that the amendment submitted by me may be read.

The PRESIDING OFFICER. The Senator from Missouri has sent an amendment to the desk, which will now be stated.

Mr. SPENCER. I think that the page referred to in the amendment should be changed, if there is no objection. The proper page at which the amendment should be inserted may be ascertained by the Secretary. The amendment was prepared before the bill was printed in its present form.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The ASSISTANT SECRETARY. It is proposed to insert at the proper place the following:

Provided, That the commission shall investigate the utility of tunnels in connection with dams, either with relation to the conservation of water for irrigation purposes or for power or other purposes, and to make such rules regarding the use of tunnels and the kind of tunnels to be used, and the compensation to be paid by any joint use thereof, as in the judgment of the commission may be wise, in order that water dams to be constructed in the future, and which require Government permits, may be most efficient in the storage and conservation of water.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. KING. I should like an explanation of that amendment from the Senator from Missouri. It seems to me that the limitations which should surround the amendment are not clearly set forth and that there is nothing to indicate that it is limited to the investigation of those tunnels which might be cognized by the Federal Government or which might tend to the utilization of power controlled by the Federal Government.

Mr. SPENCER. Mr. President, if the Senator from Utah will consider the amendment, he will find, I think, that it is merely permissive in character; there is nothing mandatory about it. It merely gives to the commission in connection with tunnels that require Government licenses the power to investigate and make regulations in regard to them. It is a grant of permissive power that, in the opinion of some of those interested in the Western States, seemed to be necessary, and I am free to say that it struck me as being very desirable.

Mr. LENROOT. Mr. President, if the Senator from Missouri will yield, I think it is not permissive but mandatory upon the commission to make rules and regulations regarding the use of such tunnels.

Mr. SPENCER. Exactly; but I say whether they shall make regulations that are at all mandatory in character or nothing but formal regulations rests entirely with the commission. The point I want to make is that there is not anything that requires the commission to do anything except what in their judgment seems to be wise.

Mr. LENROOT. They will be required to make regulations regarding tunnels.

Mr. SPENCER. They may be strict or they may be weak.

Mr. LENROOT. Yes; but what jurisdiction has this commission or can it have to make regulations for tunnels that are not a part——

Mr. SPENCER. It has only permission in connection with those tunnels that require a Government license or a Govern-

ment permit or that are used in connection with a dam which is under Government control. Of course, beyond that the commission would not have anything to do with the matter.

Mr. LENROOT. The language of the amendment does not so read.

Mr. SPENCER. It can not have any application except in so far as the commission has jurisdiction of those matters with which the tunnel itself is connected.

Mr. LENROOT. Here is a tunnel that is necessary for the use of a transmission line, we will say, but has nothing to do with the license itself, and yet it is the existence of the dam which makes the tunnel necessary. What power have we to regulate such a tunnel?

Mr. SPENCER. The amendment confers no power; it can not confer power where it is impossible to confer power.

Mr. LENROOT. The Senator understands that Congress may attempt to do that which it has no power to do—and that, perhaps, is a better way to state the matter—this amendment attempts to do on its face that which it seems to me Congress has not the power to do.

Mr. SPENCER. It is not so intended, and any modification which would accomplish what the Senator has in mind would be satisfactory to me.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SPENCER. Certainly.

Mr. KING. Does it sufficiently appear in the amendment offered by the Senator that the investigation is to be limited to those matters as to which unquestionably the Federal Government has jurisdiction? Is there anything to limit it to streams that are navigable in fact or as to examination of tunnels that relate to streams navigable in fact or to matters which would come clearly under the commerce clause of the Constitution?

Mr. SPENCER. It was so intended. It was intended to limit any regulation or rule to those tunnels which are connected with water dams which require Government permits; in other words, when a tunnel has to do with a project which requires a Government permit, in such case the commission shall have the right to make rules and regulations regarding the tunnel. I do not see any objection to that. The amendment, as I read it, does not apply to anything else.

Mr. LENROOT. I suggest to the Senator, in order to relieve the objection which I think both the Senator from Utah and I have, that the amendment could be perfected by inserting the words "over which the United States has jurisdiction," so as to read:

That the commission shall investigate the utility of tunnels over which the United States has jurisdiction.

Mr. KING. That meets the objection which I had in mind and I think very much improves the amendment offered by the Senator from Missouri.

Mr. SPENCER. I see no objection to that.

Mr. KING. It makes it clear that the Senator does not intend that the commission shall go on a fishing expedition and take cognizance of matters that are purely within the jurisdiction of the States.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri modifies his amendment by the insertion of the words which will be stated.

The ASSISTANT SECRETARY. On line 2 of the printed amendment, after the word "tunnels," it is proposed to insert the words "over which the United States has jurisdiction."

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. NELSON. I understand the Senator from Nevada [Mr. HENDERSON] desires to offer an amendment.

Mr. HENDERSON. I have already sent the amendment to the desk, and I now offer it.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 41, at the end of line 21, it is proposed to strike out the word "repealed" and insert "amended to read as follows," and the following:

That a commission is hereby created and established, to be known as the Waterways Commission, which shall be composed of the Secretary of War, Secretary of Interior, Secretary of Agriculture, Director of the United States Geological Survey, Forester and Chief of the Forest Service, Director and Chief Engineer of the United States Reclamation Service, and the Engineer of the Corps of Engineers of the United States Army who is in charge of the river improvement work, and said commission is hereby authorized and empowered, under such rules and regulations as the President may prescribe, and subject to the approval of the heads of the several executive departments concerned, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and no member selected from the public service shall receive additional compensation for services on said commission.

In all matters done, or to be done, under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisidiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portions as belong to their respective jurisdictions, rights, and interests.

Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work herein or heretofore or hereafter adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or with legislative action upon reports heretofore or hereafter presented.

Mr. NELSON. Mr. President, while I am not in love with this amendment, or enamored of it, I shall make no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KING addressed the Senate. After having spoken for some time,

Mr. LODGE. Mr. President——

Mr. KING. I yield to the Senator from Massachusetts.

Mr. LODGE. There ought to be a short executive session for some confirmations and two treaties which I wish to report. If it will be agreeable to the Senator from Minnesota and the Senator from Utah, I should be glad to move an executive session at this time.

Mr. KING. It will be entirely agreeable, and I will conclude my observations to-morrow.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. WALSH of Montana. I remained continuously in the Senate to-day until 20 minutes of 3 this afternoon, when, upon the urgent solicitation of the Senator from Kansas [Mr. CURTIS], I was called to attend the session of a subcommittee of the Judiciary Committee, of which I am a member. While I was absent there were tendered by the Senator from Idaho [Mr. NUGENT], and, as I am advised, adopted by the Senate, two amendments in which I am very deeply interested, and my interest in them the Senator from Idaho had reason to know. I refer to the first and the last amendments offered by the Senator from Idaho [Mr. NUGENT], and printed. One refers to an amendment to appear on page 9, in line 8, and another on page 21, in line 8; and, if I am in order, I move to reconsider the vote by which each of those amendments was adopted.

The PRESIDENT pro tempore. The Chair understands that the pending question is the request on the part of the Senator from Utah [Mr. KING] for unanimous consent for the reconsideration of the vote whereby the committee amendment, beginning in line 22, on page 4, was adopted.

Mr. NUGENT and Mr. LODGE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. NUGENT. Mr. President, there was but one of the amendments referred to by the Senator from Montana which I presented——

Mr. LODGE. Mr. President——

Mr. NUGENT. I yield to the Senator from Massachusetts.

Mr. LODGE. I only wanted to say to the Chair that I rose to move an executive session, and yielded because I gathered from what was said by the Senator from Montana—there was a little noise—that he wished to enter a motion to reconsider.

Mr. WALSH of Montana. Yes; but I did not intend to endeavor to press it at this time.

Mr. LODGE. So I understood. It is now 20 minutes of 5; and if the Senator from Idaho is willing to let it go over, so

that we can have an executive session, I shall be glad to have that done.

Mr. NUGENT. Most assuredly; I shall be glad to do so. I desire to state that when I tendered the amendment to which the Senator from Montana refers, particularly with regard to water-power sites within tribal lands on Indian reservations, the chairman of the committee accepted the amendment, and I assumed that the matter had been discussed and that such acceptance on his part would be agreeable to the Senator from Montana.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

TREATY WITH NICARAGUA.

In executive session this day the following treaty was ratified, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

To the SENATE:

I transmit herewith to receive the advice and consent of the Senate to its ratification a convention signed on January 5, 1920, between the United States and Nicaragua, to foster the development of commerce between the two countries and to increase the exchange of commodities by facilitating the work of traveling salesmen.

WOODROW WILSON.

THE WHITE HOUSE,
9 January, 1920.

—

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to its ratification, if his judgment approves thereof, a convention signed at Washington on January 5, 1920, between the United States and Nicaragua to foster the development of commerce between the two countries and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, January 6, 1920.

—

The United States of America and the Republic of Nicaragua, being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States of America, and

The President of the Republic of Nicaragua, Señor Don Diego Manuel Chamorro, his envoy extraordinary and minister plenipotentiary to the United States of America, who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this convention, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the dispatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

No license shall be required of:

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

ARTICLE IX.

Any concessions affecting any of the provisions of the present convention that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that, on the expiration of six months after such notice shall have been received by either of them from the other party, as above mentioned, this convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate in the English and Spanish languages, at Washington, the 5th day of January, 1920.

[SEAL.] ROBERT LANSING.
[SEAL.] DIEGO M. CHAMORRO.

TREATY WITH ECUADOR.

In executive session this day the following treaty was ratified, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

To the SENATE:

I transmit herewith to receive the advice and consent to its ratification a convention signed on December 31, 1919, between the United States and Ecuador to foster the development of commerce between the two countries and to increase the exchange of commodities by facilitating the work of traveling salesmen.

WOODROW WILSON.

THE WHITE HOUSE.

—

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approves thereof, a convention signed at Washington on December 31, 1919, between the United States and Ecuador to foster the development of commerce between the two countries and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, January 6, 1920.

The United States of America and the Republic of Ecuador being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States of America, and

The President of the Republic of Ecuador, Señor Rafael H. Elizalde, envoy extraordinary and minister plenipotentiary of the Republic of Ecuador near the Government of the United States of America,

Who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers, either personally or by means of agents or employees, within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license, which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty or otherwise enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced, in such manner that they can not be put to other uses, shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the despatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

No license shall be required of:

(*a*) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(*b*) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(*c*) Travelers who are exclusively buyers.

ARTICLE IX.

Any concessions affecting any of the provisions of the present treaty that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

This convention shall be ratified; and the ratifications shall be exchanged at Washington or Quito within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned this convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate at Washington this 31st day of December, 1919.

[SEAL.] ROBERT LANSING.
[SEAL.] R. H. ELIZALDE.

ADJOURNMENT.

Mr. NORRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 15, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1920.

ASSISTANT TREASURER OF THE UNITED STATES.

Guy F. Allen, of Somerset, Md., to be Assistant Treasurer of the United States, vice Hand, resigned.

COLLECTOR OF CUSTOMS.

James H. Cowan, of Wilmington, N. C., to be collector of customs, customs collection district No. 15, with headquarters at Wilmington.

APPOINTMENT IN THE ARMY.

CHIEF OF ENGINEERS.

Col. Lansing H. Beach, Corps of Engineers, to be Chief of Engineers, United States Army.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1920.

MEMBERS OF THE RENT COMMISSION OF THE DISTRICT OF COLUMBIA.

James F. Oyster,
A. Leftwich Sinclair, and
Guy Mason.

SURVEYOR GENERAL.

Gilman Bullard to be surveyor general of Montana.

REGISTERS OF LAND OFFICES.

George W. Myers, at Miles City, Mont.
Myron W. Hutchinson, at Havre, Mont.

TO BE RECEIVERS OF PUBLIC MONEYS.

William E. McMurry, at Missoula, Mont.
Woodbury W. Sparks, at Timber Lake, S. Dak.
James K. Clark, at Lemmon, S. Dak.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 14, 1920.*

The House met at 12 o'clock noon.

The Rev. A. C. Millar, D. D., editor of Arkansas Methodist, Little Rock, Ark., offered the following prayer:

Our Father in heaven, we Thy children lovingly and reverently approach Thee, thanking Thee for the multitude of Thy mercies, seeking Thy pardon for our sins, asking Thy continued blessing and Thy further favor upon us. We pray Thy richest blessings to rest upon this body of representative men. Bless each one in his personal life and help him to be a true and a noble man, realizing his personal responsibility to Thee, to his country, and to his fellow men. Bless this body in its united capacity as it undertakes to deal with the important questions that come before it. Grant that each one here may be a true patriot, that each one may fear Thee, that the results of the labors of these men may be such as to please Thee.

Bless our President and his advisers. Bless our country and its relations to all of the other countries of the earth. Bless us as a people and help us to pursue righteousness, to desire it, to speak it, and to find it.

We ask these things in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

RETURN OF AMERICAN SOLDIER DEAD.

Mr. CALDWELL. Mr. Speaker, by direction of the Military Committee I ask unanimous consent that a letter addressed to me by the Secretary of War, under date of January 13, which I send to the Clerk's desk, be read for the information of the House.

The SPEAKER. The gentleman from New York asks unanimous consent that a letter received by him from the Secretary of War be read for the information of the House. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 13, 1920.

DEAR MR. CALDWELL: Your note of yesterday reaches me this morning, informing me that a statement reaches this country, embodied in a letter from one of the attachés of the Paris Embassy, to the effect that decision as to the return of our military dead does not rest with the French Government, but with the American military authorities, who have decided for the present that no remains shall be returned to the United States within three years. I am particularly grateful to you for having called my attention to this matter, because it is highly important that a statement so thoroughly unfounded should be quickly corrected.

Happily the files of the War Department, which is informed from time to time by the State Department concerning the international aspects of the matter, contain documents which will dispel any existing uncertainty.

I inclose a copy of the translation of the regulation promulgated by M. Clemenceau, as president of the council and minister of war, on June 19, 1919, as taken from the Echo de Paris of that date, stating, as you will note, that "all exhumations of bodies of military dead, even for the purpose of reinterment in the same place, are prohibited in the war zone; with the exception of those with which the service d'état civil aux armees is exclusively charged in the carrying out of the operation of grouping the isolated graves, liberating private property, repairing of cemeteries, or for reasons of hygiene or of public health."

As demonstrating the attitude of the military authorities of the United States, you will wish to have copies also of several cables which I inclose. Gen. Pershing, you will note, cabled us as far back as March 1 of last year, stating that a bill was about to be submitted in the Chamber of Deputies which would permit disinterments for three years, and suggesting the propriety of diplomatic representations to the French Government.

Our cablegram of June 30 to Gen. Pershing described the progress which the State Department had made up to that time in its negotiations with the French Foreign Office, and added a suggestion concerning our dead in North Russia, which has since been carried into effect.

Our cable of October 30, 1919, to Gen. Connor, commanding American forces in France, emphasizes once again the viewpoint of the military authorities, and I inclose a copy of it for your information.

I send you also a copy of a cable from Gen. Connor dated December 22, which further clarifies the situation.

Now, as previously, I shall be happy, of course, to convey to you any additional information which may be available to us and desired by you about this matter, which is so close to the hearts of the parents of those young men who lost their lives in the service of the Nation. Any honor which may now be done to their remains will be but a scant recognition of the service they have rendered the country.

Faithfully, yours,

NEWTON D. BAKER,
Secretary of War.

Hon. CHARLES P. CALDWELL,
House of Representatives, Washington, D. C.

Mr. CALDWELL. Mr. Speaker, I have also copies of the papers referred to in the letter, and I ask that they be printed in the RECORD without reading.

Mr. MANN of Illinois. They are not long. Why not read them?

Mr. CALDWELL. I am perfectly willing that they be read, but the gentleman from Wyoming [Mr. MONDELL] thought it would take several minutes, and we would save time by simply having them inserted in the RECORD. I am perfectly willing that they should be read and I think they ought to be.

Mr. MONDELL. My thought was that it would serve the purpose to have these papers printed in the RECORD. They are of some length—cablegrams, communications, and orders in council.

Mr. CALDWELL. I thought the same thing could be arrived at by printing them, and I am willing that they be printed unless the gentleman objects.

Mr. DYER. Will the gentleman yield?

Mr. CALDWELL. Yes, sir.

Mr. DYER. I do not believe there is anything more important at this time or more near to the hearts of the people who have lost their loved ones in France than that they should know why the remains are not being brought home. I understand that there have been some exceptions, and that some of the remains of some of the dead have been brought home by those who have had special influence, and where the parents have gone and got them themselves at their own expense. I believe we ought to know the true status of these facts. I ask unanimous consent that the communications referred to by the gentleman from New York be read for the information of the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the communications be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

(Published in the Echo de Paris, June 19, 1919.)

[Translation.]

EXHUMATIONS AND TRANSPORTATION OF MILITARY DEAD.

"Mons. Clemenceau, president of the council, minister of war, has announced the following provisional laws:

"1. Exhumations: Until new orders have been issued, all exhumations of bodies of military dead, even for the purpose of reinterment in the same place, are prohibited in the war zone, with the exception of those with which the service d'etat civil aux armees is exclusively charged in the carrying out of the operation of grouping the isolated graves, liberating private property, repairing of cemeteries, or for reasons of hygiene or of public health.

"This zone is bounded by the limits:

"Southwest of the Department of the Somme.

"West and south of the Department of the Oise.

"West and south of the districts of Meaux, Coulommiers, Provins.

"South of the Departments of the Marne and of the Meuse.

"West and south of the Department of the Vosges.

"West of the territory of Belfort.

"2. Transportation of bodies: (a) Transportation of the bodies of military dead, by whatsoever means, is absolutely forbidden in the zone defined in paragraph 1 of the present directions, whether this transport is to take place from one point to another in this zone, proceeding from this zone to any other locality in France, or vice versa.

"(b) All transport into France of bodies of military dead buried in foreign countries is likewise prohibited.

"(c) All transport of bodies of military dead in French territory situated south or west of the zone of military operations can be authorized and effected under the same conditions as in time of peace, it being understood that the transport shall take place exclusively from one point to another in this territory.

"(c) Until new orders are issued, no transport of military dead can be effected at the expense of the State; in consequence, no reimbursement can be made to requests presented by families who have undertaken such transportation themselves.

"The present directions, which are only of a provisional character, annul and replace the general directions of October 2, 1917, on the exhumations and transportation of military dead or of civilians during the war; it repeals, therefore, the restrictions which were enacted by these former directions in that which concerns the exhumations and transportation of bodies of civilians."

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[Cable from Pershing No. 2184, Mar. 1, 1919. Confidential.]

"Paris Temps publishes text of proposed law submitted in chamber, which, if passed, would prohibit for a period of three years the disinterment and transportation of bodies of officers and soldiers buried in France. Existing French regulations to same effect might be modified in favor of Americans by ministerial authority, but after passage of law now proposed it is believed that such dispensation would be much more difficult to obtain. Proposed law also provides that disinterments necessitated by remaking cemeteries and assembling isolated graves will be made exclusively by French civil administration, which it is feared will increase difficulty of preserving identificatons. It is believed that if any representations to be made to French Government they should be made now and through diplomatic rather than military channels."

[Cable to Pershing No. 3716, June 30, 1919. Confidential.]

"Reference P 2256 paragraph 1 and A 3615, Secretary of State advises that French Government is not in a position to render a different ruling in regard to the return of the bodies of American soldiers who have died while prisoners of war in Germany or in north Russia than that governing the return, after a period of three years, of the bodies of French soldiers. The French foreign office adds, however, that as soon as the restrictions on the transportation of bodies shall be lifted the French Government will again consider this matter, with a view to affording satisfaction to American families concerned. In view of this development your further views and recommendations as to the disposition of American dead in north Russia and in Germany are desired. It has been suggested that the best policy would be to return to the United States without intermediate interment American dead in territory referred to."

[Cable to Connor No. 1694, Oct. 30, 1919.]

"Paragraph 3. French ministerial restrictions on removal and transportation of dead buried in France, published June 19 last, indicate that the most rigid provisions apply only to zone military operations, and that authority for removal from other parts of France can be obtained. Ascertain from what areas French authorities will consent for immediate removal of American dead and transfer to United States. It is estimated that 18,800 bodies are buried in France exclusive of the zone of military operations, and that of those about 11,000 have been requested to be returned by the next of kin. It is desired to begin the removal as soon as arrangements can be made. Expedite report."

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[Cable from Connor No. S-2619. Dec. 22, 1919.]

"Paragraph 1. The French minister of the interior advises these headquarters that the council of ministers has authorized the immediate removal and shipment of bodies of American soldiers buried in France outside of the old zone of the armies; but pending the grouping and identification of bodies of French dead the French Government has forbidden the removal of bodies of French soldiers from the old zone of the armies, and consequently it is obliged to delay the authorization for exhumation and removal of American dead from the old zone of the armies so long as such privilege can not be extended to families of French dead.

"Subparagraph A. It is probable that the present ministerial decree prohibiting the removal of bodies from the old zone of the armies for a period of three years may be modified by the French Parliament so as to permit the removal of bodies at an earlier date."

Mr. PARRISH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CALDWELL] be given three minutes. I want to ask him a question, in view of the question raised by the gentleman from Missouri [Mr. DYER] a moment ago.

Mr. KING. Reserving the right to object, if the gentleman will couple with that request for one minute for myself I shall not object.

Mr. PARRISH. I will make it five minutes, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from New York [Mr. CALDWELL] be given five minutes. Is there objection?

There was no objection.

Mr. PARRISH. A few moments ago the gentleman from Missouri [Mr. DYER] made the statement on the floor—and I am sure he is honest in it—that he had the impression or that it had been stated that certain bodies had been removed from France and that parents in some instances had been permitted, through influence, to go to France and bring back the bodies of their dead. If that is true I think that the country ought to know it right now, and if it is not true I think the country ought also to know it, because in my mind there would be nothing more disturbing and nothing that would have a greater tendency to cause unrest in this country than to have a false report of this kind go unchallenged from the floor of this House.

Mr. CALDWELL. I will say to the gentleman that, so far as my information goes, that is not true, that no bodies of American soldier dead have been disinterred and returned to this country through influence. I have made specific inquiry and am so informed. I do not know where the gentleman got his information.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. CALDWELL. In a moment.

Mr. PARRISH. Has there been a single instance where the bodies of soldiers have been returned? Have any bodies been removed from France, through influence or in any other way, since the armistice or before?

Mr. CALDWELL. Not that I know of.

Mr. PARRISH. I am not saying this in criticism of what the gentleman from Missouri said. I am strictly in favor of the return of these bodies as soon as it is possible.

Mr. DYER. I have information, I will say to the gentleman, that among those who have been returned was the son of Gen. George H. Harries.

Mr. PARRISH. I will state this, that about two months ago, in response to a request from the ex-district judge in my district who was very anxious to go to France to bring back the remains of his son, I went to see the Secretary of War, and I was told personally by him that there had not been a single body removed from France; and that there would not be any until permission was given to remove the bodies of all back to this country at the expense of the Government.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question.

Mr. CALDWELL. I will yield first to the gentleman from Illinois [Mr. KING].

Mr. KING. I want one minute later on.

Mr. CLARK of Missouri. Is it not true that they brought some bodies back of Wisconsin soldiers and Maine soldiers?

Mr. CALDWELL. I am advised that the bodies of soldiers killed and those who died in Siberia were brought home, and I have information to the effect that some from Italy were brought home. But, as I understand it, none of the soldiers who were buried in France have been brought home.

Mr. CLARK of Missouri. The whole difficulty is that France does not want it done. Is not that it?

Mr. CALDWELL. Yes; that is the difficulty. I would like to explain to the House, if I have time, the situation as I understand it.

Mr. GARD. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes, so that he can make the explanation, in which we are all interested.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of the gentleman from New York [Mr. CALDWELL] be extended five minutes. Is there objection? There was no objection.

Mr. CALDWELL. Mr. Speaker, immediately after conditions got so that it was possible to remove the bodies of American soldiers who had been buried in France, the War Department began making preparations to remove those bodies where the families concerned were desirous of having the bodies returned to this country, and circulars were sent out to all the families of the dead, asking what their desire in the matter was, and so far as I know every family where a boy was lost received such a notice. There was a bill introduced in the French Chamber of Deputies, which was on its way toward passage, that was going to limit the authority to remove the bodies of American soldiers from the soil of France; but the War Department heard of it and cabled, through the Secretary of State, to the American representative in Paris and asked them to present a protest to the French Government against the passage of that act. As I understand it, the American minister did lay such a protest before the French Government and the bill was not passed. It was withdrawn.

Subsequently another bill was introduced, but not pressed for passage; but in the meantime negotiations have gone forward, with the result that approximately 11,000 of those bodies that are in the territory outside of the Army area are now being brought home out of a total of approximately 20,000 so interred—the remainder are left at the request of their families.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MADDEN. I understand the French Government entered into a contract with the Government of the United States, dated about the 18th of December last year, in which they agree that the bodies of the dead American soldiers should be permitted to be brought back, and since the contract was entered into the minister of foreign affairs—or whatever his title may be in France—has issued an edict modifying the terms of the contract without any consideration being given to the American Government in the matter, and that the matter is in that condition to-day.

Mr. CALDWELL. The gentleman may be right about it, but my understanding was that the only consent granted by the French Government up to date has been consent to remove the bodies of those buried outside the war area.

Mr. PARRISH. I want to say right there that the gentleman from Illinois [Mr. MADDEN], according to the information I have from the Secretary of War, is correct, with the exception that the original contract provided that the removal of the bodies

should be subject to the health and police regulations of France.

Mr. CALDWELL. Yes. Perhaps the House would be willing to listen to an excerpt from The Casket, the source of practically all this propaganda which has caused this uneasiness among the people who have relatives buried in France, and with the permission of the House I will ask that the Clerk read this extract from The Casket. It is the official magazine of the undertakers.

Mr. DYER. Mr. Speaker, reserving the right to object, I do not know what the attitude of the gentleman from New York is. I take it he is heartily in favor of bringing the bodies of these dead soldiers back to America.

Mr. CALDWELL. I am——

Mr. DYER. I have heard that the War Department is not in sympathy with that. I do not see that it does any good to read what some publication has to say on the subject. The American people want the bodies of these boys brought back, and that is what we want done. [Applause.]

Mr. CALDWELL. If the gentleman objects to the reading of this article I will not send it up.

Mr. DYER. I do object.

Mr. CALDWELL. I am in favor of the return of every body where the families want the bodies returned, and I am satisfied, from all I have been able to learn from the Secretary of War, that he and the other people in the War Department are as anxious as we are.

Mr. DYER. If they are as anxious as the American people are, these bodies will be brought back. If the administration is in earnest about this thing France will yield if this Government insists upon it.

Mr. BRAND. Gen. Harris, The Adjutant General, is from Georgia and personally known to me. I do not think the information which the gentleman has obtained and given expression to is correct. When I heard the statement made by the gentleman from Missouri [Mr. DYER] I promptly called up Senator HARRIS, the general's brother, and asked him if it was true that his brother's son's remains had been removed from France, and he replied that it was not true. I know that Gen. Harris is an honorable man and an upright officer, and that he would be the last man connected with the Army to bring his own son's body home and deny this right to other parents. His son's death was intensely mourned by him and his friends, though, like the soldier that he is, he bore his great sorrow and endured his calamity in silence.

Mr. DYER. It was Gen. Harries who was referred to.

Mr. BRAND. The gentleman said Gen. Harris, and I supposed he was talking about Adjt. Gen. Harris, of Georgia.

The SPEAKER. The time of the gentleman has expired.

Mr. HASTINGS. I ask unanimous consent that the gentleman have one minute more. I want to ask him a question.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the time of the gentleman from New York be extended one minute. Is there objection?

There was no objection.

Mr. HASTINGS. Why is it that France objects to the return of our soldier dead to this country?

Mr. KING. Will the gentleman permit me to answer that?

Mr. HASTINGS. I shall be glad to have both gentlemen answer it; first, the gentleman from New York and then the gentleman from Illinois. I should be glad to have more than one answer. I am heartily in favor of the return of every one of our dead soldiers to this country.

Mr. CALDWELL. So am I, wherever their families want them returned; but in our family we want our boys to rest there—to let the tree lie where it fell. Now, the gentleman has asked why France raises any objection. There are three reasons: The first reason, and a very proper one, is that in a great many instances American boys were with French boys. Many of them were killed by high-explosive shells, and in making the interment they picked up such of the remains as were left and put them in the ground, marking part of the ground as the grave of the American soldier and part of the ground as the grave of the French soldier, and in many instances the bodies of animals killed at the same time were buried with the bodies of the men, and under such circumstances it is only right and proper that no attempt should be made to disturb the remains. Under the leave granted me to extend my remarks, I print herewith the most despicable piece of propaganda that has ever been brought to my attention. I am sure that the good men of the vocation will resent it, as do all that read it who are not of the ilk of the ghouls who would profit by the sorrow of the bereaved families of our valient dead:

[From the Casket, Sept. 1, 1919. (A magazine of expensive make-up, published in New York.)]

BETWEEN YOU AND ME.

(By S. G. Q.)

Suppose, Mr. Funeral Director, that upon one of the few bright, sunshiny mornings we have vouchsafed to us in this year of peace, strikers, and high prices, some one were to come into your office and tell you that he had a scheme for increasing the number of funerals this year by more than 50,000; what would you do about it?

WHAT ARE YOU GOING TO DO ABOUT IT?

Most likely you would rush out wildly into the street and shout that you had a dangerous lunatic in your place and wouldn't somebody please send the police in a hurry before he murdered everyone in sight. Or maybe you would invite your visitor to go to the country asylum, or possibly you would ask him where he got it with prohibition so prominent in our midst and the Anti-Saloon League tracking even poor, inoffensive 2.75 per cent to its lair.

Anyhow you would think that the plan for creating all this extra business must necessarily be mixed up with plague, pestilence, and famines, battle, murder, and sudden death and would refuse to have anything to do with it.

But, Mr. Funeral Director, with your neatly appointed office and your not entirely paid for motor equipment, this offer is being made you in all seriousness and without the killing of a single heart. What are you going to do about it?

Between you and me, this is a plain business talk, a matter of dollars and sense, plus sentiment.

In alien soil there lie more than 50,000 American men who died in battle or of disease during their tour of duty abroad.

* * * * * * *

For nearly every American soldier returned some funeral director will be called upon to perform the necessary duties of reception and burial.

Extra business, gentlemen, legitimate, patriotic; kindly sympathetic, remunerative extra business. No increased death rate, no additional number of widows and orphans. Only the final laying away of America's sons in the bosom of their dear motherland.

The Congress pauses in its votes to hear the expression of the public's wishes.

What are you going to do about it?

The SPEAKER. The time of the gentleman has expired.

Mr. CALDWELL. I ask for two minutes more, Mr. Speaker.

Mr. CRAMTON. I believe the House is gradually getting a poorer understanding of this situation, and I am obliged to object.

The SPEAKER. The gentleman from Illinois [Mr. KING] has one minute.

Mr. KING. The gentleman from Oklahoma has asked a very pertinent question. I think one of the reasons why the French people insist upon holding these bodies over there is one of the most mercenary reasons I ever heard of. I heard it several times when I happened to be across. They are constructing great automobile tourist routes through that section of the country. I do not know how many American dead there are there, but the French people expect that every American family who can raise the money, who have relatives buried in France, will come over there and visit the graves of their dead. I think it is one of the greatest national outrages that was ever perpetrated against us, and it seems to me that if the State Department would move and move effectively the French Government would not insist upon these orders that have been issued.

Mr. PELL. Mr. Speaker, there can be no doubt in anyone's mind that the desires of the families should be considered and carried out wherever possible, but I feel that we should most strongly express our disgust and contempt for the mercenary propaganda now being carried on by a group of undertakers.

"Extra business" for them, they say. What do they care for the wounds reopened, the harrowed feelings of parents and friends; it is all "extra business" for them.

We are told that the American people want those bodies returned. How many fathers will really want this new funeral over which the undertakers gloat when they realize that on them will fall the horrid task of telling the boy's mother that she had best not see the dead face of her son. There are things that we know but should not see, and this is one of them.

By unanimous consent, Mr. CALDWELL, Mr. DYER, and Mr. PARRISH were given leave to revise and extend their remarks in the RECORD.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

INDIAN CITIZENSHIP AND TRIBAL PROPERTY.

Mr. SNYDER. Mr. Speaker, on last Calendar Wednesday, because of the illness of the ranking minority member of the Committee on Indian Affairs, we were unable to proceed with a measure that we desired to take up at that time. The gentleman is able to be here to-day, and we ask unanimous consent to take up H. R. 288 and consider it now.

The SPEAKER. The gentleman asks unanimous consent that the House consider the bill referred to. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 288) for the purpose of conferring citizenship upon Indians, segregation of Indian tribal property, and for other purposes.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That every Indian born within the territorial limits of the United States is hereby declared to be a citizen of the United States and shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which he may reside, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

SEC. 2. That the Secretary of the Interior shall within one year after the approval of this act cause to be made a complete and final roll of all persons entitled to membership in each tribe of Indians to whom allotments of land have been heretofore or which hereafter may be made, and no person whose name does not appear on such membership roll as approved by said Secretary shall thereafter participate in any benefits derived from the tribal funds or other property of any such tribe of Indians.

Upon the completion of such final roll of members the said Secretary shall determine and designate all members having a quantum of less than one-half Indian blood and shall issue patents in fee to all able-bodied and mentally competent Indians over 21 years of age of less than one-half Indian blood for the lands which have been heretofore or which may be hereafter allotted to them. And any Indian who has been heretofore or who may be hereafter allotted lands from the public domain who is 21 years of age, able-bodied and mentally competent, and of less than one-half Indian blood shall likewise be issued a patent in fee to the lands so allotted: *Provided*, That the personal property of any such Indian, of less than one-half Indian blood, on January 1, 1922, and his other individual property on January 1, 1932, shall become subject to taxation by the State or Territory within which the same is located: *Provided, however*, That the stipulations of any treaty, or agreement relating to the nontaxation of allotted lands, shall not be impaired or otherwise adversely affected by the issuance of the patent in fee simple as provided for herein.

SEC. 3. That upon the completion of such final membership roll the Secretary of the Interior, within 90 days thereafter, shall cause a pro rata division to be made of the funds belonging to all tribes of Indians to whom allotments of land have been made, and from time to time cause any additional funds to be prorated which may have been derived from the proceeds of sale or other disposition of the tribal property belonging to such tribe of Indians. Such pro rata shares shall be credited to the individual members whose names appear on the final membership roll of the tribe and held in trust until such time as in the discretion of the Secretary of the Interior, or as otherwise hereinafter directed, the pro rata shares may be paid to the beneficiaries or expended for their benefit upon their application therefor: *Provided*, That during the time which any of said funds are held in trust by the United States the same shall bear interest at 4 per cent per annum, but in no case at a less rate than is now provided by law respecting such fund: *Provided further*, That within 90 days after the completion of the final membership roll of any tribe of Indians the Secretary of the Interior is hereby authorized and directed to pay, upon their application therefor, to all able-bodied and mentally competent Indians over 21 years of age having a quantum of less than one-half Indian blood their pro rata shares of all tribal funds, after deducting any portion which may have been previously paid, together with any other funds which may be found to be due them, and thereafter to pay to other able-bodied and mentally competent members of less than one-half Indian blood their shares, upon application, after they reach the age of 21 years; and within 90 days after the completion of the said final membership roll the said Indians of less than one-half Indian blood, upon receipt by them of their pro rata share of tribal funds then due, shall thereafter be free from any and all restrictions or supervision by the Federal Government: *And provided further*, That nothing contained in this act shall be construed to impose restrictions heretofore or which hereafter may be removed from Indian lands or other property, nor to prohibit the Secretary of the Interior from removing restrictions upon such allottees as in his opinion may be expedient.

SEC. 4. That all or any portion of the pro rata share of the funds or other property placed to the credit of or found to be due to any member of a tribe who shall die intestate which remains unpaid at the date of his death shall descend to his heirs and personal representatives in accordance with the laws of the State or Territory relating to such funds or other property.

SEC. 5. That where allotments of land have been made to any tribe of Indians and there remain certain members of such tribe who at the time such allotments were made were legally entitled and did not receive an allotment by reason of there being an insufficiency of tribal land, the Secretary of the Interior may determine the equities in such cases and may credit such individual members with an equitable share of the tribal funds in lieu of land before making the pro rata division of such funds to the members of the tribe entitled thereto as provided in section 3 of this act.

SEC. 6. That for the further purpose of determining the competency of Indians and placing them on their individual responsibility the President of the United States shall appoint three commissions, each commission to be composed of three persons, one of whom shall be a member of an Indian tribe, another a member of the Board of Indian Commissioners, and another to be designated from the Indian Service, the last of whom shall have a civil-service status.

SEC. 7. That each commission shall organize by electing one of its membership chairman and another secretary, and each commissioner shall receive a salary of not to exceed $2,500 per annum and expenses while actually engaged in the discharge of the duties imposed hereunder, and not to exceed $50,000 of the amount of $135,000 carried under the head "General expenses of the Indian Service," at page 13, of the Indian appropriation bill which passed the House on January 22, 1918, is hereby made available for such purpose. The term of office of each commissioner shall be two years, during which time such work shall be completed, at the end of which time all of such commissions shall be abolished.

SEC. 8. That it shall be the duty of such commission to visit in person each Indian reservation and other community in the United States where Indians have been or may hereafter be allotted lands and whenever practicable the home of each such Indian of one-half or more Indian blood with a view to establishing the capabilities of each, removing restrictions from upon his lands and other property, and delivering to him a patent in fee if he is adjudged to be competent by such commission.

SEC. 9. That each commission shall make a detailed report to Congress annually on the first Monday in December setting forth the progress of the work, showing the number of applications received, those favorably acted upon, and those rejected on each Indian reservation and in each community where lands have been or may hereafter be allotted to Indians, and shall further report the number of reservations and communities where lands have been, or may hereafter be, allotted to Indians but not reached by their investigations, and any other data that may assist Congress to deal intelligently with the question of competency and incompetency of Indians.

SEC. 10. That the provisions of this act shall not apply to the Five Civilized Tribes nor to the Osage Tribe of Indians in Oklahoma.

The following committee amendments were read:

Page 1, line 6, strike out the words "or Territory."

Page 1, line 8, strike out the word "right" and insert "property rights, individual or tribal."

Page 1, line 9, after the word "other," insert the word "Indian."

Page 1, line 10, after the word "That," insert "in all cases where a final roll has not heretofore been made and approved."

Page 1, line 11, strike out the words "one year" and insert in lieu thereof the words "two years."

Page 2, line 11, strike out the word "and," after the word "able-bodied," and insert "Indians not adjudged"; and in the same line strike out the word "competent" and insert the word "incompetent."

Page 2, line 12, strike out the word "Indians."

Page 2, line 17, after the word "and," insert "not adjudged incompetent," and strike out the word "competent" after the word "mentally."

Page 2, line 23, strike out the words "or Territory."

Page 3, line 25, after the words "able-bodied," insert "Indians not adjudged"; and after the word "mentally" strike out the words "competent Indians" and insert the word "incompetent."

Page 4, line 5, strike out the words "and mentally competent."

Page 4, line 6, after the word "members," insert "not adjudged mentally incompetent."

Page 4, line 24, strike out the words "or Territory relating to" and insert in lieu thereof "in which."

Page 4, line 25, after the word "property," add the words "are located."

Page 5, strike out section 5 in its entirety.

Page 5, line 11, strike out the figure "6" and insert the figure "5."

Page 5, line 15, after the word "a," insert the word "competent."

Page 5, line 19, strike out the numeral "7" and insert the numeral "6."

Page 6, line 1, strike out the numerals "13" and insert "6"

Page 6, line 1, strike out the words "bill which" and insert the words "act approved" in lieu thereof.

Page 6, line 2, strike out the words "passed the House on January 22, 1918," and insert in lieu thereof the words "June 30, 1919 (Public, No. 3)."

Page 6, line 7, strike out the numeral "8" and insert the numeral "7."

Page 6, line 12, after the word "each," insert the words "and such commission is authorized to remove"; and strike out the word "removing," in the same line.

Page 6, line 13, strike out the word "upon," after the word "from."

Page 6, line 14, strike out the words "delivering to him a patent in fee if he is adjudged to be" and insert "the Secretary of the Interior is authorized and directed to deliver to each Indian so adjudged to be competent, a patent in fee."

Page 6, line 15, strike out the words "competent by such commission."

Page 6, line 16, strike out the numeral "9" and insert the numeral "8."

Page 7, insert a new section, as follows:

"SEC. 9. That any Indian allottee entitled to a patent in fee under the provisions of this act who owes money to the Government from reimbursable funds or other sources must make final settlement of his indebtedness, and on his neglect or refusal to do so the amount of such indebtedness shall be deducted from any tribal or other funds that may be due him. In the event that the tribal or other fund is insufficient to cancel the indebtedness the amount remaining unpaid shall be a first lien on his allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county where the land is located, operate as a satisfaction of such lien."

Mr. SNYDER. Mr. Chairman, the purpose of this bill is, as its title indicates, to confer citizenship on certain Indians. This measure has been under discussion by the Committee on Indian Affairs at various times during the last two years. It is admitted by the committee that it is a difficult matter upon which to legislate. Therefore that difficulty, in great measure, accounts for the great number of amendments which have been proposed since the original draft of the bill was made.

Everyone, I believe, desires to have the Indian, when he is in a competent state, become an American citizen and possess all the rights of an American citizen. There are no people in existence who have a better right to be citizens than have the Indians. But one of the most difficult things we have discovered, at least within the five years I have been serving on the Indian Committee, is to separate the competent or the incompetent Indian, or any kind of an Indian, from the care and

protection with which the Indian Bureau insists on surrounding him. For myself, I believe that this is proper legislation for the Indian. There are many Indians who are able-bodied, competent men, and who would successfully work out their own existence and their own salvation if they were permitted to do so. My belief is that one of the reasons why they do not do it is because they are surrounded with conditions which make it unnecessary for them to labor. That, of course, contributes to their indolence and carelessness, and they feel their affairs will be handled for them in such a way as to not interfere with their existence, and so they are not brought face to face with the economic conditions of the country, and do not know the value which would come to them if they were forced to labor for their living.

What this bill attempts to do is to make citizens of every able-bodied Indian, no matter what per cent of aboriginal blood he has in his veins from full blood down. Immediately this becomes a law it makes every Indian of half-blood or less a citizen and throws him on his own resources, without the care of the bureau, so far as his personal relations to the country are concerned. It makes him a voter and gives him a right to have the same representation as any other citizen. It does not, however, release him wholly from the care of the bureau, because if the Indian happens to have a tribal relation in which there is property or money, that money must be taken care of as a tribal proposition by the bureau, and will be distributed to the Indian some time, even though he be a citizen. That keeps him now in contact with the Indian Bureau, but it would have no supervision over his action if this bill becomes law. If restrictions are eliminated entirely, he becomes a citizen, to all intents and purposes, the same as any other citizen.

I believe on the whole that this is a splendid measure, and my estimate is that within the coming two years, if this should become a law, 50,000 or 60,000 Indians who are now wholly responsible to the Government of the United States and are under restrictions, even to the most limited extent, will reach full citizenship. Now, if an Indian is working on his farm and wants to buy a horse, a plow, or a wagon, or any implement for farm or garden, he is not able to do it without going to the superintendent or foreman on the reservation and getting permission to purchase it. That applies to the simplest thing he deems necessary to carry on his work.

Our investigation shows that this has made the Indian lazy; probably he was lazy to start with. One thing we found, and that is it is very difficult to get an Indian to work. For years it was difficult to get Indians to work on the irrigation schemes, but they have now discovered they can get a little money from this source, and since the wages have been so high they have done a little work. My thought is that the quicker we separate the Indian from the bureau and throw him on his own resources and let him sink or swim the sooner we will develop a working force throughout the country from these men, who have apparently no interest in life whatever except to exist. That is the reason I particularly favor this legislation. I think it is a humanitarian thing. I think the quicker we separate from the bureau every able-bodied Indian the better, whether or not he is able to recite the multiplication table; if he is able to work and earn a living, he ought to be separated from bureaucratic care and made a citizen, to take rank with the thousands of other able-bodied men in this country who are not literary giants but have strong arms and are able to work and earn a living.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. SNYDER. Certainly.

Mr. MANN of Illinois. The other day the Committee on Indian Affairs, in the Indian appropriation bill, reported an item of appropriation for various things in connection with the Choctaw Indians of Mississippi. It went out on a point of order, but was reinstated afterwards by amendment. Those Indians are citizens. They have not been under the care of the Indian Office. Then we insisted on taking them under our care. Does the gentleman think that those Indians that had citizenship and were under no supervision of the Indian Office felt that they had to work in order to live, and would not we do the same thing with these Indians?

Mr. SNYDER. In reply I would state that those Choctaw Mississippi Indians ought not to have been taken back under the control of the Government. They ought to have been forced to work out their own existence, or the State of Mississippi should have been forced to take care of her own paupers.

Mr. MANN of Illinois. The same committee that reported this bill reported that provision in the Indian appropriation bill.

Mr. SNYDER. That is true.

Mr. MANN of Illinois. Does the gentleman think that if restrictions are removed and the rights given, the Indians in some localities in the country will act differently from the Choctaw Indians of Mississippi?

Mr. SNYDER. I have no knowledge that that might not happen in isolated cases here and there, as it did in Mississippi. But I believe that in the main that would not occur. Here is a situation where a State apparently offers no assistance in the direction of taking care of its own citizens who become poor and helpless, but yet it has strength enough through its legislative representatives to come here to the House and get an appropriation which permits the bureau to take back under its control citizens of the United States, to which I object. I do not believe in it.

Mr. MANN of Illinois. I understand the gentleman's position.

Mr. SNYDER. I do not think we should take that case as a sample and say that all of the rest are coming back to do the same thing.

Mr. MANN of Illinois. I do not know whether the gentleman would know or not, but can he tell whether there is any considerable body of Indians in the United States anywhere that does not receive appropriations in some way, for some purpose, from the Government of the United States, or who are not seeking such?

Mr. SNYDER. I do not know of any segregated body of Indians in the United States which is not receiving some support from the Government. I do know, however, that it is not the intention of the committee to present measures to this House which will increase those activities among the Indians in the immediate future. This proposition carries no appropriation, and it is the belief of the committee, after careful consideration, that it will diminish the number of Indians under restriction and increase the number of able-bodied, competent Indians who will be an assistance to themselves and to the country in general if it becomes a law.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HAWLEY. In section 9 it is provided that if the Indian owes money to the Government, which his portion of any tribal funds will not pay, when the patent is issued to him, a reservation shall be made in the patent of the amount, which would be in the nature of a lien upon his land. I suppose that would be in the nature of a mortgage lien.

Mr. SNYDER. Under the reimbursable scheme for industrial purposes money is regularly loaned to Indians for the purchase, for instance, of horses, or harness, or a wagon, or something of that sort. If the Indian should be declared competent, having contractual relations with the Government this means that he would have to liquidate at that time, if he owed the Government anything, or that it would still be a charge against him which could be collected from his allotment.

Mr. HAWLEY. My question goes to another point: Suppose the Indian has 200 acres of land allotted to him and owed the Government $500 or $1,000, that his funds on hand will not pay. Will the Secretary of the Interior sell out his entire land, or only such portions of it as would be necessary to pay the amount due?

Mr. SNYDER. What this contemplates is that when that transformation takes place, if the Indian owes the Government anything when he becomes a citizen, it would still be a debt against him that would be secured at the time.

Mr. HAWLEY. The point I am endeavoring to arrive at is this: The Secretary issues him a patent stating he owes the Government $1,000, and gives him 200 acres of land. If 50 acres are sold, it would more than pay the $1,000, and if the whole amount of land patented was sold, he would then be deprived of his homestead. Does the Secretary of the Interior intend to sell only such proportion of his allotment as may be necessary to pay the debt, or will he sell the Indian out altogether under this language?

Mr. SNYDER. My understanding of the language is—and this is after consideration of the section—that it would be, of course, the intention of the Secretary of the Interior to leave the Indian who has been declared a citizen all of the property he could after paying his debts, and if he did not have sufficient funds to pay the whole debt, he would have a lien upon his whole allotment, not on a part of it. He would not sell a piece of it to pay him off. That must be left somewhat to the discretion of the person who is to make the contract at the time the transfer is made.

Mr. HAWLEY. It would seem to do an injustice to the Indian, if he owed the Government $1,000, which is only one-fourth of the sale value of his allotment, to sell out the whole allotment to pay the $1,000.

Mr. SNYDER. I do not think there is any such intention as that. Of course, the committee would have no objection to having that section written in such a way as would safeguard the interest of the Indian to that extent.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. DUNBAR. What are the qualifications required of an Indian which, if he possesses them, would now entitle him to become a citizen of the United States?

Mr. SNYDER. I would say to the gentleman that the various competency commissions seem to have different ideas with regard to that. There is no fixed rule. The theory is that a competency commission goes into a reservation and they are supposed to see the individual Indian and talk matters over with him, to see that he is a man who keeps his property up in good shape and whether or not he is making a living. It is not specified that he must read and write the English language or anything of that kind; but he must be an able-bodied man, who is a decent man in the community—a man who would be able to demonstrate that he could take care of himself and those who belong to him.

Mr. DUNBAR. Have many availed themselves of the privileges afforded them?

Mr. SNYDER. The difficulty has been that the Indian has not had an opportunity to become competent, and we have had to send these competency commissions into the communities in order to give the Indians an opportunity to become competent. Of course, this also is true, and the House has been advised of it on many occasions. Then, there is the question of taxation which comes in. The Indian is not anxious to pay taxes, and therefore he is not rushing to become a citizen. If this bill becomes a law, Indians of a certain class can be declared competent and will be declared competent and become citizens whether they want to or not.

Mr. CARTER. And ought to.

Mr. SNYDER. And they ought to.

Mr. CARSS. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. CARSS. Under this bill I note that the Indian will become subject to the law, both civil and criminal, of the State in which he resides. Will that in any way interfere with the right of the Indian on the reservation?

Mr. SNYDER. When the Indian becomes a citizen under this law he will have no separate rights on the reservation any more than any other citizen of the United States. He would become a citizen of the United States, and he will be subject to all of the laws of the State in which he lives.

Mr. CARSS. Then these treaties which permit him to hunt on the reservation will be annulled?

Mr. SNYDER. They will be annulled. He will have no more right to hunt than the gentleman has.

Mr. SMITH of Michigan. Will the gentleman yield for a short question? There is a small settlement of Indians, Pottawotami, in my district, and they have been exercising the right of citizenship for a number of years. They will not be affected by this bill?

Mr. SNYDER. No; not if they are citizens, they will not be affected by this bill.

Mr. SMITH of Michigan. So that this bill, where it refers to tribal——

Mr. SNYDER. This refers to all Indians from full-blood down who can be made competent, and it does not make any——

Mr. SMITH of Michigan. If they are not citizens, then this bill——

Mr. SNYDER. Then this bill makes them citizens under certain conditions, no matter where they are. I yield to my colleague, Mr. CARTER. How much time does the gentleman desire?

The CHAIRMAN. The gentleman has 42 minutes remaining.

Mr. SNYDER. I yield 20 minutes to my colleague from Oklahoma, Mr CARTER.

Mr. CARTER. Mr. Chairman, I do not think I shall use the entire 20 minutes. This bill undertakes to do three things, in the main. First, to give to every Indian in the United States citizenship; that is to say, the right of suffrage, jury service, and so forth. Then it undertakes to separate the competent from the incompetent Indians, first by relieving the Indians of less than half Indian blood of all restrictions upon their individual property. Third, for the appointment of competency commissions to go among the Indians and separate the competent from the incompetent among those of half and more than half Indian blood and release them from Government supervision. The Indian citizen's rights under existing law are so complicated, so anomalous, and so inconsistent as to make any general definition of his civil rights practically impossible. Now let me just give you an instance or two of these inconsistencies. In States like Indiana, Illinois, and many others full and independent citizenship, free and untrammelled from any restrictions whatever, is enjoyed, while other States, such as South Dakota, Oklahoma, and so forth, grant him all privileges of citizenship of both the State and the United States, except that restrictions are retained on his Indian estate, the sale of his property, and so forth. Many other States which I might mention deny to these aborigines of the country, no matter how intelligent, any citizenship rights at all.

Many peculiar situations exist, such as that in the State of North Carolina, where Indians are full citizens of the State but have not been granted citizenship in the parent Government, the United States. So you will see by these comparisons that an Indian living in one State may have a complete reversal of his civil rights, and completely all citizenship rights, by simply stepping across the line of an adjoining State, and this bill in a measure rectifies that. The chairman of the Committee on Indian Affairs has just told you that some Indians do not desire to become citizens, because under present law when he acquires citizenship he is also required to pay taxes. It is true, Mr. Chairman, that while the Indian may not be so fast in accepting the white man's virtues he has an abundant capacity to take on his vices. [Laughter.] There are not a great many of them who take this view. A great majority of the Indians desire to be graduated into full citizenship with fee patents, certificates of competency, and removal of all restrictions at the earliest possible moment. But we have found some few other competent Indians who objected to fee patents because their lands and other property would thereby be made taxable. They are only a small minority, but they are there, part of the problem, and must be dealt with.

I found one Indian, a Yakima Indian Reservation man, blue eyed, light haired, probably about a thirty-second degree Indian. He complained about the manner in which the agent was leasing his allotment, which was very valuable, and I said, "What degree of blood are you?" He told me it was very small. I said, "Why do not you get a fee patent and have your property free?" He said he did not want a fee patent. He said, "If I did I would have to pay taxes on that valuable property." I said, "If I had anything to do with you, my friend, you would get a fee patent right off the bat, because when you become so shrewd that you are willing to give up some of your valuable rights in order to avoid taxation you have assimilated enough of the white man's civilization to take on some of his burdens."

So far as the Indian himself is concerned, I do not believe there is sufficient justification for making the issuance of a certificate of competency and delivery of a fee patent a necessary complement of citizenship.

The Indian is the native citizen of this country, and if anybody has a right to the privilege of voting, jury service, and so forth, certainly it ought not to be denied him. I think I can safely say a very large majority of the Indians want this bill passed. The only objection that has ever come has been through a misunderstanding over this very matter of taxation of lands. Some of the incompetent Indians were opposed to the bill because, on account of the present law, they naturally connect any granting of citizenship with the taxation of property, from which a conclusion might be expected to follow to the effect that if citizenship were granted him he will have to pay taxes on his property, perhaps nonproductive, and over which he understands this bill does not give him full control.

No matter what citizenship rights may be given him, this bill does not provide for the taxation of property of any Indian whose full restrictions it fails to remove. It provides for the taxation only of the Indians of less than half Indian blood and those competent ones whose restrictions may hereafter be removed by a competency commission which might be done in accordance with existing law.

I will confess that the blood line for a division between competent and incompetent among Indians is not an ideal line of demarcation, but there is this to be said in its favor, and we have this often in the past. In order to constitute an Indian of less than half Indian blood it is necessary for both of his parents to have had some degree of white blood. That is to say, an Indian of less than half Indian blood must have had both mother and father with white blood in their veins. Otherwise he would necessarily be more than one-half Indian blood. That being the case, this fellow of less than half Indian blood must have been raised by a mother with some degree of white blood and in nine cases out of ten she was educated and had taken on the civilization of the white man before this child was even born.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. CARTER. I will.

Mr. SMITH of Michigan. If I understand the gentleman, he spoke of an Indian who was of the thirty-second degree——

Mr. CARTER. I am not sure about that.

Mr. SMITH of Michigan. Suppose the mother of the Indian had a very small proportion of white blood. The fact the Indian's father and mother both had white blood in them would not make a half blood if there was not a greater proportion——

Mr. CARTER. In order to have a half-blood Indian one of two things must be true: Either one of the parents must be of the full blood or both parents must have white blood; so it follows that in order to produce a person of less than one-half Indian blood each parent must have some degree of white blood.

Mr. SMITH of Michigan. Conceding a half?

Mr. CARTER. There you find the distinction between a half-blood and a less than half-blood. The half-blood may have had a full-blood Indian mother and white father, with no Indian blood at all, which would be impossible with any person of less than half Indian blood.

So that this child of less than one-half Indian blood must essentially have been raised not by Indian parents but by white parents. He has had the advantages of the white man's civilization by living in the white man's home with parents of white blood, and is very likely better educated than his next door white neighbor's child. Therefore we should no longer supervise him, and he ought to be willing to share his portion of taxation, unless there is some treaty or agreement provision which precludes it. Not only that, every competent Indian in the United States, no matter what his degree of blood, ought to be relieved of any further supervision by the Federal Government. The Government ought to take its hands off of him and let him be a man. That is true whether or not the fellow wants to be a citizen. And whether it were true or not, 90 per cent ought not to be held back because 10 per cent object to it. When an Indian has reached the state of civilization and says, "I do not want to pay taxes," and he has valuable property, it is more important to make that fellow a citizen than it is to make a fellow a citizen who is clamoring for it, because we occasionally hear of a case of an Indian who wants citizenship in order to squander his property in riotous living.

Mr. TILSON. Section 8 of the bill, before the amendment has been added, provides for the appointment of three commissions, and the powers and responsibilities of those commissioners seem to me very great. I wish to get the benefit of the gentleman's experience and knowledge of these matters as to what he thinks about the carrying out of those powers and responsibilities of the commissioners. The gentleman will notice there are to be three commissions, that they are to go to all the Indian reservations, and, so far as possible, they are to go into the homes of the Indians, and they are there to pass upon their competency and to remove the restrictions upon their land, and the Secretary of the Interior is authorized to deliver each Indian so adjudged a patent in fee. That is a great power, a great responsibility, and I wondered as to what those three commissions would do when sent out among a great number of Indians to try to examine each and pass upon his competency?

Mr. CARTER. Well, as the gentleman will note from the bill, the Secretary of the Interior is authorized and directed to deliver to each Indian so adjudged to be competent a patent in fee. That leaves with the Secretary the issuance of the patent. The gentleman may claim and others may claim that that is a mandatory provision, with no discretion lodged in the Secretary. But those of us who have dealt with Indian affairs know that the writing of a provision for such a purpose as this and making it mandatory upon the Secretary of the Interior is, indeed, a most difficult matter. The commissioner ought, in my opinion, to be clothed with authority to settle with this fellow himself, and I will tell you why. He goes into the Indian home; he sits down across the table from him, and talks to him, and gets a close-up visualization of the Indian, which is not possible to the man who undertakes to pass upon it some 1,500 or 2,500 miles away.

Mr. TILSON. My opinion is that the Secretary can not know anything about the Indian. The Secretary is here in Washington. He must take the recommendation of the commission. It would be folly if he did not, and it ought to be made mandatory that he should. But I am thinking about the responsibility of those commissioners and the personal equation that will enter into each case. One commission might decide that a man was competent and another decide that he was not competent.

Mr. CARTER. There are no two commissions passing upon a man's competency. When one passed upon it, that would settle it, unless perchance a commission passed upon a man's competency and declared him incompetent, then afterwards the man made an application to another commission and that commission reversed the finding of the first commission. That might be possible, because at the time of the first investigation the man might have been a drinking man and two or three years afterwards, when a commission made a second investigation, the man had quit the use of alcohol and had gotten to be a straightforward citizen who took care of his affairs. I agree with the gentleman that these fellows ought to have jurisdiction if we can give it to them.

And I call his attention to the character of men who are to be appointed.

Mr. TILSON. They ought to be all-wise and all-good.

Mr. CARTER. One is to be from the Indian Bureau, with a civil-service status. Another is to be from the Board of Indian Commissioners, in which board many times this House has expressed its confidence and carries right now an appropriation of $10,000 for it. Certainly neither of these can be subjected to the customary criticism of undue local influence. The other is to be an Indian. You have a commission of two disinterested white officials of experience and one Indian to decide upon this competency question. I have given the matter a great deal of thought, and I think we placed in the bill the very best and strongest safeguard that could be made against any imposition on Uncle Sam's wards.

Mr. TILSON. The gentleman thinks it will not be liable to abuse?

Mr. CARTER. I am inclined to think that an Indian Bureau official and a member of the Board of Indian Commissioners on that commission would lean more against removing a man's restrictions than they would lean toward it.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. ROBSION of Kentucky. Now, there is no provision here for an appeal in case of an adverse report on the part of this commission?

Mr. CARTER. No.

Mr. ROBSION of Kentucky. Do you think there ought to be such an appeal?

Mr. CARTER. I do not believe that would be necessary. I believe the Indian could take that up directly with the Secretary under the existing law. But if the gentleman thinks that ought to be done, I indorse the policy, and I would not object at all to an amendment being placed in the bill specifically authorizing an appeal where the report was adverse.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. CARTER. I will.

Mr. KELLY of Pennsylvania. The gentleman was explaining the competency commission provided in this bill. Will not the gentleman go further and explain the difference between the make-up of the present plan of competency commission and the plan provided in this bill?

Mr. CARTER. Usually they are men picked up in the Indian Service, just here and there. And they usually pick two men for the competency commission, and then they take the superintendent on the reservation as one of the members of the commission. In this bill we do not provide that anybody on the reservation shall be appointed, but we provide that the board shall consist of one who is a competent member of an Indian tribe, another a member of the Board of Indian Commissioners, and another from the Indian Service, who shall have a civil-service status.

Mr. KELLY of Pennsylvania. In other words, this bill provides for an impartial functioning of these incompetency proceedings, while the other is a policy of the bureau?

Mr. CARTER. Absolutely. Now, I want a word without interruption.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. EVANS of Nebraska. I notice in the second section of the bill that you provide for the completion of the rolls where incomplete. Are there any of the tribes which now have complete rolls?

Mr. CARTER. Yes.

Mr. EVANS of Nebraska. Why then withhold from them the application of this act while the other rolls are being completed? Why not bring to them immediately the relief that is provided for in this bill?

Mr. CARTER. I do not catch the point of the gentleman's question.

Mr. EVANS of Nebraska. Well, if there are certain tribes which have completed their rolls, and there are Indians there who are not now declared competent, but which are of less than half blood, why not make this act operative at once in place of waiting for the two years?

Mr. CARTER. It is operative at once. Within 90 days after the rolls are completed that portion of the bill becomes operative. Where the rolls are already completed the act will go into effect at once. I am inclined to think that this bill should become effective July 1 next.

Mr. HASTINGS. This does specifically say that within 90 days after the completion of the roll so and so shall be done?

Mr. CARTER. Yes. Where the rolls have been completed within 90 days, the 90 days have already expired, and the act would take effect immediately.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. HAWLEY. I should like to submit to the gentleman this question, because he was long chairman of the Committee on Indian Affairs: Section 9 provides that there shall be a reservation to the Government in the patent of any amount unliquidated when the patent is issued to the allottees?

Mr. CARTER. Yes.

Mr. HAWLEY. Now, it does not provide that the Government shall have authority to sell the land. That is presumed to be the intent in case the allottee does not pay within a reasonable time. It does not provide that the Secretary of the Interior shall have authority to proceed only with the sale of a fraction of the allotment, leaving the remainder of the allotment to the Indian in case a small fraction of it will settle the Indian's debt.

Mr. HASTINGS. Let me say, if the gentleman will permit, in answer to that question, that it is the law everywhere, so far as I know, in every State in the Union, that only such amount of the property mortgaged can be sold as is needed to satisfy the debt.

Mr. HAWLEY. The whole property under the mortgage is sold in some States.

Mr. HASTINGS. I do not know of any State where that is so. It is not so in my State, and I do not know that it is so in any other State, where, when the property is sold, the officer is justified in selling any more than that which will liquidate the indebtedness.

Mr. HAWLEY. Suppose a man gives a mortgage on his farm, and——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I would like to have a little more time, Mr. Chairman.

Mr. SNYDER. Mr. Chairman, how much time have I left?

The CHAIRMAN. Twenty-two minutes.

Mr. SNYDER. I yield 10 minutes more to the gentleman.

Mr. HAWLEY. If a man mortgages a farm of 160 acres, and the mortgage covers the entire farm, and he fails to pay the mortgage when due proceedings are instituted, the court would order the sale of the entire farm in order to satisfy the mortgage.

Mr. HASTINGS. Not when the proceeds of the sale of 20 or 30 acres would be a sufficient amount to cover the debt. That would be the practice followed. That is the unbroken precedent of the Interior Department, so far as I have knowledge of the cases.

Mr. MANN of Illinois. If the gentleman will yield——

Mr. CARTER. Yes.

Mr. MANN of Illinois. The sale can only be made, as I take it, under decree of the court. There is no authority to the Indian Bureau to sell the property after fee had passed to the property. It could only be made under decree of the court. The court would probably order a sale of the property. That is the customary thing on a mortgage.

Mr. SNYDER. I would like to ask the gentleman from Oklahoma a question.

Mr. HAWLEY. One moment. Would the gentleman have any objection to this language, "And the Secretary of the Interior, in the event proceedings at law become necessary to collect any amount due, shall ask for the sale only of such portion of the lands transferred as may be deemed necessary to liquidate the indebtedness, and any surplus remaining after the indebtedness is paid shall be paid to the patentee or his grantee or grantees"?

Mr. CARTER. Of course, you can not closely analyze an amendment from hearing it read, but as I heard the amendment read I think it is good, and when we come to discuss it under the five-minute rule, if I find it means what I now think it does, I shall be glad to support it.

Mr. SNYDER. That amendment would be satisfactory to me. I would like to ask the gentleman one question.

Mr. CARTER. Very well.

Mr. SNYDER. In section 9 what authority is there to give the Secretary of the Interior the right to foreclose a mortgage?

Mr. CARTER. It does not give him the specific right in that section, as I recall.

Mr. SNYDER. Is there any authority in the law to-day, without this act, that gives the Secretary of the Interior the right to bring action against citizens without a special authorization?

Mr. CARTER. I could not answer that, because the Interior Department, as the gentleman knows, in dealing with Indians, takes what our union-labor friends call "direct action." They usually take this action and the Indians submit to it, and it does not get into court.

Mr. SNYDER. But the gentleman knows that in that case they would be dealing with a citizen?

Mr. CARTER. Yes. I would like to take just a few minutes now in discussing another point.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I would like to yield, but I want to make just a brief statement on another point, if the gentleman will give me the opportunity.

Mr. DUNBAR. Very well.

Mr. CARTER. This bill ought to be passed, for two reasons: First, there is no one within the boundaries of the United States who is more entitled to citizenship than the aborigines of this country. Yet we have gone along, during more than a century of this Government, excluding them from those rights, except in such cases as the States have given them citizenship and where Congress has passed special acts for special tribes.

Figures from the report of the Commissioner of Indian Affairs show that there are now in the United States some 330,000 Indians. Less than one-half that number, perhaps not to exceed 160,000, are permitted to enjoy any of the privileges of our cherished United States citizenship, leaving the majority of the original owners of this country strangers around their own fireside, as it were, without the right of suffrage, without the privilege of serving on a jury, even when the rights of their fellow tribesmen, their peers, are involved.

We have just emerged from the great world conflict during which every demand of citizenship was met by both citizen and noncitizen Indians. Both classes contributed liberally to all Red Cross and other war activities. They purchased more than $25,000,000 worth of Liberty bonds. Why, there is an Indian by the name of Barnett who does not speak a word of English, living in either the district of my friend McKEOWN or HASTINGS, an Indian who can not read a word of the Constitution which he must invoke for the protection of his rights, yet in order that this country might maintain its Army and carry forth to victory the flag of liberty throughout the whole world, purchased on his own account $1,000,000 worth of Liberty bonds.

During this horrible encounter it was necessary to call into service of our country some 4,000,000 men out of our list of 110,000,000 splendid citizenship, thus making a little more than 4 per cent actually called to the colors. Yet these same Indians, most of whom are now denied citizenship, and consisting of only about 160,000 United States citizens, but 330,000 all told, furnished 12,000 soldiers and sailors who marched beneath the folds of our flag to victory. Many of them went overseas. Some of them will never return. By this contribution to the military service our Indians not only furnished more than their full complement, but while the whole country was furnishing 4 per cent the Indians furnished more than 7 per cent of their citizenship to the cause for which their country was fighting, and the majority of them were volunteers. Have or have not these aborigines qualified themselves for American citizenship? No matter what his incompetency may be, no matter how poor his business ability, is not this same poor, benighted Indian entitled to just the same citizenship rights under this Government, for which he fought, as the shrewd, cunning draft dodger who evaded service to his country during this horrible war?

Not only has the Indian contributed his full part during this war, but he has contributed his full part toward the upbuilding of this country. There was a time when his word was supreme on the American continent, a time when he was master of all he surveyed, and this great Republic has been carved and built from his domain.

A little less than 500 years ago a great Genoese navigator approached the island of San Salvador. He asked that he might be given a few days' landing on the island, permitted to rest up his weary sailors and repair his ships. The request was granted, and before this great man, whom we now revere, had departed he had in the name of his religion planted a cross upon the island and claimed it for his king.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SNYDER. I yield to the gentleman five minutes more.

Mr. CARTER. We called upon the Indian to discard his manner of dress. He has responded by accepting the habila-

ments of the white man. Next we called upon him to dispense with the pursuit of life which he so well loved. He responded by accepting our most enlightened civilization. We asked him to give up his religion. He renounced the great spirit and the happy hunting ground and accepted the white man's religion. He surrendered his tribal government to accept the citizenship of his immigrant friends. So through all these many years, through all these many generations, you have called upon this aborigine to make sacrifices, and during that time, to our discredit and shame, no one seems ever to have been sufficiently interested in his real welfare to see that he was given the ordinary rights of citizenship which this same immigrant now enjoys.

The purpose of this bill is a simple act of justice to render to the Indian that which has long been due him. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, I ask for recognition if no one here desires recognition to say he is opposed to the bill. I am not sure whether I am or not.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. MANN of Illinois. Mr. Chairman, I am inclined to think this bill is an abrupt reversal of the policy pursued by the United States for many years in regard to the Indians. It may be that it is the correct policy to be pursued, but I feel fairly confident that it is not the policy which has been pursued in the main without objection, so far as I know, in Congress.

This bill proposes, first, to grant to all Indians the right of citizenship and to render them liable in every case to the criminal and other laws of the United States and of the locality where they reside. We maintain a good many Indian reservations. A good many Indians still maintain tribal relations—I do not know to what extent—and are not governed now by the State laws in reference to a great many things. Perhaps they ought to be. We maintain Indian reservations where Indians are under some surveillance from the Indian agents. As far as I can understand, this bill will absolutely remove the authority of the Indian agent over most or all of the Indians now upon these reservations. It may not entirely remove the authority of the Indian agent over the property of those Indians who are still left as incompetents, but in the main it removes entirely the present control of the United States over the Indians. That has not been our policy from the beginning of the Government in its dealings with the Indians up to this hour. So it seems to me this bill entirely and suddenly reverses the whole theory upon which the Government has maintained relations with the Indians.

It may be desirable to let all Indians vote. I myself have always been consistent in the theory that in the main it was desirable to permit people who were going to live here exercise the duties of citizenship, and I have been run over in the House so often on that subject that it does not even affect the callous spots that now exist on my body. Yet with the tendency in recent years to restrict the exercise of citizenship on the part of people who come to this country and to make the obtaining of citizenship papers much more difficult now than it used to be, and proposing now that the Government expend money to educate the foreigner so that he may be able to read and understand the Constitution before he is admitted to citizenship, it is proposed here, without any difficulty at all, to grant to all of the ignorant and incompetent Indians full citizenship and the right to vote. Now, I will ask these gentlemen on the committee, if I may, what will be the effect on the Indian reservations, where now the agents of the Government exercise some control over the Indians, if we grant to the Indian the right of citizenship and deed to him his property?

Mr. HASTINGS. If the gentleman will permit——

Mr. MANN of Illinois. Certainly.

Mr. HASTINGS. It will have no effect whatever upon the incompetent Indians, but as to the competent Indians, those of less than one-half Indian blood or those who are adjudged competent by the competency commission, those Indians will be turned loose. We have just that state of affairs in Oklahoma now, where the competent Indian is turned loose, and where the restricted Indian is still under the supervision of the officers of the Interior Department.

Mr. MANN of Illinois. Now, wait a moment. Let us see. On a number of these reservations the Indians are required to remain on the reservation unless they are given permission to leave. Is not that the case?

Mr. HASTINGS. Some one else will have to answer that. We have no such condition in Oklahoma.

Mr. CARTER. That is no longer done on Indian reservations except as a matter of punishment, as a matter of disciplining refractory Indians.

Mr. HAYDEN. There is no Indian reservation in the United States at this time where an Indian must obtain permission from the superintendent to leave the reservation.

Mr. CARTER. Unless as a matter of punishment.

Mr. HAYDEN. If an Indian was convicted of crime he might be confined to the agency, but that would be true of a white man who was convicted of some crime.

Mr. MANN of Illinois. It would not be applicable to a white man.

Mr. HAYDEN. If a white man was convicted of a crime he could also be restrained.

Mr. MANN of Illinois. There is no law in the United States authorizing a court to say that a man shall reside in a certain place unless they put him in the penitentiary or jail.

Mr. LITTLE. They may parole a man to stay in the State.

Mr. HAYDEN. On certain reservations there are now recognized Indian courts, and Indians are sentenced to jail or confined to the reservation as a punishment by such courts.

Mr. MANN of Illinois. That is where the Indian maintains tribal relations and have a judge.

Mr. HAYDEN. Judges appointed by the superintendent; yes.

Mr. MANN of Illinois. All that is abolished by this bill.

Mr. HASTINGS. No; that would not be abolished.

Mr. MANN of Illinois. What authority, if a man is a citizen of the United States, is there under the Constitution of the United States for an Indian judge to try him?

Mr. CARTER. If the gentleman will permit, that is not the case now.

Mr. MANN of Illinois. But the gentleman from Arizona said it was.

Mr. CARTER. I did not hear the reply of the gentleman from Arizona.

Mr. MANN of Illinois. I am trying to find out. The gentleman had better consult with the gentleman from Arizona.

Mr. CARTER. I think I know what the gentleman from Arizona said without hearing it.

Mr. MANN of Illinois. I know what he said, because I heard him.

Mr. CARTER. What the gentleman from Arizona meant to say was that the restricted Indian comes under the regulation that the gentleman speaks of. The restricted Indian is not a citizen except in the State of Oklahoma.

Mr. MANN of Illinois. They have some tribal relations; they do have a certain method of punishing infractions of what they think are their laws, not the laws of the United States; but the moment you make them citizens you abolish that.

Mr. CARTER. That is true, and that is the same condition that exists to-day on every reservation throughout the United States of Indians who are citizens, and perhaps here and there an Indian who is not a citizen. When made a citizen he is severed from tribal relations.

Mr. SNYDER. That is what I desire to say. The gentleman from Illinois stated that this was a change of policy. This simply intensifies the condition that now exists. On every reservation there are competent Indians and citizens, and this will make more competent Indians and citizens.

Mr. MANN of Illinois. Heretofore the theory has been, and always has been, that as long as the Indians were allowed to maintain tribal relations they themselves adopted certain policies in reference to their own government. This proposes to entirely abolish that idea. It proposes to make them all subject, and only subject, to the laws of the United States and the States in which they reside or happen to be.

Now, how far that will affect the Indians in their individual relations I do not undertake to say. I do not know. We have not been given that information. How many of these Indians are in this condition, how many Indian tribes there may be in the United States maintaining tribal relations and their own form of government, I do not know. How advantageous or disadvantageous it may be for them has not been explained to the House. In this bill you propose to change entirely the policy which the Government has maintained heretofore toward these Indians without, so far as the House is informed, any knowledge on the subject.

Now, I would like to get a little more information in reference to the disposition of the property of the half bloods. As I understand this bill, it proposes to declare competent and deed to the individuals all the property which may belong to the half-blood Indian, either individual or tribal property.

Mr. HASTINGS. To Indians less than half blood.

Mr. MANN of Illinois. Well, say Indians of less than half blood; that is six to one and half a dozen to the other.

Mr. SNYDER. If the gentleman will yield, that is the avowed policy of the department to-day, and we are enacting into law what the Commissioner of Indian Affairs has stated that he is now doing under a rule issued two years ago.

Mr. MANN of Illinois. The Indian Office could do this; if that was their policy, they could have done it. If they have done it, what is the object of this bill?

Mr. CARTER. If the gentleman will permit, there is some distinction between what this bill does and what the Indian Bureau can do.

Mr. MANN of Illinois. Not what the Indian Bureau can do, but what they do do.

Mr. CARTER. This bill gives the Indian citizenship. It removes the restriction from all Indians of less than half blood. We can not grant citizenship unless at the same time we remove the restrictions.

Mr. MANN of Illinois. I have left the question of citizenship and taken up the question of property. The Indian Office now has the authority to declare competent any Indian it chooses to. This bill assumes that all Indians of less than half blood are competent Indians, and thereupon decrees that they shall all receive their property regardless of whether they are competent or not. The Indian Office is able at least to differentiate between the half blood who is competent and the half blood who is not competent, but we declare by this bill that all of them are competent whether they are or not.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. CARTER. Does the gentleman believe that a man who has been raised by a mother and father, both having white blood, has any claim upon the United States to further supervise his acts and pay money for the expenses of such supervision?

Mr. MANN of Illinois. I hesitate to express my opinion upon that subject, because the gentleman from Oklahoma, the Indian Committee—Congress—has for many years followed the policy, which I have mainly believed was wrong, of fostering and taking care of these people whether they were full-blood or one forty-second-blood Indian.

Mr. CARTER. I think the gentleman should say that we have submitted to that policy.

Mr. MANN of Illinois. I do not know what word I used, but I have been run over on it a good many times. There is not a case, not one that I know of—and there may be many that I do not know of—where there are Indians in the United States who have been given their property and who have lost it, that somebody has not asked Congress to take care of those Indians in some way and do something for them. Everyone knows perfectly well that if we were to divide up the whole United States among the Members of this House to-day and give each one a patent to his share there would be some of them hunting for a loaf of bread to-morrow. That is a situation, however, that is not confined to Indians. That is human nature. The difference is, however, that where the white people lose their heritage in that way they are told that they must work for a living, while the Indian is practically told that he must beg for a living. That is the policy of Congress, that is the policy of the Indian Office, to a large extent, and that is the practical application of what we have done and the practical application of what we will do, probably, for many years in the future. Some gentlemen with eloquent tongues in their heads, who have Indians who have become voters living in their district, seek to obtain the votes of their Indian constituents by promising to do what they can to right the "wrongs" of a Government that has seized their property and driven them to poverty, and in that way to secure an appropriation from the Federal Treasury. They come here, and enough of them manage to get on the Committee on Indian Affairs to have some influence with the Indian Office, and perhaps with the House and Congress, and through their eloquence they carry us off our feet and we make the appropriations. How much of the Indian bill is pure gratuity?

Mr. SNYDER. Seven and a half million dollars.

Mr. MANN of Illinois. How much of it is under treaty obligation? A trifle, compared with the gratuity.

Mr. SNYDER. Eight hundred and twenty-five thousand dollars.

Mr. MANN of Illinois. Then we go ahead and loan them money to make improvements. It may be a wise thing to do. We satisfy ourselves by calling the transaction reimbursable. That eases our conscience, but it does not affect the Treasury so far as getting the money back is concerned to any great extent. There are incompetent Indians of less than half blood. Who denies that there are incompetent Indians of less than half blood? The Indian Office can remove the restrictions if it chooses to, but we are asked here to remove them without any knowledge whatever of the specific Indian, wholesale, all of them—and then to-morrow, when cuter men, not of half blood but of whole white blood, have gotten their property away from them, we will be asked to appropriate money to take care of them.

The bill has another sugar-coated pill in it, which may be a desirable thing. Just why it was sugar-coated, I suppose will appeal to everyone. The bill provides for the appointment of commissions to determine the competency of those Indians who were not made competent by this bill and directs that the commission shall not exist for more than two years. There is this to be said about it: You will not get a very high grade of man, probably, if the salary remains at $2,500 a year, but you probably will get a class of men who like to remain on the pay roll. There never has been a commission created by Congress or anyone else to do a particular work, to end at a specified time, which quit at that time, unless the work was completed, and he is a wild dreamer who thinks that there will be commissions created under this bill sufficient to examine personally into the competency of all those Indians who otherwise would be left incompetent under the bill. At the end of two years we will be asked to extend the life of the commission two years more, and at the end of four years we probably will be asked to extend the life of the commission for two years more.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. SNYDER. The reason the period was fixed at two years may be this: Perhaps we did not think as deeply as does the gentleman who now has the floor regarding this subject, but our thought was that at the end of two years if the commission had not done what we expected it to do we could get rid of it entirely and stop the proceedings. We did not have the thought that we would have to raise the salary or that we would have to keep them on the roll. We thought that we better make it two years, and that at the end of that time, if they did their work, we could continue them if we saw fit, but if they did not, we could get rid of them.

Mr. MANN of Illinois. Whether they have done good work or not, at the end of two years we will be asked to extend them for a longer time.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BLANTON. After the gentleman's very analytical argument, is he now able to tell us younger Members who seek to follow him whether or not he is in favor of or against the bill?

Mr. MANN of Illinois. I do not think I shall vote against the bill. If I had the power to determine whether the bill should become a law at this time I probably would spend a little further time to find out about it. I took the floor, not for the purpose of guiding the gentleman from Texas [Mr. BLANTON], who has his own opinion, no matter what mine is, and he never follows my opinion or that of anyone else except his own [laughter]—and that is to his credit—but for the purpose of calling attention to a few things in the bill so as to find out something more about the facts. I have not gotten very much more information about the facts.

Mr. SNYDER. I do not know——

Mr. MANN of Illinois. Oh, I am not criticizing the committee. I think they have given all they had.

Mr. SNYDER. To the best of my ability I have given the gentleman all that I have.

Mr. MANN of Illinois. I think so, and that is the reason I have been inclined to think that the bill was reported not so much because the committee knew about it, but because some gentlemen have been agitating for years to get the restrictions on Indians removed, because the white people in the neighborhood mainly wanted them removed. Here is a case where it is proposed to throw a sop to the Indians by declaring them citizens and a sop to the whites who want to rob the Indians by giving them a good opportunity.

Mr. HASTINGS. Does the gentleman have any more time? I was wondering if he would let me have a little of his time. I am not opposed to the bill.

Mr. MANN of Illinois. I yield 10 minutes to the gentleman from Oklahoma.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. MANN] is always entertaining, he is always interesting, and I am very glad to hear him discuss any subject. He always develops the weak points if there be such in any bill.

Mr. SNYDER. There usually are.

Mr. HASTINGS. I never saw a bill, as my colleague says, that there were not some weak points in it. In the first place, in order that I may disabuse the mind of any Member of this House, this bill does not affect the Five Civilized Tribes in Okla-

homa, and therefore what my friend from Illinois said about the possible motives that might influence the introducing and favorably reporting and voting for the passage of bills could not apply to my colleague from Oklahoma [Mr. CARTER] or myself, both of whom are upon the Committee on Indian Affairs. Let me say to the Members of the House that the Five Civilized Tribes were made citizens of the United States by the act of March 3, 1901. Prior to that time there had been some agreements made with the Government of the United States that were ratified looking to the individualization of their tribal lands and money. The Cherokee agreement was passed by Congress July 1, 1902, and ratified by the Cherokee people August 7, 1902, the year after they were made citizens of the United States. Now, the effect of citizenship among the Five Civilized Tribes, which we expect to be the same among the other tribes throughout the United States, is this, that according to the first section here all are made citizens and subject to the criminal and civil laws of the State and it does not interfere with or affect in any way their tribal or individual property. Now, the second section, as I recall, prescribes for the making of the rolls of the various Indian tribes. That is but a reenactment of the present law. Most of you remember that a similar provision had been already placed upon the Indian appropriation bill of last year authorizing the Secretary of the Interior to make these rolls, to make them descriptive of the person, giving the age, quantum of blood, and so forth, looking to just such legislation, so that a good many of those rolls are now in process of being made, and a great many, as I understand, are now completed, so as soon as these rolls are completed they will have the age and quantum of Indian blood, so this bill could become effective with that tribe.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HASTINGS. I would be glad to do so.

Mr. MOORE of Virginia. Will the gentleman state how it is proposed to pass upon the mental incompetency of Indians of less than half blood? I notice in the first portion of the bill to which the gentleman is now referring that is alludes very frequently to the adjudging of the mental incompetency.

Mr. HASTINGS. I am very glad the gentleman has invited my attention to that, although I fear in the 10 minutes allotted to me now I will not have time to discuss it, but I want to invite the attention of my friend from Nebraska to this section, and I want to say to the gentleman from Virginia that it is my purpose, if some one else does not, to offer an amendment to this section when it is reached and to discuss it more at length to the effect that the Indian be adjudged mentally incompetent by a competent court. I do not have time now to discuss it at length, and I did not have time to discuss it when the Indian appropriation bill was under consideration when a similar amendment was offered. But let me say to this House that there is no place in our Government for arbitrary power, and as one Member of Congress and a citizen of this great Government, I am opposed to any employee in the Indian Service, upon ex parte affidavits, declaring a competent person incompetent. I believe that that matter ought to be submitted to a competent court, and that the court should pass upon it; where the representative of the department could be heard and where he could bring such testimony as he thinks ought to be brought, and submit it to the court showing, as he believes, that the Indian ought to be declared incompetent. And at the same time I think that the Indian ought to have the right to be heard before the court where testimony could be introduced and where the court could judicially pass upon it and not have it passed upon by ex parte affidavits gathered up in a locality 1,500 or 2,000 miles away from here and then have some clerk in the Interior Department say whether or not that man is competent or incompetent.

Mr. MOORE of Virginia. Unless you submit to judicial determination the question of competency, you leave an arbitrary discretion in the Interior Department.

Mr. HASTINGS. Yes. I want to say I am in favor of amending this section so that the court may determine after a full and complete hearing with the department represented by an attorney, such as they have throughout the country. Now, I want to say to the Members of the House that this bill removes all restrictions of those of less than half Indian blood. That is what we did for the Five Civilized Tribes by the act of March 27, 1908, and that is the law among the Five Civilized Tribes now, and that is the reason why this act does not refer to the Five Civilized Tribes because that is to-day the law among the Five Civilized Tribes in Oklahoma. Let me say now, generally, in reference to the Indian: Our hope is this, that we who believe that we are the best friends that the Indians have, we who want him looked after, we see the day coming here when Congress is not going to be disposed to make sufficient appropriations to safeguard the interests of the real Indians, and our best judgment, gentlemen, is to remove the competent Indians from the supervision of the department. Then you will have more funds and more employees and you can concentrate your efforts so as to take care of the real incompetent Indians. He is the man you ought to look after, but there are thousands of competent Indians in a great many tribes—I will not say in all tribes, because I am not familiar with all of them—but as you remove the competent Indian from the supervision of the Government then you concentrate the efforts of the employees of the department in looking after and taking care of and supervising the real incompetent Indian. We believe that that is the best for the Indians. Let me say to you now while I am on my feet that the best way to strengthen any man is to place responsibility upon him.

You can not make an Indian a strong citizen of this great Government and always treat him as a baby. You apply that same rule to your children. You gradually place responsibility upon a child, and it grows stronger and stronger, and gradually you relieve him of any supervision.

Mr. SNYDER. Will the gentleman yield for a moment?

Mr. HASTINGS. I will be glad to do so.

Mr. SNYDER. When the gentleman from Illinois had the floor he said that, notwithstanding the fact that all Indians were being declared competent, the expense of the——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SNYDER. Mr. Chairman, I yield to the gentleman two minutes of my time.

He said that the expense of the department continued to go up. Now, it was a fact that in our investigation we found that that had been so, that the expenses had increased and the number of Indians had diminished from whom restrictions had been removed. But the committee also found in its investigations many places where the expense to the Government could be decreased, and it has shown its ability to decrease it by what has taken place here in the last few days in the reduction of the items in the appropriation bill. Now, I want to ask this question: If this bill becomes a law what per cent of the half-bloods that will be declared citizens will be incompetent to take care of their own affairs, in the gentleman's judgment? What per cent of the half-breeds will become automatically citizens if this becomes a law?

Mr. HASTINGS. I am afraid that I do not have sufficient information on which to base a judgment on that that I am safe in making an estimate. If you will remember, this section says of less than half Indian blood. As to those of even half Indian blood there is some supervision retained over——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SNYDER. I grant five minutes to the gentleman.

Mr. HASTINGS. I thank you.

Now, I do not believe, answering further the question of the gentleman from New York, that as to the Five Civilized Tribes—and there are 101,506 of them, I believe, in the five of them—that there is any greater per cent of incompetent people among those Indians of less than half Indian blood than there are among those of as many whites. That is the point I want to emphasize and make clear. I believe all Indians of less than half Indian blood, certainly so far as I know, are as competent as the white people.

Now, as has been stated, there are a great many white people who are incompetent, and the illustration was used that if a certain amount of money was divided among the membership of the House, in a short time a few would have the greater part of it.

Mr. SNYDER. Will the gentleman yield further?

Mr. HASTINGS. I will be glad to do so.

Mr. SNYDER. Now, in 1901, when this proposition we are trying to enact here to-day was included, so far as the Five Civilized Tribes was concerned, what was the immediate effect upon the people of the Five Civilized Tribes? Was there greater difficulty in managing their affairs, or less difficulty, after they were declared citizens?

Mr. HASTINGS. The gentleman knows that at that time the lands were not allotted among the members of the Five Civilized Tribes, but, of course, they have been subsequently allotted. They became citizens of the United States. They exercised the same rights of citizenship and there was no bad effect.

Mr. SNYDER. What has been the progress of the people since? Have they increased in value as units of the United States since they were declared citizens, or have they deteriorated, and has their country become less productive than it was before they became citizens?

Mr. HASTINGS. Unquestionably it has proven very beneficial legislation from every standpoint. It has been beneficial to

the State of Oklahoma and to the individual Indian. He has taken up the duties of citizenship and I think I may safely say that everybody agrees that the Indian is a much stronger man to-day than in 1901; that he has taken an active part in the affairs of the State. I think we had some 16 or 18 Indians in the constitutional convention in 1906 from the members of the Five Civilized Tribes. We have had a great many Indian county judges. We have a great many of them occupying various county offices and State offices.

Mr. SNYDER. That state of affairs could have not arisen except that they had been made citizens?

Mr. HASTINGS. Of course, they did not elect them because they were Indians. They just took their chances with other citizens in the communities in which they lived. There is no distinction between a white man and an Indian.

Mr. SNYDER. The gentleman believes, then, that if this bill to-day should become a law the condition not only of the Indians, by reason of their becoming citizens, would be greatly improved throughout the United States, but the people who belong to them would be improved by having the right to become citizens of the United States?

Mr. HASTINGS. I heartily agree with that statement. I do not think there is any doubt about that. Now, there is just one other thing to which the chairman of the committee has referred, and I tried to explain this the other day. I know that I did not make myself clear about it. I fear I will not make myself clear now. The question was asked by the gentleman from Illinois here why it is, if you are making a lot of these Indians competent, the expenses gradually increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. I will not take any more time, but I will discuss that under the five-minute rule. I thank you.

Mr. MANN of Illinois. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Chairman, I would like to ask a few questions in reference to the measure, which I know the chairman of the committee is able to answer. I would just like to ask him if this legislation was given consideration by the committee in the very thorough investigation that it made of Indian matters and the administration of laws by the Indian Bureau?

Mr. SNYDER. It was not at this last hearing.

Mr. WALSH. I would like further to ask if the committee has any additional argument in favor of the passage of this measure beyond that contained in the report, which is limited to two letters from the Secretary of the Interior?

Mr. SNYDER. The only additional argument that the chairman has to offer he has already offered in the statement he made in presenting the bill, and that is simply as to a question of policy. My thought in answering the question is that this bill will relieve from restrictions many thousands of men who are entitled to citizenship, and who in the main will become better citizens of the United States, more helpful to our general conditions, more useful members of society, than they are in their present state.

Mr. WALSH. I should like to ask the gentleman, further, if we do not in this legislation say in effect, if it is enacted, "We confer citizenship upon you, but before you can be said to be a competent citizen you must have your case passed upon by a commission provided in the bill"?

Mr. SNYDER. That is my understanding.

Mr. WALSH. Then, if that is the case, we are not conferring much of a right or benefit upon the Indian, are we?

Mr. SNYDER. Yes; I think we are.

Mr. WALSH. We say, "We are conferring citizenship upon you, but we are conferring it upon the understanding that you are incompetent."

Mr. SNYDER. I think the gentleman loses sight of the really important factor in this whole case. The Indian is not begging or clamoring for this citizenship. Congress believes that certain Indians ought to be made citizens and become a part of this country and to take over their property and become payers of taxes and representative citizens of the Government.

Mr. WALSH. Of course, with reference to that, we could take care of all Indians without conferring the right of citizenship upon them by enacting the rest of the bill.

Now, there is one other question I should like to ask.

Mr. SNYDER. I will be glad to answer the gentleman if I can.

Mr. WALSH. What does the chairman of the Indian Committee have to say with reference to the argument suggested by the gentleman from Oklahoma [Mr. HASTINGS], which, as I understand it, is that instead of creating commissions to pass upon this matter of competency, we leave it in the courts?

Mr. HASTINGS. Will the gentleman yield to me?

Mr. SNYDER. Let me answer.

Mr. WALSH. I will yield to the gentleman from Oklahoma if I have misstated his intention.

Mr. SNYDER. The gentleman from Massachusetts is asking a question with reference to one thing, and the gentleman from Oklahoma [Mr. HASTINGS] is talking about another thing.

Mr. HASTINGS. Where they are declared mentally incompetent, that is one thing. You may have restrictions, and retain supervision over an Indian, but I do not want to have him declared mentally incompetent except by a court after a judicial hearing.

Mr. WALSH. These commissions are created for the purpose of determining the competency of the Indians, and their duties are set forth. Now, the competency of an Indian means his mental competency, does it not?

Mr. HASTINGS. Oh, no.

Mr. WALSH. What does it mean?

Mr. HASTINGS. The question decided by the competency commission is whether a man is competent to manage his own affairs.

Mr. WALSH. That is, his mental ability?

Mr. HASTINGS. In other words, all Indians of less than half Indian blood are made competent by this act unless they are adjudged mentally incompetent. Now, I want a court to adjudge a man mentally incompetent.

Mr. WALSH. I should like to ask the gentleman, who is an expert in Indian legislation, if this question of competency after all does not resolve itself into a question of the mental capability of the Indians?

Mr. HASTINGS. That is taken into consideration, of course.

Mr. WALSH. What else is taken into consideration?

Mr. HASTINGS. His past experience, his capacity in handling property—all those things are taken into consideration.

Mr. WALSH. Those are all mental qualifications. There is no question of being able to read or write necessarily involved. The question of competency, in the last analysis, is one of mental competency, ability to transact business.

Mr. HASTINGS. I should like to ask the gentleman a question.

Mr. WALSH. I yield to the gentleman.

Mr. HASTINGS. Have you not got any mental defectives in Massachusetts?

Mr. WALSH. Yes; not many, but some.

Mr. HASTINGS. Who passes upon the question of their mental deficiency?

Mr. WALSH. The courts.

Mr. HASTINGS. Now, that is what I want done among the Indians, regardless of whether they are competent to manage their affairs or not. As to the mental defectives, I want a court to pass upon them, for the Indians, just the same as you demand it for the mental defectives in Massachusetts. That is all; no more and no less.

Mr. WALSH. We do not differ on that.

Mr. HASTINGS. I am glad to know that.

Mr. WALSH. But I should like to know why the commission should pass upon the mental qualifications of an Indian with reference to one phase of the problem and the courts pass upon it with reference to another.

Mr. HASTINGS. The competency commission does not pass upon the competency of persons of less than one-half Indian blood under this bill.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. BLANTON. Is it not a fact that the competency of an Indian goes further than his mental ability, in that it takes into consideration his business ability? For instance, an Indian might be mentally competent and yet not be considered capable of transacting business for himself.

Mr. WALSH. I do not think anyone transacts much business without using up some mental energy.

Mr. LONGWORTH. Some do.

Mr. WALSH. It falls back on the question of their mental ability. I should like to say, Mr. Chairman, that I regret that I was unable to be present when the distinguished chairman of the committee opened the discussion on this bill, and hence I may have asked some questions that have been answered before. I would like to ask the gentleman if the committee made any investigation as to what the additional expenditure from the Public Treasury will be as the result of this legislation.

Mr. SNYDER. Along last July when this measure was up before the committee it was the belief of the committee that it would tend to decrease the amount necessary for the main-

tenance and upkeep of the Indians. That is true of the Five Civilized Tribes under the same proposition. Within a few years the Five Civilized Tribes will be discharged entirely, and there will be no further governmental expense with reference to them. It is hoped that this legislation will bring about a similar state in various parts of the country.

Mr. WALSH. In how few years are we going to be relieved of the support of the Five Civilized Tribes?

Mr. HASTINGS. On April 26, 1931. I know of no one in Oklahoma that is in favor of an extension of that time, certainly no member of the Oklahoma delegation. The expenditure is now rapidly decreasing, and in 1931 there will be no further expenditure on the part of the Government for the Five Civilized Tribes.

Mr. WALSH. Have they similar legislation to this bill?

Mr. HASTINGS. Yes; that legislation was passed May 27, 1908.

Mr. CARTER. This bill does no more as far as the removal of restrictions goes than that which applied to the Five Civilized Tribes of Oklahoma.

Mr. WALSH. And that has been in operation since 1908.

Mr. CARTER. May 27, 1908.

Mr. WALSH. Do I understand that under this legislation, while the Indians are made citizens, before they can participate in municipal affairs they must further prove their right to citizenship and become registered?

Mr. CARTER. No; this is to make a citizen of every Indian in the United States who is not now a citizen. I will be candid with the gentleman. It proposes to exclude certain Indians in New York under an amendment which we shall offer. We can not make them citizens, as it might involve the security of their present title to their reservation, and the committee did not think that ought to be done.

Mr. WALSH. Why is it peculiar to New York? Are there not other reservations that it would apply to?

Mr. CARTER. No; it is peculiar to New York because the Indians had their title from the Ogden Land Co. prior to the time the Federal Government was established, during the days of the Colonies. It is claimed—I do not think correctly—but it is contended that making them citizens would make insecure their title to their reservation. So long as they think that, and their attorneys so advise them, we concluded that it was too important a matter to include them in this legislation.

Mr. SNYDER. It involves title to lands in the city of Salamanca.

Mr. WALSH. Does this confer citizenship on the Indians wandering through the Everglades of Florida?

Mr. CARTER. Every Indian in the United States except those I have alluded to in New York, which will be taken care of by an amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the New York Journal of Commerce by the gentleman from New York [Mr. PLATT], chairman of the Committee on Banking and Currency. It is the best statement that I have seen, and a very brief statement, of the reasons why the decline in exchange is now so large in the world market.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That every Indian born within the territorial limits of the United States is hereby declared to be a citizen of the United States and shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which he may reside, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 6, strike out the words "or Territory."

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 23 ayes and 1 no.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the word "right" and insert "property rights, individual or tribal."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 9, after the word "other," insert the word "Indian."

The committee amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that this paragraph provides that the Indian shall have the benefit of and be subject to the laws, both civil and criminal, of the State in which he may reside, without in any manner impairing or otherwise affecting the property rights, and so forth. Can we by legislation provide that those who have hitherto not been citizens of the United States shall be citizens and say that by reason of their being citizens they shall be subject to the several laws of a particular State without the State itself taking some action?

Mr. CARTER. I will say to the gentleman that that was not done with reference to the civilized tribes, but was done in the State of South Dakota.

Mr. WALSH. That was when South Dakota was created a State.

Mr. CARTER. No; I think it was since it was created a State.

Mr. HASTINGS. If the gentleman from Massachusetts will reflect, he will see that when you make a man a citizen of the United States he immediately becomes amenable to the civil and criminal laws of that State where he resides without our saying so.

Mr. SNYDER. This does not change any condition that exists.

Mr. WALSH. That is true, when you make a citizen in the way provided for by the laws and the Constitution; that is, when they go before the court, produce their proof, and renounce allegiance to their former country.

Mr. HASTINGS. This is only another method of making a citizen of the United States, which Congress has the power to do, and whenever you make a man a citizen of the United States he is subject to all the laws, civil and criminal, of the locality where he lives.

Mr. WALSH. Yes; but can we say that he shall have the benefit of a State statute by suddenly making him a citizen of the United States—that he shall have the benefit of a State statute without the State taking some action?

Mr. HASTINGS. Can the gentleman point to one single State that makes any discrimination among the citizens of the United States, so far as civil rights are concerned? None whatever.

Mr. SNYDER. What I attempted to say a moment ago was that this simply intensifies a situation that exists. There are Indians being declared competent and becoming citizens, we hope, every day now that are subject to and have the benefit of all the laws of the various States in the Union. All this does is to intensify that work and make more Indian citizens and make them subject to the laws of the various States.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior shall within one year after the approval of this act cause to be made a complete and final roll of all persons entitled to membership in each tribe of Indians to whom allotments of land have been heretofore or which hereafter may be made, and no person whose name does not appear on such membership roll as approved by said Secretary shall thereafter participate in any benefits derived from the tribal funds or other property of any such tribe of Indians.

Upon the completion of such final roll of members the said Secretary shall determine and designate all members having a quantum of less than one-half Indian blood and shall issue patents in fee to all able-bodied and mentally competent Indians over 21 years of age of less than one-half Indian blood for the lands which have been heretofore or which may be hereafter allotted to them. And any Indian who has been heretofore or who may be hereafter allotted lands from the public domain who is 21 years of age, able-bodied and mentally competent and of less than one-half Indian blood shall likewise be issued a patent in fee to the lands so allotted: *Provided*, That the personal property of any such Indian of less than one-half Indian blood on January 1, 1922, and his other individual property on January 1, 1932, shall become subject to taxation by the State or Territory within which the same is located: *Provided, however*, That the stipulations of any treaty or agreement relating to the nontaxation of allotted lands shall not be impaired or otherwise adversely affected by the issuance of the patent in fee simple as provided for herein.

The following committee amendments were severally reported and severally agreed to:

Page 2, line 1, after the word "that," insert the words "in all cases where a final roll has not heretofore been made and approved."

Page 2, line 3, strike out the words "one year" and insert "two years."

Page 2, line 15, strike out the word "and" and insert the words "Indians not adjudged."

Page 2, line 16, strike out the words "competent Indians" and insert "incompetent."

Page 2, line 22, after the word "and" insert the words "not adjudged incompetent."

Page 2, line 22, after the word "mentally," strike out the word "competent."

Page 3, line 3, after the word "State," strike out the words "or Territory."

Mr. CARTER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 2, line 12, before the word "upon," insert the words "where a final roll of an Indian tribe is complete within 90 days after the passage of this act but where the roll is incomplete."

Mr. WALSH. So that the paragraph will read how?

The Clerk read as follows:

So that it will read:

"Where a final roll of any Indian tribe is complete within 90 days after the passage of this act, but where the roll is incomplete, upon the completion of such roll of members the said Secretary shall determine," and so forth.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I move to amend, on page 2, line 16, by inserting the word "judicially" before the word "adjudged."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 16, before the word "adjudged," insert the word "judicially."

Mr. WALSH. Mr. Chairman, does the gentleman think that by the use of that phraseology it would require the matter to be passed upon by a court of competent jurisdiction?

Mr. CARTER. That is my intention.

Mr. HASTINGS. I do not think we ought to make any mistake about that. What does the gentleman from Massachusetts think about it?

Mr. WALSH. I had a little doubt as to whether by putting the word "judicially" before the word "adjudged" we would require the matter to be passed upon by a court of competent jurisdiction, and I suggest to the gentleman that he insert the words "by a court of competent jurisdiction."

Mr. CARTER. If the gentleman thinks that is necessary, I have no objection.

Mr. WALSH. It might be held that these commissions, in passing upon the question of competency, were judicial bodies.

Mr. CARTER. I do not believe that would be a judicial determination; but, in order to make it absolutely beyond cavil, I think it would be better to accept the suggestion of the gentleman from Massachusetts. I ask unanimous consent to withdraw my amendment and substitute in its place the amendment just suggested.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as it would now read.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 2, line 16, after the word "adjudged," insert the words "by a court of competent jurisdiction."

Mr. WALSH. That is correct.

Mr. EVANS of Nebraska. Mr. Chairman, permit me to make this suggestion: In some of the States there is a commission appointed which is scarcely entitled to be called a court, but the commission passes upon the question of competency of certain people; and, in view of that fact, it seems to me the amendment ought to be broad enough to include the commissions in the different States. I suggest the following language to cover the situation: After the word "incompetent," in line 16, on page 2, insert "in the method and by the tribunal provided for by the laws of the State in which the Indian resides."

Mr. HASTINGS. I would suggest that it be inserted after the word "adjudged."

Mr. CARTER. I have not any objection to that; that simply clarifies it and makes it more definite.

The CHAIRMAN. There is an amendment now pending, which the gentleman from Oklahoma has offered. Does the gentleman from Nebraska offer this as a substitute?

Mr. EVANS of Nebraska. If it is satisfactory, I will be very glad to offer it as a substitute for the amendment before the committee. I do so offer it.

The CHAIRMAN. The gentleman from Nebraska offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

Page 2, line 16, after the word "incompetent," insert "in the method and before the tribunal provided for by the laws of the State in which the Indian resides."

Mr. CARTER. Mr. Chairman, I suggest that the amendment would come more properly after the word "adjudged."

Mr. EVANS of Nebraska. Mr. Chairman, I ask unanimous consent that it may be so changed as to come after the word "adjudged."

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to so modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. WALSH. Mr. Chairman, I desire to discuss the substitute. What sort of a tribunal would this operate upon in the gentleman's State?

Mr. EVANS of Nebraska. In the State of Nebraska persons charged with being insane are tried before a tribunal composed of a physician, registered; the clerk of the district court; and an attorney selected by the judge of the district court, and all persons must come before that body.

Mr. WALSH. That is in case the person is suspected of being mentally deficient or insane, and somebody has to set that on foot by a petition, I suppose?

Mr. EVANS of Nebraska. It is done by a petition, and notice then is personally served on the person and the one in charge of the person.

Mr. WALSH. Is there any appeal from that tribunal?

Mr. EVANS of Nebraska. Of course, there is an appeal in the ordinary way to the proper court on the record there made.

Mr. WALSH. Does that same tribunal pass upon the case of idiotic children—the mentally deficient?

Mr. EVANS of Nebraska. In the case of mentally deficient persons, their condition is determined by that tribunal.

Mr. WALSH. And the court of which one of these commissioners is clerk has nothing to do with this matter?

Mr. EVANS of Nebraska. Our district court is our court of general jurisdiction. The clerk of that court keeps the record, and it is part of his official duties to keep that record.

Mr. WALSH. But what I am getting at is, the court does not appoint this commission in each individual case?

Mr. EVANS of Nebraska. No; it is a standing commission.

Mr. WALSH. Provided for by law?

Mr. EVANS of Nebraska. Provided for by the statute of the State of Nebraska.

Mr. WALSH. Does the gentleman from Oklahoma [Mr. HASTINGS] think that this would answer the requirements which he expressed as being so desirable in the case of those Indians, to have them brought before a tribunal that passes upon insane people?

Mr. HASTINGS. I think it would. If that kind of a tribunal passes upon the white people of the State of Nebraska I believe it would be fair for the Indians to go before it. Now, we have a similar commission in Oklahoma, but this commission is appointed by the county court, and they report back to the county court, and the county court confirms their finding and issues an order, so they are creatures of the county court, which has probate jurisdiction. I thought that was the case in every State in the Union. I may be mistaken as to what is the law in the gentleman's State.

Mr. WALSH. Then the gentleman from Oklahoma desires these Indians treated in the same way as persons who are suspected of being insane or mentally deficient, and a proceeding shall be set on foot by somebody who is of that opinion?

Mr. HASTINGS. I am in accord with that view. I believe that it is fair to the Indian. He will have a right to be heard either before the court or before the commission of which the gentleman speaks. He can introduce testimony, have his friends heard, or they can introduce testimony, and the department can have testimony introduced, so that the matter can there be heard, and I much prefer to have it heard and settled there by a court or local commission rather than upon ex parte affidavits forwarded here to the department for final determination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. CARTER. Let me call the gentleman's attention to a matter, and the matter is just this, Mr. Chairman: This applies only to Indians of less than half Indian blood. The view of the committee was that practically every one of these fellows was competent, or at least there was as large a degree of competency among that class of Indians as among white people.

Mr. HASTINGS. Puts them on a plane with white people.

Mr. CARTER. Yes; place them on a plane with white people.

Mr. WALSH. Except for this, you say, "Not adjudged mentally incompetent." Now, none of these courts or some of these courts may not know about any such thing as not adjudging a person mentally incompetent. All they may do is adjudge a person insane or sane and by saying "not adjudged mentally incompetent," you may create some new procedure or confer additional authority upon that court. Now, it would seem to me that with respect to those Indians they come in under a different footing from an insane person, and when you say "not adjudged mentally incompetent," you ought not to subject them to the danger of being declared insane.

Mr. CARTER. Mr. Chairman, what the committee intended to do was, I repeat, to place the Indians on the same plane with the white men in States where it is not necessary to have any other judicial determination except that between sanity and insanity, and we expect the court would follow out with the Indian just what it has carried out with the white people.

Mr. WALSH. Well, if that is intended, there is no reason why the substitute ought to be agreed to.

The CHAIRMAN. The question is on the substitute offered to the amendment of the gentleman from Oklahoma.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That upon the completion of such final membership roll the Secretary of the Interior, within 90 days thereafter, shall cause a pro rata division to be made of the funds belonging to all tribes of Indians to whom allotments of land have been made and from time to time cause any additional funds to be pro rated which may have been derived from the proceeds of sale or other disposition of the tribal property belonging to such tribe of Indians. Such pro rata shares shall be credited to the individual members whose names appear on the final membership roll of the tribe and held in trust until such time as in the discretion of the Secretary of the Interior, or as otherwise hereinafter directed, the pro rata shares may be paid to the beneficiaries or expended for their benefit upon their application therefor: *Provided*, That during the time which any of said funds are held in trust by the United States the same shall bear interest at 4 per cent per annum, but in no case at a less rate than is now provided by law respecting such fund: *Provided further*, That within 90 days after the completion of the final membership roll of any tribe of Indians the Secretary of the Interior is hereby authorized and directed to pay, upon their application therefor, to all able-bodied and mentally competent Indians over 21 years of age having a quantum of less than one-half Indian blood their pro rata shares of all tribal funds, after deducting any portion which may have been previously paid, together with any other funds which may be found to be due them, and thereafter to pay to other able-bodied and mentally competent members of less than one-half Indian blood their shares, upon application, after they reach the age of 21 years; and within 90 days after the completion of the said final membership roll the said Indians of less than one-half Indian blood, upon receipt by them of their pro rata share of tribal funds then due, shall thereafter be free from any and all restrictions or supervision by the Federal Government: *And provided further*, That nothing contained in this act shall be construed to impose restrictions heretofore or which hereafter may be removed from Indian lands or other property, nor to prohibit the Secretary of the Interior from removing restrictions upon such allottees as in his opinion may be expedient.

The committee amendments were read, as follows:

Page 4, line 5, after the word "able-bodied," strike out "and" and insert "Indians not adjudged."

The question was taken, and the amendment was agreed to.

Page 4, line 5, after the word "mentally," strike out the words "competent Indians" and insert the word "incompetent."

The question was taken, and the amendment was agreed to.

Page 4, line 11, after the word "able-bodied," strike out the words "and mentally competent" and insert, after the word "members," the words "not adjudged mentally incompetent."

Mr. HICKS. Mr. Chairman, I would like to discuss that for a moment, if I may. I rise more to discuss the provision in the bill at the bottom of page 3, beginning with line 2—

Provided, That during the time which any of said funds are held in trust by the United States the same shall bear interest at 4 per cent per annum, but in no case at a less rate than is now provided by law respecting such fund.

Now, what is effected by that proviso? Is it a case where we have one fund held for the Indians that pays interest at one rate and another fund at another rate?

Mr. HAYDEN. That is correct.

Mr. HICKS. Depending upon the various treaties?

Mr. HAYDEN. Exactly so. Some of the treaties provide as low as 3 per cent and some provide as high as 5 per cent.

Mr. HICKS. In the case of 3 per cent, why should they pay as low as that? Is it because of some special provision?

Mr. HAYDEN. Some special arrangement where it happened to be a very large fund.

Mr. HICKS. Does not that seem to the gentleman a rather low rate of interest to be paying these Indians at the present time?

Mr. HAYDEN. That was agreed to at the time the United States was selling bonds at 2 per cent.

Mr. HICKS. And they agreed to it at that time?

Mr. HAYDEN. They had to do so.

Mr. FESS. Will the gentleman from New York yield?

Mr. HICKS. I yield to the gentleman from Ohio.

Mr. FESS. What I wanted to ask was whether this is subject to taxation now by the Federal Government.

Mr. CARTER. You mean the funds of the tribe?

Mr. FESS. Yes.

Mr. CARTER. Oh, no. There is no tax whatever.

Mr. FESS. Would it be subject to tax when they became citizens?

Mr. CARTER. Yes. After it was divided; after the division, and not before.

Mr. FESS. Four per cent subject to tax is not a very high rate.

Mr. CARTER. Well, that would be the condition after the division was made.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. CARTER. Mr. Chairman, I offer an amendment, on page 4, line 5, after the word "adjudged," by inserting "as hereinbefore provided."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CARTER: Page 4, line 5, after the word "adjudged," insert the words "as hereinbefore provided."

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, for the purpose of having it as clear as possible, I think it ought to be well enough to have the same language repeated after the word "adjudged," in line 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CARTER: Page 4, line 11, after the word "adjudged," insert the words: "as hereinbefore provided."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That all or any portion of the pro rata share of the funds or other property placed to the credit of or found to be due to any member of a tribe who shall die intestate which remains unpaid at the date of his death shall descend to his heirs and personal representatives in accordance with the laws of the State or Territory relating to such funds or other property.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 5, line 6, after the words "or Territory relating to," insert the words "in which."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 7, after the word "property," insert the words "are located."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That where allotments of land have been made to any tribe of Indians and there remain certain members of such tribe who, at the time such allotments were made, were legally entitled and did not receive an allotment by reason of there being an insufficiency of tribal land, the Secretary of the Interior may determine the equities in such cases and may credit such individual members with an equitable share of the tribal funds in lieu of land before making the pro rata division of such funds to the members of the tribe entitled thereto as provided in section 3 of this act.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all of section 5.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HICKS. Mr. Chairman, I move——

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. JUUL. Mr. Chairman, it seems to me that this section 5 is a very good section, and I would like some one who is familiar with this bill to tell me why we should strike it out. Suppose some Indian is omitted entirely from the pro rata division or distribution of matters belonging to the tribe, this provides that where certain members legally entitled to allotment, and did not receive any by reason of there being an insufficiency of tribal land, the Secretary of the Interior may grant him or them an equitable share of the tribal funds, and I do not see why that should be stricken out.

Mr. CARTER. If the gentleman will permit, it is because we wanted to let an adjudicated matter remain res adjudicata. If you place this provision in the bill, you would simply repeat what has been done so often in the past, an error that has been committed often in the past by Congress, by hanging out in front of a hungry bunch of grafting attorneys an inducement

to go out all over the country and perhaps hunt up fellows that have no Indian blood—and if they did have it, do not belong to this particular Indian tribe—and bring them in, and perhaps come back to Congress for a fee for attempting to defend these Indians and creating a great lot of unnecessary expense, which in the end, of course, might cause the Indians to come back onto the Federal Government with a claim, because perhaps there was a treaty by which this settlement was made, and it was agreed at the time the roll was closed it was final, and no name should be added. It is put in there as a protection of both the Government and Indian.

Mr. JUUL. If the gentleman will permit me, this is the way the bill reads:

That where allotments of land have been made to any tribe of Indians and there remain certain members of such tribe who, at the time such allotments were made, were legally entitled and did not receive an allotment.

And this section provides they may later be cared for, and you want to strike it out. I do not understand your line of procedure.

Mr. CARTER. It does not change the existing law in the least. If there is a tribe where there is still land to allot, and where the rolls have not been finally closed, then these Indians can come in and make their claims just as they can now. This does not prevent them from doing so.

Mr. JUUL. Why do you strike it out?

Mr. CARTER. For the reason that I explained to the gentleman.

Mr. JUUL. The supposition was that at the time this bill was drafted there was a good and sufficient reason why these men should be protected, and you strike out the provision.

Mr. CARTER. So far as my knowledge goes, there is no necessity for protection. I do not remember why this section was in the bill originally.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I ask for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. EVANS of Nebraska. Is it not a fact that the only person who is legally entitled to an allotment is one whose name is upon the approved roll?

Mr. CARTER. Yes.

Mr. EVANS of Nebraska. And therefore there are no persons legally entitled except it is in a case recently raised?

Mr. CARTER. That is true.

Mr. JUUL. Suppose they forget to put them on the roll? Would they not be entitled?

Mr. CARTER. No.

Mr. JUUL. If they were unlawfully kept off the roll?

Mr. CARTER. That is not the question. If the law required that the rolls should be closed at a certain date, and that the tribal property should be divided among those enrolled at that time, then his claim for a division, no matter how equitable, could not be called a legal right. It might be equitable but not legal, for the legal time for adjudication had passed.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. BRIGGS. This bill was reported by the gentleman from Oklahoma?

Mr. CARTER. Yes. I do not remember anything about the section being in the bill originally. As a matter of fact, I introduced a bill for citizenship and other things, and when it was introduced several insertions from other sources were placed in the bill. I do not recall any reason why this section should have been put in the bill at all, because I do not know of any cases where recovery could be sought under this section, nor do I recall the exact reason why it was stricken out.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. WALSH. Did the committee have the opinion of the Secretary of the Interior about striking out this section?

Mr. CARTER. Yes. We had his report.

Mr. WALSH. He favored the elimination?

Mr. CARTER. Yes.

Mr. HASTINGS. Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. The debate is closed.

Mr. HASTINGS. I move to strike out the necessary number of words.

I do not know, Mr. Chairman and gentlemen of the committee, what consideration moved the committee to eliminate this section. I believe that it is an error, and I do not believe that this section ought to be stricken from the bill.

This section simply provides that when these rolls are completed they are then, of course, final. If there be an insufficient amount of land to make the allotments to all the members of that particular tribe, then that number shall be equalized with money. That is all it does.

Now, that is exactly what was done with the Cherokee Tribe of Indians. We had 41,824 Indians. We added certain newborn Cherokees by act of Congress. We found that we did not have a sufficient amount of land to make the allotments. We gave them twice the appraised value of the land in money. That did not add any new names to the roll. That did not give anybody else the right to be enrolled, but it simply took care of those who were enrolled. In my judgment it is a mistake to eliminate this section. I believe it is good legislation, and I believe it ought to be retained in the bill.

Now let me say that these rolls will have to be closed up as of some date. We provide for that. After the rolls are closed, then, of course, no outside person can come in and get upon the roll. And I will say to my good friend from Illinois [Mr. JUUL], who is sitting in front of me and who asked a question about this matter some moments ago, Suppose some one was left out? He is given notice that these rolls are being made. Some tribunal has to pass upon it. We give that jurisdiction to the Secretary of the Interior. He, through his inferior officers and agents, makes these rolls. Applications are made to them. Testimony is taken. The Government is heard, and the representatives of the tribe are heard. Finally, each individual case is passed upon, first by the local man and finally approved by the Secretary of the Interior, before that roll is finally approved. Now the court has to pass upon it, and the Secretary is the tribunal that is fixed here. It is the tribunal that has been fixed with reference to the making of all the Indian rolls.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. JUUL. But in this section, by striking it out, you are striking out the provision where a man was legally entitled to receive lands and did not receive an allotment. You are providing that he shall not receive it. My distinguished friend from Oklahoma [Mr. CARTER] a moment ago said a man might have an equitable right but not a legal right. Two lines farther down you provide—in line 13—that the Secretary of the Interior may determine the legal rights and equities. By striking this out you strike out the right of a man to secure a hearing in equity for fraud perpetrated against him or anything else. You deprive a man of his legal rights and his equities, too.

Mr. HASTINGS. I am not in favor of striking out this section. This section provides for the mode of procedure when an Indian is enrolled and there is not a sufficient amount of land to allot to him. He ought to be paid in money in lieu of the allotment. That is all that this section does.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HICKS. Mr. Chairman, I want to ask some member of the Committee on Indian Affairs about the word "Territory." This word has been stricken out in several places in the bill. I understand that those Territories have now become States. The inquiry I want to make is what provision do we make for Indians in the Territory of Alaska?

Mr. HAYDEN. They are not cared for by the Indian Bureau. They are cared for by the Bureau of Education.

Mr. HICKS. Why do we separate one class of Indians in the States of the Union from the Indians in the Territories?

Mr. SNYDER. There are none in the Territories.

Mr. MANN of Illinois. They are Esquimaux in Alaska.

Mr. HICKS. Are there no Indians in Alaska who are not Esquimaux?

Mr. SNYDER. The reason why the word "Territory" is stricken out is that they are eliminated from the jurisdiction of this act, which was framed by the Committee on Indian Affairs.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the chairman announced that the ayes appeared to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 23, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That for the further purpose of determining the competency of Indians and placing them on their individual responsibility the President of the United States shall appoint three commissions, each commission to be composed of three persons, one of whom shall be a

member of an Indian tribe, another a member of the Board of Indian Commissioners, and another to be designated from the Indian Service, the last of whom shall have a civil-service status.

With the following committee amendment:

Page 5, line 22, after the word "a," insert the word "competent."

The amendment was agreed to.

Mr. HAWLEY. There is an amendment to change the number of the section.

The Clerk read as follows:

Page 5, line 18, strike out the figure "6" and insert the figure "5."

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That each commission shall organize by electing one of its membership chairman and another secretary, and each commissioner shall receive a salary of not to exceed $2,500 per annum and expenses while actually engaged in the discharge of the duties imposed hereunder, and not to exceed $50,000 of the amount of $135,000 carried under the head "General expenses of the Indian Service," at page 13, of the Indian appropriation bill which passed the House on January 22, 1918, is hereby made available for such purpose. The term of office of each commissioner shall be two years, during which time such work shall be completed, at the end of which time all of such commissions shall be abolished.

With the following committee amendment:

Page 6, line 1, strike out the figure "7" and insert the figure "6."

Mr. LONGWORTH. Is not the Clerk authorized to renumber the sections?

The CHAIRMAN. These amendments are printed in the bill.

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 6, line 8, strike out the figure "13" and insert the figure "6."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 6, line 8, after the word "appropriation," strike out the words "the bill which passed the House on January 22, 1918," and insert "act approved June 30, 1919 (Public, No. 3)."

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CARTER: Page 6, line 6, after the word "of" the first time in the line, strike out down to "(numbered 3)," in line 10, and insert "applicable amounts carried hereafter by any annual Indian appropriation act."

Mr. WALSH. I reserve a point of order on that. We have already agreed to the committee amendment. I doubt if we now can come in with an amendment striking out an amendment which we have already agreed to.

Mr. SNYDER. Why does the gentleman offer that amendment?

Mr. CARTER. It was developed before the committee, as the gentleman from New York will recall, and in the House that taking this entire amount would perhaps be too much of a drain on the $135,000, but that a larger amount could be more appropriately taken from other applicable items in the bill. That was the reason of it.

Mr. WALSH. I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAWLEY. I should like to inquire of the chairman of the committee if the salary of $2,500 per annum and expenses provided in line 4, page 6, are to be paid only when they are serving, or are the salary and expenses for the entire year?

Mr. SNYDER. I suppose it is a per annum amount.

Mr. HAWLEY. Then there ought to be a comma after the words "per annum."

Mr. SNYDER. It was supposed by the committee that these men would be employed the year round, and they undoubtedly will be.

Mr. CARTER. I think the best inducement we could put in the bill to keep them employed the year round would be to leave the comma out and make the salary, as well as the expenses, dependent upon actual service.

Mr. HAWLEY. That was the purpose of it?

Mr. CARTER. Yes.

Mr. WALSH. That is the best way to make them work the year round.

Mr. TILSON. I move to strike out the last word. I wish to ask the chairman of the committee some questions in regard to the personnel of these commissions. It is provided that there shall be three commissions, and that each commission shall be composed of three persons, one of whom shall be a competent member of an Indian tribe, another a member of the Board of Indian Commissioners, and another to be designated from the Indian Service. How many members are there on the Board of Indian Commissioners?

Mr. SNYDER. Ten, I believe.

Mr. TILSON. Is it certain that of those 10 men there are 3 who will be willing to serve upon these three competency commissions?

Mr. SNYDER. It is not certain, so far as the knowledge of the chairman of the committee goes.

Mr. TILSON. You are limiting the appointment to these 10 men?

Mr. SNYDER. It is believed that the members of the Board of Indian Commissioners are so imbued with the idea that the Indians should be made competent and become citizens that they may be induced to serve as commissioners, especially as they have no salaries now.

Mr. CARTER. I have talked with several members of the Board of Indian Commissioners concerning the bill, and I do not think there will be very much doubt about their very strong desire to take a part in doing this work.

Mr. SNYDER. I know they want to do it.

Mr. TILSON. It will be in line with the work that they are already doing voluntarily?

Mr. CARTER. No; not in line with the work that they are already doing voluntarily, but in line with the work that they think should be done.

Mr. SNYDER. The gentleman does not mean exactly that. If there is one thing that the commission is in existence for it is to make Indians competent, and that is the intent of this whole act.

Mr. TILSON. I understand that they are largely students of the Indian question, and surely this will give them an opportunity for pursuing their studies of the Indian.

Mr. SNYDER. Yes.

Mr. CARTER. What I wanted to say was that they are not now serving upon any competency commission.

Mr. SNYDER. No; but if any body of men should understand what are the requisites of Indian competency, they are the ones.

Mr. CARTER. And if anyone will see to it that the Indian is properly protected, they will be the ones.

Mr. TILSON. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 8. That it shall be the duty of such commission to visit in person each Indian reservation and other community in the United States where Indians have been or may hereafter be allotted lands and whenever practicable the home of each such Indian of one-half or more Indian blood with a view to establishing the capabilities of each, removing restrictions from upon his lands and other property, and delivering to him a patent in fee if he is adjudged to be competent by such commission.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 6, line 20, strike out the word "removing" and insert "and such commission is authorized to remove."

Mr. HICKS. Mr. Chairman, I would like to ask the chairman in reference to the provision of this section, "That it shall be the duty of the commission to visit in person each Indian reservation and other community in the United States where Indians have been or may hereafter be allotted lands, and whenever practicable the home of each such Indian of one-half or more Indian blood," and so forth. May I ask the gentleman how many Indians that would include? It seems to me that it must be a tremendous number, and to pay a visit to every home would be a tremendous task.

Mr. SNYDER. It does not mean that the commission must necessarily go to every Indian home. It means that where a question is raised as to the competency of the Indian, and they wish to make a further investigation, they are required to go to his home and see whether his condition is one which meets the requirements laid down to make a competent Indian.

Mr. HICKS. Has the gentleman made any estimate as to the number of Indians that this will probably refer to?

Mr. SNYDER. Yes; we think it ought to mean a matter of 50,000 or 60,000 Indians.

Mr. HICKS. And this work is to be done by how many men?

Mr. SNYDER. Several commissions in addition to the commission now at work. There are competency commissions in operation all the time, but they are not particularly directed by law as to how they shall work or where.

Mr. HICKS. With the facilities of travel in the western country, in Arizona and New Mexico, where I judge the larger number of Indians are located, and the means of travel not

well developed, it seems to me that it would entail a tremendous burden.

Mr. SNYDER. There are 22 States in the Union where competency commissions would have to go.

Mr. HICKS. The large bulk of them are in the southwestern country.

Mr. SNYDER. In the West and Southwest.

Mr. HICKS. It seems to me that this would impose on the commission an almost impossible task.

Mr. SNYDER. No; it is not impossible that they may do it in one year. We took it up with the Secretary of the Interior and he suggested we make it two years, thinking that it could be finished in less than that time.

Mr. WALSH. Mr. Chairman, I ask recognition for an amendment which I wish to offer before action is taken on the committee amendment, because it may involve a change of language later on in the bill. I move to amend, on page 6, lines 15 and 16, by striking out the words "that it shall be the duty of such commission to visit in person"; and, in line 19, after the word "blood," insert "shall be visited by one of the commission herein provided."

So that part of the section will read as follows:

Each Indian reservation and other community in the United States where Indians have been or may hereafter be allotted lands, and whenever practicable the home of each such Indian of one-half or more Indian blood, shall be visited by one of the commission herein provided with a view to establishing the capabilities of each—

And so forth.

As it is now phrased it says that it shall be the duty of such commission to visit in person each Indian reservation. It is rather hard to determine what you mean by a commission visiting in person. My amendment makes clear what is intended.

Mr. SNYDER. I see no objection to the gentleman's amendment, and I am willing to have it inserted in the bill.

Mr. WALSH. As I understand, Mr. Chairman, the gentleman from New York is willing to accept the amendment, and I ask to modify the amendment by inserting before the word "each," in line 16, the word "That," beginning with a capital.

The CHAIRMAN. The gentleman from Massachusetts modifies his amendment in the way stated, and the question is on the amendment of the gentleman from Massachusetts as modified.

Mr. RAKER. Mr. Chairman, as to the last part of the gentleman's amendment I did not gather what it provided.

Mr. WALSH. If the gentleman will yield I will read the language as it will be as amended:

That each Indian reservation and other community in the United States where Indians have been or may hereafter be allotted lands, and whenever practicable the home of each such Indian of one-half or more Indian blood, shall be visited by one of the commissions herein provided with a view to establishing the capabilities of each.

Mr. RAKER. The way the bill stands now there are three commissions appointed consisting of three members each. The language, as it is on page 6, lines 15 and 16, would clearly make it the duty, and it might be a question whether it did not require, all the commissions to visit each one of the reservations and each Indian on the reservations. The amendment of the gentleman from Massachusetts leaves it specific so that only one commission will visit each one of the reservations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, in lines 20 and 21, page 6.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 22, strike out the word "upon."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 6, line 22, after the word "and," strike out the words "delivering to him a patent in fee if he is adjudged competent by such commission" and insert the words "the Secretary of the Interior is authorized and directed to deliver to the Indians so adjudged to be competent a patent in fee."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. RAKER. Mr. Chairman, I offer an amendment to the amendment, to insert the words "issue and" before the word "deliver" in line 1 on page 7.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from California.

The Clerk read as follows:

Page 7, line 1, before the word "deliver," insert the words "issue and."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. There is one other amendment changing the number of the section, which the Clerk will report.

The Clerk read as follows:

Page 6, line 16, strike out the figure "8" and insert in lieu thereof the figure "7."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That each commission shall make a detailed report to Congress annually on the first Monday in December setting forth the progress of the work, shewing the number of applications received, those favorably acted upon, and those rejected on each Indian reservation and in each community where lands have been or may hereafter be allotted to Indians, and shall further report the number of reservations and communities where lands have been, or may hereafter be, allotted to Indians but not reached by their investigations, and any other data that may assist Congress to deal intelligently with the question of competency and incompetency of Indians.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Just what is meant by the language "showing the number of applications received"? Does that mean that the individual Indians are to make applications to be adjudged competent? If so, there will probably not be many applications made.

Mr. SNYDER. That is the reason for the insertion of the language at that point. We want to find out how many Indians actually want to be adjudged competent.

Mr. TILSON. Is it not expected that these commissions will upon their own motions go among the Indians and investigate as to whether or not there are some who should be declared competent who do not apply?

Mr. SNYDER. That is the intent of this bill, that the commission shall find the Indian that ought to be declared competent and will declare him competent; but the committee thought, in view of the fact that there has been so much debate as to whether Indians desire to become competent, that the Congress might want to know the number of those Indians who actually made applications.

Mr. TILSON. Is there any provision in the bill requiring an application or calling for an application on the part of the Indian himself?

Mr. SNYDER. That is unnecessary, because that is the rule now. Where an Indian desires to become competent, he has to make application to the superintendent of the reservation, or some one in authority.

Mr. TILSON. Then it is not intended in anywise to negative the proposition the gentleman stated earlier in the day, that it is the intention of these commissions to enter aggressively upon the task of finding competent Indians and declaring those competent who ought to be declared competent, whether they make application or not?

Mr. SNYDER. If I thought the language carried the suggestion the gentleman speaks of, I would favor striking it out.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 7, line 3, strike out the figure "9" and insert the figure "8."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. In this new section 7 it is required that these commissions should go to these reservations and visit the Indians individually, with a view to establishing the capabilities of each. I suppose that means the capacity of the Indian in order to see whether he should be declared competent to do business and whether a patent should issue to him. In the old section 9, now 8, on page 7, certain things are required in the report, and I am wondering whether or not the committee did not intend the commission shall report each Indian who has been declared competent and also the capability of each.

Mr. SNYDER. Certainly. Each commission will have to make a full report to Congress on or before the 1st of next December, and of their activities.

Mr. RAKER. While the language is not specific, I wanted to know whether it was the intention of the committee in reporting this to Congress the commission should present the name of each Indian declared competent and each Indian declared incompetent.

Mr. SNYDER. I call the gentleman's attention to the last three lines of section 8—

And any other data that may assist Congress to deal intelligently with the question of competency and incompetency of Indians.

Mr. RAKER. I have read that. That is a general clause. Under the statement of the chairman of the committee in respect to the meaning of the language, I deem it that there will be no question in presenting to Congress the names of these allottees that they find are competent and capable of handling their own business.

Mr. SNYDER. I do not think we went as far as to feel that we would have the names of each one. I think it was more the number. I will ask the gentleman from Oklahoma [Mr. CARTER] whether he understands that language to mean that it shall embody the name?

Mr. RAKER. The commission goes to a reservation. It makes a long trip. The commission investigates with a view of establishing the capabilities of each Indian. What the Congress wants to know, what the people at home want to know, is just which one of these Indians is competent.

Mr. CARTER. What else would they report under that language?

Mr. RAKER. It seems to me that they should so report.

Mr. CARTER. That is the only thing they should report.

Mr. RAKER. But you do not require it in section 8.

Mr. CARTER. Section 8 requires the report.

Mr. RAKER. It simply says that they shall make a report in regard to the land, but it does not say a word in regard to the Indian himself; that is the very gist of this bill.

Mr. CARTER. What is the gentleman's inquiry? What is the gentleman's point?

Mr. SNYDER. As I understand, the gentleman wants the name of each Indian declared competent reported to Congress. Has not that been done in the report?

Mr. RAKER. I would think any man making that report would make it that way, although specific legislation requires him to do another thing; and I was just wondering whether or not the desire of the committee and one of the things they are after is to have a report made and an adjudication of each Indian who is competent and each Indian who is not competent.

Mr. EVANS of Nebraska. Will the gentleman yield? I will ask that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Chairman, I think under this language there would be no doubt but what the names would be furnished to Congress if any indication was given by the committee in its investigations or anything else that the names were needed. There might be some reason for that, but I am frank to admit I do not see any very urgent reason why the names of the Indians should be presented to Congress. The intention was that Congress should know something of the amount of work that has been done and was being done and what progress the commissions were making in the discharge of their duties and the actual disposition of the Indian proposition. That is the object of the committee.

Mr. EVANS of Nebraska. If I understand what the gentleman desires, the names of the Indians, their location, and so forth, all to be given in the report to the Indian Department and can be subsequently furnished, if it is desired, while to give each Indian's name, and so forth, will so encumber the report that no person would be interested in it.

Mr. RAKER. Let me ask this question, Is it not a fact that the whole gist of the purpose of this bill is to locate and discover the names, after an inquiry, of an Indian who is competent, and after you do that, and not before, you issue him a patent? That is all there is in this bill.

Mr. CARTER. Certainly; and that will be done when the Secretary of the Interior issues him a patent.

Mr. RAKER. I just raised the point, but in deference to the suggestion of the present chairman and past chairman I hope the section is sufficient to get the results I have suggested and the report will be made accordingly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUUL. Mr. Chairman, I move to strike out the last word, if in order. I would like to discuss it.

The CHAIRMAN. There is no last word.

Mr. JUUL. How many words will it take to get me the floor for five minutes?

Mr. RAKER. Move to strike out the section.

Mr. JUUL. Mr. Chairman, I move to strike out the section. Now, Mr. Chairman, if this was a bill seeking to regulate the property of a white man we would know all about it and we know the property had to make good its title through purchase, descent, or somehow. Here is the property of Indians who have held property in common with a number of other Indians, and the fact of the matter is I do not suppose there are a half dozen men on this floor who would know the legal status of the lands in the hands of the Indian after he takes title to a patent issued to him by the United States Government after he has become a citizen of this Nation.

Mr. RAKER. Will the gentleman yield?

Mr. JUUL. In just a moment.

Mr. RAKER. That is not a very fair statement the gentleman has made.

Mr. JUUL. Let me work out my statement, I will not take any more time than that to which I am entitled. We all know the status of the thing if white men own property, but here is a class of men who have been under the protection of the United States Government for ages and they have held their property in common and as Indians. This bill contained, when it was first introduced, a system of protection of the Indians so that in case a mistake was made in allotting to him, if he was omitted from the roster, if he in any way should not take that which the law entitles him to take, there was a way in this bill for protecting these men. Now, if this Indian was a white man I would tell him I would go into any court in the country and defend his title to the land, but if I understand this bill correctly now it means to deprive him not alone of his legal rights but of his equitable rights if he forgets to register or a fraud is perpetrated upon him, and you have stricken out the only language in this bill that protects him. I sat here and looked at the bill and thought surely after page 5 we would come to something between page 5 and page 8.

Mr. RAKER. Will the gentleman yield right there? We will get more time. Now, will the gentleman put his finger on just that part of the bill wherein the Indian is not protected but is literally robbed, as the gentleman says?

Mr. JUUL. Yes; I will be glad to do that. I do not know who were the original drafters of this bill but I take it that they were deuced sight better lawyers than the men who moved to strike out section 5. They were better lawyers. They knew at some time or another that mistakes would be made, that frauds would be perpetrated, and that when the Indian came in to get his rights he could not get the same protection under the same laws that white men are entitled to, and so in section 5 they gave these Indians a specific line of protection that no white man has. I mean participation in tribal funds if he secured no lands.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. JUUL. You gentlemen have sat here and stricken that out, and you have not provided anything else in the bill to look after the men who may be wronged. I do not say it is intended by anybody——

Mr. RAKER and Mr. HAYDEN. Will the gentleman yield?

Mr. JUUL. Now, let me tell you this: This bill, all the way through, to me, looks like an honest piece of legislation. It looks like a piece of legislation that intended to take care of people who for a couple of centuries have been unable to take care of themselves.

Mr. CARTER. What people in two centuries have not been able to take care of themselves?

Mr. JUUL. The people you deprive by striking out section 5.

Mr. CARTER. That is not any answer at all. I want the gentleman to be specific. I want to find out what he is driving at.

Mr. JUUL. The Indians you failed to take care of in the allotment.

Mr. CARTER. Let me find out what the gentleman is talking about. Does he mean the Indians who are on the roll?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Illinois may have five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Does the gentleman mean the Indians who are not on the Indian roll? I am trying to nail something down and get something specific. These general charges about somebody neglecting to do things and not doing their duty and state-

ments that somebody knows a better lawyer would do so-and-so is not getting any place.

Mr. JUUL. I will answer the gentleman in the language of the bill. Those who drafted the original bill, I take it, were good lawyers.

They say:

That where allotments of land have been made to any tribe of Indians and there remain certain members of such tribe who at the time such allotments were made were legally entitled and did not receive an allotment by reason of there being an insufficiency of tribal land—

That is a good reason. The reason they did not get land enough was that there was not enough of it.

Then this bill comes in and says:

The Secretary of the Interior may determine the equities in such cases—

And this is where the Indian comes in on the white man's legislation; if he can not be protected by law he may be protected in equity:

The Secretary of the Interior may determine the equities in such cases and may credit such individual members with an equitable share of the tribal funds in lieu of the land—

Meaning money.

Mr. HAYDEN. Will the gentleman yield?

Mr. JUUL. I will.

Mr. HAYDEN. My recollection is that when section 5 was discussed in the Committee on Indian Affairs it was pointed out that to omit it from the bill left the existing law exactly as it is. Where allotments and the division of tribal moneys are provided for under existing law, this bill should permit such provisions of law as provided in the different reservations. Therefore, to remain silent on the subject took no right away from the Indians and section 5 was unnecessary.

Mr. JUUL. I will tell the gentleman the difference between an Indian and a white man in this: As a white man I would not give straws whether you put me in the bill or not. I would have my equitable rights and nobody could take them away from me. You are making him a white man now and you rob him of the rights that this bill gave him as an Indian.

Mr. HAYDEN. If you make a white man of the Indian and a white man does not need this legislation, it follows that section 5 is not necessary to this bill.

Mr. JUUL. The gentleman is splitting hairs. You took his property away before you made him a white man.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

Mr. JUUL. I think this is important. I think these gentlemen made a mistake, and I think I ought to be permitted to call particular attention to it. I ask for a few moments.

The CHAIRMAN. How much time does the gentleman want?

Mr. JUUL. I want time enough to discuss this matter with these gentlemen.

The CHAIRMAN. The gentleman will have to be specific.

Mr. JUUL. Five more minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Suppose there are 1,600 acres of Indian land and there are 200 Indians. If you allot the first hundred 160 acres apiece, you take up the entire 1,600 acres, and the others will get nothing. There would still be 100 Indians on that reservation who would be deprived entirely of their rights in the land. Would that be proper?

Mr. JUUL. May I ask the gentleman a question?

Mr. RAKER. Yes.

Mr. JUUL. I asked the gentleman the same question when the oil-leasing bill was up. Is the gentleman speaking in my time or in his own?

Mr. RAKER. I am asking you that as a question.

Mr. JUUL. My contention on this floor ought to be quite plain to the gentleman.

Mr. RAKER. It is.

Mr. JUUL. You had a remedy for a certain evil in here in this transfer from an Indian status to a white man's status. You had a remedy in this bill, in section 5, to provide that if there was any wrong done this man, that he not alone would have his legal rights but he would have his equitable rights. You specifically strike that out; and I do not think that a Member of the Congress of the United States is doing much wrong by asking the gentlemen who come in here and ask for the striking out of this section if we are legislating for or against the Indian when we strike it out. I will say this, that I am standing here not knowing an Indian anywhere. I have no interest in this matter; but if we did sit here and see these things from time to time and did not call attention to them we would be unworthy of sitting here. I see a "negro in the woodpile," and I am against the "negro in the woodpile."

Mr. SNYDER. The gentleman, of course, is talking out of order.

Mr. JUUL. Will the gentleman point out where I am out of order?

Mr. SNYDER. The gentleman should have discussed it before the section was passed, and when it was under consideration.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Add a new section, as follows:

"SEC. 9. That any Indian allottee entitled to a patent in fee under the provisions of this act who owes money to the Government from reimbursable funds or other sources must make final settlement of his indebtedness, and on his neglect or refusal to do so the amount of such indebtedness shall be deducted from any tribal or other funds that may be due him. In the event that the tribal or other fund is insufficient to cancel the indebtedness, the amount remaining unpaid shall be a first lien on his allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon; and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county where the land is located, operate as a satisfaction of such lien."

Mr. HAWLEY. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY to the committee amendment: Page 7, line 25, after the word "thereon," insert the following: "and the Secretary of the Interior, in the event proceedings at law become necessary to collect any amount due, shall ask for the sale only of such portion of the land transferred as may be deemed necessary to liquidate the indebtedness, and any surplus remaining after the indebtedness is paid shall be paid to the patentee or his grantee or grantees."

Mr. HAWLEY. Mr. Chairman, unless there is some question, I do not care to discuss the amendment.

Mr. SNYDER. The committee is agreeable to that amendment.

Mr. EVANS of Nebraska. Mr. Chairman, I would like to ask the gentleman proposing the amendment a question. Would it not in many cases bring the Indian to the point where he would lose money? For instance, I have a quarter section. That might be valuable if used together, but split up it might sell for much less than if sold together. Why not make his amendment so that the Indian, the defendant in the proceedings, may, if he desires, ask for the sale of a part, and of a particular part? In that way the Indian could, if he wished, have a particular part sold or he could have it all sold together.

Mr. HAWLEY. In answer to the inquiry of the gentleman, the purpose was that if the Indian was allotted 200 acres of land and it required the sale of only 40 acres to satisfy the debt on his part to the Government, not to sell the entire tract but only sufficient to pay the debt and to leave him his home. The idea is to leave the Indian a sufficient amount of land to maintain himself on and not to encourage the sale of the entire Indian allotment. In my judgment they are better in my country on the land than with the money in their pockets.

Mr. EVANS of Nebraska. The gentleman is undoubtedly right about that; but why not leave it with the Indian to select his order rather than to the Secretary of the Interior?

Mr. HAWLEY. I think the Secretary of the Interior will have at heart the interest of the Indian.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as amended.

Mr. CARTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 8, after the Hawley amendment, insert as a new section——

The CHAIRMAN. This committee amendment has not been disposed of yet. The gentleman's amendment will come in afterwards. The question now is on agreeing to the committee amendment as amended by the Hawley amendment.

The committee amendment as amended was agreed to.

The CHAIRMAN. Now the Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The Clerk read as follows:

Page 8, after the committee amendment, insert as a new section:
"SEC. 10. That lands to which these patents may be issued and other properties as to which restrictions as to alienation are, or may be, removed shall not be subjected to or held liable to any form of personal claim or demand against the owners thereof, existing prior to the issuing of such fee patent or removal of such restriction."

Mr. CARTER. Mr. Chairman, if the Chair will permit, I will state that the condition is just this: Under the present conditions, before restrictions are removed and before a fee patent is issued, all of the lands and other property of the Indians are not subject to process of law. That is what the restriction on the property means. Now, the purpose of this amendment is to prevent any one who now has a claim against an Indian from asserting that claim and getting a process against the property restricted at the time the claim was originated.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. GARRETT. If a claim arises in the future, it will not be barred?

Mr. CARTER. If the claim arises after the removal of restriction, it will not be barred. If it arose prior to that time, it is barred.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. RAKER. Mr. Chairman, I offer the following amendment as a new section, following the amendment just adopted, offered by the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from California offers an amendment as a new section. The Clerk will report it. The Chair understands that this is a new section, section 11?

Mr. RAKER. Yes.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 8, after the amendment offered by Mr. CARTER, insert as a new section:
"SEC. 11. That where allotments of land have been made to any Indians of a tribe provided for in this act and there remain certain members of that tribe who, at the time such allotments were made, were legally entitled, and did not receive an allotment by reason of there being an insufficiency of tribal land, the Secretary of the Interior may determine the equities in such cases and may credit such individual members with an equitable share of the tribal funds in lieu of land before making the pro rata division of such funds to the members of the tribe entitled thereto as provided in section 3 of this act."

Mr. CARTER. Mr. Chairman, I make a point of order against the amendment.

Mr. RAKER. Just a moment. It is not identically the same.

The CHAIRMAN. The Chair sustains the point of order on the ground that this is a reenactment of section 5, and not germane at this point of the bill, and not necessary.

The Clerk read as follows:

SEC. 10.——

The CHAIRMAN. Without objection, the Clerk will be authorized to renumber the section as 11 instead of 10.

There was no objection.

Mr. JUUL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JUUL. I want to ask the Chair at what stage of the proceedings a motion to recommit will be in order.

The CHAIRMAN. After the third reading of the bill in the House.

Mr. CRAMTON. If the gentleman will yield, he can secure what he desires by asking for a separate vote in the House, and he can ask for a roll call if necessary.

Mr. SNYDER. If the gentleman will ask to return to that section, if he desires to offer an amendment, I have no objection.

Mr. RAKER. The gentleman has made the suggestion that we return to section 5.

Mr. SNYDER. If the committee desires it, it is agreeable to me.

The CHAIRMAN. The Clerk will finish the reading of section 11.

Mr. RAKER. Before we get through with the section I ask unanimous consent to return to section 5.

Mr. WALSH. I object, now. Let us wait until we finish the reading of the bill.

The Clerk read as follows:

SEC. 11. That the provisions of this act shall not apply to the Five Civilized Tribes nor to the Osage Tribe of Indians in Oklahoma.

Mr. HAWLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. Why is that called section 11 instead of 10?

The CHAIRMAN. There was another section agreed to as an amendment.

Mr. HAWLEY. The gentleman from Oklahoma [Mr. CARTER] offered a new section?

The CHAIRMAN. Yes.

Mr. CARTER. Mr. Chairman, I offer an amendment, on page 8, line 9, after the word "Oklahoma," to strike out the period and insert "nor to the Seneca Nation of Indians of the Allegheny, Cattaraugus, and Oil Springs Reservation in New York.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 8, line 9, after the word "Oklahoma," strike out the period and insert a comma and the following: "nor to the Seneca Nation of Indians of the Allegheny, Cattaraugus, and Oil Springs Reservation in New York."

Mr. MANN of Illinois. Mr. Chairman, I suppose there is some reason for this amendment. A few years ago I was told that one of the Indian tribes still in existence in the State of New York had an anomalous government. I was told that whereas at that time women generally throughout the United States were not permitted to vote, yet in this Indian tribe in New York men were not permitted to vote, that the women did all the voting, held the offices, determined the policy of the tribe, and that it was a very successful government. Now, I do not know whether these men up there are citizens and are allowed to vote at elections for State officers or for Representatives in Congress. I was told that they were not permitted to vote in elections relating to tribal affairs. Now, we propose to grant to the women of the country suffrage generally, but here is a proposition, as I understand it, to deny the right of suffrage to these poor men up there. If we are going to give everybody, including Indians, the right of suffrage, why should we restrict it as to the Indian tribes in New York? Are they too far removed from civilization, so that it is impossible for the influences of the modern day to reach them? I hope somebody will give us some reason for this proposed amendment.

Mr. REED of New York. Mr. Chairman, I am very glad to offer an explanation. These three tribes of Indians in New York State are very far advanced in civilization. A great many of their young people have gone to Carlisle or to the Haskell School. Most of the younger people are very anxious to better their condition under the provisions of this bill; but the fact remains that there is an old land claim hanging over these tribes. The land was deeded to the Indians under a provision in the grant that if the tribal relations were broken up their land should revert to the Ogden Land Co. This matter has been up in the Federal courts and in the courts of the State of New York, but it has never been decided on the merits of the case. It has always been dismissed on technicalities. Now, the Indians of the Seneca Nation are anxious to come under the provisions of this bill when this Ogden Land Co. matter has been settled in the courts so that they will not endanger the title to their property by submitting to the provisions contained in this legislation. That is the only reason why they are asking to be excepted from the provisions of this act at the present time. Eventually the title to their property, as between them and the Ogden Land Co., will be settled, then you will find them anxious to come in under the provisions of this act. That is the reason for this amendment.

Mr. WALSH. Do they permit the women of the tribe to vote and exclude the men from voting?

Mr. REED of New York. Not that I know of.

Mr. WALSH. That does not involve the tribe which the gentleman from Illinois refers to?

Mr. REED of New York. No.

Mr. MANN of Illinois. I think it does.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to return to section 5.

Mr. WALSH. We discussed section 5, and the amendment proposed by the committee was adopted on a division, by a vote of 27 to 3. I do not think we ought to return to it. I object.

Mr. SNYDER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments thereto, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. CRAMTON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair has recognized the gentleman from New York. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 288) for the purpose of conferring citizenship upon Indians, segregation of Indian tribal property, and for other purposes, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SNYDER. I move the previous question on the bill and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JUUL. I demand a separate vote on the amendment striking out section 5.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

The SPEAKER. The question is on the amendment to strike out section 5.

The question was taken; and on a division (demanded by Mr. WALSH) there were 6 ayes and 33 noes.

So the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 63 ayes and 9 noes.

So the bill was passed.

On motion of Mr. SNYDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 2264 for consideration, a bill for the relief of the St. Croix Chippewa Indians of Wisconsin.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I do not think any one bill ought to come up by unanimous consent, and I object.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take up the bill S. 2890. In connection with that I wish to say that we are really entitled to this day, but in making the original request to take up the bill just passed, unfortunately I asked unanimous consent instead of making the proper request. Now, I desire to call up the bill S. 2890.

The SPEAKER. The Chair does not think the gentleman is entitled to call it up without permission of the House. The Chair thinks—and it may have been the fault of the Chair—that when the Chair put the unanimous-consent request it was not to give the day to the Indian Committee, but it was for the consideration of that particular bill.

Mr. WALSH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. I would like to inquire how upon Calendar Wednesday a committee which was not entitled to the call was permitted to have considered a measure by unanimous consent when it did not have the right to call up the bill on the calendar from that committee?

The SPEAKER. Because unanimous consent was given on the ground of the absence of the gentleman from Oklahoma on the last Calendar Wednesday, when the committee could not consider it. It was given the right to call up this one bill.

Mr. SNYDER. The Speaker is correct about that, but really under the situation the Committee on Indian Affairs is entitled to the day.

The SPEAKER. There is a very short time left to-day, and the Chair will submit the question for unanimous consent.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker. What committee had the call on this Calendar Wednesday?

The SPEAKER. The Committee on Public Lands.

Mr. GARNER. Was that committee called this morning?

The SPEAKER. It was, and the Committee on Patents comes next.

Mr. MADDEN. Mr. Speaker, in view of the fact that the Indian Committee got consent to take up only one bill on this Calendar Wednesday for a specific purpose, I object to the further consideration of any of these bills.

THE VIRGIN ISLANDS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present the following resolution, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint commission to consist of three Members of the Senate and three Members of the House of Representatives, to be appointed by the Vice President of the United States, and the Speaker of the House, respectively, is hereby created to visit the Virgin Islands and to report fully to Congress as to existing conditions in the said islands, and particularly to report and recommend action by Congress, if need there be therefor, with reference to whether the present government under Executive direction should be superseded by civil government provided by Congress as contemplated by act of March 3, 1917 (39 Stat., p. 1132), said government being now only temporary in character and by order of the President being now vested in officers of the Navy; also, as to whether Congress should at this time provide for a civil government of the island by an organic act; also what, if any, legislation is necessary pending the formation and adoption of an organic act, and as to the general conditions existing in the islands. Said report to be filed at the earliest date practicable, and during the Sixty-sixth Congress. That the expenses of said commission in carrying out the provisions of this resolution shall be paid in equal proportions from the contingent funds of the Senate and the House of Representatives, upon the audit and order, respectively, of the ranking Senate and House members of said commission, the total amount not to exceed the sum of $2,500.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this resolution is to correct and enable the Senate Clerk to make a proper record of its proceedings. On yesterday the House passed this resolution in the exact words that have just been read from the Clerk's desk.

The Senate has passed a joint resolution. The House changed that to a concurrent resolution, and the Senate clerks are unable to make their records tally with the action of the House and the Senate in the premises. It is for the purpose of enabling the Senate clerks to keep their records properly that we pass this resolution and make it a House concurrent resolution.

Mr. GARNER. Mr. Speaker, I would like to call the attention of the gentleman from Illinois to this apparent inefficiency in the organization of the Senate and the House under Republican administration. I recall distinctly some criticisms made in the last Congress and the Congress previous to that in respect to some inefficiencies on the Democratic side. I merely want to direct his attention to this particular resolution and some others of a similar nature.

Mr. MANN of Illinois. Mr. Speaker, it is true that during the Democratic administration of the House and the Senate these sloppy, untechnical, unbusinesslike methods of amending joint resolutions were several times referred to. I regretted when the matter came up before the House the other day, and I called attention to the situation. The employees of the House and the Senate now, some of them the same employees, recognizing the difference between the sloppy methods of the Democratic administration and the businesslike methods of Republican administration, have called attention to the fact that the sloppy methods ought not to prevail. Thereupon we seek to correct them, something which our Democratic friends never attempted to do.

Mr. GARNER. May I suggest, Mr. Speaker, that the House is following the same procedure now that the Democrats followed in correcting the mistakes they made. This resolution is for the same purpose.

Mr. SEARS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SEARS. In order that we may not get too sloppy, I would inquire under what rule we are now proceeding?

The SPEAKER. We are proceeding under the rules of the House. Unanimous consent has been given for the consideration of the resolution. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Senate be respectfully requested to return to the House of Representatives Senate joint resolution 69, with amendments of the House thereto, adopted January 13, 1920.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARNER. Mr. Speaker, just one moment. The gentleman offered a privileged resolution. Under what rule of the House does this become a privileged resolution?

Mr. CAMPBELL of Kansas. Then I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. GARD. Let us have the resolution again reported.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There being no objection, the Clerk again reported the resolution.

Mr. BLANTON. Mr. Speaker, further reserving the right to object, in view of the fact that the last two "privileged" resolutions offered by the gentleman from Kansas were in fact not privileged, I want to know whether it will be necessary to reserve points of order hereafter on whether they are privileged?

Mr. CAMPBELL of Kansas. I did not offer them as privileged resolutions.

Mr. BLANTON. The gentleman offered this as a privileged resolution.

Mr. CAMPBELL of Kansas. I am inclined to think that it is privileged.

Mr. BLANTON. And the one offered the other day as privileged turned out not to be privileged.

Mr. CAMPBELL of Kansas. But the gentleman did not offer it as a privileged resolution.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. RIDDICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the railroad bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, are they the gentleman's own remarks?

Mr. RIDDICK. Yes.

Mr. BLANTON. If they are his own remarks, without any newspaper reports, I shall not object.

Mr. RIDDICK. They are.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend and revise my remarks made to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may revise my remarks on the Indian bill.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUPRÉ, for 10 days, on account of important business.

To Mr. EAGLE (at the request of Mr. WINGO), on account of illness.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3385. An act to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the war with Germany and to appropriate the necessary funds therefor; to the Committee on Appropriations.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 3175. An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, January 15, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriations required by the National Park Service for the fiscal year 1920 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation required for the protection and improvement of Zion National Park, Utah, fiscal year 1920, and for construction of buildings at Hot Springs, Ark. (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Interior Department for printing and binding, fiscal year 1920 (H. Doc. No. 605); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and for the services of certain departments and independent offices (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting a report of The Adjutant General of the Army relative to the financial and other affairs of the United States Disciplinary Barracks at Fort Leavenworth, Kans., and of the Pacific and Atlantic branches thereof (H. Doc. No. 607); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, reported the same with amendments, accompanied by a report (No. 542), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 10115) for the relief of Harvey R. Butcher, reported the same with amendments, accompanied by a report (No. 543), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10334) granting an increase of pension to James B. Waters, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAINEY of Alabama: A bill (H. R. 11748) for the purchase of a site and the erection of a public building at Fort Payne, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11749) to provide for the erection of a public building at Albertville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11750) to provide for the erection of a public building at Attalla, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. BOWERS: A bill (H. R. 11751) authorizing the acquisition of a site for a public building at Berkeley Springs, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL of California: A bill (H. R. 11752) to control and conserve for irrigation, power, and other uses the flood and flow waters of the Colorado River of the West, to protect property and construct trunk canals wholly in American territory for irrigation, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 11753) further to regulate public utilities in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GLYNN: A bill (H. R. 11754) to provide for the purchase of a site and the erection of a public building thereon at Torrington, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 11755) to establish a home and training school for feeble-minded persons of the District of Columbia, to be known as the District Home and Training School, providing for commitments thereto and the maintenance

thereof, and for other purposes; to the Committee on the District of Columbia.

By Mr. GILLETT: A bill (H. R. 11756) to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. LESHER: A bill (H. R. 11757) to authorize the provision of accommodations for the United States courts in the Federal building at Sunbury, Pa., and to increase the limit of cost for said building accordingly; to the Committee on Public Buildings and Grounds.

By Mr. IRELAND: A bill (H. R. 11758) authorizing a preliminary survey to be made of certain portions of the Illinois River and its tributaries with a view to controlling the floods caused by the backwaters therefrom; to the Committee on Flood Control.

Also, a bill (H. R. 11759) authorizing the survey of Depue Lake and the Illinois River in Bureau County, Ill.; to the Committee on Rivers and Harbors.

By Mr. VOLSTEAD: Resolution (H. Res. 438) for the immediate consideration of S. 3317; to the Committee on Rules.

By Mr. EMERSON: Joint resolution (H. J. Res. 274) to provide for rewarding soldiers, sailors, marines, and nurses for faithful services; to the Committee on Military Affairs.

By Mr. JOHNSON of Mississippi: Joint resolution (H. J. Res. 275) directing the President to require the exhumation and transportation forthwith of the bodies of all soldiers, sailors, and marines now buried in foreign countries who gave their lives in the late war in the service of the United States or in the service of the Allies; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11760) granting an increase of pension to Louisa Carey; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 11761) granting a pension to Maggie Standeffer; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11762) granting a pension to Tony Jud; to the Committee on Pensions.

Also, a bill (H. R. 11763) for the relief of Rudolph L. Wise; to the Committee on Claims.

Also, a bill (H. R. 11764) for the relief of Knight Motor Co., a corporation; to the Committee on Claims.

By Mr. SANFORD: A bill (H. R. 11765) granting a pension to Mary T. Tupper; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11766) granting an increase of pension to Mary J. Davis; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 11767) granting an increase of pension to Susan Bedell; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 437) to pay six months' salary and funeral expenses of William L. Padgett; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

875. By the SPEAKER: Petition of the senate of the General Assembly of the Commonwealth of Kentucky, indorsing the action of the Government in the Victor Berger case, etc.; to the Committee on the Judiciary.

876. Also (by request), petition of sundry citizens of the National Labor Party, regarding the treatment of mine workers by the Department of Justice during the recent strike; to the Committee on the Judiciary.

877. By Mr. DARROW: Petition of Admiral James M. Forsyth Garrison, No. 145, Army and Navy Union, of Philadelphia, Pa., in behalf of sedition legislation; to the Committee on the Judiciary.

878. By Mr. DYER: Petition of John Boyle O'Reilly Branch, Friends of Irish Freedom, of St. Louis, Mo., to safeguard the liberty in our Liberty bonds; to the Committee on Foreign Affairs.

879. By Mr. EMERSON: Petition of Roger Casement Branch, Friends of Irish Freedom, favoring the payment of the interest on the loans to the Allies by the United States of America; to the Committee on Foreign Affairs.

880. By Mr. FULLER of Illinois: Petition of the Western Glass Co., of Streator, Ill., concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

881. Also, petition of the Free Sewing Machine Co., of Rockford, Ill., and the Western Clock Co., of La Salle, Ill., opposing Senate bill 2232, for the transfer of the Bureau of Education to the Department of Labor; to the Committee on Education.

882. By Mr. LEE of Georgia: Papers to accompany House bill 11738, for the relief of Nelo D. Anderson; to the Committee on Claims.

883. By Mr. LUFKIN: Petition of the Gloucester Lodge, No. 892, Benevolent and Protective Order of Elks, relative to the deportation of certain aliens, etc.; to the Committee on Foreign Affairs.

884. By Mr. MICHENER: Petition of members of the Golden Rule Class of the Presbyterian Church of Adrian, Mich., regarding the treatment of Americans in Turkey; to the Committee on Foreign Affairs.

885. By Mr. THOMPSON: Petition of Local Union No. 89, of Philadelphia, Pa., National Federation of Postal Employees, for the erection of a new post-office building, owing to the congested condition of the present building; to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *January 15, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the light which shines upon our path emanates from Thy face. Thou art the light of the world, and we look to Thee as we face all the darkened places, all the unrest of our time, all the difficult problems that confront us. We pray that the light of Thy countenance may shine away all the darkness and gloom, that Thy presence may be made manifest in all the work of this Government, that the Government may be an evangel of truth and light and life among men. Hear us as we lift our hearts to Thee this morning in prayer. Forgive us our sins. Guide us to the honor and glory of Thine own name. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

EUROPE AND THE LEAGUE.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have printed in the RECORD the leading editorial in the Washington Post of this morning, entitled "Europe and the league."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EUROPE AND THE LEAGUE.

"Doubtless there will be little criticism of President Wilson for issuing the formal call for the first meeting of the council of the League of Nations. It is an empty formality, which might as well be performed by the head of a Nation which has declined to accept the 'covenant' as by anybody else. The matter of interest is the manner in which Europe is working its way out from under the incubus of the Paris treaty, and particularly the League of Nations.

"It will be noticed that at the first meeting of the council Japan will be represented, and the United States and Greece will be absent. There are volumes of meaning in these two facts. It is quite possible, if the United States had been a true friend of China at the Paris conference, Japan might not have been represented in the council and the United States might have been. That is a most interesting 'might have been,' whose history is not all in the past. There are other chapters to be written, and perhaps they will be written in the blood of Americans. Sufficient unto that day, however, is the evil thereof, and it need not be discussed here.

"But why is not Greece in the council, as the Paris synod had arranged? Ask the Greeks who heard from the lips of Americans that they need not expect to retain their own lands, but must surrender them to their enemy, the Bulgars. Nobody can produce any authority for this notice from the Americans. They had no jurisdiction over the Balkan regions, so far as the American voters are aware. The declarations of war against Germany and Austria-Hungary did not authorize President Wilson or any other American to sit in judgment between Greece and Bulgaria. The United States was not an ally of one or an enemy of the other, although Bulgaria was an enemy of the United States and an ally of Germany.

"The influence of the United States in the negotiation of the treaty with Bulgaria was thrown in favor of Bulgaria and against Greece. The Americans were interlopers. The Greeks have just as much right to interfere in the quarrel between the

United States and Carranza, and to allot a portion of Texas to Carranza, as the Americans at Paris had to allot a portion of Thrace to Bulgaria.

"The Americans at Paris not only assumed an authority they did not possess in regard to territorial adjustments in Europe but they joined in the coercion of the small nations by insisting upon provisions in the treaties with Austria and Hungary, requiring the new nations to admit the overlordship of the 'principal allied and associated Governments' in securing the rights of minorities. This was nothing but a denial of the equality of nations, an encroachment upon the sovereignty of the small nations, and, of course, a 'nullification' of all the high-sounding pretenses of the League of Nations. Bear in mind that the 'big five' are to be the overlords of Roumania, Greece, Jugo-Slavia, Hungary, Bulgaria, and Austria—not the League of Nations, but the allied and associated Governments.

"What a commentary upon the league by its own creators! They do not trust it to do justice or enforce peace in Europe. If they did, they would have placed it in control of the reparations work, the collection of the indemnity from Germany, the 'protection of minorities,' the reduction of fleets, etc. But no! In the realities of Europe and Asia the League of Nations has no part. France, England, Japan, and the others have seen to that. It is only in the realm of fancy, of poesy, and romance that the League of Nations is all-powerful. The nations have turned over to the league all kinds of control, except control over the German indemnity, the control of the seas, the control over small nations, and a few little items of that nature.

"Think of the United States being one of five nations to step into Roumania to enforce the rights of the Magyars. What a fine chance of ratifying such a treaty in the United States Senate! Think, also, of the United States as a member of the League of Nations solemnly discovering that it had violated its own obligation by entering into treaties encroaching upon the political independence of small nations! What a spectacle it would be to witness the struggle of the United States *v.* the United States, one of them the Dr. Jekyll of the League of Nations, defender of the feeble, etc., and the other the Mr. Hyde of the Austrian treaty, brutally trampling upon the sovereignty of Roumania and scoffing at the League of Nations as a humbug and a hypocrite!

"It is small wonder that the victorious nations have continued the interallied military command under Marshal Foch, with amplified powers sufficient to enable it to throttle Germany, ward off bolshevism, and vitalize the victory which the Paris conference emasculated by setting up the League of Nations.

"The larger allied nations are in a military alliance for their own self-preservation. Good! They can now survive even the League of Nations."

RETURN OF SOLDIER DEAD FROM FRANCE.

Mr. LODGE. I present certain resolutions adopted by the Bring-Home-the-Soldier-Dead League, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions adopted January 14, 1920, at a meeting held in Washington, D. C., of the delegates from the branches of the Bring-Home-the-Soldier-Dead League of the United States, the membership of which consists of the next of kin of the soldiers and sailors buried in foreign countries.

Whereas it has been officially represented to us that the French Government is opposing the removal from the war areas of France of the bodies of our soldier and sailor dead; and

Whereas there is an overwhelming sentiment in the United States, growing stronger daily, in favor of complying immediately with the wishes of the next of kin of over 40,000 of those who gave their lives for their country; and

Whereas to thwart those wishes can serve only to imperil the continuance of our friendly relations with France; and

Whereas we can not believe, and do not believe, that the people of France would countenance the violation of our solemn agreement with their country made on August 28, 1918, to permit the return of our dead;

Resolved, That we take this means of representing to the people of France our confidence in their friendship and our belief that they will not approve any action that will cause unnecessary grief to thousands of their recent allies, whose sorrows they have shared and do share;

Resolved, That a copy of this resolution be sent to the Secretary of State of the United States with a request that he transmit a copy thereof to the minister of foreign affairs of the French Republic;

Resolved, That a copy of these resolutions be sent to the President of the United States, the Secretary of War, the Secretary of the Navy, the chairman of the Committee on Foreign Relations of the Senate, and to the chairman of the Committee on Foreign Affairs of the House of Representatives.

BRING-HOME-THE-SOLDIER-DEAD LEAGUE
OF THE UNITED STATES,
By A. B. POUCH, *President*.
Attested by:
J. D. FOSTER, *Secretary*.

LOSSES BY FOREST FIRES.

Mr. TOWNSEND. I present resolutions adopted by the Public Domain Commission of Michigan, which I ask may be referred to the Commiteee on Appropriations and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Public Domain Commission at a regular meeting January 9, 1920.

INDORSEMENT OF WEEKS LAW.

[By Mr. Vaughan.]

Whereas the so-called Weeks law of March 1, 1911, provided a policy and appropriation for the acquirement of land located on the headwaters of navigable streams; and

Whereas we believe such legislation is wise and commendable and for the general good: Therefore,

Resolved, That the Public Domain Commission of Michigan indorses the policy of land acquirement for the purposes set forth in said law and hopes that Congress will safeguard and continue said policy; and

Whereas another feature of said Weeks law provides for a policy of cooperation between the National Government and the States with relation to a system of protection against losses by forest fires; and

Whereas forest-fire losses during 1919 occurred in Michigan and many other States, causing losses that reached enormous figures, and that similar losses are bound to occur unless the National Government and the States enlarge the plan and scope of prevention and control: Therefore,

Resolved, That this commission implores Congress to greatly increase the appropriation for cooperation against the menace of forest fires, that the States affected may by such policy be better equipped to avoid the deplorable results of the past arising from forest-fire menace;

Resolved further, That a copy of these resolutions be transmitted to all Members of the Congress from Michigan.

Unanimously adopted.

GEO. L. LUSK, *Secretary*.

WATER-POWER DEVELOPMENT.

The PRESIDENT pro tempore. The morning business is closed.

Mr. NELSON. I move that the Senate proceed to the consideration of the unfinished business—House bill 3184.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

RECESS.

Mr. NELSON. I move that the Senate take a recess until 1 o'clock this day.

The motion was agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate took a recess until 1 o'clock p. m., at which hour it reassembled.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, requested the Senate to return to the House of Representatives Senate joint resolution 69, with amendments of the House thereto, adopted January 13, 1920.

The message also announced that the House had passed the bill (H. R. 288) for the purpose of conferring citizenship upon Indians, segregation of Indian tribal property, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution appointing a commission to report on conditions in the Virgin Islands, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition of the Women's Progressive League, of Niles, Mich., praying for the enactment of legislation to establish a department of education, which was referred to the Committee on Education and Labor.

He also presented memorials of Local Lodge No. 150, Brotherhood of Locomotive Firemen and Enginemen, of Marquette; of Local Lodge No. 997, Brotherhood of Railway Carmen of America, of Detroit; and of Local Lodge No. 1, Bricklayers' International Union, of Grand Rapids, all in the State of Michigan, remonstrating against the passage of the so-called Cummins-Esch railroad bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Battle Creek, Mich., praying for the enactment of legislation providing for the retirement of superannuated Government employees, which was ordered to lie on the table.

He also presented petitions of the Rotary Club, of Kalamazoo, the Adult Bible Class of the Congregational Sunday School, of Three Oaks, and of the faculty of the Central Michigan Normal School, Mount Pleasant, all in the State of Michigan, praying for the ratification of the League of Nations, which were ordered to lie on the table.

Mr. PHELAN presented a petition of Local Lodge No. 672, Benevolent and Protective Order of Elks, of Pasadena, Calif., praying for the enactment of legislation providing for the suppression of bolshevism and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3720) to amend section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; to the Committee on Interstate Commerce.

A bill (S. 3721) granting a pension to Olive R. Grow; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 3722) to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River; to the Committee on Commerce.

By Mr. STERLING:

A bill (S. 3723) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year; to the Committee on Civil Service and Retrenchment.

A bill (S. 3724) granting an increase of pension to Ludwig N. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisiton by the United States Government of his patented inventions (with accompanying papers); to the Committee on Claims.

By Mr. REED:

A bill (S. 3726) to provide for the acquiring of a site and the erection of a United States Hospital in the city of St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

A bill (S. 3727) granting an increase of pension to William H. Hayes (with accompanying papers);

A bill (S. 3728) granting an increase of pension to Frank Morgan;

A bill (S. 3729) granting an increase of pension to William G. Pellow;

A bill (S. 3730) granting a pension to John H. Isiley;

A bill (S. 3731) granting an increase of pension to Elizabeth Commons;

A bill (S. 3732) granting a pension to Thomas Burke; and

A bill (S. 3733) granting a pension to Nannie Martin; to the Committee on Pensions.

CONDITIONS IN THE VIRGIN ISLANDS.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives to return to the House Senate joint resolution No. 69, with amendments of the House thereto, adopted January 13, 1920.

Mr. KENYON. I move to reconsider the vote by which the Senate agreed to the amendments of the House to Senate joint resolution No. 69.

The motion to reconsider was agreed to.

Mr. KENYON. I ask that the joint resolution, with the amendments of the House thereto, be returned to the House in compliance with its request.

The PRESIDENT pro tempore. Without objection, the request of the House will be complied with.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That a joint commission to consist of three Members of the Senate and three Members of the House of Representatives, to be appointed by the Vice President of the United States and the Speaker of the House, respectively, is hereby created to visit the Virgin Islands and to report fully to Congress as to existing conditions in the said islands, and particularly to report and recommend action by Congress, if need there be therefor, with reference to whether the present government under Executive direction should be superseded by civil government provided by Congress as contemplated by act of March 3, 1917 (39 Stat., p. 1132), said government being now only temporary in character and by order of the President being now vested in officers of the Navy; also as to whether Congress should at this time provide for a civil government of the islands by an organic act; also what, if any, legislation is necessary pending the formation and adoption of an organic act, and as to the general conditions existing in the islands. Said report to be filed at the earliest date practicable, and during the Sixty-sixth Congress. That the expenses of said commission in carrying out the provisions of this resolution shall be paid in equal proportions from the contingent funds of the Senate and the House of Representatives, upon the audit and order, respectively, of the ranking Senate and House members of said commission, the total amount not to exceed the sum of $2,500.

Mr. KENYON. On yesterday the House passed a concurrent resolution on this subject as an amendment to the joint resolution which had been passed by the Senate. As a parliamentary matter the House can not do that; it can not change a Senate joint resolution to a Senate concurrent resolution. The Senate concurred in the action of the House, however, which made it necessary for the House to ask that the papers be returned, which has been done. The House passed this concurrent resolution as a resolution originating in the House. It is exactly the same as the resolution which the Senate concurred in, but it requires the action of the Senate upon it as a new resolution. I ask unanimous consent that the House resolution as now brought to the Senate may be considered and agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

MISSION TO POLAND (S. DOC. NO. 177).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in response to a resolution of the Senate requesting him to furnish that body, if not incompatible with the public interest, with the reports made by the mission of the United States to Poland, headed by the Hon. Henry Morgenthau.

WOODROW WILSON.

THE WHITE HOUSE,
15 January, 1920.

HOUSE BILL REFERRED.

H. R. 288. An act for the purpose of conferring citizenship upon Indians, segregation of Indian tribal property, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. NELSON. On yesterday, through an inadvertence, the Senate adopted an amendment offered by the Senator from New York [Mr. CALDER]. I find on examination that the very purpose of the amendment and the very language of it is already included in the original bill as passed by the House. It is found on page 33. In view of that fact, it is wholly improper to have a duplicate of the matter in the bill, and I move to reconsider the vote by which that amendment was adopted on

yesterday. It is found at the top of page 1552 of the RECORD of yesterday's proceedings.

The PRESIDENT pro tempore. The Chair is advised that the question now before the Senate is upon the motion of the Senator from Montana [Mr. WALSH] to reconsider the vote by which the so-called Nugent amendment was adopted. If that be true, it will be necessary to dispose of that motion first.

Mr. NELSON. I ask unanimous consent to take this up before the other proposition.

Mr. WALSH of Montana. It will be entirely agreeable to me that the motion to reconsider made by the Senator from Minnesota shall be considered.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent to reconsider the vote by which the amendment submitted by the Senator from New York [Mr. CALDER] on yesterday was adopted.

Mr. GRONNA. May I ask what was the amendment in question?

The PRESIDENT pro tempore. The Secretary will state it.

The ASSISTANT SECRETARY. On page 31, after line 14, the amendment proposed by the Senator from New York [Mr. CALDER], inserting the following clause, was agreed to:

In any valuation of the property of any licensee hereunder for the purposes of rate making no value shall be claimed by the licensee or allowed for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act.

Mr. NELSON. The exact provision is in the bill as passed by the House, so that this amendment is wholly unnecessary. It is simply a duplication, and I have moved to reconsider the vote by which the amendment was agreed to with a view to having it rejected.

Mr. CALDER. Of course, I have no objection to that course.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. CALDER].

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Montana [Mr. WALSH] to reconsider the vote by which the amendment of the Senator from Idaho [Mr. NUGENT] was agreed to.

Mr. SMOOT. Let it be read.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The Senator from Montana [Mr. WALSH] moves to reconsider the vote by which two amendments offered by the Senator from Idaho [Mr. NUGENT] were agreed to on yesterday. The first amendment is as follows:

On page 9, after the word "reservation," in line 8, strike out the colon and insert a semicolon and the following words: "and in case of tribal lands embraced within an Indian reservation, which said lands were ceded to the Indians by the United States by treaty, no license shall be authorized except by and with the consent of the council of the tribe."

The PRESIDENT pro tempore. The question is on the motion to reconsider the amendment which has just been read.

Mr. WALSH of Montana. Mr. President, as I stated on yesterday, I am very deeply interested in the amendment which affects two great water powers in an Indian reservation in my State. When the matter came up on yesterday I was, at the very earnest solicitation of the Senator from Kansas [Mr. CURTIS], attending a session of the subcommittee of the Committee on the Judiciary. The Senator from Kansas knows my deep interest in the subject. I hope that the vote will be reconsidered. I desire to speak briefly upon it.

Mr. CURTIS. Mr. President, I hope that the Senator in charge of the bill will consent to a reconsideration of the vote by which the amendment was agreed to, so that we may have another vote on it. I know the Senator from Montana was absent when the amendment was adopted yesterday.

Mr. NELSON. I have no objection to its reconsideration.

The PRESIDENT pro tempore. Without objection, the vote whereby the amendment was agreed to is reconsidered. The question is now on the amendment proposed by the Senator from Idaho [Mr. NUGENT].

Mr. WALSH of Montana. Mr. President, the amendment makes the bill read as follows:

That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation—

Then it is provided by the amendment—

And in case of tribal lands embraced within an Indian reservation, which said lands were ceded to the Indians by the United States by treaty, no license shall be authorized except by and with the consent of the council of the tribe.

That is to say, when an application is made for a license to construct a dam within an Indian reservation, the matter goes before the commission, which consists of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. They all agree that it is in the public interest that the license should be granted, or a majority of them so agree. Furthermore, the head of the department must agree; that is to say, the Secretary of the Interior in the case of an Indian reservation must agree that the license shall be issued. But the amendment proposes that although all three, or a majority of the three, of the commission and the Secretary of the Interior agree that the license should issue, the Secretary of the Interior being charged with the conservation of the interests of the Indians, yet it can not be issued until the matter is submitted to the council of the tribe of Indians.

There are some of those Indian tribes that have councils and some that have not a council. How it is in the State of the Senator from Idaho, who offers the amendment, I do not know. It does affect, however, as I said, two great powers in our State.

Mr. President, I think it would be most unfortunate to submit so important a matter as that to the determination of the council of Indian tribes after the officers charged with looking after their interest consider that it is wise to issue the license. We exercise control over the affairs of the Indians because it is assumed that the Indians do not know enough to manage their own affairs. Then, why should we submit to a council of Indians the question as to whether a license should be issued or should not be issued?

More than that, what I am afraid of is that this will result in every single instance in a corrupt campaign to get the support of the council for the proposition of one of the rival claimants to the license. The matter has been tried out in connection with the leasing of oil lands in Kansas and Oklahoma, and the unfortunate result every member of the Committee on Indian Affairs knows about. In one particular instance, as I recall, in the case of the Osages, I think, it has resulted in the organization of two separate councils, each contending that it is the correct council of the Indians, and all depending upon the question as to the persons who should have the oil leases.

It occurs to me that the want of reason in this thing is so perfectly obvious that it is not really open to serious discussion. The matter was considered by the Committee on Indian Affairs in connection with a bill for the opening of the Crow Reservation, in my State, and the committee saw fit to put a provision on to the effect that licenses were not to be issued without the consent of the council. The bill is now in the House and that feature of the bill has the positive and insistent objection of the Secretary of the Interior, who recognizes the evil in it just exactly as I have stated.

I trust very sincerely that the amendment will be rejected. I desire to quote from a letter from the Secretary with reference to the bill, addressed to the chairman of the House committee, as follows:

Section 10 of H. R. 9709, as well as the bill passed by the Senate, reserves from other disposition lands in the reservation chiefly valuable for the development of water power, which I think it a wise thing to do. The section, however, has a proviso to the effect that "such lands shall not be leased or otherwise disposed of without the consent of the tribal council." I recommend that this proviso be eliminated from the bill. The interests of the Indians are carefully looked after by this department, and in a matter like water-power development, involving complicated and technical questions, and involving, as it will in this case, a use of both Indian and public lands in the largest and best water-power development possible, it should not be necessary that the matter be submitted to the approval of the Indians before water-power development can be secured.

The general water-power bill, H. R. 3481, which has passed the House of Representatives and been favorably reported by the Senate Committee on Interstate Commerce, provides a general and comprehensive plan for the leasing and development of water-power sites upon public lands, Indian reservations, and navigable streams to be controlled by a commission composed of the Secretaries of War, Agriculture, and Interior. The proceeds received from such developments on Indian reservations are, under that measure, to go to the benefit of the Indians concerned. That measure amply takes care of the matter of leasing and use of such sites in Indian reservations, and in my opinion this bill should go no further than to reserve the sites and should impose no restrictions or conditions upon the leasing thereof.

Mr. President, there are obstacles enough in the way of the development of these power sites without submitting the question to a vote of the council of an Indian tribe.

Mr. CURTIS. Mr. President, I hope the amendment offered by the Senator from Idaho [Mr. NUGENT] will be adopted. The amendment applies only to lands which the Indians hold by virtue of treaties. In all such treaties it was agreed that no

disposition should be made of the lands without the consent of the Indians. It is true that the Secretary of the Interior has charge of their property; it is true that the Supreme Court has decided that the Congress has a right to pass laws disposing of their property without their consent if it is thought for the best interest of the Indians; but I do not think that the Congress would be justified in taking such action until the Indians had been consulted as to whether or not they desired to dispose of their water rights.

We are not having trouble in Kansas, as indicated by the Senator from Montana, over oil leases.

Mr. WALSH of Montana. Will the Senator pardon me before he passes from that matter?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. Yes.

Mr. WALSH of Montana. An amendment has been adopted to this bill under which it would be impossible to grant the right until the Indians are consulted. There is a specific provision that no lease can be granted upon an Indian reservation without notice to the Indians, to the council of the tribe; and the council of the tribe has a perfect right to come down here before the commission and to be heard upon the wisdom of granting the license. That amendment was adopted, and I have not the slightest objection to it. So they are consulted, but they can not block a project. They can not veto it; that is all.

Mr. CURTIS. Mr. President, I do not think that amendment goes far enough. If the Indians feel that circumstances are such that they are justified in opposing a lease, I think they should be given an opportunity to oppose it. I think no lease should be made unless they consent to it.

However, as I said a moment ago, the Senator from Montana referred to the situation in Oklahoma, and he inadvertently included Kansas. We are having no trouble in our State in reference to oil leasing, because there are no Indian lands in that State embracing oil territory. There is much trouble in the country of the Osages, but I think the Senator will agree that the trouble in the Osage country is more a fight between half bloods and full bloods than it is a question of the leasing of the lands. The fight in that reservation has been all the time as to who should control—whether it should be the full bloods or the half bloods. Of course, charges of corruption have been made against members of the council in years gone by, yet the leases are not made there without the consent of the council, and then they are approved by the Secretary of the Interior. I recall that the great Pottawatomie Tribe of Indians has had a business council or committee, I think, since 1859; anyway, for many years. There has never been any trouble in transacting business with the business committee of the Pottawatomie Indians; there is no trouble in transacting business if you desire to be fair and treat the Indians justly. I think the amendment of the Senator from Idaho [Mr. NUGENT] ought to be adopted for that reason. The Indians ought to be first consulted. Of course, if they try to hold up a proposition, if they are corrupt in any way, a special act of Congress could be passed at any time granting the authority to the Secretary of the Interior to make the lease.

As I have stated, the Senator from Idaho has drawn his amendment so that it applies only to treaty lands; it does not apply to Executive orders, and it does not apply to lands purchased and held in any other way except under treaty. I hope the amendment will be agreed to.

Mr. MYERS. Mr. President, I was a little late in entering the Chamber, but I understand the amendment offered yesterday afternoon by the Senator from Idaho [Mr. NUGENT] as to which my colleague [Mr. WALSH] moved a reconsideration has been reconsidered and that the pending question is whether or not the amendment shall be adopted. I heard a portion of the remarks of my colleague on the subject, and I desire to say that I am very heartily and earnestly in accord with his attitude in the matter. I think this amendment would be a most unfortunate, unfair, and unjust provision of law. I do not desire to be unfair to the Indians; I am sure the Government does not want to be, that the Secretary of the Interior does not want to be, that the Secretary of Agriculture does not want to be, that the Secretary of War does not want, to be, and that nobody who will ever be called upon to fill any of those high positions will want to be unfair to any tribe of Indians. Neither do I think Indians should be allowed to be unfair to other people; I do not think they should be intrusted with arbitrary and absolute power to be unfair and unreasonable to other people. This amendment, in my opinion, would give them that power.

An amendment of this character was adopted by the Senate to the bill introduced by my colleague for the allotment of the lands of the Crow Indian Reservation in Montana; but I understand the House Committee on Indian Affairs almost unanimously, if not with entire unanimity, rejected it; would not accept it; would not stand for it at all. The amendment proposed to this bill, I think, is of far greater moment and significance and much more serious than was the like amendment to the bill for allotment of the lands of the Crow Tribe of Indians in Montana. I do not believe Indians should have any greater or less rights in these matters than white people—American citizens.

Mr. CURTIS. Mr. President——

Mr. MYERS. I yield, with pleasure, to the Senator from Kansas.

Mr. CURTIS. We do not take property away from white persons without giving them a chance to be heard and to say whether or not they consent.

Mr. MYERS. I was coming to that. Here is the difference: In undertaking to construct a dam and to use private land for the construction of a plant for the development of water power, the land of a white man, of an American citizen, may be condemned if he objects to its use. He is not allowed to stand with a club or a shotgun in his hand and say, "Under no circumstances and for no price can this land be taken away from me." I call the attention of the Senator from Kansas to the fact that the land of a white man may be condemned for a public use; its value may be appraised by a court; the consideration that the court says is just may be given to him, and he is bound to take it; he is compelled by law to take it and to yield his land for the public use. He can not stand there as an immovable rock and say, "The public shall not have my land for public use under any circumstances nor for any price or consideration; I do not care what they offer me, they shall never have this land." An American citizen under the law is not entitled to take that stand; he can not do it; his land can be taken away from him by condemnation under the law of eminent domain. But, as I understand this provision, no right of condemnation would apply to Indian lands which had been ceded to the Indians by treaty with the United States Government; as I understand this amendment, the right of eminent domain, the right of condemnation by the courts, could not apply. A tribe of Indians could say: "Nobody shall touch this land; neither the courts of the country nor anybody else may put a price on it, and nobody can have it for any use whatsoever. I will not reason about it; I will not listen to any offer; I will not take any compensation; it can not be had for any public use upon any terms." I do not think it right to give Indians that power, above the law of the land, which is not given to white people.

I believe in treating all alike, according to reason, right, and justice. I think that such a provision as this amendment contemplates would be very unjust and unfair discrimination. I do not think it in accordance with right or justice or reason at all. The law gives a superior power of eminent domain to the public over private property of American citizens, and there should be a similar power lodged somewhere over Indian lands.

If this amendment becomes a law, it would be in the power of a tribe of Indians, arbitrarily and without any reason whatever, to block a project for water-power development so that it could never be established at all. They would have an absolute power of veto. That is a right that is not given to an American citizen over his own land. The Indians do not own lands by treaty any more than an American citizen owns his land when he has a fee-simple title to it. A man who owns a farm in fee simple has an absolute title to it, but it may be taken away from him by the courts by the process of condemnation for public use. Indians who hold land by treaty do not hold it by any more sacred right or any more absolute title than does an American citizen who owns his land in fee simple.

I think this amendment would draw a line of discrimination and would be very unfair and most unfortunate. If there be on an Indian reservation where the land was ceded to Indians by treaty a site suitable for the development of water power which, if developed, would result in vast and untold good to the public, and if a little land be required for putting in the dam and erecting the plant, and for transmission lines, involving only a very small part of the Indian reservation—perhaps only a few acres out of millions of acres—according to this amendment it would be in the power of the tribe of Indians to block forever the undertaking. I think it unreasonable.

The Senator from Kansas says that if the Indians should take an arbitrary and unreasonable stand we could secure the passage through Congress of a special bill to take the needed land and give just compensation; but we all know how difficult it is to get through Congress a special bill to confer upon anybody a special

right or to take anything away from anybody. We are immediately met with the cry that Members of Congress do not believe in special legislation; that there should be general legislation to accomplish all such purposes; and my observation is that it is much more difficult to get through Congress special legislation of that character than it is to get through general legislation. If the general legislation is right it should be enacted, but if the principle is not right it should not be enacted in a special bill any more than in a general bill. If it is right it should apply alike to all who will be or may be affected by it. That is fair and impartial. There is nothing discriminatory about that. If it is not right, then it should not be enacted in either a special or general law.

The Secretary of the Interior is made the guardian of the Indians in tribal relations. He will always hear the views of Indians about any matter affecting them. He will not only hear them but I dare say he always seeks the view of the Indians in all such matters. It is his sworn duty to seek the views of the Indians and to consider them and to give them great weight and to take the views of the Indians into consideration in determining a matter affecting their welfare, along with all other factors that are entitled to consideration.

I do not believe there ever has been a man appointed to the position of Secretary of the Interior who did not seek the views of Indians about their matters, or that one ever will be appointed who will not seek and take into consideration the views of the Indians in all matters affecting them. The Secretary of the Interior will always be a member of the Federal power commission, and if he thinks an application for a permit which affects land owned by Indians is not fair and right and reasonable I have no doubt he will resist it; and if he thinks it intended for a use to which the public is entitled, I have no doubt that any Secretary of the Interior would consent that it be granted only upon the payment of just compensation. The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of War are to compose the Federal power commission, and I think all would be fair to Indians.

I ask you to bear in mind that a project on an Indian reservation might involve only a few acres of land. It might require only 4 or 5, 10 or 20, 30 or 40, or a hundred acres out of millions of acres of land; and under those circumstances I do not think a tribe of Indians should be allowed absolutely to block forever and veto a project that might be of great use to the public, including the Indians. I do not think they should have a greater power than American citizens have. When we can take the land of an American citizen away from him by process of condemnation, upon payment of just compensation, for a beneficial public use, I do not believe Indians should be absolutely exempted from the operation of that rule of law and given rights which are not conferred upon other people. I am opposed to class legislation, even in favor of Indians.

I think the amendment is most unfortunate and unfair, and I hope it may be defeated. I appeal to the sense of fairness and justice of Senators to look fairly at this matter and to weigh the facts and arguments which I have presented to them, and to vote against the amendment. The courts have the power to take private land for public use, upon payment of just compensation, and the Federal power commission should be given the same power over the lands of tribal Indians. It would be a court which could be trusted to guard thoroughly the rights of the Indians.

Mr. NUGENT. Mr. President, the pending measure provides that the water-power commission shall have power to issue licenses for the development of water-power sites within Indian reservations, including tribal lands within Indian reservations that were ceded to the Indians by the Government by treaty. It also necessarily authorizes the commission to issue such licenses within Indian reservations generally—that is, Indian reservations that were granted to the Indians by act of Congress.

It will be observed that the amendment I have presented is confined to those lands that were ceded to the Indians by the United States by treaty. So far as I am personally concerned, I do not see any distinction with respect to the ownership of the Indians in lands ceded to them by treaty and in lands granted to them by act of Congress; but for reasons that it is unnecessary to go into at this time this amendment is confined to treaty lands.

The water-power commission under the terms of the pending measure is empowered to issue these licenses, which in effect means that it will have authority to take from these Indians the lands ceded to them by the United States by treaty without their consent and without just compensation or other compensation, save and except such reasonable charge as may be fixed by the commission for the use of the lands. Now, I have no personal interest in this matter one way or the other; but it is my judgment that the Congress has no authority, either in law or in morals, to take from these Indians such lands as I have described without their consent and without just compensation.

I have been advised that there are in the neighborhood of 30 water-power sites on Indian reservations throughout the country that will be affected by this bill. I do not know how many of those water-power sites are on lands held by the Indians by virtue of a treaty; neither do I know how many of them are held under an act of Congress. I have not made any investigation for the purpose of ascertaining the precise provisions contained in the treaties between the Government and the different tribes. I have some knowledge, however, in respect of one of the reservations, and that is the reservation referred to by the Senators from Montana, namely, the Crow Reservation; and I know something with respect of that reservation for the reason that the matter was brought out and considered at a hearing held some time since by the Committee on Indian Affairs, of which I am a member. I have investigated concerning that reservation, and I find that the first treaty that was entered into between the Government and the Crows was in 1825. It related principally to trade and intercourse, the protection of life and property, and the continuance of friendly relations between the Crows and our people.

In 1851 another treaty was entered into by the United States with the Crow Tribe and with a number of other Indian tribes, under the terms of which the Indians agreed to live on terms of peace with each other and with the Americans, and they agreed that the United States could build roads and military posts within their respective territories; and the exterior boundaries to be set apart to the various tribes were described, and so far as the Crows are concerned, judging from those exterior boundaries, they included a very large area of territory. I shall not read the description, because I do not consider that it is material to the matter I am discussing; but in 1868 the United States negotiated another treaty with the Crows, and that treaty was ratified by the United States Senate on July 25, 1868, and I desire to read into the RECORD certain of the provisions contained in that treaty. I am reading from Senate Document No. 319, volume 39, Fifty-eighth Congress, second session:

ART. 2. The United States agrees that the following district of country, to wit—

And then follows the description—

shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will, and do hereby, relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

Article 11 of that treaty reads as follows:

No treaty for the cession of any portion of the reservation herein described which may be held in common shall be of any force or validity as against the said Indians unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such a manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in article 6 of this treaty.

Mr. President, I call attention to the fact that this treaty was negotiated by certain very distinguished men who acted as the representatives of this Government, among them Gens. W. T. Sherman, William S. Harney, and Alfred H. Terry. Those gentlemen were all men of prominence and distinction in the United States. As a matter of course, everybody is familiar with the career of Gen. Sherman, and the same thing is true so far as Gen. Harney and Gen. Terry are concerned; and I apprehend that it will not be disputed that those gentlemen, acting as the representatives of the United States, entered into this treaty with the Crows in absolute good faith.

I also apprehend that it will not be disputed that the Senate of the United States, in the ratification of that treaty, acted in absolute good faith, and I do not believe that any possible question can arise but that the Crow Indians are the owners of the lands described in this treaty.

On March 3, 1871, and about three years after the treaty was ratified, the Congress enacted section 2079 of the Revised Statutes, which reads as follows:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no

obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

Prior to March 3, 1871, the Government transferred and set apart lands and reservations to Indians by treaty. The Government recognized the Indian tribes to be independent nations. But the act of Congress to which I have just called attention provided that after the date of its enactment no treaty should be entered into with an Indian tribe. But that section also provided that no treaty theretofore entered into between the Government and an Indian tribe should in any way or sense be impaired.

Mr. President, in 1882 the Congress passed an act, which is found at page 42, Twenty-second United States Statutes at Large, from which I quote the following:

Whereas certain individual Indians and heads of families representing a majority of all the adult male members of the Crow Tribe of Indians occupying or interested in the Crow Reservation in the Territory of Montana have agreed upon, executed, and submitted to the Secretary of the Interior an agreement for the sale to the United States of a portion of their said reservation, and for their settlement upon lands in severalty, and for other purposes.

I call particular attention to the fact that the preamble recites that the Indians had executed and agreed upon and submitted to the Secretary of the Interior an agreement to sell certain of their lands to the Government. As a matter of course, the right to sell implies the right of ownership.

The act continues:

Therefore, be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is executed by a majority of all the adult male members of said tribe in conformity with the provisions of article 11 of the treaty with the Crow Indians of May 7, 1868, and is in words and figures as follows, namely.

Then follows the description.

The second paragraph in that act of Congress reads as follows:

We, the undersigned individual Indians and heads of families of the Crow Tribe of Indians now residing upon the Crow Reservation, in the Territory of Montana, do, this 12th day of June, A. D. 1880, hereby agree to dispose of and sell to the Government of the United States, for certain considerations to be hereinafter mentioned, all that part of the present Crow Reservation, in the Territory of Montana, described as follows, to wit.

Quoting from the statute.

In other words, these Indians, as it was recognized by Congress, had not only the right to sell this property, they being the owners of it, but the Government, in addition to other considerations, agreed to pay, and I doubt not did pay, the sum of $750,000, the payments extending over a period of 25 years.

I do not believe, Mr. President, that there can be the slightest doubt in any unprejudiced mind that the Indians are the owners of the lands now included within the boundaries of the Crow Reservation; that they acquired title to those lands through a treaty ratified by the Senate of the United States; and, Mr. President, while, as I said before, I have no interest in this matter from a personal standpoint, at the same time I have a deep and an abiding conviction, the unalterable conviction, that the United States, acting through this Congress, should not under any circumstances deprive those Indians of the lands ceded to them by the Government by treaty without their consent or without just compensation.

It appeared at the hearing to which I have referred, held by the Committee on Indian Affairs, which was attended by a delegation representing the Crow Tribe, that they would be entirely satisfied if they had something to say in respect to the disposition of their lands, more particularly this power site, which, evidently, judging from the statement of the Senator from Montana, is a valuable site. That delegation agreed that if the matter could be so arranged that those lands would not be disposed of without the consent of the council of the tribe it would be entirely satisfactory to them. It was for that reason that I incorporated in this amendment the statement that licenses shall not be issued within tribal lands ceded by a treaty without the consent of the council of the tribe.

The question has been raised as to whether or not a similar body is in existence on other Indian reservations. I am frank enough to say that I have no information in respect to that matter.

But granting, for the sake of the argument, that it is only on the Crow Reservation that there is now in existence a council of the tribe, so called, it must follow as a matter of course, in my judgment, that similar councils will be organized on the various other reservations affected by this bill in the event my amendment is adopted and the bill is enacted into law.

Mr. President, I know of no reason why Indians should be treated any differently than any other class of people in this country. Under the Constitution of the United States you can not take private property without just compensation, and I do not understand why the property of these Indians should be taken for such compensation as is expressed in the words included in the bill, a reasonable charge fixed by the water-power commission for the use of the land. To put it another way, these Indians, under this bill, can be stripped of everything except the mere naked title to the land, and they may be deprived of all rights of ownership; they may be deprived of the right of possession, and such deprivation may continue for all time, and all that they will receive in return will be, as I said, such reasonable price as this commission may fix for the use of the land.

Mr. President, it appears to me that this is the situation: Suppose I went into your house and told you that while I admitted your title to the property, at the same time I was going to take it out of your possession, and regardless of whatever you might deem that property to be worth, that I was going to pay you $5 a month. That certainly would not be right or fair or just or legal; and I contend that that very aptly illustrates the condition, so far as the water-power sites on Indian reservations will be concerned, in the event this bill passes without my amendment.

Mr. President, I merely desire to call attention to the fact that the Indians of the country demonstrated during the late war that they are as loyal as any others of our people. Notwithstanding their comparative small number, I have been advised that between nine and ten thousand of them were enrolled in the service of the Government during the war. Large numbers of them were sent to France, where they served with bravery and fidelity and with honor and distinction.

So far as the Indian women are concerned, they did all that lay within their power, according to my information, to assist in the successful prosecution of the war. They did splendid service in Red Cross work, they knitted sweaters, shirts, socks, helmets, and so forth, for our soldiers, and did all that they could do in behalf of their country. About $25,000,000 of Indian money was invested in Liberty bonds.

So why should they be deprived of their property without their consent or without reasonable or just compensation?

Mr. MYERS. Does the Senator consider that Indian land held by virtue of a treaty is held by any higher or better title than an American citizen's land is held in fee simple, under the Constitution of the United States?

Mr. NUGENT. Certainly not.

Mr. MYERS. The American citizen's land may be taken by right of eminent domain.

Mr. NUGENT. You must condemn.

Mr. MYERS. Yes.

Mr. NUGENT. And you must pay just compensation for the property.

Mr. MYERS. But this provision, as I understand it, would not permit of any condemnation. It would vest an absolute veto in an Indian tribe.

Mr. NUGENT. It simply provides, Mr. President, that the property shall not be taken without the consent of the council of the tribe, and I assume that that consent will not be given until such time as the council of the tribe is given to understand that the compensation to be paid for the use of the land will be a just and a reasonable and a fair compensation for the use of their property.

Mr. MYERS. If the Senator will permit another interruption, I will say that no American citizen who has title in fee simple to his land can say that land can not be taken away from him for any compensation which may be offered when it is acquired for a public use. Yet it appears that this amendment would vest the right in the Indians to say that "Unless we consent you can not take this land at all." But a white man can not say, "Unless I consent you shall never take this land for public use."

Mr. NUGENT. I think, Mr. President, that my friend from Montana is mistaken in respect to that matter, in so far as he refers to the constitutional provision. The Constitution provides that private property may be taken for public use, but that it can not be taken for such use without just compensation, and this bill as it is drawn, in my opinion, does not provide for just compensation for the property, but merely provides that the water-power commission shall fix what in its judgment is a reasonable charge for the mere use of the land, which, in my opinion, is an entirely different proposition from the one just advanced by my friend from Montana.

Mr. President, in conclusion let me say this, that all the world knows that the curses of an overwhelming majority of the peoples of the earth were heaped upon the heads of the men who made up the Imperial German Government when Chancellor von Bethmann Hollweg declared that the German treaty guaranteeing the neutrality of Belgium was a mere scrap of

paper. I am firmly convinced that if this bill, as written, becomes a law it will signify that the Congress of the United States has declared that the pledged word of this Government is not worth the paper on which it is written, and that a treaty of the United States is a mere scrap of paper. Believing, as I do, that the honor of the country is not only involved but compromised in in this bill, I have proposed this amendment for the purpose of preventing what, in my opinion, would be a stain on that honor.

Mr. WALSH of Montana. Mr. President, there is scarcely any use in discussing this question at any length, but something ought to be said for the sake of the RECORD in view of the argument made by the Senator from Idaho [Mr. NUGENT].

The whole subject that he has been discussing has been before the Supreme Court of the United States, which is as solicitous about preserving the honor of the Government of the United States as the Senator can be or as any Senator upon the floor can be. The Senator has called attention to the provisions of the Crow treaty of 1868, in which this property was set aside as their permanent home, and particularly to article 11 of the treaty, which provided that no treaty for the cession of any portion of the reservation should ever be valid unless it was ratified by the written signatures of a majority of the adult members of the tribe.

Mr. President, the Supreme Court of the United States held a long time ago, regardless of any provision of that character in any alleged treaty with the Indians, and Congress long ago reached the conclusion, that the Indians were not a proper subject with which treaties could be made, that the Congress of the United States is the guardian of the Indians, constituted so by the statute and by immemorial practice, and that the Congress of the United States is vested with entire power and authority to dispose of the lands of the Indians as in its judgment it may care to do, any treaty to the contrary notwithstanding. I should like to put the case in the RECORD.

Accordingly, Mr. President, since that decision of the Supreme Court, Congress has acted on it and has disposed of lands within Indian reservations as in its wisdom seemed best. Of course, in doing so it always hears the Indians. They come down here almost every year to be heard upon these questions. They are always heard by the committees and their views are taken, and then Congress does exactly what it sees fit to do. That is just what we did the other day in the hearing to which the Senator referred, in which he secured such enlightenment upon the subject as he has upon it.

The Senator referred to the matter of the Crow Reservation, not in the State of Idaho but in the State of Montana. I venture to say, and I speak for myself as well as for my colleague, that the welfare of the Indians in the State of Montana is as dear to our hearts as it can possibly be to that of the Senator from Idaho. It is a mere matter of difference of opinion between us as to what ought to be done. The Senator from Idaho thinks the matter ought to be put up to the council of the tribe to veto it, if they see fit to veto it, and we think otherwise. The Secretary of the Interior, who is constituted by law the guardian of the interests of the Indians, thinks it is unwise, in their interest as well as in the public interest, to submit matters to the determination of the council.

I am now going to address myself to the question of the honor of the United States.

We disposed of those lands. We passed that bill, certainly not more than six weeks ago, without a protest from the Senator from Idaho upon the matter, totally disregarding all those provisions of the treaty of 1868 to which he calls attention.

Mr. NUGENT. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. NUGENT. I ask the Senator if it is not true that the provisions of the bill to which he has just referred were not agreed to by the Indians?

Mr. WALSH of Montana. They were not agreed to by the signatures of the majority of the adult Indians, as required by the provisions of section 11 of the treaty.

Mr. NUGENT. A further inquiry: Is it not true that the provisions of the bill to which the Senator just referred were agreed to by the delegation representing the Crow Tribe, which was in attendance at that hearing?

Mr. WALSH of Montana. It is true that certain representatives of the Crow Tribe were here. We counseled and conferred with them. We took their advice about all the matters, and we finally worked out a bill that was entirely satisfactory to them. That is neither here nor there. I read again the provisions of article 11, to which the Senator refers:

ART. 11. No treaty for the cession of any portion of the reservation herein described, which may be held in common, shall be of any force or validity as against the said Indians unless *executed and signed* by at least a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such a manner as to deprive without his consent any individual member of the tribe of his right to any tract of land selected by him, as provided in article 6 of this treaty.

I assert that we did not even stop to consider whether we should observe that provision of the treaty at all, because the Supreme Court of the United States long ago said it was not necessary for Congress so to do. It is a matter of no consequence that there was a delegation down here who assented to the bill as it was finally framed. That does not comply with the treaty. Nobody pretends that it complies with the treaty.

Moreover, the provision which the Senator endeavors to insert in the bill does not comply with the treaty. The treaty does not say that no portion of a reservation shall be disposed of except by consent of the council of the tribe. It says no portion of a reservation shall be disposed of by treaty unless the instrument is signed by a majority of the adult Indians of the tribe. So if we are to make a scrap of paper of it by declining to put the amendment in, we have already made a scrap of paper of that treaty by passing the bill to which the Senator has referred. We did not pay any attention to that. I have sent for the decision of the Supreme Court touching the subject, and would like to present it for the RECORD. So much for the treaty proposition.

If we can not take private property without due compensation, how can we take the property of the Indians without their consent when we could not take the property of white men without their consent? The Congress of the United States represents the Indians. The Congress of the United States is the guardian of the Indians. The Congress of the United States is the guardian of the Indians because they are unable to take care of their own affairs. If they are able, we have no reason to legislate concerning their business at all. It is because they do not know enough to handle their own affairs that Congress is excused at all for acting for the Indians.

So, Mr. President, the Congress of the United States represents the people of the entire country owning the remainder of the public land, and we are going to take their property and give the disposition of that property to the commission which is created by the bill, with power to issue a license which shall permit occupancy of the property; but the matter of the Indians whose lands we are also charged with the disposition of is put in the hands of the commission, too. We treat them just exactly as we treat the entire people of the United States. What reason have they for insisting upon a different treatment? They do not insist upon any different treatment. There is no matter of just compensation involved in the proposition at all. The lands are subject to disposition by the Government of the United States, indisputably subject to disposition by the Government of the United States through the Congress as guardian of these Indians.

The Senator says he knows of no reason why the Indians should not be treated just the same as any other of the people within the United States. There is abundant reason for not treating them the same as other people in the United States, and that is because they are so unable to take care of their own affairs that we are compelled to constitute ourselves guardians over them. Take any other person who is under guardianship. You do not consult an infant concerning the taking of his property. You do not consult an insane person concerning the taking of his property. The guardian speaks for everybody under guardianship or under tutelage, and the Congress of the United States speaks for those Indians.

It is a simple matter of policy; it is a simple matter of wisdom; it is a simple matter of how best to reach the matter. Upon what consideration can it be urged, when a question arises whether a license should be given to create a power plant on an Indian reservation and, the Indians being recognized as unable to handle their own affairs and transact their own business, that the commission created by the bill, consisting of the three Secretaries, shall not determine that it ought to be done?

Bear in mind the bill further provides that it must have the approval of the head of the department within which the particular reservation is, and that means the Secretary of the Interior. The Secretary of the Interior, no matter what the other members may say, may put his veto on it. He is looking out for the interests of the Indians. He is giving their consent, and that is all the consent that the law requires.

The Senator from Idaho [Mr. NUGENT] has indicated that the only case he knows of to which this principle would be applicable is the case of a power site on the Crow Reservation. He

has not indicated that it covers power sites in his State at all. I can tell of another case. There are two power sites in our State that are involved. There is one on the Crow Reservation and a still larger one on the Flathead Reservation. There is a council on the Flathead Reservation. So far as I am aware those are the only reservations in the country that would be affected by the provision.

In other words, it is a provision applicable to two reservations in the State of Montana, and that is all it is—two reservations in the State of Montana, in connection with one of which the scandals have been national in their character in connection with the leasing of the lands for grazing purposes. Echoes of it are heard every time the Crow Reservation proposition comes up. As a usual thing, a general campaign is carried on upon the reservation in favor of applicants who desire to have leases upon the reservation and other privileges and concessions of that character.

Not only that, but here is a proposition to place the disposition of this power in the hands of a council of seven members chosen from the different districts within the Crow Reservation. Upon what theory can we put it up to them to say whether the lease shall be granted or not? If we are going to let them handle their own affairs, let us distribute this property among them and let us not undertake to exercise any further guardianship over the thing at all.

I have no interest whatever in the matter, except that I know just exactly how the thing will work. There will be an application made by some one who wants to get a license to build a dam upon the Crow Reservation or upon the Flathead Reservation, as the case may be, and the applicant will come down here and the commission will be satisfied to grant a license upon terms which they indicate. The Secretary of the Interior, considering all the circumstances and considering the interest of the Indians, will also be willing that the license should be granted upon the terms fixed by the commission. But that is not enough. Then the man who desires the license, or the corporation which desires the license, as the case may be, must go upon the Indian reservation and get the consent of the tribal council. Of course there will be a rival who seeks to get a license, and he will endeavor to balk the other man in any way he can. Immediately a campaign will be conducted for the votes of those seven members of the tribal council for and against it. The corruption that sometimes attended in the old days the election of a United States Senator by the legislature of the State would not be a marker to that which would attend the reference of a proposition of that character to the tribal council of the Crow Tribe of Indians, and that without any imputation against these men at all. There are great big interests involved, and they ought not to be subjected to the temptation. I am perfectly certain that it would be a most unfortunate thing to have the amendment made a part of the bill.

Mr. NUGENT. Mr. President, the Senator from Montana has referred to a bill which was reported by the Indian Affairs Committee of the Senate some time since relative to the disposition of certain lands in the Crow Indian Reservation. As I have heretofore stated, a delegation representing the Crow Indians came here for the particular purpose of conferring with the Committee on Indian Affairs with regard to the provisions of that bill. They came here with credentials showing their authority to speak for the tribe. Not only the members of that tribe and the members of that delegation but the members of the Senate Committee on Indian Affairs were well aware of the fact that the Supreme Court of the United States had on a number of occasions decided that a treaty may be superseded by an act of Congress, and that an act of Congress may be superseded by a treaty. and that the Congress had authority to administer Indian affairs and to enact laws relative to Indian matters generally in the exercise of its right of guardianship over Indian interests. In view of what had transpired theretofore, as a matter of course, the Senator from Kansas [Mr. CURTIS], I, and others were of the opinion that it would be utterly impossible for us to do the thing which many of us desired to do, and that we should do all that we could under the circumstances in the interest of the Indians. In furtherance of that view, it was agreed that no further action should be taken than that the power sites should not be disposed of without the consent of the council of the tribe. That is all that this amendment provides for. It was impossible for us to do anything else, in view of the decisions to which I have had reference, particularly in so far as they related to Indians generally; but certain of us were then of the opinion, and are now of the opinion, that the property which was ceded to the Indians by treaty passed out of Government ownership; that it became under the treaty the private property of the Indians themselves, and therefore it could not be taken under the fifth amendment to the Constitution without just compensation. That has been our contention at all times.

I am frank enough, as a matter of course, to admit that Congress has complete jurisdiction over public lands, and can make such disposition of those lands as in its judgment is advisable and proper. I do not agree with the provisions of this bill so far as that disposition is concerned, and I am anxious that there shall be no disposition under the terms of this bill of the lands which the Indians hold under a treaty.

The Senator from Montana has referred to the fact that, so far as his knowledge is concerned, the amendment will affect but two reservations throughout the country, and that both of those reservations are located in the State of Montana. As I said in the beginning, I know nothing whatever in respect of that matter, but I assumed that there were a number of power sites on other reservations which would be affected by the bill, and I did not know but that certain of those sites might be located on Indian reservations in my own State. However, I state here and now very truthfully that if there were 20 power sites to be affected by the amendment lying within the State of Idaho, it would not change my attitude one iota with respect to the matter. I should maintain the same position that I now maintain.

It may be of interest to Senators to know that heretofore, on some occasions at least, the Government has recognized the right of the Indians to have a voice in the disposition of their lands, even by lease. If I remember correctly, some time in 1918, during the progress of the war, when it became vitally necessary that the United States produce all the foodstuffs possible in order to supply not only our people but our allies in Europe with food and other supplies, the Secretary of the Interior entered into a lease with a gentleman by the name of Campbell for the lease of a very considerable area of land within the Crow Reservation in Montana.

After the terms of that lease had been agreed upon a representative of the department was sent to Montana for the purpose of securing the consent of the Indians to the lease, and the business committee of the tribe, if my recollection serves me right, gave its assent to the leasing of the land. No different situation prevails here now than prevailed then; no more valid reason exists for the taking of power sites from those Indians without their consent than existed for the leasing of those thousands of acres of their land to the Montana Farm Corporation without their consent.

I will say that I am somewhat familiar with the decisions of the Supreme Court to which my friend from Montana referred yesterday. I have examined a number of those decisions, among them the Cherokee Tobacco case, the case of Thomas against Gay, and, I apprehend, the case to which the Senator has particular reference, the case of Lone Wolf against Hitchcock. I call attention to the fact that, so far as my investigation was conducted and so far as the information which I have is concerned, no precisely similar state of facts has ever been presented to the Supreme Court as is presented under this bill as now drawn. If my recollection serves me right, the case of Lone Wolf against Hitchcock involved the taking of lands. An agreement had been arrived at between the Indians and the United States for the disposal by the Indians of certain of their lands to the Government. It later appeared that the Indians sought to avoid the agreement by the statement that their assent to it had been fraudulently secured because of certain representations made by the interpreter as to the contents of the instrument. It also appeared that there was not a sufficient quantity of agricultural land within the reservation to give to the Indians in severalty more than 30 acres of agricultural land in lieu of the acreage agreed upon; but, Mr. President, the Indians had agreed that the fair value of the land which was to be released to the Government was $2,000,000. The Supreme Court held that the act of Congress, passed for the purpose of carrying the agreement into effect after it had been changed in certain particulars by the Congress, without, however, the consent of the Indians, was a constitutional act, and the $2,000,000, which the Indians themselves fixed for the lands released, was undoubtedly paid. In other words, the distinction between that case and the one that we are discussing lies in the fact, then, the money compensation agreed upon was paid, while in this case there is no compensation to be paid to the Indians for the land. It is to be taken from them not only without their consent but the only compensation they will receive will be such a reasonable charge as the water-power commission sees fit to fix for the use of the land.

Mr. WALSH of Montana. Mr. President, I offer for the RECORD a statement by one of the ex-Commissioners of Indian Affairs concerning the decision to which reference has been made. I ask unanimous consent that it may be inserted in the

RECORD; but I read from his report in the Lone Wolf case the following:

A notable instance in point occurred in 1901 in an act ratifying an agreement with the Kiowa, Comanche, and Apache Tribes, who occupied a large reservation in Oklahoma. To the ratification was attached an item providing for the allotment of lands in severalty to the members of the occupant tribes and the opening of the unallotted surplus of the reservation to public sale and settlement. Some of the features of this legislation differed so radically from the terms of the original agreement with the Indians that the Indian Right Association resolved to make a test case of the question of the authority of Congress in the premises. It brought suit, therefore, in the name of Lone Wolf, a prominent Kiowa, to enjoin the Secretary of the Interior from carrying the law into execution. The case finally reached the Supreme Court of the United States, which not only affirmed the right of Congress to do what it had done, but laid down the general principle that the fee in Indian reservations is vested in the Government; that the Indians have nothing more than a right of occupancy; that the power of Congress to work its will with such reservations is practically limited only by its own sense of justice in dealing with a weaker and dependent people.

* * * * * * *

From the 5th of January, 1903, the date of Lone Wolf decision, to the present day no more agreements have been made or sought with the Indians preliminary to the opening of a reservation.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH of Montana. I yield.

Mr. CURTIS. I have heard that report read a number of times and have had to take occasion to deny it and point out that it is not so. Mr. Leupp, or whoever wrote it, had forgotten the facts, because the truth is that we entered into an agreement with the Osage Indians in 1906, and there are other Indians with whom agreements have been made. So the Indians have been consulted. I merely wanted that to go in the RECORD with the report. I think Commissioner Leupp had overlooked the fact; but it is true that agreements were made with the Osages in 1906.

Mr. WALSH of Montana. I take the official statement for it that we do not consult the Indians any longer; that is to say, consult them in the sense that they may put a veto upon the legislation of Congress.

The PRESIDING OFFICER. In the absence of objection, the matter referred to by the Senator from Montana will be printed in the RECORD.

The matter referred to is as follows:

Until 1903 the prevalent assumption among our people at large was the same as among the Indians themselves, that the reservations belonged absolutely to the tribes which inhabited them in pursuance of so-called "treaties" or by authority of presidential proclamations. Although not a few of the treaties contained figurative language designed to convey to the tribes concerned the idea of perpetuity of physical possession, every allotment law and every moral argument made in behalf of allotment as a remedy for some of the more crying evils of the reservation system plainly recognized that system as but a passing phase of the history of Indian development, and to such extent discredited the notion of a permanent tribal title. It has often been said to me by ultraconservative old Indians that if they had ever conceived of the changes in store for their people as the result of accepting reservations they would have died fighting the Government rather than submit to being placed there.

It is declarations like this which form the basis of much of what we hear and read about the deceptions practiced on the Indians by the Government. I have had a part in the negotiations of one Indian treaty and in the interpretation and explanation of several others, and I am confident that most of the sins of the Government in this respect went to no greater depth than its omission to volunteer to the Indians suggestions which it would never have thought of volunteering in a similar transaction with people of any other race of some of the less obvious consequences which might flow from the business then in hand; that the rest of the trouble has resulted from the limited range of the Indian's mind, due equally to his inherited peculiarities and his narrow environment, but rarely appreciated by the members of treaty-making commissions; and that what has been so sweepingly denounced as a century of dishonor might better be described, as far as the Government's operations are concerned, as an era of mutual misunderstandings.

Every treaty had to be ratified by an act of Congress before it became of force, and again and again the lawmaking body took what looked to the general public like unwarrantable liberties with vital provisions which had received the approval of the Indians.

A notable instance in point occurred in 1901 in an act ratifying an agreement with the Kiowa, Comanche, and Apache Tribes, who occupied a large reservation in Oklahoma. To the ratification was attached an item providing for the allotment of lands in severalty to the members of the occupant tribes and the opening of the unallotted surplus of the reservation to public sale and settlement. Some of the features of this legislation differed so radically from the terms of the original agreement with the Indians that the Indian Rights Association resolved to make a test case of the question of the authority of Congress in the premises. It brought suit, therefore, in the name of Lone Wolf, a prominent Kiowa, to enjoin the Secretary of the Interior from carrying the law into execution. The case finally reached the Supreme Court of the United States, which not only affirmed the right of Congress to do what it had done, but laid down the general principle that the fee in Indian reservations is vested in the Government; that the Indians have nothing more than a right of occupancy; that the power of Congress to work its will with such reservations is practically limited only by its own sense of justice in dealing with a weaker and dependent people.

This broad pronouncement carried dismay to the hearts of many excellent persons whose benevolent interest in the Indians had led them to share the Indian view of unqualified ownership and who could hardly reconcile themselves to the discovery that their long-cherished notion was a delusion. But to one who had been studying the subject in a quite unemotional way it brought no great surprise. Nay, it furnished a key to a problem which had given most of us anxious thought, for it had been intolerable to believe that the highest legislative body in this Republic would go on year after year cutting out essential features of agreements with the Indians entered into with the utmost solemnity of form, substituting therefor provisions never contemplated by the immediate parties to these instruments and forcing the unrecognizable resultant down the throats of the weaker party merely because the latter was too feeble to resent the affront. When the Supreme Court gave to the apparent aggressions of Congress the sanction of legal righteousness it at any rate cleared the air and simplified the future duty of the friends of the Indians.

From the 5th of January, 1903, the date of Lone Wolf decision, to the present day no more agreements have been made or sought with the Indians preliminary to the opening of a reservation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho.

Mr. CURTIS. Mr. President, I should like to call attention for a moment to one clause in the decision to which I referred in a brief statement heretofore made:

The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Idaho [Mr. NUGENT].

On a division, the amendment was agreed to.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gore	Moses	Simmons
Bankhead	Gronna	Myers	Smith, Ga.
Borah	Hale	Nelson	Smith, Md.
Brandegee	Harding	New	Smith, S. C.
Calder	Harris	Newberry	Spencer
Colt	Hitchcock	Norris	Sterling
Culberson	Kenyon	Nugent	Sutherland
Curtis	Kirby	Overman	Trammell
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Walsh, Mass.
Fernald	McCormick	Phipps	Warren
France	McCumber	Reed	Watson
Frelinghuysen	McKellar	Sheppard	Wolcott
Gay	McLean	Shields	

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent from the Senate on account of illness.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. NUGENT. I wish to announce the absence of the junior Senator from Utah [Mr. KING] on official business.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is detained from the Senate on official business.

Mr. McKELLAR. I have been requested to announce that the Senator from Virginia [Mr. SWANSON] is detained by illness in his family. The Senator from Arkansas [Mr. ROBINSON], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Mississippi [Mr. HARRISON], the Senator from Ohio [Mr. POMERENE], and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present.

Mr. DIAL. Mr. President, in the absence of the Senator from South Dakota [Mr. JOHNSON], who has already submitted an amendment to the pending bill, I offer it in his behalf.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 15, at the end of section 8, or at the end of line 7, it is proposed to insert the following:

Provided further, That the United States may have the option to redeem such site or sites by payment to the proper persons holding such title under and by virtue of said mortgage, trust deed, judicial sale, or tax certificate of the entire amount due at the time such option applies for a period of one year from the date such right or title is secured, and if said option is acted upon, all rights to said lease or license shall revert to the United States.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina for the Senator from South Dakota.

The amendment was agreed to.

Mr. DIAL. Mr. President, I should like to ask the chairman of the committee whether or not this bill changes the law as to the ownership of the bed of a navigable stream where there is a difference in the law in different States? My recollection is—I have not looked into it very thoroughly—that the law on navigable streams in the thirteen original States differs from the law in the newer States. In other words, in the thirteen original States, on navigable streams, the title to the bed of the river is in the State, and on nonnavigable streams in those States the title to the bed of the river is owned by the riparian owners to the center

of the stream. Where a navigable stream is the dividing line between two States, each State owns to the center of the stream, in the absence of anything to the contrary; and where, as I say, it is not navigable, my understanding is that in my State the bed of the river belongs to the riparian owners to the middle of the stream, in the absence of a plat or a deed to the contrary. I have heard—I have not looked into the matter very thoroughly—that the United States Government owns the bed of the stream of navigable rivers, at least in the Senator's part of the United States.

The object of my inquiry is this: I do not want to give away any of the rights we have. I recognize the right of the National Government to use these streams for purposes of navigation, but I do not want us to have to come here to Washington to get the right to dam up the streams that really belong to us, if they do belong to us.

I should like to ask the chairman of the committee whether or not that proposition is correct as a matter of law; and if so, whether this bill changes it?

Mr. NELSON. That has always been my view of the case—that the Federal Government has no interest either in navigable or nonnavigable streams other than the purposes of conserving and protecting navigation; and outside of that the bed of the streams and the water in the streams belongs either to the States or to the riparian owners, as the case may be, and not to the Federal Government.

We have in this country two systems in regard to the rights of riparian owners. In most of the States, the older States, they have the common-law system, with some modifications. However, that part of the common law which held that a stream was not navigable except where the tide ebbed and flowed has never been applied in this country. Out West, in the mountain and mining and arid States, they have the doctrine of prior appropriation. That is, in a rough and short way it can be said that the man who first appropriates the water to a beneficial use has the right to it; but that applies only to those States in the West, mainly in the mountain and Pacific Coast States and in the arid States. There is some modification of that rule; but I think in most of the States east of the Mississippi—in fact, all of them—the common-law doctrine of the rights of riparian owners prevails, only modified so far as the Constitution of the United States is concerned by the interest of the Federal Government in the matter of navigation.

Mr. President, if there are no further amendments to be offered as in Committee of the Whole, I ask that the bill may be reported to the Senate.

Mr. NUGENT. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Senator from Idaho proposes an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. Add at the end of the bill a new section, as follows:

SEC. 30. That this act shall not take effect until the expiration of three years from and after its approval by the President.

Mr. NUGENT. Mr. President, I offer the amendment for reasons which I shall briefly state.

I am very strongly of the opinion that the States and the counties, municipalities, and other political subdivisions of the States in which these water-power sites are situated should have the right to develop them for the use of the people of those States, counties, or municipalities, as the case may be. According to my understanding of this bill, it contains a provision to the effect that municipalities, counties, and so on, may make application for licenses. But it occurred to me that if this bill is enacted and becomes effective within a short time, shortly thereafter practically all of the desirable sites will have been applied for by private interests.

I am not familiar with the provisions of the constitutions in the different States with respect to the limitations on indebtedness to be incurred by the State or the county or a municipality. I do know, however, that under the constitution of the State of Idaho the legislature can not incur an indebtedness in excess of the sum of $2,000,000, except for a specific purpose; and before that can be done, the legislature must enact a bill, which must be submitted to the people of the State at the next general election and approved by them.

I do not know what the outstanding indebtedness of Idaho is at this juncture, but I apprehend that no action can be taken with respect to the development by the State of one of these power sites until such time as legislation has been enacted for that purpose.

The legislature will not convene in Idaho until next year, January, 1921. The general election would not be held until November, 1922. So that it appears to me that if this bill becomes effective within a few months the State of Idaho would be deprived of all possible opportunity to acquire one or more than one of the sites within her boundaries.

So far as the counties and the municipalities in Idaho are concerned, I doubt very much, although I have no definite information on the subject, whether there is one among them that can now take out a license for the development of a water-power site. The people are not only laboring under a tremendous burden of taxation occasioned by the war, but the different counties have during the past year voted bonds to the extent of hundreds of thousands of dollars for good roads purposes. It may be two or three years before the people will feel that they can afford to incur the necessary indebtedness to develop one of these power sites. I think that for the reasons given my amendment should be adopted.

Mr. NELSON. Mr. President, this amendment ought not to be adopted. The country has been suffering for 8 or 10 years for the lack of water-power legislation. All water-power development has been at a standstill, and this amendment would postpone it for another three years, leaving it as though no law had been enacted. It would stay water-power development in Idaho, just as well as in every other State, for men who seek to develop water power want to be assured that the Government will give them permission, and without that there will be an absolute stay of all development. The amendment amounts simply to postponing the work of water-power development in this country for another three years, and it ought to be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. NUGENT].

On a division, the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. NELSON. Mr. President, I ask that a vote be had in the Senate on the amendment of the committee in paragraph (e) of section 10. It commences on page 17.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	Moses	Smith, Md.
Bankhead	Henderson	Myers	Smoot
Borah	Hitchcock	Nelson	Spencer
Brandegee	Jones, N. Mex.	New	Stanley
Calder	Kellogg	Newberry	Sterling
Chamberlain	Kenyon	Norris	Sutherland
Curtis	Kirby	Nugent	Trammell
Dial	Lenroot	Page	Underwood
Dillingham	Lodge	Phipps	Walsh, Mass.
Fernald	McCormick	Pittman	Walsh, Mont.
Frelinghuysen	McCumber	Ransdell	Warren
Gay	McKellar	Reed	Watson
Gerry	McLean	Sheppard	Wolcott
Gore	McNary	Simmons	

Mr. DIAL. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is absent on official business. He has a general pair with the Senator from South Dakota [Mr. STERLING].

Mr. MOSES. I wish to announce the absence of my colleague, the Senator from New Hampshire [Mr. KEYES], on account of illness in his family. I ask that this announcement may stand for the day.

Mr. NUGENT. I desire to announce the absence on official business of the Senator from Utah [Mr. KING], and I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present.

Mr. NELSON. I suppose before a vote is taken on the amendment of the committee which was rejected in Committee of the Whole the usual course should be followed, which is to concur in the amendments made in Committee of the Whole in gross, except those which were reserved for a separate vote.

The PRESIDING OFFICER. If there be no objection, the amendments agreed to in Committee of the Whole will be concurred in, excepting those that have been reserved for a separate vote. The Chair hears no objection, and those amendments are concurred in.

Mr. NELSON. I now offer an amendment of the committee that was not agreed to in Committee of the Whole. It is the amendment commencing at the foot of page 17, paragraph (e), and extending throughout pages 18 and 19. It relates to the compensation for the use of water powers built by private capital and not by the Government. The amendment should be adopted.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 17, after line 23, strike out:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission, the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

And in lieu thereof insert:

That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

Mr. SMOOT. Mr. President, I stated that I would ask for a vote on the amendment in the Senate. I made some remarks upon it while the bill was in Committee of the Whole. I trust that the Senate of the United States will agree to the committee amendment.

I desire to call attention to the fact that about 10 or 12 years ago, when the question of the right of the Government of the United States to control and regulate the production of electric power and the production of coal and other minerals developed in public lands was under consideration, the statement was then made by every official of the Government of the United States that the Government had no interest whatever in the control or the management of those natural resources other than to prevent waste and would charge only enough from the production therefrom to pay the administrative cost. That has been the statement made every year since until about three years ago. Now, the theory is that they should charge all they possibly can get. The result will be the passing on to the ultimate consumer of whatever charges may be imposed over and above the actual cost of administration. The Senate in the bill has followed the policy that has been adopted by the Senate in reference to all such bills in the past. I trust that the limitation of 25 cents per horsepower will be agreed to by the Senate. Remember that this is 25 cents per horsepower for every horsepower that is generated, no matter whether the company is making any money or not. The charge must be paid to the Government of the United States from the first day of operation. If it is unlimited and any charge can be made the result will be that the people living in those sparsely-settled districts of the West will be compelled to pay every dollar of the charge that the commission can impose. It is rather burdensome on the people to have these natural resources taken entirely away from them without receiving the usual taxation, but it will be more burdensome if they are to be administered in a way that would place an extra burden upon all industries developed. In some of the Western States the taxes imposed run as high as 4 per cent per annum. Is it possible that in those States with that rate of taxation manufacturing concerns can be established and compete with institutions that have the great body of people as customers at their very doors and at a rate of taxation of 1½ per cent? It is impossible, and I know that if the Senate of the United States will give the subject consideration it will adopt the amendment offered by the committee. I sincerely hope so, at least.

Mr. NELSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MYERS. Mr. President, I too am very heartily in favor of the adoption of the committee amendment. I do not believe this measure should be intended to be a revenue producer. I do not believe the object of it should be to produce revenue. I believe that all the Federal Government should have out of it is enough to pay administrative expenses. As has been well said by the Senator from Utah [Mr. SMOOT], whatever charge is made will certainly be passed on to the consumer. There is absolutely no avenue of escape from that conclusion. It must go to the consumer, whether it be much or little. I believe some reasonable limitation should be put upon the charge to be made by the Government. I would be willing to see the charge increased from 25 cents to 50 cents per developed horsepower, but I think there ought to be some limitation. However, I greatly prefer the provision as it is. I hope the committee amendment may be adopted just as it is.

Mr. LENROOT. Mr. President, I am not going to repeat at very great length the argument I have heretofore made upon the amendment. I understand there has been very great activity since the Senate refused to agree to the amendment a few days ago, and that now it is going to be agreed to by a very substantial majority.

I understand very well that if the amendment is adopted there are certain interests which will very greatly profit by it. The stock of the Utah Light & Power Co., in the State of the Senator from Utah, will be worth a great deal more with the amendment agreed to than without it, but the people of Utah will get no benefit from the amendment. If the amendment is agreed to it will be worth several million dollars to the Niagara Falls Power Co., but it will not in the least benefit the people who utilize the power.

Inasmuch as the Senate has already agreed that there shall be a perpetual franchise I do not feel quite so much concerned about this amendment as I otherwise would because if, in addition to that outrage, this amendment shall be agreed to, it will a little better insure that if the bill does go to the President of the United States in this form it will be vetoed, as it ought to be. As the bill now stands it is a surrender of the public interest to special privilege. The Senate may make this record if it chooses.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. He is absent, but I understand if present he would vote as I am about to vote, and I therefore vote. I vote "yea."

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arizona [Mr. SMITH]. In his absence I withhold my vote.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote. I vote "yea."

Mr. OWEN (when his name was called). I am paired with the Senator from New Jersey [Mr. EDGE]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on official business. He is paired with the Senator from South Dakota [Mr. STERLING].

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

The roll call was concluded.

Mr. MCCUMBER (after having voted in the affirmative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. KNOX] and vote. I vote "yea."

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from South Dakota [Mr. JOHNSON]. He is paired with the Senator from Maine [Mr. FERNALD]. If present, the Senator from South Dakota would vote "nay."

I wish also to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Ohio [Mr. POMERENE] are detained from the Senate at a conference on the railroad bill.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from North Carolina [Mr. OVERMAN], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Wyoming [Mr. KENDRICK] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 44, nays 20, as follows:

YEAS—44.

Ashurst	Gay	Myers	Smith, Ga.
Bankhead	Gerry	Nelson	Smith, Md.
Beckham	Hale	New	Smoot
Borah	Harding	Newberry	Spencer
Brandegee	Jones, N. Mex.	Page	Sterling
Calder	Kellogg	Phipps	Sutherland
Chamberlain	Lodge	Pittman	Underwood
Dial	McCumber	Ransdell	Wadsworth
Dillingham	McLean	Reed	Warren
Fernald	McNary	Sherman	Watson
Frelinghuysen	Moses	Simmons	Wolcott

NAYS—20.

France	Henderson	McCormick	Sheppard
Gore	Hitchcock	McKellar	Stanley
Gronna	Kenyon	Norris	Trammell
Harris	Kirby	Nugent	Walsh, Mass.
Harrison	Lenroot	Phelan	Walsh, Mont.

NOT VOTING—31.

Ball	Fall	Knox	Shields
Capper	Fletcher	La Follette	Smith, Ariz.
Colt	Johnson, Calif.	Overman	Smith, S. C.
Culberson	Johnson, S. Dak.	Owen	Swanson
Cummins	Jones, Wash.	Penrose	Thomas
Curtis	Kendrick	Poindexter	Townsend
Edge	Keyes	Pomerene	Williams
Elkins	King	Robinson	

So the amendment was agreed to.

The PRESIDING OFFICER. The present occupant of the chair has been informed at the Secretary's desk that the Senator from Wisconsin [Mr. LENROOT] reserved the amendment on page 29.

Mr. LENROOT. I did reserve the committee amendment on page 29, with reference to the disposition of compensation for licenses, dependent upon the final disposition of that amendment, but inasmuch as the action thereon has been different from what I apprehended it would be, I withdraw my reservation.

The amendment was concurred in.

Mr. GRONNA. Mr. President, I have not had an opportunity to discuss this measure. Though it has been debated for a number of days, I have taken no time of the Senate in the discussion. I do not say that the views of the writer of the letter which I am going to ask to have read have at all times and in all respects met with my approval, but I wish to say that in his fight against the monopoly of water power and for the conservation of the natural resources he has been consistent.

While I am on my feet I wish to say that I apprehend there will be no roll call on the bill; judging from the last vote, I take it that it will be passed without a roll call. I wish, therefore, to state that I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness, and if he were present he would vote against the bill.

Now, Mr. President, I ask that the letter which I send to the Secretary's desk may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The letter was read, as follows:

NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C., January 5, 1920.

Hon. ASLE J. GRONNA,
United States Senate.

MY DEAR SENATOR: I am writing to call your special attention to the water-power bill (H. R. 3184), now in a preferred position on the Senate Calendar. This bill will settle the disposition of all our remaining public water powers. It is, therefore, one of the most important domestic measures with which this or any other Congress has had to deal.

In it there are five provisions which are antipublic and altogether indefensible. Without them this measure would be sound; with them its effect is bad. Every one of them would be a surrender of the public right.

1. Section 10 (e) gives the public water powers away for practically nothing by relieving licensees from paying the reasonable value of what they get from the public. It limits the possible charge to the reimbursement of the Government for the expenses of administering the act, plus a small charge based on the value of Government lands occupied, irrespective of their water-power possibilities. Thus it prevents any charge being made for the enormously valuable water-power rights to be granted under the bill. When a municipality is to develop and use the power for its citizens a nominal charge is right and just, but when a corporation or individual is to be given publicly owned rights and make a profit from them it is clear beyond question that a reasonable charge, based on the value given, should be made.

The right to make such a charge is clear. To abandon it for the profit of the corporations would be wholly unjustifiable. The water-power commission should be given a free hand to charge what the rights granted are actually worth. This grave defect in the bill can be remedied by striking out the Senate committee amendment.

2. Section 22 gives the public-service commission of a State the power to decide alone that a contract may extend beyond the end of a license, apparently with the intention that the National Government, or its new licensee, shall be saddled with obligations, as to the making of which it will have had no voice, no matter how unfair, disadvantageous, or costly to the public interest they may be.

This provision is absurd on its face. Merely to set forth its apparent intention condemns it. Again the fault can be cured by eliminating the Senate committee amendment.

3. The provision for "severance damages" in section 14, page 25, lines 1 to 5, is without justification and should be omitted from the bill. The taking over of the property after 50 years of notice has nothing analogous to that in which an owner is suddenly deprived of a part of his property against his will, and in justice requires no severance damages at all. No valid argument can be made for damages based upon anything more than the loss of use for some short period of not more than three years while necessary changes are being made.

4. At the end of section 15 the bill contains provisions which are calculated to make a license perpetual. These are contained in the words "on reasonable terms" and "which is accepted," line 20, all of which should be stricken out. The word "shall" in line 20 should be changed to "may." The rights of a licensee will then surely and automatically terminate at the end of 50 years, as they should, and no collusion or other device will avail to make them indefinite. Of course, the typographical error in line 20 must be corrected by changing "license" to "licensee."

5. The bill provides that certain items, if any, shall be deducted from the legitimate original cost of a project in order to determine the price to be paid therefor when taken over by the United States or another licensee. But it fails to provide that these proper and necessary reserves shall be made at all. This omission would mean the unjustifiable loss of millions of dollars to the Government. It can be cured by striking out the words "reserves for such purposes" in line 3, page 17, and substituting therefor the words "amortization, sinking fund, and other similar reserves, if and as required by the commission, but such reserves shall not be so made as to prevent a fair return upon the net investment."

I bring these matters to your attention because the changes suggested should be made to protect the public interests and the bill should then be passed. Amended as here suggested it would, on the whole, be sound and wise. But unless such amendments are made it will contain a plain surrender to the special interests and should not be allowed to pass.

Yours, very truly,

GIFFORD PINCHOT.

Mr. LENROOT. Mr. President, in connection with the letter that has just been read, I wish to state that the only recommendations it contains which have been adopted by the Senate are the one striking out the Senate committee amendment relating to the joint approval of contracts, leaving the language as contained in the House bill, and the one limiting, to some degree, the amount of severance damages. In no other respect, however, has the bill been changed in the particulars named in the letter.

I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER. The bill has not reached that parliamentary stage as yet, the Chair will say to the Senator.

Mr. LENROOT. Very well.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment. If there be no further amendments, the question is, Shall the amendments be ordered to be engrossed and the bill to be read the third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I am in doubt as to how he would vote on this question. I therefore transfer my pair with the junior Senator from Pennsylvania to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but I understand that he is in favor of this legislation. Therefore, I feel at liberty to vote. I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If he were present, he would vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is unavoidably absent. If present, he would vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The roll call was concluded.

Mr. HARDING. Has the junior Senator from Alabama [Mr. UNDERWOOD] voted?

The PRESIDING OFFICER. He has not.

Mr. HARDING. I have a general pair with that Senator. I am informed by competent authority, however, that if he were present he would vote as I shall vote. Therefore, I am at liberty to vote. I vote "yea."

Mr. OWEN. I have a pair with the Senator from New Jersey [Mr. EDGE], who is absent, and therefore withhold my vote.

Mr. CURTIS. I wish to announce the absence of the Senator from Kansas [Mr. CAPPER] on official business.

I wish also to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Utah [Mr. KING].

Mr. GERRY. I have been requested to announce that the Senator from South Dakota [Mr. JOHNSON] is necessarily absent. If present, he would vote "nay."

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from North Carolina [Mr. OVERMAN], the Senator from South Carolina [Mr. SMITH], the Senator from Arkansas [Mr. ROBINSON], the Senator from Utah [Mr. KING], and the Senator from Arizona [Mr. SMITH], are detained on official business.

Mr. TRAMMELL. My colleague, the senior Senator from Florida [Mr. FLETCHER], is detained from the Senate by illness.

The result was announced—yeas 52, nays 18, as follows:

YEAS—52.

Ashurst	Frelinghuysen	McNary	Simmons
Bankhead	Gay	Moses	Smith, Ga.
Beckham	Gerry	Myers	Smith, Md.
Brandegee	Hale	Nelson	Smoot
Calder	Harding	New	Spencer
Chamberlain	Henderson	Newberry	Sterling
Colt	Hitchcock	Page	Sutherland
Cummins	Jones, N. Mex.	Phelan	Townsend
Curtis	Kellogg	Phipps	Wadsworth
Dial	Kendrick	Pittman	Walsh, Mont.
Dillingham	Lodge	Pomerene	Warren
Fernald	McCumber	Ransdell	Watson
France	McLean	Sherman	Wolcott

NAYS—18.

Borah	Kenyon	Norris	Trammell
Gore	Kirby	Nugent	Walsh, Mass.
Gronna	Lenroot	Reed	Williams
Harris	McCormick	Sheppard	
Harrison	McKellar	Stanley	

NOT VOTING—25.

Ball	Johnson, Calif.	Overman	Smith, S. C.
Capper	Johnson, S. Dak.	Owen	Swanson
Culberson	Jones, Wash.	Penrose	Thomas
Edge	Keyes	Poindexter	Underwood
Elkins	King	Robinson	
Fall	Knox	Shields	
Fletcher	La Follette	Smith, Ariz.	

So the bill was passed.

Mr. NELSON. I move that the Senate request a conference with the House of Representatives upon the bill and amendments, and that the Chair appoint six conferees upon the part of the Senate, three from the Committee on Commerce and three from the Committee on Public Lands.

The motion was agreed to; and the President pro tempore appointed Mr. JONES of Washington, Mr. NELSON, Mr. BANKHEAD, Mr. SMOOT, Mr. FALL, and Mr. MYERS conferees on the part of the Senate.

AMERICANIZATION OF ALIENS.

Mr. KENYON. I move that the Senate proceed to the consideration of Senate bill 3315, the bill to promote Americanization.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I did not realize at first what motion was being put. The Senator from Utah [Mr. KING] was called away this afternoon on business of the Senate to South Carolina, I believe. He told me before leaving that he had an understanding with the Senator from Iowa——

Mr. KENYON. I will say that I have a complete understanding to protect the Senator from Utah.

Mr. HITCHCOCK. That no vote would be taken on the bill until after his return.

Mr. KENYON. Until after his return, provided he returns within the time he indicated he would.

Mr. HITCHCOCK. Yes.

Mr. KENYON. Mr. President, I do not know whether or not the Senate desires to proceed with the bill this afternoon. Personally I should much prefer to have it go over until to-morrow.

Mr. SMOOT. Mr. President, there are a large number of nominations to be considered, and if the Senator will move an executive session we can transact executive business.

EXECUTIVE SESSION.

Mr. KENYON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 16, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 15, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thou Grace Divine, encircling all,
A shoreless, soundless sea,
Wherein at last our souls must fall—
O love of God most free!

We thank Thee that the devout men of Christendom no longer worship Thee in servile fear, as an implacable judge, nor as a king seated upon a throne, ruling his subjects with a rod of iron; but that they look up to Thee with faith, hope, and confidence, and worship Thee in spirit and in truth, as a loving Father who doeth all things well.

Wealth, power, position have their sway. Big guns, great armies led by expert military men flourish for a time; but right is might, justice, liberty, truth, righteousness, and will at last prevail, since love is king and rules in the purest homes, purest governments, and will at last rule the world in equity, right, and justice.

The mob crucified the Christ, but He lives and will establish Thy kingdom upon the earth, under Thy divine rule. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

Hon. F. H. GILLETT,
Speaker of the House:

I hereby tender my resignation as a member of the Committee on Revision of the Laws, effective at once.

ED. B. ALMON.

CORRECTION OF THE RECORD.

Mr. SIMS. Mr. Speaker, I wish to make an inquiry as to a matter of a correction of the RECORD, not to-day's RECORD but

of several days ago, and it is this. On the vote on the Berger resolution a few days ago there were no pairs published in the RECORD either that day or since. On the former vote on the resolution denying Mr. Berger his seat the pairs were published in the RECORD, and I do not understand why they did not appear in the RECORD in the last resolution vote, as has always been the case.

The SPEAKER. The Chair has no information on the subject. Has the gentleman inquired of the pair clerk?

Mr. SIMS. Yes; and I have examined the RECORD, and I do not find the pairs, and I want to ask that the permanent RECORD be corrected so as to show the pairs just as they would have been shown if presented in the usual way at the time the vote was taken. One of the pair clerks whom I asked why it was not done, said that upon the suggestion of certain Members it was not done. I do not undertake to state the details, but we have pair clerks, and they have a function, and I feel satisfied they are ready to discharge their functions, and I ask that the permanent RECORD be corrected by placing the pairs that the clerks prepared in the permanent RECORD, following the yea-and-nay vote.

Mr. BLANTON. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BLANTON. That was a subject, Mr. Speaker, upon which it was impossible to find a pair on the opposite side of that question.

Mr. SIMS. Mr. Speaker, that cuts no sort of figure at all. It made it extremely conspicuous to leave the pairs out entirely on that one question and on that particular vote, when our custom is to put them in on all votes and which were published as on the former vote of the same character when the House acted before. I think that has been the universal practice. I have no personal interest in it, but I do not know why this was done. It looks exceedingly conspicuous for——

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. SIMS. I do.

Mr. CLARK of Missouri. The right way to regulate this pair business is absolutely to prohibit them.

Mr. SIMS. I am willing to vote to abolish it, but as long as we have it let us have some uniformity about it.

The SPEAKER. The pairing, of course, is done for the convenience of Members. It occurs to the Chair very likely the men who had regular pairs would have preferred not to have them appear on that vote.

Mr. SIMS. That would have to be left to each Member himself.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. A good many pairs which appear in the RECORD having been made by Members are never so made, and the parliamentary inquiry is this: Is the pair clerk to make it appear in the RECORD that two gentlemen are paired when the pairs have not been read from the desk?

The SPEAKER. The Chair was not aware there was any such practice. The Chair thinks that strictly, of course, the pairs should be formally made.

Mr. GARNER. Then if a gentleman arises on the floor of the House in the morning and undertakes to correct the RECORD by calling attention to the fact that when two or three pairs were read from the desk where some 30 or 40 appear in the RECORD, the RECORD should be corrected so as to coincide with the fact?

The SPEAKER. The Chair thinks so.

Mr. GARNER. I hope some gentleman may undertake to do that, and to that degree do away with pairs. I call that to the attention of the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. I am in favor of it. I think it is rather unusual to permit several days to go by before asking that pairs upon a resolution which has been passed may now be put in the RECORD, and I object.

Mr. SIMS. I have no personal interest except——

Mr. WALSH. Anyone having a personal interest should have risen long since, and I object.

Mr. SIMS. I had asked the Clerk to tell me if the pairs appeared in the usual way, and I was advised as I have stated. I am not reflecting on the clerks. I think the clerks did exactly what they thought was right.

Mr. MONDELL. I think it very wise not to have the pairs appear on that question.

Mr. SIMS. Very well, then let us abolish the rule. I ask unanimous consent, Mr. Speaker, that the pairs made up by the Clerk be placed in the RECORD——

The SPEAKER. But objection has been made.

Mr. SIMS. Who made it?

The SPEAKER. The gentleman from Massachusetts.

Mr. SIMS. Very well; then I will introduce a resolution and let us have the whole thing investigated.

ELECTIONS TO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I move the election of Mr. ALMON, of Alabama, to fill a vacancy on the Committee on the Territories.

The SPEAKER. The gentleman from North Carolina offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. KITCHIN moves that Mr. ALMON be elected a member of the Committee on the Territories.

The question was taken, and the motion was agreed to.

Mr. KITCHIN. Now, Mr. Speaker, I move that Mr. HOEY, of North Carolina, be elected a member of the Committee on Labor and the Committee on the Revision of the Laws.

The Clerk read as follows:

Mr. KITCHIN moves that Mr. HOEY be elected a member of the Committee on Labor and also a member of the Committee on the Revision of the Laws.

The SPEAKER. The question is on the motion of the gentleman from North Carolina.

The motion was agreed to.

POST OFFICE APPROPRIATIONS.

Mr. STEENERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11578, with Mr. WALSH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

For inland transportation by star routes in Alaska, including increases hereinafter provided, $255,000: *Provided*, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of this bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks. Is there objection?

Mr. BLANTON. Mr. Chairman, on what subject?

Mr. STEENERSON. On post-office affairs.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For inland transportation by railroad routes, including increases hereinafter provided, $60,000,000: *Provided*, That not to exceed $1,250,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise: *Provided further*, That out of this appropriation the Postmaster General is authorized to expend not exceeding $850,500 for the purchase of aeroplanes and the operation and maintenance of aeroplane mail service between such points, including service to and between points in Alaska, as he may determine.

Mr. WATSON, Mr. CRAMTON, Mr. MADDEN, Mr. MONDELL, and Mr. BYRNS of Tennessee rose.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. WATSON. Mr. Chairman, I move to strike out the last word in order to make an inquiry.

The CHAIRMAN. A point of order has been reserved.

Mr. WATSON. I understand it is reserved. Have I a right to ask questions?

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania.

Mr. WATSON. Has there been an aeroplane service established yet in Alaska?

Mr. STEENERSON. I think not.

Mr. WATSON. Between what two points is it the purpose to establish an aeroplane service in Alaska?

Mr. STEENERSON. Aeroplane service has already been established between New York and Washington.

Mr. WATSON. But this appropriation is for an aeroplane service in Alaska.

Mr. STEENERSON. We have no information on that subject. The paragraph is identically the same as it was in the last year's appropriation bill, and when it passed the House that provision in regard to Alaska was not in, but it was inserted in the Senate, and we inserted it this year in the identical language in which it was carried in the last year's law. I have only secondhand information now in regard to it.

Mr. WATSON. Then you have no information?

Mr. STEENERSON. I have some information. I have information derived from a hearing on another bill, where it is advocated that we should carry mail to Seattle.

Mr. WATSON. From where?

Mr. STEENERSON. From New York.

Mr. WATSON. From New York to Seattle?

Mr. STEENERSON. And thence to Alaska. There was some reference to Alaska made by Representative MILLER in a hearing upon a separate bill, and I think it was suggested that in some places in Alaska it was desirable to have mail carried by aeroplane; but I do not think they have carried any there yet.

Mr. WATSON. The committee has no definite information in regard to this appropriation?

Mr. STEENERSON. In regard to carrying mail to Alaska; no.

Mr. DYER. Will the gentleman from Pennsylvania yield to me to ask the gentleman in charge of the bill a question?

Mr. WATSON. I will.

Mr. DYER. The appropriation that is provided in this bill, as I understand it, is the same as carried in last year's act, for the present fiscal year; that the same amount is carried for the air service as was carried in the last bill; is that correct?

Mr. STEENERSON. Well, the appropriation for the fiscal year 1919 was $100,000, and was in 1918. The appropriation for the current fiscal year is $850,500. This represents an increase of 800 per cent over what it was in the previous year. They have not expended $800,000 yet.

Mr. DYER. It is the same amount in this bill as was provided in the last act of Congress, is it not?

Mr. STEENERSON. In the act for the fiscal year 1920.

Mr. DYER. Now, will the gentleman state whether or not, from the hearings had by the committee, this amount will permit the extension of the service in any place other than carrying out the present program?

Mr. STEENERSON. Yes; I believe it will permit the extension of the service, especially if they would quit building these expensive aeroplanes and contract with private contractors. We had a Maj. Burnell before the committee a day or two on another proposition, and he stated that there was a corporation—I forget the name of it—composed of some of the leading capitalists of the country, amply responsible, that will contract for 100 miles back and forth in a day for $100 a day, being a dollar a mile. Now, with $850,000 you could carry mail a thousand miles once a day for 300 days in the year for $300,000. You can carry at that same rate 3,000 miles. They have got only about 900 in operation now; so this would permit of an extension of at least 200 per cent. Instead of wasting the money, as they have, on building and experimenting with various kinds of aeroplanes——

Mr. DYER. But, if the gentleman will permit, this appropriation will not permit the further extension of the service.

Mr. STEENERSON. It will permit it.

Mr. DYER. How much did the Postmaster General ask the committee for, $2,000,000?

Mr. STEENERSON. The Postmaster General had a separate item that he recommended as a distinct proposition, and that was for $3,000,000.

Mr. DYER. Yes; he wanted enough to operate a route from Pittsburgh to Kansas City by way of Indianapolis and St. Louis, and to San Francisco.

Mr. STEENERSON. The Assistant Postmaster General went before the committee and recommended the taking away of the unexpended balance for railway inland transportation for the present year, which is $7,000,000, to be used for the establishment of air mail service to San Francisco, and at the same time the bill was pending two other propositions were introduced, one to carry the mail to Los Angeles and the other to Seattle. So that the bills pending would take about $10,000,000.

Mr. DYER. Well, the gentleman is aware, is he not, that the service has been very beneficial and very effective?

Mr. STEENERSON. No, sir; "the gentleman is aware" of no such thing.

Mr. DYER. The report of the Postmaster General shows that it has been very successful. He gives figures as to the amount of mail carried.

Mr. STEENERSON. Who gives figures?

Mr. DYER. The Postmaster General.

Mr. STEENERSON. Oh, no; he does not. Not that proves anything to one who studies the subject.

Mr. DYER. I have them here in the CONGRESSIONAL RECORD of January 6.

Mr. STEENERSON. Oh, he has not succeeded in expediting the mail even between here and New York.

Mr. DYER. The gentleman is mistaken about that.

Mr. CRAMTON. Mr. Chairman, perhaps I can give an answer to the question propounded by the gentleman from Pennsylvania [Mr. WATSON]. After reading the hearings the gentleman from St. Louis [Mr. DYER] need not cherish any hope as to an extension of the service to his city under this item of the bill, and absolutely there is no idea whatever on the part of the Post Office Department that the service should be extended to Alaska. I looked into that a little because it seems to me, if the Post Office Department is justified in taking up the matter of aviation anywhere, it should be in these places where by reason of the natural conditions, by reason of mountains and bodies of water, and so forth, there do not exist now satisfactory methods of transporting the mail. That does not seem to be the policy of the Post Office Department. They appear to be taking no steps whatever for experiments in such cases as that, but are attempting to carry the mail from New York to Washington, and if they have good luck they get the mail from New York to Washington about as quickly as it would be carried by train, already existing, and at less expense if it goes on the train.

Let me call to the attention of the gentleman that the estimate of the Post Office Department on the subject was a request for $3,000,000. They asked to have this whole item of $850,000 stricken out, and in another place in the bill $3,000,000 put in. That $3,000,000, if they could have it, would have provided approximately $2,000,000 for operation of the service and leave $1,000,000 for the purchase of equipment, and so forth. That $2,000,000 would have provided certain extensions in this country in competition with existing satisfactory rail routes. Not one penny of it was asked for any extension to Alaska, and I assume that if given the $2,000,000 they would not extend it to Alaska or make any experiments in that direction. With $850,000, the same amount they had before, they certainly would not do it.

Mr. WATSON. Would all this $850,000 be applied to Alaska?

Mr. CRAMTON. It seems to be the policy of the committee on this item to give the Post Office Department free discretion to expend it anywhere they want to, and the word "Alaska" has been put in here apparently to raise the hope somewhere that something would be done for Alaska. But the item itself and the hearings upon it show that nobody in the Post Office Department has any idea of extending the service to Alaska or trying any experiments over the Rocky Mountains or any place else where existing railroad transportation does not give practical service.

Mr. WATSON. What was the object of the committee in putting this in?

Mr. CRAMTON. I think it is from that conservative point of view, perhaps, of allowing things to be as they are. Personally, I hope the point of order will be made by the gentleman from Wyoming [Mr. MONDELL]. If not, I am inclined to think I shall make it myself, because to my mind the Post Office Department is not justified in fooling with this proposition for the establishment of service where satisfactory service can be secured by rail. The use of that $850,000 means nothing in the way of military preparedness, but at this time when we have got to cut corners it is the best place I know of to cut off $850,000.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. RAMSEYER. I think the gentleman is correct, that there is no purpose on the part of the Post Office Department in the near future to extend this service to Alaska. But if the Post Office Department should get $3,000,000, as they asked for originally, it was their purpose to extend the service on from Chicago, where it now goes, through Omaha and on to San Francisco, across the Rocky Mountains, as the gentleman states. In addition to that, they were going to establish a service between Minneapolis through Chicago to St. Louis, also a service from Pittsburgh to St. Louis, and also one south to Atlanta. But, of course, with the $850,000 provided in this bill they can not extend the service; at least they say they can not extend the service across the Rocky Mountains. If they could extend the service across the Rocky Mountains to San Francisco, they claim they would save two days' time in transporting the mail from New York to San Francisco.

Mr. CRAMTON. I can not yield further to the gentleman to make that statement. I would like to call this to the gentleman's attention——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I would like to have one minute more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. CRAMTON. I would like to call attention, in view of the statement of the distinguished chairman of the committee [Mr. STEENERSON] with reference to what can be done in the way of contract service at a cost of $1 per mile per day, to the fact that the hearings do not indicate that the Post Office Department has any intention whatever of undertaking anything in the way of contract service. They want to go ahead with the same methods and with the same system with which they handled it in the past year, and which the chairman of the committee has so strongly criticized.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. MADDEN. Mr. Chairman, while this proposition is pending on a reservation of a point of order I would like to say what I know about this thing. In the beginning the department was authorized to experiment with the aerial mail service and in the last year was authorized to expend $850,500. During the hearings, in the recommendation made by the department it was developed that they asked for $3,000,000 to extend the service. The committee did not think it wise to grant authority to expend that $3,000,000. The Second Assistant Postmaster General in his statement before the committee would lead the committee to believe that if they had the money with which to extend the air mail service they would be able to take all the mail off the trains in the United States in the next 30 days.

Of course, everybody knows that is not possible, and that whatever money you expend for air mail service will be in addition to the money expended for the transportation of mail by rail.

Mr. ROUSE. Will the gentleman yield?

Mr. MADDEN. No; I will not yield for the present. In a few minutes I will.

Mr. ROUSE. I just desire to correct the gentleman's statement about taking all the first-class mail off trains.

Mr. MADDEN. I am making my own conclusions.

Mr. ROUSE. I know the gentleman wants to be accurate.

Mr. MADDEN. Of course. The gentleman can make his statement in his own time. My own judgment is that the air mail service as it exists at present, except between New York and Chicago, is of no consequence whatever; that it accomplishes no good purpose. The service between Washington and New York has no right to exist. There is no business for it to perform. It accomplishes nothing.

Now, in my judgment the only reason why the air mail service between New York and Chicago is of any value is that the trains leaving New York at 8.45 every night reach Chicago in time to make the western connections there for all the western and northwestern territory. Any train that leaves New York later than 8.45 at night can not reach Chicago in time to make the western connection, and so the policy has been adopted by the Post Office Department of taking all the first-class mail coming into the New York post office after 8.45 every night until about 5 o'clock the next morning and forwarding it to the western connections at Chicago and getting it there as early as it would have arrived if it had left on the 8.45 p. m. train the night before. Any mail that does not leave on the 8.45 p. m. train, no matter what train it leaves on after that, would have to wait over at Chicago 24 hours, and to the extent that the department is able to advance the movement of the mail that comes into the New York post office after 8.45 p. m. up to 5 o'clock in the morning, the air mail service is advantageous; but, of course, nobody will claim that even that begins to pay for itself, and if we extend the air mail service to the points suggested by all the wild dreamers in the country we will not only have to expend $3,000,000 for this experimentation every year but we will have to expend $300,000,000, and the Post Office bill, instead of being a legitimate business bill, will be just as big a pork-barrel bill as the public buildings bill or the rivers and harbors bill.

Mr. SMITH of Michigan. Or both.

Mr. MADDEN. And I want to say to you that the time has come when somebody ought to have the courage to stand up here and prevent this great institution being pork-barrelized, if I may so express it. Why, you can see on the floor here now gentlemen who are anxious to have the air service sent to their towns. They do not know whether there is any merit in it or not. They have given it no study, they have no facts upon which to base their claims, and yet they say, "Our city ought to have it and every city ought to have it," and it will be a contest on the floor of the House to see how many Members can combine to get the air service into their cities, and not a question of merit or a question of proper expenditure or conservation of the public funds.

Mr. TREADWAY. Will the gentleman yield for one question?

Mr. MADDEN. In one moment. So I say that with $850,500 authorized in the bill to be deducted from the railway mail pay of $60,000,000, the department has all the money it ought to have, and there ought not to be any amendment to this section of the bill. Now I yield to the gentleman from Massachusetts.

Mr. TREADWAY. The gentleman said mail could leave New York up to 8.45 p. m. by train. I want to ask the gentleman what percentage of the business mail of the city would not be in the post office in time for that train?

Mr. MADDEN. I do not know that. I can not tell.

Mr. TREADWAY. Is not that information available?

Mr. MADDEN. One would naturally suppose that all the mail of any consequence might be in the post office by that time.

Mr. TREADWAY. That is the point I had in mind.

Mr. MADDEN. One would think that all the mail that needed to be expedited would be in the post office and ready to be dispatched before 8.45 p. m.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROUSE. Mr. Chairman, in answer to my friend the gentleman from Illinois [Mr. MADDEN], who said that the Second Assistant Postmaster General desired to divert all the first-class mail from the railways to the air service, I wish to quote the following statement of General Praeger:

> There are no statistics existent to show the total number of letters carried on the railroads, but the total number distributed on trains by the Railway Mail Service for the 12 months ended October 31, 1919, was approximately 7,689,350,968. Of these it is proposed to divert 382,000,000 to the air routes, or approximately 5 per cent. This is the character of mail known as "working mail" on the trains.

So, instead of diverting all the first-class mail, he proposes to divert only 5 per cent of it.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ROUSE. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Is this appropriation large enough to permit further experimentation in the mail service?

Mr. ROUSE. I will say to the gentleman that the present appropriation will not provide for any extension of the present service, nor will it pay for the present mail service after the 1st day of next July.

Mr. LONGWORTH. In other words, an appropriation so small as this would forestall any further developments?

Mr. ROUSE. It will, and it will not pay for the present service.

Mr. MADDEN. There ought not to be any extension, and it ought to pay for the present service.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 45.

Resolved by the House of Representatives (the Senate concurring), That the time within which the joint special committee shall report, which committee was appointed under the provisions of the resolution (H. Con. Res. 14) of the present Congress authorizing the appointment of a joint special committee to confer with the officials of the Commonwealth of Massachusetts and others relative to the participation by the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims, be, and the same is hereby, extended until March 1, 1920.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands.

The message also announced that the Senate had passed without amendment bills and concurrent resolution of the following titles:

H. R. 9089. An act releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, or other public purposes;

H. R. 9183. An act authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn.; and

House concurrent resolution 46.

Resolved by the House of Representatives (the Senate concurring), That a joint commission to consist of three Members of the Senate and three Members of the House of Representatives, to be appointed by the Vice President of the United States and the Speaker of the House, respectively, is hereby created to visit the Virgin Islands and to report fully to Congress as to existing conditions in the said islands, and particularly to report and recommend action by Congress, if need there be therefor, with reference to whether the present government under executive direction should be superseded by civil government provided by Congress as contemplated by act of March 3, 1917 (39 Stat., p. 1132), said government being now only temporary in character and by order of the President being now vested in officers of the Navy; also, as to whether Congress should at this time provide for a civil government of the island by an organic act; also what, if any, legislation is necessary pending the formation and adoption of an organic act, and as to the general conditions existing in the islands. Said report to be filed at the earliest date practicable, and during the Sixty-sixth Congress. That the expenses of said commission in carrying out the provisions of this resolution shall be paid in equal proportions from the contingent funds of the Senate and the House of Representatives, upon the audit and order, respectively, of the ranking Senate and House members of said commission, the total amount not to exceed the sum of $2,500.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. STEENERSON. Mr. Chairman, I should like to have 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, a year ago last month we held hearings on this item. It was then carried at $100,000 for the year, and they asked for $850,500. Before it was granted we examined Mr. Praeger with regard to it, and I mention this simply to show the methods employed by the Post Office Department to increase this appropriation.

Now, we have announced here a policy of economy. Our leader, Mr. MONDELL, has said that we must cut appropriations as much as possible, that the burden of taxation upon the people is very heavy, and we must economize where it is possible to do so. We would not economize on postal salaries, because, by reason of the high cost of living, the personnel had to have more compensation or the service would break down and be demoralized. Here is a matter that they seek to increase from $850,000 to $3,000,000.

I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill:

Mr. STEENERSON. You have not gotten to Chicago yet?

Mr. PRAEGER. Sunday week we will get there—on the 15th of December.

Mr. STEENERSON. And then what time will you get to Minneapolis and St. Paul.

Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919.

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis. But under his statement the people have purchased an aviation field for $25,000, and the board of trade are bombarding me with telegrams.

Again I examined Mr. Praeger in the hearings on this bill, and I said, "How about the extension to Minneapolis?" He said he was going to extend it to Minneapolis. He said that they had not been able to take care of the extension until they knew whether Congress wanted to extend the service or not. Later on, in response to a question in another hearing, he said he was going to extend it to Minneapolis. But here is a telegram I got from Minneapolis to-day:

MINNEAPOLIS, MINN., *January 14*.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.:

Post Office Department has provided for Air Mail Service out of present funds. This service canceled July 1 unless additional funds are provided. We ask your support for appropriation asked for this service.

B. F. BENSON,
Vice President Chamber of Commerce.

Now, here is a holdup as plain as can be. We gave them $850,000 last year on his distinct promise to have the service extended to Minneapolis—they were already in Chicago—and now they telegraph me that unless they get the increased appropriation they will discontinue the service on the 1st of July.

Mr. MONDELL. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. MONDELL. I understand it is the position of the department that unless there is an increased appropriation for the service after the 1st of July they will discontinue it. If they can maintain the service from April to July under the present appropriation, why can not they maintain it after the 1st of July on the same amount of appropriation?

Mr. STEENERSON. They could; with due economy they could maintain the service and have an unexpended balance. In 1918 they figure that it cost $5.35 per ton-mile, and now they have reduced it; and one man testified that he would carry it for $1 a mile without regard to the load, and that the machine carries 500 pounds or more. If they had used economy they could have carried the air mail service to Minneapolis and St. Paul long ago. Perhaps they waited to get an aviation field ready for them.

Now they undertake to throw all the blame on me, saying that unless we give them the $3,000,000 the airplane service to Minneapolis will be discontinued July 1.

I have some respect for a highway robber, because he has some courage; but the idea of having people hold up Congress by a threat to discontinue the service that we have appropriated money for excels the performance of that individual. [Laughter.] They are not satisfied to leave Members to use their judgment, but must intimidate them.

Now, as to the merits of the air mail service: As stated by my colleague, Mr. MADDEN, between here and New York it is absolutely useless. We had Mr. Ryan, president of the Railway Mail Association, before the committee, and he testified that he had made experiments on 12 different days, and in most cases the letter mail by railroad got here before the aeroplane letters. Everybody can see that whether you get the mail here an hour or two in advance is insufficient to make any great difference. The Postmaster General's report, for instance, states that in 19 months the air mail service has expedited the delivery of 22,000,000 letters. Wonderful! Twenty-two million letters! At that rate it would take five years to get one letter to each inhabitant of the United States.

Mr. DYER. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. DYER. The gentleman says that they have expedited 22,000,000 letters. How much time have they saved?

Mr. STEENERSON. I do not believe they have saved a minute.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. I ask for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, I regret exceedingly, but I must object.

Mr. BLACK. Mr. Chairman, on this aeroplane item I think the House would be interested in understanding the present situation as to the existing service in order to pass judgment upon whether or not the service should be extended. As has been stated by the chairman of the committee, the original appropriation for the aeroplane service was $100,000, and for the present fiscal year that appropriation is $850,500. As we all understand, the first route established was the one from New York City to Washington. Then in the present fiscal year, with the increased appropriation, the department has been able to install a new route from New York to Cleveland and from Cleveland to Chicago. The statement is made by the chairman of the committee, Mr. STEENERSON, and also by the gentleman from Illinois [Mr. MADDEN] that the route from New York to Washington serves no real practical purpose, for the reason that it leaves New York City at 8.45 a. m., and that practically all of the mail that is placed in the New York City post office the night before would go out on the night trains to Washington anyway, and therefore the mail is not expedited by the aeroplane delivery. Let it be noted that the route from New York to Washington does not carry New York City mail alone. Its most useful purpose is served in another way. The New England mail does not reach the New York connection until after the New York trains have left, and therefore unless it makes this aeroplane connection it does not get into Washington until a day late. The Postmaster General, in his anual report, explains the real reason, the real justification for the Washington-New York route, in this language:

The air distance on the New York-Washington route is 218 miles and the time of transit 2½ to 3 hours. The rail distance is 226 miles and the time of transit 5 hours to 6 hours and 20 minutes. On this route mail originating in New York City late at night and in the New England States up to 10 o'clock at night is delivered by planes in the city of Washington in ample time for all carrier deliveries that afternoon. The immediate result of this service has been the elimina-

tion of the constant complaints that it took two days for the night mail from Boston to be delivered in the city of Washington. These delays were beyond the control of the Post Office Department, having been due to uncertain train connections and to the transfer of the mail across New York City from one railroad station to another. Northbound the mail is taken from southern train connections at Washington and delivered in New York in time for the afternoon carriers. If this mail had remained on the trains, it would have reached New York City too late for carrier delivery on that day.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. GREEN of Iowa. Does the gentleman know what time is required to take this mail from the post office over to the aerial stations at New York and also to take it from the landing place here to the post office?

Mr. BLACK. We had testimony on that matter in the hearings. I think it was about 30 minutes that it took to transport the mail from the city post office to points of flying by the department automobiles—a very short time. For instance, Belmont Field is the landing place at New York City, and it is only 15 miles from the city post office, and the waiting Government automobile can carry the mail to the post office in a very short while.

Mr. GREEN of Iowa. Oh, that is just the time that the automobile takes, but that does not include all of the time. If anyone will try to put a letter in the New York post office and arrange in some way if he can to get it by air mail here, he will find out about how much this service amounts to.

Mr. BLACK. Has the gentleman tried it, and is he in a position to give any expert testimony upon that topic?

Mr. GREEN of Iowa. I have not tried it myself, but I have been reliably informed by men who have tried it that there is nothing accomplished by aerial mail, and that was at the time when they used special stamps.

Mr. BLACK. We had a gentleman before the committee, and he did make some statements as to tests that he had made, but an investigation of the circumstances showed that he simply placed letters in the New York City post office on the night before and designated them to go by aeroplane. The truth of the matter is that the department sometime ago abandoned the regulation that will enable the patron to assure the delivery of his letter by aeroplane, because a system of that kind was found to be impracticable, and the department now uses its discretion to dispatch the mail that is deposited in the office in the most expeditious manner, whether by aeroplane or otherwise. So that a patron, when he deposits his letter in the New York City post office on the night before, has no assurance that it will go out by aeroplane. The information furnished our committee by the Post Office Department is that if you deposit a letter in the New York City post office at the heaviest hour of mailing, which is around 6 p. m., it will perhaps reach Washington sooner by train than it would by aeroplane, because of the service of the night trains which go out of New York City. But perhaps the most valuable purpose for the aeroplane service from New York to Washington is that it enables the New England mail to make connections in the city of New York for Washington that it could not possibly make by train. This is a very substantial and important reason and has greatly improved the mail service to the New England States.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. STEENERSON. The testimony of Mr. Ryan, the president of the Railway Mail Association, was that these experiments were made before the special aeroplane postage was abolished, and I know that to be the fact, because he brought them in to me long before that action was taken by the department. They had a particular box. Here is an expert on mail matters who said that he mailed them in the special box for aeroplane mail and that they went by aeroplane.

Mr. BLACK. Oh, no; I do not think the gentleman's recollection of Mr. Ryan's statement is correct. He said that he did not know whether they went by aeroplane or not. That he mailed the letters at the particular time he mentioned, and intended that they should go by aeroplane.

Mr. STEENERSON. That was before the abolition of the special postage.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. MONTAGUE. What is the cost of the mail service by aeroplane from Washington to New York, roughly?

Mr. BLACK. I think those figures are given in the report of the Postmaster General.

Mr. ROUSE. It is about $120,000.

Mr. MONTAGUE. The bill carries $850,000. What amount is carried for the New York-Washington service?

Mr. BLACK. The total appropriation is $850,000, and that pays the expenses of the New York-Washington route and also the expenses of the route from New York to Cleveland, Ohio, and from Cleveland, Ohio, to Chicago.

Mr. MONTAGUE. That includes all of the service of this character?

Mr. BLACK. Yes; at the present time; and the Second Assistant Postmaster General has stated to the committee that he would not be able to extend the service by the addition of any new routes with only the appropriation of $850,000.

Mr. MONTAGUE. How many routes is the department now experimenting with by this process?

Mr. BLACK. The ones I mentioned—New York to Washington, and New York to Cleveland, and Cleveland to Chicago. I wish that I had time to discuss the new routes projected, especially the one to the Pacific coast, but I see that I will not have the time.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MONTAGUE. I wish the gentleman's time was not up, as I want to know how many are contemplated.

Mr. TILSON. Mr. Chairman, ordinarily I am not a champion and defender of the Postmaster General or of many of the doings of the Post Office Department. In this matter of carrying mail by airplane, however, I agree with him, at least as to his request for an additional appropriation. I think we shall make a great mistake if at this early stage in the development of aerial mail service we turn our backs upon it and discontinue it. I do not believe that we should be so exacting as to require at this stage of development that it shall be more economical than any other method of carrying the mail. If we do this and refuse to experiment, we practically shut ourselves out from the future development of this great invention for commercial purposes. [Applause.]

Mr. DOWELL. Will the gentleman yield?

Mr. TILSON. I am not thoroughly informed as to the figures given by the Postmaster General. They certainly make a good showing on their face, and nobody has produced figures to contradict them. Whether they are accurate or not, in my opinion we ought not at this time to discontinue this service, throw the whole scheme overboard, go back to the old methods exclusively, and shut ourselves out from the benefits of what may take place in the future development of this great invention. Now I yield.

Mr. DOWELL. According to the statement of the gentleman from Illinois, the airplanes are able to carry the mail from New York to Chicago at a gain of about nine hours to catch the trains. Is there any reason why there would not be a corresponding gain if extended from there to the coast? [Applause.]

Mr. TILSON. There would be even greater gain in time in proportion to the increase in distance. The trouble is that if we stop where we are, as the gentleman from Illinois would have us do, we shall have only two routes, one from New York to Washington, the other from New York to Chicago, which are not sufficient in extent to give a thorough test. Please observe that the gentleman from Illinois lives in Chicago and that he is the one to speak of a pork barrel. We are now giving this improved service to Chicago in addition to the best service that can be given otherwise.

Mr. MADDEN. If the gentleman will allow me, the gentleman wants to state what I said. I did not say this mail went to Chicago. I said it went there for the purpose of making western connections. That is what it goes there for, not for the purpose of Chicago at all.

Mr. TILSON. It goes to Chicago, at any rate.

Mr. MADDEN. What difference does that make?

Mr. TILSON. I call the attention of the gentleman to the fact that it is all mail that goes to the western people, and that it arrives in Chicago nine hours earlier than it would arrive by train. He has admitted this, so that upon the statement of the gentleman from Chicago alone, if it accomplishes only what the gentleman states, I submit that it ought to be continued and extended.

Mr. CRAMTON. Will the gentleman yield?

Mr. TILSON. I will.

Mr. CRAMTON. The gentleman lives in Connecticut and he has stated that the purpose of the New York to Washington service is for the benefit of New England. Has the gentleman any personal experience as to the expedition of mail delivered

from Connecticut to Washington since the airplane service has been in operation?

Mr. TILSON. I have never made any experiments to show what the gain in time is by reason of the airplane service. About two years ago I recall distinctly that the service from New England to Washington was simply abominable. We could not as a rule get a letter here under 36 hours from any point in New England. I made a number of tests with this as a result. I complained to the Post Office Department and took the matter up with inspectors. Within the last year I have observed, and have so stated, that the service has been considerably better. I do not attribute it to the aerial service, for I have not the data to prove it, but I do know that the facts are as I now state them to be.

Mr. HUSTED. Will the gentleman yield?

Mr. TILSON. I will.

Mr. HUSTED. Does the gentleman contend this service should be extended irrespective of the question of expense?

Mr. TILSON. Not entirely so, but as an experimental matter it should be gradually extended. I think the showing has been good during the last year, and I think it justifies a gradual increase.

Mr. HUSTED. Well, the practicability of the service is the basis of its desirability?

Mr. TILSON. Certainly. That is all that is desired to be demonstrated.

Mr. HUSTED. If it is going to be so expensive that it is not practical, we certainly do not want it.

Mr. TILSON. It has not proved so thus far.

Mr. HUSTED. Can the gentleman give us an idea of the relative cost of the transportation of a letter from Washington to New York by airplane?

Mr. TILSON. No; I can not; and, more than that, I do not believe that anyone can do so at this time. That is one of the very reasons why we should continue it as an experiment further, because, regardless of what the Postmaster General says, I regard aerial mail service in many respects as still in the experimental stage. We should thoroughly test the matter to an extent and on a scale that will give such information as my friend from New York desires.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, in view of what the gentleman from Illinois had to say, I want to say at the outset that what I shall say on this particular subject is absolutely from an impersonal standpoint. The Post Office Department, so far as I know, has not at the present time any idea, if this appropriation is increased or if the $3,000,000 had been granted, of extending this service to any section of the State in which I live. The Postmaster General, in the letter which was referred to by the gentleman from Missouri and which was inserted in the Senate proceedings of January 6, has made a very clear and full statement as to the operation of this service during the past 19 months, and if gentlemen will read that statement it seems to me that there would be no objection made to a further extension of this service. This service, I will say to the gentleman from Michigan, has, in a certain sense, advanced beyond the experimental stage. It has advanced far enough for one to be able to judge as to its value and the advisability of its extension. Now, there are three routes, as has been stated, already in existence, Washington to New York, from New York to Cleveland, and from Cleveland to Chicago. This letter of the Postmaster General shows that these routes are paying for themselves in the way of revenue and saving in the distribution of mail, and there has been, as stated, 22,000,000 letters handled in the last 19 months. Now, it is not to be expected while this service was in the experimental stage that it could have been operated as economically as it will be as it develops. The Postmaster General states that he has this object in view. He proposes, if the money is given him to establish four additional routes, one from Chicago throughout the West to San Francisco, another from the Twin Cities in Minnesota to St. Louis, another from Pittsburgh to Indianapolis, Cincinnati, St. Louis, and Kansas City, and another, if I remember correctly, from New York to Atlanta. Such a service will save from 9 to 48 hours in the delivery of mail to these points, and will be in line with the progressive sentiment of our country, affording the very best opportunity for the commercial development of the air service. And I have no doubt but that the larger experience will result in its ultimate extension to all parts of the country, with little or no additional expense.

I yield to the gentleman.

Mr. CRAMTON. The gentleman, I think, perhaps did not mean to quite make the statement I understood. Does the gentleman mean to state that on any existing route the service results in a saving sufficient to make up for the cost of the service?

Mr. BYRNS of Tennessee. I will read to the gentleman the statement made by the Postmaster General on that very point.

Mr. CRAMTON. The figures that Mr. Praeger gives in the hearings——

Mr. BYRNS of Tennessee. On pages 1084–1089 of the RECORD of January 6 is the letter to which I referred a moment ago, and in which the Postmaster General shows that its operating cost to date, including overhead and interest on investment for three routes, amounts to something over $397,000.

Mr. MADDEN. On what date was that?

Mr. BYRNS of Tennessee. On January 6.

Mr. MADDEN. Of this year?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. And he has had a million. What has become of the rest?

Mr. BYRNS of Tennessee. He had $850,000, and part of that money, as I understand it, was used in the purchase of aeroplanes, necessary accessories and equipment, and the purchase of landing fields.

Mr. CRAMTON. Will the gentleman yield further?

Mr. BYRNS of Tennessee. Let me read this for the benefit of the gentleman. The Postmaster General states:

> The revenue and savings from the air mail operations have been $194,831.50 from the sale of extra-rate airplane postage—$2,448 in car space from May 15, 1918, to June 30, 1919. The saving on train distribution from July 1 to December 31, 1919, was at the rate of $176,000 per year, and since January 1, 1920, by the use of large weight-carrying planes, the saving is at the rate of $593,000 per year.

That is on the three routes.

Mr. CRAMTON. May I quote this statement very briefly, made by Mr. Praeger in the hearings:

> To extend the New York-Washington route from Washington to Atlanta at a cash-operating cost of $461,929. The saving on that would be $248,921.

Leaving a net loss of something over $200,000 as a cost of the experiment.

Mr. BYRNS of Tennessee. That is devoted to one particular item. I have read the gentlemen the statement which was made over the signature of the Postmaster General as to the saving by reason of this service on the three routes now in operation.

Now, to go further, if the Congress wishes to extend this service in the interest of the quick transmission of the mails, and also in the interest of developing the air service commercially, it seems to me that we not only ought to appropriate the $850,500 provided in this bill but that the entire estimate of the Postmaster General should have been allowed.

Gentlemen have said that this will result in a "pork-barrel" bill. I submit, gentlemen, if there is one official in the administration of our Government who has shown economy, if there is one official who has attempted to save the money of the people while attempting to render service to the people, it has been the Postmaster General. And I do not believe if we were to appropriate a sum greater than $3,000,000 for the development of this service, the Postmaster General would put it in or would establish a single route unless he was first assured that there would be proper returns to the Government for that service.

Now, what does this bill of the gentleman from Minnesota [Mr. STEENERSON] carry in the way of appropriations? It carries $25,000,000 more than the appropriations for the current year. It carries over $70,000,000 more than the Postmaster General asked for the expenses of the next fiscal year. It is true the gentleman from Minnesota has stated that the $70,000,000 represents an increase of salaries for Post Office employees, and I am not quarreling with the gentleman about that; but I do say, if we can increase the estimates for the next fiscal year by over $70,000,000 for the benefit of salaries in the Postal Service, certainly we can afford to spend $3,000,000 for the benefit of the people in order to insure the proper and quick dispatch of the mails of this country. [Applause.] It seems to me that, in the face of this showing made by the Postmaster General, it is very poor economy for us and shows a very poor conception of the demands of progress when we cut down the estimates which he has submitted in order to develop this particular service.

Mr. MONDELL. Mr. Chairman——

Mr. STEENERSON. Mr. Chairman, I would like to have unanimous consent that debate on this paragraph close in five minutes.

The CHAIRMAN. This is all proceeding by unanimous consent, the point of order having been reserved.

Mr. DOWELL. Mr. Chairman, I desire some time.

Mr. BLANTON. Mr. Chairman, I desire five minutes.

The CHAIRMAN. If the gentleman desires to ask unanimous consent, the discussion may proceed for——

Mr. STEENERSON. I do not wish to shut anybody off. I understood the Chair to say that the debate was proceeding by unanimous consent, and I stated that I did not feel like objecting as yet, but I soon will.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] reserved a point of order on the paragraph, and of course no amendment is in order or other disposition of the language until some action is taken, either by making the point of order or withdrawing it.

Mr. ROUSE. I suggest that the gentleman from Wyoming state his point of order and have it decided.

Mr. MONDELL. Mr. Chairman, I thought I was recognized.

The CHAIRMAN. The Chair has recognized the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I will modify my point of order and withhold the point of order as to lines 21 to 25, providing that out of the appropriation made for inland transportation the Postmaster General may expend not to exceed $850,500 for the purchase of aeroplanes and the operation and maintenance of aeroplane mail service between such points, including service to and between points in Alaska, as he may determine.

Mr. RAMSEYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. I am making the point of order that inasmuch as the gentleman reserved the point of order on the entire paragraph he can not now amend that reservation, but the point of order is pending on the entire paragraph.

The CHAIRMAN. The Chair overrules the point of order. The gentleman has not withdrawn his reservation.

Mr. RAMSEYER. He has modified his reservation.

The CHAIRMAN. The Chair does not so understand it.

Mr. RAMSEYER. That is what he stated.

The CHAIRMAN. The Chair understands the gentleman is stating something which he intended to do.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will state his parliamentary inquiry.

Mr. DYER. I desire to ask the Chair whether, if the gentleman withdraws his point of order or modifies it, it will then be the time to make a point of order on the entire paragraph?

The CHAIRMAN. The Chair will state it would be.

Mr. MONDELL. Mr. Chairman, when I first came to Congress provision was carried in the Post Office bill for the expedition of mails to certain points in the far West, South, and Southwest.

Those appropriations did really expedite the mail. There is no question about that. They did give a very considerable number of people their mail more quickly and expeditiously and satisfactorily than they would otherwise have received it. There is no doubt about that. But that expedition of mail to the South and Southwest became one of the scandals of Congress, and the House finally determined that it was not justified in going to the enormous additional expense entailed in those routes for the purpose of expediting mail to a certain few and privileged folks living somewhere within the confines of the Union.

Now, we have a proposition which simply alleges expedition of the mail, but as a matter of fact does not expedite the mail.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. So far as the route between Washington and New York is concerned, and even as to the route between New York and Chicago, it is very doubtful whether any considerable portion of the mail is really expedited.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. DOWELL. Does the gentleman take issue with the gentleman from Illinois [Mr. MADDEN] when he says that the mail is carried nine hours faster from New York to Chicago?

Mr. MONDELL. I think it is doubtful. The gentleman thinks and believes that certain mail is expedited. Possibly at times it may be. I will not contradict the gentleman's statement, but I think the expedition is doubtful. And what does it expedite? Three or four hundred pounds of mail—a mere handful—out of tons of first-class mail.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a single question?

Mr. MONDELL. A few individuals here and there—some favored person here and there—secure a letter a few hours earlier than they otherwise would, at a cost of from 25 to 50 times what it costs to send it by train, if there is any expedition at all. Now I yield to the gentleman from Connecticut.

Mr. TILSON. Does not the gentleman realize that the further these aerial mail routes are extended the more time will be gained? While not a great deal of time is saved between New York and Washington, it is because the distance is so short; but if you take it halfway across the continent there will be nearly a whole day saved.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, there is no man living who is capable of sound thinking that does not know that this Government can not afford—no people on earth can afford—to carry all first-class mail by airplane. Why, it would cost twice or three times the present total of the appropriations in this bill to do it. Yet gentlemen insist that their particular favored locality shall have this special expedition of a little handful of mail at the expense of all the people.

Why, talk about pork-barrel appropriations! There is nothing that has been before Congress that is quite as clear and definite a piece of pork-barrel legislation as this proposition to expedite the mail by airplane here, there, and elsewhere. It is no wonder that boards of trade and chambers of commerce favor this for the purpose of advertising their villages, large and small, important and unimportant, and send telegrams and letters to their Members to get behind this pork-barrel proposition to increase this service—not to give the people generally better mail service but to advertise their towns.

Now, Mr. Chairman, I am in favor of experimenting in the carrying of mail by airplanes, not because we do to any considerable extent expedite the mail anywhere, but because I think we can perhaps afford to spend a little money in the interest of the science of aeronautics in connection with the dispatch of the mail. We are doing that to the extent of nearly a million dollars. Yet now, while we are trying to cut off all extraordinary expenditures and set our faces like flint against all new and unnecessary enterprises in the interest of the Public Treasury, gentlemen are proposing enlargement of this class of a service that is of no considerable practical value anywhere to anybody except as it may advertise a city and the department, and except as it may have some little value—doubtful value, in my opinion—in developing the science of aeronautics. It costs 6 cents per ton-mile to carry mail by train. It costs $5.25, according to the Post Office Department—and you may be assured that that is not too large—to carry the mail by airplane.

Mr. MADDEN. That is $5.25.

Mr. MONDELL. Yes; $5.25 per ton-mile by airplane, as against an average of 6 cents per ton-mile by train; and yet at a time when we are trying to economize, at a time when we are trying to keep within our present expenditures, gentlemen, urged by boards of trade and chambers of commerce and ambitious towns and cities, want to have this item increased.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Now, I am perfectly willing to withdraw the point of order if it can be understood that the Post Office Committee and all members of it are willing to stand by their bill as against any increase.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. But unless I have that assurance I am disposed to make the point of order.

Mr. RAMSEYER. Does the gentleman refer to the Post Office Committee or to the Committee of the Whole?

Mr. MONDELL. I refer to the Post Office Committee.

Mr. RAMSEYER. The Post Office Committee reported this bill out.

Mr. MONDELL. If the Post Office Committee is against any increase, I think that the Committee of the Whole will go with them; and unless it can be understood and agreed that the Post Office Committee is going to stand squarely and honestly by its effort to economize and oppose increases, I shall make the point of order.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. DOWELL, Mr. DYER, and Mr. QUIN rose.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. DOWELL. Mr. Chairman, I want just a few moments, if I can have it.

The CHAIRMAN. The gentleman has been recognized. He can go on.

Mr. DOWELL. I recognize that. If the gentleman from Wyoming [Mr. MONDELL], who has just left the floor, had been

here when we were carrying the mail by stage or by a mule team he would have opposed putting it upon the railroads. [Applause.] His argument is the best evidence I have heard that he is not in favor of any progress or anything that will get to the people of the country the quickest mail service possible.

Now, I want to say further that if his argument had prevailed years ago, out in the country where he now resides, they would be still carrying the mail in the same way that they were carrying it half a century ago.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. And the train service would not have run that far in the West.

Mr. MONDELL. Mr. Chairman, will the gentleman yield? Did we transfer from the stagecoach to the train when it cost twenty times as much on the train? Or have we made any transfer when the cost of the change was ten or twenty times as much?

Mr. DOWELL. But the gentleman will remember that the aerial mail service is very new. It is yet in the experimental stage. Yet the gentleman from Illinois [Mr. MADDEN] has produced the best evidence to the committee that can be produced that it will be efficient in the future, when they can now gain nine hours of time on the mail from New York to Chicago. What time are they to gain in the future in traveling across the continent?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. The gentleman has made an argument that the air service saves nine hours between New York and Chicago, and if we can convince everyone that this transportation will take a letter nine hours sooner to Chicago, he is estopped from arguing that it is not good between New York and San Francisco.

Mr. BLANTON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. BLANTON. I want to know if the gentleman would help us to let the people of the country know that our good Republicans on that side of the House have that kind of a nonprogressive man as their leader. [Laughter.]

Mr. DOWELL. I will let him answer that, but I do think his argument is not taking into consideration the real spirit of progress in the transportation of the mail. The people of this country desire expeditious service, the best service obtainable, and while it may cost a little more in the experimental stage, I want to say that if the gentleman from Wyoming lives and is in Congress 25 years from now, and he reads the argument that he made to-day, he will wonder what he was thinking of when he made it.

Mr. DYER. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. DYER. The gentleman knows, and all the Members of the House know, that the Postal Service is now self-supporting and has turned a balance into the Treasury.

Mr. DOWELL. Yes; I never heard anyone say that the Post Office Department had squandered the money appropriated. I think the Post Office Department is trying to get every dollar of service that can be got out of the money appropriated. [Applause.] I believe that we ought to give it an opportunity not only to experiment, but I believe it can make the mail service efficient and productive, and I hope the argument made by the gentleman from Illinois, who is willing that the mail shall be sent from New York to Chicago but no farther—that the same argument will prove true between Chicago, St. Louis, and San Francisco, and the other central parts of this great country.

Mr. MADDEN. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. MADDEN. I do not care whether they send it from New York to Chicago by aeroplane or not.

Mr. DOWELL. Whatever may be the desire of the gentleman from Illinois, he says that they save nine hours between New York and Chicago, and that shows that they would eventually save many hours between New York and San Francisco. That is what the people want—expedition and efficient service. [Applause.]

Mr. QUIN. Mr. Chairman, as far as I am concerned, I believe that the Postmaster General and the Post Office Department have run that department more economically and on a more businesslike basis than any other department is run by this Government. [Applause.] But I do not favor this fad of taking a shirt tail full of mail in an aeroplane that costs twenty times more than it would to transport tons of mail by railroad, steamboat, or otherwise. We have heard some talk on this floor about economy. I can not understand how men in private conversation, and in letters, in newspaper interviews, and in private speech, will talk economy and then come on the floor and favor every kind of a scheme that grabs down into the Treasury to take the money out of it which the taxpayers have put there.

I have no patience with this foolish talk about experimenting up in frozen Alaska, where nothing but dogs can stand the climate, where a fellow has to be wrapped up in a fur coat, with boots lined with fur, with a fur cap and fur eyelashes, to keep him from freezing to death, and yet this nonsense about sending aeroplanes up there to carry the mail; appropriating $850,000 for the experiment.

What I would like to see is for the Post Office Department to extend this splendid rural free delivery. Let us get this rural mail out to people who are not now receiving it. I will vote to put $850,000 to experiment further in carrying the rural mail out into the woods, so that the farmers can get their mail. Talk about some man not being satisfied with getting his mail where the trains run across the country at 50 and 75 miles an hour, when the man that lives out on Hominy Creek gets a paper three days old. Let us expend the money where it will do some good, where the great mass of the population of the country, the backbone of the country, live. The farmers only ask the Government to give them simple justice instead of wasting the money on this aeroplane business.

Mr. RAMSEYER. Will the gentleman yield?

Mr. QUIN. No; I haven't the time. I believe that the people of this country want us to do the sensible thing, and I hope that the gentleman from Wyoming will hold his point of order against this business. If you are going to vote for every chimerical scheme in every department like you propose here, stop and think of the $6,000,000,000 that we are advised Congress is called upon to appropriate. Where are you going to get all the money? Many people say let us reduce taxation. Are you going to decrease the taxes by this sort of business? If you follow this policy on this bill, you will have to on the Navy bill and the Army bill, and there will be increases everywhere. [Applause.]

Mr. DYER. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded. Does the gentleman from Wyoming make the point of order?

Mr. STEENERSON. I would like to say that there is a proposition for withdrawing the point of order.

The CHAIRMAN. The regular order has been demanded, and the Chair will request the gentleman from Wyoming to make the point of order or withdraw his reservation.

Mr. MONDELL. Why, Mr. Chairman, I stated that if the committee and all members of the committee would agree to oppose any increase of this item I would not make the point of order.

Mr. BYRNS of Tennessee. The gentleman from Wyoming refers to the committee; does he refer to the Post Office Committee or the members of the Committee of the Whole. I will say to the gentleman that I never in my experience knew a Member to hold up the entire membership of the House.

Mr. STEENERSON. Mr. Chairman, I want to be heard against the point of order.

Mr. DYER. Mr. Chairman, I make a point of order against the entire paragraph.

Mr. BLANTON. Mr. Chairman, I should like to be heard against the point of order.

Mr. STEENERSON. I should like to be heard against the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. STEENERSON], chairman of the committee, to discuss the point of order.

Mr. GARD. Mr. Chairman, a parliamentary inquiry. To which point of order is the gentleman addressing himself? There have been two made.

The CHAIRMAN. The Chair does not know until the gentleman states.

Mr. STEENERSON. Both of them. I will say that the first part of the paragraph is not subject to a point of order at all, but the point of order is good as against the whole paragraph, because the last proviso might be subject to the point of order.

The CHAIRMAN. In order to save time the Chair will overrule the point of order to the language included in lines 15 and 16 down to and including the figures "$60,000,000," because that was made in order by the special rule.

Mr. STEENERSON. The Committee on the Post Office and Post Roads recommended this appropriation of $850,500 under this provision, which is exactly the same as was carried in last year's bill, and the reason why we contend that this is in order is that the service is authorized by law. Perhaps some of you will recollect that last spring, when the question of the right of the Postmaster General to send letters by airplane without any distinctive airplane stamp was raised, I addressed a resolution

to him asking by what authority he carried these letters by airplane. He replied:

Second. The authority that exists for "transporting or attempting to transport mail by aeroplane without aeroplane stamps affixed" is given by the various appropriation bills for conveying mail by aeroplane and in the act of Congress of May 10, 1918, chapter 71, which provides: "That the Postmaster General, in his discretion, may require the payment of postage on mail carried by aeroplane at not exceeding 24 cents per ounce or fraction thereof." Under the authority of this statute the department promulgated a regulation which insured the carrying by aeroplane of certain mail intended for the post offices under certain conditions—namely, that it shall be first-class mail; that it shall be prepaid at the rate of 6 cents per ounce or fraction thereof; that it shall include sealed parcels not exceeding 30 inches in length and girth combined; and that the postage be prepaid with special aeroplane postage stamps or with ordinary postage stamps when such mail is indorsed "By aeroplane."

This regulation is designed to insure to senders transportation by the expeditious Air Service of their mail so prepared, with the special amount of postage. The dispatch of such mail by the aeroplane is assured. It developed that more load could be carried by the aeroplane than that offered of the specific aeroplane mail designated by special postage. It is necessary, from an operating standpoint, for the plane to carry a certain ballasting weight, and if no other load were available it would be advisable to fill out with ballast. This being the case, the specially paid aeroplane mail is supplemented sufficiently to make a reasonable load with mail on which the ordinary rate of postage was paid.

Then he goes on in another paragraph——

Mr. DYER. If the gentleman will yield, I will ask unanimous consent to withdraw the point of order which I made.

Mr. STEENERSON. I should like to finish my argument in spite of that.

The CHAIRMAN. It does not require unanimous consent to withdraw the gentleman's point of order.

Mr. DYER. If the gentleman will yield to me for that purpose, I will withdraw that.

The CHAIRMAN. That was overruled.

Mr. DYER. The point of order which the Chair overruled was to the last part of the paragraph.

The CHAIRMAN. To the first part.

Mr. STEENERSON. The Postmaster General's letter says further—

It always has been the practice, and has always been considered the duty, of the department to dispatch the mails as far as practicable by the most expeditious route, and in so expediting the mails the department is acting in accordance with section 3965 of the Revised Statutes, which provides that "the Postmaster General shall provide for carrying the mail on all post roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper."

Here is the law. The general law provides that the Postmaster General shall transport the mail by the most expeditious route. It is contended here that the aeroplane route is the most expeditious. It is further contended that Congress in 1919 passed an act authorizing the Postmaster General to prescribe airplane postage at not exceeding 24 cents an ounce, and he, acting under that authority, issued his orders prescribing first 12 cents, then 10 cents, then 6 cents, and finally 2 cents. That is what we are acting under now, and the fact that Congress saw fit to enact a law that authorized the Postmaster General to prescribe the rate of postage for aeroplanes certainly implies the necessary authority. Therefore this proviso, we contend, is not subject to the point of order.

Mr. MONDELL. Mr. Chairman, I think all will admit that this bill can not carry an appropriation for the carriage of the mails except in a manner provided for by law. The Post Office Committee has authority only to appropriate for the carriage of the mail as provided by statute, and there is no statutory provision for the carrying of the mail by airplane. The chairman of the Committee on the Post Office and Post Roads curiously confuses effect with cause. He says because a provision was made for certain postage rates when mail was carried by aeroplane, therefore and thereby Congress authorized the carrying of mail in that way. Quite the contrary. The Congress did provide in this paragraph temporarily for the carrying of the mail by airplanes, and that having been done, it became necessary, of course, to make some provision, either by law or by regulation, whereby postage could be collected on mail so carried.

That legislation was not intended to authorize the carrying of mail by airplane. It did not authorize it. It simply provided that when it was carried under this temporary provision certain stamps might be used and certain charges made. There is no warrant of law for the carrying of mail in this way. The Congress has seen fit to allow a certain part of the appropriation to be used in that way, but it has made no provision whatever for the carrying of the mail in that way as a statutory provision, and therefore this language, which in the absence of a point of order simply authorizes the use of an appropriation for a certain purpose, is good law so long as it is not objected to and is approved by the Congress, but it falls immediately upon the point of order being made.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. What portion of the paragraph did the Chair rule in order under the special rule?

The CHAIRMAN. The first two lines down to and including the figures "$60,000,000."

Mr. GARD. A further parliamentary inquiry, Mr. Chairman. What was the point of order made by the gentleman from Kansas [Mr. TINCHER]?

The CHAIRMAN. The gentleman did not particularly state the point of order, but the Chair understood——

Mr. LONGWORTH. Did I understand the Chair correctly to say that he had ruled the first two lines in order?

The CHAIRMAN. The Chair would state that the point of order was made to the entire paragraph, and another point of order was made to that paragraph beginning in line 16 with the word "*Provided.*"

Mr. MONDELL. Oh, no, Mr. Chairman; the point of order began with the words "*Provided further*" in line 20.

The CHAIRMAN. The Chair understood that the point of order was made to all that portion of the paragraph after the word "*Provided*" in line 16.

Mr. STEENERSON. No.

Mr. TINCHER. Mr. Chairman, the point of order that I made was to the language following the words "*Provided further*" in line 20. Then the gentleman from Missouri [Mr. DYER] made the point of order to the entire paragraph immediately after I made that point of order.

Mr. LONGWORTH. Under these circumstances, Mr. Chairman, what portion of the paragraph does the Chair decide now to be in order?

The CHAIRMAN. The Chair holds everything down to the second proviso as being in order.

Mr. LONGWORTH. That is lines 15 to 20, inclusive?

The CHAIRMAN. And the Chair is now hearing the point of order on the language contained in the second proviso.

Mr. TINCHER. Mr. Chairman, I do not think I can add anything to the presentation of this point of order by the gentleman from Wyoming [Mr. MONDELL]. I am surprised that the committee is contending that that proviso is in order. I anticipate that when the bill was prepared, because of the language used in the proviso, they did not consider it in order, because certainly if the Postmaster General needs authorization by this paragraph to expend this money, then the proviso is not in order. There certainly must be authority of law for the expenditure other than this appropriation bill. I do not think that the committee seriously thinks this proviso is in order. I think the point of order should be sustained.

Mr. STEENERSON. Mr. Chairman, this is simply a limitation upon the appropriation of $60,000,000 for the Railway Mail Service. It authorizes $850,000 of that money to be appropriated for purposes of aeroplane service. It is exactly the same as it was last year, and the committee then believed that it was in order, and no one, as I now recall, raised any point of order. Because of the authority of the Postmaster General to prescribe air-mail postage and to transport the mail by the most expeditious route, it is clearly in the regular course of his duty to do this as is authorized by law. The committee believed and the chairman of the Post Office Committee believed that it was in order, otherwise he would have called on the Committee on Rules to make it in order, because it was agreed to by the Post Office Committee that $850,000 should be appropriated for the continuation of this service.

Mr. MONDELL. Oh, Mr. Chairman, I had some discussion with the chairman of the committee about that very matter. I suggested to the chairman that I certainly would oppose a rule making that in order because I wanted it to remain subject to the point of order in order to prevent its being increased.

Mr. STEENERSON. That is probably the reason why I did not ask for a rule on that point. The gentleman is correct.

Mr. CRAMTON. Mr. Chairman, I want to suggest that if the argument of the gentleman from Minnesota [Mr. STEENERSON] is correct, and there is existing law as a basis for the proviso, then the proviso is entirely unnecessary, and even if stricken out the Post Office Department with its $60,000,000 could use any portion of it for the purchase of aeroplanes and for their operation, but the fact is that there is no legislation authorizing the expenditure for aeroplanes and that is the reason they want the proviso. The fact that there is no such legislation makes the proviso out of order.

Mr. HICKS. Mr. Chairman, I believe that the provision is in order for this reason, that at the present time all mail which is handled by the United States Government is a public proposition. There is a law on the statute books, that Mr. STEENERSON has referred to, which provides that the Postmaster General

in his discretion may require the payment of postage on mail carried by aeroplane and then prescribing the rate. I maintain it would be a physical impossibility at the present time to have that provision put into effect unless the Government also maintained aeroplanes for that service. If there is a law on the statute books, and there is, prescribing the amount of pay for the service, it must be clearly in order to provide money for the purchase of those planes by which mail is to be carried. I maintain that the provision is in order and not subject to the point of order.

The CHAIRMAN. The point of order is made to the language beginning "*Provided further*" in line 20 down to and including the word "determine" in line 25, on page 14. The Chair finds upon examination of the previous acts that in 1917 the Postmaster General was authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes, for experimental aeroplane mail service between such points as he may determine; and furthermore, in the act of May 10, 1918, the Postmaster General in his discretion was authorized to require the payment of postage on mail carried by aeroplane at not exceeding 24 cents per ounce or fraction thereof. The fact that the establishment of this particular class of service was provided for in an appropriation bill and may have been continued in another appropriation bill the succeeding year, would not, in the opinion of the Chair, be sufficient justification for the claim that it would not be subject to a point of order, if the point of order be made. In the view of the Chair, the Post Office Department is not authorized by any existing law to establish as a permanent class of service the carriage of mail by aeroplane. The section to which the gentleman from Minnesota [Mr. STEENERSON] referred, section 3965 of the Revised Statutes, provides for the carrying of mail on all post roads, but that would not apply to the carrying of mail through the air.

Mr. STEENERSON. Mr. Chairman, I call the attention of the Chair to the fact that the definition of "post roads" includes every road where the mail has been or may be carried, and the route between here and New York is a post road, within the meaning of the statute. The statute is broad enough to cover a road in the air. It may all be in the air, but it is a road.

The CHAIRMAN. The Chair is inclined to believe that the provision of this statute, enacted some 40 or 50 years ago, could hardly have been intended to comprehend the carriage of mail by air route, neither does the Chair believe that this appropriation can be justified on the ground that it is a continuation of a public work or a service heretofore authorized by law, and the Chair therefore sustains the point of order.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I do that for the purpose, if I may, of referring to the cost of railroad mail transportation. It is really perhaps not necessary now, but I think it might be enlightening to those present, because I was not able under discussion of the point of order to call the attention of the committee to the facts I now propose to relate. The section of this bill now under consideration and just passed carries $60,000,000 for railway mail pay. That is on the basis of 6 cents a ton-mile, substantially. The Post Office Department reports that the present cost of transportation by airplane is $5.25 a ton-mile.

Mr. STEENERSON. In 1918?

Mr. MADDEN. I do not want to yield until I make this statement. That is 90 times the cost of moving by rail, so that if it cost $60,000,000 to move the mail by rail on the basis of 6 cents a ton-mile it would cost $5,400,000,000 to move the mail by airplane. Now, the question is, Are we justified in making the change? The Post Office Department says that if we can carry 500 pounds of mail on an airplane the cost would be reduced to $2.40 a ton-mile. That would be 40 times what it costs now, or $2,400,000,000 per annum. They say that if we could build a plane to carry 500 pounds of mail they could reduce the cost to $1.25 a ton-mile. Even then—and that is conceded to be the minimum—it would be 20 times what it costs now, or $1,200,000,000 a year for the transportation of the mail. The total appropriation carried in this bill for all purposes is $461,000,000. That includes the payment of compensation to 300,000 men and women in the service. And do you want to add, at the very lowest, $1,200,000,000 for mail transportation or at the present rate of $5,400,000,000 for transportation by airplane?

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. BYRNS of Tennessee. The gentleman does not mean to say, does he, that anybody in the Post Office Department has ever contemplated extending this air mail service to all the people or any points except those large cities where——

Mr. MADDEN. Then I maintain that if we do not contemplate the continuation of service to all the people we have no right to extend the service to a special class. [Applause.] That is democratic doctrine. I have heard the gentleman from Tennessee declaim that there shall be no special privileges granted—equality of opportunity for everyone and special privileges for none. Is not that Jeffersonian doctrine?

Mr. BYRNS of Tennessee. The point is it is not contemplated to extend this service to any point unless the Postmaster General feels and believes that it will pay for itself.

Mr. MADDEN. We do not want action based on feeling or belief, we want action based on facts. Now, we had quite an argument only two or three years ago as to the best method of transporting mail by rail, whether it should be transported and paid for by weight or by space, and I made quite an exhaustive study of the difference between the two methods, and I agreed with the Postmaster General that it would be much more economical to carry the mail by space, and to-day we are carrying it by space, though subject to revision by the Interstate Commerce Commission which is now investigating that question. It was said then by the Postmaster General that it would save the Government $10,000,000 a year, and that $10,000,000 a year was a fabulous sum of money to pay to a special class for a special service. Now, if $10,000,000 was so much then, how much more is $5,400,000,000 now? That is the question. Is there any stage in American development in the imagination of the wildest dreamer that should justify the change of expenditures from $60,000,000 a year to $5,400,000,000 for a fixed service?

Mr. RAMSEYER rose.

Mr. MADDEN. The answer to that statement, of course, as I know, is that we are not presumed to carry all the mail by air. The mail that is to be delivered to the ordinary man, the man who does nothing but create the wealth, the horny-handed son of toil, the man who works in the field and the mine and the factory, his mail is still to be continued to be sent by freight, and the mail of the plutocrat, the mail of the man who specially qualifies to receive favors at the hands of the Government, will be sent in a flying machine at one hundred times the present cost. I am in favor of expedition of the mail——

Mr. RAMSEYER. Does the plutocrat use any different stamp from that of the horny-handed son of toil?

Mr. MADDEN (continuing). By the quickest possible route. But I want the disposition of the mail and the cost of the transportation to have more regard for the already overloaded taxpayer of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last two words.

Mr. RUBEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri for a parliamentary inquiry?

Mr. STEENERSON. I do.

Mr. RUBEY. Has the point of order been passed upon?

The CHAIRMAN. The point of order was sustained.

Mr. STEENERSON. Mr. Chairman, in regard to the record referred to by the gentleman from Tennessee [Mr. BYRNS], I quoted from memory when I first discussed this subject to-day and I find it is absolutely correct. It says on page 1124 of the RECORD, January 6, in the letter from the Postmaster General:

> It is astounding how few people know that this epoch-making facility—the air mail—has been in daily operation for 19½ months, carrying to date more than 22,000,000 letters between Chicago, Cleveland, New York, and Washington, at better than twice the speed of the Congressional Limited or the Twentieth Century, and in this 19½ months the air mail has to its credit a performance of 91½ per cent.

Twenty-two million letters in 19 months. I figured that at that rate it will take 8 years to get one letter to each man, woman, and child in the United States by that means. Here is the testimony before the Post Office Committee regarding another mail facility which was not up in the air but under the ground. Mr. Murray testified as follows in regard to pneumatic-tube service. The chairman asked him:

> Do you know to what extent, how many million letters were expedited per day?
>
> Mr. MURRAY. Twenty-five million letters per day is the figure given by the Post Office Department of first-class mail matter handled through the pneumatic-tube service for city distribution and for railroad transportation.

All they paid for the tube service was $900,000 per year.

Why, in 19½ months they transported only 22,000,000 letters by aeroplane. In one day they transported 25,000,000 letters by a pneumatic tube and thereby expedited the delivery of those letters. Those tubes, by the order of the Postmaster General, were put out of use. It is a mail facility that was much desired in New York, as the gentleman from New York [Mr. DONOVAN] explained the other day, yet because of some unknown reason that facility was discarded. The reason given was that the tubes only carried first-class mail. Now they

advocate air mail, which also carries only first-class mail, so the same reason they gave for discarding the tubes can be urged here.

Aeroplanes are too small as they are now built to permit of distribution en route. The great invention of modern times in the expedition of mail was the railway post-office car. There the mail is gathered in the cities and it is delivered to that mail car in a raw state, so to speak—with only the primary separation—and on the car the distribution goes on clear down to sorting the mail so as to have it ready for the carriers in the city of destination. That work is done while you and I sleep and while the railroad train is moving. They leave New York at half past 12 at night, and the mail is here in the morning at 6 o'clock. Now, if you deposit raw mail in the boxes in New York it is no use to put that on the aeroplane, because some of it is going to Boston and some of it to St. Paul, or some of it here and there all over the country. It has got to be "worked," as it is called, before you can put it on an aeroplane, because the aeroplane goes to distinctive points. Therefore you have got to separate the mail. You can not do it on the aeroplane. It has to be worked before it starts.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The time has expired. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

Mr. GARD. Reserving the right to object, is it the purpose of this striking out of words, which nobody pays any attention to in the debate, to consume the entire afternoon on this paragraph?

Mr. STEENERSON. I want just two minutes.

Mr. GARD. I do not object; but by moving to strike out one word or two words you take up an hour, while the paragraph has been disposed of largely by the point of order. If the purpose is to consume the entire afternoon I have no objection; but we might as well know it.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. STEENERSON. The Government had a special weighing of mail in 1917 by the order of the Interstate Commerce Commission, and the total tonnage was 826,000,000 ton-miles. According to the ordinary growth of the mail the volume to-day is substantially 1,000,000,000 ton-miles. So that when the gentleman from Illinois [Mr. MADDEN] stated that at 6 cents a ton by rail and $5.25 per ton-mile by aeroplane the cost would be, as stated, $60,000,000 by rail and $5,000,000,000 by air. Even at the lowest estimate of $1.25 it would amount to $1,250,000,000. So to claim that this is a money-saving proposition is absolutely misleading. It is an error.

Mr. DOWELL. Mr. Chairman, I move to strike out the last two words.

Mr. STEENERSON. Mr. Chairman, I demand the regular order.

Mr. DOWELL. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] in his last remarks recalled to my mind a letter that was written by Benjamin Franklin way back in February of 1776 to Charles Lee, with reference to instruments of warfare and preparedness; and while it may not be exactly germane to this question, it completely fits the argument of the gentleman from Illinois [Mr. MADDEN], and I think it fits somewhat the argument of the gentleman from Wyoming [Mr. MONDELL].

I want to read briefly just a few lines from this letter of one of the great men of our country.

Mr. BEE. Will the gentleman yield for a second?

Mr. DOWELL. Certainly.

Mr. BEE. Will the gentleman also secure and insert the speeches made in the Senate of the United States protesting against opening up the great West on the ground that nobody but jack rabbits would live in that country?

Mr. DOWELL. I recall that Daniel Webster made one of his famous arguments along that line. But this is what Benjamin Franklin said in 1776. What will be said of the gentleman from Illinois [Mr. MADDEN] in another century concerning the remarks he has made to-day on the air service?

I read from the letter written by Benjamin Franklin in 1776, as follows:

> But I still wish, with you, that pikes could be introduced, and I would add bows and arrows. These were good weapons not wisely laid aside.

Just think of Benjamin Franklin in the late war with his bows and arrows, which he says should not have been laid aside. He says further:

> (1) Because a man may shoot as truly with a bow as with a common musket.
> (2) He can discharge four arrows in the time of charging and discharging one bullet.
> (3) His object is not taken from his view by the smoke of his own side.
> (4) A flight of arrows, seen coming upon them, terrifies and disturbs the enemy's attention to their business.
> (5) An arrow striking in any part of a man puts him hors de combat till it is extracted.
> (6) Bows and arrows are more easily provided everywhere than muskets and ammunition.

And so forth.

I leave it to you, gentlemen, if this does not completely fit the argument of the gentleman from Illinois [Mr. MADDEN] as to the air service? I am surprised to hear such an argument from the gentleman from Illinois when the development of the air service is just in its beginning. And I am hoping that the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wyoming [Mr. MONDELL] will finally get a view of this subject which will be in accord with their views upon other great questions.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. That motion is not in order.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition.

Mr. KNUTSON. I would like to have the floor just two minutes.

Mr. STEENERSON. You can get the floor later on.

Mr. KNUTSON. I would like to speak now, because I expect to leave in a few minutes.

Mr. STEENERSON. The gentleman can speak later.

Mr. KNUTSON. I move to strike out the paragraph.

The CHAIRMAN. The gentleman is recognized.

Mr. KNUTSON. Mr. Chairman, the gentleman from Iowa [Mr. DOWELL] has evidently been hearing from the Greater Des Moines Club. As to what his attitude will be when he hears from the farmers of his district, who are really in favor of economy, I am unable to say.

I do not know who has been rendered "hors de combat," as he calls it, or about anything else pertaining to pugilism [laughter]; but I do know this, that the gentleman will not be able to go out and face his constituents on the platform that he has enunciated here to-day, namely, that of squandering the people's money for a service that really does no one a great deal of good.

The gentleman seems to be a great deal concerned, Mr. Chairman, over the fact that the majority leader [Mr. MONDELL] would go back to the old stagecoach days. The gentleman from Iowa has gone the majority leader one better; he has gone back to the oxcart days by conjuring up the memory of that patron saint of thrift, Benjamin Franklin, as a justification of his desire to assist in the very worthy object of raiding the Public Treasury to the extent of several millions of dollars. [Applause.]

Mr. Chairman, has it come to the point that a single telegram is sufficient to make a Member of this House throw all money sense to the winds? I, for one, heartily concur with the doctrine of economy in the expenditures of public moneys enunciated by the majority leader [Mr. MONDELL]. Already this Congress has succeeded in saving millions of dollars to taxpayers of the country, and I, for one, propose to do what I can toward continuing the policy of economy now being carried out by the Republican majority. If the gentleman from Iowa [Mr. DOWELL] thinks it the part of wisdom to train with those whose only care seems to be to spend, why, well and good. I can not follow him.

Mr. Chairman, I yield back the balance of my time.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Minnesota [Mr. KNUTSON].

Mr. CRAMTON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 14, line 16, strike out "$60,000,000" and insert "$59,500,000."

Mr. CRAMTON. Mr. Chairman, with reference to that I simply desire to say this: The item of $60,000,000, as reported, included $850,000 for the purchase of airplanes and their operation. We have now stricken out the authorization for the purchase of airplanes and their operation, and hence I have offered this amendment to reduce the total amount by $500,000, because certainly that much would be rendered unnecessary.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I will yield to the gentleman from Iowa.

Mr. RAMSEYER. The gentleman makes the statement that the $500,000 is included in the $60,000,000. As the estimates were sent to the committee by the Post Office Department this $60,000,000 item was a separate item for inland transportation of mail, and they had another item in there of $3,000,000 for

airplane transportation, so that the estimate of the department for $850,000 is not included in this.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Would it be in order, Mr. Chairman, to move to take a recess for 30 minutes to give the Republican steering committee an opportunity to determine its attitude upon this important measure? [Laughter.]

The CHAIRMAN. The gentleman from Texas is out of order.

Mr. CRAMTON. Mr. Chairman, in answer to the statement of the gentleman from Iowa [Mr. RAMSEYER], I will say that he has referred to the estimates of the department. I am referring to the estimates recommended by the committee. It was the opinion of the committee that $60,000,000 would be sufficient, even using $850,000 of it for the purchase of airplanes and their operation. Having stricken out that authorization, we can easily reduce the $60,000,000 by $500,000.

Mr. STEENERSON and Mr. TILSON rose.

Mr. TILSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. STEENERSON. Mr. Chairman, I rose and desired to be recognized.

The CHAIRMAN. The Chair did not understand the situation. The gentleman from Minnesota [Mr. STEENERSON], the chairman of the committee, will be recognized first.

Mr. STEENERSON. Mr. Chairman, the estimates for $60,000,000 for the inland transportation of mail by railroad were submitted by the department without any consideration of the airplane service. The committee took that $850,000 out of the $60,000,000, but the fact that it has been stricken out here is no argument in favor of reducing the $60,000,000.

There was a large unexpended balance for railroad transportation last year, but the unprecedented increase in the volume of mail makes it advisable to leave the amount provided unchanged. Some of that increased volume of mail was paid for by the pound as well as by space, and the more volume you have the more space you will have to pay for. The increase in revenue over last year was 25 per cent, comparing the corresponding months of the two years. It was believed by the committee that we were justified in granting the full estimate of the Postmaster General of $60,000,000 for inland transportation of the mail alone, and for that reason I hope the amendment of the gentleman from Michigan [Mr. CRAMTON] will not be adopted.

Mr. TILSON. Mr. Chairman, there are two troubles, it seems to me, with the amendment offered by the gentleman from Michigan [Mr. CRAMTON]. In the first place, he does not take into account the fact that if this mail is not handled by airplane it must be handled in some other way, and upon the showing of the Postmaster General it would appear that it would cost about as much to handle it in some other way as it would by airplane. Therefore that argument in favor of the amendment falls to the ground.

In the second place, it is not conceivable that this bill will go through both Houses and become a law without some provision in it for aerial mail service.

I am proud of my membership in this House, but I am ashamed of the action of the House to-day. [Applause.] As this bill will leave the House it will contain no appropriation whatever for aerial mail service. I feel like apologizing for the House for permitting itself to be placed in this ridiculous position. I am glad that it is not by a vote of the House, but that the provision has gone out on a technicality; that is, on a point of order. I am sure that there are few, if any, Members of this House who believe that this provision, or a similar one, will remain out of this bill. It will almost certainly be restored in the Senate, and will just as certainly be accepted by the House. When it is restored in the Senate, I hope it will be at a figure sufficiently large to provide for a reasonable extension of the aerial mail service during the next fiscal year.

Before taking my seat I wish to say further that the importance of this matter is not confined to carrying the mail, either now or in the future. If we encourage aerial navigation by carrying the mail in that way, it will not only encourage aeronautics in this country, but it will cause the building up of an aeronautical industry for the manufacture of airplanes, to be used commercially, for sport, and otherwise. Anyone can see the importance of such an industry as he looks forward and considers the question of the national defense. On the other hand, if we allow the aeronautic industry to perish in this country we shall again find ourselves in the same position that we were in at the outbreak of the war just closed, wherein we were reduced to the pitiable necessity of having to spend nearly a billion and a half dollars and get practically nothing for it, so far as use in the war was concerned. Such an outcome was the legitimate, possibly the inevitable, consequence of the situation in which the war found us in regard to aeronautics. I do not believe that we should permit ourselves to be found in that situation again, and the best way to prevent it is to encourage aeronautics for commercial purposes.

Mr. LONGWORTH. Mr. Chairman, I agree entirely with the gentleman from Connecticut [Mr. TILSON]. This is not a question alone of the cost of transportation of mail by airplane from one city to another. It involves the development of aeronautics in this country. I am entirely unable to follow the logic of my distinguished friend from Illinois [Mr. MADDEN]. In the first place, it has never been remotely suggested that all the mail should be carried by airplane. According to the gentleman from Kentucky [Mr. ROUSE], it was never contemplated even in the recommendation of the department that more than 5 per cent of it should be so carried. I think I am correct.

Mr. ROUSE. That is exactly the statement of the Second Assistant Postmaster General.

Mr. LONGWORTH. So I understand. Therefore that part of the argument of my friend from Illinois falls entirely to the ground.

Mr. MADDEN. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Illinois.

Mr. MADDEN. Does the mere fact that an official of the Post Office Department states that only 5 per cent of the total is to be carried by airplane make it so conclusive that we must agree with him?

Mr. LONGWORTH. Not necessarily; but I say no suggestion has been made that more than 5 per cent of it should be carried in that way, except the suggestion of the gentleman from Illinois [Mr. MADDEN], who intimates that it all should be carried in that way.

In the second place, the question of the cost to-day has very little to do with what the cost may be a year from now. I am as sincerely in favor of economy as any Member of this House. I intend to work with the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wyoming [Mr. MONDELL] to bring about a saving, particularly on the estimates of the various departments, and I believe that by the time our appropriation bills have all passed this House we will show a saving of more than $1,000,000,000 from the estimates furnished by the departments.

But that is not the question presented here. I recall very well about the time I first came to Congress that it was impossible to get through this House any appropriation for the development of machines which were heavier than the air. I recall the strenuous objection made by certain alleged economists here to an appropriation of $15,000 to be expended by Prof. Langley in experimentation, and yet the $15,000 that Congress finally appropriated over the heads of the economists was responsible for the development of every heavier-than-air machine that now flies.

Gentlemen, could you capitalize the result of that appropriation of $15,000? Yet it was the basis of the Wright machine, which was the first machine that ever flew, here in Washington or anywhere else. What would be the cost of carrying mail by the first Wright machine? It might have been a million dollars a ton. If it has got down to $5 a ton, according to these estimates that we have here, does not that show that there is a chance that it will be cut down a great deal more? I am a believer in economy, but I think there is such a thing as false economy, and particularly may there be false economy in such matters as this, which are still in the experimental stage.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. EVANS of Nebraska. What is the primary purpose of this proposed appropriation—to develop aeronautics or to provide rapid transportation of the mails?

Mr. LONGWORTH. The primary purpose, of course, is the transportation of the mails; but I say, as the gentleman from Connecticut [Mr. TILSON] said, that it involves far more than that. It is by commercial experimentation in aeronautics that you are likely to bring about improvements.

Mr. EVANS of Nebraska. Why is not the gentleman willing to do that in a properly considered bill rather than in a rider on an appropriation bill?

Mr. LONGWORTH. Of course, unfortunately, that rider has gone out, if it was a rider. I regret it very much. I believe, with my friend from Connecticut [Mr. TILSON], that it will be restored shortly.

Mr. BLANTON. Will the gentleman from Ohio yield there?

Mr. LONGWORTH. Yes.

Mr. BLANTON. How long would it take the gentleman to bring out a well-considered plan in a separate bill?

Mr. LONGWORTH. Of course, there are only three ways in which this House can deal with the problem of aeronautics.

One is through the Post Office bill, another through the Army bill, and another through the Navy bill.

Mr. CRAMTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired on this paragraph. The question is on the amendment of the gentleman from Michigan.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. STEENERSON. I ask for the regular order.

Mr. BLANTON. The regular order is the gentleman's motion to strike out the last two words.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, I want to go on record as favoring real progress in the Postal Service. The letter read by the gentleman from Minnesota [Mr. KNUTSON] quoted from Benjamin Franklin——

Mr. GARD. I will suggest to the gentleman from Georgia that the gentleman who read the letter was Mr. DOWELL, of Iowa.

Mr. UPSHAW. I accept the gentleman's correction.

Mr. KNUTSON. I forgive the gentleman.

Mr. UPSHAW. I thank the gentleman. I was about to say that the argument made by the gentleman from Minnesota [Mr. KNUTSON] is in thorough keeping, it seems to me in all good humor, with the shirt-tail argument of the gentleman from Mississippi [Mr. QUIN]. [Laughter.] The gentleman referred to the aeroplane service as a "shirt tail of mail." I want to submit that under proper governmental encouragement there would be as much development from PERCY QUIN'S "shirt tailful of mail" into a splendid carful of mail, serving the whole American people, as there has been from the earliest crude mail service that this Congress provided for the American people into our present splendid system.

I want to emphasize another thing. I think the point of the gentleman from Illinois [Mr. MADDEN] is not well taken when he makes the argument about special privilege. Of course, it is not contemplated to have an air service covering every small town in America, but it is contemplated to serve the whole people as much as possible by bringing the mail by quick service to the great distributive centers.

I want the farmer in the State of Mississippi, the home of Mr. QUIN, and my own State of Georgia, whose mules used to get scared at automobiles and will for a time get frightened at airplanes, to feel that if he wants to give a letter the greatest possible dispatch he can put an aeroplane stamp on it and have the same privilege that the so-called plutocrat will have in the city or anywhere else. [Applause.]

Again let me emphasize this: If nine hours can be saved in the air postal service from New York to Chicago, then I submit that it is common fairness that we should so perfect the service that we could save nine hours between New York and Atlanta, which is at once the Chicago and the New York of the great Southeast. [Applause.] Henry Grady said one time, in one of his great prohibition speeches, that all reforms are born through doubt and suspicion, but back of them, as back of the coming sun, stands the Lord God Almighty. This is simply a great forward step in the mail service, one of those forward movements, always regarded with economic suspicion, which will be crowned at last with governmental success.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BLANTON. I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman's time be extended two minutes. Is there objection?

There was no objection.

Mr. UPSHAW. I love to believe, gentlemen of the committee, that even as God, the God of Progress who has been the God of America, inspires every great invention that has blessed the American people, so He is back of the inspiration that gave the airplane to the world, but let it be remembered that this great invention was never intended merely to loop the loop and do stunts in the air, but was intended for protection during war and for service during peace. Let us be sane and progressive as a Nation and develop this service for the expedition of business and the good of all the people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. RAMSEYER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, after line 25, insert "for inland transportation by aeroplane route, $850,500.

Mr. MADDEN. Mr. Chairman, I raise the point of order against the amendment that it is a change of law.

Mr. RAMSEYER. Will the gentleman reserve his point of order for two minutes?

Mr. MADDEN. I will reserve it for five minutes.

Mr. RAMSEYER. Mr. Chairman, I want to take a few minutes' time of the House to give the House some idea of the amount we are spending now in the development of Air Service. This year we are spending $25,000,000 for the Army Air Service, $25,000,000 for the Navy Air Service, and $850,500 on the Post Office Air Service. The Post Office Air Service is the only air service on which there is any financial return whatever to the Government.

Twenty-five million dollars for the Army and $25,000,000 for the Navy are both economic losses, and when gentleman are here setting up the loud cry for economy they ought to remember that this Government is now spending large amounts for Air Service, and it will continue to spend large amounts for the development of the Air Service.

This year the War Department is asking for $65,000,000 for the development of the Air Service. The Navy is asking for $35,000,000, making a total of $100,000,000. The Post Office Department is asking for $3,000,000. Now, a part of that money that is appropriated for aerial mail service will return to the Treasury—that is, the amount asked by the Post Office Department; just how much I do not know. It is impossible to figure that exactly. The Post Office Department claims that they will save nearly $2,000,000 of this by space saved in the railway mail cars. I want to remind gentlemen who made the point of order against this item and who argued against any appropriation for air service for the Post Office Department that when these appropriation bills come in for the Army and the Navy, the one for $65,000,000 and the other for $35,000,000, I hope they will be on hand and help me save the Treasury millions.

Mr. BEE. Will the gentleman yield for a question?

Mr. RAMSEYER. Yes.

Mr. BEE. If the Post Office Department does not save the $2,000,000, does not that put $2,000,000 into the railroad coffers, because of the use of the space for the mail?

Mr. RAMSEYER. Yes; that is another thing that has not been brought out, and besides that this air service expedites the mail. It is something to be taken into consideration. It carries the mail for all people alike. If a letter is dropped into the New York office for San Francisco, the Post Office Department is not going to make any distinction between mail dropped in there by a millionaire and that dropped in by a laborer. The vociferous statements of certain gentlemen to the contrary are ridiculous. This service will expedite the transportation of mail that travels long distances. To be sure, only a small per cent of the first-class mail travels long distances, across the continent. The greater per cent of the mail will continue to travel short distances in the future as it has in the past and will be carried on trains.

We are living in a progressive age. The age of oxcart statesmanship is past. The Post Office Department is firmly of the belief that the aerial mail service can be made self-supporting in the very near future, and I am in favor of giving the department a limited amount of funds for next year to continue this service. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, one of the curiosities of government is that it rarely makes available its assets. If we spent $25,000,000 a year in the Army on aviation and $25,000,000 a year on aviation in the Navy, why on earth can not we utilize this service in connection with the carrying of the mail? Of course, the Navy is a little bit different from the Army. A man gets a better training learning how to operate a flying machine by operating it, not as a sport, but as a business proposition. The Army officer who is taught to operate a flying machine will learn a great deal more if he has to start out at a fixed hour, regardless of the weather, under adverse conditions, to do a particular thing.

That is what he would have to do in time of war. That is not what he has to do in time of peace when he is taking his training. Why can they not be used? Why is it? Is it that we are so weak, that human nature is so weak that we can not correlate our affairs? In my judgment if we maintain this attitude of legislation, keeping up an Army aviation service and a Navy aviation service and Post Office aviation service and perhaps next an Interior Department aviation service, and various other services, the inevitable result will be the creation of one aviation service, the thing which the Army and the Navy both fear and detest. If we had one aviation service, we could have them carry the mail, we could have them do the work now done in the War Department, we could have that service do the work now done in the Navy Department. While I do not think it desirable to take

away from the Navy and the Army the control of the aviation service in those branches of the Government, still if we are to spend almost a hundred million dollars every year for experimental work and in teaching in these two military branches of the Government, the people will shortly conclude that we are wasting money uselessly which might be devoted to carrying the mail and doing other work for the Government. [Applause.]

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. CALDWELL. Mr. Chairman, I will ask the gentleman to reserve the point of order for two or three minutes.

Mr. RAMSEYER. Mr. Chairman, I would like to have about two minutes more.

Mr. MADDEN. I reserve the point of order for five minutes.

Mr. CALDWELL. Mr. Chairman, the gentleman from Illinois [Mr. MANN] forgets in his argument that the matter of aviation for the Army is not a thing that is at all related to aviation for the Post Office Department, except in the one particular—that the men fly. If you attach to the Army the matter of carrying mail, as some would have, you will develop into that service the merest humdrum methods. The character of plane that they would use and ought to use is one that is designed for the greatest safety, safety above everything else, except, perhaps, carrying capacity. The one that is to be used in the Army and the one in which the Army aviator must be trained is an entirely different machine in respect to the use to which it is to be put, except possibly the bombing plane. When a man goes into the aviation service in the Army he must have a different character from the man who goes into the aviation service in the Post Office Department. The carrying of the mail develops into a commercial enterprise, where the aviator pursues a daily occupation in the most humdrum fashion, getting up at a certain hour, traveling through the air over a certain route, landing at a certain place at a certain hour, and discharging his cargo and returning. In the Army you have an entirely different viewpoint. You have a man who is prepared, ready, and willing to take all of the risks of the most dangerous service that there is, who is trained and keyed up to that high pitch which will enable him to do the heroic thing in the defense of his country in the hour of its need. You are building up the nucleus of an organization that is to defend us in the air and protect us on land and on the sea, and if you destroy it by fastening onto that service this humdrum commercial enterprise of carrying the mail, you are, in the name of economy, creating a condition from which the American people will suffer in time of war.

I make these remarks in order that the distinguished gentleman from Illinois [Mr. MANN], who has read in the newspapers the statements of the advocates of the unified service, might take into consideration in his thinking upon this subject the necessity of a specialized training for the Army and the Navy in the defense of our country.

Mr. RAMSEYER. Mr. Chairman, this matter has been discussed thoroughly, and my colleagues on the committee will bear me out in the statement that I have always contended for economy as much as anyone else. Before the committee I have also contended that the air service should be unified under one department or board of the Government. The remarks of the gentleman from Illinois [Mr. MANN] suited my viewpoint exactly. The flying machine is still in an experimental stage, and it will be developed faster by putting it to work at something useful. My idea is that there should be a unified air service under some board or department of the Government, and from that board or department then certain machines and men could be assigned to the War Department as my friend from New York [Mr. CALDWELL] contends for and others to the Navy Department. The great bulk of them could be used for the purpose of doing something useful. We learn faster by doing something useful and in which there is some financial return, and I hope that the committees of Congress will some time soon bring in a bill to unite this great service and thereby maintain the efficiency in both Army and Navy and at the same time make more rapid progress in making the aeroplane a useful and profitable machine commercially.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. TILSON. Was it brought out in the hearings before the gentleman's committee in respect to the dropping of mail from an aeroplane?

Mr. RAMSEYER. Some evidence was brought out along that line.

Mr. TILSON. Is there not under consideration and has there not been an actual test of the dropping of mail from airplanes by means of a parachute, and has it not been done very accurately?

Mr. RAMSEYER. That experiment is being carried on right now.

Mr. TILSON. My understanding is that it is done quite accurately and that in doing it the same sight is used as is used in the dropping of bombs in war. I am informed that with this device it is practicable for a man to drop a sack of mail on the square directly in front of the post office building. If a man can do this with a bag of mail, he would be able to drop a bomb with a considerable degree of accuracy in case of war.

Mr. MADDEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order. The point of order is sustained.

Mr. KITCHIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. KITCHIN offers the following amendment: Add at the end of line 25, page 14, the following:

"*Provided further*, That hereafter the Postmaster General, under such rules and regulations as he may prescribe, is authorized to make contracts with telephone and telegraph companies for the transmission of letters by electrical means of communication.

"*Provided further*, That the rate to be paid such telephone and telegraph companies for the transmission of such letters by such means of communication shall not exceed 30 cents for 100 words or less, and that the rate of postage prescribed by the Postmaster General for such letters shall be such as to cover the full cost to the Postal Establishment for such service."

Mr. STEENERSON. Mr. Chairman, I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. KITCHIN. I will ask the gentleman to reserve it for a time.

Mr. MADDEN. I reserve the point of order.

Mr. KITCHIN. Mr. Chairman, it seems to me that no one can possibly have any objection to these provisions, although I admit that the amendment is subject to the point of order. It will certainly cost the Post Office Department nothing, because it is provided in the amendment that the Postmaster General shall make the rates high enough to cover the full cost of the service.

Before any contract can be made it must be to the benefit of the wire companies, because the wire companies will not make a contract with the Postmaster General unless it is to their benefit. It will not cost the Postal Service anything; it will not be a hardship or injury to the wire companies, because it must be to their benefit, otherwise they will not enter into such contract. It will result in a larger and better Postal Service. It is a new proposition, but it certainly will result in a larger benefit to the people. For instance, say I wanted to send a letter to-night to my home town. By regular mail it will be the second day before it arrives there. By this process I drop the letter in the post office or the mail box addressed to the telegraph company, and the carrier immediately, when he takes it up, will carry it to the Western Union or the Postal Co. I place stamps on it sufficient to cover the cost. It is transmitted by the wire company here in Washington between the hours, say, of 11 p. m. and 6 a. m., and it is delivered to the addressee at Scotland Neck to-morrow morning as soon as the mail is opened.

Mr. STEENERSON. I will say to the gentleman——

Mr. KITCHIN. I desire to say to the gentleman that although it is progressive legislation I do not blame the gentleman for making the point of order now, because probably he has not considered it and the House has not considered it. Now, I will ask the gentleman, if the point of order is made, which, no doubt, it will be, will not the able and considerate chairman of the committee promise that the committee will consider this proposition at some time during this session?

Mr. STEENERSON. I will say to the gentleman from North Carolina that I was about to say that very thing before he asked the question. There are already a number of bills on this very subject before our committee which have been referred to it. I know the gentleman to be a careful and considerate legislator, and he would not expect to have us take up a new subject and put it as a rider on an appropriation bill; and I will say to him that we will give the matter careful consideration as soon as possible.

Mr. KITCHIN. I thank the gentleman.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. STEENERSON. I made the point of order.

The CHAIRMAN. The gentleman from Minnesota makes the point of order to the amendment offered by the gentleman from North Carolina, and the Chair sustains the point of order.

The Clerk read as follows:

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, including rental of offices for division headquarters, and chief clerk, Railway Mail Service, in Washington, D. C., and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not under the Postal Laws and Regulations properly be required of railroad com-

panies without additional compensation, and for equipment and miscellaneous items necessary and incidental to terminal railway post offices, $932,156.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEENERSON: Page 16, line 23, at the end of the line insert:

"*Provided*, That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of the terminal railway post offices at a reasonable annual rental, to be paid quarterly for a term of not exceeding 20 years."

Mr. MANN of Illinois. Mr. Chairman, I reserve the point of order on the amendment. Is this one of those things controverted? There was some controversy about these terminal offices.

Mr. STEENERSON. I will say to the gentleman that we put the provision in regard to the First Assistant, for rent of quarters for 20 years, and then the Second Assistant, Mr. Praeger, and his assistant, Mr. Denning, came after the committee had completed the bill and requested a similar provision for them. He had just been to Chicago.

Mr. MANN of Illinois. Is this just a change of the law as to the length of the lease?

Mr. STEENERSON. That is all, from 10 to 20 years.

Mr. MANN of Illinois. I have no objection. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For transportation of foreign mails, including increases hereinafter provided, $4,700,000.

Mr. RAMSEYER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 23, after the figures "$4,700,000," strike out the period, insert a colon, and add the following: "*Provided*, That out of this appropriation the Postmaster General is authorized to expend not exceeding $30,000 for the transportation of foreign mails by airplanes and seaplanes."

Mr. MANN of Illinois. I reserve the point of order, Mr. Chairman.

Mr. RAMSEYER. Mr. Chairman, just a word in explanation of this amendment. Under the existing law the foreign mail can only be carried over water by a steamboat or a sailboat. That law was made some years ago. Now, the request for this amendment comes about in this way. There is a corporation known as the Florida West Indies Airways, which has been organized. The manager of this corporation is a flyer, Maj. Bonnell, who served clear through the war in the Air Service. He, as well as his assistant, are experienced flyers. In 1914 Maj. Bonnell went in with the English, and when we got into the war he flew with the Americans. They have organized this corporation with good financial backing, and are going to establish an airway service from Key West to Habana, Cuba. They are going to commence flying in February. Now, all they ask is this, and the only right this amendment will give them is to go before the Post Office Department and bid for a contract for carrying the mail. It is no subsidy, no money appropriated to buy aeroplanes or seaplanes or to pay any expense of keeping up the route.

Mr. MADDEN. And they are to make daily runs?

Mr. RAMSEYER. If we do not get this amendment through, why, of course, the mail will have to be carried across the water from Key West to Habana either by a steamboat or by a sailboat, as it is now. If we put this in, it will greatly expedite the mail across the water, which is a distance of something like 90 or 100 miles, and they intend to fly it in a little over an hour and fly each way every day. They have contracted for seaplanes that carry 14 passengers. Their main business will be the carrying of passengers, and besides passenger space there is room in these seaplanes to carry mail. The only right conferred by this amendment will be to permit the Post Office Department to give them a contract to carry first-class mail, provided they can make a contract or a bid which satisfies the Post Office Department.

Mr. MANN of Illinois. Mr. Chairman, it is very likely I shall withdraw the point of order, but anybody familiar with the situation must know that this will not expedite the mails any. Mails coming over from Key West will have to be carried away from there by train.

There is a boat that comes over from Cuba to make connection with these trains practically, and about the only thing we will do will be, if we let this contract, to pay out sums for the loss of mail dropped into the sea. Well, maybe it will be worth it.

Mr. RAMSEYER. They will have to fly between now and the 1st of July before they can possibly get a contract, and in the meantime they will have to demonstrate that they can make the flights from Key West to Habana with safety.

Mr. MANN of Illinois. They will not demonstrate that an airplane will not fall in the sea, because everybody that reasons knows that once in a while one will do so.

Mr. RAMSEYER. And sometimes a train runs off the track, and steamships and sailboats have been known to go to the bottom of the sea. As I stated before, this means no additional expense to the Treasury. The question is, Are you going to give the owner of a seaplane the same right to go before the Post Office Department to bid for carrying the foreign mails as you give to the owner of a sailboat? The boats now in use between Key West and Habana require from six to eight hours to make the trip. The seaplanes will make the same distance in a little over an hour. That the mails will be expedited is self-evident.

Mr. MANN of Illinois. Yes; but not so often as the airplanes fall into the sea. And as long as we will not pay now if a man loses a registered letter, under military control of the Government, through somebody absconding with it, and the Government will not recompense him, we will recompense a man if he loses his money by putting it in a registered letter which is dropped into the sea.

Mr. BLANTON. Mr. Chairman, I understood the gentleman from Illinois withdrew his reservation.

Mr. MANN of Illinois. I do.

Mr. BLANTON. I renew the reservation of the point of order. If we are not going to have aeroplane service in the United States, I am dead sure we will not have it outside the United States. And I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order against the amendment of the gentleman from Iowa [Mr. RAMSEYER].

Mr. STEENERSON. I desire to say to the gentleman from Texas that this matter was heard before the Committee on the Post Office and Post Roads on a special measure, and we purpose to take it up and consider it further. But the proposition looks so reasonable—it is only 100 miles—that I told the gentleman from Iowa [Mr. RAMSEYER] that I would not make a point of order against it.

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLANTON. Does the gentleman think it any more important to have aeroplane service from Key West to Cuba than from New York to Chicago?

Mr. STEENERSON. Yes; and for this reason——

Mr. BLANTON. And his leader on that side would obliterate any chance of aeroplane service.

Mr. STEENERSON. Let me explain to the gentleman this: The rate of compensation for carrying the mail over the seas to foreign countries is as high, on first-class mail in American register, as 80 cents a pound. If we contract here for $100 a trip, and they carry 200 pounds, and they carry 500 a day, we will really get the mail transported cheaper by aeroplane to Habana than we do at present.

Mr. BLANTON. When the gentleman becomes able to provide for proper aeroplane experimentation and service in the United States of America, can not he also provide for this service between the United States and Cuba?

The CHAIRMAN. Does the gentleman from Texas insist on the point of order?

Mr. BLANTON. I do, Mr. Chairman, because I think charity should begin at home, and we should have aeroplane service in the United States first.

Mr. STEENERSON. It is the only proposition on which we can save some money.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

I have been told, and this is not for the purpose of criticism, that two wrongs do not make a right. I am not charging that the other point of order was right or wrong, but certainly this is a step in the right direction. It will demonstrate to the Members of Congress whether mail can be successfully carried or not, and while it is only a small appropriation it means much along these lines of future legislation. I want to thank the gentleman from Illinois [Mr MANN] for withdrawing his point of order. I believe if the gentleman from Texas [Mr. BLANTON] would stop and think just for a moment, because he does not desire to be unfair, he will see that this will cost the Government absolutely no more than without it, and the passenger aeroplane service which will be put into effect, running from Key West to Cuba, will only have the advantage of carrying the mails provided the bid is satisfactory, and thereby will demon-

strate to Members of Congress whether we should go further along these lines or not. Certainly the gentleman from Texas, where it is not costing the Government one cent, will not insist upon the point of order simply because his district or some other part of Texas is not securing a portion of the appropriation. I hope the gentleman will withdraw the point of order, but of course it is entirely up to him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings, and miscellaneous expenses of installation and operation of same, including salaries and increases hereinafter provided of five traveling mechanicians and for per diem allowance of traveling mechanicians while actually traveling on official business away from their homes and their official domiciles at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $392,115.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: Page 21, line 2, after the word "salaries," strike out "and increases hereinafter provided."

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. STEENERSON].

Mr. BLACK. Mr. Chairman, I move to strike out the last word.

Mr. STEENERSON. Mr. Chairman, I desire to say to the gentleman that the Comptroller of the Treasury has decided that these employees in here were not included in the salary increase. I have a letter here from the chief clerk suggesting that the words be stricken out.

Mr. BLACK. I will ask the gentleman if he does not think that some provision will be made for these employees so that they may be covered?

Mr. STEENERSON. I will read the letter to which I referred. It is as follows:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, January 10, 1920.

COMMITTEE ON POST OFFICE AND POST ROADS,
House of Representatives:

Referring to my telephonic conversation with you this noon, and in conformity with promise at that time made, I am submitting herewith a copy of the decision rendered by the Comptroller of the Treasury concerning the pay of certain postal employees.

In view of the comptroller's decision as set forth in the concluding paragraph of his letter, this department has held that traveling mechanicians fall within the class referred to as "other employees paid from lump-sum appropriations," and since they receive in excess of $1,000, are not entitled to the increase provided for in public resolution No. 19 of November 8, 1919. These employees do, however, benefit by the act of February 28, 1919, which provides for an increase of 10 per cent.

Very truly, yours, L. M. DOW, *Chief Clerk.*

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLACK. As I understand it, these five traveling mechanicians are paid out of a lump-sum appropriation which is in the hands of the Postmaster General, and if he decides that they are entitled to an additional increase in pay he will have the power to grant it, and the money is at his disposal?

Mr. STEENERSON. Yes; at any time.

Mr. BLACK. Of course, with that explanation, I see no reason why the amendment should not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 23, noes 2.

So the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I ask also that the letter of the comptroller be printed.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, November 29, 1919.

The honorable the POSTMASTER GENERAL.

SIR: I have your letter of November 17, as follows:

"I have to submit for decision the question of whether the employees hereinafter named are entitled to benefits provided in public resolution No. 19, Sixty-sixth Congress, which provides additional compensation for certain employees in the Postal Service.

"There are about 88 clerks employed in this department by authority contained in section 5 of the act of July 28, 1916 (39 Stat., 430), with salaries ranging from $1,000 to $1,900 per annum plus bonuses of 10 to 15 per cent provided for in the acts of July 2, 1918 (40 Stat., 752), and February 28, 1919 (40 Stat., 1199). These clerks are assigned to work on the accounts of railroads for carrying the mails under the space basis system authorized in section 5 of the above-mentioned act of July 28, 1916, and are being paid out of the appropriation 'for inland transportation by railroad routes and aeroplanes, 1920' (40 Stat., 1194)."

Section 5 of the act of July 28, 1916 (39 Stat., 430), provides in part as follows:

"The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, * * * and to pay for the same out of the appropriation for inland transportation by railroad routes." * * *

The act of February 28, 1919 (40 Stat., 1194), provides:

"For inland transportation by railroad routes and aeroplanes, $59,625,000." * * *

Public resolution No. 19, of November 8, 1919, provides:

"That because of the unusual conditions which now exist the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, the following classes of employees shall be increased as follows for such fiscal year only:

* * * * * * *

"(b) Carriers in the village delivery service and other employees paid from lump-sum appropriations receiving compensation at the rate of less than $1,000 per annum to be increased 20 per cent of their present compensation."

* * * * * * *

No statutory provision has been found fixing the salaries of the employees here under consideration. Their salaries are paid from the appropriation for "inland transportation by railroad routes and aeroplanes," which is a lump-sum appropriation.

Therefore the employees in question come within the class of "other employees paid from lump-sum appropriations" provided for in the part quoted from public resolution No. 19 of November 8, 1919.

Since, however, the increase authorized for "other employees paid from lump-sum appropriations" is limited to those receiving less than $1,000 per annum, and since the employees in question receive more than $1,000 per annum, the increase does not apply to them. Accordingly your question is answered in the negative.

Respectfully,

W. W. WARWICK, *Comptroller.*

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, in a few moments the final vote will be taken on this bill, the second of the regular appropriation bills to be passed by the House, leaving 11 of the regular annual appropriation bills still to be considered.

The appropriating committees of the House have made such progress in the consideration of their bills that, beginning with next Monday, we shall have before the House constantly appropriation bills for consideration, and those bills will be considered and disposed of as rapidly as possible, consistent with careful examination. Important matters of legislation and conference reports will, of course, be considered from time to time.

Mr. Chairman, I am of the opinion—and this is a personal opinion, binding no one's judgment—I am of opinion, after a rather careful consideration of the status of the appropriation bills and the legislation before the Congress, and that which is likely to be presented, that we can dispose of our entire program and reach a final adjournment by Saturday, the 5th day of June [applause], providing we are diligent, providing gentlemen give close attention to the public business. I feel confident that the important matters of legislation and appropriation will be reported regularly and in due course, and I know of no reason why the Congress should not dispose of everything that may come before it of importance by the time I have suggested.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment.

That will give us 20 weeks, 120 days, legislative days, in which to dispose of the business before the Congress, and I believe that all matters requiring attention can be considered by that time, and I am sure that we are, all of us, anxious to get through with all matters of importance and adjourn early.

During the consideration of these appropriation bills I hope we will have in mind the state of the Public Treasury. [Applause.] I hope we will not forget the tax-burdened folks at home, and that we will not allow the demands upon us from one class of people and another to lead us to lose sight of the absolute necessity of not only keeping within the estimates, so far as we can, but of reducing the estimates, if possible, as I have heretofore suggested, by at least a billion dollars, and I hope a billion and a quarter.

Now I yield to the gentleman.

Mr. KNUTSON. Has the gentleman taken into consideration the fact that during the extra session 22 days were consumed in needless and useless roll calls, made on points of no quorum? That method of obstructing public business will have to be eliminated if we can accomplish the program the gentleman has outlined in the time suggested.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment.

Mr. BLANTON. I am sure the gentleman will let me answer that.

Mr. MONDELL. In just a moment. I hope we will not allow our thoughts——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may proceed for two minutes more.

Mr. BLANTON. I ask unanimous consent, Mr. Chairman, that the gentleman may proceed for three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I hope we will not have our thoughts and attention directed to the past, but that we will look forward to the future and to the important work before us.

Mr. BLANTON. Now, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BLANTON. My distinguished friend from Minnesota, Mr. KNUTSON, the very energetic whip on that side, alluded to the number of roll calls that were necessary in the recent extra session of Congress. I want to call his attention to the fact that if he is just able to keep his colleagues here in their seats, where they belong, attending to the public business, we shall not have to have a single roll call, because they will all be here.

Mr. KNUTSON. I will say to the gentleman that if he will get the committees to suspend their sittings we can have a quorum.

Mr. BLANTON. That is all poppycock. [Laughter.]

Mr. MONDELL. Mr. Chairman, we all realize that if we were to have a quorum in the House all the time it would tremendously interfere with the business of the committees. But I agree with the gentleman from Texas [Mr. BLANTON] this far, that we always ought to have a good attendance in the House, and I hope we shall have, and I hope we may conclude the public business and get through at the time I suggest.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will if I have the time.

Mr. MANN of Illinois. Does the gentleman think it would be possible to transact any business in the House if we had 435 Members in the House like the gentleman from Texas? [Laughter.]

Mr. BLANTON. You would have a whole lot better laws passed in that case. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. STEENERSON. Mr. Chairman, I call for the reading of the bill.

Mr. CALDWELL. Mr. Chairman, I rise in opposition to the motion to strike out, made by the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CALDWELL. Mr. Chairman, I have listened to the remarks of the gentleman from Wyoming [Mr. MONDELL], and I hope he does not go away. I hope that his prophecy that we will finish the public business by June or July will be fulfilled. But I feel that, having listened to his agreeable prophecy, I would not be fair to my colleagues in this House if I did not call the attention of the House to the fact that we have been in almost continuous session in the Committee on Military Affairs since May, 1919, and that to-day we were working on page 6 of the Army reorganization bill that we started out with, and that there has not been a single word of testimony taken upon the Army appropriation bill, and that that bill can not be taken up until the Army reorganization bill is disposed of. And I call the attention of the House to the fact that the figures show that out of all the bills introduced into this House approximately one-third of them are referred to the Committee on Military Affairs. I want to say that unless the Military Committee go into continuous session and sit nights and disclose a better spirit to get together and compromise on the issues between the members of the committee, we will be here next December without any appropriation bill and without any Army reorganization bill.

Mr. STEENERSON. I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, $11,000,000: *Provided*, That the Secretary of War is authorized hereafter, in his discretion, to deliver and turn over to the Postmaster General, without charge therefor, from time to time such motor vehicles, aeroplanes, and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service, and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, out of the annual appropriations for star-route service.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY: On line 11, page 22, after the word "service," strike out the period, insert a colon, and add the following language: "*Provided further*, That the Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon, and other vehicle service entered into prior to January 1, 1920, with a view to determining whether any adjustment should be made in the compensation, and to adjust the same for services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment; or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts."

Mr. STEENERSON. I make a point of order against the amendment, that it changes existing law and is legislation on an appropriation bill.

Mr. BLACK. Will the gentleman from Minnesota reserve the point of order until the gentleman from Texas can make a five-minute statement?

Mr. STEENERSON. Yes, I will; although the time is getting late.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I present this amendment because of the condition that we find to exist from time to time on many of the little star routes over the country. As most of you know, these star routes in some portions of the country have to be carried by buggy or wagon.

A MEMBER. On horseback.

Mr. CONNALLY. Or on horseback. Under the law, as it now exists, these men who have entered into contracts with the Government for the carrying of the mails on the star routes are not able to receive any advantage of the general increases which the Congress has allowed to practically all Government employees. Some of these contracts cover long periods of time, and the increase in the price of feed and in maintaining their equipment has grown so great that many of the carriers are forced to carry the mails at an actual loss. They are not in the position of the rural carriers. A rural carrier may resign and leave the Government service, but when a star-route contractor enters into his contract he is required to execute a bond by which he is required to perform the service regardless of whether by changed conditions he can only render the service at a loss or not.

Mr. BRIGGS. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. BRIGGS. Is it not true that the quantity of mail has so increased on these routes that the contractors in large numbers of instances are carrying the mail at a great loss and can get no relief from that condition; that the Postmaster General is not authorized to relieve them from their contracts or to give them any relief?

Mr. CONNALLY. That is very true in many cases. Under the law the Postmaster General has no discretion whatever. He has to exact from the star-route carriers the conditions of their bonds, and I know of several instances, not in my own district but in other portions of Texas, where the bondsmen of the star-route contractor have been forced to go down into their pockets and hire people to carry out their contracts when the contractor himself, on account of being unable to do so for the compensation, has been forced to give up his employment. That is a condition that ought not to exist in a great Government like this.

Mr. MADDEN. Does the gentleman believe that a contract between the Government and anybody else amounts to anything?

Mr. CONNALLY. Oh, yes. The gentleman from Illinois knows that I would not seek to amend this law if I did not have respect for contracts; but the point I make is that a Government as great and as rich as this ought not to exact the terms of a Shylock bond when it is not just and equitable to stand upon the hard and fast terms of a contract with some little fellow with one horse and a cart, who is unable to carry the mails and render the Government the service for what the Government is paying, when conditions have materially changed since the date of the contract.

Mr. BRIGGS. Does not the gentleman know that in the last session of Congress we passed a bill for the relief of contractors for public buildings in the United States, so as to give them the actual cost of their work and give them their profit on it in addition?

Mr. CONNALLY. Certainly; and I dare say that the gentleman from Illinois [Mr. MADDEN] was very anxious that that measure should go through this House and that he voted for it.

Mr. MADDEN. I want the gentleman to understand——

The CHAIRMAN. The time of the gentleman from Texas has expired

Mr. CONNALLY. I ask for two minutes more.

Mr. MADDEN. I ask for one minute to reply to the gentleman.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CONNALLY. When I made that statement about the gentleman from Illinois having voted for that measure I meant to impute no odium to him, because I will vote for any other measure which is based on the principle that this great Government is willing to treat its citizens fairly and equitably, and I believe this is one case in which the Government ought not to stand upon the hard and fast terms of the contract with some hard-working little fellow away out in the country precincts when the great interests that have millions involved are coming here and getting justice. Now, in reply to the gentleman from Illinois [Mr. MADDEN], I will say that if the same conditions existed at this time, as existed at the time that these contracts were entered into, I would not say that any change ought to be made in the rule by which these matters are to be gauged, but I do say, and every Member of this House well knows, and the gentleman from Illinois will not deny that conditions of living to-day are not what they were two or three years ago. We know that our money has not the value that it had when these contracts were entered into. And I want to say, too, that this amendment simply gives to the Postmaster General discretion to adjust these matters fairly with the parties concerned. However partisan your views may be with reference to the Postmaster General, I do not believe that anyone on the floor of this House will be so bold as to charge the Postmaster General with not having served the Government faithfully, patriotically, and well with reference to the disbursement of public money.

Mr. DAVIS of Tennessee. And economically.

Mr. CONNALLY. He is one Cabinet member of which that can be said. Of the heads of departments not only in this administration but several administrations back, he stands above them all as being economical in the disbursement of the public funds. [Applause.]

Mr. MADDEN. Mr. Chairman, I wish to call the attention of the gentleman from Texas to the fact that I spoke against the passage of the resolution for the adjudication of building contracts and voted against it. That shows that I was not very anxious for its passage.

I want also to call the attention of the gentleman from Texas to the further fact that as to all star-route contracts entered into before a given date, those who entered into contracts before war conditions prevailed, the Postmaster General is given authority to adjust them and to pay increased compensation. But where a man entered into a contract either for a star route or any other service, with all the facts before him, where the conditions have not changed to justify a further adjudication, I do not believe any such adjudication ought to be had. The man who entered into contracts referred to by the gentleman from Texas undoubtedly entered into it in 1919, or the fiscal year of 1920. If he did, the conditions are the same now as then, and there is no change.

Mr. CONNALLY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CONNALLY. In a case where a new town has sprung up and the mail carrier has to carry two or three times as much mail as under the old conditions, would not there be that element to be taken into consideration?

Mr. MADDEN. Yes; and the Postmaster General can compensate for places where a great population has grown up. That is a case that can be adjusted on its own merits. That is an individual case which can be submitted for adjudication, and we should not make a general law to cover a single case. In 1917 the Postmaster General was given this authority:

That the Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon, and other vehicle service entered into prior to June 30, 1917, and from contracts for furnishing envelopes, blanks, and blank books, and the Official Postal Guide, for contracts entered into prior to June 30, 1917, with a view to determining whether any adjustment should be made in the compensation and to adjust the same for materials or services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment, or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts.

That was enacted into law for the purpose of providing for conditions that were unseen by these men who entered into the contract prior to the war and who could not know of the conditions that would exist during the war. These men found themselves face to face with conditions that they could not meet. Prices had increased, labor had increased, the cost of food and supplies of all kinds increased, and they were at a great disadvantage, and the Government could not afford under those circumstances to ask them to continue the contract. And so Congress saw the justice of the claims of these men and so power and authority was given to the Postmaster General to adjust all such contracts.

If there is any special reason in any particular case where the Postmaster General should be given authority, that one case can stand on its own merits, but we ought not to pass a general law covering in every contractor that has a special kind of work in order to get at this particular case. If there is any merit in the case that the gentleman from Texas refers to I would be the first man to meet the case to adjudicate it, but I would not be in favor of a general law which might cover all sorts of claims to be made against the Government just to reach this particular case.

Mr. BRIGGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BRIGGS. Is it not true that the greatest increase has been since July 1?

Mr. MADDEN. No; I think they were apprised of all the facts in the case.

Mr. BRIGGS. Has not Congress put an additional burden on the star route contractors by making them carry food and other supplies to different portions of the country?

Mr. MADDEN. I do not agree to that.

Mr. STEENERSON. Mr. Chairman, I make the point of order, and in doing so I want to say that the gentleman from Texas can have this brought before the Post Office Committee, and in the future we will inquire into the necessity of this legislation. As has been said by the gentleman from Illinois, legislation was enacted in 1917, and this will give the gentleman an opportunity to present it.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, including increases hereinafter provided, $78,000,000.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 32, line 16, after the figures "$78,000,000," insert: *"Provided*, That hereafter the length of route served by rural carriers shall be determined by the records of the department, which records shall be changed promptly whenever it shall be demonstrated to the satisfaction of the department that the length of a route has been incorrectly stated, the pay of the carrier to be increased or decreased accordingly."

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order.

Mr. STEENERSON. Mr. Chairman, this amendment is suggested by the Postmaster General. It was received after the bill was completed or it would have been included. The committee authorized me to offer it as a committee amendment. The explanation is stated in a letter from the Postmaster General, which I will ask the Clerk to read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 9, 1920.

Hon. H. STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. STEENERSON: Prior to the passage of the joint resolution of Congress, approved March 4, 1915, which became effective July 1, 1915, the pay of rural carriers was based on the length of the routes served as shown by the records of the department.

Beginning July 1, 1915, under the terms of the joint resolution mentioned, the pay of rural carriers was based on the actual length of the routes served.

Under a recent decision of the Comptroller of the Treasury, a copy of which is inclosed, it is obligatory on the part of the department, when a carrier has been underpaid by reason of an erroneous measurement of the route served by him, to make payment to the carrier of the difference between the amount paid to him and the amount that would have been paid to him if the route had been correctly measured on July 1, 1915, and also, if a carrier has been paid on the basis of a route longer than that actually served, to make a collection from him of the amount paid in excess of that authorized by law.

Clearly this is a condition that was not contemplated at the time of the passage of the joint resolution. It will no doubt at times prove a very serious hardship on some of the personnel. As the carriers are paid solely on the mileage basis, a slight error in the original measurement, for which the employee was in nowise responsible, may subsequently make it incumbent upon the department to collect from him several hundred dollars. Conversely, the department will be called upon to pay considerable sums of money to employees who are not equitably entitled thereto.

To remedy this condition and to enable the department to apply the principles of equity to such cases, I have to recommend the addition of the following to the item making appropriation for the maintenance of Rural Delivery Service for the fiscal year 1921:

Provided, That hereafter the length of routes served by rural carriers shall be determined by the records of the department, which records shall be changed promptly whenever it shall be demonstrated to the satisfaction of the department that the length of a route has been incorrectly stated, the pay of the carrier to be increased or decreased accordingly.

Sincerely, yours,

A. S. BURLESON,
Postmaster General.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, January 7, 1920.

The honorable the POSTMASTER GENERAL.

SIR: I have your letter of December 29, received January 5, requesting decision whether under existing laws the Post Office Department in readjusting the salaries of rural carriers on the basis of the correct length of the route served by them as ascertained by measurement, whether the length be greater or less than shown by the official records, must make such readjustment effective July 1, 1915, if the route was being operated at that time.

The compensation of rural letter carriers was fixed by law and made to depend upon the actual length of the route served by a provision in the joint resolution of March 4, 1915 (38 Stat., 1227), effective on and after July 1, 1915. Prior to the latter date their compensation was fixed by order of the Postmaster General and based upon the length of the route served "as shown by the records of the department."

In a decision of this office dated January 31, 1916 (22 Comp. Dec., 360), it was held that any change in the rate of compensation as fixed by the joint resolution of March 4, 1915, necessitated by a remeasurement of the route served should be made effective from July 1, 1915, if the carrier was serving the route on that date, and from the date the carrier began to serve the route if such date was subsequent to July 1, 1915.

With reference to that decision and as a reason for again submitting the identical question therein decided you state:

"The practice of the department has been in conformity with this decision, but since the pay of rural carriers has been so materially increased under acts of Congress effective July 28, 1916, July 1, 1918, and July 1, 1919, numerous cases are arising involving the payment of considerable sums to carriers or of recovering sums from carriers who have been overpaid, and in many of these cases the persons concerned are no longer connected with the service."

The acts referred to by you (39 Stat. 423; 40 Stat., 751; and 40 Stat., 1197) made certain increases in the rates of pay of rural letter carriers, but did not change the requirement that said rates be based upon the actual length of the route served.

I fail to see wherein the amount involved or the fact that the carrier is no longer in the service can have any bearing upon the decision of the question presented.

If a carrier has been underpaid by reason of an erroneous estimate or measurement of the route served by him, clearly he has a legal claim against the United States for the difference between the amount paid to him and the amount which would have been paid if the route had been measured correctly on July 1, 1915. Whether the amount of that difference is large or small, and whether the carrier has or has not left the service, can not affect the legality of the claim. Likewise, if he has been paid on the basis of a route longer than that actually served by him at any time since July 1, 1915, he has been paid an amount in excess of that authorized by law, and which he has no legal right to retain.

Respectfully,

WALTER W. WARWICK, *Comptroller.*

Mr. MANN of Illinois. Mr. Chairman, I do not make the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. PARRISH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. PARRISH offers the following amendment: On line 16, following the amendment just adopted, strike out the period after the figures "$78,000,000" and insert a colon and all the following language: "*Provided*, That on and after July 1, 1920, rural carriers shall receive a salary not exceeding $2,500 per annum, and their maximum salary shall be based on the length of their routes, the time required to serve them, and the number of pieces and weight of mail transported: *And provided further*, That on and after July 1, 1920, the minimum compensation of rural carriers, exclusive of the increases provided in section 2 of this act, shall be as follows: On routes of 24 miles and over, six times a week, $1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, $1,152; on routes 20 miles and less than 22 miles, $1,080; on routes 18 miles and less than 20 miles, $960; on routes 16 miles and less than 18 miles, $840; on routes 14 miles and less than 16 miles, $720; on routes 12 miles and less than 14 miles, $672; on routes 10 miles and less than 12 miles, $624; on routes 8 miles and less than 10 miles, $576; on routes 6 miles and less than 8 miles, $528; on routes 4 miles and less than 6 miles, $480.

"A rural carrier serving one triweekly route shall be paid on the basis for a route one-half of the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *And provided further*, That no rural route on which the use of a motor vehicle would be required shall be established unless a motor vehicle can be operated thereon with reasonable regularity for 10 months in the year: *And provided further*, That when any route is authorized that absorbs or eliminates existing routes the carriers affected thereby shall be retained in the order of their relative efficiency."

During the reading of the amendment,

Mr. MADDEN (interrupting the reading). Mr. Chairman, I have heard enough of the amendment to know that it is subject to the point of order, and I make the point of order that it is a change of existing law.

Mr. PARRISH. Will not the gentleman reserve the point of order? I agree with the gentleman from Illinois that it is subject to the point of order, but I would like to be heard upon it for a moment.

Mr. MADDEN. This is not the orderly way to do, but I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order, and the Clerk will conclude the reading of the amendment.

The Clerk concluded the reading of the amendment.

Mr. PARRISH. Mr. Chairman, I wish to thank the gentleman from Illinois [Mr. MADDEN] for reserving his point of order until I could explain the necessity for this amendment. The only change that this amendment makes in the present law is that instead of fixing the compensation of the rural carriers upon the mileage basis, the Postmaster General, in his discretion, under certain circumstances of emergency, will be to fix the compensation of rural carriers upon the basis of the time occupied in carrying the mail, the weight of the mail to be handled, and the other conditions that surround the carrier. In practically every county in my district we have an unusual oil development. The first thing that happens when we have an oil boom is that the mail gets heavier, then the heavy traffic over the roads, the hauling of pipe and tanks, and so forth, cut the roads to pieces, and the mail carrier that once carried the mail on a 25-mile route in three or four hours finds himself forced to labor from sunup to sundown in order to handle the increased mail over a road that in many cases are impassible and unfit to travel over. You may say, why do not the people of the county fix up the roads, but our answer to that is that in some sections they can not fix up the roads so as to permit the heavy travel, because they are dirt roads. We do not ask any additional appropriation in this amendment. I simply ask that the Postmaster General be permitted in cases, such as I refer to, to render simple justice to the rural carriers who are now engaged in carrying the mail. We want the mail to go to all of our people, and I dare say that the purpose of the distinguished gentleman from Minnesota [Mr. STEENERSON], the chairman of the committee, and of every man on the committee is to serve the people efficiently and regularly with the mail. Unless this amendment be adopted, or some other amendment which would give relief, portions of my district will not be so served. The service has already broken down in many instances. I have one town in a county in my district where four rural mails go out. Three of them are absolutely down, and a large number of people do not get their mail oftener than once a week. There is no way under the provisions of the present law by which, the Postmaster General tells me, they can possibly take care of those conditions. I have two carriers at another place that are quitting just now, and I have carriers at two other places who are quitting, and no one can blame them. In fact, unless there is some relief, you are going to find that in sections where these conditions prevail, for which we are not responsible, will soon be without any mail carriers. Of course, we welcome the conditions that exists there, as all people would welcome them, and now ask for some provision to take care of the situation. Some may say that it will put an unusual burden on the Government to take care of these extraordinary conditions, but my reply is that from our section of the country there will probably be as many as 20 men who will pay an income and excess-profits tax of approximately $1,000,000 this year, and hundreds of others will pay a very large income and excess-profits tax, which goes into the public service, and if we are thus paying for the service, if we are going to give to you a large part of our earnings, may we not appeal to you to give to us in return a mail service that will carry the mail to every citizen in the district, and that will deal fairly with the men who are carrying the mail for us?

I am not acting unadvisedly in this matter. The Postmaster General has had the subject up before. Time and again I have put it up to his department and time and again I have been met with the objections that I am giving to you this evening. He spoke as follows in his recommendation to Congress in his report in 1915–16:

The joint resolution of Congress approved March 4, 1915, prescribed that the pay of rural carriers should be based solely on the length of the routes served, but gave no consideration to such important factors as the number of pieces and the weight of the mail handled and the time required to serve the routes. The present basis of pay is, therefore, not equitable, and the law should be changed so as to make it possible to equalize the compensation of these employees, it being believed that carriers who are handling large quantities of mail and whose tour of duty covers a full working day are entitled to higher rates of pay than those carriers who handle only a few dozen pieces of mail each day and are able to complete service within three or four hours. Legislation to

remedy this condition should provide administrative leeway that will permit of the continued extension of mail facilities, and should allow compensation that will be adequate to meet any unusual condition or emergency that may arise. A draft of the legislation recommended appears on page 62 of this report.

In conclusion, may I not say that I trust some provisions will be made to take care of the public generally, and that will follow the golden rule of common justice in compensating the men who are struggling in the face of so many obstacles to carry the mails and care for their families.

Mr. MADDEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order. The Chair sustains the point of order.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to call attention to this paragraph. The rural service probably has had more remarkable growth than any other service in the Post Office Department. It was first established in 1897. That year there were 82 experimental routes, and it cost the Government $14,840. The next year there were 153 routes, and in 1899 there were 412, and in 1900, 1,259. From that time the growth was rapid, and the highest number of rural routes we had was in 1915, when there were 43,866 routes. From that time the routes have been slightly decreased. I do not rise to criticize that part so much. The number of routes we had in 1919 was 43,210, and they cost us $65,448,230 to operate them. In this bill for the next fiscal year the appropriation provides for $78,000,000. Since 1915, including that year, the Post Office Department at different times undertook to discontinue and revise routes. In some cases undoubtedly they were justified. In many places the way in which they proceeded to make the revisions and discontinuances met with as much criticism as the revisions and the discontinuances themselves. May 1 last the Post Office Department undertook a revision of rural routes in the State of New York. I was appointed a member of the subcommittee to investigate the manner in which the Post Office Department proceeded in revising and discontinuing certain routes up there. The committee had extended hearings. I prepared a statement, my own statement, of my own findings and conclusions as to the manner in which the Post Office Department proceeded and the judgment or lack of judgment which they exercised up there in New York in making those discontinuances and revisions, and, Mr. Chairman, I ask unanimous consent to extend my remarks by inserting my own statement of that hearing in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. BLACK. Mr. Chairman, reserving the right to object, I was not at the moment attentive to the latter part of the gentleman's request.

Mr. RAMSEYER. The gentleman should have been.

Mr. BLACK. Was it the report of this New York investigation to which the gentleman referred?

Mr. RAMSEYER. It is my own statement and my own conclusions, not that of the subcommittee.

Mr. BLACK. And has no connection with any of the findings of the committee?

Mr. RAMSEYER. None whatever.

Mr. BLACK. But the gentleman's own statement?

Mr. RAMSEYER. My own personal findings and conclusions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAMSEYER. The statement referred to, Mr. Chairman, is as follows:

Last July a special subcommittee of the Committee on the Post Office and Post Roads was appointed to hold hearings on House joint resolution 33, a resolution introduced by Mr. GOULD, of New York, and which is as follows:

Resolved, etc., That the Postmaster General be, and he is hereby, directed to suspend the operation of all orders issued by him or by any official of the Post Office Department, effective as of the dates of May 1, 1919, and June 1, 1919, respectively, changing or altering rural delivery routes; and the Postmaster General is hereby further directed to restore to their former status rural delivery routes changed or altered by orders of the Post Office Department effective as of the date of May 1, 1919.

The subcommittee held public hearings July 8 and 9, 1919, and the following persons appeared and testified: Hon. NORMAN J. GOULD, a Representative from the State of New York; Hon. GEORGE H. MOSES, United States Senator from the State of New Hampshire; Mr. S. J. Lowell, master of the New York State Grange, Fredonia, N. Y.; Mr. H. E. Babcock, secretary of the New York State Federation of County Farm Bureaus' Association, Ithaca, N. Y.; Mr. W. N. Giles, secretary of the New York State Grange; Mr. C. Fred Boshart, president of the New York State Agricultural Society; Mr. Leslie R. Smith, master of the Massachusetts State Grange; Mr. John A. McSparren, master of the Pennsylvania State Grange; Hon. WALTER W. MAGEE, a Representative in Congress from the State of New York; Hon. James I. Blakslee, Fourth Assistant Postmaster General; Mr. W. J. Satterfield, post-office inspector; Mr. John J. Kessel, postmaster, Syracuse, N. Y.; Mr. William Nacey, postmaster, Oswego, N. Y.; Mr. D. E. Sullivan, postmaster, Canton, N. Y.; Mr. L. G. Quackenbush, postmaster, Oneida, N. Y.; Mr. J. M. Dwyer, postmaster, Geneseo, N. Y.; Mr. J. W. McKnight, postmaster, Castleton, N. Y.; Mr. Thomas J. Gallagher, postmaster, Geneva, N. Y.; Mr. William C. Brigham, post-office inspector; Mr. L. M. Dow, chief clerk office of the Fourth Assistant Postmaster General; Hon. LUTHER W. MOTT, a Representative in Congress from New York.

On behalf of the Post Office Department, Hon. James I. Blakslee, Fourth Assistant Postmaster General, was present during the entire hearing and was permitted to cross-examine the witnesses and to make statements and explanations.

By an order effective May 1, 1919, the Post Office Department made changes and extensions in the rural routes of New York State and discontinued quite a number of the routes—50 in all. This order resulted in widespread dissatisfaction among the rural patrons in that State, which was amply shown by 12,000 signed protests, petitions, and complaints, together with hundreds of letters of protest. May 18 last, representatives of the rural-route patrons affected by these changes appeared before the Postmaster General in the city of Washington and presented their views and protests.

Following the hearings before the Postmaster General the department sent its inspectors into the counties of New York from whence the protests came. Meetings were advertised and held in a number of counties, at which meetings the inspectors heard the complaints of the rural-route patrons affected by the changes. As a result of this action quite a number of routes were rectified and restored to meet the wishes and needs of the rural-route patrons before the time of the hearings by this subcommittee on July 8 and 9.

As an illustration of how the department proceeded in the rural-route reorganization in its order effective May 1, and to restore routes after the protests were sent in and the hearing held before the Postmaster General of this city, I cite Oswego County, N. Y.

By the order effective May 1 a number of the routes were reorganized and 11 routes were discontinued in that county. The changes were made, without consulting any of the patrons, on maps in the department and such limited information as the department had in its possession. After this order of May 1 went into effect there was great dissatisfaction among the rural-route patrons of the county. Prior to May 1 the postmaster at Oswego was not consulted about any of the changes, but he was informed about a year before that time that the department contemplated changes. After hearings in the office of the Postmaster General, May 18, Mr. Brigham, one of the inspectors, was sent to that particular county to hold a meeting at Oswego where 150 rural-route patrons were present. It appears that Mr. Brigham made a thorough investigation. He consulted farmers who were aggrieved by the changes, called in road workers to ascertain the condition of the roads, consulted representatives of the Weather Bureau as to climatic conditions, and conferred with the leading people in that county. He recommended certain readjustments and the restoration of 7 of the 11 routes that had been discontinued, and the department acted upon his recommendation. I feel disposed to commend the fair hearings and the thorough investigation conducted by Mr. Brigham.

What I do criticize in the Post Office Department is that the department does not conduct such hearings and investigations before it undertakes to make wholesale orders changing and discontinuing routes. I feel that it would be entirely practical before ordering any readjustment of rural routes to conduct such hearings and investigations by the department. Certainly such hearings and investigations would be just as practical before the readjustments are ordered as they are after complaints and protests are made as a consequence of such readjustments. And if the department would adopt as its policy to hear and consult rural-route patrons, road workers, persons familiar with climatic conditions, and others interested in the readjustment, it would thereby remove much of the friction that has heretofore existed between the Post Office Department and the rural-route patrons of the country.

What the rural-route patrons of the State of New York, as well as the patrons of other States of the Union, want is nothing more nor less than what the Postmaster General has himself defined as satisfactory mail service, and to which he admits the rural patrons are entitled, to wit:

(1) Reasonably prompt mail delivery, even in bad weather.

(2) Mail to go out from post office the day collected on route.
(3) A minimum of inconvenience through the change of established addresses from established post offices.
(4) That the post office cooperate to maintain the life and organization of the established communities.
(5) In the future 100 per cent delivery of mail at the door.
(6) Cooperation of post-office officials with farmers' organizations.

Other inspectors were sent into the other counties of the State of New York from which complaints and protests had come. As a result of the reports of the inspectors many routes which were changed and discontinued by the order of May 1 were readjusted and restored, so that at the date of the hearings of this subcommittee, July 8 and 9, the dissatisfaction among the rural-route patrons was not as great as it was immediately following May 1. Furthermore, the Post Office Department assured the subcommittee that the complaints and protests from other parts of the State would receive careful consideration, and that other investigations would be made, and that further changes and restorations in the routes were in contemplation in order to satisfy the rural patrons with more adequate and satisfactory mail service.

In my judgment many of the changes made by the order of May 1 were ill considered and ill advised. The manner of making changes has caused quite as much complaint as the changes themselves. Frequently changes are made from maps in the department without knowledge of topographic and climatic conditions and without regard to the life and organization of the established communities. Seldom, if ever, are the patrons consulted about the contemplated changes. Because of the failure of the Post Office Department to consult the wishes and interests of its rural patrons and because of the aloofness of the Post Office Department, rural-route patrons live in a state of constant apprehension and uneasiness lest their mail service be curtailed or taken away from them entirely.

Personally I do not feel that it would be wise to take away from the Post Office Department the power to administer the rural routes or to change them when such changes become necessary to extend and improve the service. I am sure that by a closer study of conditions by the Post Office Department, and by consulting the rural-route patrons themselves before changes are ordered, most of the friction and misunderstanding between the department and patrons could have been avoided in the past. The constant failure to carefully study conditions and to consult the wishes and interests of rural-route patrons before ordering changes, in my opinion, deserves special censure and condemnation.

The Clerk read as follows:

For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, including increases hereinafter provided, $1,200,000.

Mr. GRIEST. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 20, strike out the figure "2" and insert in lieu thereof the figure "3," so that the amount appropriated will be $1,300,000 instead of $1,200,000.

Mr. GRIEST. Mr. Chairman, this change is authorized by the committee. It does not increase the appropriation which was recommended by the department nor that which was adopted by the committee. It is an error in computation or in printing, I do not know which, and occurred in calculating the two bonuses heretofore authorized by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For conducting experiments in the operation of motor vehicle truck routes; also for experiments in the operation of country motor express routes, which shall be operated primarily as a means of expediting the transportation of fourth-class mail between producing and consuming localities, and shall not displace nor supplant any existing methods of mail transportation or delivery, which two classes of experiments shall be conducted hereafter under such rules and regulations, including modifications in rates of postage, limit of weight and size, and wrapping and packing requirements, as the Postmaster General may prescribe, $300,000.

Mr. TINCHER. Mr. Chairman, I make the point of order against the amendment just read.

The CHAIRMAN. The gentleman from Kansas makes the point of order. The gentleman will state the point of order.

Mr. TINCHER. That it is new legislation. I think the Chairman passed on the proposition involved in this point of order on a point of order previously this afternoon. The only excuse the committee can have for carrying this without a special rule is that they have carried without legislation such an item before, and the Chair clearly passed upon the proposition in the ruling before. There is no legislation authorizing the appropriation.

Mr. KELLY of Pennsylvania. Mr. Chairman, I desire to be heard on the point of order. Mr. Chairman, the point of order that has been made is that this is new legislation, and the Chair will note the provision is one which, by the way, has been carried in three separate appropriation bills in the same language, providing for two things: First, it provides for expediting the transportation of fourth-class mail matter. I admit it also provides for the use of motor vehicles, but the purpose of the provision is to provide an effectual method through which fourth-class mail shall be carried between producing and consuming localities. The second provision——

Mr. BEE. Will the gentleman yield?

Mr. KELLY of Pennsylvania. If the gentleman will permit me to finish the statement. The second provision is that the Postmaster General shall be given the power to make modifications in rates of postage, limit of weight and size, and wrapping and packing requirements as he may prescribe. Now, these two provisions are not new legislation. They have not only been carried in three separate appropriation bills but the law of 1913, enacted August 24, 1912, Public Law, No. 326, contains this provision:

SEC. 8. That hereafter fourth-class mail matter shall embrace all other matter, including farm and factory products, not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter not of a character perishable within a period reasonably required for transportation and delivery.

And further:

The classification of articles mailable as well as the weight limit, the rates of postage, zone, or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

I now yield to the gentleman.

Mr. BEE. I want to ask the gentleman if the effect of striking out this paragraph will not be to stop experiments in reference to carrying farm products from the farm to the consumer?

Mr. KELLY of Pennsylvania. Certainly.

Mr. BEE. And thus help the distribution of farm crops to the consumer in the city?

Mr. KELLY of Pennsylvania. I maintain, Mr. Chairman, that the act of 1912 has covered both of the provisions which are taken up in this paragraph. It is possible to introduce in an appropriation bill a provision which continues a public project. This experiment has been continuing for three years; the motor trucks are now running. Five motor-truck routes have been established in conformity with the provisions of the bill of last year. They are now being operated between the city of Washington and the producing territory. They are in operation, and the project is a continuing one.

Mr. TINCHER. Has the gentleman read the summary and conclusion of the committee that investigated these five routes and their condemnation of them?

Mr. KELLY of Pennsylvania. I have, Mr. Chairman; and I will be delighted to discuss that on its merits. But the gentleman has made a point of order against the provision. If sustained, there will be no real opportunity to discuss it on its merits. I maintain his point of order does not lie against the provision, because there is legislation covering every detail of this paragraph, which provides for expediting fourth-class matter under this experiment, and that the Postmaster General may modify rates and conditions and manner of shipping in order to carry out that purpose effectively. Similar legislation has already been passed. Further, it is a continuing project that has been going on for three years in a successful manner.

Mr. MANN of Illinois. If the law now provides for the rates of postage, limit of weights and size, and wrapping and packing requirements, and so forth, what is the purpose of carrying that in this bill?

Mr. KELLY of Pennsylvania. I do not think it is necessary in this bill, but I do say it is not out of order, we having passed such legislation in 1912. It certainly is not out of order to reenact legislation with the same meaning.

Mr. MANN of Illinois. It is not out of order to include the exact language of existing legislation into law. It is out of order to include the meaning in other language. The rulings are quite clear on that point.

Mr. KELLY of Pennsylvania. Where the meaning is exactly the same, then it is simply unnecessary legislation, not out of order.

Mr. MANN of Illinois. If the meaning be the same, then it must be expressed in the same words. Otherwise it is a change of law. There are numerous rulings covering that question.

Mr. KELLY of Pennsylvania. I wish the Chair would take into consideration the fact that the original parcel-post legislation carried the language of this provision; that this paragraph, in its essentials, has been enacted several times in the Post Office appropriation bill, and that the work is a continuing project. I contend that, therefore, under the rules this provision is in order and that the point of order of the gentleman does not lie against it.

Mr. BLANTON. Will the gentleman yield for just a question?

Mr. KELLY of Pennsylvania. I will.

Mr. BLANTON. Does the gentleman realize that under this very provision the Post Office Department is to-day delivering Irish potatoes to the people of Washington for $1.30 a bushel direct from the farm? It is doing it under this very section.

Mr. KELLY of Pennsylvania. I would like to discuss the merits of the proposition, but that does not come into consideration on the point of order.

Mr. STEENERSON. Mr. Chairman, I desire to say that my office telephoned the department about that potato stuff, and they say they can not deliver at less than $2 a bushel.

Mr. MANN of Illinois. Mr. Chairman, while I am inclined to think the Government might properly make this experiment and this item might be placed in the bill properly, as it is expressed now, it seems to me, it is clearly subject to a point of order. The fact that it has been included in various appropriation bills heretofore enacted does not make it in order now, even the appropriation, unless it is otherwise authorized by law, and would not make in order any change of legislation, because the appropriation acts heretofore are only in force for the fiscal year for which the appropriation is made. Nor is it a continuing work in progress. The decisions are universal upon that point. It does not relate to anything except the construction—some thing, not an idea. Now, this language of the bill expressly provides that this experiment shall be conducted hereafter under such rules and regulations, including modifications in rates of postage, limit of weight and size, and wrapping and packing requirements, as the Postmaster General may prescribe. That is a change of law. That is legislation giving to the Postmaster General authority which he would not otherwise have. Now, the gentleman from Pennsylvania [Mr. KELLY] says that the Postmaster General practically has that authority under existing law. Well, if that be the case, of course it is not necessary to have it included here. But the rulings are that existing law may be carried in an appropriation bill in the exact language, without the change of a word; but the language can not be changed, because otherwise there is a change in the law.

Mr. CRAMTON. Mr. Chairman, just one suggestion: This same provision, practically, was in the law last year, but there has been this one notable change: In the current law the provision says that these two classes of experiments shall be conducted under such rules and regulations, and so forth. In the bill before us the word "hereafter" has been added, very apparently to make it permanent law. It was not done before.

The CHAIRMAN. The Chair is ready to rule.

The language of the acts to which the gentleman from Pennsylvania [Mr. KELLY] referred, namely, those pertaining to the parcel post, in the view of the Chair are not sufficient to sustain the contention that in this act we can carry language providing for the operation of motor vehicle truck routes, and so forth. And, as the gentleman from Illinois [Mr. MANN] has well said, the carrying of this item in the annual appropriation bill is not sufficient justification, if the point of order be made at the time the appropriation is pending, against the language seeking to provide for the continuation of the experiment. Furthermore, as the gentleman from Michigan [Mr. CRAMTON] has pointed out, it is apparently sought to make this permanent law by inserting the word "hereafter." Neither can the language be justified on the ground that it is a continuation of a public work.

The Chair therefore sustains the point of order, and the Clerk will read.

Mr. SAUNDERS of Virginia. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. I wish to offer an amendment to that section to the effect that the word "hereafter" be stricken out.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 22, after line 20, insert the following as a new paragraph:

"For conducting experiments in the operation of motor vehicle truck routes; also for experiments in the operation of country motor express routes, which shall be operated primarily as a means of expediting the transportation of fourth-class mail between producing and consuming localities and shall not displace or supplant any existing methods of mail transportation or delivery, which two classes of experiments shall be conducted under such rules and regulations, including modifications in rates of postage, limit of weight and size, and wrapping and packing requirements, as the Postmaster General may prescribe, $300,000.

Mr. TINCHER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Kansas makes a point of order on the amendment.

Mr. SAUNDERS of Virginia. Mr. Chairman, that amendment is offered with an elimination of the language that was urged to be sufficient to make it permanent law. I think that language that is now offered there just brings it under the general authority.

The CHAIRMAN. Does the gentleman from Kansas desire to discuss the point of order?

Mr. TINCHER. As I understand it, the amendment comes within the same ruling as that which the Chair has just made.

The CHAIRMAN. The Chair thinks that the elimination of the word "hereafter," while it excludes the objection urged when the previous point of order was made, making it permanent law, it does not make it free from the contention made in the point of order, that there is no warrant of law for conducting these experiments to be operated under the regulations set forth by the Postmaster General in conducting the Parcels Post Service. The Chair therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, $1,000.

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. KELLY of Pennsylvania. Mr. Chairman, I regret exceedingly that the gentleman from Kansas [Mr. TINCHER] has seen fit to press the point of order against this provision, which to my mind is one of the most beneficial in this entire measure. It means a blow against the high cost of living, and anything which will help to reduce the skyrocketing prices of food products deserves the earnest support of every Member of this body.

The plan embodied in the provision is the use of the greatest distributing force in America, the Postal Service, to bring producer and consumer together, to benefit both of them by eliminating wasteful and extravagant methods.

In the present high cost of living, which has become a flaming question in every part of this country, there are two elements, the cost of production and the cost of distribution. I maintain that there is more waste in distribution than in production, and that angle of the question should have constructive consideration.

The very fact that there is to-day 1 distributor for every 16 consumers shows the extent of the charges which must be assessed against the distribution of all products.

Let us take that humble but important article of food, the potato. It occupies second place, by weight, in the average budget of the American family. The producer must plant, attend, and harvest his crop, besides taking all the risks of bad weather, insect pests, plant disease, and so forth. It would be natural to assume that the task of carrying the potatoes from the farm to the pantry should cost only a small fraction of that involved in the production of those potatoes.

But the reports of the Bureau of Labor Statistics, Department of Labor, and the Bureau of Crop Estimates, Department of Agriculture, show that for the entire year of 1919 the producer of potatoes received $1.27 per bushel at the farm. To distribute those potatoes to the consumer cost 97 cents a bushel.

Now, through the use of this motor-truck service of the Post Office Department, that distribution cost can be cut to 35 cents a bushel, or 64 per cent of the present cost can be saved.

The average retail price for potatoes during the year 1919 was $2.24 a bushel. This saving would mean a price of $1.62 a bushel, which is less than the 1914 price level, taking into consideration the increase in wages during the same period.

We are pointing back now with regret to the prices of that far-off day of 1914, before the Great War wrecked all our complex industrial and international relationships. Here is a method of getting back to 1914 price levels on farm products by

eliminating wasteful distribution alone. It can be done by this saving alone and without reducing the farmer's price one cent.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I will, with pleasure.

Mr. MOORE of Virginia. I wanted to ask the gentleman if the Post Office Department has not ascertained that this experiment is a great success and greatly promotes the interest of the consumer and is just as feasible in transporting goods to Washington City as anywhere else in the country?

Mr. KELLY of Pennsylvania. Absolutely. Common sense shows that the agency which can reduce distributing costs 64 per cent by bringing producer and consumer in direct contact will benefit both, and when the Postal Service stops at the door of every producer and consumer in America there should be no doubt that it is possible to extend this plan on a nation-wide scale.

I think the Post Office Committee should have had a comprehensive survey made and that the experiment which has been going on here in Washington should have been greatly extended in this bill.

The experiment part of this program is over. It is a fact that here is a feasible plan by which the excessively high price of food products may be reduced to a point where the necessaries of life will no longer be luxuries in the average home.

Mr. MADDEN. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. MADDEN. I want to say to the gentleman that all the deliveries made under this service were made to middlemen, and the middlemen got all the profit there was from it. No consumer anywhere got any advantage from it.

Mr. BEE. No; the gentleman is wrong about that.

Mr. KELLY of Pennsylvania. The gentleman from Illinois [Mr. MADDEN] is entirely mistaken in that statement, and I know it from personal knowledge.

Mr. MADDEN. Will the gentleman yield further?

Mr. KELLY of Pennsylvania. Yes.

Mr. MADDEN. I want to say that the authorities of the Post Office Department themselves say that they make the deliveries to middlemen and not to anybody else.

Mr. KELLY of Pennsylvania. Oh, Mr. Chairman, at this moment one of these motor trucks is coming in from Pennsylvania farm territory, where it picked up its load of farm products. It will deliver its shipments to the Park View community center in Washington, and every pound will be delivered direct to the ultimate consumer. Not a single cent will be added to the cost at the farm and the parcel-post charge. I have myself bought many farm products in this way and know the savings which can be effected.

Even when the goods are delivered to the middleman—and no one suggests eliminating any middleman who performs needed service—the saving in transportation can and should be reflected in reduced prices to the consumer.

I maintain, Mr. Chairman, that this plan has within it possibilities for a constructive solution of the high cost of living problem. It is to be very much regretted that one Member strikes it down by a technical point of order. I am sure it should have been voted on and I am confident that it would have been enacted by a large majority.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN of Illinois. I should like to ask a question for information. If this system has been in force for three years and the cost of potatoes to the consumer is one-half the ordinary retail cost, why do not people buy potatoes under this system? How many bushels of potatoes have been sold in the District of Columbia under this system within the past year?

Mr. KELLY of Pennsylvania. There have been a few thousand bushels of potatoes brought here and distributed under this system, and vast additional quantities could have been disposed of at the reduced prices if they could have been transported. Under the appropriation of $300,000 for the year it was only possible to operate five motor-truck routes and four country-express routes. These connected the city of Washington with the producing territory adjacent. Of course, the amount of produce brought here with such limited facilities had very little effect upon the market price; but if sufficient quantities were brought in, it would break the market on every farm product and very likely would also break some of the food profiteers who are exploiting the people.

Mr. MANN of Illinois. Five motor trucks will bring a great many more potatoes into Washington than are consumed in the course of a year, will they not?

Mr. KELLY of Pennsylvania. No; I think not.

Mr. MANN of Illinois. They could.

Mr. KELLY of Pennsylvania. I think the consumption of potatoes in the city of Washington would surprise the gentleman. The recent "Food Budget" prepared by the Bureau of Labor Statistics states that the potato supply of the average family amounts to 12½ bushels a year. That would mean 1,250,000 bushels for the 100,000 families in the District. In other words, the potato requirements for Washington City are 32,500 tons a year. That means that 108 tons must be carried every working day in the year. You can figure how many trucks would be required to transport this one item of potatoes alone. Five 1 or 2 ton trucks, which carry many other articles besides potatoes, can not make much of a dent in the market. I would like to see a whole fleet of the trucks which are rotting away in Army transport camps put on the roads right now to carry products from the producer to the consumer.

Mr. BLANTON. Was this point of order authorized by the gentleman's steering committee?

Mr. KELLY of Pennsylvania. The gentleman from Kansas made the point of order on his own responsibility, I assume, and I regret exceedingly that he has done so.

Mr. KREIDER. Will my colleague yield?

Mr. KELLY of Pennsylvania. I yield to my colleague for a question.

Mr. KREIDER. The statement has been made that $300,000 is only sufficient to run five motor trucks. Does the gentleman mean to say that it costs $60,000 a year to run a truck?

Mr. KELLY of Pennsylvania. Oh, no. I mean to say that the present parcel post rates will pay for all expenses in transporting these farm products from producer to consumer and make a profit for the Government, besides greatly reducing the price to the consumer. For instance, the report printed in the hearings shows that the total expenses for operating the five motor trucks from July 1, 1919, to September 30, 1919, a period of three months, was $14,588.14. That includes all indirect expenses as well as direct charges. The postal receipts were $52,067.41 for the same period, or a profit of $37,479.27.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLY of Pennsylvania. I ask unanimous consent to proceed for two additional minutes.

Mr. STEENERSON. I hope we may be able to proceed with the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. ROUSE. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Kentucky.

Mr. ROUSE. I will ask the gentleman if he knows what the retail price of potatoes is to-day in the city of Washington?

Mr. KELLY of Pennsylvania. I stated that the average price for the year 1919 was $2.24 a bushel, but I believe the price to-day is $2.50 to $3 a bushel.

Mr. ROUSE. I want to say to the gentleman that day before yesterday I gave the chief clerk to the Assistant Postmaster General a $2 bill and he delivered a bushel of potatoes at my house yesterday afternoon.

Mr. STEENERSON. At $2 a bushel?

Mr. ROUSE. Yes.

Mr. KELLY of Pennsylvania. That is this plan in a nutshell, and its great possibilities certainly should appeal to every man who honestly wants to reduce the high cost of living.

Mr. Chairman, if we could transport by means of motor trucks in the Postal Service the 108 tons of potatoes used every day in this city it would save over a million dollars to the consumers in this one city on this one food item. There is nothing to prevent it as a practical question. The producing territory within the first parcel-post zone from Washington produces that quantity of potatoes and more. We have the trucks rotting away in open fields. It is a shame that they are not being used in this highly important service.

Other farm products could be handled in the same manner. It costs 18 cents a pound, in the ordinary wasteful method of distribution, to get butter from the producer to the consumer. By the motor-truck service of the Post Office Department it is carried at 1½ cents a pound, a saving of 92 per cent. It costs 19 cents a dozen to get eggs from producer to consumer under the old plan, while it is done for 2 cents by the motor-truck service, a saving of 89 per cent.

And remember, this calculation does not include a single cent reduction to the farmer. He will get more than he now receives from commission merchants and the consumer will have a large saving.

Taking official averages for 1919, the consumer would have paid $1.62 a bushel for potatoes carried under this plan instead of $2.24 a bushel. Instead of paying 68 cents a pound for butter he would have paid 52 cents. Instead of paying 63 cents a dozen for eggs he would have paid 45 cents.

In the city of Washington alone the butter bill could be cut down $1,300,000 by this sensible use of the one great national distributing system—the Postal Service. I am using the figures of the Bureau of Labor Statistics, which puts the amount of butter required by the average family at 80.3 pounds.

Using the same figures, the egg supply for the average family is 68 dozen a year. That means that Washington City requires 6,800,000 dozen, and the saving effected by this method of distribution would be $1,140,000.

These are only three staples, and on them alone there could be a saving of $3,000,000 for the people of this one city by the efficient use of the Postal Service. At the same time that service would be netting large revenues for the Treasury of the United States. Is there anyone who will say that a plan so full of benefit to all concerned should not be encouraged to the fullest extent?

Mr. Chairman, the estimate of the Government bureau for the cost of the food budget complete, for the average family under the conditions which prevailed in 1919, was $756. That means a yearly expenditure for food of $15,900,000,000 by the 21,000,000 families of America. I have pointed out that this direct communication in the distribution of three food staples means a saving of 27 per cent of the price. A saving of 27 per cent on food prices alone would make a total saving to the American people in a single year of $4,300,000,000.

Think of the possibility of this common-sense use of a public agency of distribution, and then measure the responsibility of representatives of the people who oppose it.

Mr. Chairman, I have pointed out on this floor from time to time during the past three years that there are certain difficulties in the operation of the parcel-post system before any such results as these will be obtained. I have already explained the method by which they can be overcome.

The one great handicap is the practical impossibility of the city-dwelling consumer getting in direct touch with the producer in the country. They do not know each other. Even if they did, the extra work required of the farmer in packing his eggs in 1-dozen cartons, his butter in 1-pound packages, his potatoes in small quantities, and the extensive bookkeeping and collecting system it would entail, would prevent most producers using the method.

That is where cooperation among consumers is required. Farm products must be bought in wholesale lots and distributed to the consumers in retail lots, and some organization among the consumers is essential.

That difficulty has been met and overcome with splendid success in several communities in this city, notably the Park View community. There the center of distribution is the public-school building, owned by all the people. In that building is situated a substation of the post office. The agent of the people of the community, elected by them, is Sergt. Olnton Miller, a veteran who served through the Great War as a member of the Motor Transport Corps. He was engaged then in getting food supplies up to the soldiers in the front so that they might smash the Prussian power. He is engaged now in getting food supplies direct to the people of America, with the hands of toll-taking profiteers removed. He is using the lessons learned in fighting the Hun in the great fight here against hunger.

Sergt. Miller, whose first name is a combination of the last syllables in the names Washington and Lincoln, is both the agent of the people, elected by them, and the appointed representative of the Post Office Department. He connects the community with the National Government, and the same thing can be carried out in every district in America.

He acts as buying agent for the people; orders the farm products from the producer and distributes them to the consumers. He is paid both by the community and by the Post Office Department, and he attends to the business of both. "What is everybody's business is nobody's business," but the whole community of Park View has one man on the job in their service, looking after their business, and the results attained are most gratifying to every believer in the ability of Americans to cooperate in efforts for the common good.

This Park View community center is to-day doing a business around $5,000 a month. Last Christmas 2,000 pounds of turkey went direct to the consumers, after being carried by the motor-truck postal service, at a price of 52 cents a pound, when every market in Washington asked 75 and 80 cents a pound.

The surplus ducks raised on the old Soldiers' Home grounds this year were sold direct through this Park View center. These grounds are close to the school building, and those in charge of the Soldiers' Home had followed the experiment with interest and had full confidence based on knowledge. Those ducks were sold at 20 cents a pound less than the retail price, and the producers received a larger sum than they could secure from any dealer in Washington.

Oysters are being sold to the people at Park View at $1.75 a gallon, when the market price is $2.75 to $3 a gallon. At the same time the producers of oysters at Leonardtown are receiving more than they could receive in any other way.

Pork products come to the community center postal station on certain days each week from Mount Joy, Pa., and Leonardtown, Md., by the motor trucks of the Postal Service. The farmers have a standing order, and they know their market is certain. They get higher prices and the consumers get much lower prices through this direct dealing.

Honey is being sold there at 30 cents a pound instead of 60 cents. Apples, brought in on motor trucks of the Postal Service, are sold at 60 cents a peck, instead of $1 a peck. In fact, every article of farm produce is being daily brought by these motor trucks to this public-school building and sold direct to the consumer. Checks are sent to the producer by Sergt. Miller, and there has never been any kicks from those who market their produce in this manner.

On a visit to this community market place one day recently I saw its tremendous popularity among the people. With the greatest good nature they stood in line waiting for a chance to purchase goods. With the facilities, both in the community center and in shipping arrangements from the farm, it was impossible to meet the wants of all. However, those who were forced to go away with empty baskets declared they would come earlier and have better luck next time.

While I was there poultry, eggs, butter, pork, country dressed beef, oysters, potatoes, sweet potatoes, honey, apples, hickory nuts, jelly, and canned goods were sold to the people. I was told that every article had been carried by the motor trucks of the Post Office Department.

I could not help feeling, at sight of the savings being made by every purchaser and the evident spirit of cooperation and comradeship in evidence, that this plan of combining the two great public agencies of the public school and the Postal Service contains within it the solution not only of the problem of the high cost of living, but also of the problem of securing American unity.

The school district next to Park View is Petworth, and here the plan is being operated on exactly the same lines. The people of Petworth saw the results in the neighboring community and secured the establishment of a postal station in their school building, and they are meeting with great success also. If the people can have the benefits of the motor-truck service, I am convinced that every school district in this city will follow these leaders. Then the Capital City might well become the example for every city in this country, for the same problem which is being dealt with here, and is being solved, confronts every city in the land.

Mr. Chairman, a wise old sage once said, "The purpose of all legislation is to make more useful to the people those things from which the people are accustomed to derive benefit."

It is a profound statement and might well be considered in dealing with many problems at this moment being considered by Congress. The people are accustomed to derive benefit from their public schools and their Postal Service. Why not make them more useful to the people? The public-school plant in America is valued at $1,000,000,000. The public highways represent an investment of $11,000,000,000. The Postal Service, as measured in this bill before us, represents an annual investment of $461,000,000. Why not utilize these to their fullest extent? Why not put the motor trucks, now lying useless in the hands of the Government, on the public highways carrying the necessaries of life from producer to consumer? Why not encourage the people to organize as communities, making their own public building the capitol and market of the people, and gaining therefrom the benefits of cooperation and mutual efforts for the common good?

I hope that before this measure is finally enacted into law it will contain this provision for motor trucks in the Postal Service, and thus make these public agencies more beneficial to the people.

Mr. PAIGE. I am not familiar with what has occurred in Pennsylvania, but I know that the post-office inspector, Mr. Sutton, who went over a route which Mr. Blakslee said was

profitable—a route from Portland, Me., to New York City—reported that, without a single exception, the farmers and people along that route stated that they did not patronize it; that it was of no value to them, and they took no interest whatever in it.

Mr. ROUSE. The gentleman's experience is quite different from mine.

Mr. TINCHER. I hope members of the committee will not think I raised this point of order without some consideration of this proposition. There were a number of inspectors who reported upon it, and that report is printed and I had access to it. It occurs to me that the Government of the United States is the only organization that can start an experiment and can not quit the experiment after they find that it is a failure. That is what these men report. The men who have investigated it report that it is a failure from every standpoint, and here are pages of a printed statement to that effect.

Mr. BEE. Where was that?

Mr. TINCHER. Read the hearings. I am not responsible for the statements in the hearings.

Mr. BEE. Was it in Kansas?

Mr. TINCHER. No; it never came within a thousand miles of Kansas.

Mr. BEE. That is what is the trouble, then.

Mr. TINCHER. They say in this report that they can not even rely upon the accuracy of the report you are reading from there, that the gentleman from Pennsylvania read from.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman let me read?

Mr. TINCHER. Mr. Chairman, I want to call attention to some of the items that I suppose we could not rely upon. Here is a man that had one of the trucks and he said he ran it 24,883 miles and that his tire expense was $55.66, and still that truck cost the Government $60,000 to run it last year. It is no wonder that the nine men signed a written report that this experiment was a failure. Of course, they did not want to quarrel with the Post Office Department, and they said it was all right to go on experimenting in a moderate way——

Mr. BLANTON. Mr. Chairman, I make the point of order that this is out of order, for this is water that has already gone over the wheel. The matter has been decided, and the gentleman is not speaking to anything which is now before the House.

The CHAIRMAN. If the gentleman insists upon the point of order——

Mr. BLANTON. We want to finish this bill to-night.

Mr. TINCHER. Oh, no; the gentleman does not want to do anything of the kind. He simply does not want to hear the facts about this.

Mr. CAMPBELL of Kansas. The gentleman sat still while the gentleman from Pennsylvania [Mr. KELLY] addressed the House for 12 minutes and discussed this very thing.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order, if the gentleman wants to do it.

The CHAIRMAN. The point of order is withdrawn.

Mr. TINCHER. After expending $60,000 per truck per year, after having nine men report that they can not agree with the Assistant Postmaster General, and that this is a failure, they add the language at the end of the report that it might do to continue for the sake of experiment, but would the Congress at this time be justified, under the circumstances, in appropriating $300,000 of the people's money to continue such a thing? The Government of the United States has some rights, and the taxpayer has the right to depend upon the Congress to exercise that right to stop an experiment of that kind. That experiment has proved a failure. That is the reason I make the point of order, and the sustaining of that point of order says to the people and to the Congress that it is not properly in this bill, that the item should have come on the floor of this House in some form so that a person could have discussed its merits, and not been precluded from doing so because of the fact that it is on an appropriation bill.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. No; I yield now to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. I know the gentleman wants to be fair, and he must admit that his own making of the point of order has prevented a discussion of it upon the merits of the proposition. I call the gentleman's attention to the fact that the report suggests that we want, if possible, to remove the onerous restrictions as to weight, packing, and so forth, and issue a new rate on commodities, such as farm produce, such as they have been informed is done in foreign countries, and they believe in that way the Government could accomplish something in the way of promoting increased food production.

That is exactly the language in this provision that has gone out on a point of order.

The Clerk read as follows:

SEC. 2. That the increased compensation for positions in the Postal Service of all classes and grades made and provided for in the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920," approved February 28, 1919, and House joint resolution of November 8, 1919, entitled "Joint resolution to provide for additional compensation for employees of the Postal Service, and making appropriations therefor," and the classification and grades specified in said act and resolution shall continue in force during the fiscal year 1921, unless otherwise provided by law.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 23, line 16, after the word "the," insert the following: "provisions of such acts and resolution relating to promotion."

Mr. MADDEN. That is simply to correct the text of the bill.

Mr. STEENERSON. The committee considered this amendment, and authorized the gentleman from Illinois to offer it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1921, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. This finishes the appropriation bill. I simply want to say that I tender my thanks to the members of the Committee on the Post Office for their faithful and diligent work in preparing this bill. There has been no division on party lines, and everyone has done his best to make the bill as perfect as possible. The fact that there have been so few amendments outside of the committee amendments adopted shows that the work of the committee has been well done. I want to thank each and all of the members of the committee, especially the former chairman of the committee, Judge MOON, who is not here, for the service they rendered in the preparation of the bill.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the Postmaster General at the annual convention of the National Hardware Association, held recently at Atlantic City. It is a review of the Postal Service and is not a partisan matter.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ROUSE. Mr. Chairman, I ask unanimous consent to extend my remarks in regard to the Air Service and also in reference to the Motor Truck Service.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in regard to the Air Service and the Motor Truck Service. Is there objection? [After a pause.] The Chair hears none.

Mr. PARRISH. Mr. Chairman, I ask unanimous consent to extend my remarks on the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the Post Office appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the Post Office appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks. Is there objection?

Mr. UPSHAW. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. GARD. Mr. Chairman, reserving the right to object, are these requests to extend remarks upon the bill or a general extension of remarks?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks on the bill. The gentleman from Virginia did not so state.

Mr. SAUNDERS of Virginia. In connection with postal matters.

Mr. DOWELL. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to these requests? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11578, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEENERSON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] In the opinion of the Chair there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 285, nays 0, not voting 143, as follows:

YEAS—285.

Ackerman	Dowell	Kelley, Mich.	Overstreet
Almon	Drane	Kelly, Pa.	Padgett
Anderson	Dunbar	Kennedy, Iowa	Paige
Andrews, Md.	Dunn	Kettner	Park
Andrews, Nebr.	Dyer	Kincheloe	Parker
Ashbrook	Edmonds	King	Parrish
Ayres	Elliott	Kitchin	Peters
Babka	Reavis	Knutson	Platt
Bacharach	Reber	Kraus	Porter
Bankhead	Ellsworth	Kreider	Purnell
Barkley	Elston	Lampert	Quin
Bee	Emerson	Lanham	Radcliffe
Begg	Esch	Lankford	Rainey, Ala.
Benson	Evans, Mont.	Larsen	Rainey, H. T.
Black	Evans, Nebr.	Layton	Raker
Blackmon	Fairfield	Lazaro	Ramsey
Bland, Ind.	Fess	Lee, Ga.	Ramseyer
Bland, Mo.	Fields	Lesher	Randall, Calif.
Bland, Va.	Fisher	Linthicum	Randall, Wis.
Blanton	Fordney	Little	Reed, W. Va.
Boies	Foster	Lonergan	Rhodes
Box	Frear	Luce	Ricketts
Brand	French	Lufkin	Riddick
Briggs	Fuller, Ill.	McAndrews	Robinson, N. C.
Brinson	Fuller, Mass.	McArthur	Robsion, Ky.
Brooks, Ill.	Gallagher	McClintic	Rodenberg
Brooks, Pa.	Gallivan	McGlennon	Rogers
Browne	Gard	McKenzie	Rose
Buchanan	Garland	McKinley	Rouse
Burdick	Garner	McKinley	Rowe
Burke	Glynn	McLane	Rubey
Butler	Godwin, N. C.	McLaughlin, Mich.	Sabath
Byrnes, S. C.	Goodwin, Ark.	McLaughlin, Nebr.	Sanders, Ind.
Byrns, Tenn.	Graham, Pa.	Madden	Sanders, N. Y.
Caldwell	Green, Iowa	Magee	Sanford
Campbell, Kans.	Greene, Mass.	Maher	Schall
Campbell, Pa.	Griest	Major	Sears
Cannon	Griffin	Mann, Ill.	Sells
Cantrill	Hadley	Mansfield	Sherwood
Carter	Hardy, Tex.	Mapes	Shreve
Casey	Harreld	Martin	Sisson
Chindblom	Hastings	Merritt	Small
Christopherson	Haugen	Michener	Smith, Ill.
Clark, Mo.	Hays	Miller	Smith, Mich.
Classon	Heflin	Minahan, N. J.	Smithwick
Cleary	Hersman	Monahan, Wis.	Snyder
Coady	Hickey	Mondell	Stedman
Cole	Hicks	Mooney	Steenerson
Collier	Hoch	Moore, Ohio	Stephens, Miss.
Connally	Hoey	Moore, Va.	Stephens, Ohio
Cooper	Holland	Moores, Ind.	Stevenson
Costello	Houghton	Morgan	Stoll
Cramton	Howard	Mott	Strong, Pa.
Crisp	Huddleston	Mudd	Sweet
Cullen	Hull, Iowa	Neely	Swope
Currie, Mich	Hull, Tenn.	Nelson, Mo.	Tague
Curry, Calif.	Husted	Nelson, Wis.	Taylor, Ark.
Dale	Igoe	Newton, Minn.	Temple
Davis, Tenn.	Ireland	Newton, Mo.	Thomas
Dempsey	Jacoway	Nolan	Tillman
Dent	James	O'Connell	Tilson
Dickinson, Mo.	Johnson, Ky.	Ogden	Timberlake
Dickinson, Iowa	Johnson, Miss.	Oliver	Tincher
Donovan	Jones, Tex.	Olney	Treadway
Doughton	Juul	Osborne	Upshaw
Venable	Watson	Wilson, Ill.	Yates
Vestal	Weaver	Wilson, Pa.	Young, N. Dak.
Vinson	Webster	Wingo	Young, Tex.
Volstead	Welty	Wise	Zihlman
Walsh	Wheeler	Wood, Ind.	
Wason	White, Me.	Woods, Va.	
Watkins	Williams	Wright	

NAYS—0.

NOT VOTING—143.

Anthony	Focht	Kinkaid	Sanders, La.
Aswell	Freeman	Kleczka	Saunders, Va.
Baer	Gandy	Langley	Scott
Barbour	Ganly	Lea, Calif.	Scully
Bell	Garrett	Lehlbach	Siegel
Benham	Goldfogle	Longworth	Sims
Booher	Good	Luhring	Sinclair
Bowers	Goodall	McCulloch	Sinnott
Britten	Goodykoontz	McDuffie	Slemp
Browning	Gould	McFadden	Smith, Idaho
Brumbaugh	Graham, Ill.	McKeown	Smith, N. Y.
Burroughs	Greene, Vt.	McPherson	Snell
Candler	Hamill	MacCrate	Steagall
Caraway	Hamilton	MacGregor	Steele
Carew	Hardy, Colo.	Mann, S. C.	Stiness
Carss	Harrison	Mason	Strong, Kans.
Clark, Fla.	Hawley	Mays	Sullivan
Copley	Hayden	Mead	Summers, Wash.
Crago	Hernandez	Montague	Sumners, Tex.
Crowther	Hersey	Moon	Taylor, Colo.
Dallinger	Hill	Morin	Taylor, Tenn.
Darrow	Hudspeth	Murphy	Thompson
Davey	Hulings	Nicholls, S. C.	Tinkham
Davis, Minn.	Humphreys	Nichols, Mich.	Towner
Denison	Hutchinson	O'Conner	Vaile
Dewalt	Jefferis	Oldfield	Vare
Dominick	Johnson, S. Dak.	Pell	Voigt
Dooling	Johnson, Wash.	Phelan	Walters
Doremus	Johnston, N. Y.	Pou	Ward
Dupré	Jones, Pa.	Rainey, J. W.	Welling
Fagan	Kahn	Rayburn	Whaley
Eagle	Kearns	Reed, N. Y.	White, Kans.
Echols	Keller	Riordan	Wilson, La.
Evans, Nev.	Kendall	Romjue	Winslow
Ferris	Kennedy, R. I.	Rowan	Woodyard
Flood	Kiess	Rucker	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ANTHONY with Mr. CLARK of Florida.

Mr. BAER with Mr. ASWELL.

Mr. FOCHT with Mr. DOREMUS.

Mr. DARROW with Mr. OLDFIELD.

Mr. FREEMAN with Mr. RAYBURN.

Mr. HAWLEY with Mr. EAGLE.

Mr. GOODYKOONTZ with Mr. ROWAN.

Mr. BARBOUR with Mr. WILSON of Louisiana.

Mr. GOOD with Mr. STEAGALL.

Mr. BENHAM with Mr. LEA of California.

Mr. HULINGS with Mr. DAVEY.

Mr. COPLEY with Mr. SIMS.

Mr. HAMILTON with Mr. POU.

Mr. GRAHAM of Illinois with Mr. BOOHER.

Mr. CRAGO with Mr. FERRIS.

Mr. DAVIS of Minnesota with Mr. BRUMBAUGH.

Mr. GREENE of Vermont with Mr. CANDLER.

Mr. DENISON with Mr. HAYDEN.

Mr. CROWTHER with Mr. MONTAGUE.

Mr. GOODALL with Mr. CARAWAY.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. KAHN with Mr. DEWALT.

Mr. JONES of Pennsylvania with Mr. CARSS.

Mr. KIESS with Mr. DUPRÉ.

Mr. MCCULLOCH with Mr. EVANS of Nebraska.

Mr. KENDALL with Mr. DOMINICK.

Mr. MCFADDEN with Mr. EAGAN.

Mr. BROWNING with Mr. CAREW.

Mr. BURROUGHS with Mr. HUDSPETH.

Mr. HUTCHINSON with Mr. MCKEOWN.

Mr. KLECZKA with Mr. PELL.

Mr. MCPHERSON with Mr. SULLIVAN.

Mr. SCOTT with Mr. DOOLING.

Mr. BOWERS with Mr. BELL.

Mr. DALLINGER with Mr. ROMJUE.

Mr. JOHNSON of Washington with Mr. JOHN W. RAINEY.

Mr. LANGLEY with Mr. O'CONNOR.

Mr. KEARNS with Mr. GANDY.

Mr. LONGWORTH with Mr. HARRISON.

Mr. KENNEDY of Rhode Island with Mr. GOLDFOGLE.

Mr. LUHRING with Mr. GANLY.

Mr. KINKAID with Mr. PHELAN.

Mr. GOULD with Mr. JOHNSTON of New York.

Mr. LEHLBACH with Mr. HAMILL.

Mr. MASON with Mr. GARRETT.

Mr. NICHOLS of Michigan with Mr. HUMPHREYS.

Mr. MORIN with Mr. SMITH of New York.

Mr. SINCLAIR with Mr. MCDUFFIE.
Mr. TAYLOR of Tennessee with Mr. STEELE.
Mr. WOODYARD with Mr. MANN of South Carolina.
Mr. SINNOTT with Mr. NICHOLLS of South Carolina.
Mr. WALTERS with Mr. SAUNDERS of Virginia.
Mr. STINESS with Mr. MAYS.
Mr. VARE with Mr. SUMNERS of Texas.
Mr. TINKHAM with Mr. WELLING.
Mr. SMITH of Idaho with Mr. TAYLOR of Colorado.
Mr. WINSLOW with Mr. SCULLY.
Mr. WARD with Mr. RUCKER.
Mr. TOWNER with Mr. WHALEY.
Mr. THOMPSON with Mr. MOON.
Mr. SNELL with Mr. RIORDAN.
Mr. SLEMP with Mr. MEAD.
Mr. SUMMERS of Washington with Mr. SANDERS of Louisiana.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JONES of Texas. I am authorized to state that Mr. NEELY is unavoidably absent on official business. If present, he would vote "aye."

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on this bill within five legislative days.

The SPEAKER. The gentleman from Minnesota asks that all Members may extend their remarks on this bill for five legislative days.

Mr. CLARK of Missouri. What good comes from everybody inserting a speech, whether it is spoken or not, or whether they were here or not, or whether they were paying attention or not? I have no objection to all the gentlemen who spoke on this bill extending their remarks.

Mr. STEENERSON. I will limit the request as suggested.

The SPEAKER. The gentleman limits the request to all who spoke on the bill. Is there objection?

Mr. WALSH. Mr. Speaker, I think it ought to be granted on this condition that under this privilege the Members will include no editorials, telegrams, letters, or petitions, and things of that sort.

The SPEAKER. And with the further limitation of the gentleman from Massachusetts [Mr. WALSH]. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask leave to extend my remarks on the bill just passed by inserting in the RECORD an address delivered by the Fourth Assistant Postmaster General in regard to the extension and encouragement of parcel mail, with special reference to carriage from the producer to the consumer.

Mr. MADDEN. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SCOTT (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. ROMJUE (at the request of Mr. RUBEY), for 10 days, on account of sickness in family.

To Mr. DALLINGER (at the request of Mr. PAIGE), for two days, on account of illness.

To Mr. HUDSPETH, until further notice, on account of important business.

To Mr. DEWALT, for five days, on account of important business.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 14, 1920.

Hon. F. H. GILLETT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I hereby tender by resignation as a member of the Committee on Accounts.

Yours, sincerely,

EWIN L. DAVIS.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that January 14 they had presented to the President of the United States, for his approval, the following bills:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7752. An act relating to detached service of officers of the Regular Army.

ADJOURNMENT.

Mr. STEENERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Friday, January 16, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1919 (H. Doc. No. 608); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Sergeant at Arms of the House of Representatives, transmitting a statement of receipts and disbursements of money through his hands December 1, 1918, to December 1, 1919, and a statement of property in his charge December 1, 1919; to the Committee on Accounts.

3. A letter from the Secretary of Agriculture, transmitting statement showing travel performed by officers and employees (other than those whose duties require constant travel) of the Department of Agriculture during the fiscal year 1919 from Washington to points outside of the District of Columbia (H. Doc. No. 609); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (H. R. 10072) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes, reported the same without amendment, accompanied by a report (No. 544), which said bill and report were referred to the House Calendar.

Mr. RHODES, from the Committee on Indian Affairs, to which was referred the bill (S. 2454) for the relief of certain members of the Flathead Nation of Indians, and for other purposes, reported the same with an amendment, accompanied by a report (No. 545), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9223) granting a pension to Ezra Shanks; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11422) granting an increase of pension to Helen B. Owen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6602) granting a pension to Louise Wamsley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11688) granting an increase of pension to Hyram Colwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11696) granting a pension to Anna Dixon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11697) granting a pension to Patrick H. Guhin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11685) granting an increase of pension to William A. Foster; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11687) granting an increase of pension to Walter B. McKey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VAILE: A bill (H. R. 11768) to provide for the mileage of Philippine soldiers; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 11769) to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. HEFLIN: A bill (H. R. 11770) authorizing the acquisition of a site for a public building at Roanoke, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. McKINLEY: A bill (H. R. 11771) to dispose of certain Army equipment of deceased soldiers; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 11772) to promote marine insurance, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. KETTNER: A bill (H. R. 11773) making reservation and withdrawing from settlement, occupancy, or sale, and dedicating and setting apart as a national monument a certain tract of land in the county of Riverside, State of California; to the Committee on the Public Lands.

By Mr. HARRELD: A bill (H. R. 11774) making an appropriation of $30,000 for the purpose of building roads, causeways, bridges, dams, retaining walls, toilets, repairing buildings, purchasing tools, and otherwise improving and beautifying Platt National Park at Sulphur, Okla.; to the Committee on Appropriations.

By Mr. MASON: A bill (H. R. 11775) authorizing the payment of stationary engineers and others for service performed on Sundays and legal holidays; to the Committee on the District of Columbia.

By Mr. WEBSTER: A bill (H. R. 11776) to provide for the restoration to their former rank of officers and employees of the Public Health Service who resigned such service to enter the Army or Navy in the war with Germany; to the Committee on Interstate and Foreign Commerce.

By Mr. BEGG: A bill (H. R. 11777) to increase the limit of cost of the public building to be erected at Sandusky, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HENRY T. RAINEY: A bill (H. R. 11778) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of Maine: A bill (H. R. 11779) to restore to private ownership and operation certain radio stations, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON: A bill (H. R. 11780) authorizing and directing the Interstate Commerce Commission to conduct investigations and to make orders relating to warehouse facilities of certain common carriers at certain ports; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11781) granting a pension to Mike Kulas; to the Committee on Pensions.

By Mr. DUNBAR: A bill (H. R. 11782) granting an increase of pension to George H. Pennington; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11783) for the relief of the heirs of William J. Crabtree, deceased; to the Committee on War Claims.

By Mr. EDMONDS: A bill (H. R. 11784) granting a pension to Mary E. Henderson; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 11785) granting an increase of pension to Algon E. Cole; to the Committee on Pensions.

Also, a bill (H. R. 11786) granting an increase of pension to James Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11787) granting a pension to Richard J. Weaver; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 11788) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 11789) for the relief of James Kernan; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 11790) for the relief of Charles W. Bisher; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 11791) granting an increase of pension to Frederick Dupont; to the Committee on Pensions.

Also, a bill (H. R. 11792) for the relief of Samuel Wilson; to the Committee on Military Affairs.

By Mr. MANN of Illinois: A bill (H. R. 11793) granting an increase of pension to Margaret Lloyd; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 11794) granting a pension to Nelle T. O'Neil; to the Committee on Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 11795) granting a pension to Minerva A. Ford; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 11796) granting a pension to Charles Goff; to the Committee on Pensions.

Also, a bill (H. R. 11797) granting an increase of pension to James W. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11798) granting an increase of pension to James A. G. Livingstone; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 11799) granting an increase of pension to Edward F. Stewart; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 11800) for the relief of Stanley Mitchell; to the Committee on Naval Affairs.

By Mr. WATSON: A bill (H. R. 11801) granting a pension to Louisa R. Bechtel; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 11802) for the relief of Vince P. Brown; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

886. By the SPEAKER (by request): Petition of Philadelphia County Committee of the American Legion, favoring increased pay for the soldiers, sailors, and marines of the late war; to the Committee on Military Affairs.

887. By Mr. BRIGGS: Petition of the Lawyers' Club of New York City, favoring the passage of Senate bill 3315; to the Committee on Education.

888. Also, petition of Appalachian Mountain Club, of Boston, Mass., favoring an appropriation for the purchase of additional forest reserves; to the Committee on the Public Lands.

889. By Mr. CARSS: Petition of City Council of the City of Virginia, Minn., denouncing the spread of disloyalty to the American principles and advocating the deportation of any person or persons or organizations teaching seditious sentiment; to the Committee on the Judiciary.

890. By Mr. CLARK of Florida: Petition of Suwanne County Chamber of Commerce, Live Oak, Fla., and Tampa Lodge, No. 708, Benevolent Protective Order of Elks, favoring legislation against disloyalty; to the Committee on the Judiciary.

891. By Mr. COLE: Petition of Appalachian Mountain Club, of Boston, Mass., requesting favorable consideration of House bills 10371, 10372, and 10377; to the Committee on Agriculture.

892. By Mr. CULLEN: Petition of the New York Assembly, regarding the quarantine station at Staten Island; to the Committee on Immigration and Naturalization.

893. Also, petition of the Brotherhood of Locomotive Engineers of the State of New York, against the Cummins bill and the Esch bill and favoring the "two-year Government-control bill"; to the Committee on Interstate and Foreign Commerce.

894. Also, petition of the Appalachian Mountain Club, of Boston, Mass., favoring certain bills now pending; to the Committee on Agriculture.

895. Also, petition of citizens of Brooklyn, N. Y., for the recognition of the Lithuanian republic; to the Committee on Foreign Affairs.

896. By Mr. EMERSON: Petition of United Service Post, No. 75, American Legion, Cleveland, Ohio, urging Congress to enact legislation against un-Americanism; to the Committee on the Judiciary.

897. By Mr. FULLER of Illinois: Petition of the Mississippi Valley Association, relative to the disposition of the merchant marine; to the Committee on the Merchant Marine and Fisheries.

898. Also, petition of citizens of La Salle County, Ill., protesting against the transfer of the Bureau of Education to the Department of Labor; to the Committee on Education.

899. Also, petition of the Old Salem Lincoln League, of Salem, Ill., favoring House bill 11495; to the Committee on the Library.

900. By Mr. O'CONNELL: Petition of the Brotherhood of Locomotive Engineers of New York State, opposing the Cummins bill and the Esch bill, and favoring the "two-year Government-control bill"; to the Committee on Interstate and Foreign Commerce.

901. Also, petition of Assembly of the State of New York, regarding the quarantine station situated on Staten Island; to the Committee on Immigration and Naturalization.

902. Also, petition of the Appalachian Mountain Club, of Boston, Mass., relative to certain bills now pending; to the Committee on Agriculture.

903. By Mr. OSBORNE: Petition of 1,405 citizens of Los Angeles, Calif., opposing the return of railroads to their owners prior to December 31, 1921; to the Committee on Interstate and Foreign Commerce.

904. By Mr. VAILE: Petition of Salida, Colo., Benevolent and Protective Order of Elks, pledging its support in the sup-

pression of the activities of bolshevik, anarchist, and kindred organizations; to the Committee on the Judiciary.

905. By Mr. WEBSTER: Petition of S. Elizabeth Robie and 259 other citizens of the city of Spokane, Wash., and vicinity, indorsing and urging the favorable consideration of House bill 7, commonly known as the Smith-Towner bill; to the Committee on Education.

SENATE.

FRIDAY, *January 16, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy blessing at the beginning of a new day. When we come to the higher levels of life we come into unity of purpose and plan with God. We work together when we work with Thee. We come with our hearts open to the divine impression this morning that we may be enabled to work together with God for the betterment of this great land. Guide us in our deliberations, counsels, and efforts to bring about Thine own honor through our work. For Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gay	McLean	Simmons
Borah	Gronna	McNary	Smith, Ga.
Brandegee	Harris	Moses	Smith, S. C.
Calder	Harrison	Nelson	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Hitchcock	Norris	Sterling
Colt	Johnson, Calif.	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Walsh, Mass.
Cummins	Kellogg	Owen	Walsh, Mont.
Curtis	Kendrick	Phipps	Watson
Dial	Kenyon	Pomerene	Williams
Dillingham	Kirby	Sheppard	
Fernald	Lodge	Sherman	
Frelinghuysen	McKellar	Shields	

Mr. MOSES. I announce the absence of my colleague [Mr. KEYES] on account of illness in his family, and ask that the announcement may stand for the day.

Mr. MCKELLAR. The Senator from Florida [Mr. FLETCHER] and the Senator from Virginia [Mr. SWANSON] are detained by illness in their families.

The Senator from Delaware [Mr. WOLCOTT] and the Senator from Maryland [Mr. SMITH] are absent on official business.

Mr. GAY. I wish to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL], is necessarily absent from the Senate. I ask that this announcement stand for the day.

Mr. CURTIS. The Senator from Maine [Mr. HALE], the Senator from Michigan [Mr. NEWBERRY], the Senator from Illinois [Mr. MCCORMICK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Florida [Mr. TRAMMELL] are detained at a meeting of the subcommittee of the Committee on Naval Affairs.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask to have incorporated in the RECORD the item in the Washington Post of this morning from the Associated Press, giving a synopsis of the intercollegiate vote, so far as it has been canvassed, in something over 300 colleges of the country, on the subject of the League of Nations.

I will state that this synopsis reveals the fact that so far as canvassed 46,259 students voted for unqualified ratification; 33,304 voted for a compromise between the Lodge reservations and the Democratic reservations; 23,577 voted in favor of ratification with the Lodge reservations; and 11,690 voted against ratification in any form. While the count is not completed yet, it strikes me as a very remarkable result.

A ballot with four blanks was placed before the students and faculties of something over 400 colleges of the country. The four blanks read as follows:

First. "I favor the ratification of the league and treaty without reservations and amendments."

Second. "I am opposed to ratification of the league and treaty in any form."

Third. "I favor the ratification of the treaty, but only with Lodge reservations."

Fourth. "I favor a compromise between the Lodge and the Democratic reservations in order to facilitate the ratification of the treaty."

The blank ballots were revised and approved by Senator LODGE and myself.

Two arguments in printed form were placed before the students of these colleges. One was prepared by the Senator from Massachusetts [Mr. LODGE]; the other was prepared by me.

The argument by the Senator from Massachusetts was in favor of ratification, but only with the Lodge reservations. I did not contend for ratification without compromise; I did not contend for ratification without qualifications. I opposed the Lodge reservations, but I stated that reservations had become inevitable. The only practical question in the Senate was what reservations. I urged a compromise between the Lodge reservations and the Democratic reservations.

In spite of the fact that no argument was presented in favor of unqualified ratification, the largest vote polled, something like 45 per cent, was for unqualified ratification. About 30 per cent voted for compromise reservations, and only about 20 per cent voted for the Lodge reservations, while less than 10 per cent voted against ratification in any form.

To my mind this shows a sentiment in the country in favor of uncompromising and unqualified ratification much stronger than I had supposed it to be. It shows that among this class of young men, coming from all parts of the country and representing all classes of people, the sentiment is so strong for unqualified ratification as to cause amazement.

Mr. President, in addition to this recapitulation from the Washington Post, which I ask to have incorporated in the RECORD, I also ask to have inserted in the RECORD the form of ballot that was used and a tabulated statement showing the vote in the 19 larger colleges of the country, headed by Cornell and ending with Smith, and polling 31,876 votes; also a tabulated statement on each proposition by the faculty and by the students in all of the States of the Union, so far as they have been canvassed; and then a final summary showing the detailed vote of the students and the faculty on each of the propositions, making a total vote, as far as canvassed at the time this tabulated statement was made up yesterday, of 92,466.

I will say, by way of explanation, that the item in the paper this morning covers 114,000 votes, but it is not detailed. The tabulated statement made up yesterday morning only covers 92,466 votes and is in detail.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

COLLEGE VOTE 45 PER CENT FOR NO RESERVATIONS.

"NEW YORK, *January 15.*

"Advocates of ratification of the peace treaty without amendment or reservation forged ahead to-day in the intercollegiate referendum. More than 100,000 votes have been counted, cast by the students and faculties of 475 colleges and universities. Of these, 46,259 were cast in favor of unreserved ratification and 33,304 favored ratification by compromise. The remaining vote was divided between 23,577 supporters of the Lodge reservations and 11,690 voters who did not wish the treaty ratified in any form.

"On request from Washington the intercollegiate treaty referendum committee, which is tabulating the returns here, telegraphed the results to date to-day to Senator LODGE and Senator HITCHCOCK. No returns will be received after to-morrow, and the final vote will probably be made public to-morrow night."

TREATY ELECTION RETURNS AT 5 P. M. WEDNESDAY.

"The first official reports, verified and compiled to-night at headquarters of the intercollegiate treaty referendum committee, 165 Broadway, New York City, give the national results by wire from approximately 375 colleges and universities throughout the country.

"The returns are not yet complete. The figures in the attached tables give the result of the vote in many of the larger colleges and universities and the number of votes cast in each State that has reported.

"The following was the form of the ballot used at the college polls:

INTERCOLLEGIATE TREATY REFERENDUM.

"I am in favor of one of the following propositions (vote for one):

"Proposition I. I favor the ratification of the league and treaty without reservations and amendments.

"Proposition II. I am opposed to ratification of the league and treaty in any form.

"Proposition III. I favor ratification of the treaty, but only with Lodge reservations.

"Proposition IV. I favor a compromise between the Lodge and the Democratic reservations in order to facilitate the ratification of the treaty."

Vote in larger colleges already reported.

University.	Proposition.				Total votes.
	1	2	3	4	
Cornell	924	227	464	700	2,315
Vassar	384	14	115	467	980
Boston College	3	113	587	16	719
Wellesley	177	32	567	533	1,309
Yale	250	85	331	1,085	1,751
Radcliffe	65	12	22	212	311
Johns Hopkins	375	100	106	278	859
Harvard	693	131	462	1,169	2,455
Columbia	1,483	444	474	2,076	4,477
Texas	937	115	111	508	1,671
New York University	559	776	877	1,655	3,867
Wisconsin	631	324	620	895	2,470
Idaho	83	128	117	288	616
Buffalo	102	72	461	80	715
Maine	122	179	328	401	1,030
Tufts	204	64	452	316	1,036
Rutgers	127	51	113	266	557
Michigan	714	345	774	1,116	2,949
Smith	341	21	162	1,265	1,789
Total	8,174	3,233	7,143	13,326	31,876

Votes in each State that has reported.

State.	Votes according to propositions.								Total number voting.	
	Faculty.				Students.				Faculty.	Students.
	1	2	3	4	1	2	3	4		
Arkansas	8	14	18	6	144	122	66	34	46	356
Arizona	115	2	8	52	78	69	58	95	179	300
California	31	18	9	11	166	98	31	187	69	480
Colorado	19	....	....	11	602	175	85	613	30	1,475
Connecticut	81	9	25	222	432	115	569	1,332	337	2,508
Delaware	11	....	....	4	130	23	51	133	15	337
Florida	11	2	22	29	180	31	63	220	64	494
Georgia	83	2	9	17	502	38	149	44	114	735
Illinois	71	9	46	162	357	230	343	1,370	288	2,312
Idaho	18	4	11	30	106	137	213	278	63	734
Indiana	37	8	46	65	608	352	969	902	155	2,891
Iowa	52	4	21	89	498	55	115	522	166	1,190
Kansas	77	12	32	149	484	217	453	912	270	2,066
Kentucky	170	2	23	35	1,129	78	179	371	230	1,757
Louisiana	252	2	13	31	367	54	207	512	298	1,140
Maine	172	7	30	93	542	252	425	742	305	2,161
Maryland	39	5	10	46	690	182	200	497	100	1,559
Massachusetts	245	55	98	459	1,782	994	2,852	4,928	857	10,556
Michigan	106	13	45	118	773	362	846	1,173	282	3,154
Minnesota	46	2	31	75	416	93	285	1,298	158	2,092
Mississippi	69	2	2	9	821	6	7	64	82	898
Missouri	68	17	47	103	832	416	751	168	235	467
Montana	6	1	....	3	4	27	14	15	10	60
New Jersey	51	4	30	97	510	135	484	418	182	1,541
New Hampshire	28	1	9	47	283	101	107	629	85	1,129
New York	308	44	216	467	3,352	1,862	2,567	5,761	1,035	13,542
Nebraska	3	....	....	13	4	3	1	32	16	40
North Carolina	93	12	33	104	1,027	177	101	612	242	1,917
North Dakota	25	5	....	25	85	34	.....	167	55	286
Ohio	218	51	67	268	2,628	843	1,248	2,638	604	7,357
Oklahoma	18	6	11	24	23	33	21	46	59	123
Oregon	3	....	1	19	48	12	48	20	23	108
Pennsylvania	171	24	60	193	956	361	866	1,592	448	3,775
South Carolina	24	....	3	33	624	32	78	688	60	1,422
South Dakota	15	....	2	17	52	12	33	44	34	141
Tennessee	21	2	....	39	275	234	77	597	62	1,183
Texas	172	21	43	87	1,634	200	156	578	323	2,568
Utah	20	3	7	29	50	71	107	168	59	396
Virginia	303	1	15	122	1,580	138	306	531	441	2,555
Vermont	....	3	5	6	3	29	22	37	14	91
Washington	20	28	27	59	218	203	163	285	134	869
West Virginia	13	....	1	4	6	1	2	11	18	20
Wisconsin	110	25	20	136	868	530	905	1,305	291	3,608

SUMMARY.

	Students.	Faculty.	Total.
Proposition 1	25,869	3,046	29,275
Proposition 2	9,146	420	9,566
Proposition 3	16,223	1,099	17,322
Proposition 4	32,691	3,612	36,303
Grand total			92,463

Mr. SMOOT. Mr. President, in this connection I think it proper to state that I have not any question of doubt that if the vote on the peace treaty with Germany had been taken one month after the treaty was presented to the Senate, out of the 114,000 referred to by the Senator from Nebraska, there would have been about 103,000 in favor of unqualified ratification of the treaty and the League of Nations. I am quite surprised to see the change of sentiment which has taken place among the students of the universities of the United States, as shown by the returns just presented by the Senator from Nebraska. It was conceded by all, and it has been stated time and time again, that not 10 per cent of the students of the universities of the United States were opposed to the ratification of the treaty as it was presented to the Senate. It now develops, however, that that percentage favoring that course has fallen from 90 per cent to 40 per cent. Therefore I can not see any great cause for jubilation upon the part of the Senator from Nebraska in the vote which he has just presented to be recorded in the RECORD, if he himself desires the ratification of the treaty as it was presented to the Senate.

Mr. HITCHCOCK. Mr. President, I desire to say in reply to the Senator from Utah that he is mistaken in his figures. The figures never showed 90 per cent of any university in favor of the unqualified ratification of the treaty.

Mr. SMOOT. That is not what I said.

Mr. HITCHCOCK. I will finish, if the Senator from Utah pleases.

The figures which I have given this morning show that for unqualified ratification and for a compromise which the Democrats desire, 79,563 have voted, and that constitutes about 75 per cent of all the votes cast. On the other hand, for the position occupied by the Republican side of the Chamber, for the Lodge reservations, only 20 per cent of the voters in the colleges cast their votes in favor of the Lodge reservations.

Mr. President, in addition I wish to have inserted in the RECORD a ballot taken by the Rochester Times-Union, of Rochester, N. Y. It was taken a few days ago and was brought to me in person by one of the representatives of the paper. It is certified as correct by the editor, Mr. Frank E. Gannett. I will say that the Rochester Times-Union is a combination of two newspapers, one Democratic and one Republican.

In favor of the ratification of the treaty without reservations the vote was 1,706; in favor of ratification of the treaty with reservations acceptable to President Wilson, 789; in favor of ratification of the treaty with the Lodge reservations, 166; in favor of a compromise on reservations, 122; in favor of the rejection of the treaty, 39.

Mr. President, I may say that that also corresponds quite closely with the poll which is now being taken by the Journal, in Portland, Oreg., and from day to day the Senator from Oregon [Mr. CHAMBERLAIN] has introduced those figures, which show a proportion as overwhelming in favor of the unqualified ratification of the treaty as the figures given by the Rochester Times-Union.

I defy any Senator who supports the Lodge reservations to bring into the Chamber any test vote from sources equally reliable that will show any favorable showing for the Lodge reservations. No Senator will find that in any fair test anywhere the Lodge reservations can poll more than 25 per cent of the votes cast in any test ballot.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

"ROCHESTER TIMES-UNION AND ADVERTISER,
"*Rochester, N. Y.*

"Final count on treaty votes:

"1. In favor of ratification of the treaty without reservations, 1,706.

"2. In favor of ratification of the treaty with reservations acceptable to President Wilson, 789.

"3. In favor of ratification of the treaty with the Lodge reservations, 166.

"4. In favor of a compromise on the reservations, 122.

"5. In favor of rejection of the treaty, 39.

"I hereby certify that the above is correct.

"FRANK E. GANNETT,
"*Editor Times-Union.*

"Total vote, 2,822."

TRAVEL OF EMPLOYEES OF AGRICULTURAL DEPARTMENT (H. DOC. NO. 608).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the travel of employees of the Department of Agriculture from Washington to points

outside the District of Columbia during the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present resolutions adopted by the Legislature of Kansas relative to the return of the railroads to private control. I ask that the resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

House resolution 10.

Whereas the President of the United States has by a proclamation declared that the railroads of the country are to be released from Government control and restored to their owners on March 1, 1920; and

Whereas there is an effort being made by certain persons and organizations favorable to Government ownership of railroads to postpone their release and to delay their return to private ownership and operation: Therefore be it

Resolved by the House of Representatives of the State of Kansas, That we oppose the further continuance of Government control of the railroads and urge our Senators and Members of Congress to insist on their prompt return to private control on March 1 next, and to oppose any further postponement.

Adopted January 9, 1920.

W. P. LAMBERTSON,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Mr. CURTIS presented a memorial of Pleasant View Grange, No. 1596, Patrons of Husbandry, of Ottawa, Kans., remonstrating against the passage of the so-called Smoot land-bank bill, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a petition of Local Lodge No. 775, Benevolent and Protective Order of Elks, of Coffeyville, Kans., praying for the acquisition of the Mammoth Cave in Kentucky and its establishment as a national park, which was referred to the Committee on Public Lands.

He also presented petitions of the Friends Church of Liberal and of sundry citizens of Corning, in the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. GRONNA. I present resolutions adopted by the General Council of the Red Lake Band of Chippewa Indians, of Minnesota, in which they request that all features pertaining to the Red Lake Band of Chippewa Indians contained in legislation now pending before Congress to aid in winding up the affairs of those Indians be eliminated, for the reason that they were not consulted and that the proposed legislation does not represent their wishes. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GRONNA. I also present resolutions adopted by the General Council of the Red Lake Band of Chippewa Indians, of Minnesota, stating that these Indians had designated, appointed, and authorized a delegate to proceed to Washington to represent them in all tribal matters and affairs, and so forth. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

FORT BERTHOLD INDIANS.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

THE COMMITTEE ON THE LIBRARY.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 232, submitted by Mr. BRANDEGEE on November 18, 1919, reported it favorably without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 3735) granting an increase of pension to James A. Lucas; to the Committee on Pensions.

By Mr. REED:

A bill (S. 3736) making appropriation for the construction and completion of an addition to the central post-office building at St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 3737) to carry out the provisions of an act approved July 1, 1902, known as "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; to the Committee on Indian Affairs.

GOVERNMENT STORE IN THE DISTRICT OF COLUMBIA.

Mr. SHERMAN. Mr. President, I introduce a bill which I send to the desk, and I ask the indulgence of the Senate for a few moments to explain its provisions.

The bill is a departure from the ordinary course of affairs. It provides for the creation of a joint District committee composed of the Senate Committee on the District of Columbia and the like committee of the House. The clause of it appropriating money ought to originate in the House, and I only inserted it for the purpose of directing the attention of the House to it, as well as the attention of Senators, in the hope that it will take the proper course when it is considered.

The bill provides, in substance, for the creation of a general store in the District of Columbia, together with the creation of a certain number of branch stores, for the sale of merchandise to the employees of the Government residing in the District. I am as far from socialism, probably, as any Member of the Senate, but the price of merchandise has reached the point where to the employees it is made a reason for the increase of compensation. That, in turn, calls for an increase in appropriation and becomes a part of the endless, vicious circle in the upward trend of prices. This is not a socialistic proposal. It is applying in concrete form what we already practice in the purchase of stationery and supplies from the supply stores of the two Houses of Congress.

The middleman is a useless appendage wherever he can be eliminated, anyhow. The wholesaler or jobber is not indispensable if the service can be otherwise performed.

In private enterprise there seems to be no way of eliminating a large number of middlemen. There is no reason, however, why the packers should sell to meat-market men and grocers in the District of Columbia, and especially to meat-market men who have practically no capital at stake in the business, and who net as high as eight or ten thousand dollars a year with a thousand dollars investment in a cold-storage box and a chopping block and a place to do business. A large part of that money is expended by the employees of the Government, who pay all the way from 33⅓ per cent to 200 per cent profit to these unnecessary middlemen. That in turn renders necessary—and it will be urged here, no doubt, when the Classifications Commission makes its report—an increase in compensation, and that will run literally into the hundreds of millions of dollars for the 104,000 Government employees in the District.

I propose a practical remedy. I propose that the Government shall buy at cost from wholesalers, manufacturers, producers, and jobbers and sell to the employees of the Government in the District at cost. That is one way of bringing the prices to a legitimate level. It is another way of notifying several middlemen that their services can be dispensed with, and that the Government will enter upon a course here in the District which will either curb their profits or dispense with their occupation entirely.

If these several gentlemen concerned, like Othello, find their occupation gone, it will be their fault.

I think it is entirely practicable for the Government to do this, and I think the experiment ought to be made. With that end in view I introduced a bill, providing for an appropriation of a half million dollars to put it in force, and that the money arising from the sale of merchandise for cash at cost shall be covered into the Treasury and reappropriated in the annual appropriation bill for the District of Columbia. I am aware that that is not allowed in the matter of appropriations, but I am offering it here for the purpose of calling the attention of the House District Committee and its members to the proposition, and further, that when some appropriation bill may be pending here I can properly offer this bill as an amendment, and it will then be in order.

I again notify the dealers of this District that they are profiteering upon helpless Government employees to a degree that ought not to be longer tolerated without some practical action upon the part of Congress.

Every once in a while I hear gentlemen here, before committees and elsewhere, asking for the creation of a State out of the District of Columbia. I am willing to give them the right to elect Delegates so that on the floor of each House of Congress they may have their interests properly presented, as nobody now particularly represents the District outside of the District Committees. But I notify these gentlemen that the creation of a State would afford a degree of independence of the control of the District in such matters as I propose in this bill that might be carried to a very dangerous extent. As it is now, Congress governs the District of Columbia because Washington is the Capital City, and was created for that purpose and for no other. It was not created as a place where middlemen and merchants could congregate for the purpose of preying upon the residents, as a predatory occupation that has risen to the dignity here of the grossest form of profiteering upon the employees of the Government who are compelled to live in the District and render service to the Government.

Washington being in the control of Congress as a Capital City, and as a District area in which we have full power, there can be no question about the right of Congress to engage in such an enterprise, and if profiteering landlords and profiteering retail merchants think this District and the Government employees are helpless to be relieved, I propose to call into exercise the powers of the Government in this way to bring them to their senses.

I will state, Mr. President, that if the Ball Act, known as the landlord and rent regulation act, should be attacked as a part of this series of measures, I shall propose an occupation tax upon the various occupations in this District, the proceeds of that occupation tax to be kept as a separate fund to relieve cases of hardships caused by eviction.

Only a few days ago, here in the District of Columbia, a rear admiral of the Navy, known as Rear Admiral Grayson, evicted a tenant from one of his rented properties and put her upon the street because she would not pay an advanced rent. I commend that to the public in Washington for their respectful consideration, as showing that the profiteers begin with Government officers and go all along through the line; and with this pernicious example, what right have we to rebuke the profiteer in private life who preys upon helpless tenants?

Another thing, Mr. President, a judicial officer having jurisdiction when the Ball rent act shall be attacked by property owners who claim the right to a certain degree of profit, before whom they will necessarily go for a hearing, or some one of his associate judges, has been reported by credible authority from credible sources to me, to have said that the Ball rent act is not worth the paper it is written upon, as it is entirely unconstitutional. With no case brought before him, no pending controversy calling for the expression of a judicial opinion, he still goes so far as to prejudge it before it is before him for a hearing and for determination. If that could be established, such a judicial officer ought to be impeached by Congress and removed from office. I await further evidence upon that subject, and if I obtain satisfactory evidence, it will be presented for the consideration of the Senate as to further steps to be taken, and in the House as well.

I introduce this bill, Mr. President, and ask that it be referred to the Committee on the District of Columbia. I am offering it in good faith, and I propose to devise through it and the kindred agencies some method by which a person can live and serve the Government in the District of Columbia without having his salary doubled in order that it may be a fund for the predatory cormorants who are hanging about this Capitol.

The bill (S. 3734) to create and establish a Government store in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

INTERNATIONAL FINANCIAL CONFERENCE.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to a matter which I regard as of very great national and international importance. It is a proposal on the part of the leading business men of the United States and of the Governments of Europe for an international conference for the purpose of bringing about a readjustment of the credits of the world.

The American dollar has lost in its purchasing power in an important way during the last few years; that is, in terms of commodities, but not in terms of gold.

The reasons why the American dollar has lost in its purchasing power I wish to call to the attention of the Senate.

First, it is due to a great world shortage of commodities arising from the destruction incident to the war, the stoppage of the processes of production and distribution of goods during the war, and the extraordinary demand from Europe for the products of this country; second, great gold imports in exchange for goods, about $1,100,000,000; third, the expansion of credits in the United States. We have issued an enormous amount of bonds. Not only has the United States expanded its bond issues on a very large scale, amounting to over $26,000,000,000, but our municipalities and our States have expanded these forms of credit. Such bonds in the hands of the people are readily converted into money under our system.

The expansion of bank deposits, easily converted into money, other stocks and bonds, easily salable on the stock exchange and convertible into money, and in America these dollars are exchangeable for gold, and the holder of a note can obtain gold at his option.

The same thing has happened abroad; there has been in the Old World an expansion of credits in the form of bonds and other securities on a gigantic scale, and, still worse, a huge inflation of paper currency, no longer redeemable in gold.

As a currency increases in quantity it diminishes pro rata in its purchasing power, in its power to obtain goods by exchange of money for goods.

I call attention to the fact that the so-called resources, and liabilities as well, of the national banks have increased from $10,000,000,000 to $21,000,000,000 in the last half dozen years—since 1913. The expansion of the so-called resources, which means also liabilities, upon the part of all of the banks of the United States, including all classes of banks, have increased from $25,000,000,000 to $47,000,000,000. The same kind of expansion has been going on in Europe. Because of these factors the American dollar has lost a part of its purchasing power in America, and the purchasing power of the currency of Europe has been still further diminished, measured in terms of American gold, because of the inflation there. The German mark has gone down to from approximately 24 cents in gold to 1.8 cents in gold; the same currency in Poland is worth 0.8 of a cent; in Roumania, 0.7 of a cent; and in all other countries which have been torn by war the expansion of currency has diminished the purchasing power of that currency, as with the French franc and the Italian lire; so that when you come to exchange these forms of currency for the American dollar the exchange rate has gone down so severely that the pound sterling, which has always been regarded as the standard currency of the world, if I may use such an expression. The pound sterling is bringing $3.73 instead of $4.86; the French franc, instead of exchanging 5.18 francs for $1—a dollar of this diminishing purchasing power—is exchanging at the rate of 11.50 francs for the dollar, and the Italian lire 13 and a fraction for the dollar. The consequence is that the export business of the United States—and I call the attention of the Senate to its responsibility in this matter—is being tremendously interfered with.

I have appealed from time to time to the administration to try to bring about an adjustment of this matter by an international conference, and, without pausing to read it, I place in the RECORD a letter which I addressed to the President of the United States on November 6 last, one of a series of efforts which I have made to attract the attention of the Senate and the attention of this Government to the importance of this question.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

NOVEMBER 6, 1919.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Will you not permit me again to call your attention to the importance of stabilizing international exchange? Our excess commodity shipments over imports have fallen from six hundred millions in June to one hundred and fifty-eight millions in September. Our export houses are in distress and the exchange rates are going down to the lowest recorded point.

Francs, 9.05; lire, 11.07; sterling, 4.15.

The British sterling was sustained by a recent loan of two hundred and fifty millions placed in the United States.

British currency, French currency, Italian currency have gone through a serious inflation, and their paper money is not on a gold par basis. The Italians buying American goods must pay the present high prices plus very high transportation charges; for example, $28 a ton on coal plus twice the total in lire. It is obvious that this is ruinous to our foreign commerce with Italy and is making it impossible for our allies to get back to normal production as promptly as we had hoped.

The Europeans can not sell credits in the terms of their currency, because they are not only not on a gold basis but there is reason to fear further inflation in the absence of a declared policy to the contrary.

The gold standard is temporarily broken down and ought to be promptly restored. It can be done.

The investing public of the United States is able and would be willing to extend the credits necessary to finance our foreign exports, provided the mechanism were available and sound economic policies were declared by the Governments whose trade is involved.

The problem is well understood by many men, but apparently is not well understood by the men and officials responsible for government.

I regard this question as of the first magnitude and I respectfully request you to invite an international exchange conference to be held in Washington City with representatives of the leading nations of Europe present to meet with your representatives here.

I request that this suggestion be submitted to the Secretary of the Treasury, the governor of the Federal Reserve Board, and the Secretary of Commerce for an immediate report to you.

Yours, very respectfully,

ROBT. L. OWEN.

Mr. OWEN. I ask to place in the RECORD, without reading, the action taken in New York on the 14th of January, as reported in the New York Times of the 15th of January, in which the representative men of the United States and of Great Britain, of Holland, of Switzerland, of Denmark, Norway, and Sweden urged an international conference. In order to have the Senate realize that this is a very urgently important matter, I call the attention of the Senate to the names of some of these men, including Edwin A. Alderman, of the University of Virginia; Robert L. Brookings, of St. Louis; Cleveland H. Dodge, of New York; Charles W. Eliot, of Cambridge, Mass.; James B. Forgan, of Chicago; Arthur T. Hadley, of Yale College; Myron T. Herrick, of Cleveland; Herbert Hoover, of San Francisco; Darwin P. Kingsley, of New York, president of the New York Life Insurance Co.; George H. McFadden, a great cotton exporter of Philadelphia; A. W. Mellen, of the Mellen Bank of Pittsburgh; J. P. Morgan, of Morgan & Co., New York; George M. Reynolds, of Chicago; Elihu Root, of New York; Charles H. Sabin, of New York, president of the Guaranty Trust Co., and a large number of others.

I am not going to read the statement made by these men, but I put it in the RECORD, and I appeal to Senators who are interested in the commerce of this country to look at it and see what it means. I think it is of the greatest possible importance that the stability of the credits of the world should be brought about as speedily as possible.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. GRONNA. I am aware of the fact that the Senator from Oklahoma has given this matter a great deal of study. I should be very much pleased to have the Senator outline or suggest the remedy.

Mr. OWEN. The remedy, Mr. President, is not very easy, and it is easier to ask the question than it is to answer it, but I will undertake to answer it.

Mr. GRONNA. I ask the question, and I think I have a right to ask it, for the reason that only a short time ago the Senator from Oklahoma and other Senators argued that the passage of a certain measure which was then before the Senate would remedy the situation. The Senator knows as well as I know, and perhaps better, that it has not remedied the situation.

Mr. OWEN. I prefer the Senator should not state what the Senator from Oklahoma knows, because he might exceed the mark. I will make the observation to the Senator, however, that I stated repeatedly that the Edge bill was only a palliative in a small degree. I favored it only on that ground; but it was all the Republican Senators would agree to and it is inadequate. I offered other remedies that were refused support; it did not at all meet the requirements which I thought were necessary.

In order to bring back the world to a condition of stability many things are necessary; it will be necessary to deflate the currency, which at present is being expanded by the printing press without responsibility in some countries. Russia has gone to such an extent that the Russian ruble is put out by the billions upon top of billions, without any intention of ever redeeming it, with a steadily diminishng value.

Mr. GRONNA. Mr. President, will the Senator yield?

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. GRONNA. I am sure the Senator has given this matter more attention than I have; but, if he will permit me, I will say that, so far as I am concerned, I do not agree with him that we should help to deflate the currency, nor do I believe that that is a remedy. In my humble judgment the remedy is to help Europe produce more, so as to enable her to offset her debts, her obligations, with her products. That will regulate it, and not any act to deflate the currency, either in this country or in any other country.

Mr. OWEN. The Senator has not permitted me, of course, to answer the question he originally propounded. He has answered it himself in part, and I agree with him in the answer he has made, so far as to assert it is absolutely necessary that Europe be put back upon production. Men must work, economize, and create values, but the mechanism of exchange, the moneys of the world, must be put on a basis of stability, on a known basis of value, and men must not use the printing press to issue securities without intention of redemption nor without the ability to redeem. These countries, however, in order to be put back on a condition of stabilized credit, must stop inflating their currency and must put their currency back upon a basis which will be approximately the same basis—the gold basis or some other agreed basis—which is common to the whole world.

The European nations must adjust their budgets to their income from taxes and keep within their income because until they do the inflation will continue in currency and in bonds.

They must bring their currency back to par of gold and do it by an arbitrary adjustment at the present relative value of such currency.

They must adjust their war bonds to the same standards and issue new bonds payable in gold on long time and low rate so that the taxpayers shall only pay the present gold value of such bonds and not be required to pay from three to ten times the present gold value of such bonds.

Mr. KIRBY. Mr. President——

Mr. OWEN. I yield to the Senator from Arkansas.

Mr. KIRBY. I understand the condition as stated by the Senator from Oklahoma. I do not understand, however, whether the remedy suggested or that might be suggested by the conference would be one that would enhance the value of the dollar on the other side or reduce the value of the dollar on this side. In other words, I understand that both our dollars have become cheap in the way of purchasing commodities, but on the other side of the world their money has become so much more cheap that they have to pay two or three times in products the price of our dollar in order to trade with us, and on that account trade languishes. Now, would we increase the price of the dollar on the other side; and if so, how can it be done unless at the expense of our own dollar?

Mr. OWEN. In order to arrive at a just understanding of this matter it is necessary to observe what the foreign exchanges really mean. Take, for instance, the exchanges of Norway and of Sweden and of Holland and of Switzerland. While they are affected by the excess of commodity shipments from the United States, they are not affected by an inflation of their currency. The same thing is true of the exchanges with regard to Spain. Spain being upon a gold basis and the commodity shipments being somewhat in excess to Spain in our favor, the Spanish peseta is a little below par; but side by side, across an invisible line, you enter into France, and there the French franc is worth only one-third of a peseta, approximately, although nominally each is equal to 19.30 cents in gold, showing that the inflation of the currency in France has affected the value of the currency, in addition to the balance of trade being against them. The balance of trade affects all of Europe, of course; but it is shown by the currency of Holland and the currency of Norway and Sweden and Switzerland and Spain that they are only comparatively slightly affected by the balance of trade in our favor, while Great Britain is more seriously affected, because it has inflated its currency, and France still more, because the inflation there has gone to a point where they have

outstanding now 38,000,000,000 francs, amounting to approximately $200 per capita of money in circulation, while here we have $56 as a gross, and about $46 per capita, considering the amount which is sequestered in the reserve banks.

The following table will make this clear:

Foreign exchanges.

	Normal rate.	To-day's rate.	Discount.	
			Per ct.	
London	$4.83	$3.72	24	Currency inflated.
Paris	5.18 francs per dollar.	11.50 francs	55	Do.
Belgium	5.18 francs per dollar.	11.40	54	Do.
Italy	5.18 lire to dollar.	13.20	62	Do.
Germany	$23.83	$1.75	90	Currency grossly inflated.
Russia	$51.44	$3	95	Do.
Holland	$40.20	$37.37	9	Currency near normal.
Switzerland	$5.18	$5.56	7	Do.
Spain	19.30 cents	19.10 cents per peseta.	1	Currency normal.

Great Britain has doubled its currency during the war and more than doubled the deposits, and gold bought with English money costs 110 shillings an ounce instead of 79 shillings, the normal rate, before the war—a discount of 25 per cent in the purchasing power of English paper money.

Neither Great Britain, France, Belgium, Italy, Austria, Germany, Russia, nor any of the east European belligerents are on a gold basis.

It will take world action to put them into production and world credits. They can not buy; they can not pay unless assisted by international and internal reconstruction legislative action. If they do not buy and do not pay, it will seriously threaten our financial and commercial stability. Our foreign exports must cease.

Our banks holding great amounts in foreign securities and credits will be put in serious danger and industrial disturbances of a grave nature may be anticipated. No time should be lost. Much valuable time has been lost already.

The peace treaty should be ratified at once with or without reservations.

I want to call the attention of Senators to this matter, because it vitally affects every single State in the Union. It affects the value of the manufactured products of New England, and of the cotton of the South, and of the wheat of the West, and of the mineral ores of our various States; and you gentlemen who are responsible to this country ought to understand this and ought to consider it. Now, here the business men of the country are going to call an international conference of the first magnitude and bring the leading business men of the whole world together to try and solve this problem, so that they with their combined forces can appeal to the statesmen of the world to take the steps necessary to stabilize the world and to reconstruct the world and to put it upon a basis of stability and credit, so that our merchants and manufacturers can interchange their commodities, because after all it is an interchange of commodities or an interchange of the products of labor. What the Senator from North Dakota said was truly said, that the remedy at last is work, orderly work, and avoiding extravagance in government and extravagance in private life. The remedy is to restore the world by personal economy and by personal production and by improving the processes of distribution, but the mechanism of exchange and of currency is absolutely essential to the conduct of international business.

The Governments of Europe must act and put their budgets in order; must deflate their currency; must readjust their war debts; must arrange to underwrite the loans needed to buy raw material and seed and supplies to start production; and the nations able to furnish the raw material and credits should do so by opening the doors to the investment public and having the loans properly secured by the nations seeking credits for their citizens.

When a convention is called to arrange these details, the representatives of labor should be present; and, above all, the representatives of the highest rank in the various Governments should participate to see that justice is done to the people who will meet the burdens of these readjustments.

The PRESIDENT pro tempore. The request of the Senator from Oklahoma is granted.

The matter referred to is as follows:

[From the New York Times of Thursday, Jan. 15, 1920.]

POWERS TO CONFER ON WORLD FINANCE—SIMULTANEOUS APPEAL TO NATIONS TO CALL INTERNATIONAL ECONOMIC CONFERENCE—NATIONAL LEADERS SIGN IT—PLAN PROPOSALS TO LIMIT CREDITS AND FORCE THE PEOPLE TO REHABILITATE EUROPE—PRIVATE AID IS SUGGESTED—LESSENING OF THE FINANCIAL DEMANDS ON GERMANY AND AUSTRIA MADE IN TREATY PROPOSED.

"A request that representatives be appointed as soon as possible to an international economic conference is being made simultaneously to-day to the Governments of Great Britain, France, Holland, Switzerland, Denmark, Norway, and Sweden to the United States Government, the reparations commission, and the United States Chamber of Commerce. The request is in the form of a memorandum, which sets forth, in brief outline, the ideas of the various signatories as to how the work of relmbilitating the world's financial and commercial structure should be undertaken.

"The precise origin of this movement has not been disclosed. Leading American financiers who are interested in it declined yesterday to say whether or not the matter had first been broached by them or by some interests in Europe. However, great stress was laid on the widespread demand for such a conference, and it was said that within the last few weeks what virtually amounted to spontaneous petitions for such a conference had been received by the leading financial and commercial representatives of all the countries which have become parties to the memorandum.

"Abroad, the request is directed to the several Governments. They, according to the plan, are to appoint the delegates to the proposed conference. In the United States a somewhat different procedure is being adopted. The United States Chamber of Commerce is asked to appoint the American delegates, partly because of its Nation-wide affiliations and partly because here it is desired to have participation in the conference kept on an unofficial basis. The American signatories feel that the problems outlined in the memorandum should be met, as far as is possible, through private initiative, but with the United States Government extending its moral support.

OPPOSED TO PAISH CREDIT PLAN.

"The memorandum takes issue squarely with the scheme, recently attributed to Sir George Paish, of an international credit arrangement in which all of the leading Governments should take active part. Quite the opposite position is assumed by emphasizing the necessity of encouraging to the greatest extent possible 'the supply of credit and the development of trade through normal channels.'

"The proposed conference will be composed of representatives of the leading countries, both belligerent and neutral, of Europe, the central European countries, Japan, and the chief exporting countries of South America. These representatives, it is further purposed, will bring with them all pertinent information, and it is expected that as a result of the conference recommendations will be made as to what measures may best be taken in the various countries in order to revive and maintain international commerce.

"One of the American signatories, in commenting on the request for the conference, said:

"'One might sum up the document as a call to the people to return to prewar standards of reason, an appeal to the reparation commission for wise moderation as to the best business policy for all concerned; an appeal to Governments to arrest inflation and meet inevitable burdens by increasing their revenue rather than by further increasing their debts; an appeal to the people to work and to save; and, finally, an appeal to leaders of commerce and finance to get together in order to study the problem dispassionately and take it up as a business proposition, relying on independent action rather than Government intervention. Governments must be relied upon, however, to remove as rapidly as possible the obstacles that impede such a course.'

MEMORANDUM TO THE GOVERNMENT.

"The full text of the memorandum submitted to the United States Government, the reparations commission, and the United States Chamber of Commerce follows. It is substantially the same as the documents submitted abroad:

"'The undersigned individuals beg leave to lay before their Government, the reparations commission, and the Chamber of Commerce of the United States the following observations and to recommend that the Chamber of Commerce of the United States designate representatives of commerce and finance to meet forthwith (the matter being of the greatest urgency) with those of other countries chiefly concerned, which should include the United Kingdom and the British dominions, France, Belgium, Italy, Japan, Germany, Austria, the neutral countries of

Europe, the United States, and the chief exporting countries of South America, for the purpose of examining the situation briefly set forth below and to recommend upon the basis of authentic information what action in the various countries is advisable among the peoples interested in reviving and maintaining international commerce.

"'They venture to add to the above recommendation the following observations:

"'The war has left to conqueror and conquered alike the problem of finding means effectively to arrest and counteract the continuous growth in the volume of outstanding money and of Government obligations, and, its concomitant, the constant increase of prices. A decrease of excessive consumption and an increase of production and taxation are recognized as the most hopeful, if not the only, remedies. Unless they are promptly applied, the depreciation of money, it is to be feared, will continue, wiping out the savings of the past and leading to a gradual but persistent spreading of bankruptcy and anarchy in Europe.

THE PERILS OF INFLATION.

"'There can be no social or economic future for any country which adopts a permanent policy of meeting its current expenditure by a continuous inflation of its circulation and by increasing its interest-bearing debts without a corresponding increase of its tangible assets. In practice, every country will have to be treated after careful study and with due regard to its individual conditions and requirements. No country, however, is deserving of credit, nor can it be considered a solvent debtor, whose obligations we may treat as items of actual value in formulating our plans for the future that will not or can not bring its current expenditure within the compass of its receipts from taxation and other regular income. This principle must be clearly brought home to the peoples of all countries, for it will be impossible otherwise to arouse them from a dream of false hopes and illusions to the recognition of hard facts.

"'It is evident that Germany and Austria will have to bear a heavier load than their conquerors, and that, in conformity with the treaty of peace, they must bear the largest possible burden they may safely assume. But care will have to be taken that this burden does not exceed the measure of the highest practicable taxation and that it does not destroy the power of production, which forms the very source of effective taxation.

"'For the sake of their creditors and for the sake of the world, whose future social and economic development is involved, Germany and Austria must not be rendered bankrupt. If, for instance, upon close examination the commission des réparation finds that, even with the most drastic plan of taxation of property, income, trade, and consumption the sums that these countries will be able to contribute immediately toward the current expenses of their creditors will not reach the obligations now stipulated, then the commission might be expected to take the view that the scope of the annual contribution must be brought within the limits within which solvency can be preserved, even though it might be necessary for that purpose to extend the period of installments.

"'The load of the burden and the period during which it is to be borne must not, however, exceed certain bounds; it must not bring about so drastic a lowering of the standard of living that a willingness to pay a just debt is converted into a spirit of despair and revolt.

"'It is also true that among the victorious countries there are some whose economic condition is exceedingly grave, and which will have to reach the limits of their taxing powers. It appears, therefore, to the undersigned that the position of these countries, too, should be examined from the same point of view of keeping taxation within the power of endurance and within a scope that will not be conducive to financial chaos and social unrest.

THE PROBLEM OF CAPITAL.

"'When once the expenditure of the various European countries has been brought within their taxable capacity, which should be a first condition of granting them further assistance, and when the burdens of indebtedness as between the different nations have been brought within the limits of endurance, the problem arises as to how these countries are to be furnished with the working capital necessary for them to purchase the imports required for restarting the circle of exchange, to restore their productivity, and to reorganize their currencies.

"'The signatories submit that, while much can be done through normal banking channels, the working capital needed is too large in amount and is required too quickly for such channels to be adequate. They are of opinion, therefore, that a more comprehensive scheme is necessary. It is not a question of affording aid only to a single country, or even a single group of countries which were allied in the war. The interests of the whole of Europe, and indeed of the whole world, are at stake.

"'It is not our intention to suggest in detail the method by which such international cooperation in the grant of credit may be secured. But we allow ourselves the following observations:

"'1. The greater part of the funds must necessarily be supplied by those countries where the trade balance and the exchanges are favorable.

"'2. Long-term foreign credit, such as is here contemplated, is only desirable in so far as it is absolutely necessary to restore productive processes. It is not a substitute for those efforts and sacrifices on the part of each country, by which alone they can solve their internal problem. It is only by the real economic conditions pressing severely, as they must, on the individual that equilibrium can be restored.

"'3. For this reason, and also because of the great demands on capital for their own internal purposes in the lending countries themselves, the credit supplied should be reduced to the minimum absolutely necessary.

"'4. Assistance should as far as possible be given in a form which leaves national and international trade free from the restrictive control of Governments.

"'5. Any scheme should encourage to the greatest extent possible the supply of credit and the development of trade through normal channels.

"'6. In so far as it proves possible to issue loans to the public in the lending countries, these loans must be on such terms as will attract the real savings of the individual; otherwise inflation would be increased.

"'7. The borrowing countries would have to provide the best obtainable security. For this purpose it should be agreed that—

"'a. Such loans should rank in front of all other indebtedness whatsoever, whether internal debt, reparation payment, or interallied governmental debt.

"'b. Special security should be set aside by the borrowing countries as a guarantee for the payment of interest and amortization, the character of such security varying perhaps from country to country, but including in the case of Germany and the new States the assignment of import and export duties payable on a gold basis, and in the case of States entitled to receipts from Germany a first charge on such receipts.

MUTUAL HELPFULNESS PARAMOUNT.

"'The outlook at present is dark. No greater task is before us now than to devise means by which some measure of hopefulness will reenter the minds of the masses. The reestablishment of a willingness to work and to save, of incentives to the highest individual effort and of opportunities for every one to enjoy a reasonable share of the fruit of his exertions must be the aim toward which the best minds in all countries should cooperate. Only if we recognize that the time has now come when all countries must help one another can we hope to bring about an atmosphere in which we can look forward to the restoration of normal conditions and to the end of our present evils.

"'In conclusion the signatories desire to reiterate their conviction as to the very grave urgency of these questions in point of time. Every month which passes will aggravate the problem and render its eventual solution increasingly difficult. All the information at their disposal convinces them that very critical days for Europe are now imminent and that no time must be lost if catastrophes are to be averted.'

AMERICAN SIGNATORIES.

"The American signatories are: Edwin A. Alderman, University of Virginia; Frank B. Anderson, San Francisco; Julius H. Barnes, Duluth; Robert L. Brookings, St. Louis; Emory W. Clark, Detroit; Cleveland H. Dodge, New York; Charles W. Eliot, Cambridge, Mass.; Herbert Fleischhacker, San Francisco; James B. Forgan, Chicago; Arthur T. Hadley, Yale College; R. S. Hawkes, St. Louis; A. Batron Hepburn, New York; Myron T. Herrick, Cleveland; Lolis W. Hill, St. Paul; Herbert Hoover, San Francisco; H. E. Judson, University of Chicago; Darwin P. Kingsley, New York; George H. McFadden, Philadelphia; Alfred E. Marling, New York; A. W. Mellen, Pittsburgh; A. L. Mills, Portland, Oreg.; J. P. Morgan, New York; William Fellowes Morgan, New York; F. H. Rawson, Chicago; Samuel Rea, Philadelphia; George M. Reynolds, Chicago; R. G. Rhett, Charleston, S. C.; Elihu Root, New York; Levi L. Rue, Philadelphia; Charles H. Sabin, New York; Jacob H. Schiff, New York; Edwin R. A. Seligman, Columbia College; John C. Shedd, Chicago; John Shmerwin, Cleveland; James A. Stillman, New York; Henry Susalle, University of Washington; William H. Taft, New Haven; F. H. Taussig, Harvard University; Frank A. Vanderlip,

New York; Festus J. Wade, St. Louis; Paul M. Warburg, New York; F. C. Watts, St. Louis; Harry A. Wheeler, Chicago; Daniel Willard, Baltimore.

"The names of the European signers of the memorandum, classified as to country, are given below. The list of French signatories has not been received here, due to a delay in cable service:

GREAT BRITAIN.

"Sir Richard Vassar Smith, Bart., chairman of Lloyds Bank; Lord Inchcape, G. C. M. G., K. C. S. I., chairman National Provincial & Union Bank and chairman Peninsula & Oriental Steam Navigation Co; Walter Leaf, chairman London County & Westminster Bank; Right Hon. Reginald McKenna, P. C., chairman London Joint City & Midland Bank; Sir Robert Kindersley, K. B. E., chairman National Savings Committee, director Bank of England, partner Lazard Bros.; Sir Charles Addis, chairman Hongkong & Shanghai Banking Corporation, director Bank of England; Edward Charles Grenfell, senior partner Messrs. Morgan, Grenfell & Co., director Bank of England; Hon. Robert Henry Brand, C. M. G., formerly chairman Supreme Economic Council of the Allies, formerly assistant secretary of state for foreign affairs; Right Hon. Herbert Henry Asquith, P. C., formerly prime minister; Right Hon. Sir Donald Maclean, K. B. E., leader, Liberal Party in House of Commons; Right Hon. John Henry Thomas, M. P., leader of Labor Party; Right Hon. John Robert Clynes, M. P., leader of Labor Party; Viscount Bryce, G. G., V. C., ex-ambassador to the United States.

HOLLAND.

"Dr. G. Vissering, president, Bank of the Netherlands; C. E. ter Meulen, banker, member of firm Hope & Co; Joost van Vollenhoven, manager Bank of the Netherlands; Jonkheer Dr. A. P. C. van Karnebeek, minister of state, president Carnegie Foundation; J. J. G. Baron van Voorst tot Voorst, president first chamber of Parliament; Dr. D. Fock, president second chamber of Parliament; Jonkheer Dr W. H. de Savornin Luhman, president high court of justice; A. W. F. Idenburg, formerly governor general Dutch East Indies, formerly minister of colonies; S. P. van Eeghen, president Amsterdam Chamber of Commerce; E. P. de Monchy, president Rotterdam Chamber of Commerce; C. J. K. van Aalst, president Amsterdam Bankers' Association; G. H. Hintzen, banker, member of firm R. Mees & Zoonen, Rotterdam; F. M. Wibaut, alderman of Amsterdam; G. M. Boissevain, economist; E. Heldring, manager Royal Dutch Steamship Co.

SWITZERLAND.

"Gustave Ador, president International Red Cross; Eduard Blumer, president National Council; Alfred Fery, president Swiss Federation of Industry and Commerce; Rodolphe de Haller, vice president Banque Nationale; Jean Hirter, president Banque Nationale; Dr. Ernst Laur, secretary Swiss Agricultural Union; Auguste Pettarel, president State council; Ernest Picot, Federal judge; Guillanme Pictet, banker; Alfred Sarasin, president Swiss Bankers' Association; Michel Schnyder, president Swiss Press Association; Dr. Hans Tschumi, president Union Suisse des Arts et Letiers.

DENMARK.

"C. C. Andersen, chairman of the Socialist Party in the Landsting; F. I. Borgbjerg, member of the committee of the Social Group of the Rigsdag; I. C. Christensen, chairman of the Liberal Party of the Folketing; C. C. Clausen, chairman of the Merchants' Guild; C. M. T. Cold, chairman of the Danish Steamship Owners' Society; Alex. Voss, chairman of the Chamber of Manufacturers' Association; E. Glueckstadt, managing director of the Danske Landsmandsbank; Johan Knudsen, chairman of the Conservative Party in the Folketing; Thomas Madsen Mygdal, chairman of the United Danish Agricultural Societies; A. Tesdorpf, member of the board of directors of the Royal Danish Agricultural Society; A. Nielsen, president of the Board of Agriculture; I. P. Winther, I. Lauridsen, C. Ussing, Marcus Rubin, and Westy Stephensen, managing directors of the National-Banken in Kopenhagen; Jorgen Pedersen, chairman of the Liberal Party of the Landsting; L. G. Piper, chairman of the Conservative Party of the Landsting; C. Slengerik, chairman of the Radikal Liberal Party of the Folketing; Herman Trier, chairman of the Radikal Liberal Party of the Landsting.

NORWAY.

"Otto B. Halvorsen, speaker of Parliament; Jens Tandberg, bishop of Christiania; Fridtjof Nansen, professor and explorer; Hakon Loeken, governor of Christiania; Bernt Holtsmark, party leader; A. Jahresn, party leader; J. L. Lemovinkol, party leader; K. Bomhoff, president Bank of Norway; Alf Buercke, Thune Larnsen, Carl Kierulf, Victor Plahte, Carl Kutcherath, Chr. E. Lorentze, Son H. Aarensen, T. Fearnly, Chr. Platou, presidents of financial, industrial, and commercial associations; Thore Myrvang, president Farmers' and Smallholders' Association; Patrick Volckmar, president Norske Handelsbank.

SWEDEN.

"J. C. A. af Jochnick, president Sveriges Riksbank; V. L. Moll, first deputy Sveriges Riksbank; C. E. Kinander, president national debt office; J. H. R. C. Kjelberg, president Swedish Bankers' Association; H. L. F. Lagercrantz, president Swedish Exporters' Association, ex-minister to America; A. F. Vennersten, president Swedish Industrial Association, ex-secretary of the treasury, member of Parliament; K. A. Wallenberg, president chamber of commerce, Stockholm, ex-foreign minister; M. Wallenberg, manager Enskilda Bank; Oscar Rydbeck, manager Skandinaviska Kredit Aktiebolaget; C. Frisk, manager Svenska Handelsbanken; K. H. Branting, member of Parliament, ex-secretary of the treasury, deputy Sveriges Riksbank; Count R. G. Hamilton, deputy chairman of the lower house of Parliament; S. A. A. Lindenman, member of Parliament, rear admiral, ex-premier, ex-foreign minister; S. H. Kvarnzelius, member of Parliament, director national debt office; Ernst Trygger, member of Parliament, ex-justice of the supreme court; K. G. Cassel, professor of political economy; David Davidson, professor of political economy; E. F. K. Sommarin, professor of political economy."

Mr. OWEN. Mr. President, I submit with my remarks the report of the committee on foreign trade of the American Economic Association. I ask the privilege now of having it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JANUARY 9, 1920.

REPORT OF THE COMMITTEE ON FOREIGN TRADE OF THE AMERICAN ECONOMIC ASSOCIATION.

This, the second report of the committee on foreign trade, will cover the effect of the war on the volume, direction, and the constituent commodities of international trade, and will attempt to analyze some of the conditions that affect the outlook.

I. The effects of the war.

The war had a very profound effect upon the trade of the world. In belligerent countries normal production was curtailed and therefore exports declined. The domestic production of commodities needed by the warring nations was insufficient, and these had to be imported. The excess of imports was financed by shipments of gold, the sale of securities, and by borrowing. The trade currents prevailing before the war were upset.

A. THE VOLUME OF TRADE.

The countries at war greatly increased their exports in amount and to a less extent in tonnage. The countries on the American Continent, on the whole, greatly increased their exports. Japan did likewise. The countries blockaded, Germany and Austria, experienced a tremendous decline in trade. The trade of Holland, Spain, and Russia, declined as an incident to the blockade. Because of the long sea voyage involved and the shortage in shipping, the trade of British India, Australia, and South Africa also fell in volume.

B. COMMODITIES OF TRADE.

Because the belligerents of Europe needed enormous quantities of war materials and other goods for consumption, their imports of manufactures increased relatively and the imports of raw materials decreased relatively. Western Europe was cut off from its sources of food supply in Russia and Southeastern Europe, and the entire burden of producing food for the western European countries was thrown upon the Americas. Australia and India were too far removed to permit the utilization of much needed tonnage for the long ocean trip. Because Germany was under blockade, the countries which she had supplied with chemicals, dyestuffs, porcelain, machinery, electrical goods, toys, and specialties had to turn to other countries like Switzerland, the United States, and Japan for their supply. Trade in luxuries was much reduced. Japan, the United States, and in general the neutrals increased their imports of raw materials and increased their exports of manufactured goods.

There was an increased demand for commodities of all kinds from countries that were readily accessible to Europe, and they, therefore, suffered from a shortage of goods. On the other hand, the demand upon the countries far removed from Europe slackened so that there was a glut of goods, as of wheat in Australia, wool in New Zealand, and sugar in Java.

C. TRADE CURRENTS.

The war resulted in the transfer of millions of men to France, where they had to be maintained under conditions which increased their consumption over that of peace. Shipping routes were therefore focused upon western Europe and created a

ship shortage in other lanes of trade, which was aggravated by submarine warfare. The tonnage passing through the Suez Canal in 1913 was 20,000,000 tons and in 1917 only 8,300,000 tons. Because of the shortage in shipping, supplies for Europe had to be brought from the nearest available center of production. Tonnage was conscripted for the trans-Atlantic service. There was an increase of exports to Europe and a decrease of imports from Europe.

Furthermore, trade between near-by countries increased; for example, the trade among the northern neutrals of Europe, between Japan and the countries skirting the Pacific and Indian Oceans, between the United States and the countries of North and South America and of Asia. The trade on the Pacific greatly increased. The countries of Asia, East Africa, and the west coast of the Americas traded with each other to a greater extent than before the war.

Because of the shortage in shipping, heavy commodities were eliminated to a large extent, and wherever possible home sources of supply were developed. The lack of those goods which were manufactured chiefly in central Europe stimulated the establishment of new branches of industry in the non-European countries.

D. ENTREPÔT AND TRANSSHIPMENT TRADE.

The European countries which were at war had controlled the shipping of the world and determined the course of commodity movements. Trade prestige and established custom were important determinants of the route of trade and of the location of entrepôt centers before the war. During the war the blockade and economy of shipping were the deciding factors. American cotton was sent to Holland direct instead of by way of Bremen and Liverpool. Dutch colonial produce reached the United States directly instead of by way of Amsterdam. African produce could no longer be shipped by way of Belgium or France. The United States obtained Australian goods across the Pacific, and not by way of London. Trade routes which were temporarily expedient have in some cases proven to be permanently efficient.

Hamburg and Bremen were closed tight during the blockade, and the transshipment and entrepôt trade which they had conducted were eliminated. The European countries which had traded with the outside world through the medium of Germany now traded directly. The trade of Switzerland, Italy, the Baltic States, and Spain with the overseas countries greatly increased. Furthermore, new centers of transshipment developed during the war. Copenhagen, Bergen, and Goteborg rose as ports of transshipment and as entrepôts supplying Germany and the north of Europe.

E. ECONOMIC DECENTRALIZATION.

For four years the countries dependent upon Europe have been compelled to seek new sources of manufactured goods and new outlets for their raw materials or else to establish some local industries to satisfy their needs. The industries of the world, hitherto concentrated chiefly in Europe, have been temporarily disrupted and to some extent permanently decentralized. The transshipment of goods from the Orient to America or from South Africa to North America by way of Europe has been partly replaced by direct trade. The international jobbing business has been reduced and in some lines eliminated. Countries were compelled to become self-sufficient. The old creditor nations, clustered in Europe, have become borrowers of widely scattered countries, as the United States, Japan, and Argentina, hitherto their debtors. The world has hastened toward a stage of economic development which it might have taken generations to attain. The predominance of Europe in trade has declined, and new commercial spheres have become defined in America and in the Far East, centering about the United States and Japan.

Agricultural countries and regions producing raw materials develop eventually into centers of industry and trade. The war hastened this process. It has hastened the growth of industrial self-sufficiency, the decentralization of trade, and the lessened dependence upon Europe of the rest of the world. The war has hastened the disintegration not only of political imperialism but of commercial imperialism as well.

Decentralization is the prerequisite of federalism. In a more than superficial sense, therefore, the war has prepared the world for an inevitable League of Nations of some sort. As the backward countries of the world become more industrialized, as the density of their population tends to increase by migration, the economic dominance of Europe will probably decline still further, but the interdependence of the nations of the world will increase. The process of economic decentralization will prepare for ultimate world federalism. More extensive interdependence of the nations will vitalize a League of Nations.

II. The outlook in international trade.

A. THE PREWAR BALANCE OF TRADE.

Before the war the countries of Europe, with the exception of Russia, had an excess of imports. On the other hand, the countries of the American Continent, with the exception of Canada, and most of the partly developed countries, such as British India, and South Africa, had an excess of exports.

The excess of imports of the European countries was paid for by services, such as shipping and banking, by interest on foreign investments, by the expenditures of non-European tourists in Europe, and by the remittance of European nationals in foreign countries to their friends and families in Europe.

B. THE WAR-TIME BALANCE OF TRADE.

The countries of Europe, on the whole, increased their imports greatly. The non-European countries, on the other hand, had a large excess of exports, particularly during the later years of the war.

Europe paid for the increased excess of imports less by banking and shipping services, more by the shipment of gold, and the sale of securities, and most of all by loans.

C. THE IMMEDIATE FUTURE.

1. Europe needs credit: Europe, in part, is devastated and everywhere is short of goods. The war-ravaged countries need food and machinery. But even the neutrals need raw materials. Without food and raw materials Europe may fall into chaos, which may react upon us industrially and perhaps politically. Europe must have goods, and to get them she needs our credit.

But for purely selfish reasons we must lend. In order to balance our international debits and credits, the courses before us are to curtail exports, increase imports, or to lend. Reduction of our exports seems inevitable. However, to curtail our foreign sales suddenly would mean stagnation of industry and consequent unemployment in many lines, although in some cases the satisfaction of demands at home deferred during the war would absorb the slack in production as prices decline. We can not at present buy more, for Europe has less to sell now than before the war. As a temporary expedient the course open to us is to lend. For the economic welfare of the country credits of some sort must be advanced in order to move American goods.

2. The supply of short-term credit. Some European statesmen thought that they could borrow from America sufficient funds to restore the devastation quickly. Unfortunately, that is not the case. The credit needed is of two kinds, long term and short term. The neutrals and the belligerents not devastated by the war will not need long-term credit to any great extent. The machinery for supplying short-term credit for exports consists of the facilities afforded by the Federal Reserve System. However, should a scarcity of short-term credit for exporters arise, there are untapped reserves in the discount houses which may accept drafts up to several times their capital. To a great extent these institutions would relieve the banks of deposit of the risk of too heavy commitments on account of foreign acceptance liabilities in addition to their ordinary commercial risks. Several of these have been established.

3. The supply of long-term credit: Six months' credit, even with a renewal, would hardly provide for the needs of countries in which factories and even cities will have to be rebuilt and reequipped.

(a) Government advances: During the war the United States Government made advances to other Governments to the extent of about $10,000,000,000. These advances cease with the proclamation of peace. The sentiment in the United States is averse to further loans by our Government. Our Government has a floating debt of over three billions. This is a revolving debt and is responsible in part for the inflation of prices and the high cost of living. The Government could loan to Europe by issuing more bonds. Congress would hardly authorize such loans, and the public would hardly take such loans if authorized. Conceivably conditions in Europe might compel a change of sentiment in the United States. The evils of inflation may be less menacing than industrial debility in Europe attended perhaps by political disturbances.

(b) Indirect Government aid: The United States has, however, undertaken to aid the exporter indirectly, through the War Finance Corporation, which may make advances to the extent of $1,000,000,000 for periods of not exceeding five years, to exporters or bankers upon the promissory notes of the borrower. However, the difficulty inherent in the act under which the War Finance Corporation operates is that while the country as a whole benefits by the export of goods, the burden of the present unusual risk is placed entirely upon the exporter. Nevertheless, the facilities of the corporation are being utilized.

(c) Private means: The financing of foreign trade by the Government may lead to further inflation. The financing of exports through private channels can be accomplished only through savings, past or present. The alternative of war financing, namely, inflation versus savings, faces us again during the transition. Possibly the gravity of the after-war situation may compel a compromise as in war time between these two methods of financing.

At present Europe is being financed by private income. Private aid is being extended to individual enterprises, whose conditions meet the credit standards of bankers. The methods of private long-term finance are various. Either Europe's holdings of neutral securities might be liquidated in the United States, or else a foreign importer, if his credit is good, might float a loan here.

The member banks of the Federal Reserve System have been permitted to invest 5 per cent of their capital and surplus in subsidiary corporations engaged in the financing of foreign trade. The Edge law would authorize the establishment and incorporation under Federal charter of companies to engage in international financial operations under the supervision of the Federal Reserve Board.

Furthermore, investment trusts might be established. These institutions would invest in foreign securities and issue their own obligations against their holdings, which might be either Government bonds, industrials of the borrowing country, or the pledged securities of a third country or of the industries.

Finally the listing on the stock exchange in the United States of outstanding foreign securities, under proper restrictions and with adequate safeguards of the American investors, would help greatly in accelerating the flow of trade.

(d) The essentials of an acceptable foreign security: If advances are to be made to countries fiscally weak or to industries already under heavy taxation charges, a priority of lien will be needed to assure the safety of interest and principal of the new loan as compared with the old ones. If new loans to weak countries are to be junior liens, funds for Europe will be difficult to obtain. Just as a private company that has good prospects may secure credit through the issue of receiver's certificates, so the weak European countries will have to give priority of lien of principal and interest of new money as against old loans.

The rate of interest on loans to foreign governments or industrials will have to be competitive with domestic rates. The marketability of securities based on foreign loans depends upon suitable publicity, and whether or not the public will avoid waste and gather funds for investment, and whether or not they are favorably disposed toward the investments from the viewpoint of safety and adequacy of return.

In order not to be the lone and sole creditor of the nations of Europe, the United States might raise a loan jointly with other powers, or with the participation of other powers to a sufficient extent morally to insure payment by the borrower. The indorsement of the European banker, and the guaranty of the foreign government may be essential to secure the funds from American investors.

Such credits as are granted to Europe should be devoted to industrial and not governmental uses. They should be utilized not for meeting current Government expenses, not for the balancing of their budgets, where there is a lack of adequate measures of taxation, and not for the artificial maintenance of their inflated currencies at parity in the exchange market. Credits should be devoted to increasing production. The import into Europe of essentials and not of luxuries should be financed. If industry in Europe is benefited the security underlying our loans, new and old, will be strengthened. As industry in Europe revives, world-wide economic conditions should benefit.

D. THE OUTLOOK IN THE UNITED STATES.

What is to be the future of our foreign trade? The theoretical analysis indicates that during the early stages of lending a country has an excess of exports. After this process has continued for many years the lending country has an excess of imports.

Our present position has been obtained not as a result of the slow process of economic development but as a result of the sudden shifting of trade during the war. However, our readjustment can not be as sudden. It will take years. Europe took our exports and gave us promissory notes in payment. She can not liquidate her debt in gold, because European countries wish to retain their gold supply in anticipation of a return to a gold basis. Because of the development of American facilities for financing trade and because of the creation of the American merchant marine, Europe will not be able to pay us with these services even to as great an extent as before the war. Securities with which to pay us are either not available or else will not be sold by Europe because of the commercial prestige which attaches to foreign investments.

Ultimately Europe must pay us in goods. A mortgage on her fixed assets is not feasible politically, because of the anti-alien laws of Europe and the fear of economic penetration. Europe will therefore eventually have to pay in merchandise. The annually accruing interest on the debt to the United States will depress the exchange rate of the debtor country and thus stimulate exports and restrict imports. On the other hand, the annual credit of the United States for interest will tend to raise our exchange above par, to stimulate imports, and to restrict exports. Ultimately our excess of exports must decline and probably change to an excess of imports—a feature which before the war characterized the trade of the creditor countries of Europe.

Immediately Europe may be unable to pay in goods. Her debt to us for interest must be postponed or met temporarily by further loans to her. The need of additional goods from America will need to be financed in the same way. Loans by us would make possible a continuation of our reports until the productive capacity of Europe is restored sufficiently to permit the resumption of exports by Europe. The annual investment of a sum equal to our excess of exports and the reinvestment of the interest on loans, both outstanding and to be placed, would, if compounded, reach a huge figure in a generation. Our balance of trade would thereafter probably be an excess of imports.

In the present unsettled state of Europe there are many factors which would qualify these conclusions. If Europe falls into chaos exports from the United States will be greatly reduced. If the principal and interest of our present loans is thus wiped out, the conditions which would call for an ultimate excess of imports will cease to exist.

DAVID FRIDAY.	JASON A. NEILSON.
WESLEY FROST.	J. RUSSELL SMITH.
A. BARTON HEPBURN.	O. M. W. SPRAGUE.
PHILLIP B. KENNEDY.	F. W. TAUSSIG.
THOMAS W. LAMONT.	ELISHA M. FRIEDMAN.
	Chairman.

PAYMENTS FOR COMMANDEERED COAL.

Mr. SUTHERLAND. Mr. President, I send to the desk and ask to have read the following telegram.

The PRESIDENT pro tempore. Without objection, the Secretary will read the telegram.

The Assistant Secretary read as follows:

MORGANTOWN, W. VA., *January 15, 1920.*

Hon. HOWARD SUTHERLAND,
United States Senate, Washington, D. C.:

It is with pronounced regret we are compelled to annoy and apparently put your high office in position of collecting agency; however, we feel that it is not the intention of our Government to arbitrarily ruin us financially. We have complied with all requests of the Railroad Administration in rendering our invoices and have had the matter up with Mr. Hines and Mr. Spencer, without results. Furthermore, Railroad Administration refuses to purchase coal, but are again confiscating, with the result our customers are refusing to do business with us. Your continued efforts in our behalf will be highly appreciated.

DAVIS COAL CO.

Mr. SUTHERLAND. Mr. President, during the time of the coal strike it became necessary, of course, for the Railroad Administration to confiscate coal for the public good. That was done, however, in such a manner as to cause great embarrassment to the coal operators. The coal was confiscated in transit and diverted from its original consignees to other consignees, and up to this time very little of it has been paid for. Some of the larger companies could stand this drain upon their resources without ruin, but to some of the smaller ones it has meant almost absolute ruin; they have not been able to meet their pay rolls.

I received a telegram a few days ago from one of the coal operators stating he was sending out a special agent with 1,000 notices of diverted coal all over the West and Southwest in an endeavor to secure payment for that coal. Apparently no effort has been made, nor is any cooperation now given by the Railroad Administration, toward securing payment for this diverted coal. They seem to think that their public duty in the matter was fulfilled when they diverted the coal from these coal operators and sent it to some other consignee, leaving the coal operator to struggle as best he can to secure the money in payment for this coal.

Of course, when the monthly or semimonthly pay rolls come due they are unable to meet them. I find that this practice, as attention is called to it in the telegram, is continuing in some parts of the State. They are not only diverting coal sent to various consignees without notice to the shipper, thereby greatly embarrassing the consignees, who are thus deprived of the coal which they are expecting, which they have ordered,

and which is necessary for the continuance of their business, but, in addition to that, practically putting out of business the shippers of this coal, and it seems to me that this coal should be diverted with some due regard to the business necessities of these men.

On that account I have had this telegram read and have desired to call the attention of the Senate to it.

THE PANAMA RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Interoceanic Canals:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the seventieth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
16 January, 1920.

HOUSE BILL REFERRED.

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

LIVING CONDITIONS OF TRAINMEN.

Mr. SMITH of Georgia. Mr. President, on the 5th of January I introduced a resolution requesting the Interstate Commerce Commission to investigate and report upon living conditions of trainmen who are compelled to lie over between trips at terminals of railroads, and also to investigate the feasibility on the part of railroad companies of furnishing to their men accommodations. By my request the resolution was referred to the Committee on Interstate Commerce. I am advised that if we should pass the resolution the commission can probably furnish us some information that might be valuable both to the Senate and to the conferees on the railroad control bill. I therefore ask unanimous consent to withdraw the resolution from the Committee on Interstate Commerce with a view of asking the Senate to adopt it.

The PRESIDENT pro tempore. Without objection, the Committee on Interstate Commerce will be discharged from the further consideration of Senate resolution 267.

Mr. SMITH of Georgia. I should state that I consulted with the chairman of the committee, and that this action is agreeable to him.

The PRESIDENT pro tempore. Does the Senator from Georgia ask for the immediate consideration of the resolution?

Mr. SMITH of Georgia. I do, Mr. President.

The resolution (S. Res. 267) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to investigate and report upon living conditions of trainmen who are compelled to lie over between trips at terminals of railroads, and also to investigate the feasibility on the part of railroad companies of furnishing to their men accommodations suitable to their needs at such terminals.

COAL CORPORATION INCOMES.

Mr. HARRIS. Mr. President, I ask for the consideration of Senate resolution 247.

Mr. SMOOT. I object.

Mr. HARRIS. I move that the Senate proceed to the consideration of the resolution.

Mr. HITCHCOCK. I should like to know what the resolution is.

The PRESIDENT pro tempore. The Secretary will state the resolution.

The ASSISTANT SECRETARY. Senate resolution 247, submitted by Mr. HARRIS December 4, directing the Secretary of the Treasury to furnish the Senate certain detailed information secured from income and profit tax returns of the taxable year 1918 as to relative incomes of corporations engaged in mining bituminous coal and lignite coal.

Mr. SMOOT. Mr. President——

Mr. NORRIS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. Is the pending motion debatable in the morning hour?

The PRESIDENT pro tempore. In the opinion of the Chair the motion is not debatable at this time.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate the following information, to be secured from the income and profits tax returns for the taxable year 1918 of all corporations engaged, exclusively or principally, in the mining of bituminous and lignite coal:

Capital stock; invested capital; net income; tax (1) income, (2) excess profits, (3) total; per cent of total tax to net income; net income, after deducting tax; per cent of net income to capital stock; per cent of net income to invested capital; per cent of net income, after deducting tax, to capital stock; per cent of net income, after deducting tax, to invested capital; capital stock, 1917; net income, 1917; per cent of net income to capital stock, 1917; excess of the per cent of net income to capital stock for 1918 above the percentage for 1917.

Also a statement showing the dividends paid by corporations engaged in the mining and production of bituminous coal within the United States for the years 1917 and 1918; that if such information is not already in the possession of the Secretary of the Treasury he be requested to procure the same and furnish it to the Senate as promptly as may be practicable.

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918, and that the corporations be listed in the same sequence and under the same symbols, as far as possible, as obtain in Senate Document No. 259.

Mr. McCORMICK. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Sheppard
Beckham	Harris	Moses	Simmons
Calder	Harrison	New	Smith, Ga.
Capper	Henderson	Newberry	Smith, S. C.
Chamberlain	Hitchcock	Norris	Smoot
Colt	Jones, N. Mex.	Nugent	Spencer
Cummins	Kendrick	Overman	Sterling
Curtis	Kenyon	Owen	Sutherland
Dial	Kirby	Page	Townsend
Dillingham	Lodge	Phipps	Trammell
France	McCormick	Pomerene	Walsh, Mass.
Frelinghuysen	McCumber	Reed	Walsh, Mont.
Gay	McKellar	Robinson	Williams

Mr. NUGENT. I desire to announce that the junior Senator from Utah [Mr. KING] is absent from the Senate on official business. He is a member of the subcommittee of the Committee on Naval Affairs now inspecting the construction of a Navy dock at Charleston, S. C.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. POMERENE. I move to amend the pending resolution in line 5, before the word "bituminous," by inserting the word "anthracite."

I will state the reason why I offer the amendment. Of course, information of this kind will be of value, but it seems to me that those who are interested in the subject will be interested in having the same data with respect to anthracite coal that is called for in relation to bituminous or lignite coal.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Ohio.

Mr. NORRIS. I could not hear what the Senator said and I could not hear the amendment proposed by him.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 1, line 5, before the word "bituminous," it is proposed to insert the word "anthracite," so as to read:

In the mining of anthracite, bituminous, and lignite coal.

Mr. NORRIS. I do not see any objection to that amendment, as it simply broadens the scope of the resolution and makes it apply to anthracite as well as to other varieties of coal.

Mr. POMERENE. Yes. My thought was that those who were interested in the subject would also like to have some information with regard to anthracite coal.

Mr. NORRIS. I agree with the Senator as to that.

Mr. SMOOT obtained the floor.

Mr. REED. May I make an inquiry in regard to this matter?

Mr. SMOOT. I yield to the Senator.

Mr. SUTHERLAND. I desire to ask the status of the resolution submitted by the Senator from Georgia [Mr. HARRIS].

The PRESIDENT pro tempore. The resolution is before the Senate for consideration.

Mr. REED. I desire to ask the Senator from Nebraska if there are other kinds of coal than lignite, bituminous, and anthracite.

Mr. NORRIS. I do not know of any.

Mr. REED. Then, why not strike out all qualifying adjectives in the resolution and simply use the word "coal"?

Mr. NORRIS. I have not any objection to that, but the pending resolution is not my resolution, I will say to the Senator from Missouri. So far as I am concerned, however, the resolution can not be made too broad to suit me.

Mr. REED. I should like to ask the Senator who has submitted the resolution if he is not willing to accept my proposition as an amendment?

Mr. HARRIS. I am quite willing to do so.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 1, line 5, before the word "coal," it is proposed to strike out the words "anthracite, bituminous, and lignite," so that it will read "in the mining of coal."

The PRESIDENT pro tempore. The Chair understands that the Senator from Ohio [Mr. POMERENE] accepts the amendment proposed by the Senator from Missouri [Mr. REED] and that the Senator from Georgia [Mr. HARRIS] also accepts the amendment. In the absence of objection, the amendment of the Senator from Missouri will be agreed to.

Mr. REED. I desire to make an inquiry, with the permission of the Senator from Utah [Mr. SMOOT]. Is it the intention of the author of the resolution to limit the inquiry as to profits strictly to the matter of the mining of coal or is it intended that we shall learn the profits that are made by the proprietor of the coal mine and also by the company which may be handling the coal in a large, wholesale way?

Mr. HARRIS. The resolution is intended to include both, but particularly the profits of the coal operators.

Mr. SMOOT. Mr. President, in the first place, I desire to say that the pending resolution virtually undertakes to repeal an act of Congress, though it is only a Senate resolution. If this position taken by me meets with the approval of the Senate, I think there can be no question that the Senator from Georgia will either have to change the resolution to a joint resolution or the Senate certainly can not consider it.

I wish now, if Senators will follow me, to read the law as it is upon the statute books to-day, in reference to this subject matter, and in connection with that I ask Senators to read the pending resolution. I have no objection whatever to securing the information asked for by the resolution, but, in my opinion, it must be done under existing law or a law repealing it. The resolution reads as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate the following information to be secured from the income and profits tax returns for the taxable year 1918 of all corporations engaged, exclusively or principally, in the mining of bituminous and lignite coal:

Capital stock; invested capital; net income; tax (1) income, (2) excess profits, (3) total; per cent of total tax to net income; net income, after deducting tax; per cent of net income to capital stock; per cent of net income to invested capital; per cent of net income, after deducting tax to capital stock; per cent of net income after deducting tax to invested capital; capital stock, 1917; net income, 1917; per cent of net income to capital stock, 1917; excess of the per cent of net income to capital stock for 1918 above the percentage for 1917.

Then follows this provision:

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918, and that the corporations be listed in the same sequence and under the same symbols, as far as possible, as obtain in Senate Document No. 259.

Mr. President, if Senators will examine Senate Document No. 259, they will notice that the date on which that document was referred to the Committee on Finance in order to be printed was July 5, 1918. The law at that time was quite different from the law existing to-day, for in the tariff act of October 3, 1913, we find the following provision:

SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

Mr. President, there is nothing in Document No. 259 that violated that law in any way; the law was complied with strictly; but the pending Senate resolution provides:

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918.

Mr. President, the resolution of June 6, 1918, was not in violation of the law, but in the act to provide revenue, and for other purposes, approved February 24, 1919, a subsequent act to the tariff act of October 3, 1913, there is a specific provision in relation to returns being made public records. I call now the attention of the Senate particularly to section 257 of that act, which reads as follows:

That returns upon which the tax has been determined by the commissioner shall constitute public records, but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. Mr. President, the Senator has just read the law——

Mr. SMOOT. I was not through with the law.

Mr. NORRIS. I understand the Senator has not read all of the section, but he has read every particle of the section which has any application to this matter; the remainder of it consists of exceptions. Unless the Senator merely wants to take up time, there is no occasion to read the remainder of it.

Mr. SMOOT. That may be the Senator's opinion, but it is not mine.

Mr. NORRIS. I wish to ask the Senator now if we pass this resolution will not the legal effect be that the President, not being required under the law to permit this information to be made public, can instruct the Secretary not to supply the information? If, however, the President wants to give the information and desires to comply with the resolution of the Senate, then there is not any reason why he should not do so, because the law specifically gives him that authority; so that the effect would be that we are asking something by Senate resolution that, as a matter of law, we are not entitled to unless the President consents to it. Will not that be the legal effect?

Mr. SMOOT. No, Mr. President; the Senator is mistaken——

Mr. HARRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I will yield, but I should like first to answer the Senator from Nebraska.

Mr. HARRIS. Very well; then I will not interrupt the Senator.

Mr. SMOOT. I will yield to the Senator and answer both Senators later if I can.

Mr. HARRIS. The Senator from Utah raised this objection to my resolution some weeks ago to me personally. I thereupon went to see the Secretary of the Treasury and asked his opinion, and I will say that the Secretary differs from the Senator from Utah as to the law on this question.

Mr. SMOOT. That does not make any difference to the Senator from Utah, and it should not make any difference to other Senators in this Chamber. If they will read the law and see exactly what it is, they can construe the law as well as can the Secretary of the Treasury and perhaps a little softer.

Mr. President, in answer to the Senator from Nebraska, I will say that if the wording of the law were qualified as he has suggested, then, of course, there would be no objection to the passage of the resolution, but the Secretary of the Treasury has not under the act of Congress issued rules and regulations which have been approved by the President of the United States, and until they are issued and approved the law stands as it was written, and positively prohibits the information to be given, unless by order of the President of the United States.

If the Secretary of the Treasury a month ago, or yesterday, or at any time after the passage of the act to which I have referred, had issued rules and regulations in relation to making this information public, and they had been approved by the President, then there would be no question that this resolution would have been in order, and I would not for a moment have been found standing upon this floor objecting to it.

Let me again read from section 257 of the law for the information of the Senators who are listening:

That returns upon which the tax has been determined by the commissioner shall constitute public records; but they shall be open to inspection only upon order of the President, and—

Not "or"—

and under rules and regulations prescribed by the Secretary and approved by the President.

I say now, without a moment's hesitation, that the Secretary of the Treasury has not issued any rules and regulations for making these returns public; and those rules and regulations,

not being issued, certainly could not be approved by the President of the United States.

If the Senator from Georgia wants to make this a joint resolution, which would be virtually repealing the existing law, that is another question; but I take it that no Senator will hold that a law now in force, passed by Congress and signed by the President of the United States, can be repealed by a simple Senate resolution. If there are Senators who believe that that can be done, they will vote for the resolution; but there is not a question of doubt in my mind that there is not a Member of the Senate or a Member of the House or even a Secretary of the Treasury who would hold that such a thing could be done, and that is what this resolution is—nothing more nor less.

Why, Mr. President, there is no requirement in the act of October 3, 1919, for any rules and regulations on the part of the Secretary of the Treasury. There was no requirement there that those rules and regulations should be approved by the President, but the law is different to-day than it was then.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. HITCHCOCK. I am rather surprised at the construction the Senator puts on that language. As I remember, when that law was passed the purpose was to protect individuals and corporations from the exposure of their private affairs, and it was considered to be proper to give either to the President or to the Congress, on proper application, information as to various classes of business that might be of use in framing other laws or in construing existing laws. Now, the Senator, as I understand, makes the point that this information, which is in the office of the Commissioner of Internal Revenue, and which would not expose the individual affairs of any corporation or individual, can not be published because the President has not made regulations for its publication. But is it not quite possible that after the request was made and the President realized that the Senate desired the information, he would make such a regulation as would enable the commissioner to give it?

Mr. SMOOT. The trouble with that is the rules and regulations should be made before the resolution is passed; and therefore rules and regulations made after the passage of the pending resolution certainly could not apply to the pending resolution.

Mr. HITCHCOCK. It could be very easily applied if the President desired. It is not compulsory. If it is a violation of existing law, the information will not be given. If, on the other hand, it can be made consistent with the regulations of the President, we will get the information; and certainly the intent of the law is that Congress, or either branch of Congress, at any time shall have accessible to it the information in the Treasury Department, providing it does not expose the private concerns of either any individual or any corporation.

Mr. SMOOT. The Senator says that he knew what the intent of the law was. I suppose the Senator will grant to me the same right that he claims for himself. I was a member of the committee that had this very provision in charge. I know the discussion that took place in the committee, and I know the reason for the passage of the law, and I know the reason why the change was made from the law of 1913; and I say to the Senator now that the changes that were made in this law were made for the very purpose of placing entirely in the hands of the President of the United States the right to give the information contained in the returns upon which the tax of any individual or corporation or, I suppose, class of individuals or class of corporations, may have been determined.

There is no difference of opinion as to whether or not they should get this information. That is not what I am talking about at all. I am saying now that the pending resolution is in absolute disaccord with the present law as contained in section 257 of the act of February 24, 1919. If this were a joint resolution, I would not say a word about it, because I think Congress has a perfect right to repeal one law by a subsequent bill or joint resolution.

Mr. HITCHCOCK. Oh, undoubtedly, Mr. President; there is no dispute about that; but can the Senator give any reason why there should be secrecy with regard to information of this sort, except for the purpose of protecting the individual or the corporation from having his or its private affairs exposed?

Mr. SMOOT. This would expose the affairs of corporations and private individuals in such a way that every competitor would know just exactly the condition of the business of all others engaged in the same business.

Mr. HITCHCOCK. I differ with the Senator there. No names are to be mentioned. It is merely the classifications.

Mr. SMOOT. I will say to the Senator that I can take Senate Document No. 259, and turn to the classes of business under almost any head, and there are few of them but what the symbol number will tell the well informed the company making the report. Under the head of automobile manufacturers I can name to you nearly every automobile manufacturer that is reported in the document. I can tell you the names of many of the railroads that are reported, or any other class of business in the United States, and so can anyone who has given the question any study at all.

Mr. HITCHCOCK. Can the Senator find my business there?

Mr. SMOOT. I do not think newspaper businesses are in this document.

Mr. HITCHCOCK. Oh, yes; they are.

Mr. SMOOT. They may be.

Mr. HITCHCOCK. I will confess that I have sought my own, and have been unable to identify it.

Mr. SMOOT. That may be, Mr. President; but it is quite different with newspapers than with other lines of business, where the general practice is to give a complete statement of the business the widest publication, so that everyone can learn the exact financial condition of the company for any quarter of a year or any year in the history of the company.

Mr. SIMMONS rose.

Mr. SMOOT. Does the Senator from North Carolina wish to interrupt me?

Mr. SIMMONS. I was simply going to say to the Senator from Nebraska, but he has left the Chamber, that these returns are formulated and published by the commissioner under a code number.

Mr. SMOOT. Certainly.

Mr. SIMMONS. And unless he knows the code number, of course, he can not find his business.

Mr. SMOOT. In small business, perhaps, and the newspaper business, probably as the latter is quite different from all of the other businesses of this country; but there is not any question that I can take the document and I can point out Mr. Ford's return, I can tell what Marshall Field's business was, and I can go to the code number and pick out the United States Steel Corporation, and I can select almost all businesses of any size or extent. True, the name is not given in this report; but we have used this report before the Finance Committee time and time again in the discussion of what rates should be imposed, not because the name was mentioned but because we all knew, or if we did not all know the expert of the committee knew, the business the code number referred to.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. Yes; I yield.

Mr. FRELINGHUYSEN. I will say to the Senator from Utah that I have no objection to any Senator procuring any further information upon the question of coal operators' profits; but I feel, as chairman of the committee which at the present time is making an exhaustive investigation of this subject, that I should like to know the object of making public at the present time the profits of these coal operators.

Mr. WILLIAMS. To expose the profiteers, of course.

Mr. FRELINGHUYSEN. I will say to the Senator who suggests that it is because they are profiteering that the committee intends to ascertain directly from these bituminous coal operators, represented through the National Coal Association—and there are 7,000 of them in this country—whether or not they are profiteering; but I object, and seriously object, to the utilization of any general statement made by the Secretary of the Treasury or any other official tending to give the general impression that universally and uniformly these coal operators are profiteering, unless in those statements it is shown to the public what the losses have been. I object for the reason that at the present time there has been imposed upon the public—the consumer—in the wages of the miners, many of whom are earning as much as $4,000 a year, an additional burden of 14 per cent, which is supposed to be imposed upon the operators on the ground that they are profiteering and can pay that advance, but it does not work out that way. That 14 per cent advance placed upon the consuming public over and above the 58 per cent advance given by Dr. Garfield in the wages of the miners, which increased the cost of coal and fixed a load in the commodity of approximately $275,000,000, added another $107,000,000 to the cost of the commodity, on the ground that the mine operators were profiteering and could stand this increase. But do the mine operators pay it? In some few instances, yes; but in the majority of instances, no.

In my State alone the public service corporation of that State has made a protest to the committee of which I have

the honor to be chairman against the 14 per cent advance, on the ground that it will cost them $500,000 a year additional for their coal, and I asked them why, in view of the statement of Dr. Garfield and Attorney General Palmer that the operators would bear these increases. They said it was because, under the contract, any change in prices or increase in wages or costs was to be imposed upon the consumer. That is their contract, and this public utility corporation of my State is taxed $500,000, and through them indirectly the consumer is taxed.

I do not want to take too much of the time of the Senator from Utah, but I am deeply interested, because the subcommittee of the Committee on Interstate Commerce is earnestly trying to get at the bottom of this thing and make a report to the Senate. We have been sitting now for two months and a half.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. FRELINGHUYSEN. I yield.

Mr. HARRIS. This resolution, if adopted, would be of great assistance to the committee if they want to get the real facts.

Mr. FRELINGHUYSEN. I have no objection to the Senator's resolution, but I prefer to get the facts in my own way directly from the operators. I wish briefly to present a few figures in relation to this report, if the Senator from Utah has no objection.

Mr. SMOOT. If it will not take the Senator too long, I will be glad to yield.

Mr. FRELINGHUYSEN. I wish to call attention to a statement of Mr. McAdoo in a public telegram to Fuel Administrator Garfield, wherein he gave the impression that the bituminous-coal operators in 1917 had made shocking and indefensible profits. It occurred to me to ask why the Secretary of the Treasury had not made that public before, if he knew it. He said that their returns showed earnings upon capital stock ranging from 15 to 2,000 per cent, although he admitted that he did not know what the profits were in 1918 or 1919.

I made some investigation of that. On page 130 of Mr. McAdoo's letter, printed as Senate Document No. 259, Sixty-fifth Congress, second session, will be found the details upon which the former Secretary undertakes to justify these statements. The first company mentioned is symbol 132, on page 131, which appears to have earned 3,954 per cent on its capital stock in 1917 before taxes were paid.

Mr. SMOOT. That is on the capital stock.

Mr. FRELINGHUYSEN. The capital stock reported for that company, however, was only $10,000, while the capital invested in the company was $569,286, and the average percentage earned on that capital, after Federal taxes were paid, was 35.47 per cent. There are other charges, in addition to that, that must be taken out of those earnings.

Mr. SMOOT. In this connection the Senator might well say that everybody knows the company, and everybody knows that it was one of the most profitable concerns mining coal in the United States.

Mr. HARRISON. Mr. President, may I ask who has the floor?

Mr. SMOOT. I have the floor.

Mr. HARRISON. Will the Senator yield for me to ask a question of the Senator from New Jersey?

Mr. SMOOT. I will yield for that purpose.

Mr. HARRISON. The Senator from New Jersey says that for two and a half months his subcommittee has been investigating this question. What has the subcommittee done?

Mr. FRELINGHUYSEN. I will be very glad, if the Senator from Utah will yield, to tell the Senator from Mississippi what the subcommittee has done.

Mr. HARRISON. The reason why I ask that question is because the Senator said he preferred to get his information from the operators themselves in his own way. I want to know how he expects to get it and what he meant by that statement.

Mr. FRELINGHUYSEN. I will be very glad to tell the Senator. The Senator has asked me two questions. First, as to what the subcommittee has done and has been doing. I will tell the Senator. When we entered upon this investigation we found that there was a condition in production which pointed to a coal famine in the country during the coming winter, even without a strike; that after the war, and after the armistice, the consumers were not buying coal, that there was no market; that the director general had not repaired the cars, and that there were 115,000 idle cars; that there was a shortage at the mines; that the average production per week was 6,000,000 tons, when, according to the production of the previous year, it should have been 10,000,000 tons.

We also found that many of the mines were closed down because they could not get the cars. The committee cooperated with Director General Hines, who placed his car-service division at the accommodation of the committee, and through the committee we furnished them with information where at the various mines there was a shortage of cars, and during August, September, and October, and until the strike, we built that production, through that clearing-house system, up to 13,000,000 tons. It was by reason of that activity of the committee that there was a large surplus of coal when the coal miners of this country struck in violation, in my opinion, of their contract and threatened to freeze and starve the people of this country.

Mr. HARRISON. Mr. President——

Mr. FRELINGHUYSEN. Now, let me go on. The Senator has asked me two questions.

Mr. HARRISON. I wanted to find out if the Railroad Administration could not have gotten that information other than from the subcommittee investigating the subject.

Mr. FRELINGHUYSEN. Yes; the Railroad Administration might have gotten it; but they did not, and the subcommittee did.

The Senator asked me why I prefer to procure this information in my own way.

Mr. HARRISON. No; I did not ask the Senator that. The Senator said that he preferred to get this information from the operators themselves, in his own way. I thought that statement was a little peculiar. I wanted to know why he did not want to confer with anyone else.

Mr. FRELINGHUYSEN. I admit it might have been a peculiar statement; but I intend to explain to the Senator what I meant. He asked me.

Mr. HARRISON. Go ahead.

Mr. FRELINGHUYSEN. Very often when a body of this character is considering a financial statement, the general impression might be given regarding profits or losses, without any investigation of the details or figures, that either excessive profits or excessive losses are made. I prefer to take that statement and analyze it and find out how those profits are made, and what is chargeable against them, and not the general statement which has been made by some of our bureaus, such as the Federal Trade Commission and others, that the coal-mine operators were losing 50 per cent or making 50 per cent, when they had not charged off the proper items, and it was not a correct financial statement.

There are five members of the Interstate Commerce Committee on this committee, and we have had no counsel, we have had no one to assist us. The Senator from Michigan and myself have been carrying on these hearings, and if the Senator from Mississippi wishes to inform himself further as to what we have done, I should like to have him read the hearings and see the information we have procured. I will say to the Senator that we intend to recommend legislation to correct some of these evils that exist in coal-mining operations in this country.

Mr. HARRISON. The Senator has said that they had no attorney, I believe. Has the subcommittee had any accountant to look over the books of the operators? Have the books been investigated?

Mr. FRELINGHUYSEN. No; not at all.

Mr. HARRISON. If the books have not been investigated, the only statement that the subcommittee has had is from the operators themselves as to their profits. Is that right?

Mr. FRELINGHUYSEN. The subcommittee began in the anthracite field, and they have made some investigation of the statements of the companies, and have placed them upon their records; and they have themselves asked some questions. I myself know something about figures, but I should like to have assistance, and I shall ask the Senate to give it to me, not only counsel but accountants.

Mr. HARRISON. The Senator said that he had not himself looked over the books of the operators.

Mr. FRELINGHUYSEN. I have not looked over the books.

Mr. HARRISON. So when the Senator said that he preferred to get the information himself from the operators, in his own manner, he meant by merely questioning the operators——

Mr. FRELINGHUYSEN. Not at all.

Mr. HARRISON. Without looking over their books, without having any special accountants investigate them, from the returns made by them to the Treasury.

Mr. FRELINGHUYSEN. Not at all. I have compelled every operator who came before us to file a full statement of his profits and his production costs, and that has gone on the record, and the committee fully intends to make a thorough investigation of those figures. We have asked them for statements more complete than any statement that this resolution will produce.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SMOOT. I yield to the Senator.

Mr. SUTHERLAND. I was going to suggest to the Senator that it might be possible to amend this resolution to a form similar to the resolution that was adopted June 6, 1918, to which Senate Document 259 is a reply, requesting information in regard to the incomes of all corporations having a percentage of income over a certain fixed amount, say 20 per cent.

This resolution, originally adopted here, to which this document is a response, called for the incomes of corporations having an income in excess of 15 per cent. That would enable us to get at the figures of these institutions that have been getting excess profits over and above the fair figure of 20 per cent without discrimination.

Mr. SMOOT. Mr. President, the Senator, I suppose, has prepared his amendment, and when the resolution comes up the next time for consideration I expect he will offer it.

Mr. SUTHERLAND. Very well.

Mr. SMOOT. The Senator from New Jersey [Mr. FRELINGHUYSEN] called attention to symbol 132, with a capital stock of $10,000, with an invested capital of $569,286, showing a profit, not on the invested capital but on the capital stock, of 3,189 per cent. That is not the extreme case in this document, Mr. President. I find symbol No. 162, with a capital stock of only $10,000, with an invested capital of $1,274,364, showing a percentage of profit of 5,983 on the capital stock, $10,000.

There is a company reported with a capital stock of $1,800, with an invested capital of $177,095.

Mr. McAdoo, the Secretary of the Treasury, referred to cases of this kind as showing the exorbitant rates that have been made upon the mining of coal in the United States. I do not know whether the Secretary gave the statement out the way the papers reported it or not, but if he did it was unfair for him to do so, and I have had too much confidence in the Secretary of the Treasury to believe that he ever tried to mislead the public in the way that they were misled. I am fearful, Mr. President, that it came through the press not as he stated it but as those persons receiving the information from him desired to have it spread from one end of the country to the other. I think it is unwise for any business in the world to have a capital of $10,000 with $1,274,364 invested in the business, not by way of capital stock but by way of invested capital. The only reason I can think of, Mr. President, why a company would do that is that the act of 1913, which Senators will remember, imposed a tax of 50 cents on each thousand dollars of capital stock.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3315.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Harrison	Myers	Simmons
Brandegee	Henderson	New	Smith, Ga.
Capper	Hitchcock	Newberry	Smith, S. C.
Chamberlain	Johnson, Calif.	Norris	Smoot
Colt	Jones, N. Mex.	Nugent	Sutherland
Culberson	Kendrick	Page	Townsend
Curtis	Kenyon	Phelan	Underwood
Dial	Lenroot	Phipps	Walsh, Mass.
France	Lodge	Pomerene	Walsh, Mont.
Frelinghuysen	McCormick	Reed	Watson
Gay	McCumber	Robinson	Williams
Gronna	McKellar	Sheppard	
Harris	McNary	Shields	

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained on official business.

Mr. GRONNA. I was requested to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], due to illness. I ask that this announcement may stand for the day.

Mr. NEWBERRY. I was requested to announce the absence of the Senator from Maine [Mr. HALE], the Senator from Florida [Mr. TRAMMELL], and the Senator from Nevada [Mr. PITTMAN] on business of the Senate.

The PRESIDING OFFICER (Mr. NUGENT in the chair). Fifty Senators having answered to their names, a quorum is present.

[Mr. KENYON addressed the Senate. After having spoken for an hour and three-quarters he closed his remarks for the day.]

Mr. KENYON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate ajourned until to-morrow, Saturday, January 17, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 16, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more our Father in heaven, we approach Thee in prayer, and we pray with open minds and hearts, that we may be tractable to the sacred influences, within and without, and thus be inspired to clear perceptions of right and truth and duty.

We bless Thee that this day marks the progress of a nation. Under the Constitution, prohibition goes into effect at twelve o'clock to-night. It will be a blessing to millions and will hurt no one. Help us as law-abiding citizens to uphold and support this humane law; and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. EVANS of Nebraska, by unanimous consent (at the request of Mr. ANDREWS of Nebraska) was granted leave of absence, indefinitely, on account of a death in his family.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10074, a bill to increase the jurisdiction of the municipal court.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on the Judiciary, asks unanimous consent for the present consideration of the bill H. R. 10074, which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make an inquiry about this bill. Nobody knows what it is.

The SPEAKER. The Clerk is going to report it.

Mr. CLARK of Missouri. Let it be read.

The SPEAKER. The Clerk will again report it.

The title of the bill was again read.

Mr. CLARK of Missouri. Does this simply apply to the District of Columbia?

Mr. VOLSTEAD. Yes; it simply applies to the District of Columbia. The Committee on Rules have reported a rule making it in order.

Mr. CLARK of Missouri. It does not make any difference about the rule, I am inquiring about the bill. What does it do?

Mr. VOLSTEAD. It increases the jurisdiction of the municipal court in cases up to $1,000 and enlarges to some extent the scope of the jurisdiction of the court. At present they have got exclusive jurisdiction only of cases amounting to $20. This bill would give jurisdiction of cases in amount up to $1,000.

Mr. DYER. Also, if the gentleman will yield, I will say to my colleague that it makes them a court of record, and takes away what is known now as the justice of the peace court, with an appeal to the supreme court, when the cases are tried de novo. This bill would now give them jurisdiction over certain cases and appeals only to the court of appeals, makes them a court of record, permits jury trials, and brings the amount up to $1,000 of cases of which they shall have jurisdiction.

Mr. CLARK of Missouri. Does the gentleman think it will expedite justice in the District?

Mr. DYER. I think it will. I will say to my colleague there is a great deal of work in the Supreme Court of the District of Columbia. The judges are unable to keep up with the work. They are away behind, several years behind, and one of the causes is that these cases from the municipal court go

to the supreme court on appeal and are tried de novo, which takes immeasurable time from the judges. This will relieve that.

Mr. CLARK of Missouri. This bill does not increase the number of judges in the District?

Mr. DYER. It does not increase the number of judges and it does not increase the salaries.

Mr. WALSH. It does increase the salaries.

Mr. DYER. It does not increase the salaries and does not increase the number. The gentleman is mistaken.

Mr. GARD. Reserving the right to object, Mr. Speaker, this bill is rather of wider significance and application than has been stated by either gentleman. I do not think it should be considered by unanimous consent, inasmuch as the matter is already prepared for by the application to the Committee on Rules. I object.

The SPEAKER. Objection is made.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House resolution 435, submits a privileged report on said resolution, with the recommendation that the same be agreed to.

House resolution 435.

"*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10074, being a bill 'To enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes.' That there shall be not to exceed one hour's general debate, one-half to be controlled by the chairman of the Committee on the Judiciary and one-half by the ranking member of the minority of said committee. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule; whereupon the bill shall be reported to the House with the amendments, if any, and the previous question shall be considered as ordered on the bill, and all amendments thereto to final passage without intervening motion, except one motion to recommit."

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule was agreed to unanimously by the Committee on Rules, in response to the request of the Committee on the Judiciary, on the information to the Committee on Rules that the bill had been unanimously reported by that committee. It is for the purpose of expediting the business of the House that the rule has been reported. I do not care to discuss the matter, inasmuch as it has already been discussed under the reservation made by the gentlemen here on the request for consideration by unanimous consent.

Mr. GARD. I am not sure if I heard correctly. Was the time for general debate limited to one hour?

Mr. CAMPBELL of Kansas. The time for general debate was limited to one hour.

Mr. GARD. Is that enough general debate, in the opinion of the chairman of the committee?

Mr. CAMPBELL of Kansas. The Committee on Rules thought, and the chairman of the Committee on the Judiciary thought, that that would be sufficient. The discussion under the five-minute rule will add to the information of the House.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question.

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. CLARK of Missouri. How much does this bill increase salaries?

Mr. CAMPBELL of Kansas. My information is that it does not increase salaries at all.

Mr. CLARK of Missouri. It increases the expense?

Mr. CAMPBELL of Kansas. The only expense that would be added, I think, would be in the administration of the law, in calling for a jury. Now the municipal courts are not permitted to have juries. These courts would be permitted to call juries, and the expense of the jury would be the only additional expense, and the expense incident to the jury.

Mr. CLARK of Missouri. The leader of the Republicans, Mr. MONDELL, of Wyoming, stated yesterday that he was going to effect economies amounting to $1,000,000,000. Now, if you go on increasing the expenses of everything, how are you going to effect an economy of $1,000,000,000?

Mr. CAMPBELL of Kansas. A part of this expense will be on the litigants in civil actions, I assume, as it is in most of the States. The costs of the case will include the jury expenses, which will be paid by the defeated litigant.

Mr. CLARK of Missouri. And three-fourths of the defendants in these cases are insolvent, if not nine-tenths of them.

Mr. DYER. Will the gentleman yield to me?

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Illinois for a question.

Mr. MANN of Illinois. The gentleman said, as I understood, that this would increase the expenses by the payment of the jurors in this court. Is it not a fact that the cases that will be tried in this court by jury will be tried in the Supreme Court of the District of Columbia by a jury if this bill does not pass, and that the expense there will be greater than in the municipal court?

Mr. CAMPBELL of Kansas. That is undoubtedly true.

Mr. DYER. That is just what I wanted to call the attention of the gentleman to. In my judgment there will be less expense in administering the law if this bill is passed than there now is in administering the law in these cases in the Supreme Court of the District of Columbia.

Mr. CAMPBELL of Kansas. Unless there is a request for time——

Mr. GARD. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. What is to be the division of time in general debate?

Mr. CAMPBELL of Kansas. The time is to be equally divided between those favoring and those opposing the bill.

Mr. Speaker, I move the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. VOLSTEAD. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10074.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, with Mr. TREADWAY in the chair.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I shall occupy only a few minutes in the discussion of this bill, for the reason that in the preliminary consideration considerable information has already been obtained by the House as to the necessity for this legislation.

For many years the Supreme Court of the District of Columbia and the citizens of the District of Columbia have insisted that we furnish some relief to that court. This court has general jurisdiction for the trial of all classes of cases outside of matters confined to the police court, the juvenile court, and the municipal court.

The Supreme Court of the District of Columbia is at the present time some two or three years behind in its work. It is said that an ordinary lawsuit, such as we aim to confer the power on the municipal court to try, can not ordinarily be tried in less than three years, and in scarcely any instance in less than two years after the issues are made up. This, of course, is a practical denial of justice. We have had bills before us time and again for the purpose of increasing the number of judges in the Supreme Court of the District of Columbia. The Judiciary Committee in the last Congress reported a bill granting two additional judges to that court, but it failed of passage.

On an examination of the situation in the District, I concluded that the proper thing would be to give to the municipal court enlarged jurisdiction. Under the existing law it is a municipal court in name only. It has exclusive jurisdiction only in cases where the amount in controversy is $20 or less. Nominally, it has exclusive jurisdiction of cases up to $100; but as the Constitution provides that a person is entitled to a jury trial in all cases where the amount in controversy exceeds $20, a person can secure a transfer from the municipal court to the supreme court simply by filing an affidavit.

It is proposed by this bill to give to the municipal court jurisdiction up to $1,000. As I drew the bill, the jurisdiction was fixed at $2,000. The bill in this form had the approval of the Supreme Court of the District of Columbia, the municipal court, the chamber of commerce, and, so far as I know, of everyone in the District who was interested in the subject, except that there was a demand for an increase of the limit of

jurisdiction to $3,500 instead of $2,000. The Judiciary Committee, on consideration of the matter, cut this amount from $2,000 to $1,000. They did so largely because in many cities of the size of Washington municipal courts have jurisdiction only up to $1,000. Possibly there is some reason why in this city it should be more, but it is for this committee to determine what that jurisdiction should be.

This will not materially—though it will to some extent—increase the expense of the administration of justice in the District. We hope, if this bill is passed, that in the near future a great many actions can be tried that otherwise would be delayed. By that delay the expense would, of course, be spread over more years, so that the actual annual cost in the immediate future will be a little more if this bill passes; but we can not afford to say to the people of this District that they ought to be denied the opportunity to try their cases for that reason. The increase in the expense would be very much greater than those incurred under this bill if we should furnish the two additional judges of the supreme court asked for by the citizens and by that court. The judges of the supreme court draw salaries, I believe, of $7,500 each. Two additional judges would mean $15,000 additional expense. By giving the judges of the municipal court the necessary jurisdiction and clerical force to carry on their work, they are in a position to do a large amount of work which the Supreme Court of the District would otherwise be required to do.

It seems to me we ought to give relief in this way. We are giving it then in line with what cities generally are doing. In this court cases can be tried more readily and inexpensively, under less technical rules, than in the Supreme Court of the District. We have now five judges in the municipal court. They draw salaries of $3,600 apiece. I am told that they are men of high character and ability. The law requires that they must be lawyers who have practiced at least five years in this District. I can see no good reason why these men should not try these cases just as well, efficiently, and fairly as they can be tried in the supreme court; and, as the people of the District ask for this relief and the relief is so greatly needed, we ought to pass this bill.

Mr. DOWELL. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DOWELL. On page 2 I note a provision for the transfer of cases. May I inquire what that has reference to?

Mr. VOLSTEAD. It has reference to cases now pending in the supreme court. If those cases are within the jurisdiction that we contemplate conferring on the municipal court, they may be transferred to the municipal court instead of allowing them to remain in the supreme court.

Mr. DOWELL. The language of the section does not carry out that meaning to one who understands it. If it said that all cases now pending in the supreme court may be transferred, it would mean what the gentleman suggests.

Mr. VOLSTEAD. The gentleman can present his views when we come to that part of the bill.

Mr. BRAND. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BRAND. Is it the chairman's understanding that if we pass this bill they will not ask for the additional judges of the supreme court?

Mr. VOLSTEAD. They may ask for it, but if we furnish this relief the chances are that we will not grant it.

Mr. IGOE. Will the gentleman yield?

Mr. VOLSTEAD. Certainly.

Mr. IGOE. So that it may be clear to the House, I ask the gentleman if it is not true that this bill meets with the approval of the District Supreme Court judges, the District Municipal Court judges, the bar association, and the chamber of commerce?

Mr. VOLSTEAD. It does, and this bill was drawn at their suggestion and approved by all those bodies.

Mr. DOWELL. Will the gentleman further yield?

Mr. VOLSTEAD. I will.

Mr. DOWELL. What is the jurisdiction of the municipal court?

Mr. VOLSTEAD. It has exclusive jurisdiction of sums up to $100, and concurrent jurisdiction with the supreme court of sums up to $500.

Mr. DOWELL. And this bill gives the municipal court exclusive jurisdiction up to $1,000?

Mr. VOLSTEAD. Yes; and furnishes them a jury.

Mr. SMITH of Michigan. And as to the right of appeal——

Mr. VOLSTEAD. The right of appeal to the supreme court is cut out, and the appeal will go directly to the Court of Appeals of the District.

Mr. LONGWORTH. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. LONGWORTH. Who appoints the judges of the municipal court?

Mr. VOLSTEAD. The President of the United States.

Mr. LONGWORTH. With the advice and consent of the Senate?

Mr. VOLSTEAD. I am not sure about that. We make no changes in appointment of the judges.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. FAIRFIELD. What is the condition of the business in the municipal court to-day? Is it congested?

Mr. VOLSTEAD. No; they have very little to do. There is no objection on the part of the judges of the municipal court to assuming these additional duties.

Mr. RAMSEYER. Is this bill the unanimous report of the Committee on the Judiciary?

Mr. VOLSTEAD. It is the unanimous report.

Mr. RAMSEYER. How are the judges paid, by fees or salaries?

Mr. VOLSTEAD. The municipal judges are each paid a salary of $3,600 annually.

Mr. RAMSEYER. And appointed for how long?

Mr. VOLSTEAD. For four years.

Mr. BRAND. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. BRAND. The gentleman says the jurisdiction is limited to $1,000. What is the objection to increasing it to $3,000 or $5,000?

Mr. VOLSTEAD. Personally I would have been willing to leave it at $2,000, but the Judiciary Committee thought that this ought to be limited to about the amount usual to cities of this size, which is about $1,000. There are conditions here that might perhaps justify an increase beyond $1,000.

Mr. BRAND. Would not more relief be given to the supreme court if you increase it $1,000?

Mr. VOLSTEAD. There is no doubt about that, it would take care of a great many more cases, and I think it might be better.

Mr. BRAND. Does the supreme court or the city government or the bar association object to increasing it to $2,000?

Mr. VOLSTEAD. No; the representative of the chamber of commerce asked that it be made $3,500.

Mr. RAMSEYER. Will the gentleman state what are the qualifications of a municipal judge?

Mr. VOLSTEAD. He must be a man learned in the law and have been in active practice for five years in this District.

Mr. WATSON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WATSON. How much more will this cost under this bill if it becomes a law?

Mr. VOLSTEAD. There is no increase in the salary of the judges nor in the number of judges. There is a provision for the appointment of two clerks at $1,200 apiece, and the court is given a jury. At present there are no juries in the municipal court. Of course, if you are going to furnish necessary juries to the municipal court so that the people can try their suits, it will mean some little additional expense, but the people are entitled to a trial by jury, whether the trial takes place in the municipal court or the supreme court.

Mr. WATSON. The rules must be enlarged in order to conduct proceedings in the municipal court under this bill.

Mr. VOLSTEAD. Yes; and there is a provision authorizing the judges in banc to make the necessary rules.

Mr. WATSON. Is this expense to be borne under the 50-50 proposition?

Mr. VOLSTEAD. Yes; the half-and-half provision applies to this as it does to everything else. Mr. Chairman, I reserve the balance of my time.

Mr. GARD. Mr. Chairman and gentlemen of the committee, it may be well to understand what this measure is, and therefore I crave your attention in order that I may discuss certain provisions in the bill with respect to proper amendments thereto.

In the first place, the chairman of the Committee on the Judiciary has said that this bill is to relieve the necessity for additional judges of the Supreme Court of the District of Columbia. I have the report of the hearing on this case, pages 12 and 13, in which it appears on the hearing held before the chairman of subcommittee No. 2, of which Mr. DYER, of Missouri, is chairman, that inquiry was made as to whether or not the passage of this act would do away with the necessity of additional judges for the District of Columbia Supreme Court, and Mr. DYER, speaking to the principal witness, who was Mr. Chapin Brown, I believe, said:

Mr. DYER. If Congress did that—

And he was referring there to the passage of this bill in the sum of $3,000 as the exclusive jurisdiction—

would it relieve the work of the supreme court sufficiently so as not to necessitate appointment of additional judges?

Mr. BROWN. No; I think not; no, sir. They would need those two judges. They ought to be appointed right now. They would need them even with this change.

So that we get now to a consideration of just what this bill is, what the law was before, and what the change contemplated amounts to. The judges of the municipal court are embraced under the municipal code, section 1 and section 2. Section 2 provides, first, that the judicial power of the District shall continue as at present—

To be vested in, first, inferior courts, viz, justices of the peace and the police court, and, second, superior courts, viz, the Supreme Court of the District of Columbia, the Court of Appeals of the District of Columbia, and the Supreme Court of the United States.

It may be interesting to note, too, that section 1 of this act provides that—

The common law, all British statutes in force in Maryland on the 27th day of February, 1801, and the principles of equity in admiralty, and all general acts of Congress, etc., shall be applicable in the District of Columbia.

The primary limitations were the common law and the British statutes in force in Maryland in the year 1801. Therefore, the municipal court, in its old name, in its old authority, was a court of justices of the peace. This was changed in 1909 so that this language was used:

That the inferior court known as justices of the peace in the District of Columbia shall remain as now constituted but shall hereafter be known as the municipal court of the District of Columbia.

That law provided that the said court and each member thereof should exercise the same jurisdiction as was vested in them as justices of the peace immediately before the passage of the act and no more, and that they shall be governed by the laws then in force. That act sought to dignify by a new appellation a court known as justices of the peace. The present bill seeks now to give additional authority and additional dignity to the municipal court which in reality is a court of justices of the peace, and I desire to discuss briefly whether that be advisable under present conditions or not.

Justices of the peace, as everyone knows, are called the people's courts. The courts known as justices of the peace the country over are courts wherein the small actions which occur between man and man may be taken up for immediate adjudication. A complaint is filed, notice is issued, and the case is usually heard in three or four days. That is the object of this court here in the District of Columbia. It has taken the place of justices of the peace.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. BEE. In that connection, in the analogy of justices of the peace, does this law require that these judges of the municipal court shall be practicing lawyers, and name the length of years they shall have practiced before they are eligible to appointment?

Mr. GARD. No; I think not. It requires that they shall have been a judge or a resident of the District for five years.

Mr. VOLSTEAD. Mr. Chairman, if the gentleman will permit, the law does require that they shall be men learned in the law and engaged in the practice of the law for five years, except as to those judges who were judges at the time the act was passed. An exception was made in favor of them.

Mr. BEE. It occurs to me that a man holding such an important office here should be a lawyer. I understand that in one State of the Union, under a clause of the constitution providing that a man shall be learned in the law, a gentleman who has followed the business of merchandizing all of his life became the chief justice of the State.

Mr. GARD. I do not think the phrase "learned in the law" can be conclusive even to those who are practicing attorneys.

Mr. BEE. I do not think so either, but the presumption is in their favor.

Mr. GARD. What I was about to speak of was this: We changed the character of this court, and I desire to call the attention of the chairman of the Committee on the Judiciary to this fact. Section 2 of this bill provides that instead of its being a court of justices of the peace it shall now be a court of record; that it shall have the same terms as those that now obtain. In other words, the hearing will be an entirely different hearing. Instead of the immediate hearing guaranteed to litigants, in small cases, we will now have the hearing by terms, to be arranged by the court itself or by the supreme court, and the language there is so uncertain that it is difficult to tell just what it means.

Mr. VOLSTEAD. If the gentleman will pardon me, I think he is entirely mistaken as to that.

Mr. GARD. I am not.

Mr. VOLSTEAD. This bill provides that the judges in banc may make rules and regulations for themselves, and it is merely contemplated that they can carry on this business in the same way that they are doing now.

Mr. GARD. I know what it provides and I shall call attention to it. The old law provided in the municipal code certain elements of jurisdiction, and this bill provides for an increase of the elements of jurisdiction, and those elements are so uncertain that the language certainly needs amendment to enable correctness of understanding. The bill we have before us provides that it shall have jurisdiction over causes which it had immediately prior to the passage of the act—

and in action for the recovery of damages for assault, assault and battery, slander, libel, malicious prosecution, and breach of promise to marry.

At the end of the section it provides—

said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

So that now it has an original jurisdiction in the sum of $1,000, and then the jurisdiction for assault, assault and battery, slander, libel, and so forth, and then a jurisdiction by transfer of all civil causes, no matter what they may be, no matter how large they may be, no limitation on amount—all civil causes referred by the supreme court to the municipal court. If it is the intention of those who have this bill in charge to create five new additional judges of the supreme court, then that is what they are doing; but I do not believe that was the original intention of the Committee on the Judiciary. I believe the intention was to increase the jurisdiction of this court to $1,000, so that the smaller litigations might be taken care of without the continuous appeal which has embarrassed the supreme court. But we go beyond that. We not alone take away the appeals under small amounts that we now have, but we say that any civil cause the supreme court might want to get rid of, or any number of them, may be transferred to the municipal court. The supreme court may transfer half its docket down there. It is well for us to have an understanding. Here are five judges of a municipal court, five justices of the peace. We take away the jurisdiction of the justices of the peace, and we give these justices of the peace the jurisdiction of the judges of the Supreme Court of the District of Columbia.

That is exactly what this bill proposes to do, and the minute you do that, the minute you make transfer of a lot of causes from the Supreme Court of the District to the municipal court, you will come in with five municipal judges who will say, "We are doing the same work as the Supreme Court of the District of Columbia and our salaries of $3,600 are inadequate to our 'learned-in-the-law' experience, and therefore we say that our salaries should be placed at least on a parity with the judges of the supreme court."

Mr. DOWELL. Will the gentleman yield?

Mr. CRAMTON. Will the gentleman yield?

Mr. GARD. I yield first to the gentleman from Iowa and then to the gentleman from Michigan.

Mr. DOWELL. Under the provisions of this bill the gentleman would not argue it would be possible for the supreme court to refer a case to the municipal court that involved more than $1,000?

Mr. GARD. I would, unquestionably.

Mr. DOWELL. Why, the strict provisions of this bill prevent any hearing before this court beyond that amount.

Mr. GARD. Oh, no. I know if the gentleman will read carefully he will see there is an entire disassociation between the $1,000 and the last paragraph.

Mr. DOWELL. I concede the last paragraph of section 1, about which I asked the chairman of the committee, is incorrect, but I can not understand how you can base an argument that even under that section the court could be given jurisdiction over cases above $1,000.

Mr. GARD. I think I am entirely right on that proposition, although I do not question the good faith and judgment of the gentleman from Iowa. Now I yield to the gentleman from Michigan.

Mr. CRAMTON. In any event, does the gentleman from Ohio think that the supreme court would be any more ready to surrender jurisdiction in any particular case—except it be a very exceptional case where such a course was very necessary—that it would be any more likely to surrender jurisdiction than one committee of the House is inclined to surrender jurisdiction of a measure to another committee?

Mr. GARD. I do not know how jealously they guard their dockets.

Mr. CRAMTON. Well, human nature the world over is human nature, and courts are likely to be as jealous of their jurisdiction as the committees of the House are jealous of theirs, and they are somewhat jealous.

Mr. GARD. My observation, and it has been somewhat, has been that human nature is such that it does not object to the shifting of responsibility and of work, especially if the same financial return for a smaller amount of work be obtained. I now yield to the gentleman.

Mr. MOORE of Virginia. I was about to say to the gentleman that I think he was unquestionably right in his statement made a moment ago, that there would be no limitation at all upon the power of the Supreme Court of the District to transfer causes to this municipal court if the bill should be enacted in its present terms. Personally I do not object to giving the supreme court that broad discretion; nevertheless it is certainly true the court would have the right to transfer equity cases and admiralty cases and patent cases and other suits of which the supreme court may have jurisdiction.

Mr. KITCHIN. Irrespective of the amount.

Mr. MOORE of Virginia. Irrespective of the amount. If that is the purpose, the purpose is carried out by this language.

Mr. GARD. Yes; I think it is very true, as stated by the gentleman from Virginia, but it is entirely a matter of purpose. If it is the purpose of this committee to do that, then this language is all right. On the other hand, if it is the purpose to extend the jurisdiction of this court to sums of $1,000, then this language is entirely wrong. Now, I desire to call the attention of the chairman of the Committee on the Judiciary, if he has finished his conference with the gentleman from Illinois, for a moment to the consideration of section 3. Section 3 provides—

That hereafter when the value in controversy of any action pending in certain municipal courts shall exceed $20, and in all actions for the recovery or possession of real property, either party may demand a trial by jury.

I call the attention of the gentleman who introduced the bill to the fact that section 1 of the bill nowhere provides that this court shall have the right to try actions for the recovery of possession of real property. The old law was this, and I read from it, that this court—justice of the peace court—had jurisdiction of a certain amount, not exceeding $300, including proceedings of attachment, replevin, and so forth, except in cases involving the title to real estate, actions to recover damages for assault or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for official misconduct, or actions for slander, libel, and for cases of breach of promise to marry. Now, there was an exception in there of the things which are included here, and there was an additional exception of actions involving title to real estate.

Mr. VOLSTEAD. This does not permit trial involving title to real estate. This permits a trial as to the right of possession. It does not permit trial of title to real estate. It is a possessory action, simply. There is another provision in the District Code specifically authorizing the municipal court to try that class of cases, and they try a great many of those now.

Mr. GARD. Well, I do not know; it may be that the contention of the gentleman is correct. I have been examining this, and I desire, and my only purpose is, to have the bill a proper bill, and therefore I am calling the attention of the committee to this matter in the hope that it can be amended so that there will be no question about this particular law. The succeeding section in the bill provides for the impaneling of jurors. It was stated in the hearings that there would be one jury trial, one set of jurors of this court.

That is a very remarkable statement, since this law, in section 4, provides they shall draw 26 persons as directed by law. Judge Gould and Judge Aukam, who appeared before the committee, said that the idea was to have one jury in this municipal court. Now, here are five judges, paid $3,600 a year—justices of the peace are what they are—whose dignity is by this law to be so increased and their jurisdiction so elevated, in their own scheme, at least, that they are resolved into a court of terms, and they have one jury.

Mr. VOLSTEAD. If the gentleman will pardon me, in the discussion between some of these gentlemen, and some members, at least, of the Judiciary Committee, it was thought perhaps it would be necessary to have two juries at the same time, but no provision was made for certifying more than 26, and a provision was decided on that in case of a deficiency others might be added as certified from the supreme court. So that the idea is to have at least two judges try jury cases when necessary.

Mr. GARD. Now, this is the law about that as you have it here in section 4: You provide that jurors may be drawn or selected under the law as it now is, by the mode of filling deficiencies in a panel. Now, here you have it further:

Deficiencies in any panel of any jury may be filled according to the law applicable to juries in said supreme court, and for this purpose any judge of said municipal court shall possess all the powers of a judge in said supreme court and of said court sitting as a special term.

In other words, you transfer and elevate, or increase, the jurisdiction of these ordinary justices of the peace in the District of Columbia, not alone to that of supreme court judges of the District of Columbia but as a court sitting as a special term.

The gentleman said a moment ago that there was some question about the rule. Let me tell him about that. Section 3 provides that the trial judge shall conduct such jury trial according to the course of the common law and according to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia. So it is not true that this municipal court can make its own rules about jury trials. This provides they shall try it according to the course of common law. What that means I do not know.

Mr. VOLSTEAD. There is another section that expressly provides for this. If you will turn to section 11 you will find that is expressly provided for.

Mr. GARD. I am calling your attention to this section:

The trial judge shall conduct such jury trial according to the course of the common law.

Probably rules. It says further:

According to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia.

That does not mean anything. It means in the Supreme Court of the District of Columbia. But you do not say that there. Now, in another place, you say that the members of this court, sitting in banc, may establish rules and regulations, but is not that conference of power at odds with this express provision that the conduct of a jury trial must be conducted as provided in section 3? In other words, there can be no reconciliation of these two sections, since one section provides for rules of their own and the other section provides for particular rules to be given by the supreme court.

That is the thing I desire to call the gentleman's attention to. Now, there is another thing that it is well to inform the membership of the committee about, and that is in section 10. It appears here that—

The municipal court shall have power to appoint two additional assistant clerks, to be known as jury clerks, at an annual salary of $1,200 each, payable in monthly installments—

And note what they have to do—

and the said clerks shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct.

That is only one thing that this law is trying to do. It provides for one jury panel of 26 men, and we authorize the appointment by the municipal court judges of two jury clerks in addition to what they have now. What duties this assemblage of jury clerks might have I confess I do not know.

I call attention to these matters in no spirit of criticism, but merely that the membership of this committee may understand. It is well to know that this bill came to the Committee on the Judiciary practically on an adoption. It was prepared by the chamber of commerce, composed of some 900 men, who wanted this bill to be made $3,000 or $3,500—I have forgotten which. In other words, they wanted to create an exclusive limitation of $3,500. The Committee on the Judiciary did not think that such an exclusive limitation in that amount was wise and restricted it to $1,000. Three thousand dollars, I am told, is what was asked for. The chairman of the committee said it was $3,500, but I am inclined to believe it was $3,000. So I am calling attention to these matters.

Now, I call attention to section 8, which manifestly needs rewriting. It says:

That suits may be prosecuted by poor persons in the discretion and upon the order of the court.

What is manifestly intended is, that if a person is indigent and finally unable to make deposit fees, the court in his discretion may permit the prosecution. But to say that suits may be prosecuted by poor persons is an assumption that possibly poor persons may have no right in this court unless this particular section 8 is passed.

There are a number of other things in the bill which I desire to call attention to and shall do so under the five-minute rule.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 28 minutes.

Mr. DOWELL. Will the gentleman yield for one further question?

Mr. GARD. I will yield, very gladly.

Mr. DOWELL. I note the gentleman has criticized section 3, relative to the provision for the recovery of possession of real property. Now, under section 1, I think, the gentleman has called attention to the fact that this was not included in section 1.

Mr. GARD. It is not.

Mr. DOWELL. Does the gentleman believe this court should have jurisdiction over the title of real estate?

Mr. GARD. I do not.

Mr. DOWELL. And should not this paragraph of section 3 be stricken out entirely and action in reference to real estate remain in the particular court where it now is?

Mr. GARD. I think all questions involving title to real estate should remain in the supreme court.

Mr. MOORE of Virginia. I will ask the gentleman this: Would not that very much curtail the present jurisdiction of the municipal court—a provision of that character?

Mr. GARD. As the chairman of the committee said a few moments ago, as to possessory actions, the actions that we call unlawful retainer, and so forth, why should not the municipal court have jurisdiction to try possessory actions?

Mr. MOORE of Virginia. I think it would; but I think there is a distinction between possessory actions and actions to try titles. I should say that the trial of possessory actions should be had in the municipal court, and title actions should be tried in the supreme court.

Mr. DOWELL. Might not the title be involved in this controversy?

Mr. GARD. That is what I thought when I called the matter to the attention of the Committee on the Judiciary.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GREEN of Iowa. I assume that in the District of Columbia the distinction between law cases and equity cases or chancery cases was maintained.

Mr. VOLSTEAD. Yes; quite generally.

Mr. GREEN of Iowa. I notice in the last part of section 1 this provision:

> Said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

Is it the expectation that after the passage of this bill all of these cases involving less than $1,000, of the nature specified in this section, will be transferred to the District municipal courts?

Mr. VOLSTEAD. That is the object of the provision.

Mr. GREEN of Iowa. I so understand it. It seems to me, however, that the provision might authorize any kind of a case to be transferred from the supreme court, although I would not expect the supreme court to take such action.

Mr. GARD. Mr. Chairman, may we have the benefit of the colloquy that is going on between the two gentlemen? We can not hear over here.

Mr. GREEN of Iowa. I have no objection to gentlemen on the other side being permitted to hear. If the disorder would subside I think the gentleman could hear.

The CHAIRMAN. The committee will be in order.

Mr. GREEN of Iowa. I was speaking with reference to the last sentence of the first section, which authorizes the transfer of all civil causes—it says "all civil causes"—to the municipal court, and I was just remarking that I did not suppose that the supreme court would transfer anything but law cases; but at the same time the provision apparently would authorize the transfer of equity and chancery cases, and it would seem to me that there ought to be some limitation there.

Mr. GARD. That is true.

Mr. GREEN of Iowa. Now, I would like also to say, if the chairman of the committee will yield——

Mr. VOLSTEAD. I yield.

Mr. GREEN of Iowa. I also notice in the last part of section 2 the following sentence:

> A memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof.

Now, I think it is obvious to any attorney that this mere memorandum would not constitute a proper record of the cases. All courts keep this kind of a memorandum, which they call their "docket memorandum" or the "appearance docket" or memorandum or something of that kind. It is, of course, very necessary that this memorandum should be kept, in order that the attorneys might have something to refer to, as to the proceedings in the case, without going through the complete record. But it is still more necessary that there should be a proper record of the case, because if there were not, as the gentleman can easily see, there would be no real judgment entered in the case.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. GARD. The idea of the gentleman is that there should be a final record?

Mr. GREEN of Iowa. Yes.

Mr. GARD. This provides simply for a daily memorandum or record.

Mr. VOLSTEAD. Let me call the gentleman's attention to the fact that this was evidently put in with the idea of not requiring the great formality that is required, for instance, in the supreme court. The idea is that this court shall be able to try cases expeditiously, so as to get rid of a lot of these cases. That is why they are given the power to make their own rules, so that with these smaller cases they can go on and try them as they try them now, except in those cases where a jury trial is required.

Mr. GREEN of Iowa. My friend from Minnesota is too good a lawyer not to realize that there are certain constitutional limitations in the way of a proceeding of that kind. There are certain things that must be shown of record in order to make up a judgment.

Mr. VOLSTEAD. There is not anything in that particular sentence that limits the character of that entry. It may be just as complete as it would be in the supreme court. It says:

> A memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof.

Mr. GREEN of Iowa. But a memorandum is very different from a complete entry of a judgment. At least it would be usually so understood.

Mr. VOLSTEAD. That is all you have in a justice's court. It is a memorandum on the docket of the justice, and that memorandum is in effect the judgment and the whole record of the case.

Mr. GREEN of Iowa. The gentleman will pardon me. Notwithstanding the informality or license that is granted to the justice's court by all other courts, by which certain matters may be considered that are not in the record, there are still certain requisites of a judgment in a justice's court, and if he does not get them in there there will be no judgment.

Mr. VOLSTEAD. There is nothing in this language to indicate that it should not go in, and it is provided that the court shall make its own rules as to what that memorandum shall contain.

Mr. GREEN of Iowa. The word "memorandum" has a perfectly definite meaning, and I do not see how the gentleman can write into it or get into it something that the dictionary does not give.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. JONES of Washington, Mr. NELSON, Mr. BANKHEAD, Mr. SMOOT, Mr. FALL, and Mr. MYERS as conferees on the part of the Senate.

MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I ask that the bill be read.

The Clerk read as follows:

> *Be it enacted, etc.*, That the municipal court of the District of Columbia shall have exclusive jurisdiction in the following cases of all claims and demands in which the value of the personal property claimed or the debt or damages claimed, exclusive of interest and cost, does not exceed $2,000, namely, in the classes of cases over which the court had jurisdiction immediately prior to the passage of this act, and in action for the recovery of damages for assault, assault and battery, slander, libel, malicious prosecution, and breach of promise to marry. The concurrent jurisdiction of the Supreme Court of the District of Columbia in any such case and the right to remove such cases to said supreme court by the statutory writ of certiorari are hereby

abolished. Said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

With a committee amendment:

On page 1, line 7, strike out "$2,000" and insert in lieu thereof "$1,000."

Mr. IGOE. Mr. Chairman, I offer a substitute by making it $3,000.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. IGOE: Page 1, line 7, strike out "$1,000" and insert in lieu thereof "$3,000."

Mr. IGOE. Mr. Chairman, I am in favor of this bill. The gentleman from Ohio [Mr. GARD] has pointed out some matters in the bill that might well be amended, certain language that might well be changed, and when we read those I presume that they will be properly taken care of.

The suggestion that was made that under the language contained in the bill the Supreme Court of the District of Columbia might transfer to this municipal court any action pending at this time is perhaps a correct one. I think it was intended that the supreme court might transfer to the municipal court any of those actions pending at the time this act takes effect which would be within the jurisdiction of the municipal court after the passage of this act. I do not think anything else was intended.

Now, it is true, as stated by gentlemen who appeared at the hearings, that this bill will probably not greatly relieve the supreme court, because the business of that court is increasing every month. But if this bill is not passed the congestion in that court will be so great that instead of waiting two years, as now, to get a trial, litigants will have to wait three or four years. A condition of that kind is absolutely intolerable. It is almost a complete denial of justice as things now exist. A plaintiff may file an action in the supreme court, and he can not hasten the trial. He may elect to bring his action in the municipal court, where that court now has jurisdiction, and the defendant against whom a judgment is obtained may appeal it to the supreme court, and so the matter again becomes delayed and the court docket congested. The testimony before the committee was that this municipal court pays into the Treasury of the United States or of the District of Columbia, whichever it may be, in excess of all the expenses of running the court, the sum of $100,000 a year, and I think we may well consider whether it is not proper and just to these litigants to provide the machinery necessary to give them prompt trial and justice, no matter what the expense may be.

Now, the limitation of $1,000 recommended by the committee is, I think, too small. I think rather that it should be increased to $3,000. The judges of the municipal court are appointed by the President. The law says that they shall be learned in the law; that they shall have been residents of this District for a certain length of time. Now, if these men are not competent to try these cases which come to them, some one has made a mistake. I believe we can get judges upon this bench who are capable of trying these cases; and, as far as I know, the men who are there now are competent and capable of trying them. It is true that the bill is presented by residents of the District of Columbia. There are many things in it relating to the practice which are peculiar to the District of Columbia. I am not competent to take the Code of the District of Columbia and the procedure and practice and write a bill which I am sure will be satisfactory to the practitioners at this bar or to the litigants who must submit their causes to the courts of this District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. IGOE. The practice in the District of Columbia is familiar perhaps to very few Members of this House. This bill was presented to the committee by men who are familiar with the practice here, by the judges of the supreme court, the judges of the municipal court, the members of the bar association, and the business men and others who are interested in these various associations here. It seems to me we might follow their suggestions upon matters of this kind, which affect their property rights, their money, and many of their other rights.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. IGOE. I yield to the gentleman from Iowa.

Mr. DOWELL. I assume the gentleman has the information, but it seems to me that his argument is based entirely upon the proportion of business that will come to this court with this amendment adopted. Now, has the gentleman the information as to whether or not the judges in the municipal court will be able to care for all of the cases within the limit of $3,000?

Mr. IGOE. My understanding is that they will be; but I am frank to say that I believe that later on these judges, or some one for them, will ask for an increase of their salaries, and I think they ought to get it. If they are men who are capable and competent, they ought to get more money than $3,600 a year.

Now, the situation to-day is that there are 300 cases a year appealed from the municipal court to the Supreme Court of the District of Columbia, and retried when that court can get to them. After they get into the Supreme Court of the District of Columbia, it takes two years to get the trial there, and then when the Supreme Court of the District of Columbia gets through with them they may be appealed to the court of appeals. Why, a man can never get a case disposed of under the present system. There is not a lawyer or business man here who would want to be subjected to such delays as are now incident to trials in the District of Columbia, and some relief must be given. If this bill it not in the proper form let us amend it so that it will give to the people of the District of Columbia speedy trials. In the municipal court now you can get a trial, I understand, in some instances within a few days, but when the case is tried, if it is one that can be appealed, it goes to the Supreme Court of the District of Columbia, and there it is placed in cold storage for about two years before it is tried again. So I think some legislation of this kind must be provided.

The suggestion has been made that perhaps the supreme court will not be relieved, and I agree with that suggestion. I think the Supreme Court of the District of Columbia should have been given the two additional judges that have been asked for during the last several years, and that this House voted to give, but for some reason or another the law was not finally passed. As far as I am concerned, I repeat again that this Congress ought to give to the people of this District whatever legislation is necessary to provide a just system for the trial of cases, and that they ought to be speedily tried, so that litigants may know what their rights are and may recover that which is justly due them.

Mr. CRAMTON. Mr. Chairman, I am personally in favor of the amendment offered by the gentleman from Missouri [Mr. IGOE]; but, in any event, if the Committee of the Whole does not see fit to go as far as the gentleman from Missouri suggests, I believe it certainly should retain the figure of $2,000 in the bill as first presented.

I would like to suggest that, inasmuch as the people of the District have no representative upon the floor of this House, we are in duty bound to give consideration to the expression of sentiment in the District of Columbia when it comes to us from reputable sources and from organizations that legitimately represent the sentiments of the District. In that connection I want to call your attention to the fact that the Chamber of Commerce of Washington, through its committee, has given great study to this question, and its recommendation on this point was for a jurisdiction up to $3,500, which is $500 more than the gentleman from Missouri [Mr. IGOE] proposes. Perhaps it has been gone over, but I should like to emphasize that the judicial system here consists of five courts, the juvenile court and the police court, whose jurisdiction is indicated by their titles; the municipal court, which has heretofore been a court with very small jurisdiction and without a jury; the supreme court, which handles civil matters, important criminal matters, and a great many appeals from the municipal court; and the court of appeals.

As the gentleman has said, there has been great delay in the handling of cases before the supreme court, cases lying dormant two or three years before the trial, so that it amounts to a substantial denial of justice. I would like to emphasize this thought, that the denial of justice under those conditions inevitably rests most heavily upon those who can least afford to bear it.

The man who has means can give his bond and can wait his time for trial, but the man who has no means, if he is suing for $300 or $400 wages or damages, if he has to go into the supreme court either through an appeal from the municipal court or original jurisdiction, he is absolutely denied justice, because he can not wait two or three years.

The propositions before us now involve the question merely as to giving the municipal court jurisdiction in cases between $1,000 and $3,000 or between $1,000 and $2,000. I am advised

that for the last three months the cases that have been filed in the Supreme Court of the District average about $11,000. That is the average amount involved in the cases in the supreme court. There have been two cases involving half a million dollars each, and, eliminating them, still the average is $7,500. It is apparent from that that even if this jurisdiction is given to the municipal court and the figure is raised to $3,000, the jurisdiction retained by the supreme court will still be ample to leave it all the work it can do, but it will have proper time to try the important matters that they do retain. On the other hand, the five judges of the municipal court are satisfied that they can, for the present, handle the business with that limit of jurisdiction.

Let me also emphasize that as to these cases between $1,000 and $2,000, or $1,000 and $3,000, if they are tried before the municipal court instead of the supreme court, and there is a jury, it will be the same kind of a jury that you would have sitting in the case if the supreme court tried them, because it is a part of the supreme court panel; it is certified from the supreme court. So the same jury would try it in one court as in the other, except that it would be tried about two years sooner in the municipal court than in the supreme court.

Then, if there is an appeal, the appeal is not on questions of fact but is upon points of law, and, if there is any difference between the capacity of the municipal court and supreme court and their infallibility, the appeal from the municipal court on points of law would go to the Court of Appeals of the District, just the same as it would have gone from the supreme court to the court of appeals. But, again, it would reach that court long before it could have reached it in the present course of things. Therefore the cases will receive the same careful consideration that they would receive under present conditions, except that justice will be granted in season.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GREEN of Iowa. The consideration of these cases will be better in the municipal court, because the supreme court has to hasten through their cases.

Mr. CRAMTON. It is not only that, if you wait two or three years the witnesses may die or remove, and conditions change. So really waiting two or three years is a denial of justice, whereas a prompt trial in the municipal court would be secured.

As to cases between $1,000 and $3,000 in amount, it is just as desirable to have prompt justice as if the amount was $999. Furthermore, if there is a case involving damages the complainant brings his suit, perhaps expecting to get $1,000 eventually—and no complainant ever asks when he brings his suit for just the amount he wants to get because he knows the habit of juries to scale things down—he will ask for $3,000, and therefore take it out of the jurisdiction given by the amendment—he is taken out of the jurisdiction of the municipal court and sent to the other court where he must wait two or three years, and eventually if the witnesses do not die, and he does not himself die, he will get a judgment for less than $1,000.

As to the capacity of the court it is my information that the members of this court must have been in practice for five years before they are appointed. In any event that is the fact as to the present court. They have been in active practice from 6 to 10 years. Their work has been so satisfactory that they are indorsed by the chamber of commerce, and furthermore there is no criticism heard anywhere. I submit that every consideration for the welfare of litigants in the District would increase the jurisdiction of the court above the thousand dollars. I would prefer it to go to $3,000, but in any event it should not go below $2,000.

Mr. HUSTED. Mr. Chairman, I have not heard any reason advanced for limiting the jurisdiction of this court to $1,000, except that that is the general average limit of jurisdiction in cities approximating the size of Washington for courts of this character. But that rule it seems to me should not obtain in this case. There is no basis for it here because these judges are appointed by the President of the United States and must be, as has been said, attorneys in active practice in the city for at least five years.

I believe the usefulness of this court can be greatly increased by increasing the jurisdiction to at least $3,000. I believe that the judges who are serving are fully competent to try such cases. I sincerely hope that the amendment of the gentleman from Missouri, increasing the jurisdiction to $3,000, will be adopted.

Mr. DEMPSEY. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. DEMPSEY. I see by section 6 that these judgments of the municipal court are to remain in force for only six years. This becomes a court of record under this act with a seal, and six years is the ordinary time that judgments of courts not of record are in force.

Mr. HUSTED. I think that section should be amended to conform with the change in the character of the court.

Mr. VOLSTEAD. They can be made judgments of the Supreme Court of the District by being filed there. If you do not file the transcript in the supreme court it only remains in force six years, but if you file the transcript in the supreme court it has the force and effect of a judgment of the supreme court.

Mr. DEMPSEY. Is there not this difference, that probably, in order to retain the force of your judgment, you would have to resue it in six years?

Mr. VOLSTEAD. Oh, no.

Mr. DEMPSEY. That is the result, as I understand it.

Mr. VOLSTEAD. No; when a judgment from a municipal court is filed in the supreme court it becomes practically a judgment of the supreme court. My understanding is that then the limitation that would apply to a judgment of the supreme court would apply to the municipal judgment. Where you do not file it, it expires in six years.

Mr. DEMPSEY. From decisions in the State of New York upon practically similar facts I should be inclined to doubt that, unless the gentleman had some other authority. I would say another word to the gentleman from New York [Mr. HUSTED] if I may. In addition to the arguments advanced by the gentleman from Michigan [Mr. CRAMTON] and the gentleman from New York [Mr. HUSTED] you have this state of facts: During the war we brought here an enormous number of people for temporary employment in the departments. Many of these people have causes of action arising out of accidents and other circumstances. They should have their causes of action tried while they remain residents of this District and not be compelled to come back here to enforce their causes of action after the forces in the departments have been reduced, and they have gone long distances from the city of Washington.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALSH. Mr. Chairman, I understand there is an amendment pending to increase the jurisdiction from $1,000, as provided by the committee, to $3,000 offered by the gentleman from Missouri [Mr. IGOE]. I hope the amendment will not prevail. Practically the only testimony heard by the committee—I think with a single exception—was from the judges who preside over this court, and who, of course, want to increase the dignity of their position. If you increase this jurisdiction to $3,000 you may as well merge this court into the Supreme Court of the District and do away with the municipal court—transfer all of the jurisdiction of the municipal to the Supreme Court of the District of Columbia, or else make this a division or branch of the Supreme Court of the District. This is a municipal court, and we have here in the District two appellate courts practically from that court, the supreme court and the court of appeals. I submit that by attempting to help out the supreme court, the docket of which is rather crowded, we ought to be a little bit slow in increasing the jurisdiction of the municipal court, because if you are not the result will be that you will find a mighty crowded docket in the municipal court, and we will be besieged as we have been in the last three or four years to appoint additional judges to that court and also to increase their salary. If we are going to attempt to take care of the municipal court needs of the District of Columbia I think we have gone far enough in increasing its jurisdiction to $1,000. I do not believe there are a half dozen States in the Union where a purely municipal court is vested with jurisdiction over causes of action amounting to $3,000.

As I recall it, there is one State where I think the jurisdiction is $2,500, but in most of the States it is either one or two thousand dollars. There has been no overwhelming amount of testimony presented to the committee as to why we should increase this jurisdiction for this amount proposed by the gentleman from Missouri. The committee heard a member of the bar association, one of the judges of the supreme court, and I believe one or two judges of the municipal court, and the committee, after full and careful consideration, although the bill

provided for a jurisdiction of $2,000, reduced that amount to $1,000. There is no good reason why even the amount provided in the bill should be increased by $1,000, and I certainly trust the amendment will not prevail.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HUSTED. Does not the gentleman think that the fact that the supreme court calendar is congested is a good and sufficient reason for increasing the jurisdiction of this court, if you have men who are competent and machinery which is capable of passing on those cases just as well as the supreme court?

Mr. WALSH. No; I do not. This cry of a congested calendar you can hear from every United States court throughout the country. The cry is that the calendar is congested; that they can not get rid of the cases; that they must have more judges or less work to do. The situation in the District is no different from what it is anywhere else.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARD. I note on page 12 of the hearings, where Mr. Brown said that the desire was for the judges of the supreme court to have all of the time to give to the important cases of the Government, and that that should be the class of cases they should try. I submit that is not the usual idea in respect to the Supreme Court of the District.

Mr. WALSH. Certainly not. Their duty is to take care of all of the cases that come within their jurisdiction. The fact that the Supreme Court of the District has a congested calendar is no reason why we should enlarge the jurisdiction of an inferior court, in expectation that you are going to be able to take care of that class of cases. While I have not the honor of the acquaintance of any of these judges and never have seen any of them except the two who appeared before the committee—and I would not cast any reflection on their ability or integrity—yet I submit that as the general proposition, whether the judges be appointed by the governors or by the President, judges appointed to the position of municipal courts are not, as a rule, as capable as those who are nominated and appointed to superior courts or courts having jury trials or of appellate jurisdiction.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DEMPSEY. Mr. Chairman, the argument of the gentleman from Massachusetts [Mr. WALSH] seems to be directed, first, to the fact that the committee has not had sufficient hearings. What are sufficient hearings?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. It is not necessary to have prolonged hearings——

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. In a moment.

Mr. WALSH. But the gentleman ought not to start off with a misstatement. I never said that.

Mr. DEMPSEY. The gentleman said they had very limited hearings.

Mr. WALSH. I did not make any such statement, as my remarks will show.

Mr. DEMPSEY. I was listening, and my understanding was that the gentleman's first criticism was in respect to the extent of the hearings. I say that hearings of a particular volume are not necessary. The only point to be reached by hearings is to convince the committee of the fact which is to be proven, and I did not hear the gentleman from Massachusetts question at all the statement, and it seems to be admitted by everyone here that the supreme court calendar is congested and that you have to wait from two to three years to get a case to trial, a very undesirable condition of affairs.

Mr. WALSH. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WALSH. The hearings convinced the committee that the jurisdiction should be reduced from $2,000, as provided in the bill, to $1,000, as reported by the committee.

Mr. DEMPSEY. The hearings convinced the committee that the jurisdiction should be enlarged, and the committee reached the conclusion that it should be a certain amount. Now, the question before the Committee of the Whole is whether that committee reached a correct determination as to what the amount should be, and we find on discussing it that gentlemen here have convinced us that if you are to afford any genuine relief to the supreme court, if you are to enable these causes which are pending for trial and should be tried in justice to the claimant to be tried, you will have to enlarge your jurisdiction, make it more than $1,000; make it at least $3,000. This is plain from the testimony. It is immaterial that the committee as a whole may have reversed the subcommittee, and said it should be $1,000 instead of $2,000. The real question is what should the amount be, and a fair conclusion seems to be that the amount should be at least $3,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. CRAMTON. The gentleman from Massachusetts having suggested that customarily judges of the greatest capacity are not found in the municipal courts, would it not be the fact that having made it a court of record and of greater jurisdiction and having given it a greater dignity, as a result the greater the capacity in the men we will be able to secure to serve on the court, and that all litigants before it will benefit therefrom?

Mr. DEMPSEY. I agree with the gentleman. I was going to come to that point in my discussion.

Mr. GREEN of Iowa. If the gentleman will yield further, the gentleman from Massachusetts made some statement in reference to the usual amount of jurisdiction. In my State municipal courts have a jurisdiction for any amount, and I have known causes involving $100,000 to be commenced there.

Mr. DEMPSEY. I am glad to hear that. Now, let us come to this point of the discussion of the gentleman from Massachusetts on the fitness and capacity of these judges to adjudicate causes which come before them. I say as to that, first, as to the judges who are in office there has been an investigation by the chamber of commerce or some other like body of the District, and upon an impartial investigation, conducted solely with the object of ascertaining fitness, without any bias or prejudice, having that object in view alone, they find that the present judges are fit for the duties which they will have to perform under this enlarged jurisdiction. Second, as to the future, as the gentleman from Michigan justly observed, the appointing power will take into consideration in making appointments the more arduous, the more important, duties to be performed by these judges, and they will make their selections in accordance with the duties to be performed. Another thing, and I briefly referred to it in my question to the gentleman from New York, we have taken on here a very large body of people who live here temporarily. They came here from the districts of all of us. They have had to reside in the District of Columbia. They have come into positions where they have causes of action which have been brought to my personal attention. Now, when they are soon to lose their positions, when they are certain to go to their distant homes, are they to be forced to one of two alternatives, either to lose an honest cause of action, to be deprived of a debt which is honestly owing them, or be obliged to come back here at a large and unnecessary expense to fight these actions which they can not have tried because we neglect this opportunity to confer adequate and proper jurisdiction upon this court?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I trust that the committee will sustain the amendment which the committee recommends. The main desire upon the part of the Committee on the Judiciary, endeavoring to speak for the people of Washington on this matter, is that there shall be created here a real municipal court. The one we have at the present time is hardly worthy of that name. It is nothing more than an ordinary justice of the peace court, that is well known in many of the States in this Union. We want to establish a real, genuine municipal court, something along the line of the one which is now established in the city of Chicago, and which every city in this Union ought to have at the earliest possible date.

The amount of jurisdiction, so far as this legislation is concerned, is secondary. After we have created here a real municipal court, one with real jurisdiction, with real authority to act, and where its acts will be of force and effect, and where it will not be necessary to take up the work and review it and try it over by the supreme court, thus relieving the supreme court of a great deal of work, it will then be an easy matter to increase the jurisdiction if it is found necessary. I believe that the Judiciary Committee in limiting this to $1,000, after we had heard those who appeared, ought to be sustained. The subcommittee of the Judiciary Committee, which first had this matter in charge, and of which I am the chairman, gave consideration to it carefully. We heard those who desired to be heard upon the matter, and it was again taken up in the full committee. It was the judgment of the committee that jurisdiction at the present time should be fixed at $1,000, with the understanding that if the municipal court becomes a real vehicle of justice and expedition of public business we can then easily increase jurisdiction to $2,000 or $3,000 if found necessary. At this time we ought not to do it, and the committee's recommendation of $1,000 ought to be sustained.

Mr. MOORE of Virginia. Mr. Chairman——

Mr. VOLSTEAD. Mr. Chairman, I would like to arrive at some agreement as to time.

Mr. MOORE of Virginia. I will ask for only a few minutes.

Mr. VOLSTEAD. I ask unanimous consent that at the end of 12 minutes the debate on this amendment and amendments thereto be closed.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this amendment and amendments thereto close in 12 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. MOORE] is recognized.

Mr. MOORE of Virginia. Mr. Chairman, I have looked at the hearings, and, so far as the report furnished me discloses, there has been no effort whatever made by any of the judges of the municipal court to affect this legislation, directly or indirectly. I think my friend from Massachusetts [Mr. WALSH] is mistaken in assuming that there is any purpose, or desire, or gesture on the part of the municipal court or any of its judges to aggrandize power. Now, it is conceded that there ought to be an increase of the jurisdictional limit. And what is the evidence upon the question of amount? As I understand, the business interests of the District of Columbia advocate a higher limit than $1,000. The bar of the District of Columbia advocates a higher sum. Unless I misread the hearings, the distinguished chairman of the Judiciary Committee himself indicates a trend of mind in favor of more than $1,000. There does not seem to be a scintilla of evidence offered before the committee that combats the expediency of making the amount $3,000 or, at least, $2,000.

If that is the situation, why should not such an increase in the jurisdictional limit be provided? Are not the people of the District of Columbia entitled to be heard here and to have some consideration here upon a matter of this sort?

If we stop at $1,000 and at the same time provide that the court shall have authority to try certain torts, cases of assault and battery, malicious prosecution, and breach of promise, over which at this time it has no authority, the provision will be mere brutum fulmen, because plaintiffs having causes of action of that character will not go into a court whose jurisdiction is limited to $1,000.

We will do a vain thing if we pass legislation specifying $1,000. We will not accord any right of substantial value to litigants who have claims growing out of the torts enumerated in this section, or locate in any cases of that kind in the municipal court. Why should not the amount be $2,000 or $3,000, as asked by the people of the District of Columbia? The judges of the municipal court are men of capacity and character, and, as I understand, good lawyers, and that is just as apt to be true in the future as it is now. The judges are as well qualified and competent to try $2,000 or $3,000 cases as those who are serving as judges in the Supreme Court of the District of Columbia.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Virginia. Yes, sir.

Mr. WALSH. Following the gentleman's line of argument, why not make the jurisdiction $10,000?

Mr. MOORE of Virginia. You can not decide these matters in any absolutely logical way. We have to employ our experience and general knowledge in determining the limit.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. GARD. Mr. Chairman, this proposed amendment as made by the gentleman from Missouri brings us face to face with what is the attitude of this House as expressed in the Committee of the Whole. In other words, do we want to maintain a municipal court which was graduated into that title from a court of justices of the peace, or do we want to practically merge, as the gentleman from Massachusetts [Mr. WALSH] has said, the municipal court into the Supreme Court of the District of Columbia?

I think that the trouble in the District of Columbia regarding the accumulation of litigation is that the very small cases are allowed to be appealed directly from the municipal court to the supreme court, and from the supreme court to the court of appeals, so that necessarily the docket of the supreme court is apparently crowded with these small appellate cases.

Now, there is not much big litigation in the District of Columbia. The population here rather precludes such elements of large litigation; and the trouble that exists here is in the fact that if you start a small case the man who is aggrieved by the verdict or the judgment has a right to make appeal to the Supreme Court of the District of Columbia, and thence to the court of appeals, whereas there should be exclusive jurisdiction up to a reasonable amount in the first court. In other words, the municipal court should have the exclusive and conclusive jurisdiction except upon writs of error in all of these very small cases. Now, that is the idea the Committee on the Judiciary had in mind, I am frank to say to the members of the committee. On the other hand, if it is the temper of the House now to go beyond that, and to say these five municipal court judges——

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARD. Very gladly.

Mr. DEMPSEY. Does not the gentleman find that throughout the several States the court of general jurisdiction and the county courts have a concurrent jurisdiction up to the limit of jurisdiction of the county courts? For instance, in the State of New York the supreme court has general jurisdiction and the county court has jurisdiction up to $2,000. So that to the amount of $2,000 the two courts have concurrent jurisdiction. And would not that be exactly what would be done if this amendment prevailed?

Mr. GARD. I am frank to say that my idea about this matter is this: I want to afford to the people of the District of Columbia every facility in the matter of courts—every possible facility. They are entitled to it, and they should have it; but what they need mostly is a municipal court which, up to $1,000, will have practically conclusive jurisdiction. Since now when the cases are tried—and they can be tried within a few days—they have the right of appeal, and cases are long-drawn out. But if these appeals were discontinued and those cases could be settled, they would not clutter up the docket of the Supreme Court of the District of Columbia.

That is the condition that confronts the District of Columbia to-day. It is not the big litigation which crowds the docket of the supreme court, but it is the little stuff that comes up from the municipal court on appeal, which is allowed to accumulate there by reason of the fact, doubtless, that they do not have the time to try these little things which should have been disposed of in the court below.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. ROSE. Do I understand the gentleman to say that up to a certain amount he would deny the right of appeal to a higher court?

Mr. GARD. Yes; to the Supreme Court of the District. This bill does it now. It gives them the right to appeal to the court of appeals, which is the second appeal.

Mr. ROSE. I merely wanted to say in this connection that I agree with the gentleman in that attitude.

Mr. GARD. If a man brings a suit for $10 in the District of Columbia now and a judgment is had against the defendant the defendant can appeal to the Supreme Court of the District of Columbia and have absolutely a new trial all over again. That practice clutters it all up. And after that is done he can go to the Court of Appeals of the District of Columbia and have a hearing there.

Mr. ROSE. I think it would be a step in the right direction, because if there is one thing that the lawyers of the country are up against it is the fact that the people are always complaining about the law's delay.

Mr. GARD. Yes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. VOLSTEAD. Mr. Chairman, as indicated by the hearings, I was in favor of $2,000 as the maximum. I believe that is where we ought to fix it for the present. I do think it should be more than $1,000. I want the committee to understand my position in reference to the matter. If it is made $2,000 and we should find later on that it ought to go beyond that, we can then amend the law. The chamber of commerce asked for $3,000, the judges of the municipal court and of the supreme court and the other bodies interested agreed on $2,000, and I introduced the bill with that amount as the maximum.

The CHAIRMAN. All time has expired. The question is on agreeing to the substitute amendment offered by the gentleman from Missouri [Mr. IGOE].

Mr. WALSH. Mr. Chairman, I submit an amendment to the substitute to strike out the figures "$3,000," in the Igoe amendment, and insert "$1,500."

Mr. IGOE. I make the point of order, Mr. Chairman, that a substitute is already pending.

The CHAIRMAN. A substitute is in order.

Mr. WALSH. Strike out "$3,000" and insert "$1,500."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH as a substitute for the amendment by Mr. IGOE: Strike out "$3,000" and insert "$1,500."

Mr. DOWELL. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The amendment suggested by the gentleman from Massachusetts is clearly an amendment to the one offered by the gentleman from Missouri. There can be no question about it. It simply changes the figures, and can only be designated as an amendment.

Mr. WALSH. It is a substitute.

Mr. DOWELL. Whatever you may term it, it is still an amendment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. WALSH. Nobody is questioning but that a substitute is an amendment.

Mr. DOWELL. But this is in the third degree, and therefore it is not in order at this time.

Mr. MANN of Illinois. Oh, Mr. Chairman, the rules specifically provide for an amendment, an amendment to an amendment, a substitute for the original amendment, and an amendment to the substitute.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. They are all amendments. Certainly, I yield.

Mr. DOWELL. But under that you can not introduce an amendment in the third degree and call it a substitute simply to get through under the rule.

Mr. MANN of Illinois. You can introduce an amendment in the fourth degree under that and call it an amendment to the substitute, because the rule specifically provides for that method of amendment.

The CHAIRMAN. The Chair is ready to rule. Rule XIX is very specific in its definition of the right of amendment. The gentleman from Massachusetts [Mr. WALSH] states that the substitute he offers is actually an amendment. Under the rule this is perfectly proper and in order, as an amendment can be offered in the form of a substitute, which can also be amended. The Chair therefore overrules the point of order.

Mr. BRIGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. If the substitute to the amendment and the committee amendment should be voted down, that would bring the original bill before the committee, would it not—$2,000?

The CHAIRMAN. It would. The question is on agreeing to the substitute amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. IGOE].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 19, noes 22.

So the substitute was rejected.

The CHAIRMAN. The question now comes on agreeing to the committee amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

Mr. DEMPSEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DEMPSEY. What are we voting on now?

The CHAIRMAN. On the amendment offered by the committee.

Mr. MOORE of Virginia. To make it $1,000.

The committee divided; and there were—ayes 9, noes 25.

The CHAIRMAN. On this vote the ayes are 9, the noes are 25, and the committee amendment is rejected.

Mr. WALSH. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Massachusetts makes the point of no quorum. The Chair will count. [After counting.] Eighty-five gentlemen are present—not a quorum.

Mr. DYER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

The question being taken, Mr. DYER demanded a division.

Pending the division,

Mr. DYER. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. DYER and Mr. IGOE.

The committee again divided; and the tellers reported—ayes 4, noes 103.

The CHAIRMAN. A quorum is present. The committee refuses to rise. The question now recurs on the committee amendment.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 25, noes 26.

Accordingly the committee amendment was rejected.

Mr. GARD. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 4, after the word "of," strike out the word "all" and insert after the word "causes" the words "now pending in the supreme court which are of the classes and amounts over which the municipal court had jurisdiction immediately prior to the passage of this act and actions included by this act."

Mr. GARD. Mr. Chairman, the purpose of this amendment is to clarify what I think is unquestionably the meaning of the committee, because under the law as it now stands the supreme court could transfer any class of cases—patent cases, Government cases, or any other cases—to the municipal court for trial. I do not think that was the intention of the committee. I do not think it should be the action of the House, and I offer this amendment to cover the hearing of cases which heretofore have been within the jurisdiction of the municipal court and are now in the supreme court, and the cases which come within its jurisdiction by reason of this amendment, so that the supreme court may transfer those down to the court below, assuming that it is an inferior court, for the purpose of being heard there.

Mr. DOWELL. Will the gentleman yield?

Mr. GARD. Yes.

Mr. DOWELL. Assuming that there is a case on appeal, would this amendment bring it back to the municipal court to be retried there as an appeal case?

Mr. GARD. No; this is simply to provide for the transfer of the class of cases included under the bill that we are now passing. It does not automatically transfer anything, but it gives permission to the court to transfer cases in these amounts and of these classes to the court below.

Mr. WALSH. Does the gentleman see any difficulty or obstacle in that sort of a legislative provision transferring a suit from a court which at the time the suit was entered had original or exclusive jurisdiction of that cause, transferring it to a later tribunal which is given exclusive jurisdiction of the cause?

Mr. GARD. I think the language is probably necessary, because there might be some causes now in the Supreme Court of the District of Columbia, pending cases which should be transferred by reason of the passage of this act.

Mr. WALSH. Does not the gentleman think that the parties ought to have something to say about that? They brought their suits in the supreme court, and they have a right to expect them to be tried there.

Mr. GARD. If we give the municipal court this increased jurisdiction, I think it is very proper to transfer the cases, because if we give them the jurisdiction, and they do not have any cases, then they will not have anything to do.

Mr. WALSH. We give them the jurisdiction for the future, not for the past.

Mr. GARD. Oh, no; for pending cases.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARD. Yes.

Mr. DEMPSEY. Is not the matter simply a question of a change of procedure? It does not change rights at all, and you have a perfect right to change procedure at any time, have you not?

Mr. GARD. I think that is what it amounts to.

Mr. DEMPSEY. For instance, you can change a statute of limitation—a pending right—can you not?

Mr. MOORE of Virginia. The transfer of cases from State courts to Federal courts or from Federal courts to State courts is a common thing, and no difficulty or embarrassment results in conducting the case in the tribunal which it finally reaches.

Mr. WALSH. If the gentleman will permit, it is very seldom that you hear of cases being transferred bodily from a superior court to an inferior court as the result of increasing the jurisdiction of the inferior court. The cases which at the time they were entered were within the exclusive jurisdiction of the court in which they were brought are usually tried in that court.

Mr. VOLSTEAD. If something of this kind is not done there will be no court to try these cases, because we give the municipal court exclusive jurisdiction of them. Consequently we ought to have some method of transferring these cases to some court that can try them.

Mr. WALSH. There is nothing in this to prevent the supreme court trying cases entered prior to the passage of this

act. This does not deprive that court of jurisdiction in pending cases.

Mr. VOLSTEAD. It gives the municipal court exclusive jurisdiction in certain cases.

Mr. WALSH. I know; but that is on cases filed in the future.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 20, noes 7.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That hereafter said municipal court shall be a court of record, shall have a seal, and shall have the same terms of court as those now obtaining, or as hereafter modified, respecting the circuit branches of the Supreme Court of the District of Columbia. A memorandum of each action by the court shall be noted by the clerk of the docket and shall be a sufficient record thereof.

With the following committee amendment:

Page 2, line 11, strike out the word "of" and insert in lieu thereof the word "on."

Mr. MANN of Illinois. Mr. Chairman, I should like to be heard on the committee amendment. It strikes out the word "of" and inserts the word "on." Yet you can not tell what it will mean after the committee amendment is agreed to, if it is agreed to. Here is a proposition to create a court of record which is not to keep records. While it is true the bill says that a memorandum of the action of the court noted on the docket shall be a record, the municipal court does that now. Every justice of the peace court anywhere keeps some kind of a docket and notes the action of the court on the docket, but that is not keeping a record of the court. How would you exemplify a record of this court? No judgment is entered excepting a memorandum on the docket, perhaps in pencil. Suppose you want to file a transcript of the judgment of the court to some other jurisdiction under the statutes of the United States. What will you find? What will the transcript consist of? A copy of the docket with a memorandum entered. I do not know what the memorandum will be. It may say "$500." That may be a memorandum noted by the clerk, or it may say a judgment for $500 entered on such and such a day.

Mr. DEMPSEY. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. DEMPSEY. How would it do to strike out the words "a memorandum" and insert in place "minutes of the proceedings in." Then strike out "and shall be a sufficient record thereof," so that it will read:

Minutes of the proceedings in each action by the court shall be noted by the clerk on the docket.

Mr. MANN of Illinois. I do not know, but, after all, the methods of keeping the records of courts throughout the United States are very similar. I do not know what advantage there is to be gained by adopting some sloppy method of keeping records, which never will be kept accurately, over the present system of properly keeping the records of the courts.

Mr. DEMPSEY. My understanding of the proceedings in all courts of record, as to the keeping of the record, provides that the real record is supposed to be the judge's record of the proceedings as the case progresses. The clerk keeps the record as a matter of course, but is supposed to be under the direction of the judge. I do not think that this sentence is at all necessary.

Mr. MANN of Illinois. Ordinarily when a judgment is entered in court, formal entry is made as to the record of judgment, and is preserved. The dockets of the court may be preserved; they usually are for some length of time, but they contain only the notation of the proceedings of the court as the case progresses. The record of the judgment is a highly authenticated document. You get a transcript of the judgment of the record, and it recites that the court on such a day entered such a judgment, and that is a copy of the judgment entered. Here there is no copy, it is a "memorandum noted on the docket." Well, courts keep dockets, but the record is very different. I have not practiced law for so long that perhaps my judgment is not worth much of anything, but I do not believe that there is ever any advantage in trying to introduce informal methods of doing business, so that after they are introduced no one will be certain as to what has been done.

Mr. DEMPSEY. Mr. Chairman, my understanding of the method of keeping the records of courts of record is that the original record is supposed to be kept by the judge who presides at the particular term of court—of course, the clerk keeps the record of what transpires, under the direction of the court. But if there is any dispute as to what is the correct record we refer not to the minutes of the clerk but to the minutes of the judge. The record to which the gentleman from Illinois refers is a totally different record. It is a record which is entered in the office of the clerk upon formal judgment, and is filed after the case has been tried and determined. It is not my understanding that this bill deals with that record at all.

Mr. MANN of Illinois. If the gentleman will yield, I supposed that that was exactly what it did deal with. It says that "a memorandum of each action by the court will be noted by the clerk and shall be a sufficient record thereof." That means that he is not supposed to keep any other record.

Mr. DEMPSEY. I do not believe that it is intended for that purpose. If it is, I agree with the gentleman from Illinois that it is not proper. I do not see any necessity for the provision at all, and I think the act would be complete with that sentence stricken out. This is a court of record, and you will have a record kept. The formal judgment will be prepared by the attorney and entered in the proper office from the minutes kept by the clerk during the trial.

Mr. DOWELL. If the gentleman will strike out the language "it shall be a sufficient record thereof" and require the clerk to keep a memorandum——

Mr. DEMPSEY. I think it would be better to say a record of the proceedings of the court shall be kept by the clerk and stop right there.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GARD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 7, after the word "have," strike out the words "the same" and insert the word "such," and in line 8, after the word "court," strike out the balance of the section and insert the following: "for the transaction of business as it may prescribe," so that it will read:

"SEC. 2. That hereafter said municipal court shall be a court of record, shall have a seal, and shall have such terms of court for the transaction of business as it may prescribe."

Mr. GARD. Mr. Chairman, I offer this amendment to do away with the imperfect statement of what the court record shall be. It is idle to assume that a memorandum made on paper or a slate shall constitute a court record and be a sufficient record thereof in the way that a court record is generally understood by the courts of the United States, and they should be entirely competent within their own jurisdiction to determine what their record shall consist of. At any rate, the record should be so complete and final as to enable the reviewing court to determine the issue when it is brought to it for determination. Therefore, the amendment I have offered strikes out all language concerning the terms as relating to the circuit branch of the Supreme Court of the District of Columbia, strikes out the trivial stuff about memorandum, and provides that the court shall be a court of record, shall have a seal, and have terms of court for the transaction of its business, to be prescribed by it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. WALSH. Does not the gentleman think that some terms ought to be prescribed by law rather than to let the court say when it will have its terms?

Mr. GARD. No; I think not. I think the court itself should have the power to determine.

Mr. WALSH. Why this court any more than the supreme court?

Mr. GARD. The supreme court, as I understand it, starts in with a term and recesses from time to time, the same term probably including the whole year.

Mr. WALSH. I mean the Supreme Court of the District of Columbia.

Mr. GARD. I thought the gentleman referred to the Supreme Court of the United States. This language would probably be modified by the language in section 4, which provides an additional term for a jury term, to be begun on the first Tuesday in August and terminate on the first Tuesday of the second month thereafter, but I am inclined to believe that the matter of the time of the beginning of the term can safely be left to the courts to determine.

Mr. WALSH. You will not relieve much congestion if you do that.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HUSTED. Can the gentleman inform us whether the time of holding the terms of the supreme court in the District is fixed by law? Does not the supreme court fix the time of holding its own terms? If that is true, the gentleman's amendment certainly should be agreed to.

Mr. GARD. I have the Code of the District here, but unfortunately I am not familiar enough with it to turn immediately to that.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. DEMPSEY. Generally speaking, is it not a fact that courts of record in the several States do fix their own terms?

Mr. GARD. Yes; and I think they should.

Mr. WALSH. Generally speaking, they do not.

Mr. VOLSTEAD. The object is to have the terms of the municipal courts come at the same time as the terms of the supreme court. The gentleman can see the reason for that. There is a provision in this bill that the jurors are to be certified from the supreme court to the municipal court, and consequently the two courts should be in session at the same time, so that from time to time deficiencies may be made up in the panel of jurors that are sitting in the municipal court. For that reason I think it better not to change the language in question.

Mr. MOORE of Virginia. The Code of the District of Columbia seems to provide that there shall be a general term of the Supreme Court of the District, and gives the court discretion to fix such special terms as it thinks proper from time to time, and it has power to change those terms from time to time.

Mr. VOLSTEAD. I think in view of that fact it is better to leave the language as it is written in the bill.

Mr. GARD. I think the language of the amendment I suggest covers the situation.

Mr. VOLSTEAD. So far as the language in respect to the memorandum is concerned, I do not see any objection to it. The judges would order an entry of judgment, and the clerk make a memorandum of the order. It makes it unnecessary for the judges, as is customary in courts of record, to write out the order and file it. To expedite matters, whoever drew this bill—I did not draw it; I introduced it at the request of Judge McCoy and others—evidently thought that it would expedite matters and avoid a lot of unnecessary red tape.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MANN of Illinois. Mr. Chairman, I think the gentleman from Minnesota [Mr. VOLSTEAD] is in error as to what the proceeding would be. A judge ordinarily, if he enters judgment himself, or even where he enters judgment after a finding by a jury, will order a judgment to be entered for such and such an amount. He may or may not, and in most cases he does not, make the entry himself upon anything, either pencil minutes or otherwise. That is something that is done by the clerk. The clerk proceeds to enter the judgment in form. Take, for instance, the House here. We pass a bill. We do not in fact pass a resolution that the Senate be requested to concur in the bill, but we send a message to the Senate stating that we have done so and we enter it in that way in the Journal. That is a part of the duty of the Clerk of the House. Certain formal entries are made both in the House and in the Senate by the Clerk of the House and the Secretary of the Senate. When the judge says he gives a judgment for a certain amount of money in a court of record the clerk enters a formal judgment of record in a book that is kept for that purpose. I would have no objection whatever to saying that the clerk shall keep the minutes, and that is all this amounts to, but if you say that the keeping of the minutes by the clerk is a sufficient record of the court, that simply balls up everything.

Mr. HUSTED. Why does not the gentleman propose his amendment? We will all vote for it.

Mr. MANN of Illinois. I was going to say to the gentleman that I do not see the reason for this sentence:

A memorandum of each action by the court shall be noted by the clerk on the docket and shall be a sufficient record thereof.

The court will require the clerk to keep a memorandum of the action of the court, and then he would require the clerk to enter formal entries whenever necessary. I do not suppose this court has jurisdiction over chancery cases.

Mr. VOLSTEAD. It has not.

Mr. MANN of Illinois. I do not know whether it has or not, under the language of this bill.

Mr. TILSON. What does the gentleman understand a "sufficient record" to mean?

Mr. MANN of Illinois. It means that nothing else should be required.

Mr. TILSON. Required for what?

Mr. MANN of Illinois. A thing that is sufficient is enough for all purposes. That is all. That is what sufficient means. That is the reason I think it is inapplicable here.

Mr. DOWELL. Mr. Chairman, I am unable to understand just what construction the chairman of the committee has placed on this language. He stated a few moments ago that it was sufficient to have the clerk enter a judgment, and that this refers to the final action of the court. I can not conceive that this has any such meaning. It occurs to me its only purpose is to require the clerk to keep a docket of his cases. That can be done under order of court, as has been suggested by the gentleman from Illinois. I can not see any reason for any part of this language, and I can not understand how the chairman of the committee can misconstrue this language into the meaning that it is to be a final record of the court. I think he has entirely misunderstood this language. I think the one who framed this bill never intended this language should mean anything except to say to the clerk that he should keep a docket of the cases pending in the court. If we are to permit this court to take jurisdiction of cases involving $2,000, we should require the court to enter the judgment, the same as any other court, and this would be final and conclusive everywhere. I can not conceive that the chairman of the committee, if this language means what he has misinterpreted it to mean, would favor such a proposition, and I am certain that the language will not bear the construction that he has seen fit to place upon it, and I think the entire paragraph should be stricken out.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, page 2, strike out the word "respecting," the second word in the line, and insert the word "of." Line 10, after the word "Columbia," strike out the balance of the line, and strike out lines 11 and 12.

Mr. GARD. May we have the section read as it will appear as amended?

The CHAIRMAN. If the gentleman will permit a suggestion from the Chair, it would seem to the Chair that the amendment offered by the gentleman from New York is more properly a substitute to the amendment offered by the gentleman from Ohio.

Mr. HUSTED. Then I offer it as a substitute.

The CHAIRMAN. The gentleman from New York offers a substitute for the amendment offered by the gentleman from Ohio, which the Clerk will report.

The Clerk read as follows:

Substitute for the amendment offered by Mr. GARD. Page 2, line 9, strike out the word "respecting" and insert in lieu thereof the word "of"; and, in line 10, after the word "Columbia," strike out the remainder of the section.

Mr. GARD. If the gentleman will permit a suggestion in that respect, if the gentleman desires to be technically correct in the use of language in his substitute, where he strikes out the word "respecting," would he not use the word "in" instead of the word "of"?

Mr. HUSTED. Well, we always speak of terms of court.

Mr. GARD. The preceding language is "those now obtaining, or as hereafter modified" by the circuit court.

Mr. HUSTED. Oh, yes; the gentleman is quite correct; I did not notice that. I ask unanimous consent to modify my amendment by substituting the word "in" for the word "of," in line 9.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Chairman, I ask for a division of the two propositions. The one in line 9 is separate and distinct from the one striking out the balance of the section after the word "Columbia," in line 10.

The CHAIRMAN. The Chair thinks there should be a division.

Mr. RAKER. There is an amendment before the House.

Mr. WALSH. Two of them.

The CHAIRMAN. There is an amendment and a substitute for the amendment.

Mr. RAKER. Which is the first one? I want to be heard on the amendment.

The CHAIRMAN. The question now arises on the substitute.

Mr. RAKER. Mr. Chairman, I would like to be heard on the substitute. In reading this bill I want to submit a question to some members of the committee, preferably the chairman, who has it in charge. I desire to ask him if it is not a sort of makeshift to add additional judges to the Supreme Court of the District of Columbia?

Mr. VOLSTEAD. No; this would not add new judges, but this takes a lot of work from the supreme court and transfers it to the municipal court.

Mr. RAKER. I will put it the other way. You have now a complete procedure of the courts properly constituted, known to the litigants, wherein they may go to the Supreme Court of the District of Columbia to have their rights adjudicated, fully known to all since the last amendment the gentleman had placed upon the law some time since. Now, it appears to me that by this you get the procedure mixed up, and it appears to me that by raising the jurisdiction of the municipal court, originally

$2,000 and now $1,000, you simply make it a misfit and create a municipal court a court of record with the intention of trying to relieve litigation.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. In an endeavor to relieve this congestion, do you not make it a sort of botched-up affair instead of placing, say, four more judges on the bench and creating that many more departments where business can be successfully transacted, and, I believe, with less expense than this system proposed here?

Mr. VOLSTEAD. This is just what they are doing all over the country. In every large city they have a court of this kind. This court has been created by the name common to that class of courts that we are trying to create here, and we are trying to give this court jurisdiction so that it may relieve the supreme court, which is very greatly in need of relief.

Mr. RAKER. Does not the relief come just the same in a State where you have a district court, or what answers for it, a superior court, and instead of trying to give a justice of the peace or a police magistrate added jurisdiction they increase the judges upon the circuit court or the superior court, whereby they will expedite the business instead of having this additional court?

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. CRAMTON. On that point possibly the gentleman would be interested in knowing that just prior to his arrival the jurisdiction of the court was increased from $1,000 to $2,000, by a majority of one.

Mr. RAKER. That makes it even worse. This is a practical fact, and there is no need of disguising it, that men are better satisfied and you get better results, the litigants are better satisfied, counsel are better satisfied, and above and beyond all—and that is what the legislation should always be for—is the quietude of the community and the satisfaction of the public that you have a court so ranking in standing and ability that if it is $1,000 or $10,000 each man has the right to have his case adjudicated by the same judge, in the same court, under the same law, instead of trying to adjudicate a man's case where the amount involved is a little less than $2,000—say it is $1,900—and many complications involved, many law questions, and you bring it down to the justices of the peace court or the municipal court and say, "Because you only have a claim of $1,900 you do not get the consideration of the man that has a little larger amount." That is the trouble with all the legislation of that kind. That is one thing that the people are opposed to. It is a discrimination that ought not to be tolerated. A man who has a claim of $1,000 ought to go into court with the same standing, over the country, and with the same judges on the bench and with the same sanctity surrounding him, as a claimant with a larger claim, and not try to pick out a little court for him and say that we are going to give him the same jurisdiction as in the other court.

Mr. CRAMTON. Would the gentleman be in favor of doing away with other courts, and have one court to handle juvenile and police court and civil cases of all sizes?

Mr. RAKER. There is no judicial system in which there is a municipal court, or a justice of the peace court, that has jurisdiction of amounts exceeding $300.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I would like to have two or three minutes more.

Mr. VOLSTEAD. The gentleman is not talking on this amendment at all.

Mr. RAKER. I will come right down to the substitute. I would like just five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. And then classify all the jurisdiction that has been demonstrated to be the most successful, where all other jurisdiction, original and appellate, from the lower courts is conferred upon the higher courts—there is no question about it—where the court has jurisdiction of all criminal matters, of civil matters, including divorce, guardianship, and estates, and including writs of certiorari, habeas corpus, or whatever they may be. And all you have got to do then is to create additional judges and other departments whereby you keep a constant process on the work and on the matter——

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not proceeding to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. RAKER. That is relating to the substitute. That all applies specifically to the substitute, for this reason. It says:

A memorandum of each action by the court shall be noted by the clerk on the docket and shall be a sufficient record thereof.

Think of that. What is the fact? What is the object of it? In any case brought in court we know the clerk files the complaint, and of necessity must enter it on a docket. He enters it on the docket in the clerk's office; he enters it on the trial docket after the demurrer or answer has been filed. It goes to the judge. He keeps the judge's docket up and the clerk's docket up. And why legislate upon a procedure and a practice that must be followed by the clerk in every matter? Having designated in the prior part of the section that this is a court of record, that ends the whole thing. Of course, the clerk then keeps the necessary record. Some clerks do a little better than others and some clerks a little poorer than others. But having designated that this is a court of record, there follows the usual procedure, where any citizen may go in and say, "What are the papers in the case No. 200?" And he can get the original papers and look them over. He goes to the docket and he finds when the complaint has been filed and the summons issued, and when the demurrer and the answer have been filed, and he has a complete record.

And, getting back again—and this shows the impracticability of it—this is a matter fundamentally of adding a makeshift to a court already constituted, with all the necessary legal procedure surrounding it, to the end that it might work out immediately or with rapidity justice to the citizens by a judge of known ability and standing, because, being a member of the supreme court, you get results. So I think this substitute ought to be agreed to and that particular language ought to be taken out.

Now, I trust that my dear friend the chairman of the committee will not get impatient. I have taken but a moment of time here, and the bill is worthy of consideration. It is matter of procedure. It applies to us, and this is a matter in which the people of the United States, no matter where they come from, are interested—in our home government, and that home government is the government of the District of Columbia.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. VOLSTEAD. Mr. Chairman, I would like to have this debate closed, but first I desire to make an explanation of this proposition. It is evident to me that its purpose is misunderstood. This language to the effect that a memorandum of each action shall be noted on the docket by the clerk is designed to continue the ordinary justice-court practice. Everybody who is familiar with justice-court records will know what this means. In a justice's court you are not required to make written pleas. You may make your plea on the docket, and the clerk under this provision would act in the place of a justice and enter your complaint. The defendant would answer orally and the clerk enter the answer upon the docket.

No written pleas are required. Everything appears on the docket in that fashion. When the time comes for entering a judgment, it is entered by the justice upon the docket.

It is perfectly evident to me that that is the form of procedure sought to be preserved by this provision, so that a man can go into this court, at least in the minor cases, state his case orally, just as he has been in the habit of doing, then let defendant answer orally, and have the pleas entered in the form of a memorandum made by the clerk in the same way as it has been customary in the justice's court.

Mr. RAKER and Mr. HUSTED rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. VOLSTEAD. I will yield first to the gentleman from New York.

Mr. HUSTED. I would like to ask the gentleman if he has considered this merely a matter of practice, which would be carried out in any event, and that a statute is not necessary to do it?

Mr. VOLSTEAD. I think the object of it is to enable the court to do business in the old fashion, so as to save costs and expenses, because this is going to be a poor man's court, the same as it has been.

Mr. HUSTED. That could all be done by the court under the practice. Does not the gentleman think there is any danger in stating that this memorandum shall be a sufficient record of the proceedings in the case?

Mr. VOLSTEAD. It is a sufficient record in the justice's court, and the judgment will be a good judgment anywhere in this country where the law authorizes it, notwithstanding that this is made a court of record. We ought to leave this provision in so as to continue the old practice of having suits tried informally and with as little expense as possible. That is the only object of it. It does not mean that you always have to do it in that fashion.

The court may say, if the amount is large, that litigants file written pleadings, because there is a provision in this bill au-

thorizing the court to determine what the rules of practice shall be. It does not say that in every instance a court must authorize this sort of a record, but in these small suits why not let the court proceed in the way that is customary in justice's courts in this country?

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. The language of the bill is "it shall be noted by the clerk"; that that shall be a sufficient record. Does not that make it obligatory that this method shall be pursued in every case, no matter how much the amount involved may be?

Mr. VOLSTEAD. The court may determine the extent of that memorandum. It does not state what shall go into it; and, besides, we have later on a section in this bill providing that this court may prescribe what the practice and procedure shall be.

Mr. MANN of Illinois. Under this the court may tell the clerk to do something, and the clerk may or may not do it. The statute here tells what shall be done. It says here "a memorandum of the action shall be made," not a copy of the judgment, but "a memorandum of the action." You can not make a court of record out of the justice of the peace proceedings, and if you undertake to give a justice of the peace court the right to enter judgment in cases involving several thousand dollars, you ought to have it proceed on the basis of a court of record. You want to give validity to those proceedings.

Mr. VOLSTEAD. It would be valid just the same.

Mr. MANN of Illinois. I do not think it would be, if you wanted to take an exemplified copy. It is a sloppy way of doing business.

Mr. VOLSTEAD. You can get an exemplified copy of a judgment entered under this provision.

Mr. MANN of Illinois. Well, the gentleman has another guess coming. He can not do it.

Mr. VOLSTEAD. There is no difficulty about that at all.

Mr. MOORE of Virginia. Mr. Chairman, I submit to the committee that the criticism of this section by the gentleman from Illinois [Mr. MANN] is well founded, and that the amendment proposed by the gentleman from Ohio [Mr. GARD] or something equivalent to it ought to be adopted.

Now, let us see what this section proposes. It proposes, first, to make this municipal court a court of record, and we perfectly understand what that means.

Secondly, it proposes to authorize this court to use a seal. Nobody raises any question as to that.

Thirdly, it requires that the terms of this court shall correspond with the terms of the Supreme Court of the District of Columbia.

Now, in reference to what shall constitute the record in a case, we have here a provision that is exclusive and final, to the effect that "a memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof." This excludes as a part of the record the pleadings, if there be any; it excludes the entries on the minute book; and for all purposes it confines the record to a mere memorandum entered upon the docket. Now, I do not think that anything of that sort was ever heard of before in establishing a court, or defining the procedure of a court, and I do believe that to retain the language used here might lead to doubt and difficulty and embarrassment in the municipal court and in appellate tribunals. It strikes me that we will do everything that is substantially necessary if we provide that this shall be a court of record; that it shall have a seal; and shall have authority to fix such terms for the transaction of business as it may think proper to prescribe. We can trust it to make terms, if desirable, that will correspond with the terms of the Supreme Court of the District of Columbia. If that is considered undesirable by the court, we will leave it free to make other terms. We unhesitatingly vest in the court increased jurisdiction so far as the amount is concerned, and we need not fear to place within the discretion of the court other matters to which this section applies, among them the power to fix the terms for the transaction of its business.

Mr. DEMPSEY. I agree with practically all of the very able argument of the gentleman from Virginia [Mr. MOORE]. I have only one suggestion to make. The chairman of the committee suggests that, owing to other provisions in the bill with regard to summoning jurors and sending them from one court to the other, the terms of the two courts should be identical. That would seem to present a practical obstacle to doing away with that particular provision. In all other respects I agree entirely with the gentleman's argument.

Mr. MOORE of Virginia. With deference to the distinguished chairman of the committee, I wish to say that it is doubtful whether he is correct in that view; but if he is correct in it, the practical consideration will appeal just as strongly to the judges of the municipal court as it appeals to him, and we can certainly leave the municipal court free to make its terms correspond with the terms of the Supreme Court of the District of Columbia.

Mr. SAUNDERS of Virginia. Mr. Chairman, I understand there is an amendment pending and a substitute. May we have the amendment and the substitute reported?

Mr. VOLSTEAD. Mr. Chairman, let us see if we can agree on closing the debate on this paragraph. I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. BANKHEAD. Reserving the right to object, let us have the amendment reported first.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Ohio [Mr. GARD] and the substitute offered by the gentleman from New York [Mr. HUSTED.]

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 7, strike out the words "the same" and insert in lieu thereof the word "such," and, after the word "court," in line 8, strike out the remainder of the section and insert in lieu thereof the following: "for the transaction of business as it may prescribe."

Amendment offered by Mr. HUSTED as a substitute for the amendment of Mr. GARD: Page 2, line 9, after the word "modified," strike out the word "respecting" and insert in lieu thereof the word "in"; in line 10, after the word "Columbia," strike out the remainder of the section.

Mr. SAUNDERS of Virginia. That is, it is proposed to strike out the language beginning with the words "a memorandum of each action." That is what I wanted to get at. I wanted to make the same motion. It seems to me that language certainly ought to go out.

Mr. VOLSTEAD. Mr. Chairman, that substitute ought to be divided.

The CHAIRMAN. It is suggested that the substitute of the gentleman from New York be divided. The second part of the gentleman's substitute would cover the point made by the gentleman from Virginia. The Chair will put the question as suggested by the gentleman from Minnesota [Mr. VOLSTEAD]. The question is on the first portion of the substitute offered by the gentleman from New York [Mr. HUSTED].

Mr. MANN of Illinois. What portion? Let us have it reported.

The CHAIRMAN. Without objection, the Clerk will again report it.

The Clerk read as follows:

Page 2, line 9, after the word "modified," strike out the word "respecting" and insert in lieu thereof the word "in."

The CHAIRMAN. The question is on the portion of the substitute which has been read.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The question is on the remainder of the substitute.

The amendment was agreed to.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Ohio [Mr. GARD], as amended by the substitute of the gentleman from New York [Mr. HUSTED].

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 3. That hereafter when the value in controversy in any action pending in said municipal court shall exceed $20, and in all actions for the recovery of possession of real property, either party may demand a trial by jury. The trial judge shall conduct such jury trial according to the course of the common law and according to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia, and shall have the same power to instruct juries, set aside verdicts, arrest judgments, grant new trials, etc., as said supreme court.

With the following committee amendment:

Page 2, line 22, after the word "judgments" insert the word "and," and after the word "trials" strike out the words "and so forth."

Mr. RAKER. I move to strike out all of the section and to substitute in place thereof the following:

That the said municipal court shall be governed by the law——

The CHAIRMAN. The gentleman will please submit his amendment in writing.

Mr. BANKHEAD. A point of order against that amendment.

Mr. LONGWORTH. Has the committee amendment been adopted?

The CHAIRMAN. It has not.

Mr. LONGWORTH. I submit that it should first be adopted.

Mr. BANKHEAD. I desire to submit a perfecting amendment.

Mr. RAKER. This is a perfecting amendment.

Mr. BANKHEAD. Is not my perfecting amendment in order before the motion to strike out the entire section?

The CHAIRMAN. The Chair thinks so.

Mr. RAKER. Let my amendment be read. I move to strike out all of the section and offer as a substitute——

Mr. WALSH. A substitute is not in order.

Mr. RAKER. As an amendment then.

Mr. WALSH. We ought to act on the committee amendment first.

The CHAIRMAN. The Chair understood that the gentleman from California desired to offer a substitute for the committee amendment, but evidently he does not, and therefore the question is first on the committee amendment.

The question being taken, the committee amendment was agreed to.

Mr. RAKER. Now, I move to strike out the section and insert the following as a substitute.

Mr. BANKHEAD. I desire to offer a perfecting amendment to the original section, which I think has precedence.

Mr. RAKER. Let mine be read, and then the gentleman from Alabama can follow it.

The CHAIRMAN. The gentleman from California requests that his amendment be read for information. Then if the gentleman from Alabama [Mr. BANKHEAD] desires to submit a perfecting amendment, that will be in order. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 13, strike out all of section 3, and insert in lieu thereof the following as a new section:

"That the said municipal court shall be governed by the law, rules, and regulations now in force, and that may hereafter be enacted or adopted, relating to the Supreme Court of the District of Columbia."

Mr. BANKHEAD. I offer an amendment, in line 13, to strike out the word "value" and substitute the word "amount."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "value" and insert in lieu thereof the word "amount."

Mr. VOLSTEAD. The word "amount" would not cover it. If you say value or amount——

Mr. BANKHEAD. When you render a judgment on a controverted question of that sort you do not render it in value, you render it in a specific amount.

Mr. VOLSTEAD. When the value in controversy in any action is involved——

Mr. BANKHEAD. It is unusual and extraordinary language to use the word "value."

Mr. VOLSTEAD. If you used the words "value or amount in controversy," perhaps it would be well.

Mr. BANKHEAD. Mr. Chairman, I insist on my amendment.

Mr. RAKER. Mr. Chairman, I offer an amendment to the amendment. After the word "amount," add the word "claimed" and strike out the words "in controversy," so that it will read, "that hereafter when the amount claimed in any action," and so forth. I want to be heard on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "the," strike out the word "value" and insert in lieu thereof the words "amount claimed," so that it will read: "hereafter when the amount claimed in controversy," etc.

Mr. RAKER. I move to strike out the words "in controversy" and insert "in any action."

The Clerk read as follows:

Modified amendment by Mr. RAKER: Page 2, line 13, after the word "the," strike out the words "value in controversy" and substitute the words "amount claimed in any action."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I want to call attention to the effect of the amendment as it is. The amendment the gentleman offered is in the right direction, but the amount in controversy must be determined. It is the amount claimed in the complaint which will settle the question of jurisdiction. No matter what the value of the property is, if the complainant claims the amount, then that settles it. It is in every proceeding, every law in the United States, and that is the jurisdictional test.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. What would be the amount claimed in a replevin case for a donkey?

Mr. RAKER. If he put the value at $19, the real value might be $100. He alleges what is the value, and that is the amount in controversy. If you want to get a case transferred from a State court to the Federal court, the amount claimed is the test.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN of Illinois. Where a replevin suit is brought and you do not get possession of the property, the amount claimed is important. But suppose the plaintiff in a replevin suit fixes the value at $1 when in fact it is $10,000? If he gets possession of the property he does not care at what value he puts it. Under this amendment will the defendant have any chance for a jury trial?

Mr. RAKER. He must allege the value of the property and must give bond.

Mr. MANN of Illinois. If he gets possession of the property he does not care what the value is put at. If he does not get possession, the value is important; but what chance would the defendant stand for a jury trial?

Mr. RAKER. In a replevin suit the complainant alleges the value of the property.

Mr. MANN of Illinois. Of course; and he may allege it to be worth $10 when in fact its value is $10,000.

Mr. RAKER. He gives a bond, and if he wants to retain the property pending the suit the sheriff holds it a certain number of days, and if the defendant desires it he gives a bond to have it returned pending the suit.

Mr. MANN of Illinois. But if he gets possession of the property, the value cuts no figure.

Mr. RAKER. Let me call the gentleman's attention to this fact. If you use the word "value" how can anyone know the value of the property except by the declaration in the complaint? It is the value claimed.

Mr. MANN of Illinois. Everybody sees the point to that, but the gentleman has not answered my question, whether if the complainant alleges the value of the property to be $10, whereas in fact it is worth $10,000, whether that would prevent the defendant getting a jury trial.

Mr. RAKER. If the value of the property in fact is $10,000, and the plaintiff alleges it to be $19, and the property at the beginning of the action is replevined, the officer must hold the property 10 days—the time differs in different States—and the defendant by giving a bond twice the value of the property——

Mr. MANN of Illinois. The defendant does not give the bond.

Mr. RAKER. In most of the States he can. The plaintiff can not get possession of the property except through the officer. The officer holds it for a number of days, which the statute provides——

Mr. MANN of Illinois. The defendant does not give a bond in a replevin suit at all.

Mr. RAKER. Then he can not take the property.

Mr. MANN of Illinois. Of course, he can not take the property.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, instead of striking out the word "value" I propose to modify the amendment by adding the words "amount or" before the word "value."

Mr. VOLSTEAD. I would accept that amendment.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment by Mr. BANKHEAD: Before the word "value" insert the words "amount or."

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from California.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. MOORE of Virginia. Mr. Chairman, I suppose the committee used the language under discussion, following the seventh amendment to the Constitution of the United States. It is the language that is used in legislation of this character ordinarily and to which a very definite meaning attaches.

Mr. MANN of Illinois. Mr. Chairman, it may be necessary to make this change suggested by the gentleman from Alabama [Mr. BANKHEAD], but Article VII of the Constitution of the United States provides:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

It may be that the makers of the Constitution did not know just what they were doing, because it has resulted in a lot of ridiculous trials by juries in the United States courts, but nevertheless that is the language used.

Mr. MOORE of Virginia. And may I say if it will not disturb the gentleman, that in the case of Callan against Wilson, the Supreme Court of the United States passed upon that provision of the Constitution with reference to jurisdiction of inferior tribunals in the District of Columbia, and that the reason why we are saying now that there must be a jury trial in every instance where the amount in controversy is over $20 is because of that decision.

Mr. MANN of Illinois. And because of that provision of the Constitution.

Mr. MOORE of Virginia. Exactly.

Mr. BANKHEAD. Mr. Chairman, in view of the citation of that argument, which had not occurred to me, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I move to amend, in line 19, by striking out the word "respecting," after the word "modify," and substituting therefor the word "in," so that it may correspond with the other amendment in section 2.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. REED of West Virginia: Page 2, line 19, after the word "modified" strike out the word "respecting" and insert in lieu thereof the word "in."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

Mr. MOORE of Virginia. Mr. Chairman, it seems to me that section 3 might be amended so as to make it clear and simple and yet express what is meant by striking out the language of the last paragraph and inserting something of this sort:

Every jury trial shall be conducted and the verdict dealt with according to the law and procedure governing jury trials in the Supreme Court of the District of Columbia at that time, but this requirement is subject to the provision contained in section 11 of this act.

The proviso will be necessary, if you are going to maintain section 11 of the bill, because section 11 gives to the municipal court the right to make its own rules of practice and procedure. Except for section 11 the requirement of section 3 might be limited to the same sort of procedure obtaining in the supreme court, but I can understand it may be necessary for the municipal court to vary rules of procedure of the supreme court by adopting its own rules of practice, and the amendment that I suggest, which I am not going to press, as I am merely suggesting it for the consideration of the chairman of the committee, would simply require that the municipal court shall follow the procedure that obtains at the time the case is tried in the Supreme Court of the District of Columbia, as to conducting the trial and disposing of the verdict, unless that procedure is inconsistent with the rules of practice that the municipal courts may have meanwhile established under the authority granted in section 11.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. RAKER. The Supreme Court of the United States establishes equity rules for all of the courts in the United States.

Mr. MOORE of Virginia. Yes.

Mr. RAKER. Controlling 110,000,000 people; and here you are going to make a court of record to try cases that are tried now before the supreme court. Why should not the Supreme Court of the District of Columbia adopt these rules, and why should not the municipal court adopt them, instead of having one set of rules for one court and another set of rules for another court?

Mr. MOORE of Virginia. That might be desirable. What I have drafted is with a view of taking care of what is provided by section 11, where the right is given the municipal court to adopt rules of practice varying from the rules of the Supreme Court of the District of Columbia.

Mr. RAKER. Would not the adoption of section 11 be detrimental?

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from California.

Mr. RAKER. Mr. Chairman, the purpose of the amendment is this: It seems to me that you have now jury trials in the supreme court and jury trials in the municipal courts, and that in view of that there should be one set of rules governing the trial of cases in the supreme court and in the municipal court. They ought to be the same. A man becomes familiar with the trial of a case before a court and jury in the supreme court and he is then familiar with the trial and procedure in the municipal court. Why should there be two sets of rules established? Why should we complicate and add to a system that is already to a certain extent somewhat complicated? It is clear enough, but it takes a great deal of time to get it into one's mind, and we now propose to change it and make it still more complicated. It seems to me that we are doing something that is quite unnecessary, and it would be merely taking up the time of the court and the time of the counsel unnecessarily.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CRAMTON. Does not the section expressly provide that the trial shall be conducted according to the practice and procedure in the Supreme Court of the District? It provides exactly what the gentleman is arguing.

Mr. RAKER. Here you have a whole lot of complications. Why not substitute how the whole proceeding of the court from beginning to end shall be conducted?

The CHAIRMAN. The question is on the substitute.

The question was taken, and the substitute was rejected.

Mr. HUSTED. Mr. Chairman, I offer an amendment to section 3. Line 17, page 2, after the second word "trial," strike out the words "according to the course of the common law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUSTED: Page 2, line 17, after the second word "trial," strike out the words "according to the course of the common law."

Mr. HUSTED. Mr. Chairman, I offer this amendment because I am informed the common law has been changed in the District, and this provision as it is in the bill might be dangerous. It would require the conduct of all suits in accordance with the course of the common law, which has been changed in many respects, and the provision might be open to interpretation that this reenacted the common law in the District.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHN W. RAINEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent that I may proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed out of order. Is there objection?

Mr. VOLSTEAD. Mr. Chairman, I do not think——

Mr. JOHN W. RAINEY. I would ask the chairman not to object. I do not inflict myself upon the membership of the House very frequently, and I want at this time to get a statement in the RECORD. I shall not take more than about three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHN W. RAINEY. Mr. Chairman, some time ago I suggested to the membership of the House that the district I had the honor to represent was frequently the target of criticism, and when criticism was just I welcomed it, but when unjust attacks were made upon my district or upon my constituents I would resent same. I so advised the citizens and business men of my district, suggesting to them that at any time they felt unwarranted and unjust attacks had been made upon them or their industries to advise me, and I would see that the Members of the House and the people of the country would get the real facts. Swift & Co., one of the industries of my district, forwarded an answer to the statement made by Representative BENJAMIN F. WELTY, of Ohio, reported on page 988 of the CONGRESSIONAL RECORD of January 7. It is very short, and I am going to ask that it be inserted in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the way indicated. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

[Answer to statements of Representative BENJAMIN F. WELTY, of Ohio, as reported on page 988 of the CONGRESSIONAL RECORD of January 7, by Swift & Co.]

Hon. BENJAMIN F. WELTY is quoted on page 988 of the CONGRESSIONAL RECORD of January 7 as follows:

"If I remember correctly, investigations were made at the close of the Spanish-American War because the Beef Trust killed hundreds of our soldiers by feeding them embalmed beef; but while the investigation was going on it was learned that a certain Senator from Ohio had sold one of his boats on the Great Lakes to the Government at a fabulous price, and for some reason nothing came of the investigation. No prosecutions followed, and I understand that the boat that the Senator from Ohio sold to the Government was sunk by Hobson, thus hoping to drown even the memory of the scandal."

This or similar charges have been brought to light periodically since the Spanish-American War, and it is likely that many Members of Congress would appreciate a statement of the facts as obtained from official records.

The subject of chemically processed meats first came to the attention of Army officers through copy of a letter dated May 25, 1898, in which Alexander B. Powell proposed to process meats for the Government by "purifying the germs of meats so that they will withstand the destroying elements of any climate and keep in perfect condition for from 4 to 10 days." He quoted as references the managers of various southern hotels who had used meats under the process. He proposed to treat meats at a price of one-half cent a pound for the Government.

There was a great deal of criticism directed by the public press at the administration for the unsatisfactory handling of the soldiers in camps and on transports. The correspondents, no doubt, came across the letter previously referred to, or had heard of it, and in their zeal for sensation magnified a supposition into a reality and permitted the impression to get out broadcast that all meats furnished the Government were chemically treated. The agitation of the public became so pronounced that Mr. Alger, then Secretary of War, requested President McKinley, under date of September 8, to appoint a commission empowered to investigate the conduct of the War Department in the War with Spain.

During the proceedings of the hearings before the commission there was only one testimony among hundreds submitted that did not agree that the quantity of food was not only abundant but also of unusually good quality.

The exception was the statement of Mr. W. H. Daly, major and chief surgeon, United States Volunteers, on staff of Gen. Nelson A. Miles, who supported Daly in his testimony. Dr. Daly's report of September 21, 1898, follows:

"I have the honor to report, in the interest of the service, that in several inspections made in the various camps and troop ships at Tampa, Jacksonville, Chickamauga, and Porto Rico that I found the fresh beef to be apparently preserved with secret chemicals, which destroys its natural flavor, and which I also believe to be detrimental to the health of the troops."

Gen. Miles stated before the commission:

"There was sent to Porto Rico 337 tons of what is known as so-called refrigerated beef, which you might call embalmed beef."

Dr. Daly testified that a sample of broth taken by him from a kettle of boiling beef on being analyzed exhibited the characteristics of boric and salicylic acids.

Testimony by Gen. Weston disposes of the charge that the beef seen by Dr. Daly at Tampa was furnished by contractors or issued to the troops. Gen. Weston testified that it was permitted to Messrs. Edwards & Powell, who were interested in a preserving process, to place a few carcasses of beef aboard the Comal at Tampa for a demonstration of the keeping qualities under severe tests, but that none of the meat so treated was rationed out.

Report by Brig. Gen. Charles P. Eagen, of the Subsistence Department: "Our investigation showed that rations were issued as per published schedules, and always on hand in abundance. The department exercised great vigilance in the inspection of all articles and obtained, so far as we can ascertain, the best quality for the price paid." (p. 151, Commission Report.)

There were also numerous tests made by outside chemists, at the instigation of the commission, of both fresh and canned beef, and reports throughout specified that no trace of preservatives was discovered.

These official reports prove that these accusations are without basis of fact. They merely demonstrate the damage which can result from the spreading of rumors and gossip without taking trouble to ascertain the facts.

Mr. JOHN W. RAINEY. Now, to reiterate, Mr. Chairman, whenever any of the citizens or industries of my district are unjustly or unwarrantably attacked, I am going to get the facts and present them to the Members of the House and to the country. [Applause.] I believe in justice, consequently both sides of the case should be presented.

The Clerk read as follows:

SEC. 4. That jurors for said municipal court shall be drawn and selected under and in pursuance of the laws now obtaining, or as hereafter modified, concerning the drawing, selection, term of service, mode of filling deficiencies in a panel; shall be subject to the same duties and liabilities, and shall receive the same compensation as petit jurors in the Supreme Court of the District of Columbia, as fully as if such laws directly referred to said municipal court, excepting that in said municipal court there may be an additional term of service to begin on the first Tuesday in August of each year, and to terminate on the first Tuesday of the second month thereafter. Section 73 of the Code of Law of the District of Columbia, relating to bills of exceptions, shall apply to said municipal court as well as to the Supreme Court of the District of Columbia. At least 10 days before the term of service of jurors shall begin, the clerk of the supreme court of said District shall certify to the said municipal court, for service as jurors for the then ensuing term, the names of 26 persons, drawn as directed by law. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose any judge of said municipal court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term.

Whenever the judges of the municipal court shall certify in writing that the business of said court requires the services of additional jurors and shall file such certificate in the office of the clerk of the Supreme Court of the District of Columbia, the justices of said supreme court shall direct the clerk of the said supreme court to certify to said municipal court for service as jurors for the then ensuing terms the names of such number of other persons as may be necessary for such service, which names shall be drawn as directed by law.

Mr. WALSH. Mr. Chairman, I move to amend by striking out in lines 9 and 10 the words "the second month thereafter," and insert in place thereof the word "October," and in line 17 strike out "26" and insert "36."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, strike out the words "the second month thereafter," and insert in lieu thereof the word "October," and in line 17, page 3, strike out "26" and insert in lieu thereof "36."

Mr. GARD. Will the gentleman yield?

Mr. WALSH. Yes; I yield to the gentleman from Ohio.

Mr. GARD. I will be glad to have the gentleman's observation in regard to the increase of the number of persons from 26 as set out in the bill?

Mr. WALSH. If we are going to preserve the right of trial by jury and transfer this large number of cases to the municipal court from the congested docket of the supreme court, it seems to me we will not make very much progress with a jury panel of 26 persons to draw from. I think we ought to have a sufficient panel, so that they might possibly have two jury trials going on simultaneously, and to do that they ought to have at least 36 persons. Now, it might be that it would be impossible to have more than one jury with only 26 on a panel.

Mr. GARD. I will state to the gentleman from Massachusetts it seems to be the opinion of those who spoke on behalf of the bill, those representing the bar associations and the bench, that but one jury would be used by this municipal court.

Mr. WALSH. Well, of course, we have increased the jurisdiction to $2,000 and we are providing that a lot of these cases are going to be transferred downstairs.

Mr. GARD. Does the gentleman think they are going to try many cases in Washington in the hot weather in August and September that this new term provides for?

Mr. WALSH. Well, no; I think perhaps if they had tried more in warm weather heretofore we would not have this legislation, perhaps.

Mr. SAUNDERS of Virginia. Will the gentleman from Massachusetts yield?

Mr. WALSH. I will.

Mr. SAUNDERS of Virginia. What is the reason for the suggestion of the use of the word "October" instead of the phrase "the second month"?

Mr. WALSH. Well, is not October the second month after the first Tuesday in August?

Mr. SAUNDERS of Virginia. It is; but what is the advantage of the phrase?

Mr. WALSH. Well, I thought it made it more explicit. It said "the first Tuesday in August," and then I found it said "the first Tuesday of the second month thereafter," and I thought we had better say "the first Tuesday in October."

Mr. SAUNDERS of Virginia. I figured that is practically the same, but I wanted to know if it was a question of phrasing.

Mr. WALSH. Yes.

Mr. SAUNDERS of Virginia. I could not figure out the difference in the meaning.

Mr. MANN of Illinois. The reason is that I first thought on reading the bill it meant September, and I think the gentleman offered the amendment in order to make it clear enough for me to understand.

Mr. SAUNDERS of Virginia. If he wanted to bring it within the comprehension of the gentleman from Illinois, it is all right.

The question was taken, and the amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I have an amendment to perfect the language. In lines 2 and 3, strike out in line 2 the comma after the word "service" and insert the word "and"; and in line 3, after the word "panel," strike out the semicolon and insert the word "and." It is simply to straighten out the language and make it a little clearer.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 3, line 2, after the word "service," strike out the comma and insert the word "and"; page 3, line 2, after the word "panel," strike out the semicolon and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to strike out, on page 3, line 18, after the word "law," all the balance of the paragraph which includes the balance of the language on line 18, and the language in lines 19, 20, 21, and 22.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 3, line 18, after the word "law," strike out the remainder of the paragraph.

Mr. GARD. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Michigan a moment ago served to very well clarify what is probably the true intent and meaning of the section—that there should be no question that the method of drawing juries and selection, and so forth, in filling deficiencies in a panel, should be under the laws of the Supreme Court of the District of Columbia. Now, in view of what I have said in regard to that language that I have offered to strike out, and the succeeding language, which

provides that they shall certify in writing, and so forth, that they require additional jurors, I do not see that the language I have moved to be excluded means anything in the general consideration of the section.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. GARD. Yes, sir.

Mr. MANN of Illinois. Suppose the court is endeavoring to empanel a jury where objection is made, and the jurors are excused. What would happen? How would they get a jury if this language was stricken out?

Mr. GARD. It would be like it says here, that the jury shall be drawn and selected under and in pursuance of the laws now obtaining, or hereafter modified, concerning the drawing, selection, term of service, mode of filling deficiencies in the panel, as it appears in lines 2 and 3, which was clarified by the amendment of the gentleman from Michigan. So to that should be coupled up the fact that the method was the method prescribed for drawing juries and supplying deficiencies in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. I am frank to say that I did not hear the amendment of the gentleman from Michigan. I was discussing another matter.

Mr. GARD. His amendment was to strike out the semicolon after the word "panel."

Mr. MANN of Illinois. Strike out the semicolon where?

Mr. GARD. After the word "panel," in line 3. So that the unquestioned intent in the drawing of a jury, the selection of term of service, and the filling of deficiencies should relate to the method in vogue in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. That has reference to the drawing of jurors, so as to make the panel required under the law?

Mr. GARD. Yes.

Mr. MANN of Illinois. But there is a subsequent provision in this section directing that there shall be certified a certain number of jurors to this municipal court from the supreme court. There is no authority to certify any more than that number from the supreme court. And it seems to me that governs the number that can be drawn from the supreme court. All this preliminary is really a recital of existing law as to the drawing of juries in the supreme court and does not give to this court, as I understand it, any jurisdiction over the empaneling of jurors at all. Now, suppose they are one man short of a full jury. How are they going to get him?

Mr. GARD. In the same manner as they do in the supreme court, because the word "panel," as used in line 3 and in line 18, and the word "deficiency," as used in the same connection, brought the idea to my mind that this language in lines 18 and 19, and so forth, was a mere repetition, which added nothing to the language of the section.

Mr. MANN of Illinois. Now, one thing of the two is quite certain, either that the language at the top of page 3 does not authorize the municipal court to draw jurors itself or else the language in the middle of page 3, directing the clerk of the supreme court to certify 36 jurors to the municipal court, ought not to be in there. If the municipal court is to select its own jurors, in the first place, there is no occasion for certifying jurors from the supreme court, it seems to me.

Mr. CRAMTON. Will the gentleman from Ohio yield for a suggestion?

Mr. GARD. Yes.

Mr. CRAMTON. It seems to me that section 4 is to be read as if, after the word "selected," in line 23, the words "by the supreme court" were written in. So that the meaning shall be that the jurors for said municipal court shall be drawn by said supreme court for the municipal court.

Mr. MANN of Illinois. I agree with the gentleman. The purpose of that language is to declare that these jurors, when certified by the clerk of the supreme court, have been legally drawn. But if there is a shortage of jurors and there is no authority to certify any more from the supreme court, and you are empaneling a jury and you have not any panel to draw from, what do you do? The court sends out and gets more men to serve.

Mr. GARD. That is very true.

Mr. MANN of Illinois. Without that authority, what can you do?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

Mr. WALSH. Mr. Chairman, may it again be reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment by inserting, after the word "of," in line 17, page 3, the words "not to exceed," so that it will read "not to exceed 26." It may be that you will not need 26 jurors, and consequently there should be a provision to authorize the drawing of a less number.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 3, line 17, after the word "of," insert the words "not to exceed," so that the line will read "as jurors for the then existing term, the names of not to exceed 26 persons."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. WALSH. Mr. Chairman, I offer the following amendment: Page 2, line 25, after the word "selected," insert "by the supreme court."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 25, after the word "selected," insert the words "by the supreme court."

Mr. BRIGGS. Of the District of Columbia.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. IGOE. I have just glanced hastily over the section, and as I understand the law as to juries they are drawn by the clerk of the court under the direction of the court, and it seems to me that the language that is in there now, since it practically puts in force the present law, would sufficiently cover it.

Mr. WALSH. Mr. Chairman, I ask leave to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CRAMTON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had, January 10, 1920, approved and signed joint resolution of the following title:

H. J. Res. 263. Joint resolution extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public, No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

ENLARGING THE JURISDICTION OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The commitee resumed its session.

The Clerk read as follows:

SEC. 5. That if neither party demand a trial by jury, or if the value in controversy shall not exceed $20, the case may be tried and determined by any member of the court, and his finding upon the facts, which may be either general or special, shall have the same effect as a verdict of a jury, with the same right of either party to take an exception to any ruling of the court, and have the same embodied in a bill of exceptions, as in case of a jury trial.

Mr. WALSH. Mr. Chairman, in line 10, page 4, I offer an amendment to strike out the word "member" and insert the word "judge."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 10, strike out the word "member" and insert the word "judge."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CAMPBELL of Kansas. Just a moment, Mr. Chairman. This court is made up of six judges. They are assigned in the morning to the cases they will try. Probably this language would change that rule.

Mr. WALSH. How?

Mr. CAMPBELL of Kansas. I am not sure how. I did not get the point just where the language came in.

Mr. MANN of Illinois. This is only doing what is invariably the case where a number of justices constitute a trial court. Each judge sits in the court.

Mr. WALSH. Instead of "any member of the court" it should read "any judge," which would be better phraseology.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: In lines 11 and 12, page 4, strike out the words "which may be either general or special."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 4, lines 11 and 12, strike out the words "which may be either general or special."

Mr. RAKER. Mr. Chairman, I hope the gentleman from Minnesota will agree with this amendment, because when a judge of a court settles a case without a jury he comes to a final determination and his findings are on the facts, and he disposes of it without any further complication. Will the gentleman give me the benefit of his study of this bill as to what that particular language means?

Mr. WALSH. To whom is the gentleman addressing his request?

Mr. VOLSTEAD. I suppose that is quite common. Unless the law expressly provides that it shall be special, a general finding is ordinarily all right. It seems to me you might as well leave it in this condition. This is the ordinary common-law rule.

Mr. RAKER. When the court settles the case he is not bringing in any special verdict, as a jury might, but he finally determines the case.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. BRIGGS. As I understand it, the determination of causes under the courts may be by a general judgment or on a specific finding of facts upon which they base their conclusions of law. It would seem that it is under that that this provision of the bill is incorporated.

Mr. RAKER. When the court makes a finding on specific facts—not upon all the facts—he would do it on a specific fact, because the court in this instance, sitting in place of the jury, must make an ultimate finding of the whole case, so that the judgment might be rendered upon the facts, whether general or special, before the judgment is rendered.

Mr. BRIGGS. But there is nothing mandatory in this provision. It would not be assumed that the court in a $20 case would go to the trouble of setting out the specific findings. It might be that $2,000 is involved, and then the litigant might want the conclusions of the court.

Mr. RAKER. That might be so in the case of a larger amount. Mr. Chairman, I will withdraw my amendment under the circumstances.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I do not see any reason why the word "same" should be in line 13. You should give the right to either party and have the same embodied in a bill of exceptions.

Mr. MANN of Illinois. That is in the case of a jury trial.

Mr. SAUNDERS of Virginia. I do not see that the word "same" carries any necessary meaning.

Mr. MANN of Illinois. That would be the same as in a jury trial.

Mr. SAUNDERS of Virginia. If you should use the language "as in the case of a jury trial," it would carry the same meaning.

Mr. MANN of Illinois. "The same as" would carry the same meaning.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FORDNEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had, on January 15, 1920, approved and signed bills of the following titles:

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River at or near the town of Cheraw, S. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River, near Iron Wood Bluff, in Itawamba County, Miss.

ENLARGING THE JURISDICTION OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The Clerk read as follows:

SEC. 6. That all judgments hereafter entered by said municipal court shall remain in force for six years and no more after their rendition, unless the same shall have been docketed in the Supreme Court of the District of Columbia as provided by existing law, and no judgment shall become a lien upon any lands, tenements, or hereditaments until so docketed.

Mr. BANKHEAD. Mr. Chairman, I have an amendment which I should like to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 4, line 19, after the first word "the," insert "office of the clerk of."

Mr. BANKHEAD. Mr. Chairman, I want to call the attention of the chairman of the committee to this amendment. The law with reference to the enforcement of liens is, of course, always very strictly construed. The language of the section as it now stands is—

That all judgments hereafter entered by said municipal court shall remain in force for six years and no more after their rendition, unless the same shall have been docketed in the Supreme Court of the District of Columbia.

That is rather unusual language. In most of the States, of course, the provision is that the judgment shall be recorded in the probate office or some place of record; but the section of the municipal code, section 1214, to which I called the attention of the chairman of the committee with reference to liens, provides that they shall be recorded "in the office of the clerk of the Supreme Court of the District of Columbia," and it seems to me this language ought to follow the language of the municipal code. Otherwise it might be deemed sufficient to go and attempt to docket this lien upon the trial docket of the Supreme Court of the District of Columbia; and although I have no interest in the matter whatever, it seems to me it ought to be specific and definite and to follow the language of the municipal code with reference to the validity of liens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. WALSH. I offer the following amendment:

Line 17, page 4, strike out the language "and no more after their rendition" and insert in place thereof the words "and no longer."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 17, after the word "years," strike out the words "and no more after their rendition" and insert in lieu thereof "and no longer."

Mr. WALSH. Mr. Chairman, it seems to me the present language is not correct phraseology:

That all judgments hereafter rendered by said municipal court shall remain in force for six years and no more after their rendition.

Mr. IGOE. Suppose that the language was stricken out and nothing inserted, how long would the judgment remain in force?

Mr. WALSH. Probably six years.

Mr. IGOE. And with the language inserted that the gentleman proposes, how long will the judgment remain in force?

Mr. WALSH. Probably six years. I will say that when I obtained recognition from the Chair I did not intend to insert any language after that stricken out, but out of the atmosphere came the suggestion that I proposed.

Mr. MANN of Illinois. If you do not insert some language, it will read:

Shall remain in force for six years unless the same shall have been docketed in the Supreme Court of the District of Columbia.

And I defy anybody to say how long it would remain in force.

Mr. CRAMTON. Will the gentleman consent to accept this language "and for no more prolonged period of years"?

Mr. WALSH. No; I would not consent to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 22, noes 0.

Accordingly the amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, I should like to ask the chairman of the committee this question: Suppose a judgment is obtained, as provided in this bill, and it is docketed in the office of the clerk of the supreme court, what length of life will that docketing give it?

Mr. VOLSTEAD. Twelve years.

Mr. SAUNDERS of Virginia. Is that 12 more years?

Mr. VOLSTEAD. No; 12 years is the limit, as I understand.

Mr. SAUNDERS of Virginia. This is what I have in mind: Suppose a judgment has been obtained pursuant to this bill and it is allowed to run five years. It is then docketed in the office of the clerk of the Supreme Court of the District of Columbia. Will that docketing give the judgment a supplemental life of 12 years, so that the total life of the judgment will be 17 years?

Mr. VOLSTEAD. No; I do not so understand it.

Mr. SAUNDERS of Virginia. Is it clear what life this docketing would give the judgment—that it would only give it seven years more?

Mr. VOLSTEAD. It is 12 years in all.

Mr. SAUNDERS of Virginia. Then the docketing would give it seven years more.

Mr. VOLSTEAD. For the period of 12 years only from the date when execution might first be issued thereon, or from the date of the last revival thereof.

Mr. SAUNDERS of Virginia. This is a judgment of a court of record that is limited to a life period of six years, provided something is not done. But during that period it may be recorded in the office of the clerk of the Supreme Court of the District of Columbia. I have suggested a case in which, after running five years, it is recorded. How much more life will that docketing give to that judgment?

Mr. VOLSTEAD. My impression is that it gives it the life of a justice's court judgment, which would be 12 years from the date when the execution could first be issued upon it. Of course, the execution, I presume, could have been issued immediately upon the entry of the judgment, unless stayed in some way.

Mr. SAUNDERS of Virginia. Then it will be only 12 years in the aggregate?

Mr. VOLSTEAD. Twelve years in the aggregate, which is the life of a judgment of the Supreme Court of the District of Columbia, so it makes it the same as that.

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 4, line 16, after the word "that," insert "section 1212 of the Code of Law of the District of Columbia shall apply to."

Mr. GARD. Mr. Chairman, this amendment will require the elimination of some language afterwards; but what I desire to call attention to is the fact that we provide here in this section for the life of a judgment of this municipal court, which has jurisdiction to the extent of $2,000, to be 6 years, whereas section 1212 limits the life of a judgment in the Supreme Court of the District of Columbia to 12 years. It would seem to me that the same rule should prevail and that a judgment for $2,000 in the municipal court should have the same life as a judgment for $2,100 obtained in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN of Illinois. The gentleman's amendment is not complete.

Mr. GARD. I understand it is not. I said that it would mean the striking out of the language "shall remain in force for 6 years and no more after their rendition unless the same shall have been docketed in the Supreme Court of the District of Columbia, as provided by existing law."

I would include the language "and no judgment shall become a lien upon any land, tenement, or hereditament until so docketed," because the supreme court has to do with the question of title and the sale of land.

Mr. MANN of Illinois. This bill provides that a judgment of the municipal court shall not be a lien on real estate unless it is docketed in the supreme court or collected at once.

Mr. GARD. That is what it means at present. That is what I am trying to rectify.

Mr. MANN of Illinois. That is what the provision means; when you say the judgment shall not be a lien on real estate it means that it is of no value unless you can collect it at once, or unless you transfer it and docket it in the supreme court. If it is docketed in the supreme court it has a life of 12 years. I do not think it makes any difference whether the judgment of the municipal court has a life of five years or six years or one year if it is not a lien on real estate.

Mr. GARD. It may be collected from after acquired personal property. At present it stands that a judgment of the municipal court is good for 6 years for $2,000, and a judgment of the supreme court for $2,100 is good for 12 years.

Mr. MANN of Illinois. And is a lien.

Mr. GARD. And is a lien. Why such a discrepancy, why should not the judgment of the municipal court for $2,000 have the same force and effect that a judgment of any other court for $2,000?

Mr. MANN of Illinois. I thought the gentleman said he did not wish to give them the same effect; that he did not wish to give them a lien on real estate. I wondered why a judgment for $2,000 in the District of Columbia should not be a lien on real estate. Is there any State in the Union where a man obtains a judgment in a court of record and that judgment does not become a lien on real estate?

Mr. GARD. I am inclined to think the gentleman is correct. The whole section can be cared for by inserting the language I have used.

Mr. DOWELL. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DOWELL. Mr. Chairman, I want to suggest to the gentleman from Ohio [Mr. GARD] that he may make this a lien on real estate by filing it with the Supreme Court of the District of Columbia. Then it becomes a lien for 12 years, the length of the term of a judgment in the supreme court.

Mr. GARD. Why not provide that the life of a judgment in the municipal court, of $2,000, shall be the same as a judgment of the supreme court?

Mr. DOWELL. Because you provide a method by which it may be made the same length as that of a judgment in the supreme court by filing it with the clerk of the supreme court. That is all that is necessary. It gives the parties an opportunity to file the judgment in the supreme court and have the same term of life that would be had if the judgment had been rendered in that court.

Mr. TILSON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. TILSON. It seems to me that the provision to the effect that before a judgment becomes a lien on land it shall be recorded in the supreme court will diminish the number of records that one will have to search in order to find out whether there is any encumbrance on real estate. Under this provision one would not have to go to the records of the municipal court at all. It would be sufficient to examine the records of the supreme court, for if it is an encumbrance on land it must be there.

Mr. DOWELL. That is a good reason for making the records all in one place, and it provides a simple method by which one may enter the record in the supreme court.

Mr. MANN of Illinois. Is that of any value except to the abstract company?

Mr. DOWELL. If anyone desires to know whether there is an encumbrance on real estate he can find out at one place.

Mr. MANN of Illinois. They will not be all in one court. Nobody looks for a lien on real estate except the abstract company.

Mr. DOWELL. The abstract company charges everyone for whom it makes an abstract, and so this affects everybody who wants to secure an abstract. It seems to me that requiring the litigant to file a judgment in the supreme court is a very reasonable provision.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. Mr. Chairman, I move to strike out the last word so as to ask the gentleman from Minnesota [Mr. VOLSTEAD] a question. How long do judgments of the municipal court under existing law continue in force now?

Mr. VOLSTEAD. This, as I understand it, is a continuation of the existing law.

Mr. WALSH. This is a reenactment of the present law?

Mr. VOLSTEAD. Yes; as I understand it.

Mr. WALSH. Is there any provision in the present law for the docketing of judgment in the municipal court?

Mr. VOLSTEAD. There is.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. SAUNDERS of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "law," insert "but the said judgments shall not remain in force for more than 12 years from the date of their rendition."

Mr. SAUNDERS of Virginia. Of course if that amendment is adopted a formal amendment will follow. It will be necessary to strike out the word "and," and begin the word "no" with a capital letter. I asked the chairman of the committee if he understood that the effect of this section would be to give a life of only 12 years to these judgments. He replied that was his understanding. He might be right about that, but it is merely an implication, and this amendment will make positive that implication.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. The gentleman intends that that shall refer to judgments docketed in the supreme court?

Mr. SAUNDERS of Virginia. Yes. We might say, "no judgment so docketed," and I will ask unanimous consent to so modify my amendment.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. DOWELL. That merely discriminates against the judgment of the municipal court.

Mr. SAUNDERS of Virginia. But we are already doing that.

Mr. DOWELL. No. If this amendment is not adopted, then a judgment in the municipal court filed in the supreme court has exactly the same effect as a judgment in the supreme court.

Mr. SAUNDERS of Virginia. But that is precisely the effect that the chairman of the committee said it would not have.

Mr. DOWELL. But I desire to differ with him. The bill as it is presented here is exactly that case, and as soon as the judgment is filed with the supreme court it has exactly the same effect as though it had been rendered in the supreme court.

Mr. SAUNDERS of Virginia. The gentleman is merely raising the same question that I raised by my inquiry some moments ago.

Mr. DOWELL. According to the document just read by the chairman of the committee, it runs for 12 years from the time when an execution might issue. An execution may issue at the time it is filed in the supreme court.

Mr. VOLSTEAD. It might issue at the time it is rendered in the justice court.

Mr. DOWELL. In that court; yes.

Mr. VOLSTEAD. The only objection there could be to the language proposed by the gentleman from Virginia is the fact that a judgment might be entered and there might be a stay of execution; there might be an appeal. If there was an appeal, it would probably be set aside. I do not know what the proceeding here is. So that it might shorten the time. If the gentleman will use the language of the code, so that it will be 12 years after the execution has been issued——

Mr. SAUNDERS of Virginia. I have just said that I thought the amendment I had prepared had the approval of the committee. Originally, I intended to phrase the amendment affirmatively.

Mr. VOLSTEAD. I would very much prefer to have it the way you have the code.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. IGOE. I would suggest to the gentleman that I think that under his amendment he might cut out the right to have the judgment revived.

Mr. SAUNDERS of Virginia. I am going to rewrite it. As I have stated, I thought the language I adopted had been approved by the chairman of the committee.

Mr. IGOE. I think the intention was that the judgment when filed in the supreme court should be governed by the present laws relating to judgments as contained in the code.

Mr. SAUNDERS of Virginia. But a very wide difference of opinion developed as to the meaning of the language used.

Mr. IGOE. The present law provides for 12 years after an execution might have been issued. The execution might be issued while it is in the municipal court. The 12 years is running, but when it is filed it is a lien.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RAKER. Mr. Chairman, I understand that it is the unanimous consensus of opinion that a judgment of the municipal court runs for 12 years, and if the gentleman wants to make this effective and in simple language he could make it cover just what the committee wants by using the following language:

That all judgments hereafter rendered by such municipal courts shall remain in force for 12 years, and no longer, from the date of the entry. No judgment of the municipal court shall be a lien on any lands, tenements, or hereditaments until the judgment has been docketed in the office of the clerk of the Supreme Court of the District of Columbia, as provided for by existing law.

You cover both questions in that way. It is in force for 12 years whether it is docketed or not, and if you want a lien upon the real estate you do not get a lien until it is docketed. You may wait until the eleventh year. If you docket your judgment it becomes a lien, but not until then. I offer that suggestion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Mr. Chairman, in view of the suggestions that have been made, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. I intend to rewrite it, and I ask unanimous consent that we may return to this section later.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this section be passed temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 7. That nonresidents of the District of Columbia may commence suits in said municipal court without first giving security for costs, but upon motion may be required to give such security in pursuance of section 175 of the Code of Law for the District of Columbia.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the chairman of the committee if the substance of section 7 would not really become a part of the bill even if it were not formally embodied in the bill? That is to say, having provided, by section 3, that the procedure in the municipal court shall correspond with the procedure in the Supreme Court of the District of Columbia, would not the provisions of section 175 of the Code of the District of Columbia automatically apply? There is a good deal to be said along that line, not only with respect to section 7 and section 8—which are covered by sections 175 and 176 of the District Code—but other sections of the bill which relate to matters of procedure.

Mr. VOLSTEAD. I can not perhaps tell the gentleman definitely why those who drew the bill—for while I introduced it, as I said awhile ago, I did not draw it; it was drawn by very good lawyers, and I think that they thought it was safer to put those provisions in.

Mr. MOORE of Virginia. I do not propose to move to strike out or to offer an amendment either to section 7 or section 8, but I would like to direct attention of the conferees, if there should be a conference, to what I am suggesting. We can perhaps shorten and simplify the proposed legislation by considering the course I have taken the liberty to suggest and, if it has not yet been done, adopt a general provision that will bring about the application to the municipal court of the law and procedure enforced in the District Supreme Court, except as the same may be modified.

Mr. VOLSTEAD. I think the gentleman is correct in that.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman a question. Do residents of the District of Columbia have to give security for costs in bringing suit in the municipal court?

Mr. VOLSTEAD. I presume that is the law. The supreme court——

Mr. WALSH. No; the municipal court.

Mr. VOLSTEAD. In bringing suit in the supreme court that is the rule. That section, as I remember, does not specifically apply to any other court but the supreme court.

Mr. WALSH. No; this says, "that nonresidents of the District may commence suits in said municipal court without first giving security for cost, but upon motion may be required to give such security." Now, from the way that is phrased you would think residents of the District had to give security for costs.

Mr. MOORE of Virginia. May I answer the question, as I have just looked at the Code of the District of Columbia? It contains no provision requiring a resident of the District to give security for costs, although he is required to make a deposit. A nonresident can be required to give security if there is application therefor after service of notice.

Mr. WALSH. That is provided in section 175?

Mr. MOORE of Virginia. Yes, sir.

Mr. WALSH. Why should this be reenacted?

Mr. MOORE of Virginia. My observation awhile ago was that the legislation might be very much shortened by taking the general course the gentleman has in mind.

Mr. VOLSTEAD. I think section 175 only applies specifically to the supreme court as it reads now.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 8. That suits may be prosecuted by poor persons in the discretion and upon the order of the court, or of one of the judges, passed upon satisfactory evidence of inability to make deposit of costs, without the prepayment or deposit of costs.

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 3, after the word "that," strike out the balance of the section and insert:

"Upon satisfactory evidence being presented to the court, or one of the judges thereof, that the plaintiff in any suit is indigent and unable to make the deposit of costs, such court or judge may, in its or his discretion, permit the prosecution of such suit without prepayment or deposit of costs."

Mr. BANKHEAD. Does not the gentleman think the word "security" ought to be added there? The preceding section provides for security.

Mr. GARD. I have no objection.

Mr. HICKS. Will the gentleman yield for a question?

Mr. GARD. Yes.

Mr. HICKS. The purpose I had in addressing the Chair before the gentleman from Ohio offered the amendment was to ask this question: Is a provision such as this already in the law in the District, or is this a brand new provision?

Mr. GARD. There is some such provision, but it seems to me the language is not chosen very advisedly, and I am frank to say the language I have used in the amendment I have offered is the same language, in effect, as exists in the Code of the Supreme Court of the District of Columbia, and I have offered it in a trifling different phraseology.

Mr. HICKS. Can the gentleman give any information in regard to the number of people who avail themselves of this provision as applied to the supreme court?

Mr. GARD. I do not know how many, but I would presume there would be quite a number of applications, owing to the complex character of the population.

Mr. HICKS. In the gentleman's opinion, it is well to have this provision put in?

Mr. GARD. I think so.

I personally am inclined to afford every possible opportunity for every person, no matter how poor he may be, to present his case to the court properly. If he has not money to pay the costs or give security for costs, or make any deposit for costs, and he can show that to the court, and he is honest in so showing, I think he should be permitted to go ahead with his case.

Mr. HICKS. I agree with the gentleman from Ohio in regard to that fully, but I was wondering just what evidence the court would ask for as to whether or not a person was unable to pay those fees.

Mr. GARD. It is in the discretion of the court. It would be such as would be necessary in the conduct of the business of the court, I presume. Nobody can say what the court would demand.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the word "passed" should not be "based"?

Mr. VOLSTEAD. That has all been stricken out.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the marshal of the United States in and for the District of Columbia shall designate two of his deputies to take charge of the jurors in the municipal court, under the direction of the trial judge, and who shall perform such other services as the judge may require. Said municipal court shall have power to appoint two additional assistant clerks, to be known as jury clerks, at an annual salary of $1,200 each, payable in monthly installments; and the said clerks shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct.

Mr. WALSH. Mr. Chairman, I offer the following amendment:

Line 20, page 5, strike out the word "who" and insert the word "he."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 5, line 20, after the word "and," strike out the word "who" and insert in lieu thereof the word "he."

Mr. WALSH. Mr. Chairman, this reads that the marshal of the United States in and for the District of Columbia shall take charge of the jurors under the direction of the trial judge, and "who shall perform such other services as the judge may require." I ask to modify my amendment by using the word "they" instead of the word "he."

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Now, I would like to ask the chairman of the committee——

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Virginia [Mr. MOORE], who is familiar with the code and the procedure in the District, if the United States marshal has charge of the jurors in the supreme court now, under existing law?

Mr. MOORE of Virginia. I would say that I have had very little to do with the situation here for a great many years, and can not speak from any knowledge, but my belief is that he is correct in the assumption that the United States marshal for the District of Columbia has charge, and he of course has his assistants—bailiffs and others. I think the chairman of the committee is probably aware that that is the condition.

Mr. WALSH. Then, as I understand it, we do not provide for any court officers or other deputies except those under the jurisdiction of the United States marshal in and for the District of Columbia?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment: Line 22, page 5, strike out "two" and insert "one."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 5, line 22, after the word "appoint," strike out "two" and insert in lieu thereof "one."

The CHAIRMAN. The question is on the amendment.

Mr. HUSTED. Mr. Chairman, I would like to modify that amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. HUSTED. I want to add to that amendment, to strike out the word "clerks," and also to strike out the words "to be known as jury clerks," in line 23; strike out the word "each" in line 24, and strike out the word "clerks" and insert the word "clerk" in line 25.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 5, line 22, after the word "appoint," strike out the word "two" and insert in lieu thereof the word "one"; line 23, strike out the word "clerks" where it appears the first time and insert the word "clerk"; and strike out the words "to be known as jury clerks"; in line 24 strike out the word "each"; and in line 25 strike out the word "clerks" and insert in lieu thereof the word "clerk."

Mr. MANN of Illinois. Mr. Chairman, apparently this amendment, if it is agreed to, would limit the authority of the court to employ more than one additional clerk over the number that are now being employed, and certainly if you are going to give the municipal court of the District of Columbia exclusive jurisdiction of all causes arising in the District under a value of $2,000, you have got to have more than one additional clerk over the number of clerks the courts now have.

This bill provided for two additional jury clerks. I do not know whether two additional jury clerks are requisite or not. It made no limitation, at least, upon the number of other clerks that might be provided by an appropriation law. But if you put this in the law you have got a limit on the number of clerks that can be employed in the municipal court, and if the Committee on Appropriations brings in a bill, as they will, providing for more clerks in the municipal court, they go out on a point of order in the House.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. I yield to the gentleman.

Mr. HUSTED. I would ask the gentleman if he has not overlooked the limitation in line 25, on page 5, and in lines 26 and 27, on page 6. The duties of this particular clerk are set forth. It says that he "shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct."

Mr. MANN of Illinois. Very well. That does not answer the proposition. Those probably will not be the only things that he does. But if we specifically provide by law, as a legislative proposition, that the Department of Labor, for example, can employ one more clerk, then they could not go above that. Where Congress specifically by law legislates and covers a certain thing there is no guesswork after that.

Mr. HUSTED. Then if the gentleman will permit, I will ask unanimous consent to modify my amendment by retaining the words "to be known as jury clerk" after the word "clerk," in line 23, so that he will be designated as a jury clerk.

Mr. MANN of Illinois. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to modify his amendment?

There was no objection.

Mr. GARD. Mr. Chairman, may we have the amendment read as modified?

The CHAIRMAN. Without objection, the Clerk will read the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 5, line 22, after the word "appoint," strike out "two" and insert "one" in lieu thereof. In line 23 strike out the word "clerks" where it first appears and insert the word "clerk," after the word "assistant." In the same line, after the word "jury," strike out the word "clerks" and insert "clerk." In line 24 strike out the word "each." In line 25 strike out the word "clerks" and insert in lieu thereof the word "clerk."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. RAKER. Mr. Chairman, a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 16, noes 0.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That no appeal shall hereafter lie from the municipal court to the Supreme Court of the District of Columbia. Any party aggrieved by any final judgment in an action to recover possession of real property, or by any final order or judgment of said municipal court where the amount or value involved, exclusive of interests and costs, exceeds the sum of $100, or by any interlocutory order whereby the possession of property is changed or affected, such as orders dissolving writs of attachment and the like, provided the amount or value involved exceeds the sum aforesaid, may appeal therefrom to the Court of Appeals of the District of Columbia. If the amount or value involved does not exceed, exclusive of interest and costs, the sum of $100, the court of appeals may allow a special appeal, whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for and manner of taking, perfecting, and prosecuting appeals, and substituting parties shall be the same as now obtaining, or as hereafter modified, for appeals from the supreme court of said District to said court of appeals. No appeal by the defendant in an action for the recovery of possession of real property shall operate as a stay of execution or supersedeas, unless within six days, exclusive of Sundays and legal holidays, after the judgment the appellant shall file in the clerk's office of the municipal court a bond with surety or sureties, to be approved by the said court or a judge thereof, conditioned to abide by and pay the judgment rendered by the municipal court, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof from the date of the judgment appealed from to the date of its affirmance. The penal sum of said bond shall be fixed by the municipal court or a judge thereof.

Mr. WALSH. Mr. Chairman, I move to amend, on page 6, line 16, by striking out the word "interests" and inserting the word "interest."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 6, line 16, strike out the word "interests" and insert in lieu thereof the word "interest."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That each of the present judges of said municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified. Each judge hereafter appointed shall serve for the term of six years and until his successor is duly appointed and qualified.

With a committee amendment, as follows:

Strike out all of lines 19, 20, 21, 22, 23, and 24, on page 7.

Mr. CRAMTON. Mr. Chairman, the amendment of the committee which would strike out all of section 13 should, I think, have the careful consideration of the Committee on the Judiciary and of the Committee of the Whole.

Section 13 contains two propositions. One is to provide that the judges of this municipal court, either those now in office or those hereafter to be appointed, shall serve the period for which appointed and until their successors are appointed.

The other proposition is to extend the term from four years to six years. The term at present is four years. Section 13 would provide for an extension of that term to six years, but that extension would not affect those now holding office. It is expressly so drawn that it would have no effect except as to those hereafter to be appointed.

It seems to me that we might very well provide for that extension of time from four to six years for judges of this court hereafter appointed, for the reason that we are giving the court a greater responsibility and a greater dignity, and it should have a corresponding period of service, so that you will not be continually breaking in new judges, and inexperienced judges, perhaps.

Furthermore, the terms of the judges of the police court and the juvenile court are six years, and certainly neither of those courts is of greater importance than this municipal court will be under this new law. The justices of the Supreme Court of the District of Columbia and of the court of appeals are appointed for life. It would seem only proper to give the judges of the municipal court as long a term as the judges of the juvenile court and the police court.

But I am not so much concerned about that as I am about the other proposition in the paragraph. I think that section 13 should be retained, even if the committee should feel that they wanted to change the word "six" to "four," because the dispatch of business in the court is largely involved. Under the present law the terms of several of the judges expire at one time. If there is a delay in the appointing of their successors, they do not hold until their successors are qualified, and the business of the court is greatly crippled because of the vacancies. Only a short time ago that very thing happened, and for a period of several months only one judge of the court remained who was eligible to continue the work. The other judges were reappointed eventually, but for several months between the expiration of their terms and the time of their reappointment their positions were vacant. I hope, therefore, that the committee will feel that they can yield on that point and retain section 13.

Mr. WALSH. In response to the suggestion of the gentleman from Michigan, who takes issue with the amendment proposed by the committee, I will say that the committee were very strongly of the opinion that we ought not to increase the terms of the judges of the municipal court. I do not think there would be very much disposition to question the passage of a provision permitting them to serve during their terms and until their successors were duly appointed and qualified.

Mr. TILSON. What does the gentleman understand to be the present law? If we pass nothing on this subject whatever, would not these present judges continue to serve until their successors were appointed?

Mr. WALSH. No; they step out of office at 12 o'clock noon on the day of the expiration of their commissions, and that leaves a vacancy. I think we should enact the first three lines of the section. That would provide that each of the present judges of the municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified.

Mr. CRAMTON. I will suggest that even if we are to limit the term to four years, the entire paragraph should be retained, the second sentence as well as the first, changing the word "six" to the word "four," because the first sentence would apply only to those now in office and not to those hereafter appointed. I do not know just how to get the issue properly before the committee. I do not myself like to offer to amend section 13 by changing the word "six" to "four," because I favor the term of six years.

Mr. WALSH. Would the gentleman seriously combat a motion to change "six" to "four" if the committee amendment were voted down?

Mr. CRAMTON. I would not. I would be glad to allow the committee to use its best judgment on that.

The CHAIRMAN. The question is on the committee amendment.

The question being taken, on a division (demanded by Mr. CRAMTON) there were—ayes 22, noes 6.

Accordingly the committee amendment was agreed to.

Mr. CRAMTON. I offer to insert a new section, to be known as section 13, which will be identical with the section stricken out, except that the word "six" will be changed to "four."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 7, line 19, insert a new section as follows:

"SEC. 13. That each of the present judges of said municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified. Each judge hereafter appointed shall serve for the term of four years and until his successor is duly appointed and qualified."

Mr. GARD. Reserving a point of order, does the gentleman from Minnesota desire to make a point of order on that?

Mr. VOLSTEAD. No; but I offer an amendment to it that will carry out the idea that I think should be properly embodied in the bill. Under the present law when the term of a judge expires he does not hold until his successor is appointed and qualified, and I am informed that we did have an instance when there was only one municipal judge in this District, because the terms of the others expired and their successors were not appointed.

Mr. BANKHEAD. Mr. Chairman, I make the point of order. If the chairman of the committee wants to offer an amendment let him offer it. It is very unusual to offer an amendment containing the language of a section which the committee has just stricken out.

Mr. CRAMTON. If the gentleman will permit, I am offering an amendment which does not contain the same proposition that has been stricken out. The proposition to strike out contained a provision for the extension of the term from four to six years, and in my amendment it is four years, as it is under existing law. I have offered the amendment that does not provide for any extension of the term except from the time of the expiration until the successor is appointed.

Mr. BANKHEAD. The gentleman's amendment differs in substance from the committee amendment?

Mr. CRAMTON. It does.

Mr. BANKHEAD. Mr. Chairman, I withdraw the point of order.

Mr. VOLSTEAD. Mr. Chairman, I desire to offer an amendment to the amendment which will cover what the gentleman from Michigan has in mind and not repeat any unnecessary language.

The Clerk read as follows:

Line 19, add:

"SEC. 13. That each of the judges of the said municipal court shall serve until his successor is duly appointed and qualified."

Mr. CRAMTON. Mr. Chairman, I accept the substitute.

Mr. IGOE. Might not the effect of that be to destroy any definite period for the service of the judges?

Mr. VOLSTEAD. No; because the law is in effect now.

Mr. IGOE. This is a change of existing law and to that extent repeals it. I am inclined to think that the amendment of the gentleman from Michigan is the better amendment, if this is what you want to accomplish—that they shall serve four years and until the successor is appointed and qualified.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That this act shall not take effect until 90 days after its approval.

The following committee amendment was read:

Page 8, line 1, strike out "14" and insert "13."

Mr. TILSON. Mr. Chairman, I suggest that this amendment ought to be voted down, in view of the fact that we have just inserted section 13.

The committee amendment was rejected.

Mr. WALSH. Mr. Chairman, I move, on page 8, line 1, to strike out the word "not," after the word "shall," and the word "until," after the word "effect," and in line 2 strike out the word "approval" and insert in lieu thereof the word "passage."

The amendment was agreed to.

The Clerk read as follows:

SEC. 15. That all acts and parts of acts inconsistent herewith are hereby repealed: *Provided*, That nothing herein shall be construed so as to deprive the Supreme Court or the Court of Appeals of the District of Columbia from reviewing and finally determining such cases as may be pending on appeal or certiorari at the time that this act goes into effect: *Provided further*, That nothing herein shall be construed to deprive the said municipal court of any jurisdiction possessed by said court at the time of the passage of this act.

With the following committee amendment:

Page 8, line 3, strike out the figures 15 and insert 14.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was rejected.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 12, after the word at the end of line 12, add the following:

"*Provided further*, That nothing in this act shall be construed to supersede or modify any of the provisions of the public resolution, No. 31, Sixty-fifth Congress, entitled 'Joint resolution to prevent rent profiteering in the District of Columbia,' approved May 31, 1918, nor of any of the provisions of public law No. 63, approved October 22, 1917, entitled 'An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.'"

Mr. LONGWORTH. Mr. Chairman, on that I reserve the point of order.

Mr. McLAUGHLIN of Michigan. What is the point of order?

Mr. LONGWORTH. It is clearly not germane.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the bill we are now considering relates to the jurisdiction of the municipal court of the District of Columbia, to matters connected with the trial of cases, and to appeals from judgments of that court. The bill mentions one subject of which the court has or is to have jurisdiction, the trial and determination of cases relating to or involving the title to and the possession of real estate, including, of course, rental property in the District. The joint resolution referred to in the amendment I offer, also the rent law referred to, deal with the same matters. The examination I have made of the bill before us and my knowledge of the joint resolution—the Saulsbury resolution—and of the rent law lead me to say that, in my judgment, there is or may be conflict between the bill on the one hand and the resolution and the rent law on the other hand. The bill provides for the manner of trial of cases relating to real estate and personal property also in the District court, for the taxing of costs in such cases, for appeals from the judgments to the Court of Appeals of the District, for the manner of taking such appeals, and for the effect of such appeals. The rent law has several provisions relating to all these things, and as to some of them, and in certain important respects, the provisions of this bill and the provisions of the rent law are different. That is, cases relating to the possession and control of property, taken to the Municipal Court of the District by appeal from the Rent Commission, must, under the rent law, be tried and disposed of in one manner, while cases properly originating in that court must be tried, determined, and disposed of in another way. It may be thought by some that all lawsuits of a similar nature, whether they originate in the court or reach there by appeal from the Rent Commission, should stand on the same footing, and that all laws and all procedure and rules of court ought to be the same as to both classes of cases.

That sounds all right and is right as a general proposition, but the Saulsbury resolution and the rent law were passed to meet an emergency; they seek to prevent profiteering in rents by the landlords in the District, and it seemed to the Congress justifiable and necessary to provide for court proceedings in such of the cases as may reach the court somewhat different in some respects from the course pursued in the trial and disposition of other cases. The provisions of the rent law were carefully worked out, and in my judgment they are wise. They ought at least to be given a fair trial. And while that law is on trial the Congress ought not to enact a law which by any kind of construction may supersede it or conflict with it. It is suggested here that the Saulsbury resolution has been repealed or is not now in effect. The regular rent law, if I may so call it, provides that the Saulsbury resolution shall remain in full force and effect for 60 days after the confirmation of the appointees to the commission by the President, so the Saulsbury resolution is now running and will run for some time; the regular rent law is in force and operating. As I look through the bill that the House is now considering it seems to me that unless some such amendment as I offer is adopted there may be some conflict. It is simply that nothing in this act—in this bill—shall be so construed as to supersede or modify the provisions of the joint resolution or the rent law. I believe my amendment is germane, and I trust it will be agreed to.

Mr. LONGWORTH. Mr. Chairman, I do not insist upon the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the words "so as" in line 5 on page 8.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BANKHEAD moves to amend by striking out, on page 8, line 5, the words "so as."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, if this section is completed, I desire to say that a reservation was made in respect to section 6, and permission granted to return to the same. A question arose as to the meaning of this section, and considerable debate ensued. The varieties of interpretations submitted, indicated that there was a wide difference of opinion as to the meaning of this portion of the bill. I have offered an amendment which affirmatively places these judgments on the same basis as judgments of justices of the peace, so that their life will not be more than 12 years from the date at which executions could be sued out.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report. The Chair will inquire whether the amendment is a substitute for the entire section?

Mr. SAUNDERS of Virginia. No; the amendment should be inserted in line 20 after the words "existing law." It covers the same points that I had in mind in the amendment heretofore offered, but the essential proposition is affirmatively, not negatively, stated.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "law," insert "in which event they shall be liens as provided in chapter 38 of the Code of Law for the District of Columbia, for judgments of justices of the peace."

Mr. SAUNDERS of Virginia. The effect of that language will be to limit the life of these judgments to 12 years from the time that executions could be sued out, and to give these judgments the same rights that are provided in the chapter for judgments of justices of the peace.

Mr. WALSH. Do I understand the last words of the gentleman's amendment were "for judgments of justices of the peace"?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. What does that mean?

Mr. SAUNDERS of Virginia. The amendment is designed to make clear the meaning which the chairman of the committee said this section was intended to carry. The chapter cited provides for the life of judgments of justices of the peace when they are docketed, for scire facias and other proceedings, and for certain limitations not to be considered in counting the time of the life of the judgment.

Mr. WALSH. This is, "in which event they shall be liens as provided in chapter," and so forth, "of the Code of Law for the District of Columbia for judgments of justices of the peace"?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. I do not think that hitches on there just right.

Mr. SAUNDERS of Virginia. Why not?

Mr. WALSH. "For judgments of justices of the peace." What does it refer to?

Mr. SAUNDERS of Virginia. It refers to all of the provisions of the chapter relating to judgments of justices of the peace. In other words, it puts these judgments, in the event they are docketed, on the same footing as judgments of justices of the peace, with all the rights enjoyed under this chapter by such judgments.

Mr. WALSH. I do not think that is necessary, and it looks to me that it does not harmonize with the rest.

Mr. SAUNDERS of Virginia. This language affords the precise meaning that the chairman said was intended, namely, that these judgments should have a life of 12 years as provided for judgments of justices of the peace.

Mr. WALSH. The gentleman means to say that the chapter——

Mr. SAUNDERS of Virginia. That chapter 38, so far as it relates to judgments of the justices of the peace and docketing same, shall apply to these judgments, if they are docketed under this section.

Mr. WALSH. I think the gentleman might say, "in which event they shall be liens as provided in chapter 38 of the Code of Law for the District of Columbia relating to judgments of justices of the peace."

Mr. SAUNDERS of Virginia. I will say to the gentleman I first drew my amendment and used the words "relating to" and then struck them out, for the reason that this chapter does not relate exclusively to judgments of justices of the peace. I have no objection in the world to using the words "relating to" except as stated that the chapter cited does not exclusively relate to justices of the peace.

Mr. WALSH. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, there are two little consequential amendments. There should be a period at the end of the amendment just adopted, the word "and" in line 20 should be stricken out, and the word "no" should begin with a capital. I move to strike out the word "and," and the word "no" shall begin with a capital "N".

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "laws," strike out the comma, insert a period, and strike out the word "and," and insert a capital letter to the word "no."

The question was taken, and the amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10074, and had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote on the first committee amendment.

The SPEAKER. The gentleman from Massachusetts demands a separate vote on an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, strike out "$1,000" and insert in lieu thereof "$2,000."

Mr. CRAMTON. Mr. Speaker, I do not think it has been reported correctly by the Clerk. There has been no such amendment reported to the House.

Mr. TILSON. Mr. Speaker, the committee amendment was stricken out and no amendment was made to that part of the bill.

Mr. CRAMTON. No amendment of that kind was reported to the House.

The SPEAKER. The Chair, of course, does not know what transpired in the committee. What does the gentleman from Massachusetts [Mr. WALSH] claim?

Mr. WALSH. I was under the impression that the first committee amendment which was voted down in the committee could now be voted upon separately in the House, but I see that I am mistaken, and I will endeavor to secure a vote on that question in another manner.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. WALSH. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary, with instructions to report the same back forthwith with an amendment striking out, in line 7, page 1, the figures "2,000" and insert in place thereof the figures "1,000."

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on the Judiciary with instructions to that committee to report the same back forthwith with the following amendment: Page 1, line 7, strike out "$2,000" and insert in lieu thereof "$1,000."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the Chair was in doubt.

Thereupon the House divided; and there were—ayes 14, noes 18.

Mr. WALSH. Mr. Speaker, I make the point of no quorum.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until Saturday, January 17, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of all promotions in United States Army since November 11, 1918, in response to H. Res. 425 (H. Doc. No. 610); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for the construction of a national archives building (H. Doc. No. 611); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for expenses of the United States Bituminous Coal Commission for remainder of current fiscal year (H. Doc. No. 612); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for increased lighting facilities in the Butler Building, Washington, D. C. (H. Doc. No. 613); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, United States Army, submitting a statement showing names and other data in regard to civilian engineers employed on river and harbor work, fiscal year 1919 (H. Doc. No. 614); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SANDERS of Indiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11606) to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Attica, Fountain County, Ind., reported the same with an amendment, accompanied by a report (No. 546), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River, reported the same with amendments, accompanied by a report (No. 553), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3452) authorizing the city of Detroit, Mich., a municipal corporation, to construct, maintain, and operate a bridge across the American channel of the Detroit River to Belle Isle, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 11067) to refund certain duties paid by W. Loaiza & Co., reported the same without amendment, accompanied by a report (No. 548), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 25) for the relief of Benjamin O. Kerlee, reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1546) for the relief of Katie Norvall, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2343) for the relief of Capt. Frederick B. Shaw, reported the same without amendment, accompanied by a report (No. 551), which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 9904) for the relief of Forrest R. Black, reported the same without amendment, accompanied by a report (No. 552), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11259) granting an increase of pension to Gariet H. Fowler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11484) granting a pension to Martha Williams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAZARO: A bill (H. R. 11803) to provide a site and erect a public building at De Ridder, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11804) to provide a site and erect a public building at Oakdale, La.; to the Committee on Public Buildings and Grounds.

By Mr. CARSS: A bill (H. R. 11805) to provide for the erection of a public building at Cloquet, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Illinois: A bill (H. R. 11806) to provide revenue and to encourage the manufacture of oxalic acid by imposing special duties, and for other purposes; to the Committee on Ways and Means.

By Mr. SUMMERS of Washington: A bill (H. R. 11807) authorizing the erection of a Federal building at Pasco, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11808) to amend section 2 of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 11809) making appropriations for the purchase of airplanes and aviation equipment for the Aviation Service of the United States Army; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 11810) for the purchase of a site and the erection of a public building at Earl, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11811) for the erection of a public building at Forrest City, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11812) to increase the limit of cost of the erection of a post-office building at Marianna, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11813) for the purchase of a site and erection of a public building at Rector, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11814) to authorize the Secretary of War, in his discretion, to furnish quarters at Langley Field, Va., to the civilian employees of the National Advisory Committee for Aeronautics, and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 11815) to provide for the national security and defense by encouraging the production and refining of graphite (plumbago, silver lead) ores in the United States and its possessions, and to provide revenue for the Government of the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 11816) providing for the relief of populations in Europe and in countries contiguous thereto; to the Committee on Ways and Means.

By Mr. KAHN: Joint resolution (H. J. Res. 276) to amend the section providing for regular supplies in "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919; to the Committee on Military Affairs.

By Mr. TILSON: Resolution (H. Res. 440) requesting the Secretary of the Interior to direct the Commissioner of Patents to transmit to the House of Representatives certain information regarding patents; to the Committee on Patents.

By Mr. McKENZIE: Resolution (H. Res. 441) for the consideration of S. 3037; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11817) granting an increase of pension to Joseph Guffy; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11818) granting an increase of pension to Benjamin F. Burklew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11819) granting an increase of pension to Jennie Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11820) granting an increase of pension to Henry Morr; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 11821) granting an increase of pension to Thomas Harrison; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11822) granting a pension to Isaac Morris; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 11823) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 11824) for the relief of William S. Britton; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11825) granting a pension to John Frederick Fellhauer; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11826) granting a pension to William T. Atkinson; to the Committee on Pensions.

Also, a bill (H. R. 11827) granting a pension to Noah Smith; to the Committee on Pensions.

Also, a bill (H. R. 11828) granting a pension to Jacob Stone; to the Committee on Pensions.

Also, a bill (H. R. 11829) granting a pension to Frank Risner; to the Committee on Pensions.

Also, a bill (H. R. 11830) granting a pension to David C. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 11831) granting a pension to William Winn; to the Committee on Pensions.

Also, a bill (H. R. 11832) granting an increase of pension to Leck Patrick; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting an increase of pension to James Wheeler; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11834) for the relief of certain landowners of New Castle County, in the State of Delaware; to the Committee on the Public Lands.

By Mr. REBER: A bill (H. R. 11835) granting an increase of pension to Joseph Johnston; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11836) granting an increase of pension to William S. Phelps; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11837) granting an increase of pension to Julia Tomlin; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11838) granting an increase of pension to Alida A. Marshall; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11839) granting an increase of pension to Simpson Hornaday; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11840) granting a pension to William M. Furnas; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

906. By the SPEAKER: Petition of the Broadway Christian Church, at Denver, Colo., to grant all American Indians full citizenship, etc.; to the Committee on the Judiciary.

907. Also, petition of the Brotherhood of Locomotive Engineers of the State of New York, against the Esch railroad bill and the Cummins railroad bill, etc.; to the Committee on Interstate and Foreign Commerce.

908. By Mr. CAREW: Petition of the Merchants' Association of New York City, urging relief for the famishing people of central Europe and of Armenia; to the Committee on Foreign Affairs.

909. Also, petition of citizens of Brooklyn, N. Y., for the recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

910. By Mr. EMERSON: Petition of the Cuyahoga County Council of the American Legion, Cleveland, Ohio, against un-American propaganda; to the Committee on the Judiciary.

911. By Mr. ESCH: Petition of the Appalachian Club, indorsing purchase of certain lands, etc.; to the Committee on Appropriations.

912. By Mr. HILL: Petition of 340 real estate owners in the city of New York, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

913. Also, petition of residents of Canton, Ohio, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

914. Also, petition of 408 owners of real estate in New York City, and others, for the enactment of House bill 10518 to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

915. Also, petition of 487 members of the Greater New York Taxpayers' Association, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

916. Also, memorial of the board of estimate and apportionment of the city of New York, approving the principle of House bill 10518 to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

917. Also, petition of 85 residents of New Haven, Conn., and vicinity, for the enactment of H. R. 10518, to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

918. Also, petition of 510 real estate owners in New York City, for the enactment of H. R. 10518, to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

919. By Mr. KELLEY of Michigan: Resolutions of the Michigan Public Domain Commission, favoring legislation for the prevention of forest fires; to the Committee on Agriculture.

920. By Mr. KENNEDY of Rhode Island: Resolution of Providence Lodge No. 14, Benevolent and Protective Order of Elks, urging deportation of aliens who are members of I. W. W. and kindred organizations and punishment of disloyal citizens; to the Committee on Immigration and Naturalization.

921. Also, resolution of Robert Emmet Branch, Friends of Irish Freedom, Newport, R. I., urging passage of Mason resolution; to the Committee on Foreign Affairs.

922. By Mr. MOORE of Ohio: Petition of the board of directors of the Zanesville Chamber of Commerce of the city of Zanesville, Ohio, denouncing radical activities in the United States and recommending legislation punishing sedition and the circulation of anarchistic doctrines; to the Committee on the Judiciary.

923. By Mr. O'CONNELL: Petition of the American Association of State Highway Officials, of Richmond, Va., urging Congress to take the necessary steps to become a Government member of the International Association of Road Congress, etc.; to the Committee on Foreign Affairs.

924. By Mr. ROWAN: Petition of the Appalachian Mountain Club, of Boston, Mass., urging certain legislation now pending; to the Committee on Appropriations.

925. Also, petition of Mr. Donohue, of the State of New York, for the transfer of the quarantine establishment on Staten Island, etc.; to the Committee on the Judiciary.

926. Also, petition of George H. Gerrety, of Brooklyn, N. Y., indorsing the Royal C. Johnson bill; to the Committee on Ways and Means.

927. Also, petition of the Lawyers' Club, of New York City, indorsing Senate bill 3315; to the Committee on Immigration and Naturalization.

928. Also, petition of the American Association of State Highway Officials, urging the passage of the Kahn bill for the distribution of war supplies; to the Committee on Military Affairs.

929. Also, petition of the American Association of State Highway Officials, of Richmond, Va., urging Congress to become a Government member of the International Association of Road Congress, etc.; to the Committee on Foreign Affairs.

930. Also, petition of the American Association of State Highway Officials, urging Congress to take the necessary steps to become a Government member of the International Road Congress, etc.; to the Committee on Foreign Affairs.

931. Also, petition of the Valley Camp Coal Co., of Cleveland, Ohio, against increased freight rates, etc.; to the Committee on Interstate and Foreign Commerce.

932. Also, petition of Rufus A. Ayers, of Big Stone Gap, Va., against certain provisions in the Esch railroad bill and the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

933. Also, petition of citizens of Brooklyn, N. Y., asking recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

934. Also, petition of William Harman, of Ocala, Fla., urging pension for the blind; to the Committee on Pensions.

935. Also, petition of the Committee of Friends of Conscientious Objectors, of Brooklyn, N. Y., against the imprisonment of certain people; to the Committee on the Judiciary.

936. By Mr. SINCLAIR: Petition of a number of citizens of Minot, N. Dak., asking for the passage of the Lehlbach-Sterling bill to retire civil-service employees; to the Committee on Reform in the Civil Service.

937. By Mr. STINESS: Petition of the Providence (R. I.) Lodge, No. 14, Benevolent and Protective Order of Elks, urging legislation for the deportation of disloyal citizens, etc.; to the Committee on Immigration and Naturalization.

938. By Mr. TAGUE: Petition of the Engineering School, Cambridge, Mass., relative to a bill for a national department of public works; to the Committee on the Judiciary.

939. Also, petition of the postal employees of Greater Boston, Mass., relative to salary increases; to the Committee on the Post Office and Post Roads.

940. Also, petition of citizens of Massachusetts, urging the passage of the bills known as Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

941. By Mr. WATSON: Petition of citizens of the eighth district of the State of Pennsylvania, asking for the investigation causing the suffering of the Indians of the Yukon River, Alaska; to the Committee on the Territories.

942. Also, petition of the Musicians' Protective Union, Quakertown, Pa., opposing the Cummins antistrike railroad bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 17, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire the work of this day to go into the record as a transcript of Thy own thought concerning us. Lest Thy spirit may be with us send us not hence. Fit us for the duties of this day, that we may reflect in our thought, word, and character the purpose of God in us as individuals and as a Nation. We ask it for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 17, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President Pro Tempore.

Mr. SMOOT took the chair as Presiding Officer and directed that the Journal of yesterday's proceedings should be read.

On request of Mr. LODGE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

SALMON FISHERIES TREATY WITH GREAT BRITAIN.

Mr. LODGE. As in open executive session, I ask unanimous consent to submit an order for the return of what is known as the salmon fisheries treaty, pursuant to a communication from the President, which was referred to the Committee on Foreign Relations, saying:

To the Senate:

I transmit herewith a communication from the Secretary of State relating to the convention between the United States and Great Britain, signed September 2, 1919, relating to the protection, preservation, and propagation of salmon fisheries. I beg to request that this treaty be returned to me for further consideration.

WOODROW WILSON.

I send the following order to the desk.

The PRESIDING OFFICER. Without objection, the order will be read.

The order was read and agreed to, as follows:

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the convention signed September 2, 1919, between the United States and Great Britain, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada, and the Fraser River system, transmitted to the Senate on the calendar day of September 3, 1919, and printed as Executive H, Sixty-sixth Congress, first session, and that it be returned to the President of the United States.

Mr. LODGE. I ask to have printed in the RECORD the message from the President and the letter from the Secretary of State explanatory of the order just passed. The treaty has already been made public, and I ask also that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

To the Senate:

I transmit herewith a communication from the Secretary of State relating to the convention between the United States and Great Britain, signed September 2, 1919, relating to the protection, preservation, and propagation of the salmon fisheries. I beg to request that this treaty be returned to me for further consideration.

WOODROW WILSON.

THE WHITE HOUSE,
15 January, 1920.

—

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, if his judgment approve thereof, the following suggestion with regard to the convention for the protection, preservation, and propagation of the salmon fisheries, signed September 2, 1919, and submitted to the Senate by the President on September 3, 1919.

Article II of such convention has been objected to by representatives of the fishery interests in the State of Washington, and since it would seem that such objections might be met by redraft of this article without prejudicing the treaty as a whole, it is suggested that the treaty be withdrawn for the purpose of taking up the revision of this article with the Government of Great Britain.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, January 13, 1920.

—

The Senate:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Great Britain, signed September 2, 1919, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system.

WOODROW WILSON.

THE WHITE HOUSE,
September 3, 1919.

—

SEPTEMBER 2, 1919.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of the Senate to its ratification, a convention signed September 2, 1919, between the United States and Great Britain, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE, *Washington.*

—

The United States of America and His Majesty George V, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Emperor of India, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system, have resolved to conclude a convention for this purpose, and have named as their plenipotentiaries:

The President of the United States of America, the Hon. Robert Lansing, Secretary of State of the United States of America, and

His Britannic Majesty, the Hon. Ronald Lindsay, his charge d'affaires at Washington, and the Hon. Sir John Douglas Hazen, a knight commander of the Most Distinguished Order of St. Michael and St. George, chief justice of New Brunswick, and a member of his Privy Council for Canada,

Who, having exhibited their full powers, found to be in due form, have agreed to and signed the following articles:

ARTICLE I.

The times, seasons, and methods of sockeye-salmon fishing in the waters specified in Article III of this convention, and the

nets, engines, gear, apparatus, and appliances which may be used therein, shall be limited to those which are specified in the regulations appended hereto, and/or which may be specified in revised, modified, or substituted regulations provided for in Article VI and promulgated in accordance with the terms of Article II.

ARTICLE II.

The high contracting parties engage to put into operation and enforce by legislative and executive action, with as little delay as possible, the provisions of this convention and said regulations, and the date when the said regulations shall be put into operation shall be fixed by concurrent proclamations of the President of the United States and of the Governor General of the Dominion of Canada in council. Each of the high contracting parties may, by appropriate legislation, provide for the trial, conviction, and punishment within its jurisdiction of any person found there who has contravened any of the provisions of this convention, and/or said regulations within the jurisdiction of the other high contracting party, and who has not been punished for such offense within the latter jurisdiction.

ARTICLE III.

It is agreed that the provisions of this convention and of said regulations shall apply to the waters included within the following boundaries:

Beginning at Carmanagh Lighthouse on the southwest coast of Vancouver Island; thence in a straight line to a point 3 marine miles due west astronomic from Tatoosh Lighthouse, Washington; thence to said Tatoosh Lighthouse; thence to the nearest point of Cape Flattery; thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula; thence in a straight line to Point Partridge, on Whidbey Island; thence following the western shore of the said Whidbey Island to the entrance to Deception Pass; thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island; thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough in line with the track of the Great Northern Railway; thence northerly following the shore line of the mainland to Point Grey, at the southern entrance to Burrard Inlet, British Columbia; thence in a straight line to the southern end of Gabriola Island; thence to the southern side of the entrance to Boat Harbor, Vancouver Island; thence following the eastern and southern shores of the said Vancouver Island to the starting point at Carmanagh Lighthouse, as shown on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to July 20, 1918, and also the Fraser River and its tributaries.

The high contracting parties engage to have prepared, as soon as practicable, charts of the waters described in this article, with the international boundary line indicated thereon; and to establish such buoys and marks for the purposes of this convention as may be recommended by the commission referred to in Article IV.

ARTICLE IV.

The high contracting parties agree to appoint, within two months after the exchange of ratifications of this convention, a commission to be known as the International Fisheries Commission, consisting of four persons, two to be named by each party. This commission shall continue to exist so long as this convention shall be in force. Each party shall have the power to fill, and shall fill, from time to time, any vacancy which may occur in its representation on the commission. Each party shall pay its own commissioners, and any joint expenses shall be paid by the two high contracting parties in equal moieties.

ARTICLE V.

The International Fisheries Commission shall conduct investigations into the life history of the salmon, hatchery methods, spawning-ground conditions, and other related matters, and shall observe the operation of the said regulations appended hereto, and shall recommend to their respective Governments any modifications of, additions to, or substitutions for the appended regulations which may be found desirable.

ARTICLE VI.

The regulations appended to this convention shall remain in force for a period of eight years from the date of their promulgation, as provided in Article II, and thereafter until one year from the date when either of the high contracting parties shall give notice to the other of its desire for their revision, or until the termination of this convention, whichever shall first occur. Immediately upon such notice being given the International Fisheries Commission shall proceed to make a revision of said regulations, which revised regulations shall be incorporated in a special agreement between the high contracting parties. It is understood that such special agreement shall, on the part of the United States, be made by the President of the United States, by and with the advice and consent of the Senate thereof. Such special agreement shall be binding only when confirmed by the two Governments by an exchange of notes. Such special agreement shall be promulgated as provided in Article II hereof, and shall remain in force for a period of five years and thereafter until one year from the date when a further notice of revision is given as above provided in this article, or until the termination of this convention, whichever shall first occur.

It shall, however, at any time be in the power of the high contracting parties by special agreement, upon the recommendation of the International Fisheries Commission, to make modifications of, additions to, or substitutions for any of the regulations in force, and (or) to make the provisions of this convention, and any regulations promulgated in accordance with the terms thereof, operative in the waters specified in Article III of this convention, as to any or all of the other species of salmon, including steelhead. It is understood that such special agreement shall, on the part of the United States, be made by the President of the United States, by and with the advice and consent of the Senate thereof. Such special agreement shall be binding only when confirmed by the two Governments by an exchange of notes. Such special agreement shall be promulgated as provided in Article II hereof.

ARTICLE VII.

This convention shall remain in force for a period of 15 years, and thereafter until two years from the date when either of the high contracting parties shall give notice to the other of its desire to terminate this convention.

ARTICLE VIII.

The present convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and thereunto affixed their seals.

Done at the city of Washington this 2d day of September, in the year 1919.

ROBERT LANSING. [SEAL.]
R. C. LINDSAY. [SEAL.]
J. D. HAZEN. [SEAL.]

"APPENDIX.

"International regulations for the protection and preservation of the sockeye-salmon fisheries of the Fraser River system.

"SECTION 1.

"The following regulations shall apply to the waters described in article 3 of the convention of September 2, 1919, between the United States and Great Britain, to which these regulations are appended, to wit:

"Beginning at Carmanagh Lighthouse, on the southwest coast of Vancouver Island; thence in a straight line to a point 3 marine miles due west astronomic from Tatoosh Lighthouse, Wash.; thence to said Tatoosh Lighthouse; thence to the nearest point of Cape Flattery; thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula; thence in a straight line to Point Partridge, on Whidbey Island; thence following the western shore of the said Whidbey Island to the entrance to Deception Pass; thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island; thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough in line with the track of the Great Northern Railway; thence northerly following the shore line of the mainland to Point Grey, at the southern entrance to Burrard Inlet, British Columbia; thence in a straight line to the southern end of Gabriola Island; thence to the southern side of the entrance to Boat Harbor, Vancouver Island; thence following the eastern and southern shores of the said Vancouver Island to the starting point at Carmanagh Lighthouse, as shown on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to July 20, 1918, and also the Fraser River and its tributaries.

"SECTION 2.

"DEFINITIONS.

"'Drift net' shall mean a floating gill net that is neither anchored nor staked, but that floats freely with the tide or current.

"'Trap net' shall include a pound net.

"'Commission' shall mean the International Fisheries Commission, appointed under the convention to which these regulations are appended.

"'Treaty waters' shall mean all waters described in article 3 of the convention to which these regulations are appended.

"SECTION 3.

"(a) Fishing for sockeye salmon in the treaty waters within the territorial limits of the State of Washington shall not be permissible except under license from such State, and in the treaty waters of Canada except under license under the provision of the fisheries act of Canada.

"(b) No greater number of licenses for any class of fishing appliance shall be authorized in any year in the treaty waters within the territorial limits of the State of Washington than were issued for such class for the season of 1918, up to August 31, inclusive thereof, and in the treaty waters of Canada the number of gill nets that may be licensed in any year shall not exceed 1,800.

"(c) No license shall be granted to any person or partnership in the State of Washington unless such person or each member of such partnership shall be an American citizen, resident in said State, and no license shall be granted to any joint-stock company or corporation in said State unless the officers, directors, and the holders of a majority of the stock thereof are American citizens, or unless it is authorized to do business in the said State; and no license shall be granted to any person, company, or firm in the Province of British Columbia unless such person is a British subject, resident in the said Province, or unless such company or firm is a Canadian company or firm, or is authorized by the provincial government to do business in the said Province of British Columbia.

"(d) No one other than a British subject who owns or leases land on either side of the Fraser River above New Westminster Bridge, and who actually permanently resides on and is cultivating such land, shall be eligible for a license to fish for sockeye salmon between New Westminster Bridge and Mission Bridge, but fishing under such license shall not be carried on below New Westminster Bridge.

"SECTION 4.

"The use of nets other than drift nets, purse seines, and trap nets shall not be permitted in treaty water for the capture of sockeye salmon.

"SECTION 5.

"No net fishing or fishing of any kind, other than with hook and line, except for hatchery purposes or scientific purposes, shall be permissible in the Fraser River above the down-river side of Mission Bridge.

"SECTION 6.

"During the years 1920 to 1927, both years inclusive, no one shall fish for, catch, or kill any salmon from the 20th day of July to the 31st day of July in each year, both days inclusive; and during this close time no nets or appliances of any kind that will capture salmon may be used in these treaty waters: *Provided, however*, That salmon fishing for hatchery or scientific purposes may be authorized during this period.

"SECTION 7.

"The weekly close time for salmon fishing shall be from 6 o'clock a. m. Saturday to 6 o'clock p. m. Sunday in Canadian waters, excepting in that portion of the Fraser River between New Westminster Bridge and Mission Bridge, where the weekly close time shall be from 6 o'clock a. m. Saturday to 6 o'clock p. m. on the following Monday, and in the treaty waters of the United States from Friday at 4 o'clock p. m. to Sunday at 4 o'clock a. m., and during this close time no salmon fishing of any kind other than for hatchery or scientific purposes shall be permissible, and during the full period of each weekly close time or annual close season, each trap net shall be closed by an apron placed across the outer entrance to the heart of the trap, which apron shall extend from the surface to the bottom of the water and shall be securely connected to the piles on either side of the heart of the trap net, fastened by rings not more than 2 feet apart on taut wires stretched from the top to the bottom of the piles, and such apron, or the appliance by which it is raised and lowered, shall be provided with a signal or flag, which shall disclose whether the trap net is closed, and which shall be of the form and character approved by the commission: *Provided*, That in addition to the foregoing requirement, such trap net shall be equipped with a V-shaped opening, to the satisfaction of the commission, and in the lead of such trap net next to the entrance to the heart and immediately adjacent to the apron, of at least 10 feet in width at the top and extending below the surface at least 4 feet below low water, which V-shaped opening shall remain open and unobstructed during the full period of each weekly close time or annual close season. For the purpose of assuring full compliance with this regulation, the owner or operator of each trap net shall constantly maintain during the weekly and annual close times a watchman, whose duty it shall be to cause each trap net to be kept closed and the lead to be kept open, as above provided.

"SECTION 8.

"All salmon trap nets shall be limited to a total length of 2,500 feet, with an end passageway of at least 600 feet between one trap net and the next in linear series, such distances being measured in continuation of the line of direction of the leader of such trap net, but in no instance shall more than two-thirds of the width of any passageway at any point be closed by trap nets. There shall also be a lateral distance of at least 2,400 feet between one trap net and the next.

"SECTION 9.

"A salmon purse seine shall not exceed 1,900 linear feet in length, including the lead and attachment, measured on the cork line when wet.

"SECTION 10.

"(a) No purse seine shall be cast or placed in the water for fishing purposes within 2,400 feet of any trap net.

"(b) The use of purse seines for the capture of sockeye salmon shall be confined to the treaty waters southward and westward of a straight line drawn from the lighthouse on Trail Island, British Columbia, to the northwest point of Whidbey Island, State of Washington.

"SECTION 11.

"A salmon drift net shall not exceed 900 linear feet in length, and the vertical breadth thereof shall not exceed 60 meshes, and the size of the mesh shall not be less than 5¾ inches, extension measure, when in use."

FEDERAL BOARD FOR VOCATIONAL TRAINING (H. DOC. NO. 615.)

The PRESIDING OFFICER (Mr. SMOOT) laid before the Senate a communication from the Federal Board for Vocational Training, transmitting, pursuant to law, a statement showing the travel of officials and employees of the board from Washington to points outside the District of Columbia during the fiscal year 1919, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I present a memorial from the Chamber of Commerce of Sumter County, Ga., with reference to certain routes that are now being operated with Government vessels. The memorial urges that the routes be continued. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PHELAN presented a petition of the California Manufacturers' Association, of Oakland, Calif., praying for a revision of the so-called antitrust law, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the City Council of Virginia, Minn., praying for the enactment of legislation for the suppression of sedition and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

Mr. CAPPER presented a memorial of Local Lodge No. 204, Anti Horse Thief Association, of Fontana, Kans., remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

AMERICAN MINING CONGRESS (S. DOC. NO. 180).

Mr. MOSES, from the Committee on Printing, to which the subject was referred, reported the following resolution (S. Res. 281), and it was considered by unanimous consent and agreed to:

Resolved, That the resolution introduced and passed by the American Mining Congress, which recently met in St. Louis, together with an address in support of it before the Federal Trade Commission by Hon. George L. Nye, be printed as a public document.

NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 179).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 282), which was considered by unanimous consent and agreed to:

Resolved, That the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1919, be printed as a public document.

REPORT OF GEN. JOHN J. PERSHING.

Mr. MOSES. From the Committee on Printing I report back House concurrent resolution No. 40 favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments were, in line 3, to strike out the word "without" and insert in place thereof the word "with"; in lines 3 and 4, to strike out "one hundred thousand" and insert "fifty thousand"; in line 4, to strike out "thirty thousand" and insert "fifteen thousand"; and in line 5, to strike out "seventy thousand" and insert "thirty-five thousand," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That the final report of Gen. John J. Pershing, Commander in Chief American Expeditionary Forces, be printed as a House document with

the accompanying maps and charts, and that 50,000 additional copies be printed, of which 15,000 shall be for the use of the Senate and 35,000 copies for the use of the House of Representatives.

Mr. PHELAN. May I inquire what is the document?

The PRESIDING OFFICER. The final report of Gen. John J. Pershing, made to the War Department. The question is on agreeing to the amendments.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. MOSES. From the Committee on Printing I report back favorably House concurrent resolution No. 41, and I ask for its consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the fifty-fourth national encampment of the Grand Army of the Republic for the year 1920, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

Mr. KING. I should like to inquire of the Senator from New Hampshire whether this is the usual number of the publications ordered?

Mr. MOSES. I will state that this particular report is one of the publications provided for by statute, and if the Senate is going to be a law-abiding body it will have to print the report.

The concurrent resolution was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3738) abolishing the United States Housing Corporation and other agencies, and authorizing the Secretary of the Treasury to sell or otherwise dispose of property acquired or constructed pursuant to the power and authority granted by the act of Congress entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, and other acts and parts of acts amendatory thereof, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 3739) to correct the military record of Joseph B. Forbes; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3740) to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of California:

A bill (S. 3741) to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Agriculture and Forestry.

By Mr. McCORMICK:

A bill (S. 3742) permitting the acceptance of first-class matter for transmission in the mails without postage stamps affixed, under certain conditions; to the Committee on Post Offices and Post Roads.

THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. FRELINGHUYSEN submitted the following resolution (S. Res. 283), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, acting under the resolution of the Senate (S. Res. 126) agreed to August 15, 1919, be, and hereby is, authorized to employ counsel and accountants, to be paid out of the contingent fund of the Senate.

CONDITION OF THE NATIONAL BANKS.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD a very brief statement of the condition of the national banks on January 1, 1920.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL BANKS EARN A BILLION DOLLARS IN 1919—RESOURCES SHOW GREATER INCREASE IN PAST SIX YEARS THAN IN ENTIRE PERIOD FROM 1863 TO 1913—EXACTLY 8,000 BANKS NOW UNDER COMPTROLLER'S SUPERVISION—NO FAILURE INVOLVING LOSS TO ANY DEPOSITOR IN LAST FISCAL YEAR.

"The number of banking institutions under the supervision of this office at the close of business to-day is exactly 8,000, including 7,948 national banks in the United States, Alaska, and Hawaii, and 52 savings banks, building and loan companies, and trust companies in the District of Columbia. There have been chartered under the present administration, or since March 4, 1913, more than 1,000 new national banks.

"The year which is just closing has been for the national banks of the country the most successful in their history. The resources and deposits of these banks have shown unprecedented growth. On the date of the November 17, 1919, call, the compilation of which is not yet completed, national bank resources approximated $22,500,000,000—nearly $1,000,000,000 more than ever before reported.

"These banks have grown more in the past six years, or say from August 9, 1913, to November 17, 1919, than they did in the entire 50-year period from the inauguration of the national banking system in 1863 up to 1913.

"The increases in deposits and total assets are scattered widely throughout the country. The increase in resources of the 'country' banks, those national banks outside of the reserve cities since June 30 last, has been close to $800,000,000. The 'country' banks of Texas alone have increased in the past six months $134,000,000, or 34 per cent, and in North Carolina the increase in these six months has been over $51,000,000, or 38 per cent.

"The record for immunity from failure for the 22 months from January 1, 1918, to the close of the last fiscal year, October 31, 1919, was 30 times, or 3,000 per cent, better than the record for the 40 years prior to 1914. There was no failure involving a dollar's loss to depositors of any national bank in the fiscal year closing October 31, 1919.

"The earnings of the national banks for the past year have also exceeded all previous records and will approximate a billion dollars gross, and not far from $300,000,000 net.

"The record furnishes added testimony to the high efficiency and invaluable aid of the Federal Reserve System to the country's commerce, industry, agriculture, and business of every kind."

THE LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, I ask to have printed in the RECORD a letter to the London Times by W. Alison Phillips, the historian of the treaty of Vienna and that period, a great authority on the subject, relating to the League of Nations. It is a very interesting paper.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the London Times, Dec. 27, 1919.]

THE LEAGUE OF NATIONS—A MUDDLED PROCEDURE.

TRINITY COLLEGE,
Dublin, December 23.

To the EDITOR OF THE TIMES.

SIR: The great authority of Sir Thomas Holland needs no reinforcing, but perhaps I may be allowed to express my agreement with the views on the peace treaty put forward by him in your issue of the 18th instant. Lord Robert Cecil assumes that his proposal involves the destruction of the alliance and of that international organization for the regulation of labor questions, which has already done valuable work. But Sir Thomas Holland does not propose their destruction; he only suggests that those portions of the treaty dealing with questions of international organization should be subtracted from it and made the subject of further discussion, the results to be embodied in a new treaty or treaties.

That the League of Nations needs further discussion is hardly open to question. The covenant was originally drawn up by Gen Smuts "in a hurry" and was adopted by the conference after less than a fortnight's committee work, almost without alteration and under the false impression that it represented the views of the most powerful prospective member of the league—the American Nation. The net result of this precipitate action has been that the organs of the alliance at Paris have been atrophied, and that the world's agony is being prolonged pending the outcome of the struggle between President Wilson and the representatives of the majority of the American people—a struggle which involves the whole long-contested question as to where under the American Constitution the ultimate control of foreign policy resides. In the whole history of the world there has surely never been a more disastrous illustration of the danger of mixing up speculative experiment with practical policy.

It would have been better if the Paris conference, which in many respects followed the precedents set by the Congress of Vienna, had in the matter of the treaties also based its action on the precedent of 1815. On November 20, 1815, two treaties were signed at Paris. One, the second treaty of Paris, settled the terms of peace with France. The other, the treaty of alliance, renewed that of Chaumont against France, but with a new article—6—which extended the scope of the alliance to all ques-

tions of common interest. This article constituted the nucleus of a league of nations, and it was under its terms that France was herself admitted to the alliance in 1818. But the treaties which formed the basis of the peace settlement, including the final act of Vienna, were kept separate and distinct, and were not even placed under the guaranty of the alliance.

What was the result? The alliance, composed of heterogeneous and mutually antagonistic elements, first cracked and then broke up. But the treaties survived and continued for many years to play a useful part in helping to preserve the peace of Europe. Had they been inextricably interwoven with the "international organization" they would have shared its fate, and Europe would not have enjoyed the long period of peace which the treaties, and the treaties alone, made possible.

The covenant of the league is, in my opinion, a danger to the future peace of the world, or at least no adequate safeguard of its peace, because its "automatic commitments" may, and probably will, on occasion strain the faith of nations to the breaking point. The urgent need of the moment is not an elaborately organized supernational authority, but the settlement as quickly as possible of all outstanding territorial and other questions by which the world's peace is still disturbed, and the continuance of an association of friendly powers strong enough to insure that whoever shall attempt to violate this settlement shall do so at his peril.

I am, sir, your obedient servant,

W. ALISON PHILLIPS.

CESSION OF THRACE TO GREECE.

Mr. KING. Mr. President, I apologize for making the inquiry, but may I inquire of the chairman of the Committee on Foreign Relations if there is any probability of an immediate report from his committee on the resolution dealing with the question of Thrace? If not, I have a resolution lying on the table, and I should like to take it from the table and ask the Senate to express its views upon that matter.

Mr. LODGE. Mr. President, I was not forgetful of the Senator's resolution. We had a meeting of the committee on Wednesday. I had some difficulty in getting a quorum, and it was a very sparse quorum when we got it. I brought that matter up, but the last resolution the Senator introduced has not as yet come to us.

Mr. KING. It is lying on the table.

Mr. LODGE. It was lying on the table, so that we could not deal with it. Although I brought up the matter, I was unable to get the action of the committee on Wednesday. I am in sympathy with the resolution, as the Senator knows.

Mr. KING. I would not want to do anything that might be considered as an act of discourtesy to the Foreign Relations Committee and to the distinguished chairman. I know his sympathetic attitude upon this question. In view of the situation of the peace conference in dealing with this matter, I do think the Senate of the United States ought to express itself, and express itself forcibly, in favor of giving to Greece the entire portion of Thrace except the city of Constantinople. I hope the Senator will be able to have the committee report favorably upon the resolution.

Mr. LODGE. Mr. President, I do not wish to delay the resolution at all. The committee has had the Senator's first resolution before it for some time and has had it up for consideration. There have been objections to it and no action has been taken. If the Senator chooses to discuss the resolution, personally I shall make no objection.

Mr. KING. I should not feel like doing that unless it met with the entire approval of my distinguished friend from Massachusetts; and I should not ask to take it up for discussion unless there was a probability of its being passed.

Mr. LODGE. I shall endeavor to get it up next Wednesday. Of course, the resolution to which the Senator now refers has not come to the committee, so we could not consider it. We can only consider the first resolution. If the Senator wishes to have the resolution now on the table go to the committee, I will call a meeting of the committee for the purpose of considering it.

Mr. KING. Mr. President, I move that the resolution which I submitted a few days ago, in which is expressed the view of the Senate that all of Thrace, except the city of Constantinople and the territory lying west of and contiguous to that city, be given to Greece in the peace settlement, be taken from the table and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Utah moves that Senate resolution 276 be taken from the table and referred to the Committee on Foreign Relations. Without objection, that order will be entered.

AMERICANIZATION OF ALIENS.

The PRESIDING OFFICER. Morning business is closed.

Mr. KENYON and Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KENYON. I move that the Senate proceed to the consideration of Senate bill 3315, being the unfinished business.

Mr. HARRIS. I ask the Senator from Iowa to yield to me, in order that I may ask to take up Senate resolution 247, which was not finished on yesterday, because of the expiration of the morning hour.

Mr. KENYON. I will ask the Senator from Georgia if the resolution for which he now asks consideration is the same resolution which was before the Senate on yesterday?

Mr. HARRIS. It is the same resolution.

Mr. KENYON. So far as I am personally concerned, I should be perfectly willing to yield for the consideration of the resolution, but I think the Senator from Georgia must understand from the proceedings of yesterday that taking up the resolution would simply result in losing the whole morning hour, as there seems to be a determination to debate the resolution until 2 o'clock. Consequently it would be only a waste of time.

Mr. HARRIS. I hope the Senator is mistaken in his view. I think we can finish the resolution within a few minutes.

Mr. KENYON. Another thing I wish to say to the Senator is that his colleague, the senior Senator from Georgia [Mr. SMITH], is compelled to leave the city this afternoon, and he is desirous of speaking on the bill which is now the unfinished business. That is another reason why the resolution should not be now considered. Would the Senator from Georgia object to deferring his request until later in the afternoon, when the Senator from Georgia shall have completed his speech? Then, so far as I am concerned, I shall offer no objection to the resolution.

Mr. HARRIS. I shall be very glad to do that, and I hope the Senator will yield later on for that purpose.

Mr. SMITH of Georgia. Mr. President, the resolution of my colleague, of course, went to the calendar on yesterday at 2 o'clock, and it would require a motion to take it from the calendar now, just as it would require a motion to take up a bill. I am glad that my colleague agrees not to make that motion until a little later, for while I do not wish to address myself at any considerable length to the bill which is the unfinished business, I wish a few moments to discuss it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to proceed to the consideration of Senate bill 3315, being the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Friday, January 16, 1920.

Mr. KENYON. Mr. President, I desire to present to the Senate as briefly as I can the bill which is now the unfinished business. I was instructed by the Committee on Education and Labor unanimously to report the bill. In my judgment it is one of the most important bills the Senate will have to consider, but that does not mean that I think the Senate will give it very much attention.

We have just passed the water-power bill, which is in a way a conservation measure to conserve the water power of the United States. The pending measure is likewise a conservation measure to conserve the human power of the United States. Its ultimate purpose is to assist in eliminating illiteracy in the country. Every illiterate man and woman is really an undeveloped resource of the Nation.

I appreciate that objections will be raised to the bill. First, the argument that we hear so much in the Chamber that State responsibilities are breaking down, that the Government is trying to do too much, and that matters of this kind should be left to the States. We hear that argument on nearly every bill that is presented.

Secondly, that this is no time to expend this much money. Before Senators make up their minds about the expenditure of moneys provided for in the bill, I desire to say to them that in talking with those who will be responsible for the work of Americanization, notably the Secretary of the Interior, I have suggested that it would be impossible, I thought, to secure an appropriation of the size contemplated by the bill. I think he is quite ready with his assistants to undertake the work on less than the amount set forth in the bill. Speaking for myself,

I shall raise no objection to an amendment cutting in two the appropriation, though I believe that I can demonstrate to the Senate the necessity for the entire amount. At a time when we are spending or preparing to spend $1,500,000,000 on the Army and Navy, it would seem that the Government might undertake to spend $12,500,000 a year for a limited number of years on education of illiterates.

I think it is fundamental that the greatest enemy of democracy is ignorance, and our best work for democracy is to try to get rid of illiteracy and of ignorance. But I am going to raise no objection to cutting the appropriation asked for in the bill. I think we have reached the point where we should cut every dollar that we can from the national expenditures, without injuring the real work that we should do.

I think it is economy, if the foundation of a building is falling down and a man has no money, to borrow the money to replace the foundation, or if the buildings on a farm need painting, to borrow the money to repaint them. That is not extravagance. That is merely common sense. I join with those who insist on keeping down the expenses of the Government. All of us are apt to feel that the particular bill in which we are interested is the particular one on which money should be expended and that we need not practice economy upon that. I confess to a feeling of that kind about the pending bill.

We are spending in this country for education in our public schools and colleges—public institutions, not private—a little under $900,000,000 a year. I will give the figures that the Government is spending. They are very small. The appropriation for the Department of Education has been ridiculous in such a Nation as this.

Some say we can not afford it. We can not afford not to educate aliens who are coming into our country and to help educate, in cooperation with the States, the illiterates in the various States. It is not a State problem more than it is a national problem.

The genesis of the bill is this: A bill was introduced in somewhat similar form by the distinguished Senator from Georgia [Mr. SMITH] at the last session. It was reported out of the committee. It was along the line of all the splendid bills which he introduced on educational lines. There are so many of the Smith bills that it is almost impossible to enumerate them. When the good and genial Senator from Georgia has passed to his reward, which I hope may be a long, long time in the future, and his real praises then commence to be sung for what he has done for education, it would require a very large tombstone to have inscribed upon it the names of the different bills that he has introduced and which he has secured the passage of along educational lines. He will probably get his reward in another world if not in this.

There were pending before the Committee on Education and Labor bills known as the Smith-Towner bill and the Smith-Bankhead bill. We had had the Smith-Lever bill and the Smith-Hughes bill. The Smith-Towner bill provided a great plan of education involving the appropriation of $100,000,000 a year. It also carried within it a program for Americanization. The figures $100,000,000 a year were staggering, and the committee felt, while I think most of the members were kindly disposed to the bill, that there was no use of bringing in such a great plan of national education at this time in view of the condition of the public finances; but all were of the opinion that the question of Americanization should be treated by this Congress.

Mr. NORRIS. May I interrupt the Senator?

Mr. KENYON. Yes.

Mr. NORRIS. I am very much interested in what the Senator is saying, and also in the bill which he is discussing. I understand that the bill to which he is now speaking is to apply to two classes of people; one the class which is known as the illiterate, who may be Americans, and the other class those who can not speak, read, or write the English language. Am I right?

Mr. KENYON. Yes; practically so. It applies to those who are unable to understand, speak, read, or write the English language; the illiterate and the non-English speaking class—put it in that way.

Mr. NORRIS. Yes. I think that puts it properly. Now, they are treated just the same all the way through the bill, are they?

Mr. KENYON. Yes. I will say to the Senator, however, that there is a distinction in the method of treating the aliens and the citizens.

Mr. NORRIS. Yes. The idea occurred to me that if the bill were rightly called an Americanization measure it, perhaps, ought to be confined to those provisions which deal with those who can not speak or write the English language. It seems to me I can see a difference in permitting the States to carry on their educational program as they see fit, with such assistance as we give them, under their laws, and the Americanization plan of the pending bill. Has the Senator from Iowa any figures which he could give the Senate to indicate the reduction in the appropriation which could be brought about if the bill were confined entirely to the class of people who can speak or write the English language?

Mr. KENYON. What is the Senator's question?

Mr. NORRIS. Can the Senator state what would be the amount involved if the bill were confined to the one class?

Mr. KENYON. Of course, an illiterate can not speak or read or write the English language.

Mr. NORRIS. An illiterate might speak the English language.

Mr. KENYON. That depends on your definition of an illiterate. Then, you would have to add those who can not speak, read, or write the English language to the number of illiterates in order to ascertain the total number. Of course, it would be much less if those two classes were differentiated, for we have five and a half million illiterates in this country and about three million of those who can not read or write the English language.

Mr. NORRIS. The man who can not read or write, but who speaks the English language and is an American citizen, born in this country, is just as much an American, probably, and may be just as patriotic, as is the man who is finely educated; but the man who comes from a foreign country and can not speak or read the English language, even though he be educated in his own language, has not fully reached the attainment that an American citizen ought to have. The one class of people, it occurred to me, might be treated by the States and the other class be treated as a national problem. It seems to me there is a difference between the two; and, under existing circumstances, the idea occurred to me that so long as we are hard up for money it might be well to confine our efforts, at least at the present time, to the class of people provided for in the bill who can neither speak, read, nor write the English language.

Mr. KENYON. I believe an illiterate, whether he be one born in this country or one coming from a foreign country, deserves the attention of the States or of the Federal Government. There may be more harm in an illiterate coming from a foreign country than there is in an illiterate in this country, but I doubt it.

I desire to say here that the teaching of the English language, or the speaking of the English language, does not make an American out of a person; that is not all there is to Americanization. That is simply a step toward getting a nation of 110,000,000 people to act and think without a foreign accent.

Mr. NORRIS. But it is an important step.

Mr. KENYON. Yes. Some of the most dangerous men to this Nation are splendidly educated, but may have no idea of what America means and no comprehension of American ideals, while some poor ignorant person, who can not speak the language at all, may understand the great purposes and objects of a Government such as this; but, generally speaking, the illiterate is the fertile field for every kind of propaganda against the Government. The exception proves the rule.

Mr. McCORMICK. I desire to ask the Senator if he does not think the problem to which he has just adverted is one for the Committee on Immigration rather than for the committee of which he is chairman?

Mr. KENYON. I think that may be so.

Mr. McCORMICK. If we import educated anarchists into this country, Americanization in any such form as is contemplated by the pending bill will not cure them.

Mr. KENYON. No; and deporting them will not cure them, either, I will say to the Senator, though they ought to be deported. You can deport anarchists; you can deport the Goldman's and the Berkman's; but you can not deport their ideas. While I am heartily in favor of deporting them, I am in favor of meeting bolshevik ideas with education. Let them know what the ideals of our country are and set them off against bolshevism; and so with anarchy.

Mr. COLT. Mr. President, may I ask the Senator what he means by the fundamental ideals of America as distinguished from the fundamental ideals of Italy or Greece or other nations of Europe governed by liberal institutions?

Mr. KENYON. I shall be very glad to answer the Senator's question.

Mr. COLT. Are not the fundamental ideals which lie at the foundation of western civilization rational law and orderly liberty, and do not the men who come from Italy or Greece come with the fundamental ideals of American society or government? Does the Senator think that the mere acquisition of the English language, while it may have a tendency to impress upon them American ideals, is an essential thing to nationality? Does the Senator believe that nationality is based upon language or religion or race or territorial boundaries?

Does he not think that nationality has something deeper than these; that it is based upon affinity; that it is based upon the attraction which a group of men have for one another, which may be due in part to the things which I have mentioned, but which is also encouraged by kind treatment, by opportunity, by breathing the very atmosphere of freedom, and that language, which may be important, as I have stated, is not the essential thing? I rose to ask the Senator this question. I notice that this bill provides that the States by penalty shall oblige aliens and illiterates to learn the English language. What does the Senator understand is the meaning of the word "penalty" there?

Mr. KENYON. The Senator has asked me a number of questions. I tried to count them, and I think they aggregate about 18. Which one does he desire me to answer?

Mr. COLT. I rose to ask the Senator whether he means by "penalty" force of some kind?

Mr. KENYON. I mean compulsory education as it is now applied in the States which have compulsory educational laws.

Mr. COLT. Does the Senator leave it to each State?

Mr. KENYON. The Senator, I presume, understands the philosophy of this bill. It is framed according to the plan of the vocational education bill, involving stimulation of State educational activities by the Federal Government. The Federal Government can not reach over and tell the States how they shall conduct their affairs, but it can say, "We appropriate to you for the purposes of education certain amounts of money, provided you formulate a plan such as may be agreeable, for instance, to the Secretary of the Interior. He will pass upon it. If you do not do that, then you shall have none of this appropriation. You do not have to do it; you can go ahead in your own way; but if you want this stimulation from the Federal Government, as in the case of the vocational education bill, you must do these things." One of those things is to provide for the compulsory teaching of English 200 hours per year to citizens from 16 to 21 and aliens up to 45.

Mr. COLT. Does that mean that the alien would be obliged to devote 200 hours a year to the study of English?

Mr. KENYON. It does.

Mr. COLT. Whether he is educated or not?

Mr. KENYON. Whether he is educated or not; yes; until he completes a course which may be laid down by the Secretary of the Interior.

Mr. COLT. Does the Senator realize that he is dealing with great classes of people?

Mr. KENYON. Exactly; that is one trouble in this country, namely, that great classes of people come into America; live their own lives; have their own schools, their own communities, and constitute little Austrias, little Hungarys, little Sérbias, and so forth, right in this country. We pay no attention to them. We have thought that our schools solved all these questions, and we do not even extend a kind hand to them; we pay no attention to them; and then when anarchy and bolshevism come among them we find fault. We are to blame ourselves; in many instances we have not given them a square deal.

That is the very thing we are endeavoring to get rid of—little foreign nations in this country, or, as Roosevelt described it, "a polyglot boarding house."

Now, I have answered that question. I should like to go back and try to answer some of the others.

Mr. COLT. I should like to ask the Senator, in view of what happened when the war broke out and we saw such an exhibition of patriotism as no other nation showed, and we had 37 or 38 different nationalities here, whether he believes that what he calls "little Italy" or "little Austria" is very harmful to our body politic in any way?

Mr. KENYON. Well, Mr. President, I can not be put into a position and this bill can not be put into a position of opposition to foreign-born people. I watched these regiments march away in the war—the boy from the German home, the boy from the Polish home, and the boy from the Irish home, marching in one step and under one flag; we watched them cross the sea, we watched them as they gave their lives in the trenches, and they are sleeping now on the fields of France. Brave boys they were. No; nobody can put this bill in a position of opposition to those people. We do not have to go back very far ourselves to all be foreigners. This is not aimed against foreigners. It is to help them understand what the ideals of America are—give them greater opportunity.

Does the Senator, whose judgment I value so highly, know that of the first million and a half of draftees in the Army, when a simple test was made as to whether they could read an order in English or write a letter home, of that million and a half there were 386,000 who could not do it? That was 24 per cent. One out of every four of those splendid boys could not read a common order in English or write a letter home.

The Senator may have seen in Washington the all-American regiment that paraded here. When those boys went into the war they were of all nationalities. They could not read or speak English, any of them, and this regiment was gathered together as an exhibition of what could be done in the way of teaching English, and they could all speak and write English. Now, there was not a list of honor—and we have seen them all over this country—of the boys who were killed in this war that was not full of foreign names, and they did noble service. There is no question about that; and while I do not think the Senator intends to do it, I will not permit this bill to get in a position of antagonism to our foreign-born. There is no such intention. I do say that language has something to do with national solidarity, and that a nation that speaks one language has more solidarity than a nation that speaks many languages. In some of the camps of the war orders were given in over 20 different languages.

Mr. COLT. Mr. President——

Mr. KENYON. The Senator asks me a great many questions, but I am glad to have him do so. I have no pride of opinion in this matter.

Mr. COLT. May I say that I think the Senator overestimates the effect of a common language?

Mr. KENYON. It may be.

Mr. COLT. I admit that it is an important element of nationality; but I should like to ask the Senator whether Belgium did not exhibit the highest form of patriotism, and whether he does not know, as a matter of fact, that in Belgium three languages are spoken—the Flemish, the German, and the French?

Mr. KENYON. I do.

Mr. COLT. Probably to-day there is no more united nationality than Switzerland, yet part of its cantons speak German, part Italian, and part French.

Now, I believe in the general provisions of this bill and in its object. According to my present light, however, I would hesitate to enforce nationality through this provision of compulsion. It seems to me to be antagonistic to the undertaking of bringing the aliens into the true spirit of nationality to force them, by a penalty, to study English. I realize how Germany for years tried to force the German language upon Poland, with the result that it only intensified the spirit of Polish nationality. I believe the true way to create the spirit of nationality is through liberty and opportunity, and I think the Great War has proved this in the case of America; as I have already stated, I am in favor of the general principles of this bill; I only hesitate at this particular provision. I will support any statute that seeks to make true Americans of our alien population along the lines of education, along the lines of equal opportunity, and along the lines of liberty.

Mr. KENYON. Mr. President, I take it that the Senator does not find fault with those portions of the bill that may be called persuasive instead of compulsory.

Mr. COLT. I thank the Senator for using the right word.

Mr. KENYON. I anticipated that there would be some objection, of course, to that feature of the bill which sought to induce the States to pass laws that would be compulsory as to the teaching of the English language.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. KENYON. Certainly.

Mr. CHAMBERLAIN. I am not quite prepared to say as yet whether or not I will favor this bill. I will say, however, and I hope the Senator will go into that discussion, that my objection to it at first blush is that it practically turns over the educational institutions of the several States to a bureau established here at Washington—that is, the Bureau of Education—and I am frank to say that I have not much confidence in that bureau. Of course there is very little said about the duties of the Bureau of Education, but there is a bait held out to the States in the form of a very large appropriation to each of the States which enacts certain legislation; but, in the last analysis, it seems to me that it practically transfers the educational systems of the several States over to this bureau. Possibly the Senator would reply that it only affects the illiterates, but I say that it will affect the whole educational systems of the different States.

Mr. KENYON. The Senator is mistaken about turning it over to the Bureau of Education. This bill does not seek to regulate the States in their systems of education. It is only if they desire to profit by the appropriation that they shall adopt, as to this illiteracy, such courses as the Secretary of the Interior may approve. They do not have to do it at all. It is true that that is carried on under the Commissioner of Education.

Mr. WALSH of Massachusetts. Mr. President——

Mr. KENYON. I yield.

Mr. WALSH of Massachusetts. May I suggest that all of the pertinent and direct questions that have been asked have been discussed in the committee, and I think the Senator from Iowa will be in a better position to present the bill if he is given an opportunity to analyze it to the Senate first, and then have the questions propounded to him, because from what I know has taken place in the committee I fear that he will be repeating himself as the questions are put to him from time to time. Is not that so?

Mr. KENYON. I thank the Senator for the suggestion, but I want to say that I rather welcome these questions, and I think there is good in discussing these matters as we go along.

The Senator from Rhode Island asks, "What is Americanization? Is it teaching one language?" I say, "No." I think the man who gets 2,000 per cent profit in the coal business, as a distinguished ex-Cabinet officer has charged, needs Americanization. Americanization is getting into the foreigner who comes here the soul and purpose of America. I go further than the Senator as to what Americanization means, as to equal justice. It means the doctrine of equal opportunity, and to get that into these people, and let them know what chances there are for their children. I do not agree with the Senator that they come here always with kindly ideals about this Government. Some of them come with exactly the opposite views. They have been oppressed in their country; they have the idea of government that it is oppression; and when they come here they never have a chance to learn anything different. They get into these communities by themselves, so they grow up hating the Government, and you can not wonder at it.

How many hundreds of speakers do you suppose are going through this country to-day talking the doctrine of the "reds," and talking bolshevism and the soviet republic, and how many papers do you suppose are printing it in foreign languages; and how many are meeting it out through the country with lectures in their own language, or friendly talks in their own language, or visiting their homes and talking it over with them, or getting pamphlets to them? Hardly any. The ratio would be vastly more than 16 to 1 against those talking for Americanism.

Further, the statistics show that among those employed in mines and factories who can not speak the English language the injuries, the accidents, the deaths, are vastly more than where they can speak the English language. We saw, in the steel mills, safety signs printed in seven or eight different languages. The Bureau of Mines had a report some time ago showing the difference in the accidents in the mines of this country among those where the English language was spoken and where they did not understand it, and the figures were rather significant; it is estimated that 150,000 lives would be saved annually in this country, simply from accidents, if the men who were working could all understand the language of the country.

There are in this country five and a half million illiterates. I have had some charts prepared to show this situation. I take as the basis all those 10 years of age and over, and the census of 1910. We have no complete census since that time, nor any statistics that can be relied upon. At that time there were 5,502,351 illiterates who could not read or write any language. There were 3,089,723 non-English speaking persons who could read and write some other language, making a total of illiterates and non-English speaking people of 8,592,074 out of our population.

I do not believe the Senator from Rhode Island can believe that to be a good thing. That would be enough to populate the 18 States shown on this chart, or enough to populate these 14 States in 1910. I have no invidious distinctions to draw about these States. They are just arranged to come as near those figures as possible, to show the situation in regard to illiteracy in this country. I think I will read from the record the names of the 18 States to which I have referred: Nevada, Wyoming, Delaware, Arizona, Idaho, New Mexico, Vermont, Utah, Montana, New Hampshire, Rhode Island, North Dakota, South Dakota, Oregon, Maine, Florida, Colorado, and Connecticut.

I wish I might put those charts in the RECORD, but I do not see exactly how it can be done.

Mr. SMOOT. I will say to the Senator that a chart of that kind he can put in the RECORD.

Mr. KENYON. By photographing it?

Mr. SMOOT. We will put it in, not as a photograph, but we will just simply cut a plate for it and put it in just the same as we do the reading matter. There are no colors.

Mr. KENYON. I ask, then, that that particular chart, which I will call No. 1, be inserted in the RECORD. I will not ask to have all these charts put in.

Mr. SMOOT. I would like to have the Senator not only put that chart in the RECORD, but I would like to have him put the other charts in; that is, the charts upon which there are figures. But I do not know as to the map.

Mr. SMITH of Georgia. Those two sets of tables can be put in, with the names of the States, without any difficulty.

Mr. SMOOT. I was going to say there is no particular information given by the map.

Mr. KENYON. No; I present it more as a picture.

Mr. SMOOT. I hope the Senator will ask that the tables may be printed in the RECORD.

Mr. KENYON. I will. This map is meant as a picture, in order to try to impress my good friend from Rhode Island [Mr. COLT].

There were 14 of the great States of the Union in 1910 whose population equaled the population of the illiterate non-English speaking people of this country.

Then, when you come to the apportionment, I have a chart giving the number of illiterates among the non-English speaking people in each State for 1910. I will ask to insert those figures in the RECORD.

Then I have a chart showing the percentage of population 10 years of age and over in 1910 illiterate or unable to speak the English language. The figures are the same for Kansas and Iowa, the lowest per cent, but for reasons which need not be explained, Iowa was put first. It might have been more polite to put Kansas first. The figure for Iowa is 4 per cent; for Nebraska, 6 per cent; for Utah, 7 per cent; for California, 9 per cent; and the highest is in Arizona, which has 45 per cent, accountable, I suppose, to the large number of Mexicans and Spanish there who do not speak our language.

This next chart is rather interesting. It is estimated that in 1880 we had 3,150,000 illiterate Negroes. That has been rather coming down. In 1890 there were 3,042,668, and in 1900 there were 2,853,194. The line shoots down then rather rapidly, and in 1910 there were 2,227,731, and in 1915 there were 1,914,949.

In 1880 there were 2,255,460 native whites. That has been coming down, until in 1915 it was only 1,244,603.

The significant thing is that while the Negro illiteracy has come down and the native white illiteracy has come down, the foreign-born illiteracy has gone up very markedly. In 1880 we had 763,620 foreign-born white illiterates. The figure in 1890 had increased to over a million. In 1900 there were 1,200,000. About 1908 it crossed the native white line on its ascending progress, the figure being 1,650,000, until in 1915 it reached the figure of 2,461,000, approximately.

So that the problem as to the foreign-born white is and has been becoming more acute than as to the native born, either white or Negro.

This next chart shows that from 1900 to 1914 the immigrants coming to this country totaled 13,377,087. Those over 14 years of age numbered 11,726,006, while the illiterates over 14 years of age were 3,116,182, or a ratio of illiterates to the number over 14 was 26.55 per cent.

Southern Italy produced the largest number in the era from 1900 to 1905, the figures being 334,482. From 1905 to 1909 there were 458,415. From 1910 to 1914 there were 415,806, or a total of 1,208,763. So the line runs down.

I think it would be rather interesting to have that chart in the RECORD, and I ask unanimous consent that that chart be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Illiteracy of Immigrants.

Total number of immigrants, 1900–1914, inclusive	13,377,087
Number over 14 years of age	11,726,006
Number illiterate over 14 years of age	3,116,182
Ratio of illiterates to number over 14 per cent	26.55

Illiterate immigrants, by nationalities, during certain periods.

	Total.	1910–1914	1905–1909	1900–1905
Italy (southern)	1,208,703	415,806	458,415	334,482
Polish	451,406	179,358	174,241	97,807
Hebrew	278,375	89,245	121,461	67,669
Croatian	141,797	40,264	57,791	43,742
Lithuanian	101,992	48,011	48,736	25,245
Ruthenian	116,935	55,218	44,188	17,529
Slovak	94,030	20,700	35,166	38,164
Greek	87,496	47,916	34,875	10,705
Russian	78,133	54,370	20,925	2,838
Portuguese	57,010	23,897	18,480	14,633
Bulgarian	53,562	18,722	28,179	5,661
Italian (northern)	46,063	10,124	18,725	17,214
German	45,782	16,344	19,538	9,900
Roumanian	44,817	21,520	20,008	3,289
Magyar	44,811	12,683	20,937	11,191
Mexican	43,879	33,037	10,458	384
Japanese	43,058	7,295	25,786	9,977
Syrian	36,532	5,128	12,029	9,375
Dalmatian	20,233	9,516	8,846	1,871
Spanish	13,024	6,935	5,004	1,085
Irish	11,937	2,102	4,231	5,604

Illiterate immigrants, by nationalities, during certain periods—Con.

	Total.	1910-1914	1905-1909	1900-1905
Armenian	11,786	7,417	27.82	1,567
Turkish	11,634	4,903	5,786	945
African	11,023	6,038	3,419	1,566
French	10,921	6,452	3,516	953
English	5,331	1,508	2,336	1,487
Dutch	3,860	1,134	1,510	1,216
Scandinavian	3,642	502	1,540	1,600
East Indian	3,021	1,248	1,669	104
Finnish	2,858	363	1,205	1,290
Korean	2,825	52	1,965	808
Cuban	2,562	340	1,371	851
Chinese	2,350	934	539	877
Bohemian	1,750	492	771	487
Scotch	1,260	473	593	194
Spanish-American	648	119	159	370
West Indian	424	137	159	128
Welsh	415	80	175	160
Pacific Islanders	85	1	13	71
Other peoples[1]	11,232	8,107	2,877	248
Total	3,116,182	1,152,491	1,220,404	743,287

[1] Than those named in this list.

Mr. KENYON. It may be that gentlemen may figure that there is no danger whatever to a Republic in a great mass of illiterate citizens, reaching to the figures of eight and one-half millions; and I have no question, if we take the Army statistics as a basis, that the illiteracy now runs up to thirteen or fourteen millions. The figures of the Army were the startling things to everybody.

I want to refer to the report of Secretary Lane on the subject. I am sorry that Secretary Lane is going to leave the Cabinet. I think if there ever was a high-minded public official, devoted to the interests of his country and, beyond that, to the interests of humanity, it is Secretary Lane. If he had been born in this country the Democrats would not have so much trouble about a presidential candidate. It is a distressing problem for them now, I know.

No man has given as much attention to this problem of Americanization as has Secretary Lane. He brought to Washington a short time ago the leading movie-picture men of the United States. We had a meeting before the committee, with the most interesting testimony I have heard. He has enlisted them in this cause. They are going into these foreign communities with stories on the moving-picture screens that will appeal to these people, showing them what American history means in language that they can understand, pithy American statements thrown on the screen which will reach 17,000,000 people a day in this country.

We had a wonderful spirit of concord in this country during the war. All were pulling together. There was not this unrest. But when the war ceased we seemed to have slipped loose from our moorings. National morale seemed almost destroyed. We got discord everywhere instead of concord—strikes, unrest, dissatisfaction. If we could only get back to the spirit of pulling together in this country!

Speaking of this Americanization question, he says in his report of 1918:

> The vitality of this question was put strongly to the Nation during the past year in a form that was not altogether agreeable, for the draft revealed the astonishing percentage of those in this country who were unable to speak our language or to read or write any language. Yet, I take it, there is no one thing so supremely essential in a government such as ours, where decisions of such importance must be made by public opinion, as that every man and woman and child shall know one tongue—that each may speak to every other and that all shall be informed.
>
> There can be neither national unity in ideals or in purpose unless there is some common method of communication through which may be conveyed the thought of the Nation. All Americans must be taught to read and write and think in one language; this is a primary condition to that growth which all nations expect of us and which we demand of ourselves.
>
> What should be said of a world-leading democracy wherein 10 per cent of the adult population can not read the laws which they are presumed to know?
>
> What should be said of a democracy which sends an army to preach democracy wherein there was drafted out of the first 2,000,000 men a total of 200,000 men who could not read their orders or understand them when delivered, or read the letters sent them from home?
>
> What should be said of a democracy which calls upon its citizens to consider the wisdom of forming a league of nations, of passing judgment upon a code which will insure the freedom of the seas, or of sacrificing the daily stint of wheat or meat for the benefit of the Roumanians or the Jugo-Slavs when 18 per cent of the coming citizens of that democracy do not go to school?
>
> What should be said of a democracy in which one of its sovereign States expends a grand total of $6 per year per child for sustaining its public-school system?
>
> What should be said of a democracy which is challenged by the world to prove the superiority of its system of government over those discarded, and yet is compelled to reach many millions of its people through papers printed in some foreign language?

I may say, parenthetically, that there are now in the city of New York, I am informed on most reliable authority, over 30 papers printed in foreign languages advocating sedition in this country. That is not in the Secretary's report. He continues:

> What should be said of a democracy which expends in a year twice as much for chewing gum as for schoolbooks, more for automobiles than for all primary and secondary education, and in which the average teacher's salary is less than that of the average day laborer?

May I parenthetically say that last year, of over 650,000 school teachers in this country, 143,000 left the profession. If this goes on, with the poor wages we pay school teachers, we will not have any left in a few years. One of the objects of this bill is to prepare school teachers and help to put them in this kind of work. A school teacher can get more for running an elevator than for teaching school. Pursuing Secretary Lane's report further, he says:

> What should be said of a democracy which permits tens of thousands of its native-born children to be taught American history in a foreign language—the Declaration of Independence and Lincoln's Gettysburg speech in German and other tongues?
>
> What should be said of a democracy which permits men and women to work in masses where they seldom or never hear a word of English spoken?
>
> Yet, this is all true of the United States of America in this year of grace 1918, wherein was fought the second Battle of the Marne and the Battle of the Argonne Forest.

Some States, some communities are spending more to teach foreign languages to Americans than to teach English to foreigners. At a meeting of the Americanization—I can hardly call it a society—but at an Americanization meeting in Washington a short time ago, it was discovered that in many schools they were teaching Washington's Farewell Address and Lincoln's Gettysburg speech in foreign languages, and that children were coming out of the schools without any knowledge of English.

Mr. DIAL. Mr. President, I should like to ask the Senator a question for my own information. I notice on page 3 of the bill where the age limit of the citizen is between 16 and 21 years, while on the other page the age limit of the foreigner is between 16 and 45 years. Why does the Senator make the distinction in the ages? I do not know what the object of it can be, and I merely ask that I may have light on it. In other words, the younger element of our population have already been to school when they reach 16 to 21 years of age. Down in my section of the country a great many people over 25 years of age can neither read nor write, and wonderful work is being done down there in the matter of adult schools. I do not understand the distinction which is apparently made in these ages.

Mr. KENYON. It is true that a great percentage of the illiteracy is among those over 20 years of age. The original bill, as presented by the Senator from Georgia [Mr. SMITH], did not make that distinction. I think it was thought by the committee that there was some question as to going above 21 years of age with citizens in the matter of compulsory education, but that Congress had the right to do whatever we desired as to aliens, provided we did not violate any treaty obligations. That is a question I am going to discuss after a while, because it is rather an acute question whether we can do that.

Mr. DIAL. Of course, a compulsory-education law would not apply to persons over 21 years of age in any places where they have compulsory-education laws.

Mr. KENYON. That was the idea, and that compulsion could apply to aliens. That raises the question whether we can treat the alien differently from the citizen.

Mr. CURTIS. Mr. President, I came in just as the Senator was referring to the teachers and their wages. I wonder if the Senator gave the average wage of the 400,000 school-teachers in the United States, which is disgracefully low?

Mr. KENYON. No; I did not.

Mr. CURTIS. I will state to the Senator that I had occasion to look up that matter a few days ago in a hearing before our committee, and found that the average wage was $543 per annum. In 25 States the average teacher's wage was below $543 per annum and in 23 States the average was below $300 a year.

Mr. KENYON. I think the figures are rather shocking.

Mr. CURTIS. Indeed they are shocking.

Mr. KENYON. It is a deplorable fact that we are turning over the whole coming generation to these teachers, expecting them to do the greatest work that can be done in the molding of the children of the country and yet not giving them a living wage.

I desire to call attention in this connection to some of the testimony of Mr. Herbert Kaufman before our committee. The Senator from Rhode Island [Mr. COLT] talked about the melting pot; that we are the great melting pot. So we are, but the pot

is not going to do any melting if there is no fuel under it, and education is the fuel.

On page 18 of the hearings Mr. Kaufman said:

The melting pot calls for watchful care when we find that 94.3 per cent of Mexicans, 96.4 per cent of Bulgarians, 95 per cent of Roumanians, 92 per cent of Greeks, 95 per cent of Croatians, 76 per cent of Armenians, 67 per cent of Austrians employed by the concerns in question are not subjects of the flag.

That had reference to a number of industrial concerns to which he had written to ascertain the connection between illiteracy and their turnover. I think I have put these figures in, but I will state that of the 5,000,000 illiterates in 1910, 3,184,633 were white persons—practically 60 per cent. Of these, 28 per cent were native born, 30 per cent foreign born, and 40 per cent were negroes. The remaining 2 per cent were Indians, Chinese, Japanese, and others.

Of the total number of illiterates, 1,768,132 lived in urban communities and 3,748,031 in rural communities, small towns, villages, and the open country. Nearly one-half of the illiterate population—48.1 per cent—are between 20 and 45 years of age and can be taught to read and write without difficulty if an effort is made to reach them through their various occupations. Only those under 20 years of age, amounting to 16 per cent, can be reached by schools under any present law of compulsory attendance. I said before, I think, that illiteracy is one of the causes of the industrial unrest in this country. Immigrant illiteracy is a matter of concern to the United States. We can not understand the difficulties that arise from it, but it is a constant influence for evil.

Figures have been given on the charts of 8,500,000 people who are illiterate in the language of this country. That is more than the population of the Dominion of Canada; more than the population of the South at the time of the Civil War; more than all of the people living in 1910 in our three greatest cities, New York, Philadelphia, and Chicago; more than all the people living in 1910 in all the cities of the United States west of the Mississippi River except one; more than all the children of school age in 32 of our 48 States.

It may be that anybody who thinks there is a cause of national concern in the matter is unduly alarmed. I am not hysterical about the subject. I am simply presenting it, as I believe that national solidarity is dependent to a considerable extent upon one language. The instance of Poland is not in point. There was an oppressed people and an effort being made to force upon them the language of a conquering country. Here are aliens who come into our country. The door is open wide to them for their own benefit. We say to them, "If you are to enjoy the privileges and the opportunities of America, you must take some of the responsibilities of America and you must become able to think and to talk in our language."

I have referred to the fact that in some of the camps of the country orders had to be given in over 20 languages. I want to refer to the industrial situation as affecting that——

Mr. CURTIS. Before the Senator leaves that point let me ask him if he has referred to the fact that in one of the reports of the War Department it was stated that these aliens had been able within three months by proper instruction to receive orders—oral orders and written orders?

Mr. KENYON. I thank the Senator. I did not specify the time. I did refer to the fact that they had received instructions in English and had made wonderful progress.

Mr. CURTIS. The evidence before our committee showed that in three months many of them were able to receive orders in English.

Mr. KENYON. They have systems now of teaching English by objects, which I am told by the Department of Education are most successful. They have used the system with foreign classes in the mills and in the factories. They do not and you do not want "prissy" school-teachers out teaching these people. You have to get people who will teach them something besides just reading and writing and arithmetic, and through this system they do it. I had a very interesting illustration of that a short time ago showing how they do. The teacher announces to the class in the mill, "I rise from my chair," and gets up. They all say that. "I put on my hat"; and they say that. "I walk to the door"; and they say that. He does all these things as he says them. "I open the door"; and they all say that. Then he comes back and repeats them. The gentleman who had been giving instructions told me that inside of 35 or 40 lessons those foreigners had quite a little vocabulary of English just as a result of that simple way of learning the language. To just sit down with a book and try to drill it into them is not a successful method.

Former Gov. Brumbaugh, of Pennsylvania, was in my office to-day. He was, I think, the first superintendent of public instruction in Porto Rico. He said they oftentimes got the language into them through the medium of baseball games and sports of that kind. They have made wonderful progress in Porto Rico and in the Philippine Islands.

In these industries we have put the very heart of industrial America into the hands of the foreign born, most of whom are not citizens of the United States. When we were up at Pittsburgh and out at the little town of Clarenton, the Senator from Tennessee [Mr. MCKELLAR] and I talked with a lot of the strikers. There must have been 150 of them, practically all foreigners. We tried to get them to understand the question, "How many of you are citizens of the United States?" That was translated around. There were only 3 in that group of 150 strikers who were citizens of the United States.

When we asked how many had bought Liberty bonds and war savings stamps every hand went up. When we questioned some of them as to whether they desired to attend school some of the brightest little fellows I have even seen, some splendid raw material for citizenship, said "Yes," but they could not work 10 or 12 hours a day in the steel mills and then attend night school, but they wanted to learn English.

We asked one bright little fellow how his country was governed. He said by a king. "How does it differ from this country?" "I do not know." "Do you not know how this country is governed?" He said, "My country is governed by a king, and this country is governed by a superintendent." He had nothing in his head but superintendent—the superintendent of the works. That is all he came in contact with and all he saw, and he thought it was the Government of the United States. I say that little chap—Piso, I think his name was—surrounded by the right influences, would make a splendid American citizen. You can not bludgeon these people into being American citizens. You have to win them by affection and by having them understand what America means to them as the land of equal opportunity and justice, affording a chance for their families, better milk for the babies, better living conditions, better chances to play, and all such things resulting in happier lives. They do not get those things from any other source, and they can not get them.

In the iron and steel industries of this country about 58 per cent of the employees are foreign born; in the meat-packing industry 61 per cent are foreign born; in coal mining 62 per cent; in the woolen-goods industry 62 per cent; in cotton goods 69 per cent; in clothing 72 per cent; in oil refining 67 per cent; in sugar refining 85 per cent. We have placed the very heart of American industry in the hands of men who are born in other lands, a small percentage of whom are naturalized and a large percentage of whom are illiterate, subject to insidious propaganda, which we are not organized to combat.

Some of the manufacturing concerns of the country are refusing to employ men who are illiterates. That works badly, I think. It turns them out upon the market; it makes a drug upon the market of labor, and does not operate very well. A small percentage of many of the alien races, to which I referred a moment ago in the testimony of Mr. Kaufman, are becoming naturalized. In 112 different industries 96.5 per cent of the Spanish remain aliens; 95 per cent of the Serbs remain Serbs. I have referred to the Mexicans and the Croatians. Ninety-six and four-tenths per cent of the Bulgarians remain Bulgarians; 92.1 per cent of the Greeks remain Greek, and so forth.

I have also referred to the safety question. Let me be a little more specific as to that. The Federal Director of Mines points out in a recent report that had the percentage of accidents among the foreign born last year been reduced, as among the native born, 930 lives would have been saved, more than 700 serious accidents averted, and an economic loss of over $4,000,000 in the mines alone would have been avoided. That covers but one of our many industries.

It has been estimated by some economic philosopher, who likes to deal in figures, that the average illiterate is worth at least $5 per week less to himself, to his family, to his employer, and to society than the man who can read and write. I do not know just how he arrives at those figures, but I think they are true. I have here some reports of experiments in industries showing where girls who could not speak English, when taught the English language became so much more efficient that their wages were raised to quite a considerable extent. I am going to put that into the RECORD.

If the statement I have quoted is true, then by making literate eight and a half million of these people who can not read and write we would be adding $2,000,000,000 annually to the potential wealth of the country. These people are like great mineral wealth of gold or copper or iron beneath the surface

that never has been reached and never has been developed, and they simply need education to develop them, when they will add greatly to our potential national wealth.

Among these millions there is almost constant propaganda going on. They read their own languages; in a way they are organized; they work with enthusiasm. When we permit them to go off by themselves and have their own little communities we can not blame them if they do not absorb our ideas. What do these people know of the opportunities or the life of a Lincoln? It is a closed book to them. From a log cabin to the White House means nothing to them. What do they know of a Garfield rising from the towpath to great position in the world; or of Woodrow Wilson, from an humble Presbyterian parsonage to one of the great figures in the world; or of men in industry coming up from the very lowest to the highest positions? All that is a closed book to them and their children. Are we afraid to spend a little money to try to remedy those conditions and to give these people a fair showing and a fair chance in the race of life? The question is not answered by simply saying that that is a work entirely for the States to do. It is not entirely a State problem.

At this point I want to put into the RECORD an editorial from the Chicago Tribune on this subject. I am sorry the Senator from Illinois has gone out. I also desire to place in the RECORD an extract from that well-edited paper, the Omaha World-Record, which is owned by the distinguished leader upon the other side, the Senator from Nebraska [Mr. HITCHCOCK]. I will not stop to read these editorials, but they are up to the usual standards of the papers from which they are taken.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Without objection, the editorials referred to by the Senator from Iowa will be inserted in the RECORD.

The editorials referred to are as follows:

TEACH AMERICANISM.

[From the Chicago Tribune.]

Deportation, exclusion, and punishment are only negative measures. We must add to them intelligent constructive action. We are suffering now from our neglect of the strangers within our gates. A good deal of radical talk of the exploitation of immigrants is buncombe. The great majority of the millions that have come to us in the last half century have bettered themselves. Much of the worst exploitation has been by their own race. But this is not relevant to our problem. We have not done what we should in common sense have done to teach our immigrants to make use of American opportunities. Instead of assuming they would breathe in Americanism from the air, we owed it to our own interest as well as theirs to protect them from exploitation and provide them with sound, practical instruction in American principles and institutions.

[From the Omaha World-Herald.]

Unfortunately we have those who assail liberty protected by law, do it sometimes violently, and sometimes under cover of law, and do it in the very name of that Americanism they profess to reverence. The bulwarks of our Americanism are free speech, a free press, the freedom of religious worship, the freedom of education, the right of peaceful assemblage, the right of petition, the right to be wise or foolish in our opinions and to express and urge them nevertheless so long as we rely upon reason and not upon lawlessness and violence to carry them into effect. The very spirit of Americanism is faith in the people, and it is expressed in their creation of a government to serve them as distinguished from a government made from above to rule over them. And there can be no true Americanism, as there can be no enduring democracy anywhere, that does not preserve and protect the just rights and liberties of minorities. Whoever loses sight of these basic facts, whoever assails them, on whatever pretext, whether violently or under cover of law, though he may believe he is serving Americanism in doing so, is in truth the assailant of American strength and unity of the ideals that have made us great.

Mr. KENYON. California has passed a compulsory law making provision for the instruction of people who are unable to read and speak the English language. Massachusetts, where evening schools are maintained, has also done so. New Hampshire has a compulsory law where evening or special day schools are maintained. New York has a compulsory law; Rhode Island has a compulsory law; South Dakota has a compulsory law; Utah has a compulsory law; and I think we have followed to some extent the Utah statute, which differentiates between the alien and the citizen.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. Yes; I yield.

Mr. PHELAN. I desire to ask the Senator if he provides in his bill for the regulation in any way of the teaching of foreign languages in the schools?

Mr. KENYON. No; the bill does not do so.

Mr. PHELAN. Does the Senator think it would be wise to incorporate a provision under that head?

Mr. KENYON. It might be so; and I will say to the Senator that provisions of that kind are being adopted by States of the Union rather generally. We now have a situation where States have laws, passed within the last year or two, making English the only medium of education in the schools. Is that what the Senator refers to?

Mr. PHELAN. Yes. I have that in mind as well as the practice in California, with which the Senator may not be familiar, of the Japanese crowding the public schools during the school hours, and then, under direction of the Japanese consuls, who seem to control the movements of those people, instructing them in the Japanese language, in the principles of the Japanese Government and allegiance to the Japanese Mikado, both before and after the regular school hours; which is very hard upon the children and very prejudicial to the spirit of Americanism; for, it seems to me, that practically neutralizes the effect of the education which they receive in the public schools in the regular hours.

Mr. KENYON. I should like to ask the Senator a question as to whether the Japanese, to whom he refers, speak the English tongue?

Mr. PHELAN. They are taught English during the school hours, and in some schools in the rural districts the attendance is 60 per cent Japanese.

Mr. KENYON. Then, they have their own Japanese schools outside of that?

Mr. PHELAN. Outside of that, both in California and in Hawaii, they have their own Japanese schools. Recently in the Hawaiian Territorial Legislature a bill was introduced to check that, and there was considerable agitation; but finally the legislature refused to act, at the instance of the sugar planters, because they were afraid that it would disturb their relations with the Japanese who till their fields.

Mr. KENYON. But the Japanese are compelled to study English a certain number of hours per week or per month, are they not?

Mr. PHELAN. Yes; like other students in the schools, during the regular hours; but before those hours and after them private schools for the purpose of de-Americanizing them are conducted by the Japanese.

Mr. KENYON. This bill would not affect that situation, I will say to the Senator. It would not apply to that unless they are illiterates or non-English speaking.

Mr. PHELAN. Could the bill not provide that where schools are maintained outside of regular school hours its benefits shall not apply?

Mr. KENYON. This act applies to illiterates and non-English-speaking people. If the Japanese of whom the Senator speaks do not come under one of those heads they would not be affected by the bill. It is to compel the teaching of English for 200 hours a year. I appreciate that the situation of which the Senator speaks contains a good many difficulties, but I do not know how it could be reached by any Federal law.

Mr. PHELAN. I presume the State has jurisdiction over those matters.

Mr. KENYON. Undoubtedly the State could remedy the situation.

Mr. PHELAN. But when California undertook a few years ago to regulate it the Federal Government interfered, as the Senator will recall——

Mr. KENYON. I recall the incident.

Mr. PHELAN. Under the threat of using the Army and Navy to reduce California to subjection and submission.

Mr. KENYON. I think, however, that California manifested but little fear of the Army and Navy.

I started to refer, when the Senator from California asked me a question, to the States that within the last year or two have made the English language the only medium of instruction in both the public and private schools. The States which have made English the only medium of instruction in both public and private schools are Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, and West Virginia.

Then, certain States have prohibited the teaching of German as a subject of study in the elementary public schools, including Colorado, Delaware, Indiana—which also prohibits the teaching of German in high schools—Iowa, Nebraska, Ohio, and Oklahoma.

I have referred, I think sufficiently, Mr. President, to the question of safety in industrial life as embodied in this proposition, but I am going to ask to place in the RECORD as part of my remarks some letters from manufacturing concerns showing the connection between illiteracy and "turnover," which I think are rather interesting.

The PRESIDING OFFICER. Without objection, permission is granted.

The letters referred to are as follows:

SCOVILLE MANUFACTURING CO.,
Waterbury, Conn., February 19, 1919.

Mr. HERBERT KAUFMAN,
Special Assistant Secretary of the Interior,
Washington, D. C.

DEAR SIR: We have your telegram, dated February 15 and received February 17, asking our opinion "as to the relation between illiterates and turnover, illiteracy and wages, illiteracy and production, and illiteracy and industrial unrest."

ILLITERACY AND TURNOVER.

We have made no very thorough study on these questions. Generally speaking, we believe that there is a relation between illiteracy and labor turnover, primarily because illiteracy usually goes with ignorance, and ignorance is usually gullible and is easily persuaded by the agitator or propagandist.

A study of several hundred employment cards from our employment bureaus of the "throughs" disclosed that 8 per cent of the through were illiterate. In December a factory census showed that 5 per cent of the employees on our pay roll were illiterate. Our illiteracy test is that of ascertaining whether a man or woman can read and write in any language. If not, they are called illiterate. These same through cards, gauged on the test as to whether they could read or write English, disclosed that 20 per cent were illiterate in this respect, while the census taken in December disclosed that 12.8 per cent of all of our employees could neither read nor write English. At that time we had a little over 9,000 employees on our pay roll.

ILLITERACY AND WAGES.

The largest per cent of illiterates, of course, are on common labor jobs with respect to both men and women. The record cards of the employees show that while these types of jobs are filled by employees classed both as illiterate and literate, that the literates show a rapid advancement with corresponding increase in pay, while the illiterates rarely receive advancement or increases in pay, excepting, of course, such increases as go with the increased cost of living and have no relation to the relative service rendered.

ILLITERACY AND PRODUCTION.

Most of our department heads feel very positively that illiteracy is a hindrance to production, due to the fact that the illiterates are apt not to fully understand or comprehend instructions. This tendency to a lack of understanding and comprehension, of course, interferes with quality as well as quantity.

ILLITERACY AND INDUSTRIAL UNREST.

We have had no industrial unrest in our organization and have, therefore, no data with respect to our own organization. Generally speaking, however, we should say that the natural gullibility of ignorance which is so closely related to illiteracy would make for industrial unrest should the agitator, disturber, and the propagandist be directing their efforts that way in a community where there was a large per cent of illiterants.

With relation to this whole question of the effect of illiteracy on production we have come to the conclusion that it is necessary for us in these days to take on to our pay roll a certain per cent of illiterate employees, and that it is good business for us to put these employees through classes in English, simple reading and writing, and arithmetic, and we have had as high as 250 in classes of this kind at one time, with an average attendance of between 90 per cent and 95 per cent. The classes cover periods of one hour and are given on the company's time and taught by teachers employed by the company. This is done both for the reason of inducing a larger percentage to attend and in order that we may control the studies involved in the course and make thus a better rounded out course for their needs, because if the subjects to be taken were optional they would take only those subjects they are interested in.

These classes are made up of non-English speaking, as well as illiterate, employees. Some of the illiterates make good progress. Most of the illiterates who are non-English speaking make very rapid progress and we find that 100 lessons of one hour each makes a very great difference.

We are now attempting to devise a plan which will enable us to give all of our employees of that character at least 100 lessons and cover the whole number of non-English speaking and illiterates within two years. We are also seriously considering, in case of all new employees of any kind, letting them understand thoroughly that we may call upon them at any time we see fit to take any course of study which we may see fit to ask them to take on the company's time and thus be able to, if thought wise, exercise some degree of compulsion.

We do not feel that we are rendering toward the community the proper spirit if we refuse to employ illiterates and non-English-speaking employees. Many of them are of good character and will make good citizens, and we are endeavoring to do our share in this work, not because it is philanthropy, but because we believed it is good business. The classes are held during the regular working schedule in the daytime, and include both men and women.

We are sorry we are unable to give you more specific answers to the specific questions you have asked, but have done the best we can and trust that it will be of some assistance to you.

Yours, truly,

SCOVILL MANUFACTURING CO.,
JOHN H. GOSS.

NATIONAL SAFETY COUNCIL,
Chicago, Ill., February 17, 1919.

Mr. HERBERT KAUFMAN,
Special Assistant to the Secretary,
Department of the Interior, Washington, D. C.

MY DEAR SIR: The National Safety Council is in hearty sympathy with the movement to Americanize foreigners who have come to our shores and to educate them to speak English and to read it. In this national movement for the conservation of life and limb our members have found that one of the greatest stumbling blocks and difficulties in the way of progress among the foreign-born element has been their inability to read English. It would be a great gratification to the members of the National Safety Council to have a definite policy of education established, and education in English speaking would be of the greatest possible assistance in carrying the message of safety to the foreign born. The council, being a nonpolitical organization, is unable to take any active steps regarding legislation, but wishes to assure you of its hearty sympathy with the entire movement.

Sincerely, yours,

F. W. PARDEE,
Business Manager.

PEORIA EVENING JOURNAL, PEORIA MORNING TRANSCRIPT, PEORIA SUNDAY JOURNAL-TRANSCRIPT,
Peoria, Ill., February 14, 1919.

Mr. HERBERT KAUFMAN,
Special Assistant to the Secretary,
Department of the Interior, Washington, D. C.

DEAR MR. KAUFMAN: I have your letter of the 10th instant, inclosing copies of bills introduced in Congress by Senator SMITH and Congressman BANKHEAD appropriating money for the education of foreign illiterates of this country. I am very heartily in accord with the objects of these bills. It is gratifying to know that these efforts are being made. I hope in both of my publications to be of some service in the matter.

Yours, very sincerely,

HENRY M. PINDELL.

INTERNATIONAL BROTHERHOOD OF BOOKBINDERS,
OFFICE OF PRESIDENT,
Indianapolis, Ind., February 17, 1919.

Mr. HERBERT KAUFMAN,
Special Assistant to the Secretary,
Department of the Interior, Washington, D. C.

DEAR MR. KAUFMAN: Yours of the 10th instant came to hand in due time, and I am writing to say that we will keep your letter, pamphlet, and circulars before us. You can rest assured that we will make use of every opportunity to do anything in the way of carrying out the progress provided by the Americanization bill of Senator SMITH and Congressman BANKHEAD. Certainly our organization looks with favor upon the proposition.

Cordially, yours, WALTER REDDICK, *President.*

Mr. KENYON. Mr. President, I referred a little while ago to an experiment in connection with the question of efficiency. Miss Lizzie E. Rector is principal of public school No. 4 in New York City, in the neighborhood of Twenty-first Street. New York State and New York City have done great work along Americanization lines. There were girls employed in a factory in that vicinity, about 10 per cent of the 400 employed being illiterate. They were assigned to two groups and were taught English, reading, writing, arithmetic, American history, geography, personal hygiene, practical information about food, fire protection, and the evolution of the undergarment. Practice was given in the writing of letters of a friendly and business nature, keeping expense accounts and budgets, and in making out work slips and reports. The girls learned the practical application in daily life of adding, subtracting, multiplying, and dividing; they were taught how to deposit money in savings banks and how to draw it out.

At the end of 32 weeks their earnings had increased from an average of 19.5 cents per hour to 22.2 cents per hour, while the earnings of those who could not avail themselves of the class instruction remained practically unchanged. In other words, a short period of education—32 weeks—of these illiterate girls resulted in increasing the earning capacity of those who were illiterate and took these courses from 19 to 22 cents an hour, while those who did not take the courses received the same wages as formerly. They were taught in the English language, hygiene, some of the civics, some of the lives of statesmen—and also Members of Congress—the origin of legal holidays, mathematics, application of language, the alphabet as a guide to common things. They were taught common-sense things. That, I think, is an illustration that has in it some argument for the efficiency of literacy.

Now, what are we doing about it? What progress are we making?

When President McKinley sent men to Porto Rico to establish a school system he told them that he wanted them to put the conscience of the American people into Porto Rico. We have got to put the conscience of America into the thoughts and aspirations of these people. What are we doing about it?

Several years ago the Bureau of Education formed a division of immigrant education which has studied the peculiar problem of the foreign born, established contacts with the States and communities, worked out methods and material, and laid an excellent foundation for a broad program. On January 1, 1919, a branch of the War Department was absorbed which had been created during the war for the elimination of bad community conditions in cities containing ordnance factories. Regional directors of Americanization were appointed, who have so far visited 20 States, straightening out tangles among organizations, bringing about unity of authority, urging State legislation, securing the appointment of State directors and State committees, and preparing the field for definite work. They issued a monthly publication, called "Americanization,"

that was mailed to about 25,000 active workers in Americanization in the schools and the industries and the different societies of the country. It was a splendid little publication, but it had to go out of business, because they had absolutely no money. The conference that I have spoken of in May, 1919, on methods of Americanization, was held in Washington and attended by nearly 500 leading workers in this field in the United States. They adopted a definite program, and will shortly make reports as to what they have tried to do and what they recommend. This little bureau over there have answered many, many letters. They have been asked for help. The Secretary of the Interior told me a few days ago that in a great factory in Akron, Ohio, where they had constructed a building that had cost two and a half million dollars, they were putting in their own plan of Americanization, and they were here begging for teachers, and there were absolutely no teachers to send to them; so their work is waiting for teachers.

I want to say, however, that the fact of so many societies and organizations taking up the work of Americanization, following their own ideas, is a strong argument for some kind of national supervision and national direction, because blunders in this matter might be very serious, and it all ought to be moving on as a harmonious whole, under Government direction and Government inspiration, and not have every society in the United States fixing up a different method of meeting the question.

They have answered hundreds of letters. They have gotten up a little catechism of the Constitution and printed it. The President gave them $20,000 out of his fund. Congress has not given them a cent. Some Americanization society in New York cooperated with them. I can not give the figures, but some quite substantial amount of money was used. Now, this little catechism of the Constitution was sent out. It became known that they had it; and I have long lists of names—all kinds of names, foreign names—wanting this Constitution. And here are some wonderfully interesting letters. Here is one from a logging camp in the State of Washington, and a picture of the loggers gathered around a house there. They wanted to have it. I do not know that this is from one of the loggers, but it is from up in Washington:

DEAR SIR: Vil you kindli send me the Katechism of the Konstitution of the United States.

It is rather pitiful. There are other letters, showing poor spelling but a desire to learn something about the Constitution of the United States, from persons wanting this little primer. They can not send it out any more—they have not a cent of money—unless some public-spirited citizens go and help them; and the splendid men that they have had giving their services practically for nothing, helping to build up this great machinery that the Secretary of the Interior has built up and that is ready to go, have had to leave and go out and earn a living.

I know men who are giving their services who have been offered positions at $10,000 a year, one that I know of there; but because they felt this thing, because they had the patriotism and saw what it meant to the country, they were willing to give their services. That is real patriotism. I shall not take the time to read any more of these letters. I shall be glad to have any Senators look at them who may be interested in them. I will ask permission to insert some of these letters in the RECORD. I think, as the Senator from Maryland [Mr. FRANCE] says, they are instructive.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

HAYDEN, *Oktober 8, 1919.*

DER SIR: Vil jou Kandle Send me the Katechism of the Konstitution of the United States?

O. A. FILAN.

VITMAN CO., HAY, WASHINGTON.

VERMILLION, S. DAK., *October 27, 1919.*

Kindly send me the Katechiam of the Constitution of the United States and oblige.

C. HANSEN SKALBORG,
205 Harvard Street, Vermillion, S. Dak.

SKAMOKAWA, WASH.,
October 13, 1919.

DEAR SIR: Kindly send me the Catechism of the Constitution of the United States.

Respectfully,

IVER VEDA,
Box 142, Skamokawa, Wash.

AMERICANIZATION DIVISION, BUREAU OF EDUCATION,
DEPARTMENT OF INTERIOR,
Washington, D. C., September 27, 1919.

Kindly send us, the undersigned, your catechism of the Constitution of the United States.

Respectfully,

HANS GRINDER,
Box 476, Jamestown, N. Dak.
ANTON OLSON,
Box 476, Jamestown, N. Dak.
AMUND HOLM,
Box 476, Jamestown, N. Dak.
ERIK HOLM,
Box 476, Jamestown, N. Dak.

LENGBY, MINN., *November 3, 1919.*

Kindly send me the catechism of the Constitution of the United States,

Undersigned,

YENS K. RINGSTAD,
Lengby, Minn.

Mr. KENYON. Here is a letter to the Bureau of Americanization from Salt Lake City:

I have a class of 32 in night school. I want some good Americanization literature for them. I have been writing my own lessons so as to teach Americanization, but am so exhausted I must have some printed matter to put into their hands. We are getting fine results, but it is just by main strength and awkwardness.

BERTHENE O. BARLOW,
Salt Lake City, Utah.

Here is one from Belleville, Ill.:

I live in an outlying district, where I am surrounded by those of foreign birth. I have often thought as my wife went among these people for the Red Cross that if every true-hearted American would do his part it would make all better citizens and as a whole a better Nation. I am ready to do my part wherever you need me.

AUGUST F. BERGHOLM,
Belleville, Ill.

Here is a letter from a couple of Polish boys:

I read your appeal in the American Echo. Like to learn English language. There are quite number Poles here, but we have no evening school, so how can we open our eyes and lips to the English language if we don't know anything about it? How will we be able to pass naturalization papers when we can't speak English? Dear sir, in other communities the Poles are learning English, but we in Morris have been forgotten. It has been forgotten that we also need schooling.

ALFRED BILECKI and MICHAEL LUSH,
Morris, Ill.

[Translated from the Polish.]

So it goes on with many others.

Here is a young fellow with a foreign name who wants five copies of this catechism of the Constitution and offers to pay for them. Here is another who wants 30 copies, and another who wants 2 copies. Another wants it just as soon as he can get it, because he is in need of it.

That bureau also had many letters from manufacturers, showing the work that they were carrying on.

I am pursuing this in order to have it in the RECORD, at least in the hope that it may some time be read.

This bill is limited in the money used to the training of teachers and the payment of teachers. That is the great work that must be done.

From January 1, 1919, to June 30, 1919, this department had $20,620 expended on this work. No specific appropriation has ever been made by Congress. From 1914 to 1918, under a cooperative arrangement with the Americanization Committee of New York, the bureau had the use of about $14,000 per year for the support of the Division of Immigrant Education, and from May, 1918, to February, 1919, the budget was increased by the Americanization committee to $100,000 per annum. The cooperative arrangement with the Americanization committee ended in March, 1919; so the only part of public funds that have gone to this work at all have been about $20,000.

If anybody wanted to know the practicability of these people in their old age learning the English language he could find food for reflection in the pamphlet issued by the Bureau of Education, entitled "Illiteracy in the United States."

There is given the work of Mrs. Stewart in Rowan County, Ky. She established there night schools, that they called the moonlight schools, and the registration has gone up to 1,600. Men 85 years of age are attending those schools, and women 70 to 72 years of age. Men over 80 years of age have learned to write, and women 72 and men of 80 are playmates in the schools.

What has been done in that county in Kentucky in those moonlight schools can be done in any community if the proper spirit is there. One little woman has done all of this, practically. If you want to get anything done in this world, anyhow, go to the women. She has put an enthusiasm into that that you never could expect, anyhow, to get in the United States Senate for any problem of humanity.

Those people have gone out in the night and learned these things, have been able to correspond with their boys and their

girls, and bring about a situation in that county better than it has ever known.

In this pamphlet there are pictures of a spelling bee in the mountains, men up in the sixties and seventies competing with one another in spelling and learning to write in a few weeks. Is not that worth while? If you have some bill here to turn over what is left of the public domain to the corporations of the United States, you can get a tremendous enthusiasm for it. Yet anything here apparently to salvage humanity is considered ridiculous, unworthy to take up the time of the dignified Senate of the United States.

While the Senate may look at it in that light, they can not go before the country and tell them that they have refused to take any steps to remedy this condition of illiteracy in this country without finding that the people of the United States understand the problem fully as well as they do.

Here is a most interesting interview in the paper this morning from Miss Helen Taft on this question of education and on the pay of teachers and professors, showing how a baseball player can be sold for $125,000 or a prize fighter can make hundreds of thousands, while a poor school-teacher can not get enough to live on. We had better begin thinking about some of these things some day.

Churches are going into this work which the Government ought to do. The organization known as the Church of Christ has started out in a campaign to raise $25,000,000 for Americanization. Everybody seems interested in this question but Congress. But some day these sore spots in our body politic, this cancer of illiteracy, eating straight to the heart of the Republic, will challenge the attention even of Congress.

[At this point Mr. KENYON closed his remarks for the day.]

Saturday, January 17, 1920.

Mr. KENYON. Mr. President, I occupied a good deal of the time of the Senate yesterday on the pending measure, and I now simply wish to round up my discussion so that my remarks shall not appear quite so jagged in the RECORD. Then I shall give way to the Senator from Georgia [Mr. SMITH].

I discussed on yesterday this problem and its remedy, and the question which has been raised ofttimes, that it is a State problem and not one of national concern. Some Senators feel—I know that my friend, the junior Senator from Utah [Mr. KING] does—that the Federal Government is going too far in these matters when it attempts to stimulate the efforts of the States. I think such stimulation by the Federal Government has been productive of good. There is, of course, danger in carrying it too far. We are now assisting in educating farmers under the same sort of a plan. To-day the Federal Government provides extension courses and vocational education, both bills having been introduced and carried through by the Senator from Georgia. The same is true as to highways. It is based on similar principles.

The same argument exactly can be proposed, and is proposed, as to eliminating illiterates. If the argument is made that we should leave this question to the States, the answer is, we have left it to the States. The present deplorable situation, the present black spots of illiteracy, are a refutation of the arguments that the States will adequately deal with this problem. The question of the education of our citizens is a national question. Illiteracy in Alabama or illiteracy in New York is almost as much a problem for Iowa, Wisconsin, and California as it is for those particular States. It is all our business as a Nation.

The education of our foreign born is certainly not a problem for the States alone. Immigrants are admitted to our shores and permitted to scatter at will throughout the country. The States are not consulted about the matter at all. The alien is naturally more or less migratory; he is in this community to-day and in that community to-morrow; in this State one week and in another State next week. So it can not be purely a State question. Nor is it fair to the border States and those cities which have ports of entry to demand that they shall educate and assimilate these people for all the remainder of the Nation. It is a national problem, and there is no escape from that conclusion. That question is discussed in the committee hearings on page 45; but I will not now take the time to refer to the hearings.

In opening the discussion on this bill I spoke of the amount of money involved, and stated that while I believed the amount of money specified should be appropriated, yet, under present conditions, and feeling that we really ought not to appropriate anything except we would be willing to borrow the money for it, I would be willing to have the appropriation cut down. I am advised that the appropriation can be reduced one-half and a great work still carried on, and so I shall not object to such reduction.

Under this bill, according to the provisions of section 3, $500,000 of the appropriation will be expended each year for printing pamphlets, printing in foreign languages matter deemed to be necessary for use generally throughout the country. The remainder of the appropriation is apportioned to the work of eradicating illiteracy in the particular States, to be used only in educational work, in the preparation of teachers and directors, and the payment of teachers and directors.

Let me make that a little clearer for the RECORD. It is to be used in this way:

Salaries and expenses of a Federal director, regional directors and experts in illiteracy, training of teachers, the teaching of the non-English speaking, and so forth.

Printing of monthly publications, pamphlets, primers, textbooks, posters, motion-picture films, stereopticon slides, and so forth.

Training a small group of educators in the most approved technique of teaching English to the non-English speaking in order that they may in turn teach other groups in the different States.

The institution of classes in normal schools and colleges for the training of teachers, and the payment of qualified instructors.

The employment of teachers by the public-school systems, for the teaching of classes in the public schools—day and night—in the industries or wherever classes may be formed.

The employment of the necessary field supervisors to see that the work is properly carried out in the normal schools, communities, industries, and so forth.

Studies in illiteracy covering the present methods used, existing material, extent of the problem, making plans for discovering illiterates and getting them into the schools, with special studies regarding the agricultural districts, mining districts, lumber camps, and industries.

Special studies regarding non-English speaking, present methods used, existing material, extent of the problem, with special studies regarding the problem in industries, mining districts, lumber camps, seafaring, and agriculture.

Development of special aids, such as stereopticon photography, posters, motion pictures, charts, lesson sheets, and so forth.

Special studies in the training of teachers similar to the foregoing.

Special studies in the improvement of housing and sanitary conditions among the foreign born, recreation, home work, and the development of community centers.

I will say to my friend the Senator from Utah, who was not present yesterday, that I pointed to the maps on the wall in discussing this problem, and showed from the census of 1910 that there are eight and a half million people in this country who were either entirely illiterate or non-English speaking—eight and a half million non-English speaking, of whom five and a half million are absolute illiterates. We have appropriated small sums of money for education along these lines, as referred to by me on yesterday, and I now ask to place in the RECORD the entire appropriations of Congress for educational work from the year 1914 to the year 1920.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

Appropriations by Congress for education.

Year.	Bureau of Education.	Vocational education (Smith-Hughes Act).	Colleges of agriculture and mechanic arts.	Agricultural extension work (Smith-Lever Act).
1914	$89,000	.....	$2,500,000	$480,000
1915	120,500	.....	2,500,000	1,030,000
1916	120,500	.....	2,500,000	1,580,000
1917	125,500	.....	2,500,000	2,080,000
1918	139,300	$1,860,000	2,500,000	2,580,000
1919	162,260	2,512,000	2,500,000	3,030,000
1920	216,960	3,182,000	2,500,000	3,580,000

Mr. KENYON. I will say further to the Senator from Utah, who honors me with his presence—and I am speaking largely to the Senator from Utah—that all the bureau of Americanization, if it can be called such, has had to use has been $20,000 given out of the President's fund, and about $14,000 which was furnished by some New York Americanization societies for cooperative work. They have done a wonderful work throughout the country with the money, but they have had to give up the men who have come here and devoted their time to it with practically no compensation.

I think it would not be fair to the Senate if I did not frankly call attention for the thought of the Senate to what might be

considered a serious question in the bill. We provide in this bill that the money shall be given to the States, the States to match dollar for dollar, provided certain things are done by the States. The feature over which the only controversy seems to arise is that we make a distinction between what we require to be done in the States as to aliens and as to citizens. We require 200 hours a year in the teaching of English to the citizens between 16 and 21 until they shall have at least carried out a course prescribed by the Secretary of the Interior. As to aliens we make the age limit 45. The query arises, which I will be glad to have Senators think about, Can we do that?

Can a State treat an alien differently than a citizen of the State? I say without hesitation that it can be done, without discussing the wisdom of it, unless it violates the treaties of the United States, and I simply call attention to the fact that the courts have quite generally sustained different taxes in the States as to aliens and as to citizens.

Mr. FERNALD. Mr. President, if the Senator will yield for one moment, this is one of the most instructive, interesting, and valuable matters that is likely to come before the Senate of the United States.

Mr. KENYON. If the Senator is going to call for a quorum, I want to ask him not to do so.

Mr. FERNALD. That is what I was about to do.

Mr. KENYON. We have more Senators here now, I think, than we would have after the quorum would be called. I feel quite encouraged. Our number has doubled since yesterday.

Mr. FERNALD. I will not insist if the Senator prefers.

Mr. KENYON. I wish the Senator would not.

Mr. KING. Mr. President, probably the RECORD showed yesterday, and if it does not I hope it will—and I interrupt the Senator's able speech in order that it may—that I was called from the city yesterday, sent indeed by the Senate to make certain investigations in regard to large appropriations contemplated; and in the performance of a duty which was devolved upon me by the Senate I was compelled to be absent from the Chamber yesterday. That is the only time that I have been absent since I have been in the Senate except when I was away on official business.

Mr. KENYON. The Senator need make no excuses for his absence. There is no Member of the Senate—and I am sure the RECORD will sustain me in that statement—who is more diligent or who pays more attention to the work of the Senate. It might have been thought from the newspapers that I was irritated because there were not more Senators here. I think the reason no more Senators are here is because they are all for the bill, except one or two, and if there were a chance to bring the bill to a vote this afternoon I would stop talking about it; but I have said to the Senator from Utah that we will not vote before Monday.

As I say, a different tax as to aliens has been sustained; different laws as to aliens holding lands; different laws in the States as to legacies payable to foreigners—a State can make one law as to legacies concerning its own citizens and a different law as to foreigners—different laws as to jury service; different laws as to security for costs. The laws of some States provide that aliens can take land by purchase but not by descent. This draws a difference as to their own citizens. That would not be equal treatment. The same thing is true as to military service.

As I say, the power to regulate immigration and deal with aliens is an instance of sovereignty, and the right of self-preservation is the first law of nations as it is of individuals, and education is necessary to self-preservation. So I reason out, to my own satisfaction at least, that we have a right to make a different law as to the education of aliens than as to citizens, unless it violates treaty obligations; and I want to be perfectly frank about that.

I wrote the Secretary of State some time ago, and sent him a copy of this bill, and asked him if he thought it violated any of our treaty obligations. I will place his letter in the RECORD. It is rather long. He cites me to the treaty between the United States and Switzerland which provides for equal treatment, and I think there is a serious question as to whether there might not be a violation of the treaties with Switzerland and a few other nations; but those are the kind of nations that never will raise any such question, and it seemed to me better that we run along until that question is raised; that there is no particular use of anticipating that difficulty. With the keen minds in the Senate, however, I had expected that that would become quite a subject of discussion among our great international lawyers here.

I will put that letter in the RECORD, so that the Senate may have the benefit of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, January 2, 1920.

Hon. WILLIAM S. KENYON,
United States Senate.

SIR: The department is in receipt of your letter of December 19, 1919, inclosing a copy of a bill (S. 3315, 66th Cong.), to promote Americanization by providing for cooperation with the several States in the education of non-English speaking persons and the assimilation of foreign-born residents, and for other purposes. You inquire whether such a law would violate the provisions of any of our treaties with foreign countries.

In reply I beg to quote for your information article 1 of the convention of friendship, commerce, and extradition concluded between the United States and Switzerland on November 25, 1850:

"The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well Federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate, or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property (as is explained in article 5); to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

"The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or coproprietors."

It will be noted that this article provides, among other things, that no peculiar or other more burdensome condition shall be imposed upon the citizens of the respective countries resident in the territory of the other than are imposed upon the citizens of such country, and that no condition whatever shall be imposed upon citizens of either country residing in the territory of the other to which the citizens of the latter country shall not be subject.

It appears from section 5 (e) of the above-mentioned bill that all resident aliens between the ages of 16 and 45 who are illiterate are to be required to take the course of instruction provided for, while in the case of citizens of the United States the maximum age is 21 years. While the department would not want to be understood as holding that this apparent discrimination would constitute a violation of the provisions of article 1 of the above-mentioned treaty, it is conceivable that such might be the contention of the Swiss Government. Provisions similar to those under the Swiss treaty are contained in treaties with various other countries.

It would seem that the proposed law would be less apt to provoke controversy with foreign governments if the particular provision were so amended as to apply equally to citizens and aliens.

I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

Mr. KENYON. That is the only legal objection, it seems to me, that can be made to the bill.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

Mr. KENYON. Yes.

Mr. SMITH of Georgia. That provision with reference to aliens is intended especially to reach the non-English-speaking class, is it not?

Mr. KENYON. Yes.

Mr. SMITH of Georgia. I would suggest that the Senator consider an amendment which eliminates the word "aliens," but extends the duty of attending school to 45 years of age for 200 hours during the year in the case of all who can not speak English, without regard to their being aliens.

Mr. KENYON. That was the suggestion of the Secretary of State—not in any way to interfere with or advise about legislation, but to get rid of any treaty question. If that were done, there could be no treaty question involved; but then we would have the question of compelling American citizens over 21 years of age to go to school.

Mr. SMITH of Georgia. If they can not speak English, I think they ought to do it. I am intensely in favor, myself, of requiring every one who has stayed in the United States six months or longer and who can not speak English—those who have come here to stay, if they have been naturalized—to learn how to speak English.

Mr. KENYON. The Senator feels that there is no constitutional difficulty in the way of requiring citizens over 21 years of age to attend classes in school?

Mr. SMITH of Georgia. I do not think there is the slightest.

Mr. KENYON. I do not, either, but I thought somebody might think of some.

Mr. KING. Mr. President, will the Senator yield?

Mr. KENYON. Yes.

Mr. KING. The statement just made by the Senator from Georgia attracts my attention, and I am led to inquire whether it is the purpose of this bill to require all aliens who are in the United States to accept the provisions of this bill? I have in mind the fact that there are aliens coming here from time to time, and who in the future will come here from time to time, for temporary purposes. They may be here for several years. They are connected with business enterprises established here, or branches established here, the important branch or the chief branch being in some other country. It seems to me that under no theory of legislation which we ought to follow should we attempt to compel aliens who are here for those temporary purposes to accept or submit to the provisions of this bill.

Mr. KENYON. I think there can be no dispute on that proposition. I think that is running in the minds of some Senators. A Senator said to me last night that under this bill he thought we could compel Clemenceau, if he came over here, to study the English language.

Mr. COLT. He speaks English.

Mr. KENYON. Yes; he does speak English. Or Viviani, or some one who does not speak English.

Mr. FRELINGHUYSEN. Mr. President, may I interrupt the Senator?

Mr. KENYON. Yes.

Mr. FRELINGHUYSEN. Did I understand him to say that Clemenceau might be compelled to study the English language under this bill?

Mr. KENYON. No; I said that some Senator stated that to me last night. He speaks English, however, I understand.

Mr. FRELINGHUYSEN. The Senator perhaps is unaware that the great premier of France taught school in this country for several years and speaks English perfectly.

Mr. KENYON. Yes; I understand that he does, and that he married an American woman, which would have insured that he must eventually learn to speak English; but, merely as an illustration, Viviani might be mentioned.

Mr. COLT. May I ask the Senator, pursuing the inquiry of the Senator from Utah [Mr. KING], whether as the bill now stands it would not include all aliens who do not speak English?

Mr. KENYON. Who have been here over six months.

Mr. COLT. Who have been here over six months?

Mr. KENYON. Yes; I think that is true, and I think that is a very legitimate criticism.

Mr. COLT. Now, should there not be some discretion?

Mr. KENYON. Yes. I will say to the Senator that I had thought there should be an amendment providing that it shall not apply to those who are here on business, or sojourning, or pleasure, or something of that kind. There should be an amendment of that kind, and I shall propose that kind of an amendment, because it is not the intention at all, of course, to accomplish that. People who do not intend to make this their country at all might come here and stay for five years in a business. Now, of course, there is danger there. You can take a man who comes here for 5 or 6 years or 10 years to work in a mill, or something of that kind, get all the money he can, and then go back to his own country. Those are the kind of citizens who are not particularly desirable, and I do not know but that we have got to draw the line there. It is a difficult question; but I do realize that there must be some amendment that will exclude those who are simply here as sojourners, or on temporary business matters, and do not intend to remain more than a very limited period of time. That is why we put in the six months' limitation.

Mr. COLT. Mr. President, may I ask the Senator a question? Is it not true that where night schools have been established for the purpose of teaching English the alien population are very desirous—perhaps the adults more than those who are under age—of attending these schools? I was speaking with Senator MCLEAN, of Connecticut, on this point, and he said that this was true of his State; and I may say that we have had the same experience in Rhode Island. Now, if you find that this disposition predominates, would it not be well to consider carefully this question of compulsion?

Mr. KENYON. That is a subject that we discussed a good deal yesterday. I myself am so firmly of the belief that we ought to commence to make this a one-language Nation by processes of education that I believe in the compulsion; but I am not prepared to say that great good could not be accomplished even were that feature of the bill not here.

Mr. KING. Mr. President, I would suggest to the Senator that the committee or the Senator who has given so much attention to this matter prepare an amendment dealing with that subject. Of my own knowledge I can state that there will be a large number of aliens coming to the United States in the next few years for business reasons. We are so bound to European and other nations in a business and in a commercial way that business houses in other lands will have their representatives and agents here. Some of them may remain here for many years. It would be very objectionable, it seems to me, for us to seize those representatives and force them into our schools or to adopt some educational system. Upon the other hand, we will be sending thousands of Americans to other lands. I have no doubt that American business men will have their representatives by the thousands in the Latin American countries, in Central America, in Mexico, and in the farthest islands of the sea and the farthest nations of the world trying to get business.

We must have foreign business. We would not want any retaliatory legislation by other nations and have them force our representatives into their schools.

Mr. SMITH of Georgia. I do not think it was the real purpose of the bill to reach that class.

Mr. KENYON. I know that is not the ultimate purpose.

Mr. SMITH of Georgia. The distribution of the fund is based upon the census, and the census does not enumerate that class, and I am sure that the chairman of the committee and those on the committee who are supporting him will be glad to modify the bill to reach that point.

Mr. STERLING. May I ask the Senator a question in regard to the construction of the language of subdivision (e), at the bottom of page 3 and on page 4?

Mr. KENYON. Certainly.

Mr. STERLING. Does the language on page 4 of that subdivision, providing for the time which shall be spent in classes of instruction, relate back to the first part of the subdivision, and to that class designated as follows:

All residents who are citizens of the United States, 16 years of age or over and under 21 years of age—

Or does the time during which they shall attend classes of instruction relate only to aliens who are 16 years of age or over and under 45 years of age?

Mr. KENYON. No; it relates to both classes. In line 25, page 3, it lays down the rule as to residents who are citizens. Then it says, "And all." It is coupled up, and that is the intention of it.

Mr. STERLING. So that those who are citizens, who can not read or write the English language when they have arrived at the age of 16 years, shall be required to attend school?

Mr. KENYON. Yes; 200 hours per year. There is a difference, the Senator will remember. As to aliens, we go further than that, and make the limit 45 years, and that raises what I have referred to as perhaps a troublesome question. The Senator from Georgia suggests that we put them all up to 45, and I am in favor of that.

Mr. STERLING. I was just going to suggest, in regard to the maximum age of 45 years for aliens, that some of the objections made here might be removed if that maximum were reduced, were not fixed so high as 45 years.

Mr. KENYON. The great per cent of the illiteracy is between 20 and 45. I would like to challenge the Senator's attention to this: If it would be reduced, it would not eliminate the question of different treatment, unless you reduced it to some point as to citizens of this country. That same question would still be involved. Suppose you reduced it to 25 years, you would be treating the aliens differently then, but not to so marked a degree as you did citizens.

Mr. STERLING. Only if you reduced it to 21 or 25 years you would not have any danger of including many who are here temporarily and who have a temporary residence here for business purposes simply and who are perfectly literate or could not by any means be classed as illiterate, but whose business relations were such that there is no particular demand for their learning the English language.

Mr. KENYON. There are men, as the Senator knows from the experience we have had, who have been in this country 20 or 25 years, and up to 40 or 45 years of age, who can not speak the English language. We saw some of them up in the steel district. We would like to get at them and make them learn the language.

The value of this legislation, it seems to me, is that we are getting down to fundamentals in it; that the solution of our wrongs and troubles comes through education; and that the expenditure of even this small sum of money will bring about an educational propaganda in this country that must be of tremendous benefit.

We must train the teachers first. The corps of teachers is going down at an alarming rate. As I said yesterday, out of some 650,000 teachers in this country, 143,000 have gone out of the profession in the last year. We do not pay them as much as we pay hod carriers.

Under this bill manufacturers will be asked to form their foreign-born people into classes in their industries, taught by teachers furnished by the public schools and the cooperation of the Government in such hours as the teachers can spare, anywhere—in homes or where groups of people can be brought together—to teach them. They are yearning for this thing, wanting to learn our language.

We had little fellows before us up there during the steel strike who wanted to go to school, and tried to go to night schools, but after working 10 or 12 hours a day they were not fit to go. I think a man who works his men 10 and 12 hours a day in the mills and factories and takes away from them the opportunity to study needs Americanizing about as much as the illiterate foreigner. Those things all enter into the problem.

Mr. OVERMAN. Does the Senator understand that under the bill this money is to be distributed among the States for the education of illiterates whether they speak the English language or not?

Mr. KENYON. The bill covers the two classes—the illiterates and the non-English speaking; and the money is to be apportioned according to illiteracy in the States.

Mr. OVERMAN. I understand it applies to illiterates, then, but those who speak the English language?

Mr. KENYON. No; an illiterate would not be one who spoke the English language.

Mr. OVERMAN. Under the census people who can not read and write are classed as illiterates.

Mr. KENYON. A man who reads and writes the English language is not an illiterate.

Mr. OVERMAN. But suppose he is a white man, born and raised in this country, and he can not read or write? Would he get the benefit of the bill?

Mr. KENYON. That depends upon what test you apply as the standard of illiteracy. For statistics, and as laid down by the Secretary of the Interior, the test is whether they can read and write the English language.

Mr. OVERMAN. Then a man who could not read and write the English language would be considered an illiterate and would share in the benefits of this bill?

Mr. KENYON. He might be able to speak the English language, but if he could not read or write it, then he would be classed as an illiterate under the terms of this bill.

Mr. OVERMAN. If he is born in this country he can, of course, speak the English language, but if he can not read or write he would get the benefit of the bill?

Mr. KENYON. Yes; he would be an illiterate. I do not know whether the Senator was here yesterday when I called attention to that county in Kentucky—Rowan County. I think the work that has been done there by one woman, Mrs. Stewart, certainly will give her a crown in the next world.

She started moonlight schools. There would be great difficulty, she supposed, in getting people to come to them; but the very first night those schools were crowded. They came from everywhere. I had here yesterday pictures of them going to those schools—one old fellow 85 years old, women 72 to 76 years old, learning to write some kinds of letters. I had pictures of those letters. In the course of a few weeks they were hungry for this knowledge. They gave prizes. They gave a Bible to the first one who learned to write the English language. They could speak English, but they were perfectly illiterate. They could not write to their children or their grandchildren.

Mr. OVERMAN. In my own State we have less foreign population than will be found in any other State in the Union. Out of the whole population we have only 6,000. Out of 2,200,000 people we have only 6,000 foreign-born population.

Mr. KENYON. The illiterate population over 10 years of age is 18 per cent in the Senator's State.

Mr. OVERMAN. I understand. That is the reason why I asked the Senator if the bill would apply to illiterates, whether they were foreigners or not.

Mr. KENYON. Yes; it would.

Mr. OVERMAN. And I wanted to know what the test of illiteracy was.

Mr. KENYON. That is the test.

Mr. OVERMAN. The Senator says the fact that one could not read or write the English language is the test?

Mr. KENYON. The fact that he could not read or write the English language.

Mr. OVERMAN. We have only about 6,000 foreigners.

Mr. KENYON. But those people in the Senator's State who can speak the English language but can not read or write it will be counted in the apportionment of the funds.

Mr. OVERMAN. That is what I wanted to understand.

Mr. KING. Mr. President, apropos of the question suggested by the Senator from North Carolina, I would like to inquire whether that would mean, then, that a very large part of this fund, perhaps practically all the fund in the Southern States, where the colored population abounds, would be devoted to the education of the colored people?

Mr. KENYON. That is a matter between the people of those States and the Secretary of the Interior. It would be devoted to them just as much as to the whites, I suppose. The great illiteracy is among the colored people in North Carolina, is it not, Senator?

Mr. OVERMAN. Yes. The State appropriates the money for the education of the colored people, as well as for the education of the white people. But I suppose this distribution would aid the States in having a larger fund for the education of the colored race, those who can not read and write the English language.

Mr. KENYON. This provides that every dollar of Federal money must be matched by a dollar of State money.

Mr. OVERMAN. It would greatly aid us in the education of the colored race, of course.

Mr. KENYON. As I was saying when interrupted, the great purpose of the bill will be the rallying of an educational propaganda for Americanism. The American people themselves must be taught more sympathy, tolerance, and understanding of the problems of the foreign born. The exclusiveness of the native born has as much as anything else driven the foreign born to live together in colonies. Out of this must be worked some definite program where the foreign born and the native born can mingle and become acquainted with each other.

We had during the war four-minute men, bureaus, posters. Why should we not have them now, speakers from bureaus similar to those, going out among these people, pamphlets to be provided for them in the various languages, to present in simple words the Constitution of the United States, the governmental machinery of the State, lives of great Americans, and public men who have stood for great American ideals, the experience of successful immigrants in America, and so forth?

I have seen them in the Great Northwest on trains, a whole family who had just come to this country, and none of whom could speak the English language. They were going up to that land of opportunity. I have seen those same people in a few years, the man owning his home, having a good little farm stocked up. You could not destroy that man's faith in the ideals of this country. You could not make a Bolshevik out of him. You have to meet the problem with education, and in the last analysis it is the only way it ever can be met.

The forces of destruction are sowing their seeds of hate through millions of our population. What can the illiterate foreign born find out about this country? What can he do in telling his friends about it? I think the motion-picture industry is the best thing to get it before them quickly, and, as I said yesterday, the Secretary of the Interior has arranged a great program that will reach 17,000,000 people a day in this country.

Mr. OVERMAN. Mr. President, will the Senator yield to me to seek some information?

Mr. KENYON. Certainly.

Mr. OVERMAN. I call the Senator's attention to his chart showing the percentage of illiterates and non-English speaking. Does it mean that children of foreigners, or our people who were born here and can not read and write?

Mr. KENYON. Let us get it clear. There are two classes under the bill. This chart will make it clear. According to the census of 1910, the illiterates above 14 years of age were at that time 5,502,351; that is, who could not write or read any language; complete illiterates. You might have some very talented people who could not speak English, but the non-English speaking people who speak their own language are 3,089,723.

Mr. OVERMAN. Calling attention to the map and to this in conjunction, I do not understand this one, because it says North Carolina has 292,740 illiterates and non-English speaking persons. That includes those who can not read or write and those who do not speak the English language?

Mr. KENYON. Yes; but above it says "10 years of age." You must add to that the people you have above 10 years of age. It is the same question which the Senator from South Dakota called to my attention. Those illiterates, and the percentage that we had of 9 for South Dakota, do not seem to gibe, and they do not exactly. It should be about eight and a half. But this is above 10 years of age. So you take your total population. I have those figures here.

Mr. OVERMAN. That is bound to include all the English-speaking people who can not read or write the English language?

Mr. KENYON. Yes. I say this, Mr. President, that behind this campaign for Americanization, the first step in Americanization, I firmly believe there will be massed a million people

in this country with the same spirit that we had during the war—the four-minute men, the posters, and the personal work. If everybody would go out and talk a little Americanism to one man a day it would be wonderful what that personal work would do. This will bring about a great rallying under Federal direction to Americanize America. These people are splendid material. There are a few bad ones among them. While they live in America and breathe in America, America does not live in many of them or breathe in them, and it is largely our fault.

Herbert Kaufman, in the hearings before the committee, gave some striking statements. I want to pay tribute to him for the great work he has done. He came down here and gave all of his services for over a year helping in the Americanization work. He is one of the most brilliant writers of all time, a man who can grind tremendous sums out of his head per year, but he gave it all up. Here is what he said about this question:

Not until we can teach our illiterate millions the truths about the land to which they have come and in which they were born shall its spirit reach them—not until they can read can we set them right and empower them to inherit their estate.

If we continue to neglect them, there are influences at work that will sooner or later convince those who now fail to appreciate the worth of our Government that the Government itself has failed—crowd the melting pot with class hates and violence and befoul its yield.

We must not be tried by inquest. We demand the right to vindicate the merit of our systems wherever their integrity is questioned or maligned.

We demand the right to regulate the cheating scales upon which the Republic is weighed by its ill-wishers.

We demand the right to protect unintelligence from Esau bargains with hucksters of traitorous creeds.

We demand the right to present our case and our cause to the unlettered mass, whose benightedness and ready prejudices continually invite exploitation.

We demand the right to vaccinate credulous inexperience against bolshevism and kindred plagues.

We demand the right to render all whose kind we deem fit to fight for our flag fit to vote and prosper under its folds.

We demand the right to bring the American language to every American, to qualify each inhabitant of these United States for self-determination, self-uplift, and self-defense.

That is the great purpose of the bill expressed in a wonderfully striking way.

I ask to put into the RECORD an editorial from the Boston Evening Record. If the Senator from Georgia [Mr. SMITH] were not in a hurry, I should like to have that read.

Mr. SMITH of Georgia. I am not in any hurry.

Mr. KENYON. Then I have only one more letter from Secretary Lane to read.

Mr. SMITH of Georgia. I shall not occupy the Senate's time over half an hour.

Mr. KENYON. I should like to have the editorial read, then.

The PRESIDING OFFICER. Without objection, the editorial will be read.

The Assistant Secretary read the editorial, as follows:

[From the Boston Evening Record, Dec. 27, 1919.]

ORGANIZE AMERICANISM.

Everything in this country is organized except Americanism.

Every enemy of the Republic is organized. The attacks upon our institutions, the efforts to undermine and destroy us, are banded together and financed, and the common folk whose ruin is plotted are hardly more effective than a flock of sheep. Isn't it about time to perfect some kind of militant and assertive organization of straight Americans—the plain folk who believe that this is a good country, with good institutions worth preserving?

A minority imposed the soviet government, the dictatorship of the proletariat, which is a theft of all property and a debauchery and betrayal of all labor, upon the people of Russia, because the minority was quickly and well organized, and well financed, while the majority caught off-guard did not know what to do—and don't know yet. The red is afraid of his enemy's organization, but counts on there being none. The way to check him is to effect just such organization. He knows it and he has said it.

A Russian named Zinovsky, one of the Trotzki group, a man who once lived for a time in New York and went over to Russia in Trotzki's interest, has been speaking for some weeks in this country with great frankness. He spoke November 23 in Milwaukee, and printed copies of his speech in Russian were distributed among his followers in many parts of the country. His speech was, from the reds' point of view, indiscreet. This is what he said:

"Brothers of the great and true cause of mankind: In former talks I have fully instructed you in your duties and actions. I have pointed out certain dangers to our cause and have told you how we must meet them. All of these instructions you must remember.

"But now I am going to tell you what the greatest possible danger to our great cause is or may be. It is not law, the soldier, nor the policeman. It is the chance that the leading men and women of the United States, and especially the despised so-called masters of industry, should combine in a great nation-wide, persistent crusade of propaganda of United Statesism. Such a crusade continuously carried on through the medium of a regular publication, thrown broadcast, would be a danger that we must combat with all of our force.

"The great danger of a united popular drive of Americanism has not reached us yet. The various kinds of Americanization work now being carried on throughout the country are spasmodic, and are not dangerous to our cause. We need not fear having our people taught to speak English nor having the foreign press Americanized. We have our own ways of reaching our people; but as I have already stated we must fear and fight with all our forces a united effort to publish the subtle and misleading claims of the benefits of the democratic Government of the United States. Such propaganda would make converts of our weaker-minded brothers and in time might be the death of our organization; and to prove to you what power such ably directed propaganda has upon the people, I point out to you what was accomplished by the German ruling classes during the 40 years prior to the war in filling the minds of their people with the idea of the supremacy of the fatherland, and I state that such a condition in this country is the only thing we have to fear.

"But our present security from the development of such a force lies in the greed and ignorance of the money power of the country. The despised robbers of the people are too busy adding to their hoards of money and are too mean to join in any movement that would cost the expenditure of their much-loved gold, even if they had the brains to know the best means of attacking us. According to present indications, the robber barons seem to feel secure in their present, settled, and economical methods of Americanization. But we must be watchful and ready. Until our day comes, we must be watchful and alert."

Why leave all the organization to the forces which seek the destruction of our country?

The patriotism of the American people is a mighty force. It is true and it is intelligent. It needs organization, direction, and leadership. Given these things, there is no enemy mighty enough to menace this Nation.

Mr. OVERMAN. I suppose it is doing a great work for this country, but I challenge the idea that an American-born citizen who can not read or write is not a good citizen. Some of the best citizens I have ever known can neither read nor write. The fact is those men who went down with their squirrel rifles into the mountains and fought the battle of Kings Mountain, which was really the turning point of the Revolution, three-fourths of those men could not read nor write, and yet they learned liberty from their mother's milk, and they learned it from the orators and the preachers in the pulpit. The consequence is many men of the South, and I suppose of the North, can not read or write, but have grown up to be patriotic and honest and progressive citizens and understand the theory of our Government. They have learned it from the politicians on the stump, they have learned it from intercourse with their own people. So it will not do to say there is not any distinction between the foreign-born illiterate and the American-born illiterate, because the American-born illiterate is a good citizen, while the foreign-born illiterate is not.

Mr. KENYON. I agree with the Senator entirely and I will go further. I think many of those who can read and write and who may be most highly equipped mentally may be the most dangerous enemies of our Republic.

Mr. OVERMAN. I am in favor of that. I commend the Senator in that respect. There was an idea in my mind that the Senator would not draw any distinction between the foreign-born illiterate and the American-born illiterate. Having defined what illiteracy means, I want to say that there is a great distinction between the two. The only way you can make the foreign-born illiterate a good citizen is to educate him, while the American-born illiterate is a good citizen in most cases, anyway.

Mr. POINDEXTER. Mr. President, I am very much surprised to hear the Senator from North Carolina say that the men who won the Battle of Kings Mountain could not read or write.

Mr. OVERMAN. Many of them.

Mr. POINDEXTER. The Senator said three-fourths of them could not do so.

Mr. OVERMAN. A large percentage of them.

Mr. POINDEXTER. Is the Senator accurately informed that it was three-fourths of them?

Mr. OVERMAN. That is just my opinion. I know in those days very few men were educated. They had no way to educate the people, and I doubt whether they were educated. If you take the census about that time and on down, you will find a much greater percentage of men than there are now who could not read and write. They had no schools, they had no educational funds, and what they learned was learned at their own homes. Some men were able to send for and bring in teachers to instruct their children, but as a rule they had no education.

Mr. POINDEXTER. My information is that the Scotch-Irish settlers of the West, who composed very largely the American Army in the Battle of Kings Mountain, carried their Bibles with them and knew how to read from the Bible. The first thing they did when they formed a colony in the valley of Virginia and in the valleys farther west was to establish a school and a meetinghouse and build a church. There never was a people so devoted to education as the people who composed that army and gained that battle, which the Senator very truly says lifted the American cause from the despair which was settling over it and turned the tide toward the final victorious outcome of the war for independence. I am inclined to think the Senator rather overestimates the amount of illiteracy.

Mr. OVERMAN. I agree that the Scotch-Irish, and I know it is so, because we have Scotch-Irish in my State, had their little schoolhouses and their meetinghouses. The Presbyterians espe-

cially, the Covenanters, had their little meetinghouses that would accommodate the particular settlement, but, as a rule, they had no education and no school buildings. All the education they got was at home or at the little church or parochial schools.

Mr. POINDEXTER. I think, as a matter of fact, the truth of the case is that the pioneers of that early day set an example which their descendants of this day might very well imitate, but which we have not kept up.

Mr. OVERMAN. I fully agree to that.

Mr. POINDEXTER. This generation has not kept up with the standard as to education and as to other things, I might say, in all respect, that was set them.

Mr. OVERMAN. As to certain communities—I am not speaking generally—what the people learned was from the pulpit, from the old Baptist and Methodist preachers, the itinerants who went around with their saddlebags and taught them love of country and love of God. So far as reading and writing are concerned, I to-day know plenty of good men who can neither read nor write, and yet they are prominent citizens, who love this country just as much as do I or any other man. They are true Americans. They can sit down and talk with one on the tariff and other great questions, notwithstanding they can neither read nor write. When I was practicing law I have had men come into my office who could neither read nor write and yet who were men of property, of character, and of standing. That situation was one reason why the so-called "grandfather clause" was adopted in the constitutions of Southern States. The Negro who had just been set free knew nothing about government, knew nothing about this country, while the American white men were taught those things; they were taught them upon the stump; they were taught them from the pulpit; they were taught them in the little parochial schools; and, even though they could neither read nor write, they understood government and understood liberty. Of course, they had to be able to do so in order to be worthy of voting at all. That was really the foundation of the "grandfather clause"; it was to protect that class of men that the "grandfather clause," subsequently declared to be unconstitutional, was placed in the constitutions of Southern States.

Mr. KENYON. Mr. President, not having been at the battle to which the Senator from North Carolina refers, I am not able to settle this controverted historical question; but, if the Senator from North Carolina is correct, and the warriors referred to who performed such great service were unable to read and write, I am sure the battle would not have been lost if they had been able to read and write.

Mr. President, I have taken enough time on this matter, and I am now going to close by asking that the letter which I send to the desk on this subject from Secretary Lane may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

The Assistant Secretary read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 14, 1920.

MY DEAR SENATOR: I am glad to know that there is so fair a promise for your Americanization bill at this session. There is, I believe, more general solicitude for such a measure than for any other pending piece of legislation. We are receiving from 100 to 200 letters a day touching all phases of this matter, and have not even the help to answer these letters. The men whom we had in this work have gone to other employment, drifted away unwillingly, after sacrificing much to carry on this work, and whether we can ever again get men of equal devotion and capacity is a question.

The Nation is conscience stricken—that is the plain meaning of the letters and editorials which I get. We have assumed that with our great school systems and our far-reaching newspaper and magazine press everyone could read, and that by some process of absorption all became indoctrinated with the ideas which are fundamental in our national life. Teachers and social workers and business men have for years shouted facts at us to prove that we had millions of children who could not read, millions of men and women who had no means of access to the thought and impulse of our country, and who were poor workers and poorer citizens because of their ignorance, a menace to themselves and to their neighbors. But to these facts we were deaf. The figures and studies made by the Bureau of Education would not be listened to. Census figures were denied. It was not until the draft came that we were made to listen. And then there was revealed a picture of illiterate helplessness which has made us ashamed of our boastings and our lethargic indifference.

If democracy is a thing worth while fighting for across the sea, it is surely worth while fighting for in America. And I am seriously of the view that the policy of disregard which has obtained as to the education of those who come to us from abroad and of those who are born here is one that threatens the very institutions of our country. Every ignorant brain is a nesting place for the germs of malevolent discontent. The ears of all are ever open to those who tell them of their wrongs. And if they have no way of knowing what rights and what opportunities they have in a democracy, why should we be surprised if they believe what they are told and worship the god of force as their savior? There can be no danger to a democracy excepting the danger of stupidity, and there can be no growth in a democracy excepting through the spread of intelligence. The strength of a nation is not in the number of its people but in their knowledge. It is idle, therefore, to say to a people, "This is the best of all lands, wherein men have their largest chance and may realize every rational hope," if they have no way of knowing what other lands are like and have no standards by which to measure their own fortunes or their own delinquencies.

The problem challenges our fears, but there is a still nobler challenge. Our duty to those who are of us and our pride in the value of the American as a man call on us imperiously to give those who have been unfortunate an opportunity to grow; they must have a fairer chance. The first step is to give them the use of our language. The second step is to give them a knowledge of our institutions, the experiences out of which they have grown, and the benefits they have been to us and may continue to be if wisely used. This is the groundwork of Americanization. And afterwards will come real loyalty, which never can be compelled but must be won.

Wishing you early success, believe me,

Cordially, yours,

FRANKLIN K. LANE.

Hon. WILLIAM S. KENYON,
United States Senate.

Mr. SMITH of Georgia. Mr. President, I believe intensely in public education; I believe in the obligation of communities, the States, and the Nation to carry the responsibility of the education of all the children and the responsibility of furnishing, even to those who have passed 21 years of age, an opportunity for the acquirement of a common-school education. In most of the States the fund provided for public schools comes from the localities and from the State generally, the State contributing a portion, which is distributed throughout the entire State, and the localities supplementing that portion by taxation of the people particularly to be affected, the principle being recognized that, while the particular school in a county or a municipality takes care of the children of that county or municipality, the people of the entire State have a responsibility in the educational work in each locality. So the State as well as the locality makes a contribution.

Mr. President, I believe in extending that principle just one step further. I recognize a national responsibility for education, and I believe that the Nation may well contribute to aid the States and the localities in strengthening their schools, improving the qualifications of their teachers, and seeing to it that every child in our broad land shall have an opportunity at least for a fair common-school education. There is no purpose for which taxation is used that brings, in my judgment, such rich returns as the taxes paid to train the children of our country. Taxation for education is the contribution of wealth to the welfare of mankind.

Believing that it is proper for the National Government to contribute something to the work of the States and the localities for educational purposes, I come to consider this bill. Whenever the suggestion of such a contribution is made it is for the Congress to consider the particular purpose and determine whether it is meritorious and whether the purpose and the results to be accomplished justify the proposed contribution from the National Treasury.

What are the educational purposes of this bill? They are two: First, a contribution to the States to aid in removing illiteracy—that is to say, lack of capacity to read and to write; and, second, a contribution to the States to remove the presence of those who can not speak English or read or write English. I will dwell upon the last purpose first.

Let me say that contributions of the National Government to educational work in the United States have been valuable not alone on account of the funds contributed but on account of the inspiration for active work they have produced. They have been accompanied with the requirement that the States should duplicate the amount given them from the National Treasury. In every instance where there have been such contributions the States have much more than equaled the amount contributed from the National Treasury. The inspiration of the national leadership has led to enthusiastic State support.

It is surprising that the States have neglected heretofore the question of Americanizing those who live within their borders. I favor the compulsory clause in this bill. I should be glad to see each State in the Union require those who can not speak English, and who have come here to stay, to attend an English school for 200 hours each year and learn how to speak English.

Mr. OVERMAN. Mr. President, the Senator surely would not extend that to the native-born citizen, 45 years old, would he?

Mr. SMITH of Georgia. They already speak English and it does not apply to them at all. I am speaking now of those who can not speak English. I treat the illiteracy problem separately. They stand in two classes as reached by this bill.

Mr. POMERENE. Mr. President, if I understood the Senator from North Carolina correctly, he stated that all of the native born speak English. As a matter of fact, they do not. There are a good many localities in which the native born speak some foreign tongue.

Mr. SMITH of Georgia. Then, Mr. President, I would have those native born included. I am not limiting it to native-born persons or those of foreign birth. I would require, everywhere in the United States, of those who live here and intend to stay here, 200 hours a year learning English. I am opposed to keeping in the United States permanently, if we can prevent it, a class of people who do not speak English.

Mr. OVERMAN. I agree with the Senator on that.

Mr. SMITH of Georgia. I am opposed to a population that does not become homogeneous; and you can not have a homogeneous population unless they all speak English, and the proper thing to do is to give them a chance to learn. I like the compulsory provision in this bill which declares that money will not be contributed from the National Treasury to the State unless the State requires, by legislation, 200 hours a year of those who can not speak English until they learn to speak English.

Let us think about it. In this country, where English is the language, where American papers are all published in English, how can a resident become a real part of the community, know what is going on in the community, understand the aspirations of the community, and free himself from deception and misleading influences unless he can speak English?

My thoughts turn to the testimony we had growing out of the recent steel strike, where communities spoke a foreign language, where we had found that they had been misled into entering upon the strike, in many instances, upon the view taught to them that if they would take part in the strike, no matter how good the wages and existing conditions might be, the whole property was to be distributed among the strikers; and they had been told that in foreign languages. They could not talk English. They could not read a paper published in the English language. They received this false instruction, due to their ignorance.

I believe we will be rendering a patriotic service if we inspire every State in the Union to require 200 hours a year of schooling for anyone who can not speak English, who has come here to stay. I hope the chairman of the committee will prepare an amendment which will carefully guard against putting this requirement upon those who come here for business as representatives of foreign business interests, and who are here simply in a transitory way; but those who come here and engage in work in our industries, those who come here to settle and to stay, should be required to learn English.

Why, Mr. President, one company at Camp Gordon, in the Eighty-second Division, had men in it speaking 20 different languages, I am told, and it was necessary to teach them to drill by signs.

Mr. OVERMAN. They could speak every language except their own?

Mr. SMITH of Georgia. Every language except English. No thoughtful man can fail to realize that such a condition is a menace to our country. I believe in placing oppression upon no man; but I am not one of those who can find oppression in offering an opportunity to improve the mind and requiring its use.

In our hearings before the committee we had the Director of the Mining Bureau. He pointed out the fact that the lack of knowledge of the English language caused deaths in our mining enterprises in the United States in large numbers, and that more than half the casualties were due to the lack of knowledge of English. He called attention to the fact that the economic loss caused by these deaths in the mines alone far exceeded the entire amount of this proposed appropriation.

The only reason that there has not been an intense feeling on this subject in the country has been that we are all so busy that we do not pay attention to what is going on unless it immediately concerns us. What I would do would be to awake a consciousness, if I can, that this lack of capacity for English speaking is a subject which immediately concerns us and concerns every citizen of the United States.

I think there is no question that the most powerful means of stopping the spread of unsound doctrine in the United States, the spread of I. W. W.'s and Bolshevists, is to give instruction in English to this mass of people and take them out from under dangerous influences. I would not allow a paper to be printed in a foreign language without the English translation alongside of it, and I have a bill to that effect pending before the Judiciary Committee, and providing further that at the end of five years they shall be printed in English alone. I believe in making this an English-speaking people and an English-reading people, a homogeneous American people.

It was suggested by the Senator from Rhode Island [Mr. COLT] that it was not necessary for all of a people to speak the same language in order to become patriotic and to be thoroughly serviceable to their country, and he illustrated his position by calling attention to conditions in Switzerland and in Belgium, especially in Belgium. The reason why his illustration is not applicable to us can be easily explained. In Belgium a portion of the country was originally German or German speaking, and a portion originally French speaking, and a portion originally Flemish speaking; and each one of those portions has its own language, which all of the people in that portion of Belgium speak; and all the best thought of the French portion or the Flemish portion speak French or speak Flemish. That is not the case with us. Ours is an English-speaking, English-writing, English-publishing country throughout. These people who come here speaking foreign languages do not come into a settlement where the business is conducted in a foreign language, where the government is conducted in a foreign language, where public affairs are administered in a foreign language. They must learn English to fit themselves for the opportunities that our country gives them; they must learn English to measure up to their full responsibilities as citizens; and we should give them the opportunity to help them measure up to both responsibilities and to measure up to what they can accomplish for themselves as a part of our citizenry with such opportunities.

This bill requires the States receiving the funds to make compulsory the attendance upon schools, for 200 hours during the year, of all who can not speak English up to 45 years of age. It is worth while to them up to 45 to learn. It is worth while to us that below that age they should be required to learn. It is worth the contribution that the Treasury of the United States makes to arouse the States to the importance of giving the opportunity and of furnishing the knowledge.

When we come to the question of illiteracy an entirely different problem is involved. That part of the appropriation is not based upon lack of ability to speak English. It is lack of ability to read and write. It is to help give an opportunity to all to learn to read and write. The school limit does not exceed 21. The requirements to receive instruction cease at 21 years of age.

I have great respect for the mountaineers, for their courage and, in many ways, for their manliness. But, oh, how much more successful and better men they would have been if they had had some education! I know they are wonderful with a rifle, and we have brought them down and sent them through our schools and colleges and have found that with education their narrowness passed away and they have made splendid citizens. I would like to carry to every hillside from north Georgia to Vermont, through the hills and mountains that stretch along that entire territory, an opportunity for every child under 21 to learn to read and write. I am as fond of the mountains of North Carolina as the Senator from North Carolina is. Western North Carolina was the place of my birth, and it is because I love them that I am glad to vote that the Nation will take an interest, along with the States, to help remove illiteracy. Give them a chance.

Of course, the chief illiteracy in the Southern States is among the negroes. The property owners are contributing liberally and are earnestly seeking to remove illiteracy among the negroes. This provision will go to Massachusetts and Georgia about in the same way—Massachusetts with her foreign born and some native illiterates——

Mr. WALSH of Massachusetts. Not many.

Mr. SMITH of Georgia. Georgia with some mountaineers, native white illiterates, and a good many negroes. The Senator from Massachusetts says not many in Massachusetts. I grant that. The greatest educator this country ever produced, the man who I think has contributed more to the welfare of his country than any other man produced in New England, was Horace Mann.

Mr. WALSH of Massachusetts. I agree with the Senator.

Mr. SMITH of Georgia. I would rather have done what Howard Mann did for the human race than what Daniel Webster did. And when I make that statement, I will explain my

view about legislation of this sort. I know it is good. I know it will serve our people and benefit them. Many pieces of legislation come before us on which I vote with some doubt. But when I help give a better chance to the average man to prepare him to do something for himself; when I help give a better chance to the average child to prepare for the battle of life, to prepare for the pleasures and the burdens of life, I know I am doing good. It is in that spirit that I support this bill.

There are some amendments I would like to see made to it. I think we give a little too much power to the Secretary of the Interior. This line of legislation has been built up upon the theory that Government contribution is wise, leaving the execution to the States, and only retaining authority in the National Government to see that the fund was used by the States in the way that the bill providing for the appropriation contemplated.

I think, on page 2, line 13, it might be well to change "periodicals" to "literature."

I think, on line 19, the same page, the word "board" is perhaps improperly used, as I doubt the existence of any board to which that particular subject should be referred.

Mr. KENYON. Yes, Mr. President, that is clearly a mistake.

Mr. SMITH of Georgia. I am simply suggesting these criticisms. They will go into the RECORD for the use of the Senator from Iowa, as he sees fit.

Mr. KENYON. I am very much obliged to the Senator from Georgia.

Mr. SMITH of Georgia. I have an engagement outside of the city for Monday that will take me away from Washington this afternoon at half-past 3, and for that reason I will not be able to present the amendments myself.

On page 4, line 7, beginning with the word "subject," I believe we might well omit "subject to the approval of the Secretary of the Interior." I think that is unnecessary.

On the same page, I think subdivision (g), beginning at line 13 and ending at line 17, is unnecessary.

Mr. OVERMAN. How about subdivision (h)?

Mr. SMITH of Georgia. That is all right, though I think it goes more into detail than is really necessary. I believe that the State authority should report the plan to the Secretary of the Interior and obtain his approval to get the money. Then the Secretary of the Interior should see by the reports from the States that the money is properly used.

On page 5, line 5, I think we might omit "and cause such cooperation with the Secretary of the Interior as herein provided." What I have in view is to simply require the State authorities to furnish their plans for the approval of the Secretary of the Interior, leaving them freedom of execution, but giving the Secretary of the Interior authority to judge from the reports they make annually to him that the money is being used by the State authorities to carry out the purposes intended.

I want to say, Mr. President, that I do not believe any proposed measure has attracted more national attention than the provisions of this bill, calling for national appropriation to stimulate Americanization. All over the country the press and private citizens at public meetings have expressed approval of this national stimulant to Americanizing our population.

I have here extracts from many newspapers that were presented at the hearings before the committee. Over the entire country the suggestion met the heartiest and most favorable response. I am going to ask that extracts from editorials in many papers be printed at the close of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMITH of Georgia. Why this enthusiastic favorable response? Because the people of the United States ask to be one people, a homogeneous people; because, while they have welcomed immigrants, they have wished those immigrants to be part and parcel of their country, they have wished them to have the broadest opportunities to develop into the best American citizens possible, and they are conscious in every locality where there are groups of those who can not speak English that it is a handicap to progress and a menace.

I feel it intensely myself. We have built our great country by devotion to its institutions. Unless checked in some way, there will be quite an immigration in the next few years to the United States. I supported the literacy test in the immigration bill passed a couple of years ago. I believe that we ought to start at once to require everyone who comes here to stay or comes here to engage in local occupation, other than the mere representation of a foreign business, to learn English.

Mr. KENYON. Mr. President, I should like to get the Senator's view on this. Complaint is made that those who come here for business purposes in the next few years, who might not understand the English language and might be illiterate, would come under the provisions of this bill. I think we all agree that we do not mean to put them under the bill. How does the Senator feel about those who come here to work, we will say, in the factories or in the mines, who intend to go back as soon as they have made enough money?

Mr. SMITH of Georgia. If they come here to work in the mines and stay over six months, they ought to go to these schools and learn English.

Mr. KENYON. I am wondering just how the Senator would differentiate in the language between those who come for business purposes and are going back and those who come merely for work and intend to go back. That is troubling me somewhat.

Mr. SMITH of Georgia. It might be distinguished as between those who come here to seek local employment and those who come here as the representatives of interests at home for a temporary stay. If they come here to go to work in a local enterprise, their salaries are paid locally, they are local employees, and they ought to learn English. If they come here to work in the local enterprise, intending eventually to go home, they could stay here long enough to become a menace and do harm.

Mr. KENYON. Then, as I understand the Senator, he would draw the line, whether it be business or whether it be work, between those who come here and really are employed somewhere else and those who come here and take employment here.

Mr. SMITH of Georgia. I would. If it is a foreign employment and they are here simply as visitors I would not require it. If they come here to engage locally in business with a local employment I would require them to learn English. I would do more; I would give them the benefit of learning it. I would give them the benefit and the help that would come to them from it.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Certainly.

Mr. WALSH of Massachusetts. I should like to have the Senator discuss the compulsory feature of the bill. Some suggestion has been made to the effect that we ought not to incorporate in the bill the compulsory use of the language. I have not heard all the Senator's argument, and perhaps he has already treated it, but it seems to me it ought to be pointed out that the Government primarily engages in the business of educating its citizens from a somewhat selfish purpose, namely, that of self-preservation; that the Government realizes that to preserve and expand and develop and to maintain the happiness and prosperity of its people it must have an educated citizenship, especially where our institutions give the same equal rights to all citizens, whatever their condition in life may be; and that if we feel it necessary to pass compulsory laws to compel children preparing for citizenship to seek an education we have for the very same reason, indeed for an additional reason because of the very large number of children, an object lesson in the spirit of self-education to educate the millions who are illiterate to become a part of our citizenship.

If the Senator has not already developed that phase of the subject, I should like to hear his views.

Mr. SMITH of Georgia. I agree thoroughly with the views expressed by the Senator from Massachusetts. I dwelt somewhat upon that subject before he came in. I began with the view that we have not only the right but the duty to give this instruction. This compulsory education or the compulsory use of these 200 hours a year is not really put upon them by the Congress. We simply say we are going to furnish the money to those States that do it. I do not think we can put it on them, but we certainly have the right to carry that provision as a part of the incident to the national contribution. I believe in it earnestly. I believe it is essential to our future, most important at any rate, that English be taught these people who come among us.

I can not too strongly express my conviction of the necessity for giving this instruction, the necessity for the protection of our own institutions, the necessity for the protection of local conditions, the necessity for the benefit of the very people themselves, a work that will serve our country, serve the localities, and bless those who are required to take advantage of it.

It is not my purpose, Mr. President, to make any extended remarks upon the bill. I leave the city this afternoon, and I desired to contribute an expression of my strong conviction that both features of the bill, of Americanization and of contribution toward the removal of illiteracy, are valuable and important, that they serve a national purpose.

Our people travel from State to State. It is of interest to all of the States that illiteracy should be removed from all parts of our country. It is intensely a matter of interest to all the

States that we should have a homogeneous people, and that we should not nourish in our midst, and retain in our midst, classes of people who from their lack of knowledge of our language can not be assimilated as a part of our homogeneous population, who can not inform themselves of what is really taking place in their community, of the true relations which they bear to those with whom they are associated, who are left the ready victims of deception, who are left in a condition likely to make them dangerous residents instead of valued citizens.

APPENDIX.

EXHIBIT F.

PRESS COMMENT ON AMERICANIZATION AND THE IMPORTANCE OF THE AMERICANIZATION BILL.

[Oakland (Calif.) Tribune, Mar. 19.]

At this particular time no legislation can be of greater importance to the future welfare of the Nation.

[Saturday Evening Post, Apr. 12.]

A bill introduced in both Houses of Congress too late for action in the cluttered and jumbled session that expired March 4 proposes a national attack upon the national disgrace of illiteracy. With millions shut out from the great common medium of expression, for whom a President's proclamation or a village ordinance is so much Greek, whom the flux of events and opinions that shapes national life can not reach except indirectly or second hand, the melting pot obviously contains a huge chunk that does not blend very readily. That more than half the chunk is a native product makes it all the worse.

It is a problem that should have been vigorously attacked long ago. This bill proposes a Federal appropriation to be expended in conjunction with the States that conform to the education program laid down for the special purpose of reaching those unable to read English. It should be put near the top of the calendar of the new Congress and carried through without delay.

[New York (N. Y.) World, Feb. 16.]

Up to the beginning of the war an average of 1,000,000 immigrants a year arrived in the United States. In the natural order of things those of foreign speech, who predominated, tended more and more to group themselves in compact bodies which were virtually impervious to American ideas and American ways of thinking. They changed their place of residence merely, without being brought into active contact with conditions that would make them over into true Americans.

There are industrial centers not far from New York City that are wholly foreign. There are sections of this city that—except as the children through the schools and association with others of their age yield to change—are intensely alien.

To penetrate these barriers and open new avenues of communication with the people who live within them is no longer a task to be performed by individual effort. Americanization is a work that must be undertaken and directed on a scale so extensive that only through the cooperation of the States and the Federal Government can it be successfully carried out. It can not longer be neglected without serious harm to the life and welfare of the Nation.

[Portland (Oreg.) Journal, Apr. 25.]

Secretary Lane had a splendid bill before the late Congress proposing compulsory instruction of all under 21 in the English language and other branches, including American ideals and government. It died on the calendar because Congress seemed interested more in peanut politics than in national welfare. The measure should be introduced at the coming special session, and public sentiment should compel members to drive it through and apply it to the country's school system. "What you want in the Nation you must put into your schools," said Napoleon Bonaparte. And that grim man never uttered a sterner truth. More than 8,500,000 persons over 10 years old in the United States can not read an American newspaper.

[Saginaw (Mich.) News, May 8.]

Now that Congress is called in special session by President Wilson, if it undertakes to pass at as early a date as possible the deferred Smith-Bankhead Americanization bill, it will have done a great deal to help solve the disturbing problem created by our having so many foreigners who have no acquaintance whatever with the common language of the country. Naturally, these people are shut away from other Americans and are easy prey for the rascally agitators who talk to them in their own tongue and who lead them into the byways and highways of anarchy, especially when, as is too frequent, these poor foreigners are wholly illiterate. It is the purpose of the Smith-Bankhead bill to help their Americanization by providing ways and means, through cooperation of Federal and State Governments, to teach them the English language.

[Atlanta (Ga.) Georgian, Apr. 29.]

The demand for just such remedial legislation and expenditure is plain and unmistakable. All Members of either House in the new Congress should regard the matter as emergent and place the measure on the statute books without cavil or delay.

[Houston (Tex.) Post.]

So long as there are millions of people in America who are either indifferent or hostile to our institutions and our welfare, they constitute a dangerous element. Selfish as well as altruistic motives demand a widespread and far-reaching attempt to remove this menace by Americanizing the individual aliens.

[Philadelphia (Pa.) North American, Mar. 15.]

We have some 80,000,000 persons over 10 in this country. The percentage shown by the Army tests would give us 20,000,000 who, because of illiteracy or inability to speak or read our language, are hindering not only our national but their individual progress and welfare. Even by applying a mean between the census ratio and that of the recent camp investigation, we would have 13,000,000. To avoid exaggeration we will use the latter figure.

Experts agree that nearly any person who can use mind as well as body in work can earn at least $5 a week more than the mere drudge. At this rate the 13,000,000 would add a total of $3,370,000,000 to their annual earnings. Make allowance for 3,000,000 of these on the ground of extreme youth or mental or physical disability, and still there is shown an annual increase of $2,600,000,000 in earning power—far more than enough to pay the interest on our total war debt and amortise it as well. In every way illiteracy is the foe of representative government. It is the foe of prosperity, the arch stifler of ideals. It endangers the purpose, the power, and the profits of freedom.

With democracy at this moment menaced by false doctrines, which feed on illiteracy, we can not think of a more timely act of patriotism.

[Madison (Wis.) State Journal, Feb. 19.]

The Smith-Bankhead bill, with its appropriation of $5,000,000 this year and $12,000,000 next year and $12,500,000 a year until 1926, would seem to need little argument for its passage.

[Dayton (Ohio) News, Feb. 18.]

Can it be doubted that such a condition requires attention? No thoughtful American will be likely to hesitate over the nature of his answer to this question, nor is it probable that any patriotic citizen will doubt that something ought to be done at once to remedy that which must be acknowledged as a serious defect in our educational system.

[Cadillac (Mich.) News, Feb. 28.]

When the illiteracy of drafted men throughout the country showed a percentage that reached 24.6 conditions are such as to call for radical State measures, and if these are inadequate then the Federal Government might well inaugurate measures for improvement.

[Riverside (Calif.) Enterprise, May 21.]

There is only one weapon with which to fight off this peril, and that is publicity. By a liberal use of truth we definitely checked the imperial liars, but did not permanently squelch them. They failed to surrender when the German Army and Navy did, and they are still at work nursing the sparks of bolshevism all over the world. They are yet to be definitely and decisively trounced, but we have found the instrument to do it with in this country. It is some more of the same remedy to be administered by the proposed Smith-Bankhead Americanization bill. This measure proposes to educate every resident of America to read English.

The bill is well drawn. It provides that a maximum of $12,500,000 a year may be spent by the Government for salaries of teachers to educate illiterates. The money is to be hung up as a sort of prize for States, which must match their allotment with an equal amount, and must pass State laws making attendance of illiterate minors compulsory for at least 200 hours a year or until the pupils of these night or special schools reach the third grade. The bill has the support of the Department of the Interior and its Bureau of Education.

We have always said that education was the foundation of democracy, and it is; and here is the opportunity to cement every loose joint in our national foundation—the chance to make this the most intelligent Nation in the world.

[Union (N. J.) Hudson Dispatch, Apr. 23.]

The Americanization bill will undoubtedly come up again at the next session, and it will be of vital importance that some vital plan be put into effect if the results of the war are not to be lost. If Americans are going to get back to their peace pursuits and forget all about the lessons that the war has taught, and which should be put into practice, then this Americanization bill may be lost in the shuffle.

The German-speaking element is already reviving its vereins and bunds and klatsches, and the peace articles are not yet signed.

It is of vast importance that the Americanization bill is passed and that its provisions for Americanizing foreign-born citizens are put into force.

[Muskogee (Okla.) Phoenix, Apr. 27.]

This Republic assumes that all the voters are intelligent and patriotic. No longer can our institutions be carried on by illiterate men. The greatest task that now confronts the American people is the Americanization of 20,000,000 illiterates.

[The Fourth Estate (New York), May 17.]

As pointed out in the columns of the Fourth Estate several times in the last few months the Americanization bill, which failed of passage in the closing days of the last Congress, is bound to be a live issue in the early days of the coming session of our national legislators.

The measure may be changed somewhat from the former draft, but if drawn substantially along the same lines as before it surely should receive the support of the newspaper publishers. In fact, this support is needed to arouse the voters as a body to the point of demanding legislation. It's a case where the press can perform an educational work that will ultimately result in great benefit to the country.

As a safeguard against bolshevism, against any part of propaganda that feeds on illiteracy and ignorance, against any of the forces of darkness and superstition, this measure, if enacted, will be found in the front rank.

The proposed bill will let the light in on dark places, and the extent and numbers of these dark places is simply astounding when the subject is studied.

[Tampa (Fla.) Tribune, Feb. 18.]

We trust that this bill may become a part of the law of the land, because of the broadening effect it will have on the intellect of that great body of men and women who now think only in infinitesimals of reasoning and who through ignorance and foreign hamperings know nothing of the institutions of this country in which they live.

The passage of this bill will, it seems most probable, raise the morale of a great percentage of our people and will strengthen the Nation through making strong the individual.

[Astoria (Oreg.) Budget, Jan. 9.]

If we want people who will stand up for American ideas through all the social changes that may be impending, we must make it easy for American ideas to get into their minds.

[Huntington (Pa.) Journal, Mar. 3.]

The mad dog that is running amuck in the mining industry to-day is the foreign born from the non-English-speaking races who does not know the English language and who in a majority of instances is so ignorant that he doesn't know how to read or write even in his own language.

[Great Falls (Mont.) Tribune, May 21.]

Before men and women can become valuable citizens they must be able to understand the language of their own country, and they must have facilities for keeping themselves informed as to what is going on here and elsewhere in the world. The Smith-Bankhead bill should be passed.

[Jacksonville (Fla.) Times-Union, Apr. 28.]

In a recent publication it has been set forth that "the non-English-speaking persons in this country outnumber all the inhabitants of Con-

necticut, Florida, Nevada, Wyoming, Delaware, Arizona, Idaho, Mississippi, Vermont, Rhode Island, North and South Dakota, Oregon, Maine, and Washington combined, and that they could outvote the combined population of New York, Chicago, and Philadelphia, or any State in the Union except New York.

This is a matter of serious concern. It is not so evident in Florida as in other States in the Union where the number of people unable to speak or read English is alarmingly numerous. But as injury to one does harm to all, so a large and predominating foreign-speaking population in any State is a menace to every other State of the Union. Americanization to the extent of being able to read and speak English is commendable from every viewpoint.

[New York (N. Y.) Globe, Mar. 12.]

No more powerful argument for the need of the education in English the lost Smith-Bankhead bill would have provided for immigrants has been uttered than the Lamar disclosures before the Senate propaganda committee this week. Nearly 16 per cent of the residents of Passaic, on the threshold of New York, know nothing of the language of this country. Upon the credulity of their ignorance anarchism feeds. Out of the squalor of European anarchy come half-crazed zealots, followers of mad doctrines. We pay no attention to their propaganda in these papers until trouble arises, some authority makes translations, and such extracts are made public as Mr. Lamar read to the Senators Monday. We commend the Lamar revelations to the prayerful study of the gentlemen of Congress who allowed the bill to become lost in the shuffle.

[Pittsburgh (Pa.) Post, Mar. 5.]

The Army and Navy Journal says the soldier's lack of education "was the cause of a very general depression of spirits among Regular Army officers at times." When they found it a matter of the greatest difficulty in many companies, the Journal continues, to select men who were of sufficient education to be squad leaders, the burden of instructing even so small a unit as a company grew almost unbearable.

The Army has reacted to the situation by making plans for establishing schools at every divisional camp in America and overseas.

May the figures shame Congress and the Nation into action which will wipe out illiteracy in the civil population also.

[Oswego (N. Y.) Times, Apr. 18.]

The Americanization bill, so called, which was introduced in the last Congress, died when Congress adjourned, but will be reintroduced with the convening of the new Congress.

The idea underlying the measure is that any person with sufficient knowledge of the English language and sufficient education and ability to use his mind as well as his body can earn at least $5 a week more than a mere undereducational drudge. What a vast addition to the resources of the country would come by the addition of $5 a week to the value or earning power of these thirteen millions!

[Baker City (Oreg.) Herald, Mar. 19.]

Into the pool of violent controversy over foreign-language instruction some one casts this little pebble: "Instead of spending so much energy against the foreign languages, why not spend some of it to enforce the teaching of English?" It is not a bad idea. It is intelligent, constructive activity which produces results. The mere elimination of foreign-language instruction is not enough. It is not even vitally necessary if instruction in the English language is properly carried on, coupled with the doctrine of true Americanism.

[Evanston (Ill.) News, Apr. 2.]

Education is the foundation stone upon which real Americanization must be built. It covers the alien, to whom English is a foreign tongue, and it covers the American of four or five generations who has only a meager acquaintance with the spoken language and none at all with the written word in English.

[Los Angeles (Calif.) Examiner, Apr. 24.]

It is ignorance that fertilizes the soil for alien anarchists to cultivate with their sinister and mad theories, sophistries, and designs. The flaming sword of Americanization and education alone is, or ever will be, able to attack and slaughter this demon of destruction.

[Lewiston (Me.) Journal, Apr. 1.]

Some folks have an idea that Americanization, so much on the tongue just now, is a problem which deals almost wholly with our cities and the foreign-born element in those cities. This notion receives a rude shock in face of the fact that two and a half million farmers can not read or write. They are beyond the reach of every effort of the Federal or State agricultural departments to educate them to better methods of farming. They can not read the newspapers. They are therefore not intelligent voters; in fact, they are not thorough Americans. The war showed the error in the census figures. It had been claimed that there was only 8 per cent of illiteracy in this country. The draft statistics have raised this estimate to over 24 per cent, or one-fourth of the population. Illiteracy is the great peril of true democracy, a drag on the wheels of progress, an unforgivable condition, because it can be remedied by the application of time and thought and money to Americanizing Americans.

[Eureka (Calif.) Standard, May 30.]

The Americanization bill was introduced in the last Congress by Senator HOKE SMITH and Representative BANKHEAD. It was favorably reported by the committees in both Houses to which it was referred, but the adjournment came before it became a law.

Public opinion will be a strong factor in making it a law. Action will be taken during the present session of Congress, and all persons interested in education and, more particularly, in the creation of a great body of comprehending citizens, native born or otherwise, should lose no opportunity in making manifest their interest.

The bill provides for a Federal appropriation of $12,500,000 per year for the payment of teachers in the various States, the teachers to be employed for training illiterates in the fundamentals. This aid will be of great benefit to striving and ambitious communities. It should be secured. The way to accomplish this is to manifest interest and manifest it without careless delay.

[Elizabeth (N. J.) Times, May 6.]

The new Congress should see that the bill is placed near the top of the calendar of proposed legislation, so that it may be carried through without delay.

[Pasadena (Calif.) Star News, Mar. 26.]

Thoughtful loyalists realize that the masses of foreigners in this country must be transformed in spirit—made into Americans in sympathies and purposes—or else they will be a standing menace to the peace and welfare of the land.

[Peoria (Ill.) Journal, Apr. 17.]

One of the serious failures of the last Congress was the failure of this exceptional bill to be made into a law. At this time, perhaps more than any other time in all our history, there are false doctrines and false prophets that depend upon illiteracy for their followers. If illiteracy were removed or lessoned materially, if those who know nothing of the English language could be taught to read, then the dangers that come with the false doctrines to-day would be minimized and our national and social and industrial progress would be developed more rapidly and more sanely.

The Americanization bill will be reintroduced at the next Congress session. It deserves the support of those people who want America to be the real leader in the world and of those people who want to see the false doctrines defeated and destroyed for all time.

[Bluefield (W. Va.) Telegraph, Mar. 8.]

Means should be adopted to Americanize the aliens who are here and remain alien and foreign because they are in a foreign environment and can not speak or read our language, and that method should be applied more vigorously still to the newly arrived.

[Hackensack (N. J.) Record, Mar. 27.]

Educators and public officials are realizing more and more that the simple banning of German or any other language is not enough to solve the problems created by our foreign population. Above everything else foreign-born residents must learn how to speak and read our language. Only so will they be able to understand what is going on about them and to take an intelligent interest in their prospects as American citizens.

[Butte (Mont.) Miner, Apr. 20.]

The intention of the Smith-Bankhead bill is to appropriate money to be used in cooperation with the various States for the maintenance of schools for teaching these foreigners the English language and American principles.

In times past the American people have felt little responsibility for these aliens in their midst and have treated them upon the theory that they are not their brothers' keepers.

This is a false doctrine, for if these people are to be invited here, they should be put in a position to make the most out of their lives and they should be converted into American citizens.

In the past the only element that seems to have interested itself in these aliens have been the I. W. W. outfit, which has maintained a propaganda among them and converted them into red socialists wherever it could do so.

It is rather a disgrace to the American people that the only helping hand, which actually has been a detrimental one, should have been extended by this anarchistical organization.

Undoubtedly more discriminating immigration laws are needed in this country, but as long as any of those of foreign nationality are invited to make their home here it is the duty of this Government and its people to take an interest in these aliens and assist them to become good and loyal American citizens.

This is not only due to these foreigners, but it is a matter of self-protection to the Nation itself.

[Minneapolis (Minn.) Journal, Apr. 5.]

There is urgent demand for immediate Federal aid to all State and other efforts to teach English, not only to children of alien birth, but to illiterate adults. It is high time that we began our Americanization movement at the very fountainhead by teaching children and foreign-born illiterates how to read and speak English and thus prepare them for "successful living and intelligent American citizenship."

[New York Financial American, Apr. 29.]

The Smith-Bankhead bill, which was brushed aside in mêlée attending the adjournment of the recent Congress, could aid in making a right start. Employers generally did not recognize in it the importance it bore to their problem. With a threatened labor shortage, they no doubt will insist upon its passage by the next Congress.

[Albany (N. Y.) Times-Union, May 26.]

Americanization is one of the big problems of the hour. It is a problem the solution of which will have a most important bearing upon the future of the American Nation.

[New Orleans (La.) Lumber Trade Journal, Apr. 15.]

One of the important things which the last session of Congress left undone was to pass the bill introduced in the Senate by Senator HOKE SMITH of Georgia, and in the House by Representative W. B. BANKHEAD, commonly referred to as the Smith-Bankhead Americanization bill.

The inevitable result of ignorance is inefficiency, and as these illiterates are naturally laborers the result is a serious loss of effectiveness in the industries of the country, not only because of the handicap of ignorance in the performance of the work actually done, but in its bar to the achievement of better things. Increased efficiency works more economical productiveness but greater earning power on the part of labor and greater demand for commodities, the two conditions balancing each other and tending to better conditions for both capital and labor.

[Kansas City (Mo.) Journal, Apr. 23.]

When legislative mortality cluttered up the floors of the last Congress with defunct measures, there was real sadness among the friends of the Smith-Bankhead Americanization bill, which occupied a conspicuous place in the so-called log jam in the expiring days of the session. As was the case with several other meritorious measures, this bill had no real opposition in Congress or out of it, although, of course, the American Bolshevists and other anarchistic groups did not favor it. But certain influences were at work that threatened to defeat the idea of Americanization of Americans, and those influences are perfectly understood.

This bill will be reintroduced, as it should be, at the earliest opportunity, and every true American citizen ought to take a personal interest in securing its passage.

[Utica (N. Y.) Observer, June 2.]

The whole problem * * * arises out of the past neglect of the Republic. We have not been careful about the material for citizenship, either in that accepted from foreign shores or about the training of that born here. The country heretofore has been thinking very much about building railroads and factories and only incidentally about molding a great race of people.

[Practical Farmer (Philadelphia, Pa.), March, 1919.]

Ignorance is the cause of the majority of national calamities, just as it is the cause of so many failures in the individual. National safety lies largely in education; Bolshevism and a score of other dangerous

"isms" can not make much headway against a widespread intelligence. We think with pride of our own as an educated nation, and, in comparison with some other nations, doubtless we are justified; but our pride gets a jolt when we are told by our Department of the Interior that there are eight and a half millions of native illiterates and non-English speaking people in this enlightened land of ours who can not read an American newspaper. There's fruit for Bolshevism and other manias for you! There is a bill before Congress—the Smith-Bankhead Americanization bill—that seeks to meet this condition by appropriating certain amounts for the training of teachers and establishing a close cooperation between the State and Federal authorities to educate these people in our language, the fundamental principles of government and citizenship, and the elements of self-support and home making. We are for any act which will tend to remedy this woeful and really dangerous state of affairs. And the sooner we get action on it the better.

[New Haven (Conn.) Register, Apr. 17.]

To-day there are in this land of ours millions of citizens who can not read a newspaper, who know nothing of our institutions and laws, of the history of the country, of its past, present, or its future, except what they are told by word of mouth—by some one who speaks their language. All of these are not "foreigners"; the illiterates number in their ranks a surprising number of American born who have grown to manhood absolutely unable to distinguish their letters, to whom a Liberty loan poster makes its appeal through the picture and not through the printed matter, whose knowledge of the world to-day is confined to that gained by word of mouth. All of these, both native and foreign born, must be educated. The war taught us what danger there is in having alien colonies in our midst as well as the necessity for educating our own American born. The Smith-Bankhead Americanization bill was before Congress at its adjournment. It should be revived and passed by Congress at its coming session.

[Louisville (Ky.) Times, Apr. 26.]

The bill, as it is generally known, is a Federal aid measure for a country-wide fight against illiteracy, and rarely indeed has an appropriation bill of similar character been given so general support by the representative press of all quarters as has this one. Its deserving character has been recognized on all sides.

[Little Rock (Ark.) Gazette, Feb. 23.]

The Smith-Bankhead measure would provide the means, with State cooperation, for dealing with illiteracy in a comprehensive and effective way.

[Dallas (Tex.) News, Feb. 28.]

This bill should be passed promptly. It is an appropriate and expedient measure for the Federal Government's contribution to a need common to the several States and to the United States. It will, as it should, put squarely up to the States a great opportunity and an undoubted responsibility. It will challenge public spirit everywhere, and should call out the best constructive and cooperative ability and endeavor. Its benefits can not be measured in dollars and cents.

[Pasadena (Calif.) Star-News, Apr. 23.]

The United States expends hundreds of millions of dollars annually to maintain schools. Each and every State has an elaborate educational system. And yet the number of illiterates in this country runs into the millions. It is appalling. It is a scourge. It will menace the Nation and be a source of shame to it so long as this mental darkness prevails.

The blind person is a pitiable object. Stony indeed is the heart that does not melt in sympathy at sight of a sightless person. And yet fully as pitiable is the mental blindness which prevails so largely in this country. It not only is a peril and a shame to the Nation but it is rank injustice to the ignorant themselves. No one, child or adult, should be permitted to live in illiteracy in this country. Some measure of education should be forced upon, if necessary, every single human being mentally capable of receiving knowledge.

[Duluth (Minn.) Herald, Feb. 24.]

There is a bill in Congress, put into the Senate by Senator HOKE SMITH and into the House by Representative BANKHEAD, making provision for Government aid to States in teaching illiterates and aliens who know little or no English. That bill should pass, and its passage should not be delayed one day longer than is absolutely necessary.

[Gloucester (Mass.) Times, Mar. 26.]

Of every 1,000 persons living in this State, approximately 300 are foreign born, and of this number 150 come from non-English-speaking countries. And yet another fact, namely, that 62.5 per cent of the illiterates have lived in the State of Massachusetts for six years or more. The condition is an unhealthy one. There can be no unity in a country or State, no sharing of ideals, no common effort for the public good, unless people have a common language. For the sake of the future we are considering this matter none too soon. The process of education must begin at once and everywhere.

[Pittsburgh (Pa.) Chronicle Telegraph, Feb. 17.]

As the first comprehensive attempt to deal with this long-seated evil it is to be hoped the legislative measure will be given effect. The financial expenditure contemplated is modest compared with the magnitude of the benefits it is designed to accomplish.

[Johnstown (Pa.) Leader.]

From every humanitarian and business viewpoint it is of the utmost importance to all with messages educational or commercial, that these eight and a half millions be taught at least sufficiently to read a poster or a newspaper. Every user of the printed word, writer, manufacturer, merchant, and advertising man should immediately express his opinion of the importance and immediacy of this legislation to Congress.

[Newark (N. J.) News, Feb. 20.]

Government by the people calls for a literate people with the intelligence and fitness to govern themselves. Those who are unable to read or write are easily deceived, exploited, and misled. The Army's revelations are a challenge to the Nation to remove this illiteracy, both in justice to the unfortunates who can not read and write and in justice to the whole people.

[Pittsburgh (Pa.) Chronicle, Mar. 8.]

In the meantime, volunteer efforts are making in many localities to lessen the condition of ignorance which is a disgrace to our country. But splendid as is the spirit of service shown by these devoted teachers, it is evident that their volunteer and unsystematic efforts can not cope with the situation. Illiteracy is a nation-wide problem that must be approached in a comprehensive manner. The Federal and State Governments must get together. Kentucky and some other States have shown that the task of removing illiteracy is not impossible, but what they have done must be duplicated on a vastly larger scale.

[Portland (Oreg.) Oregonian, Mar. 1.]

Experts testified that literacy alone would add at least $5 a week to the productive power of the worker. The importance of this will be apparent even to the most casual observer. But even more important is the effect upon the standard of citizenship of such education as would qualify all adult residents of the country to be classified as literate by the measuring stick of the Surgeon General. It will be agreed that the census standard does not amount to much. One may barely scrawl his name without being able to do much else. But if every adult could read a newspaper (or other document) printed in English, and write a letter, also in English, a substantial beginning would be made toward the solution of a larger problem.

[Passaic (N. J.) Herald, Feb. 28.]

The Government of the United States has undertaken to wipe out illiteracy. It is an Americanization work. It is more than that; it is an economic, social, and national necessity.

[Boston (Mass.) Transcript, Mar. 17.]

The American purpose is not to reduce or restrict the opportunity or individual freedom of its people of alien birth. On the contrary, it is to enlarge opportunity for them by teaching them English and by familiarizing them with American citizenship and traditions to let down those barriers which now restrain them from making the most of their life in America. Of course the great civic object ahead is the welding of all elements of our population into an honestly homogeneous and loyal whole.

[Sacramento (Calif.) Evening Bee, Apr. 5.]

What is known as the Smith-Bankhead bill was before the last Congress, designed to promote the education of native illiterates, of persons unable to understand and write the English language, and of other residents of foreign birth; to provide for cooperation with the States in the education of such persons in the English language, the fundamental principles of government and citizenship, the elements of knowledge pertaining to self-support and home making, and in such other work as will assist in preparing such illiterates and foreign-born persons for successful living and intelligent American citizenship. The same measure will be reintroduced in the new Congress. Assuredly this is a meritorious measure and deserves favorable action by Congress. Whatever education may be given such persons, especially if exercising the franchise, is a benefit not only to them but to the States in which they live and to the Nation at large.

[Chattanooga (Tenn.) News, May 8.]

It is to be hoped that Congress will try to set a new record. There is every reason why it should do so. There are several appropriation measures pending which, at its usual rate of speed, will demand about all available time to June 30, the end of the fiscal year. There are also several constructive measures of large importance which ought to be enacted with little delay. They have been discussed to the point of nausea, and there is little excuse for further prolonged consideration. Among these are the water-power bill, the oil and coal land leasing bill, Secretary Lane's reclamation proposal, and the Smith-Bankhead Americanization education bill.

[Great Falls (Mont.) Tribune, Apr. 20.]

The Smith-Bankhead bill was prepared in consultation with Secretary Lane and with his approval. It was a well-thought-out plan to wipe this disgrace to our Republic out by a system of combined Federal and State action where it existed, and a strenuous effort to Americanize all foreign immigrants entering the country hereafter. It carried a yearly Federal appropriation to supplement State resources in the task of wiping out the dark spots of illiteracy wherever they existed.

We hope we may find this bill to wipe out illiteracy and Americanize foreigners who come to live in this country will be put on the national statute book.

[Boston (Mass.) Transcript, June 4.]

The barrier of language and education is a removable thing and behind it anarchy and discontent, hatred and revolution always lurk. Let this barrier be removed by thorough instruction and we shall have those people with us rather than against us, because they will have their full part in the common American heritage.

[Petersburg (Va.) Progress, Apr. 22.]

In every way illiteracy is the foe of representative government. It is the foe of prosperity, the arch stifler of ideals. It endangers the purpose, the power, and the profits of freedom.

This, in brief, is the substance of what every loyal American must regard as a necessary undertaking. To so regard it is a negative virtue, however, unless that view be vitalized into usefulness by an expression of opinion in the direction of your Congressman or Senator.

And with democracy at this moment menaced by the false doctrines which feed on illiteracy we can not think of a more timely act of patriotism.

When the new Congress meets the Smith-Bankhead bill should have full and free discussion and final passage for the uplift of American ideals and preservation of our civilization.

An illiterate proletariat is easy prey to the anarchist demagogue in the cities and an economic burden to the State that carries it.

The autocrats of old France believed that the ignorance of the common people was the safety of the throne. The French Revolution and the Reign of Terror was the reply. The Russian autocracy thought to thwart liberty by refusing the Russian moujik the right to read and write. The horror of bolshevism is the answer of the people. There is no safety in ignorance.

[Pittsburgh (Pa.) Sun, Mar. 10.]

The Smith-Bankhead Americanization bill affords a practical means of assimilation. It would give every resident a knowledge of the English tongue. That there is widespread ignorance of the national language is evident by startling statistics recently compiled. This ignorance has resulted in waste in industry, inefficiency in schools, and misunderstanding between native and foreign born. As a mere matter of economy, Americanization is advisable, for a large number of claims for compensation for injury or death of workers arise from accidents caused by illiteracy.

[Greenville (S. C.) News, Mar. 23.]

With education at the grasp of every man, with newspapers, magazines, and various other agencies at the disposal of all, is it not a disgraceful fact that one-fourth of our male population is illiterate? Can we lay claim to being a really great Nation in a really great age when such a condition prevails?

[Seattle (Wash.) Post-Intelligencer, Apr. 16.]

There are not only belts of foreign-born illiteracy in the country, but also sections in which the native-born illiteracy is very high, largely in the Southern States, where the negro population is considered in the computations. In the Northern States the negro population shows a much higher percentage of literacy. For instance, among Washington's negro population the ratio of illiterates is 39 per thousand, while in Louisiana the rate is 483 to the thousand.

Both from the need of inducing the capacity for intelligent judgment in all voters and to instill into the illiterate foreign born a conception of American principles and ability to read, write, and speak English, Secretary Lane's educational bill is highly desirable. We have the best form of government that experience has devised and its operation would be greatly improved if ignorance were eliminated in the electorate. Many of our troubles, perhaps most of them, arise from sheer ignorance and the ability of deliberate trouble makers to deceive the ignorant.

The educational bill was favorably reported by both committees of the last Congress. It will be introduced in the next session and should meet no serious opposition from any source.

[The Country Gentleman (Philadelphia, Pa.), Apr. 19.]

The bill is well drawn. We have always said that education was the foundation of democracy, and it is, and here is the opportunity to cement every loose joint in our national foundation—the chance to make this the most intelligent Nation in the world.

Just now the foundation is nothing to brag about. All told, we have 8,000,000 persons who fall within the two classes of illiterates, a number exceeding the total population of 15 States, or the combined population of Greater New York, Philadelphia, and Chicago. Such a multitude constitutes a national menace. They must be taught to read the language of America, for their protection and ours.

[Birmingham (Ala.) News, Apr. 17.]

It is not enough that Alabamians shall take it for granted that it (the Smith-Bankhead bill) will be dealt with favorably. It is for each and every Alabamian who loves light better than darkness to express that opinion in the direction of the Alabama delegation at Washington. Every Congressman should feel the pressure from Alabama in behalf of this beneficent legislation.

[San Francisco (Calif.) News Letter, Mar. 20.]

This country is a free country. We have welcomed the people of every nation to our shores. But this country owes a duty to itself which is paramount to being the asylum for the world.

There are millions of people in this country who can not speak the English language and who do not intend to learn the English language and who are raising their sons ant daughters to speak a foreign tongue. How can these people be depended upon to maintain American ideals? However much we may pity these people, however much we may desire to help them improve their condition and to get away from the oppression to which they were subjected in their own country, we, as Americans, must recognize it as our duty to consider America and its interests first. How can one know America and possess patriotism for America and, when necessity arises, fight for America unless that person understands the English language and has some knowledge of the principles of the Government that exists in this country?

[Cleveland (Ohio) Press, May 5.]

Americanization, including a knowledge of American civics and the common tongue, is the best preventive of such bolshevist, anti-American demonstrations as that in Cleveland on May 1.

Those who carried the red flag of disorder in the parade that day were chiefly un-Americanized Europeans. Few could understand our language and some could not read or write any language.

They were thinking in terms of the countries from which they came, not in terms of the country in which they make their living. They were acting as Europeans, not as Americans. This was inevitable, for, while some of them had lived here many years, few of them had been Americanized.

Their leaders may have understood, but the duped mass of their misled followers may not even now be able to understand why their flaunting of the red flag so aroused the resentment of loyal American citizens of Cleveland.

[Christian Science Monitor, Apr. 1.]

What shall be done to bring these millions to know the real America, the idea as well as the place? For the country that could not long endure half free half slave can hardly continue much longer two-thirds American and one-third European.

An answer has already been offered in the word "Americanization." It is a word that is on the tongues of social workers, Government agents, department chiefs, municipal officials, superintendents of community centers, and immigration experts; it is in the reviews and magazines, in the newspapers, in countless leaflets and pamphlets; it sums up the plans of hundreds of new groups and old organizations that have seen the need and are eager to meet it. Yet, in spite of all that is being done, in spite of all the publicity that has been accorded to the various phases of the problem since the enemy-alien disclosures of the war brought it prominently into view, the great body of American people as yet give no sign that they sense the situation.

[Springfield (Mass.) Union, Feb. 19.]

It is unfortunate that so needed a measure has been caught in a congestion of legislation in Congress at this time. It is likely to get lost in such a hurried shuffle, unless its friends become active. Being an unopposed measure, apparently little time would be consumed in its passage if other matters were not allowed to get in its way. The conditions are such that we can hardly afford to ignore or postpone any step to develop Americanism in this country. We are taking too easily the increasing proportion of people who are limited to foreign languages, which do not permit them to tap the springs of American life and ideals.

[Birmingham (Ala.) News, Feb. 14.]

The world must be made safe for democracy, even if Alabama reserved the right to keep her children in ignorance. Then, indeed, was the mother State humiliated. The thing was grotesque. Men who could neither read nor write were to be sent to foreign fields. They could not communicate with their home folks, simply because the intelligence of the State was too ignorant to know that they were committing a grievous crime in failing to give at least a rudimentary education to every boy and girl within Alabama's confines.

[Albany (N. Y.) Argus, Feb. 19.]

The Smith-Bankhead bill, for instance, proposes an appropriation of $12,500,000 a year until 1926 to be distributed among the States for educational purposes—dollar for dollar for like appropriations by the States. Experience has amply demonstrated in the last four years the need of some such action for national safety.

[New York (N. Y.) Times, Feb. 19.]

The country has many great and instant problems to settle. The construction and reconstruction of a sound American citizenship is not the least of them. Millions of citizens who can not read a newspaper, who know nothing of our Constitution and laws, of the past and present of the United States, except what they are told, perhaps by demagogues interested to mislead and deceive them—how can they take a useful, how can they be prevented from taking often a maleficent, part in government?

[Jacksonville (Fla.) Metropolis, Feb. 15.]

This measure should be passed without a dissenting vote; and if the people of the United States show their interest by urging support by their representatives, it will pass. This should be done by all means. America can not afford to have 8,000,000 illiterates.

[Successful Farming (Iowa), May, 1919.]

Something must be done in a national way to see that every person with the intent to make the United States home should not only be taught the English language but instructed in our national ideas. It is not fair that this burden fall only upon the communities wherein these foreigners live. Illiteracy is a national menace, no matter where the illiterates live. Foreign sections may be the breeding places of anarchy. Radicals come to our shores from Europe and put out literature in foreign languages tearing down our institutions and trying to put the ideas of bolshevism and its kin in their stead. The Smith-Bankhead bill, which was killed during the close of the last session of Congress, proposes a plan of national expenditure to combat these very conditions. This bill should be passed at the earliest possible moment.

[Ogden (Utah) Examiner, Mar. 3.]

The Americanization work is one of the greater tasks of the after-the-war period, and Secretary Lane's activity in that direction is of vital importance, worthy of support and approval by every person anxious to see proper national development and security.

[New York (N. Y.) Times, Apr. 20.]

The shocking and intolerable conditions that have been revealed must be stamped out. It is not merely that illiteracy is a reproach to any nation, but that the war has revealed it to be a positive menace to this one. Nor has the end of the war put an end to this demonstration; it is being renewed daily in disturbances of an anti-American character and in the hitherto unnecessary activity which has been imposed on the courts. One of the first acts of the new Congress should be to take up the Americanization bill and pass it.

[Macon (Ga.) Daily Telegraph, Feb. 28.]

We can not afford again to be so loose with our immigration, nor can we afford again to be so indifferent to the attitude and training or lack of training of the individual after he is admitted to our country. We shall have to see that he is properly educated in the plans and purposes of this Government, and that no effort is spared to determine, in so far as possible, that he is becoming a fit citizen.

[Elizabeth (N. J.) Times, May 21.]

The passing of legislation requiring the Americanization and fundamental training of all between the ages of 16 and 21 would be a big step in the right direction.

[Reno (Nev.) Journal, Apr. 22.]

Americanization of those Americans who are not Americans but who come here for the purpose of making it their adopted home is a matter which is receiving serious unofficial consideration. Officially the House Committee on Education reported favorably the Smith-Bankhead bill, which aims to reduce illiteracy to the minimum.

The only logical way to stamp out illiteracy is by compulsory education. Compulsion means that all laws to accomplish it shall be enforced, instead of being merely winked at, as is the case with so many of our laws.

The accomplishment of the end sought—Americanization and the elimination of illiteracy—lies in compulsory education laws enforced, not evaded, and the stopping of concentration and colonization of the foreign born.

[Redding (Calif.) Free Press, May 7.]

Franklin K. Lane, Secretary of the Interior, has been calling the attention of Congress to the fact that there are between five and six million grown-ups in this country who can not read or write English, and there is a bill before Congress to provide for a great national educational program to cure this fault. Public money would be well spent if it succeeded in doing away with illiteracy. Men who can not read and write do not get along well in our modern industrial system. They are condemned to the hardest labor and are paid the lowest wages. Besides, they are in greatest danger, because they can not read signs posted to warn them, nor do they readily understand instructions given them orally. And so it appears that lessening illiteracy would save lives, make better citizens, quiet discontent, increase earning capacity, make for greater efficiency, and lessen waste in industry. It commends itself as a national policy. One need not discuss whether English is the best language in the world; Americans must speak one language, and the only language which can be made universal in America is English. Education of illiterates is the first step in Americanization.

Mr. KENYON. Mr. President, I should like to inquire if there is any other Senator who desires to speak on the bill this afternoon? I have agreed with the junior Senator from Utah [Mr. KING], who desires to present an amendment to the bill, that I will not ask for a vote on the bill until Monday, but I should like to proceed as far as we can. I ask that the formal reading of the bill be dispensed with. There are no committee amendments.

The PRESIDING OFFICER. The request of the Senator from Iowa is that the formal reading of the bill be dispensed with. Without objection it is so ordered.

Mr. KENYON. I understand the Senator from Missouri [Mr. SPENCER] wishes to address the Senate very briefly.

Mr. SPENCER. Mr. President, the purpose of the bill is to promote Americanization by the advancement of fundamental education. Every problem which confronts the Republic—industrial, agricultural, political, or racial—is simplified in direct proportion as we promote the general education of the people. We sometimes lose sight of the fact that this principle is more true in the United States than anywhere else in the world, for here, as the Supreme Court of the United States once put it, "every citizen is a constituent part of the sovereignty itself."

When we deal in this country with the general subject of education we are dealing with those upon whose shoulders rests all the responsibility of Government. When George Washington wrote his memorable Farewell Address there was one statement which he made prophetic for the future of this Nation, which he had rocked in the cradle of its national infancy, that is as pregnant with power to-day as it was when he uttered it. He said:

> In proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened.

Because of this he solemnly enjoined his fellow citizens to—

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge.

I presume it is perfectly fair to say that when we consider the man who comes to this country of ours unacquainted with our language, unable to understand what is spoken, unable to read what is written in the English language, we have a man who is most susceptible to the propaganda of every dangerous, lawless principle with which the Republic is threatened. Just in proportion as we can take that man out of his ignorance of our language spoken and written and make him understand what is said and read what is written we have made that man a greater national asset than he was before.

Every industrial employer who employs large numbers of foreigners who can not speak the English language testifies to the fact that the moment the average laborer can speak and understand and read English that moment automatically his earning power for himself and his usefulness in the business is increased.

It is appalling to think that in our Army of the Great War one out of every four men could neither write a letter home in English nor read an order that was written in English.

The very foundation of this Government depends upon the education of its citizens. The man who becomes familiar with the language of the country in which he lives has his ambition broadened both for himself and for his children; he has his own usefulness increased; he has diminished, so far as the country is concerned, the element of danger incident to his ignorance; he becomes a strength in proportion as he is educated.

Therefore, Mr. President, when we are dealing with a bill like this we are dealing with that which has to do with the very foundation of government. The maps which the Senator from Iowa [Mr. KENYON] has been good enough to hang on the wall of this Chamber indicate the condition of illiteracy in this country. In view of that condition, when, if I may repeat the comment of the Supreme Court, we consider that every man to whom it applies is a constituent part of the sovereignty itself; when we remember that as we deal with the education of an American we are dealing with the education of a man who rules and upon whose shoulders rests the responsibility of government, we can begin to estimate the importance of any plan that will develop primary education.

We have in this country, according to one of the charts furnished by the Senator, over 2,461,000 foreign-born white residents of the United States who can neither read nor write. They are an element not only of danger but, potentially, an element of strength; and the degree of the strength of that enormous number of illiterates is proportionate to their education.

Mr. President, whether or not the pending bill goes far enough is another question; but, so far as it does go, it deals with the essential, primary foundation upon which the Government of this country rests.

Mr. KENYON. Mr. President, if there are no other Senators who desire to speak on the bill this afternoon, in view of my agreement with the Senator from Utah [Mr. KING] not to ask for a vote upon the bill until Monday, I shall move an adjournment. I will say, however, that I hope we may take the vote on Monday, and I shall earnestly urge that we do so. If there is no other business before the Senate, I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, January 19, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 17, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, above, beneath, around, within—we know Thee only by Thy works—the stupendous universe with all its rich and varied appointments; the longings, hopes, and aspirations which fill our breasts and move to action in great achievements for the betterment of mankind.

We thank Thee for the golden chain of faith which binds us to Thee, hope which is the star-spring from on high, that subtle and mysterious quality we call love, which binds us together into families, nations, and is destined to unite the whole family of mankind into a sacred brotherhood—each for all and all for each. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRESIDENT'S MESSAGE—APPROPRIATIONS, EXPENDITURES, AND BALANCES UNDER DEPARTMENT OF STATE, 1919 (H. DOC. NO. 616).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Expenditures in the Department of State and ordered to be printed:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the Department of State for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
16 January, 1920.

PRESIDENT'S MESSAGE—PANAMA RAILROAD CO. (S. DOC. NO. 178).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Seventieth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
16 January, 1920.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JAMES, for the day, on account of sickness.

To Mr. LARSEN, indefinitely, on account of sickness.

To Mr. DALLINGER (at the request of Mr. WALSH), indefinitely, on account of illness.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9089. An act releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, or other public purposes; and

H. R. 9183. An act authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2999. An act to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

CHANGE OF REFERENCE.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that a change of reference be made of Senate concurrent resolution No. 14 from the Committee on Interstate and Foreign Commerce to the Committee on Rules. It is a Senate resolution, identical with a concurrent resolution submitted by myself in the House, and the resolution filed in the House was referred to the Committee on Rules. It calls for the appointment of a joint com-

mittee to make a survey of and to report on the activities of governmental departments, bureaus, and agencies which relate to public health, and this should also be referred, I think, to the Committee on Rules.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the reference of the Senate concurrent resolution 14 be changed from the Committee on Interstate and Foreign Commerce to the Committee on Rules. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, may we not have it reported?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Concurrent resolution (S. Con. Res. 14) creating a joint committee to make a survey of and to report on the activities of governmental departments, bureaus, and agencies which relate to public health.

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relates to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto.

That such committee is directed and empowered to report to the Congress not later than June 1, 1920—

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder;

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for, and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919;

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies, together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities;

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health;

(e) Such further information as such committee may deem proper;

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts, deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution, one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman consulted the chairmen of the respective committees concerning the transfer of jurisdiction?

Mr. DENISON. I have not consulted the chairman of the Committee on Rules with reference to this. I am a member of the Committee on Interstate and Foreign Commerce, to which this was referred, and I presented it to the committee in committee meeting, and the Committee on Interstate and Foreign Commerce was of the opinion that this resolution should go to the Committee on Rules.

Mr. GARD. Is this one instance where the Interstate and Foreign Commerce Committee want to surrender a bill to the Committee on Rules?

Mr. SIMS. Oh, no. The jurisdiction does not belong in that committee.

Mr. DENISON. The jurisdiction of this matter belongs, as I understand it, to the Committee on Rules, because it calls for the appointment of a joint investigating committee, and it should have been referred to the Committee on Rules in the first instance. Of course, any legislation resulting from it would have to come from the Committee on Interstate and Foreign Commerce. But this is simply a concurrent resolution for the appointment of a joint committee. I understand that that is properly a matter for the Committee on Rules.

Mr. GARD. Has the gentleman taken it up with the majority leader and the minority leader?

Mr. DENISON. No; I have not.

Mr. GARD. Well, we are working under a rule of that kind.

Mr. DENISON. I assume that the majority leader will have no objection to this and will concur. When I introduced a similar resolution to this in the House I did take that up with the majority leader, and it was referred to the Committee on Rules. I assume that a similar resolution from the Senate should go to the same committee in the House.

Mr. MANN of Illinois. Reserving the right to object, is this a joint resolution?

Mr. DENISON. It is a concurrent resolution.

The SPEAKER. Is there objection to the reference? [After a pause.] The Chair hears none, and it is so ordered.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

The SPEAKER. When the House adjourned last night there was pending, and the previous question had been ordered on, the bill H. R. 10074, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes.

The SPEAKER. And there was presented a motion to recommit by the gentleman from Massachusetts [Mr. WALSH], which the Clerk will report.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on the Judiciary with instructions to that committee to report the same back forthwith, with the following amendment: Page 1, line 7, strike out "$2,000" and insert in lieu thereof "$1,000."

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 25, noes 35.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARD. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri and the gentleman from Ohio make the point of order that there is no quorum present. The Chair is of opinion that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those who favor the motion to recommit will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 74, nays 239, not voting 115, as follows:

YEAS—74.

Anthony	Fields	Longworth	Sanders, Ind.
Ashbrook	Foster	Lufkin	Sells
Bankhead	Fuller, Ill.	Luhring	Sherwood
Barbour	Gard	McCulloch	Shreve
Begg	Garland	McDuffie	Sinclair
Benham	Garner	McKenzie	Sinnott
Bland, Ind.	Hardy, Tex.	MacGregor	Sisson
Cannon	Hersey	Mansfield	Summers, Wash.
Carter	Howard	Monahan, Wis.	Temple
Chindblom	Hulings	Nelson, Mo.	Thomas
Classon	Ireland	Nelson, Wis.	Tinkham
Cole	Jacoway	Oliver	Walsh
Collier	Johnson, Ky.	Peters	Wason
Currie, Mich.	Johnson, Miss.	Purnell	Welling
Darrow	Jones, Tex.	Quin	White, Me.
Dent	Kelly, Pa.	Raker	Wise
Dyer	King	Randall, Calif.	Wood, Ind.
Emerson	Kitchin	Rouse	
Fess	Linthicum	Sabath	

NAYS—239.

Ackerman	Dickinson, Mo.	Hayden	MacCrate
Almon	Dickinson, Iowa	Hays	Magee
Anderson	Dominick	Heflin	Major
Andrews, Nebr.	Donovan	Hersman	Mann, Ill.
Ayres	Doremus	Hickey	Mann, S. C.
Babka	Dowell	Hicks	Mapes
Baer	Drane	Hoch	Mason
Barkley	Dunbar	Hoey	Mays
Bee	Dunn	Huddleston	Merritt
Black	Echols	Hull, Iowa	Michener
Bland, Mo.	Elliott	Hull, Tenn.	Miller
Bland, Va.	Ellsworth	Husted	Minahan, N. J.
Bowers	Elston	Igoe	Mondell
Box	Esch	Johnson, S. Dak.	Montague
Brand	Evans, Mont.	Jones, Pa.	Mooney
Briggs	Evans, Nev.	Juul	Moore, Ohio.
Brinson	Fairfield	Keller	Moore, Va.
Brooks, Ill.	Fisher	Kendall	Moores, Ind.
Browne	Flood	Kennedy, Iowa	Morgan
Brumbaugh	Fordney	Kincheloe	Murphy
Burdick	Frear	Kinkaid	Neely
Byrnes, S. C.	Freeman	Kleczka	Newton, Minn.
Byrns, Tenn.	French	Knutson	Newton, Mo.
Caldwell	Fuller, Mass.	Lampert	Nolan
Campbell, Kans.	Gallagher	Langley	Ogden
Campbell, Pa.	Gallivan	Lanham	Oldfield
Cantrill	Ganly	Lankford	Olney
Carss	Glynn	Layton	Osborne
Christopherson	Godwin, N. C.	Lazaro	Overstreet
Clark, Fla.	Good	Lea, Calif.	Padgett
Clark, Mo.	Goodwin, Ark.	Lee, Ga.	Paige
Coady	Goodykoontz	Little	Park
Connally	Green, Iowa.	Lonergan	Parrish
Cooper	Greene, Mass.	Luce	Phelan
Copley	Griest	McAndrews	Porter
Crago	Griffin	McArthur	Pou
Cramton	Hadley	McClintic	Rainey, Ala.
Crisp	Hardy, Colo.	McGlennon	Rainey, H. T.
Dale	Harreld	McKiniry	Rainey, J. W.
Davis, Minn.	Harrison	McKinley	Ramsey
Davis, Tenn.	Hastings	McLane	Ramseyer
Dempsey	Haugen	McLaughlin, Mich.	Randall, Wis.
Denison	Hawley	McLaughlin, Nebr.	Rayburn

Reber	Smith, Idaho	Tague	Weaver
Reed, W. Va.	Smith, Ill.	Taylor, Ark.	Webster
Rhodes	Smith, Mich.	Taylor, Colo.	Welty
Ricketts	Smithwick	Taylor, Tenn.	Whaley
Robinson, N. C.	Snyder	Tillman	Wheeler
Robsion, Ky.	Steagall	Tilson	White, Kans.
Rodenberg	Stedman	Timberlake	Williams
Rogers	Steenerson	Tincher	Wilson, Ill.
Rose	Stephens, Ohio	Towner	Wilson, Pa.
Rowe	Stevenson	Treadway	Wingo
Rubey	Stiness	Vaile	Woods, Va.
Rucker	Stoll	Vestal	Wright
Sanford	Strong, Kans.	Vinson	Yates
Saunders, Va.	Strong, Pa.	Voigt	Young, N. Dak.
Sears	Sumners, Tex.	Volstead	Young, Tex.
Sims	Sweet	Walters	Zihlman
Slemp	Swope	Watkins	

NOT VOTING—115.

Andrews, Md.	Doughton	Kahn	Radcliffe
Aswell	Dupré	Kearns	Reavis
Bacharach	Eagan	Kelley, Mich.	Reed, N. Y.
Bell	Eagle	Kennedy, R. I.	Riddick
Benson	Edmonds	Kettner	Riordan
Blackmon	Evans, Nebr.	Kiess	Romjue
Blanton	Ferris	Kraus	Rowan
Boies	Focht	Kreider	Sanders, La.
Booher	Gandy	Larsen	Sanders, N. Y.
Britten	Garrett	Lehlbach	Schall
Brooks, Pa.	Goldfogle	Lesher	Scott
Browning	Goodall	McFadden	Scully
Buchanan	Gould	McKeown	Siegel
Burke	Graham, Pa.	McPherson	Small
Burroughs	Graham, Ill.	Madden	Smith, N. Y.
Butler	Greene, Vt.	Maher	Snell
Candler	Hamill	Martin	Steele
Caraway	Hamilton	Mead	Stephens, Miss.
Carew	Hernandez	Moon	Sullivan
Casey	Hill	Morin	Thompson
Cleary	Holland	Mott	Upshaw
Costello	Houghton	Mudd	Vare
Crowther	Hudspeth	Nicholls, S. C.	Venable
Cullen	Humphreys	Nichols, Mich.	Ward
Curry, Calif.	Hutchinson	O'Connell	Watson
Dallinger	James	O'Connor	Wilson, La.
Davey	Jefferis	Parker	Winslow
Dewalt	Johnson, Wash.	Pell	Woodyard
Dooling	Johnston, N. Y.	Platt	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BOIES with Mr. JOHNSTON of New York.

Mr. CURRY of California with Mr. MEAD.

Mr. GOODALL with Mr. LARSEN.

Mr. BROOKS of Pennsylvania with Mr. KETTNER.

Mr. GOULD with Mr. ASWELL.

Mr. BURKE with Mr. LESHER.

Mr. HOUGHTON with Mr. PELL.

Mr. JAMES with Mr. MARTIN.

Mr. BURROUGHS with Mr. SANDERS of Louisiana.

Mr. DALLINGER with Mr. O'CONNOR.

Mr. BUTLER with Mr. STEELE.

Mr. COSTELLO with Mr. BELL.

Mr. FOCHT with Mr. CASEY.

Mr. EDMUNDS with Mr. DOUGHTON.

Mr. GRAHAM of Pennsylvania with Mr. BENSON.

Mr. HUTCHINSON with Mr. CARAWAY.

Mr. JOHNSON of Washington with Mr. BLACKMON.

Mr. CROWTHER with Mr. CAREW.

Mr. GRAHAM of Illinois with Mr. DUPRÉ.

Mr. HAMILTON with Mr. CLEARY.

Mr. GREENE of Vermont with Mr. GANDY.

Mr. KAHN with Mr. CANDLER.

Mr. KEARNS with Mr. BUCHANAN.

Mr. LEHLBACH with Mr. CULLEN.

Mr. KELLY of Michigan with Mr. DAVEY.

Mr. MCFADDEN with Mr. DOOLING.

Mr. KREIDER with Mr. EAGAN.

Mr. MUDD with Mr. EAGLE.

Mr. KENNEDY of Rhode Island with Mr. FERRIS.

Mr. MORIN with Mr. GARRETT.

Mr. KIESS with Mr. HAMILL.

Mr. MOTT with Mr. GOLDFOGLE.

Mr. MCPHERSON with Mr. HOLLAND.

Mr. PARKER with Mr. HUMPHREYS.

Mr. MADDEN with Mr. ROMJUE.

Mr. NICHOLS of Michigan with Mr. MCKEOWN.

Mr. PLATT with Mr. SCULLY.

Mr. REAVIS with Mr. UPSHAW.

Mr. RIDDICK with Mr. MOON.

Mr. SANDERS of New York with Mr. NICHOLLS of South Carolina.

Mr. SIEGEL with Mr. WILSON of Louisiana.

Mr. THOMPSON with Mr. SMALL.

Mr. SNELL with Mr. O'CONNELL.

Mr. VARE with Mr. ROWAN.

Mr. WARD with Mr. STEPHENS of Mississippi.

Mr. WATSON with Mr. VENABLE.

Mr. WINSLOW with Mr. SULLIVAN.

Mr. WOODYARD with Mr. SMITH of New York.

Mr. SCOTT with Mr. BLANTON.

Mr. BROWNING with Mr. HUDSPETH.

Mr. ANDREWS of Maryland with Mr. MAHER.

Mr. EVANS of Nebraska with Mr. BOOHER.

Mr. RADCLIFFE with Mr. DEWALT.

Mr. BACHARACH with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read the third time and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 41.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-fourth National Encampment of the Grand Army of the Republic for the year 1920, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

The message also announced that the Senate had passed with amendments the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That the final report of Gen. John J. Pershing, commander in chief American Expeditionary Forces, be printed as a House document without the accompanying maps and charts, and that 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House.

THE WATER-POWER BILL.

Mr. ESCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3184, the general water-power bill, disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table a bill, of which the Clerk will read the title, disagree to all the Senate amendments, and agree to the conference asked for.

The Clerk read as follows:

A bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ESCH, Mr. SINNOTT, Mr. HAUGEN, Mr. SIMS, Mr. TAYLOR of Colorado, and Mr. LEE of Georgia.

WAR-RISK INSURANCE ACT.

Mr TOWNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an address by my colleague, Mr. SWEET, recently before the posts here and the soldiers of the Walter Reed Hospital, regarding the war-risk insurance act.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMITTEE ON EDUCATION.

Mr. IRELAND. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

House resolution 411.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rate of $2,000 per annum for the services of a clerk to the Committee on Education.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I will.

Mr. WALSH. What activity is there now in this committee which should call for this clerk?

Mr. IRELAND. They have convinced the Committee on Accounts that their work is very heavy, and at the last session it was impossible to secure a clerk. This report is unanimous from the Committee on Accounts, but I will yield to the chairman of the Committee on Education, who can better explain it than I can.

Mr. FESS. What is the question?

Mr. WALSH. I asked the gentleman what activity the Committee on Education was undertaking to call for this resolution. Is it to hold hearings on any legislation or about to act upon any new proposed legislation?

Mr. FESS. The Committee on Education has pending several distinct measures, some of which we have already had hearings upon.

Mr. CLARK of Missouri. Mr. Speaker, I wish the Chair would compel the Republicans to speak so that we can hear what is going on.

Mr. FESS. When the Republicans are talking the Democrats refuse to listen.

Mr. CLARK of Missouri. I will make a motion to give each one a megaphone so that we can hear.

Mr. FESS. And provide the Democrats with an ear trumpet as well. I say that the Committee on Education has before it several distinctive measures, some of which we have already had hearings upon, such as the Smith-Towner measure and others. There are other measures pending that hearings will be held upon whenever the committee votes to hear them. There is a tremendous amount of correspondence, as the gentleman from Massachusetts knows, on measures that are educational in character. This correspondence must be immediately answered or thrown into the wastebasket. As chairman of the committee I make an effort to answer all correspondence, and it is tremendously heavy.

Mr. WALSH. Of course, a lot of the correspondence belongs in the wastebasket, anyhow.

Mr. FESS. I admit that.

Mr. WALSH. It is thought by employing a clerk that he will be able to distinguish which shall go into the wastebasket and which shall be answered?

Mr. FESS. The Committee on Education has work very much beyond that of many other committees in regard to the character of the legislation that comes before that committee. The committee has had a clerk, but under the——

Mr. KNUTSON. Mr. Speaker, can we have order?

Mr. LONGWORTH. I call the attention of the minority leader, Mr. Speaker, to the reason why we can not be heard on this side. [Laughter.]

Mr. FESS. The Committee on Education at this moment has before it a bill that is being pressed by certain Members on the other side of the aisle, among which are the former chairman of the committee, Mr. SEARS, and hearings have been had on his measure. It has to do with a form of education of a physical character to take the place of military training. There is another bill before the committee that looks to the same solution, that is backed by a large aggregation of people for a better state of education in the country.

Mr. WALSH. Do I understand the gentleman that the committee now has a session clerk?

Mr. FESS. No; it had a session clerk at the special session, but that expired with the special session.

Mr. WALSH. And the committee is without any clerk?

Mr. FESS. Without any clerk, except the clerk in my office that I paid myself last month. I hoped that Congress would take care of the clerk the same as it did last year, except that it would give us an annual clerk instead of a clerk for the special session.

Mr. RAKER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. RAKER. In addition to the bills which the gentleman mentions, I will ask if there is not legislation pending providing for the deaf and dumb?

Mr. FESS. Yes.

Mr. RAKER. We realize that the chairman has not had sufficient assistance, because of the tremendous amount of work, and, of course, we can not impose upon his secretary the burden of doing that work. The committee ought to have clerical assistance to do the work; there is no question about that.

Mr. FESS. I will say that the character of the work that comes before the Committee on Education, much of it, is important, and as long as I have anything to do with it the committee will take care of that correspondence.

Mr. RAKER. From what the gentleman says and from my own personal appearance before the committee and what I have seen, I want to concur in what he says.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. GARD. Did the gentleman's committee have any clerk in the special session?

Mr. FESS. Yes; a session clerk, and we are now asking for an annual clerk.

Mr. GARD. The committee did have a session clerk during the special session?

Mr. FESS. Yes.

Mr. GARD. Has it had any during the regular session?

Mr. FESS. Not an official clerk. I have the same clerk in the office, however, and the salary last month was paid by myself.

Mr. GARD. Is it intended to provide another clerk in addition to the present clerk?

Mr. FESS. Oh, no.

Mr. GARD. Just the one clerk?

Mr. FESS. Just the one clerk.

Mr. GARD. The gentleman's committee has had a clerk all of the time since he has been chairman of the committee?

Mr. FESS. Yes; a session clerk.

Mr. IRELAND. Mr. Speaker, I submit that this has all been gone over before.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. IRELAND. Yes.

Mr. CLARK of Missouri. What has the clerk to do with these hearings which the gentleman says they are going to have before this committee? The hearings are all taken down by the stenographers, are they not?

Mr. FESS. The clerk has to do with sending the hearings out when the country asks for them.

Mr. CLARK of Missouri. If the House goes on and votes for every specific increase of salary here, how is the gentleman from Wyoming [Mr. MONDELL] going to cut off that billion dollars in the appropriations?

Mr. FESS. Let me ask my friend from Missouri a question.

Mr. CLARK of Missouri. Very well.

Mr. FESS. Why should the Committee on Education be denied a clerk?

Mr. CLARK of Missouri. I think about half these committees ought to have the clerks taken away from them.

Mr. IRELAND. Mr. Speaker, if the gentleman from Missouri will permit me, I had occasion to go through this just a few days ago, and I can assure him that the special clerks to committees were granted, with I think one or two exceptions, only for one session—the extraordinary session—and there have been fewer clerks granted so far than in any session that I know of in recent years.

Mr. CLARK of Missouri. The gentleman from Ohio has not answered my question. In fact, he has not answered either one of my questions. The first is, if all of these hearings are not taken down by the stenographers?

Mr. FESS. Yes.

Mr. CLARK of Missouri. And, if so, what has the clerk to the committee to do with the hearings?

Mr. FESS. The clerk to the committee sends out the notices that hearings will be held and announces to the people who have written in that the hearings are held at a certain time, and then answers the requests from the country for the hearings. The clerk has most to do with the hearings, save the taking down by the stenographer of what the people who appear there state. The clerk does not do that, of course, and no clerk does that in any committee.

Mr. CLARK of Missouri. My other question is, if we vote every one of these increases of appropriations that are asked for, how is my illustrious friend from Wyoming [Mr. MONDELL] going to make good that prediction of cutting down the appropriations by $1,000,000,000?

Mr. FESS. On the basis that if you use efficiency, that is sane economy.

Mr. CLARK of Missouri. Why does not the gentleman's clerk use efficiency and attend to this correspondence?

Mr. FESS. I have not any; I am asking for one now.

Mr. CLARK of Missouri. Has not the gentleman any sort of a clerk?

Mr. FESS. No; except what I pay for myself.

Mr. CLARK of Missouri. As a Member of the House the gentleman has a clerk.

Mr. FESS. My own secretary?

Mr. CLARK of Missouri. Yes.

Mr. FESS. To do the work of the Committee on Education?

Mr. CLARK of Missouri. He can do it in 15 minutes a day.

Mr. FESS. He can not do it in 15 minutes a day.

Mr. KITCHIN. Mr. Speaker, will the gentleman from Illinois yield?

Mr. IRELAND. Yes.

Mr. KITCHIN. Mr. Speaker, I really think the Committee on Education ought to have a clerk, an annual clerk, and a good clerk. We know that the chairman of the committee, the gentleman from Ohio [Mr. FESS], can not do the political work he has to do and also do the work of the Committee on Education. [Laughter.]

Mr. FESS. The gentleman is right about that.

Mr. KITCHIN. The chairman's time is taken up with his responsible duties as chairman of the Republican congressional committee, and, of course, if the Committee on Education is going to do anything, and it ought to do something, he ought to have a clerk to attend to the business of that committee. I am very strongly in favor of it. [Laughter and applause.]

Now, laying all joking aside, I think that the Committee on Education ought to have an annual clerk. Years ago, seven or eight or ten years ago, or before that, the Committee on Education, while it had been a committee of this House for a quarter of a century or more, hardly ever met. It had no work to do. In the last few years it has become one of the most important committees of the House. I know that when we were making up the Committtee on Education in the last Congress, and the Democrats making up their quota in this Congress, the Committee on Committees had about as many applications for places on the Committee on Education as they did for almost any of the committees of the House. During the last Congress and in this Congress it has had some of the most important bills, and hereafter it will be one of the important and responsible committees in the House. It will have charge of all matters of vocational education and the rehabilitation of soldiers, and all that. It is going to be a most responsible committee, and it ought to have an annual clerk—certainly much more than some of the other committees who have annual clerks. I hope the House will agree to the resolution.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman from North Carolina yield?

Mr. KITCHIN. Yes.

Mr. MANN of Illinois. Does not the gentleman really think that the important committee which ought to have an annual clerk, in connection with what is now taking place in the country, is the Committee on Woman Suffrage? [Laughter.]

Mr. KITCHIN. I would say to the gentleman that he, at the beginning of this Congress, legislated his committee out of existence by passing the woman suffrage amendment. [Laughter.] If he had let woman suffrage be pending for three or four years and agitated the matter throughout the country, he might have been in a position to ask for a clerk.

Mr. MANN of Illinois. And I suggest that that is the only committee that has ever had the courage to do that sort of thing.

Mr. IRELAND. Mr. Speaker, I would like to help out the gentleman from North Carolina [Mr. KITCHIN] by saying that the gentleman from Illinois [Mr. MANN] absolutely refused a clerk and gave me a strong "bawling out" when I suggested it to him.

Mr. SEARS. Mr. Speaker, will the gentleman from Illinois yield?

Mr. IRELAND. Yes.

Mr. SEARS. During the first session of the Sixty-fifth Congress, while I was the chairman of the Committee on Education, my good Republican friends and my good Democratic friends refused to give me a clerk. At the last session of that Congress I made the statement that if the House would give me a clerk and I should ever be in the minority, I would assist the chairman of the Committee on Education in trying to secure a clerk.

The Members of this House do not appreciate the importance of the Committee on Education. Many Members refer letters to the chairman of the Committee on Education from constituents of theirs. The teachers all over the country are writing to him for information on the vocational bill and the rehabilitation bill and many other educational bills. I take the view that the gentleman from Ohio [Mr. FESS] has just stated that he will take, that unless he expects to answer the correspondence he should resign as chairman of that committee. Now, he can not do that unless you give him a clerk, and I shall insist upon the chairman of the Committee on Education having an annual clerk in order that he may look after these educational matters and answer all inquiries received. I trust the resolution will go through unanimously.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. IRELAND. Mr. Chairman, I offer another resolution from the Committee on Accounts.

DESKS FORMERLY IN THE HOUSE OF REPRESENTATIVES.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 406.

Resolved, That the Superintendent of the Capitol Building and Grounds is hereby authorized to deliver to Members of the House who were Members of the House in the Sixty-second Congress, upon their application, the desks formerly in the House which were occupied by them, respectively, in said Congress: *Provided*, That no expense to the House is hereby incurred.

Mr. IRELAND. Mr. Speaker, this is a bill to grant to the Members of the Sixty-second Congress the desks which they occupied during that Congress or before. There was no one who appeared before the committee in opposition to this bill and the committee was unanimous in its report.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. Is this a privileged report?

The SPEAKER. The Chair is in doubt.

Mr. IRELAND. I am myself, but I hope there will be no objection.

Mr. MANN of Illinois. I ask to have it reported; we could not hear back here.

The SPEAKER. The Chair is inclined to think the point of order raised by the gentleman from New York comes too late.

Mr. WALSH. It was not offered as a privileged resolution.

Mr. HICKS. Has it been reported?

The SPEAKER. Yes; and the Chair recognized the gentleman from Illinois, who proceeded to speak.

Mr. WALSH. That will not give privilege to the resolution.

The SPEAKER. No; but it would prevent a point of order from being raised.

Mr. HICKS. Mr. Speaker, may I make this comment? We did not know what this resolution was until the gentleman from Illinois had a chance to say a few words, and the moment he stated what it was I raised the point.

Mr. SANFORD. The only trouble about that is that the gentleman is not correct; the resolution was read.

The SPEAKER. The Chair is disposed to think that the point of order is raised too late, but will hear the gentleman on that point.

Mr. MANN of Illinois. Mr. Speaker, I think probably the Chair is right about that; but I would like to suggest to my colleague that when he is presenting a series of resolutions from the Committee on Accounts it is not the proper thing to offer a resolution which is not privileged and then, the moment when anybody discovers what it is and makes the point of order, to make the point of order that it is too late to make a point of order against a privileged bill.

Mr. IRELAND. I grant my colleague that, and I apologize. I only picked it out inadvertently, and if there be serious objection——

Mr. HICKS. Mr. Speaker, I withdraw the point of order.

Mr. MANN of Illinois. I want to inquire whether this is a bill or a House resolution?

Mr. GARD. Mr. Speaker, I renew the point of order.

The SPEAKER. The Chair understood the gentleman wishes to withdraw the resolution.

Mr. MANN of Illinois. Is this a bill or a joint resolution?

The SPEAKER. It is a House resolution.

Mr. MANN of Illinois. A House resolution?

The SPEAKER. Yes; a House resolution.

Mr. MANN of Illinois. I would like to suggest to my colleague that the House of Representatives by a simple resolution can not give away Government property; and if the Superintendent of the Capitol on a resolution of this House should undertake to dispose of Government property—he might do it; I do not know—he would be liable under the Penal Code.

Mr. IRELAND. What would the gentleman suggest?

Mr. MANN of Illinois. In order to give away or dispose of property of the Government it requires a bill or a joint resolution of Congress.

Mr. IRELAND. I recognize the error.

Mr. MANN of Illinois. Property that belongs to the Government of the United States does not belong to the House of Representatives.

Mr. IRELAND. Well, I recognize the error, and it did not occur to me nor to any member of the committee, nor, I suppose, to the gentleman who introduced the resolution. I am quite willing to ask permission to withdraw it, and I ask that permission.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman withdraws the resolution.

ARTHUR LUCAS.

Mr. IRELAND. Mr. Speaker, I present another resolution which I hope will not provoke the discussion the other two have.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 385.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $60 to Arthur Lucas for special janitor services rendered during the first session of the Sixty-sixth Congress.

Mr. IRELAND. Mr. Speaker, this resolution was passed at the special session; the recipient is the boy attending to the janitor work for the room occupied by the gentleman from Illinois [Mr. CANNON]. It has been passed several times before, and I trust there will be no objection to it. In the absence of any, I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

CLERK TO COMMITTEE ON REFORM IN THE CIVIL SERVICE.

Mr. IRELAND. Mr. Speaker, I submit another resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 409.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $6 per diem for the services of a clerk to the Committee on Reform in the Civil Service, payment to commence from the date such clerk entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

Mr. IRELAND. Mr. Speaker, the Committee on Accounts brought in a resolution at the last session for the same pay for a clerk which only obtained for that session, and the chairman of the Committee on Reform in the Civil Service has thoroughly convinced the committee that he is in need of that clerk being continued.

Mr. GARNER. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. GARNER. From a reading of the resolution it occurs to me if the gentleman's committee had hearings it might have ascertained when this clerk began work and designated the date from which it is paid. It is very indefinite. But it leaves it for the chairman to give the committee the information, and the committee to put it in the resolution.

Mr. IRELAND. He did so, and I presume it is an error on the part of the committee not to have included it by amendment. If my memory serves me correctly, I think the chairman informed us that the clerk had been active from the beginning of this session.

Mr. WALSH. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. WALSH. How is it that the committee has reported the compensation on a per diem basis rather than an annual salary basis?

Mr. IRELAND. The appropriation bill has in the past provided for several additional session clerks, as the gentleman knows, on a per diem basis, and the committee in this instance followed that procedure.

Mr. WALSH. This committee ordinarily does not have a clerk.

Mr. IRELAND. No, sir.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ASSISTANT CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. IRELAND. Mr. Speaker, I submit a further resolution.

The SPEAKER. The gentleman from Illinois submits a further resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 420.

Resolved, That the chairman of the Committee on Enrolled Bills be authorized to appoint an assistant clerk to the Committee on Enrolled Bills, who shall receive compensation at the rate of $6 per diem during the sessions of the Sixty-sixth Congress, to be paid out of the contingent fund of the House, payment to commence from date such clerk entered upon his duties.

Mr. TREADWAY. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. TREADWAY. I would like to inquire whether this is a customary resolution for an assistant clerk to the Committee on Enrolled Bills?

Mr. IRELAND. Yes, sir. It is presumed to be necessary.

Mr. TREADWAY. It seems to me that the work of the committee would probably be about the same from one session to another.

Mr. IRELAND. This assistant clerk has usually been granted the Committee on Enrolled bills at the beginning of the session, but through the dilatory tactics of the chairman of the Committee on Accounts it has not been presented before.

Mr. GARNER. If the gentleman will yield, when the auditor goes to pass on the voucher to pay this clerk he has to ascertain the fact as to when he began his duties. How does he ascertain it? Does he ascertain it by taking the testimony of some one? This resolution does not say on the certificate of the chairman of the committee, but says when the clerk enters on his duties. I do not think it shows any date by which you can ascertain when this clerk begins his work.

Mr. Speaker, I would like to have the resolution again reported, in order to ascertain the fact when this clerk will be paid, or how the auditor is to ascertain it.

The SPEAKER. Without objection, the resolution will be again reported.

The resolution was again reported.

Mr. GARNER. When is it that he enters upon his duties?

Mr. IRELAND. I should say, in the absence of the provision, that the certificate of the chairman, which has been honored in the past, would be sufficient.

Mr. GARNER. I suggest the gentleman should amend his resolution.

Mr. IRELAND. I will try to do that in the future.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. IRELAND. I move to amend the resolution by the insertion of a provision to the effect that the compensation begin on the dates given in the certificate of the chairman of the committee.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. IRELAND: Page 1, line 7, after the word "duties," strike out the period and insert a comma and the following language: "which shall be ascertained and evidenced by the certificate of the chairman of said committee."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LITTLE. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. LITTLE. I shall not offer any criticism of the committee for following the usual custom. I assume it is right. But, in view of the fact that the enrolling of bills is the subject of criticism, I want to know if your committee has information as to what they want to do with two clerks?

Mr. IRELAND. That matter has been gone over so thoroughly and so many times in the past that we on the committee are all convinced that it is necessary.

Mr. LITTLE. I am satisfied, too, but I thought perhaps you might have the details at hand.

Mr. MANN of Illinois. The clerks of the Committee on Enrolled Bills read every enrolled bill and compare them.

Mr. LITTLE. They read proof, too.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

ELLA M. KILLEEN.

Mr. IRELAND. Mr. Speaker, I submit the following resolution.

The SPEAKER. The gentleman from Illinois submits a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 421.

Resolved, That there shall be paid out of the contingent fund of the House to Miss Ella M. Killeen, daughter of George Killeen, late an employee of the House of Representatives, being a doorkeeper on the messenger roll, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said George Killeen.

Mr. IRELAND. This is the usual resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERKS, COMMITTEE ON EXPENDITURES IN DEPARTMENT OF STATE AND COMMITTEE ON EXPENDITURES IN POST OFFICE DEPARTMENT.

Mr. IRELAND. Mr. Speaker, I submit another resolution.

The SPEAKER. The gentleman from Illinois submits another resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 402.

Resolved, That the Committee on Expenditures in the State Department be, and is hereby, allowed a clerk at a salary at the rate of $1,500 per annum from December 1, 1919, to be paid out of the contingent fund of the House until otherwise authorized by law.

The following committee amendment was read:

Strike out all after the resolving clause and insert in lieu thereof the following: "That there shall be paid out of the contingent fund of the House of Representatives compensation at the rate of $150 per month during the second session of the Sixty-sixth Congress for services of one clerk to each of the following committees: Committee on Expenditures in the Department of State and Committee on Expenditures in the Post Office Department, said compensation to commence from the time such clerk entered upon the discharge of his duties, such time to be evidenced by certificate signed by the chairman of the committee."

Mr. WALSH. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. WALSH. What prompted the committee to increase the compensation of the clerk provided for the Committee on Expenditures in the State Department from $1,500 per annum to $1,800 per annum?

Mr. IRELAND. The additional cost of living at present and the impossibility of getting a competent clerk for $1,500.

Mr. MANN of Illinois. This is an annual clerk?

Mr. IRELAND. That is the evidence that was given us by the chairman of both committees. They had been unable thus far to secure the services of competent clerks for that amount. And this is the same amount, I might say to the gentleman, that was paid to the same committees last session.

Mr. WALSH. Are these committees active?

Mr. IRELAND. They so assured us. Both chairmen appeared before the committee.

Mr. GARNER. They did assure us that they were going to do some business.

Mr. IRELAND. They assured us that they had been doing business and that they were at the present time very active.

Mr. GARNER. The only committees that I know of that have been busy in investigations are the special investigation committees, particularly the so-called War Expenditures Committee, with its various subcommittees. I think that these committees on expenditures ought to go to work and do something with reference to the investigation of various departments of the Government, but I am afraid they are not going to do anything. I have seen no exhibition of an intention so far, and have heard no statement to that effect on the floor of the House thus far, and I know that if you had found anything you would have been in here and have said something about it before this.

Mr. IRELAND. The fact that these committees on expenditures have not thus far created any expense against the House or the contingent fund—other than named in this resolution—is no proof that they are not working.

Mr. GARNER. Of course, inasmuch as the Democrats had clerks for these committees, the Republicans will have clerks for them, and that is the only reason. In this instance there is an excuse for you to make an investigation, and you are not making an investigation. That is the trouble about it. I am not complaining about the clerks, but about your inefficiency in not investigating the various branches of the Government, as these committees on expenditures were intended to do.

Mr. LITTLE. We will try to remedy that before the session is over.

Mr. ELLIOTT. Mr. Speaker, I wish to say to the gentleman from Texas [Mr. GARNER], in regard to the activity of the Committee on Expenditures in the State Department, that if he had read the printed hearings that have gone out from that committee, mailed to his office, he would have known that this committee had been guilty of some activity, and that it has some more in view.

Mr. GARNER. Then I want to congratulate the gentleman on his activity, and I hope some of the other chairmen on expenditure committees will imitate his good action. [Applause.]

Mr. MANN of Illinois. The committee amendment proposes a session clerk, whereas the original resolution proposed an annual clerk?

Mr. IRELAND. Yes.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PARRISH. Mr. Speaker, will the gentleman yield for a question?

Mr. IRELAND. I no longer have the floor.

Mr. PARRISH. Mr. Speaker, I would like to ask unanimous consent that the gentleman from Illinois may have one minute. I want to ask him a question.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Illinois [Mr. IRELAND] may proceed for one minute. Is there objection?

There was no objection.

Mr. PARRISH. Is there any other resolution submitted to the Committee on Accounts that has not been reported to the House?

Mr. IRELAND. Several of them.

Mr. GARNER. They are Democratic. That is the reason why they have not been brought in. [Laughter.]

Mr. IRELAND. I am fearful that your surmise might be correct. [Laughter.]

Mr. PARRISH. May I ask the gentleman when they will be reported?

CHANGE OF REFERENCE.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that a change of reference be made of the bill H. R. 5944 and the bill 10300 from the Committee on Military Affairs to the Committee on Naval Affairs.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a change of reference be made of the bills indicated, which the Clerk will report.

Mr. CLARK of Missouri. Mr. Speaker, let us have them reported.

The SPEAKER. The Clerk will report them.

The Clerk read as follows:

A bill (H. R. 5944) to remove the charge of desertion standing against Kenneth McKenzie, ordinary seaman, United States Navy.

A bill (H. R. 10300) to remove the charge of desertion standing against Nelson T. Robinson.

Mr. CLARK of Missouri. Mr. Speaker, why does the gentleman want them rereferred?

The SPEAKER. These are private bills, and they can be referred by the Clerk without action by the House.

SUITS AGAINST THE UNITED STATES IN ADMIRALTY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

"The Committee on Rules, to which was referred House resolution 436, submits a report on said resolution, with the recommendation that the same be agreed to.

"House resolution 436.

"*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3076, being a bill 'To authorize suits against the United States in admiralty, suits for salvage services, and provide for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions.' That there shall be not to exceed two hours' general debate, one-half to be controlled by the chairman of the Committee on the Judiciary and one-half by the ranking member of minority of said committee. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule, whereupon the bill shall be reported to the House with the amendments, if any, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion except one motion to recommit."

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution states the purpose for which it was offered and reported to the House. It provides for the consideration of a bill that has already passed the Senate, to enable suits in admiralty to be brought by litigants that have rights and interests that they can not now adjudicate against the Government of the United States. This is for the purpose of enabling the House to consider the Senate bill on that subject.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CLARK of Missouri. I would like to ask the gentleman when they are going to bring up this soldiers' farm-land bill?

Mr. CAMPBELL of Kansas. I am unable to advise the gentleman from Missouri just when that bill will be considered by the House.

Mr. CLARK of Missouri. That bill has been reported and has been on the calendar here for five or six months—since August 1—and a great many people want to know when anything is going to be done about it, or if anything at all is going to be done, and why it is not brought up and considered. Four million men in the United States are interested in it, as I reckon. I think there are about four millions. There must have been that many; maybe it was a few more, maybe a few less.

Mr. CAMPBELL of Kansas. That is the bill to provide for sending men out onto the arid lands and down into the swamp lands?

Mr. CLARK of Missouri. No; that bill provided three things: First, to get water onto the dry land, and to take water off the wet land, and to take over cut-over lands.

Mr. CAMPBELL of Kansas. I know one boy very well among the 4,000,000, and I do not think he could be tied out on the arid desert until water reached him, or staked to a swamp farm down in Louisiana or Mississippi until they got the water off it. I do not think you could hold him in either one of those places.

Mr. CLARK of Missouri. That may be. Perhaps you could not hold him at all.

Mr. CAMPBELL of Kansas. I do not think you could make him stay on any one of those places, either a desert or a swamp.

Mr. CLARK of Missouri. Here is the point. Before this Congress met, in the last Congress Secretary Lane got up a bill which is now called the Mondell bill——

Mr. CAMPBELL of Kansas. That is the bill I was referring to.

Mr. CLARK of Missouri. I do not object to that; but it was heralded all over the country, with a great flourish of trumpets and braying of brass bands and everything else, that that was one of the chief things that the extra session of Congress was going to meet for. The extra session of Congress met and lasted five months and then adjourned, and now a month and a half

of the regular session has passed away, and there is not a symptom of calling up that bill.

Mr. WALSH. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. WALSH. Of course the gentleman recognizes the fact that the publicity department of the original author of the scheme was working overtime even before Congress did meet.

Mr. CLARK of Missouri. I think the publicity end of the gentleman from Wyoming works pretty regularly, as far as I have been able to notice. [Laughter.]

Mr. KITCHIN. Is the gentleman talking about the Mondell bill?

Mr. CLARK of Missouri. I am talking about the Mondell bill, which was originally the Lane bill, and I want to know when it is going to be brought up. We have been running for seven months on what the gentleman from Illinois [Mr. MANN] calls chicken-feed bills, and nothing has been done about this important legislation.

Mr. KITCHIN. I suggest to the gentleman from Missouri that he ought to withdraw that question. It is very embarrassing to the chairman of the Rules Committee, who is not in favor of the bill himself, and it is quite embarrassing to the majority leader. I can tell you when they are going to give you some information about it. They are going to wait until the national conventions to tell the American people what they are going to do if they are elected to the next Congress. They are not in a position now to tell what they are going to do in this session, and the gentleman from Missouri ought to know better than to ask those questions. I know myself what the answer is. [Laughter.] Here is the bill of the distinguished gentleman from Oklahoma [Mr. MORGAN]. Nobody can tell what is going to become of that bill, whether the committee is going to report it out or not, or what this Congress will do about it. Will Hays may tell us, but we must wait until the convention, because these gentlemen on that side have got to go to the people on promises and not on what they have done. I am told that there are 72 of these different bills proposing relief for the returned soldiers. I do not even want to know what is going to become of them, and I know the gentleman from Kansas does not know.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Kansas knows what he is in favor of and what he is not in favor of, and he does not confide it to the gentleman from North Carolina.

Mr. CLARK of Missouri. Or to anybody else, either.

Mr. CAMPBELL of Kansas. The gentleman from Kansas is in favor of the earliest action possible upon something that will be satisfactory to all the boys or a majority of the boys who served in the late war. So far they have not indicated just what would be agreeable to them. Many suggestions have been made by Members of the House. Much propaganda has been put out through the country for one measure and another, but it has not yet been ascertained just what will be satisfactory to the soldiers of the war with respect to lands and homes that they may desire to establish for themselves.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. In a moment. The gentleman from Missouri [Mr. CLARK] and the gentleman from North Carolina [Mr. KITCHIN] talk about want of action in the past seven months upon this important matter. Why, I have a very distinct recollection that the Democratic Party came into power in 1912 on the issue that they would reduce the cost of living. Up to this good hour the cost of living has been going up, and for seven years they have not reduced it one penny, but under their administration it has been constantly increasing. We have made no promises. We go ahead and find out what should be done and then proceed to do it. [Applause.]

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. BANKHEAD. In connection with the statements made by the gentleman from Kansas, in view of the great interest in this matter, I will ask the gentleman if the Committe on Rules has given any consideration to the proposition involved in a resolution introduced by myself some weeks ago providing for a special standing committee of the House to investigate and to act upon these various measures affecting the interests of the soldiers?

Mr. CAMPBELL of Kansas. There have been many resolutions of that kind introduced by Members of the House and referred to the Committee on Rules. Action is now being taken with a view of designating a committee for the purpose of taking charge of such legislation as may grow out of the bills that have been introduced.

Mr. BANKHEAD. I am glad to hear they are making that much progress.

Mr. CAMPBELL of Kansas. I regret, however, that it will be impossible when that action is taken to give credit by name to the Members who have introduced bills and resolutions upon the subject. It will be disappointing that the legislation, whatever it may be, can not bear the names of all the Members who have introduced resolutions and bills on the subject.

Mr. GARD. Will the gentleman yield?

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Ohio [Mr. GARD.]

Mr. GARD. I desire to ask concerning the text of the rule which the gentleman has brought in. I notice that it provides for two hours' general debate.

Mr. CAMPBELL of Kansas. I am glad to get back to that subject, because that is the subject before the House. [Laughter.]

Mr. GARD. What I want to know is whether the general debate is to be what is commonly understood as general debate, or whether it will apply to the bill. I think, in view of the short time, it ought to apply to the bill.

Mr. CAMPBELL of Kansas. The resolution does not confine general debate to the subject matter of the bill.

Mr. GARD. Does not the gentleman think that it should?

Mr. CAMPBELL of Kansas. It was not asked by the proponent of the resolution, and the subject was not discussed in the Committee on Rules when it was under consideration.

Mr. GARD. It is an important bill, providing for a new procedure in admiralty, and I think the general debate ought to apply to the bill.

Mr. CAMPBELL of Kansas. I take it that the subject matter being of great importance, it will take most of the time for debate on the bill. It is under the control of the members of the committee, and they will confine themselves largely to the discussion of the subject matter. Of course, if time is yielded in general debate, the Member to whom it is yielded would not be confined to the bill.

Mr. KITCHIN. I suggest that in limiting general debate to two hours perhaps we could give time to some Republican to give a fuller, better, and more definite and specific explanation of why the Rules Committee has not reported out the soldiers' bill. [Laughter on the Democratic side.]

Mr. CAMPBELL of Kansas. In answer to the gentleman, not one of the soldiers' bills has been referred to the Committee on Rules, and none of them is pending there. Some resolutions looking to the appointment of a committee are before the Committee on Rules.

Mr. KITCHIN. I thought that the gentleman from Wyoming, the author of the bill, really introduced it for the purpose of putting it through and not for fooling the soldiers. So it seems he has not even pushed the bill, has not asked the Committee on Rules to report it out, and he has not asked unanimous consent for the consideration of his bill here. I thought it was a real bill for the soldiers and not for buncombe. [Laughter on the Democratic side.]

Mr. CAMPBELL of Kansas. The gentleman from North Carolina knows so well what buncombe is, and the subjects on which it is indulged in, that he is well qualified to accuse other Members of indulging in buncombe. [Laughter.]

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. MANN of Illinois. I did not hear the rule read. Does it make this in order so that if the bill is not finished to-day it will take the place of the Unanimous Consent Calendar on Monday?

Mr. CAMPBELL of Kansas. It provides that the chairman of the Committee on the Judiciary may move to go into Committee of the Whole. It authorizes him, and then it would be for the House to decide whether on Monday it should go into the Committee of the Whole for the further consideration of the bill. If the chairman of the Committee on the Judiciary should move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, the House could either vote up or vote down that motion.

Mr. WALSH. Under the resolution, the Speaker might decline to recognize the chairman of the committee for that motion.

Mr. CAMPBELL of Kansas. Yes; he could give preference to anyone else.

Mr. WALSH. I would like to ask the chairman if he is strongly in favor of the adoption of this rule?

Mr. CAMPBELL of Kansas. Yes; and Mr. Speaker, I will move the previous question on the rule in order that we may have it adopted at once.

The SPEAKER. The gentleman from Kansas moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

SUITS AGAINST THE UNITED STATES FOR MARITIME TORTS.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Will the gentleman withhold that request until the bill is reported. The Clerk will report the bill.

The bill was reported.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. GARD. Reserving the right to object, I think the bill should be read. It provides for a new procedure, and I object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States, and any corporation in which the United States owns not less than a majority of the capital stock, may be sued in personam in the district courts of the United States, in admiralty, for any cause of action of which said courts ordinarily have cognizance in their admiralty and maritime jurisdictions, arising since April 6, 1917, out of or in connection with the possession, operation, or ownership by the United States, or such corporation, of any merchant vessel, or the possession, carriage, or ownership by the United States, or such corporation, of any cargo, in those cases where, if the United States were suable as a private party, a suit in personam could be maintained, or where, if the vessel or cargo were privately owned or possessed, a suit in rem could be maintained and the vessel or cargo could be arrested or attached at the time of the commencement of suit. Any such suit shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found, or in the district in or nearest which the cause of action arises, or in any district in which the Attorney General or other duly authorized law officer may agree to appear. In case the United States, or such corporation, shall file a libel in rem, or in personam, in any district, a cross libel in personam may be filed, or a set off claimed against the United States, or such corporation, with the same force and effect as if the libel had been filed by a private party. Such district court is hereby authorized to hear and determine any such suit upon the principles of liability and in accordance with the practice obtaining in like cases between private parties in suits in admiralty, and, in a proper case, to enter a decree for or against the United States, or such corporation, with costs, and if for a money judgment, together with interest at the rate of 4 per cent per annum until paid, unless the suit involves a contract stipulating a higher rate of interest, in which event interest shall be allowed in accordance with the contract, and all interest shall run as ordered by the court. Appeal from the decree of the district court in any case brought under this act shall lie to the circuit court of appeals and to the Supreme Court, and the decision of the circuit court of appeals shall be reviewable by the Supreme Court, as now provided in other cases of admiralty and maritime jurisdiction.

SEC. 2. That no suit in rem shall be brought against, nor any warrant of arrest or attachment levied upon, any vessel owned or operated by, or demised to, or in the possession of the United States, or such aforesaid corporation, nor against nor upon any cargo owned and in the possession of the United States, or of such corporation, but any suit brought hereunder shall, if the libelant so elects in his libel, proceed in accordance with the principles of suits in rem in all cases wherein maritime liens exist and where, if the vessel or cargo with respect to which the action arises were privately owned and possessed, a suit in rem could be maintained and the vessel or cargo arrested or attached at the time of the commencement of suit; but election to proceed as aforesaid as in rem shall not preclude the libelant in a proper case from also seeking relief in personam in the same suit.

SEC. 3. That the United States and such aforesaid corporation shall be entitled to the benefits of all exemptions from, and all limitations of, liability accorded by the statutes of the United States and of the several States and Territories, and by the maritime law, to the owners, charterers, operators, and agents of vessels.

SEC. 4. That neither the United States nor such aforesaid corporation shall be required to give any bond or admiralty stipulation in any suit brought hereunder, either in the court of original jurisdiction or in any appellate court.

SEC. 5. That in the event of any privately owned vessel out of the possession of the United States being arrested in any suit in rem or attached in any suit in personam, such vessel shall be immediately released without bond or stipulation being required therefor upon the United States, through the Attorney General, or any other officer duly authorized by him intervening and assuming responsibility for all liability arising in such suit, and upon such intervention said cause shall proceed against the United States in accordance with the provisions of section 2.

SEC. 6. That jurisdiction be, and hereby is, conferred upon the several courts of the United States for the purposes herein specified.

SEC. 7. That in any suit brought hereunder, the libelant shall file his libel, duly verified, with the clerk of the district court having jurisdiction of the cause, and shall forthwith serve a copy thereof on the United States attorney for such district, and mail a copy thereof, by registered mail, to the Attorney General of the United States, and shall file with the clerk of said district court an affidavit of such service and mailing. Such service and mailing shall constitute a valid service on the United States.

SEC. 8. That suits herein authorized may be brought within one year after the approval of this act, with respect to any of the aforesaid causes of action arising prior to such approval; and all other suits hereunder shall be brought within two years after the cause of action arises.

SEC. 9. That if any vessel or cargo within the purview of sections 1 and 5 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel, for any cause of action arising out of, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States, in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may, in the event of such arrest, attachment, or seizure of any such vessel, direct the United States consul residing at or nearest the place at which such action is commenced to claim such vessel or cargo and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such aforesaid corporation, for the release of such vessel or cargo from such arrest, attachment, or seizure, as by said court required, and, if an appeal shall thereafter intervene, to execute such agreement, undertaking, bond, or stipulation as shall be required for the prosecution of said appeal, or may, in the event of such suit against the master of any such vessel, direct the United States consul residing at or nearest the place of such action is commenced to enter the appearance of the United States, or of the United States Shipping Board, or of such aforesaid corporation, in such action, and to pledge the credit thereof to the payment of any judgment and costs that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States for the allowance and payment of such judgment: *Provided, however*, That where the status of any vessel within the purview of this section so warrants, nothing in this act shall be held to prejudice or preclude a claim of the immunity of such vessel from foreign jurisdiction, or prevent a settlement of the case through diplomatic negotiations.

SEC. 10. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 5 and 9 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 11 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment, or award, or settlement.

SEC. 11. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such aforesaid corporation, having control of the possession or operation of any merchant vessel, are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 1, 5, 9, and 12 of this act.

SEC. 12. That the United States, and the crew of any merchant vessel owned or operated by the United States, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the possession or operation of such vessel.

SEC. 13. That all moneys recovered in any suit brought by the United States on any cause of action arising out of, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

SEC. 14. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgments shall have been rendered against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

SEC. 15. That the provisions of all other acts inconsistent herewith are hereby repealed.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That every vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock, or in the possession of the United States or of such corporation, or operated by or for the United States or such corporation, is hereby declared to be a public vessel of the United States and to be immune from arrest or seizure. Any cargo owned and possessed by the United States or by such corporation is hereby declared to be public property of the United States and to be immune from arrest or seizure.

"SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed or intended to be

employed in the carriage of cargoes or of passengers for hire. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party: *Provided*, That upon application of either party the cause may, in its discretion, be transferred to any other district court of the United States, or to any such court upon which they may agree.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen out of the previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought on causes of action arising since June 6, 1917, provided that suits based on causes of action arising prior to the approval of this act shall be brought within one year after the approval of this act; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising out of, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration, award, or settlement had and agreed to under the provisions of section 9 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 1, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation having control of the possession or operation of such vessel.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising out of, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States and the United States Shipping Board and the board of trustees of any such aforesaid corporation shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

The CHAIRMAN. The rule under which we are operating provides that there shall be not to exceed two hours of general debate one-half to be controlled by the chairman of the Committee on the Judiciary and one-half by the ranking member of the minority on that committee. The Chair recognizes the gentleman from Minnesota [Mr. VOLSTEAD] for one hour.

Mr. WALSH. Mr. Chairman I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. This is a very important measure involving additional jurisdiction upon the courts and providing remedies which may cost the Government a great many hundred thousand dollars. I think there ought to be more than 28 people here to listen to the explanation of the bill by the chairman of the committee. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently no quorum is present. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Anderson	Doremus	Johnson, S. Dak.	Phelan
Andrews, Md.	Doughton	Johnston, N. Y.	Platt
Anthony	Dupré	Kelley, Mich.	Radcliffe
Aswell	Eagan	Kennedy, R. I.	Reavis
Ayres	Eagle	Kettner	Reed, N. Y.
Bacharach	Edmonds	Kiess	Riddick
Bell	Ellsworth	Kreider	Riordan
Benson	Evans, Nebr.	Langley	Romjue
Blackmon	Ferris	Lankford	Rowan
Boies	Focht	Larsen	Sanders, La.
Booher	Frear	Lazaro	Saunders, Va.
Bowers	Gandy	Lee, Ga.	Scott
Britten	Ganly	Lehlbach	Scully
Brooks, Pa.	Garrett	Linthicum	Siegel
Browning	Goldfogle	Longworth	Sinnott
Burdick	Goodall	Luhring	Small
Burke	Gould	McFadden	Smith, Idaho
Burroughs	Graham, Pa.	McKenzie	Smith, N. Y.
Butler	Graham, Ill.	McKeown	Snell
Candler	Green, Iowa	McPherson	Steele
Cantrill	Greene, Vt.	Madden	Stephens, Miss.
Caraway	Hamill	Maher	Sullivan
Carew	Hamilton	Mann, S. C.	Thompson
Casey	Haugen	Mason	Upshaw
Cleary	Hernandez	Mead	Vare
Copley	Hill	Moon	Ward
Costello	Holland	Morin	Watson
Crowther	Houghton	Neely	Wilson, La.
Cullen	Howard	Nicholls, S. C.	Winslow
Dallinger	Hudspeth	O'Connell	Wood, Ind.
Davey	Humphreys	O'Connor	Woodyard
Denison	Hutchinson	Olney	Zihlman
Dewalt	James	Padgett	
Dooling	Jefferis	Pell	

The committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3076; that the committee had found itself without a quorum, and he had caused the roll to be called; that 295 Members responded to their names—a quorum—and he handed in the list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Minnesota is recognized for one hour.

Mr. VOLSTEAD. Mr. Chairman, when we entered the war it became necessary for us to engage in the business of building a large number of ships, not chiefly war vessels but ships for the purpose of carrying cargoes and transferring our soldiers from this side of the Atlantic to the scene of activities on the other side. We passed what was known as the shipping act, creating a Shipping Board; that board was authorized to create a shipping corporation, and formed a corporation known as the Emergency Fleet Corporation. This corporation has largely had control of the ships that have been engaged in carrying on the commerce needed during the war. A large number of those ships are still being operated, and will no doubt continue to be oper-

ated, by this corporation. It will take considerable time before we can dispose of those ships, if we ever do.

Section 9 of the shipping act made the Government of the United States liable for marine torts. Simple justice required that if the Government entered upon the business of carrying freight we ought to make the Government stand in practically the position of a private individual as to liability, so that those who might be injured by its operations could have a remedy. Under the old law the Government could not be sued. Consequently if we did not pass an act to give relief, all persons who might be injured by collisions at sea, collisions with our vessels, would be without remedy. Under the practice that has prevailed in years past parties who suffered in those collisions could secure relief only through a special act of Congress. Under section 9 of the shipping act creating this liability on the part of the Government several suits were brought because of collisions that occurred between Government-owned merchant ships and ships belonging either to our own or foreign people. One of those cases, known as the Lake Monroe case, went to the Supreme Court. While the Government strenuously contested the suit, insisting that it was not liable, the Supreme Court held that it was, and since then ships have been constantly held up not only in this country but in foreign countries. Difficulty has grown out of that fact.

Under admiralty law—I am sorry to say I know but very little about that kind of law, as the only ships we have out in my country are prairie schooners—jurisdiction is secured by attaching the ship—taking the ship and tying it up to the dock. At present that causes very large losses, because even the detention of a ship for one day usually results in a loss of two or three thousand dollars. It is for the purpose of avoiding this kind of losses that we are seeking to pass this bill. It has been asked by the Shipping Board and the Attorney General; it has the approval of the Secretary of State and the War and Navy Departments. The bill provides that instead of securing jurisdiction by seizure of the ship suit may be brought by service of summons upon the Attorney General, and that upon such service the Government shall become liable without an attachment. We provide that no ship of the Government shall be seized, arrested, or attached in any fashion. In lieu of this we provide a remedy by a suit in personam against the Government. In foreign countries our ships are being constantly tied up, and under the existing law there is no power anywhere to give bond to secure release of the ships. The custom under admiralty law is that as soon as a ship is tied up if payment is not made or satisfaction rendered in some fashion the party whose ship has been seized gives a bond or other stipulation that he will pay whatever damages may finally be adjudged against him. In a foreign country, of course, our law will have no force to prevent a seizure of our vessels unless we can make stipulations with those countries that whatever law we have shall apply there just as it applies here. But this bill seeks to give to our Government the power to enter into the necessary stipulation or give the necessary bond to secure releases of our ships. That is the general purpose of the bill. I do not believe that I ought to take the time of this committee to go into any more extended explanation of the bill at this time, because it will all be read and fully explained under the five-minute rule, as it is being considered in the Committee of the Whole House on the state of the Union.

Mr. WALSH. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. WALSH. The bill as reported by the committee restricts this right to sue for damages resulting from collision or otherwise to damages received as the result of the operation of merchant ships by the United States Government. It does not include vessels of war or other vessels owned by different departments of the Government.

Mr. VOLSTEAD. No; it simply covers merchant vessels. The committee had extensive hearings, because a great many parties insisted that we ought to extend it so as to embrace naval vessels, so called, and other vessels of the Government not engaged in commerce. Of course, we have a very large number of those vessels. My understanding is that perhaps some effort will be made upon the floor to include those, but we will try to cross that bridge when we reach it. The Committee on the Judiciary concluded that it ought not in this bill include anything but merchant ships. This is in the nature of an emergency measure. I believe that if we are to consider the other phase of this shipping matter, we ought to do it in a separate measure and ought to consider it carefully, because I can see there may be many complications we ought to take care of, such as those which necessarily must arise during war and from conditions that do not affect the ordinary merchant ships.

Mr. WHITE of Maine. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. WHITE of Maine. Would this bill apply to Shipping Board vessels that are allocated to private concerns and are being operated by private concerns?

Mr. VOLSTEAD. Yes; it covers all ships owned by the Government.

Mr. WHITE of Maine. Would it apply to vessels which have been sold by the Government and on which there are deferred payments with some sort of an understanding that the Government retained a qualified title of some sort in the vessel?

Mr. VOLSTEAD. There is a section that deals with vessels that have been sold. Under certain circumstances the Government may be liable for collisions that may have occurred with such vessels.

Mr. WHALEY. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WHALEY. In reply to the gentleman from Maine the gentleman did not mean to say that where the Government has sold a ship that there is any liability that comes in after the sale?

Mr. VOLSTEAD. Yes; there is a provision that would cover certain cases.

Mr. WHALEY. Only in cases where the liability has been incurred before the Government has parted with the possession of the ship and the right to the ship?

Mr. VOLSTEAD. That I presume is correct. Section 4 is intended to cover cases of that kind.

Mr. WALSH. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WALSH. I want to ask the gentleman if it is not a fact that certain departments of the Government which operate Government vessels are now clothed with jurisdiction to settle claims arising out of the operation of vessels under its jurisdiction——

Mr. VOLSTEAD. Yes.

Mr. WALSH (continuing). Up to a certain amount.

Mr. VOLSTEAD. Up to a certain amount.

Mr. WALSH. In the case of the Navy I think it is up to $500.

Mr. VOLSTEAD. I do not remember the amount; it is not very large.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. CHINDBLOM. I rise to ask whether the language on page 12, in section 4, does not indicate that a suit can be brought against privately owned vessels where the cause of action arises out of previous possession or ownership or operation of the vessel by the United States? In other words, that after a vessel has once been sold, whether on a large payment or a small payment down, it is a privately owned vessel?

Mr. VOLSTEAD. I presume so.

If there is no further question, I will reserve the balance of my time.

The CHAIRMAN. Will the gentleman from Kentucky [Mr. THOMAS] use some of his time?

Mr. THOMAS. I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, I wish to discuss the sedition bill, which has been reported to the House. The bill having been favorably reported by the committee and now being before the House, I feel I should get into the RECORD the protest of one Member who intends to vote against it, who regards it as vicious in principle, and who deeply regrets that it should be brought forward at this time, of all times most inopportune.

For months an expensive propaganda has been carried on in behalf of the suppression of free speech. That is what it has really been, although it has been disguised, as only the ingenuity of professional propagandists can do, with the cloak of patriotism. It has been hidden away, but the real purpose of this movement is to strike at this fundamental right that is safeguarded to us in the first amendment to the Constitution.

Mr. HUSTED. Will the gentleman yield?

Mr. HUDDLESTON. I yield.

Mr. HUSTED. There are certain provisions in the first and second sections of the bill to which I am personally very much opposed, but I would like to ask the gentleman whether he thinks the freedom of speech guaranteed under our Constitution should be extended to the advocacy of the use of force and violence in

overthrowing our Government or in overthrowing our institutions and our laws?

Mr. HUDDLESTON. The question that the gentleman asks is a commentary on the false front that has been put on this propaganda. The representation is made again and again that we have no laws against inciting to insurrection and the use of force against the Government. That is the false face they have put on this agitation. They claim we have not laws to prevent men from doing that kind of thing. We have such laws, and one of the purposes of my speech is to call attention to that fact. We have now on the statute books sections 5334 and 5336, and which I shall read, and I hope Members will take occasion to examine these statutes and study what is meant by them. Section 5334 is:

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than 10 years, or by a fine of not more than $10,000, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States.

Now, if you will compare this section with sections 1 and 2 of the bill which has been reported, which sections constitute the excuse for bringing the bill forward, you will find that the new measure adds very little of substance to the old law. Under this law that has been on the books since 1862 men can not incite others to insurrection without committing a crime. You will see, then, the force of the question which the gentleman from New York [Mr. HUSTED] asked me. It is a red herring across the trail.

We now have laws against advising men to insurrection. We now have laws against inciting men to take up arms against their country, and such an excuse for this new legislation is either founded in ignorance or an unwillingness to be candid with the people of the country.

Now, this new legislation has one substantial thing in it that section 5334 does not contain. It is the possible punishment by death. This statute, gentlemen, was passed during the Civil War, when the people of one half of this country were arrayed against the people of the other half and with families even divided. We find that Congress in that time was only willing to pass a law fixing the punishment at 10 years in the penitentiary for inciting men to rebellion. But now, in time of peace, when every sensible man knows that there is not the slightest danger of insurrection in the United States, when everybody knows that there is no substantial part of our people that has a thought of rising in rebellion against the Government, we have this proposed legislation, which fixes the penalty at death for such an offense.

Mr. GALLAGHER. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. GALLAGHER. The new law provides that anybody who advises insurrection is guilty of a crime.

Mr. HUDDLESTON. I will say to the gentleman that "incites" is little different from "advises." I can not believe that "incite" does not include "advise." But the bloody penalty of death in time of peace is what this Congress is asked to adopt.

Mr. WHALEY. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. WHALEY. Does the gentleman believe that where a man wages insurrection and rebellion against his country by force and violence, and death comes as a result of his act, that he should not be punished except by a term in the penitentiary?

Mr. HUDDLESTON. Why, the best answer I could make to the gentleman is to read this statute. That was passed in time of civil war and——

Mr. WHALEY. I am asking the gentleman if he is willing——

Mr. HUDDLESTON. I am answering the gentleman, if he will permit me, in my own way. I hope he will not insist that I say yes or no. In time of civil war Members of Congress, whom we must assume had patriotism and ability comparable to the gentleman from South Carolina [Mr. WHALEY] and myself, considered imprisonment a sufficient penalty. I might be willing to approve the bloody penalty that the gentleman and his committee propose if we had a faction in this country threatening to take arms in their hands and destroy men's lives. I might even be willing to approve it if we had men in this country that made such a situation remotely possible. But I am not willing to do it in a time of widespread industrial unrest. Men who are dissatisfied with economic conditions or who have participated in labor disputes will consider such a statute, if passed at this time, as a slap in their faces, as aimed at them, and as directly impeaching their love of country. Such laws, if passed at all, should be proposed either when there is a real need for them or when there is such quiet that they will not provoke unrest and cause discontent.

Mr. Chairman, for months a nation-wide propaganda for the passage of drastic laws aimed at the freedom of speech has been carried on. This propaganda originated with big financial interests centering in New York City. It has been supported by ample funds. Cloaked as "Americanization," it has met with success. The reactionary press took up the cry and it has been echoed by many illiberal bodies of business men. Its fruits are now about to be gathered. Congress is about to respond. The House Committee on the Judiciary has reported a bill, and it is quite obvious that within a few days we will be called to vote upon this measure.

The measure pending before the House by report from the committee and other similar bills are brought forward upon the plea that they are necessary to prevent violent attempts to overthrow our Government. Their pretended purpose is to prevent insurrection and the forcible resistance of our laws. The excuse for them is that existing laws are inadequate to prevent insurrection and the use of force. I challenge this excuse. Upon this pretense I take issue. I assert that we already have adequate laws for such purpose, and that a careful study of the measures proposed discloses that their real intent is to strike at the freedom of speech. This is their real animus.

EXISTING LAWS ARE ADEQUATE.

We already have adequate laws. Sections 5334 and 5336 of the Revised Statutes are as follows:

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than 10 years, or by a fine of not more than $10,000, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, each of them shall be punished by a fine of not less than $500 and not more than $5,000, or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment.

These statutes were passed during the Civil War, when actual insurrection was going on and the country filled with spies and sedition. Then, if ever, drastic laws against insurrection and sedition were justifiable. The only addition of much substance made to existing laws by sections 1 and 2 of the proposed law is to increase the possible punishment to the death penalty. Think of it! In a time of peace it is now proposed to increase the penalty for violating this old war statute so that political offenders may be hanged along with rapists and assassins. This when we have just won a great war for democracy!

Section 3 of the proposed bill makes it a crime to propose or encourage forcible resistance to any law. Section 4 makes it a crime to display any writing or print suggesting a forcible change of law. Section 5 makes it a crime to display any flag as a symbol of any of the acts made crimes by the bill. Sections 6, 7, and 8 make it a crime to mail or to import any writing or symbol referred to in sections 4 and 5. Sections 9, 10, and 11 make unlawful any "gathering" which seeks, by injury to property, to bring about a change in the law, and make it a crime to become "affiliated" therewith with knowledge of its purpose or to contribute anything to it. The remaining sections of the bill I do not dwell on. They are in keeping with the drastic sections referred to.

The bill provides exceedingly severe punishment for offenders. The penalty for insurrection may be death, and for the other crimes created by the bill may be 20 years imprisonment and $20,000 fine. I make no attempt to do more than to point out some of the extreme features of this bill. It is unnecessary to take time to discuss its details. What I have said indicates its general character and shows its obvious purpose and its tremendous possibilities for oppression and tyranny.

The punishments provided by the bill are excessive, but it is not to its severity that I chiefly object, nor, indeed, is it to the actual letter of its provisions. It is rather to the use which is intended to be made and which will be made of the measure to terrorize the people, to intimidate free opinion, and to invade sacred American rights which have made of our country a great Republic; it is to the excuse which such a measure will give for a hateful system of spying and eavesdropping. The right to advocate change, to criticize public officials and measures, to denounce error and wrong when found in our laws and their administration belongs by tradition to every American. Without this right he will not consider himself a free man. His liberty he will consider a myth, and hence his love for country will be undermined.

THEY WOULD DENY FREEDOM OF SPEECH.

The proposed bill is of more than doubtful constitutionality. It is my deliberate opinion that in certain aspects it violates both the letter and spirit of the Constitution. The bill shows on its face that even its authors had doubts of its constitutionality. It shows their disposition to go to the extreme verge of constitutionality in abridging the freedom of speech, and that they are willing to take chances on its unconstitutionality in order to accomplish their purpose. It is clear that the intent is to take away freedom of speech in so far as the Constitution can be construed to allow, and to reduce it to the lowest possible point. I can not escape the conviction that those responsible for this bill have tried to evade the constitutional guaranty of freedom of speech and would destroy it if they were able to do so.

Those who initiated the movement which bears its fruit in this bill object in their hearts to the freedom of speech guaranteed by the Constitution; they can not take it away, so they would whittle at it and minimize it and bully those who would exercise their rights. They would fight ideas with laws; thought they would make a crime. By these means do they hope to continue to enjoy the power and privilege gained by their abuse and perversion of American opportunities.

No citizen has the right to advocate force, and it is the privilege of all governments to defend themselves against such. If this was the only scope of this measure, any patriotic Member might support it. But the measure proposed does not stop there; it goes beyond, far into the zone where criticism may be properly made and agitation rightfully carried on. Besides the inevitable result of the passage of a law against advocating force will be the intimidation and abuse of honest men acting within their constitutional rights.

As a law aimed at forcible change, it must be remembered that this is a subject which may be dealt with by the States under their police powers. Indeed, it was held by the Virginia resolutions written by Madison and the Kentucky resolutions, of which Jefferson himself was author, that all such matters were left by the Federal Constitution within the police powers of the States exclusively. Those resolutions denounced the sedition act of 1798 as an unconstitutional invasion of the police powers reserved to the States.

EXAGGERATION AND HYSTERIA.

Drastic laws aimed at free speech are wholly unnecessary at this time. America has flourished for more than a century without them. There have been times of great public excitement; wars have been fought; far-reaching changes have been worked in our institutions—all without such laws. As an excuse for drastic measures a great deal of loose talk of "reds," "I. W. W.s," and "revolutionists" has been indulged. In all this there is the grossest exaggeration.

It is amazing to observe the champions of the reactionary hysteria, which is part of the aftermath of the war, charging furiously at paper dragons, calling them "Bolsheviks" and "radicals." They beat their tom-toms and shout. From their noise one would think there was a real conflict. For their personal or class advantage they work upon the people's fears. But all is mere stage play. There is no danger of revolution in America. Not 1 man out of 10,000 has the desire to do violence to our Government, not to speak of being willing to engage in the attempt. There are perhaps a few misguided theorists and fanatics who have disordered dreams. There are perhaps some untaught foreign born who belong to clubs and societies having high-sounding and extreme platforms, neither understood nor seriously advocated by their members. America is in no danger from such as these. No drastic laws are needed for their suppression. This is not Russia, but a land of free and intelligent people.

Of course, there is no impropriety in laws against insurrection or real sedition, but does any sensible man believe that there is danger of such at this time? From what quarter does insurrection threaten? Who advocates civil war? The answer is none. The reactionaries are merely hysterical; that is all. They read of Russia, and the red terror dances before their inflamed imagination.

The serious objection to any and all the measures which are aimed at free speech is the motive behind them and the purpose to be accomplished; the intimidation, the bullying, the bludgeoning of free opinion, the restraint on criticism and agitation for proper change and development. The profiteer who would escape unscathed, the war contractor who would stand secure in his mask of patriotism, speculators, big financiers, imperialists, and those who would gain money and place out of the agony of the world—they would strike at their critics and those who impeach their methods and their system.

I do not fear for the great newspapers. They will not be suppressed. They are powerful and can care for themselves. Most of them are but the organs of the great reactionary interests, and no law will be passed to reach them. It is for the poor and humble that I fear, for the ignorant, those who have cause for discontent, for they will be bullied and humiliated in their efforts for the redress of their wrongs.

A LAW AIMED AT AMERICANS.

Let us not forget that the proposed law is aimed wholly at Americans. It is not aimed at aliens. The House passed the alien deportation act several weeks ago. Alien anarchists and other alien disturbers have been shipped out of the country, and that act will afford an easy method by which we may be rid of undesirable aliens. The pending measure is to deal with American citizens who are loose of tongue and free with criticism. It is to hang and jail Americans, not to get rid of aliens.

The mockery of it is that those who demand this legislation bring it forward as a part of a program of so-called "Americanization." They are seeking to "Americanize" Americans, to teach American principles to men who descend from the hardy pioneers who created America out of the virgin wilderness of the New World, achieved our independence, and founded the Republic. These self-elected saviors of America, in their desire to "stabilize society" as they express it, presume to interpret Americanism to those who drank in with their mother's milk America's traditions and an understanding of our institutions.

But the odious effort of the presumptuous agents of the big property, profiteering, and reactionary interests to suppress free speech does not mark the full measure of their impudence. They are advocating other equally hateful proposals. They are behind the movement which seeks to rivet a system of compulsory military service on America. They are furnishing its finances and concocting the plans of that movement. They see before them long vistas of usefulness in doing our thinking and planning. Congress is to be but their puppet and to promptly register their will. They arrogate to themselves the privilege of saying whom the people shall select for public office. Representatives of the people who do not bow to the will of these gentlemen are marked for political assassination.

The gentlemen who have planned for themselves this campaign for the control of our public affairs are experienced in business, learned in books, and have ample funds to carry on their work. They no doubt consider themselves superior to the plain citizen and worthy to do his thinking. But I warn them that they are riding for a fall. They may succeed temporarily, but they have underestimated the intelligence of the people. They will be found out and there will be a revolt against them and their works which will not only undo all they have done but carry us far in the opposite direction. Strong and great they may be in society and the marts of trade, but they are pitiably weak and small in their knowledge of the masses and of the great heart of America.

FREE SPEECH AND FREE PRESS.

As I have said, freedom of speech is fundamental American doctrine. It is protected by the Constitution; indeed in a sense it exists independent of the Constitution.

Our Constitution has no bill of rights designated as such. It was assumed by those who drafted it that the principles secured by the English Bill of Rights were unaffected by the Constitution except where reduced by its expressed terms. Several of the States were not satisfied and insisted as a condition of ratification that those fundamental principles should be enumerated and expressly guaranteed. In pursuance of this demand immediately after its ratification the first 10 amendments to the Constitution were adopted as a bill of rights. The very first of these amendments protects freedom of religion, of speech, and of the right of assemblage. It provides:

ARTICLE 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

The same sentence which safeguards freedom of speech also guarantees freedom of religion and freedom of assemblage. Clearly no one of the three is higher than the other. If freedom of speech may be whittled away and its guaranty evaded, then also may freedom of religion be lessened. If men may be told what they may say, they may also be commanded whether they may worship God. If a rule for the control of men's speech may be established, then may not a state religion be provided for? If men may be forbidden the discussion of political measures, they may be restrained from worshiping according to the dictates of conscience.

Freedom of religion, of speech, and of assemblage are by their very nature inextricably commingled. The one can not

exist without the other. The teacher of religion must be permitted to speak after his own fashion and the people to assemble to listen. A blow at one of these fundamental rights is an equal danger to the others. If men may be jailed for expression of political opinion, may they not also be imprisoned for expressing religious belief? If there is room under our Constitution to reduce and explain away the right of free speech and to rob it of its real meaning, then no longer may the people repose their perfect trust in freedom of religion, trial by jury, and due process of law; these, too, will be taken when the dominant voices of privilege and reaction make their demands.

The remaining amendments, constituting the Bill of Rights, protect the right to bear arms, forbid unreasonable searches and seizures, secure due process of law, trial by jury, and so forth. The principles set forth by these amendments are the very essence of Americanism. With the principles enunciated by the Declaration, they constitute our guaranty of democracy and mark and set us apart as a free people. Any attempt to evade these principles or to thwart their purpose is undemocratic and un-American.

THE SEDITION LAW OF 1798.

Once before in the history of our country Congress passed a law aimed at the freedom of speech. The sedition law of 1798 was conceived for that purpose. The law was passed; it was grossly abused, and numbers of worthy citizens were imprisoned under it. An outraged Nation thrust the party and the individuals responsible for it from power. Its speedy repeal followed, and not from that date until 1917 was any attempt made to suppress freedom of speech in the United States.

The sedition law of 1798 was proposed in a time similar to the present. The Federalists, under the leadership of Adams, Hamilton, and Goodhue, were in control; and, drunk with the power of office, they sought to gag their opponents and critics. France was writhing in the Terror, and the revolutionists were charged with every crime from piracy on the high seas to inciting an insurrection of the negro slaves. The Federalists made patriotism the cloak for their repressive measure. They would save America from France and the Terror even as now our would-be guardians would save us from Russia and the bolsheviks.

But, though cloaked in patriotism, the real purpose of the sedition law of 1798 was not patriotic but partisan. It was to suppress their adversaries and to still opposition and criticism. By the same sign the real purpose of a sedition law at this time is not patriotic but partisan. It is aimed at partisan criticism and partisan opposition, at Socialists, radicals, liberals, and whatnots, all equally bad in the eyes of the reactionary, to whom these terms are mere epithets which he casts at any and all who may hold different views or may criticize his methods.

It is needless for me to say that I do not approve, so far as I understand it, the essential principle of socialism, nor for that matter of the spirit of radicalism; but that is no reason why I would have socialists and radicals gagged. The socialist has as much right to be a socialist as I to be a Democrat. He has the same right to advocate his principles as I to promote mine. This is a democracy, a government by majority, which, by the methods provided therefor, has the right to change our laws and the Constitution itself. The majority has the right, as provided by that instrument, to rewrite the Constitution and to change to any extent the form of our Government. I would be un-American to attempt to deprive them of the power which the Constitution gives to the majority; and the fact that socialists and extremists may advocate radical or unwise changes is no reason why they should be gagged.

The Federalists were swept into oblivion by the passage of the sedition law. Led by Jefferson and Madison, who had opposed its passage with a courage and ability, worthy of the great age, the Democratic Party came into power. The attitude of the Federalists toward popular government was faithfully expressed by Adams, their leader, in his letter of August 13, 1798, to Harrison County citizens:

> I believe, however, that the distinction of aristocrat and democrat, however odious and pernicious it may be rendered by political artifice at particular conjunctures, will never be done away with as long as some men are taller and others shorter, some wiser and others sillier, some more virtuous and others more vicious, some richer and others poorer. The distinction is grounded on unalterable nature, and human wisdom can do no more than reconcile the parties by equitable establishments and equal laws, securing, as far as possible, to every one his own. The distinction was intended by nature for the order of society and the benefit of mankind.

That party, with its un-American principles, was swept out of existence, and to this day no political faction has dared to admit adherence to such principles, and none has dared to enact laws to suppress political discussion among the people. We have had numbers of wars, including the great Civil War, but no such drastic laws as that proposed by the pending bill were passed. Americans continued down to 1917 without any attempt to prevent free utterance of opinion.

The espionage act of 1917, passed in time of war, was the first since the repeal of the law of 1798 which punished men for the expression of their opinions. That was a war measure, and had reasons to justify it, but even with those reasons I could not give it my approval. If I could not vote for the espionage act passed in time of war, still less am I able to approve the suppression of opinion in a time of peace such as the present.

HEIRS OF THE FEDERALISTS.

From the time when the Federalists were stricken into extinction because of the odious sedition law of 1798 down to the present no political faction has dared to advocate the suppression of the voice of the people. Nevertheless, the Federalists have had their political descendants. There have always been those who by ruse, corruption, or evasion would defeat the will of the people and thwart popular government. They exist even in this day. They neglect no opportunity to promote reaction; through control of the press they mislead public opinion; they are the inveterate foes of labor and the masses; they seek to create in America systems of caste and privilege of which their own class would be the sole beneficiaries; they believe, with Adams, that property and position are entitled to rule. To make of the people their docile instruments they flood the country with propaganda; they mislead and deceive; they are seeking to fasten upon us a system of compulsory military service, through which they expect to teach the people obedience and humility; they war on free speech that they may be more secure. How foolish they are—how stupid—to answer discontent with heavier burdens, to stop complaints with gags. Why will they not learn from the fate of Germany and Russia?

DESCENDANTS OF JEFFERSON.

The charge of extreme partisanship, I believe, will not be made against me. As a Member of Congress I have regarded the public welfare above party advantage. But I can not do else than rejoice in the traditions of the Democratic Party. I remember that it was Jefferson who opposed the sedition law of 1798. I remember that Madison inveighed and the Democratic Members of Congress voted unanimously against it. I remember the Virginia and Kentucky resolutions denouncing it.

As Hamilton and the Federalists have their political heirs, so have Jefferson and Madison their spiritual descendants. My party has always stood for fundamental Americanism as set forth in the Declaration and in the Bill of Rights. It has always been the champion of the liberties of the people and of popular government. I would have my party in this moment of reactionary hysteria to stand for the old order and by its ancient tradition as the party of the people.

I am amazed by the folly of those who advocate extreme and repressive legislation at this time. It is a folly that reaches almost to the point of wickendess in the evil that it may bring upon our country. Are these men seeking to stir up civil strife? Do they invite public disorder? Would they drive law-abiding citizens into resistance? How far do they think they can go? There is a limit, and they may find it sooner than they believe.

I wish that the advocates of reaction might have vision, that they might be able to lift up their eyes and catch a better light. Loyalty can not be forced by law, but is brought forth by love and gratitude. Men will love our Government if it be just, if it reflect their wishes, if it be equally the Government of the mighty and the weak, if it be responsive to the demands of progress and the development of our civilization. Let the reactionaries expend their energy in perfecting our Government and its institutions so as to hold the affection of citizens rather than in Prussian force and repression.

MISCONCEIVE AMERICAN PRINCIPLES.

The error of those who seek to repress the citizen comes out of their misconception of the American political system. Our Government is not a thing apart from the people; it is the people themselves. Officials are not the people's masters, but their servants. Our Government is merely the instrumentality through which the people of America perform their will. They are the Government, their voice is its expression. It is merely the organization through which the people as equal shareholders transact their public business. Officers of Government have no dignities, privileges, nor functions except such as the people may confer.

They who advocate repression speak of loyalty to our Government as they would of the loyalty of an Old World subject to his monarch. They conceive of rulers as having powers and privileges in their own right and apart from the will of the people. They do not comprehend that in America the citizen

is a sovereign, and there is none higher nor more royal than he. American loyalty is merely loyalty to our institutions and to the whole people.

Violence is not to be considered as a remedy for governmental evils, for these the citizen may cure by his vote. But the vote is nothing if uninformed. There must be discussion, agitation if need be. There must be freedom of opinion and unquestioned freedom of expression.

PERSECUTION, SPYING, AND TALEBEARING.

All the traditions of our country are against suppression of the freedom of speech. The mere proposal of measures to that end shakes the confidence, their passage will alienate the affection of the citizen. It is not so much that convictions will be had, for probably there will be none, but there will be persecution, espionage, spying, and talebearing. There will be intimidation and threats. Men will wonder what our time has come upon that new crimes are created and new laws enacted for their punishment. It will not only strike at the confidence of the humble classes at which these laws are aimed, but will weaken the faith of even the rich and powerful, who will conclude that they walk constantly upon the thin crust of threatening revolution.

But there is no need that I should point out the value of free opinion expressed in free speech. That has been better done than I could hope to do it. Great Americans from the beginning have expounded it and advocated its principles. I quote Judge Cooley's Constitutional Limitations:

If any such principle of repression should ever be recognized in America it might reasonably be anticipated that in times of high party excitement it would lead to prosecutions by the party in power, to bolster up wrongs and sustain abuses and oppressions by crushing adverse criticism and discussion. The evil, indeed, could not be of long continuance; for, judging from experience, the reaction would be speedy, thorough, and effectual; but it would be no less a serious evil while it lasted, the direct tendency of which would be to excite discontent and to breed a rebellious spirit. Repression of full and free discussion is dangerous in any government resting upon the will of the people. The people can not fail to believe that they are deprived of rights and will be certain to become discontented when their discussion of public measures is sought to be circumscribed by the judgment of others upon their temperance or fairness. They must be left at liberty to speak with the freedom which the magnitude of the supposed wrongs appears in their minds to demand, and if they exceed all the proper bounds of moderation the consolation must be that the evil likely to spring from the violent discussion will probably be less and its correction by public sentiment more speedy than if the terrors of the law were brought to bear to prevent the discussion.

Judge Hughes, recently Republican candidate for President, commenting upon the exclusion of certain Socialists from the New York Assembly, writing a few days ago, said:

If the Socialists are denied recourse through their duly elected representatives to the orderly process of government, what resort is there left to them? Is it proposed to drive the Socialists to revolution by denying them participation in the means we have provided them for orderly discussion of proposed changes in our laws?

* * * * * * *

I speak as one utterly opposed to socialism and in entire sympathy with every effort to put down violence and crime. But it is because I am solicitous to maintain the peaceful processes essential to democracy that I am anxious to see Socialists, as well as Republicans and Democrats, enjoy their political rights.

Nothing, in my judgment, is a more serious mistake at this critical period than to deprive Socialists or radicals of their opportunities for peaceful discussion, and thus to convince them that the reds are right and that violence and revolution are the only available means at their command.

Of course, men have the right to rebel against tyranny; our forefathers did that. It is because men may redress their grievances at the ballot box that forcible resistance to law is wrong. But what is the vote worth if discussion be forbidden? If voters be forbidden to talk among themselves or to hear discussion of public questions, they can not vote intelligently, they can not remedy the evils of government, and the franchise is useless. If the voter must take his opinions from corrupt newspapers, speaking only for the privileged class behind them, and if public speakers must shape their statements so as to meet the approval of a Department of Justice controlled by the party in power, of what value is the vote and of what account the result of the election?

The only way to meet false ideas is by better ideas. Thought can not be suppressed, although its public expression may be. If men may not speak freely, there results a feeling of oppression which aggravates the evil of which they would complain. If a thought may not be spoken it assumes greater importance. If a statement must be whispered for fear of the law its strength is multiplied a thousandfold. Revolutionary ideas receive more ready audience and adherence if they are forbidden by law. Acts may be answered by acts, but words can be answered only by words.

To forbid their expression is an admission of the justice of revolutionary arguments. America is in sorry plight if we can not justify our Government and its laws by sufficient reasons. Poor in defenders, indeed, is our country if none can refute the criticism of those who would overthrow it. Bolshevism, with its advocacy of class rule, is undemocratic and wrong. Its arguments may be met and answered. Let its advocates come into the open daylight, that their contentions may be exposed. There is no need to fear them before an intelligent people.

"WHO ARE THE RADICALS?"

This bill is proposed as a part of an ambitious program of "Americanization." Those back of it are dissatisfied with America and wish to remold it "nearer to the heart's desire," not to restore the old landmarks of freedom and equality of opportunity but to pass into new realms of "social stability," "ordered society," and entrenched caste and privilege. Those who oppose them in their meddling they meet not with reason but with epithets. Having no other answer, they call names as they would throw stones. Their favorite epithet for those who question their wisdom is "Bolshevik," and cast "radical" at opponents whose importance or position makes the coarser epithet inadmissable.

Who are the real "radicals" of America, and who are the real Americans? Certain fundamentals are recognized by all honest men as American. They are found in the Declaration of Independence and the Bill of Rights—the first 10 amendments to the Constitution. The principles there set forth are eternal in their Americanism. Without them "Americanism" is a mere empty word. Those principles are in a sense higher than the Constitution, for it was written merely to provide an instrument for their protection—an organization to carry them into effect. Without those principles the Constitution is an empty form.

It follows that the real American is he who defends the principles of the Declaration and the Bill of Rights. It is he who defends democracy, that governments "derive their just powers from the consent of the governed," freedom of religion, of speech, and of assemblage, trial by jury, due process of law, and so forth. The real American would enlarge and protect these principles, would apply them wherever possible, would extend their operation throughout the world and into every activity of mankind. He who follows the footsteps of Franklin and Jefferson and the founders of this Republic, he is the real American.

And it follows also that they who seek to reduce, evade, or corrupt those principles are un-American. They who would break away from the old traditions and push on with their program of "stabilizing society" and reducing the liberties of the people, they are the radicals." A radical is an extremist. He breaks away from old principles; he would experiment with sacred things. Those who would impair the police powers of the States, who would centralize authority in the Federal Government, create vast standing armies, drag helpless boys from their homes for compulsory military service in time of peace, meddle with religion, banish men without jury trials, and abridge the freedom of speech—they are the radicals who should be held up to execration.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The gentleman from Minnesota [Mr. VOLSTEAD] has 45 minutes remaining and the gentleman from Kentucky [Mr. THOMAS] has 50 minutes remaining.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. HUSTED].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. HUSTED. Mr. Chairman, the United States Supreme Court, in what has come to be known as the *Lake Monroe* decision, held that under section 9 of the shipping act, which was passed in 1916, all of the vessels owned and operated by the United States Shipping Board Emergency Fleet Corporation in merchant service were subject to all the liabilities of privately owned vessels, including arrest and seizure.

We are operating about 1,000 vessels at the present time in merchant service and we have a large number of other vessels under course of construction which we will operate as soon as completed. The result of this decision has been that the Government has been put to great delay and loss through being required to give admiralty stipulations in order to release our vessels from arrest and seizure in the admiralty courts. And now in Cuba they refuse to recognize even our admiralty stipulations, and they insist that we give them a bond, and to-day one of our vessels is being held in Cuba at a loss to our Government of about $2,000 a day, I think, because no officer of this Government has the authority to give such a bond and no officer of this Government is willing to give a bond.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. HUSTED. Yes.

Mr. MANN of Illinois. Can we correct that by legislation?

Mr. HUSTED. Well, that is a question which the gentleman could undoubtedly answer much better than I could.

Mr. MANN of Illinois. Can we say what Cuba shall do about vessels and licenses?

Mr. HUSTED. No; but we——

Mr. MANN of Illinois. The gentleman was using that as an illustration.

Mr. HUSTED. We do authorize by this legislation the giving of a bond in such a case.

Mr. MANN of Illinois. Who gives the bond? A Government officer?

Mr. HUSTED. A Government officer, a United States consul, gives the bond in order to release the ship. Under the present law there is no machinery by which such a ship can be released unless a foreign Government is willing to accept our admiralty stipulations. As a matter of fact, in almost every case the foreign Government has accepted our admiralty stipulations, but in Cuba they refuse to do so.

But even if we do give the admiralty stipulations, we are nevertheless involved in great expense and delay, and these ships are now in commerce, and every day in which they are not being used in transporting commerce represents a substantial loss to the Government.

Now the important substantive provisions in this bill are contained in section 1 and in section 2. Section 1 defines what is a public vessel of the United States, and then provides that all public vessels of the United States, including those vessels which are operated by the United States Shipping Board Emergency Fleet Corporation in merchant commerce are immune from arrest and seizure, and it also provides that their cargoes are immune from arrest and seizure.

Section 2 provides for a right of action. It provides that in cases where, if such vessel were privately owned and operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained, a libel in personam may be brought against the United States or against such corporation, meaning the United States Shipping Board Emergency Fleet Corporation, as the case may be, "provided that such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire."

Now, I wish to use my time, Mr. Chairman, in discussing an amendment which I propose to offer at the proper time, to strike out this proviso carried in section 2, which limits the right of action to vessels intended to be employed or employed in the carriage of cargoes or of passengers for hire.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. GARD. What is the exact language that the gentleman proposes to strike out?

Mr. HUSTED. The proviso in section 2, lines 10 and 11, beginning with the word "such," after "*Provided*, That," to strike out:

such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire.

And to insert the following language:

in the case of a vessel not employed as a merchant vessel: (A) No suits may be brought under this act on causes of action arising since April 6, 1917, and prior to the approval of this act, unless the consent of the Attorney General of the United States is first obtained in writing.

That is to cover acts of war since our declaration. And—

(B) Where an investigation has been held by a department of the Government as to the facts of any such cause of action, arising since April 6, 1917, and prior to the approval of this act, and a witness can not be produced on the trial, his testimony, given at the investigation, may be offered by the United States and shall be admissible, if such witness was cross-examined at the investigation by the party suing or his attorney.

That limitation is put in at the suggestion of our departments. And—

(C) That no officer or member of the crew of any such vessel may be subpœnaed in connection with any such suit without the consent of the commander of said vessel.

That is to comply with the suggestion of the Navy Department that limitation is included in order that litigants may not be enabled to tie up the crews of vessels under a subpœna. And—

(D) That no suit may be brought under this act by the national of any foreign Government unless it shall be certified by the Secretary of State that said Government, under similar circumstances, allows nationals of the United States to sue in its courts.

That limitation was added at the suggestion of the State Department; and those limitations comply, I believe, with every suggestion made by any department of the Government, either before the committee at its hearings or by communication with the committee.

Mr. ELSTON. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. ELSTON. Does this bill affect suits already commenced against vessels of the United States, or under the control of the Emergency Fleet Corporation, which have been libeled?

Mr. HUSTED. It does not affect suits already commenced. It affects causes of action which have arisen since April 6, 1917, when we entered the war, but it does not in any substantial respect affect any suit already commenced, I take it.

Mr. ELSTON. Of course, the suit would be predicated upon a cause of action, and in the case I have in mind the cause of action arose out of alleged negligence which occurred since the date the gentleman has mentioned, and I believe the vessel was libeled. Of course, the libel procedure is in the nature of a process and is founded on a cause of action. I was wondering what effect this bill would have in such cases?

Mr. HUSTED. It would not deprive the litigant in that case of any right which he has under existing law. It might grant some added advantage to him, but it would not take from him any right already possessed by him before this act goes into effect.

Mr. ELSTON. One would believe that the theory of this bill was that litigants were under some disability now, and that this bill was to remove that disability and give them some liberties that they did not have before; but I have in mind a case where it appeared that the litigant had brought an action as he would in a suit or process against a private individual.

Mr. HUSTED. This bill is chiefly for the benefit of the Government of the United States, in relieving it from certain requirements that it must comply with under the decision of the United States Supreme Court in the *Lake Monroe* case.

Mr. DEMPSEY. Will the gentleman yield for one question?

Mr. HUSTED. Yes.

Mr. DEMPSEY. I simply want the first clause of the gentleman's proposed amendment made a little more clear. As I understand it, with the purpose of exempting the war-time period, the gentleman fixes that period by date. If the purpose is simply to exempt as to war acts, would it not be better to make the exemption as to war acts by saying so; because otherwise do you not run the risk of excluding things which you do not intend to exclude, when you simply intend to exclude war acts only?

Mr. HUSTED. The only reference to war acts is in the limitation, and it provides as to all suits where the cause of action arose since April 6, 1917, and before the enactment of this measure, that the consent of the Attorney General must be obtained.

Mr. MADDEN. Will the gentleman yield?

Mr. HUSTED. I have a good deal of ground to cover, and I wish the gentleman would be brief.

Mr. MADDEN. I will. This bill simply provides that, instead of allowing the person who brings the suit to tie the ship to the dock, the Shipping Board may be able to give a bond and enable the ship to go on its way. Is not that all?

Mr. HUSTED. It goes further than that. So far as citizens of the United States are concerned, it declares the absolute immunity from process of these vessels. So far as the nationals of other Governments are concerned, it provides that the United States consul may give bond and release the ship.

Mr. IGOE. The claim of immunity is not only as to our own citizens but as to the citizens of other countries as well.

Mr. HUSTED. Oh, the claim of immunity, yes; although, of course, as to other countries we could not enforce the claim unless there was some treaty stipulation.

Mr. WHALEY. Will the gentleman permit a question?

Mr. HUSTED. Certainly.

Mr. WHALEY. The gentleman simply means that foreigners can sue in our courts over here any one of these ships, and no bond will have to be given. If they are suing in our courts no bond will be required, but a bond will have to be given only when those ships are being sued in a foreign court.

Mr. HUSTED. Absolutely.

Mr. WHALEY. When the chairman made his statement he got that a little confused. Anyone can sue in our courts. A citizen of this country or a citizen of a foreign country can sue in our courts, and no bond has to be given by these ships, but if these ships are arrested in a foreign port, then the consul, acting under the orders of the Secretary of State, will give bond for the release of the ship.

Mr. HUSTED. I think the gentleman is quite correct about that, and I am glad he mentioned it.

Mr. OLIVER. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman.

Mr. OLIVER. If the gentleman's amendment is adopted by the House it will give a right of action in many cases against the Government where that right does not now exist?

Mr. HUSTED. Oh, yes; in very many cases.

Mr. OLIVER. I wish to call attention to that, because in replying to the question propounded by the gentleman from Illinois [Mr. MADDEN], the gentleman's answer did not convey that idea. This bill carries forward the right to sue the Government much further than the *Lake Monroe* case does.

Mr. HUSTED. Oh, very much. The *Lake Monroe* case was solely confined to merchant vessels and the merchant service.

Mr. WHALEY. And under charter.

Mr. HUSTED. And under charter.

Mr. WHALEY. They had to be under charter. If they were in ballast the action would not lie.

Mr. HUSTED. My amendment creates a right of action against the vessels of the United States under these four important limitations.

Mr. OLIVER. In other words, it gives a right of action against the Government for any act of negligence in the performance of a governmental function.

Mr. HUSTED. Not any act of negligence, but any act of negligence in the operation of vessels upon the high seas.

Mr. OLIVER. Yes.

Mr. HUSTED. Or upon inland waters, where they meet on equal terms citizens of the United States engaged in private shipping.

Mr. TOWNER. Will the gentleman yield?

Mr. HUSTED. I yield just once more, because I must not occupy all my time in answering questions, although I want to be courteous. I yield to the gentleman from Iowa.

Mr. TOWNER. The gentleman spoke as if the right of action would exist against the United States under the *Lake Monroe* case because of an interpretation of existing law. The sole ground upon which the *Lake Monroe* case was based was because permission had been given in the shipping act for suing the Government, otherwise there would have been no right to sue the Government under any circumstances, and no right to libel a vessel of the United States Government. Is not that true?

Mr. HUSTED. I did not intend to give any different impression. What I said was that the United States Supreme Court in the *Lake Monroe* decision held that section 9 of the shipping act subjected to arrest and seizure vessels owned and operated by the United States Shipping Board Emergency Fleet Corporation that were engaged in merchant service or under charter. The Government contended that they were not so liable and resisted the position, and the Supreme Court of the United States held that they were.

Mr. TOWNER. The language was such as not expressly to grant it, but by inference granted it. It said that the laws and regulations and liabilities governing privately owned vessels should apply to vessels owned by the United States. This act makes clear and definite the rights of the individual to bring suit against the United States, and fixes the liability of the United States, and does it on certain terms and conditions that are specified and made clear; so that it is in reality a repeal of the provision in the Shipping Board act, and making it more definite and certain as to what the liability is.

Mr. HUSTED. Yes; to a certain extent it enlarges the existing authority.

Mr. TOWNER. Even under the interpretation of the *Lake Monroe* case.

Mr. HUSTED. My amendment is based in reason upon the common justice of granting relief to the citizens of the United States who have been injured through the negligence or incompetent operation of public vessels of the Government of the United States.

I do not think I can do better, in the discussion of the question of the moral responsibility of the Government in these cases, than to quote from a very able brief of Senator Hoar, of Massachusetts, who was chairman of a committee that investigated this question. This report of Senator Hoar has been commented upon favorably in a number of cases in the Court of Claims.

> The committee think that the Government of the United States is not liable for loss or damage occasioned to private citizens by reason of any imperfection in the performance of the ordinary functions of government or by reason of the acts, omissions, or negligence of its officers or agents in the discharge of such functions. * * *
>
> But we are of the opinion that there are two classes of cases where sound public policy requires the United States and all other sovereign Governments to hold themselves responsible for injuries occasioned by the negligence of their agents. One is where the Government, through its agents, manages or controls property from which it receives a benefit or profit. * * *
>
> Another class of cases where this responsibility is recognized is where the Government is using or managing property through its agents under circumstances where these agents mingle on terms of equality with the general mass of citizens, and where the security of the citizens requires that the same obligation shall rest upon them, and that it shall be enforced by similar responsibility, as in the case of private persons.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. THOMAS. I yield to the gentleman from New York 10 minutes more.

Mr. HUSTED. The report of Senator Hoar continues:

> Congress has always recognized the obligation of the Government for injuries occasioned by the fault of the officers of its naval and other vessels in maritime collisions. * * *

The whole theory of governmental immunity for torts is based on the monarchical idea that the king can do no wrong. I contend that that has no place whatever in a democratic form of government. There is no reason why the Government of the United States should not do justice, and speedy and full justice, to citizens who are injured by negligence of officers where they engage together on equal terms. This idea of immunity of the sovereign has been departed from in this country. The Navy Department has told us that they never objected to a bill authorizing the claimant to go into the courts of the United States to have their liabilities in cases of this character determined. It has been the uniform practice.

We have also passed a general act authorizing the Navy Department to settle all claims which do not exceed $500 in amount. But when a collision occurs on the high seas between naval vessels of the United States and vessels engaged in private enterprise the loss is always a large one. It is usually $10,000 or more; and what is the situation of the man whose property is injured? He is compelled to come here to Congress and ask for an enabling act to permit him to go into a court and receive justice. He always gets it, but he is put to a tremendous and inexcusable loss and delay through that requirement. He may live on the Pacific coast, and he has to come here at great expense and delay to appear before the committee of the House, and in many cases it has taken years to get an enabling act through. After the enabling act has been passed, then he goes into the court. I submit that as long as it is the uniform practice to grant these acts to citizens to enable them to eventually secure justice through the courts, why can not we pass a general act permitting them to do so, when it really does not change the practice in any single respect except to benefit the man who has suffered loss and injury?

Mr. BANKHEAD. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. BANKHEAD. I have been informed that by the laws of England and France citizens are allowed to bring suit against Government vessels.

Mr. HUSTED. I was just coming to that. In Great Britain they authorize such suits, in France they authorize them, in Italy, and even in Germany they authorize them. Litigants there can get swift justice if they have suffered loss and injury, although three of the countries are or were monarchies, where you would expect, if anywhere, to find retained the idea of the immunity of the sovereign, and the other is a highly centralized democracy.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Does what the gentleman is now saying apply and have reference to the practice of other Governments in respect to the naval vessels as well as to merchant vessels?

Mr. HUSTED. To all vessels; vessels of every character, as I understand it. I simply want to call the attention of the House to the fact that this amendment, in the form in which I am to offer it, is either actually approved or else it is not disapproved by any department of the Government of the United States concerned with shipping. I want to refer first to a letter from the Secretary of State, a recent letter, under date of the 13th of November, 1919, addressed to the chairman of our committee, Mr. VOLSTEAD:

> With reference to your statement that a suggestion will be made that S. 3076 be so amended as to embrace within its provisions all vessels owned by the United States, whether engaged in commerce or not, I have the honor to state that while the matter would appear to be one to be determined by the various departments having possession or control of such vessels, subject to their approval, this department sees no objection to the proposed amendment. It is suggested, however, that if this amendment is adopted it may be desired to limit any remedy provided to citizens of the United States and to the citizens or nationals of those foreign Governments which provide substantially similar remedies against their publicly owned vessels.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. OLIVER. Has the gentleman a communication from the Navy Department?

Mr. HUSTED. Yes; in approval, and I will read that.

Mr. OLIVER. Where did the gentleman get his information that the Government of England permitted a suit to be brought

against the Government for negligence in the operation of a warship?

Mr. HUSTED. They do that substantially. You do not sue the Government, but you do sue the navigating officer of the vessel, and the Government of Great Britain pays the judgment.

Mr. OLIVER. And there is no limitation whatever on suits against the officer operating a strictly naval vessel?

Mr. HUSTED. There is absolutely no limitation, as I understand it, from the statements made by the officers of our Government who appeared before our committee and spoke to that subject.

Mr. OLIVER. I was anxious to know what officers of our Government gave that information to the gentleman's committee?

Mr. HUSTED. There were before us representatives of the Shipping Board, representatives of the Attorney General and of the War Department, of the Navy Department, and of the Department of State. I do not know which one stated that Great Britain recognized its liability for collisions due to the faulty operation of its Government vessels. I want to read one other statement in this connection made by Mr. Campbell.

Mr. Campbell from May 1, 1918, until August 1, 1919, was the admiralty counsel of the United States Shipping Board and from September 1, 1918, until the present time was, and is now, special assistant to the Attorney General in admiralty. He is the man who has had direct charge of these cases, and he says:

This bill has the support of practically all the admiralty lawyers. I will be followed by Judge Veeder. He is going to suggest an amendment, by which the word "merchant" shall be stricken out. I want to say that I personally am in thorough concurrence with his views. I believe that the Government ought now to grant the right of suit in personam in admiralty in all cases arising out of collisions and accidents with respect to Government ships. As the law now stands, if a battleship of the United States runs down a privately owned vessel, there is no relief unless the private owners come to Congress and get a special bill passed. I think history will show you that in practically every instance where request has been made the private bill has been passed, but with the result that the litigation is concluded many, many years after the accident.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HUSTED. Mr. Chairman, will the gentleman yield me one minute more?

Mr. VOLSTEAD. I yield one minute more to the gentleman from New York.

Mr. HUSTED. I wish to say in conclusion that this amendment as I shall offer it is asked for by practically the entire private shipping interests of the United States on the Atlantic coast or on the Pacific coast. I think about 90 per cent of that interest was represented before our committee, either personally through their own officers or by attorneys. I could give you instance after instance of the incredible hardships suffered by men who, without fault of their own, have suffered great loss through collisions of their ships with Government vessels, where they have been not only kept out of the principal amount of damage, but have been kept out of the interest for so many years that it closely approximated the amount of the principal, and then finally, as a result of the uniform practice of our Government, they obtained special acts and went into court and have secured their judgments.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I am in favor of the bill reported by the committee. The effect of the amendment of the gentleman from New York [Mr. HUSTED], who has just addressed the committee, would be to announce as a governmental policy for the future that vessel owners whose craft have been damaged by any Government-owned vessel, war vessel, or naval vessel, Coast Guard vessel, lighthouse tender, or any Government-owned vessel could bring suit against the United States for damage resulting. If we are going to change the policy of the Government in that respect, we ought to enact a blanket provision that any body or corporation can sue the United States Government at any time anywhere for any cause, the same as he could sue an individual. One of the things that Congress has retained unto itself is the right to say when the Government can be sued. I think we ought to still retain that right, but with respect to merchant ships we have said in the shipping act, and we say by this bill, that the Government is operating vessels which it owns or controls as a business enterprise, and when the Government goes into that business enterprise it ought to go upon the same footing as a private individual or a private corporation, and it ought to be subject to the same liabilities for any act of Government officials in carrying out that particular business enterprise. In carrying on the operation of these ships we are operating them in commerce, in competition with privately owned vessels and ships, and we ought to be put upon the same footing as those others; but to say that persons owning vessels who have been damaged by other craft of the Government not operated in commerce, not operated as a business proposition, should have the right to go into court and sue the United States for injuries received I submit would be unwise. The result of it would be, in my opinion, while that may not be a persuasive argument against it, that the district courts of the United States would be flooded with claims for all sorts of alleged occurrences which would be claimed to have resulted in damages. Of course the departments will say, "Oh, yes; this is a good way to handle this; give them blanket authority to sue and then we will not be bothered looking up these claims and preparing all these cases and getting all this evidence and papers—just throw them into court and they will summon us as witnesses and we will go there and testify."

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HUSTED. If the right of action was given generally, would not the officers of the Government be more under a compulsion to more carefully prepare their cases than if no right of action was given?

Mr. WALSH. Oh, it would not be in the same department at all. It would be taken over to the Department of Justice. Now, as to the Navy Department representatives, who seem to favor this, the Navy Department now has jurisdiction to settle claims by adjusting them between the persons who claim the injury, individual or corporation, up to $500. Now, if there are a large number of cases pending, I think Congress might well increase that to $2,500 or $5,000, if you please, and allow them to adjust them, but to open the door of the courts to litigation for this, I submit, is unwise, and we ought not to be influenced too much by these opinions expressed by representatives of the departments, because this question after all is not a question of administration. It is a question of policy to be determined by the legislative branch of the Government, and the legislative branch of the Government has control of the purse strings, and we ought to move very carefully before we announce that we are willing that all vessel owners may sue the Government for claims for damages resulting from collisions at sea.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. WALSH. Yes, sir.

Mr. MANN of Illinois. What would be the distinction in the rights between the right of a captain of a vessel or the owner of a vessel injured at sea to bring a suit against the Government of the United States and letting a private individual do so who had his leg broken by an officer of the Government vessel performing his proper function as an official? Why should we grant the right to the owner who had his property injured and not grant the right to the one who had his leg broken?

Mr. WALSH. The gentleman means a member of the crew?

Mr. MANN of Illinois. Oh, anybody a citizen of the United States. We propose to let the owner of property bring suit. There is no proposition, as I understand it, to let a man who has his leg broken by an official of the United States in performing his official duty to bring a suit against the Government.

Mr. WALSH. No.

Mr. MANN of Illinois. I wondered what was the moral difference between the two propositions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman is recognized for two additional minutes.

Mr. WALSH. This is, as the gentleman knows, a peculiar jurisdiction, that of admiralty. They have it in the gentleman's district, I think, in respect to the operation of Lake vessels.

Mr. MANN of Illinois. Well, I am not talking about these merchant vessels. I am talking about a naval vessel under the proposed amendment.

Mr. WALSH. The proposed amendment; I thought the gentleman was seeking to interpret the provisions of the bill.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. WALSH. Yes, sir.

Mr. WHITE of Maine. The first section of this act defines the party to these suits to be either a vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire stock. Now, the United States has all sorts of representatives, ambassadors, consuls, members of the Shipping Board, a great army of people who help the United States in one capacity or another. I do not suppose it is intended by this language to include in this a

corporation in which any officer of the United States happens to be the sole stockholder. I take it that it refers primarily to the Shipping Board or any other department or board of the Government. Am I right in that?

Mr. WALSH. I think that language is intended to cover the Emergency Fleet Corporation, who owns shares of stock as the representative of the United States in these Government-owned vessels.

Mr. VOLSTEAD. There are certain officers of these corporations who hold stock on behalf of the Government and hold the stock simply in trust.

Mr. WHITE of Maine. You do not intend to open this thing up to any corporation the stock of which may be owned by representatives of the Government, and yet I think you would have to concede that language was broad enough to cover any such case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WALSH. My time expired while a question was being asked me by the gentleman from Maine.

Mr. VOLSTEAD. I yield the gentleman two minutes more.

The CHAIRMAN. The gentleman is recognized for two additional minutes.

Mr. WALSH. Mr. Chairman, I simply want to conclude by saying, and perhaps repeat it, that I do not think it is wise at this particular time for Congress to settle a policy of letting down the bars and letting these suits be brought against the United States. I think we should reserve that right as we have in the past, irrespective of what they may have in England or France or Germany or any other power on earth. We have gone along under that for a good many years. Of course, it will be contended, with a good deal of pathos, that some people have attempted to bring suit and have had to wait for 15 or 20 years before they could get Congress to act. I believe that if a person has a just cause and his district is properly represented, that he will have no difficulty in having jurisdiction conferred whereby the suit may be prosecuted and he may recover damages whenever the facts show that the United States is at fault.

But I am opposed to going further than this bill does, and I would be willing, as I stated before, to raise the maximum whereby these other departments which are operating vessels might be permitted to adjust claims without resorting to litigation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I am in favor of the amendment offered by the gentleman from New York [Mr. HUSTED] to this measure, and I trust that it will be adopted. I want to speak, however, briefly upon another subject.

My colleague from Alabama [Mr. HUDDLESTON] made a speech a few moments ago expressing his opposition to a measure looking to the suppression of seditious utterances in the United States. I have not seen the bill to which he refers. There may be some bad provisions in it. If so, they should be eliminated. I am heartily in favor of the Congress of the United States making clear the American meaning of sedition in its broadest sense, and then I want the punishment made severe enough to prevent the crime of sedition in the United States. [Applause.] I am sure that my friend from Alabama and I are agreed in this matter.

As a result of seditious preachings indulged in by red anarchists in the United States an attempt was made to murder Attorney General Palmer right here in the Capital of the Nation. That poor misguided being who went to the home of the Attorney General to murder him did not do so of his own accord. He went as the result of seditious teachings and preachings carried on right here in the United States, and the outcome of it all was an attempt to commit murder in the effort to express contempt and hate for the Goverhment of the United States. The murder at Centralia, Wash., last November of American soldiers in a peace parade was the result of seditious preachments. The cowardly men who shot those boys from ambush simply put into action the things that had been advocated in the bitter speeches and writings of sedition and treason. [Applause.] Why, in New York City some months ago a man by the name of White burned the American flag before an audience that applauded his treasonable and damnable act. He then hoisted the red flag of anarchy over the ashes of the Stars and Stripes.

While the deadly enemies of our country shrieked their approval that villain and those who applauded his crime are the dangerous and deadly enemies of this Government. [Applause.] I am the friend of free speech and free press. And no man or woman who believes in the Constitution and who favors the American form of government need ever fear prosecution for anything that grows out of a law that seeks to protect and safeguard American institutions against the utterances of sedition and treason. [Applause.] A new condition confronts us. There are persons in the United States who came here for the purpose of stirring up strife. They are part and parcel of a world propaganda directed and leveled against representative government. They are here for the purpose of destroying our Government. Many of them are bold and brazen enough to admit that they are seeking to weaken and to ultimately overthrow our Government. Now then, gentlemen of the House, what are we to do with such characters? We love the Government of the United States. We are the trusted guardians of American ideals and institutions. What are we going to say to those who come here and denounce the Government itself, mock its courts, defy its authority, and urge its overthrow? Surely the Government, as a matter of self-preservation, is justified in imposing the death penalty upon those who seek to kill the Government. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Kentucky [Mr. THOMAS] has 35 minutes remaining, and the gentleman from Minnesota [Mr. VOLSTEAD] has 15 minutes remaining.

Mr. THOMAS. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon [Mr. MCARTHUR]. [Applause.]

Mr. MCARTHUR. Mr. Chairman, the overshadowing issue before the American people to-day is: "Shall we have government of, by, and for the people or shall we have government of, by, and for special interests?" This question transcends all other issues now before the country, and it is one that must be met squarely and fearlessly—not only by men in public office but by political parties and also by the great body of the people. It can not be dodged or evaded, and, as it involves a principle, it can not be compromised.

Congress is face to face with this issue in the antistrike provisions of the Senate substitute for the bill H. R. 10453—the bill providing for the termination of Federal control of railroads, and so forth. This measure is now in conference between the House and Senate, and I for one hope that the House will have an opportunity to vote directly upon the antistrike provision and agree to the same.

The Senate substitute bill provides for a board of wages and working conditions, which possesses original jurisdiction over questions involving hours, wages, and working conditions; provision is also made for three regional boards of adjustment for questions of discipline. No decision of either board is final until approved by the transportation board—the general administrative board provided in the bill. It is proposed that this board shall consist of five members who shall be appointed by the President and confirmed by the Senate; each member of the board shall receive a salary of $12,000 per year. The proposed committee on wages and working conditions is to consist of eight members, four of whom shall represent labor and four of whom shall represent the railroads. The regional boards of adjustment are to be similarly constituted, but with a total membership of six. The bill provides that the transportation board shall recognize all railroad crafts in the selection of employee members on the committee on wages and working conditions and regional boards of adjustment.

As proposed by the Senate substitute bill these boards and committees constitute governmental agencies or tribunals for the settlement of disputes between labor and capital. These tribunals are to be fairly selected and their awards, subject to appeal, as heretofore noted, to be final. If this feature of the pending measure is finally agreed to and signed by the President, the country will have tribunals for the settlement of these labor disputes which will be clothed with the dignity and authority of the Federal Government. An award or decree of such a tribunal will be more than a "scrap of paper."

In view of the adequate machinery which the Senate substitute provides for the settlement of disputes between railroad employees and employers, it would seem that the antistrike pro-

vision of said bill is fully warranted. This provision reads as follows:

SEC. 30. It shall be unlawful for two or more persons being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers subject to the act to regulate commerce, as amended, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which under the provisions of this act can be submitted for decision to the committee of wages and working conditions or to a regional board of adjustment, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement, and with like purpose substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce; and, upon conviction, any such person shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

SEC. 31. Whoever knowingly and with like intent shall aid, abet, counsel, command, induce, or procure the commission or performance of any act made unlawful in the last preceding section hereof shall be held guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

In the consideration of this proposed legislation the first question that naturally presents itself is, Has Congress the power to enact such a measure? Section 8 of Article I of the Constitution of the United States says:

The Congress shall have power * * * to regulate commerce with foreign nations and among the several States * * *.

The question of this power was definitely settled in the memorable decision of the Supreme Court of the United States about three years ago, when the court upheld the validity of the so-called Adamson Act. That act had been attacked by counsel for the railroads on the ground that it was not an act limiting the hours of service of trainmen, but in reality a wage act. Replying to this objection, and writing the prevailing opinion of the court, Chief Justice White said:

Congress has the power to adopt the act in question, whether it be viewed as a direct fixing of wages to meet the absence of a standard on that subject, resulting from the dispute between the parties, or as the exercise by Congress of the power which it undoubtedly possessed to provide by appropriate legislation for compulsory arbitration—a power which inevitably resulted from its authority to protect interstate commerce in dealing with a situation like that which was before it. (Wilson *v.* New, 243 U. S., 359.)

Those justices who disagreed with the prevailing opinion clearly recognized that portion of it which I have just read, for Mr. Justice McReynolds, in his dissenting opinion, said:

It follows as of course that Congress has power to fix a maximum as well as a minimum wage for trainmen; to require compulsory arbitration of labor disputes which may seriously and directly jeopardize the movement of interstate commerce; and to take measures effectively to protect the free flow of such commerce against any combination, whether of operatives, owners, or strangers. (Wilson *v.* New, 243 U. S., 389.)

In view of this plain and positive language of the highest judicial tribunal in the land, I feel that it is a waste of time to argue further upon the right of Congress to enact legislation of this character.

Those who are opposed to this legislation have busied themselves with the circulation of propaganda to the effect that the antistrike section of the proposed act is unconstitutional in that it requires involuntary servitude and thereby violates section 1 of Article XIII of the Constitution of the United States. This argument is altogether unsound in that the section in question expressly provides that an individual may quit work whenever he pleases and for any reason. There is a vast distinction between an individual quitting work and a body of men engaging in a strike. A striker does not quit work in the sense of terminating his services; he joins with others in refusing to work and in trying to prevent others from filling his place until his demands are granted. He expects to return to his work under conditions prescribed by him and his associates and obtained by the rule of force rather than the rule of reason. He should not be permitted, in concert with his fellows, temporarily to quit work for the purpose of penalizing transportation in order to advance his own interests at the expense of and damage to the public. [Applause.] As Mr. Justice McKenna said:

When one enters into interstate commerce one enters into a service in which the public has an interest and subjects oneself to its behests. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest. (Wilson *v.* New, 243 U. S., 363.)

The "involuntary-servitude" talk is not likely to fool anyone who has read the section in question and who knows anything about strikes and strikers. There is no merit in the bogus plea that this section of the proposed act violates section 1 of Article XIII of the Constitution of the United States. [Applause.].

We hear much these days of the rights of organized labor, but hear little of the rights of the general public, who in the final analysis bears the burden and pays the sacrifice demanded by the senseless strike with its diminished production. The general public has no strike weapon and no rule of force to secure obedience to its demands. The general public must go to court for the determination of its grievances and must abide by the decrees of the court. There is no such thing as a strike for the general public; it must submit to the law of the land and the decrees of the courts. If Smith and Jones have a grievance, they settle it before a legally constituted tribunal. If Smith, Jones, and Brown are associated together in business and become involved in a dispute with some other business concern, they must settle their difficulties in the manner provided by law; the doctrine of force is unknown to them in the adjustment of their difficulties. Organized labor, however, wishes to continue its mad orgy of applying the rule of force for the settlement of its demands. What is there so sacred about organized labor that it can not submit its grievances to a legally constituted tribunal of the Government for adjudication? If a citizen commits an offense against society, he is haled into court and tried not by the rule of force but by the rule of reason and under the law of the land. His property, his liberty, even his life, may be at issue, yet he is required to submit to the decision of a governmental tribunal. The rights of large business concerns, of large associations of individuals, of cities and States, and even the Federal Government itself are thus determined. Why should not organized labor be required to meet the rest of us on common ground and submit itself to the same authority that governs us? Why should organized labor be accorded special privileges? If there were no provision for a fair and impartial settlement of grievances in the pending bill, I for one could not subscribe to the antistrike section, but I feel that ample provision has been made for the adjustment of any and all disputes that may arise and that the tribunals proposed to be set up by this bill will act with fairness and justice. In view of this belief and with an abhorrence of strikes and their consequent train of misery and suffering, I intend to vote for the retention of the antistrike section. [Applause.]

I do not believe in class legislation or class exemption. When the railroad brotherhood chiefs came here in the fall of 1916 and applied their "strong-arm" methods to secure passage of the Adamson bill I was one of those who opposed their program and the measure referred to. I shall not attempt at this time to argue the unwisdom of this particular piece of legislation, but can not refrain from voicing my disapproval of the methods by which it was passed. They constituted an abdication of the functions of lawmaking to the four brotherhoods, active through their chosen spokesmen. They enunciated the doctrine of force in the highest degree—force that would have tied up the transportation systems of the country at one of the most critical periods in the Nation's history. It was essentially class legislation in the interests of a well-organized and highly efficient group of men.

As a sequel to the Adamson law we are told by the railroad machinists that if the pending bill with its antistrike provision is passed they will strike. They thus maintain that their right to strike is superior to the right of the people to have uninterrupted railroad service, but they go still further when they tell Congress that it must not pass a certain measure with a certain provision. This is nothing less than a bold attempt of a minority to force its will on the lawmaking power of the country under the threat of a nation-wide disaster. If Congress succumbs to this threat, it will be construed everywhere as an invitation to well-organized groups whose services are essential to the production or transportation of the necessities of life to coerce Congress into passing or rejecting any legislation in which they may happen to be interested. The action of the machinists is a direct challenge to the Government and if carried to its logical conclusion will breed revolution.

It has been suggested that the antistrike provision of the pending bill can not be enforced. Such objection assumes the disloyalty of the great body of railway employees—a most violent assumption. I have only to refer to the great strike of 1894 to show that the great body of American workers prefer to obey the law of the land rather than the lawless commands of disloyal advisers. Furthermore, if any considerable number of persons should act in disobedience to law, the Government would compel obedience. I can not conceive of any situation that would arise in this country where the Government could not enforce the laws on our statute books. The history of our country, replete with accomplishment and progress, is sufficient answer to those who say the law can not be enforced. [Applause.]

The common welfare of the American people demands free and uninterrupted transportation of passengers and freight in interstate commerce, especially food, fuel, and clothing. A nation-wide railroad strike, if carried on for any considerable period, would cause untold misery, suffering, and starvation, not to mention financial losses running into the billions. Surely the Government has a sovereign and inherent right to protect its people from the consequences of such a situation, and surely the great law-making power of the Government will hold the general welfare of all the people paramount to the right of a minority of them to strike and apply the rule of force to the settlement of grievances that can be settled in a manner provided by law.

It has been urged that we should not single out the railroad workers and make them amenable to antistrike legislation without applying it to all classes of workers. The answer to that objection is the lack of jurisdiction of the Federal Government except in questions affecting interstate commerce. Congress unquestionably has the right to pass legislation regulating interstate commerce and labor connected therewith, but it would not be warranted in entering the field of State or local legislation. [Applause.]

A railroad man recently told me that this proposed legislation is useless, for the reason that there is no likelihood of a strike. I can not subscribe to his belief, because I well remember the near approach to a general strike which we experienced in 1916, when the Adamson bill was jammed through Congress. I am convinced from long study and observation that an overwhelming majority of the American people are opposed to strikes and lockouts and wish to see some legally constituted tribunal set up for the settlement of industrial disputes. The strike is unsound, uneconomic, destructive, revolutionary, and altogether useless. There has never been a strike in this or any other country that could not have better been settled by men reasoning together. If they persist in refusing to do this, the Government must step in with the strong arm of the law and compel them to do so. If our modern-day civilization can not find a legally constituted substitute for the strike, then man has made little progress along the lines of wisdom, truth, and justice. [Applause.]

Objectors tell us that "Wall Street" and "powerful financial interests" are back of this antistrike campaign. This is the usual last-ditch argument of demagogy—something by way of billingsgate to be flung when sound argument fails. If the issue were one in which organized labor and "powerful financial interests" were alone concerned, these elements could fight each other to a finish and the public would look on complacently. The chief interest, however, in the pending legislation is the public interest. The public is the great third party that pays the bills and bears the burdens of all our economic and industrial woes. Surely the public has a right to be heard in the enactment of this or any other legislation.

The antistrike section of the pending bill plays no favorites; it applies to "officers, directors, managers, agents, attorneys, or employees." It forbids them "to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation." It is aimed at combinations, not individuals. It is not designed especially to punish laboring men, but includes them along with others.

I have no quarrel with the legitimate aims and purposes of organized labor. I would not propose for it a law that would not apply with equal force to any and all other factions or elements, nor would I be willing to grant special privileges to organized labor or any other group or faction of our people. I am opposed to special privilege in all its forms, and believe in equal rights and equal obligations for all men. [Applause.]

A decade ago our Government was fighting to regulate organized wealth—fighting to prevent organized plunderers from exploiting the Nation. To-day we are face to face with the ruthless demands of organized labor whose lobbyists and henchmen swarm the Capitol in their efforts to secure special privileges and special immunities. They are not only opposing the measure now in conference but they are clamoring for two years more of Government operation of railroads at the expense of the traveling public, the shippers, and the country generally, and for the especial benefit of the railroad employees. They are also clamoring for the adoption of the Plumb plan, which would turn over the railroads, bag and baggage, to the brotherhoods and their affiliated organizations, allowing the taxpayers the high privilege of putting up the deficits. These organizations to-day possess the power to inflict the awful conditions of a nation-wide strike upon this country. They are the most highly organized of all the trades; they have the funds to finance a big strike and the affiliations to make such a strike effective. They hold in their hands the power to bring a terrible calamity upon the American people as a weapon for enforcing their will. They hold the fortunes and the very lives of millions of their fellow citizens within their grasp. Are the American people content to have any class of citizens wield such a tremendous power over the public? Are the American people willing to countenance this gigantic monopoly? Are the American people willing to subordinate their interests to the interests of the railroad men?

This House must answer these questions directly, courageously, and without shirking. [Applause.] It is for this House to say whether Government is to be a thing of worth—the embodiment of the highest hopes and aspirations of a majority of all the people—or whether it is to be the decree of groups and factions. It is for this House, speaking for all of the American people, to say whether we shall have government by law or government by men. [Applause.] It is for this House to say whether it believes in the government of our fathers or in government by force. It is for this House to determine whether Lincoln's conception of government of, by, and for the people shall be discarded for government of, by, and for special interests. [Applause.]

Mr. THOMAS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. VOLSTEAD. And I yield five minutes to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, I can not believe that the gentleman from Alabama [Mr. HUDDLESTON] voiced the sentiment of all of the good people of the great southern city of Birmingham. Since he has seen fit to severely criticize the framers of the proposed House sedition act and those who favor its passage I might not be out of place in calling the gentleman's attention to a criticism on the other side of the question coming from one of the great southern Democratic newspapers of our country, the Houston Daily Post, of Houston, Tex. In its issue of Monday, January 12, 1920, it says this editorially:

When a Congressman declares that the Graham antitreason bill is too strong that man is evidently afraid of the anarchist vote in his district.

The gentleman intimates, Mr. Chairman, that he might possibly be in favor of a severe penalty if there were persons successfully advocating the overthrow of this Government by force of arms, causing bloodshed, and so forth, but at the same time seemingly scoffs at the idea of any such acts existing in the United States, and, as I understood his argument, he favored a maximum punishment of not exceeding 10 years in prison for the crime of sedition.

Let me call the attention of the gentleman from Alabama to the fact that during last April in the city of New York Dr. Scott Nearing, to an audience of 3,000 union men, preached revolution and advocated the overthrow of this Government by force of arms and was applauded to a man by that great organized audience. Let me call the attention of the gentleman from Alabama to the fact that here in Washington, his Nation's Capital, if you please, on last May Day eve, in the Pythian Temple, under the auspices of the fur worker's union, there met representatives from every union in this city, and they were addressed by speakers waving the red flag of anarchy, singing the red I. W. W. songs and anthems of anarchy; that the Washington Star the next day said of that meeting that anarchy reigned supreme, unhindered, and unchecked, and that not only bolshevism was preached, but that anarchy, bloody revolution, and nihilism was advocated without hesitancy.

Has the gentleman from Alabama [Mr. HUDDLESTON] so soon forgotten about the murderous bomb that was sent to the home of his distinguished colleague, the late lamented and beloved statesman, Hon. John L. Burnett, and has he forgotten about the numerous other bombs that were sent to other prominent Government officials, and even the one which, in the dead hour of the night, was placed upon the doorstep of the Attorney General in the city of Washington? Does not the gentleman from Alabama know that all of the above were seditious conspiracies against the Government of the United States?

Has the gentleman from Alabama so soon forgotten the attempted assassination of the whole family of our beloved and highly respected colleague, Congressman COOPER, of Ohio, when the gas pipes in his residence were disconnected in a hellish attempt to murder him, his wife, and his innocent little children?

Has the gentleman from Alabama so soon forgotten the attempt upon my own life and that of my family when in the darkness of the night a rifle ball was shot through both glass doors of the sides of my automobile, shattering glass upon my wife and five children?

Has the gentleman from Alabama so soon forgotten the dastardly, murderous attack made upon our uniformed soldiers carrying their victorious flag when in cold blood they were shot down in peaceful parade without warning in their own land?

Then, think of the acts of violence that have occurred in this country since! Yet the gentleman from Alabama thinks that the people of America should continue to sleep and slumber under such circumstances.

Let me call the attention of the gentleman to the fact that several of the New York newspapers of this morning tell us that the distinguished gentleman from Kansas [Mr. CAMPBELL], the chairman of the great Committee on Rules, has seen fit to deny a rule making in order this Graham sedition bill, stating that such action was taken because Mr. Samuel Gompers and the American Federation of Labor were against this sedition bill and had demanded a hearing on it. Because of what? Why was the rule denied and a hearing granted? Why, if you please? Because Mr. Gompers and the American Federation of Labor had asked that no rule be granted, but the matter be suspended; and said New York newspapers stated that upon such demand of Mr. Samuel Gompers and the American Federation of Labor a hearing had been granted on the bill for next Thursday.

Mr. CAMPBELL of Kansas rose.

Mr. BLANTON. Did the New York newspapers correctly report my friend from Kansas?

Mr. CAMPBELL of Kansas. I do not know where the newspapers could have gotten that impression. After consulting other members of the committee I did fix on next Thursday at 10.30 o'clock to hear both the proponents and the opponents of the measure.

Mr. BLANTON. Did the opponents of the measure include Mr. Gompers?

Mr. CAMPBELL of Kansas. Not that I know of.

Mr. BLANTON. This morning's New York newspapers so report, and I have not seen any denial from Mr. Gompers. Before this sedition bill was reported the Committee on the Judiciary held exhaustive hearings on the measure, considering not only the sedition bill introduced by me but likewise numerous others.

I want here to call the attention of the gentleman from Alabama [Mr. HUDDLESTON] and all his people to the fact that in that great "march" from Atlantic City on the Capital made by Mr. Samuel Gompers and his cohorts of the American Federation of Labor on Flag Day that in front of this Nation's Capitol he said that if beer and wine were taken from the laborers of this country there would be revolution throughout this land. I call the attention of the gentleman from Alabama to the fact that subsequently, when the thought was attempted to be foisted upon this country that there should be passed what is known as the Plumb plan, one of the most pernicious plundering plans that was ever presented to a free Republic, whereby $20,000,000,000 of the people's money was to be taken ruthlessly from them and given to a class, Mr. Gompers cabled from Europe to this country and said that 400,000 railroad men demanded the passage of such a law, and that if it were not passed by Congress revolution would follow. Again, both Mr. Samuel Gompers and the American Federation of Labor have arrogantly threatened that if an antistrike provision is placed in the railroad bill now pending before Congress that there will be revolution in this country. Because the American people have unheeded the cry of "Wolf!" "Wolf!" so many times are we to slumber longer and be wholly unprepared when the all-crushing nation-wide catastrophe does come upon us? If the American Federation of Labor is opposing the proposed sedition bill, in what way does it excuse itself in thus lining up in favor of the anarchists in America?

Gentlemen, it is time for all this revolutionary talk to stop. Adequate punishment is the only thing that will stop it. Law and order must once more prevail if America is to remain a decent place to live. If this talk incites people to preach and do acts of anarchy in this Nation, and through such anarchistic efforts on the part of individuals and through conspiracies the death of innocent people is caused, I say there ought to be a hanging, and it will take a hanging to stop it. And I say that the Graham sedition bill ought to meet with the approval of every American citizen, because it comes from the Attorney General of the United States; it comes by his request, with the statement that he needs this law to stamp anarchy out of this country. Are we going to give the Attorney General what he asks for and what he needs? Or, because certain anarchists object to being punished and deported, as it interferes with their business, are we to further imperil the life and peace of the people of this Republic?

The gentleman from Oregon [Mr. MCARTHUR] referred to the Adamson law, which in 1916, by just such threats of destroying the industrial life of this Nation, was crammed down the throat of Congress. Was it to give an eight-hour workday to the brotherhoods? No. You and I and everyone else know that it was passed merely to pay them extra for all time they put in over eight hours per day. Examine the statements which have been sent to me from the general managers of various railroads, and you will see that in numerous cases the overtime pay for the various members of crews amounts to quite a substantial increase in monthly earnings, and as a result we are getting the poorest service possible. Not a train runs on time. All trains are always late. It is almost impossible for business men to get freight. Making train connections is a dream of the past. We pay the crew on every train to run it late rather than on time. When a train is several hours late the entire crew profits thereby by getting overtime pay, while a whole trainload of passengers suffer. We reward railroad men for poor service. Every posted man knows that it is largely with railroad employees as to whether a train gets out of a station late or on time, according to how they each do their work and perform their individual tasks at stations.

Are we to meet the issue now before us in this railroad legislation like men, or are we to again cringe and give in, like was done by Congress in 1916? Are we to be guided and controlled by threats, or are we to act for all the people of the United States?

The splendid editorial appearing in this morning's Washington Post should appeal to every Congressman and Senator. It is of such merit that I here insert it, to wit:

[Editorial from Washington Post, Jan. 17, 1920.]

TO MEMBERS OF THE HOUSE.

Gentlemen of the House of Representatives, it has long been your boast that you, more directly than the Senate, represent the people; that you are in closer touch with them, know better their feelings and wants, and are more ready to respond to the people's will.

Whatever may have been the case in the past, it is to-day the Senate that stands firmly and courageously for the rights of all the people as against the unjust demands of a class. In your railroad bill you have sacrificed the people's rights in favor of a selfish and threatening minority, and you have done it because, no doubt, you believed it would avoid a labor war. You have sought, by dodging the issue and by surrendering the people's rights, to evade the unpleasant duty of voting against the demands of this selfish minority. You do not wish to have this minority mark you for defeat, and you hope that the people will demand less of you than is demanded by this compact and determined minority.

While Americans have shown that they are unalterably opposed to having an overseas supergovernment supplant this Nation, and that they are equally opposed to turning over this Nation to red anarchy, the fact remains that a would-be supergovernment has worked itself into power here at home and is now intimidating the House of Representatives. The Adamson Act was nothing but a surrender by the President and Congress to a minority of the people, and this minority now demands further concessions in its own favor and against the interest of the people.

Until recently the people have been too much absorbed in their own affairs and in the progress of peacemaking to pay strict attention to the character of legislation enacted by their representatives in Washington. They have not supervised their representatives as they should have done. The coal strike, which began to freeze them, and the threatened railroad strike caused the people to turn their attention to the demands of organized classes, led in some instances by un-American bolshevist agitators and professed anarchists. The people took note that the best and patriotic leaders of these organizations were thrust to the rear, while red leaders stepped forward with thinly disguised threats of revolution.

The danger of a universal railroad strike, which was actually threatened, aroused the country and the Senate. This is a state of anarchy that will never be permitted. The people will not submit to such an atrocious violation of their rights. The railroads are indispensable servants of the people, without which the people can not exist. No set of men can have it in their power to paralyze this service with impunity. If they should attempt it, they would be ground to death under the heel of an enraged and aroused Nation. The people do not wish to be aroused to fury by the ignorant and extortionate demands of unpatriotic men who have wormed their way into the leadership of some labor organizations. The people wish to avoid a clash between large bodies of fanatics and the Nation itself. Therefore they expect Congress to legislate in such manner as will put this misguided minority on notice that it is pursuing the wrong road; that it will not be permitted to disrupt the transportation system of the United States; that if it yields to the advice of anti-American leaders it will do so at its peril.

Now, gentlemen, the Senate has courageously given this notice. It is a warning, nothing more. It imprisons no man and takes from no man any of his rights as a citizen. It merely safeguards the people. Are you in favor of that action or against it?

Gentlemen of the House, the bill you passed is not acceptable to the people and not worthy of your responsibilities as representatives of the people. You know you have not risen to your duty. Your bill reads as though it had been drafted by a minority for the purpose of clinching its unfair advantages over the whole people. Have you considered carefully just where your duty and interest lie? Do you think the American people can be fooled by such legislation? Do you suppose that each congressional district will fail to look into the record of its Representative when this all-important question becomes acute?

Do not be so impressed by the influence and votes of organized class combinations as to lose sight of that greater and more powerful organization, the American people! The show-down is at hand, gentlemen. The United States is either to continue under the control of the American people or it is to pass to other hands. On which side do you stand?

If you think the people do not know and appreciate courage and faithful service, how do you account for the popularity of Gov. Coolidge, of Massachusetts, and Gov. Cornwell, of West Virginia? Look into their records. President Taft vetoed as pernicious class legislation the proviso exempting labor unions and farmers from penalties visited upon all the

rest of us for certain offenses. Did he lose standing before the American people on that account? That veto stands as a pillar of Americanism, and all true Americans, including the bulk of the labor unions and the farmers, recognize it as fair and square.

Think it over, gentlemen of the House. Look ahead. Don't make the mistake of thinking the American people are willing to be bossed by a minority at home or by a League of Nations abroad. Do your duty by the whole people and you need not fear anybody.

Not only Members of Congress but the President as well has had so many appeals made from the brotherhoods and organized labor on this subject that it is an easy matter to forget the general public, as very few citizens ever write to Congressmen or to the Chief Executive.

In order to offset the many propaganda letters coming from unions all over the country, and to let the President know what I believed was the sentiment of my State on this subject, I sent to the President the letter and editorial which I now insert:

MY DEAR MR. PRESIDENT: The inclosed splendid editorial from the South's leading Democratic newspaper, the Dallas News, December 30, demanding an antistrike provision in the railroad bill, voices the sentiment of Texas.

I have lately visited much of Texas, cities such as Dallas, Fort Worth, Waco, Austin, San Antonio, Brownwood, Abilene, and Texarkana, seeking to ascertain the public sentiment of Texas generally, and I believe that fully 90 per cent of Texas citizens unqualifiedly indorse this editorial.

Every thinking man knows that a railroad strike would soon starve every big city in this Nation, bringing death and untold misery upon thousands of helpless women and innocent children, besides utterly destroying our industrial life. Are we longer to be put to sleep with the assertion that the brotherhoods have no intention to resort to strike?

By a threat to stop every train in the United States, the brotherhoods forced the Adamson law, which does not limit the working hours to eight, but merely pays to the train crews extra compensation for all over eight hours. To put in more than eight hours means more pay. Schedules are based on eight hours. To get increased pay, every train crew has an incentive to reach division points late. The natural result has been abominable service. A train is run largely according to the will and activity of its crew. Trains rarely run on time. Train crews are rewarded for being late. Only the public suffers. Making connections is now a dream of the past.

By a threat to stop every train in the United States in war time, the brotherhoods forced almost a billion dollars increases from Director General McAdoo. By such a threat they later forced additional millions from Director Hines. And in the Esch bill passed by the House, with every word of the adopted labor amendment prepared by the brotherhoods' attorney, all of these forced increases are made permanent, with no right of railroads to change them in the future unless raised. What would have happened if their demands had been denied?

Certain leaders of the brotherhoods, together with Mr. Samuel Gompers, are now threatening the country with disaster if a law is passed protecting the public. It is my opinion that the time has come when the people of the United States expect the Congress to protect them, and no longer are going to stand for any evasion of this momentous issue. It must be met some time. Now is the proper time to solve it.

Respectfully and sincerely,

THOMAS L. BLANTON.

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[Editorial from the Dallas Morning News, Dec. 30, 1919.]

THE NATURE OF THE STRIKE WEAPON.

One who had not read the provision of the Cummins bill which forbids railroad employees to strike would infer from the arguments that are being made against it that its purpose is to disarm all laboring men of the strike weapon. The fact is, as a casual reading will suffice to show, that this provision is applicable only to the employees of railroads. Of course to those who think the wageworkers have a natural, and therefore inalienable, right to strike the distinction will seem to be an insignificant one. The invasion of a right at a single point must he regarded as no less reprehensible, in the political sense, than an assault intended to destroy it utterly. But to those who feel that to strike is not a right, but merely a privilege which wageworkers have been allowed to exercise only because it has been thought socially expedient that they should be, the fact that this provision of the Cummins bill is applicable only to railroad employees will seem to be a distinction which must be taken into large account if a just judgment on this proposal is to be made. For if to strike is merely a privilege, the exercise of it is subject to such regulation or limitation as Congress may think the public interest requires, and the question to be considered becomes simply whether there are attached to the transportation service any particular circumstances which justify Congress in depriving those engaged in it of a privilege which all other wageworkers are allowed to exercise. This is the concrete question this provision of the Cummins bill presents to all who deny that the strike is a weapon which wageworkers have a natural, and therefore inalienable, right to use for the enforcement of their demands.

There can be but one answer to that question. The transportation industry is affected by circumstances which attach to no other. It is not singular in being a public utility. There are numerous public utilities. But it is singular by reason of the fact that all other public utilities, and even all other industries, are abjectly dependent on the uninterrupted functioning of the railroads.

There is hardly an individual in the country who has not suffered inconvenience or financial loss from the inability of the railroads during the last two years to function adequately. The financial loss has mounted literally into the hundreds of millions of dollars. By so much as a stopping of service exceeds a merely inadequate service by that much would the inconvenience, suffering, and cost of a strike exceed the inconvenience and loss which the country has experienced during the last two years. There is no exaggeration in saying that a railroad strike lasting only a week would inflict financial loss on every man in the country, ruin on many institutions, suffering on every community, and death on thousands, for it is to be remembered that there is not a large city in the country which could subsist a week on its accumulated stores of foodstuffs. By striking and remaining idle a week, the railroad employees would throw ten times their number into enforced idleness twice as long. Their strike might be successful, extort an increase of wages which would reimburse them for a week's idleness. But for the millions whom they had enforced into idleness the loss in wages and famine prices would be an irretrievable one. Can it be thought that any group of men have a natural right to do a thing which entails consequences so calamitous? Can the infliction of ruin, suffering, and death be justified with the plea that the result from the enforcement of an arbitrary wage demand—arbitrary, for the reason that this provision of the Cummins bill which forbids railroad men to strike also creates a tribunal to which their demands may be submitted for arbitrament?

Appreciating the enormity of the consequences of a strike, the chiefs of the railroad brotherhoods protest that a general railroad strike never has occurred and never will occur. Assuming the statement to be true, although it is so only in a highly literal sense, if at all, it makes no argument against this provision of the Cummins bill. Without implying that there is any analogy in the moral sense between the demand of organized wageworkers and that of a highwayman, it may be said that the highwayman would make as good a plea in insisting that he had a right to carry a gun if he should protest he never had killed and never would kill a man who refused to throw up his hands. It would be a sufficient refutation of that plea to cite the fact that only three years ago the four great brotherhoods of railroad employees solemnly declared that they would stop every train in the country if the demands they then made were not granted. It was not to the forbearance of the railroad employees that the country owed its escape from the calamity with which they threatened it but to the fact that Congress, cowed by that threat, itself forced a compliance with those demands by the use of its legislative power. That was a triumph of terrorism, and it is because this immense power of terrorism lies in the mere threat to strike that the railroad employees covet the use of it. When it is only by submitting to any demand which the railroad employees insist on that the country can escape the calamity of a strike it is a mockery to say that they ought to be allowed to retain that weapon because they have never pulled its trigger. The highwayman could with as good grace claim from his victim a tribute to his forbearance. It is because they can, by threatening to strike, render it unnecessary to strike that the railroad employees insist on being allowed to retain the use of it. It is because it invests them with a tyrannical power that it is valuable to them.

By insisting that they shall be allowed to retain this weapon they, in effect, declare their unwillingness to submit to arbitration or to any justiciable proceeding, for not only is fair adjudication of any demands they may make assured to them by the force of public opinion but it is specifically instituted by this provision of the Cummins bill to which they object. It does not now, in the practical sense, lie in the power of any railroad company to reject the demands of its employees. It can only dissent and, by dissenting, appeal to the judgment of some impartial individual or body improvised for the occasion. It is ridiculous, therefore, to say that the employees need the strike as a weapon with which to defend themselves against the power of railroad companies, because the railroad companies are themselves subject to the greater power of public opinion. For the railroad employees the strike is not a defensive but an offensive weapon and one to be used not against the power of the railroad companies but against the greater power of public opinion. By insisting that they be allowed to retain this strike weapon they insist on making their own will a force superior to that of 110,000,000 people expressed through an agency created for that purpose. Hence their attitude is an utter repudiation of democratic and an assertion of the autocratic rule, and if they should strike in protest against the enactment of this provision of the Cummins bill they would make war for an ideal which was defeated when Germany signed the armistice.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] has 10 minutes and the gentleman from Kentucky [Mr. THOMAS] has 15 minutes remaining.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, I think it due to the Committee on Rules and to the Members of the House that I should say that no rule has been denied to the Committee on the Judiciary for the consideration of the Graham bill. I am sure that the chairman of the Committee on the Judiciary [Mr. VOLSTEAD] will bear me out in that statement.

The rule was introduced, and it has taken its course, as others have. Demands were made for hearings upon it, and the Committee on Rules has always given hearings on resolutions which come before that committee. The Committee on Rules is not an arbitrary body. We are not reflecting the sentiments of or doing the will of an autocracy. We are living under a representative government, and we are not afraid to hear both sides of any question under consideration by the American people. [Applause.] We are not afraid to hear the proponents of the Graham bill. We are not afraid to hear any opponents on criticism of that bill, and it is for the purpose of giving people an opportunity to express their views upon the measure that we have fixed a time for a hearing. That time will be next

Thursday at 10.30, and I shall be glad if the gentleman from Texas [Mr. BLANTON] is present.

Mr. BLANTON. I shall be there.

Mr. CAMPBELL of Kansas. Other gentlemen have said that they would be there, so that "a good time will be had by all present," I hope.

Now as to the threat of revolution by Mr. Gompers that was made at the time of the parade in Washington on May Day. This morning was the time set for the "revolution," because John Barleycorn and all his subordinates went out of business at 12.01 this morning. I have not observed anything that approaches a revolution in Washington or elsewhere.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. BLANTON. No such cowardly threat was ever carried out by the kind of men that would make it.

Mr. CAMPBELL of Kansas. I think there is a good deal of loose talk about the overthrow of the Government if you do this or do that, and much of such comment would amount to about the same thing as the threat of revolution if the workers of the country were not permitted to buy wine and beer whenever they wanted to.

The Committee on Rules will consider the rule on the Graham resolution, and will give a rule for the consideration of that bill just as soon as we can find time for its consideration—a time that will be agreeable to the House; and we shall give plenty of time for the discussion of the measure. [Applause.] It is a matter of the greatest importance, and should have serious consideration by the American Congress. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] has five minutes remaining.

Mr. VOLSTEAD. Mr. Chairman, there seems to be no desire for further general debate, and I will ask for the reading of the bill; but first I ask unanimous consent that the reading of the Senate bill be dispensed with and that the amendment reported by the Judiciary Committee be read and subject to amendment as an original bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the reading of the Senate bill be dispensed with and that the amendment reported by the Judiciary Committee be read and subject to amendment as an original bill. Is there objection?

There was no objection.

The Clerk, proceeding with the reading, read as follows:

SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libellant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party: *Provided*, That upon application of either party the cause may, in its discretion, be transferred to any other district court of the United States, or to any such court upon which they may agree.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 10, lines 10 and 11, after the words "*Provided*, That," strike out the words "such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire," and substitute the following: "in the case of a vessel not employed as a merchant vessel (a) no suit may be brought under this act on causes of action arising since April 6, 1917, and prior to the approval of this act, unless the consent of the Attorney General of the United States is first obtained in writing; and that (b) where an investigation has been held by a department of the Government as to the facts of any such cause of action arising since April 6, 1917, and prior to the approval of this act, and a witness can not be produced upon the trial, his testimony given at the investigation may be offered by the United States and shall be admissible, if such witness was cross-examined at the investigation by the party suing or his attorney; and that (c) no officer or member of the crew of any such vessel may be subpœnaed in connection with any such suit without the consent of the commander of said vessel; and that (d) no suit may be brought under this act by the National or any foreign Government unless it shall be certified by the Secretary of State that said Government under similar circumstances allows nationals of the United States to sue in its courts."

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. HUSTED. I desire to be heard briefly on the amendment.

The CHAIRMAN. The Chair will recognize the gentleman, because the point of order is reserved.

Mr. HUSTED. I do not want to be heard on the point of order unless it is made. If the point of order is made, I want to be heard on the point of order.

Mr. WHALEY. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. MARTIN, for two weeks, on account of important business.

To Mr. ALMON, for one week, on account of important official business.

To Mr. LAZARO, for seven days, on account of important business.

To Mr. WATKINS, indefinitely, on account of important business.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. MAPES presented for printing under the rule the conference report on the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned until Monday, January 19, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the acting chairman of the Federal Board for Vocational Education, transmitting statement of travel by employees, etc., from Washington to points outside of the District of Columbia (H. Doc. No. 615), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 11730) to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, and the Public Health Service, reported the same without amendment, accompanied by a report (No. 555), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MINAHAN of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 6077) directing the Secretary of the Treasury to pay the claim of the King Coal Co., of San Francisco, Calif., reported the same with amendments, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 11841) to amend "An act granting additional quarantine powers and imposing additional duties

upon the Marine Hospital Service," approved February 15, 1893; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11842) to amend an act entitled, "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915"; to the Committee on Military Affairs.

By Mr. LESHER: A bill (H. R. 11843) to provide for the purchase of a site and for the erection of a public building at Milton, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11844) to provide for the purchase of a site and for the erection of a public building at Bloomsburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. COLE: A bill (H. R. 11845) to provide for the purchase of a site and the erection of a public building at Bucyrus, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 11846) to authorize the Secretary of the Treasury to refund moneys paid for taxes on intoxicating liquors and for tax stamps on beer and wine remaining unused, and for other purposes; to the Committee on Ways and Means.

By Mr. McGLENNON: A bill (H. R. 11847) creating a commission to award equitable compensation to honorably discharged soldiers, sailors, marines, and nurses who served in the war against Germany; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 11848) to authorize the Secretary of War to transfer to the Federal Board for Vocational Education certain buildings, machines, appliances, tools, equipment, and other supplies under the control of the War Department; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11849) authorizing the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11850) authorizing the establishment of a fog signal at Gig Harbor, Wash.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11851) authorizing the exchange of lands within the Rainier National Forest, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 11852) to authorize the Secretary of the Treasury to deposit with the Bank of North Dakota $10,000,000, on certificates of deposit bearing interest at 4 per cent per annum, to be loaned by said bank through its local correspondent banks to the farmers in the drought-stricken areas of North Dakota; to the Committee on Appropriations.

By Mr. VESTAL: Joint resolution (H. J. Res. 277) authorizing the Secretary of War to furnish to legally constituted posts of the American Legion rifles and bugles for burial services; to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: Memorial from the Legislature of the State of Kansas, opposing Federal control of railroads; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 11853) granting a pension to M. M. Sayre; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 11854) granting an increase of pension to Joseph E. W. Bergbower; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 11855) granting a pension to Henry Burkitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11856) granting a pension to John Rovinski; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 11857) granting an increase of pension to Anna H. Torrey; to the Committee on Pensions.

By Mr. GOODYKOONTZ: A bill (H. R. 11858) granting a pension to Noah C. Reynolds; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 11859) for the relief of Josie N. Styron; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 11860) granting an increase of pension to Philip Dieter; to the Committee on Invalid Pensions.

By Mr. HARDY of Texas: A bill (H. R. 11861) for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 11862) authorizing Ralph B. Quinn to make homestead entry for certain public lands in the State of Arizona; to the Committee on the Public Lands.

By Mr. HAYS: A bill (H. R. 11863) granting an increase of pension to Joseph Vincent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11864) granting an increase of pension to Laony Carver; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11865) granting an increase of pension to Jennie L. Ramsdell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11866) granting a pension to Julia E. Mills; to the Committee on Invalid Pensions.

By Mr. MacCRATE: A bill (H. R. 11867) granting an increase of pension to Michael Kirby; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11868) granting a pension to Jesse K. Drinnen; to the Committee on Pensions.

Also, a bill (H. R. 11869) granting a pension to John M. Davis; to the Committee on Pensions.

Also, a bill (H. R. 11870) granting a pension to Huse Walker; to the Committee on Pensions.

Also, a bill (H. R. 11871) granting a pension to Mitchell Phillips; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 11872) granting a pension to William Francis Sheridan; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

943. By Mr. COLE: Petition of Crestline Council, No. 306, Junior Order United American Mechanics, of Crestline, Ohio, and of Lime City Council, No. 206, Junior Order United American Mechanics, of Marion Ohio, requesting support of House bill 10379; to the Committee on the Judiciary.

944. By Mr. EMERSON: Petition of residents of Cleveland, Ohio, urging passage of Senate bill 1567 and House bill 5212; to the Committee on Immigration and Naturalization.

945. By Mr. ESCH: Petition of the American Association of State Highway Officials, urging the enactment of House bill 9412; to the Committee on Military Affairs.

946. By Mr. KELLY of Pennsylvania: Petition of the Wilmerding Branch, Friends of Irish Freedom, protesting against delay in payment of interest due on foreign loans; to the Committee on Foreign Affairs.

947. By Mr. O'CONNELL: Petition of James A. Paisley, of Pennsylvania, relative to the car shortage; to the Committee on Interstate and Foreign Commerce.

948. Also, petition of the Central Labor Union of Kansas City, Kans., against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

949. Also, petition of the General Committee on Army and Navy Chaplains, Washington, D. C., relative to certain legislation now pending; to the Committee on Military Affairs.

950. By Mr. RAKER: Petition of the Red Bluff Lodge, No. 1250, Benevolent and Protective Order of Elks, urging certain legislation; to the Committee on Foreign Affairs.

951. Also, petition of James F. Peterson, of Roseville, Calif., urging the passage of House bill 7923; to the Committee on Military Affairs.

952. Also, petition of the Associated Savings Banks of San Francisco, Calif., indorsing House bill 10103; to the Committee on Interstate and Foreign Commerce.

953. Also, petition of joint committee, Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen of the Southern Pacific Railroad; N. A. Gregory, of Rocklin, Calif.; and A. J. Brewer, of Dunsmuir, Calif., protesting against Esch and Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

954. Also, petition of the National Association of Railway and Utilities Commissioners, relative to the Esch-Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

955. By Mr. ROWAN: Petition of the Central Labor Union of Kansas City, Kans., opposing the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

956. Also, petition of the Liberty Magazine, of Washington, D. C., relative to certain legislation; to the Committee on the Judiciary.

957. Also, petition of the National Association of Manufacturers of the United States, relative to railroad legislation; to the Committee on Interstate and Foreign Commerce.

958. Also, petition of the General Committee on Army and Navy Chaplains, relative to certain legislation now pending; to the Committee on Military Affairs.

SENATE.

MONDAY, *January 19, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in this sacred moment after the manner and custom of our people. We pray that we may use it lifting our hearts to Thee, that we may maintain that relation to Thyself which our fathers have always maintained, that we may be subject to the will of God, bearing in our faith trust in Thy leadership, and thoroughly committed to the great ideals which Thou hast made known to us in the Gospel of Thy Son. Lead us this day and help us to discharge the duties of Christian statesmen. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Brandegee	Henderson	McNary	Sheppard
Calder	Jones, N. Mex.	Nelson	Sherman
Capper	Jones, Wash.	New	Smith, Md.
Chamberlain	Kellogg	Norris	Smoot
Cummins	Kendrick	Nugent	Sterling
Curtis	Kenyon	Overman	Thomas
Dial	King	Page	Trammell
Edge	Kirby	Phelan	Underwood
Elkins	Lenroot	Phipps	Walsh, Mont.
Fernald	Lodge	Pomerene	
Harding	McLean	Robinson	

Mr. CURTIS. I was requested to announce the absence of the Senator from New Hampshire [Mr. KEYES] on account of illness in his family. I will let this announcement stand for the day.

Mr. TRAMMELL. I desire to announce the absence of the Senator from Nevada [Mr. PITTMAN], the Senator from Maine [Mr. HALE], and the Senator from Michigan [Mr. NEWBERRY], who are engaged as a subcommittee of the Committee on Naval Affairs.

I wish also to announce the absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent on official business.

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. HARRIS, Mr. MCCORMICK, Mr. MCCUMBER, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. MCKELLAR, Mr. HITCHCOCK, Mr. SUTHERLAND, Mr. CULBERSON, Mr. FRANCE, Mr. MOSES, Mr. COLT, Mr. BECKHAM, Mr. STANLEY, Mr. MYERS, Mr. BORAH, Mr. GRONNA, and Mr. TOWNSEND entered the Chamber and answered to their names.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The junior Senator from Arizona [Mr. ASHURST], the Senator from Delaware [Mr. WOLCOTT], the Senator from North Carolina [Mr. SIMMONS], and the senior Senator from Arizona [Mr. SMITH] are absent on official business.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, in furtherance of furnishing to the Senate the statistical results of the intercollegiate voting test on the peace treaty, I desire to have inserted in the RECORD to-day the vote as finally canvassed of 418 colleges, including the faculty and students of each college. For unqualified ratification there were 48,232 votes; against ratification in any form, 13,933 votes; for the Lodge reservations, 27,970 votes; for compromise reservations, 61,494 votes; for the Knox plan substantially, separating the league from the treaty, 6,449 votes; or a total of 158,078 votes.

In commenting upon the vote, I desire to say that I have already had inserted in the RECORD a tabulated statement showing that these votes were taken in colleges all over the United States, East, West, North, and South; they were taken in large colleges and in small colleges. They were taken in a very careful manner by a bureau which established itself in New York and which conferred with the Senator from Massachusetts [Mr. LODGE] upon one side and with me upon the other side, first, as to the form of ballot, and finally to the extent of inviting the Senator from Massachusetts and myself to supply to voting colleges an argument on each side. The Senator from Massachusetts presented an argument in favor of the Lodge reservations. I did not present an argument in favor of unqualified ratification, for I admitted that under the conditions reservations had become inevitable. The argument which I presented was for a compromise of reservations between the destructive reservations presented by the Senator from Massachusetts and the interpretative reservations presented by me in accordance with the instructions of the Democratic caucus.

I say this by way of explanation, and each Senator can judge for himself by reading the figures as to what the opinion is of these intelligent young men in the colleges throughout the land.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. HITCHCOCK. I yield to the Senator from New Jersey.

Mr. EDGE. In this connection, Mr. President, in the interest of accuracy, it might be well to supplement the statement of the Senator from Nebraska——

Mr. HITCHCOCK. If the Senator desires to ask a question, I will yield. Otherwise, I should like to finish, and let the Senator speak in his own time.

Mr. EDGE. I was simply going to call attention to the fact——

Mr. HITCHCOCK. Does the Senator desire to interrupt what I have to say?

Mr. EDGE. I am going to ask a question, if I may be permitted to formulate it.

Mr. HITCHCOCK. Very well.

Mr. EDGE. The percentage of the total vote for unqualified ratification amounting to 45 per cent, according to the statement of the Senator two or three days ago, has been reduced to about 34 per cent according to the later returns. I was going to ask the Senator from Nebraska, in making his explanation, to include that change of percentage in the RECORD in the interest of accuracy.

Mr. HITCHCOCK. I have not figured out the percentages, but later in the day I shall be glad to insert them.

I might say that of the colleges that voted there were 89 that voted upon a six-blank ballot which had been first prepared. The ballot was afterwards changed as the result of conference between the Senator from Massachusetts and myself to a four-blank ballot. The result of the change was to reduce the number of voting blanks to four, but that was in the interest of a closer, concrete result. I have not figured out the percentages; but I draw attention to the fact that out of 158,000 votes polled the compromise reservations which we advocate and unqualified ratification for which we are ready to stand polled, approximately, 100,000 votes; and the Lodge reservations, which we oppose, polled out of 158,000 votes only 27,970. Every Senator can figure that percentage for himself.

Mr. President, in addition to that, I desire to have inserted in the RECORD, without reading, the ballot taken by the members of the Chamber of Commerce of Charleston, S. C.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Total vote, 418 colleges.

For unqualified ratification	48,232
Against ratification	13,933
For Lodge reservations	27,970
For compromise reservations	61,494
For Knox plan	6,449
Total votes	158,078

"Result of membership referendum by the Charleston (S. C.) Chamber of Commerce on peace treaty, January, 1920, is as follows:

"1. Should there be some covenant amongst the nations of the world? No, 13; yes, 312.

"2. Should the treaty as proposed by the President be accepted? No, 117; yes, 205.

"3. Should the treaty be accepted with interpretative reservations? No, 131; yes, 172.

"4. Should the treaty be accepted with amendments which would require resubmission to the peace conference? No, 253; yes, 43.

"5. Should the treaty be rejected and a separate peace be made with Germany? No, 280; yes, 31.

"In compliance with this vote, this chamber is on record as favoring—

"1. Some covenant amongst the nations of the world.

"2. That treaty as proposed by the President should be accepted.

"3. Interpretative reservations.

"And opposed to—

"1. Amendments that would require resubmission to peace conference.

"2. Rejection of present treaty and making separate peace with Germany."

Mr. HITCHCOCK. I desire also to have inserted in the RECORD the statement that I have received from the president of the Blackstone College for Girls in Blackstone, Va., that on a ballot taken there 473 votes were for the treaty without change, 2 were for mild reservations, and there were no other votes for any other proposition.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

BLACKSTONE COLLEGE FOR GIRLS,
Blackstone, Va., January 13, 1920.

Senator HITCHCOCK,
United States Senate, Washington, D. C.

DEAR SIR: In unison with the other colleges, I presented the matter of the league of nations and the peace treaty to my student body and professors, numbering about 475. I am glad to announce to you that the vote was 473 for the ratification of the treaty without reservations and 2 votes for mild reservations. I am giving you this result that you may hand it to the Committee on Foreign Relations with the other colleges.

In this connection please allow me to congratulate you on the heroic fight which you are making for the treaty in face of almost overwhelming odds. I am confident that with the hearty sentiment of the people in your favor you will at last win out.

With respect and good wishes, I am,

Yours, truly, ——— ———.

Mr. EDGE. Mr. President, merely to make the RECORD complete—I was unable to follow all that the Senator from Nebraska stated in connection with the poll—I think there should be set forth in one concrete statement that the vote for unqualified ratification totaled 34½ per cent of the votes cast; the three other classes—proposed compromises, the Lodge reservations, and against ratification—totaled 65½ per cent; demonstrating that the only conclusion one can arrive at in analyzing the entire vote is that it is almost 2 to 1 against an unqualified ratification without the crossing of a "t" or the dotting of an "i."

Mr. McCORMICK obtained the floor.

Mr. HITCHCOCK and Mr. POMERENE addressed the Chair.

Mr. McCORMICK. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I desire to say that the Senator from New Jersey has made an impossible combination. He is trying to mix oil and water. He is now trying to mix the vote for compromise reservations, which we on this side of the aisle advocate with the Lodge reservations, which we oppose. I call his attention to the fact that the Lodge reservations, for which he stands or for which he has heretofore stood, only polled 27,970 votes out of 158,000, and that we on this side believe we have the right to combine in this vote the 61,494 votes for compromise reservations which we advocate with the 48,233 votes for unqualified ratification, which we are ready to accept. That is the way the combination can be made. You can not combine the Lodge reservations with anything except the vote to kill the treaty.

Mr. McCORMICK. Mr. President, I am entirely willing that the Senator from Nebraska should combine any votes to suit his taste, provided that he does not succeed in combining the Lodge reservations with his interpretative reservations. I pray devoutly that any such effort may prove a mixing of oil and water, and that there may be no enduring blend of them.

Mr. President, it was to point out that this vote among the colleges has been a shepherded vote that I rose. No sooner was it published that the vote was to be taken than the League to Enforce Peace wrote to the colleges offering speakers to sustain the league's point of view. Among them, so I am informed, was the gentleman who celebrated the death of Theodore Roosevelt because he could not take part in this discussion of the league. Senators who are considering this college vote—and, of course, it must be considered—ought not to forget that in the polling booths of the country from Oklahoma and Alabama to New Jersey and Massachusetts there also has been registered a vote; they ought not to forget that votes have been registered not only in the United States, but in the joint assembly of the French Republic which elected to the Presidency of France not M. Clemenceau, that principal signer of the treaty for France, but M. Deschanel.

Mr. SUTHERLAND. Mr. President——

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. McCORMICK. I yield first to the Senator from West Virginia.

Mr. NELSON. I merely wish to ask the Senator a question.

Mr. SUTHERLAND. I call the attention of the Senator from Illinois to the further fact that in connection with the propaganda which has been going on in the colleges some very distinguished speakers have been brought to this country and have been touring the colleges and speaking on the League of Nations, instructing our people as to their own interest, among them a very distinguished gentleman connected with the College of London—Dr. Newton—whom I happened to meet here in the city, and who told me that he was touring the colleges of this country for the purpose of speaking on the League of Nations.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from New Jersey?

Mr. McCORMICK. I yield to the Senator from New Jersey.

Mr. EDGE. I do not wish to take the time of the morning hour, but the Senator from Nebraska apparently takes to his side the credit for the entire total of 49,000 votes for compromise reservations. It seems to me that I make a perfectly accurate statement when I call attention to the fact that the movement for compromise on the treaty has up to quite recently come entirely from this side. Therefore the 49,000 votes, it seems to me, whether they favor directly the Lodge reservations or other reservations, represent the compromise that has emanated principally from this side of the Chamber.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. McCORMICK. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to ask the Senator from Illinois—and the question is addressed to all of the Senators who have just spoken—are we as Members of the Senate to exercise our own judgment upon an important question of this kind or are we to be mere dummies?

Mr. McCORMICK. The Senator is not addressing his question to this corner of the Senate, I trust.

Mr. President, before I conclude let me say, by way of reply to the Senator from West Virginia, that at an early opportunity I hope to lay before the Senate some part of the discussion upon the treaty which has occurred in London, in Paris, and at Cape Town. As time elapses we learn more of the bitter fruits of the treaty and of the opinion in which it is coming to be viewed in other countries. I believe that the material which has reached me throws an interesting light upon the great question of six votes accorded one of the signatories to the treaty as against one vote for each of the others. As Mr. Hoover has indicated, the treaty condemns Austria to perpetual famine, and hence to anarchy; it condemns Czechoslovakia to perpetual civil strife, and hence to civil war, with the horrible consequences in central Europe which must flow therefrom.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCORMICK. Certainly.

Mr. KING. Assuming that the last two statements made by the Senator are correct—that Austria is condemned to economic servitude——

Mr. McCORMICK. That was the statement of Mr. Hoover, and not the statement of the Senator from Illinois.

Mr. KING. Assuming that Mr. Hoover did make the statement, does the Senator think that the rejection of the treaty by the United States is going to effectuate any cure or any relief?

Mr. McCORMICK. The Senator undoubtedly does think so.

Mr. KING. Does not the Senator believe that if the United States becomes a signatory to the treaty, and if the League of Nations should be formed and the United States should participate in the League of Nations, the conditions in Austria and in Czechoslovakia would be relieved and improved if the treaty is so sinister toward them as the remarks attributed to Mr. Hoover would seem to indicate?

Mr. McCORMICK. In what sense does the Senator from Utah think that the States of Austria and Czechoslovakia would be relieved, and how?

Mr. KING. I asked the Senator if they would not be. I can easily conceive that they could be relieved if the treaty does bear too heavily upon them.

Mr. McCORMICK. The Senator from Utah, who has studied the treaty as thoroughly as any man on this floor, knows that by the treaty their frontiers and racial constitutions are made permanent—substantially irrevocable under its terms. It is those frontiers which condemn the one, as Mr. Hoover says, to perpetual famine and the other to perpetual civil strife. The Senator recalls the veto to the change of those frontiers for which the treaty provides, does he not?

Mr. KING. Well, I do not know that I quite assent to the broad statement made by my distinguished friend from Illinois.

Mr. McCORMICK. Is there no veto to a modification of those frontiers in the treaty?

Mr. KING. If the Senator will permit me, while I can not answer categorically, I believe that there is a power within the League of Nations to mitigate the severities of the treaty, if there should be any severities, with respect to the lines delimiting——

Mr. McCORMICK. The Senator knows that a single European power may veto any modification of the terms of the treaty touching either of those two countries in central Europe.

Mr. BORAH. Mr. President——

Mr. KING. Without assenting to the latter statement, I repeat, as a statement——

Mr. McCORMICK. Oh, Mr. President, the Senator's assent is not necessary to the terms of the treaty. It has been ratified in Paris.

Mr. KING. If the Senator will permit me, I will repeat as an expression of my belief what I propounded to the Senator as an inquiry, namely, that with the United States being a member of the league, the conditions of those nations whose boundaries have been improperly fixed would be considerably ameliorated and improved.

Mr. McCORMICK. Oh, the faith of the Senator would move mountains. It is not so long since another preacher held that "the sun do move."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ESCH, Mr. SINNOTT, Mr. HAUGEN, Mr. SIMS, Mr. TAYLOR of Colorado, and Mr. LEE of Georgia managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2999. An act to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 9089. An act releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, or other public purposes; and

H. R. 9183. An act authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE. I present a petition, which I ask may be read.

The PRESIDENT pro tempore. The petition will be read.

The Reading Clerk read as follows:

NEW YORK, *January 17, 1920.*

Hon. FRANK B. BRANDEGEE,
Washington, D. C.

DEAR SIR: The China Society of America respectfully petitions and urges the Members of the United States Senate to firmly uphold the essential features of the Shantung reservation to the Paris peace treaty adopted by the United States Senate November 15, 1919, in order to preserve the honor of our country, which induced China to enter the war, and also to maintain the vital interests of the United States, which will be seriously endangered if we fail to make clear our absolute right to freedom of action in the future.

Yours, very truly,

THE CHINA SOCIETY OF AMERICA,
A. B. HUMPHREY, *Director.*

Mr. BRANDEGEE. Mr. President, I refrain from asking that that be submitted to a straw vote of the college boys of the country.

Mr. McKELLAR. I present a short communication from a large number of citizens of Henry County, Tenn., in reference to the Cummins bill, which I ask may be printed in the RECORD without reading. I also ask unanimous consent that the signatures attached thereto may be printed.

There being no objection, the communication and accompanying signatures were ordered to be printed in the RECORD, as follows:

To the honorable UNITED STATES SENATORS FROM TENNESSEE:

We, the undersigned citizens of Henry County, protest the putting into effect of the Cummins bill. This bill is a guaranty to the private owners of an increase in freight rates, thereby increasing the cost of living.

We further protest the antistrike clause, which is unfair to railroad employees and places them in chattel slavery.

We ask you to support the two-year extension bill of Government control of railroads.

J. H. Timmons, R. L. Hampton, Eugene S. Paulding, J. E. Collins, C. Q. Collins, J. B. Cronin, I. L. Wilson, C. C. Halliday, Aubrey Williams, W. L. McClain, Herman Bruhn, John Etheridge, Alois L. McClain, Harry B. Wilson, J. B. Hart, Earnest McFadden, H. A. Burton, Hugh Baggett, R. B. Oliver, R. J. Dean, H. G. Richardson, G. L. Dodson, F. L. McHugh, R. J. Pryor, J. D. Ballard, J. T. Dumas, James A. Pollard, Robert Wheeler, P. E. Ray, S. L. Jones, M. B. Dickson, D. T. Spaulding, W. L. Edgar, W. P. Wynns, A. H. Sturdivant, Burl L. Pierce, Tom Hathaway, Juit McDaniel, J. E. Snow, Frank Parten, E. C. Gilbert, J. W. Smith, E. P. McFadden, L. B. Phelps, S. I. Hill, T. W. Ray, W. W. McFadden, R. C. Gloney, W. W. Markey, E. C. Givens, Leander D. Holcomb, C. E. Townsend, Arthur Crews, B. T. Crawford, George Taylor, Albert Turner, R. McFarland, J. H. Buckingham, Edwards & Curran, J. N. Cooper, F. M. Drummond, W. D. Hunt, T. S. Norld, J. B. McNeill, E. C. Lewis, Jno. A. Freeman, J. S. Kirkland, J. J. Weatherspoon, A. Norld, J. F. Rice, Z. F. Broadway, J. S. Lindsey, Jno. H. Arnett, Frank B. Meggs, W. A. Williams, J. B. Gillespie.

Mr. McKELLAR. I also ask to have printed in the RECORD a communication from the Memphis Rotary Club, of Tennessee, on the bill introduced by Congressman DAVEY defining sedition.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

MEMPHIS, TENN., *January 14, 1920.*

Senator KENNETH McKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR McKELLAR: At a regular meeting of the Memphis Rotary Club, held at the Chisca Hotel Tuesday, January 13, 1920, the following resolution was offered and unanimously adopted:

"*Be it resolved by the Memphis Rotary Club*, That House bill 10650, now pending before Congress and which is a bill introduced by Congressman MARTIN L. DAVEY defining sedition, the promoting thereof, and providing punishment thereof, be, and is hereby, approved, and that the Senators and Representatives from this State be requested to support this measure, or a similar measure, which provides immediate relief from the red menace; and be it further

"*Resolved*, That a copy of this resolution be sent to each Senator and Representative from Tennessee."

We hope that you can consistently support this legislation when it comes before Congress for passage.

Yours, very truly,

MEMPHIS ROTARY CLUB,
H. C. McKELLAR, *Secretary.*

Mr. McKELLAR. I wish to present a communication from the chairman of the Tennessee State legislative committee of the Order of Railway Conductors of America, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

ORDER RAILWAY CONDUCTORS OF AMERICA,
TENNESSEE STATE LEGISLATIVE COMMITTEE,
Knoxville, Tenn., January 16, 1920.

Hon. KENNETH MCKELLAR,
United States Senate.

MY DEAR SENATOR: Five thousand railway conductors whom I have the honor to represent and who are citizens of the State of Tennessee most heartily indorse the stand taken by you in opposing the Cummins railroad bill.

And we most respectfully request that you continue to use your voice, vote, and influence against this unfair measure, as any law which seeks to enslave should not pass in this the greatest country on earth. Again expressing to you the heartfelt thanks and appreciation of the 5,000 railway conductors of Tennessee for your opposition to the Cummins bill, I am,

Yours, respectfully,

J. T. LAWRENCE,
Chairman Tennessee Legislative Committee.

Mr. McKELLAR. I present resolutions adopted by Old Hickory Post, No. 1, Thirtieth Division, American Expeditionary Forces, of Chattanooga, Tenn., which I ask to have printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

OLD HICKORY POST, No. 1,
THIRTIETH DIVISION, AMERICAN EXPEDITIONARY FORCES,
Chattanooga, Tenn., January 9, 1920.

At a regular meeting, Old Hickory Post, No. 1, Thirtieth Division, American Expeditionary Forces, held January 8, 1920, the following preamble and resolutions were unanimously and enthusiastically adopted:

"Whereas the attention of this post has been called to Circular Letter No. 345 from the War Department, which letter outlines the policy of the Government in regard to hospital treatment of wounded and sick soldiers; and

"Whereas our interpretation of said circular letter would work an undue hardship upon certain cases of wounded and sick comrades now in our Government hospitals; and

"Whereas we are determined and hereby pledge ourselves to use every legitimate means to gain a healthy public sentiment in favor of giving these comrades every facility for the recovery of their health: Be it

"*Resolved by Old Hickory Post, No. 1, Thirtieth Division, American Expeditionary Forces*, That the honorable the Secretary of War be urgently requested to at once modify said order, not only that these men, our comrades, may be provided by a just and generous Government every opportunity for recovery that science can give, but that their minds may be relieved of the unrest and harassment which such an order creates.

"That we pledge ourselves to stand back of this cause as these men stood with us overseas.

"That a copy be forwarded at once to the honorable the Secretary of War, a copy made in our minutes, and a copy furnished the local press."

Respectfully,

D. N. MCMILLIN,
ELSWORTH BROWN,
M. W. FROST,
Committee.

Mr. GRONNA. I have here a brief resolution adopted by Georgia Division Farmers' Educational and Cooperative Union of America, which I ask to have read.

The PRESIDENT pro tempore. Without objection, the resolution will be read.

The Reading Clerk read as follows:

Senator A. J. GRONNA,
Washington, D. C.

A resolution by Martin F. Amorous, president the Cobb County Farmers' Union, Marietta, Ga.

"Whereas the treaty of peace with Germany contains a proposal to create an international labor congress, which when ratified by the United States Senate limits labor to '8 hours a day, 48 hours a week, and 24 hours rest each week,' and also taxes landowners with old-age pensions, disability pensions, and unemployment wages; and

"Whereas the enforcement of these conditions will be ruinous to the farming industry of the country: Therefore be it

"*Resolved*, That the Georgia division of the Farmers' Educational and Cooperative Union of America, in convention assembled, in Atlanta, Ga., this the 26th day of November, 1919, does hereby request the President of the United States and the United States Senate to exempt all farmers and agricultural workers from the international labor congress control: Be it further

"*Resolved*, That the president and secretary of this convention mail to the President of the United States and each Member of the United States Senate a certified copy of these resolutions."

The above resolution is a correct copy of the original resolution, which was read to the convention, discussed, and unanimously adopted.

J. H. MILLS, *President.*
ANDREW J. FLEMING,
Secretary and Treasurer.

Mr. SMOOT. I will ask the Senator if he desires to have the resolution printed in the RECORD, as well as read?

Mr. GRONNA. Yes; I do, Mr. President.

Mr. SMOOT. It has already been printed in the RECORD, about two weeks ago.

Mr. GRONNA. I will say to the Senator that I am aware of that fact.

Mr. KING. Mr. President, I should like to ask the Senator from North Dakota to which committee he desires the communication referred?

Mr. GRONNA. I think it had better go to the Committee on Foreign Relations.

Mr. KING. I agree with the Senator and hope it will receive consideration.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of sundry citizens of Portland, Me., praying for the enactment of legislation providing for the retirement of superannuated Government employees; which was ordered to lie on the table.

JOHN B. H. WARING.

Mr. SUTHERLAND, from the Committee on Military Affairs, to which was referred the bill (S. 907) for the relief of John B. H. Waring, reported it with amendments and submitted a report (No. 373) thereon.

FORT BERTHOLD INDIANS.

Mr. CURTIS. From the Committee on Indian Affairs, I report back favorably with an amendment, the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, and I submit a report (No. 372) thereon. I call the attention of the Senator from North Dakota [Mr. GRONNA] to the bill.

Mr. GRONNA. Mr. President, I have a similar bill, which I introduced and which passed the Senate in November last. It was somewhat different in form. This same measure has passed this body several times. It is recommended by the department. I do not believe any objection will be made, and I ask unanimous consent that it may be considered at this time.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of House bill 4382. Is there objection?

Mr. KING. Let the bill be read.

Mr. HITCHCOCK. I should like to have it read first. I do not remember it.

The PRESIDENT pro tempore. For information, the Secretary will read the bill.

The bill was read, as follows:

Whereas the Indians of the Fort Berthold Indian Reservation, in the State of North Dakota, including the tribes known as the Arickarees, the Gros Ventres, and the Mandans, and the individual members of such tribes make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with, and on account of various encroachments upon the appropriation by said Government of territory of said tribes of Indians: Therefore

Be it enacted, etc., That all claims of whatsoever nature which any or all of the tribes of Indians of the Fort Berthold Reservation, N. Dak., may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be al-

lowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the said tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff of plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by a petitioner or an attorney employed by said petitioner, tribes of any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

Mr. HITCHCOCK. Mr. President, withholding the right to object for a moment, I should like to ask the Senator some questions.

I notice that the bill provides that certain other Indian tribes may be made defendants in this action. Does that imply that if the action is successful, the rights or interests of the other Indian tribes may be diminished as the result of this action?

Mr. GRONNA. I will say to the Senator that these Indians claim that certain treaty stipulations have not been complied with by the Government of the United States. This bill is drawn by the department in the usual form. The bill which was given to me, and which I introduced, is somewhat different. This bill was passed in the House. It is a House bill, and I accept it rather than the bill which the Senate passed last November. I do not think it will in any way interfere with the claims of any other Indians belonging to the same tribe.

Mr. HITCHCOCK. I am asking the question because if that bill is what I think it may be, it would result in bringing in at a very late day some additional claimants to awards of trust property or trust funds, and would diminish some funds that are otherwise to be paid to Indians in Nebraska. I should like to have a little opportunity to examine the bill for that reason, because I know that those Indians, if it refers to their case, object very much to having the matter dug up now, with the result that claims which they think they have established may be diminished by this proceeding.

Mr. GRONNA. I have no objection, Mr. President, to giving the Senator time to examine the bill. I am quite sure that the conditions are such that the Senator's apprehensions are not well founded, but I am perfectly willing to let it go over for a day if the Senator desires it.

Mr. HITCHCOCK. Let it go over for a day.

The PRESIDENT pro tempore. The request for unanimous consent is withdrawn.

Mr. WALSH of Montana. Mr. President, I want to make a suggestion to the Senator from North Dakota. I presume probably the bill was drafted the way it is because in the division of the Indians into tribes some other tribe will probably claim the right to participate in whatever funds the Indians named set up a claim to, and the department desires the whole matter adjudicated in the one action. So the bill provides for bringing in any other tribe of Indians that may possibly assert a claim to the same fund.

I want to suggest to the Senator that he probably ought to have some provision in the bill as to the manner in which the other tribe could be brought in. I really do not know of any way in which service could be had upon anybody who would represent the other tribes, unless the statute so expressly provided. The tribe is merely an aggregation of individuals. I presume probably service upon the chief would not be regarded as service upon the entire tribe. Possibly the bill might provide for service upon the agent of the reservation upon which the other tribe is located, or something of that kind. I am apprehensive that the provision of the bill could not be made effective as it stands now.

Mr. GRONNA. I will say to the Senator that as I understand the bill—and I talked with the department about it—exactly the same kind of a bill was passed more than three years ago by the Senate, but it failed in the other House, and it is a measure which has been pending in Congress for some considerable time.

It is true, as the Senator from Montana states, that there are other Indians who might lay claim under the treaty, but they would not be prohibited by the passage of this legislation from participating. They have just as much right to come to the Court of Claims and establish their claim as the Indians who are named in the bill. We name only the Arickarees, the Mandans, and the Gros Ventres, who all belong to the Sioux Tribe of Indians.

It is a matter which has been gone over very thoroughly, but if the Senator desires to make a further examination I have no objection, although I assure the Senator that it has nothing to do whatsoever with the Indians who reside in his State, outside of this band.

Mr. WALSH of Montana. The Senator misunderstood me. I do not desire to be understood as saying anything by way of criticism of the bill.

Mr. GRONNA. I understand, and I thank the Senator for his kindly suggestion.

Mr. WALSH of Montana. I merely throw out to the Senator the suggestion that unless some provision is made for the making of service upon the other tribes I fear that portion of the bill will be ineffective.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

CHARLESTON (S. C.) NAVY YARD.

Mr. KING. Mr. President, if I may have the attention of the Senator from South Carolina [Mr. DIAL], the Senator from Delaware [Mr. BALL] was authorized by the Committee on Naval Affairs this morning to report favorably two bills—one to suspend further dredging of the Charleston Channel and the other to suspend further work upon the dry dock. The Senator from Delaware is preparing a report, and will submit the report at the earliest possible moment. I wish to state to the Senator from South Carolina that the committee will ask for the consideration of those measures at the earliest possible moment. I wanted the Senator from South Carolina and his colleague, or those who are opposed to the measures, to be advised of the report of the committee, so that they will not be taken unawares.

Mr. DIAL. I will state that my colleague is absent to-day, but he will be here to-morrow.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3743) for the relief of W. R. Grace & Co.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 3744) for the relief of Alfred Clark (with accompanying papers); to the Committee on Military Affairs.

By Mr. FRANCE:

A bill (S. 3745) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital service and supplies for discharged soldiers, sailors, marines, Army and Navy nurses (male and female), and for other purposes; to the Committee on Public Buildings and Grounds.

STATE BANKS IN FEDERAL RESERVE SYSTEM.

Mr. NORRIS. Mr. President, I have a Senate resolution calling for some information. I ask that it be read, and then I ask unanimous consent for its present consideration.

The resolution (S. Res. 284) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Reserve Board be, and it is hereby, instructed to inform the Senate whether the Federal Reserve Board or any Federal reserve bank, under instructions or with the consent or knowledge of said board, has resorted to any method of coercion to compel State banks to join the Federal Reserve System, or by threats or other coercive means has attempted to require such State banks to submit to any rules and regulations made by the Federal Reserve Board or any Federal reserve bank.

WITHDRAWAL OF PAPERS—CHARLES SCHLABURG.

On motion of Mr. HARDING, it was

Ordered, That the papers accompanying the bill S. 4799, Sixty-fifth Congress, second session, granting a pension to Charles Schlaburg, be withdrawn from the files of the Senate, no adverse report having been made thereon.

ADDRESS BY POSTMASTER GENERAL BURLESON.

Mr. HENDERSON. Mr. President, I have here an address on Benjamin Franklin, delivered by Postmaster General Burleson

on the occasion of the presentation by the postmasters of Pennsylvania of a life-size portrait of Benjamin Franklin to the Post Office Department of the United States. It is of interest not only on account of Franklin's connection with the Post Office Department, but also on account of his connection with international affairs. I ask that it may be printed in the RECORD.

Mr. SMOOT. Mr. President, what was the request? There was so much confusion that we could not hear it.

The PRESIDENT pro tempore. The Secretary will state the general character of the request.

The ASSISTANT SECRETARY. The request is to print in the RECORD an article on Benjamin Franklin, written by the Postmaster General.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

BENJAMIN FRANKLIN.

"It would be well for the people of America at this time to 'brush up on their Ben Franklin.'

"It is as the first Postmaster General that his portrait is now presented to be hung in the Post Office Department at Washington. But Franklin was not only the first Postmaster General, but was the first representative of the school of diplomacy and the democratic theory of international relations which is now recognized throughout the world as 'American.'

"The connection between these two distinctions is not remote. Universality of communication makes for democracy in diplomatic relations. The situation of the present hour should awaken new interest in the thought and actions of Ben Franklin during that period where his hand held the balance between success and failure of the cause which introduced real democracy to the family of nations, where it is now received as a 'big brother.'

"A review of the career of Franklin merely from his appointment as Postmaster General in 1775 to the close of the Revolution will bear an application to the present hour which should be illuminating to those who seek to secure democracy in its own dominions and to establish its fellowship among the nations of the earth.

"An examination of the reasons for the appointment of Franklin as Postmaster General and for the policy which obtained in the service under him, which is the policy of the Post Office Department to-day, will bring a realization that the Postal Service is something more than a mere transportation facility. It is the circulation system of the Republic upon which unity, progress, liberty, and national defense depend for vitality. One of the earliest lessons of the Revolution—in Franklin's time—was that the success of a struggle for liberty and independence depended upon the establishment and control of lines of general communication. Without this the Revolution would have been a failure.

"The struggle for control of means of communication was begun between the 'parliamentary' postal service established by Great Britain for the Colonies and the Postal Service of the American patriots several years before the Declaration of Independence and even before the Battle of Bunker Hill. The 'constitutional' post office established in July, 1775, with Franklin as Postmaster General, was deemed indispensable because, as stated in a resolution of the Continental Congress, 'Communication of intelligence with frequency and dispatch from one part to another of this extensive continent is essentially requisite to its safety.'

"The establishment and control of a general means of communication is one of the first essentials to unity and the fixing of national character. In time of peace the extent and efficiency of a national service of communication measures the progress of the Nation, both in general intelligence and in material prosperity. In time of war, it constitutes a line of national defense not less important than armies, fortifications, and ships of war.

"The establishment of posts for the conveyance of letters and intelligence throughout the Colonies was one of the first steps toward independence taken by the Continental Congress assembled at Philadelphia in 1775. While factions still contended in that Congress as to measures corrective of British oppression and a petition to the Crown had been adopted and when the Declaration of Independence was not yet born, Franklin drew up the report to Congress recommending the appointment of the Postmaster General for the United Colonies and a plan for the establishment of the Postal System which is essentially that which is now in operation, and upon its adoption he was appointed Postmaster General. This was one of the most practical measures to cement unity of the Colonies and has since served as a binding influence to hold together the common interest of the Nation by the intercommunication of intelligence, insuring a common understanding of the general welfare among people widely dispersed and affected by diversified local and special interest.

"Wharton, in analyzing the diplomatic correspondence of Franklin while representing the Colonies at France, says:

"Of all men in public life Franklin was the most familiar, when he came to France as envoy, with the political conditions with which he had to deal. As Postmaster General he had traversed every inhabited section of the United States.

"The fame won by Franklin in the field of diplomacy was due to his understanding of the value of things simple and commonplace which enter into everyday life and a realization that national and international relations are but an enlargement of these and their extension into broader fields. He was the author of our postal system, and in turn his diplomacy was a product of the experience derived through its operation and was a demonstration of the value of that common understanding and impulse which arises from ready communication and exchange of intelligence.

"There can be no doubt of the value to Franklin in his later career of his early experience in the Postal Service. It is also manifest that the postal system which he established contributed largely to the growth of the spirit of liberty and to the final independence of America. His postal experience began years before his appointment as Postmaster General by the Continental Congress. In 1753 he was made postmaster general of the Colonies, then under the Crown, and that at that early day instituted improvements and extensions of the service and put into effect a policy which has developed into a national system. His realization of the importance of having a national system of communication is undoubtedly responsible for the provision of the Constitution, which he helped to frame, making the agencies for communication of intelligence a Government monopoly.

"Soon after taking charge of the service in 1753 he made a tour of inspection throughout the Colonies, visiting every post office except that of Charleston. During four years, without financial reward, he worked for the extension and expansion of the service, and at the end of that time the department was in debt to him £400. After that, however, his system began to be felt and the salaries of postmasters were paid from the postal revenues, and a small surplus accrued.

"The first battle against the subsidy of free postage for the press was fought by Franklin, himself a publisher. In the early colonial times newspapers were published by postmasters and circulated free, the postmasters exercising the privilege of excluding rival publications from the mail. Franklin, on assuming charge of the service, abolished this monopoly-subsidy system and fixed a postage charge for newspapers based upon a zone system. In doing this he encountered antagonism and attack. Publishers at that time objected to the loss of a subsidy and were resentful of this rule, as many are now resentful of the present zone law, which deprives them of a very substantial subsidy. He charged each subscriber who received his newspaper by mail 9 pence a year for 50 miles and 18 pence a year for 100 miles, and compelled his riders to carry all newspapers offered instead of carrying only those published by postmasters.

"Ben Franklin is credited with participation in drafting the Declaration of Independence; he took part in framing the Constitution of the Republic, being author of the compromise providing for equal representation of the States in the Senate and popular representation in the House, the adoption of which determined the fate of this charter of the Union; and by him the Revolution was sustained, when but for his efforts in France it seemed doomed to failure. It was only through him that the American Congress could negotiate with France, and from the time of his arrival in Paris until the treaty of peace was made with Great Britain he conducted almost exclusively the financial operation of the United States, providing money, arms, and supplies. Congress relied upon him for funds during the period 1781 to 1782.

"In addition to these diplomatic and financial functions, which put him in the position of a secretary of state and of a secretary of the treasury—

"Wharton says—

"he had to exercise the function of a secretary of war in the selection and forwarding of supplies, of a secretary of the navy in supervising the fitting out and regulation of privateers numerous enough to scour all the European waters, and of a supreme admiralty judge in determining prize questions in which these privateers were concerned and in adjusting the almost innumerable controversies in which those concerned in these privateers were engaged.

"The functions exercised for the United States by Franklin alone corresponded to those which were performed for England by a chancellor of the exchequer, secretaries of foreign affairs, the admiralty board, war secretaries, and the courts of admiralty.

"There is much harping at this time about the domination of one man in the making of a great treaty to secure peace and to establish democracy securely among the civilized nations of the world, and the suggestion of association and alliance with European nations, or the intimation of an interest in European affairs is received with well-staged mimicry of horror by leaders of an opposing party.

"Yet this Republic would have been stillborn from an abortive revolution and liberty have been given no life upon this earth had the feeble Colonies of America not sought and procured alliance in Europe.

"Franklin's mission was to make alliance and to secure support, and the alliance made with France which obligated the Colonies to support her in event of war with Great Britain, as she supported the Colonies; and which pledge this young Government, not yet fully organized nor secure in her sovereignty to conclude no treaty of peace with Great Britain, except with the knowledge and assent of France, was not deemed an acknowledgment of vassalage or an abridgment of sovereignty on the part of the Colonies, but was an agency and guaranty for the establishment of a new sovereignty of the people which will survive when the 'sovereignty of lords' shall be but a hateful memory. Washington, whose friend and collaborator Franklin was, deprecated, not alliances, but 'entangling' alliances. Alliances and support were sought. Entanglements were avoided.

"Franklin, like Washington, comprehended the full meaning and essential characteristics of an independent democratic government. While Washington sustained our military forces in the field, enduring untold privations and subjected to the cabals of hostile elements in Congress, Franklin sustained the morale of our young Nation and provided the sympathetic, financial, and material support which made success possible, and, like Washington, encountered hostility and interference directed by a hostile element in Congress.

"Franklin had his Lodges, his Knoxes, and his Reeds to contend with in the person of the Adamses and the Lees.

"America has produced no man having better understanding of the principles of democratic government than Ben Franklin, and none who understood better their practical application to individual liberty, free government, and international relations. The highest authorities, both in America and abroad, credit him with being the ablest diplomat who has ever represented this Government in our foreign relations. Yet he was a philosopher. This was said of him in derogation of his usefulness to his country. He was spoken of as an indolent philosopher who, from his love of aimless intrigue and his dislike of bold push, would deprive his country of advantages which a courageous front would procure. There was practically no limit to the slur and slander of Franklin and the hindrances and embarrassments thrown in his way by his personal enemies and those who were the enemies of his policies in Congress.

"The futility of an attempt by Congress to direct and control foreign negotiations was most conspicuously demonstrated during this early period when the Republic had not yet 'found itself' and Congress was dominated and blinded by its jealousy of Executive authority. The experiences of that time led to the constitutional provision placing our foreign negotiations under the Executive. Our foreign relations were conducted through a Committee of Foreign Affairs, the personnel and policy of which changed from time to time and which was controlled alternately by contending factions, absolutely destroying the stability of our foreign affairs and endangering any negotiations that might be undertaken. The policy of Congress was determined by resolution, communications being received from foreign ministers and envoys, policies initiated or reversed according to the spirit that might dominate the committee or the Congress for the moment. Two factions were constantly contending for control, and whenever that of Samuel and John Adams and Richard H. Lee was dominant every conceivable embarrassment and hindrance was thrown in the way of Franklin. From this resulted a vacillating foreign policy which would undoubtedly have meant disaster but for the confidence inspired with France by Franklin and the unwillingness of the French foreign office to deal with any other than him.

"Wharton in his commentaries on the diplomatic correspondence of the American Revolution says on this subject:

"The fluctuating policy of Congress as to foreign affairs is illustrated by the provisions in the committee to whom these affairs were intrusted and the changes in the tone of our diplomatic correspondence as one or the other of these parties was in its turn in the ascendency. When the committee was first constituted it contained, under the title of the 'secret committee,' the names of Franklin, Jay, Harrison, and Morris, to the first two of whom Arthur Lee objected as unfriendly to himself, while Harrison and Morris were known to be devoted friends of both Washington and Franklin. But Franklin and Jay were abroad; Morris after a while transferred his attention to the finance department, and frequently we find important instructions signed only by Richard H. Lee and Lovell, Lovell being a devoted friend of the Lees and of Samuel Adams. It was during periods when this committee was thus composed that instructions withdrawing, as far as could be decently done, the control of foreign relations abroad from Franklin and placing it in the hands of those singular functionaries, our envoys without residences, whose very existence was ignored by the courts to which they were commissioned. * * *

"Our foreign relations then labored, in the first place, under the difficulty arising from the alternations of ascendency of the school (of diplomacy) which, on the one side, desired to establish a diplomatic system as known by the law of nations and which advocated a central diplomatic executive, selecting Franklin as the proper foreign representative of this executive, and the school on the other side, which sought to do away with such executive, sending out a series of delegated representatives, keeping each under congressional control, under immediate congressional impulse.

"In the end the policy of Franklin, which was that of Washington, triumphed, and our diplomatic relations have since been established upon the principle of executive authority in negotiation. But even in the triumph of Franklin and the final negotiations of a desirable peace with Great Britain, the sinister evil of a fluctuating, irresponsible influence upon our diplomatic relations was reflected in a seeming, if not actual, breach of faith on the part of American representatives in a disregard of the treaty obligation to France that neither France nor the United States should conclude a truce or peace with Great Britain without the formal consent of the other being first obtained. The fact that the treaty negotiated separately by the American representative proved to be in itself acceptable to France and that Franklin signed the treaty with his colleagues, Vergennes, the French minister of foreign affairs, having been from time to time informally advised of the nature of negotiations pending, saved the United States from having its good faith impugned. This delicate question of good faith—though France has never raised it against us—was a consequence of the conflict of views between Franklin and his colleagues, Franklin holding to the policy of frankness and good faith to a degree not deemed essential by his colleagues.

"The treaty of alliance made between France and the United States in 1778 provided in the first article that—

"If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

"And in the eighth article that:

"Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

"When it came to the application of this treaty Adams and Jay, while agreeing that no definite peace could be signed without the assent of France, made 'reservations.' Congress had passed resolutions of instruction reavowing adherence to this alliance. It was held by Jay that so far as these instructions implied the subjection of the American envoys to the court of France, they imposed a degrading submission which no high-spirited nation ought to impose on its envoys.

"Yet there is the best of authority for the assertion that such conditions as those imposed by the French treaty are not only consistent with the reciprocal independence of the contracting sovereigns, but that they are the essential incidents of all treaties for joint wars. Such a reciprocal treaty obligation, whether for peace or for war, is recognized by all nations as consistent with their independent sovereignty. A pledge to entertain peace propositions in common is not regarded by any nation as placing either party to the treaty in a dishonorable vassalage to the other. Such mutual obligations are essential to alliances of belligerency. Corresponding obligations are also essential to an international alliance for the preservation of peace.

"Franklin, who was in fullest sympathy with and had a broad comprehension of our independent institutions, of which he was one of the most democratic and practical sponsors, saw no sacrifice or impairment of our independent sovereignty in a treaty which obligated us to go to war if need be in support of an ally and to refrain from making a peace without that ally's participation and approval.

"There could be no question as to the devotion of Franklin to the independence of the United States. No man could be more zealously regardful of this than he, and none better understood and was more in sympathy with our institutions of com-

plete freedom. None better than he mastered the intricacies of diplomacy, and from his time to this day there is but one other who has so fully recognized the people of a nation in his dealings with their government.

"Franklin's political and diplomatic training was founded upon communication and intercourse with people of all sorts and from all sections, in which he acquired an understanding of their needs and desires, their mode of thought, and impulses to action. Being endowed with the power of keen observation and a natural instinct of analysis, he reasoned readily from cause to effect or from effect to cause. Elemental things were not beneath his attention and he was able to attain results of great magnitude through simple agencies. As an apprentice he knew the meaning of work at small remuneration; dependent in youth upon his own resources, he knew the importance of economy; having a keen sense of the enjoyment of life he learned to make the most of his resources; of philosophical mind, he measured with accuracy the value of things and their relation to each other in action and reaction; a ready wit and sometimes whimsical humor, he gave buoyancy to his philosophy and kept it in tune with things commonplace and human. His versatility of mind and accuracy of observation were at all times remarkable, and his instincts constructive as well as inquisitive. As a newspaper publisher and as a postal agent, he was brought in contact with the public, and his various employments familiarized him with the politics and the actual living conditions of men in Europe as well as in America. As an analyst he visualized the construction of things physical, philosophical, or political, and by virtue of this could construct or reconstruct and organize.

"In his politics and diplomacy he was constructive and capable of laying down a general principle to which matters of detail might be applied as occasion arose.

"Franklin was the personification of American democracy in his diplomacy, and in his mission to France, while accredited to the French court, he actually became the representative of America before the people of France, his credentials to whom was his personality. The philosophers and political enthusiasts, who had nothing in common with the Government, and people in every walk of life adhered to and supported him. John Adams writes on Franklin's being overwhelmed by correspondence from all quarters, mostly on trifling subjects and in a more trifling style, and with unmeaning visits from innumerable people, chiefly from the vanity of saying they had seen him.

"An examination of the correspondence of Franklin justifies the statement of John Adams as to its voluminousness, but not as to its being trifling. Mr. Adams bears testimony as to the astounding influence of Franklin among people of all classes in France. He wrote that Franklin's reputation—

"was more universal than that of Leibnitz, or Newton, Frederick, or Voltaire, and his character more beloved and esteemed than any or all of them. * * * His name was familiar to Government and people, to foreign countries, nobility, clergy, and philosophers, as well as to plebeians to such a degree that there was scarcely a peasant or a citizen, a valet de chambre, coachman or footman, a lady's chambermaid or a scullion in a kitchen, who was not familiar with him and who did not consider him a friend to mankind.

"As an apostle of democracy, Franklin, like President Wilson, realized that our international relations are with the people of a nation as well as with their Government. He believed in the awakening of a righteous public sentiment as being more potent than the exercise of arbitrary authority. He sought and procured the recognition of American independence by the people of France and all the intelligent, liberty-loving people of Europe, as well as by the French Government. Franklin procured the recognition by nations of Europe of a new, independent sovereignty. To-day this new sovereignty, without jeopardy to its independence, is extending its influence to restore the equipoise of sound government in peace throughout the world."

HOUSE BILL REFERRED.

H. R. 10074. An act to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed.

Mr. CALDER. Mr. President, I ask unanimous consent for the present consideration of House bill 6863, to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The PRESIDENT pro tempore. The Chair understands that under Rule VIII the Senate must proceed to the consideration of the calendar.

Mr. SMOOT. Mr. President, I was going to ask unanimous consent to begin with Calendar No. 252, the number of the calendar that we reached last Monday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. McCORMICK. What is the request of the Senator?

Mr. SMOOT. Last Monday we reached Calendar No. 252. I ask now that we begin there; and then, if we conclude that calendar, we can go back to No. 1, so that the Senate will have a chance to consider all bills on the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the consideration of the calendar will begin at No. 252, Senate bill 3245.

MARRIAGE IN THE ARMY AND NAVY.

The bill (S. 3245) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill was considered on a former day and the amendments of the Committee on Military Affairs were agreed to. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF ARMY RIFLES.

The bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, to insert before the words "Army rifles" the words "obsolete or condemned"; in line 8, page 1, after the word "purposes," to strike out the words "and uses"; and in line 10, page 1, after the word "transportation," to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized, under rules, limitations, and regulations to be prescribed by him, to loan obsolete or condemned Army rifles to posts of the American Legion for use by them in connection with the funeral ceremonies of deceased soldiers, sailors, and marines, and for other post ceremonial purposes, and to sell to such posts blank ammunition in suitable amounts for said rifles at cost price, plus cost of packing and transportation: *Provided, however*, That not to exceed 10 such rifles to any one post.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDNANCE SERGEANTS.

The bill (H. R. 2980) to increase the efficiency of the Military Establishment of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1110, Revised Statutes, and the first proviso of section 12 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same hereby are, repealed.

Mr. SMOOT. I would like to ask the Senator from Oregon [Mr. CHAMBERLAIN] to explain the purpose of the bill. It simply seeks to repeal section 1110 of the Revised Statutes. I have not the statutes before me.

Mr. CHAMBERLAIN. I will say to the Senator that the part of the law which it is desired to repeal reads:

That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer.

That is the portion of the law proposed to be repealed. The ordnance work has become of such technical character that ordnance sergeants, as a rule, can not do it, and besides there are not enough of them to do the work that is necessary to be done by the Ordnance Department. The War Department asks that it may be relieved from selecting them from the line. It needs the men in the line to train the noncommissioned personnel.

Mr. SMOOT. In other words, it authorizes the designation of trained men to be storekeepers, and so on.

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. Not confining it to the selection of men in the line?

Mr. CHAMBERLAIN. That is it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS AGAINST COAST AND GEODETIC SURVEY.

The bill (S. 3270) authorizing the Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine claims for damages occasioned by acts for which said survey is responsible in certain cases was announced as next in order.

Mr. GRONNA. The Senator from Washington [Mr. JONES], who introduced the bill and reported it from the Committee on Commerce, is not present. It is a measure of some importance, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHANGE OF NAMES OF VESSELS.

The bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels was announced as next in order.

Mr. SMOOT. Mr. President, I was wondering whether the bill would guard a case like this: Many vessels are mortgaged, and if we authorize a change of name, it seems to me there ought to be some provision to the effect that wherever a mortgage is placed upon a vessel, which, of course, would be of record, the parties holding the mortgage should receive notice of the change of name and thus be enabled to require a new mortgage upon the vessel in its new name.

The Senator from Washington [Mr. JONES], who introduced the bill, is out of the Chamber at this time, and therefore I ask that the bill go over until I can have time to study it or talk with the Senator about that feature.

The PRESIDENT pro tempore. The bill will be passed over.

STATE HOMES FOR DISABLED SOLDIERS AND SAILORS.

The bill (H. R. 1216) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889, is hereby amended to read as follows:

"That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

"The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the board of managers shall not have nor assume any management or control of said State or Territorial homes.

"The board of managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided*, That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for. That no money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained."

Mr. SMOOT. Mr. President, I wish to say to the Senator from Arkansas [Mr. KIRBY], who reported the bill from the Committee on Military Affairs, that this is rather an important measure, because it is entering into a new line of caring for disabled soldiers, not only of the Civil War but the wars that have since taken place.

The Senator will remember that there is an estimate already of some $85,000,000 with which to build hospitals for the purpose of taking care of disabled soldiers of the recent war. I wish to say now that there is no necessity for the expenditure of $85,000,000 for that purpose. I simply mention the fact in connection with this bill because I want to call the attention of the Senate to what I know is under way at the present time.

Under the National Home for Disabled Volunteer Soldiers the soldiers' homes throughout the country, located in different States, as the Senator well knows, have very few soldiers in them. Mr. Wood, president of the board, was in my office about 10 days ago. He has submitted information, not only to myself but to other Senators, I think, as well, to the effect that if the soldiers' homes now built and in complete operation, and located in the very choicest parts of the country, for the purpose of caring for the disabled soldiers, were utilized to their fullest extent there need be no more homes or hospitals built; at least, there need be no more than one or two at most. The president of the board assures me that the present homes will furnish ample room and facilities to take care not only of soldiers who are there at the present time from the Civil War and the Spanish-American War, but for all of the disabled soldiers who require a home that they may be taken care of because of injuries or illness resulting from the recent war.

Mr. CHAMBERLAIN. May I suggest to the Senator that the bill makes absolutely no change in the law now on the statute books with reference to those homes except to increase from $100 to $120 a year the compensation of the States for caring for these soldiers. The Senator from Utah knows that the expense of maintaining the homes is great. He knows what the States do for the soldiers, and that the increased cost which has entered into everything has entered into these homes as well. The bill simply provides for a slight increase for the States.

Mr. SMOOT. I recognize that fact, I will say to the Senator; but I will state what I had in mind. I had in mind that not only those soldiers could be taken care of by the homes in the States but that we have arrived at a point where we have got to decide whether the national homes are to be maintained or not. The expenses now are altogether too high for the number of soldiers who are being treated in those homes. Everybody concedes that. It seems to me that it would be the best policy for the Government to utilize all the space in the present national homes, and I think it can be done with a very, very small increase of expense, and save an immense amount of money that is contemplated to be expended for additional space. I am sure the Senator from Arkansas would not be averse to a program such as that.

Mr. KIRBY. The chief purpose of this amendment of the act is, as stated by the Senator from Oregon [Mr. CHAMBERLAIN], to increase in the amount of $20 a year the compensation contributed by the Government to the State homes located in the various States. It is a negligible quantity in amount, so far as the whole amount is concerned, and the inmates will be better taken care of. To the States it is, of course, important, because of the increased cost of maintenance. I do not think the amendment of the law would at all interfere with the proposition which the Senator from Utah has in mind.

Mr. SMOOT. The object I have in speaking at this time is not by way of objection to this bill. That is not my purpose. My purpose was to call the attention, not only of the Senate but of the House as well, that when the $85,000,000 estimate for the new hospitals is considered for the purpose of caring for these disabled soldiers, in my opinion, it should not be granted, because we have at present ample facilities, if the president of the board is correct in his statement, for caring for them all. The grounds are beautiful around all the homes and every convenience exists for caring for the soldiers. There is a hospital within every home, and every requirement for the care of disabled or sick soldiers is now provided by Congress for that purpose. If that bill is ever brought to the Senate either in a special bill form or in an appropriation bill, I think the Senate, when the facts are called to its attention, will positively refuse to appropriate the $85,000,000, or, I was going to say, any portion of it.

Mr. KIRBY. There can be no objection, in my opinion, to the proposition as made by the Senator from Utah. If the homes that are already established and maintained are sufficient to take care of the condition that seems to need to be taken care of by the hospital program, then the hospital program is unnecessary, and nobody will vote more readily against the matter than I will. Government business ought to be transacted in a businesslike way, and if we have the facilities already at hand, new facilities should not be supplied at an additional expense to the Government.

I shall cooperate hearily with the Senator from Utah if the conditions develop on that point as he says, but this is a small matter, and the conditions require it, and I hope the bill will pass without any delay.

Mr. CHAMBERLAIN. Mr. President, I feel constrained to differ with the Senator from Utah about this measure. These homes are provided for by the States——

Mr. SMOOT. I am not objecting to the bill.

Mr. CHAMBERLAIN. Oh, I thought the Senator was.

Mr. SMOOT. I said I was not objecting to the bill, but I took occasion to speak of conditions which we will be called

upon to meet hereafter whenever the estimate of $85,000,000 for new hospitals comes before the Senate.

Mr. CHAMBERLAIN. Then I misunderstood the Senator.

Mr. KIRBY. I understood the Senator from Utah not to be objecting to this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMBASSY BUILDING AT SANTIAGO, CHILE.

The bill (S. 2782) for the purchase of the embassy building and grounds of the United States at Santiago, Chile, was announced as next in order.

Mr. NEW. Mr. President, this bill provides for the purchase by the Government for embassy purposes of the property which has for a long time been occupied by the United States Embassy at Santiago, Chile. The State Department wrote the Committee on Foreign Relations about it, and the ambassador to Chile, Mr. Shea, wrote to me about it. At the time it was stated that the Government had an option on the property which expired on the 1st of January, 1920. I presume, therefore, that the option has lapsed; but I do not know. I have tried to get in communication with the State Department in the last few minutes, but could not find anybody there who knew anything on the subject.

The purchase price calls for the expenditure of $130,000. The assurance is given, both by the ambassador and by the State Department, that the price is a very reasonable one, and that the Government ought to have the property. It is further stated that in case the United States does not exercise its option France will take the property. As I have said, I do not know whether or not the option has expired; but it would certainly do no harm to pass this bill, and I suggest that the Senate act on it. If the option has expired, of course the action of the Senate will pass for nothing; if it has not expired, or if it has been renewed, the purpose of the State Department can be carried out.

Mr. SMOOT. Would it not be better for the Senator from Indiana to ascertain from the State Department whether or not the option has expired before passing the bill?

Mr. NEW. I have made such an effort and I have been unable to ascertain in time to present the information to the Senate now.

Mr. OVERMAN. I think the bill had better go over, Mr. President.

The PRESIDING OFFICER (Mr. STERLING in the chair). The bill will be passed over.

Mr. LODGE. One moment, if I may be allowed to say a word. The purchase of the embassy building at Santiago, Chile, has been very strongly recommended by the State Department. I think I had printed such a letter written by the department in connection with the matter, but have not had time to go back and look it up. It would put the Government to very great expense if we failed to get this property. The case was such a strong one that the committee were unanimous about it. It is not easy to get suitable quarters in some of the South American cities for such purposes; prices are very high there, as they are here. I think it would be wise to pass the bill. Of course, if the option has expired no money would be taken from the Treasury; but there is no need of waiting to see whether or not we can renew the option. If the option still exists we can get the building, but if the option has expired the bill amounts to nothing. I hope, however, that it will go through, because it has been long delayed and is a measure that ought to be passed. We pursue the most penny-wise and pound-foolish policy in regard to making such purchases. We have allowed one building after another to slip by and have ended by paying a great deal more in the way of rent and interest than would have been required to make the purchase in the first instance if we had only taken such buildings at the prices for which they were offered.

Mr. OVERMAN. I think there was a policy adopted several years ago to purchase so many buildings every year.

Mr. LODGE. We passed an act to appropriate $500,000 a year for the purchase of buildings for embassies and legations, but nothing has been spent under that act; the other House has made no appropriation for that purpose.

Mr. OVERMAN. The policy was on the recommendation of the committee, of which the Senator from Massachusetts is now chairman, to purchase so many buildings each year. I remember that we bought one in Costa Rica for $40,000, and it was a very handsome building.

Mr. LODGE. I had forgotten that. I did not know that we had ever bought any buildings under that act.

Mr. OVERMAN. We bought several buildings under that act. It seems to me $130,000 is pretty high for a building such as this.

Mr. LODGE. This building is located in the capital of Chile, which is a great city. Chile is rather a different country from Costa Rica; indeed, it is one of the most powerful countries in South America.

Mr. OVERMAN. We have not an ambassador there, have we?

Mr. LODGE. Yes; we have an ambassador there.

Mr. OVERMAN. I think the bill ought to go before the Committee on Appropriations.

Mr. LODGE. It has been before the Committee on Foreign Relations.

Mr. OVERMAN. The bill has been reported by the Committee on Foreign Relations; but the appropriation ought to be included in the regular appropriation bill.

Mr. LODGE. There is no use discussing the matter if the option has expired; but if it has not expired, if we do not take advantage of it, when the option does expire France is going to take the building. So the Senator need not be disturbed about the building not being sold.

Mr. OVERMAN. That may be; but I remember that in the case of a building in Paris, of which the price, as I recall, was $400,000, it was said some other nation would take it if we did not do so; but I doubt whether or not that has happened. We have got to watch these matters very carefully. I think there ought to be a settled policy in regard to them.

Mr. LODGE. Some years ago we were offered a building in Rome, which we could have then bought for $350,000; Congress would not hear of it; but two years later the Italian Government paid $1,200,000 for the same building for its own use.

Mr. OVERMAN. This bill, of course, is a matter for the consideration of the able Senator and his committee. We make appropriations for foreign relations in the Diplomatic and Consular appropriation bill, and probably this proposed appropriation might be included in that measure. I understand that there is a question now as to whether or not the option has expired.

Mr. LODGE. There is some doubt.

Mr. OVERMAN. I think the bill had better go over.

Mr. LODGE. But if the option has expired, the Government will be in no trouble.

Mr. OVERMAN. I repeat that I think the bill had better go over.

Mr. LODGE. And if the option has not expired, of course the Senator's action helps to kill it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HITCHCOCK. Before the Senator from North Carolina objects, will he permit me to ask a question of the chairman of the committee in order that I may refresh my memory concerning this matter? The bill provides for the purchase of the property that we are now occupying as our embassy there, does it not?

Mr. LODGE. Yes.

Mr. HITCHCOCK. Is the price stated?

Mr. LODGE. Yes; it is $132,000.

Mr. HITCHCOCK. My memory is a little defective, but I recall that at the time the matter was considered the arguments in favor of exercising the option and purchasing the property were quite strong. We have adopted the policy of gradually acquiring embassies and legations in the capitals of nations where it is thought desirable so to do. In this particular case unless we purchase the property we will be compelled to move and there will be great difficulty in locating ourselves in proper quarters, and in a country like Chile to have the United States practically turned out of its embassy, which it has occupied for a number of years, would have a very bad moral effect. I am inclined to think that if the Senator from North Carolina had been at the meeting at which this bill was considered and heard the recommendation of the State Department and of our representative in Chile he would have agreed that it is a very desirable step to take. It is not a very large price, as such matters go, and Chile is of sufficient importance on the Western Hemisphere to justify the proposed action.

Mr. OVERMAN. I shall not object further, inasmuch as the Senator from Massachusetts says it has been thoroughly considered by his committee. I am familiar with the policy which was proposed of purchasing embassy and legation buildings, including one in Chile, but in the case of the purchase of the building in Santiago, for instance, for which it is proposed to pay $130,000, we pay the representative of the United States who is to live in it $17,500 a year. He can not live in it on such a salary, and the consequence is we have got to have rich men fill these places. We ought to increase the salaries if we are going to give them such expensive buildings in which to live.

Mr. LODGE. Mr. President, the Senator overlooks the fact that the purchase of this building will eliminate also the item of rent which the Government pays for offices at the embassy. It will provide for the chancellery and all the offices of the embassy for which we now pay rent. It is the case in connection with practically all our embassies and legations that, in order to enable our embassies to get along at all, there have to be made large allowances for rent for offices.

Mr. OVERMAN. I understand that. I have visited one country where they allowed rent to the ambassador, but the offices were in the embassy building; and that was right, too, because he could not possibly live in the building upon the salary paid him.

Mr. LODGE. That is true.

Mr. OVERMAN. These officials can not live on the salaries paid them. I understand that in London the rent of the embassy amounts to $35,000, while we pay the ambassador only $17,500 a year; so that, unless a man is rich, he can not afford to occupy such a position.

Mr. LODGE. The passage of the bill providing for the acquisition of buildings for embassies and legations will do a good deal to relieve that situation. All our diplomatic officers are very badly underpaid.

Mr. OVERMAN. There is no doubt about that.

Mr. LODGE. If they are allowed their rent—which would be the case if we purchased legation and embassy buildings and furnished them to our representatives—that would, to a certain degree, save the necessity of raising the salaries of some of them, although that will have to come.

Mr. OVERMAN. We are represented in Chile by an ambassador, are we not?

Mr. LODGE. Yes; there is an embassy there.

Mr. OVERMAN. He is a first-class ambassador, receiving $17,500?

Mr. LODGE. Yes; he is paid $17,500, just as the other ambassadors are paid. I ask the Senator to realize that the Committee on Foreign Relations, as the Senator from Nebraska [Mr. HITCHCOCK] has stated, considered this matter with great care; we examined all the statements made by the Secretary of State. I introduced the bill at his request. We found they made such a case, as it seemed to the entire committee, that it was the only sensible thing to do. Delay may have caused us to lose the opportunity of acquiring the building.

Mr. OVERMAN. I withdraw my objection to the consideration of the bill.

Mr. HARRISON. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield to the Senator.

Mr. HARRISON. I should like to inquire what was the amount appropriated by Congress for the purchase of the consulate at Shanghai? It was about $400,000, was it not?

Mr. LODGE. I do not remember. That was included in the law passed by Congress.

Mr. HARRISON. That provision passed some two years ago, my recollection is, and quite a large sum was appropriated.

Mr. LODGE. I do not recall exactly what the amount was.

Mr. HARRISON. It strikes me that this is a most reasonable amount.

Mr. LODGE. It is a very reasonable amount, indeed.

Mr. HARRISON. Some years ago the policy was declared that we would spend $500,000 a year, I think, to acquire embassy and legation buildings abroad, none of which was to cost more than $150,000, I believe. This is within the law, the amount, as I understand, being $130,000.

Mr. LODGE. It is within the law.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 849) to reimburse S. S. Buzzard, postmaster at Berkeley Springs, Morgan County, W. Va., for cash stolen was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1661) for the relief of Maj. Ellis B. Miller was announced as next in order.

Mr. KING. I should like to have any Senator who is familiar with that measure give an explanation concerning it.

ISAIAH STEVENS.

Mr. SUTHERLAND. Mr. President, I should like to ask what became of Calendar No. 263 and Calendar No. 264?

The PRESIDING OFFICER. Objection was made and they went over.

Mr. KING. I objected.

Mr. SUTHERLAND. I hope the Senator will withdraw his objection to the consideration of those bills.

Mr. KING. Mr. President, if the Senator will permit me, Calendar No. 261 is a bill to restore to the pension list a deserter.

Mr. SUTHERLAND. I am not interested in that bill, but in the next two bills.

Mr. KING. I decline to withdraw my objection to that measure.

Mr. SUTHERLAND. I am interested in Order of Business No. 263 and Order of Business No. 264, and I hope the Senator will withdraw his objection to those measures.

Mr. KING. With respect to Senate bill 848, the record shows, as I recall, that the postmaster failed to conform to the instructions which had been given him by the Post Office Department in caring for the stamps and the money of the post office, and the Post Office Department recommended adversely upon his claim. I will withhold my objection as to that pending the explanation of the Senator.

Mr. SUTHERLAND. I will say to the Senator from Utah that the safe in which these funds and stamps were kept was inspected by the inspector of the Post Office Department and thoroughly approved. The larger amount of this claim, almost the entire amount of it, is for postage stamps stolen, with which the postmaster was charged. They only cost the Government the amount involved in printing them, and yet he has been obliged to pay in full for them. The building was thoroughly approved and was a new building. The safe in which these funds were kept was thoroughly approved, and with the knowledge and consent of the Post Office Department officials they were keeping these funds in that safe.

I think the bill is an entirely meritorious one. It has passed the House on one or two occasions, and has been recommended now by the committee after consideration; and if the Senator from Utah will read the report he will find, I am sure, that there was no negligence on the part of the postmaster, and that it is a meritorious case.

Mr. KING. Mr. President, I have read the report.

Mr. SUTHERLAND. I helped write the report, so, of course, I know what is in it.

Mr. KING. The next to the last sentence of the letter written by the Acting Postmaster General under date of August 20, 1919, and addressed to the chairman of the Committee on Post Offices and Post Roads, states as follows:

> The postmaster filed in this department under the terms of the act of May 9, 1888 (25 Stat., 135), a claim for credit on account of $59.39 postal funds, $1,950.21 postage stamps, and $61 money-order funds lost in said burglary, but in view of his failure to afford proper protection to said property by using the facilities provided for him at Government expense, his claim was disallowed under date of October 22, 1912. Since that time no facts not previously before the department have been furnished.

Mr. SUTHERLAND. I will say to the Senator that there is some dispute about some of the facts in relation to this matter, the department claiming, as is fully set out in the report, that inasmuch as the adjoining bank had in it a burglar-proof safe which they had arranged that the postmaster could use, he should have put these funds and stamps in that burglar-proof safe. The postmaster, however, disputes that fact in part. He says that his clear understanding was that that safe was only to be used for the overflow of stamps or money when he had large amounts which his space could not accommodate. As the Senator has read, $1,950 plus of this amount was in postage stamps. The postmaster had an unusually large amount on hand, because the Christmas season was approaching, and it was necessary for him to have this large number of stamps. They only cost the Government the cost of printing them; and this man having put them in a safe approved by the Government, inspected by the Government, and burglarized under con-

ditions which probably would have wrecked any kind of a safe, it does not seem fair now that he should be obliged to pay for them.

Mr. SMOOT. Mr. President, if the Senator will yield for a moment, just for a correction, I want to say that I think the Senator is mistaken when he says that the loss of the stamps only cost the Government the amount involved in printing them. When stamps are stolen they are disposed of by the person who steals them, and then they go into the regular channels just like any other stamps, and the mail is carried by those stolen stamps just the same as if they had been purchased originally by the man who used them; and therefore the Government does lose more than the cost of printing the stamps.

Mr. SUTHERLAND. Of course, it does give transportation to mail matter; but, as shown by some of the department's reports, they are making a very large return, and a part of that, at least, is profit. The stamps did not cost the Government at that time, however, more than the cost of printing them. The postmaster is a poor man, a man of the highest repute and standing, a man whose character is not questioned by anybody, who had always made it a practice prior to the installation of this safe to take the postal funds to his house for safe-keeping, and who was told, when this safe was put in the post-office room, that it was not necessary for him to do that. He therefore left these funds in the post-office safe. He had always taken them to his house every evening, and the actual money that was there was simply the money taken in after banking hours. The banking hours are from 9 to 3. This post office is kept open from 7 in the morning until 8 at night. It was absolutely impossible for him to keep all of these things in the bank vault, because he could not have access to it. It was absolutely necessary for him to keep a large amount available in his safe for use prior to and after banking hours; and I hope the Senator will not continue his objection to the consideration of this very meritorious bill.

Mr. KING. Mr. President, it is very difficult to resist the request of the distinguished Senator from West Virginia, but nothing which he has said will occasion me, for the present at least, to withhold my objection.

There are hundreds and thousands of post offices in the United States. There must be some rule, and postmasters must be held to the highest degree of accountability. If not, if the department were to let down the bars—to use the language of the street—there would be much negligence, and there would be appeals made constantly to the Congress of the United States to reimburse postmasters for their negligence in caring for the funds and stamps of the Government.

I will say to the Senator, insisting upon my objection, that because of his earnestness in this matter I shall take the trouble to consult the department myself. I shall go and see Mr. Koons, who wrote this letter, and I shall be glad to confer with the Senator, and next Monday, if he will call up the matter, if I can find evidence to support the position which the Senator takes, I shall withdraw my objection. Under the report of the Post Office Department, however, I should feel derelict in my duty if I did not make the objection.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

S. S. BUZZERD.

Mr. SUTHERLAND. Mr. President, I believe the Secretary called the next bill on the calendar, Senate bill 849, to reimburse S. S. Buzzerd, postmaster at Berkeley Springs.

Mr. KING. I will withhold my objection until the Senator makes an explanation of that bill.

Mr. SUTHERLAND. I call the Senator's attention to the latter part of the letter written to the chairman of the committee by J. C. Koons, Acting Postmaster General, in which he says:

> The safe was provided with a burglar-proof chest, and when the claim was first considered—

That is, by the department—

> it was understood that this chest was large enough to accommodate all stamps and funds. It seems, however, that in this burglar-proof chest at the time of the burglary there were deposited $1,306.07 postage stamps and $38.50 postal funds, which completely filled the chest and left no room for the Government property which the burglars secured.

This claim was rejected by the Post Office Department plainly under a misapprehension, as is confessed in this letter. This is undoubtedly and without any question a meritorious case and not subject to the same criticism which the Senator made with reference to the previous bill.

Mr. KING. I have had no time to go into the report. I will withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 849) to reimburse S. S. Buzzerd, postmaster at Berkeley Springs, Morgan County, W. Va., for cash stolen. It authorizes and directs the Secretary of the Treasury to pay to S. S. Buzzerd, postmaster at Berkeley Springs, Morgan County, W. Va., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $120.30, the same to be in payment for certain cash taken from the post office of Berkeley Springs, Morgan County, W. Va., on February 13, 1914, by unknown persons.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1661) for the relief of Maj. Ellis B. Miller, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HERMAN L. KARPELES.

The bill (S. 866) providing for the issuance to Herman L. Karpeles of a duplicate of an original medal of honor awarded to his father, Leopold Karpeles, was considered as in Committee of the Whole. It authorizes and directs the Secretary of War to issue to Herman L. Karpeles a duplicate of the original medal of honor awarded to his father, Leopold Karpeles, late sergeant, Company E, Fifty-seventh Regiment Massachusetts Volunteer Infantry, for gallantry at the Wilderness, Va., on May 6, 1864, the original medal having been destroyed by fire on March 10, 1913, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act, was announced as next in order.

Mr. SMOOT. Mr. President, the Banking and Currency Committee have granted to certain interested parties a hearing upon this bill, and the hearing is not yet completed, as I understand. Therefore I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1455) for the relief of John L. O'Mara was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). The bill will be passed over.

The bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3152) for the relief of George W. Mellinger was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1453) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN F. KELLY.

The bill (S. 1454) for the relief of John F. Kelly was announced as next in order.

Mr. KING. Mr. President, I have examined the record in this case pretty carefully and I believe it is a meritorious case, although a charge of desertion was placed against this man. Therefore I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

> *Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John F. Kelly, who was a private in Company F, First Regiment Maryland Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 15th day of February, 1863: *Provided*, That no pay, bounty, or other allowances shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARION C. RAYSOR.

The bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army was considered in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, after the words "Regular Army," to strike out "with the rank therein which he would have attained in the service in due course of lineal promotion," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Marion C. Raysor, formerly a captain of Cavalry of the Regular Army, to that grade in the Cavalry branch of the Regular Army, but no back pay or allowances shall accrue and the total number of officers now authorized by law shall not be increased by reason of the passage of this act.

Mr. SMOOT. I should like to ask the Senator from South Carolina [Mr. DIAL] to explain to the Senate why this bill should be passed, and to state exactly the circumstances which led to the introduction of the bill, and what extenuating circumstances have occurred of late that would justify the passage of such legislation.

Mr. DIAL. Mr. President, this is a bill to restore Mr. Raysor to the position in the Army from which he was dismissed as the result of court-martial proceedings. He entered the Regular Army about 1898 as a private. He was promoted from time to time, went to Cuba, and afterwards went to the Philippines—I believe three times—and after that he was down on the border, and was promoted to the rank of captain. He was charged then with drunkenness and with falsifying his accounts. He was something like 75 miles from a railroad and some 200 miles from a bank. The charges fell down; there was no attempt to prove that he had embezzled any funds. In fact, I think the amount in dispute was only $2.11, and it was a question of filling out the proper check.

There was no moral turpitude at all proven against Mr. Raysor. There was some prejudice against him, and the charge of drunkenness was poorly proven, if proven at all. It was not a question of habitual drunkenness, but he was charged with being under the influence of whisky possibly once, or something like that. But he was discharged from the Army. The testimony is that there was some prejudice against him on the part of a higher official, and he was retired to private life.

Mr. SMOOT. Does the Senator state that there was no charge of embezzlement proven against him?

Mr. DIAL. No; I did not say there was no charge.

Mr. SMOOT. I say proven against him?

Mr. DIAL. No; there was no embezzlement. The Government lost nothing. There was a discrepancy—my recollection is of only $2.11 in his accounts. I think that charge fell down.

Mr. SMOOT. Does the Senator claim that he was court-martialed, convicted, and dismissed from the Army for drunkenness alone?

Mr. DIAL. No; I do not say that. I say that the charge of embezzlement was made against him, but it was not proven, according to my recollection.

Mr. SMOOT. That is what I said. Then if that charge was not proven the only charge that was proven was drunkenness.

Mr. DIAL. Yes. On page 3 of the report the committee says:

In the fall of 1913 Capt. Raysor was tried by a general court-martial at El Paso for making a false official certificate and being drunk on duty, and on the findings was dismissed from the service October 27 of that year. The finding of the court-martial seems to be essentially of negligence rather than of deliberate falsification, and there is some extenuation in the exigent circumstances of border field service, 75 miles from a railway and more than 200 miles from his banking place. It appears that the Government lost nothing and that there was no attempt to prove embezzlement or conversion of funds.

That is the statement I tried to make.

The evidence as to alleged instances of drunkenness is not satisfactory as to cohesiveness, definiteness, or disinterestedness, nor was it alleged that such indulgence was habitual. Capt. Raysor himself represents that his dismissal was largely due to animus on the part of a superior who was active against him.

Mr. President, when we entered the European war this man, who had been trained as a soldier, and who was, I believe, 49 years old, wanted to fight for his country, and in order to join the Army as a private he had to get permission from the War Department. He sought that permission, and was allowed to join the Army. He went to France and made good in the Army. He came back here recommended by all of the officers under whom he served, and he desires to get his name cleared.

Since that time he has been employed by the Government here in the Liberty Hut, in the Commissary Department, and he has been promoted two or three times in the last few months. He does not live in my State now. He originally lived there, but he joined the Army from Texas, and his home is now in California. He was ambitious to serve his country, and it does seem to me that when a man over the draft age, who did not have to go to the war, voluntarily joined as a private, and went out and made good, such flimsy charges should not be kept over him forever. He wants to have his name cleared, and is staying here in Washington for that purpose. He is a most competent, most efficient man, and has been promoted, as I said, and had his salary increased three times in the last few months. He is now serving in the Commissary Department, in the Liberty Hut, here.

Mr. SMOOT. Mr. President, in view of the statement made by the Senator as to the man's enlisting in his later years and serving as a soldier in the war in France; and, further, as the report shows, in view of the fact that the proof of embezzlement was not positive, I have no objection whatever to the passage of the bill.

Mr. MYERS. Mr. President, if the Senator will permit me, I will state that I served on a subcommittee which thoroughly investigated this matter. The subcommittee went to the bottom of it, and reported to the Military Affairs Committee, and the full committee unanimously recommended the bill for passage. There was no moral obliquity in the charges. It was merely a technical error of bookkeeping more than anything else, involving $2.11; and as to drunkenness, the proof really did not amount to anything, and the committee felt that the man ought to be given another chance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL AND COMMERCIAL AVIATION.

The bill (S. 3348) to create a department of air, defining the powers and duties of the director thereof; providing for the organization, disposition, and administration of a United States air force; creating the United States air reserve force; and providing for the development of civil and commercial aviation was announced as next in order.

Mr. NEW. Mr. President, there are but seven minutes of the morning hour remaining. It is perfectly apparent that the consideration of this bill will occupy some time and that the only effect of taking it up now would be to waste the remaining six or seven minutes of the morning hour. I therefore ask unanimous consent that this bill may be considered next in order when the calendar is again taken up.

Mr. SMOOT. Of course, Mr. President, the Senator can make his request next Monday, when the calendar is taken up, but it is hardly in order now to ask unanimous consent to consider a bill a week hence. I do not think there will be any objection at all a week from now.

Mr. NEW. I expect to ask for the consideration of the bill in less than a week; in fact, within the next 48 hours.

The PRESIDING OFFICER. The bill will be passed over.

LONGEVITY CLAIMS FOR OFFICERS.

Mr. UNDERWOOD. Mr. President, as the time is about up for the consideration of cases on the calendar to-day, I desire to call to the attention of the Senate the fact that the last time the calendar was called there was reached the bill (S. 411) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes. It is a bill that has been reported by the committee in two Congresses heretofore and has always passed without opposition. It relates to the longevity claims of officers. All the longevity claims were paid except those of a few officers who happened to file their claims and got an adverse ruling of the comptroller, and the Court of Claims has held that those claims have once been dismissed. But subsequently that ruling was set aside, and everybody else was paid except the men who by their diligence came in at that time. I was not here when the bill was called the last time, and as the call of the calendar to-day started with a number beyond this case I ask unanimous consent that it be considered now.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Alabama?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HITCHCOCK. I would like to ask the Senator how many cases are involved.

Mr. UNDERWOOD. I can not say absolutely, but I think probably less than a hundred. All of the rest of the longevity claims were paid. It is merely to put these particular officers on the same basis as the others with whom they were associated. Because they put their claims before an adverse comp-

troller, the Court of Claims has held that they were disposed of. But the ones who did not file their claims with the comptroller were passed on favorably, and this is merely to put these men on the same basis. In two Congresses a similar bill has been reported by the Judiciary Committee. It failed in the House, although the House has passed a bill for the same purpose, but not the Senate bill.

Mr. HITCHCOCK. I had an impression that these matters were before the Military Affairs Committee at some time.

Mr. UNDERWOOD. No; it has always been before the Judiciary Committee.

Mr. SMOOT. The Judiciary Committee reported it out. I notice that the legislative reference service, in giving a digest of the bill, makes this statement:

This bill would direct the Court of Claims to certify to the proper accounting officers findings of fact heretofore made in claims of Army officers for longevity pay under decisions in United States *v.* Horton (112 U. S., 1), United States *v.* Watson (130 U. S., 80), and Stewart *v.* United States (34 Court of Claims, 553). Accounting officers to settle the claims certified and all other claims for longevity pay and allowances of Regular Army officers in accordance with decisions of Supreme Court in cases where claims were disallowed by any accounting officer between 1890 and 1908; no decision of the comptroller to prevent such settlement. Claims to be payable to claimant or widow, or to a legal representative, on proof of existence of blood relations to whom fund would be distributed; but not to an assignee. Attorneys not to receive more than 20 per cent of amount allowed.

I suppose from that statement it simply means that the decision was rendered about 1908, and all claims after 1908 have not been allowed by the comptroller.

Mr. UNDERWOOD. I will state the case. It may take longer than from now to 2 o'clock, but I will ask the Senator in charge of the unfinished business to give me time to make the statement.

It relates entirely to West Point officers, and the whole question arose out of the fact as to whether or not, in considering the longevity allowances, the terms served at West Point should be counted. The leading case, I think, was that of Gen. Grant. Officers get additional pay for each 10 years they serve, and the question was as to whether the four years at West Point should count. Gen. Grant and some other officers were paid that amount. Then a comptroller came in who held that it had never been decided up to that time that the four years at West Point should count. Subsequently the Supreme Court of the United States held that it should count. Then they went on and paid all the officers, except a certain few who had filed their cases with the comptroller, who acted adversely on them. Then the Court of Claims said, that being an adverse decision of the comptroller, it had been decided already; it was not an open question. In other words, it allowed the great bulk of the Army officers to get the longevity pay, and they have been paid, and this covers only a very few, who happened to fall within this comptroller's period of service.

Mr. SMOOT. Does the Senator believe we ought to allow an attorney's fee of 20 per cent in such cases?

Mr. UNDERWOOD. I think that is a smaller attorney's fee than is usually allowed. The purpose of putting that in the bill was to limit it.

Mr. SMOOT. We do not allow any attorney's fees in pension cases now. In nearly every pension bill we pass we positively refuse to allow them, and every one of the people interested know it. All they have to do is to file their claims and they will get their money.

Mr. UNDERWOOD. I think the original bill did not contain that provision.

Mr. SMOOT. Let us strike out "20" and insert "10."

Mr. UNDERWOOD. These claims have been handled by lawyers here for a good many years, and 20 per cent would not be an unreasonable compensation to them. I would have no objection to striking it out entirely except that the House wanted to limit the fee, subject to the contract.

Mr. SMOOT. This is a Senate bill.

Mr. UNDERWOOD. I know; but in introducing the bill I followed what the House had determined. I think it is entirely agreeable to the claimants. I have heard no opposition at all from the claimants.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KENYON. I should like to ask the Senator from Alabama if it is going to bring forth any discussion?

Mr. UNDERWOOD. No; if it does I shall withdraw it.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the Treasury the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States against Morton (vol. 112, U. S. Repts., p. 1), and United States against Watson (vol. 130, U. S. Repts., p. 80), and of the Court of Claims in Stewart against United States (vol. 34, Ct. of Cls. Repts., p. 553).

And that the accounting officers of the Treasury shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the Supreme Court of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury; and no decision of the comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim shall be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim, nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per centum of any amount appropriated in satisfaction of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICANIZATION OF ALIENS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3315.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. PHIPPS obtained the floor.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Hale	McNary	Smoot
Calder	Harding	Moses	Stanley
Capper	Harris	New	Sterling
Chamberlain	Harrison	Norris	Thomas
Colt	Henderson	Nugent	Townsend
Curtis	Hitchcock	Overman	Trammell
Dial	Jones, N. Mex.	Page	Underwood
Edge	Jones, Wash.	Phelan	Walsh, Mass.
Elkins	Kendrick	Phipps	Walsh, Mont.
Fernald	Kenyon	Robinson	
France	King	Sheppard	
Gronna	McKellar	Smith, Md.	

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES] from the Senate and the city on account of illness in his family. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Forty-five Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. SUTHERLAND answered to his name when called.

Mr. BECKHAM, Mr. BALL, and Mr. SHIELDS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. PHIPPS. Mr. President, I desire to submit a few remarks upon the bill now under consideration by the Senate. I shall occupy the time of the Senate for only a short period.

The present population of continental United States includes a large percentage of foreign-born people whose native tongue is other than the English language, and it also comprises many native-born citizens whose household language is other than English, such as numbers of residents of the Southwestern States who use the Spanish language and those of New England and the Canadian border who employ the French language. In fact, some of the schools in these sections of our country teach foreign languages instead of our officially recognized language, the English, now perhaps modified by local usage to the extent that it may properly be termed American.

In addition to these residents who do not understand our American language, there are great numbers of others who are illiterate in that they are unable to read or write any language. The question of education even to the primary extent that will enable these two classes of our resident peoples to understand, read, and write in our language is to-day a difficult problem demanding serious consideration and a definite solution.

The United States has frequently been called a melting pot because it has welcomed newcomers from all of the countries

of the earth and has been eminently successful in assimilating these additions to its population, making them useful citizens and real Americans.

Promptly after we were forced to declare war on Germany in April of 1917 large numbers of foreign-born young men volunteered for service in our Army and Navy, many of them thereby taking a short cut to full-fledged citizenship, and their records during the war proved them to be loyal beyond question to the country of their adoption. It was not until the draft was resorted to, however, and careful records of birth and education were prepared that we became aware of the large percentage of men who were to serve this country in the war and yet were unable to read and write, or, in many cases, even speak its language.

Not all of these illiterates were of foreign birth, and those who were born in this country, excepting perhaps descendants of French, Mexicans, and Indians, were at least able to understand and to speak English. Many of foreign parentage understood and spoke a little English, but barely enough to carry out their officers' orders, while others had to be taught before they could execute even the simplest command. The percentage of illiterates in the Army during the war has been carefully figured out by The Adjutant General, whose records show that 24.9 per cent were either totally or relatively illiterate, the test being whether the soldier could read a newspaper or write a simple letter. Statistics compiled by the Department of the Interior prove conclusively that there are over 8,500,000 people in this country over 10 years of age who can neither read, write, nor speak our language.

One of our present problems, therefore, which should properly be termed a duty, is to make suitable provisions for the education of the large number of adults in this country who are unable to read, write, or speak English. Undoubtedly this duty rests primarily upon the individual States, which are supposed to provide the necessary facilities for the education of all of their inhabitants, but it is conceded that few of the States have as yet arranged for the education of grown men and women, and it will not prove an easy task to meet the demands of the situation disclosed by the records mentioned above.

It is true that our common-school system of instruction universally in use throughout the States has accomplished wonderful results in the education of the masses, but even where enforced attendance for children under 16 years of age has been the rule it is apparent that something must be added to reach those illiterates and persons of foreign speech over that age, who constitute so large a percentage of our population.

Several of the States are providing some special instruction for these two classes, and these efforts are being supplemented by private schooling furnished by a few large employers of labor, but the work is too vast to be properly cared for through sporadic action and must be undertaken in a systematic manner to reach all in need of such education.

It seems apparent to me that a comprehensive scheme or plan that will accomplish the desired results may properly be undertaken by the Federal Government, and that the bill now under consideration affords the proper and necessary basis upon which to found a movement that will return the investment many times over and prove of lasting benefit to the entire country.

No doubt critics will raise a cry of paternalism. Can they successfully contend that the Federal supervision and expenditure proposed at this time is either unwise, unjustifiable, or will prove unprofitable to the General Government?

True, these residents to whom we aim to give primary education are citizens of the different States, but they are primarily citizens of the United States and as such there was no hesitancy on the part of the Federal Government in calling for their services when it became necessary to defend the rights of our country against foreign aggression in 1917.

Were we to leave this problem of Americanization to the several States for solution it would no doubt eventually be solved, although the greater part of the benefit to be derived by the people, the States, and the Nation would be lost through the lapse of time necessary to accomplish by separate effort what may be more quickly and better done through concerted action.

Without for one moment intending to detract from the credit due the rank and file of our Army and Navy during the recent conflict, I venture the assertion that the wonderful, world-astounding action of our forces would have been much easier of accomplishment had every soldier and sailor who joined our forces been able at the time he entered the service to understand every military order given him, either in verbal or written English, and to make report in writing to his superior officer. A family connection of mine, who went abroad as captain in command of an Infantry company, informed me that three months before sailing his troop included men who spoke 15 different languages, that he was compelled to employ 8 interpreters among them, and even with this assistance was unable to make his orders understood until these foreign-speaking people had acquired a small vocabulary of English words.

The remarkable disclosures of the selective draft as to the percentage of illiterates and those unable to speak or understand the English language have already been referred to by the Senator from Iowa [Mr. KENYON] in his able address introducing this bill, and I shall not take up the time of the Senate by repeating those statistics.

The business aspect of the proposed investment in education appeals to me as a feature well worth the consideration of this body.

Surely a citizen who has had elementary instruction in our language is of greater value to his country than one who has not. It is admittedly true that even a knowledge of the rudiments of education increases the earning power of any man or woman.

Of course, it is not intended to educate those who come to our country merely as visitors or in temporary employment as representatives of foreign business houses, and these temporary residents can easily be excluded from the operations of this act through the rules which will be adopted by the different States for the carrying out of their plans.

No population can become homogeneous unless and until its people speak the same language, and the attainment of such a condition in our country will be well worth whatever it may cost.

We have at the present time serious questions of bolshevism and I. W. W.ism to deal with, and it is generally conceded that the obnoxious and dangerous teachings of these sects have been spread over different sections of our Nation, principally through the proselyting of the ignorant and the foreign-speaking people who are unable to understand our language.

The education of illiterates and teaching our tongue to those who know only other languages will prove most effectual in putting a stop to the spread of these dangerous doctrines, and such form of education is the most essential step toward Americanization.

Having acquired the ability to read simple English, the thirst for knowledge has been instilled in the minds of the student, and the natural effect will be the reading of periodicals and books which will occupy the time and develop the latent abilities of the new American.

It has seemed to your committee that the Federal Government should take the initiative in this movement; that through its proper bureau it should systematize the plan of action and arrange for coordination and cooperation by the States; that it should be willing to appropriate one dollar for each dollar expended by the States in helping to carry on this important work.

It may be suggested by some that these foreign-speaking people and illiterates should be compelled to pay the cost of their own education, and there may be some merit in this contention.

To illustrate this thought I present a letter received by me under date of November 25, 1919, from one of my correspondents, Mr. Ralph W. Smith, of Denver, Colo., which I desire to have included in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

NATIONAL SURETY CO.,
Denver, Colo., November 25, 1919.

Hon. LAWRENCE C. PHIPPS,
Senate Building, Washington, D. C.

DEAR MR. PHIPPS: In a summary of legislative matters that will come before the session of Congress that begins December 1, according to press dispatches, are, first, the immigration law, and, second, the I. W. W. red law, among others.

In this morning's paper it is stated that the theory of educating immigrants that come into this country is by a combination of funds, part to be furnished by the Federal Government, part by the State government, and part by public-spirited citizens. That is contrary to my idea of what it should be. My idea is that the immigrant that comes into this country should deposit with the Government an amount sufficient to educate him in our language somewhat and toward our ideals, and that, at the end of two years, if he has not taken the education, he should then be deported from this country. We are educating at our expense our own citizens, and it is my opinion that the aliens and foreign citizens should be educated at their

expense if they expect to come into this country and get all of the benefits that they get here which they do not get in their homeland. I can not see how this could be a hardship upon them.

If that were done it would also keep out of the country all of this riffraff stuff that is undesirable, and it would not keep out the industrious, saving man or woman who has acquired habits of thrift before coming over here.

Therefore it is my opinion that, first, he should certainly be required to become educated to our ideals and language, but I think it should also be done at his expense.

I understand that there are 27 foreign-language newspapers in one coal-mining strike center and 54 in another eastern city in the steel-strike district being circulated among our foreign-language-speaking aliens. These papers are published in various parts of the country but are being circulated in these districts. In my opinion a law should be passed absolutely forbidding the publishing of any newspapers or periodicals in anything excepting the American language. For a period of two years, say, it might be permitted to print one column in English and the same data and matter in the foreign language, thus permitting of the education of the reader to transpose in his own mind his foreign-language matter in the American print. However, I believe that the time has come when these foreign-language publications should cease, because I have made an examination of several of them and most of them are absolutely disloyal, and they are preaching powerful propaganda, the object of which is the overthrow of our Government.

Trusting that these suggestions may be in order,

Sincerely, yours,

RALPH W. SMITH.

Mr. PHIPPS. It has been shown through the statistics presented by the Senator from Iowa that the leading industries of our country must rely upon illiterate or foreign-speaking employees for over one-half of their working forces, and it is further true that our farming industry is largely manned by the same class of labor. In fact, all industries of these United States now depend upon illiterates and foreign-speaking workmen to a very large extent, and the ordinary or so-called common labor is generally furnished by these classes.

Owing to the cessation of immigration during and since the war, our industries are short of labor to-day and will continue to suffer from shortage of labor until the bars have been again let down, as there is no other source from which a sufficient supply of labor may be drawn.

Our task to-day is to assimilate and Americanize these elements of our present population, who will as a rule make desirable citizens, and we should also prepare for the influx of newcomers who will invade our shores so soon as the opportunity is afforded them.

Shall we say to those desirables who will come to us later or to those who are now resident among us, "You must be educated, must learn to speak, read, and write as Americans, for which you must pay," or shall we say, "The United States welcomes you, desires your allegiance, and to that end, in connection with the State in which you may reside, gives you opportunity for elementary education and a knowledge of the American language in order that you may become true citizens of this country"?

In advocacy of the latter proposition it may be said we should place no unnecessary obstacles in the way of labor needed for the development of our country's natural resources. Many desirable immigrants will come to us as quickly as they are in position to spend the money necessary to get them to America, and an education tax would delay their arrival or prevent their coming.

The bulk of taxation, both State and National, is derived from real estate and other tangible property, or from operations of business; and as these interests are the ones which will benefit most through the operations of the proposed measure it would seem wise to rely upon general taxation for the proposed education rather than to assess its cost upon those who will receive the instruction themselves.

The provisions of the bill have had much consideration at the hands of those who have been active in its advancement. It may require some slight amendment; and I desire at this time to call the attention of the Senator having it in charge to the language on page 2, line 19, where the word "board" occurs, as I think this should be changed to read "bureau of education."

Mr. KENYON. It should be.

Mr. PHIPPS. I also call attention to section 4, providing for the allotment of funds, where it appears that the States are cared for properly, but the Territories and possessions are omitted from the allotment of money.

Mr. KENYON. Mr. President, does the Senator recall the discussion in the committee on that point? That was, as I remember it, the intention.

Mr. PHIPPS. I was unable to get a clear understanding in reviewing the bill, and for that reason I desired to call attention to that clause of the bill as written, which does not appear to conform to the purpose of the measure as set forth in section 1.

Mr. KENYON. The trouble is, there is an incongruity between section 1 and the part of section 4 to which the Senator refers. Section 1 provides for the Territories and possessions of the United States, except the Philippine Islands. If the Senator will revert back in his mind to the discussion that evening, he will remember that we had the question of Porto Rico up, and I was rather insistent that Porto Rico go in. Finally it was determined that these possessions should be all left out, because it would have been almost impossible to get the proper ratio between the illiteracy in those Territories and the general illiteracy of the Nation. The major part of the funds will be absorbed in Porto Rico and the Philippine Islands. Now, my own judgment is that they ought to be put in in some way, but the committee's judgment was against them. I do not remember the position the Senator from Colorado took upon that question, but the words in section 1 as to Territories and possessions and the Philippine Islands should be stricken out.

Mr. PHIPPS. That would be the better way to amend the bill, in my opinion. I would favor an amendment to that end.

Mr. KENYON. I do not want to interrupt the Senator——

Mr. PHIPPS. It will not disturb me at all.

Mr. KENYON. But I feel very strongly that we should do more than we are doing for Porto Rico. We are doing a great deal for the Philippine Islands in the way of education, but we are not doing very much for Porto Rico, and it is a sort of a hobby of mine that we owe to the people of Porto Rico a greater duty than we are performing. The difficulty, however, is in picking out different ones of these possessions and putting them in here without putting them all in; so we concluded, as I remember, to leave them out.

Mr. PHIPPS. Yes; I remember the discussion particularly with reference to the Philippine Islands, which, I was informed, were already provided for in a different manner.

Mr. KENYON. They are.

Mr. PHIPPS. Would it not be wise to take up the consideration of provision for Porto Rico as a separate measure, the conditions being entirely dissimilar to those obtaining in the United States?

Mr. KENYON. I will say that I have had letters from Porto Rico, one from the superintendent of education there, earnestly urging that they be put in this bill; but I found that the committee was pretty strongly against doing that and in favor of handling Porto Rico as a separate proposition, because of the difference in conditions.

Mr. PHIPPS. Mr. President, the amount of the appropriations asked for and to be used over a period of four years, as the experimental limit of operations, is not large considering the magnitude and importance of the work to be performed, and particularly in view of the fact that every dollar paid out to the States will draw at least an equal appropriation from the States for educational purposes, with every reason to expect that in the majority of cases the States will contribute sums largely in excess of the national appropriation coming to them.

If our country is to continue to progress at the highest possible rate of development, it can only do so through the unity of purpose of a homogeneous people. To attain this end Americans must speak the same language, and that language can only be the modified English, which is really American.

[Mr. KING addressed the Senate. After having spoken, with interruptions, for over two hours, he concluded his remarks for the day.]

DISTRICT FIRE DEPARTMENT.

Mr. CALDER. Mr. President, will the Senator from Iowa permit me to ask unanimous consent to submit a conference report on the bill for the relief of the District fire department? And I ask unanimous consent for its present consideration.

Mr. KENYON. I do not want to disturb that arrangement, but I simply ask, as a parliamentary inquiry, if in the middle of a speech there can be unanimous consent to consider a bill?

The PRESIDENT pro tempore. This is simply the report of a conference committee. The question whether the Senate will proceed with the report will come up afterwards.

Mr. KENYON. I thought the Senator asked unanimous consent to consider the report.

Mr. DIAL. I object, Mr. President.

The PRESIDENT pro tempore. The report will be received, for it is a privileged report.

Mr. CALDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment and accept the said House bill with an amendment as follows: In lieu of the matter proposed by the amendment of the Senate insert the following:

"That sections 2, 3, and 4 of an act entitled 'An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes,' approved June 20, 1906, is hereby amended to read as follows:

"'SEC. 2. That the Commissioners of the District of Columbia shall appoint, assign to such duty or duties as they may prescribe, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the fire department of the District of Columbia, according to such rules and regulations as said commissioners, in their exclusive jurisdiction and judgment (except as herein otherwise provided), may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified (except as herein otherwise provided) and shall remain in force until changed by said commissioners: *Provided further*, That all officers, members, and civilian employees of such department, except the chief engineer and deputy chief engineers, shall hereafter be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except as herein otherwise provided: *Provided further*, That the chief engineer of the fire department shall hereafter be selected from among the deputy chief engineers, the battalion chief engineers, the fire marshal and the superintendent of machinery; the deputy chief engineers shall hereafter be selected from among the battalion chief engineers, the fire marshal and the superintendent of machinery: *Provided further*, That all original appointments of privates shall be made to class 1; privates who have served one year in class 1 shall, if found efficient, be transferred to class 2, and privates who have served two years in class 2 shall, if found efficient, be transferred to class 3. Such transfers shall not be subject to the provisions of such act of January 16, 1883, as amended, and the rules and regulations made in pursuance thereof. Whenever vacancies occur in classes 2 or 3 which can not be filled by such transfers, the commissioners may appoint additional privates in class 1 equal in number to the positions vacant in classes 2 or 3; and any moneys appropriated for the payment of the salaries for such vacant positions shall be available to pay to such additional privates of class 1 the salaries of their grade.

"'SEC. 3. That the fire department of the District of Columbia shall consist of one chief engineer, two deputy chief engineers, all of whom shall have had at least five years of experience in some regularly organized municipal fire department; such number of battalion chief engineers as said commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; and such number of assistant superintendents of machinery, pilots, marine engineers, assistant marine engineers, marine firemen, privates of class 3, privates of class 2, privates of class 1, hostlers, and laborers as said commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the chief engineer of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *Provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That the engineers and assistant engineers in the fire department shall be transferred to the position of privates of class 1, 2 or 3, respectively, depending on whether their length of service on August 1, 1919, was one, two, or three or more years; but such transfers shall not be subject to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, and the authorized number of privates in the various classes is hereby increased to provide for such transfers, and for additional privates equal in number to the vacancies existing in the positions of engineer and assistant engineer at the time this amending act becomes effective.'

"'SEC. 4. That the annual basic salaries of the officers and members of said department shall be as follows: Chief engineer, $4,000; deputy chief engineers, $3,000 each; battalion chief engineers, $2,400 each; fire marshal, $2,400; deputy fire marshal, $2,000; inspectors, $1,660 each; chief clerk, $2,400; clerk (who shall be a stenographer and typist), $1,660; captains, $1,900 each; lieutenants, $1,760 each; sergeants, $1,700 each; superintendent of machinery, $2,500; assistant superintendent of machinery, $2,000; pilots, $1,700 each; marine engineers, $1,700 each; assistant marine engineers, $1,660 each; marine firemen, $1,460 each; privates of class 3, $1,660 each; privates of class 2, $1,560 each; privates of class 1, $1,460 each; hostlers, $1,080 each; laborers, $1,000 each. Every officer and member of the fire department of the District of Columbia at the time this amending act becomes effective shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act for a period of equal duration.'

"SEC. 2. Section 5 of such act of June 20, 1906, is hereby amended by adding at the end thereof the following:

"'No member of the fire department of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the fire department of the District of Columbia has violated the provisions of this section it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

"'Any member of the fire department of the District of Columbia who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the fire department of the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months, or by both.'

"SEC. 3. For the payment of the increases in salaries authorized in this act for the positions provided for in the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919, and for the payment of the salaries designated herein to the additional number of men in the various classes of privates authorized in this act, one-half of the amount necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the salaries of the officers and members of such fire department in such act of July 11, 1919.

"SEC. 4. The Commissioners of the District of Columbia are hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the Metropolitan police and fire departments may be made."

And the House agree to the same.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

CARL E. MAPES,
N. J. GOULD,
JAMES P. WOODS,
Managers on the part of the House.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of this report. Is there objection?

Mr. DIAL. I object, Mr. President.

Mr. CALDER. Mr. President, if it is in order, I move that the conference report be considered at this time.

Mr. KING. I decline to yield for that purpose, Mr. President.

Mr. CURTIS. I ask the Senator in charge of the bill how late he wants to stay in session to-night? There are some 1,200 post-office nominations that ought to be acted upon.

Mr. KING. I will be glad to conform my course to the desires of the Senator. I will conclude in about half an hour.

The PRESIDENT pro tempore. The Senator from Utah has the floor and the right now to proceed.

Mr. KENYON. Would not the Senator from Utah prefer to conclude in the morning?

Mr. KING. I would prefer that?

Mr. KENYON. It has been suggested that an executive session is necessary.

Mr. CALDER. Will the Senator permit me to ask that the pending bill be laid aside temporarily? I ask unanimous consent that the pending bill be temporarily laid aside.

Mr. KENYON. Before consenting to that I would like to ask the Senator the purpose of his request.

Mr. CALDER. To move the adoption of the conference report.

Mr. KING. I decline to yield for that purpose. I do not desire to have that report taken up this evening.

MEDALS OF HONOR AND DISTINGUISHED-SERVICE CROSS.

Mr. JONES of Washington. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 10331) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918. This bill passed the House, and was referred to the Military Affairs Committee. It makes some slight change in the matter of conferring medals, a change recommended by the War Department. Under the law as it is now, when a division is serving at the front under a general, he could give a decoration. There are some who served under a colonel at the front for four months.

Mr. KENYON. If it is a measure that will not require discussion, I have no objection to it.

Mr. JONES of Washington. If it leads to discussion, I will withdraw it.

Mr. CHAMBERLAIN. I understand the Senator to state that the bill has been reported out of the committee?

Mr. JONES of Washington. Yes; by the Senator from New York [Mr. WADSWORTH], the chairman of the Committee on Military Affairs. It is Calendar No. 311, and is recommended by the War Department. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That so much of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1919, as constitutes the fifth section under the subheading "Medals of honor, distinguished-service crosses, and distinguished-service medals" (40 Stat. L., p. 871), be, and is hereby, amended so as to read as follows:

"That no more than one medal of honor or one distinguished-service cross or one distinguished-service medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of a medal of honor or a distinguished-service cross or a distinguished-service medal, respectively, the President may award a suitable bar or other suitable device, to be worn as he shall direct. And for each citation of an officer or enlisted man for gallantry in action, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter."

SEC. 2. That all laws and parts of laws in conflict herewith are rescinded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KENYON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 20, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 19, 1920.

APPRAISER OF MERCHANDISE.

John J. Gallagher, of East Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., vice Houlahan, resigned.

COLLECTOR OF INTERNAL REVENUE.

Harry W. Mager, of Chicago, Ill., to be collector of internal revenue, first district of Illinois, vice Smietanka, resigned.

PUBLIC HEALTH SERVICE.

Assist. Surg. Paul M. Stewart to be passed assistant surgeon, Public Health Service.

Dr. Russel R. Tomlin to be assistant surgeon, Public Health Service.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Allan L. Briggs to be major of Infantry.

CAVALRY ARM.

Maj. Joseph B. Herron to be lieutenant of Cavalry.

FIELD ARTILLERY.

Maj. Fred G. Doyle to be lieutenant colonel, Field Artillery.

POSTMASTERS.

ALABAMA.

Howard F. Little to be postmaster at Linden, Ala. Office became presidential October 1, 1918.

William K. Cooper to be postmaster at Northport, Ala. Office became presidential January 1, 1918.

Roxie King to be postmaster at Townly, Ala. Office became presidential April 1, 1919.

James W. Horn to be postmaster at Brantley, Ala., in place of J. W. Horn. Incumbent's commission expired October 16, 1918.

John J. Dunlap to be postmaster at Eutaw, Ala., in place of J. J. Dunlap, jr. Incumbent's commission expired September 29, 1918.

Charles H. Ramey to be postmaster at Akron, Ala. Office became presidential July 1, 1919.

William H. Briley to be postmaster at Ariton, Ala. Office became presidential April 1, 1919.

Edward R. White to be postmaster at Center, Ala. Office became presidential July 1, 1919.

George R. McElroy to be postmaster at Cuba, Ala. Office became presidential October 1, 1919.

Charles R. Osborne to be postmaster at Eclectic, Ala. Office became presidential October 1, 1919.

Myrtle I. Williamson to be postmaster at Gurley, Ala. Office became presidential July 1, 1919.

George B. Pickens to be postmaster at Moundville, Ala. Office became presidential October 1, 1919.

Arthur L. Moore to be postmaster at New Market, Ala. Office became presidential April 1, 1919.

Zula L. Davis to be postmaster at Prichard, Ala. Office became presidential July 1, 1919.

Samuel D. Wren to be postmaster at Red Bay, Ala. Office became presidential July 1, 1919.

John W. Owen to be postmaster at Red Level, Ala. Office became presidential July 1, 1919.

William B. Reeder to be postmaster at Rogersville, Ala. Office became presidential October 1, 1919.

Rufus L. Adcock to be postmaster at Wedowee, Ala. Office became presidential July 1, 1919.

William A. Daniel to be postmaster at Wilsonville, Ala. Office became presidential July 1, 1919.

Rodolphus F. Wheeler to be postmaster at Winfield, Ala., in place of R. F. Wheeler. Incumbent's commission expired December 16, 1919.

Roy E. Blackburn, jr., to be postmaster at Uniontown, Ala., in place of R. E. Blackburn, jr. Incumbent's commission expired December 16, 1919.

Clyde Oldshue to be postmaster at Sulligent, Ala., in place of Clyde Oldshue. Incumbent's commission expired December 16, 1919.

J. Richard Coleman to be postmaster at Sheffield, Ala., in place of J. R. Coleman. Incumbent's commission expired December 16, 1919.

Harry C. Howze to be postmaster at Marion, Ala., in place of H. C. Howze. Incumbent's commission expired December 16, 1919.

William V. Jacoway to be postmaster at Fort Payne, Ala., in place of W. V. Jacoway. Incumbent's commission expired December 16, 1919.

Robert M. Crump to be postmaster at Collinsville, Ala., in place of R. M. Crump. Incumbent's commission expired December 16, 1919.

John L. Dickinson to be postmaster at Brundidge, Ala., in place of J. L. Dickinson. Incumbent's commission expired December 16, 1919.

Rufus B. Smyer to be postmaster at Birmingham, Ala., in place of R. B. Smyer. Incumbent's commission expired December 16, 1919.

Robert M. Rawls to be postmaster at Athens, Ala., in place of R. M. Rawls. Incumbent's commission expires January 25, 1920.

Margie Gardner to be postmaster at Aliceville, Ala., in place of Margie Gardner. Incumbent's commission expired December 16, 1919.

Thomas L. Lindsey to be postmaster at Fayette, Ala., in place of Walter W. Harkins, resigned.

William T. Hogan to be postmaster at Phoenix, Ala., in place of Leslie Booker, resigned.

Leroy Q. Box to be postmaster at Oneonta, Ala., in place of Z. E. Bellah, resigned.

ARIZONA.

Harry C. Lowdermilk to be postmaster at Willcox, Ariz., in place of H. C. Lowdermilk. Incumbent's commission expired December 16, 1919.

James A. Pitts to be postmaster at Seligman, Ariz., in place of J. A. Pitts. Incumbent's commission expired December 16, 1919.

Selin J. Michelson to be postmaster at Phoenix, Ariz., in place of S. J. Michelson. Incumbent's commission expired December 16, 1919.

Thomas A. Feeney to be postmaster at Miami, Ariz., in place of T. A. Feeney. Incumbent's commission expired December 16, 1919.

Albert C. Cooling to be postmaster at Oatman, Ariz., in place of Elva C. Shuck, resigned.

Loran D. Park to be postmaster at Casa Grande, Ariz., in place of Tula L. Humphreys, resigned.

Eliel T. Miner to be postmaster at Humboldt, Ariz., in place of Webster H. Knight, resigned.

Charles E. Hand to be postmaster at Winkelman, Ariz., in place of Solomon H. Snider, resigned.

Jesse M. Foster, jr., to be postmaster at Clemenceau (late Verde), Ariz., in place of Jesse M. Foster, jr. Office became presidential April 1, 1919.

ARKANSAS.

Emma Z. L. L. Wheeler to be postmaster at Almyra, Ark. Office became presidential October 1, 1919.

Thomas W. Sparks to be postmaster at Harrisburg, Ark., in place of T. W. Sparks. Incumbent's commission expired April 29, 1918.

Thomas C. Wilson to be postmaster at Bradford, Ark., Office became presidential April 1, 1919.

Robert H. Johnson to be postmaster at Hatfield, Ark. Office became presidential April 1, 1919.

Jessie Garner to be postmaster at Kingsland, Ark. Office became presidential July 1, 1919.

John B. Dixon to be postmaster at Lincoln, Ark. Office became presidential October 1, 1919.

Grace D. Gillette to be postmaster at Strong, Ark. Office became presidential October 1, 1919.

Thomas W. Graddy to be postmaster at Vilonia, Ark. Office became presidential July 1, 1919.

Fount G. Hollabaugh to be postmaster at Marshall, Ark., in place of F. G. Hollabaugh. Incumbent's commission expired December 16, 1919.

Claude Mann to be postmaster at Malvern, Ark., in place of Claude Mann. Incumbent's commission expired December 16, 1919.

Ethel L. Nall to be postmaster at Lockesburg, Ark., in place of Ethel Leeper. Name changed by marriage.

George M. Walter to be postmaster at Judsonia, Ark., in place of G. M. Walter. Incumbent's commission expired December 16, 1919.

James H. Garison to be postmaster at El Dorado, Ark., in place of J. H. Garison. Incumbent's commission expired December 17, 1919.

James K. Sartain to be postmaster at Blytheville, Ark., in place of J. K. Sartain. Incumbent's commission expired December 16, 1919.

Charlotte A. Proctor to be postmaster at Hazen, Ark., in place of Edward Screeton, resigned.

Emma J. Moyer to be postmaster at Batesville, Ark., in place of Samuel W. Deener, resigned.

John W. McClenney to be postmaster at Heber Springs, Ark., in place of Arthur G. Morris, removed.

Elmer A. Murphy to be postmaster at Lepanto, Ark., in place of Thomas L. Smith, resigned.

Jesse M. Osborn to be postmaster at Okolona, Ark., in place of Gabe D. Anderson, resigned.

Thomas A. Binford to be postmaster at Earl, Ark., in place of Alvin G. Stamps, resigned.

CALIFORNIA.

Katherine H. McLernon to be postmaster at Culver City, Calif. Office became presidential July 1, 1919.

Samuel T. Mason to be postmaster at Durham, Calif. Office became presidential October 1, 1919.

Fred Huckle to be postmaster at East San Pedro, Calif. Office became presidential July 1, 1919.

John A. Ellis to be postmaster at Geyserville, Calif. Office became presidential October 1, 1919.

Aurelia H. Reinhardt to be postmaster at Mills College, Calif. Office became presidential April 1, 1919.

Harold K. Rankin to be postmaster at Ocean Beach, Calif. Office became presidential July 1, 1919.

Joseph S. Todd to be postmaster at Whittier, Calif., in place of J. S. Todd. Incumbent's commission expired December 17, 1919.

Albert G. Griffith to be postmaster at Wheatland, Calif., in place of A. G. Griffith. Incumbent's commission expired December 17, 1919.

William E. Taylor to be postmaster at Westwood, Calif., in place of W. E. Taylor. Incumbent's commission expired December 17, 1919.

George W. Wentner to be postmaster at Weed, Calif., in place of G. W. Wentner. Incumbent's commission expired December 17, 1919.

Julius C. Barthel to be postmaster at Venice, Calif., in place of J. C. Barthel. Incumbent's commission expired December 17, 1919.

Mary S. Rutherford to be postmaster at Truckee, Calif., in place of M. S. Rutherford. Incumbent's commission expired December 17, 1919.

Lucille F. Merrill to be postmaster at Sisson, Calif., in place of L. F. Merrill. Incumbent's commission expired December 17, 1919.

Edwin H. Shoemaker to be postmaster at Sausalito, Calif., in place of E. H. Shoemaker. Incumbent's commission expired December 17, 1919.

Charles J. Adair to be postmaster at San Pedro, Calif., in place of C. J. Adair. Incumbent's commission expired December 17, 1919.

Manuel S. Trigueiro to be postmaster at San Miguel, Calif., in place of M. S. Trigueiro. Incumbent's commission expired December 17, 1919.

Ann McMichael to be postmaster at San Juan Bautista, Calif., in place of Anna McMichael. Incumbent's commission expired December 17, 1919.

Ephraim P. Higgins to be postmaster at San Gabriel, Calif., in place of E. P. Higgins. Incumbent's commission expired December 17, 1919.

George C. Murphy to be postmaster at Porterville, Calif., in place of G. C. Murphy. Incumbent's commission expired December 17, 1919.

Mamie L. Royce to be postmaster at Pittsburg, Calif., in place of M. L. Royce. Incumbent's commission expired December 17, 1919.

Joseph J. Rosborough to be postmaster at Oakland, Calif., in place of J. J. Rosborough. Incumbent's commission expired December 17, 1919.

August A. Heeser to be postmaster at Mendocino, Calif., in place of A. A. Heeser. Incumbent's commission expired December 17, 1919.

Charles B. Randall to be postmaster at Kerman, Calif., in place of C. B. Randall. Incumbent's commission expired December 17, 1919.

Nettie Fansel to be postmaster at Independence, Calif., in place of Nettie Fansel. Incumbent's commission expired December 17, 1919.

Davis C. Earhart to be postmaster at Hornbrook, Calif., in place of D. C. Earhart. Incumbent's commission expired December 17, 1919.

John E. King to be postmaster at Hemet, Calif., in place of J. E. King. Incumbent's commission expired December 17, 1919.

Virginia H. Rice to be postmaster at Cottonwood, Calif., in place of V. H. Gould. Name changed by marriage.

Frank T. Hawes to be postmaster at Centerville, Calif., in place of F. T. Hawes. Incumbent's commission expired December 17, 1919.

Nora J. Street to be postmaster at Cedarville, Calif., in place of N. J. Street. Incumbent's commission expired December 17, 1919.

William D. Parker to be postmaster at Biggs, Calif., in place of W. D. Parker. Incumbent's commission expired December 17, 1919.

William B. Higgins to be postmaster at Baypoint, Calif., in place of W. B. Higgins. Incumbent's commission expired December 17, 1919.

George M. Belles to be postmaster at Azusa, Calif., in place of G. M. Belles. Incumbent's commission expired December 17, 1919.

Raymond P. O'Connor to be postmaster at Atascadero, Calif., in place of R. P. O'Connor. Incumbent's commission expired December 17, 1919.

Jane M. Powell to be postmaster at Angel Island, Calif., in place of J. M. Powell. Incumbent's commission expired December 17, 1919.

Charles M. Grist to be postmaster at Covelo, Calif., in place of Henry W. Montague, resigned.

Ewing W. Shumaker to be postmaster at Cucamonga, Calif., in place of W. A. Lucas, resigned.

Hope Lockridge to be postmaster at Delano, Calif., in place of R. W. Lockridge, deceased.

Frederick M. Brooke to be postmaster at Dinuba, Calif., in place of Oliver C. Williams, resigned.

Lawrence A. Murray to be postmaster at Hamilton City, Calif., in place of Patrick S. Quigley, resigned.

George W. Hunt to be postmaster at McCloud, Calif., in place of Mary A. Freeman, resigned.

Wilbert G. Stewart to be postmaster at Perris, Calif., in place of A. T. Kimbell, deceased.

Isabelle F. Sylvia to be postmaster at Pleasanton, Calif., in place of D. H. Fallon, resigned.

Joseph C. Reilly to be postmaster at Trona, Calif., in place of Stafford W. Austin, resigned.

M. Elizabeth Woods to be postmaster at Wilmington, Calif., in place of Mathild V. Smith, resigned.

Floyd E. Kidd to be postmaster at Williams, Calif., in place of Sarah B. Anthony, resigned.

Earl Stacy to be postmaster at McFarland, Calif., in place of Frank A. Chapman, resigned.

Edward B. Bradley to be postmaster at Walnut Creek, Calif., in place of Hiram A. Rudd. Incumbent's commission expired March 10, 1918.

Samuel W. Green to be postmaster at Isleton, Calif., in place of Crete de Back, resigned.

Twonnette Parker to be postmaster at Fairoaks, Calif., in place of W. R. Gore, resigned.

Carrie I. Pfau to be postmaster at Fairfield, Calif., in place of A. R. Coffman, resigned.

Charles W. Arrasmith to be postmaster at Courtland, Calif., in place of David C. Simpson, removed.

COLORADO.

John Davis to be postmaster at Arriba, Colo. Office became presidential October 1, 1918.

Charles A. Fowler to be postmaster at Bayfield, Colo. Office became presidential October 1, 1919.

Glen F. Wilson to be postmaster at Briggsdale, Colo. Office became presidential October 1, 1919.

Mamie Weidner to be postmaster at Elizabeth, Colo. Office became presidential July 1, 1919.

Hattie A. Pike to be postmaster at Peetz, Colo. Office became presidential July 1, 1919.

Louise A. Haynes to be postmaster at Vona, Colo. Office became presidential October 1, 1919.

Asa P. Dickson to be postmaster at Westcliffe, Colo., in place of A. P. Dickson. Incumbent's commission expired December 16, 1919.

Walter S. Kemmer to be postmaster at Steamboat Springs, Colo., in place of W. S. Kemmer. Incumbent's commission expired December 16, 1919.

Serena B. Pollock to be postmaster at Rifle, Colo., in place of S. B. Pollock. Incumbent's commission expired December 16, 1919.

John Uglow to be postmaster at Olathe, Colo., in place of John Uglow. Incumbent's commission expired January 12, 1919.

William H. Bloom to be postmaster at Limon, Colo., in place of W. H. Bloom. Incumbent's commission expired December 16, 1919.

Fred H. Sanderson to be postmaster at Hotchkiss, Colo., in place of F. H. Sanderson. Incumbent's commission expired December 16, 1919.

John T. Adkins to be postmaster at Holly, Colo., in place of J. T. Adkins. Incumbent's commission expired December 16, 1919.

Hester E. House to be postmaster at Haxtum, Colo., in place of H. E. House. Incumbent's commission expired December 16, 1919.

William J. McDonald to be postmaster at Fowler, Colo., in place of W. J. McDonald. Incumbent's commission expired December 16, 1919.

Earnest G. Beechler to be postmaster at Akron, Colo., in place of Frederick W. McIntyre, resigned.

Roy McWilliams to be postmaster at Ault, Colo., in place of O. W. McKinley, resigned.

Harold J. Schwarzel to be postmaster at Carbondale, Colo., in place of D. W. Shores, resigned.

Paul C. Boyles to be postmaster at Gunnison, Colo., in place of Harry R. Aikin, removed.

Oscar L. Morris to be postmaster at La Salle, Colo., in place of Dwight Cline, not commissioned.

John H. Comin to be postmaster at Windsor, Colo., in place of Ralph A. Cable, resigned.

Nellie M. Cunningham to be postmaster at Meeker, Colo., in place of J. W. C. Shepherd, resigned.

Ethel K. Langcamp to be postmaster at Flagler, Colo., in place of Amy R. Kruchton, resigned.

Jack I. Norris to be postmaster at Eads, Colo., in place of Henry V. Fluke, resigned.

Edwin C. Johnson to be postmaster at Craig, Colo., in place of Virgil C. Ledford, resigned.

H. Louise Hurst to be postmaster at Antonito, Colo., in place of Jefferson D. Frazey, resigned.

CONNECTICUT.

John O'Rourke to be postmaster at Willimantic, Conn., in place of John O'Rourke. Incumbent's commission expired December 16, 1919.

William J. Wood to be postmaster at Westport, Conn., in place of W. J. Wood. Incumbent's commission expired December 16, 1919.

Edward M. O'Brien to be postmaster at Waterbury, Conn., in place of E. M. O'Brien. Incumbent's commission expired January 26, 1919.

Frederick A. Reiner to be postmaster at Sandy Hook, Conn., in place of F. A. Reiner. Incumbent's commission expired December 16, 1919.

Clifford E. Chapman to be postmaster at Niantic, Conn., in place of C. E. Chapman. Incumbent's commission expired December 16, 1919.

Bryan F. Mahan to be postmaster at New London, Conn., in place of B. F. Mahan. Incumbent's commission expired December 16, 1919.

Henry Kelley to be postmaster at New Canaan, Conn., in place of Henry Kelley. Incumbent's commission expired December 16, 1919.

William F. Delaney to be postmaster at New Britain, Conn., in place of W. F. Delaney. Incumbent's commission expired December 16, 1919.

Patrick Riley to be postmaster at Killingly, Conn., in place of Patrick Riley. Incumbent's commission expired December 16, 1919.

William W. Fagan to be postmaster at Kensington, Conn., in place of W. W. Fagan. Incumbent's commission expired January 5, 1920.

James Bride, jr., to be postmaster at East Haddam, Conn., in place of James Bride, jr. Incumbent's commission expired December 16, 1919.

Albert E. Wellman to be postmaster at Torrington, Conn., in place of Hugh W. Cronin, removed.

Katie M. Spencer to be postmaster at New Milford, Conn., in place of Albert H. McMahon, resigned.

Michael J. Stanton to be postmaster at Lakeville, Conn., in place of Edward J. Stuart, resigned.

DELAWARE.

Harry V. Tubbs to be postmaster at Selbyville, Del., in place of H. V. Tubbs. Incumbent's commission expired December 17, 1919.

Levi K. Bowen to be postmaster at Newark, Del., in place of L. K. Bowen. Incumbent's commission expired December 16, 1919.

William C. Day to be postmaster at Edgemoor, Del., in place of William Carter, deceased.

DISTRICT OF COLUMBIA.

Merritt O. Chance to be postmaster at Washington, D. C., in place of M. O. Chance. Incumbent's commission expires February 7, 1920.

FLORIDA.

Arthur H. Fuller to be postmaster at Altamonte Springs, Fla. Office became presidential October 1, 1919.

Mary Joyner to be postmaster at Bagdad, Fla. Office became presidential July 1, 1919.

Joseph H. Nelson to be postmaster at Crestview, Fla. Office became presidential October 1, 1919.

Robert F. Parsons to be postmaster at Fort White, Fla. Office became presidential October 1, 1919.

Frank W. Hall to be postmaster at Labelle, Fla. Office became presidential October 1, 1919.

James S. Godfrey to be postmaster at Yalaha, Fla. Office became presidential April 1, 1919.

John R. Walker to be postmaster at Titusville, Fla., in place of J. R. Walker. Incumbent's commission expired December 17, 1919.

John J. Johnston to be postmaster at St. Cloud, Fla., in place of J. J. Johnston. Incumbent's commission expired December 17, 1919.

Turner A. Duren to be postmaster at Largo, Fla., in place of T. A. Duren. Incumbent's commission expired December 17, 1919.

John A. McDonald to be postmaster at De Funiak Springs, Fla., in place of J. A. McDonald. Incumbent's commission expired December 17, 1919.

Jefferson Gaines to be postmaster at Bocagrande, Fla., in place of John M. Kelly, resigned.

Pearl R. Meeker to be postmaster at Bonifay, Fla., in place of James M. Miller, removed.

William J. Carter to be postmaster at Homestead, Fla., in place of L. R. Nixon, resigned.

Fleta I. Murrow to be postmaster at Panama City, Fla., in place of Samuel T. Ward, declined.

Oliver H. Linn to be postmaster at Vero, Fla., in place of Joseph M. Jones, resigned.

Mary Conway to be postmaster at Green Cove Springs, Fla., in place of Levy E. Carter, deceased.

Robert L. Nall to be postmaster at Dade City, Fla., in place of Johnson Y. O'Neal, resigned.

GEORGIA.

Augusta Glover to be postmaster at Monticello, Ga., in place of Augusta Glover. Incumbent's commission expired April 11, 1916.

Mazie Brett to be postmaster at Alamo, Ga. Office became presidential October 1, 1919.

John W. Moore to be postmaster at Crawford, Ga. Office became presidential October 1, 1919.

John W. Lane to be postmaster at Franklin, Ga. Office became presidential July 1, 1919.

Robert L. Callan to be postmaster at Norman Park, Ga. Office became presidential July 1, 1919.

Marijo McMillan to be postmaster at Sycamore, Ga. Office became presidential October 1, 1919.

Alexander S. Boone to be postmaster at Toomsboro, Ga. Office became presidential October 1, 1919.

Maude D. Thompson to be postmaster at Ty Ty, Ga. Office became presidential October 1, 1919.

Henry M. McWhorter to be postmaster at Summerville, Ga., in place of H. M. McWhorter. Incumbent's commission expired December 17, 1919.

Thomas E. Dixon to be postmaster at Pavo, Ga., in place of T. E. Dixon. Incumbent's commission expired December 17, 1919.

John T. Bird to be postmaster at Oxford, Ga., in place of J. T. Bird. Incumbent's commission expired December 17, 1919.

Aaron C. Aldridge to be postmaster at Glennville, Ga., in place of A. C. Aldridge. Incumbent's commission expired December 17, 1919.

William A. Adams to be postmaster at Fitzgerald, Ga., in place of W. A. Adams. Incumbent's commission expired December 17, 1919.

Louis S. Marlin to be postmaster at Doerun, Ga., in place of L. S. Marlin. Incumbent's commission expired December 17, 1919.

Walter B. Cheatham to be postmaster at Dawson, Ga., in place of W. B. Cheatham. Incumbent's commission expired July 9, 1918.

Frances E. Chapman to be postmaster at Buena Vista, Ga., in place of F. E. Chapman. Incumbent's commission expired December 17, 1919.

Wesley S. Kickliter to be postmaster at Alma, Ga., in place of W. S. Kickliter. Incumbent's commission expired December 17, 1919.

George E. Youmans to be postmaster at Adrian, Ga., in place of G. E. Youmans. Incumbent's commission expired December 17, 1919.

Roger H. Clark to be postmaster at Louisville, Ga., in place of Charles V. Clark, resigned.

Willie W. Brown to be postmaster at Jonesboro, Ga., in place of William L. Watterson. Incumbent's commission expired May 22, 1917.

Ben H. McLarty to be postmaster at Soperton, Ga., in place of Nellie Roach, resigned.

Herman C. Overstreet to be postmaster at Sylvania, Ga., in place of Julian E. Hart, resigned.

Benjamin L. Cumbus to be postmaster at Harira, Ga., in place of Robert E. Barfield, resigned.

J. D. Long to be postmaster at Bremen, Ga., in place of Thomas E. Brown, resigned.

John C. McAuliffe to be postmaster at Augusta, Ga., in place of John W. Clark, removed.

HAWAII.

Alice J. Brown to be postmaster at Paia, Hawaii, in place of I. Ching How, resigned.

Arthur V. Lloyd to be postmaster at Lahaina, Hawaii, in place of A. V. Lloyd. Incumbent's commission expired December 16, 1919.

IDAHO.

Clarence P. Smith to be postmaster at Eden, Idaho. Office became presidential October 1, 1919.

Charlie A. Miller to be postmaster at Wendell, Idaho, in place of C. A. Miller. Incumbent's commission expired December 16, 1919.

Michael A. Stronk to be postmaster at Twin Falls, Idaho, in place of M. A. Stronk. Incumbent's commission expired December 16, 1919.

Homer W. Woodall to be postmaster at Soda Springs, Idaho, in place of H. W. Woodall. Incumbent's commission expired December 16, 1919.

John C. De La Mare to be postmaster at Oakley, Idaho, in place of J. C. De La Mare. Incumbent's commission expired December 16, 1919.

William P. Shinn to be postmaster at Filer, Idaho, in place of W. P. Shinn. Incumbent's commission expired December 16, 1919.

Herbert D. Cheney to be postmaster at Gooding, Idaho, in place of W. H. Cannon, resigned.

Amanda O. Holmes to be postmaster at Plummer, Idaho, in place of John J. Nickles, removed.

Leo M. Rusk to be postmaster at Pocatello, Idaho, in place of P. C. O'Malley, resigned.

Dewey E. Wilcox to be postmaster at Richfield, Idaho, in place of Kenneth G. Phelps, resigned.

Hannah H. Bills to be postmaster at Kimberly, Idaho, in place of Alexander McDermid, resigned.

ILLINOIS.

George Taylor to be postmaster at Evanston, Ill., in place of George Taylor. Incumbent's commission expired June 13, 1918.

Annette G. Ferguson to be postmaster at Annawan, Ill. Office became presidential July 1, 1919.

Rose S. Beard to be postmaster at Arenzville, Ill. Office became presidential April 1, 1919.

Dora Clifton to be postmaster at Argenta, Ill. Office became presidential April 1, 1919.

Mary H. Hrdlicka to be postmaster at Cary Station, Ill. Office became presidential October 1, 1919.

Cornelius D. Paulter to be postmaster at Evansville, Ill. Office became presidential July 1, 1919.

Oscar E. Bantz to be postmaster at Fithian, Ill. Office became presidential January 1, 1919.

John S. Dearth to be postmaster at Grand Ridge, Ill. Office became presidential April 1, 1919.

Arthur F. Sturgis to be postmaster at Middletown, Ill. Office became presidential July 1, 1919.

Jesse H. Fuller to be postmaster at Murrayville, Ill. Office became presidential April 1, 1919.

Roy R. Bernard to be postmaster at New Canton, Ill. Office became presidential April 1, 1919.

Omah Kinsall to be postmaster at Omaha, Ill. Office became presidential October 1, 1919.

William C. Karber to be postmaster at Rosiclare, Ill. Office became presidential July 1, 1919.

Sumner V. Hodge to be postmaster at Sparland, Ill. Office became presidential October 1, 1919.

Alva M. Clavin to be postmaster at Sterling, Ill., in place of A. M. Clavin. Incumbent's commission expired December 17, 1919.

Fred S. Smith to be postmaster at Mount Carroll, Ill., in place of F. S. Smith. Incumbent's commission expired December 17, 1919.

Frank Storckman to be postmaster at Mount Carmel, Ill., in place of Frank Storckman. Incumbent's commission expired December 17, 1919.

Nora E. Moulton to be postmaster at Metamora, Ill., in place of N. E. Moulton. Incumbent's commission expired December 17, 1919.

Nellie C. Ebinger to be postmaster at McLean, Ill., in place of N. C. Ebinger. Incumbent's commission expired December 17, 1919.

John E. Mackin to be postmaster at Lockport, Ill., in place of J. E. Mackin. Incumbent's commission expired December 17, 1919.

John F. Wendt to be postmaster at Huntley, Ill., in place of J. F. Wendt. Incumbent's commission expired December 17, 1919.

Robert D. Miner to be postmaster at Findlay, Ill., in place of R. D. Miner. Incumbent's commission expired December 17, 1919.

William J. Hinze to be postmaster at Beecher, Ill., in place of W. J. Hinze. Incumbent's commission expired December 15, 1919.

Edward F. Ledoyt to be postmaster at Sandwich, Ill., in place of Thomas Mercier. Incumbent's commission expired March 10, 1918.

Thomas L. Wallace to be postmaster at Pinckneyville, Ill., in place of Marion L. McCandless, resigned.

James W. Scott to be postmaster at Monmouth, Ill., in place of J. W. Clendenin, resigned.

Charles V. Gould to be postmaster at Moline, Ill., in place of Edward Coryn. Incumbent's commission expired June 19, 1918.

Joseph Hotz to be postmaster at Evardsville, Ill., in place of J. F. Stillwell, deceased.

William Lascelles to be postmaster at Capron, Ill., in place of Charles P. Regan, resigned.

Florence A. Lilly to be postmaster at Durand, Ill., in place of M. B. Dolan, resigned.

James W. Cogswell to be postmaster at Louisville, Ill., in place of A. J. Ikemire, deceased.

Thomas J. Perks to be postmaster at Mound City, Ill., in place of Hugh A. Mason, resigned.

Carl E. Lingwall to be postmaster at Oneida, Ill., in place of Torrence B. McGovern, resigned.

Guy M. Martin to be postmaster at Royalton, Ill., in place of Joseph R. Hudelson, resigned.

Mae C. Hewes to be postmaster at Steger, Ill., in place of J. P. Lawrence, resigned.

Lewis H. Rowe to be postmaster at Warren, Ill., in place of Charles S. Murphy, resigned.

John F. Shimkus to be postmaster at Westville, Ill., in place of Louis A. Slykas, removed.

Edward F. Tedens to be postmaster at Lemont, Ill., in place of James Ash, deceased.

John W. Nelson to be postmaster at Donovan, Ill., in place of John W. Nelson. Office became presidential July 1, 1919.

Walker L. Hylton to be postmaster at Chester, Ill., in place of L. A. Kennedy, resigned.

INDIANA.

Theodore Hoss to be postmaster at Fowler, Ind., in place of Theodore Hoss. Incumbent's commission expired January 30, 1919.

Pearl M. Clark to be postmaster at Bainbridge, Ind. Office became presidential April 1, 1919.

William T. Rowland to be postmaster at Birdseye, Ind. Office became presidential October 1, 1919.

John McIntyre to be postmaster at Carbon, Ind. Office became presidential April 1, 1919.

Paul H. Brown to be postmaster at Earlham, Ind. Office became presidential April 1, 1919.

Addison M. Love to be postmaster at Grandview, Ind. Office became presidential October 1, 1919.

Ruth P. Sutherland to be postmaster at Hanover, Ind. Office became presidential October 1, 1919.

George D. Henderson to be postmaster at Holton, Ind. Office became presidential July 1, 1919.

William J. Richardson to be postmaster at Winslow, Ind., in place of W. J. Richardson. Incumbent's commission expired December 16, 1919.

James W. Payne to be postmaster at Shelburn, Ind., in place of J. W. Payne. Incumbent's commission expired December 16, 1919.

L. G. Harley to be postmaster at Plymouth, Ind., in place of L. G. Harley. Incumbent's commission expired December 16, 1919.

Clarence E. Magers to be postmaster at Newport, Ind., in place of C. E. Magers. Incumbent's commission expired December 16, 1919.

Henry W. Key to be postmaster at Marengo, Ind., in place of H. W. Key. Incumbent's commission expired December 16, 1919.

Joseph A. Misner to be postmaster at La Fontaine, Ind., in place of J. A. Misner. Incumbent's commission expired December 16, 1919.

Charlie E. Clark to be postmaster at Knightstown, Ind., in place of C. E. Clark. Incumbent's commission expired December 16, 1919.

Seymour A. Thompson to be postmaster at Kirklin, Ind., in place of S. A. Thompson. Incumbent's commission expired December 16, 1919.

Edward C. Miller to be postmaster at Fort Wayne, Ind., in place of E. C. Miller. Incumbent's commission expired December 16, 1919.

James B. James to be postmaster at Charlestown, Ind., in place of J. B. James. Incumbent's commission expired December 16, 1919.

George E. Endres to be postmaster at Bloomfield, Ind., in place of G. E. Endres. Incumbent's commission expired August 11, 1918.

Benjamin E. Hinshaw to be postmaster at Winchester, Ind., in place of Edward S. Edger, resigned.

Ernest L. Lambert to be postmaster at Hope, Ind., in place of Julius C. Fishel, deceased.

Holland S. Chamness to be postmaster at Galveston, Ind., in place of Harry S. Fickle, resigned.

John M. Clingan to be postmaster at Idaville, Ind., in place of Fred J. Tam, resigned.

John R. Kelley to be postmaster at National Military Home, Ind., in place of Robert A. Talbott, deceased.

Roland B. Craw to be postmaster at Oxford, Ind., in place of Fred H. Foster, declined.

Charles Hamilton to be postmaster at Sharpsville, Ind., in place of J. F. Kirkpatrick. Office became presidential April 1, 1918.

John Huber to be postmaster at Lebanon, Ind., in place of T. O. Beck, deceased.

Cora M. Cook to be postmaster at Centerville, Ind., in place of F. L. Lashley, resigned.

Vilas Schindler to be postmaster at Berne, Ind., in place of E. K. Shalley, resigned.

IOWA.

Lee E. Evans to be postmaster at Mystic, Iowa, in place of L. E. Evans. Incumbent's commission expired January 5, 1920.

Henry G. Kruse to be postmaster at Vinton, Iowa, in place of H. G. Kruse. Incumbent's commission expired June 2, 1917.

Milton B. Maring to be postmaster at Centerville, Iowa, in place of M. B. Maring. Incumbent's commission expired January 5, 1920.

Charles H. Cookinham to be postmaster at Ayrshire, Iowa. Office became presidential October 1, 1919.

Grace F. Newton to be postmaster at Dickens, Iowa. Office became presidential April 1, 1919.

Walter Gregersen to be postmaster at Elk Horn, Iowa. Office became presidential October 1, 1919.

Orpha M. Bloomer to be postmaster at Havelock, Iowa. Office became presidential July 1, 1919.

Willard S. Branson to be postmaster at Irwin, Iowa. Office became presidential April 1, 1919.

Esther M. Olson to be postmaster at Pacific Junction, Iowa. Office became presidential October 1, 1919.

Frances M. Purviance to be postmaster at Shannon City, Iowa. Office became presidential October 1, 1919.

Gustavus Anderson to be postmaster at Stockport, Iowa. Office became presidential October 1, 1919.

Cora B. Alberty to be postmaster at Thornton, Iowa. Office became presidential July 1, 1919.

Loin N. Barbour to be postmaster at Thurman, Iowa. Office became presidential April 1, 1919.

Ora L. Garton to be postmaster at Weldon, Iowa, in place of O. L. Mitchell, name changed by marriage.

Jacob Wenger to be postmaster at Wayland, Iowa, in place of Jacob Wenger. Incumbent's commission expired December 16, 1919.

Cecil H. Hamilton to be postmaster at Wapello, Iowa, in place of C. H. Hamilton. Incumbent's commission expired December 16, 1919.

William F. Garrison to be postmaster at Swea City, Iowa, in place of W. F. Garrison. Incumbent's commission expired December 16, 1919.

James M. Schollian to be postmaster at Sheffield, Iowa, in place of J. M. Schollian. Incumbent's commission expired December 16, 1919.

Fred H. Moss to be postmaster at Osage, Iowa, in place of F. H. Moss. Incumbent's commission expired December 16, 1919.

George J. Boitnott to be postmaster at Maxwell, Iowa, in place of G. J. Boitnott. Incumbent's commission expired December 16, 1919.

Albert J. Killmer to be postmaster at Mason City, Iowa, in place of A. J. Killmer. Incumbent's commission expired December 16, 1919.

Edward M. Carr to be postmaster at Manchester, Iowa, in place of E. M. Carr. Incumbent's commission expired January 5, 1920.

Earle D. Lovell to be postmaster at Luverne, Iowa, in place of E. D. Lovell. Incumbent's commission expired December 16, 1919.

Joseph M. Rosse to be postmaster at Lohrville, Iowa, in place of J. M. Rosse. Incumbent's commission expired December 16, 1919.

James E. Kelley to be postmaster at Le Mars, Iowa, in place of J. E. Kelley. Incumbent's commission expired December 16, 1919.

James E. Lowrie to be postmaster at Lehigh, Iowa, in place of J. E. Lowrie. Incumbent's commission expired December 16, 1919.

Alva Humeston to be postmaster at Humeston, Iowa, in place of Alva Humeston. Incumbent's commission expired December 16, 1919.

George W. Hughes to be postmaster at Cedar Falls, Iowa, in place of G. W. Hughes. Incumbent's commission expired December 16, 1919.

John R. Lane to be postmaster at Cascade, Iowa, in place of J. R. Lane. Incumbent's commission expired December 16, 1919.

Andrew J. Johnson to be postmaster at Brighton, Iowa, in place of A. J. Johnson. Incumbent's commission expired December 16, 1919.

William J. Hoebel to be postmaster at Blairstown, Iowa, in place of W. J. Hoebel. Incumbent's commission expired December 16, 1919.

Albert D. Ocheltree to be postmaster at Bayard, Iowa, in place of A. D. Ocheltree. Incumbent's commission expired December 16, 1919.

Stephen W. Burroughs to be postmaster at Allison, Iowa, in place of S. W. Burroughs. Incumbent's commission expired December 16, 1919.

James S. McLuen to be postmaster at Guthrie Center, Iowa, in place of J. S. McLuen. Incumbent's commission expired December 16, 1919.

Edward F. Breen to be postmaster at Farley, Iowa, in place of E. F. Breen. Incumbent's commission expired January 17, 1920.

Martin D. Swenning to be postmaster at Doon, Iowa, in place of M. D. Swenning. Incumbent's commission expired December 16, 1920.

Patrick Doran to be postmaster at Coon Rapids, Iowa, in place of Patrick Doran. Incumbent's commission expired December 16, 1919.

Ambrose B. Robinson to be postmaster at Clarinda, Iowa, in place of A. B. Robinson. Incumbent's commission expired December 16, 1919.

Charles L. Arbuckle to be postmaster at Villisca, Iowa, in place of Sterling P. Moore. Incumbent's commission expired July 27, 1918.

Leon R. Valentine to be postmaster at Murray, Iowa, in place of Jacob B. Powers, resigned.

Frederick W. Wodrich, jr., to be postmaster at Mount Vernon, Iowa, in place of Isaac N. West. Incumbent's commission expired July 27, 1918.

Miller S. McFarland to be postmaster at Marshalltown, Iowa, in place of A. G. Johnson, deceased.

Benjamine R. Mowery to be postmaster at Maquoketa, Iowa, in place of W. C. Swigart, resigned.

Harry A. Crawford to be postmaster at Gladbrook, Iowa, in place of William Cohrt, resigned.

Frank W. Ryan to be postmaster at Fort Dodge, Iowa, in place of C. F. Duncombe, deceased.

James S. Hanna, to be postmaster at Conrad, Iowa, in place of W. H. McClain. Incumbent's commission expired July 13, 1918.

Claude M. Sullivan to be postmaster at Cherokee, Iowa, in place of Louis A. Wiweke, resigned.

Marinus Jansma to be postmaster at Hospers, Iowa, in place of Peter Jungers, resigned.

John E. Klutts to be postmaster at Mondamin, Iowa, in place of Gertrude G. Pitts, resigned.

Frank J. Oehmke to be postmaster at Pomeroy, Iowa, in place of Edwin Wattonville, resigned.

Wynema Bower to be postmaster at State Center, Iowa, in place of E. H. Schilling, resigned.

Thompson C. Moffit to be postmaster at Tipton, Iowa, in place of J. Brady Piatt, resigned.

Orren W. Swartfager to be postmaster at Ankeny, Iowa, in place of A. Stader, resigned.

Kathryn McGuire to be postmaster at Audubon, Iowa, in place of S. B. Morrissey, resigned.

James W. Duckett to be postmaster at Corwith, Iowa, in place of Thomas R. McKaig, resigned.

Edward A. Hansen to be postmaster at Holstein, Iowa, in place of P. H. W. Schippmann, resigned.

Charlie C. Clifton to be postmaster at Thompson, Iowa, in place of H. P. Juhl, resigned.

Frank E. Lundell to be postmaster at Stratford, Iowa, in place of William Neese, resigned.

William E. Murray to be postmaster at Rockwell, Iowa, in place of Mary E. O'Connor, resigned.

Charles C. Incas to be postmaster at Pocahontas, Iowa, in place of W. S. Clark, resigned.

William D. Kennedy to be postmaster at Milton, Iowa, in place of J. E. Spence, resigned.

Calvin C. Knoll to be postmaster at Gilmore City, Iowa, in place of John J. Donahoe, deceased.

Gladdys Westrope to be postmaster at Elliott, Iowa, in place of C. J. Kinney, resigned.

Icea B. Wilcox to be postmaster at Dumont, Iowa, in place of P. L. Noelting, resigned.

Lolo E. Light to be postmaster at Deep River, Iowa, in place of W. E. Cox, resigned.

KANSAS.

John T. Brothers to be postmaster at National Military Home, Kans., in place of J. T. Brothers. Incumbent's commission expired January 12, 1919.

Ida M. Beck to be postmaster at Army City, Kans. Office became presidential July 1, 1919.

Stella G. Sommers to be postmaster at Athol, Kans. Office became presidential October 1, 1919.

Carrie A. Bickett to be postmaster at Brewster, Kans. Office became presidential October 1, 1919.

Alonzo F. Dove to be postmaster at Hamilton, Kans. Office became presidential July 1, 1919.

Lewis S. Newell to be postmaster at Harveyville, Kans. Office became presidential July 1, 1919.

Berthold Stratmann to be postmaster at Holyrood, Kans. Office became presidential July 1, 1919.

Joseph S. Dooty to be postmaster at Melvern, Kans. Office became presidential October 1, 1919.

George D. Smith to be postmaster at Pretty Prairie, Kans. Office became presidential July 1, 1919.

Joseph T. Harmon to be postmaster at Oil Hill, Kans. Office became presidential July 1, 1919.

George A. Bruch to be postmaster at Randall, Kans. Office became presidential October 1, 1919.

Henry F. Dodson to be postmaster at South Haven, Kans. Office became presidential April 1, 1919.

James P. Kelley to be postmaster at White Cloud, Kans. Office became presidential July 1, 1919.

William J. Dehler to be postmaster at Sylvan Grove, Kans., in place of W. J. Dehler. Incumbent's commission expired December 16, 1919.

Harry D. Burke to be postmaster at Severy, Kans., in place of H. D. Burke. Incumbent's commission expired December 16, 1919.

Josiah Crosby to be postmaster at St. Francis, Kans., in place of Josiah Crosby. Incumbent's commission expired December 16, 1919.

Harry S. Bearg to be postmaster at Robinson, Kans., in place of H. S. Bearg. Incumbent's commission expired December 16, 1919.

William C. Polley to be postmaster at Republic, Kans., in place of W. C. Polley. Incumbent's commission expired December 16, 1919.

David F. Bruner to be postmaster at Norton, Kans., in place of D. F. Bruner. Incumbent's commission expired December 16, 1919.

Francis G. Castle to be postmaster at Norcatur, Kans., in place of F. G. Castle. Incumbent's commission expired December 16, 1919.

Jeremiah M. Hopper to be postmaster at Ness City, Kans., in place of J. M. Hopper. Incumbent's commission expired December 29, 1918.

Cecil L. Hinds to be postmaster at Mound Valley, Kans., in place of C. L. Hinds. Incumbent's commission expired December 16, 1919.

Robert Durst to be postmaster at Moundridge, Kans., in place of Robert Durst. Incumbent's commission expired December 16, 1919.

Mildred K. Godfrey to be postmaster at Meade, Kans., in place of M. K. Johnston, name changed by marriage.

Frederic C. Herdman to be postmaster at Le Roy, Kans., in place of F. C. Herdman. Incumbent's commission expired December 17, 1919.

Lee Oldham to be postmaster at Leoti, Kans., in place of Lee Oldham. Incumbent's commission expired December 16, 1919.

James W. Frazier to be postmaster at Lenora, Kans., in place of J. W. Frazier. Incumbent's commission expired December 16, 1919.

James H. Rice to be postmaster at Kensington, Kans., in place of J. H. Rice. Incumbent's commission expired December 16, 1919.

Albert B. Carney to be postmaster at Concordia, Kans., in place of A. B. Carney. Incumbent's commission expired December 16, 1919.

John W. Willham to be postmaster at Clearwater, Kans., in place of J. W. Willham. Incumbent's commission expired December 16, 1919.

Lewis W. Knight to be postmaster at Burlington, Kans., in place of L. W. Knight. Incumbent's commission expired December 16, 1919.

Lewis T. Smith to be postmaster at Argonia, Kans., in place of L. T. Smith. Incumbent's commission expired December 16, 1919.

William A. Caldwell to be postmaster at Arcadia, Kans., in place of W. A. Caldwell. Incumbent's commission expired December 16, 1919.

Henry A. Replogle to be postmaster at Coldwater, Kans., in place of L. M. Rich, resigned.

Grant Taylor to be postmaster at Fowler, Kans., in place of John L. Paden, resigned.

John A. Marshall to be postmaster at Leon, Kans., in place of Perry D. Pettit, resigned.

William B. Gregory to be postmaster at Minneola, Kans., in place of Allen W. Jones, resigned.

Allis D. Babcock to be postmaster at Osborne, Kans., in place of Mary A. Travers, resigned.

Thomas L. Chase to be postmaster at Protection, Kans., in place of Claude Rowland, resigned.

Harvey P. McFadden to be postmaster at Natoma, Kans., in place of L. F. Niece, resigned.

Philip B. Dick to be postmaster at Mount Hope, Kans., in place of Henry Mattison, resigned.

Nellie Waters to be postmaster at Bird City, Kans., in place of Cora M. Waters, resigned.

James M. Elliott to be postmaster at Americus, Kans., in place of W. A. Lawton, resigned. Office became presidential July 1, 1918.

KENTUCKY.

Lenna B. Owen to be postmaster at Arlington, Ky. Office became presidential April 1, 1919.

Charles W. Alexander, jr., to be postmaster at Burkesville, Ky. Office became presidential July 1, 1919.

John H. Myers to be postmaster at Crofton, Ky. Office became presidential July 1, 1919.

Rorar J. Bondurant to be postmaster at Lynch Mines, Ky. Office became presidential April 1, 1919.

Gustave H. Block to be postmaster at McRoberts, Ky. Office became presidential October 1, 1919.

John V. Dickinson to be postmaster at Manchester, Ky. Office became presidential July 1, 1919.

John M. Sims to be postmaster at Mount Olivet, Ky. Office became presidential July 1, 1919.

Marie C. Hagan to be postmaster at New Haven, Ky. Office became presidential July 1, 1919.

Charles R. Murphy to be postmaster at Stamping Ground, Ky. Office became presidential July 1, 1919.

Elvin E. Pritchard to be postmaster at Williamsburg, Ky., in place of E. E. Pritchard. Incumbent's commission expired December 16, 1919.

Nehemiah M. Webb to be postmaster at Whitesburg, Ky., in place of N. M. Webb. Incumbent's commission expired December 16, 1919.

Martin L. Price, jr., to be postmaster at Van Lear, Ky., in place of M. L. Price. Incumbent's commission expired December 16, 1919.

William A. Ward to be postmaster at Paintsville, Ky., in place of W. A. Ward. Incumbent's commission expired December 16, 1919.

Jesse Olive to be postmaster at Marion, Ky., in place of Jesse Olive. Incumbent's commission expired December 16, 1919.

Thomas J. Kelly to be postmaster at Hawesville, Ky., in place of T. J. Kelly. Incumbent's commission expired December 17, 1919.

Robert E. Wallace to be postmaster at Greenville, Ky., in place of R. E. Wallace. Incumbent's commission expired December 16, 1919.

Otis Conyers to be postmaster at Dry Ridge, Ky., in place of Otis Conyers. Incumbent's commission expired December 16, 1919.

James B. Yates to be postmaster at Cave City, Ky., in place of J. B. Yates. Incumbent's commission expired December 16, 1919.

Henry Whelan to be postmaster at Beardstown, Ky., in place of Henry Whelan. Incumbent's commission expired December 16, 1919.

William F. Amis to be postmaster at Barboursville, Ky., in place of W. F. Amis. Incumbent's commission expired December 16, 1919.

Loring C. Kackley to be postmaster at Pineville, Ky., in place of A. G. Patterson, removed.

Marvin W. Barnes to be postmaster at Elizabethtown, Ky., in place of D. L. May, resigned.

Iva K. Dowd to be postmaster at Berry, Ky., in place of Hubert Hutton, resigned.

James M. Williams to be postmaster at Frankfort, Ky., in place of George R. Hughes. Incumbent's commission expired March 20, 1918.

William M. Lowery to be postmaster at Fredonia, Ky., in place of Kirby E. Greer, resigned. Office became presidential April 1, 1919.

Benjamin L. Kessinger to be postmaster at Horse Cave, Ky., in place of William P. Kirtley, resigned.

Jasper S. Peal, jr., to be postmaster at La Center, Ky., in place of Paul H. White, resigned.

Louis T. Cain to be postmaster at Taylorsville, Ky., in place of John C. Carrithers, resigned.

Henry C. Hurst to be postmaster at Jackson, Ky., in place of Charles Hadden, resigned.

LOUISIANA.

Hester M. Clark to be postmaster at Fisher, La. Office became presidential October 1, 1919.

Joseph C. Umbarger to be postmaster at Cedar Grove, La. Office became presidential July 1, 1919.

Milton E. Kidd to be postmaster at Choudrant, La. Office became presidential April 1, 1919.

Edward A. Drouin to be postmaster at Mansura, La. Office became presidential April 1, 1919.

Nannie H. Rogillio to be postmaster at Water Proof, La. Office became presidential April 1, 1919.

Keary E. Ham to be postmaster at Wilson, La. Office became presidential July 1, 1918.

Daniel Crowe to be postmaster at Vivian, La., in place of Daniel Crowe. Incumbent's commission expired December 17, 1919.

Teakle W. Dardenne to be postmaster at Plaquemine, La., in place of T. W. Dardenne. Incumbent's commission expired February 25, 1919.

Phillip B. Allbritton to be postmaster at Clarks, La., in place of P. B. Allbritton. Incumbent's commission expired December 17, 1919.

Green H. Wilcox to be postmaster at Bogalusa, La., in place of G. H. Wilcox. Incumbent's commission expired December 17, 1919.

Mentor E. Beaugh to be postmaster at Eunice, La., in place of Joseph L. Stagg, resigned.

Marion H. Page to be postmaster at Fullerton, La., in place of Thomas F. Sheahan, resigned.

Harriet R. Rice to be postmaster at Madisonville, La., in place of Alphonse C. Lions, resigned. Office became presidential July 1, 1918.

Sylvester J. Folse to be postmaster at Patterson, La., in place of Lucy Rochel, resigned.

Felix L. Le Blanc to be postmaster at Westlake, La., in place of Samuel J. Gandy, resigned.

William M. Hathorn to be postmaster at Melville, La., in place of Willis A. White, resigned.

Bishop M. Hulse to be postmaster at Delhi, La., in place of F. G. Hulse, resigned.

MAINE.

Frederick R. Young to be postmaster at Wilton, Me., in place of F. R. Young. Incumbent's commission expired December 16, 1919.

Edwards A. Matthews to be postmaster at Union, Me., in place of E. A. Matthews. Incumbent's commission expired December 16, 1919.

Elmer E. Harris to be postmaster at Springvale, Me., in place of E. E. Harris. Incumbent's commission expired December 16, 1919.

Hiram W. Ricker to be postmaster at South Poland, Me., in place of H. W. Ricker. Incumbent's commission expired December 16, 1919.

Harry S. Bates to be postmaster at Phillips, Me., in place of H. S. Bates. Incumbent's commission expired December 16, 1919.

Thomas Quinn to be postmaster at Millinocket, Me., in place of Thomas Quinn. Incumbent's commission expired December 16, 1919.

Natt R. Hubbard to be postmaster at Kittery, Me., in place of N. R. Hubbard. Incumbent's commission expired December 16, 1919.

Edward A. Webber to be postmaster at Hartland, Me., in place of E. A. Webber. Incumbent's commission expired December 16, 1919.

Forrest G. Coffin to be postmaster at Harrington, Me., in place of F. G. Coffin. Incumbent's commission expired December 16, 1919.

Harry A. Greenwood to be postmaster at Ashland, Me., in place of H. A. Greenwood. Incumbent's commission expired December 16, 1919.

Winfield L. Ames to be postmaster at North Haven, Me., in place of H. M. Crockett, resigned.

Charles C. McLaughlin to be postmaster at Harmony, Me., in place of R. E. Gould, resigned.

Owen J. Toussaint to be postmaster at East Millinocket, Me., in place of Daniel A. Michaud, resigned.

Harry J. White to be postmaster at Jonesport, Me., in place of Harvey F. Mansfield, resigned.

Emily E. Pynes to be postmaster at Sangerville, Me., in place of John Farr, resigned. Office became presidential January 1, 1918.

Parker B. Stinson to be postmaster at Wiscasset, Me., in place of James B. Clark, resigned.

Eugene W. Vaughan to be postmaster at Greenville, Me., in place of G. C. Mayo, deceased.

MARYLAND.

Walter A. Aaronson to be postmaster at Aberdeen Proving Ground, Md. Office became presidential July 1, 1919.

D. Mae Farlow to be postmaster at Pittsville, Md. Office became presidential October 1, 1919.

Alexander H. Radcliffe to be postmaster at St. Michaels, Md., in place of A. H. Radcliffe. Incumbent's commission expired December 17, 1919.

William S. Kelly to be postmaster at Havre de Grace, Md., in place of Henry C. Lawder, resigned.

MASSACHUSETTS.

Chestina B. Robbins to be postmaster at East Templeton, Mass., in place of C. B. Robbins. Incumbent's commission expired December 17, 1919.

Isabelle Crocker to be postmaster at Cotuit, Mass., in place of Isabelle Crocker. Incumbent's commission expired December 17, 1919.

Fred C. Small to be postmaster at Buzzards Bay, Mass., in place of F. C. Small. Incumbent's commission expired December 17, 1919.

Roland M. Baker to be postmaster at Boston, Mass., in place of William F. Murray, deceased.

Harold F. Hanigan to be postmaster at Duxbury, Mass., in place of Sidney M. Towle, deceased.

Frank W. Philbrick to be postmaster at Lancaster, Mass., in place of S. Agnes Thayer, resigned.

Walter L. Hickey to be postmaster at Randolph, Mass., in place of A. J. Maguire, declined.

Carroll L. Bessom to be postmaster at Mansfield, Mass., in place of Wm. F. White, removed.

MICHIGAN.

Charles J. Kazilek to be postmaster at Alpha, Mich. Office became presidential July 1, 1919.

Roydon W. Cooper to be postmaster at Levering, Mich. Office became presidential October 1, 1919.

Frank W. Thompson to be postmaster at Reese, Mich. Office became presidential April 1, 1919.

Jens H. Wester to be postmaster at Sawyer, Mich. Office became presidential October 1, 1919.

John C. Yeakey to be postmaster at Wayland, Mich., in place of J. C. Yeakey. Incumbent's commission expired December 17, 1919.

Mark B. Hawes to be postmaster at Parma, Mich., in place of M. B. Hawes. Incumbent's commission expired December 17, 1919.

Frank H. Koebbe to be postmaster at Manchester, Mich., in place of F. H. Koebbe. Incumbent's commission expired December 17, 1919.

Joseph R. Gump to be postmaster at Milan, Mich., in place of J. R. Gump. Incumbent's commission expired December 17, 1919.

Harry W. Denham to be postmaster at Litchfield, Mich., in place of H. W. Denham. Incumbent's commission expired December 17, 1919.

David H. Allen to be postmaster at Galien, Mich., in place of D. H. Allen. Incumbent's commission expired December 17, 1919.

James O. LaBerge to be postmaster at East Tawas, Mich., in place of J. O. LaBerge. Incumbent's commission expired December 17, 1919.

Arthur W. Muir to be postmaster at Clinton, Mich., in place of A. W. Muir. Incumbent's commission expired December 17, 1919.

Charles Myers to be postmaster at Clarkston, Mich., in place of Charles Myers. Incumbent's commission expired December 17, 1919.

Guy F. Hackman to be postmaster at Burr Oak, Mich., in place of G. F. Hackman. Incumbent's commission expired December 17, 1919.

Thomas Hefferman to be postmaster at Baldwin, Mich., in place of Thomas Hefferman. Incumbent's commission expired December 17, 1919.

Edward M. Cosgrove to be postmaster at Saginaw, Mich., in place of C. E. Lown, deceased.

Leo Paquette to be postmaster at L'Anse, Mich., in place of W. T. Menge, resigned.

Wilda P. Hartingh to be postmaster at Pinconning, Mich., in place of C. A. Johnson. Incumbent's commission expired February 4, 1919.

Samuel B. Brant to be postmaster at Pittsford, Mich., in place of W. G. Fogel, resigned.

Wallace Grace to be postmaster at Redford, Mich., in place of C. A. Lahser, resigned.

Martin C. Musolf to be postmaster at Tawas City, Mich., in place of L. J. Patterson, resigned.

Wellington E. Reid to be postmaster at Ubly, Mich., in place of G. Baskin, resigned.

Milburn G. Hill to be postmaster at Plymouth, Mich., in place of H. W. Brown, resigned.

Thomas H. Barryman to be postmaster at Mohawk, Mich., in place of R. E. Foley. Incumbent's commission expired October 7, 1917.

Leslie D. Madill to be postmaster at Midland, Mich., in place of Byron Burch, removed.

George S. Stout to be postmaster at Lake City, Mich., in place of Sylvester Doremus, resigned.

Frank T. Swarthout to be postmaster at Laingsburg, Mich., in place of C. H. Frain, resigned.

Floyd J. Gibbs to be postmaster at Ithaca, Mich., in place of C. M. Brown, resigned.

Clara Woodruff to be postmaster at Freeland, Mich., in place of R. W. Hankin, deceased.

Frank E. Richards to be postmaster at Clarksville, Mich., in place of F. E. Richards. Office became presidential April 1, 1919.

MINNESOTA.

Clarence A. Johnson to be postmaster at Belview, Minn. Office became presidential October 1, 1919.

Bernard W. Cummiskey to be postmaster at Currie, Minn. Office became presidential October 1, 1919.

Eva Cole to be postmaster at Delavan, Minn. Office became presidential October 1, 1919.

Henry O. Halverson to be postmaster at Gonvick, Minn. Office became presidential July 1, 1919.

Margaret E. Thompson to be postmaster at Grey Eagle, Minn. Office became presidential October 1, 1919.

Louis W. Galour to be postmaster at Iona, Minn. Office became presidential July 1, 1919.

Clara M. Hjertos to be postmaster at Middle River, Minn. Office became presidential July 1, 1919.

John Monahan to be postmaster at Motley, Minn. Office became presidential October 1, 1919.

Ora D. Thompson to be postmaster at Porter, Minn. Office became presidential October 1, 1919.

Selma O. Hoff to be postmaster at St. Hilaire, Minn. Office became presidential October 1, 1919.

James D. Markham to be postmaster at Rush City, Minn., in place of J. D. Markham. Incumbent's commission expired December 17, 1919.

Mark N. Swedberg to be postmaster at Luverne, Minn., in place of M. N. Swedberg. Incumbent's commission expired March 3, 1919.

Elias A. Quale to be postmaster at Clarkfield, Minn., in place of C. F. Lieberg, resigned.

Frederic E. Hamlin to be postmaster at Chaska, Minn., in place of G. F. Faber, resigned.

Paul B. Sanderson to be postmaster at Baudette, Minn., in place of C. M. Anderson, removed.

Carl H. Schuster to be postmaster at Biwabik, Minn., in place of H. H. Salmon, removed.

Gertrude E. Heinrich to be postmaster at Deer River, Minn., in place of J. A. Zimbrick, resigned.

Charles G. Carlson to be postmaster at Gibbon, Minn., in place of John Friedl, resigned.

John W. Peterson to be postmaster at Montevideo, Minn., in place of H. E. Hoard, resigned.

Francis S. Pollard to be postmaster at Morgan, Minn., in place of H. F. Hopfenspirger, resigned.

Lucien M. Helm to be postmaster at Tower, Minn., in place of Mayme Murphy, resigned.

James M. Patterson to be postmaster at West Concord, Minn., in place of F. F. Clifford, resigned.

Ralph Moody to be postmaster at Wykoff, Minn., in place of Kate Hostetler, deceased.

Alfred Gronner to be postmaster at Underwood, Minn., in place of C. F. Burau, deceased.

Peter P. Ruegemer to be postmaster at Richmond, Minn., in place of E. L. Wurst, resigned.

James R. Landy to be postmaster at Olivia, Minn., in place of W. A. Schummers, resigned.

Joseph F. Ashbaugh to be postmaster at Murdock, Minn., in place of Erick Erickson, removed.

Olaf T. Mork to be postmaster at Madison, Minn., in place of R. S. Driscoll, resigned.

Gay C. Huntley to be postmaster at Hill City, Minn., in place of Wm. Gausewitz, resigned.

John A. McLean to be postmaster at Harris, Minn., in place of G. J. Jarchow, resigned.

Roy B. Osborn to be postmaster at Glyndon, Minn., in place of H. L. Webb, resigned.

Carl J. Tiller to be postmaster at Battle Lake, Minn., in place of Ludvig Jenson, resigned.

MISSISSIPPI.

William L. Atkins to be postmaster at Mathiston, Miss. Office became presidential April 1, 1919.

Thomas W. Cooper to be postmaster at Purvis, Miss., in place of T. W. Cooper. Incumbent's commission expired March 3, 1919.

Clara B. Lee to be postmaster at Arcola, Miss. Office became presidential July 1, 1919.

James J. Hiller to be postmaster at Calhoun City, Miss. Office became presidential July 1, 1919.

Gertrude Martin to be postmaster at Fernwood, Miss. Office became presidential October 1, 1919.

Sarah L. Townsend to be postmaster at Holcomb, Miss. Office became presidential July 1, 1919.

Janie H. Wiygul to be postmaster at Shannon, Miss. Office became presidential April 1, 1919.

Tom H. Tabor to be postmaster at Weir, Miss. Office became presidential July 1, 1919.

Susan R. T. Perry to be postmaster at Tchula, Miss., in place of S. R. T. Perry. Incumbent's commission expired December 16, 1919.

Lillie B. Carr to be postmaster at Sumner, Miss., in place of L. B. Carr. Incumbent's commission expired December 16, 1919.

Myrtle A. Tanner to be postmaster at Pelahatchee, Miss., in place of M. A. Tanner. Incumbent's commission expired December 16, 1919.

Emile J. Adam to be postmaster at Pass Christian, Miss., in place of E. J. Adam. Incumbent's commission expired December 16, 1919.

William J. James to be postmaster at Lyman, Miss., in place of W. J. James. Incumbent's commission expired December 16, 1919.

Margaret S. Walker to be postmaster at Houlka, Miss., in place of M. S. Walker. Incumbent's commission expired December 16, 1919.

Mary E. Luster to be postmaster at Edwards, Miss., in place of M. E. Luster. Incumbent's commission expired December 17, 1919.

Ethan A. Wood to be postmaster at Woodville, Miss., in place of C. W. McKeithen, resigned.

Marvin B. Holloway to be postmaster at Poplarville, Miss., in place of M. A. McMichael, resigned.

Carson Hughes to be postmaster at Oakland, Miss., in place of R. P. Taylor, deceased.

Lawrence V. Stribling to be postmaster at Carthage, Miss., in place of C. W. Triplett, jr., resigned.

William T. Sparkman to be postmaster at Pascagoula, Miss., in place of W. W. Lewis, resigned.

Sue V. Clements to be postmaster at Pickens, Miss., in place of J. G. Webb, resigned.

James F. Jones to be postmaster at Shubuta, Miss., in place of L. W. Smith, resigned.

MISSOURI.

Andrew Poe to be postmaster at Belle, Mo. Office became presidential July 1, 1919.

Nellie H. Hunter to be postmaster at Blairstown, Mo. Office became presidential October 1, 1919.

Charles L. Canaday to be postmaster at Blythedale, Mo. Office became presidential October 1, 1919.

Anna C. Gessler to be postmaster at Buckner, Mo. Office became presidential April 1, 1919.

Ruth Thompson to be postmaster at Chula, Mo. Office became presidential July 1, 1919.

Bettie C. Hubbard to be postmaster at Clarkton, Mo. Office became presidential October 1, 1919.

Amelia C. Walters to be postmaster at Gorin, Mo. Office became presidential October 1, 1919.

Brose Dickerson to be postmaster at Iberia, Mo. Office became presidential April 1, 1919.

Mary F. Stewart to be postmaster at Mendon, Mo. Office became presidential July 1, 1919.

John A. Fields to be postmaster at Powersville, Mo. Office became presidential October 1, 1918.

Harry B. Adkins to be postmaster at Weston, Mo., in place of H. B. Adkins. Incumbent's commission expired February 4, 1919.

Solon McDaniel to be postmaster at Urich, Mo., in place of Solon McDaniel. Incumbent's commission expired December 16, 1919.

Booker H. Rucker to be postmaster at Rolla, Mo., in place of B. H. Rucker. Incumbent's commission expired December 17, 1919.

Olive De Lisle to be postmaster at Portageville, Mo., in place of Olive De Lisle. Incumbent's commission expired December 16, 1919.

Jeremiah F. Poston to be postmaster at Leadwood, Mo., in place of J. F. Poston. Incumbent's commission expired December 16, 1919.

William H. Johnson to be postmaster at La Plata, Mo., in place of W. H. Johnson. Incumbent's commission expired January 5, 1920.

Arthur Aull to be postmaster at Lamar, Mo., in place of Arthur Aull. Incumbent's commission expired December 17, 1919.

Charles E. Mayhall to be postmaster at Laddonia, Mo., in place of C. E. Mayhall. Incumbent's commission expired December 16, 1919.

Charley W. Mulinex to be postmaster at La Belle, Mo., in place of C. W. Mulinex. Incumbent's commission expired December 16, 1919.

Joseph J. Hoeken to be postmaster at Hillsboro, Mo., in place of J. J. Hoeken. Incumbent's commission expired December 16, 1919.

Frank H. Caughell to be postmaster at Hermann, Mo., in place of F. H. Caughell. Incumbent's commission expired December 17, 1919.

William A. Hendon to be postmaster at Granby, Mo., in place of W. A. Hendon. Incumbent's commission expired December 17, 1919.

Harry P. Mason to be postmaster at Fayette, Mo., in place of H. P. Mason. Incumbent's commission expired December 16, 1919.

George B. Sproule to be postmaster at Drexel, Mo., in place of G. B. Sproule. Incumbent's commission expired December 17, 1919.

Webb Watkins to be postmaster at Dexter, Mo., in place of Webb Watkins. Incumbent's commission expired December 16, 1919.

John C. Sanders to be postmaster at Carterville, Mo., in place of J. C. Sanders. Incumbent's commission expired December 16, 1919.

Nathan C. Hickcox to be postmaster at California, Mo., in place of N. C. Hickcox. Incumbent's commission expired December 17, 1919.

William J. Jackson to be postmaster at Bourbon, Mo., in place of W. J. Jackson. Incumbent's commission expired December 16, 1919.

John F. Patton to be postmaster at Albany, Mo., in place of J. F. Patton. Incumbent's commission expired December 16, 1919.

Edward L. Potter to be posmaster at Advance, Mo., in place of E. L. Potter. Incumbent's commission expired December 16, 1919.

Charles W. Keck to be postmaster at Nevada, Mo., in place of Joseph Harper, deceased.

Edgar W. Prentiss to be postmaster at Bethany, Mo., in place of W. S. Walker. Incumbent's commission expired June 6, 1917.

James R. Pollock to be postmaster at Campbell, Mo., in place of H. V. Merritt, deceased.

Harvey E. Averill to be postmaster at Caruthersville, Mo., in place of W. H. Wilks, removed.

Lena E. Reece to be postmaster at Elvins, Mo., in place of J. E. Layne, resigned.

John Fleurdelys to be postmaster at Ilasco, Mo., in place of T. B. Wilson, resigned.

George W. Hanson to be postmaster at Ironton, Mo., in place of M. W. Daugherty, resigned.

Charles G. Le Compte to be postmaster at Pierce City, Mo., in place of J. K. Saunders, deceased.

Robert J. Mulford to be postmaster at Spickard, Mo., in place of A. T. Cornwell, deceased.

Fay Webb to be postmaster at Miller, Mo., in place of Mary C. Wright. Office became presidential April 1, 1918. Postmaster deceased.

Charles C. Carter to be postmaster at Maysville, Mo., in place of C. L. Welden. Incumbent's commission expired December 22, 1918.

Henry F. Kratzer to be postmaster at Festus, Mo., in place of A. H. Long, resigned.

Carl E. Davis to be postmaster at Ewing, Mo., in place of Perry Chipman, resigned.

Charles C. Bishop to be postmaster at Clarence, Mo., in place of W. M. Bayliss. Incumbent's commission expired May 18, 1918.

MONTANA.

Charles J. Bell to be postmaster at Wisdom, Mont. Office became presidential October 1, 1919.

Adolph B. Horstman to be postmaster at Whitefish, Mont., in place of A. B. Horstman. Incumbent's commission expired December 16, 1919.

Burton S. Adams to be postmaster at Sidney, Mont., in place of B. S. Adams. Incumbent's commission expired December 16, 1919.

Wade J. Hubbell to be postmaster at Poplar, Mont., in place of W. J. Hubbell. Incumbent's commission expired December 16, 1919.

John W. Lister to be postmaster at Missoula, Mont., in place of J. W. Lister. Incumbent's commission expired January 11, 1920.

Andrew N. Smith to be postmaster at Columbia Falls, Mont., in place of A. N. Smith. Incumbent's commission expired December 16, 1919.

George C. Core to be postmaster at Choteau, Mont., in place of William Krofft, removed.

Charles W. Allison to be postmaster at Bainville, Mont., in place of Mary E. Meinhardt, resigned.

Avory W. Dehnert to be postmaster at Denton, Mont., in place of J. G. Eppers, resigned.

Thomas W. McKenzie to be postmaster at Havre, Mont., in place of Exzelia J. Pepin, removed.

Thomas E. Devore to be postmaster at Whitehall, Mont., in place of A. R. McDonald, resigned.

William Fraser to be postmaster at Three Forks, Mont., in place of F. P. Byrne, resigned.

Rupert L. Clark to be postmaster at Sweetgrass, Mont., in place of W. R. Crockford, resigned.

Frances W. Tarwater to be postmaster at Saco, Mont., in place of L. L. Minnick, resigned.

Charles A. Pennell to be postmaster at Manhattan, Mont., in place of G. E. White, resigned. Incumbent's commission expired May 20, 1917.

NEBRASKA.

William I. Tripp to be postmaster at Belvidere, Nebr. Office became presidential October 1, 1919.

Hannah Price to be postmaster at Bennett, Nebr. Office became presidential October 1, 1919.

George G. Bruckert to be postmaster at Bruning, Nebr. Office became presidential July 1, 1919.

Louis K. Musser to be postmaster at Crookston, Nebr. Office became presidential July 1, 1919.

Charles H. Kuhns to be postmaster at Maxwell, Nebr. Office became presidential July 1, 1919.

Perry E. Chase to be postmaster at Page, Nebr. Office became presidential October 1, 1919.

Thomas W. Cook to be postmaster at Scotia, Nebr. Office became presidential April 1, 1919.

Albert E. Pratt to be postmaster at Tobias, Nebr., in place of A. E. Pratt. Incumbent's commission expired December 17, 1919.

Gustav Blassl to be postmaster at South Sioux City, Nebr., in place of Gustav Blassl. Incumbent's commission expired December 17, 1919.

Frank J. Kovar to be postmaster at Schuyler, Nebr., in place of F. J. Kovar. Incumbent's commission expired December 17, 1919.

Homer T. Davey to be postmaster at Ponca, Nebr., in place of H. T. Davey. Incumbent's commission expired December 17, 1919.

Frances H. Marnell to be postmaster at Nebraska City, Nebr., in place of F. H. Marnell. Incumbent's commission expired December 17, 1919.

George A. Herzog to be postmaster at Harvard, Nebr., in place of George A. Herzog. Incumbent's commission expired December 17, 1917.

Elizabeth McGuire to be postmaster at Hampton, Nebr., in place of Elizabeth McGuire. Incumbent's commission expired December 17, 1919.

Will H. Lamm to be postmaster at Gering, Nebr., in place of W. H. Lamm. Incumbent's commission expired December 17, 1919.

John Grabenstein to be postmaster at Eustis, Nebr., in place of John Grabenstein. Incumbent's commission expired December 17, 1919.

John J. Adams, jr., to be postmaster at Crawford, Nebr., in place of J. J. Adams, jr. Incumbent's commission expired December 17, 1919.

Hans Jensen to be postmaster at Cozad, Nebr., in place of Hans Jensen. Incumbent's commission expired December 17, 1919.

Edward H. Bishop to be postmaster at Central City, Nebr., in place of E. H. Bishop. Incumbent's commission expired January 22, 1919.

John E. McClure to be postmaster at Axtell, Nebr., in place of J. E. McClure. Incumbent's commission expired December 17, 1919.

Edward F. Lusienski to be postmaster at Platte Center, Nebr., in place of A. J. Glodowski, resigned.

Harton W. Bedell to be postmaster at Peru, Nebr., in place of J. C. Chatelain, resigned.

Burton C. Gentle to be postmaster at Norfolk, Nebr., in place of A. G. Nelson, deceased.

Richard A. Gibson to be postmaster at Friend, Nebr., in place of E. A. Brown, resigned.

Frank R. Galbraith to be postmaster at Ainsworth, Nebr., in place of C. H. Short, resigned.

Lory D. Russell to be postmaster at Ansley, Nebr., in place of A. H. Shepard, resigned.

Gladys Kesterson to be postmaster at Carroll, Nebr., in place of Hazel James, resigned.

Frank W. Fuhlrodt to be postmaster at Fremont, Nebr., in place of Nathaniel W. Smails, resigned.

Oscar E. Spethmann to be postmaster at Valentine, Nebr., in place of I. M. Rice, resigned.

Margaret M. Anderson to be postmaster at Stromsburg, Nebr., in place of B. S. Keck, removed.

Earl W. Glandon to be postmaster at Stapleton, Nebr., in place of O. L. Newkirk, resigned.

Leo A. Rengler to be postmaster at Overton, Nebr., in place of L. A. Olinger, deceased.

Wesley E. Snider to be postmaster at Osceola, Nebr., in place of Keene Ludden. Incumbent's commission expired April 24, 1918.

Walter I. Farnham to be postmaster at Merna, Nebr., in place of Joseph Fenimore, resigned.

Ernest G. Miller to be postmaster at Lynch, Nebr., in place of C. J. Brown, resigned.

Kathryn F. Michael to be postmaster at Liberty, Nebr., in place of D. H. Michael, resigned.

Harry L. Stebbins to be postmaster at Holbrook, Nebr., in place of H. C. Bible, resigned.

Lorena W. Doe to be postmaster at Arcadia, Nebr., in place of R. F. Rowe. Incumbent's commission expired July 13, 1918.

Charles M. Evans to be postmaster at Arapahoe, Nebr., in place of August Schultz, resigned.

NEVADA.

Harry H. Mayer to be postmaster at Elko, Nev., in place of H. H. Mayer. Incumbent's commission expired December 17, 1919.

Albert Y. Werner to be postmaster at Gardnerville, Nev., in place of R. W. Gale, resigned.

Howard C. Mulcahy to be postmaster at Sparks, Nev., in place of John P. Reynolds, resigned.

Owen H. Bott to be postmaster at Mason, Nev., in place of W. J. Bonner, removed.

NEW HAMPSHIRE.

Addie J. Faulkner to be postmaster at West Swanzey, N. H. Office became presidential April 1, 1919.

Edward J. Maley to be postmaster at Newport, N. H., in place of E. J. Maley. Incumbent's commission expired December 17, 1919.

George F. Plummer to be postmaster at Ashland, N. H., in place of G. F. Plummer. Incumbent's commission expired December 17, 1919.

Arthur M. Rolfe to be postmaster at Salem Depot, N. H., in place of K. M. McLaughlin, resigned.

NEW JERSEY.

Laura B. Van Slyke to be postmaster at Avenel, N. J. Office became presidential July 1, 1919.

Thomas Post to be postmaster at Midland Park, N. J. Office became presidential October 1, 1919.

Katherine A. Cooney to be postmaster at Pedricktown, N. J. Office became presidential July 1, 1919.

Emil Groth to be postmaster at Weehawken, N. J., in place of Emil Groth. Incumbent's commission expired December 17, 1919.

James V. Ludlow to be postmaster at Tuckerton, N. J., in place of J. V. Ludlow. Incumbent's commission expired December 16, 1919.

Albert A. Sickley to be postmaster at Springfield, N. J., in place of A. A. Sickley. Incumbent's commission expired December 16, 1919.

James J. Conor to be postmaster at Ridgefield, N. J., in place of J. J. Conor. Incumbent's commission expired December 16, 1919.

William K. Blodgett to be postmaster at Point Pleasant, N. J., in place of W. K. Blodgett. Incumbent's commission expired December 16, 1919.

Adolph Lankering to be postmaster at Hoboken, N. J., in place of Adolph Lankering. Incumbent's commission expired December 17, 1919.

Francis A. Banville to be postmaster at Cliffside, N. J., in place of F. A. Banville. Incumbent's commission expired December 16, 1919.

George W. Roe to be postmaster at Branchville, N. J., in place of G. W. Roe. Incumbent's commission expired December 16, 1919.

Helen G. Miller to be postmaster at Andover, N. J., in place of H. G. Miller. Incumbent's commission expired December 16, 1919.

Edward C. Francois to be postmaster at West Hoboken, N. J., in place of E. W. Bovers, removed.

Louis Ponsiglione to be postmaster at West Fort Lee, N. J., in place of E. R. Barrett, resigned.

Abram A. Reger to be postmaster at Somerville, N. J., in place of W. E. Maxwell, deceased.

Arthur F. Stecher to be postmaster at Riverside, N. J., in place of Henry Walter, deceased.

Frank M. Stevens to be postmaster at Ridgewood, N. J., in place of G. M. Ockford, removed.

Thomas E. Hunt to be postmaster at Penns Grove, N. J., in place of Simon Cunningham, declined.

Lewis R. Hogan to be postmaster at Millville, N. J., in place of C. T. White, removed.

Jacob W. Binder to be postmaster at Hackensack, N. J., in place of James Norton, resigned.

William F. Barry to be postmaster at Elizabeth, N. J., in place of P. J. Ryan, deceased.

Charlotte S. Hurd to be postmaster at Dover, N. J., in place of F. F. Hummel, resigned.

Alfred B. Gibb to be postmaster at Bernardsville, N. J., in place of J. J. Foley, deceased.

Harry C. Wheaton to be postmaster at Anglesea, N. J., in place of Robert Bright, resigned.

William J. Cowgill to be postmaster at Paulsboro, N. J., in place of John Lodge, resigned.

NEW MEXICO.

Clara J. Larsen to be postmaster at Capitan, N. Mex. Office became presidential October 1, 1919.

William G. Johnson to be postmaster at Roy, N. Mex., in place of W. G. Johnson. Incumbent's commission expired December 17, 1919.

Leo L. Heisel to be postmaster at Alamogordo, N. Mex., in place of L. R. Hughes, removed.

John W. Wells to be postmaster at Carlsbad, N. Mex., in place of J. B. Harvey, removed.

Edwardo A. Trujillo to be postmaster at Taos, N. Mex., in place of L. P. Martinez, removed.

Annie P. Davis to be postmaster at Melrose, N. Mex., in place of J. W. Harmon, resigned.

NEW YORK.

George H. Carley to be postmaster at Cooperstown, N. Y., in place of G. H. Carley. Incumbent's commission expired January 5, 1920.

Maurice F. Axtell to be postmaster at Deposit, N. Y., in place of M. F. Axtell. Incumbent's commission expired August 19, 1918.

Edward J. Sweeney to be postmaster at East Islip, N. Y., in place of E. J. Sweeney. Incumbent's commission expired November 22, 1917.

Augustus A. Blackledge to be postmaster at Nyack, N. Y., in place of A. A. Blackledge. Incumbent's commission expired January 12, 1918.

William B. Hollister to be postmaster at St. Regis Falls, N. Y., in place of W. B. Hollister. Incumbent's commission expired March 3, 1919.

James R. Comesky to be postmaster at Suffern, N. Y., in place of J. R. Comesky. Incumbent's commission expired October 22, 1918.

John J. Breen to be postmaster at Mineola, N. Y., in place of J. J. Breen. Incumbent's commission expired January 11, 1920.

Horace G. Stillman to be postmaster at Almond, N. Y. Office became presidential October 1, 1919.

Frederick J. Manchester to be postmaster at Clark Mills, N. Y. Office became presidential October 1, 1919.

Spencer E. Burdick to be postmaster at Glenfield, N. Y. Office became presidential October 1, 1919.

Henry Webster to be postmaster at Wyoming, N. Y., in place of Henry Webster. Incumbent's commission expired December 17, 1919.

Keeler M. Cole to be postmaster at Windham, N. Y., in place of K. M. Cole. Incumbent's commission expired December 17, 1919.

Carl Fuller to be postmaster at Williamson, N. Y., in place of Carl Fuller. Incumbent's commission expired December 17, 1919.

John MacKenzie to be postmaster at Whitney Point, N. Y., in place of John MacKenzie. Incumbent's commission expired December 17, 1919.

Edward N. Skinner to be postmaster at Westfield, N. Y., in place of E. N. Skinner. Incumbent's commission expired December 17, 1919.

A. Raymond Cornwall to be postmaster at Watertown, N. Y., in place of A. R. Cornwall. Incumbent's commission expired December 17, 1919.

Charles H. Corwin to be postmaster at South Fallsburg, N. Y., in place of C. H. Corwin. Incumbent's commission expired December 17, 1919.

Frank T. White to be postmaster at Southampton, N. Y., in place of F. T. White. Incumbent's commission expired December 17, 1919.

James O. Bennett to be postmaster at Silver Creek, N. Y., in place of J. O. Bennett. Incumbent's commission expired December 17, 1919.

James E. McWilliams to be postmaster at Prattsville, N. Y., in place of J. E. McWilliams. Incumbent's commission expired December 17, 1919.

John Cronin to be postmaster at Portville, N. Y., in place of John Cronin. Incumbent's commission expired December 17, 1919.

Thomas Clougher to be postmaster at Piermont, N. Y., in place of Thomas Clougher. Incumbent's commission expired December 17, 1919.

Arthur C. Moyer to be postmaster at Phoenix, N. Y., in place of A. C. Moyer. Incumbent's commission expired December 17, 1919.

Bert E. Holden to be postmaster at Peru, N. Y., in place of B. E. Holden. Incumbent's commission expired December 17, 1919.

Henry S. Ludington to be postmaster at Patterson, N. Y., in place of H. S. Ludington. Incumbent's commission expired December 17, 1919.

William Nacey to be postmaster at Oswego, N. Y., in place of William Nacey. Incumbent's commission expired December 17, 1919.

Herbert D. Sibley to be postmaster at Olean, N. Y., in place of H. D. Sibley. Incumbent's commission expired December 17, 1919.

Addison L. Slate to be postmaster at Marathon, N. Y., in place of A. L. Slate. Incumbent's commission expired December 17, 1919.

James T. Welch to be postmaster at Malone, N. Y., in place of J. T. Welch. Incumbent's commission expired December 17, 1919.

Willis P. Beal to be postmaster at Macedon, N. Y., in place of W. P. Beal. Incumbent's commission expired December 17, 1919.

Joseph D. Betting to be postmaster at Lowville, N. Y., in place of J. D. Betting. Incumbent's commission expired December 17, 1919.

Wilmer D. Sharpe to be postmaster at Loomis, N. Y., in place of W. D. Sharpe. Incumbent's commission expired December 17, 1919.

Patrick D. Kane to be postmaster at Lincoln Park, N. Y., in place of P. D. Kane. Incumbent's commission expired December 17, 1919.

George P. Forbes to be postmaster at Larchmont, N. Y., in place of G. P. Forbes. Incumbent's commission expired December 17, 1919.

John M. Kennedy to be postmaster at Johnson City, N. Y., in place of J. M. Kennedy. Incumbent's commission expired December 17, 1919.

Henry Guenther to be postmaster at Jamestown, N. Y., in place of Henry Guenther. Incumbent's commission expired December 17, 1919.

David Dunham to be postmaster at Ilion, N. Y., in place of David Dunham. Incumbent's commission expired March 2, 1919.

Howard R. Stevens to be postmaster at Hopewell Junction, N. Y., in place of H. R. Stevens. Incumbent's commission expired December 17, 1919.

Clara S. Mallery to be postmaster at Hillsdale, N. Y., in place of C. S. Mallery. Incumbent's commission expired December 17, 1919.

James A. Moore to be postmaster at Hammondsport, N. Y., in place of J. A. Moore. Incumbent's commission expired December 17, 1919.

George A. Hoffman to be postmaster at Floral Park, N. Y., in place of G. A. Hoffman. Incumbent's commission expired December 17, 1919.

John A. Hendrickson to be postmaster at Farmingdale, N. Y., in place of J. A. Hendrickson. Incumbent's commission expired December 17, 1919.

Ray B. Worthing to be postmaster at East Rochester, N. Y., in place of R. B. Worthing. Incumbent's commission expired March 2, 1919.

Gertrude R. Moran to be postmaster at East Bloomfield, N. Y., in place of G. R. Neenan. Name changed by marriage.

Clayton I. Burch to be postmaster at Earlville, N. Y., in place of C. I. Burch. Incumbent's commission expired December 17, 1919.

Simon J. Karin, to be postmaster at Dunkirk, N. Y., in place of S. J. Karin. Incumbent's commission expired December 17, 1919.

Rudolph F. Chappins to be postmaster at Dryden, N. Y., in place of R. F. Chappins. Incumbent's commission expired December 17, 1919.

Frank J. Walsh to be postmaster at Cornwall on the Hudson, N. Y., in place of F. J. Walsh. Incumbent's commission expired December 17, 1919.

Charles S. Stanton to be postmaster at Clymer, N. Y., in place of C. S. Stanton. Incumbent's commission expired December 17, 1919.

Charles V. Ford to be postmaster at Clyde, N. Y., in place of C. V. Ford. Incumbent's commission expired December 17, 1919.

William D. Delaney to be postmaster at Clayton, N. Y., in place of W. D. Delaney. Incumbent's commission expired March 2, 1919.

George Diefendorf to be postmaster at Chaumont, N. Y., in place of George Diefendorf. Incumbent's commission expired December 17, 1919.

James English to be postmaster at Chateaugay, N. Y., in place of James English. Incumbent's commission expired December 17, 1919.

George A. Ross to be postmaster at Chautauqua, N. Y., in place of G. A. Ross. Incumbent's commission expired December 17, 1919.

John J. Drumm to be postmaster at Cedarhurst, N. Y., in place of J. J. Drumm. Incumbent's commission expired December 17, 1919.

Frank W. Shumaker to be postmaster at Castile, N. Y., in place of F. W. Shumaker. Incumbent's commission expired December 17, 1919.

Frank J. Brady to be postmaster at Cape Vincent, N. Y., in place of F. J. Brady. Incumbent's commission expired December 19, 1919.

Timothy Crough to be postmaster at Canajoharie, N. Y., in place of Timothy Crough. Incumbent's commission expired December 17, 1919.

John B. Duignan to be postmaster at Canastota, N. Y., in place of J. B. Duignan. Incumbent's commission expired December 17, 1919.

Alfred H. Ford to be postmaster at Berkshire, N. Y., in place of A. H. Ford. Incumbent's commission expired December 17, 1919.

Will J. Davy to be postmaster at Bergen, N. Y., in place of W. J. Davy. Incumbent's commission expired December 17, 1919.

Ira B. Cushman to be postmaster at Bainbridge, N. Y., in place of I. B. Cushman. Incumbent's commission expired December 17, 1919.

Louis F. Roberts to be postmaster at Au Sable Forks, N. Y., in place of L. F. Roberts. Incumbent's commission expired December 17, 1919.

Frank Timm to be postmaster at Attica, N. Y., in place of Frank Timm. Incumbent's commission expired December 17, 1919.

Norman Cooper to be postmaster at Athens, N. Y., in place of Norman Cooper. Incumbent's commission expired December 17, 1919.

Charles W. Owens to be postmaster at Antwerp, N. Y., in place of C. W. Owens. Incumbent's commission expired December 17, 1919.

Asa C. Rowland to be postmaster at Salamanca, N. Y., in place of C. R. McCann, resigned.

James M. Kelly to be postmaster at Monticello, N. Y., in place of H. B. Stratton, removed.

George W. Durey to be postmaster at Johnstown, N. Y., in place of Abraham Harrison, deceased.

Robert L. McBrien to be postmaster at Huntington, N. Y., in place of E. B. Dusenberry. Incumbent's commission expired February 2, 1918.

Michael L. Boyle to be postmaster at Glens Falls, N. Y., in place of Charles Williamson, deceased.

William L. Fuller to be postmaster at Ellenville, N. Y., in place of C. H. Hoornbeek, deceased.

Claude A. Nichols to be postmaster at Chittenango, N. Y., in place of Lee W. McHenry, resigned.

Miriam L. Bancroft to be postmaster at Edwards, N. Y., in place of Oswald F. Freeman, resigned.

Carrie A. Kinn to be postmaster at Hewlett, N. Y., in place of Mark L. Mount, resigned.

Mildred R. Crandall to be postmaster at Kennedy, N. Y., in place of Oscar M. Grubb, resigned.

William C. DeWitt to be postmaster at Kingston, N. Y., in place of Sylvester R. Deyo, deceased.

Herbert G. Corey to be postmaster at Northville, N. Y., in place of Homer Brownell, removed.

Louis W. Noland to be postmaster at Saratoga Springs, N. Y., in place of D. E. Harrington. Incumbent's commission expired July 21, 1918.

Justin B. Andrews to be postmaster at Massena, N. Y., in place of J. F. Lantry. Incumbent's commission expired March 11, 1918.

Clifton S. Haff to be postmaster at Northport, N. Y., in place of Charles T. Sammis. Incumbent's commission expired May 18, 1918.

John C. F. Walker to be postmaster at Newport, N. Y., in place of Dennis F. Spellman, resigned.

Torry B. Luce to be postmaster at Hartwick, N. Y., in place of G. T. Luce, deceased.

Robert D. Morgan to be postmaster at Cuba, N. Y., in place of E. G. Harris, resigned.

Stanley W. Parsons to be postmaster at Copenhagen, N. Y., in place of F. L. Merrell, deceased.

Fred G. Griffin to be postmaster at Candor, N. Y., in place of C. M. Armitage, resigned.

Samuel E. G. Harris to be postmaster at Brushton, N. Y., in place of W. C. Brady, resigned.

E. De Lancy Walters to be postmaster at Bolivar, N. Y., in place of Florence Williams, resigned.

NORTH CAROLINA.

Eugene T. Hooker to be postmaster at Aurora, N. C. Office became presidential October 1, 1919.

Myron L. Moore to be postmaster at Granite Falls, N. C. Office became presidential July 1, 1919.

William C. Newborn to be postmaster at Grifton, N. C. Office became presidential April 1, 1919.

William O. Connor to be postmaster at Mars Hill, N. C. Office became presidential October 1, 1919.

John H. Sanders to be postmaster at Middlesex, N. C. Office became presidential July 1, 1919.

Jacob B. Brown to be postmaster at Vanceboro, N. C. Office became presidential July 1, 1919.

Lula E. Parker to be postmaster at West Raleigh, N. C., in place of L. E. Parker. Incumbent's commission expired December 16, 1919.

Nannie McI. Moore to be postmaster at Warrenton, N. C., in place of N. McI. Moore. Incumbent's commission expired December 17, 1919.

William C. Graham to be postmaster at Tabor, N. C., in place of W. C. Graham. Incumbent's commission expired December 16, 1919.

George R. Upchurch to be postmaster at Norwood, N. C., in place of G. R. Upchurch. Incumbent's commission expired December 16, 1919.

Harvey E. Garrison to be postmaster at North Charlotte, N. C., in place of H. E. Garrison. Incumbent's commission expired December 16, 1919.

Robert F. Crooks to be postmaster at Murphy, N. C., in place of R. F. Crooks. Incumbent's commission expired December 17, 1919.

Samuel W. Finch to be postmaster at Lexington, N. C., in place of S. W. Finch. Incumbent's commission expired December 16, 1919.

John L. Miller to be postmaster at Concord, N. C., in place of J. L. Miller. Incumbent's commission expired December 16, 1919.

DeLambert P. Stowe to be postmaster at Belmont, N. C., in place of D. P. Stowe. Incumbent's commission expired December 16, 1919.

William C. Pope to be postmaster at Marshall, N. C., in place of John R. Swann, resigned.

Robert T. Wade to be postmaster at Morehead City, N. C., in place of William L. Arendell, deceased.

Cyril L. Walker to be postmaster at Roper, N. C., in place of Asa F. Johnston, resigned. Office became presidential April 1, 1919.

William Watson to be postmaster at Swanquarter, N. C., in place of Margaret W. Swindell, resigned.

John H. Griffin to be postmaster at Wilson, N. C., in place of S. W. Smith, resigned.

Millard F. Baumgarner to be postmaster at Wilkesboro, N. C., in place of Norman O. Smock, resigned.

Henry G. Early to be postmaster at Rosehill, N. C., in place of William G. Fussell, resigned.

George N. Taylor to be postmaster at Roanoke Rapids, N. C., in place of M. M. Faison, resigned.

Edgar S. Woodley to be postmaster at Creswell, N. C., in place of Daniel E. Woodley, resigned.

NORTH DAKOTA.

Genevieve Gregor to be postmaster at Dawson, N. Dak. Office became presidential October 1, 1919.

Dow S. Thomson to be postmaster at Fairdale, N. Dak. Office became presidential October 1, 1919.

Benjamin L. Anderson to be postmaster at Grenora, N. Dak. Office became presidential October 1, 1919.

Ivah A. Miller to be postmaster at Nome, N. Dak. Office became presidential October 1, 1919.

Earl W. Spencer to be postmaster at Oberon, N. Dak. Office became presidential October 1, 1919.

William J. Storie to be postmaster at Osnabrock, N. Dak. Office became presidential July 1, 1919.

Freda E. Johnson to be postmaster at Washburn, N. Dak., in place of F. E. Johnson. Incumbent's commission expired December 17, 1919.

Edward P. Starr to be postmaster at Tower City, N. Dak., in place of E. P. Starr. Incumbent's commission expired December 17, 1919.

Albert C. Grant to be postmaster at St. Thomas, N. Dak., in place of Albert C. Grant. Incumbent's commission expired December 17, 1919.

John W. Campbell to be postmaster at Ryder, N. Dak., in place of J. W. Campbell. Incumbent's commission expired December 17, 1919.

William E. Brophy to be postmaster at Rhame, N. Dak., in place of W. E. Brophy. Incumbent's commission expired December 17, 1919.

Leo E. Behan to be postmaster at Mohall, N. Dak., in place of L. E. Behan. Incumbent's commission expired December 17, 1919.

George D. Tripp to be postmaster at Hettinger, N. Dak., in place of George D. Tripp. Incumbent's commission expired December 17, 1919.

Orna F. Leedy to be postmaster at Goodrich, N. Dak., in place of O F. Leedy. Incumbent's commission expired December 16, 1919.

Lorenz F. Tavis to be postmaster at Glen Ullin, N. Dak., in place of L. F. Tavis. Incumbent's commission expired December 17, 1919.

Cecil C. Chamberlain to be postmaster at Enderlin, N. Dak., in place of C. C. Chamberlain. Incumbent's commission expired December 17, 1919.

Edwin O Larson to be postmaster at Crosby, N. Dak., in place of E. O. Larson. Incumbent's commission expired December 17, 1919.

Fred A. Young to be postmaster at Courtenay, N. Dak., in place of F. A. Young. Incumbent's commission expired December 17, 1919.

James N. McGogy to be postmaster at Ashley, N. Dak., in place of J. N. McGogy. Incumbent's commission expired December 16, 1919.

John H. Fallon to be postmaster at Alexander, N. Dak., in place of J. H. Fallon. Incumbent's commission expired July 7, 1918.

Augustus E. Ross to be postmaster at Agricultural College, N. Dak., in place of Kathleen Kelly, resigned.

William H. Lenneville to be postmaster at Dickinson, N. Dak., in place of Frank Lish, resigned.

Christian C. Reimers to be postmaster at Max, N. Dak., in place of Margaret Reese, resigned.

Anthony J. Berger to be postmaster at Richardton, N. Dak., in place of Robert Hunke, resigned.

Holly M. Beall to be postmaster at Wing, N. Dak., in place of Karl R. Knowles, resigned.

Forrest Daniel to be postmaster at Sykestown, N. Dak., in place of Walter W. Lee, deceased.

Monrad R. Thue to be postmaster at Stanton, N. Dak., in place of Henry C. Loy, resigned.

James F. McQueen to be postmaster at Pembina, N. Dak., in place of Sydney W. Douglas, resigned.

Redmond A. Bolton to be postmaster at Jamestown, N. Dak., in place of M. P. Morris, resigned.

Luzerne J. Bowen to be postmaster at Hope, N. Dak., in place of Minnie M. Luce, resigned.

James H. McNicol to be postmaster at Grand Forks, N. Dak., in place of George E. Duis. Incumbent's commission expired May 4, 1918.

Selmer Erfjord to be postmaster at Buxton, N. Dak., in place of Budd Reeve, jr., resigned.

Mabelle C. Elgar to be postmaster at Bowman, N. Dak., in place of Arthur L. Young, resigned.

Arnt H. Bredley to be postmaster at Ambrose, N. Dak., in place of George Franklin. Incumbent's commission expired July 10, 1917.

OHIO.

Fred Barthelmeh to be postmaster at Baltic, Ohio. Office became presidential October 1, 1919.

Edward M. Loyer to be postmaster at Chatfield, Ohio. Office became presidential October 1, 1919.

Chaney V. Burris to be postmaster at Danville, Ohio. Office became presidential April 1, 1919.

Dudley A. Taylor to be postmaster at Hebron, Ohio. Office became presidential April 1, 1919.

William S. Eagleson to be postmaster at Hopedale, Ohio. Office became presidential January 1, 1919.

Ida H. Cline to be postmaster at Kings Mills, Ohio. Office became presidential October 1, 1919.

Wilbur A. Williamson to be postmaster at Laurelville, Ohio. Office became presidential October 1, 1919.

Besse Carney to be postmaster at Neffs, Ohio. Office became presidential April 1, 1919.

William A. Greer to be postmaster at Proctorville, Ohio. Office became presidential October 1, 1919.

John W. Campbell to be postmaster at Sardinia, Ohio. Office became presidential October 1, 1919.

Jacob Fraker to be postmaster at Sherwood, Ohio. Office became presidential October 1, 1919.

Roy H. Webster to be postmaster at Willoughby, Ohio, in place of R. H. Webster. Incumbent's commission expired December 17, 1919.

James L. Vanarnam to be postmaster at Wellington, Ohio, in place of J. L. Vanarnam. Incumbent's commission expired December 17, 1919.

Frank G. Davis to be postmaster at Tippecanoe City, Ohio, in place of F. G. Davis. Incumbent's commission expired December 17, 1919.

George N. Young to be postmaster at Tiffin, Ohio, in place of G. N. Young. Incumbent's commission expired January 18, 1920.

William H. Gerding to be postmaster at Pemberville, Ohio, in place of W. H. Gerding. Incumbent's commission expired December 17, 1919.

George D. Smith to be postmaster at Oakharbor, Ohio, in place of G. D. Smith. Incumbent's commission expired December 17, 1919.

Cleon K. Rockwell to be postmaster at North Baltimore, Ohio, in place of C. K. Rockwell. Incumbent's commission expired December 17, 1919.

Frank T. Mercer to be postmaster at Newark, Ohio, in place of F. T. Mercer. Incumbent's commission expired December 17, 1919.

Homer Southard to be postmaster at Marysville, Ohio, in place of H. Southard. Incumbent's commission expired December 17, 1919.

Elmer A. Taylor to be postmaster at McConnellsville, Ohio, in place of Elmer A. Taylor. Incumbent's commission expired December 17, 1919.

Earl R. Keselring to be postmaster at Lewisburg, Ohio, in place of E. R. Keselring. Incumbent's commission expired December 17, 1919.

Orville T. Place to be postmaster at Leipsic, Ohio, in place of O. T. Place. Incumbent's commission expired December 17, 1919.

Albert Q. Arbaugh to be postmaster at Jewett, Ohio, in place of A. Q. Arbaugh. Incumbent's commission expired December 17, 1919.

George B. Saltsman to be postmaster at Irondale, Ohio, in place of G. B. Saltsman. Incumbent's commission expired December 17, 1919.

John M. McMullen to be postmaster at Hillsboro, Ohio, in place of J. M. McMullen. Incumbent's commission expired December 17, 1919.

William V. Goshorn to be postmaster at Galion, Ohio, in place of W. V. Goshorn. Incumbent's commission expired December 17, 1919.

Roscoe Carle to be postmaster at Fostoria, Ohio, in place of R. Carle. Incumbent's commission expired December 17, 1919.

William B. Price to be postmaster at Forest, Ohio, in place of W. B. Price. Incumbent's commission expired December 17, 1919.

Frank Garver to be postmaster at Degraff, Ohio, in place of F. Garver. Incumbent's commission expired December 17, 1919.

William H. Young to be postmaster at Cumberland, Ohio, in place of W. H. Young. Incumbent's commission expired December 17, 1919.

Jacob A. Dressel to be postmaster at Convoy, Ohio, in place of J. A. Dressel. Incumbent's commission expired December 17, 1919.

John C. Steel, jr., to be postmaster at Chagrin, Ohio, in place of J. C. Steel, jr. Incumbent's commission expired December 17, 1919.

William J. Schafer to be postmaster at Caldwell, Ohio, in place of W. J. Schafer. Incumbent's commission expired December 17, 1919.

Edward T. Purvis to be postmaster at Bremen, Ohio, in place of E. T. Purvis. Incumbent's commission expired December 17, 1919.

Daniel L. Kilbride to be postmaster at Berlin Heights, Ohio, in place of D. L. Kilbride. Incumbent's commission expired December 17, 1919.

Kinsey H. Robinson to be postmaster at Bellville, Ohio, in place of K. H. Robinson. Incumbent's commission expired December 17, 1919.

Walker Prall to be postmaster at Bellefontaine, Ohio, in place of W. Prall. Incumbent's commission expired December 17, 1919.

Simeon O. Weaver to be postmaster at Batavia, Ohio, in place of S. O. Weaver. Incumbent's commission expired December 17, 1919.

Charles R. Wing to be postmaster at Ashley, Ohio, in place of C. R. Wing. Incumbent's commission expired December 17, 1919.

James E. Gates to be postmaster at Ashland, Ohio, in place of J. E. Gates. Incumbent's commission expired December 17, 1919.

George H. Mounts to be postmaster at Salem, Ohio, in place of G. H. Gee, removed.

Ronald H. Gordon-Ross to be postmaster at Hudson, Ohio, in place of L. H. Chapin. Incumbent's commission expired January 14, 1918.

Robert J. McGrattan to be postmaster at East Youngstown, Ohio, in place of Joseph P. Larocco, removed.

Clifford B. Hyatt to be postmaster at Killbuck, Ohio, in place of Lake L. Walker, resigned. Office became presidential October 1, 1918.

Frank C. Gerlach to be postmaster at Wooster, Ohio, in place of Wesley H. Zaugg, resigned.

Claude Tolle to be postmaster at West Union, Ohio, in place of J. H. Connor, resigned.

Charles E. Kubitschack to be postmaster at West Jefferson, Ohio, in place of F. B. Biggert, resigned.

William H. Flach to be postmaster at Piqua, Ohio, in place of William J. Prince, sr., deceased.

Elijah F. Lybarger to be postmaster at New Lexington, Ohio, in place of Charles J. Kessler, resigned.

Walter F. Eltzroth to be postmaster at Morrow, Ohio, in place of Albert Schuell, deceased.

John W. Farrelly to be postmaster at Hubbard, Ohio, in place of Henry Holzbach, resigned.

Clare B. Hempstead to be postmaster at Fredericksburg, Ohio, in place of Claude R. Kilgore, resigned.

Rollo J. Hopkins to be postmaster at Edgerton, Ohio, in place of W. H. Chilcote, resigned.

William H. Miller to be postmaster at Brilliant, Ohio, in place James E. Vermillion, resigned. Office became presidential April 1, 1918.

OKLAHOMA.

David G. Woodworth to be postmaster at Kingfisher, Okla., in place of D. G. Woodworth. Incumbent's commission expired March 19, 1918.

David S. Cumming to be postmaster at Adair, Okla. Office became presidential October 1, 1919.

James E. Smith to be postmaster at Bluejacket, Okla. Office became presidential April 1, 1919.

Oscar R. Blassingame to be postmaster at Howe, Okla. Office became presidential April 1, 1919.

M. Louise D. Bruce to be postmaster at Lookeba, Okla. Office became presidential October 1, 1919.

Stanley Shepherd to be postmaster at Seiling, Okla. Office became presidential July 1, 1919.

John C. Puryear to be postmaster at Wetumka, Okla., in place of J. C. Puryear. Incumbent's commission expired Dcember 16, 1919.

Cora S. Brown to be postmaster at Waukomis, Okla., in place of C. S. Brown. Incumbent's commission expired December 16, 1919.

Henry F. Turner, to be postmaster at Vian, Okla., in place of H. F. Turner. Incumbent's commission expired December 16, 1919.

Grover C. Fulton to be postmaster at Cardin (late Tar River), Okla., in place of G. C. Fulton. Change name of office.

Frank Emanuel to be postmaster at Sulphur, Okla., in place of Frank Emanuel. Incumbent's commission expired March 3, 1919.

Dora V. Burton to be postmaster at Stroud, Okla., in place of D. V. Burton. Incumbent's commission expired December 16, 1919.

Theodore E. Futrell to be postmaster at Porum, Okla., in place of T. E. Futrell. Incumbent's commission expired December 16, 1919.

William M. Erwin to be postmaster at Pauls Valley, Okla., in place of W. M. Erwin. Incumbent's commission expired December 16, 1919.

John A. Burch to be postmaster at Paden, Okla., in place of J. A. Burch. Incumbent's commission expired December 16, 1919.

William B. Williamson to be postmaster at Okmulgee, Okla., in place of W. B. Williamson. Incumbent's commission expired December 16, 1919.

David W. Wells to be postmaster at Mountain View, Okla., in place of D. W. Wells. Incumbent's commission expired December 16, 1919.

Frank Olsmith to be postmaster at Guthrie, Okla., in place of Frank Olsmith. Incumbent's commission expired December 16, 1919.

Rolland R. Morris to be postmaster at Coweta, Okla., in place of R. R. Morris. Incumbent's commission expired December 16, 1919.

John E. Reasonover to be postmaster at Bixby, Okla., in place of J. E. Reasonover. Incumbent's commission expired December 16, 1919.

James D. Rives to be postmaster at Holdenville, Okla., in place of A. L. Davenport, removed.

Faye F. Mitchell to be postmaster at Wanette, Okla., in place of C. C. Kidd, resigned.

John W. Fuller to be postmaster at Stonewall, Okla., in place of J. D. Crawford, resigned.

Joe W. Van Deventer to be postmaster at Skiatook, Okla., in place of Loddie W. Brodie, resigned.

Claude C. Taylor to be postmaster at Sapulpa, Okla., in place of C. A. Vaughn, resigned.

John L. Rogers to be postmaster at Wilson (late New Wilson), Okla., in place of John L. Rogers, change name of office.

Nelson L. Eggleston to be postmaster at Minco, Okla., in place of Myrtle E. Morgan, resigned.

Ralph P. Witt to be postmaster at Maud, Okla., in place of Sydney A. Doyle, resigned.

Charles R. Stiver to be postmaster at Grove, Okla., in place of O. E. Butler, resigned.

George P. Morton to be postmaster at Hollis, Okla., in place of Luke Roberts, resigned.

William T. Hughes to be postmaster at Fort Cobb, Okla., in place of Lucretia Owens, resigned.

Leslie Hurlock to be postmaster at Dewey, Okla., in place of Ira B. McCrary, resigned.

Joseph H. Blythe to be postmaster at Cherokee, Okla., in place of Charles L. Wilson, resigned.

Harry F. Wolfe to be postmaster at Bristow, Okla., in place of Lea Murray Nichols, resigned.

OREGON.

William A. Morand to be postmaster at Boring, Oreg. Office became presidential July 1, 1919.

Leona C. Ady to be postmaster at Merrill, Oreg. Office became presidential July 1, 1919.

Aria Head to be postmaster at Waldport, Oreg. Office became presidential April 1, 1919.

John H. Brooks to be postmaster at Silverton, Oreg., in place of J. H. Brooks. Incumbent's commission expired December 16, 1919.

Andrew J. Flynn to be postmaster at Sheridan, Oreg., in place of A. J. Flynn. Incumbent's commission expired December 16, 1919.

John J. Cooke to be postmaster at Oregon City, Oreg., in place of J. J. Cooke. Incumbent's commission expired December 16, 1919.

Orrin A. Kirby to be postmaster at Myrtle Creek, Oreg., in place of O. A. Kirby. Incumbent's commission expired December 16, 1919.

Thomas A. Reavis to be postmaster at Hood River, Oreg., in place of T. A. Reavis. Incumbent's commission expired December 16, 1919.

William D. Hardesty to be postmaster at Freewater, Oreg., in place of W. D. Hardesty. Incumbent's commission expired December 16, 1919.

David S. Young to be postmaster at Dufur, Oreg., in place of D. S. Young. Incumbent's commission expired December 16, 1919.

Wilbur H. Hudson to be postmaster at Bend, Oreg., in place of Henry B. Ford, resigned.

Jason T. Anderson to be postmaster at Harrisburg, Oreg., in place of T. J. Anderson, deceased.

William I. Smith to be postmaster at Redmond, Oreg., in place of Jared W. Moore, resigned.

PENNSYLVANIA.

Charles S. Duncan to be postmaster at Gettysburg, Pa., in place of C. S. Duncan. Incumbent's commission expired April 27, 1918.

Jacob T. Born to be postmaster at Wilmerding, Pa., in place of J. T. Born. Incumbent's commission expired August 11, 1918.

Christian Henderson to be postmaster at Woodlawn, Pa., in place of Christian Henderson. Incumbent's commission expired March 3, 1919.

Harvey F. Sowers to be postmaster at Yatesboro, Pa., in place of H. F. Sowers. Incumbent's commission expired October 16, 1918.

Jacob L. Hershey to be postmaster at Youngwood, Pa., in place of J. L. Hershey. Incumbent's commission expired September 23, 1918.

Marion C. Hemmig to be postmaster at Elverson, Pa. Office became presidential October 1, 1919.

William Woolston to be postmaster at Lester, Pa. Office became presidential July 1, 1919.

George J. Tharp to be postmaster at Liverpool, Pa. Office became presidential July 1, 1919.

Casper C. Nickel to be postmaster at Loysville, Pa. Office became presidential July 1, 1919.

John B. Vough to be postmaster at Markleton, Pa. Office became presidential April 1, 1919.

Charles H. Lapsley to be postmaster at Glassport, Pa., in place of C. H. Lapsley. Incumbent's commission expired December 17, 1919.

John F. Schreck to be postmaster at Ephrata, Pa., in place of J. F. Schreck. Incumbent's commission expired December 17, 1919.

J. Robert McClure to be postmaster at Dillsburg, Pa., in place of J. R. McClure. Incumbent's commission expired December 17, 1919.

Peter Z. Kramer to be postmaster at Coplay, Pa., in place of P. Z. Kramer. Incumbent's commission expired December 17, 1919.

Emilie D. Stoneback to be postmaster at Black Lick, Pa., in place of E. D. Stoneback. Incumbent's commission expired December 17, 1919.

Joseph R. Brown to be postmaster at Avella, Pa., in place of J. R. Brown. Incumbent's commission expired January 14, 1919.

Elwood M. Ludwick to be postmaster at Honey Brook, Pa., in place of E. M. Ludwick. Incumbent's commission expired December 17, 1919.

John J. Gorman to be postmaster at Houtzdale, Pa., in place of J. J. Gorman. Incumbent's commission expired December 17, 1919.

Charles H. Casey to be postmaster at Marcus Hook, Pa., in place of C. H. Casey. Incumbent's commission expired December 17, 1919.

John S. Sheirich to be postmaster at Millersville, Pa., in place of J. S. Sheirich. Incumbent's commission expired December 17, 1919.

Allen F. Smith to be postmaster at Orwigsburg, Pa., in place of A. F. Smith. Incumbent's commission expired December 17, 1919.

Robert M. Hoover to be postmaster at Penbrook, Pa., in place of R. M. Hoover. Incumbent's commission expired December 17, 1919.

Russell R. Souser to be postmaster at Rockwood, Pa., in place of R. R. Souser. Incumbent's commission expired December 17, 1919.

Simon E. Devlin to be postmaster at St. Clair, Pa., in place of S. E. Devlin. Incumbent's commission expired December 17, 1919.

Horace L. Cobb to be postmaster at Ulysses, Pa., in place of H. L. Cobb. Incumbent's commission expired December 17, 1919.

J. Richard Hancock to be postmaster at Williamstown, Pa., in place of J. R. Hancock. Incumbent's commission expired December 17, 1919.

William D. Werkheiser to be postmaster at Windgap, Pa., in place of W. D. Werkheiser. Incumbent's commission expired December 17, 1919.

George F. Reichneder to be postmaster at Wyomissing, Pa., in place of G. F. Reichneder. Incumbent's commission expired December 17, 1919.

William H. Harper to be postmaster at Avondale, Pa., in place of George L. Anderson, resigned.

John T. Painter to be postmaster at Greensburg, Pa., in place of John M. Zimmerman, resigned.

Fairlie M. De Lancey to be postmaster at Newport, Pa., in place of Miles L. Ritter, resigned.

William E. Brooks to be postmaster at Ridley Park, Pa., in place of E. L. Mifflin, sr., removed.

William J. Muir to be postmaster at Shamokin, Pa., in place of Edward Raker, resigned.

David J. Moore to be postmaster at Windber, Pa., in place of Joe C. Harding, resigned.

Howard A. Pinney to be postmaster at Sheffield, Pa., in place of Bert B. Bowen, resigned.

Harold M. Eroh to be postmaster at Port Carbon, Pa., in place of John T. Slattery, resigned.

John H. Francis to be postmaster at Oaks, Pa., in place of Isaac P. Boogar, resigned.

John P. Rodger to be postmaster at Hooversville, Pa., in place of Simon P. Geisel. Incumbent's commission expired March 20, 1918.

Charles W. Seaman to be postmaster at Frackville, Pa., in place of Thomas M. Reed, resigned.

Charles Brian to be postmaster at Falls Creek, Pa., in place of Joseph A. McGrath, removed.

Clarence L. Sadler to be postmaster at Elizabeth, Pa., in place of Willard H. Weigel, removed.

John R. Jenks to be postmaster at Cornwells Heights, Pa., in place of Charles H. Blaker, deceased.

William E. Tobias to be postmaster at Clearfield, Pa., in place of John C. Barclay, resigned.

William A. Leroy to be postmaster at Canonsburg, Pa., in place of Samuel A. Lacock, deceased.

George N. Burckhalter to be postmaster at Butler, Pa., in place of William T. Mechling, deceased.

Ralph E. Spangler to be postmaster at Boswell, Pa., in place of Loyal G. Hoffman, resigned.

PORTO RICO.

Arturo G. Molina to be postmaster at Juncos, P. R. Office became presidential April 1, 1919.

Juan Vissepo Hernandez to be postmaster at San Sebastian, P. R. Office became presidential October 1, 1919.

Eugenio C. Manautou to be postmaster at Caguas, P. R., in place of E. C. Manautou. Incumbent's commission expired December 16, 1919.

Juan Padovani to be postmaster at Guayama, P. R., in place of Juan Padovani. Incumbent's commission expired December 16, 1919.

Jose M. Alcover to be postmaster at Utuado, P. R., in place of J. M. Alcover. Incumbent's commission expired December 16, 1919.

Ramon Alfonzo Rivera to be postmaster at San Juan, P. R., in place of E. W. Keith, resigned.

Roque Rodriguez to be postmaster at Ponce, P. R., in place of Mario S. Belaval, resigned.

SOUTH CAROLINA.

Bruce K. Arnold to be postmaster at Woodruff, S. C., in place of B. K. Arnold. Incumbent's commission expired August 1, 1917.

Arthur P. Horton to be postmaster at Heath Springs, S. C. Office became presidential July 1, 1919.

Gabriel B. Ingraham to be postmaster at Hemingway, S. C. Office became presidential July 1, 1919.

William J. Hughes to be postmaster at Loris, S. C. Office became presidential April 1, 1919.

William S. Hite to be postmaster at Batesburg, S. C., in place of W. S. Hite. Incumbent's commission expired December 16, 1919.

Malcolm J. Stanley to be postmaster at Hampton, S. C., in place of M. J. Stanley. Incumbent's commission expired December 16, 1919.

George I. Hutchinson to be postmaster at Summerville, S. C., in place of G. I. Hutchinson. Incumbent's commission expired December 16, 1919.

Iris Perry to be postmaster at Ridgeland, S. C., in place of John H. Porter, resigned.

Ben Harper to be postmaster at Seneca, S. C., in place of John T. Lawrence, resigned.

Nellie S. Moore to be postmaster at Simpsonville, S. C., in place of J. W. Little, resigned.

Lillie B. Smoak to be postmaster at St. Matthews, S. C., in place of S. E. Owen, resigned.

Andrew J. Bowers, jr., to be postmaster at Newberry, S. C., in place of William A. Hill, resigned.

James H. Sullivan to be postmaster at Laurens, S. C., in place of James A. Clardy, deceased.

William R. Moore to be postmaster at Lancaster, S. C., in place of James F. Hunter, deceased.

Thomas B. Madden to be postmaster at Columbia, S. C., in place of William H. Coleman, deceased.

SOUTH DAKOTA.

Laura Larson to be postmaster at Lesterville, S. Dak. Office became presidential October 1, 1919.

Inez G. Jones to be postmaster at Oelrichs, S. Dak. Office became presidential July 1, 1919.

Hugh H. Gardner to be postmaster at Ree Heights, S. Dak. Office became presidential October 1, 1919.

Peder A. H. Hagen to be postmaster at Revillo, S. Dak. Office became presidential October, 1919.

George Fugate to be postmaster at St. Lawrence, S. Dak. Office became presidential April 1, 1919.

Bertha G. Moen to be postmaster at Toronto, S. Dak. Office became presidential July 1, 1919.

Jessie A. Gerrits to be postmaster at Wentworth, S. Dak. Office became presidential October 1, 1919.

Beatrice M. Dobson to be postmaster at Winfred, S. Dak. Office became presidential April 1, 1919.

Marjorie A. Hazen to be postmaster at Canistota, S. Dak., in place of M. A. Slemmons. Name changed by marriage.

Thomas H. Ryan to be postmaster at Elk Point, S. Dak., in place of T. H. Ryan. Incumbent's commission expired December 17, 1919.

William R. Russell to be postmaster at Lake Andes, S. Dak., in place of W. R. Russell. Incumbent's commission expired December 17, 1919.

Elmer E. Wilson to be postmaster at Platte, S. Dak., in place of E. E. Wilson. Incumbent's commission expired December 17, 1919.

Fred C. Falkinburg to be postmaster at Scotland, S. Dak., in place of F. C. Falkinburg. Incumbent's commission expired December 17, 1919.

John D. Haney to be postmaster at Mitchell, S. Dak., in place of John Michels, deceased.

Elmer R. Hill to be postmaster at Newell, S. Dak., in place of Alexander H. Rogers. Incumbent's commission expired October 23, 1917.

Walter H. Fergen to be postmaster at Parkston, S. Dak., in place of Anton Fergen, resigned.

Charles G. Kuentzel to be postmaster at White Rock, S. Dak., in place of George Winans, resigned.

Will C. Bromwell to be postmaster at Wessington Springs, S. Dak., in place of J. A. Zink, resigned.

Carl O. Steen to be postmaster at Veblen, S. Dak., in place of E. M. Anderson, resigned.

Carlota E. Heard to be postmaster at Valley Springs, S. Dak., in place of William Elliott. Office became presidential October 1, 1917.

Orrin L. Starr to be postmaster at Tulare, S. Dak., in place of A. J. Kooyman, resigned.

Paul J. Linster to be postmaster at Sisseton, S. Dak., in place of J. P. Croal, deceased.

Edmund A. Barlow to be postmaster at Oacoma, S. Dak., in place of E. B. Wilbur, resigned.

Louis W. Carter to be postmaster at Highmore, S. Dak., in place of L. E. Whitcher, resigned.

Harold R. Richardson to be postmaster at Arlington, S. Dak., in place of H. H. Swift, resigned.

TENNESSEE.

Victor C. Stafford to be postmaster at Sevierville, Tenn., in place of V. C. Stafford. Incumbent's commission expired October 30, 1917.

John C. Messamore to be postmaster at Fountain City, Tenn. Office became presidential April 1, 1919.

Alexander B. Miller to be postmaster at Limestone, Tenn. Office became presidential July 1, 1917.

Mamie D. Phillips to be postmaster at Brighton, Tenn. Office became presidential April 1, 1919.

John M. Welch to be postmaster at Dukedom, Tenn. Office became presidential July 1, 1919.

Victor H. Williams to be postmaster at Jacksonville, Tenn. Office became presidential July 1, 1919.

Aileene Pope to be postmaster at Jasper, Tenn. Office became presidential July 1, 1919.

James D. Daniel to be postmaster at Linden, Tenn. Office became presidential October 1, 1919.

Etna McCormack to be postmaster at Lynchburg, Tenn. Office became presidential October 1, 1919.

Hal P. Cotten to be postmaster at Rives, Tenn. Office became presidential October 1, 1919.

Archer H. Jones to be postmaster at Trezevant, Tenn. Office became presidential April 1, 1919.

Alice L. Needham to be postmaster at Trimble, Tenn. Office became presidential July 1, 1919.

Charles H. O'Meara to be postmaster at Westmoreland, Tenn. Office became presidential July 1, 1919.

John T. Clary to be postmaster at Bellbuckle, Tenn., in place of J. T. Clary. Incumbent's commission expired August 22, 1917.

Thomas M. Huddleston to be postmaster at Centerville, Tenn., in place of T. M. Huddleston. Incumbent's commission expired January 7, 1920.

Perry L. Harned to be postmaster at Clarkesville, Tenn., in place of P. L. Harned. Incumbent's commission expired October 1, 1918.

James M. Scarborough to be postmaster at Dover, Tenn., in place of J. M. Scarborough. Incumbent's commission expired March 9, 1918.

Oliver Benton to be postmaster at Jackson, Tenn., in place of Oliver Benton. Incumbent's commission expired December 17, 1919.

James M. Cates to be postmaster at Maryville, Tenn., in place of J. M. Cates. Incumbent's commission expired February 27, 1919.

Hammond Fowler to be postmaster at Rockwood, Tenn., in place of Hammond Fowler. Incumbent's commission expired December 17, 1919.

Addie D. Bell to be postmaster at Springfield, Tenn., in place of A. D. Bell. Incumbent's commission expired June 24, 1918.

Davy Crockett to be postmaster at Troy, Tenn., in place of Davy Crockett. Incumbent's commission expired December 17, 1919.

Rosalie Pless to be postmaster at Sweetwater, Tenn., in place of H. L. Browder, deceased.

Haggia M. Miller to be postmaster at Mountain City, Tenn., in place of M. W. Jackson, deceased.

Samuel D. Simpson to be postmaster at Loudon, Tenn., in place of J. F. Jones, resigned.

Pleas P. Campbell to be postmaster at Calderwood (late Alcoa), Tenn., in place of Robert M. Lindsay, resigned. Office became presidential April 1, 1917.

Ethelbert C. Cross to be postmaster at Clinton, Tenn., in place of W. T. Strother, resigned.

James Bond to be postmaster at National Soldiers' Home, Tenn., in place of A. C. Bowers, resigned.

G. W. Steagall to be postmaster at Tullahoma, Tenn., in place of E. F. Wilson. Incumbent's commission expired January 18, 1919.

James P. Miller to be postmaster at Lafollette, Tenn., in place of A. M. Riggs, resigned.

TEXAS.

Robert B. Tuck to be postmaster at Bedias, Tex. Office became presidential April 1, 1919.

Annie S. Morgan to be postmaster at Caddo Mills, Tex. Office became presidential April 1, 1919.

Alexander P. Hanna to be postmaster at Crandall, Tex. Office became presidential July 1, 1919.

William H. Pitman to be postmaster at Cushing, Tex. Office became presidential April 1, 1919.

Minnie Owens to be postmaster at Dickinson, Tex. Office became presidential July 1, 1919.

Leslie L. Luque to be postmaster at Hebbronville, Tex. Office became presidential October 1, 1919.

Nannie Yeager to be postmaster at Iola, Tex. Office became presidential July 1, 1919.

Sylvan S. McCrary to be postmaster at Joaquin, Tex. Office became presidential July 1, 1919.

William F. Lehmann to be postmaster at Needville, Tex. Office became presidential October 1, 1919.

John H. Jackson to be postmaster at Nevada, Tex. Office became presidential July 1, 1919.

Theodor Reichert to be postmaster at Nordheim, Tex. Office became presidential October 1, 1919.

Sallie C. Hankinson to be postmaster at Pleasanton, Tex. Office became presidential October 1, 1919.

Thomas B. Higgings to be postmaster at Reagan, Tex. Office became presidential October 1, 1919.

Joshua J. Carter to be postmaster at Richland Springs, Tex. Office became presidential July 1, 1919.

Lawson B. Fulgham to be postmaster at Voth, Tex. Office became presidential October 1, 1919.

Ella D. Harris to be postmaster at Angleton, Tex., in place of E. D. Harris. Incumbent's commission expired December 16, 1919.

James D. Cooper to be postmaster at Brookshire, Tex., in place of J. D. Cooper. Incumbent's commission expired December 16, 1919.

John W. A. Jackson to be postmaster at Canadian, Tex., in place of J. W. A. Jackson. Incumbent's commission expired December 16, 1919.

Florence F. Kellogg to be postmaster at Carrizo Springs, Tex., in place of F. F. Kellogg. Incumbent's commission expired December 16, 1919.

John J. Crockett to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett. Incumbent's commission expired December 16, 1919.

Lizzie E. Holloway to be postmaster at Ferris, Tex., in place of L. E. Holloway. Incumbent's commission expired December 16, 1919.

Harvey C. Dorton to be postmaster at Freeport, Tex., in place of H. C. Dorton. Incumbent's commission expired December 16, 1919.

Welcome N. Fields to be postmaster at Ganado, Tex., in place of W. N. Fields. Incumbent's commission expired December 16, 1919.

William J. Beck to be postmaster at Kaufman, Tex., in place of W. J. Beck. Incumbent's commission expired May 22, 1917.

James F. Faulkner to be postmaster at McLean, Tex., in place of J. F. Faulkner. Incumbent's commission expired December 16, 1919.

Frank P. Bell to be postmaster at Richmond, Tex., in place of F. P. Bell. Incumbent's commission expired December 16, 1919.

Almus L. McDonald to be postmaster at Rising Star, Tex., in place of A. L. McDonald. Incumbent's commission expired December 16, 1919.

Lulu Ezell to be postmaster at Timpson, Tex., in place of Lula Ezell. Incumbent's commission expired December 16, 1919.

Charles B. McCollum to be postmaster at Waco, Tex., in place of C. B. McCollum. Incumbent's commission expired December 17, 1919.

Charles F. Hoff to be postmaster at Yorktown, Tex., in place of C. F. Hoff. Incumbent's commission expired December 16, 1919.

Hilmar F. Theis to be postmaster at Seguin, Tex., in place of G. P. Lillard, resigned.

Clarence W. House to be postmaster at Buffalo, Tex., in place of Cora Lee Baker, resigned.

William C. O'Bryan to be postmaster at Groveton, Tex., in place of George W. Locke, resigned.

Barnett N. Jarrell to be postmaster at Temple, Tex., in place of Alex. Dienst, removed.

Garland K. Breeding to be postmaster at Van Horn, Tex., in place of Thomas E. Neill, removed.

John T. Hilburn to be postmaster at Wheeler, Tex., in place of F. L. Spikes, resigned.

Herbert W. Scott to be postmaster at Throckmorton, Tex., in place of H. A. Bachman, resigned.

James L. Davis to be postmaster at Tenaha, Tex., in place of H. C. Parker, resigned.

Robert L. Mobley to be postmaster at Santa Anna, Tex., in place of M. J. Norrell, resigned.

James F. Connell to be postmaster at Ranger, Tex., in place of C. S. Davis, resigned.

Cass B. Rowland to be postmaster at Hamlin, Tex., in place of Y. C. White, resigned.

Clarence E. Kelly to be postmaster at Eagle Pass., Tex., in place of A. T. Terrell, resigned.

Leo S. Spencer to be postmaster at Crowell, Tex., in place of R. E. Watson, jr., removed.

Ray D. Tiller to be postmaster at Carthage, Tex., in place of G. C. Tiller, resigned. Incumbent's commission expired October 2, 1918.

Walter C. Allison to be postmaster at Breckenridge, Tex., in place of H. M. Stevenson, resigned.

UTAH.

William L. Cash to be postmaster at Castle Dale, Utah. Office became presidential April 1, 1919.

VERMONT.

George N. Wood to be postmaster at Milton, Vt., in place of H. H. Beeman, resigned.

John J. Sheehan to be postmaster at Proctorsville, Vt., in place of Sanford E. Emery, deceased.

VIRGINIA.

Richard C. Morgan to be postmaster at Gladys, Va. Office became presidential July 1, 1919.

Charles W. Rudolph to be postmaster at Independence, Va. Office became presidential July 1, 1919.

Charles E. Wright to be postmaster at Middletown, Va. Office became presidential July 1, 1919.

Maude M. Landers to be postmaster at Millboro, Va. Office became presidential July 1, 1919.

James A. Johnston to be postmaster at Upperville, Va. Office became presidential October 1, 1919.

James H. Conduff, to be postmaster at Willis, Va. Office became presidential April 1, 1919.

Zachariah C. Gold to be postmaster at Basic, Va., in place of Z. C. Gold. Incumbent's commission expired December 16, 1919.

George H. Levi to be postmaster at Berryville, Va., in place of G. H. Levi. Incumbent's commission expired December 17, 1919.

John E. Lewis to be postmaster at Bluemont, Va., in place of J. E. Lewis. Incumbent's commission expired December 16, 1919.

James S. Agnew to be postmaster at Burkeville, Va., in place of J. S. Agnew. Incumbent's commission expired December 16, 1919.

John T. Dickenson to be postmaster at Castlewood, Va,, in place of J. T. Dickenson. Incumbent's commission expired December 16, 1919.

Waverly S. Barrett to be postmaster at Dendron, Va., in place of W. S. Barrett. Incumbent's commission expired December 16, 1919.

James L. Hart to be postmaster at Farmville, Va., in place of J. L. Hart. Incumbent's commission expired December 17, 1919.

Alexander T. Hull to be postmaster at Glade Spring, Va., in place of A. T. Hull. Incumbent's commission expired December 17, 1919.

Joseph W. Haydon to be postmaster at Irvington, Va., in place of J. W. Haydon. Incumbent's commission expired December 16, 1919.

Isaac H. Adams, jr., to be postmaster at Lynchburg, Va., in place of I. H. Adams, jr. Incumbent's commission expired December 17, 1919.

James B. Richardson to be postmaster at Marion, Va., in place of J. B. Richardson. Incumbent's commission expired December 16, 1919.

Lillie L. Davis to be postmaster at National Soldiers' Home, Va., in place of L. L. Davis. Incumbent's commission expired December 16, 1919.

John A. Lesner to be postmaster at Norfolk, Va., in place of J. A. Lesner. Incumbent's commission expired December 17, 1919.

Roy Kilgore to be postmaster at Norton, Va., in place of Roy Kilgore. Incumbent's commission expired February 13, 1919.

Commodore M. Kennedy to be postmaster at St. Paul, Va., in place of C. M. Kennedy. Incumbent's commission expired December 17, 1919.

John P. Saul to be postmaster at Salem, Va., in place of J. P. Saul. Incumbent's commission expired December 16, 1919.

Pierce M. Kilmartin to be postmaster at Waverly, Va., in place of P. M. Kilmartin. Incumbent's commission expired December 16, 1919.

Eugene J. Baker to be postmaster at Fries, Va., in place of Donna Williamson, resigned. Office became presidential July 1, 1917.

Mary Ruth White to be postmaster at Vinton, Va., in place of Emmett L. Wade, resigned.

Samuel K. Nichols to be postmaster at Phoebus, Va., in place of William J. Kearney, resigned.

John A. Johnston to be postmaster at Petersburg, Va., in place of Richard P. Barham, deceased.

Thomas H. Self to be postmaster at Martinsville, Va., in place of H. I. Tuggle, resigned.

Kenneth H. Woody to be postmaster at Crewe, Va., in place of W. R. Rogers, deceased.

Willard B. Alfred to be postmaster at Clarksville, Va., in place of William W. Wood, removed.

WASHINGTON.

Clydia E. Kennedy to be postmaster at Snoqualmie Falls, Wash. Office became presidential July 1, 1919.

Elmer Thackston to be postmaster at Ione, Wash., in place of Elmer Thackston. Incumbent's commission expired December 16, 1919.

Robert P. Hoskyn to be postmaster at Oroville, Wash., in place of R. P. Hoskyn. Incumbent's commission expired December 16, 1919.

Lawrence B. Bryan to be postmaster at Toppenish, Wash., in place of Bertram R. Sturm, declined.

Horton S. Huntington to be postmaster at Prosser, Wash., in place of F. A. Kennett, resigned.

Andrew J. Grant to be postmaster at Harrington, Wash., in place of W. W. Gwinn, resigned.

Porter L. Breakiron to be postmaster at Cosmopolis, Wash., in place of Charles L. McKelvey, resigned.

Rudolph R. Staub to be postmaster at Bremerton, Wash., in place of Paul E. Werner, resigned.

WEST VIRGINIA.

Robert L. McKinley to be postmaster at Reedy, W. Va. Office became presidential October 1, 1919.

John W. Bailey to be postmaster at Berwind, W. Va., in place of J. W. Bailey. Incumbent's commission expired December 17, 1919.

Julius A. deGruyter to be postmaster at Charleston, W. Va., in place of J. A. deGruyter. Incumbent's commission expired December 17, 1919.

Buren Stephenson to be postmaster at Clay, W. Va., in place of Buren Stephenson. Incumbent's commission expired December 17, 1919.

Walter L. Morris to be postmaster at Elkhorn, W. Va., in place of W. L. Morris. Incumbent's commission expired December 17, 1919.

John H. S. Barlow to be postmaster at Grafton, W. Va., in place of J. H. S. Barlow. Incumbent's commission expired December 17, 1919.

Philip H. Keys to be postmaster at Keyser, W. Va., in place of P. H. Keys. Incumbent's commission expired December 17, 1919.

Griffith T. Smith to be postmaster at Point Pleasant, W. Va., in place of G. T. Smith. Incumbent's commission expired December 17, 1919.

William A. Burgess to be postmaster at St. Albans, W. Va., in place of Guy P. McComas, resigned.

Losee O. Hodges to be postmaster at Hurricane, W. Va., in place of James E. Billups, resigned.

Clyde S. Holt to be postmaster at Fairmont, W. Va., in place of Charles E. Manley, resigned.

WISCONSIN.

Jeremiah J. Cunningham to be postmaster at Janesville, Wis., in place of J. J. Cunningham. Incumbent's commission expired March 10, 1918.

Claud E. Burton to be postmaster at Strum, Wis. Office became presidential October 1, 1919.

Emma L. Zernicke to be postmaster at Bonduel, Wis. Office became presidential October 1, 1919.

Clara J. Petermann to be postmaster at Cecil, Wis. Office became presidential July 1, 1919.

Frederick C. Krueger to be postmaster at Dousman, Wis. Office became presidential July 1, 1919.

John W. Kane to be postmaster at Fredonia, Wis. Office became presidential July 1, 1919.

Robert R. Porter to be postmaster at Wheeler, Wis. Office became presidential April 1, 1919.

John Een to be postmaster at Amherst, Wis., in place of J. Een. Incumbent's commission expired December 17, 1919.

Edward H. Wilford to be postmaster at Baldwin, Wis., in place of E. H. Wilford. Incumbent's commission expired December 17, 1919.

Henry W. Radcliff to be postmaster at Balsam Lake, Wis., in place of H. W. Radcliff. Incumbent's commission expired December 17, 1919.

Edwin T. Mattison to be postmaster at Blair, Wis., in place of E. T. Mattison. Incumbent's commission expired December 17, 1919.

Milton McDonald to be postmaster at Bloomer, Wis., in place of M. McDonald. Incumbent's commission expired December 17, 1919.

Wallace B. Telyea to be postmaster at Cambridge, Wis., in place of W. B. Telyea. Incumbent's commission expired March 2, 1919.

Julius Prenzlow to be postmaster at Clintonville, Wis., in place of J. Prenzlow. Incumbent's commission expired December 17, 1919.

Edward Porter to be postmaster at Cornell, Wis., in place of E. Porter. Incumbent's commission expired December 17, 1919.

M. Joseph Heffron to be postmaster at Cudahy, Wis., in place of M. J. Heffron. Incumbent's commission expired December 17, 1919.

James E. O'Neill to be postmaster at Dodgeville, Wis., in place of J. E. O'Neill. Incumbent's commission expired December 17, 1919.

Charles F. West to be postmaster at Eau Claire, Wis., in place of C. F. West. Incumbent's commission expired December 17, 1919.

Mark M. Sanderson to be postmaster at Ellsworth, Wis., in place of M. M. Sanderson. Incumbent's commission expired December 17, 1919.

Nels Pederson to be postmaster at Galesville, Wis., in place of N. Pederson. Incumbent's commission expired December 17, 1919.

Edwin J. Pynn to be postmaster at Hartland, Wis., in place of E. J. Pynn. Incumbent's commission expired December 17, 1919.

Johan G. A. Mollenhoff to be postmaster at Iron River, Wis., in place of J. G. A. Mollenhoff. Incumbent's commission expired December 17, 1919.

Willard S. Hollister to be postmaster at Kendall, Wis., in place of W. S. Hollister. Incumbent's commission expired December 17, 1919.

James Gorman to be postmaster at Kenosha, Wis., in place of J. Gorman. Incumbent's commission expired December 17, 1919.

Arthur A. Kleimenhagen to be postmaster at Kilbourn, Wis., in place of A. A. Kleimenhagen. Incumbent's commission expired December 17, 1919.

Lewis G. Brown to be postmaster at Lake Geneva, Wis., in place of L. G. Brown. Incumbent's commission expired December 17, 1919.

Erskine E. McCoy to be postmaster at Lancaster, Wis., in place of E. E. McCoy. Incumbent's commission expired December 17, 1919.

Galen Moore to be postmaster at Lone Rock, Wis., in place of G. Moore. Incumbent's commission expired December 17, 1919.

Leo J. Evans to be postmaster at Marinette, Wis., in place of L. J. Evans. Incumbent's commission expired December 17, 1919.

Philip B. Bartlett to be postmaster at Melrose, Wis., in place of P. B. Bartlett. Incumbent's commission expired February 13, 1919.

George Crawford to be postmaster at Mineral Point, Wis., in place of George Crawford. Incumbent's commission expired March 3, 1919.

Walter H. Smith to be postmaster at Mondovi, Wis., in place of W. H. Smith. Incumbent's commission expired December 17, 1919.

Emery A. Odell to be postmaster at Monroe, Wis., in place of E. A. Odell. Incumbent's commission expired December 17, 1919.

James H. Beirne to be postmaster at Oakfield, Wis., in place of J. H. Beirne. Incumbent's commission expired December 17, 1919.

John Maegerlein to be postmaster at Sauk City, Wis., in place of John Maegerlein. Incumbent's commission expired December 17, 1919.

Thomas McNulty to be postmaster at Spring Green, Wis., in place of Thomas McNulty. Incumbent's commission expired December 17, 1919.

William N. Coffland to be postmaster at Viroqua, Wis., in place of W. N. Coffland. Incumbent's commission expired December 17, 1919.

Harry J. Koltes to be postmaster at Waunakee, Wis., in place of H. J. Koltes. Incumbent's commission expired December 17, 1919.

James A. Corcoran to be postmaster at Webster, Wis., in place of J. A. Corcoran. Incumbent's commission expired December 17, 1919.

Roy D. Larrien to be postmaster at Spring Valley, Wis., in place of Thomas M. Casey, resigned.

Charles L. Calkins to be postmaster at Rhinelander, Wis., in place of Matthew N. Stapleton. Incumbent's commission expired April 24, 1918.

Edward B. Shanks to be postmaster at Portage, Wis., in place of John E. O'Keefe. Incumbent's commission expired May 26, 1918.

Thomas J. Crowley to be postmaster at Pittsville, Wis., in place of J. L. Palmer, removed.

Ophelia M. Crevier to be postmaster at Goodman, Wis., in place of George H. Hedquist, resigned.

Charles H. Roser to be postmaster at Glidden, Wis., in place of Henry Fleishbein, resigned.

Soren B. Andersen to be postmaster at Butternut, Wis., in place of Frank Heiderer. Incumbent's commission expired October 22, 1918.

WYOMING.

Walter A. Olson to be postmaster at Lusk, Wyo., in place of G. C. Forsythe, resigned.

James A. Woods to be postmaster at Lingle, Wyo., in place of Emma M. Spurgin, resigned. Office became presidential October 1, 1918.

Mertie E. Mitchell to be postmaster at Hanna, Wyo., in place of Mary I. Crilly, resigned.

William W. Sproul to be postmaster at Casper, Wyo., in place of J. S. Van Doren, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 19, 1920.

COLLECTOR OF CUSTOMS.

James H. Cowan to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C.

NAVAL OFFICER OF CUSTOMS.

Frank J. Walsh to be naval officer of customs, customs collection district No. 39.

SURVEYOR GENERAL.

Frank P. Trott to be surveyor general of Arizona.

REGISTERS OF LAND OFFICES.

William Reid to be register of the land office at Cheyenne, Wyo.

Ben R. Gray to be register of the land office at Hailey, Idaho.

John C. Stoner to be register of the land office at Lemmon, S. Dak.

George M. Dameron to be register of the land office at Pueblo, Colo.

RECEIVERS OF PUBLIC MONEYS.

Julius B. Alvord to be receiver of public moneys at Susanville, Calif.

William H. Tompkins to be receiver of public moneys at Rapid City, S. Dak.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be lieutenant commanders.

Harold M. Bemis.
Grattan C. Dichman.
Harold V. McKittrick.
George N. Barker.

To be lieutenants.

Paul A. Stevens.
Edward J. O'Keefe.
Kenneth R. R. Wallace.
William W. Meek.
Frank B. Conger, jr.

To be lieutenants (junior grade).

Conrad A. Krez.
Arthur W. Radford.
Samuel P. Ginder.
Donald M. Carpenter.
Louis R. Vail.
James P. Compton.

To be lieutenant commanders on the retired list.

Ernest A. Swanson.
Francis G. Blasdel.
Virgil Baker.

To be chaplain with the rank of lieutenant (junior grade).

Edward A. Duff.

To be chief pay clerk.

Walter T. Cronin.

To be captains for temporary service.

Frank E. Ridgely.
Wilbur G. Briggs.
Frederick J. Horne.
Daniel P. Mannix.
Benuaurd B. Wygant.

To be commanders for temporary service.

Gilbert P. Chase.
Walter E. Whitehead.
Leo Sahm.
Charles H. Shaw.
Leigh M. Stewart.
Alexander S. Wadsworth, jr.
Stuart W. Cake.
Albert C. Read.
William F. Newton.
William C. Barker, jr.
Richard R. Mann.

To be lieutenant commander for temporary service.

Robert D. Kirkpatrick.
David R. Lee.
Harold P. Parmelee.
Rawson J. Valentine.
Frank Hindrelet.
August Schulze.
Ralph Martin.
Frank G. Kutz.
Maxwell Case.

To be assistant paymaster with the rank of ensign, for temporary service.

Samuel E. McCarty.

To be assistant surgeons with the rank of lieutenant (junior grade), for temporary service.

Emil J. Stelter.
Daniel E. Fay.
James Humbert.
Thomas H. Taber.
John B. O'Neill.
Joseph B. Logue.
Harvey W. Miller.
Joseph F. Lankford.
Clement Fischer.
John F. Daly.
Berman Dunham.
Francis E. Tierney.
Harry H. Jackson, jr.
Frederick R. Haselton.
Terry A. Walter.
James D. Clement.
Hubert R. Stiles.
Roy R. Losey.
Jesse D. Jewel.
Rudolph B. Watson.
Frank W. Quin.
William H. O'Connor.
Soloman J. Chapman.
Leo B. Cohenour.
Edward J. Carlin.

To be assistant dental surgeons with rank of lieutenant (junior grade), for temporary service.

Paul F. Schwartz.
Berton F. Sweeney.
Francis R. Hittinger.
Richard J. O'Donnell.
Max Cohen.
Allen H. Hetler.
George L. Reilly.
William H. Wood.
Francis J. Long.
Fred W. Mitchell.
Leslie T. Conditt.
Carl E. Hall.
Richard J. O'Donnell.
Max Cohen.
Fred W. Mitchell.
Peter F. Groden.
Edwards S. Talbott, jr.
Alexander L. Keltie.
Francis J. Long.
Arthur V. Jolliffe.
Justin W. Bourquin.
Charles A. Tiley.

To be assistant surgeons with the rank of lieutenant (junior grade), for temporary service.

James F. Terrell,
Donald M. Harlor, and
Harry C. Blair.

Roy J. Jennings to be chief boatswain, for temporary service.

Jeter R. Horton to be assistant quartermaster in the Marine Corps, with rank of major.

Henry N. Manney, jr., to be major in the Marine Corps.

Franklin B. Garrett to be major in the Marine Corps.

Robert S. Hunter to be first lieutenant in the Marine Corps.

Robert S. Hunter to be captain in the Marine Corps.

James K. Tracy to be lieutenant colonel in the Marine Corps, for temporary service.

George H. Osterhout, jr., to be major in the Marine Corps, for temporary service.

John Q. Adams to be major in the Marine Corps, for temporary service.

Herman H. Hannekan to be second lieutenant in the Marine Corps, for temporary service.

William B. Lemly to be assistant quertermaster in the Marine Corps, with rank of colonel.

Henry L. Roosevelt to be assistant quartermaster in the Marine Corps, with rank of lieutenant colonel.

Clayton B. Vogel to be major in the Marine Corps.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 19, 1920.

PROMOTION IN THE ARMY.

Capt. Allan L. Briggs, Infantry, to be major from November 25, 1919.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 19, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of light and life and purity, we seek Thy blessing that it may descend copiously upon us, to fit us for the new duties of the new day—the social, economical, national, and international problems which confront us—that we may solve them to our good and to the good of mankind.

To live and learn is to learn to live and develop all that is purest, noblest, godlike in our souls. Make us firm to resist, strong to overcome, that we may be followers of the Jesus of Nazareth, the world's Great Exemplar. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SURVEYS OF AIRCRAFT.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, in the last naval appropriation bill a provision was made for a survey to be made of the Navy Department, the Post Office Department, and the War Department in reference to all aircraft on hand in the various departments so that each committee of the House, the Naval Committee, the Military Committee, and the Post Office Committee in considering their appropriation bills would be able to know what material each department had on hand. This was done with the hope that each department might be able to utilize by exchange the material on hand instead of buying new. These three reports have been made to the Speaker of the House. One, the report of the Navy Department, has been printed. I ask unanimous consent that the report made to the Speaker of the House of the aviation survey of the War Department be also printed.

The SPEAKER. The gentleman from New York asks unanimous consent that the report made to the Speaker of the House on the survey of the War Department aviation material be printed. Is there objection?

Mr. GARNER. Reserving the right to object, under what procedure was the naval report printed?

Mr. HICKS. I can not answer the gentleman. All I know is that I have a copy of the printed report, and am informed that the other reports have not been sent to the printer.

Mr. GARNER. I want to make this parliamentary inquiry: When a report of that character is made, is it not discretionary with the Speaker whether or not he will have it printed? I understand if it comes to the desk the Speaker refers it to a committee with instructions to print, or otherwise, as he may direct. Why was the report as to the Navy printed and the

report as to the Army not printed? I do not want to object without knowing what I am doing, but the gentleman from New York does not seem to have sufficient information to justify the House in giving its consent.

Mr. HICKS. The Naval Committee is considering the subject of aviation in conjunction with naval appropriations. We know what the Navy has, because we have the printed survey. We do not know what the Army has, because the report has not been printed. The survey is in the Committee on Military Affairs, I presume, but I have not been able to find out anything about it. I do not want to trespass on the Military Committee, but the Naval Committee is anxious to obtain the information, and obtain it at once.

Mr. GARNER. The Committee on Military Affairs is authorized to have printing done under the rules of the House, and the War Department also has a printing fund.

Mr. MANN of Illinois. If the gentleman will yield, when these reports are made to the House through the Speaker, it was formerly customary to order them printed, but there has recently been an effort to somewhat conserve the use of print paper and money by not printing all of these reports which probably would not be used. In making the references in this case, apparently this report was referred to the Committee on Military Affairs without being ordered printed. Now, Members of the House desire to make use of it in the consideration of the naval appropriation bill.

Mr. GARNER. Has not the Speaker of the House the power to authorize or order the printing of the report as to the survey of the War Department as he did of the Navy Department?

Mr. MANN of Illinois. I think not.

Mr. GARNER. Why not?

Mr. CLARK of Missouri. The Speaker has that authority when the report comes to him.

Mr. MANN of Illinois. Because it has passed out of his hands.

Mr. GARNER. The gentleman from Illinois says that the Speaker has not the right and the gentleman from Missouri says he has the right. Which is right and which is wrong?

Mr. MANN of Illinois. The former Speaker of the House does not mean to say that the Speaker did not have authority when the report was made?

Mr. CLARK of Missouri. When the report comes in he has the right to make the reference, but the gentleman from New York is trying to get the Speaker to do a thing now that he has no authority to do.

Mr. MANN of Illinois. The Speaker could not do it now, because it has been referred to the Committee on Military Affairs.

Mr. GARNER. What about the Post Office Department?

Mr. MANN of Illinois. I do not know anything about either of them.

Mr. CLARK of Missouri. Why not consolidate all of these reports into one?

Mr. MANN of Illinois. Probably that would be the result. The Committee on Naval Affairs, in making up its appropriation, desires this information.

Mr. HICKS. We desire to have it printed so that we can use the information. It might save the Government considerable money if we can find out what the Army has, and arrange for a transfer if the Navy can utilize any of the material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA—CONFERENCE REPORT.

Mr. MAPES. Mr. Speaker, I call up the conference report on the bill H. R. 10137.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906, and for other purposes."

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and accept the said House bill with an amendment as follows:

In lieu of the matter proposed by the amendment of the Senate insert the following:

"That sections 2, 3, and 4 of an act entitled 'An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes,' approved June 20, 1906, is hereby amended to read as follows:

"'SEC. 2. That the Commissioners of the District of Columbia shall appoint, assign to such duty or duties as they may prescribe, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the fire department of the District of Columbia, according to such rules and regulations as said commissioners, in their exclusive jurisdiction and judgment (except as herein otherwise provided), may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified (except as herein otherwise provided) and shall remain in force until changed by said commissioners: *Provided further*, That all officers, members, and civilian employees of such department, except the chief engineer and deputy chief engineers, shall hereafter be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except as herein otherwise provided: *Provided further*, That the chief engineer of the fire department shall hereafter be selected from among the deputy chief engineers, the battalion chief engineers, the fire marshal and the superintendent of machinery; the deputy chief engineers shall hereafter be selected from among the battalion chief engineers, the fire marshal and the superintendent of machinery: *Provided further*, That all original appointments of privates shall be made to class 1; privates who have served one year in class 1 shall, if found efficient, be transferred to class 2, and privates who have served two years in class 2 shall, if found efficient, be transferred to class 3. Such transfers shall not be subject to the provisions of such act of January 16, 1883, as amended, and the rules and regulations made in pursuance thereof. Whenever vacancies occur in classes 2 or 3 which can not be filled by such transfers, the commissioners may appoint additional privates in class 1 equal in number to the positions vacant in classes 2 or 3; and any moneys appropriated for the payment of the salaries for such vacant positions shall be available to pay to such additional privates of class 1 the salaries of their grade.

"'SEC. 3. That the fire department of the District of Columbia shall consist of one chief engineer, two deputy chief engineers, all of whom shall have had at least five years of experience in some regularly organized municipal fire department; such number of battalion chief engineers as said commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; and such number of assistant superintendents of machinery, pilots, marine engineers, assistant marine engineers, marine firemen, privates of class three, privates of class two, privates of class one, hostlers, and laborers as said commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the chief engineer of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *Provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That the engineers and assistant engineers in the fire department shall be transferred to the position of privates of class 1, 2 or 3, respectively, depending on whether their length of service on August 1, 1919, was one, two, or three or more years; but such transfers shall not be subject to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended,

and the rules and regulations made in pursuance thereof, and the authorized number of privates in the various classes is hereby increased to provide for such transfers, and for additional privates equal in number to the vacancies existing in the positions of engineer and assistant engineer at the time this amending act becomes effective.

"'SEC. 4. That the annual basic salaries of the officers and members of said department shall be as follows: Chief engineer, $4,000; deputy chief engineers, $3,000 each; battalion chief engineers, $2,400 each; fire marshal, $2,400; deputy fire marshal, $2,000; inspectors, $1,600 each; chief clerk, $2,400; clerk (who shall be a stenographer and typist), $1,660; captains, $1,900 each; lieutenants, $1,760 each; sergeants, $1,700 each; superintendent of machinery, $2,500; assistant superintendent of machinery, $2,000; pilots, $1,700 each; marine engineers, $1,700 each; assistant marine engineers, $1,660 each; marine firemen, $1,460 each; privates of class 3, $1,660 each; privates of class 2, $1,560 each; privates of class 1, $1,460 each; hostlers, $1,080 each; laborers, $1,000 each. Every officer and member of the fire department of the District of Columbia at the time this amending act becomes effective shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act for a period of equal duration.'

"SEC. 2. Section 5 of such act of June 20, 1906, is hereby amended by adding at the end thereof the following:

"No member of the fire department of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the fire department of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

"Any member of the fire department of the District of Columbia who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the fire department of the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months or by both.

"SEC. 3. For the payment of the increased salaries authorized in this act for the positions provided for in the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919, and for the payment of the salaries designated herein to the additional number of men in the various classes of privates authorized in this act, one-half of the amount necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the salaries of the officers and members of such fire department in such act of July 11, 1919.

"SEC. 4. The Commissioners of the District of Columbia are hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the Metropolitan police and fire departments may be made."

And the House agree to the same.

CARL E. MAPES,
N. J. GOULD,
JAS. P. WOODS,
Managers on the part of the House.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD.
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives at the conference on the disagreeing votes of the two Houses on the amendment of the House to H. R. 10137, entitled "An act to amend an act entitled 'An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes,' approved June 20, 1906, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to the amendment of the Senate, namely:

The Senate amendment struck out all after the enacting clause of the House bill and inserted a substitute therefor. The Senate recedes from its amendment and agrees to the House bill with an amendment as reported by the committee of conference.

The conferees report the bill substantially as it passed the House of Representatives, with the addition of the provision passed by the Senate placing the officers, members, and civilian employees of the fire department, except the chief engineer and the deputy chief engineers, under the civil service, and a proviso requiring that the chief engineer shall be selected from among the deputy chief engineers and the fire marshal and the superintendent of machinery, and that the deputy chief engineers shall be selected from among the battalion chief engineers, the fire marshal, and superintendent of machinery. The report also adopts the antistrike provision passed by the Senate in place of the one passed by the House of Representatives. It is identical in language with the antistrike provision in the police act, which was recently passed by Congress, and is adopted in order to make the two acts uniform in that respect.

The report of the conferees also authorizes the Commissioners of the District of Columbia to fix the minimum and maximum age limits within which original appointments to the police and fire departments may be made.

Section 3 of the report is a reenactment of section 3 of the original act, except that it omits the provision as to engineers and assistant engineers, as provided in the House bill, and adds marine firemen, privates of class 3, hostlers, and laborers, in order to conform to the provisions of the last District of Columbia appropriation act.

CARL E. MAPES,
N. J. GOULD,
JAS. P. WOODS,
Managers on the part of the House.

Mr. MAPES. Mr. Speaker, I ask that the conference report be adopted.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WALSH. Do I understand that as the result of the conference the increases are somewhat less than provided for in the original bill as it passed the House?

Mr. MAPES. The increases remain the same as they were in the House bill—as the bill passed the House.

Mr. WALSH. So that the Senate receded from amendments reducing the amounts?

Mr. MAPES. Yes.

Mr. WALSH. And, with reference to the antistrike provision, it is identical with the one in the policemen's salary-increase law?

Mr. MAPES. Yes. The conferees accepted the Senate amendments putting on the civil-service provision and the antistrike provision, as agreed to in the police act.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MADDEN. I notice the statement indicated that there was a minimum age limit fixed for entrance into the service. What is that limit?

Mr. MAPES. The report authorizes the commissioners to fix a minimum and maximum age limit. The ages are not fixed in the bill.

Mr. MADDEN. And at what do they fix that?

Mr. MAPES. I really do not know what they have in contemplation.

Mr. MADDEN. It is giving them a good deal of latitude, is it not?

Mr. MAPES. It is giving them some latitude; but under the civil-service regulations and the law certain preferences are made which require the appointment of men without reference to their age.

Mr. MADDEN. I think that is not so. I think the age limit is fixed at 35 for entrance into the classified service.

Mr. MAPES. But we have given certain preferences to ex-service men which takes off the age limit; and under the operation of the police act they were afraid that men of 50 or more would get in and come under the retirement-fund provision and use up that fund.

Mr. MADDEN. Is there not something in the retirement act that requires a man to have served a certain number of years before he can take the benefit of it?

Mr. MAPES. I think not, if he is disabled.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. BLANTON. Might it not be productive of good to call to the attention of our conferees on the Esch railroad bill the

fact that our conferees on the police measure as finally agreed upon retained the salutary antistrike provision, in the interest of all of the people of the country, and that they are still safe, sound, and well, and are getting along finely? Also that our conferees on the firemen's bill have finally agreed to retain the salutary antistrike provision likewise in that measure, in the interest of all the people of the country, and these conferees are still safe and well and sound and enjoying good health, and no revolution has occurred in the country as yet. It might be helpful to the conferees on the railroad bill to understand those facts.

Mr. MAPES. Of course, the gentleman from Texas has called attention to it, although there is a distinction between men in private employment and men in a fire or police department.

Mr. BLANTON. The railroad employees are engaged in a quasi-public service, the same as policemen and firemen in the District of Columbia.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. SISSON. The conference report gives the commissioners the right to fix the increase in the compensation?

Mr. MAPES. Oh, no; the conference report fixes the compensation.

Mr. SISSON. To what is the discretion of the commissioners limited?

Mr. MAPES. It is limited to fixing the age limit for appointment to the fire and police departments.

Mr. MADDEN. Can they oscillate back and forth from one age to another while they exercise this discretion, or must they fix a standard?

Mr. MAPES. They would have to fix a standard under the rules.

Mr. MADDEN. They would not have to under the provisions of the bill. They are given complete jurisdiction to go to one age in the case of one man and to fix another age in the case of another man, as I understand it. I think that is bad legislation. If we are going to have a rule it ought to be a fixed rule, which would be a standard, rigidly fixed and adhered to, and it should apply to all. I do not think that the provision of the law as indicated by the report compels them to do that.

Mr. MAPES. I think what the gentleman from Illinois says is largely true, but that is the practice now, as I understand it. It is fixed in the regulations.

Mr. MADDEN. If we make a pretense at legislating upon a subject upon which no legislation existed heretofore we really ought to legislate; but, as a matter of fact, this does not legislate. This only pretends to do it, and it leaves the commissioners with the same power they have always had to play favorites or to discriminate, whichever they please to do.

Mr. MAPES. I do not think I have made myself clear to the gentleman from Illinois or to the House. In the passage of the police act, for the first time a provision was inserted putting the department under the civil-service rules and regulations. When that was done certain provisions of law giving preference to ex-service men applied and abolished the age limits heretofore set by the commissioners in that respect, so that there was no limit placed upon the entrance of some of these men. It is to cover that particular situation that this provision is inserted in the report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

EXTENSION OF REMARKS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Secretary of War in reply to parts of the speech of the gentleman from Massachusetts [Mr. GALLIVAN] made on Tuesday last.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to insert in the RECORD a letter from the Secretary of War in reply to the speech of the gentleman from Massachusetts. Is there objection?

There was no objection.

The letter referred to is as follows:

JANUARY 15, 1920.

Hon. JAMES A. GALLIVAN,
House of Representatives.

SIR: In your remarks, as reported in the CONGRESSIONAL RECORD for Tuesday, January 13, 1920, page 1498, you say:

"We had four different Chiefs of Staff here in Washington during the period we were at war with Germany. Every one who knows anything at all about the work of the War Department knows that the predecessors of the present high priest of Prussianism, Gen. Peyton C. March, were considered unequal to the task. Through one pretense or another they were removed."

In your subsequent discussion of this statement you continued the assertion that Gen. Hugh L. Scott, Gen. Tasker H. Bliss, and Gen. John Biddle were removed from the office of Chief of Staff because of insufficiency to the demands of that office.

These distinguished officers have no opportunity to reply to the statement made by you, which has attained a certain solemnity by being made a part of the permanent RECORD of the proceedings of the House of Representatives. It is due them, however, that I should state the facts.

Gen. Hugh L. Scott was born on the 22d day of September, 1853; he therefore retired, by operation of law, on the 22d day of September, 1917. He entered the Army as a cadet on the 1st of July, 1871, serving his country for 46 years, most of which service was on the plains, defending our frontier settlements against the Indians. No man in the history of America is more immediately responsible for the pacification of the Indian tribes, and it is to the credit of our country that he is looked upon by white men as the greatest safeguard of our civilization against Indian aggression, and by Indians as the squarest white man who ever dealt with them on behalf of the United States. His later service in the Philippine Islands was distinguished by gallantry and success; his service as Chief of Staff, which office he was occupying when I became Secretary of War, was a splendid illustration of the weight of a robust personality and a strong and upright character in the control of our Military Establishment. His service at our entrance into the war was conspicuous. On his retirement he was recalled into the active service, placed in command at Camp Dix, N. J., and there trained a division and administered the affairs of that great camp with the same administrative skill and effectiveness that had characterized his entire life as a soldier.

Gen. Scott was succeeded as Chief of Staff by Gen. Tasker H. Bliss, who was born on the 31st day of December, 1853, and therefore retired by operation of law on the 31st of December, 1917. While Acting Chief of Staff Gen. Bliss was designated to accompany our first mission abroad. He there made so profound an impression upon the military and civil authorities in the war councils of Europe that on his retirement he was designated permanent military representative of the United States at Versailles in association with the supreme war council, and later, because of his demonstrated wisdom and knowledge of the affairs of the world, he was appointed by the President a member of the American commission to negotiate peace. Gen. Bliss entered the Military Academy at West Point in September, 1871. His career as an active officer of the Army therefore covered a period of 46 years, a career distinguished by scholarship, breadth of view, and vision. He wrote the original order under which, in the administration of Secretary Root, the War College was organized; he has performed administrative tasks in Cuba and elsewhere in the difficult days of American control of alien peoples always with signal success; and both in the Philippines and at home has commanded troops with marked ability. There are perhaps few careers among living American soldiers which can be compared with that of Gen. Bliss, either in the strength and variety of gifts in the man or the opportunities for important service to the country.

On the 10th of September, 1917, in a letter to Gen. Pershing, I wrote as follows:

"There is a fourth subject upon which I want to say a confidential word. Gen. Scott will retire on the 22d of this month. He will, of course, be called back into the active service and put in charge of one of our training camps, where his fine character and soldierly experience will be an inspiring example to the young men under him. Gen. Bliss, who has three times acted as Chief of Staff, will succeed Gen. Scott for the three months which intervene until his own retirement, but when Gen. Bliss retires in December it will be necessary to select a Chief of Staff, and my strong desire is to have a young man who has had some months of experience in France. My mind has rather run in the direction of Gen. March, who by the middle of November will have had an excellent opportunity to become familiar with the whole situation abroad, and whose experience in the War Department has been such that there would be no loss of time on his part in understanding the intricacies of bureau operation here. In addition to that he is a man of positive and decided character. I realize, of course, that bringing Gen. March away might be a serious loss to you, and I have by no means decided upon him for the place, but I would like to have your judgment on this question. It seems to me that cooperation in Washington is of an importance impossible to overestimate, and that we can assure it best by having a young, aggressive man, who will realize from actual observation and participation your difficulties and be able to understand from the slightest hint just what it is necessary for us to do to be of the maximum support to you."

The plan thus outlined was agreed to by Gen. Pershing. Gen. March was given immediate and complete opportunity to study the entire situation in France, and Gen. Biddle, who had been Assistant Chief of Staff during Gen. Bliss's incumbency, understood perfectly that he would act as Chief of Staff only until Gen. March had completed his studies of the European situation and could return here with the advantage of that experience. When Gen. March did return Gen. Biddle was sent to France and by Gen. Pershing sent to London, where he was in command of all American military activities in England, a post of great difficulty and requiring administrative ability, energy, and tact. Gen. Biddle performed his task in England with the greatest possible success; the dispatch of many hundred thousand American soldiers through England was accomplished under his direction smoothly; the relations between American soldiers and English soldiers and civilians were maintained in a cordial way; and the military business of the War Department with the war office in London was dispatched promptly and intelligently.

It thus appears that the three officers to whom you referred each performed his duty acceptably and that their separation from the office of the Chief of Staff in no case involved the slightest reflection upon them, but that in fact all three are officers whose services entitle them to grateful remembrance by their fellow citizens.

I do not refer in this letter to the other matter discussed in your speech for the reason that the House of Representatives, by adopting the resolution dealing with the award of distinguished-service medals, has called for a presentation of that subject in all of its aspects to the consideration of the full House.

I am taking the liberty of making this letter public as the only means in my power of doing justice to the reputations of three officers who must otherwise sit silent under the imputations contained in your speech.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

REPRINT OF WATER-POWER BILL.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 3184, the water-power bill, with the Senate amendments.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the reprint of the water-power bill, with the Senate amendments. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, when will the reprint be had—immediately?

Mr. ESCH. Yes.

Mr. GARD. And it will be available when?

Mr. ESCH. It may be available to-morrow.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. Bills on the Calendar for Unanimous Consent are in order to-day, and the Clerk will call the calendar.

BRIDGE ACROSS SAVANNAH RIVER, GA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 10922) to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, I reserve the right to object.

Mr. BRAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RECLAMATION OF ARID LANDS IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8864) to encourage the reclamation of certain arid lands in the State of California, and for other purposes.

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. WALSH. Mr. Speaker, I object.

Mr. RAKER. Will the gentleman withhold his objection for a couple of minutes?

Mr. WALSH. I reserve the objection.

Mr. RAKER. Mr. Speaker, this bill is practically the same bill that passed the House a couple of months ago and passed the Senate and is now a law. The Secretary of the Interior made a favorable report on the bill. A similar bill, with language practically the same, passed the House by unanimous consent, relating to Nevada. The Secretary of the Interior reported this legislation to the Committee on Public Lands. It was then transferred to the Committee on Irrigation, and it relates to California. The committee amended the bill in one particular at the request of the gentleman from Idaho [Mr. SMITH] to include Idaho. The bill is fully and fairly and safely guarded in every particular, and I want to call the attention of the House to the fact that the bill as applied to Nevada works well.

Mr. WALSH. It passed only last October.

Mr. RAKER. I know; but there have been many filings.

Mr. WALSH. Does the gentleman mean to say they have done any work under the Nevada law?

Mr. RAKER. They have commenced and many filings have been made.

Mr. WALSH. Does the gentleman pretend that because the filings work well the law is working well?

Mr. RAKER. It will, unquestionably, in the opinion of all of us who have knowledge of that country. We did not offer to amend the Senate bill—because that passed—in order to get through, and we thought we would put this bill through for California.

The SPEAKER. Is there objection?

Mr. MADDEN. I object.

Mr. RAKER. I ask, Mr. Speaker, that I may have five minutes in which to proceed, and I ask that the gentleman withhold his objection, which will defeat this meritorious legislation.

Mr. MADDEN. I object.

BRIDGE ACROSS NIAGARA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RAKER. Mr. Speaker, reserving the right to object, I ask unanimous consent that the bill just passed may remain on the calendar and go to the foot thereof.

The SPEAKER. The gentleman asks unanimous consent that the previous bill, to which objection was made, may go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none. Is there objection to the consideration of this bill H. R. 3427?

Mr. CRAMTON and Mr. GARD reserved the right to object.

Mr. MADDEN. I object, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

EASTERN DISTRICT OF KENTUCKY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2476) to amend the act establishing the eastern district of Kentucky.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RAKER. Mr. Speaker, reserving the right to object, I just wonder if it is the purpose of the Members of the House to object to all these bills where a similar bill applying to a particular State has already been passed?

Mr. MADDEN. I withdraw my objection to the bill S. 3427.

The SPEAKER. The Chair thinks we can return to that. At present there is one unanimous consent bill pending. The Chair will return to that when this is disposed of. Is there objection to the consideration of this bill?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I am just making a few feeble remarks regarding the attitude of the House upon the Calendar for Unanimous Consent, and I wondered whether or not it was the purpose of the House and the intention of the Members to object to all the bills on the Calendar for Unanimous Consent just simply because they are on the calendar?

Mr. CRAMTON. Mr. Speaker, I object if we are to waste our time in this way.

The SPEAKER. Does the gentleman from Michigan object?

Mr. CRAMTON. I will withhold the objection if we are going to discuss the bill before us.

Mr. RAKER. The gentleman has his rights.

Mr. MADDEN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MADDEN. I object. I have already objected.

BRIDGE ACROSS NIAGARA RIVER.

The SPEAKER. The Clerk will report the bill S. 3427.

The Clerk read as follows:

S. 3427. An act to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object——

Mr. WALSH. In order to save time, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. GARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARD. To inquire whether the gentleman from Illinois [Mr. MADDEN] made objection to the bill about the time of fixing time for holding court at Lexington?

Mr. MADDEN. I objected to 130. I did not intend to object to 131.

EASTERN DISTRICT OF KENTUCKY.

The SPEAKER. The Clerk will report the bill S. 2476.

The Clerk read as follows:

An act (S. 2476) to amend the act establishing the eastern district of Kentucky.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, I shall not object, except to call attention to the language of the bill with respect to possible amendment. The amendment which the Attorney General recommended in his report on the bill was that a small proviso should be added, so that the Government would be under no expense for the holding of the court at Lexington. The proviso, as it appears on page 2, lines 8, 9, 10, and 11, is to provide—

That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States.

The Attorney General's letter indicates as a condition precedent that the city or county authorities at Lexington should furnish court quarters rent free until a courthouse has been built. It is my purpose to inquire of those who are familiar with conditions at Lexington whether this is to be done by the county in which Lexington is situated or by the city of Lexington?

Mr. CANTRILL. The fiscal court has already passed a resolution which gives the handsome courthouse of the county for

the holding of the Federal court without expense to the Government. The resolution has already been adopted by the fiscal court.

Mr. GARD. Then no amendment would be necessary in the bill?

Mr. CANTRILL. I do not think it is necessary, but as the committee has reported it I have no objection to it.

Mr. GARD. I mean the amendment suggesting Fayette County?

Mr. CANTRILL. That would be all right, although, as a matter of fact, Fayette County has taken the necessary steps to provide quarters in the handsome building in that town.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. It is on the Union Calendar.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That regular terms of the District Court of the United States for the Eastern District of Kentucky shall be held at the following times and places, namely:

At Jackson: Beginning on the first Monday in March and the third Monday in September in each year.

At Frankfort: Beginning on the second Monday in March and the fourth Monday in September in each year.

At Covington: Beginning on the first Monday in April and the third Monday in October in each year.

At Richmond: Beginning on the fourth Monday in April and the second Monday in November in each year.

At London: Beginning on the second Monday in May and the fourth Monday in November in each year.

At Catlettsburg: Beginning on the fourth Monday in May and the second Monday in December in each year.

At Lexington: Beginning on the second Monday in January and the second Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States.

And at such other times and places as may hereafter be provided by law.

The clerk of the court for the eastern district of Kentucky shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

Mr. MANN of Illinois. Mr. Speaker, this bill is being read for amendment.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

With a committee amendment as follows: Page 2, line 8, after the word "year," insert "*Provided*, That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. Mr. Speaker, this bill, in fact, is an amendment to some section of the Judicial Code. I think it ought to so state. It is a copy of a part of some section, the section relating to Kentucky, in a judicial code, but it comes in as an independent proposition.

Now, it has usually been considered desirable in legislation relating to the holding of Federal court in a State to keep together the provisions relating to a State as far as possible, and instead of this being done that way it seems to be proposed as an independent proposition. If anyone wants to know hereafter about the places of holding court in Kentucky he will have to read the section of the Judicial Code in relation to the matter and then to compare it with this bill, as an independent law, instead of having it all together. Of course, it can be done, but it is a very sloppy way of doing business.

The Committee on the Judiciary really ought to have some uniform practice about these things, it seems to me. Two weeks ago we passed a bill to amend the act relating to the holding of court in the State of New York, a Senate bill, and in that case the Committee on the Judiciary reported in an amendment in conformity with the practice which I have just suggested, striking out all after the enacting clause, and inserting the section of the Judiciary Code in reference to the holding of Federal courts in New York. I do not know why this is done differently. The next bill on the calendar is still different.

Mr. GARD. Mr. Speaker, will the gentleman yield to me?

Mr. MANN of Illinois. Certainly.

Mr. GARD. I wish to say that I think the suggestion of the gentleman from Illinois is a very good one. I think the amendment should be made as we amended the New York section of the code, for the reason which the gentleman has given; that is, that it places the whole matter in one condensed paragraph or section, so that the law can be considered as amended without having to resort to different parts of the code.

What I rose for was to ascertain whether either the gentleman from Kentucky [Mr. CANTRILL] or the gentleman from Minnesota [Mr. VOLSTEAD] has the code before him. If so, they could suggest the section of the code which is amended.

Mr. MANN of Illinois. That section of the code covers other districts besides the eastern district of Kentucky. That is carried as a part of the section. It could easily be provided by copying the section of the code which is changed and incorporated in this bill. That ought to become the practice of this committee. The committee clerk, who is an able man, would know how to prepare bills in that shape for presentation to the committee when the committee considers them.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield.

Mr. MANN of Illinois. Yes.

Mr. KINCHELOE. I want to ask as a matter of information, because I have no interest in this except indirectly, but in another bill directly. In establishing a court at Lexington, as this bill provides, in whose hands is vested the power to lay off the district—that is, the subdistricts where the litigants will go to the Lexington district courts?

Mr. MANN of Illinois. It is within the power of the judge to require the cases to be presented at a certain meeting of the court.

Mr. KINCHELOE. At a certain geographic point in the district?

Mr. MANN of Illinois. He can do as he pleases about that, I believe.

Mr. MORGAN. I think the court can direct the trial of these cases at any of these points and direct that the witnesses be called there.

Mr. MANN of Illinois. That is what I said.

Mr. KINCHELOE. I understood there was a certain territory in each of these districts where the litigants and witnesses all go.

Mr. MANN of Illinois. Practically there is; but if the lawyers agree to go to another place, it is within the power of the court to let them do so.

Mr. KINCHELOE. It is also in the power of the court to allow the witnesses and litigants to go to any point?

Mr. MANN of Illinois. Yes. That is the reason for this bill. It is to enable the litigants in one part of the district to have their cases heard in a different place from the present location. They are not required to go all over the district. They are not required to follow the judge in all his perambulations over the district.

Mr. MORGAN. Take Oklahoma for example. There are four or five districts, and a district may cover several counties. The court can try cases in every one of those counties. The lawyers have no say about it. The court determines that the case shall be tried in a certain town.

Mr. MANN of Illinois. Practically the court exercises his power so as to accommodate lawyers and litigants.

Mr. MORGAN. I am not certain about that.

Mr. MANN of Illinois. That is the whole theory of litigation of this character. That is the reason why they want this Kentucky place created.

Mr. WALSH. Mr. Speaker, I would like to suggest that the criticism made by the gentleman from Illinois [Mr. MANN] is well taken, and the better practice would be to set out the section of the statute that is covered.

But this bill came from the Senate, and, at the suggestion of the Attorney General, who appeared before the Committee on the Judiciary, it was thought best to report the bill as it came from the Senate with the proposed amendment. But I am perfectly willing to offer section 83 of the Judiciary Code in place of section 1 of this bill, with the amendment including Lexington. The provisions of the Judiciary Code with reference to the terms of court at these various other places mentioned in the bill seem to be the same as those fixed by the bill. This bill simply adds as to the places of holding court in the eastern district of Kentucky.

I offer the following amendment: To strike out lines 1 to 11 on page 1 and lines 1 to 17 on page 2 and insert the following, which is section 83 of the Judicial Code, amended so as to include Lexington.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: On page 1 strike out all after the enacting clause, and on page 2 strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"Section 83 of the Judicial Code is hereby amended to read as follows:

"'SEC. 83. The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Gerrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathhitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Terms of the district court for the eastern district shall be held at Frankfort on the second Monday in March and the fourth Monday in September; at Covington on the first Monday in April and the third Monday in October; at Richmond on the fourth Monday in April and the second Monday in November; at London on the second Monday in May and the fourth Monday in November; at Catlettsburg on the fourth Monday in May and the second Monday in December; at Jackson on the first Monday in March and the third Monday in September; at Lexington on the second Monday in January and the second Monday in June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Jackson and Lexington free of expense to the Government until such time as a public building shall be erected there. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Edmonson, Grayson, Hardin, Meade, Breckenridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof. Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Frankfort, at Covington, at Richmond, at London, at Catlettsburg, at Jackson, and at Lexington; and the clerk of the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court. The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.'"

Mr. MANN of Illinois. The amendment offered by the gentleman from Massachuetts is to put the bill in the form in which it should have been introduced and reported, or reported whether so introduced or not; but unless we have information whether this section has been amended heretofore we ought not, in my judgment, to agree to this amendment. That could be easily ascertained; but the fact is that this amendment offered by the gentleman from Massachusetts is based on a printed section in the judicial title as it originally passed Congress, with an amendment including the holding of court in Lexington for the eastern district. I venture to say that in most of the States there have been changes in the districts or in the time of holding court in the various districts, enacted as amendments to the original law since it was passed. I suggest to the gentleman from Massachusetts that it might not be very safe to agree to this amendment unless some gentleman, between now and the time when the Senate agrees to the amendment, sees to it that the act has not heretofore been amended and that we are not by this amendment eliminating some amendment heretofore enacted into law.

Mr. GARD. Mr. Speaker, I wish to ask if it is the purpose of the gentleman from Massachusetts to offer an amendment likewise to the title. The title should be amended by stating that it is an act to amend section 83 of the Judicial Code.

Mr. WALSH. We can not amend the title in the committee.

Mr. GARD. I am simply calling attention to it for the purpose of ascertaining whether the gentleman is going to offer that amendment in the House.

Mr. WALSH. Yes.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question being taken, the amendment was rejected.

The SPEAKER. The Clerk will read the remainder of the bill.

The Clerk read as follows:

SEC. 2. That this act shall take effect and be in force from and after its passage.

Mr. MANN of Illinois. I move to strike out section 2. It is not good practice.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

TRANSFERRING EARLY COUNTY FROM THE NORTHERN TO THE SOUTHERN JUDICIAL DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11053) to transfer the county of Early from the northern judicial district of Georgia to the southern judicial district of Georgia.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, this bill is subject to the same criticism that was made to the other bill, but we agreed to the other bill without objection. The House committee inserted an amendment providing that the clerk of the division of the United States court at Columbus shall transmit all pending litigation, with related documents and papers, to the clerk of the division of the United States court at Albany. What do you propose to do, abolish all proceedings of the court where the old court is held? I suppose the intention clearly was to transmit to the division to which this county is now to be attached litigation originating in this county?

Mr. PARK. Yes.

Mr. MANN of Illinois. That is not what the amendment says by many degrees.

Mr. PARK. It should be "all pending litigation from Early County."

Mr. MANN of Illinois. There are now five divisions in the southern district, of which the Albany division is one, court being held at Albany. It is proposed to attach a new county to that division, taking it away from the division where the court is held at Columbus. I confess that I do not know the exact language that ought to be used. My recollection is that we never have provided, where a county is detached from one division of a district and put in another division of a district, anything at all in reference to the transfer of the papers.

Mr. PARK. The gentleman thinks that would go by operation of law?

Mr. MANN of Illinois. I can not say whether the judge has the authority or not. I do not know just how you would describe it. You say here that he shall transmit "all pending litigation." Of course, that would abolish all litigation at Columbus or in the division to which Early County is now attached.

Mr. PARK. It is intended to relate only to litigation in Early County. You might add the words "Early County."

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. WALSH. Does not the gentleman think that if the language was recast so as to read "shall transmit all pending litigation, with related documents and papers, as may be directed by the judge of the northern judicial district"?

Mr. MANN of Illinois. It may be. I have simply a memorandum to insert "pending litigation originating in Early County." I do not know whether that is appropriate or not.

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. GARD. Would not the purpose be served if we put after the words "pending litigation," in line 10, the words "Early County," so that it would read: "shall transmit all pending litigation in Early County, with related documents," and so forth?

Mr. MANN of Illinois. I suppose the gentleman means originating in Early County. There is no litigation pending in Early County.

Mr. PARK. Make it read "all litigation that originated in Early County."

Mr. MANN of Illinois. The gentleman will readily see that under the language of the bill no one would know what litigation was to be transmitted unless it was all transmitted, and no one desires it to be all transmitted.

Mr. WALSH. Will the gentleman yield further?

Mr. MANN of Illinois. Yes.

Mr. WALSH. How would the gentleman define "litigation originating in Early County"?

Mr. MANN of Illinois. I suppose the only way would be by citizenship.

Mr. WALSH. There is no citizenship of the county; it is the citizenship of the State.

Mr. MANN of Illinois. Well, residence. I do not think that language would be sufficient.

Mr. WALSH. Will the gentleman yield further?

Mr. MANN of Illinois. Yes.

Mr. WALSH. Does not the gentleman from Georgia think that the desire would be accomplished if the language was made to read: "transmit such litigation, with related docu-

ments and papers, as may be directed by the judge of the northern judicial district"?

Mr. PARK. I think that would accomplish it. He could keep what he wanted to try himself and send the rest to the other court.

Mr. MANN of Illinois. I think myself that the language of section 1 is sufficient without the language of section 2. I think that has usually been the custom. Whether it has resulted satisfactorily I do not know. I have no objection to the language suggested by the gentleman from Massachusetts. Clearly the language reported in the bill is not sufficient. I have no objection to the consideration of this bill.

Mr. PARK. Does the gentleman think the suggestion offered by the gentleman from Massachusetts sufficient to cover any objection that he has?

Mr. MANN of Illinois. It sounds all right.

Mr. PARK. That the judge may have authority to transfer to the other court all such litigation as he thinks proper.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. SANDERS of Indiana. Would not the amendment of the gentleman from Massachusetts leave it in the discretion of the judge to transmit such litigation as he pleased?

Mr. MANN of Illinois. The clerk is to transmit it under the direction of the court. The question is what he is going to transfer. You have either got to confine it to litigation originating in the county, and no one seems to know just how you would ascertain it without leaving it to somebody.

Mr. SANDERS of Indiana. It becomes a discretionary matter with the judge. If you say the clerk shall transmit what the judge directs him to, it makes it certain.

Mr. MANN of Illinois. My observation of judges is, especially in the United States courts, that they are always willing to get rid of a case if they can and have somebody else look after it.

Mr. WALSH. The discretion ought to rest with some one, because the cases may involve other litigants than those residing in Early County.

Mr. MANN of Illinois. Yes; and cases may have been heard.

Mr. WALSH. And might be about to be heard.

Mr. MANN of Illinois. Some might have pending a motion for a new trial and various other things. I do not object to the consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Early, in the State of Georgia, be, and it is hereby, transferred from the northern judicial district of the United States court to the southern judicial district of the United States court for said State of Georgia.

With the following committee amendment:

Add a new section, as follows:

"SEC. 2. That immediately upon the passage of this act the clerk of the division of the United States court at Columbus, Ga., to which the said Early County is now attached, shall transmit all pending litigation, with related documents and papers, to the clerk of the division of the United States court at Albany, Ga., to which said county is now attached."

Mr. WALSH. Mr. Speaker, I have an amendment which I desire to offer, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. WALSH moves to amend the committee amendment, as follows: After the word "transmit," in line 10, strike out "all" and insert "such," and on page 2, after "papers," in line 1, insert "as the judge of the northern judicial district may direct."

Mr. WALSH. Mr. Speaker, that will make the language read as follows:

That immediately upon the passage of this act the clerk of the division of the United States court at Columbus, Ga., to which the said Early County is now attached, shall transmit such pending litigation, with related documents and papers, as the judge of the northern judicial district may direct, to the clerk of the division of the United States court at Albany, Ga., to which said county is now attached.

Mr. GARD. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from Massachusetts [Mr. WALSH]. The substitute was prepared by the gentleman from Georgia [Mr. LANKFORD], and as it is a little difficult to read, I shall read it myself.

SEC. 2. That immediately upon the passage of this act the clerk of the division of the United States court at Columbus, Ga., to which the said Early County is now attached, shall transmit all litigation which is on file in the northern district of Georgia, which would not have been filed in said northern district, but which would have been filed in the southern district of Georgia had the county of Early been in the southern district of Georgia, with related documents and papers, to the clerk of the division of the United States court at Albany, Ga., to which said county is now attached.

The SPEAKER. The gentleman from Ohio offers a substitute, which the Clerk will report.

Mr. GARD. It is rather difficult to report it the way it is prepared now.

The SPEAKER. The Chair suggests that the gentleman prepare it so that it may be reported.

Mr. MANN of Illinois. Mr. Speaker, while that is being done, will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN of Illinois. If there be a case which has been heard pending before the judge for decision, does the gentleman think that that ought to be transferred?

Mr. GARD. A case pending before the judge for decision?

Mr. MANN of Illinois. Yes.

Mr. GARD. I should say not.

Mr. MANN of Illinois. But under the language the gentleman has suggested it would be transferred to a new court and a new trial had.

Mr. GARD. If it would, then the amendment should not be adopted.

Mr. MANN of Illinois. I think the amendment of the gentleman from Massachusetts [Mr. WALSH] would answer the purpose, for it transfers such cases as the judge directs.

Mr. GARD. That might cover it.

Mr. MANN of Illinois. I think we are perfectly safe in saying that the judge shall direct the transfer of all cases originating in the county, or certainly that the parties desire to have transferred, unless the judge had had a hearing of them and had them under consideration and the parties did not want them transferred.

Mr. GARD. Mr. Speaker, I ask to withdraw my substitute.

The SPEAKER. The gentleman withdraws his substitute. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The SPEAKER. The question now is on the committee amendment as amended.

Mr. MANN of Illinois. Mr. Speaker, it may be hypercritical, but I move to amend, in line 9, by inserting after the word "which" the word "division," and to make the same amendment after the word "which" in line 2, page 2.

The SPEAKER. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 9, after the word "which" insert the word "division"; page 2, line 2, after the word "which" insert the word "division."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I move to amend, on page 2, line 2, by striking out the word "now" and inserting the word "hereby."

The SPEAKER. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 2, strike out the word "now" and insert in lieu thereof the word "hereby."

Mr. MANN of Illinois. Mr. Speaker, that is necessary because under the language of the amendment this county is now attached to two different divisions, and plainly it can not be.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 55, noes 2.

So the bill was passed.

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCHANGE OF LANDS IN HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10432) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii.

The SPEAKER. Is there objection?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, it seems to me that this is a bill that we ought to have a little more information about than is conveyed by the report of the committee on the bill or by the bill itself. If the gentleman

reporting the bill is prepared to answer one or two inquiries, I would be pleased to make them rather than to actually object.

Mr. MONAHAN of Wisconsin. Mr. Speaker, I reported the bill.

Mr. TREADWAY. Mr. Speaker, my inquiries are these: I note that you are endeavoring to secure a general permission for the exchange of land now owned by the Government, not alone at the present time but in the future, for certain privately owned lands in the Island of Hawaii. The report of the committee calls attention to five specified tracts, which seem to have reached the committee through the channel of several inquiries made originally to the Secretary of War. When the hearing was held, information could not be secured as to just what was aimed at, but finally five lists were submitted. The first list consists of 254 acres, owned by a leading citizen of Honolulu, Mr. McCandless—I believe a disappointed candidate for governor of the islands—which is valued at $65,000. Some information is gathered that it could be condemned for about $20,000. About the other tracts there is little information given in respect to who owns them or their value or for what purpose they are to be secured on the part of the Government. It therefore seems to me that before a bill of as an indefinite a character as this is given consideration we ought certainly to have very much more information than is given in the report of the committee. I am very glad that the gentleman is prepared to give us the information.

Mr. MONAHAN of Wisconsin. I do not know about that. I will do the best I can. The Government owns in the Territory of Hawaii 1,146 acres of land. It is unfit for military purposes. It is too far away, or its topography is not right——

Mr. TREADWAY. Will the gentleman yield there?

Mr. MONAHAN of Wisconsin. Yes.

Mr. TREADWAY. Is he aware whether it is suitable land for the cultivation of pineapples?

Mr. MONAHAN of Wisconsin. Some of it is and some of it is not, and the Government asks for authority, now having only authority to buy, if they want to buy, 40 acres of land at a price not to exceed $5,000 for the tract. They ask permission to be given authority to exchange the land now owned by the Government for adjoining lands suitable for military purposes.

Now, as to the maps, I have them here, and any Member can come and look at them, but the department does not want them thrown out to the public, as they are military maps.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. MONAHAN of Wisconsin. Gladly.

Mr. MANN of Illinois. As I understand the purpose of this bill, it is to permit the accomplishment of an object which would be accomplished within a short time, to permit the Government to trade some of the land which it owns and does not need for some lands which the Government does need in connection with its military operations?

Mr. MONAHAN of Wisconsin. And without cost to the Government.

Mr. MANN of Illinois. But there is no limit of time whatever in the bill. This would authorize the President hereafter, without any restriction of time, to transfer any land owned by the United States to a private individual for land owned by the individual. Does the gentleman have any objection to putting in a restriction as to time? I would suggest three years.

Mr. MONAHAN of Wisconsin. I would not object to that.

Mr. MANN of Illinois. Certainly if it is to go through this transfer can be effected probably within a three-year period.

Mr. MONAHAN of Wisconsin. I have no objection to that at all.

Mr. MANN of Illinois. I think there ought to be a restriction of time, because if we grant a general authority for the purpose only of accomplishing a specific object, we ought not to leave the general authority to run forever.

Mr. TREADWAY. Does not the gentleman also think there should be a restriction as to these specific transactions?

Mr. MANN of Illinois. Well, no; because I think the Government will do far better if it has a chance to trade with five owners of property.

Mr. TREADWAY. They do not know who the owners are.

Mr. MANN of Illinois. It does not make any difference who the owners are. They can not trade with them until they find them out. With the owners of five different properties the Government can do a good deal better in making a trade than with one individual whose land they want. These gentlemen out there will be told if this bill passes that we will make a reasonable trade with them. If not, we will get authority from Congress to condemn their land. And I have no doubt they will make a reasonably good trade if they are given the authority.

Mr. TREADWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will report the next bill.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6025) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LITTLE. Mr. Speaker, reserving the right to object, I wish to inquire about the manner in which this committee got control of this bill to revise the Code of the District of Columbia? I find in the report which the Judiciary Committee has brought in the following:

The question of revising the Code of the District of Columbia has been pending before the House Judiciary Committee for the past four years.

I find on examination that prior to 1911 the Committee on Revision of the Laws had prepared a bill to revise the Code of the District of Columbia, and it is indicated that this bill is one to revise the code. It is a bill to revise and amend the act to revise the Code of the District of Columbia. There is no question, Mr. Speaker, but it should have gone to the Committee on Revision of the Laws. This reference is indicative of the general carelessness and general indifference as to a few committees doing all the work. According to their report, this bill has been before that committee for four years. We can not accomplish much in this House if all of the legislation goes to a few committees. Here is one that the learned Committee on the Judiciary has gone ahead on, as if they had some authority over it. I would like to know from the chairman of that committee what they are doing with this bill?

Mr. VOLSTEAD. This bill was referred to the Committee on the Judiciary in the regular order as an amendment to a number of sections. It is not a revision of the law. So I do not see why the chairman of the Committee on Revision of the Laws should find fault.

Mr. LITTLE. Why do you say in your report that the question of revising the Code of the District of Columbia has been before the committee for the past four years?

Mr. VOLSTEAD. It should say, "for amending the laws."

Mr. LITTLE. This is not only an amendment, it is a revision. It covers everything from forcible entry and detainer to rape.

Mr. WALSH. Mr. Speaker, I ask for the regular order.

Mr. LITTLE. Mr. Speaker, reserving the right to object, I wish to say this——

The SPEAKER. The gentleman from Massachusetts demands the regular order.

Mr. WALSH. I withdraw the demand. I thought the gentleman from Kansas had finished.

Mr. LITTLE. I shall finish in a moment.

I have investigated this bill, and I think it is a good one, and I am not going to stand in the road of good legislation on any mere technicality. I simply wanted to call attention to the lack of wisdom in such adjustment of the legislation of the House. When I introduced a bill to revise and amend, it was referred to the overstocked Interstate Commerce Committee, because the original act came from there. But when a bill went in to amend an act brought in by the Revision Committee it goes for four years to the Judiciary Committee—for four years. If the rule applied against us once, the same ruling would have favored us next—the same interpretation of the rule I mean.

I want to ask unanimous consent to revise and extend my remarks, so that I may insert and include in my remarks a few precedents on this subject, so that I can get before the House the precise point I wish to make. The revision committee has had the approval of its authority to handle bills providing a civil code for Alaska in 1900 and 1901, establishing a congressional correspondence business in 1892, amending laws relating to Government contracts in 1892, on alien-land ownership in 1888, on clerks for Members in 1888, for punishing those setting fire to grass on public lands in 1888, and on the franking privilege in 1892. In 1882 the resolutions distributing the President's message provided that this revision committee should have charge of the subjects of transfer of the Lighthouse Service, the Coast Survey, and the Revenue Marine Service from the Treasury to the Navy. Here are nearly a dozen instances in which this committee has had amending power which had nothing to do with codification. The dictionary says to revise means to amend, and it does. There are many other instances in which the power to revise has been so held. All my argument seeks is that the dictionary be recognized in the House as a rule of good English. I think this bill is a glaring

example of the error I referred to. This bill is a bill to revise the District Code.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks on the subject of references of bills to the Committee on the Revision of the Laws. Is there objection?

There was no objection.

Mr. CRAMTON. Inasmuch as this is a matter purely affecting the District of Columbia, and the rules of the House regarding jurisdiction provide that matters pertaining to the District of Columbia shall go to the Committee on the District of Columbia, what does the gentleman from Kansas think about that?

Mr. LITTLE. That is simply another difficulty in the matter of interpreting the rules and the propriety of interpreting them so that all the committees of the House will be at work.

Mr. VOLSTEAD. Mr. Speaker, if the gentleman will pardon me, this law to which these amendments are offered is within the jurisdiction of the Committee on the Judiciary. The Committee on the Judiciary has jurisdiction of the courts, and all bills to amend these statutes have heretofore been referred to the Committee on the Judiciary.

Mr. LITTLE. This is a bill to establish a code of law in the District of Columbia, not confined to courts at all, and there is no committee of the House that is authorized to report such a bill except the Committee on the Revision of the Laws.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. WALSH. Does the gentleman contend that a bill to establish an original code of laws belongs to the Committee on the Revision of the Laws?

Mr. LITTLE. Certainly I do; the precedents that I will insert so demonstrate. See the decisions as to the Alaska Code and the Columbia Code. That there should be broader view of the rules assigning bills is evidently in the interests of speedy legislation, of thorough consideration, of putting every Member at work on important propositions, and would put a stop to this talk about idle committees. Is it possible all the brains and industry of the House are on five or six committees? Interpret your rules as they read and every committee will be reasonably busy and none will be overworked.

Mr. MANN of Illinois. Mr. Speaker, this bill is entitled "A bill to amend the act entitled 'An act to establish a code of law for the District of Columbia,' approved March 3, 1901, and the acts amendatory thereof and supplementary thereto," a public bill, referred by the Speaker to the Committee on the Judiciary. The Speaker is not supposed to read through a bill from one end to the other to find out to which committee it shall be referred, though frequently he does. The Speaker referred this bill, on the title, to the Committee on the Judiciary, a natural reference. It was introduced on June 17, 1919. That is some time ago. The rules of the House provide that where any other committee thinks it is entitled to the jurisdiction of a bill it can bring that matter before the House any day, except on Calendar Wednesday, perhaps. It has been six months since this bill was introduced. The Committee on the Revision of the Laws, which, in my judgment, never had any jurisdiction or any right to jurisdiction over the bill at all, now complains, through its chairman, because the bill was referred to the Committee on the Judiciary erroneously, as the gentleman from Kansas says. If it were referred erroneously, the gentleman from Kansas ought to have brought the matter before the House.

I would suggest to my friend from Kansas, for whom I have great affection, that the only way to avoid the necessity for his frequent complaints about references of bills is to come before the House some morning when a bill to amend a section of the Revised Statutes has been introduced and referred to some other committee and move to discharge the other committee and refer the bill to his committee and let the House settle the question. That is the only way it can be settled. If the House desires to turn all legislation over to the distinguished committee presided over by the distinguished and able gentleman from Kansas, it will vote with him "aye," but I expect the "ayes" will be few and the "noes" will be numerous. [Laughter.]

Mr. LITTLE. Mr. Speaker, the gentleman very justly suggests that I am open to the same criticism as the rest of the Members, because he says I should have disposed of this sooner. I plead guilty. That disposes of that. He says I have frequently complained of this. I have complained just twice. I am entirely familiar with the rule for asking a vote. Perhaps when I think the House has considered it sufficiently, I will seek the vote as to whether all legislation should only be considered by a few.

Mr. MANN of Illinois. I have heard the gentleman complain more than twice.

Mr. LITTLE. No; I have complained only twice.

Mr. MANN of Illinois. I have heard the gentleman complain more than twice on this floor; twice recently.

Mr. LITTLE. My memory is at fault, then. "The gentleman from Kansas," as a matter of fact, has all the work he can stand up under in the Committee on the Revision of the Laws. He does not want any more work there. But that is not the point he is now discussing. The point is, I think, the rules should be interpreted so that every committee should be a working committee instead of all the work being done by three or four committees. As a matter of fact, when I have brought it before you and you have had an opportunity to study it, I expect to demonstrate that I am right. But, as the gentleman suggests, it would not be worth while for me to try to do it now. You have got to assimilate the facts before I am going to ask you to vote on the question, Why should all the real power be in a few hands?

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. MACGREGOR. What would be the advantage of having the bills distributed around?

Mr. LITTLE. I am glad you inquire. The advantage would be this, and that is the most important thing about it: As it is now much of the legislation of the House is concentrated in a few committees, and these few committees, having so much to do, are all behind in their work, and people complain because their legislation is delayed. The second result is that some of the committees do not have much to do. The Committee on Education, for instance, as was shown the other day, has not a clerk, and it was hinted that it had little to do. If it has enough to do, it ought to have a clerk. If the committee which speaks for the schools and teachers of the United States has not enough business to entitle them to a clerk, the House should change its methods and give it more authority. The committees should be at work. If our methods were changed, the result would be that most of the committees would be at work all the time, just as a few of these other committees now are.

Mr. MONDELL. Mr. Speaker, do I understand the gentleman from Kansas desires to object?

Mr. LITTLE. No. I was only answering a question.

Mr. MONDELL. It seems to me if an objection is to be made, it should be made.

Mr. LITTLE. I stopped some time ago. Several gentlemen have asked me questions, as does the gentleman from Wyoming.

Mr. GARD. Mr. Speaker, I think this is a very comprehensive and very important bill, and should be considered with greater opportunity for discussion than can be afforded by the Calendar for Unanimous Consent. I therefore object.

The CHAIRMAN. The gentleman from Ohio objects. The Clerk will report the next bill.

HONORABLE DISCHARGE FROM THE MILITARY OR NAVAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11449) providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LONGWORTH. Reserving the right to object, I should like to ask the gentleman of the Committee on Invalid Pensions how his committee got jurisdiction over a bill so broad as this?

Mr. FULLER of Illinois. The bill refers to any war, of course, but the only cases I know anything about that it would affect are cases of the Civil War. It will be remembered that all recent legislation as to widows' pensions is based upon 90 days' service of the soldier and an honorable discharge therefrom. The Pension Bureau, or the Department of the Interior, has held that a man killed in action or who died in the service was not honorably discharged, and his widow has been denied a pension because he did not technically have an honorable discharge, although he died in the service of his country.

Mr. BLANTON. Mr. Speaker, to save time, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. FULLER of Illinois. I ask unanimous consent that the bill may remain on the calendar.

Mr. MANN of Illinois. Why does not the gentleman move to suspend the rules?

Mr. FULLER of Illinois. Mr. Speaker, will the Chair recognize me to make a motion to suspend the rules and pass the bill?

The SPEAKER. Not at present.

Mr. FULLER of Illinois. I ask unanimous consent that the bill may remain on the calendar.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may remain on the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

PROOF OF WIDOWHOOD IN CLAIMS FOR PENSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11489) concerning proof of widowhood in claims for pension.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois a question or two about this bill. It occurs to me that in the form in which it is drawn it will permit the pensioning of what are known as widows of common-law marriages. I have read the report of the Committee on Invalid Pensions as to the bill, and it seems that the reason for its enactment lies in the fact that some States have laws providing that where a man is awarded a divorce if he marries again within a certain time the marriage is invalid, and other things of that kind; and that this situation often makes it very difficult for the widow of the deceased soldier to prove that her husband was legally divorced from a former spouse; but the language of the bill is so broad that it not only covers cases of that kind but if a soldier a good many years ago had left his wife and family and gone away with some immoral women into some other State, and had lived with her as his wife and held her out as his wife for the period of seven years and then died, under this bill the later woman would be able to defeat the rights of the lawful wife and children. Now, if the gentleman would agree to this kind of an amendment, I think the bill would be all right:

It shall constitute sufficient proof of widowhood to establish by competent testimony that the claimant was ceremonially married to and lived and cohabited with the soldier, sailor, or marine on account of whose service she claims for a period of seven years or more.

In that case, if you adopt the amendment, it would not require the widow to go back and show that the husband had been legally divorced from some former wife. I understand that it is this matter which occasions a great deal of trouble in the Pension Office, and it would meet the needs of the case if the widow showed that she had actually been ceremonially married to the soldier and had lived and cohabited with him for a period of seven years, although the marriage itself might have been illegal, contrary to the expectation of the wife who acted in good faith.

I will not give my consent to the consideration of the bill if it is left broad enough to include common-law marriages.

Mr. FULLER of Illinois. If the gentleman has read the report of the Commissioner of Pensions regarding this legislation, he knows that the commissioner has stated the reasons why something ought to be done by Congress in the matter. Among other things, he cites cases where it is impossible to prove a ceremonial marriage that took place 40 or 50 years ago. The bill, it seems to me, ought to cover that point as well as the other. The gentleman's amendment would cover a great many cases and would improve the existing law; but in the cases of the old widows who were married 40 or 50 years ago, when no record of marriages was kept and when all of the witnesses have died, it is often impossible to prove a ceremonial marriage. For that reason a great many old widows have been denied pensions, because they could not make that proof, although the present law undoubtedly requires it.

Mr. BLACK. The gentleman will admit that under the broad language of this bill it would be possible to pension some immoral woman with whom the soldier lived in a distant State and whom he held out as his wife when, as a matter of fact, he had a lawful wife and legitimate children in some other State, and this would defeat their rights. I happen to know of a case in my own district where the rights to property had to be decided in court upon that very ground. The man had abandoned his lawful wife and children and had come to Texas with an immoral woman, had lived in the community for years and held her out as his wife, and when he died of course she claimed his property.

Mr. FULLER of Illinois. I think that would be a very exceptional case.

Mr. BLACK. It would be; but I do not think we ought to open up the law so as to permit pensions to women of that kind. I am perfectly willing that the necessity of showing affirmatively that the husband was divorced from his former wife or that she had died be done away with. I recognize that it is a very difficult matter sometimes to prove that on account of the long lapse of time in some cases, but I would not be willing to do away with the necessity of the proof of a ceremonial marriage. That is a fact which ought to be reasonably susceptible of proof by the surviving widow and she should be required to make it.

Mr. FULLER of Illinois. I would be willing to have the gentleman offer his amendment and let the House pass upon it. The bill would then be an improvement on the present law; but I do not think we ought to punish ninety and nine innocent persons in order to catch one guilty one.

Mr. BLACK. I shall have to object unless I get that amendment.

The SPEAKER. The gentleman from Texas objects. The Clerk will report the next bill.

WITNESSES IN CRIMINAL CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4383) to further amend section 858 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this deals with what statute?

Mr. VOLSTEAD. It deals with the section relating to the competency of witnesses in criminal cases. The law at present makes the law of the State applicable in civil cases but not in criminal cases, and there is complaint, because under the common law, which prevails in Federal courts in criminal cases, a number of witnesses are unable to testify. For instance, persons who have been convicted of a felony can not testify in a Federal court in a criminal case if there is objection, nor can the wife testify in favor of her husband in such a case.

Mr. BLANTON. May I state to the chairman of the committee that while the bill enlarges the rights of the Federal courts with respect to the one point that he speaks of, he will find it will restrict evidence in the Federal courts on other lines. In some States many restrictions are placed around confessions made by the defendant. This would bring these restrictions in the Federal court in accordance with the laws of the State court.

Mr. VOLSTEAD. It leaves it to the State to say what the restrictions shall be.

Mr. TILSON. If it is a further restriction it will at least be in line with the laws of the State, with which courts and attorneys will be more intimately acquainted than they are with the common-law practice.

Mr. VOLSTEAD. Yes; and I think the time has come when we ought to adopt this change. In nearly every State these common-law restrictions have been eliminated.

Mr. BEE. Reserving the right to object, I should like to ask the gentleman as to the competency of the husband and wife in a civil suit. You propose to let the Federal law follow the State law?

Mr. VOLSTEAD. We make no change in that respect. Under the law as it stands the State law applies.

Mr. BEE. You make a difference in criminal cases?

Mr. VOLSTEAD. Under the present statute the common-law rule applies to criminal cases.

Mr. BEE. If a witness is disqualified by reason of a conviction of a felony it would make him an incompetent witness in that State. You want to make it uniform.

Mr. VOLSTEAD. We make it uniform both as to civil and criminal cases.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. Under the existing law parties to a civil suit are authorized to testify?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. But in the United States court in criminal cases they can not testify?

Mr. VOLSTEAD. Certain parties can not. Under the common law, if a person is directly interested in the result, he can not testify.

Mr. MANN of Illinois. As to a man indicted?

Mr. VOLSTEAD. A man indicted can testify because the statute authorizes it.

Mr. MANN of Illinois. Who is not permitted to testify?

Mr. VOLSTEAD. A wife can not testify in favor of her husband nor persons convicted of a felony.

Mr. MANN of Illinois. Providing this sedition bill reported to the House becomes a law and an auctioneer should hang up a red flag, his wife could not testify that he was not doing it for the purpose of raising Ned or destroying the Government? [Laughter.]

Mr. VOLSTEAD. That is correct.

Mr. MANN of Illinois. I think she ought to be given that chance. [Laughter.]

Mr. BEE. I would like to ask the gentleman if this case would apply. Take a case in the Federal court of a man convicted and fined, or given a day in jail; that is a felony under the Federal law or a misdemeanor, and he loses his right to testify?

Mr. VOLSTEAD. My recollection is, that under the common law it must be a felony to make a person incompetent as a witness.

Mr. BEE. They consider it a felony where a man is fined $10.

Mr. VOLSTEAD. No; under the Federal law, if there is no special provision in the act itself making it a felony, the imprisonment must be for a year or more, to make it a felony; that is, a person must be subject to imprisonment for that length of time.

Mr. BEE. I do not want men who have been convicted of minor offenses in a Federal court held disqualified unless the law of the State disqualifies them.

Mr. VOLSTEAD. That is correct.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BLANTON. In regard to what the gentleman from Illinois [Mr. MANN] said, this law will not change in any way the present situation whereby it is generally understood everywhere that a red flag of any kind is a sign of danger.

Mr. MANN of Illinois. I always supposed it was more the sign of an auction.

Mr. BLANTON. No; danger. When you see a red flag on the railroad track it is a sign of danger.

Mr. MANN of Illinois. Evidently the gentleman from Texas is always seeing a red flag in front of him whether it exists or not.

Mr. BLANTON. Sometimes there is occasion for it. With regard to the sedition bill, there is plenty of occasion for it.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MOORE of Virginia. Has the Department of Justice considered this matter and recommended it?

Mr. VOLSTEAD. It was submitted to the Department of Justice. My recollection is that it did recommend it.

Mr. MOORE of Virginia. There is nothing in the report to show it. I was wondering whether the effect of this would be to restrict or enlarge the field of evidence.

Mr. VOLSTEAD. My opinion is that it will enlarge the field of evidence, because in nearly all the States the common-law restrictions have been wiped out. My attention was called to this by a judge of a United States court on the Pacific coast. He had been trying several cases in which he felt that certain parties ought to have had a chance to testify. It seems to me that it is time that we wiped out these common-law restrictions that were in vogue at a time when people did not trust anybody that had any substantial interest in a suit.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That section 858 of the Revised Statutes of the United States as heretofore amended by the act entitled "An act to amend section 858 of the Revised Statutes of the United States," approved June 29, 1906, be, and the same is hereby, further amended so as to read as follows:

"SEC. 858. The competency of a witness to testify in any civil or criminal action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

JUDGES OF COURT OF CUSTOMS APPEALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10700) to authorize the judges of the United States Court of Customs Appeals to be assigned to any district or circuit court of appeals of the United States and conferring the jurisdiction of said courts upon them while so assigned.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, the report on this bill shows that the Court of Customs Appeals in 1917 had a total of 134 cases and in 1918 a total of 78 cases, which it heard. I am heartily in favor of this Court of Customs Appeals having some work to do and, therefore, would support this bill, but I am interested to know what is in the mind of the chairman of the committee about whether there is to be any reason for the continuance of the Court of Customs Appeals, in view of the fact that they have little or no business at this time.

Mr. VOLSTEAD. Mr. Speaker, we still have the judges. I have no doubt that we will have more or less business for them to do; but as I am informed, and as appears by the report of the Attorney General, they may do considerable work, and are perfectly willing to do the work. In fact, they would rather do some work than not, according to their own statement, and it seems to me that we ought to make use of them, because in many districts——

Mr. GARD. How many judges are there—three or five?

Mr. VOLSTEAD. Five. In many districts there is great congestion of business, and at least as long as they have the time we ought to permit them to serve or require them to serve.

Mr. GARD. I observe that the statement in the report submitted by one of the judges of the Court of Customs Appeals gives reasons for their transfer, with all of which reasons I am in hearty accord. It seems to me a very wise procedure to use these men who are on this court with nothing to do in their own court and who are willing to give their time in courts where they may be of value.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That section 188 of the Judicial Code of the United States, in force January 1, 1912, as amended, be amended by adding thereto the following: "*Provided*, That the judges of the United States Court of Custom Appeals, or any of them upon the consent thereof, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest so requires, be designated and assigned by said Chief Justice for service, from time to time and until he shall otherwise direct, in the district court of any district, or the circuit court of appeals of any circuit, when so requested by the presiding judge of said court, in aid of the judges thereof, and, while so assigned, said judges and every of them shall exercise and is hereby vested with all the powers, jurisdiction, rights, and duties conferred by law upon a United States circuit judge."

With the following committee amendment:

Page 1, line 7, after the word "them," strike out the words "upon consent thereof."

Mr. WALSH. Mr. Speaker, I am in favor of the committee amendment, but I desire to ask the gentleman in charge of the measure in respect to the language in lines 8 and 9, where reference is made to the Chief Justice of the United States. Is that the official title of the presiding justice of the Supreme Court?

Mr. VOLSTEAD. That is the official title. I happened to have occasion to look it up. I did not draw this bill myself.

Mr. MANN of Illinois. Mr. Speaker, a few years ago, when one of the tariff bills was passed, the Committee on Ways and Means of the House, or the Senate Committee on Finance, recommended the creation of a Court of Customs Appeals, with a salary of $10,000 for each of the judges. There never was any separate vote in the House upon the subject, I think. It either came in a form where the bill could not be amended and reported to the House, or in a conference report where there was no opportunity to obtain a separate vote. It was said that there was a great demand to have the special court. It may have been wise. I do not say it was not. It was created and seemed likely to constitute a precedent for the creation of a lot of other special courts. After a while came along a proposition to create a transportation court, to have control of suits arising out of railway matters. That court was created. I was not in favor of it at the time. However, it was created under Republican control of Congress. When our Democratic friends came here they proposed to repeal that law creating that court, and there was a wide and bitter discussion in the Congress and throughout the country as to whether the Congress had the power to abolish a court, or, at least, to abolish the judges who had been appointed to the court. Congress did abolish the court and provided that the judges should do other work, which I believe they have been doing very satisfactorily. I doubt whether anyone has ever missed the existence of the transportation court since it was abolished.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. GARNER. Did they abolish the customs court also?

Mr. MANN of Illinois. No.

Mr. GARNER. It is still in existence?

Mr. MANN of Illinois. The customs court is still in existence. It was created with a salary of $10,000 for each judge; but when Congress took a crack at it, the first time Congress had an opportunity to express its opinion at all, it refused to appropriate more than $7,500 a year for the salary of the judges—declined to appropriate the $10,000. Subsequently I think the salary may have been reduced. When we increased the salaries of other judges, I think the customs court was put on the same level with the other Federal judges; and although we had agreed in the law to pay $10,000, we would not do it and did not.

It is only an illustration, after all, of the unwisdom frequently of acceding to the demands to do some special thing so that some one may get special consideration. The commerce court, which I have referred to as the transportation court, has gone out of existence. The customs court has not gone out of existence, but it has not much to do; and in order that it may not be taken out of existence the judges want to be able to do something else, because they do not want the court abolished. At least, I take it that that is one reason.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. WALSH. What work are the judges of the commerce court now doing?

Mr. MANN of Illinois. They are trying cases by assignment of the chief justice. Judge Knapp, who lived in this city for many years, formerly from New York, an old member of the Interstate Commerce Commission, and afterwards a member of the commerce court, tries cases in Richmond most of the time.

Mr. WALSH. In the district court?

Mr. MANN of Illinois. I think he is on the court of appeals, probably. I think they are short of members on the court of appeals in that section, although I am not certain.

The SPEAKER pro tempore (Mr. HUSTED). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BEE. Mr. Speaker, will the gentleman from Minnesota yield?

Mr. VOLSTEAD. Yes.

Mr. BEE. What about the qualifications of the judges of the customs court? Under this bill they are to be assigned to work in the United States circuit or district courts. There is no probability, I take it, of a man being assigned to this work who is not the same kind of a trained lawyer as those who now sit on those courts.

Mr. VOLSTEAD. Oh, these men are amply qualified.

Mr. BEE. The same qualifications are requisite?

Mr. VOLSTEAD. Oh, yes.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit me to make this observation, I am not informed as to the court as a whole, but as to one member of the court, Mr. Justice Montgomery, I would say that he served for many years on the bench of the Supreme Court of Michigan and was generally recognized by the bar of the State as probably the ablest member of that court for a good many years. He is competent to sit in any court in the country.

Mr. BEE. I just wanted to be certain——

Mr. CRAMTON. He is fully competent to sit in any court of the country.

Mr. BEE. I wanted to know if they were competent to sit in any court of the country.

Mr. CRAMTON. They are.

Mr. MANN of Illinois. They are very able judges.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read as follows: "A bill to authorize the judges of the United States Court of Customs Appeals to be assigned to any district court or circuit court of appeals of the United States and conferring the jurisdiction of said courts upon them while so assigned."

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Also, on motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill H. R. 4383 was passed was laid on the table.

BRIDGE ACROSS WACCAMAW RIVER, N. C.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 10701) granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River, in Brunswick County, N. C.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Reserving the right to object, I take it that this bill as reported is not quite in the form in which the gentleman desires to have it passed?

Mr. GODWIN of North Carolina. Yes, sir; I desire to have it correctly amended.

Mr. MANN of Illinois. This says the location of a bridge—

at or near Old Dock (Old Dock, in the county at Columbus, or adjacent thereto), in the county of Brunswick.

If that makes sense, I can not understand.

Mr. GODWIN of North Carolina. The bill was not quite accurately drawn. I introduced it as it was delivered to me. The Waccamaw River forms the line between Columbus and Brunswick Counties. Old Dock is in Columbus County. This is for a bridge across the river connecting both counties.

Mr. MANN of Illinois. This says "at or near Old Dock."

Mr. GODWIN of North Carolina. That is correct.

Mr. MANN of Illinois. Then it says, in parentheses—

in the county at Columbus, or adjacent thereto.

And then it says—

in the county of Brunswick.

That does not make sense.

Mr. GODWIN of North Carolina. It does not. The bill has been amended by the committee.

Mr. MANN of Illinois. I am reading it with the amendment in it.

Mr. GODWIN of North Carolina. The bill ought to be amended so as to read:

Across the Waccamaw River near Old Dock, in the counties of Columbus and Brunswick.

Mr. GARD. Will the gentleman from North Carolina yield to me?

Mr. GODWIN of North Carolina. Yes, sir.

Mr. GARD. I would suggest that the gentleman offer an amendment striking out the first words, "Old Dock," and striking out the parentheses as they appear in the bill, and strike out the comma after the words "adjacent thereto," or whatever the language is.

Mr. RAYBURN. Mr. Speaker, I think the gentleman from Illinois [Mr. MANN] is entirely correct about this. It does not make sense as it reads. I do not understand how this got in this shape. The committee reported this amendment here, or what is supposed to be an amendment, in the parentheses, because we found out that Old Dock was in the county where the bill that was originally introduced was supposed to place it, and therefore these words down here, "in the county of Brunswick," in the last line, should be stricken out, and I think probably that would make sense of the bill.

Mr. GODWIN of North Carolina. Mr. Chairman, I move to strike out——

Mr. MANN of Illinois. Mr. Speaker, I do not object to the consideration of the bill.

Mr. GODWIN of North Carolina. I move to strike out——

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HULINGS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether it is proposed to establish a toll bridge?

Mr. GODWIN of North Carolina. No, sir. It is a lumber company bridge, built by the Whiteville Lumber Co., for the purpose of transporting lumber and logs.

Mr. HULINGS. Is the right to charge toll prohibited?

Mr. GODWIN of North Carolina. No, sir. It is a private corporation. It is a lumber company.

Mr. HULINGS. I think in passing these bills we should abandon this old-time idea of establishing tolls over a public highway.

Mr. GODWIN of North Carolina. They have no such idea.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Whiteville Lumber Co., Goldsboro, N. C., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Waccamaw River at a point suitable to the interest of navigation, at or near Old Dock, in the county of Brunswick, in the State of North Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Also the following committee amendment:

Page 1, line 8, after the words "old dock," insert: "Old Dock, in the county at Columbus, or adjacent thereto," in parentheses.

Mr. GODWIN of North Carolina. Mr. Speaker, I move to amend the bill by striking out all of line 8 and all of line 9, down to and including the word "Brunswick." That would be "Old Dock," in line 8, and all in parentheses.

The SPEAKER pro tempore. The question is first on the committee amendment.

Mr. RAYBURN. The committee amendment has got to be adopted, and that in the parentheses has got to be stricken out, with the two words preceding the parenthesis.

Mr. MANN of Illinois. If you make the bill read "at or near Old Dock, in the county of Columbus or adjacent thereto," that would be sufficient.

The SPEAKER pro tempore. The gentleman from North Carolina offers an amendment by way of substitute for the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GODWIN of North Carolina as a substitute for the committee amendment: Line 8, page 1, strike out the words "Old Dock," strike out the parenthesis before the word "Old," and strike out the word "at" after "county," and insert the word "of" in lieu thereof, and strike out the parenthesis after the word "thereto," in line 9, and the words "in the county of Brunswick," so that it will read: "Old Dock, in the county of Brunswick or adjacent thereto."

Mr. MANN of Illinois. While it is not, in fact, a substitute for or amendment to the text, still it presents it in a concrete way, and I think nobody has any objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. GODWIN].

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended in accordance with the text.

Mr. MANN of Illinois. Mr. Speaker, I am not sure about the amendment of the title. The county of Brunswick is not referred to in the bill, anyway. The title may properly be amended in this way: "Granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near the Old Dock, in Columbus County, N. C." The committee amendment surely is incorrect.

Mr. RAYBURN. I agree with the gentleman. But it appears to me to be hardly necessary to amend the title, because one end of this bridge is in this county, whether it is properly set down in the bill or not. One end of the bridge is in one county and one end in the other.

Mr. MANN of Illinois. Yes; one end of the bridge is in one county and one end is in the other. If you say "at or near," it could be considered in both places. The title should read, "To construct a bridge across the Waccamaw River at or near the Old Dock, county of Columbus, N. C." That is the latter part of the title.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment to the title, which the Clerk will report.

The Clerk read as follows:

Amendment to the title offered by Mr. MANN of Illinois, making the title read as follows: "A bill granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near the Old Dock, in the county of Columbus, N. C."

The SPEAKER pro tempore. The question is on agreeing to the amendment of the title.

The amendment of the title was agreed to.

Mr. GODWIN of North Carolina. Mr. Speaker, I move to reconsider the vote whereby the bill was passed, and to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to reconsider the vote by which the bill was passed and to lay that motion on the table.

Mr. BLANTON. Mr. Speaker, instead of asking unanimous consent that that action be taken, he moved that the action be taken.

The SPEAKER pro tempore. Yes; it is for unanimous consent, however. Is there objection?

There was no objection.

NO QUORUM—CALL OF THE HOUSE.

Mr. MORGAN. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] In the opinion of the Chair a quorum is not present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Massachusetts moves a call of the House. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PARRISH. Division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 20, noes 5.

So the motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Esch	Langley	Rodenberg
Almon	Evans, Mont.	Larsen	Romjue
Anderson	Evans, Nebr.	Lazaro	Rowan
Andrews, Md.	Ferris	Lee, Ga.	Rowe
Anthony	Fuller, Mass.	Lesher	Sanders, La.
Aswell	Gallivan	Longworth	Sanders, N. Y.
Ayres	Gandy	McArthur	Sanford
Bacharach	Ganly	McGlennon	Saunders, Va.
Barkley	Garland	McKenzie	Scott
Bell	Garrett	McKeown	Scully
Booher	Goodall	McKinley	Siegel
Britten	Goodykoontz	McLaughlin, Mich.	Sims
Brooks, Pa.	Gould	McPherson	Small
Browning	Graham, Pa.	Madden	Smith, Ill.
Brumbaugh	Graham, Ill.	Maher	Smith, N. Y.
Burke	Green, Iowa	Martin	Steele
Burroughs	Hamill	Mason	Sullivan
Butler	Hamilton	Mead	Summers, Wash.
Cantrill	Haugen	Montague	Sweet
Caraway	Hill	Moon	Taylor, Colo.
Carew	Houghton	Moores, Ind.	Thompson
Casey	Hudspeth	Morin	Tinkham
Clark, Fla.	Humphreys	Mudd	Upshaw
Collier	Hutchinson	Newton, Minn.	Vare
Copley	Jefferis	Nicholls, S. C.	Vestal
Crago	Johnson, Wash.	Nichols, Mich.	Ward
Crowther	Johnston, N. Y.	O'Connell	Watkins
Cullen	Jones, Pa.	O'Connor	Wilson, La.
Dallinger	Kahn	Olney	Wilson, Pa.
Dent	Kelley, Mich.	Paige	Winslow
Dooling	Kennedy, Iowa	Pell	Wise
Dunn	Kennedy, R. I.	Peters	Woods, Va.
Dupré	Kettner	Porter	Woodyard
Eagan	Kleczka	Reber	
Eagle	Kraus	Reed, N. Y.	
Edmonds	Kreider	Riordan	

The SPEAKER. On this roll call 287 Members have answered to their names. A quorum is present.

Mr. WALSH. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The Clerk will report the next bill.

PROCESS IN CAUSES REMOVED TO UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10207) providing for service of process in causes removed from a State or other court to a United States court.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SINNOTT. Mr. Speaker, reserving the right to object, I should like to have some explanation of this bill. I should like to know from the chairman of the committee when, within the purview of this bill, is the cause removed to the Federal court? I have grown a little hazy on that matter. I used to have some familiarity with the procedure. As I recall it, the defendant within the time in which he has to answer in the State court must file with the State court his petition for removal and must serve that upon the plaintiff. Then the process of the State court stops. At least the State court proceeds at its own peril. Then the defendant has 30 days or some such period in which to file the record of the removal proceedings with the Federal court. That gives the defendant 30 days in which this entire matter is left up in the air unless the plaintiff himself files a certified copy of the defendant's petition and record for removal.

Now, I want to find out when within the purview of this act is the cause removed? The filing of the petition causes an automatic removal, at least temporarily, but the plaintiff can

come into the Federal court and ask that the entire proceeding be remanded back to the State court.

Mr. VOLSTEAD. I presume that just as soon as the papers are filed in the State court, so as to complete what has to be done there for the purposes of removal, the transfers really take place, so the State court loses its jurisdiction.

Mr. SINNOTT. It may be that the certified copy of the record has been filed with the Federal court, and the Federal court has ordered a remand and sent the case back to the State court, and the process server is out serving the process and has served it after the order of remand is made. What becomes of that service, and is that a good and valid service under this bill, and is there any time under this bill when the jurisdiction of the Federal court to make the service stops, even though the case has been remanded back?

Mr. VOLSTEAD. I presume so. I presume that service of process made while the Federal court had jurisdiction under the provisions of this bill would be valid. If the case is remanded to the State court, I presume that whatever service takes place while the Federal court holds, it would be good service; if not, the State court could go on and complete the service.

Mr. SINNOTT. There is nothing here directing any information to be given to the defendant served after the order of remand is made in the Federal court, and he does not know whether he is in the State court or the Federal court, unless he goes to the Federal court.

Mr. VOLSTEAD. If the process was issued out of the Federal court, of course he would have notice. If it was served by an officer of the Federal court he would also have notice.

Mr. SINNOTT. It may be served by that officer after the Federal court has lost jurisdiction for other purposes. I do not know whether it is the gentleman's intention to retain jurisdiction in the Federal court, in order to complete the service, even after the remand has been made.

Mr. VOLSTEAD. No; I do not think we could under this bill. If process should be served in the Federal court after the case had been sent back to the State court, that would probably be a useless proceeding, and it would be necessary to go on and complete the jurisdiction in the State court. But I am not prepared to say just what the court might hold in reference to that point. There is a defect that ought to be cured by a bill something like this.

Mr. SINNOTT. I think so.

Mr. VOLSTEAD. And only once in a good while could a situation arise such as the gentleman has called attention to.

Mr. WALSH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman with respect to the language in lines 8 and 9—

> Such process may be completed by the United States court through its officers.

As to whether it is proper to say that the process may be completed by the United States court through its officers. Officers of courts do not ordinarily complete a process. Ought not that language to be modified or changed in some way?

Mr. VOLSTEAD. I think it would be better if it said that it should be completed "under the direction of the United States court."

Mr. WALSH. Through its officers?

Mr. VOLSTEAD. That would not be necessary, because very often process is served by publication, and the publication might be going on at the time, and the court might simply direct that the publication be continued for the purpose of completing the service.

Mr. TOWNER. I think the gentleman's last statement is explanatory of what is intended; that is, that the court shall direct what kind of service shall be made, and shall direct that service be made. It could have no other meaning properly.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, we on this side were totally unable to hear the statement made by the chairman of the committee. This is a rather important matter. I notice that the gentleman from Texas [Mr. JONES] is the author of the bill. We would like to have an explanation of the necessity for it.

Mr. JONES of Texas. Under the law as it exists at the present time if a suit were filed against five defendants and three of them were served properly before the case is removed and the other two were not served, the plaintiff must dismiss as to the two who are not served, or as to any upon whom service has been defective, or else dismiss his whole suit and start over again, which is an expensive proceeding. This bill authorizes the court, in the event there are more than one defendant, either to complete the process on any one or more of the defendants after the case is removed to the Federal court or to issue a new process as to defendants who have not been served. In other words, it will do away with the necessity of dismissing and refiling and paying the fees and costs incident thereto.

Mr. DEWALT. I do not think the gentleman's statement is quite correct. As I understood the gentleman, he said that where there were five defendants and three of them had been served and two had not been served, and the case was removed to the Federal court, the plaintiff would have to dismiss as to the two who were not served. Am I correct in my statement of what the gentleman said?

Mr. JONES of Texas. That is what some of the courts have held.

Mr. DEWALT. Reading your bill I find this:

> That hereafter in all cases removed from any State court to any United States court for trial in which any one or more of the defendants has not been served with process or in which the same has not been perfected prior to such removal, or in which the process served upon the defendant or defendants, or any of them, proves to be defective—

And so forth.

That would include all defendants, and therefore it follows that you might have no service at all on any defendant.

Mr. JONES of Texas. There has to be service on some one defendant or the defendant must come voluntarily and appear before the court, which is the same thing, before it can be removed, because some defendant must file a petition and bond.

Mr. DEWALT. Grant that. Let me ask this question: I suppose the gentleman will admit that service of process in a State court in some cases is different from the service of process in a Federal court, not only as to time of service but as to the manner of service required? Is not that correct?

Mr. JONES of Texas. In some instances, yes; but in most instances the State procedure is followed by the Federal court in this regard.

Mr. DEWALT. Granting that is true. Say there are defendants in an action in which there are five who have been served according to the State process and three have not been served. They would be served after the removal to the Federal court by a Federal process.

Mr. JONES of Texas. That might be true.

Mr. DEWALT. Is it not true that certain rights or benefits may have accrued to those served under State process that the other defendants would not get under the Federal service?

Mr. JONES of Texas. Not at all. The Federal court, once the case is removed, assumes complete jurisdiction and conducts the entire case as if the case had been filed originally in a Federal court. It does not take cognizance of the orders or decrees of the State court as far as the jurisdiction or disposition of the case is concerned.

Mr. DEWALT. I have no objection to the bill, but I am asking these questions for information. This bill provides for adding defendants and bringing them in.

Mr. JONES of Texas. No; it does not do that. I take it, however, that if it were desired to add new defendants after the case had been removed the court would have jurisdiction to add them.

Mr. DEWALT. In lines 9 and 10 you say "or new process as to defendants upon whom process has not been completed may be issued." Evidently that contemplates the joinder of new defendants, because they can be brought by an entirely new process.

Mr. JONES of Texas. I think that language clearly connects with the preceding and refers to those who are made defendants prior to removal but have not been served with process prior thereto. But I can see no objection to new defendants being added.

Mr. DEWALT. In a State court, if it is desired to add new defendants, you must issue a new writ entirely apart from the original writ. You could not bring them in by a rule.

Mr. JONES of Texas. They must be served with process in a Federal court.

Mr. DEWALT. The processes are different as to time and manner of service. Therefore one set of defendants has certain rights accrue to them in the State court and other defendants will not have the benefit of that by Federal process.

Mr. JONES of Texas. I will state in answer that any cause removed to the Federal court must be one which could have been originally filed in the Federal court. The Federal court would have had original jurisdiction. So the defendant who has been served in the Federal court, after removal, would have no complaint because the case might have been brought there originally.

Mr. SINNOTT. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. SINNOTT. There has another thought occurred to me that possibly—although I am not sure, because it has been some time since I looked into the matter—that this will enable

you to get a defendant into the Federal court that you otherwise could not get in the State court.

Mr. JONES of Texas. No, sir.

Mr. SINNOTT. Before a defendant joined with other defendants can remove a case to the Federal court he has got to show, in addition to other reasons, in his petition that he has a separable controversy, does he not?

Mr. JONES of Texas. That may be one ground, or rather that may enable him to show that he would have grounds but for the improper joining of some defendant.

Mr. SINNOTT. That is one ground for removal relating to the separable controversy, and he takes the case against himself to the Federal court. That gives the Federal court jurisdiction to secure service on another defendant that you could not take into the Federal court.

Mr. JONES of Texas. The Federal court can not acquire jurisdiction by simple service of process. It must be a cause that might have been filed originally in the Federal court and not subject to being remanded.

Mr. SINNOTT. In the gentleman's opinion this would not take away from the Federal court the right of remanding?

Mr. JONES of Texas. I do not think so.

Mr. BANKHEAD. Will the gentleman yield? Suppose one of the joint defendants did not desire the case to be removed, because perhaps he thought he would have a fairer trial in the State court?

Mr. JONES of Texas. I will state that any defendant can remove a case to the Federal court provided the existing facts are there. He does not have to consult the other defendants. Anyone who is dissatisfied in a cause may, on his own bond and petition, remove the case to the Federal court if the ground for removal exists.

Mr. BANKHEAD. Mr. Chairman, I withdraw my reservation of an objection.

Mr. STEVENSON. Reserving the right to object, I was out at the time this bill was called up. Will not this bill enable a plaintiff to have nonresident defendants, those who could not resist, defendants with whom diversity of citizenship exists, to have them served after it gets into the United States court? Then they can bring in other defendants, and they will be deprived of their rights to resist a removal. Will not that enable them to get some men into the United States court that they could not get in otherwise?

Mr. JONES of Texas. I do not think so.

Mr. VOLSTEAD. Those who had not already been served would not be outside of the service if the Federal court has jurisdiction.

Mr. STEVENSON. But suppose they are served under this bill, after it gets into the United States court, and on process issued by the United States court?

Mr. VOLSTEAD. But the United States court can only take jurisdiction of cases to which its jurisdiction extends.

Mr. STEVENSON. That is true.

Mr. VOLSTEAD. And you can not get jurisdiction of the subject matter by serving a person if the subject matter is not confined to the district court.

Mr. SINNOTT. It is not only the subject matter, but the nonresidence of the defendant that gives the right of removal in most cases, but in the cause stated by the gentleman, as I remember it, if there are some defendants residents and other nonresidents, then the nonresident defendant can not remove unless there is a separable controversy.

Mr. STEVENSON. Let us suppose a case. Suppose a citizen of Virginia brings suit against two citizens of North Carolina in the eastern district of South Carolina, and three or four citizens of Virginia also, but does not serve the latter. A separable cause is made as to those in South Carolina. The citizens of South Carolina remove him into the United States court. Then the citizens of Virginia are served in the United States court and are brought in, whereas they could have resisted removal otherwise.

Mr. SINNOTT. Then they would go into the United States court and ask for a remand.

Mr. JONES of Texas. The petition must show on its face prior to removal that there is a diversity citizenship all along the line. If a man is suing a number of defendants and one of them lives in his own State, notwithstanding he has not served that man, the defendant can not remove the cause to the Federal court, because the petition must show on its face that there is diversity of citizenship as between the plaintiff and all of the defendants.

Mr. SINNOTT. Unless by asking for removal he can show that there is a separable controversy.

Mr. STEVENSON. That is the point. The defendants served may make a prima facie showing of a separable controversy from those others and that those others are not in. Then you go in there and issue process of the United States court, and I do not see how you can remand.

Mr. JONES of Texas. They must not only show the separable controversy but they must separate the controversy, because, so long as the case remains with one of the defendants living in the same State that the plaintiff lives in, and notwithstanding it may be a separable controversy, neither of the defendants can remove the cause to the Federal court because there is no diversity of citizenship.

Mr. STEVENSON. Then if they separate the controversy, why the provision for bringing in these others that are not concerned in that controversy?

Mr. JONES of Texas. The provision is not primarily for that. Let me cite this instance. Take a case filed down in Texas, where there were 40 defendants. They served 26 of the defendants and there was defective process on five of them. The cause was removed to the Federal courts by one of the defendants, and they could not complete the service of process on the other defendants. The plaintiff could not get complete justice or complete disposition of the cause by going ahead to final judgment, so he dismissed that cause, and the case has been dismissed twice and still is undecided. What recourse has the plaintiff in such a case? I do not think there can be any trouble at all on the basis the gentleman speaks of, because the decisions are as clear as they can be that if a plaintiff sues a number of defendants and any one of these defendants lives in the same State as the plaintiff the cause can not be removed.

Mr. STEVENSON. I am thoroughly familiar with that, but you admit that where there is a separable controversy it can be?

Mr. JONES of Texas. Yes; by going in and showing that it is a separable controversy, but so long as the existing fact remains that there is a defendant or are defendants who live in the same State as the plaintiff the cause can not be removed to the Federal court.

Mr. STEVENSON. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DEWALT. Mr. Speaker, reserving the right to object, I think the gentleman from Texas [Mr. JONES] has agreed in saying that the manner of service differs in State jurisdictions from what it is in Federal jurisdictions in some cases.

Mr. JONES of Texas. In some cases; yes.

Mr. WALSH. Let us have this question of procedure definitely in mind. There are five defendants or proposed defendants. Three of them have been served according to the State process?

Mr. JONES of Texas. Yes.

Mr. DEWALT. Two of them, as you say, have been defectively served or the process has not been completed. By the tenor of the gentleman's bill, those two who have not been served legally are now subject, by removal to the Federal courts, to the service of process according to the Federal court rule?

Mr. JONES of Texas. Yes.

Mr. DEWALT. Take this concrete example: The State laws in many States provide that a corporation shall have process served upon it by the process being given personally to an authorized agent of the corporation; or in another instance, if it be a foreign corporation, that the process shall be served upon a person designated and named by the state department of the State in which the corporation does business. We will say that the time of service required is 30 days before the return day of the writ. We will say that is the State law. We will say that the Federal law, however, in regard to the two defendants who have been brought in requires only 10 days' service before the return day of the writ. Therefore you have three men who have had 30 days' time in which to prepare for the return of the writ, and the other two men, subjected to the Federal jurisdiction, have been brought in by the tenor of the gentleman's bill with only 10 days. Is that the meaning of the bill?

Mr. JONES of Texas. That is perhaps true, if that case should arise. However, none of these defendants had the right to have the case filed in the State courts. The three defendants first mentioned may have had a little more time than the others who are served in the Federal courts, and yet those who have been served in the Federal courts have all of the notice they are entitled to under the law, because the case might have originally been filed in the Federal court, and in that event all of them would have received the same notice.

Mr. DEWALT. I understand.

Mr. JONES of Texas. That only the two have. On the other hand, if you do not permit the service to be completed, two or three defendants by collusion—and I have known it to happen—may practically prevent a man from getting service, because they can hide out for a few days while one of the other defend-

ants comes and removes the cause to the Federal court, and then the plaintiff is in the Federal court with his hands tied, not having service on all of the defendants. The Federal court, as a rule, follows the State practice in everything except in a few peculiar kinds of equity suits.

Mr. DEWALT. To my mind, you have by the provisions of your bill created a discrimination in favor of some defendants as against others. That is what I am objecting to. Because I recognize very clearly that 30 days' time before the return day required for service is of very great moment to the defendant, and here three of them have that much and two of them do not have that much, and therefore the discrimination.

Mr. VOLSTEAD. My understanding is that the length of time is governed by the State statute, that we have not any Federal statute on the subject at all, except that which directs that in the Federal courts the State practice is to be followed. And certainly there is no great grievance a person can complain of so far as the service is concerned.

Mr. DEWALT. The gentleman having admitted what is the fact—and the chairman of the Judiciary Committee will no doubt agree with that—there is a distinctive difference between the service of process in the State courts and that which maintains in the Federal courts.

Mr. VOLSTEAD. One is through the marshal and the other is usually through the sheriff, or may be served, in my State, by any individual, in most cases. But the length of time is the same whether it is served by the marshal or served by the sheriff.

Mr. DEWALT. I withdraw my reservation.

The SPEAKER. Is there objection?

Mr. DOMINICK. I object, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

Mr. JONES of Texas. Mr. Speaker, I ask that the bill may go to the foot of the calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill may go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE WABASH RIVER, ATTICA, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11606) to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. HULINGS. Mr. Speaker, reserving the right to object, I would like to have some information as to whether or not this proposes the construction of a bridge on which there shall be tolls in effect?

Mr. PURNELL. I will say to the gentleman that it does not.

Mr. HULINGS. This is not for a toll bridge?

Mr. PURNELL. It is not. It is merely for replacing a bridge that has been in existence since 1866.

Mr. HULINGS. A free bridge?

Mr. PURNELL. A free bridge. It is an emergency measure.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, I desire to inquire of the gentleman in whose city, county, and State the proposed bridge is, if this is a bridge to replace an existing bridge?

Mr. PURNELL. I will say to the gentleman that the proposed bridge is to be built, to be exact, just 40 feet upstream from a bridge now in existence—a bridge that was built in 1866, and which is now considered unsafe.

Mr. GARD. The idea is to remove the present bridge and build a bridge 40 feet upstream?

Mr. PURNELL. Exactly.

Mr. GARD. I note that the report of the Secretary of War was "at a place near"; and it was sticken out; and I was wondering, if it was absolutely to replace a bridge, if the language "at a point suitable to the interests of navigation" should remain. I expect, from the gentleman's explanation, it is all right. I suggest to him that he correct the spelling of the name of the county in line 6.

Mr. PURNELL. I will do that.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Fountain, State of Indiana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, from a point in the city of Attica, Fountain County, Ind., to a point in Warren County, in the State of Indiana, at a point suitable to the interests of navigation at a place near a bridge now in operation and heretofore constructed by said Fountain County at said point, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Also the following committee amendment was read:

Page 1, line 8, after the word "navigation," strike out "at a place near a," and insert "to replace the."

Mr. MANN of Illinois. Mr. Speaker, I have some doubt about the desirability of this amendment, and the effect of it. The purpose, I understand, is to construct a bridge at this point to take the place of a bridge which is now in existence there. That is very well; but where you strike out "at a place near a" bridge now in operation and say "to replace" the bridge, it might be required that the present bridge be torn down and a new bridge be constructed afterwards. I assume that it is desired to continue the use of the old bridge until the new bridge is constructed. I will ask the gentleman if that is the fact?

Mr. PURNELL. I will say to the gentleman that is exactly the fact, and I agree with his contention. The amendment is a proposal of the War Department, and the bill as originally drawn, as the gentleman will see, did not contemplate that addition. The bridge is to be constructed according to the plans, a copy of which I have, just exactly 40 feet upstream from the present bridge, and for the purpose of replacing it.

Mr. MANN of Illinois. It is for the purpose of replacing it in a way, but it is not for the purpose of actually replacing it now. You want to use your old bridge until the new one is completed?

Mr. PURNELL. Exactly.

Mr. MANN of Illinois. Now, as a matter of fact, the War Department would have authority under the general bridge law to order the old bridge removed at any time, and it is not conceivable that Fountain County desires to maintain two bridges there even if they did have the authority. It may be that it would cause no trouble. Where you say to replace a bridge, it might involve the destruction of the old bridge before plans were approved for the new bridge. It does not seem to me that the language is desirable. I think the amendment ought to be voted down myself.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

Mr. PURNELL. Mr. Speaker, I offer an amendment to correct the spelling of the word "Fountian" in line 6.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, correct the spelling of the word "Fountian" to "Fountain."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PURNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS WHITE RIVER, NEAR DES ARC, ARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River.

The SPEAKER. Is there objection to the present consideration of this bill.

Mr. GARD. Reserving the right to object, is that bill reported on the Unanimous Consent Calendar? It is not on the calendar I have.

The SPEAKER. It is the last one on the calendar.

Mr. GARD. When was it placed on the calendar?

The SPEAKER. On January 17. The Chair thinks it is not entitled to be on this calendar.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent that the bill be placed on the Unanimous Consent Calendar at this time.

Mr. GARD. It is on the calendar.

The SPEAKER. Does the gentleman from Arkansas ask that the bill be considered at this time?

Mr. OLDFIELD. Yes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the immediate consideration of the bill just reported. Is there objection?

Mr. HULINGS. Reserving the right to object, Mr. Speaker, I wish to ask a question. It seems that Mr. Gordon N. Peay, jr., his heirs and assigns, are to have the right to operate a toll

bridge. Is there any limitation on the amount of tolls to be imposed?

Mr. MANN of Illinois. The general bridge law gives authority to the Secretary of War, where tolls are charged, to fix the amount.

Mr. HULINGS. Would it be possible to put in a condition by which those municipalities could take over this bridge at cost? There are two counties, I suppose.

Mr. OLDFIELD. There is only one county.

Mr. HULINGS. By which the counties could condemn it and take over that bridge? This thing of having toll bridges and toll roads is a played-out proposition. Everywhere they are being abolished. They are difficult things to get after when the right has once accrued, and it seems to me it would be the part of common business prudence for Congress to provide so that the municipality or the public could take over these bridges at cost.

Mr. OLDFIELD. I would state to the gentleman that personally I would have no objection to that.

Mr. MANN of Illinois. We could not give that right here. That would be under the law of Arkansas.

Mr. OLDFIELD. I will say to the gentleman that the town of Des Arc is probably a town of 2,000 people, and the White River is a rather wide river at that particular place, and a very fine farming section is just across the river. It is about 25 miles to any other market except this town of Des Arc. They have agitated the question of a bridge for a great many years, trying to have the city or town build a bridge or to have the county build a bridge, but they feel that they are not financially able to do it. They are very much interested.

Mr. HULINGS. I shall not object to the consideration of this bill, but I thought it proper to call the matter to the attention of the House.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read the bill, as follows:

Be it enacted, etc., That Gordon N. Peay, jr., his heirs and assigns, be, and they are hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto across the White River at a point suitable to the interests of navigation within or near the limits of the town of Des Arc, in the county of Prairie, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With a committee amendment, as follows:

Page 1, line 5, strike out the word "toll."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read the next section of the bill.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The title was amended so as to read: "An act authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a bridge and approaches thereto across the White River."

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read the third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

On motion of Mr. OLDFIELD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMMISSION CONCERNING BRIDGE OVER NIAGARA RIVER.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to return to the consideration of Senate bill 3427. I objected to its consideration until the call of the calendar had been completed. The call having been completed, I will withdraw my objection.

The SPEAKER. What bill is that?

Mr. WALSH. It is No. 118 on the calendar, Senate bill 3427.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Reserving the right to object, the proposition to build a bridge across the Niagara River at Buffalo has been pending in some form ever since I have been a Member of Congress. I went up there once with a committee investigating the subject. Permission to build a bridge has been granted more than once, and then extended. I do not know what this commission is intended to do. I would like to ask this question, whether one of the purposes of this bill is to have an entering wedge in order to ask Congress to contribute toward furnishing the money to build a bridge up there?

Mr. MACGREGOR. Mr. Speaker, I would say in answer to the inquiry of the gentleman from Illinois that the people of that vicinity have no intention of asking Congress for any money whatsoever to build this bridge with.

Mr. MANN of Illinois. While my distinguished friend can not speak for those who may represent Buffalo in Congress many years hence, and possibly can not speak for all of them in the near future, I do want to have it emphatically stated that it is not the intention of Congress, through this bill, if it is passed, to have Congress asked for contributions of money for the construction of the bridge.

Mr. MACGREGOR. I would be perfectly willing to have it written in the bill, if that can be done.

Mr. MANN of Illinois. That would not have any more effect. We have discovered at times that the strongest kind of statements do not always bind other people, notably in the case of the California exposition, where the exposition was located at San Francisco because they said they would never ask for money out of the Federal Treasury—not the same people, but other people did it for them.

Mr. MACGREGOR. It was proposed some years ago that Congress appropriate $50,000,000 or $100,000,000 for the construction of this bridge. It is now intended to be built by the people of that vicinity.

Mr. MANN of Illinois. I do not mean to say that I would oppose the Government contributing money. It may be that I would not; I do not know. But I do not want to have a bill passed which in any sense is a subterfuge and which has an ulterior purpose not declared on its face.

Mr. MACGREGOR. I will say to the gentleman that that is not the intention at the present time and that is not the sentiment of the people with reference to this bill. The only purpose is to cooperate with the intention on the part of the Canadian people to appoint a board. We want to have a body on this side of the same dignity to go and agree with the other as to what shall be done in the matter of building the bridge.

Mr. MANN of Illinois. I suppose the passage of this bill will be used as an argument for the passage of a similar bill over in Canada.

Mr. MACGREGOR. They have not done it yet.

Mr. MANN of Illinois. If they had done it, no doubt the gentleman would give that as an argument in favor of the passage of this bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, when this bill came up on a former occasion on this same calendar I objected to its consideration, very largely because of the same ideas which have been brought out by the gentleman from Illinois [Mr. MANN]. Personally, I do not like this kind of a precedent. I do not see any real substantial reason why the Federal Government should appoint a commission ready made, men that they know nothing about; no doubt fine gentlemen, but men about whom Congress knows nothing and of whom the War Department knows nothing. The bill comes in here with no recommendation from the War Department beyond their statement that they have no objection to it. Inasmuch as we are not going to pay for building the bridge in any degree, it seems to be a matter that Congress has nothing to do with. If the people of Canada likewise want a bridge, they will meet a commission appointed by the common council of Buffalo as quickly as they will meet a commission appointed by us. But I have been led to give up my scruples on the subject and to waive any objection to the bill.

The SPEAKER. Is there objection?

Mr. RAYBURN. Reserving the right to object, I am very glad that the gentleman from Illinois [Mr. MANN] asked the question of the gentleman from New York that he did. I have looked at this matter in the same way that the gentleman from Michigan [Mr. CRAMTON] stated that he did. I am not going to object to the consideration of this bill, but if I were not a member of the committee that reported it I certainly should. I can not see any reason in the world for the Congress of the United States authorizing a ready-made commission that is handed us by somebody up in Buffalo, N. Y., and it does seem to me that it is a most groundless thing for us to do. However, as I say, I am not going to object to the consideration of the bill.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman.

Mr. MANN of Illinois. As I stated before, this proposition to build a bridge across the Niagara River has been pending here certainly ever since I have been a Member of the House, and that is quite a few years now. The Committee on Interstate and Foreign Commerce, of which I was then a member, visited Buffalo at one time in connection with the matter. There have been a great many efforts to construct a bridge across the river there. Of course, the difficulty is in the financing of it, because it is an expensive proposition, and possibly a doubtful one from an engineering point of view. If without any liability on our part we can contribute a litle by the appointment of a commission to meet a commission from Canada concerning an international river like the Niagara, I really think we ought to make an exception. It is an exception. The situation there is entirely different from what it is at any other place.

Mr. RAYBURN. As far as I am concerned, I shall waive any objection, but I do not like the business. There is a concern up there now that have authority to construct a bridge, but they are not doing it.

Mr. MANN of Illinois. They may have the authority, but they have not the money.

Mr. MACGREGOR. The others are private propositions.

Mr. RAYBURN. This is going to be a private proposition, too, is it not? When this bridge is built it will be a private proposition, will it not?

Mr. MACGREGOR. Oh, no; it will be for public purposes.

Mr. RAYBURN. But it will certainly be built by private parties.

Mr. MACGREGOR. It will have to be built by them, but it is not intended for private gain.

Mr. GARD. Is it a toll bridge?

Mr. MACGREGOR. There will be no profit derived from the bridge. The only purpose is to get a bridge across. It will be a public bridge without any profit from it.

Mr. GARD. Further reserving the right to object, the first section of this bill provides—

That a commission be, and hereby is, created, to be called the Buffalo Public Bridge Commission.

What I wish to inquire is, if the Congress passes this very unusual law and creates this public bridge commission, what supervisory authority or direction it will have over any existing project for which we may have granted the authority to some one to build a bridge over the Niagara River?

Mr. MACGREGOR. It would not have any. All that this commission would have power to do would be to confer with the commission to be appointed by the Canadian Parliament and then come back with its recommendations.

Mr. GARD. There is no restriction upon this language, and if Congress creates the Buffalo Bridge Commission and gives that commission power, as it does in section 6, to adopt rules and regulations for the conduct of the business of the commission, does not that confer a very wide discretion upon a commission which the Congress apparently knows nothing of, since it has no voice in the selection of it except to adopt the names of these gentlemen? For aught I know, they may be very proper and estimable gentlemen, but the inquiry I am making is why should we create this bridge commission and give it the power to adopt rules and regulations? By so doing may we not in effect be shutting the door to our own participation in the control of this international bridge?

Mr. MACGREGOR. It seems to me that the jurisdiction is controlled by section 3, which provides:

SEC. 3. That the commission shall inquire into the practicability, feasibility, and estimated expense of the construction of a public bridge, from some point in the city of Buffalo, N. Y., over the Niagara River, to some point in the Dominion of Canada, and devise a plan for the construction of such bridge and the manner of financing its construction.

Mr. GARD. If they do that, then in section 5 it says that they may report to Congress their findings and recommendations and submit any testimony taken from time to time, and that they shall make a final report, accompanied by any testimony not previously submitted, not later than two years after the approval of this act. In other words, they may report their findings and recommendations, and they shall make a final report, in which apparently the Congress is not interested save in the sense of preserving relations, since, as the gentleman says, there is no intention of creating any financial liability against the General Government.

Mr. MACGREGOR. They would have to come back to Congress for authority.

Mr. GARD. Under section 3 this commission is to devise a plan for the construction of the bridge and the manner of financing its construction. I presume that the latter is of paramount importance, since it is most difficult.

I question very much whether in this manner and at this time we could enter upon the passage of a bill of this kind, since, so far as the General Government is concerned, I do not see that it accomplishes anything except the possibility of creating a commission which may embarrass us in the future.

Mr. MACGREGOR. I trust the gentleman from Ohio will not object, because here is a matter, as the gentleman from Illinois [Mr. MANN] says, which has been pending for many years. We have been attempting to get across this river with a bridge. There is no bridge across Niagara River from Lake Erie down to Niagara Falls, a distance of 22 miles, and this bridge would connect up the highway system of New York State with the highway system of Canada. The Canadian Government has constructed on the west side of the river a boulevard along the edge of the river.

Mr. GARD. If there is a proposition to build a bridge at a point selected, why is it not the policy to ask for authority to build a bridge there, instead of creating a commission which may or may not report to Congress?

Mr. MACGREGOR. The purpose of this is to have this body cooperate and get in touch with the work of a similar commission to be appointed by the Canadian Parliament. The only purpose is to create a body which will have the same official standing as that to be chosen in Canada. It is simply an incentive or aid to getting down to some concrete settlement of the question which has been pending for so many years.

Mr. BANKHEAD. Has not a bill been passed and now in effect giving authority to certain parties in Buffalo to construct a bridge?

Mr. MACGREGOR. I suppose the authority has been given to a dozen concerns along the river.

Mr. BANKHEAD. Then they have the existing authority to construct a bridge if they can finance it.

Mr. MACGREGOR. Not a public bridge, but a private bridge.

Mr. BANKHEAD. What advantage would a commission created by an act of Congress have over the existing private commission devising ways and means to finance a proposition and decide where it can be located, inasmuch as they have the authority to construct a bridge?

Mr. MACGREGOR. We have not the authority to construct a bridge.

Mr. BANKHEAD. I thought the gentleman said that they had.

Mr. MACGREGOR. The gentleman asked whether there were others.

Mr. BANKHEAD. The question I asked was, Have not a number of bills been passed authorizing the construction of a bridge and giving certain parties authority to construct a bridge, but they have never done it?

Mr. MACGREGOR. Not this bridge.

Mr. BANKHEAD. Any bridge across the Niagara River?

Mr. MACGREGOR. The authority to build a railroad bridge or a bridge for private profit. What we are trying to get is a public bridge, a great big proposititon in the city of Buffalo. It has been a proposition for years to build a bridge across the Niagara River. This is merely a small matter of aid in pushing that proposition along.

Mr. GARD. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. GARD. The gentleman says a public proposition. By that does he mean that the expense of building the bridge is to be met by the county in which Buffalo is situated, or the city of Buffalo and contiguous territory and the territory across the river?

Mr. MACGREGOR. We anticipate that the city of Buffalo and the communities on the other side of the river will assist in financing this proposition.

Mr. GARD. I do not want to stand in opposition to anything that will be for the benefit of Buffalo or the cities on the other side of the river. What I want to ascertain is whether this is a public proposition independent of participation of the United States in a financial way, or whether it is an entering wedge so that after the plan has been agreed upon and the Canadian Government has perhaps given $500,000 or $2,000,000 it will be said that therefore the United States should give $2,000,000.

Mr. MACGREGOR. It has been the unanimous sentiment in Buffalo that no application would be made to the Federal Government for financial aid.

Mr. GARD. How is it to be financed?

Mr. MACGREGOR. It may be financed by the city of Buffalo and the counties on the other side of the river, or it may be through public-spirited citizens taking a sufficient number of bonds and have them paid back by the tolls from the bridge until it is paid for.

Mr. GARD. The financial campaign seems to be rather hazy so far.

Mr. MACGREGOR. It surely is. We can not very well carry out a campaign for financing it until we have some basis upon which to put it.

Mr. GARD. Has it got so far as to show what would be the estimated cost of the bridge?

Mr. MACGREGOR. The estimated cost is probably about $6,000,000.

Mr. GARD. Then at least half of it would have to be met by the city of Buffalo or the county in which Buffalo is situated.

Mr. MACGREGOR. Some of these men seem to have the idea that they would not have very much difficulty in getting sufficient public-spirited citizens to come across.

Mr. GARD. Does the gentleman think the citizens would contribute as much as $3,000,000 to build the bridge?

Mr. MACGREGOR. That is not very much in our town. A city that can raise $75,000,000 in Liberty bonds in a few weeks ought not to have much trouble in coming across with $3,000,000 for a bridge.

Mr. GARD. Is there anything to be gained in creating this commission except that it is possible that a similar commission may be created by the Canadian Parliament, and that the two sets of men may confer together about the propaganda of erecting a bridge at a certain point? Is that all there is in it?

Mr. MACGREGOR. That is all there is. You are giving moral support to the end that our commission shall be equal to that in standing of the commission to be appointed by the Canadian Parliament.

Mr. GARD. I do not see any great advantage in that; the mayor of Buffalo might appoint a commission——

Mr. MACGREGOR. Does the gentleman think that a commission appointed by the mayor would have any standing with a commission appointed by the Canadian Parliament?

Mr. GARD. I question very much whether any real good, so far as the Government is concerned, can come from the appointment of this commission. If the gentleman thinks it will aid in any way a better understanding of conditions, and there is to be no financial liability on the part of the Government of the United States, I have no objection.

Mr. MACGREGOR. There is no financial liability on the Government, and it certainly would be a great aid to the progress of the movement.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission be, and hereby is, created to be called the Buffalo public-bridge commission.

SEC. 2. That such commission shall consist of the following-named persons: Frank B. Baird, Edward J. Barcalo, Marcus Barmon, Frederick G. Bagley, Emanuel Boasberg, Col. Charles Clifton, John W. Cowper, William A. Eckert, Louis A. Fischer, Carmelo Gugino, Charles M. Heald, Edward B. Holmes, Allan I. Holloway, Edgar E. Joralemon, Charles B. Kane, Edward Kener, John A. Kloepfer, Stanislaus Lipowicz, Edward P. Lupfer, James H. McNulty, Jacob J. Siegrist, John W. Van Allen, John G. Wickser, Floyd M. Wills, and Frank Winsch.

SEC. 3. That the commission shall inquire into the practicability, feasibility, and estimated expense of the construction of a public bridge from some point in the city of Buffalo, N. Y., over the Niagara River, to some point in the Dominion of Canada, and devise a plan for the construction of such bridge and the manner of financing its construction.

SEC. 4. That the commission is authorized, as a whole or by subcommittees of the commission duly appointed, to hold sittings and public hearings, and to take testimony of experts and others, but without creating any expense or obligations to the United States thereby.

SEC. 5. That said commission may report to Congress its findings and recommendations and submit any testimony taken from time to time, and shall make a final report, accompanied by any testimony not previously submitted, not later than two years after the approval of this act, at which time the term of this commission shall expire, unless it shall have previously made its final report, and in the latter case the term of the commission shall determine with the making of its final report.

SEC. 6. That such commission be, and it hereby is, empowered to adopt rules and regulations for the conduct of the business of the commission.

SEC. 7. That this act shall take effect on the day following its approval.

Mr. MANN of Illinois. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all of section 5 and insert in lieu thereof the following: "The term of said commission shall expire two years after the passage of this act."

Mr. MANN of Illinois. Mr. Chairman, I think it may be desirable for Congress to pass a law creating this commission. I can see no reason why they should report to Congress. It is not intended that Congress should have anything to do with it except to grant permission, possibly, to construct the bridge. On the contrary, it may be very embarrassing to them, although that is what they are asking for, to have to report to Congress the manner of financing the construction of the bridge. This section would authorize them to report testimony taken at any time. There is no object in their reporting the testimony to Congress that I can see. There is no object in having the Congress print this report, with all of the maps attached to it, at the expense of the Government, in the end, to give it some official status, upon which somebody soon will perhaps ask that the Government pay for the construction of the bridge. Striking out this section will not in any way interfere with the work of the commission to make all of its investigations, to make its report, and it does not impose any obligation on the Government.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That this act shall take effect on the day following its approval.

Mr. MANN of Illinois. Mr. Speaker, I move to strike out section 7.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 4, strike out all of section 7.

Mr. MANN of Illinois. Mr. Speaker, section 7 provides that the act shall take effect on the day following its approval. It is not necessary. In this particular case it might be dangerous, because, as a matter of fact, most of these small bills under present conditions are not presented personally to the President for his approval, and if this bill should become a law by reason of the President not vetoing it in 10 days, it would not take effect ever, because it would not be approved by the President.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time and passed.

Mr. MANN of Illinois. Mr. Speaker, I move to amend the title by striking out from the first line of the title the words "to report to Congress."

The SPEAKER. The gentleman from Illinois offers an amendment to the title, which the Clerk will report.

The Clerk read as follows:

In the first line of the title, strike out the words "to report to Congress."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GALLIVAN, for six days, on account of important business.

To Mr. UPSHAW (at the request of Mr. PARRISH), for five days, on account of illness.

To Mr. VESTAL (at the request of Mr. PURNELL), for four days, on account of important business.

SUSPENSION OF THE RULES.

Mr. GARD. Mr. Speaker, a parliamentary inquiry. Are there to be no suspensions of the rules to-day?

The SPEAKER. No.

SUITS AGAINST THE UNITED STATES IN ADMIRALTY.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3076, with Mr. HICKS in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose on Saturday the gentleman from Massachusetts [Mr. WALSH] had reserved a point of order to an amendment offered by the gentleman from New York [Mr. HUSTED]. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. WALSH. I do.

Mr. MANN of Illinois. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 10, lines 10 and 11, after the words "*Provided*, That," strike out the words "such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire," and substitute the following: "in the case of a vessel not employed as a merchant vessel (a) no suit may be brought under this act on causes of action arising since April 6, 1917, and prior to the approval of this act, unless the consent of the Attorney General of the United States is first obtained in writing; and that (b) where an investigation has been held by a department of the Government as to the facts of any such cause of action arising since April 6, 1917, and prior to the approval of this act, and a witness can not be produced upon the trial, his testimony given at the investigation may be offered by the United States and shall be admissible, if such witness was cross-examined at the investigation by the party suing or his attorney; and that (c) no officer or member of the crew of any such vessel may be subpœnaed in connection with any such suit without the consent of the commander of said vessel; and that (d) no suit may be brought under this act by the National or any foreign Government unless it shall be certified by the Secretary of State that said Government under similar circumstances allows nationals of the United States to sue in its courts."

Mr. WALSH. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from New York is not germane, in that this bill and the section to which the amendment is offered is confined to a certain class of Government-owned vessels. In lines 10 and 11, on page 10 of the bill, the proviso is—

that such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire.

That certainly restricts the application of the act, if it becomes a law, to a certain class of vessels. I submit that this amendment seeks to strike out that language and then provides for what shall be done and how suit may be brought and proceedings had against all Government-owned vessels, and that it is not germane to the purposes and provisions of the bill. It goes far beyond the scope of its provisions. It is a provision which if it were in the bill as originally introduced would probably take the jurisdiction of the bill out of the Committee on the Judiciary. I think it is well recognized that we can not include, by way of amendment in a measure restricted to one particular subject or class, other classes. In other words, you can not, by amendment, broaden the scope of a bill when by the terms of that bill it is restricted to one particular class or subject. I submit that this measure as it has been passed by the Senate and as it has been reported by the Committee on the Judiciary to the House, is restricted in its provisions to merchant vessels employed or intended to be employed in the carriage of cargoes or passengers for hire. Under the amendment of the gentleman from New York [Mr. HUSTED], it strikes out that proviso and permits suits to be brought because of damage resulting from collisions with naval vessels, or Army transports, or Coast Guard cutters, or Bureau of Fisheries steamers, and vessels under the jurisdiction of the Board of Engineers in the War Department, and opens it to all Government-owned vessels, whether they be employed or intended to be employed in the carriage of cargo and passengers for hire or whether they be employed or intended to be employed strictly on Government business in which they are not competing with any privately owned craft or any individual enterprise.

Now, I think there are several precedents which sustain the contention that I am making. For instance, in the cotton boll-weevil provision in one of the agricultural bills, or in a separate bill—I have forgotten which—they attempted to put in an amendment to cover the gypsy moth. That was ruled out of order. In the case of providing a clerk to one of the committees an amendment was offered to provide a clerk for another committee and it was held not germane. And in the case where they admitted one territory in a bill or resolution an amendment was offered to include another territory and it was excluded on the ground that it was not germane. But where the measure provided for two territories, or three, an amendment offered to include another would have been admissible. But I submit in this instance that by the peculiar, but not the less clear, language used the provisions in this act are restricted—and they are restrictive intentionally—to vessels operating as merchant vessels owned by the Government or by some corporation in which the Government owns stock and which are employed in the carriage of cargo or passengers for hire, or intended to be thus employed.

Now, I submit to the Chair's attention that in 1914, March 25, in the Sixty-third Congress, there was a bill up relating to goods made wholly or in part by convict labor.

The CHAIRMAN. Will the gentleman give the reference?

Mr. WALSH. The reference is Sixty-third Congress, second session, page 5481, a decision rendered by Speaker CLARK on March 25, 1914, where, upon a bill relating to the goods made by convict labor or from materials which were made by convict labor, an amendment was offered to include goods made by child labor. And the Speaker ruled that that amendment was not germane.

There is another decision along the same line—on July 16, 1912, Sixty-second Congress, second session, page 9142—which was a bill prohibiting the transportation of messages or information relating to cotton futures. An amendment was offered to include wheat, corn, oats, and other grains, and Speaker CLARK at that time held that that amendment was not germane.

The general rule, Mr. Chairman, is that any amendment which is offered to a section of a bill under consideration must be germane not only to the bill, not only to the section, but to the subject matter under consideration. And I contend that the proposition of the gentleman from New York [Mr. HUSTED] is not germane because, as I before stated, it is not related to the subject; it broadens the scope much beyond that covered by the bill, and even the Committee on the Judiciary, I submit, would not be empowered to offer an amendment of that character and scope as a committee amendment without its being subject to a point of order.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. WALSH. Yes, sir.

Mr. BANKHEAD. Has the gentleman directed his attention to the general purpose of this act, as provided in its title and section 1 of the bill, in connection with his argument?

Mr. WALSH. Yes, sir.

Mr. BANKHEAD. The bill is proposed to be an act authorizing suits against the United States in admiralty, and section 1 provides:

That every vessel owned by the United States, or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock, or in the possession of the United States or of such corporation, or operated by or for the United States or such corporation, is hereby declared to be a public vessel of the United States.

Mr. WALSH. Yes.

Mr. BANKHEAD. It seems to me, taking into consideration the fact that section 2 only relates to one specific phase of the general purpose in view, the gentleman's proposition is not good that this bill relates to only one class of merchant vessels.

Mr. WALSH. The gentleman stopped too soon in the reading of the title.

Mr. BANKHEAD. In what particular?

Mr. WALSH. He said, "authorizing suits against the United States in admiralty." It also says:

Suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

Now, it is not limited to just suits in admiralty. It declares immunity and also relates to stipulations as to the release of various public vessels from arrest. But throughout the entire bill, Mr. Chairman, from the first line to the last, the clear intent and purpose is to restrict it to merchant vessels, vessels employed in carrying cargo for hire, or intended to be so employed. There is nothing in here that can be construed to include battleships, submarines, Navy tugs, or any other of the vast number of vessels afloat which are owned by the Government.

And, as I was stating when the gentleman interrupted me, I doubt if the Committee on the Judiciary would be authorized to offer any such amendment as that as a committee amendment, because it takes in vessels that the committee has no jurisdiction over whatever—Navy craft, the Coast Guard, and all these other classes of vessels, the jurisdiction of which is confined to other committees and which are reported upon under different decisions. And I submit the amendment is subject to the point of order.

Mr. HUSTED. Mr. Chairman, may I be heard?

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HUSTED. I submit that the Committee on the Judiciary has just as much jurisdiction over one class of vessels as it has over any other. As a matter of fact, the Committee on the Judiciary has no specific jurisdiction over any class of vessels, but it has jurisdiction over suits in admiralty. The gentleman from Massachusetts has cited a number of precedents, but every one of them refers to cases where new matter has been brought into the bill by way of amendment, and that is not this case at all. This is a very interesting point of order, because it runs counter to two rulings.

There is one ruling of the House that you can not bring in new matter which will change the character of the subject of the bill. That is, you can not by bringing in new matter make a specific subject a general subject. Now, there is another ruling that you can strike anything out of any part of the bill, and that is the ruling upon which I rest my case. In order to understand the rule relating to germaneness it is necessary to understand the reason behind the rule, and that reason, as has been stated over and over again, is to protect the Members of the House against surprise; to protect them against the situation where a subject entirely foreign to the bill is brought in by way of amendment. But the Members have the text of the bill before them, and they must be presumed to anticipate the elimination by amendment of any part or any portion of the text. They can not be said to be taken by surprise if a portion of the text is stricken out, because they have the text before them. And even if striking out a portion of the text changes the character of the subject from specific to general it does not offend the rule.

Now, that is in conformity with the spirit of the rule; it is also in conformity with the language of the rule itself, because the rule reads:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

And it is also in conformity with the precedents. I would refer to Hinds' Precedents, Volume V, page 410, section 5805, as follows:

> Mr. Charles E. Littlefield, of Maine, moved to strike out the words "in United States cases."
> Mr. James A. Hemenway, of Indiana, made the point of order that the amendment would change law and would not be germane. He stated that the effect of the amendment would be to pay for meals and lodgings of jurors in civil cases.
> It appeared from the debate that there was no general law providing for meals and lodgings of jurors in any cases.
> The Chairman held:
> "The Chair would call attention to the fact that on Monday a similar question arose here in which the rules and decisions were referred to. A precedent seems to have been established in the Committee of the Whole that where a paragraph which changes existing law has been by general consent allowed to remain it may be perfected by any germane amendment.
> "If that rule is to be followed, this amendment is in order, and the Chair overrules the point of order. The Chair also thinks the rule to be that an amendment striking out a portion of a paragraph is not subject to a point of order. Form and not effect should be considered. Germaneness refers to words added rather than to those taken away."

I also cite a precedent established by Mr. Speaker CLARK in the Sixty-second Congress, House Manual and Digest, page 348.

The CHAIRMAN. Page or paragraph?

Mr. HUSTED. Page 348, paragraph 782. There Mr. Speaker CLARK said:

> The proposition of the gentleman from Illinois [Mr. MANN] is really to strike out. That is always in order—to strike anything out of anything.

Now, my amendment strikes a proviso out of the bill, and if any portion of my amendment offends, that is the only portion which offends, because that is the only portion which can be held to change a specific into a general subject. The rest of the amendment is mere limitation, which does not affect or change the character of the subject in any respect whatever.

Mr. FESS. Mr. Chairman, will the gentleman yield for a question?

Mr. HUSTED. Yes, sir.

Mr. FESS. In the food-control legislation, as the gentleman will recall, the entire character of the law was changed by an amendment offered by the gentleman from Kentucky [Mr. BARKLEY], by striking out certain words which changed the law from a matter of regulation to a matter of prohibition, and it was declared in order. It changed the character of the law entirely.

Mr. HUSTED. I am very glad the gentleman from Ohio cites that precedent. I remember it, and it is a precedent directly in point. It is a precedent which should be controlling in this case.

This amendment simply strikes this provision from the bill, and I fail to find a single precedent for the proposition that an amendment which simply strikes a provision from the bill, however it changes the character of the bill, is offensive to the rule of germaneness.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

The CHAIRMAN. Will the gentleman permit the Chair to ask the gentleman from Ohio for a citation of the reference he has made?

Mr. FESS. It was section 9 of the food-control act, introduced by Mr. Lever, striking out certain words in section 9 and changing the words from the regulation of certain grains used in the manufacture of liquor to the prohibition of them. I shall have to get the RECORD in order to furnish the exact facts.

Mr. WALSH. I desire to cite to the gentleman a precedent upon the proposition which he last stated, namely, that it is always in order to strike out. On page 398, the fourth volume of Hinds' Precedents, paragraph 3596, they had under discussion a provision to enable the Interstate Commerce Commission to investigate in regard to the use and necessity of block-signal systems and plans for the automatic control of railroad trains, including experimental tests, and so forth. A motion was made to strike out the word "automatic." The gentleman from Illinois [Mr. MANN] made the point of order that it was not in order to strike that out, as it would widen the scope of the amendment to the law; and it was held that if a motion to strike out certain words in a paragraph or an appropriation in a general appropriation bill would change the object from one authorized by existing law to one not so authorized, the motion is not in order. While that was confined to a general appropriation bill, the principle here is just the same. If by striking out something you widen and broaden the scope and seek to change the law in a respect not within the purview of the act, the motion to strike out is certainly subject to a point of order.

There is another precedent that I have not been able to find, although I have a reference to it in the first volume of Hinds' Precedents—a ruling that it was not in order to strike out the word "not," because it changes the entire scope and character of the bill. But I am not able to put my hands on that at this time.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. LEHLBACH. The Chair inquired a moment ago of the gentleman from Ohio [Mr. FESS] as to when the gentleman from Kentucky [Mr. BARKLEY] offered his amendment to the Lever Act. It was on the 23d day of June, 1917.

Mr. HUSTED. Mr. Chairman, I have not seen the precedent cited by the gentleman from Massachusetts [Mr. WALSH], but that came up apparently in the consideration of a general appropriation bill, and the Chairman probably held the amendment out of order on the ground that it created new legislation, which was out of order in a general appropriation bill; and if that is so, then it would seem that the case cited by the gentleman from Massachusetts, while an adroit suggestion, is not pertinent in connection with the consideration of this point of order.

It seems to me that the whole trend of authority is to the effect that where you strike matter out of a bill, where you simply change the text of legislation which is before you, you have no right thereby to claim that you have been surprised, and the whole reason behind the rule is to protect a Member against surprise. No Member can claim that he is surprised if some words are stricken out of a bill, because he must be held to have within reasonable contemplation the possibility that words will be stricken out, and he is to be assumed to know what the effect of the striking out of those words will be.

Mr. MANN of Illinois. Mr. Chairman, I do not know that I shall take part in this discussion. I certainly would not but for the statement of the gentleman from New York [Mr. HUSTED] that the motion to strike out words is always in order.

Now, I will give an illustration which I am sure the gentleman from New York will say proves that a motion to strike out is not always in order. Take, for instance, the Philippine tariff law. We had the right to fix the rates of duty on goods coming from the Philippines into the United States. We had the right to say that they should come in free from the Philippines. That would be a bill relating wholly to the question of tariff between the United States and the Philippine Islands, a possession of the United States. As I recall—and I do not give the reference—when that bill was up for consideration some one moved to strike out the language that would confine it to the Philippine Islands. If it had said "goods coming from the Philippines, imported into the United States from the Philippines," all that was necessary to do was to strike out the words "coming from the Philippines," and that would have made it a universal tariff bill.

Now, it is perfectly patent that the striking out of that language was not a germane amendment. It had no relation to the subject matter, because it was intended to change the subject matter wholly from a tariff with the Philippine Islands to a universal tariff law, and it was held to be out of order.

The same thing was true when the Canadian reciprocity bill was before the House. I can not cite the reference; I do not know whether it is carried in the RECORD even, because some one who looked it up told me that while the decision was made there was some error in recording, so that it did not appear in the RECORD. I do not know as to that.

But a motion was made to strike out the language which would confine the provision for reciprocity to Canada. That would have made it universal and would have destroyed wholly the purpose of the bill in the first instance, which was designed

to operate with Canada only, and would have made it a universal reciprocity proposition. It was held there that the motion to strike out was out of order. I think it is the general rule that where words of limitation are in a bill, limiting the subject matter of the bill, and it is proposed to strike out those words, so as to change the subject matter of the bill and enlarge its scope, such an amendment is held not germane, because it is not germane to that bill but would be germane to a bill involving the whole subject matter. Now, a Member introducing a bill has the right to introduce it in relation to a particular proposition. There are many adjectives of definition constantly used in public bills and private bills which, if you should strike them out, would make the bills universal in character and entirely change their scope. I hope the Chair will not express the opinion in ruling that it necessarily follows that a motion to strike out is in order because of the general principle that it is within the power of the House to strike out any language in a bill. It is generally true that a parliamentary body can strike out any proposition in a bill, but under the question of germaneness an amendment is not permissible which by striking out language would change the purpose and scope of the bill.

Mr. FESS. Will the gentleman yield?

Mr. MANN of Illinois. I yield to the gentleman from Ohio.

Mr. FESS. I should like to have the gentleman's opinion on the point specifically raised here a moment ago, where a provision in the bill is limited to regulation and you strike out the limitation, which will amount to entire prohibiton; would that be in order?

Mr. MANN of Illinois. Mr. Chairman, I hope I do not rush too often in expressing opinions. I never read that bill. I was not here when it was under consideration. I have never read the proceedings. I do not know anything at all about it except the gentleman's statement, and that is not sufficiently explicit to afford me an opinion on the subject.

Mr. FESS. I appreciate the strength of the argument made by the gentleman a moment ago, but it seems to me the last ruling that I referred to is precisely on that point.

Mr. MANN of Illinois. I do not know whether there was any ruling.

Mr. FESS. Yes; there was a ruling.

Mr. MANN of Illinois. If the gentleman will pardon me, I will say this: The temperance question is not the best question in this House on which to get a parliamentary ruling. [Laughter.]

Mr. FESS. There were three amendments offered to that bill, proposing to change regulation to prohibition, and against them the point of order was sustained. Then a fourth amendment was offered proposing to accomplish the same result by striking out words, and the point of order against that amendment was overruled.

Mr. TOWNER. Mr. Chairman, it has been well said that this is an interesting question, and, of course, it reaches beyond the immediate case that we have before the House. The gentleman from New York [Mr. HUSTED] said, I presume somewhat inadvertently, that the rule provided that a motion to strike out was always in order. I will say to the gentleman that there is no such provision of the rule.

Mr. HUSTED. If the gentleman will permit me——

Mr. TOWNER. Certainly.

Mr. HUSTED. The gentleman from New York was not aware that he had claimed that the rule so provided. The gentleman from New York referred to a ruling, not to a rule of the House.

Mr. TOWNER. That is sufficient. The gentleman, of course, now states it correctly, that the ruling related to the particular decision that he quoted. The gentleman, of course, is well acquainted with the fact that in the consideration of these precedents we must remember that the Speaker or the Chairman at the time he made a ruling had in mind only the particular subject then under consideration, and when a Chairman said that it was always in order to move to strike out that did not mean that it is of universal application. He had in mind only the particular case before him.

Now, it certainly must be true that if by striking out a word which is necessarily a word of limitation the scope of the bill would be enlarged, because if the limitation is taken from the bill other matters are brought within the provisions of the bill which by the limiting words were excluded, and such an amendment is not germane to the bill proposing the limited legislation. As a matter of fact, in this case the legislation is predicated upon that very sort of a limitation, so that the effect of striking out the word of limitation would enlarge the scope of the bill and make it subject to objections that have always been held good for want of germaneness. In such cases it is beyond the contemplation of the legislation, and if so beyond the right of amendment. Now, here we have a bill which allows the United States to be sued because it is operating merchant vessels. What is the reason of that? Not generally that the United States can be sued, or that all of its vessels may be libeled, or that everything carried in a man-of-war may be held up pending a suit against the vessel. That was never in contemplation. It was only contemplated that because the United States was operating merchant vessels, the same as merchantmen were operating merchant vessels, it ought to be subject to the same rules as those which apply to merchant vessels.

But here comes in an amendment which, by striking out the word "merchant" or the equivalent, says that all of the vessels owned by the United States shall be subject to these same liabilities, or that the United States may in all such cases be sued, not only with regard to merchant vessels but with regard to war vessels operated by the Navy Department or the transports operated by the War Department or vessels operated by the Coast Guard or the Lighthouse Service or the Revenue-Cutter Service, under the Treasury Department. By striking out the word "merchant" or its equivalent all these vessels are made subject to the provisions of the bill. It certainly seems that it should not require any argument to show that such a thing as that would be going way beyond the right of amendment, which must be limited not by the decision of any Speaker or Chairman, but by the very language of the rule itself, which provides that no motion, whether it strikes out or whether it adds to a proposition, on a subject different from that under consideraton shall be admitted under color of amendment.

Mr. Chairman, it seems to me that you could not have a better example than this to bring it within the rule. Let me call your attention, if I may, to one decision in the fifth volume of Hinds' Precedents, section 5842, where it is held that to a bill relating to corporations engaged in interstate commerce an amendment relating to all corporations was not germane.

See how applicable that case is to the present case. To a bill here limiting the application of the bill to merchant vessels operated by the United States the effect of this amendment would be to enlarge it to all vessels operated by the United States. I think I have a right to claim that that case is directly in principle applicable to this case. I need not cite the numerous decisions that have been made in which it was held that you could not add to one class others even of the same class.

In the case under consideration here is a class of merchant vessels, and, while they may be numerous, they are of the same individual class, and to add other classes, either by striking out or adding to, would be in direct violation of the rule which says that this can not be done.

It occurs to me, Mr. Chairman, that it would be certainly most unfortunate if, when words of limitation are contained in a bill which limit its application to a particular subject, it should be held that by striking out the words of limitation you might make it of universal application. That would be going clear beyond the rights that are reserved to the membership of the House in knowing and anticipating what may be brought before them for consideration.

The gentleman from New York makes a very strong statement in regard to his case, and of course if consideration should be limited to the language of these two or three precedents that he cites, which says that you always have a right to strike out, then the gentleman's case is made. But, on principle and with the additional precedents, I think the Chair would not be justified in holding that his amendment was germane.

Mr. HUSTED. If the Chair will indulge me, it is always difficult to contend against the eminent gentleman from Illinois [Mr. MANN] and the eminent gentleman from Iowa [Mr. TOWNER] in an argument on the point of order. I desire to call the attention of the Chair to the fact that the gentleman from Illinois was discussing this proposition in general terms, and did not address himself to the particular point under consideration.

I would like to say further, with all due deference to the ability and experience of the gentleman from Iowa, that I think his statements are somewhat at fault. Originally under the earlier precedents the question of germaneness was confined to the subject of the bill itself. Later on it was extended to the section and then to the paragraph under consideration. But it has never, so far as I know, been extended to the phrase or to the line or to the word under consideration, because if you extended it to that extent you could not amend a bill in any respect whatever. You could reduce the proposition to an absurdity.

Now, my amendment merely strikes out a limitation contained in a proviso. It has not the character of amendment at all that the gentleman from Illinois cited to the House. His was an amendment which changed the whole structure and character of the legislation, like the amendment that he sug-

gested to the Philippine tariff bill. But this is an amendment which merely strikes out a limitation contained in a proviso, in a bill relating to suits in admiralty. I desire to call the attention of the Chair to the fact that section 2 of the Senate bill makes no reference whatever to merchant vessels. Section 2 of the Senate bill does not limit the causes of action, as I understand it, to merchant vessels. So I contend, Mr. Chairman, that the citation of precedents which I have made are applicable to the situation before the House and should guide and determine the Chairman in deciding the question.

Mr. TILSON. Mr. Chairman, will the Chair hear me for a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. TILSON. The soundness of the position taken by the gentleman from Iowa [Mr. TOWNER] and also by the gentleman from Illinois [Mr. MANN] that a motion to strike out is not always in order can not be questioned, it seems to me, as a general proposition. The very language of the rule itself would seem to imply as much. It says "and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

What was the use of the word "motion" if we limit it simply to an amendment to add new matter? The word "proposition" would cover that. The very fact that the word "motion" is used would seem to me of itself to justify a construction that would forbid, under certain conditions, striking out as well as adding. If the necessary effect of a motion to strike out is to introduce a new subject, then the rule applies forbidding it.

The question seems to me to be whether a new subject has been added by the motion of the gentleman from New York to amend, and the thing for the Chairman to determine is whether, as a matter of fact, a new subject has been added. The rule is emphatic that no new subject shall be added under guise of an amendment. Has a new subject been added here?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. WALSH. Adverting to the precedent cited by the gentleman from Ohio [Mr. FESS], is it not a fact that in striking out there no new subject was brought in? It just changed a regulation to a direct prohibition by law, but it was still the same subject.

Mr. TILSON. It made the regulation very much more stringent.

Mr. WALSH. But still operating upon the same subject matter.

Mr. TILSON. One question here is whether or not the first paragraph of this bill is not so broad in its terms that it would include other vessels besides strictly merchant vessels.

Mr. VOLSTEAD. There is no legislation as to that except what follows in the subsequent sections.

Mr. TILSON. I have not gone into the bill in such detail as to know how much further the broad scope of the first section has been carried, but certainly the first section is very much broader than merchant vessels. My point is that the question here to be decided is not whether it is permitted under the rules to strike anything out of a bill or not but whether a new subject has been introduced under color of an amendment, whether to strike out or to add or both.

Mr. IGOE. Mr. Chairman, I am opposed to the gentleman's amendment, but it seems to me it is in order. I think there is a misunderstanding on the part of the committee in respect to the scope of the bill as it passed the Senate. Section 2 of the bill as it passed the Senate contained no restriction whatever upon the kind of vessel. It refers to any vessel owned by the United States or by any corporation. It provides that proceedings in rem shall not be brought, but that proceedings in personam may be brought and treated as actions in rem, and that is all that is done by section 2 of the bill as reported by the House committee. By striking out the proviso the gentleman from New York [Mr. HUSTED] does not extend the bill beyond the scope of section 2 as passed by the Senate, nor does he extend it beyond the scope of the bill according to the definition in section 1 of the bill as reported by the House committee.

The CHAIRMAN. The Chair is ready to rule. The Chair recognizes that this point is somewhat involved and complicated and that it raises some new questions. The Chair has been consulting some of the references, not only those mentioned by gentlemen who have debated the point of order but some he has been able to find independent of the argument. In passing, let the Chair remark that he has but one desire, and that is to interpret the rules impartially and invoke the precedents without prejudice. The Chair fortunately is not called upon to express his own opinion upon the merits of the subject presented. The gentleman from New York in arguing to sustain his amendment bases it, as the Chair understands, largely upon the fact that striking out any words in a bill is in order, irrespective of what that effect will be. The Chair is aware that Mr. Speaker CLARK some years ago made a ruling of that kind, that a motion to strike out "is always in order—to strike anything out of anything," and that since then, in a general way, we have followed that ruling.

The present occupant of the chair, however, without the slightest desire to take exception to the ruling of the former Speaker, believes that that ruling is at times subject to qualification and modification, and should properly be interpreted in reference to the subject matter affected.

The Chair for the moment will pass that point, however, and will consider the point of order from another angle.

A motion to strike out and insert is indivisible—paragraph 7, Rule XVI—and the amendment of the gentleman from New York not only strikes out certain words in the bill but inserts certain other words. It seems to the Chair that we should analyze those words which the amendment proposes for incorporation in the bill in conjunction with those that are to be stricken out. If we refer to the words to be inserted we find that while they are limitations to a certain extent, they refer directly to a specific class of vessels. The Chair will quote one sentence of the amendment to fortify his position:

In the case of a vessel not employed as a merchant vessel.

What is that class of vessels? They are the military ships of the United States and vessels engaged in the public service of the United States. The subject matter of the bill, as the Chair understands its provisions, pertains solely to one class of ships, and what is that class? They are the ships engaged in merchant service, publicly owned though they be. Therefore it seems to the Chair that as the motion to strike out and insert can not be divided we have in the words to be added a subject which is not so related to the subject matter of the bill as to come within the rule for germaneness.

To complete the record on the point of germaneness, the Chair cites paragraph 7, Rule XVI, with which we are all familiar, "that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment," and to cite the same rule further, "One individual proposition may not be amended by another individual proposition, even though the two belong to the same class." There are so many noted precedents that have been established under this rule that the Chair does not think it necessary to refer to them. The Chair feels that the word "proposition" in paragraph 7 may be considered as providing for a situation in which a motion to strike out, while it does not in positive language add a new subject, does in effect widen the scope of the bill beyond that contemplated if we adhere too strictly to the theory "that it is always in order to strike anything out of anything." As a counter proposition to this—and the Chair feels that both are rather general in their application—the Chair refers to Hinds' Precedents, Volume V, section 5834, where, on a motion to recommit, it was held "that it is not in order to do indirectly by a motion what may not be done directly by way of amendment." The gentleman from New York in his able argument in support of his contention refers to Hinds' Precedents, Volume V, section 5805, "where an amendment simply striking out words already in a bill" was held to be germane. The gentleman from New York will note that the Chair in making that ruling was evidently not entirely sure of his ground, for he says "that this question is rather a question for the committee to decide; a question of policy rather than a question for the Chair to decide on a point of order."

This brings us to a consideration of the thought suggested by Mr. MANN of Illinois, Mr. WALSH, and Mr. TOWNER of a single motion to strike out, if by so doing the scope of the bill would thereby be enlarged. The point of striking out certain words was the crux of the argument of the gentleman from New York, and the Chair will now consider the principle involved.

The points made in this feature of the discussion have opened up very broad and in some respects comparatively undetermined questions, which, since they have been brought forward, the Chair feels obliged to pass upon.

The Chair realizes that the presiding officer is not called upon to determine the effect of an amendment upon the law itself or to interpret legislative propositions. In the precedents that have been cited conflict of rulings appear, and the Chair thinks that when those conflicts arise it is the duty of the Chair to apply the rule of reason, and the Chair will endeavor to apply that in the present instance. The Chair desires to cite from a precedent and read the opinion of the presiding officer at that time, which has not been referred to by gentlemen who have spoken to the point of order. It seems to the Chair that this precedent is almost a parallel case to the point of order now

being discussed. The Chair reads from Hinds' Precedents, Volume V, paragraph 5864. This was on December 16, 1898. The House was in Committee of the Whole House on the state of the Union, considering the bill to extend the laws relating to customs and internal revenue over the Hawaiian Islands, and the first section of the bill having been read—and here is the point that the Chair especially wants to have emphasized—

Be it enacted, etc., That the laws of the United States relating to *customs and internal revenue*, including those relating to the punishment of crimes in connection with the enforcement of said laws, are hereby extended to and over the Island of Hawaii and all adjacent islands and waters of the islands.

After that had been read Mr. McRae, of Arkansas, offered an amendment to strike out, after the words "the United States," the following: "relating to customs and internal revenue." Mr. Dingley, of Maine, made the point of order that the amendment was not germane, and after debate upon the subject the Chairman held as follows:

The Chair thinks that the point of order is well taken. This bill is to extend the laws relating to customs and internal revenue, and the amendment seeks to open up the question of land titles and other laws in the Territories, thus enlarging the scope and bringing in matter not germane to the bill.

The point of order was sustained.

In Hinds' Precedents, Volume IV, section 3596, is another case in point, which the Chair will cite. An amendment was offered which contained, among others, these words, "appliances for the *automatic* control of railway trains." Mr. Crumpacker, of Indiana, moved to strike out the word "automatic." Mr. MANN of Illinois made a point of order, and the Chair in ruling upon it said:

I would like to ask the gentleman from Indiana whether or not his description, by striking out the word "automatic" here, would not let in a great many things? That is, would not the scope of the investigation be much wider and more extended than if the term "automatic" is included?

The ensuing debate having indicated that the effect of the amendment might be to extend the scope of the investigation, the Chair sustained the point of order, though evidently in some doubt.

The Chair feels that notwithstanding the general proposition that parliamentary questions are usually determined by the form and not the effect of an amendment, that when no rules are applicable the effect should be taken into consideration as a determining factor, when by striking out specific words new and different subjects are thereby introduced, and the scope of the legislation under consideration is broadened beyond that contemplated in the bill.

In line with what the Chair considers the most conclusive precedents in reference to striking out words, following also the precedents pertaining to germaneness, and in conformity with the views just expressed by the Chair on the subject of scope of legislation, the Chair feels that the point of order is well taken, and sustains it.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 10, line 8, after the word "maintained," insert the following: "at the time of the commencement of the action herein provided for."

The CHAIRMAN. Does the gentleman from Minnesota desire to discuss the amendment?

Mr. VOLSTEAD. No. It is to correct a clerical omission.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Minnesota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 11, lines 1 to 4, strike out the colon after the word "party," in line 1, and insert a period. Strike out the rest of the section and insert in place thereof the following sentence: "Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States."

Mr. VOLSTEAD. That is to correct the language and make a slight modification, but I think it will carry out the general purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel, the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Insert at the end of section 3, page 11, line 25, the following: "Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation shall become void and be surrendered and duly canceled on the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause and assumes liability to satisfy any decree included within said bond, and thereafter any such decree shall be paid as provided in section 8 of this act."

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on his amendment?

Mr. VOLSTEAD. Just for a second. The attorney for the Shipping Board submitted this to me two or three days ago. They have $2,000,000 of funds belonging to the Fleet Corporation, put up as security in various cases. If this provision can be added, then that money can be released and used. It would seem as though the Government is ample security for anything it may have to pay in these suits and that the money ought not to be tied up.

Mr. WALSH. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WALSH. Does this cancel and annul these bonds?

Mr. VOLSTEAD. Yes; it does.

Mr. WALSH. Suppose the party does not want to carry any bonds; does not want to take the stipulation?

Mr. VOLSTEAD. We have the right, anyway, I presume, because the Government is not bound by the constitutional provision against impairments of contracts. I do not think anyone will object, because there is an express provision in this bill that as soon as a judgment has been obtained it shall be certified and paid. Parties can not suffer by reason of this provision, as it seems to me, in view of that we are making provision for prompt payment, it will save expense and give us the use of this money during the time that these suits may be pending. They may drag along perhaps for years. There is no good reason why that money ought to be tied up, since we are amply responsible.

Mr. TILSON. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. TILSON. Has the gentleman ever attempted to get a claim paid by the Government to any private individual?

Mr. VOLSTEAD. I know it is usually difficult, but there is an express provision in this bill as to how claims shall be paid. The money is provided for, and it is directed that upon judgment being entered it shall be paid at once. So we have provided a remedy.

Mr. TILSON. The gentleman knows that delays on the part of the Government in paying its just debts often amounts to a denial of justice?

Mr. VOLSTEAD. I realize that.

Mr. WHALEY. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WHALEY. Is it the intention to cover by this amendment the bonds given in foreign countries?

Mr. VOLSTEAD. No. In foreign countries it would be different.

Mr. WHALEY. As the amendment reads here it would cover those cases, because it says upon the suggestion of the Attorney General they shall become void.

Mr. VOLSTEAD. That would not make them void in foreign countries, because our laws do not extend to foreign countries. It could only cover our own citizens in this country, and possibly it might cover citizens, if we had any, in foreign countries that had claims.

Mr. WHALEY. It is intended only to apply in our own courts?

Mr. VOLSTEAD. In our own courts.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. VOLSTEAD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen out of the previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

This section 4 is the one that relates to vessels which have previously been operated by the United States and have since passed into private ownership. Do I understand that it is the intention now, if suit is to be brought within two years after a collision occurs for damages which resulted while the vessel was being operated by the United States, but after she is returned to private ownership, that the United States steps in and furnishes this stipulation and assumes the liability for the satisfaction of the decree and releases her from arrest, and so forth, just as if the United States still owned the vessel?

Mr. VOLSTEAD. It is my understanding, and I presume that would save some money, instead of having the vessel tied up, with the costs incident thereto. I do not see any great necessity——

Mr. HUSTED. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Massachusetts yield to the gentleman from New York?

Mr. WALSH. I yield to the gentleman from New York.

Mr. HUSTED. The United States, it seems to me, would be in exactly the same situation as to causes of action which arose after the United States Government parted with the possession of the ships as she would be in reference to causes of action that arose while she was in possession of the ships.

We have provided by the bill that, as to causes of action arising while the United States owns and is in possession of the ship, we dispense with the giving of any bond. The vessels are declared to be immune from arrest and seizure and from all process in the admiralty courts. But this is to cover the case of a vessel that was in collision, perhaps, while in the ownership and possession of the Government, but where no suit was started, and then she is sold to private owners and the Government is subsequently sued; and the vessel, not now being under the ownership and possession of the Government, therefore she would be liable as a private vessel and subject to arrest and seizure, just exactly as any other private vessel when sued. Where the United States is concerned, we provide here, by the suggestion of the Attorney General, that the Government will assume responsibility; that this bond may be done away with; that the bond which the Government of the United States might otherwise be subject to will be dispensed with.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. IGOE. Do I understand the chairman of the committee to state to the gentleman from Massachusetts [Mr. WALSH] that this would cover cases of collisions or torts occurring after the United States had sold the vessel?

Mr. VOLSTEAD. No; of injuries occurring prior to the sale.

Mr. IGOE. I think it should be understood that it is limited to these cases.

Mr. VOLSTEAD. It is limited to this; the Government is not compelled to step in.

Mr. IGOE. The gentleman also gave an answer to one of the Members that indicated that it was to cover cases of vessels which the United States had sold and on which they held some sort of lien.

Mr. WALSH. My question was inspired by the phraseology in line 4, "to have arisen out of the previous possession, ownership, or operations." Should not those words "out of" be eliminated and the word "during" inserted in their place? This says "to have arisen out of previous possession, ownership, or operation of such vessel." I do not know just what that means. The chairman of the committee thinks that language is all right. I would like the chairman to tell me what it means. What does it mean, "to have arisen out of previous possession, ownership, or operation of such vessel"?

Mr. VOLSTEAD. Because of an action arising out of its ownership, possession, or operation. The word "previous" indicates the time.

Mr. WALSH. How could a cause of action arise out of its possession?

Mr. VOLSTEAD. During its possession it may have been in a collision.

Mr. TILSON. The word "out" bothers the gentleman. It may be outside.

Mr. WHALEY. It means during the operation by the United States of the vessel.

Mr. WALSH. I know, but the word "during" will apply to all three, during the previous possession, during the ownership, and during the operation. It would fit with those three words, it seems to me.

Mr. VOLSTEAD. That would not confine it to the ship as the result of the Government's ownership or possession of the ship.

Mr. WALSH. "During the previous ownership or possession by the United States?"

Mr. VOLSTEAD. No.

Mr. WALSH. "To have arisen during the previous possession of such vessel by the United States."

Mr. VOLSTEAD. Out of what?

Mr. WALSH. Arisen during the previous possession.

Mr. GARD Mr Chairman, will the gentleman yield?

Mr WALSH Yes; I will yield to anybody who can tell me just what this means. [Laughter.]

The CHAIRMAN. The Chair will have to ask the gentleman from Massachusetts to get unanimous consent for an extension of time, because the gentleman's time is up.

Mr. WALSH. At the time I spoke I had not been notified. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARD. I want to ask the chairman of the committee whether he, with the assistance of the 21 other sturdy legislators here present, intends to finish the bill to-night?

Mr. VOLSTEAD. We would like to finish it to-night. There are only three or four pages left. I do not think it would take long to complete it. Other business will probably come up to-morrow.

Mr. WALSH. If the gentleman will tell me what this language means I will stop right now. [Laughter.]

Mr. GARD. I certainly could not tell the gentleman more than has been told him by the chairman of the committee.

The CHAIRMAN. The gentleman from Massachusetts withdraws his pro forma amendment?

Mr. WALSH. Yes; and then I offer the following amendment: After the word "arisen," in line 4, page 12, insert the words "during or," so that it will read "to have arisen during or out of the previous possession, ownership, or operation of such vessel."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 12, line 4, after the word "arisen," insert the words "during or."

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the amendment?

Mr. WALSH. Just briefly. It seems to me this would clarify the intent somewhat and would not be any obstacle at all to the interpretation or the administration of the act as set forth in this language.

Mr. WHALEY. Mr. Chairman, why not strike out "out of" and insert "during"?

Mr. WALSH. The chairman of the committee objected to that.

Mr. VOLSTEAD. If you simply say "during the previous possession" you do not say what it has arisen from.

Mr. WHALEY. The cause of action has arisen during the previous possession.

Mr. VOLSTEAD. No; from the possession, occupation, or use of the ship.

Mr. WALSH. Does "out of" mean "from"?

Mr. VOLSTEAD. Yes.

Mr. WALSH. Then why not strike out the words "out of" and insert the word "from"?

Mr. VOLSTEAD. That will do; I will not object to that.

Mr. WALSH. I ask unanimous consent to modify my amendment so as to strike out the words "out of" and insert the word "from."

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GARD. Let it be reported.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 12, line 4, after the word "arising," strike out the words "out of" and insert in lieu thereof the word "from."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That suits as herein authorized may be brought on causes of action arising since June 6, 1917, provided that suits based on causes of action arising prior to the approval of this act shall be brought within one year after the approval of this act; and all other suits hereunder shall be brought within two years after the cause of action arises.

Mr. VOLSTEAD. I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 12, line 15, strike out "June" and insert in lieu thereof "April."

Mr. VOLSTEAD. That is simply to correct a clerical mistake. The committee directed me to insert "April 6, 1917." The intention was to have it commence from the date when war was declared.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising out of, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 13, line 11, after the word "commenced," insert the following: "to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and."

The CHAIRMAN. Does the gentleman desire to be heard on his amendment?

Mr. VOLSTEAD. No; I do not think it is necessary.

The amendment was agreed to.

Mr. WALSH. On page 13, line 4, after the word "arising," I move to strike out the words "out of" and insert the word "from."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 13, line 4, after the word "arising," strike out the words "out of" and insert the word "from."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control or the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 1, 4, 7, and 10 of this act.

Mr. VOLSTEAD. Mr. Chairman, in line 9, page 15, I move to strike out the figure "1" and to substitute the figure "2."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 15, line 9, strike out the figure "1" and insert in lieu thereof the figure "2."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising out of or in connection with the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

Mr. WALSH. Mr. Chairman, on page 15, line 22, after the word "arising," I move to strike out the words "out of" and insert in lieu thereof the word "from."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 15, line 22, after the word "arising," strike out the words "out of" and insert in lieu thereof the word "from."

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Should not the word "judgments" be included in line 16, or is that covered in the other part of the section?

Mr. VOLSTEAD. That is covered in line 11 of that section.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk resumed and completed the reading of the bill.

On motion of Mr. VOLSTEAD, the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill was ordered to a third reading.

Mr. VOLSTEAD. Mr. Speaker, I move that the proceedings in the House be vacated, and that the House again resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill. Before the committee rose we did not strike out the Senate bill and insert the House amendment that we had been considering.

Mr. GARD. Does the gentleman ask that that be done by unanimous consent?

Mr. VOLSTEAD. I ask unanimous consent that the proceedings in the House be vacated.

Mr. GARD. It will be necessary to obtain unanimous consent.

The SPEAKER. It will have to be done by unanimous consent.

Mr. VOLSTEAD. I ask unanimous consent.

The SPEAKER. Is there objection to the gentleman's request to vacate the proceedings in the House?

There was no objection.

Mr. VOLSTEAD. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

Mr. VOLSTEAD. Mr. Chairman, I move that all after the enacting clause in the Senate bill be stricken out and the provision as reported by the House Committee on the Judiciary and agreed to in the committee be substituted as the bill.

Mr. GARD. A parliamentary inquiry. If the motion to strike out the Senate bill is carried, do you propose to go over each item of the House amendments? The ordinary course would be to strike out the Senate bill and proceed to consider the House bill.

Mr. VOLSTEAD. We did not do it in that way.

Mr. GARD. And not having done it in that way, are you going over it again?

Mr. VOLSTEAD. No.

Mr. GARD. I do not understand the procedure.

Mr. VOLSTEAD. We have agreed to an amendment striking out all of the Senate bill after the enacting clause.

Mr. IGOE. It is simply a sloppy way of doing business.

Mr. VOLSTEAD. Exactly.

Mr. WALSH. We got permission on Saturday, by unanimous consent, to suspend or dispense with the reading of the Senate bill, and, although the chairman asked that the House amendment be considered in committee as an original bill, the request stated by the Chair was that the amendment reported by the Judiciary Committee be read and subject to amendment as an original bill. We did not consider the Senate bill in the Committee of the Whole, and it seems to me that it is necessary that we agree to the amendment referred to the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Chair will state that there was much confusion Saturday, and the Chair stated the proposition as stated by the gentleman from Massachusetts. Perhaps the Chair was taking something on himself in stating it that way, but it seemed as though that was the clearest way to handle the proposition, and he still thinks the way suggested Saturday and the way passed upon is the best way to handle the question.

Mr. WALSH. If the Chair will permit, it requires an independent action on the committee amendment. We have taken some action here now to agree to the amendment reported by the Judiciary Committee. When we get unanimous consent to consider that in Committee of the Whole and reading of the Senate bill is dispensed with, the Senate bill goes into the discard.

Mr. IGOE. What we have done is to consider it as a separate amendment. We have amended it, but the amendment reported by the committee is now one amendment.

Mr. FESS. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. FESS. Did we not consider the original bill?

Mr. IGOE. We considered the amendment reported by the committee for the purpose of amendment.

Mr. FESS. The thing to do is to adopt the amendment.

Mr. IGOE. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendments as amended.

Mr. TILSON. Mr. Chairman, we went into committee to consider the Senate bill. A motion should now be made that all of the Senate bill after the enacting clause be stricken out and the House committee amendment as amended in Committee of the Whole be substituted. It is one amendment as amended.

Mr. GARD. If you want to go over the whole bill——

Mr. TILSON. You have stricken out the Senate bill, and there is no need of going over the whole House amendment again.

Mr. GARD. The motion is to strike out the Senate bill and to proceed to consider the House bill.

Mr. TILSON. No; to substitute the House bill in committee.

Mr. WINGO. Mr. Chairman, did the committee consider the House bill or the Senate bill?

The CHAIRMAN. The committee considered the committee amendment reported by the chairman of the Judiciary Committee.

Mr. WINGO. Was the amendment in the nature of a House bill as a proposed substitute?

Mr. WALSH. Yes; to strike out all of the Senate bill after the enacting clause.

Mr. WINGO. Did the committee adopt the motion and amend the substitute?

The CHAIRMAN. That is the motion that we have before us now.

Mr. GARD. A parliamentary inquiry. Is it not true that we considered the Senate bill originally?

Mr. WINGO. My understanding is that the Senate bill was read.

Mr. WALSH. No; the Senate bill was not read. We dispensed with the reading of the Senate bill.

Mr. WINGO. I submit that the gentleman in charge of the bill might move that the committee do now rise and the House adjourn so that the gentleman in charge of the bill can find out "where we are at." [Laughter.]

Mr. VOLSTEAD. I think it is perfectly plain.

Mr. WINGO. From the statements that have been made, it is not plain to other gentlemen who "complain." I do not know how plain it is to the gentleman.

Mr. VOLSTEAD. We have agreed to this as an amendment to the Senate bill, and now I offer to substitute it for the Senate bill.

Mr. WINGO. If it has been agreed to, why make the motion to substitute?

Mr. VOLSTEAD. Because there was no formal motion striking out the Senate bill.

Mr. FESS. On Saturday we agreed to consider the House bill in lieu of the Senate bill, and to consider it as an amendment to the Senate bill.

Mr. WALSH. No; we did not.

Mr. WHALEY. Mr. Chairman, when this bill was taken up the Senate bill was read, and the House substitute was read afterwards as a committee amendment. Then the House amendment was considered and was amended, and that is the situation we are in now.

Mr. TILSON. On page 1678 of the RECORD it appears that the House went into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 3076. The proper motion was made, it was agreed to, and the House resolved itself into the Committee of the Whole House on the state of the Union for the one specific purpose of considering a Senate bill.

Mr. FESS. What was the first motion in the Committee of the Whole?

Mr. TILSON. I was referring to the action of the House and the purpose for which we went into the committee.

Mr. WINGO. If the Chair will indulge me for just a moment, on page 1693 of the RECORD the Chairman says:

> The gentleman from Minnesota asks unanimous consent that the reading of the Senate bill be dispensed with and that the amendment reported by the Judiciary Committee be read and subject to amendment as an original bill.

That request would not have been in order unless the House had gone into the Committee of the Whole for the purpose of considering the Senate bill. The House in Committee of the Whole did consider the Senate bill. The chairman of the committee asked unanimous consent that the reading of the Senate bill be dispensed with and that the amendment, which is the House bill, be read and subject to amendment as an original bill. After we have perfected the proposed amendment, because that is what it is, an amendment in the nature of a new bill, then the question comes upon the amendment; that is, substituting the House bill by way of amendment.

Mr. WALSH. And that is where we are now.

Mr. WINGO. If that be true, then it occurs to me that having perfected the amendment, the House bill, the question then comes upon the adoption of this amendment as it is finally amended, as amendment to the Senate bill.

Mr. FESS. That is correct.

Mr. WALSH. The Chair stated that half a dozen times.

Mr. WINGO. The question comes up automatically, without a formal motion. The question recurs on the amendment as perfected; that is, striking out all after the enacting clause of the Senate bill and inserting the House bill as perfected.

The CHAIRMAN. The Chair will say that he made that statement a few moments ago and will make it again. The question now is on agreeing to the amendment as amended.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3076 and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Which amendment is referred to? Because the Senate bill was read.

Mr. VOLSTEAD. There is but one amendment.

The SPEAKER. It is one amendment, substituting the House bill for the Senate bill.

Mr. GARD. What has become of all of the separate amendments?

The SPEAKER. They have been incorporated in the amendment. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. GARD) there were—ayes 27, noes 0.

So the amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. GARD) there were—ayes 31, noes 0.

So the bill was passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIVER AND HARBOR APPROPRIATION BILL.

By direction of the Committee on Rivers and Harbors, Mr. KENNEDY of Iowa reported the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, and, with the accompanying report, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GARD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Ohio reserves all points of order on the bill.

Mr. WINGO. Will the Speaker state what the program is to-morrow?

The SPEAKER. The consideration of the river and harbor bill.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9183. An act authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn.; and

H. R. 9089. An act releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, or other public purposes.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 20, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting draft of proposed legislation relative to the receipt on board a vessel of the United States Navy of goods, merchandise, or treasure, for freight or safe-keeping (H. Doc. No. 618); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, a report on a preliminary examination of Withlacoochee River, Fla., between Dunnellon and Lake Panasoffkee (H. Doc. No. 619); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting request from the Surgeon General for certain amendments in the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines" (H. Doc. No. 620); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof," reported the same with amendments, accompanied by a report (No. 565), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Iowa, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported the same with amendments, accompanied by a report (No. 566), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8686) for the relief of William C. Chandler; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 10729) granting a pension to Bessie Walsh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 11873) to assure to every person within the jurisdiction of every State the equal protection of laws and to punish the crime of lynching; to the Committee on the Judiciary.

Also, a bill (H. R. 11874) for the protection of treaty rights of aliens; to the Committee on the Judiciary.

By Mr. BRAND: A bill (H. R. 11875) to construct a public building for a post office at the city of Monroe, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 11876) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 11877) granting the consent of Congress to Madison and Rankin Counties, State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties, State of Mississippi; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 11878) to enlarge and extend the post-office building at Alliance, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 11879) to authorize the extension and widening of Fourteenth Street to its southern terminus south of Dahlia Street; Nicholson Street, from Thirteenth Street to Sixteenth Street; Colorado Avenue, from Montague Street to Thirteenth Street; Concord Avenue, from Sixteenth Street to its western terminus west to Eighth Street west; Thirteenth Street, from Nicholson Street to Piney Branch Road, from Thirteenth Street to Blair Road, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11880) to create the offices of third assistant probation officer and stenographer and typist for the probation office of the police court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BLAND of Virginia: A bill (H. R. 11881) to provide for an examination and survey of the channel of Sterling Creek, Accomack County, Va., and for the channels connecting the said creek with the Pocomoke Sound and Chesapeake Bay; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11882) to provide for an examination and survey of the channel leading from Oyster, Northampton County, Va., to the Atlantic Ocean; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11883) to provide for the erection of a post-office building at Warsaw, Richmond County, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LUFKIN: A bill (H. R. 11884) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Naval Affairs.

By Mr. KRAUS: A bill (H. R. 11885) to authorize the Secretary of the Navy to remove the charge of desertion under certain conditions from the records of former members of the naval service, and for other purposes; to the Committee on Naval Affairs.

By Mr. McARTHUR: A bill (H. R. 11886) to change the name of the Bureau of Steam Engineering to the Bureau of Engineering, and the Bureau of Navigation to the Bureau of Personnel; to the Committee on Naval Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 11887) to give the Secretary of Commerce power and authority to allocate and distribute the available supply of print paper; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: A bill (H. R. 11888) granting 30 days' sick leave with pay to regular postal employees; to the Committee on Expenditures in the Post Office Department.

By Mr. LUCE: A bill (H. R. 11889) making an appropriation to pay the State of Massachusetts for expenses incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 11890) for the protection and improvement of the Lassen Volcanic National Park, Calif., and for other purposes; to the Committee on Appropriations.

By Mr. HENRY T. RAINEY: A bill (H. R. 11891) to prevent deceit in the manufacture and sale of woven fabrics or of yarn; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: A bill (H. R. 11892) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. EMERSON: Joint resolution (H. J. Res. 278) to provide for rewarding soldiers, sailors, marines, and nurses for faithful service; to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: Memorial from the Legislature of the State of Kansas, opposing Government ownership of railroads (H. Res. 10); to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the State of Kansas, opposing Government ownership of railroads (S. Res. 15); to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11893) granting an increase of pension to James K. Butler; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11894) for the relief of George W. Allison; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 11895) granting an increase of pension to Andrew J. Hale; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11896) granting a pension to Abigal Merriman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11897) granting an increase of pension to Eduard P. Latham; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11898) granting an increase of pension to James B. Erskine; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 11899) granting a pension to Minnie M. Raysor; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 11900) granting an increase of pension to William A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11901) granting a pension to Mary J. Herbert; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 11902) granting an increase of pension to Elmer K. Coppock; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11903) granting a pension to Erastus A. Buck; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11904) granting an increase of pension to William M. Sanders; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 11905) granting a pension to Frederick Hattler; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 11906) granting a pension to Mollie McCracken; to the Committee on Invalid Pensions.

By Mr. McLANE: A bill (H. R. 11907) granting a pension to Annie B. Kenyon; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 11908) for the relief of John J. Tully; to the Committee on Claims.

By Mr. REED of West Virginia: A bill (H. R. 11909) granting an increase of pension to Lynn J. Heldreth; to the Committee on Pensions.

Also, a bill (H. R. 11910) granting an increase of pension to Electra Rexroad; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11911) granting a pension to Joseph I. Vincent; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 11912) granting a pension to Carrie Hanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11913) granting an increase of pension to Thomas J. Stroup; to the Committee on Pensions.

Also, a bill (H. R. 11914) for the relief of Lenorah E. Copeland; to the Committee on War Claims.

By Mr. RICKETTS: A bill (H. R. 11915) granting an increase of pension to Sylvester J. Fisher; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 11916) granting a pension to Edward S. McClellan; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 11917) for the relief of Gustavus F. Gallagher; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

959. By the SPEAKER: Petition of the Church of the New Jerusalem, at San Diego, Calif., urging Congress to grant to all American Indians the full rights of American citizenship; to the Committee on Indian Affairs.

960. Also, petition of sundry citizens, regarding the treatment of the mine workers by the Department of Justice during the recent strike; to the Committee on the Judiciary.

961. Also, petition of the Central Labor Union of Kansas City, Kans., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

962. By Mr. BYRNS of Tennessee: Petition of citizens of Nashville, Tenn., urging the support of House bill 3149; to the Committee on Reform in the Civil Service.

963. By Mr. COLE: Petition of the Board of Commerce of Flint, Mich., urging Congress for certain legislation in regard to seditious newspapers, etc.; to the Committee on the Judiciary.

964. By Mr. DAVILLA: Petition of the District Supervisors of Schools of Porto Rico, for Federal aid for public education in Porto Rico; to the Committee on Education.

965. By Mr. DENISON: Petition of miners of Benton, Ill., protesting against proceedings of the Federal Government in connection with the recent coal strike; to the Committee on the Judiciary.

966. By Mr. ESCH: Petition of the Wisconsin State Union of the American Society of Equity, relative to certain legislation now pending; to the Committee on Agriculture.

967. Also, petition of the Board of Commerce of Flint, Mich., in regard to certain legislation; to the Committee on the Judiciary.

968. Also, petition of citizens of La Crosse, Wis., composing the United States grand jury, relative to legislation for an increase in compensation; to the Committee on the Judiciary.

969. By Mr. FULLER of Illinois: Petition of the Hamilton Club, of Chicago, Ill., favoring the establishment of an aeronautical department, with a Cabinet officer; to the Committee on Military Affairs.

970. By Mr. McLAUGHLIN of Michigan: Petition of sundry citizens of Twin Lake, Mich., opposing the so-called Cummins and Esch railroad bills and private control of railroads; to the Committee on Interstate and Foreign Commerce.

971. By Mr. O'CONNELL: Petition of the Board of Commerce, of Flint, Mich., urging certain legislation; to the Committee on Foreign Affairs.

972. By Mr. SABATH: Petition of the Illinois Section of the American Water Works Association, favoring the establishment of a water-supply service in the Army; to the Committee on Military Affairs.

973. Also, petition of the Hamilton Club, of Chicago, Ill., favoring the establishment of an aeronautical department; to the Committee on the Judiciary.

974. By Mr. SINCLAIR: Petition of the Central Labor Union of Kansas City, Kans., protesting against the return of the railroads to private ownership and asking for Government control for a period of at least two years; to the Committee on Interstate and Foreign Commerce.

975. Also, petition of the Reeder (N. Dak.) National Farm Loan Association, asking for the passage of Senator SMOOT's bill repealing the tax-exemption subsidy to joint-stock banks; to the Committee on Banking and Currency.

976. By Mr. TAGUE: Petition of the Johnson & Young Co., of Boston, Mass., and the Boston Lobster Co., of Chelsea, Mass., protesting against House bill 4871; to the Committee on the Merchant Marine and Fisheries.

977. By Mr. THOMAS: Petition of Samuel Davis Chapter of the Daughters of the American Revolution, Bowling Green, Ky., favoring the establishment of a national park by the Federal Government to include the Mammoth Cave, of Kentucky; to the Committee on the Public Lands.

978. By Mr. YATES: Petition of E. V. Price & Co., wholesale merchant tailors, Chicago, Ill., protesting against the present excess profits tax; to the Committee on Ways and Means.

979. Also, petition of the National Industrial Conference Board, Boston, Mass., representing 60,000 manufacturers, in-

dorsing proposals contained in the pending Senate railroad bill; to the Committee on Interstate and Foreign Commerce.

980. Also, petition of Illinois Section of the American Water Works Association, urging that the water-supply service should include a reserve corps from which there can be mobilized in the shortest possible time men of such experience and attainments as would qualify them to be given responsible charge of providing adequate and safe water supplies for our troops wherever stationed from the training camps to the first-line trenches; to the Committee on Irrigation of Arid Lands.

981. Also, petition of E. V. Price & Co., protesting against Senate bill 2332, providing that the Bureau of Education shall be placed under the jurisdiction of the Department of Labor; to the Committee on the Judiciary.

982. Also, petition of the General Committee on Army and Navy Chaplains, of Federal Council of the Churches of Christ in America, urging the passage of Senate bill 3351 and House bill 10477 providing for a corps of chaplains in the Army; to the Committee on Military Affairs.

983. Also, petition of the American Distilling Co., Pekin, Ill., protesting against the proposed advance in import rates on blackstrap molasses from New Orleans to Pekin, Peoria, and the Chicago territory; to the Committee on Interstate and Foreign Commerce.

984. Also, petition of the American Association of State Highway Officials, urging that the United States become a Government member of the International Association of Road Congress and that House bill 9412 be immediately enacted into law; to the Committee on Military Affairs.

985. Also, petition of Walter A. Rosenfield, president of Rock Island Bridge & Iron Works, Rock Island, Ill., urging the Ordnance Department of the Army to expend $14,000,000 for the purpose of constructing magazines to store ammunition now on hand; to the Committee on Military Affairs.

986. Also, petition of the Brotherhoods Joint Legislative Board of Illinois, protesting against any antistrike clause which will have the effect of preventing the proper adjustment of disputes and will deprive those coming under the same of their rights as American citizens; to the Committee on Interstate and Foreign Commerce.

987. Also, petition of W. A. Atkins's "Billboard" representative, protesting against House bill 9064, which aims to destroy provisions of section 800, subsection (a), paragraph 6 of revenue act of 1918; to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 20, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, when we mention Thy name we commit ourselves to Thy way. The recognition of Thy being is the recognition of Thy right to rule. We come to Thee, we trust, with open hearts this morning asking for that divine inspiration that will put us in attune with God and send us forth into the duties of this day under the especial guidance and direction of Thy Holy Spirit. We pray Thy blessing upon us and upon our dear land now and always. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

WOMAN SUFFRAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate a certified copy of a joint resolution adopted by the Legislature of the State of Indiana, ratifying the Susan B. Anthony amendment to the Constitution extending the right of suffrage to women, which will be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2476) to amend the act establishing the eastern district of Kentucky, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4383. An act to further amend section 858 of the Revised Statutes of the United States;

H. R. 10700. An act to authorize the judges of the United States Court of Customs Appeals to be assigned to any district court or circuit court of appeals of the United States and conferring the jurisdiction of said courts upon them while so assigned;

H. R. 10701. An act granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River, at or near Old Dock, county of Columbus, N. C.; and

H. R. 11606. An act to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Attica, Fountain County, Ind.

The message also announced that in accordance with the provision of House concurrent resolution 46, the Speaker had appointed on the part of the House as members of the joint commission to visit the Virgin Islands Mr. TOWNER, Mr. CAMPBELL of Kansas, and Mr. GARRETT.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present a resolution adopted by the senate of the Legislature of the State of Kansas in favor of the return of railroads to private ownership. I ask that the resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Senate resolution 15.

Whereas the President of the United States has, by a proclamation, declared that the railroads of the country are to be released from Government control and restored to their owners on March 1, 1920; and

Whereas there is an effort being made by certain persons and organizations, favorable to Government ownership of railroads, to postpone their release and to delay their return to private ownership and operation: Therefore be it

Resolved by the Senate of the State of Kansas, That we oppose the further continuance of Government control of the railroads, and urge our Senators and Members of Congress to insist on their prompt return to private control on March 1 next, and to oppose any further postponement.

CHAS. S. HUFFMAN,
President of the Senate.
E. D. GUGE,
Secretary of the Senate.

Mr. CURTIS. I also present a resolution adopted by the house of representatives of the Legislature of the State of Kansas, making the same request, which I ask to have printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

House resolution 10.

Whereas the President of the United States has, by a proclamation, declared that the railroads of the country are to be released from Government control and restored to their owners on March 1, 1920; and

Whereas there is an effort being made by certain persons and organizations favorable to Government ownership of railroads to postpone their release and to delay their return to private ownership and operation: Therefore be it

Resolved by the House of Representatives of the State of Kansas, That we oppose the further continuance of Government control of the railroads and urge our Senators and Members of Congress to insist on their prompt return to private control on March 1 next and to oppose any further postponement.

Adopted January 9, 1920.

W. P. LAMBERTSON,
Speaker of the House.
ALANN W. MILLER,
Chief Clerk of the House.

Mr. CURTIS presented a petition of Liberal Post, Kansas Commandery, American Legion, of Liberal, Kans., praying for the passage of the so-called soldiers' and sailors' home founding bill, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Byers, Kans., remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 775, Benevolent and Protective Order of Elks, of Coffeyville, Kans., pray-

ing for the enactment of legislation designating the Mammoth Cave of Kentucky as a National Park, which was referred to the Committee on Public Lands.

He also presented a petition of Harper Post, American Legion, of Harper, Kans., praying for the enactment of legislation for the suppression of disloyal organizations and the deportation of undesirable aliens, which was ordered to lie on the table.

Mr. PHIPPS. I present a telegram from the Colorado Springs Clearing House Association relative to railroad legislation, which I ask to have inserted in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

COLORADO SPRINGS, COLO., *January 19, 1920.*

Senator LAWRENCE C. PHIPPS,
Washington, D. C.:

In view definite date for return railroads to owners and important House and Senate conference to agree on bill to make return possible, we most earnestly urge upon you the support of liberal railroad legislation. Congress can and should instruct Interstate Commerce Commission to so handle rate situation that railroad credit be satisfactorily restored through adequate net earnings. Until net carning satisfactory under these instructions standard return should be continued. We strongly favor legislation declaring strikes of transportation workers on nation-wide basis, as has been threatened, conspiracies and unlawful. We believe strikes in transportation which must imperil welfare and even lives of a helpless public are in violation of the laws of fair play and must be prevented. We prefer absolute responsibility to be placed on Interstate Commerce Commission to grant such rates as will make net operating revenue equal to standard return to Government guarantee and that Interstate Commerce Commission be absolute over State commissions. All roads should enjoy same rates. Excess profits can be taken care of by taxation. At least two members of Interstate Commerce Commission should be railroad men of proven ability and experience.

COLORADO SPRINGS CLEARING HOUSE ASSOCIATION.

Mr. PHIPPS. I present a resolution adopted by the Council of the Denver Civic and Commercial Association relating to the pending peace treaty, which I ask may be printed in the RECORD and referred to the appropriate committee.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

DENVER, COLO., *January 16, 1920.*

To the members of the Council of the Denver Civic and Commercial Association:

Your committee, appointed to consider the proposed resolution relating to the pending peace treaty in Congress, begs leave to report as follows:

The committee recommends a change in the wording of the resolution, whereby the same should be amended to read as follows, to wit:

"Whereas the President and the Senate are at an apparent deadlock on the adoption of the League of Nations covenant contained in the proposed treaty of peace with Germany, and this impotence of decision only aggravates the world's political, economic, and social uncertainty and unrest by rendering less certain the stability of newly created republics, by retarding production and the extension of credit, and by furnishing fertile soil for seeds of discontent; and

"Whereas this association has already, with reference to the first draft of the covenant for a League of Nations, declared its adherence, by unanimous vote, to the principle of world organization in the interest of international security, with reservations properly safeguarding the interests of America; and

"Whereas it is the belief of this association that among the reservations proposed by the Senate to the second draft of the covenant a common ground can be found by the President and the Senate consistent with the safety of America and also with international organization: Now, therefore, be it

"*Resolved by the Denver Civic and Commercial Association*—

"First, that this association most respectfully but strongly urges that the President and Senate, by mutual concessions, seek a speedy agreement upon reservations consistent alike with the welfare of America and with the establishment of an international order for the maintenance of the future security and peace of the world.

"Second, that a copy of this resolution be sent to the President and to the members of the Senate Committee on Foreign Relations, and also to the Senators representing Colorado."

Your committee further reports that the proposed resolution as above amended be adopted by the members council.

Respectfully submitted.

ERNEST P. NORRIS,
HENRY VAN KLEECK, Jr.,
W. W. BOOTH,
FRANK N. BRIGGS,
I. F. DOWNER,
Committee.

Mr. SPENCER. I present a resolution of the upper and lower council of Kansas City, Mo., in regard to the situation in the Ukraine. I ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint and concurrent resolution.

Whereas authentic reports have reached us setting forth that horrors and brutalities have been perpetrated against the Jews living in the Ukraine; that tens of thousands of Jewish men, women, and children have been massacred; the chastity of Jewish women violated; innocent children maimed and crippled; homes pillaged and destroyed; synagogues desecrated and burned; entire communities wiped out; and that a reign of terror exists; and

Whereas the existing government in the Ukraine has permitted and is still permitting the perpetration of the aforesaid crimes; and

Whereas a complete extermination of the Jewish population in the Ukraine is threatened: Therefore be it

Resolved by the lower house of the common council (the upper house concurring therein), That we do hereby register our unqualified and vigorous protest against these inhuman acts and pray that the United States Government refrain from recognizing any government in the Ukraine until full amends are made for the wrongs done and guaranties against their repetition furnished; and be it further

Resolved, That the United States Government be hereby petitioned to use its good offices to bring about an immediate cessation of these atrocities; and be it further

Resolved, That copies of these resolutions be forwarded to the President of the United States, to the Secretary of State, and to the United States Senators.

Adopted January 12, 1920.

WM. F. FLEMING,
Speaker Lower House of the Common Council.

Adopted January 12, 1920.

F. G. ROBINSON,
President Upper House of the Common Council.

Attest:

J. A. BERMINGHAM,
City Clerk.

[SEAL.]

STATE OF MISSOURI,
County of Jackson, Kansas City, ss:

I, J. A. Bermingham, city clerk of Kansas City, Mo., hereby certify that the annexed and foregoing is a true and correct copy of a joint and concurrent resolution of the common council, No. 36882, entitled "Joint and concurrent resolution of the common council protesting against the horrors and brutalities perpetrated against the Jews living in the Ukraine."

Adopted by both houses of the common council January 12, 1920, as the same appears of record and on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of Kansas City aforesaid this 14th day of January, 1920.

[SEAL.]

J. A. BERMINGHAM,
City Clerk.

Mr. COLT presented a petition of Local Lodge No. 14, Benevolent and Protective Order of Elks, of Providence, R. I., praying for the enactment of legislation providing for the suppression of disloyal organizations and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

Mr. HALE presented a petition of sundry citizens of Bangor, Me., praying for the enactment of legislation providing for the retirement of superannuated Government employees, which was ordered to lie on the table.

Mr. NELSON presented a petition of the Parent-Teachers' Association of the Bryant School, Duluth, Minn., praying for the enactment of legislation providing for the appointment of a Federal motion-picture commission, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a petition of the National Farm Loan Association of Allegan, Mich., praying for the adoption of certain amendments to the Federal farm-loan act, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Chamber of Commerce of Muskegon, Mich., praying for the enactment of legislation for the suppression of disloyal organizations and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

He also presented memorials of Local Lodge No. 39, Order of Railroad Telegraphers, of Lowell, of Local Lodge No. 228, Musician's Protective Association, of Kalamazoo, and of sundry citizens of Port Huron, all in the State of Michigan, remonstrating against the passage of the so-called Cummins railroad bill, which were ordered to lie on the table.

He also presented a memorial of the Retail Grocers & Meat Dealers' Association of Lansing, Mich., remonstrating against the enactment of legislation providing for the marking of cost prices on articles of merchandise intended for sale, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry engineers of the Solvay Process Co., of Detroit, Mich., praying for the enactment of legislation providing for the coordination of all governmental engineering work under one responsible head, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Michigan State Horticultural Society, remonstrating against the enactment of legislation relative to the marking as to the time of fruits to be placed in and taken from cold storage, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON PENSIONS.

Mr. McCUMBER, from the Committee on Pensions, submitted a report (No. 374) accompanied by a bill (S. 3746) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 84. Susan E. Richardson.
S. 140. Elizabeth C. Curtis.
S. 148. Jacob B. Eakman.
S. 533. Rosanna Miller.

S. 693. Mary H. Grant.
S. 722. Charles H. Guile.
S. 735. Thomas J. Redman.
S. 752. John J. Boles.
S. 753. Leonard Chapman.
S. 891. Joseph E. Dearborn.
S. 910. Samuel P. Wolven.
S. 911. Andrew Fifer.
S. 923. Louis M. Starring.
S. 943. John B. Haley.
S. 947. Jane Roberts.
S. 1036. John Bush.
S. 1038. Emma Eustis.
S. 1056. James H. Allen.
S. 1182. George W. Foster, alias James Ward.
S. 1210. William C. Markward.
S. 1243. Clarence S. Hall.
S. 1316. Lizzie E. Hinds.
S. 1333. Charles Baxter.
S. 1335. Charles A. Lauman.
S. 1342. Harvey Hill.
S. 1368. Oliver L. Bell.
S. 1394. Henry Dority.
S. 1507. Isaac W. Durham.
S. 1513. James M. Gibbons.
S. 1518. John W. Breau.
S. 1528. Frederick R. Radebaugh.
S. 1531. Mary E. Martin.
S. 1569. Elbridge L. Orbeton.
S. 1574. Fermon L. Botkin.
S. 1613. Malinda Kiniston.
S. 1627. Cassie Norman.
S. 1635. William A. Hicks.
S. 1669. Thomas C. Rogers.
S. 1674. Samuel Bastin.
S. 1736. Ira N. Levalley.
S. 1782. Nancy Gabrilla Anderson.
S. 2007. Elizabeth Forrest.
S. 2102. Jerry S. Fish.
S. 2103. Jacob C. Wilson.
S. 2105. Daniel Smiley.
S. 2112. Joshua H. Reynolds.
S. 2147. Darwin Zeek.
S. 2176. George C. Reynolds.
S. 2239. William McAfee.
S. 2245. Charles A. Holmes.
S. 2263. Clara Farlow.
S. 2267. Alice Hingson.
S. 2271. Jonathan Colyar.
S. 2275. Mercy M. Douglas.
S. 2286. Sarah E. West.
S. 2320. Maria J. Jennings.
S. 2346. Uriah Ruch.
S. 2349. Thomas W. Mitchell.
S. 2368. Horace Kennedy.
S. 2369. John B. Tucker.
S. 2372. Elizabeth M. Dearborn.
S. 2408. Thomas B. Fogle.
S. 2461. Helen A. Perrill.
S. 2465. Mairdreth Landres.
S. 2466. William Carpenter.
S. 2467. Augustus Harless.
S. 2500. John W. Sharrock.
S. 2501. Edward D. Lockwood, alias George E. McDaniel.
S. 2511. Ethel Kingsbury.
S. 2516. Mary E. Stitt.
S. 2520. Sarah A. Steele.
S. 2521. Ezra A. Tyler.
S. 2551. Fannie S. Grant.
S. 2560. Edward Newberry, alias Edward Edson.
S. 2569. Emily J. Proctor.
S. 2572. William F. Craig.
S. 2573. Martha A. Robbins.
S. 2579. Jerome Schamp.
S. 2585. William K. Brown.
S. 2601. Sarah A. Bryan.
S. 2628. John A. Laughton.
S. 2645. Thomas Griffin.
S. 2660. James M. P. Brookens.
S. 2680. Thomas J. Buttrum.
S. 2705. William N. Ingersoll.
S. 2724. John W. Small.
S. 2725. William H. Patton.
S. 2726. Robert M. Rice.
S. 2736. Mary J. Robb.
S. 2741. Elizabeth Ross.
S. 2774. Alverton H. Town.
S. 2823. Richard A. Leavell.
S. 2839. Martha M. Childs.
S. 2914. Mary Thibodo.
S. 3004. Thomas J. Lockhart.
S. 3009. John A. Sargent.
S. 3026. Jacob Brown.
S. 3052. Washington B. Coder.
S. 3055. Lewis A. Uhl.
S. 3057. Leroy Loveland.
S. 3101. Martin V. B. Clark.
S. 3114. George Whitcher.
S. 3116. John C. Dearing.
S. 3149. Charles Shanley.
S. 3157. Byron A. Hart.
S. 3174. Ella Blake.
S. 3232. Nora B. Higgins.
S. 3242. John W. La Rue.
S. 3249. Alfred Blair.
S. 3306. Charles D. Austin.
S. 3310. Fanny M. Jones.
S. 3360. William J. Johnson.
S. 3363. Amelia Hubbard.
S. 3405. Edward H. Bennett.
S. 3440. Harriet N. Sclipp.
S. 3442. Emily A. Netson.
S. 3444. Johanna Neil.
S. 3445. Hannah M. Kingsley.
S. 3446. Grace M. Copeland.
S. 3490. Green B. Acord.
S. 3503. Susetta Noyes.
S. 3506. Albert B. Lawrence.
S. 3514. Mary E. Opp.
S. 3527. Martha A. Dunbar.
S. 3561. John D. Halbert.
S. 3567. Mary E. Fuller.
S. 3602. Pleasant H. Ripley.
S. 3638. Robert B. McCumber.
S. 3654. Eva Fifield.
S. 3671. Edna C. Wilson.
S. 3673. Miranda Green.

Mr. McCUMBER, from the Committee on Pensions, submitted a report (No. 375), accompanied by a bill (S. 3747), granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 88. Thomas Harrison.
S. 141. William H. Turner.
S. 348. William J. Grimm.
S. 481. Samuel Hawkins.
S. 531. Joseph Provencher, jr.
S. 726. John H. Helser.
S. 868. Harriet S. Mansfield.
S. 877. Sanford S. See.
S. 880. David A. Kooker.
S. 889. Henry F. Baldwin.
S. 944. Robert L. Zell.
S. 1111. George F. Thomas.
S. 1251. John F. Buckley.
S. 1270. Jasper M. Sweeney.
S. 1387. Walter White.
S. 1393. James W. Wilson.
S. 1501. Arabella G. Walker.
S. 1503. Jennie Y. Featherston.
S. 1690. Charles D. Tibbets.
S. 1725. Fanny W. Arnold.
S. 1734. Patrick G. Conley.
S. 1784. George R. Noblet.
S. 2092. Mary Diven.
S. 2113. Amanda A. Birch.
S. 2137. John D. Harkless.
S. 2153. John W. Ferris.
S. 2194. John D. Ball.
S. 2225. Harry McFarlin.
S. 2273. May Cope.
S. 2319. John Fullam.
S. 2341. Matilda T. Lyman.
S. 2351. George F. Chambers.
S. 2370. George F. Ludi.
S. 2407. Eddie Thomas.
S. 2437. Annie K. Stearns.
S. 2439. Charles D. Robertson, alias Charles D. Harris.
S. 2479. Nannie M. Franks.

S. 2503. Margaret A. Roberts.
S. 2565. Mary Leahy.
S. 2659. Leonardo S. Twesten.
S. 2679. Enoch E. Willard.
S. 2696. Harriet B. Hart.
S. 2731. Anton Casper.
S. 2806. John B. Senecal.
S. 2810. Elizabeth Teague.
S. 2830. Emmett W. Fitzsimmons.
S. 2885. Nettie M. Chittenden.
S. 2987. George H. Fox.
S. 2995. Susan A. Hackett.
S. 3000. Mary L. Pope.
S. 3035. George Wortser.
S. 3039. Jesse E. Ballinger.
S. 3044. Hiram A. Campbell.
S. 3051. Charles F. Doepel.
S. 3071. Adelaide V. Lamson.
S. 3082. Mary A. C. Kaigler.
S. 3097. James R. Sullivan.
S. 3117. Elise Seabel.
S. 3150. Johanna McElliott.
S. 3212. Austella Stephenson, now Bledsoe.
S. 3215. Harley Mowrey.
S. 3264. Einer Bjarnson.
S. 3302. Samuel Wheeler.
S. 3303. George B. Taylor.
S. 3326. Ruth E. Hartfiel.
S. 3333. Louisa A. Thomas.
S. 3345. Stephen S. Joyce.
S. 3347. Howard G. Cleaveland.
S. 3349. John A. McAleer.
S. 3373. James Martin.
S. 3425. Charles C. Perkins.
S. 3438. Duff Herrington.
S. 3443. Charles Smalle.
S. 3449. Cornelia A. Forbes.
S. 3454. Frank Pender.
S. 3470. Wesley H. Dick.
S. 3511. Charles M. Woodworth.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 7775) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 377) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6639) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 376) thereon.

CHARLESTON (S. C.) NAVY YARD.

Mr. BALL. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 3396) to discontinue the construction of a dry dock at the Navy Yard, Charleston, S. C., and also the bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard. These two bills are closely related, one dependent upon the other, and I ask for their immediate consideration.

Mr. DIAL. Mr. President, I object to the immediate consideration of the bills. I ask that they may go over.

The PRESIDENT pro tempore. Objection is made, and the bills will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3748) to provide additional compensation for the dependent relatives of members of the Metropolitan police or fire department of the District of Columbia killed in line of duty; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 3749) granting an increase of pension to Emma M. Wainwright (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3750) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885, as amended by the act of July 9, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 3751) granting a pension to Faithie P. Nolan (with accompanying papers);

A bill (S. 3752) granting a pension to Patrick H. Mulligan (with accompanying papers);

A bill (S. 3753) granting an increase of pension to Electious J. Jenkins (with accompanying papers);

A bill (S. 3754) granting an increase of pension to John Wesley Knapp (with accompanying papers); and

A bill (S. 3755) granting an increase of pension to Abrahan T. Woodruff (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3756) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company; and

A bill (S. 3757) for the relief of A. S. Rosenthal Co.; to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 3759) granting an increase of pension to Mattie M. Trussell; and

A bill (S. 3760) granting an increase of pension to Elizabeth H. Peggs; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3761) granting a pension to Ida May Hollister (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3762) granting an increase of pension to Josephine M. Higgins (with accompanying papers); to the Committee on Pensions.

THE RECLAMATION FUND.

Mr. McNARY. I introduce a bill proposed by a number of governors of the Western States, which I ask to have referred to the Committee on Irrigation and Reclamation of Arid Lands.

The bill (S. 3758) to authorize advances to the reclamation fund and for the issue and disposal of bonds in reimbursement therefor, and for other purposes, was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

COAL-TAR PRODUCTS.

Mr. SPENCER. I submit an amendment intended to be proposed by me to the bill (H. R. 8078) to regulate the importation of coal-tar products; to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes." I ask that the amendment be printed and referred to the Committee on Finance, which committee is considering that bill.

The PRESIDENT pro tempore. The amendment will be printed and referred to the Committee on Finance.

AMERICANIZATION OF ALIENS.

Mr. STERLING submitted two amendments intended to be proposed by him to the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes, which were ordered to lie on the table and be printed.

HEARINGS ON PEACE TREATY.

On motion of Mr. LODGE, it was

Ordered, That there be reprinted for the use of the Senate 2,500 copies of Senate Document No. 106, Sixty-sixth Congress, first session, hearings before the Committee on Foreign Relations on the treaty of peace with Germany.

DECLARATION OF FRATERNALISM.

Mr. SHEPPARD. Mr. President, I have here a declaration of fraternalism composed by Hon. Edward Newton Haag, of Philadelphia, and adopted by the National Fraternal Congress in August, 1918. It is a patriotic declaration, is not long, and is worthy in every respect of preservation. I ask that it be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DECLARATION OF FRATERNALISM.

"We, the representatives of the fraternal orders and societies of the United States of America, numbering over 20,000,000 members, protecting the homes and conserving the welfare and happiness of a large percentage of the people of this Republic, assembled at the shrine of liberty in the city of Philadelphia this 27th day of August, A. D. 1918, under the auspices of the National Fraternal Congress of America and the National Fraternal Press Association (the Canadian Fraternal Association

also being officially represented), in a patriotic fraternal conclave, hereby record our tribute of esteem to the noble founders and those who by their words and deeds alike have vouchsafed to us and our posterity the blessings of freedom.

"In this hour, when so many of our brave sons and daughters are helping to perpetuate those blessings and bring them to the fraternalists of all the world, we pledge ourselves anew to the sacred and immortal principles of life, liberty, and fraternalism which our noble and self-sacrificing forefathers promulgated in Independence Hall, recognizing that they embody the teachings of the founder of fraternalism as applied to home and country and all they hold dear and worth while; that they exemplify our attitude toward the peoples of all the earth who would enjoy these Heaven-inspired blessings and avoid or free themselves from the serfdom of mind, soul, and body which Hohenzollernism would bring about for its selfish and nefarious ends.

"While the just rights of men, women, and children, communities and nations are assailed by our enemies, we here pledge our lives and all we cherish to fight against such attempted injustice and aggression, placing our trust in the God of our fathers and the strong arms and valiant hearts of those who alike know the right and how to attain and perpetuate it, so that the blessings of liberty and fraternalism may be a heritage for all, regardless of nationality or creed.

"As our forefathers brought these blessings to us and this Nation, so would we share them with all humanity seeking them unselfishly.

"The defeat and destruction of Hohenzollernism we recognize as an essential to the attainment of permanent peace, justice, and fraternalism throughout the world.

"Therefore, recognizing the truth of the President's statement that 'whatever disturbs the life of the whole world is the concern of the whole world, and it is our duty to lend the full force of this Nation, moral and physical, to a league of nations,' we stand for a permanent world agreement through a league of nations and justice through an international court, as also with the aid of an international council of conciliation, and to utilize, through organization of the units of the National Fraternal Congress of America and fraternal organizations everywhere, national and international, constructive opinion to make the world safe for democracy.

"After victory has been achieved with honor in the contest for the principles of fraternalism and uplift as opposed to the powers of darkness seeking supremacy, we favor the signing of a declaration of world peace, in Independence Hall, which will be made perpetual by the League of Nations and the international council of conciliation, thus inaugurating the ages of fraternalism.

"National Fraternal Congress of America—Dr. R. H. Gerard, president; W. E. Futch, secretary. National Fraternal Press Association—Mary MacEachern-Baird, president; C. C. Hollenbeck, secretary-treasurer. Patriotic Fraternal Conclave Committee—W. Freeland Kendrick, chairman; Arthur B. Eaton, secretary. City of Philadelphia—Thomas B. Smith, mayor. Executive committee—Edward N. Haag, chairman; Allen P. Cox, C. L. Cadwallader, Charles F. Bowers, Thomas H. Walters, jr."

COURTS IN KENTUCKY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2476) to amend the act establishing the eastern district of Kentucky, which were, on page 2, line 4, after the word "year," to insert: "*Provided*, That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States," and on page 2, to strike out lines 11 and 12.

Mr. STANLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NIAGARA RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes, which were, on page 2, to strike out lines 16 to 24, inclusive, and insert:

"SEC. 5. The term of said commission shall expire two years after the passage of this act."

On page 3, to strike out lines 4 and 5, and to amend the title so as to read: "An act to establish a commission on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes."

Mr. CALDER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SUITS IN ADMIRALTY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

Mr. JONES of Washington. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. JONES of Washington, Mr. MCNARY, and Mr. SIMMONS conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 4383. An act to further amend section 858 of the Revised Statutes of the United States; and

H. R. 10700. An act to authorize the judges of the United States Court of Customs Appeals to be assigned to any district court or circuit court of appeals of the United States and conferring the jurisdiction of said courts upon them while so assigned.

The following bills were each read twice by their titles and referred to the Committee on Commerce:

H. R. 10701. An act granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near Old Dock, county of Columbus, N. C.; and

H. R. 11606. An act to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind.

DISTRICT FIRE DEPARTMENT—CONFERENCE REPORT.

Mr. CALDER. I call up the conference report on House bill 10137 and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent——

Mr. CALDER. Mr. President, I move——

The PRESIDENT pro tempore. The Senator from New York moves that the Senate proceed to the consideration of the conference report upon the disagreeing votes of the two Houses on the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes. The question is on the motion of the Senator from New York. [Putting the question.] The ayes have it.

Mr. THOMAS. I ask for a division.

On a division the motion was agreed to, and the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and accept the said House bill with an amendment as follows:

In lieu of the matter proposed by the amendment of the Senate insert the following:

"That sections 2, 3, and 4 of an act entitled 'An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes,' approved June 20, 1906, is hereby amended to read as follows:

"'SEC. 2. That the Commissioners of the District of Columbia shall appoint, assign to such duty or duties as they may prescribe, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the fire department of the District of Columbia, according to such rules and regulations as said commissioners, in their exclusive jurisdiction and judgment (except as herein otherwise provided), may from time to time make, alter, or amend: *Provided*, That the rules

and regulations of the fire department heretofore promulgated are hereby ratified (except as herein otherwise provided), and shall remain in force until changed by said commissioners: *Provided further*, That all officers, members, and civilian employees of such department, except the chief engineer and deputy chief engineers, shall hereafter be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except as herein otherwise provided: *Provided further*, That the chief engineer of the fire department shall hereafter be selected from among the deputy chief engineers, the battalion chief engineers, the fire marshal, and the superintendent of machinery; the deputy chief engineers shall hereafter be selected from among the battalion chief engineers, the fire marshal, and the superintendent of machinery: *Provided further*, That all original appointments of privates shall be made to class 1; privates who have served one year in class 1 shall, if found efficient, be transferred to class 2; and privates who have served two years in class 2 shall, if found efficient, be transferred to class 3. Such transfers shall not be subject to the provisions of such act of January 16, 1883, as amended, and the rules and regulations made in pursuance thereof. Whenever vacancies occur in classes 2 or 3 which can not be filled by such transfers, the commissioners may appoint additional privates in class 1 equal in number to the positions vacant in classes 2 or 3; and any moneys appropriated for the payment of the salaries for such vacant positions shall be available to pay to such additional privates of class 1 the salaries of their grade.

"'SEC. 3. That the fire department of the District of Columbia shall consist of one chief engineer, two deputy chief engineers, all of whom shall have at least five years of experience in some regularly organized municipal fire department; such number of battalion chief engineers as said commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; and such number of assistant superintendents of machinery, pilots, marine engineers, assistant marine engineers, marine firemen, privates of class 3, privates of class 2, privates of class 1, hostlers, and laborers as said commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the chief engineer of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *Provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That the engineers and assistant engineers in the fire department shall be transferred to the position of privates of class 1, 2, or 3, respectively, depending on whether their length of service on August 1, 1919, was one, two, or three or more years; but such transfers shall not be subject to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof; and the authorized number of privates in the various classes is hereby increased to provide for such transfers and for additional privates equal in number to the vacancies existing in the positions of engineer and assistant engineer at the time this amending act becomes effective.

"'SEC. 4. That the annual basic salaries of the officers and members of said department shall be as follows: Chief engineer, $4,000; deputy chief engineers, $3,000 each; battalion chief engineers, $2,400 each; fire marshal, $2,400; deputy fire marshal, $2,000; inspectors, $1,660 each; chief clerk, $2,400; clerk (who shall be a stenographer and typist), $1,660; captains, $1,900 each; lieutenants, $1,760 each; sergeants, $1,700 each; superintendent of machinery, $2,500; assistant superintendent of machinery, $2,000; pilots, $1,700 each; marine engineers, $1,700 each; assistant marine engineers, $1,660 each; marine firemen, $1,460 each; privates of class 3, $1,660 each; privates of class 2, $1,560 each; privates of class 1, $1,460 each; hostlers, $1,080 each; laborers, $1,000 each. Every officer and member of the fire department of the District of Columbia at the time this amending act becomes effective shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act for a period of equal duration.'

"SEC. 2. Section 5 of such act of June 20, 1906, is hereby amended by adding at the end thereof the following:

"'No member of the fire department of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the fire department of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

"'Any member of the fire department of the District of Columbia who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the fire department of the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months, or by both.'

"SEC. 3. For the payment of the increased salaries authorized in this act for the positions provided for in the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919, and for the payment of the salaries designated herein to the additional number of men in the various classes of privates authorized in this act, one-half of the amount necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the salaries of the officers and members of such fire department in such act of July 11, 1919.

"SEC. 4. The Commissioners of the District of Columbia are hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the Metropolitan Police and fire departments may be made."

And the House agree to the same.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

CARL E. MAPES,
N. J. GOULD,
JAS. P. WOODS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. DIAL. Mr. President, I hope the report will not be agreed to. It increases the pay of the privates in the fire department something like $500 per annum, I think it is, and from that on up, based on a graduated schedule. The matter was given very careful consideration in the committee. The committee cut down the appropriation materially.

The position of firemen is not a very arduous one. They do not incur danger like policemen. They are usually in houses. They stay in out of the weather most of the time. They are just called out to service occasionally. While I think the former schedule should have been increased, yet I feel this increase is unwarranted.

In addition to the $500 increase—and more to some of the different classes—they already received fairly good compensasion and, in addition to that, they got the $240 bonus. Not only that, but one of the serious objections which I have to the bill is that it dates back until the 1st of August, 1919. It thus has a retroactive effect. I am unalterably opposed to any law that will have a retroactive effect.

The management of any business in the country could not long retain the respect of its employees if the stockholders came in and constantly changed the pay which the employees were receiving and antedated the change. Take the president of a bank or a mill or any other of the manufacturers that employ laborers. If the stockholders were to come in and at the end of six months or at the end of a year say that the employees had not been treated fairly and that the management should go back and make up a different pay roll and grant them more pay for the time that is past, the president and the management

would never know where they stood and they could not tell whether the business was prosperous or not. They would never know how to obtain credit. The banks would not know whether they were solvent or insolvent, if they were liable at any time to have to go back and change the schedule of the pay of their employees.

So I think it is a bad precedent. Not only that, but I look upon it as a reflection upon the Senate that we should change the law now to take effect last August. If the Senate did not then do its duty as it ought to have done, then this is an arraignment which says that we were negligent in not performing our duty in passing a law at the time that we ought to have passed it.

Then, too, this establishes a precedent all over the country. Congress should pass laws that will be examples to the United States at large. Instead of that, we are here acting like children, as I see it, in changing the bases of pay from time to time in this way. I hope that no law will be passed, and unless I change my mind, I never expect to vote for any law that will have a retroactive effect. It is bad in principle, it is bad in morals, it is bad in influence.

As I said, the duties of a fireman are not arduous. He stays in the house, he is out of the weather, he can read and improve himself if he cares to do so. The basis of pay here was something like $250 a year more than it was in the city of Philadelphia, where they have much more danger and much higher buildings to contend with and many more dangers than exist in the city of Washington.

It does seem to me that it is a good time for us to put on the brakes and that we should apply the hold-back strap to our appropriations. Somebody has to pay these bills. We want economy and yet we act like money grew on trees, and we spread out and increase the pay of these men 50 per cent, in addition to an already good-sized bonus, and then we go back and give them back pay besides that. The people never will know when they are through paying taxes if we establish this kind of a precedent.

I think that the report is entirely out of line with the times. Here are the firemen living in this magnificent city. They are furnished free schools, free books for their children, practically free water, and a great many things free that they get the benefit of, so theirs is not an arduous duty at all.

I trust that the report will not be agreed to. The committee gave careful consideration to the matter and did increase the amount of pay somewhat that the firemen should receive, but only by about one-half of the amount that was eventually placed in the bill as reported by the committee. In the committee I moved that the bill take effect after its passage and not from August 1. This is my reason for objecting to the adoption of the report.

Mr. THOMAS. Mr. President, when the motion was made by the Senator having charge of this bill to take it up for consideration, and the question was put by the Chair to the Senate, the audible response indicated an adverse result. The Chair was about to hold to the contrary, whereupon I asked for a division. I did that deliberately. I wanted to see how many Senators would rise and be counted who had cast their votes against considering this bill. It resulted in two adverse votes—that of the Senator from South Carolina [Mr. DIAL] and myself.

I am used to it. The Senator has not been here as long as I have, and after he has had my experience he will also perceive the folly of trying to stem the tide of appropriations in an American Congress.

Mr. DIAL. I think it speaks very poorly, then, for the wisdom of Congress.

Mr. THOMAS. You might just as well attempt to stem the current of a rushing stream with a shoestring, or some equally insignificant object. I have had seven years of this experience. When I began, an older Senator admonished me against it. He said: "Any man in the Senate who preaches economy will only succeed in making himself a most unpopular Member of that body"; but he added this significant statement: "The people do not want economy. They want this money that is in the Treasury expended just as rapidly and as largely as possible."

That Senator had been conspicuous in the deliberations of this body for years before I came here, and I long ago concluded that the advice he gave was good, and that the assurance he made was true. The people do want the money in the Treasury expended, provided it is expended their way, and as a consequence they long ago invaded the Capitol in groups. They have established permanent headquarters at the Capitol in order that the organized weight of their respective groups may be used as bludgeons upon the consciences and the votes of Members of Congress when their appropriations are on the calendar.

Shortly after President Wilson was inaugurated he called the attention of Congress to the existence of what he called an insidious lobby. The immediate result was a motion by the present honored occupant of the chair [Mr. CUMMINS in the chair] for an investigation. The investigation was held and the existence of that lobby established and its dissolution declared. We have a dozen now—perhaps more than that—although known by other names. One lobby consists of the employees of the Government of the United States; another is the American Federation of Labor; another is the Rivers and Harbors Improvement Association, including improvements for the Mississippi River; another is the United States Chamber of Commerce; another is the organized farmers. According to the papers, they have just secured a fine plot of land and propose to erect here a temple from which they will dispense their influences, which is quite as proper and, in fact, perhaps necessary because of the existence of these others. Those who are behind the proposed bonus of nine hundred millions, which is only a starter, for our returning soldiers are organizing another. God knows how many more will be created between now and the expiration of this Congress. I do not know. The only lobby not present here is a lobby of taxpayers. They do not amount to much, anyhow. All they have to do is to stand still while they are being milked. If one of them should kick over the pail once in a while he might be punished for his rashness.

The Senator is up against a situation that is invincible and will continue to be invincible until the taxpayers of the country find out that their easy-going, tolerant course is leading not only to their own bankruptcy but to that of the Nation. This bill is comparatively small in its amount. I suppose it will increase the expenses a few million dollars per year, but it has behind it organized forces which are spread all over the country, because the organizations of employees are a constituent branch of the organizations of workmen all over the country, and its main purpose is obvious—to get money from the Treasury of the United States. Demand it—for these gentlemen no longer request, they demand—demand it and you will get it. The Senator is opposing it. I admire his spirit; but, as a seasoned victim of a great many defeats along the same line, I admonish him that he is wasting his time and his breath, and will continue to waste time and breath until the people wake up. I thought they would have awakened long ago, but after a long and weary vigil of seven years I confess I do not see any symptoms of it.

Mr. DIAL. Mr. President——

Mr. THOMAS. I yield.

Mr. DIAL. Does not the Senator think that the people are waking up rapidly now? Before this war there were about 400,000 people in the United States who owned bonds and now there are something like 21,000,000 who own bonds, and those bonds are under par. Does not the Senator think that they are getting tired of seeing the security of the Government depreciate and taxes increasing?

Mr. THOMAS. I do not see any signs of it at all. On the contrary, the present generation is the most luxurious, the most extravagant, the most indifferent to its own welfare and to the welfare of the Nation that I have encountered in my sojourn of 70 years upon this earth.

Bills were reported this morning favorably from the Committee on Pensions that will only add about a hundred millions to our fixed annual expenditures. A hundred millions in these days is comparatively unimportant, because we are accustomed to large figures; but the Senator knows just as well as I do why those bills have been reported. We are aproaching a presidential election, and the pension theory now is that the Government owes a living to every man who ever shouldered a musket. The old theory, and the only theory which can justify the pension system, is based upon service and disability; and there is no more reason why the Government should support a man who has shouldered a musket and done his duty by guaranteeing him a livelihood from the Treasury of the United States than there is for doing the same thing for every farmer who handled a hoe and every workman who was employed in the munition factories of the land during the previous war. Those bills will pass. Republican orators and Democratic orators want something on which to base their ad captandum appeals. The heroism and patriotism of the old soldier will be sung by both parties, each of which will point to the votes of its representatives in Congress in behalf of these measures, and each will expect in consequence the political support of the organizations.

I shall not waste the time of the Senate to discuss this bill any longer. In fact, I should not have said anything but for the protest of the Senator from South Carolina. I sympathize with him as a fellow sufferer in the vain effort to secure some consideration for the public welfare in the matter of appropriations. I merely wished to give him a brief reminder of my own experience, that he might understand how useless it is to kick against the pricks. The United States Treasury, in popular estimation, is a source of self-creating and never-failing abundance, and it is the duty of every Representative and every Senator to get as much as possible out of it for the people whom he represents. Let the carnival continue.

Mr. FLETCHER. Mr. President, referring to the specific matter before the Senate, I desire to say that it does seem to me that these salaries are by no means excessive. We have to consider conditions as they are, and these men do perform very high-class service, and they do run considerable risk. Their employment is more or less hazardous and dangerous, and they ought to be paid enough upon which to live and support families.

I do not believe that the items set forth in section 4 of the bill provide excessive salaries for these people. They earn this money. They are entitled to it. They render a most important and most high-class service to the public. The feature, however, about making the act retroactive seems to me objectionable. I am inclined to agree with the Senator from South Carolina on that point. It is a bad precedent, it is a bad practice, to make these laws retroactive.

The bill makes a correction as to the salaries of these employees, and that correction I think is due them. I believe we ought to increase their salaries, but I do not think it is advisable to have that increase date back to August 1, 1919. That seems to me to be not only not merited by the conditions and by the situation generally but, as I say, it is a bad practice. On that account I find fault with this report, not on account of the salaries being excessive.

I am thoroughly in accord with the sentiment expressed here that we must adopt and stick to a policy of rigid economy in public expenditures. We must do that, and that is the position we should take here and maintain throughout. That is not, however, inconsistent with a proper allowance of compensation for services actually rendered.

Mr. SMOOT and Mr. CALDER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. SMOOT. I should like to ask the Senator if in the House bill or the Senate bill the retroactive feature was incorporated?

Mr. FLETCHER. I am not a member of the committee, and therefore I can not answer the question of the Senator.

Mr. CALDER. Mr. President——

Mr. FLETCHER. I yield to the Senator from New York.

Mr. CALDER. I will say to the Senator that the retroactive feature was incorporated in both the House and the Senate bills, and was not in conference. That feature also was contained in the police bill which passed before the holidays, and it was contained in the Post Office salary-increase bill which we passed in the last session. It is not, therefore, a precedent. I might add that that question came up for the consideration of the Committee on the District of Columbia, and was discussed at length, but because the feature was contained in the police bill it was left in this bill.

Mr. SMOOT. My object in asking the question was to find out whether that was new matter, put in the conference report by the conferees; but if the Senator says the retroactive feature was not only in the House bill but was also in the Senate bill, then, of course, it was not in conference.

Mr. CALDER. I can assure the Senator of that fact.

Mr. President, just a word. As I said a moment ago in interrupting the Senator from Utah, the retroactive feature of this bill was in the police bill, and was in this bill as it passed both Houses. It was also contained in the Post Office salary-increase bill that we passed before the holidays. I will also say, in response to the statement of the Senator from Colorado, that there has been no propaganda for this bill outside of the District of Columbia. In fact, the only propaganda that has come to the committee was against the provision of the bill dealing with the right of the men in the fire department to belong to a union. The American Federation of Labor and the firemen's organization of the city protested against that particular provision of the bill; but the committee felt that that provision having been in the police bill it should also be in this bill. The increases of pay are quite large, it is true—three, four, and five hundred dollars—but they are in exact accord with the provisions of the police bill.

Mr. THOMAS. Mr. President, in view of what the Senator says, I want to modify the statement which I made a few minutes ago, because I am delighted to know that one appropriation bill has passed through both Houses of Congress without the influence of some organized power behind it.

Mr. CALDER. I can assure the Senator of that fact.

It seems to me, in view of the fact that these men are required to work nearly 30 days out of every month, and are on duty nearly 24 hours a day, that this increase is not out of keeping with the work they are called upon to do.

Mr. DIAL. Mr. President, I think we were setting a bad precedent when we passed the police bill. I opposed that bill having a retroactive feature. I knew that it would come back to plague us in other legislation. I oppose this bill on account of its retroactive feature, and I shall vote against all others having a retroactive feature. I think there should be some increase; but, as I said before, I think this amount is excessive.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

LOAN OF ARMY RIFLES.

Mr. WADSWORTH. Mr. President, upon yesterday, as I understand, the Senate passed the bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion. Unfortunately the committee amendment which appears upon page 2 of the bill was incorrectly printed, and as it reads it fails to make sense. I desire to know if I would be within my rights in a parliamentary sense if I should ask unanimous consent for the reconsideration of the vote by which the bill passed the Senate yesterday, in order that I might offer an amendment perfecting the committee amendment, and then ask for the repassage of the bill?

The PRESIDENT pro tempore. The Chair is advised that the bill is still in the possession of the Senate, and that the request of the Senator from New York would be in order.

Mr. WADSWORTH. I move that the Senate reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York.

The motion to reconsider was agreed to.

Mr. WADSWORTH. On page 2, the committee amendment, as printed, reads:

Provided, however, That not to exceed 10 such rifles to any one post.

I ask that the words "shall be issued" be inserted after the word "rifles," so that it will read:

Provided, however, That not to exceed 10 such rifles shall be issued to any one post.

The PRESIDENT pro tempore. The Chair is of the opinion that there must be consent for the reconsideration of the action of the Senate in passing the bill to a third reading in order to open the bill to amendment.

Mr. WADSWORTH. I understand. Then, to retrace further the parliamentary steps, I ask unanimous consent that the vote by which the bill was reported from the Committee of the Whole to the Senate be reconsidered. Is that the correct procedure?

The PRESIDENT pro tempore. The Chair is of the opinion that it is not necessary to go further back than the stage at which the bill was open to amendment in the Senate. Is there objection to reconsideration of the action of the Senate in passing the bill to a third reading? The Chair hears none. The bill is now in the Senate and open to amendment.

The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment of the committee by inserting after the word "rifles" the words "shall be issued," so that it will read:

Provided, however, That not to exceed 10 such rifles shall be issued to any one post.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was read the third time and passed.

AMERICANIZATION OF ALIENS.

Mr. KENYON. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3315.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. HARRIS. Mr. President, I ask the Senator from Iowa if he will not yield, so that we can take up Senate resolution 247?

Mr. KENYON. I dislike to refuse any request of the Senator from Georgia, but I am anxious that we shall make progress with this bill. I think we can finish it this afternoon, and I am afraid the Senator's resolution will simply result in loss of

time, there is so much opposition to it. I am not opposed to it myself.

I understand the Senator from Connecticut [Mr. McLEAN] wishes to give notice on some matter, and I will yield to him for a few moments.

Mr. SMOOT. Mr. President, there are one or two other Senators interested in the bill who have asked that a quorum be called when it is taken up. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smith, S. C.
Ball	Harris	New	Smoot
Beckham	Harrison	Newberry	Spencer
Calder	Henderson	Norris	Stanley
Capper	Jones, N. Mex.	Nugent	Sterling
Chamberlain	Jones, Wash.	Overman	Sutherland
Colt	Kendrick	Owen	Thomas
Culberson	Kenyon	Phelan	Townsend
Cummins	King	Phipps	Underwood
Curtis	Kirby	Pomerene	Wadsworth
Dial	McCormick	Robinson	Walsh, Mass.
Fletcher	McKellar	Sheppard	Warren
France	McLean	Sherman	Watson
Gerry	McNary	Shields	Williams
Gronna	Moses	Smith, Md.	

Mr. MOSES. I desire to announce the absence of my colleague, the Senator from New Hampshire [Mr. KEYES], on account of illness in his family, and ask that the announcement may stand for the day.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I wish to have this announcement stand for the day.

Mr. McCORMICK. I desire to announce that the other members of the subcommittee of the Naval Affairs Committee, the Senator from Maine [Mr. HALE], the Senator from Nevada [Mr. PITTMAN], and the Senator from Florida [Mr. TRAMMELL], are detained at a meeting of the subcommittee.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent on official business.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Delaware [Mr. WOLCOTT], the Senator from Arizona [Mr. SMITH], and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

FEDERAL FARM LOAN ACT.

Mr. McLEAN. Mr. President, I simply desire to give notice that as soon as the pending measure is disposed of, and if it is otherwise agreeable, I shall ask the Senate to consider the bill (H. R. 9065) to amend sections 3, 8, 10, 12, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act. I want to say now that while the bill seems to be somewhat formidable, as it contains a vast number of amendments, none of them affect the substantial provisions of the farm-loan act. They are all recommended by the Federal Farm Loan Board and are simply for the purpose of improving the administrative machinery of the act.

For instance, the bill creates an acting registrar who will perform the duties of the registrar when he is disabled for any reason.

It also extends the amount of the minimum bond from $25 to $42 for the purpose of avoiding fractions in bookkeeping.

It also permits the board to raise a sum of money sufficient to pay the Secretary of the Treasury and the loan committee, and there are other immaterial provisions affecting the method of the operation of the act. The only two sections of the bill which aroused opposition in the committee were stricken from the bill by the committee.

The bill has been on the calendar for nearly three months and the Farm Loan Board are very anxious to have it passed. I repeat that as soon as the pending measure is disposed of I shall ask the Senate to take up the bill. I do not think it will occupy more than 10 minutes, for I know of no possible opposition to it.

SEDITIOUS ACTS AND UTTERANCES.

Mr. STERLING. Mr. President, by the courtesy of the Senator from Iowa [Mr. KENYON] I desire to call attention to a matter relating to the antisedition bill which lately passed the Senate and the antisedition bill pending in the House. I feel impelled to do this by reason of a purported interview given by Mr. Samuel Gompers appearing in yesterday's paper, and my attention having been called to it on yesterday. I think I am justified in doing this for the reason that there seems to be a studied effort to misrepresent the antisedition bill which passed the Senate, its purpose and object.

To quote briefly from the article in which the interview appears and from the interview I read:

> Formal announcement that the American Federation of Labor would oppose "with whatever power it may possess" the enactment of the antisedition bills now pending in Congress was made yesterday in a statement issued by Samuel Gompers, president of the federation.
>
> The attack of organized labor, its chieftain indicated, will be directed impartially against the Sterling bill, recently passed by the Senate, and against the Graham measure, based on suggestions of Attorney General Palmer, and awaiting action by the House Rules Committee for a special rule to expedite consideration.
>
> Referring to the two measures as one bill, President Gompers declared its enactment "would violate the Constitution and rob the whole American people of their most cherished and basic guaranties of free government."

Mr. President, during the discussion of the Sterling bill in the Senate there was very little discussion of the real issues involved in and presented by the bill itself. There was much general discussion, much eloquent discussion of freedom of speech, freedom of the press, and in opposition to a censorship of the press, and I found myself responding in sentiment to much that was said by those who apparently were opposed to the bill. But, Mr. President, the issues presented by the bill were simply as to whether it should be lawful to advocate the overthrow of the Government of the United States or of all government by force or violence; whether it should be lawful to use the mails of the United States for the purpose of advocating the overthrow of the Government by force or violence; whether it should be lawful to import into the United States literature which advocated the overthrow of the Government by force or violence. Those were the main issues presented by that bill.

Mr. President, when Mr. Gompers or anyone else says that he is opposed to a law which would prevent the advocacy of the overthrow of this Government by force or violence then Mr. Gompers or whosoever it may be, it seems to me, puts himself in a position where his loyalty to the Government of the United States might well be questioned.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator.

Mr. FRANCE. I do not understand the Senator to be stating that that was Mr. Gompers's position, however?

Mr. STERLING. No; I am not stating that that was Mr. Gompers's exact position, but I leave it to the Senator from Maryland to state what the inference is that may be drawn from Mr. Gompers's statement.

Mr. FRANCE. May I ask the Senator whether he has had inserted in the RECORD the full statement of Mr. Gompers on the subject?

Mr. STERLING. I have read a portion of it, and I shall read other portions of it right now.

Mr. FRANCE. I hope the Senator will have the whole statement placed in the RECORD.

Mr. STERLING. I can do that. I am reading the material parts of it. He further says:

> In fact, it would perpetuate an autocratic censorship over the entire American press.

No censorship is provided, either in the bill which passed the Senate, or, as I understand it, in the pending House bill. Mr. Gompers says further:

> It can be used to kill free speech and free assembly. It strikes a deadly blow at legitimate organizations of labor or any other progressive movement for the betterment of the masses which may be opposed by the advocates of privilege and reaction.

Mr. President, I hold no brief for the House bill. It is a much longer bill than the bill which passed the Senate. It contains, I think, 11 sections, and the Senate bill contains only 5. The House bill covers some things that are not covered by the Senate bill. But Mr. Gompers makes no distinction. He speaks of the two as one bill. He further says:

> We oppose this bill because every legitimate purpose for which it is framed is already covered by existing law. Its illegitimate features, which compose two-thirds of the draft, are utterly autocratic, imperialistic, and un-American.

I say, Mr. President, that no feature of the bill which passed the Senate is distinctly covered by existing law, and if it is covered by existing law, then why should not the efforts of a gentleman opposed to such a law be directed toward the repeal of that law rather than in opposing this measure? My position is that if it is like existing law, no great harm will come to the country or to any particular interest by its enactment.

And now, to satisfy the Senator from Maryland, I ask that the entire interview be printed in the RECORD, following my remarks.

There being no objection, it was so ordered.

Mr. STERLING. Further, Mr. President, along this same line, I want to call attention to other statements equally mis-

leading; and first, from the Scripps Editorial Board, R. P. Scripps, editor and manager. This is the first information I have had regarding the Scripps Editorial Board. This was received day before yesterday:

Editorial.

For a hundred years this country has got along very well without laws against propaganda or political criticism. The Government has not had to put down insurrection. There has been no conviction for treason even during war time.

The passage of the Sterling or Graham bills, or any legislation of this sort, is an abandonment of this Nation's settled policy.

It will be observed that there is still no distinction made between the Sterling bill and the Graham bill. The failure to distinguish shows the motive of opposition of this kind. But I quote:

Freedom to discuss the Government and to criticize its policies, and even to advocate changes, is the foundation stone on which this attempt at democracy was built.

I agree with that. I make no complaint whatsoever of that assertion, but that is beside the mark and aside from any issue that has ever been presented in the bill which passed the Senate, and I think aside from any issue involved in the bill before the House.

It says:

The proposed legislation makes a crime of beliefs, free discussion, or the distribution of argument.

There is not a word in the Senate bill in regard to a belief or holding anybody responsible for belief.

Next I have a communication received yesterday morning from Mr. Charles H. Unverzagt, 405 Lexington Avenue, New York City, in which he says:

I am in receipt of yours of 14th with bill S. 3317. You say this is a sedition bill and not an espionage bill.

He had previously written me for a copy of the bill.

I think practically all of the papers in New York have denounced your bill and others of like character. According to these bills under the constructions always placed upon them by the courts, if any party attempted to change the Constitution or get an amendment to the Constitution, or to criticize a public officer who turned out to be a crook, it would be putting himself in a very perilous position.

Mr. President, that is an absolute misapprehension of the terms of the bill and what the bill seeks to accomplish. I think I am justified in going further and in saying it is a deliberate misinterpretation of the Senate bill.

Mr. OWEN. Mr. President——

Mr. STERLING. I yield to the Senator from Oklahoma.

Mr. OWEN. I call attention of the Senator to the last three lines of paragraph 5 of the Graham bill.

Mr. STERLING. I have not the Graham bill before me. I am not, as I said a moment ago, I will say to the Senator from Oklahoma, holding a brief for the Graham bill. I am referring to the bill that passed the Senate.

Mr. OWEN. Mr. President, the last three lines referred to contain a joker, perhaps; but whether it does or does not, the plain meaning of it is that anyone who attempts to "overthrow, change, or defeat the Constitution of the United States and the laws and authorities thereof," without using the words "force and violence" at all, that anyone who would advocate the prohibition amendment or the woman's suffrage amendment under that section and that language would be subject to the penalties.

Mr. STERLING. I appreciate, I will say to the Senator from Oklahoma, clearly the distinction, and that if the House bill does not contain the term "force and violence" as an element of the offense there may be some grounds of objection to such a bill.

Mr. OWEN. Yes; and it is proposed to substitute the Graham bill for the bill that passed the Senate.

Mr. STERLING. I understand that; and one purpose which will be served in calling attention to these matters this morning is the distinction between the House bill and the Senate bill.

It is worth while sometimes to consider the source from which some of these communications and views come. I took the pains to make a little inquiry in regard to Mr. Unverzagt. He was under surveillance at the beginning of the war and during the war because of pro-German proclivities, and is under indictment now, according to the information I have received, in the State of New York for himself attempting through the mails to promote fraudulent enterprises. That is the record of Mr. Unverzagt. But further:

I hold in my hand, Mr. President, a pamphlet entitled "The Criminal Leadership of Labor," being an address delivered by Mr. Samuel Harden Church, president of Carnegie Institute, Pittsburgh, November 11 last, an Armistice Day address. May I just quote briefly from that, as follows:

No government in any country or in any age has ever been able to perpetuate itself when it has tolerated within its dominion a force that is stronger than itself. The time has come when in the development of our American civilization we must learn whether the Government, which our forefathers established upon the foundations of law, order, justice, and liberty, shall be paramount in the affairs of the Nation, or whether the life of the people shall be hindered, vexed, and destroyed by the false leaders of labor.

One or two other quotations that are pertinent, particularly so because of the interview given out by Mr. Gompers:

For seven years Mr. Samuel Gompers, president of that organization—

The American Federation of Labor—

has sat at Washington and dictated the legislation which controls management, industry, and labor alike. Yet it was within that seven years that some 29 of the immediate subordinate officials of Mr. Gompers were sent to the penitentiary after conviction for dynamiting and murder. And at the present time 11 of the men who were then convicted hold office in the Iron Workers' Union, a branch of the American Federation of Labor, including the president, M. J. Morrin. One of these convicted men, Frank M. Ryan, who was president at the time of the trial, is now a general organizer for the union in the Chicago district, and took a leading part in the present steel-strike movement. Mr. William Z. Foster, the organizer of the present steel strike and a subordinate official of Mr. Gompers in the American Federation of Labor, proclaims in his book, Syndicalism, that he is an advocate of sabotage and of the seizure and confiscation of all property—

And so forth.

Mr. President, it occurs to me that Mr. Gompers just at present has other business on hand which might well engage his attention. Or it may be that there is method in his course. An interview like that given out by Mr. Gompers wholly misinterpreting the purpose and intent of the bill which passed the Senate, and, as I think, knowingly so, indicates that he feels that he must now at this particular juncture in his career court the favor of the extreme radicals in order that he may hold his power and his place as president of the American Federation of Labor.

I wish to submit, and I think I shall ask to have read at the desk, the editorial appearing in this morning's Post.

The PRESIDING OFFICER (Mr. SPENCER in the chair). If there is no objection, it will be read.

The matter referred to is as follows:

PUNISH THE FIREBUGS OF SEDITION.

"The reds, anarchists, domestic enemies, and kindred vermin are making a concerted howl against the sedition bills in Congress. Free speech is in peril, they say; free speech, that sacred and inviolable right guaranteed by the Constitution.

"What a spectacle it is to see the Constitution invoked by these scoundrels who seek to destroy it! What an uncomplimentary standard of American intelligence they must have, these foreign and anti-American elements which now ask patriotic citizens to protect unbridled speech in order that treason may do its work unhampered!

"Unfortunately there are some Americans who are taken in by such fallacies as those uttered by the enemies of the United States. Free speech! It sounds well. Who would dare to stop the mouth of a man who honestly utters his thoughts in the hope of benefiting the world? Isn't America the land of the free? The curbing of free speech is the act of tyrants, czars, and autocrats. Let ideas be fought with better ideas. The poison gas of treasonable speech will evaporate when it is released, according to a learned jurist. Let it flow freely; let it spread where it will. If you curb it, if you deprive a man of the right to utter whatever he pleases, something terrible will happen. He will explode, perhaps; or perhaps the Constitution will explode; or maybe both will blow up in dire combustion. So many worthy Americans are fooled into taking an attitude against the restraint of treason by listening to specious arguments which always conceal the difference between the right of free speech and the abuse of that right.

"There is treason of the tongue as well as of the hand. Of the two treason by words is the more subtle and often the more dangerous.

"Who is injured by a law that punishes for treason by speech? Is the patriot hurt or the law-abiding citizen? Is his freedom of speech curtailed? No! But the Bolshevik, the treasonable citizen who hates his own government, the foreign spy, the professional agitator, and the anarchist, all these foul birds are hurt. They are hurt only when they commit crime. They can not be injured by any law, however drastic, if they do not violate it.

"But some of them say, 'We are not trying to injure anybody. We do not advocate anything treasonable. We are progressives, liberals, forward-lookers who seek only the benefit of humanity. Yet you would make it a crime for us to advocate reforms and would put us in jail if we criticized wrongs in the Government.'

"The short and ugly answer to such statements is the best: You lie, and you know you lie. The reds and their sympathizers who are seeking to destroy the United States Constitution and the existing system of society are not merely advocating reforms and are not simply criticizing wrongs in the Government or in

society. They are striving to inflame the passions of the ignorant and the criminal so that the Government shall be overturned by force and violence. That is their aim. The boldest of them make no concealment of their purpose. Scratch a Bolshevik sympathizer and you find an enemy of the United States. He may be a dangerous criminal, imbued with devilish intentions and extremely shrewd in concealing his purpose; or he may be a coarse, gullible fool, who swallows from foreign sources all sorts of socialistic and anarchistic rubbish, mistaking it for truth.

"It does not matter whether an enemy of the United States is a ringleader of criminals or a dupe of criminals, if he raises his hand against the American flag he should die. If he advocates the overturn of this Government by violence he should die, like the assassin that he is and would be. If he uses speech for the incitement of crime he should suffer punishment commensurate with the crime. If his words and preachings result in the death of human beings he should die, for he is their murderer. If he cloaks his criminal preachings in double-meaning words and is then exposed by conclusive evidence to be criminal in intent and effect he should be punished accordingly.

"What has become of the guardians of American liberty that they do not watch the skulkers who seek to set fire to the edifice from within? When a would-be firebug is caught in the act, is he released on the ground of the inalienable right of every man to carry a match to light his cigarette? Must the building be wrapped in flames before the firebug can be arrested?

"The law books are full of preventive statutes, and no one except the criminal complains of them. Who expects to see a time when rogues will have a good opinion of the law? What nation, except Bolshevist Russia, takes its laws from assassins and anarchists and punishes only the thrifty and the patriotic?

"Congress should go ahead and enact laws with teeth in them, making treasonable speech a crime, and also making it a crime for aliens to spread anarchy and violence by word of mouth or by the printed word. Every citizen guilty of treasonable speech or writing should be punished most severely. He knows better, and his offense is even greater than that of the foreign spy. Let the law be as drastic as it may, it will never harm an American patriot or an honest and orderly alien."

The article from the morning Post is as follows:

"ASSAILS 'RED' BILLS—GOMPERS CALLS ACTS PROPOSED BLOW AT FREE GOVERNMENT—TO BRING REIGN OF TERROR—WOULD ALARM NATION IF UNDERSTOOD, SAYS LABOR HEAD—RESTRICTS WEARING BUTTONS AND BARS MAILING LETTERS URGING RESISTANCE OF INJUNCTION—POWERFUL IN STRIKES.

"Formal announcement that the American Federation of Labor would oppose 'with whatever power it may possess' the enactment of the antisedition bills now pending in Congress was made yesterday in a statement issued by Samuel Gompers, president of the federation.

"The attack of organized labor, its chieftain indicated, will be directed impartially against the Sterling bill, recently passed by the Senate, and against the Graham measure, based on suggestions of Attorney General Palmer, and awaiting action by the House Rules Committee for a special rule to expedite consideration.

"Referring to the two measures as one bill, President Gompers declared its enactment 'would violate the Constitution and rob the whole American people of their most cherished and basic guarantees of free government.'

"PEOPLE NOT AWARE OF PERIL.

"'If the American people, and in fact a majority of the Members of Congress, were awake to the dangers concealed in this bill, a storm of indignation would sweep the Nation.

"'It has been widely advertised that this measure protects free speech fully, but prevents advocacy of forcible revolution, bolshevism, and anarchy. In fact, it would perpetuate an autocratic censorship over the entire American press. It can be used to kill free speech and free assembly. It strikes a deadly blow at legitimate organizations of labor or any other progressive movement for the betterment of the masses which may be opposed by the advocates of privilege and reaction.

"'We yield to no man, in public office or out, in our loyalty to the Constitution and institutions of this Republic; no self-respecting man has questioned, or dare question, that loyalty. We are for evolution, not revolution; for ballots, not bullets; for a majority rule, not class dictatorship of bolshevism, plutocracy, or of the profiteer.

"COVERED BY EXISTING LAW.

"'We oppose this bill because every legitimate purpose for which it is framed is already covered by existing law. Its illegitimate features, which compose two-thirds of the draft, are utterly autocratic, imperialistic, and un-American.'

"Referring to 'Attorney General Palmer's contention that new laws are necessary to reach the individual who advocates opposition to the Government by violence,' Mr. Gompers cited section 4 of the Penal Code, and asked:

"'If revolution is afoot, why has not the Department of Justice made prosecutions under that section?

"'Section 5 of the bill, unbelievable as it may seem,' he continued, 'makes it a crime to wear in public any button of an organization whose purpose it is to obtain an amendment to the Constitution of the United States of any existing Federal law.'

"UNDUE POWER OVER MAILS.

"'Section 6 perpetuates the censorship of the Postmaster General over all newspapers and printed matter. The so-called Borah amendment, providing a court review of the Postmaster General's action, is sound in principle, but is inadequate to afford protection as a practical matter to a publisher against the autocratic action of the Postmaster General.

"'More amazing still, the proviso sets up a censorship over any man's private correspondence by the Postmaster General. It would be criminal, for example, for a man to send a letter advocating resistance to an injunction issued by a Federal judge ordering workers on strike to go back to work. Moreover, this section can be used to prevent the organization of colored labor, on the grounds of inciting "racial prejudice, the intended or probable result of which appeal is to cause rioting," etc. No doubt advocacy of, or opposition to, the cause of Irish freedom would in some sections be prohibited.

"'Section 7 would exclude from this country, even for libraries and investigators, a large portion of the labor literature of Europe.

"THREAT AIMED AT LABOR.

"'Sections 9, 10, and 11 contain a grave threat aimed at labor. Section 9 makes unlawful every association which seeks "directly or indirectly" to make political change by injury to private property. It is unhappily true that even a legitimate strike may result in indirect injury to the employer's private property rights in his business. The recent steel and coal strikes were both falsely heralded as attempts to overthrow our Government.

"'If a hostile Federal judge should decide that any particular strike has a political end in view and the striking union is affiliated with the American Federation of Labor, the American Federation of Labor would be compelled at once to expel the striking union or itself become unlawful. And it would at once become a crime punishable by up to 20 years' imprisonment, or up to $20,000 fine, or both, for any person anywhere in the Nation to rent a hall or business office to any labor organization affiliated with the American Federation of Labor, or to give or loan it money to send strike relief to starving women and children.

"WOULD BE GOVERNMENT OF MEN.

"'In general, this is a bill against opinion and advocacy. It proposed to set up not a government of law but of men, because under its vague and sweeping terms no man would know what the law is until the Federal judges interpret its meaning.

"'The inevitable result of this bill, if enacted, would be to spread a reign of terror over the United States, fill the country with spies and special agents of the Department of Justice, fill the land with suspicion, and heresy hunting would quickly become a national industry. If the principles of Magna Charta and the Declaration of Independence and the Constitution of the United States are not worth fighting to preserve, I have wholly misconceived what patriotism and love of freedom means.'"

Mr. NORRIS. Mr. President, I had no intention of taking time on the pending bill to talk about an antisedition bill that has passed, but it seems to me that the Senator from South Dakota [Mr. STERLING] has said some things on the subject that ought not to go entirely unanswered.

I spoke at length on the bill when it was before the Senate, and I want to say now, as I said then, that I cast no reflection upon any men who favor the bill. I freely concede their patriotic impulses and intent. In no sense do I question the motive of any man who favors that legislation. But, Mr. President, there are those who are opposed to legislation of that kind who are moved by motives which are just as patriotic and just as lofty as those who favored it.

In my judgment it comes with poor grace from the Senator from South Dakota on the floor of the Senate to question the patriotism or the loyalty, for instance, of Samuel Gompers. I hold no brief for Mr. Gompers. I would not raise my voice if he were here to defend himself. However many of us have disagreed with Mr. Gompers and do disagree as to many of his ideas, I believe that every man who has followed his course during the war must concede that his conduct and his actions have been loyal to the last degree; that he showed an interest in the success of our undertaking in the war second to no other man; and he spent his time and his energy and his ability in that direction all through.

When the antisedition bill was before the Senate I said that there was no disagreement here as to the desirability of protecting in every way the Government of the United States from those who would assail it, but those of us who opposed the bill believed that that kind of legislation had a tendency to bring about bolshevistic activities, to bring about organizations that were detrimental to free government, and we cited instances of history to bear out that theory.

We may be wrong, and it may be that the only way to preserve the Government is to go to the extent of not permitting anybody to criticize it. But believing in free government and having a firm faith that the government that is free is able to withstand the criticism of anybody in open debate before the world, I am opposed particularly to legislation such as was in the bill that passed here giving the arbitrary power that that bill gave to the Postmaster General. The citations which the Senator from South Dakota has read from what Mr. Gompers said I believe to be justified, that that power will be, perhaps not at once but in time, used by those in power to suppress the liberties of the people and to prevent free speech and a free press.

When that bill was before the Senate I gave many instances where already under existing law that had been done. I cited at some length one of the leading newspapers in the United States which confessed editorially that it had printed columns of stuff sent out by governmental officials that it knew was not true and misrepresented conditions and facts.

It has been the history of government from the beginning of civilization that such powers, given to men who can enforce them without jury trial and without opportunity for men to be heard in their own defense, in time become oppressive. As Washington said in his Farewell Address, even though good is accomplished in an instance, that kind of power by unworthy officials ultimately is seized upon to oppress people. Thus one tyrant in doing an unlawful act cites as a precedent some autocratic power that may have been used at the time to do a good act.

I have another instance that I am going to take this occasion to cite; but, before I do it, the Senator from South Dakota referred to the book on "Syndicalism." Foster is condemned for writing the book. He lost caste at once when it was known that he wrote it, although it ought to be said in his defense that he said he changed his mind between the date when he wrote it, which was several years ago, and the present time; but he lost caste at once with the committee and with the country. That book would be enough to deport Foster if he were an alien, upon a warrant signed in blank issued by the Department of Labor and carried around by some sleuth or in the hands of a representative of the Department of Justice. And yet all we needed to condemn Foster and his book was to let the light of publicity come upon it and let the people see it in open discussion.

But what happened? I called attention to it the other day that that very book, after it had been disclosed that Foster wrote it, was published by the Steel Co. and circulated all over the country; and I commend them for the action they took.

Mr. STERLING. Mr. President——

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. It was in my mind to call the attention of the Senator the other day when he made the same assertion to the effect that it was published by the Steel Co. It may have been. I am not disputing the Senator's statement, but I would like to know his authority for the statement.

Mr. NORRIS. I had the authority here the other day, I will say to the Senator. It was an article which I had on my desk at the time I made the statement, but I do not have it here now. I can furnish it to the Senator. I think I can find it again. I thought some one might question my authority for the statement, and I had it as the source of my authority. I had the complete article at the time I spoke. It was an article published in some magazine or newspaper, but I have forgotten. I do not remember what it was published in or who was the author.

Mr. STERLING. I very well recall the statement of Mr. Foster when he was on the witness stand before the committee in that regard, that his book had been found in the hands of some of the steel employees. I asked Mr. Foster if he had published it and circulated it, and he said no; he did not know how it had been done. Somebody had published it, but he did not charge the Steel Co. with having published it.

Mr. NORRIS. So the Steel Corporation had not published it, I suppose, at that time. I think they published it afterwards. They probably did not know about it until the committee brought it out. Maybe they did. I do not know.

Mr. STERLING. This was long after the strike, as the Senator will recall, when this investigation was had, and at that time this book was found in the hands of some of the employees of the company.

Mr. NORRIS. Yes; and a man found in possession of that book was condemned. If the Steel Corporation, or Mr. Gary, or any of its officers, were found in possession of it, I do not suppose they would have been condemned. The point I want to make is, let us come out in the open. I think the Steel Corporation did right in publishing it; yet, if you apply to them the same law that you apply to the other fellow, you would either send them to jail or, if they were aliens, you would send them across the ocean in a ship of stone with sails of lead.

The danger of laws of this kind is that they will be abused. We can not place in the hands of anyone the enforcement of a law against free speech without its being in danger. The other day I gave a great many instances where existing law had been abused, and now I am going to give you one which to my mind is a flagrant exhibition of just what can happen and what does happen.

When the war was declared, the governor of the State of Nebraska called a special session of the legislature for various purposes to help carry on the war, moved by the highest motives of patriotic duty, and the legislature passed a sedition act; and, Mr. President, I want it to be distinctly understood that I am not charging that anywhere any of those officials, either the governor or the legislature, did anything but what they conceived to be their highest duty. They passed a sedition act. I am going to read a little of it and show what happened. It is a long act. It gives a definition of a large number of things that are prohibited, and then provides that anybody who violates them shall be punished by imprisonment in the county jail or in the State penitentiary for any period not exceeding 20 years.

Now, just bear in mind that the maximum penalty under this law is 20 years in the State prison. Part of section 1 of this act reads as follows:

> If any person, with intent to obstruct, hinder, delay, discourage, hamper, or otherwise interfere with the efficient prosecution of the war in which the Government of the United States is now engaged, shall—

And then it enumerates a whole lot of things, commencing with "(a)" and running clear down to "(m)", and "(m)" is as follows:

> Being physically able to work and not engaged in any useful occupation, refuse employment, or remain habitually idle when useful employment is obtainable.

Now, let me read that law, omitting all other definitions but this, and put it together, and let us see what we have:

> If any person, with intent to obstruct, hinder, delay, discourage, hamper, or otherwise interfere with the efficient prosecution of the war in which the Government of the United States is now engaged, shall * * * (m) being physically able to work and not engaged in any useful occupation, refuse employment or remain habitually idle when useful employment is obtainable—

Then, if found guilty of that, he shall go to the penitentiary for 20 years.

Mr. President, no one can pick a flaw, particularly, with anything in that law. It is the same with all sedition laws. We wanted everybody to work who was able to work and could get work, and the time had come when it was necessary to put men in prison if they could get work and did not work. That would appeal to a patriotic spirit, a patriotic citizen. But, now, let us see what happened. Just as I tried to point out, the danger of these laws consists in placing in the hands of some enforcing officer a power by which he can crush the liberty out of the citizen, and, if carried to its extreme and carried on year after year, ultimately destroys the Government itself, as George Washington has so forcefully said in his farewell message.

That bill became a law, and the attorney general of that State was called upon to render an opinion as to what the words "useful occupation" meant, as used in that statute. I will have the whole opinion published, but I will read the part of it that I want to comment on. In the last paragraph of that opinion he said:

> In my opinion all persons engaged in the organization of clubs, leagues, societies, or associations which do not have for their object the furtherance of the progress of the war are not engaged in a useful occupation. Any occupation which is instrumental in keeping alive existing military, commercial, or governmental activities is useful, but any occupation which has for its object, either directly or indirectly, the opposition to our present form or system of government, the creation of new political parties, the determination of economic questions not connected with the war, and many other acts and deeds too numerous to mention, are not useful occupations. There may be instances, as I have stated, where an occupation might be useful if properly followed, but becomes useless under the meaning of the act referred to when attempted in communities where such activities are not desired or in such a manner as to encourage a failure of unanimous and concerted action by all people toward the common end of winning the war, and each and all such persons so found violating the law must be punished to the limit.

Now, let us see what that means and what happened under that opinion. That is an official opinion by the attorney general under a law not as severe, not anywhere near as arbitrary,

as the law that the Senate passed placing this awful power in the hands of the Postmaster General.

The attorney general says in that official opinion that if you are engaged in the organization of a new political party you are liable to go to the penitentiary for 20 years. If you are engaged in organizing clubs or societies that have any other object except to win the war you may go there. You may be organizing a church society or something kindred to that.

Now, in that State there was some activity in the organization of nonpartisan leagues, and I hold no brief for them. But I do hold it is the right of every American citizen to join such an organization if the organization will admit him, and it is the right of every American citizen to engage in the organization of such societies if he desire. The Nonpartisan League is a political party—admittedly so. They had men out organizing nonpartisan leagues, and they were arrested under that law and that official opinion, because they were organizing a new political party. One in my county, in my home town, was arrested. I read a synopsis that was given by the newspapers of the evidence that was taken when he was arrested after that opinion was rendered.

The State started to prove that he was organizing a nonpartisan league, and he admitted it. He made no question of it. He said it was true he had been organizing such leagues. He admitted that he was engaged in the organization of nonpartisan leagues, and admitted that it was a new political party, and then they offered some of the literature of the Nonpartisan League, and that is all the evidence that was offered. Now, on his part he offered his own testimony, and from the synopsis of the evidence that was given in the newspapers it was undisputed and stood uncontradicted. He told what his age was. I have forgotten it, but it was over the draft age. He submitted to the court an honorable discharge from the United States, showing where he had served, I think, for five years in the Marine Corps. He was with Dewey at Manila. He fought through the entire Spanish-American War. He was in the first assaulting party that captured the land fortifications at Manila in that war. He received several medals for bravery, and, as he testified, lost his health while serving his country, so that he said he was not able to do manual labor.

The examining magistrate promptly bound him over, and unless somebody had gone on his bond he would have gone to jail to await the convening of the district court that would try him, and, if the law was held to be good, send him to the penitentiary for 20 years—all done by men moved by the highest feeling of patriotism, under a law that is not as severe as the law that the Senate has passed to control in times of peace.

You say, "The court ought not to have bound him over." I agree with you. You say, "He ought not to have been prosecuted." I agree with you; but he was. He was prosecuted; he was bound over; and he was not the only one. I do not know how many there were, but I know of quite a number that were bound over under that law and that official opinion. You say, "The opinion is wrong; that is not good law." I agree to that, but that is the trouble with laws of this kind. That has always been the trouble since we had the first spirit of human liberty in the dawn of civilization. It always will be. Men moved by a desire for power to suppress some one who is opposed to them or their political party or their religious sect or society will exercise the power that is given them for one purpose, perhaps a good purpose, for some other purpose.

You do not have to believe in the Nonpartisan League to condemn that kind of action. You may be opposed to it, and you have the power to crush out people of that kind, just like the New York Legislature had the power, in the case of the Socialists, and they used it. These things always come home to roost; and if you reverse operations and let the Nonpartisan League get on top and let them send us to jail, we, of course, will condemn such conduct, and condemn it rightly, but we will only be getting what we gave to them. If our doctrines are true and are founded upon the rock of truth, we ought not to be afraid to have them assailed. We will have no trouble in defending them in the open forum if they are right.

Mr. President, in my judgment bolshevism is the natural heir of autocracy. I do not see how anyone can read history and reach any other conclusion. You can not have a government like that which existed in Russia for centuries, with the poor people trampled, coerced, subdued, held in practical bondage for centuries, without having at some time, if the world progresses, the overthrow of that kind of a government. We always sympathized with them. Even when they went so far as to violate the law and commit murder they had a great deal of sympathy among free Americans. That never would have happened, we would not have had any bolshevik and soviet rule in Russia today, if it had not been for the tyranny by which those people were suppressed and held in bondage during the centuries that have gone.

It seems to me that I have given an illustration here that illustrates the danger of our passing any law that interferes in any way with the freedom of assemblage, freedom of speech, or the freedom of the press. Can any man read the official record without being amazed, without almost shuddering with fear for our own Government, if such things are to be continued by officials who are supposed to represent the people?

Let me repeat, it does not follow that they are not intending to do the best that they can do. I do not doubt but that this attorney general, when he wrote this official opinion I have read from, felt that he was doing his patriotic duty. He thought his party in power was able to conduct things better than anybody else, and he might have been right; but he wanted to suppress anybody who was going to organize another political party that might have a tendency to throw them out of power. He might have been right about that on the concrete proposition. I do not think he was, but he might have been; but the danger comes from a deeper seat. The danger comes from the precedent that is established, and that precedent in time will be used to overthrow the very government that makes that precedent. There is not any exception in the history of the world to that proposition.

Mr. President, I ask unanimous consent to print at the conclusion of my remarks the entire opinion of the attorney general, so that anyone who desires to read it all may do so.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The matter referred to is as follows:

USEFUL OCCUPATION—CLUBS AND SOCIETIES.

Persons engaged in the organization of clubs, leagues, societies, or associations which do not have for their object the furtherance of the progress of the war are not engaged in useful occupations.

Mr. R. M. JOYCE,
Chairman Nebraska State Council of Defense, Lincoln, Nebr.

DEAR SIR: You have asked my opinion as to the proper construction to be placed upon the words "useful occupation" in subdivision M, section 1, House roll No. 5, laws passed at the special session of the Nebraska Legislature and approved April 9, 1918, page 37, supplement to session laws of 1917.

It is the opinion that the construction to be placed on "useful occupation" varies somewhat under the circumstances of each case and the time and conditions of the country at the time of rendering the same. For instance, one might be engaged in an occupation which is useful, but by methods or manner of pursuing the occupation fail to make it useful, such as one engaged in lecture work who uses his opportunities, as a lecturer, to attempt to belittle the Government activities, or to disparage our form or system of government at this time. Such a person, while his occupation might be useful, in the first instance, fails to make its pursuit useful and thus, in my opinion, fails to be engaged in a "useful occupation."

The work attempted or performed must be something worth the while when viewed under existing conditions, since high pressure is on for assistance by each person physically able to work, and such work must not be frivolous or hurtful. (Williams Calk Co. *v.* Neverslip Manufacturing Co., 136 Fed., 210.)

In my opinion, all persons engaged in the organization of clubs, leagues, societies, or associations which do not have for their object the furtherance of the progress of the war are not engaged in a useful occupation. Any occupation which is instrumental in keeping alive existing military, commercial, or governmental activities is useful, but any occupation which has for its object, either directly or indirectly, the opposition to our present form or system of government, the creation of new political parties, the determination of economic questions not connected with the war, and many other acts and deeds too numerous to mention, are not useful occupations. There may be instances, as I have stated, where an occupation might be useful if properly followed, but becomes useless under the meaning of the act referred to, when attempted in communities where such activities are not desired, or in such a manner as to encourage a failure of unanimous and concerted action by all people toward the common end of winning the war, and each and all such persons so found violating the law must be punished to the limit.

Very respectfully,

WILLIS E. REED,
Attorney General.

JUNE 7, 1918.

Mr. STERLING. I sent to the desk, Mr. President, an editorial from this morning's Washington Post, which I asked might be read. I forego that and ask that it be printed following my remarks.

Mr. NORRIS. I want to beg the pardon of the Senator from South Dakota, for I did not know that he had asked to have the article read. I thought he had asked to have it printed.

Mr. OWEN. Mr. President, after every great war there is more or less hysteria throughout the world, and the idea of suppressing by force those who are advocating violence against the orderly processes of government is a very natural feeling, with which I sympathize. Certainly we ought not to permit the organization of anarchists and of Bolsheviki to use our country as a breeding place in which they can bring about by force or violence the destruction of the Government which we have established.

But, Mr. President, the bill which has been passed in the Senate has already become the opening wedge for the substitution of another bill much more drastic and much more capable of

misconstruction than the bill which passed the Senate some days ago, Senate bill 3317. When that bill passed there were very few Senators in the Chamber. It was earnestly debated by several Senators who were opposed to it, and they spoke to empty seats, as I am doing now. But I think it is worth while to call the attention of the country, through the printed RECORD of the proceedings in the Senate, to some of the danger in this bill now proposed to be substituted for Senate bill 3317.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. NORRIS. The Senator, interrupting the Senator from South Dakota [Mr. STERLING], referred to a certain part of the House bill, but he did not read the language.

Mr. OWEN. I did read the language, but I am going to read it again.

Mr. NORRIS. I wish the Senator would read that objectionable language.

Mr. OWEN. The House bill is reported as House bill 11430, and is commonly known as the Graham bill. Without pausing to read that bill at this point, I want to submit for the RECORD a careful, analytical statement of that bill prepared by a very able Government servant. It speaks for itself, and by the arrangement of the words and phrases it makes it easy to understand how that bill can be subjected to misinterpretation, and how that bill can become and will become dangerous in the highest degree to the liberties of the people of this country, so that there would be hanging over the head of every man who desires free speech or freedom of the press the menace of some bureaucrat who could suddenly arrest, interfere with, and treat him as a criminal, with all the powers of this gigantic Government brought down upon the head of the little citizen, who would find it difficult to defend himself against an autocratic bureaucrat. I regard this bill now pending in the House as a bill dangerous in the extreme. I am not going to take the time of the Senate to go into any extended analysis of it, but I call attention to section 5, to which I alluded when the Senator from South Dakota [Mr. STERLING] was speaking. The last three lines provide one of the things forbidden by this bill. The words "force or violence" are not used in qualifying this latter language. Here is the language which is forbidden:

To do anything that would tend to overthrow, change—

Observe the word "change"—

or defeat the Constitution of the United States and the laws and authority thereof.

The advocacy of an amendment to the Constitution of the United States in favor of prohibition, which would be a change of the Constitution, would be a criminal act under this proposed law.

The advocacy of the change in the Constitution to establish an income tax would be a criminal act under this proposed statute.

The advocacy of the amendment proposing to give women suffrage in this country by a change of the Constitution would be a criminal act, and under this section to wear a button on the lapel of the coat that indicated the wearer was in favor of the woman suffrage amendment or the prohibition amendment would be a criminal act under this section.

Is it possible to draw a statute more loosely than that or more full of danger to the liberties of this country? I might cite many other things with regard to this proposed bill, which is proposed to be substituted for the bill which was passed through the Senate a short time ago.

I have here a comment made by Alfred Bettman, an able constitutional lawyer, during the war a special Assistant Attorney General of the United States, with offices in the Department of Justice, Washington, D. C., and in special charge of the sedition cases, commenting on the bill pending in the House proposed to be substituted for the bill passed by the Senate. He said:

"In response to your request for a legal opinion upon the sedition bill reported by the House Judiciary Committee, will state as follows:

"Under our constitutional system protection of private persons or property is reposed exclusively in the State governments. The Federal Government has no jurisdiction over such protection, nor can the alleged purposes for which acts of violence were committed against private persons or property be used to give jurisdiction to the Federal Government, for the reason that that would be punishing the purpose and not the acts. To punish the purpose would be contrary to all fundamental principles of American constitutional law. Therefore all the provisions of sections 2, 5, 9, 10, and 11, in so far as they relate to private persons or property, would be unconstitutional, since they are beyond the jurisdiction of the Federal Government."

We passed laws, under the excitement and hysteria of war, with a view to punishing the so-called Bolsheviks in this country; and I pause to say that in my judgment there are very few Bolsheviks in the United States. The atmosphere of the United States is not such as to encourage bolshevism. We have some citizens and some aliens who are grossly ignorant, painfully ignorant, of our laws, of our Constitution, of our great traditions of liberty and justice, law and order; poor, ignorant people, who, not understanding government, and feeling oppressed by the difficulty of making a living for themselves and their children, attribute it to the fault of government, and therefore are ready to raise their hands against the Government as an oppressor, not knowing, not understanding, the great difficulty of building up orderly processes of effective constitutional, democratic government. Those people, if they commit criminal acts, must be dealt with under the criminal code; but those people are more in need of instruction than they are in need of a statute such as this, whose provisions are so sweeping that no man would be safe in his liberties in this country if this bill should pass. I am opposed to Prussianizing the United States, and making this Government the instrumentality of brutal, autocratic, bureaucratic power. Liberty is what the world fought for, and not the suppression of liberty.

The stupid friends of vested interests, who would like to use the powers of the Government to put a bayonet through everyone who balks against vested interests, would be pursuing a policy like that of chaining down the escape valve on a steam boiler by such a policy as passing laws to suppress free speech and a free press. To do this under the false pretense of suppressing bolshevism and anarchy is Prussianism and not Americanism.

I do not want any bureaucrat in this Government having arbitrary power to lay a rough hand upon a man who is expressing his honest opinion and his belief as to what is the good thing and the better thing for his fellow citizens. It is freedom of opinion, it is freedom of speech, it is freedom of the press, it is freedom of religion and freedom of education which have combined to make this country the greatest free nation in the world, where the conditions of life are the best in the world, and where they will be better and better as the days come speedily on. Mr. Bettman, the Assistant Attorney General in charge of the sedition cases during the war, said also with regard to this bill pending in the House, referring to the unconstitutionality of the bill:

"The same is probably true of violence against a State government, because the only method provided in the Constitution for the protection of State governments against internal violence is the sending of Federal troops.

"The use of such words as 'suggested' and 'taught' in section 4 are dangerous to freedom of speech and contrary to American tradition.

"Penal laws should define crime with such exactitude that nothing is left to arbitrary decision or the prejudices of the court and the jury. Section 6 maintains a peace-time censorship contrary to the American principle, that this is a Government of law and not of men. It is also contrary to the fundamental Anglo-Saxon principle of liberty of speech and press, which is that there shall be no suppression in advance, but only responsibility after publication.

"Sections 9, 10, and 11 also violate the fundamental principle of American and Anglo-Saxon institutions, namely, that guilt is personal and not by association. If enacted, those sections would place upon American statute books a Prussian and czaristic Russian institution.

"Section 6 of the present Penal Code and other sections of that code cover every possible case of seditious conspiracy against the Government of the United States and every act of violence or resistance against the authority of the United States.

"I can not see clearly why there should be need for further legislation, unless it is desired to reach individual advocacy of violence against Federal officials or Federal property, which are not a part of any conspiracy. If so, such legislation should be carefully restricted to advocacy of violence against Federal officials or property, as is the language of the present seditious conspiracy section of the Federal Penal Code.

"The bill as reported by the House Judiciary Committee in respects, as above pointed out, goes beyond the constitutional bounds of the Federal jurisdiction and violates the fundamental principle of American and Anglo-Saxon civil liberties."

This is the opinion of Alfred Bettman, Assistant Attorney General of the United States, in charge of sedition cases during the war, an expert on sedition. He is opposed to the Graham bill for the reasons stated.

I call attention to existing law against those who may be inciting or encouraging any rebellion against the United States or its authority. The Penal Code, 1911 publication, chapter 1, provides:

OFFENSES AGAINST THE EXISTENCE OF THE GOVERNMENT.

It describes and punishes treason, misprision of treason, inciting or engaging in rebellion or insurrection, criminal correspondence, seditious conspiracy, and so forth, and section 4 says:

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof or gives aid or comfort thereto shall be imprisoned not more than 10 years or fined not more than $10,000, or both, and shall, moreover, be incapable of holding any office under the United States."

Section 6, dealing with seditious conspiracy, says:

"SEC. 6. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than six years, or both."

Mr. President, I ask to have printed in the RECORD the analysis I present of the Graham bill pending, which has been prepared under the auspices of the Popular Government League, 637 Munsey Building, Washington, D. C.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE GRAHAM SEDITION BILL.

SEC. 1. That whoever
incites / sets on foot / assists / or engages in } any {insurrection / or rebellion} against {the United States / or the authority / or laws thereof} or whoever
sets on foot / or assists / or engages in } the use of {force / or violence} with intent
to {destroy / or cause to be destroyed / or change / or cause to be changed}
or to {overthrow / or cause to be overthrown} the Government of the United States
And the death of any person {is caused / or persons} {or results directly therefrom}
Shall be guilty of a felony, and on conviction {shall be punished by death, or / shall be imprisoned not more than 20 years or fined not more than $20,000 or both / *and* shall forever be debarred from holding office under the United States}

Provided, however, That the death penalty shall not be imposed unless recommended in the verdict of the jury.

If two or more persons conspire to commit any offense defined in this section they shall each be subject to the punishment provided in this section for such offense.

SEC. 2. That whoever
incites or / sets on foot / or assists / or engages in } the use of {force / or violence} {with intent to {destroy / or cause to be destroyed / or changes / or cause to be changed} / or to {overthrow / or cause to be overthrown}} the Government of the United States,
and death does not result shall, on conviction, be {imprisoned not more than 20 years, / or fined not more than $20,000 / or both.}

If two or more persons conspire to commit any offense defined in this section they shall each be subject to the punishment provided in this section for such offense.

SEC. 3. That no person shall
{orally, or / by {writing / printing, / or the use of any {sign, / symbol, / picture, / caricature,} / or otherwise} {teach / incite / advocate / propose, or / advise / or / aid, / abet, or / encourage} forcible resistance to, or forcible destruction of
the Government of the United States, its Constitution, laws and authority, or the governments of the several States, all or any of them, or the existence of constituted government generally

Or {orally, or / by {writing / printing, or / the use of any {sign / symbol / picture / caricature} / or otherwise} {teach / incite / advocate / propose, or / advise / aid / abet / encourage, or / defend} the destruction of human life, / or / the injury of any human being, / or / the injury or destruction {of public / or private} property
as a means of changing the {Constitution / laws, or / Government} of the United States or defeating the authority thereof.

SEC. 4. That no person shall
write or / knowingly {print / edit / issue / circulate / distribute / transport {by express / or otherwise} / display, or / sell} any {book / pamphlet / newspaper / document / handbill / poster, or / printed / written, or / pictorial {matter / of any / form / or kind}} wherein / or / whereby
the {overthrow / or / change} {of {the Government of the United States, or / the Constitution, laws and authority thereof}}
by {force / or / violence} or by levying war against the same, or
by {resistance to / or / rebellion against} {the execution of any law / of the United States} by {force / or / violence} {is {incited / suggested / taught / advocated, or / advised.}}

SEC. 5. That no person shall
display / or / exhibit {at any meetings / or parade / or in any other place {any red flag / or / banner}} as a symbol of {anarchy / or of any of the purposes forbidden in this act}
And the display / or exhibition {of such flag / or banner {in any meeting / or parade}} shall be prima facie evidence that it is so displayed and exhibited as such symbol.
And no person shall
display / or / exhibit {at any {meeting / gathering / or / parade} / or in any other public place} {any {flag / banner / emblem / picture / motto / or device}} which tends to incite or indicates a purpose
to overthrow {by violence / or by physical injury to {person / or property}} the Government of the United States / or / all / government
or to {overthrow / change / or defeat} {the Constitution of the United States and the laws and authority thereof.}

SEC. 6. That every {book / magazine / newspaper / document / handbill / poster, or / written / pictorial, or / printed {matter / memorandum / sign / symbol, or / communication of any form}} wherein or whereby
the overthrow of the Government of the United States by force or violence, or resistance to / or rebellion against {the authority of the Government}
or the {overthrow / change, or / defeat} {of {Constitution of the United States, or / the laws or authority thereof by force or violence,}} is {advocated / advised, or / incited}
or wherein or whereby {the use of {force or / violence or / physical injury to or the seizure or destruction of} persons or property}
is {advocated / advised / defended / or / incited} as means towards the accomplishment of {industrial / economic / social / or / political} change
or wherein or whereby {an appeal is made to racial prejudice the {intended / or / probable} result of which appeal is to cause {rioting or / the resort to force and violence} within {the United States or / any place subject to the jurisdiction thereof}}
is hereby declared to be nonmailable, and the same shall not {be deposited in any post office for mailing / or / be {conveyed in the mails or / delivered {from any post office or by any letter carrier}}}

Provided, That nothing in the Act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person, or other persons, upon a search warrant authorized by law, to open any letter not addressed to himself: *Provided further*, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, after such notice to the Postmaster General as the judge may direct and upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district in which the party affected or aggrieved resides, which judge shall with all reasonable dispatch proceed with such hearing and affirm or reverse the action of the Postmaster General. Such judge shall have power during the pendency of the proceedings to suspend the order of the Postmaster General: *Provided further*, That no such proceeding shall bar or interfere with any criminal prosecution under the terms of this Act.

SEC. 7. That no person shall
import / or / cause to be imported } into {the United States, / or / any place subject to its jurisdiction} any matter declared in this act to be {non-mailable / and / not transportable}
or {to transport / or / cause to be transported} any such matter {from one State into another / or / into any place subject to the jurisdiction of the United States.}

SEC. 8. That no person shall

knowingly use / attempt to use } the {mails / or / Postal Service of the United States} or {knowingly transport / or attempt to transport}

by {express or otherwise, / public or private conveyance} Any matter declared by Sections 6 and 7 of this

Act to be {nonmailable / and / not transportable.}

SEC. 9. That any

{association, / gathering, / assembly, / society, / or / corporation} which seeks {directly / or indirectly} by {force / or violence, / or injury to or / destruction of} {human beings, / or / public or private property}

to bring about a change in {the Constitution / or laws / or authority / of the Government of the United States, / or of any State thereof, / or of all forms of organized government.}

or which {teaches, / advises, / proposes, / threatens, / or / defends} the unlawful use of {force or / violence / in any form} to bring about any such result

or which attempts to {prosecute / or / pursue} such purpose, is hereby declared to be unlawful.

SEC. 10. That no person shall act as an officer of any such unlawful organization, or,

knowing the {object, / purpose, / teaching, / or doctrines} of such unlawful association, {become a member thereof, / or become affiliated therewith, / or continue to be a member thereof or affiliated therewith, / or contribute any money or other thing of value thereto, or to anyone for its use, or rent any room, building, or place for the use of said unlawful association, or permit the occupation by such unlawful association or any committee or branch thereof of any room, building, or other place under his ownership or control.}

SEC. 11. That the giving, loaning, or promising of anything of value to any such unlawful association shall constitute affiliation with such unlawful association; and the giving, loaning, or promising of anything of value to any person or partnership or unlawful association engaged in advertising, teaching, advocating, or defending any of the things the teaching, advocacy, or defense of which is forbidden in this Act shall be prima facie evidence of teaching, advocating, or defending said forbidden things against the person so giving, promising, or loaning anything of value as aforesaid.

SEC. 12. That any alien convicted under any of the provisions of this Act after serving his sentence shall be taken into custody and be deported under the immigration laws of the United States then in force.

Any person convicted under this Act who has declared his intentions of becoming a citizen but has not been naturalized shall be forever ineligible to citizenship, and it shall be the duty of the Attorney General to institute proceedings to cause his petition and declaration of intention to be dismissed and annulled and all court proceedings in his case quashed and to furnish to the Secretary of Labor such data as to enable him to cause such person to be deported under the immigration laws of the United States then in force.

The conviction of any person who is a naturalized citizen of the United States of any of the things forbidden in this Act shall be sufficient to authorize the cancellation of his or her certificate of naturalization in the manner provided by the naturalization laws of the United States then in force. It shall be the duty of the Attorney General to institute proceedings and conduct the same to a final judgment immediately after conviction and sentence of the naturalized citizen aforesaid.

Every alien deported under this Act is hereby forbidden to again enter the United States or any Territory or possession thereof. It shall be the duty of the Attorney General of the United States to enforce this provision against all deported aliens returning to the United States as aforesaid.

SEC. 13. That in any investigation or prosecution for any of the offenses specified in this Act no person shall be excused from attending or testifying or deposing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty of forfeiture: but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which in obedience to a subpœna and under oath he may so testify or in obedience to a subpœna shall produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 15. That section 5334 of the Revised Statutes, section 4, Act of March 4, 1909 (Thirty-fifth volume, Statutes at Large, page 1088), be, and the same is hereby repealed. Any offenses heretofore committed in violation of said section 5334 and all cases pending thereunder may be prosecuted and punished as therein provided in the same manner and with the same effect as if this section had not been enacted.

SEC. 16. That any person convicted of violating any of the provisions contained in any of the sections of this Act, except sections 1 and 2, shall be punished by being imprisoned for not more than twenty years or fined not more than $20,000, either or both. And any citizen of the United States convicted under this Act shall be forever debarred from voting thereafter and holding any office of profit, honor, or trust under the United States.

Mr. OWEN. I ask to have printed the House bill, H. R. 11430, immediately following the analysis, in order that the comparison may be shown.

There being no objection, the bill referred to was ordered to be printed in the RECORD, as follows:

A bill (H. R. 11430) to punish offenses against the existence of the Government of the United States, and for other purposes.

Be it enacted, etc., That whoever incites, sets on foot, assists, or engages in any insurrection or rebellion against the United States or the authority or laws thereof, or whoever sets on foot or assists or engages in the use of force or violence, with intent to destroy or cause to be destroyed or change or cause to be changed or to overthrow or cause to be overthrown the Government of the United States, and the death of any person or persons is caused or results directly therefrom, shall be guilty of a felony, and on conviction shall be punished by death, or shall be imprisoned not more than 20 years or fined not more than $20,000, or both, and shall forever be debarred from holding office under the United States: *Provided, however*, That the death penalty shall not be imposed unless recommended in the verdict of the jury. If two or more persons conspire to commit any offense defined in this section, they shall each be subject to the punishment provided in this section for such offense.

SEC. 2. That whoever incites or sets on foot or assists or engages in the use of force or violence with intent to destroy or cause to be destroyed or change or cause to be changed or to overthrow or cause to be overthrown the Government of the United States, and death does not result, shall, on conviction be imprisoned not more than 20 years or fined not more than $20,000, or both. If two or more persons conspire to commit any offense defined in this section, they shall each be subject to the punishment provided in this section for such offense.

SEC. 3. That no person shall orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, or aid, abet, or encourage forcible resistance to or forcible destruction of the Government of the United States, its Constitution, laws, and authority, or the governments of the several States, all or any of them, or the existence of constituted government generally, or orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, aid, abet, encourage, or defend the destruction of human life or the injury of any human being or the injury or destruction of public or private property as a means of changing the Constitution, laws, or Government of the United States or defeating the authority thereof.

SEC. 4. That no person shall write or knowingly print, publish, edit, issue, circulate, distribute, transport by express or otherwise, display, or sell any book, pamphlet, newspaper, document, handbill, poster, or printed, written, or pictorial matter of any kind or form wherein or whereby the overthrow or change of the Government of the United States or the Constitution, laws, and authority thereof by force or violence or by levying war against the same or by resistance to or rebellion against the execution of any law of the United States by force or violence is incited, suggested, taught, advocated, or advised.

SEC. 5. That no person shall display or exhibit at any meeting, or parade, or in any other place, any red flag or banner as a symbol of anarchy, or of any of the purposes forbidden in this act, and the display or exhibition of such flag or banner in any meeting or parade shall be prima facie evidence that it is so displayed and exhibited as such symbol, and no person shall display or exhibit at any meeting, gathering, or parade, or in any other public place, any flag, banner, emblem, picture, motto, or device which tends to incite or indicates a purpose to overthrow, by violence or by physical injury to person or property, the Government of the United States, or all government, or to overthrow, change, or defeat the Constitution of the United States and the laws and authority thereof.

SEC. 6. That every book, magazine, newspaper, document, handbill, poster, or written, pictorial, or printed matter, memorandum, sign, symbol, or communication of any form wherein or whereby the overthrow of the Government of the United States by force or violence, or resistance to or rebellion against the authority of the Government or the overthrow, change, or defeat of Constitution of the United States, or the laws or authority thereof by force or violence, is advocated, advised, or incited, or wherein or whereby the use of force or violence or physical injury to or the seizure or destruction of persons or property is advocated, advised, defended, or incited as a means toward the accomplishment of industrial, economic, social, or political change, or wherein or whereby an appeal is made to racial prejudice the intended or probable result of which appeal is to cause rioting or the resort to force and violence within the United States or any place subject to the jurisdiction thereof, is hereby declared to be nonmailable, and the same shall not be deposited in any post office for mailing or be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person, upon a search warrant authorized by law, to open any letter not addressed to himself.

SEC. 7. That no person shall import or cause to be imported into the United States, or any place subject to its jurisdiction, any matter declared in this act to be nonmailable and not transportable, or to transport or cause to be transported any such matter from one State into another or into any such place subject to the jurisdiction of the United States.

SEC. 8. That no person shall knowingly use or attempt to use the mails or the Postal Service of the United States, or knowingly transport or attempt to transport by express or otherwise, by public or private conveyance, any matter declared by sections 6 and 7 of this act to be nonmailable and not transportable.

SEC. 9. That any association, gathering, assembly, society, or corporation which seeks, directly or indirectly, by force or violence, or by injury to or destruction of human beings, or public or private property, to bring about a change in the Constitution or laws or authority of the Government of the United States, or of any State thereof, or of all forms of organized government, or which teaches, advises, proposes, threatens, or defends the unlawful use of force or violence in any form to bring about any such result, or which attempts to prosecute or pursue such purpose, is hereby declared to be unlawful.

SEC. 10. That no person shall act as an officer of any such unlawful association, or, knowing the object, purpose, teaching, or doctrines of such unlawful association, become a member thereof or become affiliated therewith, or continue to be a member thereof or affiliated therewith, or contribute any money or other thing of value thereto or to anyone for its use, or rent any room, building, or place for the use of said unlawful association, or permit the occupation by such unlawful association or any committee or branch thereof of any room, building, or other place under his ownership or control.

SEC. 11. That the giving, loaning, or promising of anything of value to any such unlawful association shall constitute affiliation with such unlawful association; and the giving, loaning, or promising of anything of value to any person or partnership or unlawful association engaged in advertising, teaching, advocating, or defending any of the things the teaching, advocacy, or defense of which is forbidden in this act shall be prima facie evidence of teaching, advocating, or

defending said forbidden things against the person so giving, promising, or loaning anything of value as aforesaid.

SEC. 12. That any alien convicted under any of the provisions of this act after serving his sentence shall be taken into custody and be deported under the immigration laws of the United States then in force. Any person convicted under this act who has declared his intentions of becoming a citizen but has not been naturalized shall be forever ineligible to citizenship, and it shall be the duty of the Attorney General to institute proceedings to cause his petition and declaration of intention to be dismissed and annulled and all court proceedings in his case quashed and to furnish to the Secretary of Labor such data as to enable him to cause such person to be deported under the immigration laws of the United States then in force. The conviction of any person who is a naturalized citizen of the United States of any of the things forbidden in this act shall be sufficient to authorize the cancellation of his or her certificate of naturalization in the manner provided by the naturalization laws of the United States then in force. It shall be the duty of the Attorney General to institute proceedings and conduct the same to a final judgment immediately after conviction and sentence of the naturalized citizen aforesaid. Every alien deported under this act is hereby forbidden to again enter the United States or any Territory or possession thereof. It shall be the duty of the Attorney General of the United States to enforce this provision against all deported aliens returning to the United States as aforesaid.

SEC. 13. That in any investigation or prosecution for any of the offenses specified in this act no person shall be excused from attending or testifying or deposing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which in obedience to a subpœna and under oath he may so testify or in obedience to a subpœna shall produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 15. That section 5334 of the Revised Statutes, section 4, act of March 4, 1909 (vol. 35, Stat. L., p. 1088), be, and the same is hereby, repealed. Any offenses heretofore committed in violation of said section 5334 and all cases pending thereunder may be prosecuted and punished as therein provided in the same manner and with the same effect as if this section had not been enacted.

SEC. 16. That any person convicted of violating any of the provisions contained in any of the sections of this act, except sections 1 and 2, shall be punished by being imprisoned for not more than 20 years or fined not more than $20,000, either or both. And any citizen of the United States convicted under this act shall be forever debarred from voting thereafter and holding any office of profit, honor, or trust under the United States.

Mr. OWEN. I ask to have printed the statement of Mr. Alfred Bettman in its continuous form.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In response to your request for a legal opinion upon the sedition bill reported by the House Judiciary Committee, will state as follows:

Under our constitutional system protection of private persons or property is reposed exclusively in the State governments. The Federal Government has no jurisdiction over such protection, nor can the alleged purposes for which acts of violence were committed against private persons or property be used to give jurisdiction to the Federal Government, for the reason that that would be punishing the purpose and not the acts. To punish the purpose would be contrary to all fundamental principles of American constitutional law. Therefore all the provisions of sections 2, 5, 9, 10, and 11, in so far as they relate to private persons or property, would be unconstitutional, since they are beyond the jurisdiction of the Federal Government.

The same is probably true of violence against a State government, because the only method provided in the Constitution for the protection of State governments against internal violence is the sending of Federal troops.

The use of such words as "suggested" and "taught," in section 4, are dangerous to freedom of speech and contrary to American tradition.

Penal laws should define crime with such exactitude that nothing is left to arbitrary decision or the prejudices of the court and the jury. Section 6 maintains a peace-time censorship contrary to the American principle, that this is a Government of law and not of men. It is also contrary to the fundamental Anglo-Saxon principle of liberty of speech and press, which is that there shall be no suppression in advance, but only responsibility after publication.

Sections 9, 10, and 11 also violate the fundamental principle of American and Anglo-Saxon institutions; namely, that guilt is personal and not by association. If enacted those sections would place upon American statute books a Prussian and czaristic-Russian institution.

Section 6 of the present penal code, and other sections of that code, cover every possible case of seditious conspiracy against the Government of the United States, and every act of violence or resistance against the authority of the United States.

I can not see clearly why there should be need for further legislation, unless it is desired to reach individual advocacy of violence against Federal officials or Federal property, which are not a part of any conspiracy. If so, such legislation should be carefully restricted to advocacy of violence against Federal officials or property, as is the language of the present seditious conspiracy section of the Federal penal code.

The bill as reported by the House Judiciary Committee in respects, as above pointed out, goes beyond the constitutional bounds of the Federal jurisdiction and violates the fundamental principle of American and Anglo-Saxon civil liberties.

(Signed) ALFRED BETTMAN.

Mr. OWEN. I call attention to several other opinions which have been sent to me regarding this matter.

Prof. C. Chaffee, of the Harvard Law School, says:

This bill, if enacted, will be the first of its kind since the notorious sedition act of 1798, opposed by Marshall and denounced as unconstitutional by Jefferson and Madison. Without such laws this country has passed through much worse crises than the present.

Dr. Frederick C. Howe says:

This bill makes an end to freedom of the press in America. It invites the provocateur, espionage, and spying of all kinds.

Jackson H. Ralston, an eminent attorney of Washington, says:

Its language is so broad, its terms so indefinite, that no man can know what is criminal under it until Federal judges tell us what it means.

Mr. Samuel Gompers, representing as he does several million workmen, with their dependents amounting to millions of people more, is naturally concerned that this bill, under the color of protecting the Government against force and violence, shall not be used to suppress the rights of those who live and labor in this country to advocate a betterment of their own condition.

His loyalty ought not to be questioned. That man, when the world was shaken with war, stood like a rock and like a hero and marshalled the labor of this country to avoid strikes and use its utmost patriotic efforts in the making of munitions and to the rendering of those services without which the war could not have been won. No man ought ever to impute to him a lack of loyalty or a lack of patriotism. He deserves well of his country; he deserves the respect and affection of his country. He said, indeed, that—

Section 5 of the bill, unbelievable as it may seem—

Yes; "unbelievable as it may seem"—

makes it a crime to wear in public any button of an organization whose purpose is to obtain an amendment to the Constitution of the United States or any existing Federal law.

Samuel Gompers says that; yes, he says it, and I say it, and the proposed bill says it. Look at that proposed statute. I have put it in the RECORD.

Mr. President, the liberties of the people of the United States comprise the most precious possession of the people of this Republic. It is upon liberty that the wisdom and the conscience and the patriotism of the mass of our citizens have been able, through their processes of education and of industry, to build up our great Republic with its wonderful powers. I should regard it as a national catastrophe if any act should be passed which would jeopardize those liberties or menace freedom of speech or the freedom of the press. I have often been disgusted and pained by the folly and falsehood of articles printed in the press, but folly passes and falsehood dies away, while the lessons of wisdom and truth which also daily come through the modern press remain and the world is enriched by their fruits.

Liberty—freedom—freedom of speech, of the press, of religion, of political opinion—freedom from the threats or menace of autocratic bureaucrats must be preserved if "the rights of life, liberty, and the pursuit of happiness" are to be preserved.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

[Mr. KING resumed and concluded the speech begun by him yesterday. See Appendix.]

Mr. THOMAS. Mr. President, I have listened with sustained interest to the Senator's constitutional discussion of the bill. Everything has been said against our power to enact any such measure that can be offered, and I have no doubt that 50 years ago it would have been accepted as conclusive. Such an argument now, however, is addressed, no matter by whom, almost exclusively to the presiding officer and to an empty Senate. That fact indicates not only the loss of interest in constitutional questions but the uselessness of presenting them.

It is very difficult for a man to be even consistent in these days, however strong his ideas of State sovereignty may be, in casting his vote for or against the many measures that come up here for consideration. It is extremely difficult, in view of the constantly multiplying decisions of the courts, to determine what the line is, if line there be, between an act within our power to pass and one which is expressly or impliedly forbidden.

I have not the slightest doubt, notwithstanding my assent to much of the discussion in which the Senator from Utah [Mr. KING] has indulged, that the validity of this bill will be sustained by the Supreme Court if we should enact it into law and its validity should be challenged.

Some one said not more than 15 months ago that in these days of liberal construction anything was constitutional which

the Congress determined to pass. While that expression was a semihumorous one, it contains a world of philosophy and much of truth.

When the insular decisions were handed down early in the century and Peter Finley Dunne was at the height of his popularity, he discussed those decisions in his remarkably keen and humorous way, and contended that they were entirely warranted because of practical conditions. When Hennessy asked him if he thought the Supreme Court followed the flag, he replied very promptly that he did not know, but he noticed it always followed the elections. He thus expressed what we know to be true, that public opinion influences judicial decision and action as it influences those of the executive and legislative departments. And public opinion, following the line of legislation ever since the close of the Civil War, has been favorable to liberal national legislation.

I believe that education is a subject the power over which was not delegated to the Federal Government. I know that the police power of the States was not so delegated; but the United States has built up a police power as the necessary offspring of affirmative legislation which has been recognized and sustained by the Supreme Court and its exercise is as common by Federal authority as by the States.

Under our prohibition acts, beginning with the Webb-Kenyon bill, the police power of the United States has been constantly invoked for the enforcement of their provisions. If in the days of Webster and his contemporaneous expounders of the Constitution any extreme Federalist had suggested the possibility of such conditions, he would have been regarded either as an enemy of his country or as a lunatic. But we have progressed since that day and the march is still toward the goal of unrestricted national authority. In my criticism of this bill I shall not therefore assume that it is unconstitutional, or that it will be so determined.

I think that there was much merit in the queries propounded yesterday by the Senator from Maryland [Mr. FRANCE] to the Senator from Utah [Mr. KING], which had for their basis a contrast between the passage of the sedition bill and the Senator's objection to this one, the one being preventive in its character, the other being aimed at the repression of offenses against the Government. The Senator from Maryland, with much force, contended that the power to enact one involved the power to enact the other. But there is, I think, a very clear distinction between the two conditions. Those who advocate and practice the overthrow of the Federal Government by violence and insurrection must be dealt with by the Federal authorities. It is an inherent power in government, as it is a rule of action with individuals, that self-preservation is the first law of nature; and in the exercise of that power the Federal Government is in my judgment equipped with authority to enact the sedition bill, although my own judgment does not approve of its extremes, and I voted for it with great reluctance. The States are powerless to enact laws against what virtually amounts to treason against the Federal Government, and are equally powerless to enforce any laws of the Federal Government in that regard. On the other hand, they are the sole custodians of the power to legislate against conspiracies and combinations that are aimed at their destruction, unless it be that under the guaranty of a republican form of government to all the States the Federal Government shares in that authority.

But it does not follow because a government can protect itself that it has the power to enact such measures as may be necessary to prevent the occurrence of the dangers against which the repressive laws are aimed, because if we admit the existence of such a power we must accept its conclusions, and if, because the Federal Government may provide by repressive legislation against acts tending to its own destruction, it may also assume to educate the people so as to remove the contingency of such a menace, then it must follow that the General Government and not the State governments is clothed with the power to educate the people, and, having such authority, must exercise it. That, of course, would lead to the substitution of a Federal for our State systems of education and transfer the authority to enact laws upon that subject from the State capitals to Washington, thus centralizing an authority which, in my judgment, is peculiarly within the province of the States, and which I believe is essential to the preservation of the principle of local self-government, so that the difference, to my mind, seems to be a very clear one.

I know that the Congress have enacted laws regarding education. I know that many such laws are upon the statute books. There is a Bureau of Education in the Interior Department, presided over by a very capable and active gentleman. We are familiar with our vocational education schemes of legislation, which are in full force and which have been actively administered since their enactment. So that this is not pioneer legislation, but each of the measures to which I have referred is in itself a distinct step in the direction of ultimate control of the educational interests and faculties of the country by the General Government, and I think the Senator from Utah is absolutely correct when he defines this measure as a step toward the enactment of what is known as the Smith-Towner bill, designed to create a department of education, endow it with generous appropriations, and trust to it the duty of thereafter conducting the educational interests of the country to the exclusion of States either immediately or ultimately.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield.

Mr. KENYON. I have such confidence in the Senator's judgment and wisdom that I want to ask him a question along the line he is discussing of the powers of the State and Federal Governments.

Suppose, if it is conceivable, that a State in the Union is teaching bolshevism in its schools, and the teachers are instructing the students that bolshevism is a desirable thing, and that the Russian soviet government is a preferable government to our Government, is the Federal Government perfectly helpless to meet such a situation in a State? Can not the Federal Government go into that State and establish schools and meet the doctrines that are being taught in the State schools to the citizenship of the State? They are still citizens of the Republic, and there is an interest in those citizens on the part of the Government just as well as upon the part of the State. And following that a little further, suppose the schools refused to teach American history or anything along the line of American ideals, but simply let the subject alone, would not the Federal Government have the right to go into the State and establish schools to teach the children of the State what the Federal Government really is, and what the history of this country is, and what its future offers?

Mr. THOMAS. Mr. President, I have already said that I have no question but that if this measure is challenged in the courts its validity will be sustained. I have also mentioned a number of educational enactments the validity of which I do not question, but all of which are, in my judgment, leading up to the establishment of a national department of education. I will go further and say that, in my judgment, if we see fit to enact such a measure it will be sustained by the Supreme Court. I do not think it should be, but the trend is in the direction of centralization, and the line between what we may and may not do is becoming constantly more indistinct, if, indeed, it can even now be perceived.

Coming directly to the Senator's question, which I think presupposes an almost impossible situation, I may reply under the Constitution of the United States, in my judgment, the Congress could only justify its intervention in educational matters in such case upon the theory that it was bound under the Constitution to guarantee to the State a republican form of government, that such teachings inevitably tended to overthrow it, and in the discharge of its duty under that guaranty I am not prepared to place any limit, and particularly upon a supposititious question, to the extent to which the Government could go in the exercise of its power to preserve the States, and incidentally its own existence.

But let us suppose, Mr. President, that the teachings upon which the Senator's question is founded should be confined to one city only in a State. Would it not be the duty of the State to deal with the matter, and until the State refused to do so could the Federal Government take any action for the purpose of repressing that situation? I do not know. I am satisfied that the old principle of self-preservation would be applied somewhere, but I should prefer that the States themselves, or the particular State in which such an evil developed, true to its own convictions and to its traditions and conscious of the imperative duty of sustaining itself, should see to it that the evil was repressed, and I hope and believe that every State in the Union confronted by such a situation would so act.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Iowa?

Mr. THOMAS. I do.

Mr. KENYON. Suppose the State did not do it?

Mr. THOMAS. I have said that if the State did not do it the Federal Government might justify its intervention upon that provision of the Constitution which guarantees to every State a republican form of government.

Mr. KENYON. Now, if the Senator will pardon me, and if it does not disturb the Senator——

Mr. THOMAS. No; it does not disturb me a particle.

Mr. KENYON. Take the situation at Gary, Ind. There is a town that is largely foreign. Matters became so bad in Gary that the Federal troops were put in there. Why did we not leave it to the State? Why not let the State handle that situation? What duty was it of the Federal Government to go in there?

Following that on, and I think logically, we come to the ignorance in Gary, the ignorance of our institutions, the reds, and the I. W. W.'s. Nearly every nationality had its meeting place and was prosperous except the American society, which died out. Now, we might say that the Government has nothing to do with that; but this doctrine that is falling in the States into these sore spots of illiteracy and ignorance is not directed against the States. It is directed against the Government. The Government, to protect itself and meet their arguments by the argument as to the better government that we possess, goes in and combats that, even in the States. The States are not as much interested as the Government. It is a doctrine directed toward the overthrow of the Government; and that, it seems to me, is another reason, just as in the situation where the soldiers are put into Gary. It is a national problem even more than a State problem.

Mr. THOMAS. Mr. President, of course the Senator knows that Federal troops were thrown into Gary and other places because the executives of the States or others in authority requested them, and because under the Constitution of the United States the President must respond for the purpose of suppressing insurrection when the request is properly made. That power was also sustained in Debs's case upon a different theory, but resting upon specific constitutional authority. If a similar express authority existed in the Constitution regarding the education of the citizens of the States, or requiring the Government to contribute to educational purposes at the instance of the States, the analogy there would be complete; but we have no such provision, and I might remind the Senator that this bill recognizes the duty of the State rather than the Nation to carry on this educational program, because the appropriations are to be utilized by State authority and duplicated by State legislation before they become effective; and that, I think, is one of the best features of the bill, because it conforms to and recognizes the authority of the State to educate its people. What I think will result ultimately, however, will be to take it very largely out of the hands of the States and centralize it here, either in the present Bureau of Education or in some other of the various bureaus or in a new bureau to be created in the Department of the Interior.

But, Mr. President, I want to submit one or two observations regarding the remedy and its efficacy as here proposed for the evils of which we are all conscious and which the Senator from Iowa has so eloquently described.

There is no question about the value of education. It is a fundamental essential to free government. Free government is based upon the intelligence and morality and character of the individual, and character generally springs from enlightenment and education.

A State is composed of the sum of its units; and precisely as these units are advanced in thought, in intelligence, in morality, in all elements of enlightenment and progress, so will the State develop. But that is not universally true, since, if it were, all men of education and enlightenment would be good citizens. Unhappily, nearly all of the movements that are directed against society and have for their purpose the overthrow of governments and the plunder of society originate with, are directed by, and are intended to serve the ambitions of men of the highest education.

It is true that they find their most dangerous instruments in the benighted ignorance of the masses to whose cupidity and superstition and envy and lawlessness they can easily make the most successful appeals. Unfortunately, however, they capture many of the educated and enlist them as enthusiastic followers of the cause, converting them into evangelists of the same doctrine.

We might give a great many instances. The Senator came in contact with a good many during the investigation of the steel strike, and I know of my own knowledge that some of the originators and founders of the society of the I. W. W. were among the best educated men in the country.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. THOMAS. I do.

Mr. STANLEY. I do not like to interrupt, but I wish to hear the Senator, who usually analyzes things from the bottom, upon this proposition.

It appears to me that this character of legislation is aimed at the ethical rather than the intellectual upbuilding of the citizen; and, if that be true, the source of ethical training is to a great extent religious. Your schools are necessarily nonsectarian. I do not see how you can reach the ethical side of the citizen simply by control of the curricula of the schools.

Mr. THOMAS. Mr. President, the object of the bill is to arouse the ethical through the educational. Of course, there is a fundamental difference between education and ethics, between intelligence and religion, between morality and law; but fundamentally intelligence and education must be the basis of all human progress. No man denies that proposition.

But we do know that as an effective agency for curing the ills of society—moral, social, economic, and political—something more than education is needed. Hence the fundamental postulate of this bill, while most excellent in its character, will prove to be largely inefficacious, no matter how much money we spend upon a scheme of Federal education.

Suppose that as a result of this appropriation, and through the teaching of those who are its intended beneficiaries 200 hours every year, a good working knowledge of the English language and of the fundamentals of American Government is instilled into these 8,000,000 illiterates. Will that eradicate from society what we call Bolshevism, anarchy, and the other political ills? Will it of itself prove the remedy which is assumed for it? As I understand the theory of the bill, the fundamental premise is that ignorance is the cause of all political, moral, and social ills; there are 8,000,000 ignorant people in the United States; therefore they are the cause of this condition, and therefore the cause must be eliminated.

While I favor that, while I believe that we should eradicate ignorance from the human mind wherever the Stars and Stripes float, we must resort to other and far more essential aids in the accomplishment of the great purpose sought to be subserved by the bill. Education is but an adjunct to other remedies more potent, and I think more essential, than education, however extensive its operation.

I believe that the application of a general understanding, a human sympathy, a spirit of helpfulness between the well-to-do and the laboring masses, the educated and the ignorant elements, of the United States; the constant expression by contact and discussion of a desire to minister to the welfare, to benefit the condition, to remove the many obstacles to the advancement of material well-being, to carry home to every benighted individual a practical application of the principle of the golden rule, will do more to promote a sense of satisfaction, to arouse an interest in and an affection for the Government of the United States, a respect for personal and property rights, and a spirit of mutual tolerance than all the schemes of education under the sun. That is something that we can not legislate upon; that must be the spontaneous action of the individual, alive to a sense of civic duty and to the need for his interest in the welfare and advancement of his fellow men.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. THOMAS. I yield.

Mr. JONES of New Mexico. I would just like to ask the Senator what suggestion he has to offer as to the manner of teaching the principles of the golden rule to those people who do not understand the English language?

Mr. THOMAS. Mr. President, the humanities are confined to no language. A man may teach by example and his purpose will be recognized by men and women, however low their intelligence. Of course, the more intellectual the individual may be, the higher his appreciation of what may be called the human touch. I am not arguing against the teaching of the English language; on the contrary, I believe that it is the duty of every State to provide for the compulsory teaching of English to every citizen and to eliminate the teaching of any other language, except as selective courses may be suggested. I am in hearty sympathy with that. But I affirm that, so far as the teaching of the English language is concerned, and the power to read and write, the States may conduct it, if a better citizenship is desired, in conjunction with an aroused public sentiment founded upon the dependence of all men upon each other, that mutual help and sympathy are the eternal essentials to peace, order, liberty, and substantial progress.

Mr. President, this may sound very much like the abstract sentiment of some visionary humanitarian. But wherever employer and employee have applied it and recognized it we have industrial peace; and as it shall hereafter be recognized and applied, so will there be industrial peace. In all of the conflicts immediately before and during and since the war between labor and capital no element except those of hate, animosity, and antagonism has developed. Capital and labor to-day are in armed camps, as it were, and many elements of labor pro-

claim, as they have proclaimed for years, a class distinction between capital and labor which can not be bridged, and which must continue until the one or the other shall prevail by force of arms.

A people thus divided can not prosper. A nation thus divided will remain divided, if we rely only upon education to remove the barrier. Hence, I have considerable question as to the practical effect of this measure, which I fear will result in disappointment before it has been in force for a year, unless it is fortified by the substitution of negotiation and mutual understanding for the bitter resentments of the hour.

Let me illustrate what I am endeavoring to demonstrate by referring briefly to the negro population of the country. The charts which are displayed here show a decided decrease in the illiteracy of the negro population during the past 30 years, quite a remarkable and in some respects a most creditable situation. But is the educated negro to-day any better citizen than the uneducated negro? Is the denial of justice to him founded upon any distinction between the educated and the uneducated negro? Among the 78 lynchings of the year 1919, 72 were of negroes. Some were shot, some were hung, some were burned. One or two white men and a few Mexicans shared the same fate. The offenses charged were of many sorts and grades. Some were educated; some were illiterate. A great many believe that the better educated the black man is the more dangerous he becomes to society. I do not admit that by any means. But I do affirm, Mr. President, that we may educate, and highly educate, every black man in the United States, yet if we persist in denying him justice, in refusing him the benefit of trial by jury, in barring him from those constitutional safeguards which are the glory of the Anglo-Saxon, he will bitterly resent the wrong, his animosity to the institutions of the country will grow with the flight of time, and the sense of his wrongs may flame into rebellion.

I want to see him educated. I cast no reflections upon any section. My theme concerns every portion of the United States—Chicago, East St. Louis, the North, the South, and the West—when I say that every citizen, I care not what his color or nativity, who is required to pay taxes, support the laws of the country, submit to conscription, wear the national uniform, and offer his life in defense of our institutions, must enjoy the benefit and security of those protective laws which are the heritage of every man and woman in the land. These guaranteed, the tendency of a race to Bolshevism and insurrection will not only be circumscribed but terminated. I repeat, we must resort to other methods than education, we must mete out even-handed justice to all men, substitute sympathy and due consideration for the colder processes of give and take, if we are to remove the perils menacing our future.

Edmund Burke once said that the basis of all civil society is justice, and any country which denied or ignored that principle labored under the implication of having no civic policy at all. That is fundamentally true, and justice—equal, impartial, and unfailing—to all the sons of men is and must be a fundamental to the continuance of civil liberty and to the integrity of American institutions.

I am glad to know that in some sections of the country, particularly, Mr. President [Mr. OVERMAN in the chair], in the State from which you hail, the need for the enforcement of the law is materializing in the determination of your splendid governor. He has sounded the call for the punishment of murderers under the forms of lynch law, with a vigorous public sentiment behind him. He is determined to enforce the laws and maintain the institutions of North Carolina. He is vindicating his right to the great office he holds by giving to all men the equal protection of the laws. God grant that his example may be recognized and followed throughout the country. He realizes that illiterates must have something more than education; they must possess a feeling of security under the law, which can only come when they may appeal to it in the full confidence that they will not have appealed in vain.

We have made a great many appropriations heretofore for the education of the Indians, Mr. President. I do not know how many millions of dollars have been taken from the Treasury of the United States for that purpose. My friend from New Mexico is more familiar with the beneficial results of these appropriations than am I; but I am inclined to think that the Senator from Iowa [Mr. KENYON] included in his charts here the Indians of the West, the tribes who are still the wards of the Government; and my impression is that the money which we have appropriated and expended for their education has not produced much benefit up to this time, though I do not know. But why, if among the illiterates are included the Indians of the country, should we duplicate our scheme of Indian education, as this bill will do? Why should it be necessary, whether the money expended for that purpose has effectuated their education or not? I am afraid that the bill contains an element of duplication, which is the vice of too much of the legislation of Congress.

There is a practical way, too, of educating the alien, which I would like to see adopted. I can better describe the plan, Mr. President, by referring to an incident that occurred before the Capitol last September. There assembled one September morning last year a platoon of about 28 or 30 men. They wore the uniform of the American Army, and were put through the manual of arms by their commanding officer. I never saw a more perfect drill in my life. Every command that was given was repeated by each private soldier, who then executed it with a precision and a perfection that was positively amazing.

On the 1st of July of last year not a man of that platoon could read or write the English language. They were enlisted into the American Army and submitted to a special course of training, with the result that they had developed into splendid specimens of manhood, and they represented almost as many nationalities as there were men. And they had mastered the English tongue.

I conversed with half a dozen of them and each spoke the English language intelligibly and well. Each believed this to be the greatest of all Governments, because it had reached out its hand to them, given them an opportunity to enlist in the Army, and had then spent its money and its time in transforming them from raw material into finished American citizens.

Such an experience to the individual, in my judgment, is worth more than any school in Christendom, because it combines physical, patriotic, and mental development in the mass as well as in the individual and turns out units of citizenship equal in nearly all respects to the native article and superior to many of its individual specimens. I should like to see something of that kind engrafted upon the pending bill. There is a bill upon the calendar now authorizing the Army to take enlistment of aliens for the purpose of education. I hope it will become the law.

Mr. President, I have occupied more time than I intended and said some things which are perhaps not entirely germane to the bill. I shall probably vote for it. I have not yet determined that, but I have such a high opinion of the capacity and high purposes of my distinguished friend the Senator from Iowa [Mr. KENYON], whose whole being is wrapped in a desire to serve his country at this critical time, and who has done as much to focus public attention upon the evils threatening the body politic as any man in this Chamber, that I hesitate to bring myself to a point of active opposition to a bill which he has carefully formulated and which he believes to be so essential to the public needs.

Yet I must warn the Senator that he must not expect too much from his measure. It is merely an abstract scheme of education. While it may enlighten the minds of many of our benighted fellow citizens, it may not improve their civic and individual morality or alter their conceptions of the character and the genius of American government.

AWARDS OF NAVAL DECORATIONS.

Mr. HALE. Mr. President, I ask unanimous consent, out of order, to submit a resolution and that the same be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution (S. Res. 285) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the resolution of the Senate No. 62, agreed to June 6, 1919, authorizing the Committee on Naval Affairs of the Senate, or any subcommittee thereof, to send for persons, books and papers, to administer oaths, and to report such hearings as may be had in connection with any subject which may be before said committee, or any subcommittee thereof, be, and the same is hereby, amended to authorize and empower the subcommittee appointed to consider the question of awards in the Navy to employ such counsel and clerical assistants as it may deem necessary, the expense thereof to be paid from the contingent fund of the Senate.

Mr. CALDER. Mr. President, I ask unanimous consent to report back favorably from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution just read, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from New York for the present consideration of the resolution just read?

Mr. KING. Mr. President——

Mr JONES of Washington. I wish to ask what is the necessity for counsel in connection with the inquiry?

Mr. THOMAS. So do I.

Mr. JONES of Washington. I do not believe there is any.

Mr. KING. That is the question I rose to ask.

Mr. HALE. Mr. President, there is a great deal of work that will have to be done in connection with the investigation. We already have found that we have not clerical assistance enough

to take care of the work, and we want, further, to go fully into all the testimony and have the records examined. We believe that a lawyer is necessary to help us out. It is a matter of very great importance and we do not think without such help we can make a proper investigation. I might say that we have talked the matter over in the subcommittee, and the full subcommittee consented to the resolution which I have submitted. I hope very much that the Senate will allow us what we ask for.

Mr. LODGE. If I may ask a question of the Senator, the matter was brought up in the full Committee on Naval Affairs?

Mr. HALE. The matter was brought up first before the full committee.

Mr. LODGE. I understood then that the purpose in having counsel was not to have him conduct the investigation.

Mr. HALE. Counsel is not in any way to conduct the investigation. The understanding has been had with other members of the subcommittee that he shall not ask questions in the meetings of the subcommittee, but simply shall do research work and other work that we require to have done.

Mr. PHELAN. Mr. President, I was present at the meeting of the Committee on Naval Affairs and it was distinctly understood at that time that there should be no counsel, but the committee was willing to consent to a clerk for the purpose of arranging and filing papers and getting data from the department. Counsel means a large fee; it means necessarily the employment of an attorney.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. JONES of Washington. I shall object if the word "counsel" is insisted upon.

Mr. PHELAN. I do not object to its consideration, but I move to insert the word "clerk" instead of the word "counsel."

Mr. JONES of Washington. I will withdraw my objection in order to give the Senate an opportunity to consider an amendment of that sort. I am heartily in favor of the employment of clerical force.

Mr. THOMAS. Mr. President, I shall not object to the consideration of the resolution, but if counsel is not desired for conducting examinations, in my judgment no counsel is necessary, because the formulation of testimony and its examination can be done by an experienced clerk and is not so important as that which requires the services of an attorney.

We are paying out enormous quantities of money for these investigations, and they are multiplying. We are becoming a sort of a collective grand jury, subdivided into committees. I do not know how much has been expended so far nor how much will be expended. Neither am I opposed to this investigation. On the contrary, I want to see it proceed, but I do not believe that we should incur any unnecessary expense. There are a number of lawyers upon the committee, able lawyers, distinguished lawyers, and of course they can conduct the examinations. In my judgment it is perfectly easy for clerical assistants to make all the abstracts of testimony that may be necessary.

Mr. LODGE. Mr. President, I did not understand the opinion of the full committee as the Senator from California [Mr. PHELAN] did. I understood the action of the full committee to be that the matter of employing assistants was to be left to the subcommittee. It was then also understood that there was to be no counsel to conduct examinations; that those were to be conducted by the committee itself. What the subcommittee needs is assistants. It was started with the duty of examining the question of the awards of medals on Admiral Sims's statement, which appeared in the newspapers. It has now been extended to the letter which was introduced by him in the nature of a report to the department, which practically reviews a large part of the conduct of the war by the Navy. That is a very large subject, and it is impossible for the subcommittee to do all the work that is necessary and go over all the material that will be presented. If the clerk whom they employ happens to be a young lawyer it will be beneficial, and it seems to me that they ought to have such clerical assistants as they need.

Mr. KING. I was present at the committee meeting when the matter was taken up for consideration. My recollection of the proceedings is somewhat different from the recollection of the Senator from Massachusetts. As I understood the Senator from Maine, he desired counsel to be employed in the first investigation, namely, that relating to awards.

Mr. HALE. No; the Senator is mistaken about that.

Mr. LODGE. He never asked for that.

Mr. HALE. I never asked for that. The resolution refers to the committee as the committee that was appointed to consider the question of awards. That was simply so that we could designate a special subcommittee, but the powers of the subcommittee have now been enlarged. The same committee still exists, but the powers have been increased.

Mr. McCORMICK. Its responsibilities have been increased.

Mr. KING. If Senators will allow me to complete my statement, at any rate, it was my understanding that the Senator from Maine desired counsel and the Senator from Nevada [Mr. PITTMAN] objected. My recollection is that it was understood that with respect to the work involved in investigating the awards no counsel was to be procured, but after the subcommittee made its findings upon the awards in investigating the charges of Admiral Sims with respect to these other matters, they should consider the question among themselves as to whether counsel was required and report to the full committee or to the Senate and make such requests as they deemed proper. If this request deals only with the work of investigating the charges made by Admiral Sims last——

Mr. HALE. That is entirely the purpose of the resolution.

Mr. KING. I agree the question was left to the subcommittee to determine what they should do and then they would report back to the full committee or to the Senate.

Mr. HALE. The committee had a meeting to-day and unanimously agreed to the resolution.

Mr. KING. The Senator from Nevada [Mr. PITTMAN] at that time said he was much opposed to any counsel.

Mr. HALE. But that Senator has withdrawn his objection.

Mr. KING. Of course, if the subcommittee feel that any counsel is needed, I shall not object, although I think it is an unnecessary expense. What they need is a competent clerk, who could go through the documents referred to and compile such data as is required. I am sure a clerk of that character would be worth more than two or three lawyers.

I agree with the Senator from Colorado [Mr. THOMAS] that if a lawyer is not to do the examining of witnesses they do not need him at all. They need a competent clerk, familiar with the collection of data or assorting of data, and he would be very much better and serve the committee with very much more ability than any lawyer who might be selected.

The PRESIDING OFFICER. Is there any objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PHELAN. I have made a motion to amend by striking out the words "counsel and" before the words "clerical assistants."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California.

Mr. McCORMICK. Mr. President, I make the point of no quorum before that is voted on.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandegee	Jones, Wash.	Newberry	Sutherland
Calder	Kenyon	Overman	Thomas
Gerry	King	Phelan	Townsend
Hale	Kirby	Pomerene	Underwood
Harris	Lodge	Robinson	Warren
Jones, N. Mex.	McCormick	Sheppard	

Mr. GERRY. The Senator from South Carolina [Mr. DIAL], the Senator from Delaware [Mr. WOLCOTT], the Senator from Kentucky [Mr. BECKHAM], the Senator from Mississippi [Mr. HARRISON], and the Senator from North Carolina [Mr. SIMMONS] are absent from the Senate on official business.

The PRESIDING OFFICER. Twenty-three Senators have answered to their names. There is not a quorum present.

Mr. THOMAS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 21, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 20, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How strange and how manifold, dear Lord, are the mysteries of life!

Behold! we know not anything;
We can but trust that good shall fall
At last—far off—at last, to all,
And every winter change to spring.

But what if every act committed is registered on the delicate tissues of the soul, and when we shall shuffle off this mortal coil and stand in the light of purity, we shall be our own judge and know ourselves as we are known and by the natural force of gravitation find the place we have made for ourselves and be permitted by the mercy of God to begin again and rid ourselves of selfishness, vain desires and sordid sins; and when at

last, we shall have developed a perfect character we shall hear the angels around the throne singing, "Glory to God in the highest"; and hear the words sweeter than all music: "Well done, good and faithful servant, enter thou into the joy of thy Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF SUFFRAGE AMENDMENT.

The SPEAKER laid before the House a communication from the secretary of state of Indiana, announcing the ratification by the legislature of that State of the proposed amendment to the Constitution extending the right of suffrage to women.

MEMBERS OF JOINT COMMISSION TO VISIT VIRGIN ISLANDS.

The SPEAKER, in pursuance of House concurrent resolution No. 46, announced the appointment of the following members of the joint committee to visit the Virgin Islands: Mr. TOWNER, Mr. CAMPBELL of Kansas, and Mr. GARRETT.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short resolution by the Robley D. Evans Post, No. 4, American Legion, indorsing the bill H. R. 11665, the naval pay bill.

The SPEAKER. Is there objection?

Mr. WALSH. I object, Mr. Speaker.

LEAVE TO ADDRESS THE HOUSE.

Mr. KING. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. I received a very important telegram this morning, of interest to all the Members of the House, and for that reason I send it to the Clerk's desk and ask that it be read.

The SPEAKER. The Clerk will read.

The Clerk read a portion of the telegram, as follows:

CHICAGO, ILL., *January 19, 1920.*

Hon. EDWARD J. KING,
House of Representatives, Washington, D. C.:

In view of present industrial unrest and general labor situation, serious consideration of Sterling or Graham measures would be grave mistake——

Mr. BLANTON (interrupting the reading). Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Has not the minute expired?

The SPEAKER. The Chair thinks not.

Mr. BLANTON. The minute has not expired?

The SPEAKER. The Chair thinks not.

Mr. BLANTON. Mr. Speaker, I object to the reading of the telegram. The gentleman asked for only one minute. He did not ask that a telegram be read.

Mr. KING. This is not being taken out of my time, is it, Mr. Speaker?

The SPEAKER. Of course not.

Mr. BLANTON. Mr. Speaker, I raise the point of order that under the gentleman's request that he might proceed for one minute he did not ask to read a telegram of this nature, and I object to the reading of it.

The SPEAKER. It can only be read by the Clerk by unanimous consent.

Mr. BLANTON. I object to the reading of the telegram or its going into the RECORD.

The SPEAKER. The gentleman objects.

Mr. KING. Mr. Speaker, there is still a quarter of a minute left?

The SPEAKER. Yes.

Mr. BLANTON. I object to the gentleman reading it in his time.

Mr. KING. Mr. Speaker, I object to the interruption on the part of the gentleman from Texas. I have not yielded to him.

The SPEAKER. At the first blush, the Chair's recollection is that a Member can not read without consent of the House.

Mr. CRISP. Mr. Speaker, if the Chair will permit, there is a rule on that. No one can read anything before the House that the House has to vote on unless the House so decides, which must be decided without debate.

Mr. BLANTON. I object, Mr. Speaker.

Mr. NOLAN. Mr. Speaker, I move that the gentleman from Illinois [Mr. KING] be permitted to read the telegram.

The SPEAKER. That can only be done by unanimous consent.

Mr. NOLAN. Oh, no. That motion is in order, under the rules.

The SPEAKER. The Chair thinks not. The Chair thinks it can only be done by unanimous consent.

Mr. NOLAN. The motion is in order, under the rules.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. NOLAN. That question was decided, Mr. Speaker, in relation to a letter I sought to read here on September 16 last, when objection was made by the gentleman from Texas [Mr. BLANTON]. A motion prevailed that I be permitted to read that letter under the rules.

The SPEAKER. The gentleman is correct. The rule says:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

The gentleman from California [Mr. NOLAN] moves that the gentleman be allowed to read the telegram. The question is on the motion of the gentleman from California.

Mr. BLANTON. Mr. Speaker, I ask recognition to oppose the motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 91, noes 1.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum. I think the House ought to go on record on this.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. All in favor of the motion of the gentleman from California will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 2, answered "present" 1, not voting 122, as follows:

YEAS—303.

Anderson	Dominick	Johnson, Miss.	Osborne
Andrews, Md.	Doremus	Johnson, S. Dak.	Overstreet
Andrews, Nebr.	Doughton	Johnson, Wash.	Padgett
Ashbrook	Dowell	Juul	Park
Ayres	Drane	Kearns	Parker
Babka	Dunbar	Keller	Parrish
Bacharach	Dunn	Kelly, Pa.	Peters
Baer	Dyer	Kennedy, Iowa	Phelan
Bankhead	Echols	Kiess	Platt
Barbour	Elliott	Kincheloe	Porter
Barkley	Ellsworth	King	Pou
Bee	Elston	Kinkaid	Quin
Begg	Emerson	Kitchin	Radcliffe
Benham	Esch	Kleczka	Rainey, Ala.
Black	Evans, Mont.	Knutson	Rainey, H. T.
Blackmon	Evans, Nev.	Lampert	Raker
Bland, Ind.	Fairfield	Langley	Ramsey
Bland, Mo.	Fess	Lanham	Ramseyer
Bland, Va.	Fisher	Lankford	Randall, Calif.
Boies	Focht	Layton	Randall, Wis.
Bowers	Fordney	Lea, Calif.	Rayburn
Box	Foster	Lee, Ga.	Reavis
Brand	Frear	Lehlbach	Reed, W. Va.
Briggs	Freeman	Lesher	Rhodes
Brinson	French	Little	Ricketts
Brooks, Ill.	Fuller, Ill.	Lonergan	Riddick
Browne	Gallagher	Longworth	Robinson, N. C.
Brumbaugh	Gard	Luce	Robsion, Ky.
Buchanan	Garland	Lufkin	Rodenberg
Burdick	Garner	Luhring	Rogers
Burke	Glynn	McClintic	Rose
Burroughs	Godwin, N. C.	McCulloch	Rouse
Byrnes, S. C.	Goldfogle	McDuffie	Rowe
Byrns, Tenn.	Good	McFadden	Rubey
Campbell, Kans.	Goodwin, Ark.	McKinley	Rucker
Campbell, Pa.	Goodykoontz	McLaughlin, Mich.	Sabath
Candler	Green, Iowa	McLaughlin, Nebr.	Sanders, Ind.
Cannon	Greene, Mass.	MacCrate	Saunders, Va.
Cantrill	Griest	MacGregor	Schall
Carss	Griffin	Madden	Sears
Carter	Hadley	Magee	Sells
Chindblom	Hardy, Colo.	Major	Sherwood
Christopherson	Hardy, Tex.	Mann, Ill.	Shreve
Clark, Mo.	Harreld	Mann, S. C.	Siegel
Classon	Harrison	Mansfield	Sims
Cleary	Hastings	Mapes	Sinclair
Coady	Hawley	Mays	Sinnott
Cole	Hays	Mead	Small
Collier	Heflin	Merritt	Smith, Idaho
Connally	Hernandez	Michener	Smith, Ill.
Cooper	Hersey	Miller	Smith, Mich.
Copley	Hersman	Monahan, Wis.	Smithwick
Costello	Hickey	Mondell	Snell
Cramton	Hicks	Mooney	Snyder
Crisp	Hoch	Moore, Ohio	Steagall
Crowther	Hoey	Moores, Ind.	Stedman
Cullen	Holland	Morgan	Steele
Currie, Mich.	Houghton	Murphy	Stephens, Miss.
Dale	Howard	Neely	Stephens, Ohio
Dallinger	Huddleston	Nelson, Mo.	Stevenson
Darrow	Hulings	Nelson, Wis.	Stoll
Davis, Minn.	Hull, Tenn.	Newton, Mo.	Strong, Kans.
Dempsey	Husted	Nolan	Strong, Pa.
Denison	Igoe	Ogden	Sullivan
Dent	Ireland	Oldfield	Summers, Wash.
Dewalt	James	Oliver	Sweet
Dickinson, Mo.	Johnson, Ky.	Olney	Swope

Taylor, Ark.	Towner	Wason	Wilson, Ill.
Taylor, Colo.	Treadway	Watson	Wingo
Taylor, Tenn.	Vaile	Weaver	Wise
Temple	Venable	Welty	Wright
Tillman	Vinson	Whaley	Yates
Tilson	Voigt	Wheeler	Young, N. Dak.
Timberlake	Volstead	White, Kans.	Young, Tex.
Tincher	Walsh	White, Me.	Zihlman
Tinkham	Walters	Williams	

NAYS—2.

Blanton Jones, Tex.

ANSWERED "PRESENT"—1.

Caldwell

NOT VOTING—122.

Ackerman	Gallivan	Linthicum	Romjue
Almon	Gandy	McAndrews	Rowan
Anthony	Ganly	McArthur	Sanders, La.
Aswell	Garrett	McGlennon	Sanders, N. Y.
Bell	Goodall	McKenzie	Sanford
Benson	Gould	McKeown	Scott
Booher	Graham, Pa.	McKinley	Scully
Britten	Graham, Ill.	McLane	Sisson
Brooks, Pa.	Greene, Vt.	McPherson	Slemp
Browning	Hamill	Maher	Smith, N. Y.
Butler	Hamilton	Martin	Steenerson
Caraway	Haugen	Mason	Stiness
Carew	Hayden	Minahan, N. J.	Sumners, Tex.
Casey	Hill	Montague	Tague
Clark, Fla.	Hudspeth	Moon	Thomas
Crago	Hull, Iowa	Moore, Va.	Thompson
Curry, Calif.	Humphreys	Morin	Upshaw
Davey	Hutchinson	Mott	Vare
Davis, Tenn.	Jacoway	Mudd	Vestal
Dickinson, Iowa	Jefferis	Newton, Minn.	Ward
Donovan	Johnston, N. Y.	Nicholls, S. C.	Watkins
Dooling	Jones, Pa.	Nichols, Mich.	Webster
Dupré	Kahn	O'Connell	Welling
Eagan	Kelley, Mich.	O'Connor	Wilson, La.
Eagle	Kendall	Paige	Wilson, Pa.
Edmonds	Kennedy, R. I.	Pell	Winslow
Evans, Nebr.	Kettner	Purnell	Wood, Ind.
Ferris	Kraus	Rainey, J. W.	Woods, Va.
Fields	Kreider	Reber	Woodyard
Flood	Larsen	Reed, N. Y.	
Fuller, Mass.	Lazaro	Riordan	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. ACKERMAN with Mr. JACOWAY.

Mr. BRITTEN with Mr. WOODS of Virginia.

Mr. CRAGO with Mr. THOMAS.

Mr. ANTHONY with Mr. LARSEN.

Mr. DAVIS of Tennessee with Mr. WILSON of Pennsylvania.

Mr. BROOKS of Pennsylvania with Mr. TAGUE.

Mr. DICKINSON of Iowa with Mr. UPSHAW.

Mr. FULLER of Massachusetts with Mr. SUMNERS of Texas.

Mr. GOULD with Mr. WATKINS.

Mr. EVANS of Nebraska with Mr. SMITH of New York.

Mr. BUTLER with Mr. WILSON of Louisiana.

Mr. HAMILTON with Mr. DONOVAN.

Mr. CURRY of California with Mr. NICHOLLS of South Carolina.

Mr. GRAHAM of Pennsylvania with Mr. WELLING.

Mr. EDMONDS with Mr. MCKINLEY.

Mr. WINSLOW with Mr. ASWELL.

Mr. GOODALL with Mr. HAMILL.

Mr. WOODYARD with Mr. EAGLE.

Mr. BROWNING with Mr. MCANDREWS.

Mr. WOOD of Indiana with Mr. RIORDAN.

Mr. GRAHAM of Illinois with Mr. MOORE of Virginia.

Mr. WEBSTER with Mr. CAREW.

Mr. GREENE of Vermont with Mr. LAZARO.

Mr. HAUGEN with Mr. LINTHICUM.

Mr. NICHOLS of Michigan with Mr. BENSON.

Mr. PAIGE with Mr. DUPRÉ.

Mr. HILL with Mr. MINAHAN of New Jersey.

Mr. JEFFERIS with Mr. O'CONNELL.

Mr. KAHN with Mr. MARTIN.

Mr. HULL of Iowa with Mr. PELL.

Mr. PURNELL with Mr. MONTAGUE.

Mr. SANDERS of New York with Mr. ROMJUE.

Mr. MASON with Mr. SANDERS of Louisiana.

Mr. MUDD with Mr. CASEY.

Mr. KRAUS with Mr. ALMON.

Mr. REED of New York with Mr. FIELDS.

Mr. STEENERSON with Mr. GANDY.

Mr. VESTAL with Mr. HUMPHREYS.

Mr. KELLEY of Michigan with Mr. JOHN W. RAINEY.

Mr. HUTCHINSON with Mr. MCGLENNON.

Mr. SCOTT with Mr. MAHER.

Mr. JONES of Pennsylvania with Mr. MCKEOWN.

Mr. THOMPSON with Mr. BELL.

Mr. KREIDER with Mr. ROWAN.

Mr. SANFORD with Mr. GALLIVAN.

Mr. VARE with Mr. SCULLY.

Mr. NEWTON of Minnesota with Mr. CLARK of Florida.

Mr. MCKENZIE with Mr. SISSON.

Mr. KENDALL with Mr. EAGAN.

Mr. MORIN with Mr. DOOLING.

Mr. REBER with Mr. FERRIS.

Mr. SLEMP with Mr. GANLY.

Mr. STINESS with Mr. HUDSPETH.

Mr. MCARTHUR with Mr. JOHNSTON of New York.

Mr. KENNEDY of Rhode Island with Mr. FLOOD.

Mr. MCPHERSON with Mr. CARAWAY.

Mr. WARD with Mr. GARRETT.

Mr. MOTT with Mr. HAYDEN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The gentleman from Illinois [Mr. KING] has leave to read the telegram.

Mr. BLANTON. How much time, Mr. Speaker, has he?

The SPEAKER. He has 20 seconds.

Mr. KING. I read:

CHICAGO, ILL., *January 19, 1920.*

Hon. EDWARD J. KING,
House of Representatives, Washington, D. C.:

In view of present industrial unrest and general labor situation, serious consideration of Sterling or Graham measures would be grave mistake.

Mr BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I submit that the 20 seconds are up.

Mr. KING (continuing reading):

Passage of these bills will intensify an already delicate situation. Postmaster General Burleson already exercising undue authority in censorship of newspapers and publications.

(Signed) DUNCAN MCDONALD,
President Illinois State Federation of Labor.

The SPEAKER. The 20 seconds were not up when the gentleman from Texas rose. They are up now.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JACOWAY (at the request of Mr. TILLMAN), for two days, on account of sickness.

Mr. MOORE of Virginia (at the request of Mr. BLAND of Virginia), for the day, on account of sickness.

To Mr. FIELDS, for five days, on account of sickness.

FINAL REPORT OF GEN. PERSHING.

Mr. KIESS. Mr. Speaker, I move to take from the Speaker's table House concurrent resolution 40, providing for the printing of additional copies of Gen. Pershing's final report, with amendments of the Senate, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania moves to take from the Speaker's table House concurrent resolution No. 40, with Senate amendments, and to concur in the Senate amendments. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That the final report of Gen. John J. Pershing, commander in chief of American Expeditionary Forces, be printed as a House document, without the accompanying maps and charts, and that 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. KIESS. Mr. Speaker, I will explain briefly to the House the amendments made by the Senate.

You will remember that at the time we passed this resolution we provided for 100,000 copies without maps, at a cost of $4,212.71. At that time we had no estimate as to the cost with maps. Later the Government Printing Office advised that the cost for 100,000 copies with maps would be approximately $47,000, but by reducing the size of the maps and using the facilities of the Geological Survey Bureau for map printing it was found that 50,000 copies could be printed for approximately $10,000. The Senate has amended the bill to read "50,000 copies, 35,000 copies for the House and 15,000 for the Senate," and this will give each Member of Congress about 80 copies.

I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KENNEDY of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor appropriation bill, H. R. 11892. Pending that motion I ask unanimous consent that the time for general debate be limited to three hours, one half the time to be controlled by the gentleman from North Carolina [Mr. SMALL] and the other half by myself.

Mr. SMALL. Will the gentleman yield to me to make a request for unanimous consent?

Mr. KENNEDY of Iowa. Certainly.

Mr. SMALL. I ask unanimous consent that I may be allowed five legislative days in which to file a minority report on this bill.

The SPEAKER. The gentleman asks unanimous consent that he may have five legislative days in which to file a minority report on this bill. Is there objection?

Mr. BARKLEY. Reserving the right to object, I should like to ask the gentleman from North Carolina what object can be served in filing a minority report in five days when this bill is scheduled to be railroaded through to-day?

Mr. SMALL. Simply to have a record of the views of those who sign the minority report. This bill was reported by the committee only yesterday afternoon. There has been no opportunity to present a minority report.

Mr. BARKLEY. In that case I have no objection.

The SPEAKER. Is there objection to the request?

Mr. TILSON. Reserving the right to object, is it not the usual form to make it a statement of the views of the minority, rather than a minority report?

Mr. SMALL. Yes. I yield to the suggestion of my friend, and ask leave for five legislative days in which to file the views of the minority?

The SPEAKER. Is there objection to the request of the gentleman that he have five legislative days in which to file the views of the minority?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. KENNEDY]?

Mr. SMALL. I ask unanimous consent to interrupt the gentleman by proceeding for two minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for two minutes. Is there objection?

Mr. JUUL. With the understanding that it is with reference to the request of the chairman of the Committee on Rivers and Harbors.

The SPEAKER. The Chair assumed that it was on that point that the gentleman from North Carolina wished to address the House. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I hope that the chairman of the Committee on Rivers and Harbors and that the leaders of the House will not insist upon this bill being taken up to-day. The committee were proceeding with the consideration of the bill in the usual manner and endeavoring to economize in every possible way. There was cooperation between all the members of the committee to that end. On yesterday the gentleman now addressing the House heard for the first time the suggestion that the entire character of the bill be changed and that a lump-sum appropriation be made, and the majority of the committee so decided. In view of this sudden change of policy, no time has been afforded to study the bill or for gentlemen to prepare their remarks or to prepare a statement of the views of the minority. The suggestion is made that we carry this over for a day or two, until Friday, for instance, or, if nothing better, until Thursday, to-morrow being Calendar Wednesday, and I hope that the chairman of the committee, with the consent of the leaders of the House, will agree not to press this motion to-day to go into Committee of the Whole, but will postpone it, say, until Friday of this week.

The SPEAKER. The question is on the request for unanimous consent as to the time of debate. Is there objection?

Mr. SMALL. Then, Mr. Speaker, upon that I desire also to make a suggestion. The demand for time on this side is for more than two hours. I think, therefore, the general debate ought to continue for at least four hours and that the debate be confined to the bill.

The SPEAKER. Does the gentleman object to the request?

Mr. SMALL. I should like, if possible, to secure an agreement. I think the chairman of the committee will not be averse to that.

Mr. KENNEDY of Iowa. I have no desire to curtail general debate, but I should like to finish this bill to-day. I have requests for about an hour and a half of time on this side, and I thought we might be able to get through in three hours; but if the gentleman has requests for more than that time, I will agree to fix the general debate at four hours.

Mr. SMALL. Now, will the gentleman modify his request so as to confine the debate to the bill?

Mr. KENNEDY of Iowa. I do not think we could do that over here.

Mr. KITCHIN. We can confine our debate on this side to the bill.

Mr. SMALL. We are willing to confine ourselves to the bill on this side.

The SPEAKER. The gentleman from Iowa modifies his request and asks unanimous consent that the debate be limited to four hours, half the time to be controlled by the gentleman from Iowa [Mr. KENNEDY] and half by the gentleman from North Carolina [Mr. SMALL]. Is there objection?

There was no objection.

Mr. ANDERSON. I should like to ask the gentleman from Iowa if after the four hours general debate he intends to insist on the passage of the bill to-day?

Mr. KENNEDY of Iowa. We want to try to pass it to-day.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. HUSTED in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the bill by title.

Mr. KENNEDY of Iowa. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. JOHNSON of Mississippi. Mr. Chairman, I think we ought to have the bill read.

The CHAIRMAN. Objection is made. The Clerk will read the bill.

The Clerk read the bill.

The CHAIRMAN. The time for general debate on this bill has been fixed by the House at four hours, one-half to be controlled by the gentleman from Iowa [Mr. KENNEDY] and one-half by the gentleman from North Carolina [Mr. SMALL], the debate not to be confined to the bill. The Chair will recognize the gentleman from Iowa [Mr. KENNEDY] for two hours.

Mr. KENNEDY of Iowa. Mr. Chairman, my statement is quite brief, and I desire not to be interrupted.

Mr. Chairman, the bill we are now considering is the smallest bill that has been reported by the Committee on Rivers and Harbors since the policy of annual bills was adopted some 10 years ago. It carries in the aggregate $12,400,000, and, based on the present cost of doing work, is less than 30 per cent of the average amount carried in the annual bills reported to the House. The original estimates for improvement and maintenance work for the next fiscal year, or rather until March 4, 1921, when the appropriations in the next bill should become available, amounted to $42,841,000. The revised estimates were about $25,000,000. Eight hundred and seventeen thousand dollars previously authorized is requested of the Appropriations Committee, and no doubt will be carried in the next sundry civil bill. In addition to cash estimates, continuing contracts were asked in the sum of $2,223,000.

The Committee on Rivers and Harbors spent many days carefully going through the estimates, having in mind a deficit of $3,000,000,000 at the end of the next fiscal year, and the necessity of cutting them where reduction might be made without injury to commerce. We believe that the bill we have reported, providing for $5,000,000 for maintenance and $7,000,000 for improvement work, will meet every need of commerce for the period between now and March 4, 1921. I may say in this connection that the Engineers do not observe the fiscal year in making up estimates or in the expenditure of funds provided in river and harbor acts. It should be understood that the estimates for this bill were to carry the work to March 4, 1921, when the appropriations carried in the next bill will become available.

In preparing this bill the committee has departed from the policy followed in the past of appropriating separately for maintenance in each case where an amount for maintenance was asked. We are providing in this bill a lump sum to do mainte-

nance work covering all estimates for maintenance that were submitted to the committee. It is not to be understood that the policy followed in this bill is to be considered the permanent policy of the committee or of Congress. Most of us believe that a lump-sum policy for maintenance will work satisfactorily. It has been urgently recommended by Col. Taylor, the Assistant Chief of Engineers in charge of river and harbor work. The objections that have been raised to lump-sum appropriations do not hold good in this case, for the money can be used only for one purpose—the maintenance of existing river and harbor works. If the policy meets our expectations and proves satisfactory, it will no doubt be followed in the preparation of bills in the future. If, on the other hand, it does not work out satisfactorily, the committee will, I believe, return to the old plan of appropriating separately for the maintenance of each project.

It may be well to call attention to the manner of making up the estimates for maintenance. The district officers are called upon at the end of the fiscal year to estimate the amount they will need to maintain projects in their districts for the period beginning a year after the time the estimate is made and ending two years from that date. To what extent maintenance may be needed depends on storms and floods. No one can tell when a storm will visit a locality and do great damage to such works as dams, jetties, breakwaters, and piers. Such a storm on the Great Lakes and another on the Gulf did much damage to such works the past summer. Then, again, rivers form bars after periods of high water, and the amount required for maintenance during a year will depend largely on whether there has been high-water stages in the rivers. A concrete case will serve to illustrate how the policy of appropriating separately for maintenance of each project works out. At Los Angeles severe storms occur on an average of every four or five years. When such a storm does come it carries silt and fills the inner harbor to such an extent that it costs the Government around $100,000 to remove it from the channel. The district officer called upon to estimate for the maintenance of this project can not tell when such a storm will come, and as a result he must keep on hand a sufficient balance to dredge the harbor whether the storm occurs this year or next; in fact, it may not occur for several years. The policy results in piling up balances in maintenance funds that in many cases are not needed and not used for the work for which they were provided.

A lump sum for maintenance should work out differently. The Chief of Engineers will allot from the lump sum from time to time such amounts as the district officer can show are needed for immediate work of maintenance. Under such a policy maintenance balances will not accumulate as they have in the past. On November 1, 1919, there were some $12,000,000 in the various project funds of the country that had been appropriated for maintenance work.

In order that we may know how the funds provided in this lump sum are used we provide that the Secretary of War shall report to Congress at the beginning of the next session of Congress, showing the amounts allotted under this lump-sum appropriation for works of maintenance. Personally, I believe it will prove to be more satisfactory and much more economical than the old policy of separate appropriations. The total amount of original estimates for improvement work carried in this bill amounted to $33,481,215. In lieu of the estimates we propose to appropriate a lump sum of $7,000,000, which we think is all that is needed for improvement work up to March 4, 1921. The Committee on Rivers and Harbors has no intention in the future of making appropriations for improvement work in lump sums. The only reason we carry a lump-sum appropriation in this bill is because of the large balances to the credit of the various projects for which appropriations are asked, which we believe to be sufficient in nearly every case to carry on the work until additional funds are provided in the next bill. The amount we carry is more in the nature of an emergency fund to be used in case it is found some additional money is necessary for a particular project. Under the policy followed by the Engineers in estimating for improvement work it is highly important that the committee pass on the estimates with a view to keeping appropriations down to an amount actually needed for work to properly accommodate the commerce of the country. When we adopt a project for the improvement of a river or harbor, the Engineers conceive it to be their duty, and properly so I think, to recommend the appropriation of such sums from time to time as will complete the project economically and without unnecessary delay. That policy is followed by the Engineers regardless of whether the existing channel is adequate to accommodate the commerce that uses it. With the Engineers following such a policy, estimates for appropriations are in many cases made where additional work is not needed in the interest of commerce, and the only basis for asking additional appropriations is that the project adopted should be completed. I for one can see no reason why we should proceed to complete a project where the existing facilities are all that are needed for commerce.

A few weeks ago I received a newspaper clipping through the mail calling attention to the immediate need for deepening the harbors of the country to provide an adequate depth to accommodate the vessels that were being turned out by the Shipping Board. Many people have the idea the Shipping Board is building many deep-draft vessels. The fact is that up until recently they had constructed no vessels that would draw more than 26 feet on full draft. They have, up to the present time, constructed very few ships of deeper draft than 26 feet, none of which would have trouble in navigating the channels in the 20 principal harbors of the country at the present time. The fact is that if we maintain the present channels in the harbors of the country, according to the Engineers, they will provide sufficient depths to accommodate all the vessels that use the ports. This condition has been brought about by the liberal policy followed by Congress in the past with respect to the improvement of the harbors of the country. In 1916 there were but seven harbors in the world with a mean low-water depth of 35 feet, and all seven of those were our harbors. The great port of Liverpool that ranks high among the ports of the world in the amount of commerce handled has but 32 feet over the bar at mean low water, and the enormous tonnage that reaches Manchester is carried through a canal with a 28-foot depth. According to the Shipping Board there were only 45 ships built between 1859 and 1918 and drew more than 34.1 feet when fully loaded. The Engineers' report for the last year shows that but three vessels entered New York Harbor drawing over 35 feet. It seems to me that the channels at the present time are adequate to accommodate the commerce.

It may be asked how the works of improvement and maintenance can be carried on until March 4, 1921, with an appropriation of $12,000,000. The answer to that is this: The amount expended the last fiscal year for both improvement and maintenance on the 50 projects for which appropriations were asked under the revised estimates was $12,421,364.43.

The average amount expended on these same 50 projects for the past five years for both improvement and maintenance was $14,453,463. The amount of unexpended balances on hand to the credit of these same 50 projects on November 1, 1919, was $25,189,000, or more than twice the sum expended on them the past fiscal year. Now, we propose to augment this sum by $7,000,000, which will make a total that can be expended for work on these same 50 projects between November 1, 1919, and March 4, 1921, of $32,189,000, or over two and a half times the amount expended on these same projects the last fiscal year and more than double the average amount expended on them for the past five years. What I have said only applied to those projects for which an estimate for appropriation was submitted to go in this bill. I want now to briefly call the attention of the committee to some facts bearing on the rivers and harbors work for the entire country and to submit a few figures, calling attention to the financial status as of November 1, 1919.

The average amount expended from appropriations carried in river and harbor bills for the past five years exclusive of the amounts carried for the lower Mississippi River improvement, which is now handled by another committee, was $26,329,351. The total amount expended during the fiscal year of 1919 from appropriations carried in river and harbor bills for improvement and maintenance for all projects was $21,145,177. The total unexpended balances on hand November 1 to pay for work to be done on river and harbor improvements up until March 4, 1921, amounted to almost $60,000,000. If we add the $12,000,000 carried in this bill, it will provide a sum including contract obligations of some $70,000,000 to carry on the river and harbor works of the country from November 1, 1919, until March 4, 1921, a sum much greater than ever so expended.

Section 2 of the bill carries an appropriation of $400,000 for examinations, surveys, and contingencies. This appropriation pays the expense of examinations and surveys; also the expense of the Board of Engineers while on official business, inspecting bridges, holding bridge hearings pertaining to river and harbor work. It also provides for the Ports Facilities Commission, an activity that has been transferred from the Shipping Board to the engineers' office.

Section 3 provides for the repeal of this language, which was carried as a Senate amendment in the last river and harbor bill, which reads: "No work shall be undertaken upon any new project herein adopted unless the Secretary of War shall be of the opinion that, based upon the cost at the time of entering upon the work, the project can be completed at a cost not greater than 40 per cent in excess of the estimate of cost in the report upon such project be, and the same is hereby, repealed."

There were some 80 new projects carried in the last bill, and 17 of same can not be completed within the limit of cost laid down in this provision, and the committee thinks it should be repealed.

The other sections are legislative provisions that apply locally and carry no appropriation. The committee is firm in the belief that the balances on hand, together with the amount carried in this bill, will provide sufficient funds to meet every need of commerce until March 4, 1921. [Applause.]

Mr. JUUL. Will the gentleman yield for a question?

Mr. KENNEDY of Iowa. I will.

Mr. JUUL. I wish the chairman would emphasize the fact that this $7,000,000 sought to be appropriated and the $5,000,000 lump sum are in addition to the many millions now in the United States Treasury appropriated for specific items.

Mr. KENNEDY of Iowa. That is true.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. GOODWIN of Arkansas. There are no specific items provided for in the bill. I desire to ask the chairman if the sum of $5,000,000 for the preservation and maintenance of existing work covers the amount estimated by the engineers?

Mr. KENNEDY of Iowa. Not the amount estimated, but the engineers say that they can get along with a lump sum of $5,000,000.

Mr. GOODWIN of Arkansas. The $7,000,000 appropriated in this bill for the prosecution of the work of improvement and repair will, of course, not cover the estimates for these projects by the engineers, but with the sums remaining in the Treasury unexpended the total sum will amount to about thirty-two and one-half million dollars.

Mr. KENNEDY of Iowa. For projects estimated for in this bill?

Mr. GOODWIN of Arkansas. Yes; about two and a half times the amount spent last year.

Mr. KENNEDY of Iowa. Yes; on the same projects.

Mr. BRIGGS. Will the gentleman yield?

Mr. KENNEDY of Iowa. I will yield to the gentleman from Texas.

Mr. BRIGGS. The appropriations which have already been made for these various projects are assigned to the particular projects?

Mr. KENNEDY of Iowa. That is true.

Mr. BRIGGS. In other words, it may be the Mississippi or the Ohio River, and they pertain only to that fund or that project and are not available for other projects?

Mr. KENNEDY of Iowa. They can only be used for the one project for which they are appropriated.

Mr. BRIGGS. That is as I understand it. They are only available for the specific project for which they were appropriated, and the only amount available for other specific projects is out of the amount contained and carried in this bill.

Mr. KENNEDY of Iowa. That is true; but I will say that if the gentleman will examine the balances on hand, the projects for which estimates were made, he will find in practically every case that they have a great deal larger sum on hand than was spent during the last fiscal year.

Mr. BRIGGS. That, I assume, was on account of the failure to do much work during the war period.

Mr. KENNEDY of Iowa. Yes; that is true, and in some cases delay occurred as to the spending of the money on account of high water of the rivers. We held up 17 projects adopted in the last river and harbor bill.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. KENNEDY of Iowa. Certainly.

Mr. GOODWIN of Arkansas. All the projects heretofore undertaken and provided for in the past are to be cared for in the prosecution of this work through the lump sum provided in this bill—not new undertakings, not new projects, but projects that have been in course of construction for many years in the past. Will all of these projects receive their proportionate quota of the amount carried in this bill?

Mr. KENNEDY of Iowa. The gentleman will understand that the engineers only asked for appropriation for 50 projects. The balance of the projects have sufficient funds on hand to tide them over next year. The balances on hand, even with the part of the $7,000,000, will provide adequately for all projects for which estimates were made to go in this bill.

Mr. DUNBAR. Will the gentleman yield?

Mr. KENNEDY of Iowa. I will.

Mr. DUNBAR. Under the provisions of this bill the Secretary of War is authorized to expend $12,000,000, the balance remaining in the Treasury, the coming year.

Mr. KENNEDY of Iowa. He is authorized to expend $7,000,000 appropriated in this bill.

Mr. DUNBAR. What about the unexpended balance of $12,000,000?

Mr. KENNEDY of Iowa. What does the gentleman mean by the unexpended balance of $12,000,000?

Mr. DUNBAR. I understand there is an unexpended balance of $12,000,000.

Mr. KENNEDY of Iowa. There is an unexpended balance of over $25,000,000.

Mr. DUNBAR. Is he to expend that amount?

Mr. KENNEDY of Iowa. He is already authorized to do that.

Mr. DUNBAR. Can the gentleman give me any information as to the probability of the Secretary of War pushing this work and spending the money for the projects for which the money has been appropriated?

Mr. KENNEDY of Iowa. I think they aim to prosecute the work as rapidly as they can. Take the case of the Ohio River, during the past fiscal year they have been held up on account of high water. They had difficulty down there about securing contractors. The result has been to delay that work a year.

Mr. DUNBAR. In the case of the Ohio River there is a project, and I understand appropriations have been made, to make it a 9-foot stream. Dams have been built down as far as Cincinnati, and beginning at the mouth of the river dams have been built up to Evansville, leaving a stretch of 300 or 400 miles that is now not navigable, due to the fact that appropriations that have been made have not been spent to build dams and to give a 9-foot depth through this stretch of the Ohio River, which renders all the money spent on the two ends of the river practically valueless because the money we spent has not been able to produce navigation.

Now, does the gentleman believe that under the operation of his bill the Secretary of War will push this work so as to build these remaining dams in the Ohio River and make it navigable from Pittsburgh to Cairo?

Mr. KENNEDY of Iowa. It is the intention to complete the Ohio River project as soon as practicable.

When the estimates were made for the dams for the lower reach of the river, away back in 1910, I think it was shown it would cost something like $800,000 to build those dams. It would probably cost $5,000,000 now, and would take three years to complete each of them. I would say, further, to the gentleman in regard to the improvement, that the engineers are completing the dams above Cincinnati so as to give the 9-foot depth from Cincinnati to Pittsburgh. A few years ago they started in on the policy of building alternate dams, so as to get a pool depth of something like 6 feet, and then follow up by building the alternate dams to provide the project depth of 9 feet. The only dams, I think, they have constructed down below Cincinnati have been below the mouths of rivers, figuring that it would afford some navigation a part of the way up the river.

Mr. DUNBAR. Under the provisions of this bill, I am justified in believing that the Secretary of War is authorized and directed to complete the dams in the Ohio River as soon as the work can be done, consistent with economy and conditions.

Mr. KENNEDY of Iowa. And we are giving all the money that they can use for the prosecution of that work.

Mr. DUNBAR. For the next two years.

Mr. KENNEDY of Iowa. Yes.

Mr. FOSTER. Mr. Chairman, if the gentleman will permit, did not Col. Taylor assure us in the committee that this bill carried sufficient money to continue the Ohio project this year, and in answer to questions he said he thought it would take six years to complete the project?

Mr. LONGWORTH. How much is left of the appropriations possible for the Ohio River at the present time?

Mr. KENNEDY of Iowa. The amount they have set aside to do the work by day labor is about $5,000,000. I understand from the report that there is perhaps three or four million dollars of unexpended balance to be applied on construction of dams.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. BLAND of Missouri. The bill provides for an appropriation of $7,000,000 for the improvement work.

Mr. KENNEDY of Iowa. Yes.

Mr. BLAND of Missouri. And $5,000,000 for maintenance. The $7,000,000 will be distributed to all the rivers and harbors of the country, as it may be advisable, by the Board of Engineers under the Secretary of War.

Mr. KENNEDY of Iowa. That is correct.

Mr. BLAND of Missouri. The gentleman is aware, is he not, that for that reach of the river from the mouth of the Ohio at

Cairo to the mouth of the Missouri River above St. Louis, there is now available only $319,891?

Mr. KENNEDY of Iowa. I think that is the amount.

Mr. BLAND of Missouri. So that that is a mere bagatelle. There is available, or was on the 1st of December, 1919, for the Missouri River from the mouth, at Kansas City, $323,029. That is correct as given by the Board of Engineers.

Mr. KENNEDY of Iowa. I take it that that is the correct amount.

Mr. BLAND of Missouri. I would say to the gentleman that Col. Taylor, of the Board of Engineers, gave me those figures. The Mississippi River, from the mouth of the Missouri to St. Paul, has a fund for improvement and maintenance of $498,694. So that those sums for those reaches of the river are mere bagatelles, and unless a very substantial distribution of this fund of $7,000,000 would be made to these particular rivers that improvement work would be halted in its entirety, would it not?

Mr. KENNEDY of Iowa. I would say to the gentleman that they have money enough on hand to maintain the projects to accommodate all of the commerce that is on those streams.

Mr. BLAND of Missouri. It is a fact that where a certain sum of money has been appropriated for a particular project that is a sacred fund and may not be taken for any other project.

Mr. KENNEDY of Iowa. That is true.

Mr. BLAND of Missouri. If these are the only amounts that remain available for the prosecution of the work, how can the committee in its report say that there is a sufficient sum for the prosecution of work and for the protection of the work which has been completed?

Mr. KENNEDY of Iowa. There is no commerce at the present time needing the improved channel on the Missouri River. I think that would be conceded.

Mr. BLAND of Missouri. I differ with the gentleman about that.

Mr. KENNEDY of Iowa. There is no commerce on the upper Mississippi River that will need any additional channel depth. If they maintain the present channel depth, it will adequately accommodate all of the commerce on the Mississippi River.

Mr. BLAND of Missouri. It would be impossible for a man to swim unless he had water, and it is impossible to float boats unless you have the channels. If the work is completed, then you will have these channels, under repeated surveys and resurveys by the Board of Engineers, on which to move the vast commerce from the upper Mississippi, the Missouri, and the lower Mississippi, as well as the Ohio. I will say to the gentleman from Ohio [Mr. LONGWORTH] that $4,170,000 remains available for the improvement of the Ohio, but that the cost of the lower dams to make all of the work on the upper part of the river above Cincinnati of use will run about eight or nine million dollars per dam and that $4,000,000 is a bagatelle.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. SHREVE. I desire to ask the chairman of the committee if the lump sum is considered sufficient to provide for difficulties in cases of emergency that might happen in the future. For instance, take the harbor at Erie. Contracts have already been let for a large sum for the restoration of the peninsula there, but unfortunately the work has not been completed. The situation now confronts us that we are likely to lose another piece of the peninsula before next summer. Will there be sufficient money to provide for that emergency in case it should arise?

Mr. KENNEDY of Iowa. I would say to the gentleman that the engineers have on hand now the sum of about $400,000, which they saved from the 1915 lump-sum bill, which could be applied to such work as the gentleman refers to.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. MILLER. In the appropriations for specific works heretofore made and unused is there any provision in the law for the lapsing of those appropriations?

Mr. KENNEDY of Iowa. There is not.

Mr. MILLER. Then they remain good?

Mr. KENNEDY of Iowa. They remain good until expended, unless by act of Congress they are turned back to the Treasury.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. JOHNSON of Mississippi. Certain estimates have been made by Col. Taylor and the Board of Engineers for certain projects. Will there be sufficient funds with the $7,000,000, together with the $25,000,000 already on hand, to take care of those projects?

Mr. KENNEDY of Iowa. I can answer the gentleman by stating that the amount on hand for the period between November 1, 1919, and March 4, 1921, will be two and a half times as much as the amount spent during the last fiscal year.

Mr. JOHNSON of Mississippi. Now, will the amount to be spent on these projects be based on the estimates to be made by the engineers handling these matters? Col. Taylor's estimate, contained in his report——

Mr. KENNEDY of Iowa. The money already in project funds can be used only for the particular projects for which it was appropriated.

Mr. JOHNSON of Mississippi. I appreciate that.

Mr. KENNEDY of Iowa. And those are the funds to which I refer when I say they amount to over $25,000,000.

Mr. JOHNSON of Mississippi. Now, take, for instance, Gulfport; Col. Taylor's report shows that $130,000 will be needed for that place. Would there be sufficient funds in these estimates to take care of those places?

Mr. KENNEDY of Iowa. Part of that will be taken care of from the maintenance fund.

Mr. JOHNSON of Mississippi. That is what I want to know.

Mr. KENNEDY of Iowa. Oh, yes. The maintenance fund here is supposed to take care of the maintenance work.

Mr. JOHNSON of Mississippi. And there will be sufficient for maintenance work?

Mr. KENNEDY of Iowa. Yes.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield.

Mr. EVANS of Nevada. I would like to know what is the extent of the water traffic. Will it extend the traffic along those rivers, like the Ohio, which are paralleled by the railroads that are hauling all the freight?

Mr. KENNEDY of Iowa. At the present time there has been very little commerce developed on the rivers. We hope when the railroad legislation gets through that this commerce will develop.

Mr. EVANS of Nevada. There have been enormous appropriations for that purpose, and yet there is no traffic on the river.

Mr. DUNBAR. Will the gentleman from Iowa yield to me so that I may answer that question?

Mr. KENNEDY of Iowa. I yield.

Mr. DUNBAR. I will state regarding the transportation of coal on the Ohio River, that I was formerly in the utility business, and by reason of it the purchase of coal was one of the operations of our business which concerned me most. Up until about five years ago we bought all of our coal and transported it by river from Pittsburgh to New Albany, right across the river from Louisville. Up until about that time there was annually conveyed down the Ohio River, passing Louisville, 6,000,000 tons of coal every year. The cost of the river transportation on that coal was about 40 cents per ton. Railroad transportation on the same coal amounted to $1.40 per ton, or a saving of $6,000,000 a year on transportation of coal alone on the Ohio River from Pittsburgh to Louisville. But due to the fact of the uncertainty of the stage of the river, the transportation of coal by that route has gradually been discontinued, until to-day I doubt if there are 50,000 tons of coal that come down the Ohio River. And the reason of that is that there is no certainty of transportation on account of the stage of the river being so low for most of the year; and by reason of the lack of certainty of being able to obtain this coal by river, transportation has diverted the carrying of that coal to the railroads.

Mr. EVANS of Nevada. Just another question. Did not the railroads meet that water rate?

Mr. DUNBAR. There was absolutely no transportation by railroad, and they did not meet that water rate, and the reason they did not meet it, or the reason the river transportation was discontinued, was the fact that there are not over 50 days in the year when the river is navigable for barges so that coal could be transported. Boating became unprofitable and people quit laying up their surplus supplies, and the coal is now being obtained from other parts of the country instead of Pittsburgh.

Mr. EVANS of Nevada. That is a very unique case, but ordinarily they meet the rates, and in that way drive water traffic away. I would like to see water traffic developed, but the railroads make rates that drive it out of the business.

Mr. DUNBAR. Of course, what is necessary is to complete the Ohio River to a 9-foot stage.

Mr. OGDEN. Will the gentleman from Iowa yield?

Mr. KENNEDY of Iowa. I will.

Mr. OGDEN. Do I understand the unexpended balances will be sufficient to carry forward the projects on the Ohio River between Cincinnati and Evansville until March, 1921?

Mr. KENNEDY of Iowa. I think the amount will be sufficient; yes, sir.

Mr. OGDEN. Did the Chief of Engineers express an opinion as to that?

Mr. KENNEDY of Iowa. He asked for $1,000,000 for lock and dam work on the Ohio River. He also made a statement that during the last fiscal year they were not able to carry on the work more than a fourth of the time. And it is my judgment that they will have more money than they will use between now and the 4th of March, 1921.

Mr. OGDEN. For those projects, what is the amount of the unexpended balances?

Mr. KENNEDY of Iowa. It is pretty hard to tell just what the amount is. When they make a contract for a dam, say, for $1,000,000, they set aside $1,000,000, and then that is considered a contract obligation. It is tied up as a contract obligation, but the money has not been expended in a great many cases where that was done, as far back as two or three years.

Mr. OGDEN. But there was no additional appropriation asked for by the Chief of Engineers for any of the projects in the Ohio River between Cincinnati and Evansville, as I understand?

Mr. KENNEDY of Iowa. Well, we have been appropriating for the Ohio River as a whole, and the engineers used the money where they desired to use it, at any place between Cairo and Pittsburgh.

Mr. FOSTER. Three-fourths of last year's appropriation is still available for this year, and this year is an eight-month year.

Mr. GALLAGHER. Will the gentleman from Iowa yield?

Mr. KENNEDY of Iowa. I will.

Mr. GALLAGHER. Does the gentleman think there will be any perceptible difference in the price of coal to the consumers, whether it be carried by railroads or by boats?

Mr. KENNEDY of Iowa. Well, I do not know about that.

Mr. McDUFFIE. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield.

Mr. McDUFFIE. As I understand it, it is not contemplated that any new projects will be undertaken under this bill?

Mr. KENNEDY of Iowa. That is true. There are no new projects authorized in this bill.

Mr. McDUFFIE. I notice from the report of the Chief of Engineers an appropriation of $300,000 was suggested for maintenance for the harbor of Mobile, and I want to know if the chairman of the committee thinks that under this legislation that recommendation can be carried out?

Mr. KENNEDY of Iowa. I would say to the gentleman——

Mr. McDUFFIE. That is, this money is to be expended for the fiscal year ending June 30, 1920. That is, this year?

Mr. KENNEDY of Iowa. The amounts carried in this bill are to take care of the next fiscal year, or part of the next fiscal year, until March 4, 1921, when the next annual bill will have become a law. But I will say to the gentleman that this $5,000,000 lump-sum appropriation is to take care of the maintenance at the various points in the country where maintenance estimates were made to go into this bill.

Mr. McDUFFIE. And the Chief of Engineers advised the committee that that sum would do that?

Mr. KENNEDY of Iowa. Yes; that sum would be sufficient.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes; I will yield to the gentleman from Texas.

Mr. BLANTON. Has it not been the expressed policy of the gentleman's party to oppose these lump-sum appropriations, and to gradually do away with them?

Mr. KENNEDY of Iowa. I think that is true as to general lump-sum appropriations, but the gentleman must remember——

Mr. BLANTON. Then why change the usual mode of framing a river and harbor bill, where the items are specified, to one lump-sum appropriation bill?

Mr. KENNEDY of Iowa. Of course, the gentleman will understand that the objections that are made against the ordinary lump-sum appropriations will not meet this case, because here the money can only be expended for one specific purpose. Take the case of maintenance: Heretofore, when we appropriated separately for maintenance, we did not know exactly how much they needed for that item, and we had to give them just what they asked for, because there was no way of telling just how much they would need.

Mr. BLANTON. As to appropriations for maintenance, in making lump-sum appropriations such as are made in this bill, can it not all be spent for maintenance for one project, as against the rights of all the others?

Mr. KENNEDY of Iowa. It can be spent where the engineers deem it necessary.

Mr. BLANTON. If it is a wise policy to oppose lump-sum appropriations as a policy, why should not the policy be pursued in framing this bill?

Mr. KENNEDY of Iowa. I thought I had explained that to the gentleman a moment ago. The objection to the ordinary lump-sum appropriation does not obtain here.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. RHODES. I observe that the Secretary of War is not authorized and directed to cause any preliminary examination and survey to be made of Mississippi River improvements except at one place, namely, at Fort Madison Harbor. I should like to ask the chairman of the committee why it is that no such request is made of the Secretary of War for preliminary examinations and surveys on the Mississippi River between the mouth of the Missouri and the mouth of the Ohio?

Mr. KENNEDY of Iowa. There have been no requests for any surveys of that portion of the river.

Mr. RHODES. I should like to ask the chairman if he is not aware of the fact that there are three bills at present pending before the committee asking for just that sort of improvements?

Mr. KENNEDY of Iowa. What sort of improvements does the gentleman refer to?

Mr. RHODES. Asking for surveys and preliminary reports by the Board of Engineers looking toward permanent improvements on the Mississippi River at St. Genevieve, Mo., the oldest town in the State; at Herculaneum, Mo.; and at Perryville, Mo.

Mr. KENNEDY of Iowa. What reach of the river is that on? Is it between St. Louis and Cairo?

Mr. RHODES. Yes.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes.

Mr. MICHENER. Is it not true that in those projects they are asking for appropriations and not surveys?

Mr. RHODES. The gentleman has failed to understand my statement. I have just stated that in three certain bills now pending there is a request for these surveys and preliminary reports and estimates, because I happen to be the author of the bills.

Mr. KENNEDY of Iowa. It has been the policy of the committee to order no surveys on a reach of river where the entire reach was being improved for navigation and where the engineers could use the money we appropriated to do the work that is proposed to be done if the survey should be made and the project adopted. It is only in cases where the engineers can not use the money they have on hand to do the work that we order a special survey. We do it in a case of that kind.

Mr. DENISON. Mr. Chairman, will the gentleman yield for a question?

Mr. KENNEDY of Iowa. I yield.

Mr. DENISON. Heretofore the custom has been to make specific appropriations to be expended on certain parts of the Mississippi River, has it not, in this annual appropriation bill?

Mr. KENNEDY of Iowa. The Mississippi River is divided into three sections.

Mr. DENISON. And the Committee on Rivers and Harbors has heretofore made appropriations of certain amounts to be expended on the Mississippi River from the Head of Passes to the mouth of the Ohio, and a certain other amount on the Mississippi River from the mouth of the Missouri to the mouth of the Ohio and from the mouth of the Missouri to St. Paul and Minneapolis, a certain amount on the Ohio, and a certain amount on the Missouri. Has not that been the policy of the committee?

Mr. KENNEDY of Iowa. The committee has not made appropriations for the lower Mississippi from Cairo south. That is in the hands of the Flood Control Committee.

Mr. DENISON. That is true; but on other parts of the river they have made appropriations?

Mr. KENNEDY of Iowa. That is true.

Mr. DENISON. Then, why is there not the same reason this year for doing that that there has always been?

Mr. KENNEDY of Iowa. We figure that they have money enough on hand to accommodate the commerce.

Mr. DENISON. Of course, as to having enough money on hand to accommodate commerce, we can never have any commerce unless we deepen the river and prepare it for commerce. You can not swim unless you have sufficient water to swim in.

Mr. KENNEDY of Iowa. We have had a channel maintained from St. Louis to Cairo at a depth of 8 feet for 10 years.

Mr. DENISON. If the gentleman's theory is correct, we have no need of making many appropriations, because we have very little commerce. I thought the idea was to deepen the channel so as to accommodate commerce in the future.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Iowa. Yes; for a question.

Mr. RHODES. The gentleman has stated that the policy has been to make an 8-foot channel south of St. Louis, between that point and Cairo. I ask the gentleman if he knows whether or not it is a fact that the 8-foot channel, if it does exist, lies so far from the shore that it serves no useful purpose in aiding commerce?

Mr. KENNEDY of Iowa. The report of the engineers for this year shows that they have an 8-foot channel throughout that entire reach, a channel sufficiently wide and deep to accommodate the commerce.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield just for a moment? I do not want to detain the gentleman.

Mr. KENNEDY of Iowa. Yes.

Mr. McDUFFIE. About what is the amount appropriated each year for the maintenance of rivers and harbors?

Mr. KENNEDY of Iowa. The amount expended last year was a little over $7,000,000. That was during the fiscal year. This bill provides for only eight months.

Mr. McDUFFIE. Was or was not the work of maintenance interfered with to some extent by the war activities last year?

Mr. KENNEDY of Iowa. I do not think the maintenance work was interfered with much, because the Government does that with its own plant.

Mr. McDUFFIE. You are carrying $5,000,000 for maintenance. Then, as I understand it, you figure that there are at least $2,000,000 unexpended?

Mr. KENNEDY of Iowa. Yes; to the credit of these projects. There was $12,000,000 the 1st of November to the credit of the various projects.

Mr. McDUFFIE. For maintenance?

Mr. KENNEDY of Iowa. For maintenance.

Mr. LINTHICUM. I want to ask the gentleman whether this $7,000,000 is sufficient to provide the funds as recommended by the department for the prosecution of the work during the next eight months?

Mr. KENNEDY of Iowa. That was not the amount asked for; no.

Mr. LINTHICUM. What was the amount asked for?

Mr. KENNEDY of Iowa. The revised estimate amounted to about $25,000,000, but the gentleman will understand that the engineers base their estimates for appropriations on the ground that when a project is adopted they should recommend such sums from time to time as will complete it economically and without any delay. So their purpose is to complete the project whether it is needed in the interests of commerce or not.

Mr. LINTHICUM. A certain sum was recommended for Baltimore Harbor for the continuation of the work which has been authorized and partly finished. I want to know whether the sum of $7,000,000 will take care of cases of that kind.

Mr. KENNEDY of Iowa. I think it will.

Mr. DENISON. The gentleman from Iowa has just stated the purpose of the Chief of Engineers in making these recommendations to be to complete the projects at the earliest possible time. Does the chairman of the committee approve of that purpose?

Mr. KENNEDY of Iowa. In view of the fact that we are facing a $3,000,000,000 deficit at the end of the next fiscal year, the chairman of the committee feels that we should not appropriate money at this time except where it is absolutely necessary.

Mr. DENISON. As I understand it, this bill is simply the result of an effort on the part of the committee to cut down appropriations without regard to the merits of the various propositions at all?

Mr. KENNEDY of Iowa. Oh, not at all.

Mr. GOODWIN of Arkansas. In the event that the amount now on hand to the credit of any given project which has been in the course of construction for several years should be expended before March 4, 1921, I understand the chairman to say that the engineers will be authorized in that event to appropriate out of the $12,000,000——

Mr. KENNEDY of Iowa. Out of the $7,000,000.

Mr. GOODWIN of Arkansas. For maintenance——

Mr. KENNEDY of Iowa. Yes; $12,000,000 for maintenance and improvement together——

Mr. GOODWIN of Arkansas. Either for maintenance or improvement?

Mr. KENNEDY of Iowa. Yes.

Mr. GOODWIN of Arkansas. Making it $12,000,000 in all?

Mr. KENNEDY of Iowa. Yes.

Mr. GOODWIN of Arkansas. A sufficient sum with which to prosecute the work until the next annual appropriation is made by the Congress?

Mr. KENNEDY of Iowa. The gentleman is correct.

Mr. BRIGGS. Will the gentleman yield?

Mr. KENNEDY of Iowa. I yield to the gentleman from Texas.

Mr. BRIGGS. I understood the gentleman to say that the revised estimates of the Chief of Engineers amounted to about $25,000,000.

Mr. KENNEDY of Iowa. Including $5,000,000 for maintenance.

Mr. BRIGGS. To what extent was that estimate of $25,000,000 reduced by the committee?

Mr. KENNEDY of Iowa. We cut it down to $12,000,000.

Mr. BRIGGS. The original estimate was $42,000,000?

Mr. KENNEDY of Iowa. Between $42,000,000 and $43,000,000.

Mr. BRIGGS. So it is reduced from $42,000,000 down to $12,000,000?

Mr. KENNEDY of Iowa. That is true.

Mr. BRIGGS. Is that intended to be a horizontal reduction? I mean by that is it taken from each project throughout the country in about the same amount, or is it taken off some communities at the expense of other communities? Are the recommendations for some communities carried out to completion and others not? How is that done?

Mr. KENNEDY of Iowa. The bill provides that the money shall be expended where it is most needed in the interest of commerce.

Mr. BRIGGS. Is the amount that is allowed by the committee in this bill such that the Chief of Engineers states that he can carry on all the projects now being conducted by the Government until the next river and harbor bill is passed?

Mr. KENNEDY of Iowa. I do not think he has ever made that statement.

Mr. FOSTER. He did say, did he not, that it was ample to carry on the commerce of the country?

Mr. KENNEDY of Iowa. Oh, yes; he made the statement that with the $5,000,000 for maintenance he could maintain the channels of the harbors of the country so as to accommodate all the commerce.

Mr. BRIGGS. He said it would carry on all the work that is necessary with reference to the channels?

Mr. KENNEDY of Iowa. He said that he could, without any improvement work of any kind for the next fiscal year.

Mr. BRIGGS. Without any improvement work?

Mr. KENNEDY of Iowa. Yes.

Mr. BRIGGS. This $7,000,000 fund is to be applied, however, not to new improvements or new work in connection with established projects?

Mr. KENNEDY of Iowa. That is true. Mr. Chairman, I reserve the remainder of my time. How much time have I used?

The CHAIRMAN. The gentleman has used 55 minutes. The Chair recognizes the gentleman from South Carolina [Mr. SMALL] for two hours.

Mr. SMALL. Will the Chair kindly inform me when I have occupied 40 minutes?

The CHAIRMAN. Yes.

Mr. SMALL. Mr. Chairman, the policy of the Rivers and Harbors Committee and the policy of the House, founded upon a practice of many, many years, is to formulate and report a river and harbor bill in the following manner. They recommend specific appropriations for maintenance of each project and specific appropriations for the further improvement of projects which have theretofore been adopted but not completed.

Then if they deemed it wise to include in the bill new projects they recommended new projects, with an initial appropriation. Each bill carried an additional appropriation to cover the cost of surveys and examinations authorized. In the last river and harbor bill we thought it wise to increase that amount so as to cover, in so far as possible, contingencies or emergencies which could not be foreseen and which might arise through floods or storms or other damage by the elements.

Mr. HOWARD. Will the gentleman yield? I wish to make a point of order.

Mr. SMALL. I will yield to the gentleman.

Mr. HOWARD. Mr. Chairman, I find in this bill a most decided change from former conditions as to the making of these river and harbor appropriations. The gentleman now addressing the House has the experience and knowledge which I believe the membership of the House should have, and I make the point that there is no quorum present, in order that Members may have the information that the gentleman has to give.

The CHAIRMAN. The gentleman from Oklahoma makes the point that no quorum is present. Evidently there is no quorum present, but the Chair will count.

Mr. BLANTON. Mr. Chairman, a point of order. The Chairman having announced that there is no quorum present, I submit that under the rule there is nothing else but to proceed with the calling of the roll.

The CHAIRMAN. The Chair thinks that the gentleman from Texas is not quite correct. If the Chair had definitely announced that a quorum was not present the gentleman might be right, but the Chair stated that evidently a quorum was not present but the Chair would count.

Mr. BLANTON. When the Chair said that evidently a quorum was not present I assumed that that was an announcement that we were without a quorum.

The CHAIRMAN. The Chair thinks that was not a definite determination. The Chair will count. [After counting.] Seventy-five Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Ellsworth	Kreider	Romjue
Almon	Esch	Langley	Rowan
Andrews, Md.	Evans, Nebr.	Larsen	Rucker
Ashbrook	Ferris	Lazaro	Sanders, La.
Aswell	Fields	Lufkin	Sanders, N. Y.
Bankhead	Fuller, Mass.	McArthur	Sanford
Begg	Gallivan	McCulloch	Saunders, Va.
Bell	Gandy	McGlennon	Scott
Benson	Ganly	McKenzie	Scully
Bland, Ind.	Gard	McKeown	Sims
Booher	Garland	McKinley	Slemp
Britten	Garrett	McLane	Smith, Idaho
Brooks, Pa.	Goodall	McLaughlin, Nebr.	Smith, N. Y.
Burke	Gould	McPherson	Snell
Butler	Graham, Ill.	Maher	Snyder
Caraway	Graham, Pa.	Martin	Stevenson
Carew	Hamill	Mason	Stiness
Carter	Hamilton	Minahan, N. J.	Sullivan
Casey	Harrison	Montague	Summers, Wash.
Clark, Fla.	Hill	Moon	Taylor, Colo.
Crago	Hudspeth	Moores, Ind.	Thompson
Davis, Minn.	Humphreys	Morin	Upshaw
Davis, Tenn.	Hutchinson	Mudd	Vare
Dent	Jacoway	Nicholls, S. C.	Venable
Dickinson, Mo.	Jefferis	O'Connell	Vestal
Dominick	Johnson, Ky.	O'Connor	Ward
Dooling	Johnson, Wash.	Pell	Watkins
Dunn	Johnston, N. Y.	Peters	Webster
Dupré	Jones, Pa.	Purnell	Wilson, La.
Eagan	Kelley, Mich.	Randall, Calif.	Wilson, Pa.
Eagle	Kennedy, Iowa	Reber	Winslow
Echols	Kennedy, R. I.	Reed, N. Y.	Woods, Va.
Edmonds	Kettner	Riordan	Woodyard
Elliott	Kraus	Rodenberg	

The committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 11892, the river and harbor appropriation bill, finding itself without a quorum, he had caused the roll to be called, whereupon 293 Members answered to their names, and he presented a list of the absentees.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House of Representatives was requested:

S. 866. An act providing for the issuance to Herman L. Karpeles of a duplicate of an original medal of honor awarded to his father, Leopold Karpeles, was considered as in Committee of the Whole. It authorizes and directs the Secretary of War to issue to Herman L. Karpeles a duplicate of the original medal of honor awarded to his father, Leopold Karpeles, late sergeant, Company E, Fifty-seventh Regiment Massachusetts Volunteer Infantry, for gallantry at the Wilderness, Va., on May 6, 1864, the original medal having been destroyed by fire on March 10, 1913, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated;

S. 849. An act to reimburse S. S. Buzzerd, postmaster at Berkeley Springs, W. Va.;

S. 3245. An act to regulate the marriage of persons in the military and naval forces of the United States in foreign countries and for other purposes;

S. 1454. An act for the relief of John F. Kelly;

S. 2782. An act for the purchase of the embassy building and grounds of the United States, at Santiago, Chile; and

S. 3176. An act to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 30, 1908, and for other purposes.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9112. An act authorizing the Secretary of War to loan Army rifles to posts of the American Legion.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States; and

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. SMALL. Mr. Chairman, I have just stated that it had been the uniform policy of the Committee on Rivers and Harbors of the House to report and the House pass a river and harbor bill formulated substantially as follows: Appropriating an amount for maintenance of specific improvements; appropriations made for further improvement of projects already adopted but not completed. If the committee thought wise, it reported in addition new projects for adoption and made initial appropriations on account of those projects. Also a lump-sum appropriation was made to cover the cost of surveys and to meet contingencies, and in the last river and harbor bill, and perhaps in others, that appropriation had been increased to cover emergencies caused by flood and storms which could not be anticipated.

I do not recall that there has been a single exception to a bill of that character reported by the Committee on Rivers and Harbors or passed by this House. There have been two bills which became laws carrying lump-sum appropriations. Those bills in such form were passed by the Senate and were only agreed to by your conferees on the part of the House when they were told that they must accept a bill in that form or no bill. Lump-sum appropriations for river and harbor bills have heretofore been prepared and advocated by the enemies of water-borne commerce and of river and harbor appropriations and not by friends.

This bill carries an appropriation of $12,000,000—$5,000,000 for maintenance and $7,000,000 for improvements. The bill is not only a departure from the past policy of your committee and the House, but I believe it is vicious, and whatever may have been the intent of those who propose it or those who advocate it, in effect and results it will be unfriendly to river and harbor appropriations and to the maintenance of the rivers and harbors of the country.

I shall endeavor to give as succinctly as I can some reasons for that statement and for the faith that is in me, but before doing so I beg the indulgence of the committee to say something about the general subject of transportation, which river and harbor bills are intended to promote. We have for several years passed through an acute stage in transportation and in the distribution of the products of the country. We have not enough facilities for distribution. Admittedly the facilities offered by the railroads are insufficient. Where shall we turn? There are only two other instrumentalities, the waterways and the highways.

Fortunately there is a strong public sentiment existing in almost every State for the improvement of our highways. That wise piece of legislation, the Federal road act, providing for cooperation with the States through their State highway commissions, has worked well. The chief benefit has been in arousing public sentiment in favor of a wise construction of highways, and I think we may well look forward to the time when upon these hard-surfaced roads, trucks of large capacity will carry an aggregate in tonnage of the commerce of the country, which will tend to relieve the present strain upon the existing facilities of distribution. The only other instrumentality to which we can turn is the waterways. Are there those who would say that waterways are not useful, are not capable of being utilized in the carriage of our commerce? If so, let them speak. I think it is a fair statement that the whole world, that every intelligent man, realizes that these waterways can be and ought to be utilized for the purposes of the distribution of our commerce.

There has never been a time in all our history since we entered upon the era of railroad building, about 1837, when the country needed the utilization of its waterways for commerce more than it does to-day. There have been those who said that the railroads have been sufficient for the needs of our commerce, and there may be some to-day, but let me remind them that wherever there is a navigable waterway, potential or used, the railroads

immediately become frightened of it and seek to reduce their rates or to indulge in other ruinous methods of competition in order to destroy the waterway. We had barely completed the great Isthmian Canal and ships had begun to ply through it, carrying commerce between the Atlantic and the Pacific coasts, before the transcontinental railroads applied to the Interstate Commerce Commission for a reduction in transcontinental rates to meet the competition of the canal.

With respect to the Mississippi River and the Ohio River, and every other navigable waterway in the United States, used or unused, the railroads are afraid of them, and that fact which is known of all men gives contradiction to the suggestion that the railroads are sufficient for the transportation needs of the country.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. SMALL. I yield.

Mr. KINKAID. Is it not a fact that wherever waterways have been provided, to afford competition with railway transportation, the rates upon the railroads have been so arranged as to permit the railways to successfully compete with the waterway transportation, thus rendering the waterway transportation of no use whatever?

Mr. SMALL. Yes; the general proposition that the gentleman states is correct.

Mr. KINKAID. How is that to be remedied?

Mr. SMALL. I will come to that in a moment. I would remind the gentleman that wherever rail rates competitive with water rates are reduced, other rail rates into the interior either remain stationary or are increased in order to compensate for the loss in the lowered rates competitive with water rates. The gentleman asks, and I am going to enlarge his question, Why have we not used our waterways more? Why have they been neglected in some sections of the country? They have been neglected to some extent through the indifference of the people of the country, who have permitted themselves to entertain the statement that the waterways were unnecessary in the distribution of our commerce.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In a moment. In other respects the waterways have been impaired, water transportation lines have been throttled in the past, and have been withdrawn because of unfair and destructive methods on the part of the railroads with which they competed. I yield.

Mr. DUNBAR. Does not the gentleman believe that the reason that waterway transportation has become obsolete to a great extent has been the fact that there has been no dependable stage of water in the inland rivers which would permit them to be navigated throughout the year?

Mr. SMALL. Of course, that is true to a large extent, and there is no better illustration of it than the Ohio River.

Mr. DUNBAR. Will the gentleman permit me to state the conditions on the Ohio River?

Mr. SMALL. If the gentleman will be brief.

Mr. DUNBAR. For 310 days in the year, from Pittsburgh to Cairo, we do not have a navigable stream which will permit the transportation of coal in barges.

Mr. SMALL. I wish now to claim the attention of the House for a brief statement as to some of these artificial and arbitrary reasons which have militated against the development of water transportation. One is this unfair system of competition by the railroads, and I submit this proposition: That no railroad should have the right to reduce its rates competitive with a waterway unless it reduces its rates over its entire lines in the interior as well. [Applause.] I believe that proposition is not only just, but that no man can defend the practices which have existed with regard to this competition between the waterways and the railroads.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes; for a question.

Mr. KINCHELOE. Take the converse of that proposition. I have a river that runs through my district which is navigable the year round. A subsidiary corporation of the Louisville & Nashville Railroad owns the packet lines there, and if anyone else undertakes to enter into competition with them they adopt the policy of lowering their rates, and I have seen those boats run and carry the freight absolutely for nothing. What is the gentleman's remedy for that?

Mr. SMALL. The boat line owned by the railroad?

Mr. KINCHELOE. A subsidiary corporation; yes. The Louisville & Nashville Railroad really owns it under another corporation.

Mr. SMALL. Well, I can not go into the remedy for that——

Mr. KINCHELOE. It is information I wanted.

Mr. SMALL (continuing). Because at this time there is no agency of the Federal Government which has the power to fix and regulate the rates upon water lines proper—that is to say, where they do not exchange traffic with the railroads. But those States have the absolute power in intrastate commerce to control that matter.

I believe that the time has come to compel by legislation a readjustment of all these rail rates competitive with waterways, so that there shall be a substantial parity of rates upon the railroads which parallel waterways and railroads which extend into the interior. The improvement of waterways, the expenditure of Federal money upon their improvement, can only be predicated upon the use of those waterways. There ought not to exist any such factor in traffic rates as potential water competition. If any section contiguous to a navigable waterway wishes to get the benefit of the waterway, they are not in right and justice entitled to get that benefit through a reduction of rail rates competitive with that waterway, but their only privilege and benefit is through the use of that waterway and thereby cheapening rates by water. I do not believe this proposition can be too completely and continuously emphasized, because in it lies the kernel of a readjustment, of a return to justice, of rates by water and by rail, and a removal of a flagrant injustice toward some of the interior sections of the country. [Applause.]

Tell me, if you please, what justice there can be in this? As I said, transcontinental rates were reduced on account of the Isthmian Canal. Who got the benefit of it? Points on the Pacific and Atlantic coasts. Take the intermountain section, the Rocky Mountain States, and are they deriving any benefit from those reduced rates? On the contrary, they are paying the old rates, and, in some instances, even higher rates. It costs them more to-day in many instances to have freight sent, say, from Baltimore or Philadelphia or New York or Boston, to Seattle or San Francisco or Los Angeles, and have it carried that short distance into points in those intermountain States, than it did previously by the transcontinental rail lines at the old prevailing rates. They are penalized because of the existence of the Isthmian Canal, and points along the two oceans—the Atlantic and Pacific—are benefited. It is an unfair and unjust discrimination, and it ought to cease in the interest of a cessation of discrimination against any section of the country. Waterways are to be used, and they are to be improved at Federal expense only if they are used.

Mr. WELTY. Will the gentleman yield right there?

Mr. SMALL. Just for a question.

Mr. WELTY. How much were those rates reduced between the Atlantic and Pacific after the opening up of the Panama Canal?

Mr. SMALL. I am sorry I can not give those details from memory. They are in my office, but I would not undertake to repeat them.

There are some other essentials to water transportation, and among them is the interchange of traffic. What has been the chief factor in building up our rail transportation system, the greatest in the world? It has been the standardizing of tracks and equipment, and the interchange of traffic between the different lines of railroads. You can go to the agent of a railroad in the most remote and provincial section of the United States and give the agent time to telegraph, and he will give you a through rate and a through bill of lading to the most remote section in any other part of the United States, and the freight may go over 15 or 20 or 25 different railroad lines. There ought to be the same interchange of traffic between established water lines and rail lines to-day as exists between the different rail lines. We passed a law in the Panama Canal act in 1912 which we thought would remedy this deficiency by empowering the Interstate Commerce Commission, under proper conditions, to establish such interchange of traffic between water and rail. Although many applications have been made, few orders have followed establishing such interchange of traffic. And until we shall provide for just, free, and flexible arrangements for interchange of traffic between established water lines and rail lines the water lines will not have come into their own or have received that degree of traffic which they deserve and ought to enjoy in the interest of the public.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MADDEN. Are they not making some such provision as the gentleman advocates in the railroad bill that is now in conference?

Mr. SMALL. Yes. In fact, the House passed an amendment making it compulsory on the Interstate Commerce Commission to compel them to do so, and I hope some such provision will remain in the bill.

Another factor which has prevented waterways from carrying the volume of traffic which they ought to have done has been the lack of terminal facilities—terminal facilities located

upon the water front, with capacious warehouses, with tracks connecting the terminal with the railroads serving the community, with modern methods of transfer of freight between the boat and the warehouse or the rail car, respectively, in the cheapest and most expeditious way. Without such a terminal local traffic can only be carried at much expense, particularly upon our interior rivers in the Mississippi Valley. By local traffic, I mean traffic which originates and ends upon a water line. But it is impossible to have interchange of traffic with the railroads without the existence of such adequate water terminals. And I think one of the constructive pieces of work which your Committee on Rivers and Harbors has accomplished during the past two years, upon which there has been unanimity among all the members of the committee, has been their intention and purpose to gradually make appropriations for the improvement of rivers and harbors dependent upon local cooperation to the extent of providing such adequate terminals as shall meet with the approval of the engineers.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MADDEN. Will the gentleman be kind enough to tell the House to what extent the committee has succeeded in getting the cooperation of the local communities?

Mr. SMALL. In the last river and harbor act that policy of the committee was crystallized in a paragraph of law to the effect that it was the declared policy of Congress to require communities to provide such terminals, and clothing the War Department with the discretion to withhold the expenditure of appropriations for their improvement until satisfactory assurances were given that terminals would be provided.

Mr. MADDEN. Now, then, another question, if I may, as to what extent has the War Department cooperated with the Congress in the execution of the legislation enacted?

Mr. SMALL. I am glad to respond that the War Department, through the Chief and Corps of Engineers, have recently become active in their efforts to induce cities and towns to construct water terminals. Every district engineer throughout the country is endeavoring to administer this policy of Congress so as to provide for water terminals. And I believe in a few years there will not be a city upon any navigable waterway which will not have a terminal which answers the needs of water transportation and interchange of traffic with the railroads.

There comes into my mind at the moment—and it is one of many—the city of Memphis, upon the Mississippi River. That city has not heretofore provided a modern water terminal, but antiquated methods have been used ever since Memphis and the Mississippi River have been situated side by side. It is believed that Memphis will soon take steps to construct such a terminal.

Unless a change has been recently made, the barge line which is carrying commerce between St. Louis and New Orleans has been unable to touch at Memphis because of a lack of water terminals there. I do not wish to put Memphis in the limelight unfavorably, yet that city just came into my mind. There are other cities just like Memphis. It is a wise policy on the part of the committee and on the part of the Congress to make that declaration.

Mr. TILSON. Mr. Chairman, will the gentleman yield at that point regarding cooperation?

Mr. SMALL. Yes.

Mr. TILSON. Is there any policy on the part of the committee to ask further cooperation than simply as to terminals? That is, as to a division of the actual expense of the local improvements?

Mr. SMALL. The committee has considered that problem very carefully and the members have discussed it with the officials of the War Department, and it is apparently impossible to establish any arbitrary and inflexible rule on the subject.

Mr. TILSON. In the case of the public roads, as the gentleman knows, one of the saving features of that law is that it is required that the States and counties shall contribute, and therefore they become immensely interested in the question as to whether the money expended shall be carefully expended, and that is one of the safeguards of an appropriation. Now, why should it not be the same way, as far as it can be worked, in regard to water transportation?

Mr. SMALL. The more the gentleman studies the question the more difficult he will find it. The conclusion that we have reached up to this time is that in every case of local cooperation and expenditure of money for improvements we must depend upon the particular factors of the case. I want to say this, though—and it is a great pleasure to say it—that the finest civic spirit of enterprise and disposition for self-help in all the United States exists along the Pacific coast. There is no other section of the country that is a near rival to the spirit that exists there in the way of voluntary cooperation with the Government.

There is another necessity for the development of water transportation. There is at present no agency of the Federal Government clothed with authority, as the next friend, if you please, of water lines, for the development of water transportation; and it has been apparent to many for some time that there should be some Federal agency authorized to collect data regarding water transportation, to advise cities and communities as to the best type of terminals, to make plans and estimates of the costs, and the location of such terminals, to give advice as to the best type of boats, and to represent them, in so far as might be necessary, in applications to the Interstate Commerce Commission to obtain an order for the establishment of interchange of traffic, and in every way to aid these segregated lines of water transportation throughout the country in applying to their activities the essential things necessary for the success of that particular line of transportation.

Some of these features, let us hope, will be covered in the pending railroad bill. Some of them were covered by amendments adopted by the House. This provision for a Federal agency was passed by the House and included in the House bill, authorizing the Secretary of War, under the Chief of Engineers, to take that responsibility. I thought, by the way, that a mistake was made in designating the agency. I thought that it ought to have been lodged with the Department of Commerce rather than with the War Department. We hope that there will be in this bill, as finally passed, some mandatory provision requiring an interchange of traffic between water lines and the rail lines. We hope that by this declared policy of Congress, in a few years, more and more water terminals will be provided of an adequate type. The outlook for the immediate future under this enlarged intelligence as to the necessity of additional instrumentalities of transportation by water is improved by these proposed laws which will unshackle water transportation to some extent. I believe the immediate outlook for water transportation to-day is brighter than it has been for 50 years past.

Mr. HULINGS. Mr. Chairman, will the gentleman yield right there for a question?

Mr. SMALL. Certainly.

Mr. HULINGS. Does the gentleman think that the transcontinental railroad lines had anything to do with the repeal of the act allowing our coastwise traffic to go through the Panama Canal free of tolls?

Mr. SMALL. I am sure I do not know as to that. [Laughter.]

Mr. HULINGS. Does the gentleman think it was a good plan to build the canal and then to impose tolls on our own traffic going through that canal at the instance of the Canadian and transcontinental railroads?

Mr. SMALL. The gentleman has introduced a big question, which we thrashed out here a year or two ago, and I am sure I do not know to what extent the railroads interfered in that controversy.

It may be interesting to members of the committee to get a bit of information regarding navigable waterways in the United States. In that very interesting publication, I think in three or four volumes, entitled "Water Transportation," prepared under the supervision of Herbert Knox Smith, former Commissioner of Corporations, there is a mine of information regarding water transportation in all its phases. In the first volume of that publication he gives some information about the length of navigable rivers in the United States. He states there are about 295 navigable rivers, with an approximate navigable mileage of 26,400 miles. He divides them as follows: Rivers tributary to the Atlantic, 148, with a navigable length of 5,365 miles; tributary to the Gulf, exclusive of the Mississippi, 53 rivers, with a navigable length of 5,212 miles; the Mississippi and its tributaries, 54 rivers, with a total navigable length of 13,912 miles—half of the aggregate length of the navigable rivers of the entire country—rivers tributary to the Pacific, 38, with a navigable length of 1,006 miles; rivers flowing into Canada, 2, with a navigable length of 315 miles.

Some gentlemen, without taking the trouble to examine it, have been inclined to minimize the volume of traffic carried by water in the United States.

It is very difficult to obtain correct data upon this subject, because there is no authority in law for this compilation. We can get accurate figures on our imports and our exports, but it is difficult to obtain such accuracy as to our domestic water-borne commerce. But from the best information I can obtain for the year 1916 there was carried in the United States domestic freight by water 258,083,000 tons. The gross income from the carrying of such freight was $422,773,000.

Mr. HARDY of Texas. Does that include the Lakes?

Mr. SMALL. It does. The gross tonnage of the vessels in domestic water transportation was 12,250,000 tons. I could not obtain any estimate as to the value of this domestic commerce. But suppose you place its average value at $30 per ton, which I think is a minimum, as much of it is of greater value, and on that average the freight so carried had a gross value of $7,742,490,000.

But even if you place it at $10 a ton, it has a valuation of $2,580,000,000. These figures are sufficient at least to impress one with the amount of the water-borne commerce carried in the United States. I have just been shown a letter received from Capt. F. T. Chambers, United States Navy, assigned to the Board of Engineers for Rivers and Harbors, which furnishes interesting information regarding the domestic water commerce of the United States. I append this letter as Exhibit A.

The CHAIRMAN. The gentleman has occupied 40 minutes.

Mr. SMALL. Thank you for the information. If you should take that commerce from our rivers and attempt to add it to the railroad tonnage of the country, what would be the result? The question carries its own answer. If we can add to that tonnage carried by water 40 per cent or 50 per cent or 100 per cent, which it is entirely practicable to do, who will gainsay the proposition that the industrial and commercial interests of the country will be greatly benefited?

Mr. Chairman, I beg to detain the House to make some comments regarding the suggestion which I made, and made reluctantly, that this bill, no matter what its intent may have been, will result unfavorably to river and harbor bills, and therefore unfriendly to their improvement, and therefore unfriendly to the increased use of our waterways. What are some of the objections to this bill? In the first place, it is an abject surrender by Congress to one administrator in this Government. Does the gentleman from Maryland [Mr. LINTHICUM] know how much money will be expended next year for the great harbor of Baltimore? Does the gentleman from New York [Mr. DEMPSEY], a member of the committee, and do the other gentlemen from New York know how much will be expended for the improvement of that great project in the East River, or how much will be expended at Tonawanda or Buffalo? Does the gentleman from Philadelphia [Mr. COSTELLO], a member of the committee, have any conception or forecast of how much will be expended for the continued improvement of the Delaware River, the greatest and busiest waterway in the United States? No; and he will not know until he goes down and asks the Chief of Engineers how much he is going to allot; and if he does not allot an amount that the gentleman thinks is sufficient he will proceed to persuade the Chief of Engineers to allot more. [Applause.] Congress is putting into the hands of one man the functions which of right Congress ought to exercise. Now, I am not in the slightest degree disparaging any past Chief of Engineers or the able engineer who has just been nominated and perhaps confirmed to succeed Gen. Black. He may be the ablest and justest man in the United States, but he is not any more infallible than an honest Representative in Congress representing an honorable constituency of American citizens.

Mr. TILSON. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Connecticut.

Mr. TILSON. Does not the committee, as a rule, follow the recommendations of the engineers? And would a Member of Congress have much chance of getting an appropriation for a certain project unless he had back of him the recommendation of the engineers?

Mr. SMALL. Neither the committee nor the House invariably follows the recommendations of the engineers, although when it comes to an engineering question, as to how much can be profitably and wisely expended upon a certain improvement during the next fiscal year, we abide by the judgment of the engineer, because that is very largely a technical question.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SMALL. Just for a question.

Mr. LINTHICUM. It seems to me the question how much will be expended in any particular place will depend largely on how much you cut down the engineer's figures for those various places and whether $7,000,000 will cover what he asks for, or, if not, what proportion of it it will cover. I should like to know about that.

Mr. SMALL. I am coming to that. Why $12,000,000, if you please? Who is the autocrat who said $12,000,000? I should like to have him stand up and say why he issued that decree for $12,000,000. Nobody will arise, because he can not do it.

And let me show you why. In the original estimate contained in this very voluminous report of the Chief of Engineers there was estimated for maintenance and for further improvement the sum of $42,841,565. Of that, $9,060,350 was estimated as necessary for maintenance and $3,452,000 for works of improvement and maintenance where they could not be segregated; for improvement, $30,029,215; for examination, surveys, and contingencies, $300,000; over $42,000,000 for improvement, maintenance, examinations, and surveys.

When your committee undertook the consideration of this bill the suggestion was made that we must curtail and reduce it because of the necessity of exercising economy; and without a single dissenting voice on the committee it was agreed that we would economize and reduce the bill to the limit. The able chairman of the committee, Mr. KENNEDY of Iowa, so directed the representative of the Chief of Engineers, who was present advising us along this line. Then we took up the bill for hearing, having this engineer officer present with us. First, when we came to the matter of appropriations for maintenance, the engineer officer suggested that money could be saved if we would make a lump-sum appropriation for maintenance, and he thought that with a lump-sum appropriation of $5,000,000 he could get along; and the committee, not unanimously but by a majority, in the exercise of their wisdom decided that for maintenance a lump-sum appropriation of $5,000,000 was to be included in the bill. I can say frankly that I opposed that, because I thought it was an unwise and improper method of appropriating, but that was the conclusion of the committee. Then we considered every item for further improvement in the United States where an appropriation was recommended, and we got the final reduced estimate of the engineer officer, a reduction which he said was cutting to the bone.

What did that amount to in the aggregate? The recommendations resulting in reducing the estimates to between nineteen and twenty million dollars; add the $5,000,000 for maintenance and you have an aggregate of between twenty-four and twenty-five million dollars. It was my thought and hope until yesterday morning, when I was informed to the contrary, that the committee would bring in a bill of between twenty-four and twenty-five million dollars, in which every improvement in the United States requiring an appropriation would have had its appropriation for further improvement, based upon the skill and the learning of the Engineer Department and based upon the wisdom and judgment of the members of the committee.

But we were told that we should bring in a lump-sum appropriation of $7,000,000 for the further improvement, instead of between nineteen and twenty million dollars, and I hope the gentleman will tell us why he selected the arbitrary sum of $12,000,000.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. I will yield.

Mr. MADDEN. Is the gentleman prepared to say, in face of the fact that there is a large amount of unexpended balance in the Treasury heretofore authorized and appropriated, that $12,000,000 will not be ample to meet the needs of the coming year?

Mr. SMALL. I am prepared, and I will discuss it shortly.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. LONGWORTH. Do I understand that if the gentleman had been chairman of the committee and could control the amount to be appropriated he would have appropriated not less than $25,000,000?

Mr. SMALL. Between twenty-four and twenty-five million dollars, every dollar of which would have been in the public interest and necessary, and with a due regard to economy.

Mr. LAYTON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. LAYTON. Is it not true that in response to a direct inquiry made Col. Taylor said that $12,000,000, together with the millions already appropriated and which have been contracted for, together with the millions that have already been appropriated and not contracted for, would be sufficient for maintenance until 1921 on all of the present project debts of the Government?

Mr. SMALL. The gentleman's question is rather involved; but, if I understand him, I did not hear Col. Taylor make any such statement. If the gentleman did hear him, I accept it.

Mr. LAYTON. He made that statement and I heard him make it.

Mr. SMALL. Not in my presence, and I endeavored to be present whenever the committee was in session. Now, coming back, why select $7,000,000 for improvements? Where do you get it? If you want to economize, why did not you make it $4,000,000? If you wanted to economize some more, why did not you make it $1,000,000? If you wanted to cut out all improvements, why not make it $5,000,000 for maintenance alone? Or, if you wanted to be reckless, in a spasm of economy, regardless of the interest of the country, why did not you issue the edict that there should be no river and harbor bill, and rely upon fooling

the country by saying you had cut out the pork-barrel appropriation? [Laughter.] Demagogues do that. Of course, none of my friends on that side come under that characterization. [Laughter.]

Mr. DEWALT. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. DEWALT. Will the gentleman state what the unexpended balances of these appropriations is?

Mr. SMALL. I am coming to that now. Why not make it $15,000,000?

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. SAUNDERS of Virginia. I have just come in, and this question may have been answered. I understand the bill covers lump-sum appropriations. Is that lump sum in the discretion of the engineers to be spread over all existing improvements or limited to any particular improvements?

Mr. SMALL. To be expended in their discretion for the prosecution of such projects heretofore authorized as may be most deserved in the interest of commerce and navigation. Quite a discretion to vest in an administrative officer.

Mr. SAUNDERS of Virginia. Yes; and conceivably it might include practically all existing projects, or it might include, in the discretion of some officer, only one or two.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. LONGWORTH. Would not the Chief of Engineers have the same discretion in regard to the expenditure of money already available on these projects?

Mr. SMALL. Those appropriations are for specific improvements.

Mr. LONGWORTH. But he would have discretion as to how much he would expend, or whether any amount or all should be expended.

Mr. SMALL. Yes; you must vest discretion somewhere in the matter of expenditure, but under the law he is authorized to expend the money appropriated for each specific project as soon as it can be done profitably and economically.

Mr. LONGWORTH. The gentleman said in answer to some gentleman that under this bill a Member of Congress would have to go abjectly and humbly and ask the engineer if he would spend so much on the project.

Mr. SMALL. Yes.

Mr. LONGWORTH. Is not that true under the sums already appropriated?

Mr. SMALL. No; Congress has heretofore made specific appropriations for specific improvements, and the money must be expended for that specific project and for no other. Of course, as to how much he shall expend and when, and whether he shall award a contract for a certain amount or decline to award a contract—those are usually administrative functions which must be left to the wise judgment of the engineers.

Mr. LONGWORTH. The gentleman made this illustration: Turning to the gentleman from Maryland he said, "How can you tell how much of the $7,000,000 will be expended for Baltimore? You will have to go abjectly and humbly to see how much he will expend." Is not that true as to the sums already appropriated and available for Baltimore?

Mr. SMALL. No; under the policy of the Rivers and Harbors Committtee heretofore adopted, the money is available for each project, and it is a question as to when the Chief of Engineers will expend it. Under this policy the Chief of Engineers has the right to decline to spend 1 cent on the project.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MADDEN. I understood the gentleman to say that heretofore Congress had made appropriations for specific projects. That has not been true always. We have made appropriations of lump sums to be expended in the discretion of the Engineer officers.

Will the gentleman, if he can, say whether, under such circumstances, the Engineer officers practiced any system of discrimination against any project where they have had to make these allotments?

Mr. SMALL. In the 1914 and 1915 river and harbor bills, as I said a while ago, the Senate converted the House bills into lump-sum appropriations, and we were told that we had to pass those bills or none at all. I would prefer that the gentleman did not press me to answer the question as to whether there had been any discrimination by administrative officers in the allotment of those funds.

Mr. MADDEN. Of course, I would not wish to embarrass the gentleman; and if it does embarrass him, I will not ask him to do so.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BLAND of Missouri. I would suggest to the gentleman, in reply to the gentleman from Ohio [Mr. LONGWORTH], that where a specific sum is appropriated by a river and harbor bill the obligation rests upon the Chief of Engineers to expend that with all reasonable dispatch. That is a power that must be reposed, because we could not place a time limit upon it; but they would be guilty of failure to discharge an obligation direct on the part of the Government unless they did expend it in a businesslike way and with reasonable dispatch.

Mr. LONGWORTH. In what conceivable way would they be liable?

Mr. BLAND of Missouri. They would not be liable, but they would be guilty of negligence.

Mr. LONGWORTH. Suppose $1,000,000 were appropriated and now in a fund for Baltimore Harbor, is there any obligation that rests on the Chief of Engineers to expend all of that million dollars? Has he not complete discretion as to how much to spend this year or next year?

Mr. BLAND of Missouri. The gentleman will agree with me that where a specific sum is appropriated for a particular purpose, it is an expression of the intention of Congress that that work will be done within a reasonable time, and that that distinct sum must be expended for that purpose.

Mr. LONGWORTH. But who is to judge as to what is a reasonable time except the Chief of Engineers?

Mr. LINTHICUM. Mr. Chairman, if the gentleman will permit, Baltimore would have this situation under the old method—it would know if that specific sum was not expended in the Baltimore Harbor it would not be expended elsewhere, whereas under the proposed arrangement, Baltimore is not sure of getting anything, and the money may be expended just where the engineer pleases, and at any time—the whole sum or a part of it.

Mr. LONGWORTH. Has not Baltimore enough to go along on now?

Mr. LINTHICUM. Oh, Baltimore can go along for a few months.

Mr. LONGWORTH. And a few years.

Mr. LINTHICUM. It would not have under this bill enough to maintain the channel, much less to construct more.

Mr. SMALL. I will ask gentlemen to confine themselves to questions.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield to me?

Mr. SMALL. Yes.

Mr. GREEN of Iowa. The gentlemen are apparently not counting these large sums which are already laid aside, like the gentleman from Maryland [Mr. LINTHICUM]. There is over $400,000 to be used on Baltimore Harbor, more than they can expend in the next year.

Mr. LINTHICUM. I want to say in reply to that, that there is probably $250,000, but estimates are already made for that, and there is a contract out which the gentleman does not figure.

Mr. GREEN of Iowa. The work has not been done, and the contract has to be performed. In the same way there is something like $10,000,000 which can be used on the Ohio River, and some gentleman a short time ago said that there would not be money enough to carry on the Ohio River projects.

Mr. SMALL. The gentleman will have to divide his figures by two in order to approximate the correct amount now available for the Ohio.

Mr. EVANS of Nevada. Is there a case on record where the money was not expended, where it was appropriated?

Mr. SMALL. I would not say definitely that there has never been any such case, because in a few cases projects were subsequently abandoned and the money was turned back into the Treasury. But I would like to say this to the gentleman from Ohio [Mr. LONGWORTH]: I take it to be a fair inference from his questions and his statements that he is in favor of lump-sum appropriations not only in this but in subsequent river and harbor appropriation bills.

Mr. LONGWORTH. Oh, no; the gentleman can draw no such conclusion from what I said.

Mr. SMALL. Then, the gentleman would not be in favor hereafter of making lump-sum appropriations and letting the Ohio River take its chance?

Mr. LONGWORTH. Not necessarily. I am appreciating the condition of the Treasury of the United States, for which the gentleman and I are responsible, and I am considering the emergency which we must take into account in respect to the river and harbor appropriation bill.

Mr. SMALL. On the score of economy?

Mr. LONGWORTH. On the score of economy.

Mr. SMALL. I beg a word on that matter of economy before I conclude. We have heard something here about available appropriations. It is said there is $25,000,000 available, which, added to the $12,000,000 appropriated in this bill, makes $37,000,000. Then it is said the average of expenditures has been only so much—less than in any year; and we are informed, with that generous spirit so characteristic of opponents of river and harbor bills, that we will have more than we will really need and can expend. Gentlemen, that is an illusion. That is founded upon no substantial basis. I have not had the opportunity nor the time to add up all of the appropriations which were not expended on November, 1919, but I shall assume that the chairman of the committee or the clerk of the committee was correct and that it is $25,000,000. Where is the $25,000,000? It is the aggregate of specific appropriations which have been made heretofore for specific projects not yet expended. Not one dollar of that can be expended hereafter except upon those projects. Why has it not been expended and why is it available? For various reasons.

Some of it has not been expended because we put a limitation in the last river and harbor act that if the cost of a new project was in excess of 40 per cent above the original estimate the money should not be expended. We have a limitation in past river and harbor acts that if the cost of doing a job by private contract is in excess of 25 per cent more than it would cost by a Government plant it shall not be done. In some instances it has not been expended because during this stress of war we have not been constructing Government dredges and private dredges have been engaged in war work of various kinds. Some of it has not been expended because when proposals were advertised the bids, in the opinion of the engineers, were excessively high, and for various and legitimate reasons in almost every instance there are available balances on hand for various improvements throughout the country which had not been expended on November 1, 1919.

Mr. DEWALT. Will the gentleman permit a question?

Mr. SMALL. Certainly.

Mr. DEWALT. To be entirely fair in your argument, does not this bill, however, on page 8, propose to repeal the section of the former river and harbor act in regard to the 40 per cent provision?

Mr. SMALL. Yes. So that the money will be available on those 17 projects. That does not affect the proposition I was making. I said that accounted in part for the available unexpended balance.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. I will.

Mr. MADDEN. It does not really make any difference what the reason for the balance is if it is there and available?

Mr. SMALL. Yes. It is available for those specific projects.

Mr. IGOE. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. IGOE. Do I understand you to say that by the passage of this bill, then, that no economy will be achieved, but that the actual expenditure of money would be practically the same? Is that the idea?

Mr. SMALL. No. Of course, it would not be practically the same if we made a larger appropriation.

Mr. IGOE. I understood the gentleman to say that these unexpended balances would be suspended practically during the year; so, as a matter of fact, while there may be a paper economy, that the money paid out of the Treasury would be practically the same.

Mr. SMALL. The gentleman's point is well taken. Wherever they can expend during this year on these various improvements throughout the country these available sums, they will be expended, provided they can be expended wisely and economically.

Mr. DEWALT. Will the gentleman permit me to ask another question?

Mr. SMALL. Certainly.

Mr. DEWALT. Does this $12,000,000, as contained in this bill, have in contemplation any of the improvements that are in this $25,000,000 reserve fund, or, rather, this $25,000,000 unexpended, or is this $12,000,000 entirely exclusive of that?

Mr. SMALL. This $12,000,000 is exclusive of that, except the $25,000,000 has been heretofore appropriated for specific improvements, and this $7,000,000 for improvement and $5,000,000 for maintenance is expended by the Chief of Engineers on any project he chooses to designate.

I want to show to what absurdity this leads us. This bill appropriates $12,000,000 to be expended in the discretion of the Chief of Engineers throughout the country. I endeavored to point out the fallacy of any member of the committee believing that this $12,000,000 was selected or predicated upon any foundation; that you might as well have made it $8,000,000 or $3,000,000 or $1,000,000 so far as the improvement of the rivers and harbors of the country is concerned. You must understand that the estimates submitted by the Chief of Engineers for the ensuing year take into consideration the available balances and the estimates represent the additional sums required.

Now, let me point out further. The Chief of Engineers with his assistants made original estimates of $43,000,000 for maintenance and improvements. The same Army engineers, by direction of the committee, who were acting by direction of the leaders of the House, reduced those estimates to $25,000,000—a reduction from $42,000,000 to $25,000,000—$17,000,000.

Mr. DEWALT. This was all exclusive of the $25,000,000?

Mr. SMALL. Yes; exclusive of the $25,000,000. The gentleman says, and it is just the point I was coming to, that they made those estimates, endeavoring to pare and curtail them to the limit as far as it was safe to go in the public interest and were requested to do it; that they could not be reduced any further, and their aggregate of those reduced estimates was between $19,000,000 and $20,000,000, and yet you want to appropriate $7,000,000 to be expended in their discretion. What discretion?

Mr. DUNBAR. Will the gentleman yield?

Mr. SMALL. In just a moment. I will yield directly.

What kind of discretion? They have already exercised this discretion twice, namely, in their original estimates, and then when they were told to economize to the limit they have exercised their judgment again. And now, for the third time, you want them to exercise their judgment and divide up this $7,000,000 among the several improvements of the country for their further improvement. Upon what basis shall they fix their judgment? Upon the basis of economy? They have already endeavored to do so.

Upon the basis of necessity and the business interests of the country? They have already exercised their judgment. What kind of judgment, then, will they exercise when they come to this $7,000,000? They will divide it up as best they can—as best they can! And then, if my friend from Pennsylvania [Mr. COSTELLO] thinks they have not given as best they could to that great river, the Delaware, he will urge them to give a little more, and he will talk about the merits of that river. They pared to the bone the Ohio River, and, unless my memory misleads me, the ultimate appropriation in the interest of economy which they recommended for the Ohio was $1,000,000. Suppose they do not allot, and they can not allot, to the Ohio $1,000,000 out of this $7,000,000, because if they divided up fairly throughout the country, do their best to divide it up, each project could have only the proportion which 7 bears to 19½, and they give the great Ohio River for further improvement only $100,000; then my distinguished friend from Cincinnati [Mr. LONGWORTH] has urgent telegrams and letters from his constituency saying that the Ohio has been neglected, and he goes and says, "Please make it four or five hundred thousand dollars"—you, a distinguished Member of the House and one of the Representatives of the great State of Ohio, and representing a great constituency, asking an administrative office of the Government to deal fairly with the great Ohio River.

Mr. LONGWORTH. Possibly the gentleman from North Carolina [Mr. SMALL] will give me the benefit of his advice and assistance when that occasion arises.

Mr. SMALL. The advice I would give to the distinguished gentleman may be expressed now: Be a Representative, and subservient to no man in the discharge of the public interest. [Applause.]

Mr. LONGWORTH. The real difference between the gentleman and myself is that in this present exigency which threatens this country I am twice as economical as the gentleman from North Carolina.

Mr. SMALL. I am going to endeavor in my humble way directly to say whether the gentleman is best serving the country by that economy.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman stated a short time ago that this sum of $7,000,000, which is to be applied generally, was not arrived at in any particular way; that apparently it was merely a guess. I gathered from the statement of the chairman of the committee that they had taken that sum because, after going over the whole improvement, they had considered it to be ample. The gentleman from Ohio [Mr. LONGWORTH] does not have to worry in the least about the Ohio River. They have given all the money there that can be expended. And in going all over these projects, as I understand the chairman of the committee, in nearly all of them they had

already as much as they could expend. There are a few, possibly, where they do not have sufficient funds, and to cover that this $7,000,000 was appropriated.

Mr. SMALL. I might quote to the distinguished gentleman from Ohio asking about advice the couplet:

Of all sad words of tongue or pen,
The saddest are these, "It might have been."

So, when the gentleman comes to consider the paucity of the appropriation for the Ohio River later he will have to reflect on "what might have been."

Mr. LONGWORTH. The gentleman will remember the warning of his distinguished friend from North Carolina.

Mr. SMALL. Replying to my distinguished friend from Iowa [Mr. GREEN], neither he nor anyone else could tempt me to say an unkind, critical word concerning the distinguished chairman of the committee. The only regret I have is that we could not bring a bill in here that had the unanimous report of the committee. I think we would have brought in a bill that represented the wisdom and the judgment of that committee—as able a committee, with the exception of your Speaker, as any other committee in the House—if the steering committee had not issued its edict.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. Certainly, I yield.

Mr. DENISON. The inquiry that has suggested itself to my mind is this: If the committee was willing to trust absolutely to the judgment of the Chief of Engineers and his officers in distributing this $12,000,000 about the country wherever they pleased, why was not the committee willing to accept or trust the judgment of the engineers in the amount of money that was absolutely necessary to carry on the river and harbor work?

Mr. SMALL. The gentleman refers to the reduced and revised estimate amounting to $19,000,000?

Mr. DENISON. Yes. I would like to have the gentleman's explanation of that.

Mr. SMALL. The gentleman is right. This bill proposes to vest discretion in the Chief of Engineers to allot the appropriation in this line. Then why not trust their judgment in the revised estimates they have submitted for each project, which aggregate between nineteen and twenty million dollars?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BLANTON. I take it that the gentleman from North Carolina is going to vote against the bill. [Laughter.]

Mr. SMALL. The gentleman from Texas has the habit of asking impertinent questions. [Laughter.]

Mr. BLANTON. I want to know what advice the gentleman is giving to his young Democratic minority colleagues on this bill.

Mr. SMALL. The gentleman's strong point is not taking advice, but if he will permit me, I will advise him a little later. [Laughter.]

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. My friend, the gentleman from Illinois [Mr. DENISON], indicated that the majority of the committee did not follow the advice of the engineers. My understanding is that that is what they did do; that the engineers told them that this is all the money they could expend.

Mr. DENISON. I did not so understand it. If that is true, the country ought to know it. If the engineers said they could expend only $12,000,000, I would like to know whether that is true or not before I vote on this bill.

Mr. SMALL. The gentleman who stated that it was Gen. Harry Taylor, the engineer, who made that statement, was mistaken. The Engineer officer, by direction of the committee and with the knowledge of every member of the committee, was directed to cut down every item for improvement as low as it could be done without injury to the public interest, and after making all these reduced estimates they added up to between $19,000,000 and $20,000,000; and how he could have stated that $12,000,000 would be sufficient I do not understand, and I think it would be an insult to the intelligence to credit him with such statement.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. LEA of California. Is it not a fact that the engineer never appeared before our committee at any time after this $12,000,000 was suggested?

Mr. SMALL. He did not.

Mr. OLIVER. Mr. Chairman, will the gentleman permit an interruption?

Mr. SMALL. In just a moment. And this decision of the steering committee was not conveyed to this member of the committee until yesterday morning.

Mr. OLIVER. I am informed that the Chief of Engineers is now prepared to say that if only this amount is carried, it will very seriously interfere with the work of the War Department.

Mr. SMALL. I think it quite probable that he would express that opinion.

Mr. OLIVER. I will say to the gentlemen on the other side, who think it is entirely satisfactory, that it might be well to make further inquiry and see if they were correctly informed.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield for a short question?

Mr. SMALL. Yes.

Mr. SAUNDERS of Virginia. If the Chief of Engineers or any one representing him has made the statement alleged, namely, that this $12,000,000 is sufficient for present purposes, ought not that statement, important as it is, to appear somewhere in the hearings?

Mr. SMALL. It ought.

Mr. SAUNDERS of Virginia. Is there anything like that in the hearings?

Mr. SMALL. Not to my knowledge.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MADDEN. Has the gentleman read the hearings?

Mr. SMALL. The hearings have not been printed yet, so far as I know. Have they been printed?

Mr. KENNEDY of Iowa. They have not yet been. But I want to say that the engineers did not make the statement that $12,000,000 was all that was needed. Gen. Taylor made the statement that $5,000,000 was all they needed for maintenance only.

Mr. SMALL. I said heretofore that the committee had decided on $5,000,000 for maintenance.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. McDUFFIE. I want to say that I was talking to Col. Taylor a few moments ago, and he said that the appropriation of $7,000,000 for improvements would very greatly hamper the work of the War Department, and that he could barely get along with the $5,000,000 for maintenance.

Mr. SMALL. I am very glad to have been interrupted by the gentleman. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has 39 minutes remaining.

Mr. SMALL. I must hurry along. I just want to make a comment about this subject of economy: They say that this kind of a bill is necessary for the sake of economy. As I said in the beginning of my remarks—and I repeat it—I realize the necessity of economy, and when the chairman conveyed to us the information that this bill must be reduced to the utmost limit there was no dissent by any Member of the committee. I am pleased to say about the Rivers and Harbors Committee that there is no politics and no sectionalism in the committee. In all the years that I have been on that committee I have never heard a political issue made, and if sectionalism has crept slyly to the front occasionally, it has been so frowned upon that it has disappeared. The committee without dissent agreed that we would report a bill, the lowest bill which was consistent with the maintenance and further improvement of the projects which had been adopted by Congress; and in order not to repeat it at length, I may say that we proceeded to do so, getting the estimates of the engineers for the further improvement of each project, with directions to him and statements by him that the estimates should be made as low as could be made without injury to the public interest.

Upon that he submitted estimates for certain specific improvements between $19,000,000 and $20,000,000 for further improvements. I submit that anything below that is not economy. It is waste.

Then, again, is any other committee of this great body going to be treated as the Rivers and Harbors Committee was treated? Is the steering committee of the House or any leader of the House going to undertake to say to the chairman and to the members of any other committee, "Reduce your appropriations to less than one-third of the estimates or you shall not have any bill"? Forty-two million dollars estimated here and $12,000,000 carried in this bill! Is there going to be any bill for the support of the necessary activities of the Federal Government reduced by lopping off arbitrarily two-thirds of the estimate?

More than that, is there any other bill for the support of a necessary activity of the Government going to have a lump-sum appropriation by direction of the steering committee?

Will it? Not one. Let those who are responsible for this abortion in the way of legislation, in the shape of a river and harbor bill, take the responsibility for it. I wash my hands of it, and I think every friend of river and harbor appropriations and every friend who believes in developing water transportation may in good faith and good conscience do likewise.

The distinguished gentleman from Texas [Mr. BLANTON] wanted me to give him some advice, and although the temptation is great I am going to confine my advice to this bill. [Laughter.] One of the embarrassments that has come to me is as to how I should vote on this bill.

These distinguished gentlemen—I do not know who they are—said to constitute the steering committee of the majority party of the House, directed that the bill be reduced to a lump sum of $12,000,000, so I am informed, and directed that it be taken up and put under consideration on the following morning, giving no time for members of the committee to devote to it that consideration which it deserves, and it was either this bill or nothing, they said, so I am informed. The issue of duty which confronts me is, shall I vote against it or shall I vote for it and take the best I can get? If this bill fails of passage it means the loss of millions of dollars to the Federal Government. It means the deterioration of Government dredges and other plants. It means the deterioration of channels beyond repair. It means the loss of millions of dollars in handicapping our water-borne commerce; and yet I may bow to the autocrats, and while protesting that you have ordered to be done an indefensible thing, yet if it is all I can get, I advise my distinguished friend from Texas [Mr. BLANTON] that he may vote for the bill, just as I may do. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. BLANTON. I am always glad to take advice from such a distinguished Member as the gentleman from North Carolina——

Mr. SMALL. I yielded for a question, not for a compliment.

Mr. BLANTON. I am going to propound a question. If I should conclude that this is a legislative abortion, as the gentleman from North Carolina has concluded, I am going to vote against the bill; but if it is a legislative abortion, since it is very evident that our friends of the majority are unable to keep their majority here, why not let our minority take a stand here and defeat this bill? We can do it if the gentleman from North Carolina, as ranking Member, sees fit to advise us to do that, because they can not keep sufficient majority Members here to defeat our action if we take the stand.

Mr. MADDEN. Watch us and see.

Mr. BLANTON. You have got to send a lot of telegrams to the big cities to-night if you get them here.

Mr. GARNER. The gentleman says he objects to this autocratic decree. The gentleman has been in the House quite a while. Which does he prefer to bow to, the autocratic rule of JOE CANNON or the autocratic rule of an invisible committee that he knows nothing about?

Mr. SMALL. I believe I would prefer UNCLE JOE. [Applause and laughter.]

Mr. OLIVER. May I ask the gentleman a question?

Mr. SMALL. Certainly.

Mr. OLIVER. Is it out of the ordinary for a bill of this kind, passed at the first session of a Congress, to carry an appropriation only up to the following March, and not until the end of the fiscal year?

Mr. SMALL. Since we have been having annual river and harbor bills, with a fair assurance that there would be a recurrence of annual bills, we have in the interest of economy usually at each long session been limiting the appropriation for each project to such amount as could be wisely and economically expended by the following March 4, which is the end of the short session, by which time another river and harbor bill will have been passed.

Mr. BEE. Will the gentleman yield for a short question?

Mr. SMALL. Yes.

Mr. BEE. Is there any authority in Congress or in the law that permits the War Department to create any deficiency in the event that the lump-sum appropriation falls short of the absolutely necessary amount?

Mr. SMALL. No; of course, they are limited by the amount of the appropriation.

Mr. EVANS of Nevada. Is it a fact that water traffic has been gradually decreasing in spite of all these enormous appropriations?

Mr. SMALL. No; the gentleman is not correctly informed as to that. There is a very interesting publication by the Bureau of the Census, which will soon be available, which shows that there has not been a very large increase in the number of individual vessels, because the number of small sailing vessels has been reduced and large steam-propelled vessels have taken their places; but there has been a substantial increase in the amount of water-borne commerce.

Mr. EVANS of Nevada. I am glad to know that.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. BLAND of Missouri. The gentleman, who is president of the Waterways Association, is giving his advice. Would it not be better for the House to adopt a substitute for this bill providing reasonable appropriations, by the joint action of the friends of the waterways on the Republican side and on the Democratic side?

Mr. SMALL. I would be delighted to have the opportunity of voting for such a bill properly framed.

Mr. MADDEN. The gentleman from Missouri [Mr. BLAND] has reference to the Missouri River project, which involves an expenditure of $20,000,000 and does not include a dollar's worth of navigation.

Mr. SMALL. I would remind the distinguished gentleman from Illinois [Mr. MADDEN] that no pent-up Utica confines his powers. He is a national statesman.

I am extremely obliged to the Committee of the Whole for their attention. [Applause.]

EXHIBIT A.

JANUARY 20, 1920.

Subject: Value of domestic waterway commerce in the United States.

MY DEAR SIR: Adverting to your telephone request of the 16th instant for data which would indicate the valuation of our domestic waterway commerce in the United States for an annual period, we are submitting herewith a tabulation giving the approximate value of such commerce in the United States during the calendar year 1917.

It will be seen from the statement that the aggregate valuation of receipts and shipments has been computed at an amount in excess of $25,000,000,000. In order to arrive at the net value of the commerce—that is, to eliminate the duplication caused by the fact that the shipments of one district or port become the receipts of another—we have considered one-half of the above amount as indicative of the actual business handled, and which you will notice aggregates around $12,800,000,000.

In explanation of the figures I would say that we have grouped them according to States or districts in so far as possible, but the line can not be drawn too finely, as the commerce of certain waterways in one State often lap over into another State. Certain duplications may have occurred where traffic arriving coastwise at a port was transshipped to the interior by river or canal; but, in any event, such business paid freight on each separate haul, and would therefore be considered new business to each waterway employed. The only way to arrive at the actual valuation of the traffic, counted but once, would be to trace the origin and destination of every individual shipment, which would be a very considerable task. The statistics as submitted were obtained almost entirely from the annual report of the Chief of Engineers for 1917.

Comparison of the valuation of foreign commerce, imports and exports combined, for the calendar years 1917, 1918, and 1919, with the amount of internal traffic our estimate indicates for 1917, reflects the following excess in favor of the latter:

Year.	Total valuation, foreign commerce.	Excess in favor domestic commerce.
		Per cent.
1919	$11,999,178,098	7.4
1918	9,170,300,455	28.6
1917	9,185,080,552	28.5

We shall be pleased to give you any further available data that may be desired on the subject.

Very truly, yours,

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
By F. T. CHAMBERS,
Captain, C. E., U. S. N.

Approximate valuation of domestic waterway commerce (coastwise and interior waterway) in the United States for the calendar year 1917.

State or district.	Total valuation receipts and shipments.	Per cent of total.
1. New York	$8,054,050,925.00	31.4
2. Virginia	3,881,746,835.00	15.1
3. Great Lakes	3,345,333,330.50	13.0
4. New Jersey	1,817,900,238.64	7.1
5. Pennsylvania	1,517,407,285.00	5.9
6. California	1,112,483,425.00	4.3
7. Massachusetts	1,072,350,936.88	4.2
8. Connecticut	597,195,855.00	2.3
9. Washington	568,369,982.00	2.2
10. Texas	471,733,057.00	1.8
11. Maryland	448,020,639.00	1.7
12. Georgia	425,196,109.00	1.6
13. Mississippi River	404,821,750.43	1.6
14. Rhode Island	391,217,980.73	1.5
15. Ohio River	352,387,545.28	1.4
16. Florida	295,373,270.00	1.2
17. Louisiana	198,443,139.00	.8
18. Oregon	182,127,042.72	.7
19. Delaware	143,066,510.00	.6

Approximate valuation of domestic waterway commerce (coastwise and interior waterway) in the United States for the calendar year 1917—Continued.

State or district.	Total valuation receipts and shipments.	Per cent of total.
20. Maine	$110,315,500.00	0.43
21. South Carolina	82,917,431.00	.32
22. North Carolina	61,677,133.57	.24
23. Alabama	37,808,187.00	.15
24. Tennessee	37,782,230.00	.15
25. District of Columbia	25,818,440.00	.10
26. Mississippi	14,199,178.00	.0
27. Arkansas	13,831,397.00	.05
28. West Virginia	12,903,777.20	.05
29. Kentucky	10,981,166.50	.04
30. Missouri River	6,330,803.00	.02
Total	25,703,791,100.05	100.00
Estimated value of commerce counted but once: One-half of total, or	12,851,895,550.02	.....

EXHIBIT B.

Under leave of the House to extend and revise my remarks, I append hereto a substitute for section 1 of the pending bill—H. R. 11892—which I shall offer either in the Committee of the Whole as an amendment by way of a substitute or on a motion to recommit. The appropriations therein contained represent the latest revised and reduced estimates by Gen. Harry Taylor, representative of the Chief of Engineers. He states that they represent the lowest estimates compatible with the necessities of each project and the public interest. The several appropriations therein recited for further improvement aggregate $19,443,500.

Be it enacted, etc., That the sum of $5,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preservation and maintenance of existing river and harbor works: *Provided further*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *And provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War, showing the amount allotted under this appropriation for each work for improvement or maintenance.

That the following sums of money be, and are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the construction, prosecution, and completion of works of improvement heretofore authorized by Congress and hereinafter named:

Pollock Rip Channel, Mass.: Continuing improvement, $73,000.

Connecticut River, Conn.: Continuing improvement below Hartford, $75,000.

Greenwich Harbor, Conn.: Completing improvement, $14,000.

East River, N. Y.: Continuing improvement, $2,100,000.

Hudson River Channel, New York Harbor, N. Y.: Continuing improvement, $400,000.

Newark Bay and Passaic River, N. J.: Continuing improvement, $150,000.

Shrewsbury River, N. J.: Continuing improvement, $100,000.

Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $2,000,000.

Inland waterway from Delaware River to Chesapeake Bay, Del. and Md.: Continuing improvement, $1,000,000.

Baltimore Harbor and Channels, Md.: Continuing improvement, $316,000.

Norfolk Harbor and Channels, Va.: Continuing improvement, including Thimble Shoals Channel, $750,000.

Cape Fear River at and below Wilmington, N. C.: Continuing improvement, $600,000.

Charleston Harbor, S. C.: Continuing improvement, $400,000.

Savannah Harbor, Ga.: Continuing improvement, $300,000.

Brunswick Harbor, Ga.: Continuing improvement, $200,000.

St. Johns River, Fla.: Continuing improvement, and for maintenance, from Jacksonville to the ocean, $301,000.

Tampa Harbor (Hillsboro Bay), Fla.: Continuing improvement, $260,000.

Alabama River, Ala.: Continuing improvement, $32,000.

Mobile Harbor and Bar, Ala.: Continuing improvement and for maintenance, $150,000.

Black Warrior, Warrior, and Tombigbee Rivers, Ala.: Continuing improvement, $150,000.

Pascagoula Harbor, Miss.: Continuing improvement, $50,000.

Gulfport Harbor, Miss.: Continuing improvement, $50,000.

Passes at the mouth of the Mississippi River: Continuing improvement, $1,500,000.

Barataria Bay, La.: Completing improvement, $30,000.

Houston Ship Channel, Tex.: Continuing improvement, $300,000.

Freeport Harbor, Tex.: Continuing improvement, $300,000.

Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $500,000.

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement, $1,200,000.

Missouri River: Continuing improvement and for maintenance between Kansas City, Kans., from the upper end of Quindaro Bend and the mouth of the river, $600,000.

Cumberland River, Tenn. and Ky.: Continuing improvement below Nashville, $300,000. The conditions imposed by the river and harbor act of March 2, 1919, in adopting the project for the improvement above Nashville, Tenn., are hereby so modified as to authorize work on the project to be commenced within the limits of either State when the conditions imposed by the act adopting the project have been complied with by that State.

Tennessee River, Tenn., Ala., and Ky.: Continuing improvement above Chattanooga, $140,000; continuing improvement below Riverton, Ala., $75,000; in all, $215,000.

Ohio River: Continuing improvement by open-channel work, and for maintenance, $400,000.

Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $1,000,000.

Fox River, Wis.: Continuing improvement, $40,000.

Milwaukee Harbor, Wis.: Continuing improvement, $175,000.

Manistee Harbor, Mich.: Continuing improvement, $17,000.

Chicago Harbor, Ill.: Continuing improvement, $40,000.

Indiana Harbor, Ind.: Continuing improvement, $200,000.

Illinois River, Ill.: Continuing improvement below Copperas Creek, $25,000.

St. Clair River, Mich.: Continuing improvement, $26,500.

Detroit River, Mich.: Continuing improvement, $700,000.

Rouge River, Mich.: Completing improvement, $273,000.

Oakland Harbor, Calif.: Continuing improvement, $25,000.

Humboldt Harbor and Bay, Calif.: Continuing improvement and for maintenance, $406,000.

Columbia and Lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg.: Continuing improvement and for maintenance, $500,000.

Grays Harbor and Bar, Wash.: Continuing improvement, $600,000.

Honolulu Harbor, Hawaii: Continuing improvement, $150,000.

Hilo Harbor, Hawaii: Continuing improvement, $150,000.

San Juan Harbor, Porto Rico: Continuing improvement, $200,000.

Mr. KENNEDY of Iowa. I yield 20 minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the gentleman from North Carolina [Mr. SMALL] was long a distinguished member of the Committee on Rivers and Harbors. He then became its chairman, and made an able, devoted, and conscientious chairman. He wants the House and the country to appreciate properly at its true value what we propose to do at this time. He is proud of the reputation of the great committee over which he presided and of which he is now the ranking minority member. He wants to preserve the reputation of that committee, and if he will give me his attention I believe that I can convince him that he should never have been more proud of the reputation of that committee than he should be to-day.

Now, let us take the situation. We found ourselves in this position: We found that this country, bowed as it was under enormous burdens of taxation, was yet facing a deficit. We found that in the River and Harbor Committee, different from other committees, there is a system of continuing appropriations. We found that there was on hand as a result of that system not $25,000,000 but about $60,000,000 yet available for the great waterways of this country. With these facts confronting us the question was, What shall this committee do? Well, we did what the gentleman from North Carolina has said. We went through these estimates and took item by item, detail by detail, the estimates of the engineers, and while we had before us at the beginning estimates amounting to $42,000,000, by examination of the engineers, developing the true facts and circumstances, we established beyond controversy, beyond the possibility of debate, that $19,000,000 would in their opinion answer fully all the needs which they had proposed to meet, with the $42,000,000.

Now, let us start from that point and see where we necessarily go. When we came to the estimates of $19,000,000, what did we find? Let us take my own State of New York, the metropolis, of which every man who comes from that great State is justly proud. We found that there was on hand in the Treasury, unexpended, over $4,000,000 for one improvement alone, Hell Gate, which I had the honor to place in a former original bill by my amendment. We found that the engineer still proposed in his revised estimates to add $1,000,000 more. Is there a man who believes that it was necessary? Is there a man who believes that a dollar of the additional million could have been expended if we made every effort in our power to disburse it? I challenge any man to say that the money could have been spent, spending it as rapidly as we were able.

Let us go to the gentleman's own section, the harbor of which the gentleman from North Carolina is so justly proud—Norfolk Harbor. What do we find there? We find that the original estimate was $1,136,000. We found that Norfolk proper had 40 feet, 5 feet deeper than the channels of any harbor of the world except those in the United States. We found that even Thimble Shoals, leading to Norfolk, had 38 feet, 3 feet deeper than any channel except those in the United States. We found that in the revised estimates, in spite of the fact that Norfolk and Thimble Shoals have on hand $1,175,000, in spite of the fact that they have 40 feet at Norfolk Harbor, in spite of the fact that they have 38 feet on Thimble Shoals, that the engineer still estimated in the revised figures that we needed $750,000, or three-quarters of a million dollars, beyond $1,175,000 on hand.

Let us go on and multiply instances. Let us see about this situation and see whether this $19,000,000 was an irreducible minimum, as the gentleman from North Carolina says. Let us take the southern harbors; we have been talking about the

northern harbors, except Norfolk. Let us go South and see what we find there. We find Charleston had on hand $1,143,000, and yet the revised estimates demanded $400,000 more.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DEMPSEY. No; not now until after I have finished this statement. We find that Savannah had on hand $678,000 and we find that Brunswick had on hand $507,000.

Now, let us take another northern case. There was Pollock Rip Shoals. The revised estimates called for $73,000. They had $199,000 on hand, more than they spent in any one year, and that was not, as the testimony will show, a particularly necessary piece of work.

And so, gentlemen of the committee, we reached the conclusion, the inevitable, necessary, and logical conclusion, taking these figures in detail, going over them item by item, that these revised figures totaling $19,000,000, were just as unnecessary, just as unwarranted, from a financial and business standpoint as the original estimate of $42,000,000.

Now, when we reached that conclusion what did we do? Why, we voted 16 to 1, gentlemen, 16 to 1, regardless of partisanship, we voted 16 to 1, practically a united body, to cut these estimates out and to do what we have done, appropriate $5,000,000 for maintenance and $7,000,000 for improvement, making $12,000,000 in all. [Applause.]

Now, the gentleman from North Carolina went to considerable length and devoted a large part of his speech to the problems of navigation. He talked to you about the fact that we have not sufficient terminals. He should have said that we do not have loading and unloading facilities; he should have said that we did not have transfer and exchange facilities; he should have said that during the entire time that the Government has had control the Railroad Administration has lost money, and has insisted upon absorbing all of the business and taking it away from the waterways.

He should have said that, and he should have said that we are trying to solve this multitude of details, and that before they are solved, before we have some one to look after the waterways and get them business, before we get adequate terminals, before we get loading and unloading facilities, before we get transfer and exchange facilities, we will be unable to get the waterways to carry transportation to their capacity as they should in the interest of relieving the railroads and the people. But that has nothing to do with this bill except that it is an additional argument for being conservative, for being careful, for going slow in the matter of appropriations for waterways, in being sure that you do not tie up and have unexpended the enormous sum of $25,000,000 year after year, year in and year out.

The gentleman from North Carolina [Mr. SMALL] asked the question and demands an answer, Who is the autocrat who has said we should pass the bill in this form? I am going to answer him; I am going to show him this autocrat; I am going to picture him and bring him on this floor. The autocrat who demanded the course which we followed is the overburdened taxpayer of the United States [applause], groaning under the heavy burden of necessary taxation, and that man, carrying his load with difficulty, moaning because of the steps he took in pain, bearing this heavy burden, came before us, the whole American people, and demanded that we be businesslike and economical. He is the autocrat, and the only autocrat, who demanded the course that we have followed. [Applause.]

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. GRIFFIN. The gentleman in calling our attention to the vast sums of money unexpended upon projects already authorized, amounting to over $25,000,000, has made a deep impression upon me. I think it is sufficient reason why we ought not to make a very large appropriation for the carrying on of these projects; but how did the gentleman's committee arrive at the conclusion that $7,000,000 would be an adequate lump sum, or too much or too small an amount, and how is it proposed to expend it?

Mr. DEMPSEY. Mr. Chairman, the latter part of the question is simply answered. We propose to expend it in just the way we expended the lump-sum appropriations, amounting together to $45,000,000, appropriated in the years 1914 and 1915, and not a man will come upon the floor and point to a single case of complaint in the distribution of that $45,000,000, which was distributed by the Army engineers, as will be done under this bill. That is my answer to that part of the question. In answer to the question how we reached the sum of $7,000,000, I would say that with the utmost care the chairman of this committee took the items for which improvements were recommended and he had them tabulated. He showed in one column the amount of funds on hand and he showed in the next column the expenditures on the projects for the last year. He showed in the following column the average expenditure for five years, and then we went through those items singly, and in every instance where the amount on hand was less than the amount expended last year or was less than the amount expended on the average for the past five years, we added not simply enough to make it equal that amount, but we added something additional so as to be safe, so as to have an element of safety, and then we added up the sums of these excesses and added something again as an emergency fund to that. In that way, in that painstaking, careful, and detailed way we reached that conclusion.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield further?

Mr. DEMPSEY. Yes.

Mr. GRIFFIN. What objection would there be, then, to saying in the bill how and where it is proposed to expend the $7,000,000? I think the objection most of us have to this is the expenditure of the $7,000,000 in a lump.

Mr. DEMPSEY. Because we found that, in the opinion of the engineers and in the opinion of the committee, after studying the question carefully, we believed we could appropriate a smaller sum in a lump sum than we could by applying it to the various items, and I will illustrate to the gentleman. Only Providence knows where a breakwater will be washed out during the coming year. Only the Inscrutable Will knows where there will be great storms during the period for which we are providing funds. We do know that the average of storms will be about so-and-so, and we know that if we give the engineers liberty to transfer from one fund to another, to expend generally, we do not have to provide against the possibility of storms and unforeseen events in each particular place, but only against the average of events the country over. That is the reason why the appropriation is made in this form.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. DENISON. Has the gentleman advocated that policy heretofore?

Mr. DEMPSEY. No.

Mr. DENISON. Why this year?

Mr. DEMPSEY. Mr. Chairman, if that question needs answering, I am prepared to answer it. The gentleman says Why this year more than other years? We went into this war with a debt in the millions, and we came out with a debt away up to about $25,000,000,000. We went into the war the least-taxed people in the world, and we have come out of the war bearing what is for us an unexampled load of taxation. Why should we economize now more than at other times? Mr. Chairman, the man who can not answer that question for himself has not kept in touch with human events, he has not read the newspapers from day to day, he has not seen the debt of this country increase and multiply, he has not had the pleasure of paying taxes himself, he has not seen his constituents groaning under taxation which seems bound to increase rather than decrease. The man who needs to ask that question has not lived in this old world of ours; he has lived in another world and has not been conscious of what has been going on on this sphere; he has been buried down underneath the earth 6 or 8 or 10 or 12 feet unable to realize the passage of events as they have transpired from day to day.

Mr. DENISON. Will the gentleman now kindly answer the question that I asked him?

Mr. DEMPSEY. I have answered it fully. I want to say a word in closing. The gentleman from North Carolina [Mr. SMALL] has said as an additional argument that other committees have not economized and would not economize. The gentleman from North Carolina has not been in touch with legislation in this body or he would not make that assertion. The very first appropriation bill that came before this House was the Indian affairs bill, and the Committee on Indian Affairs and its able chairman cut down the estimates by about $4,000,000, and yet provided for increased efficiency, and such I believe will be the history of every committee; and if so, this House and the Members of this Congress can go back to their constituents and feel proud of the work which they have well done. [Applause.]

Mr. SMALL. Does the gentleman from Iowa desire to consume more time?

Mr. KENNEDY of Iowa. I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, law and order should prevail at all times and under all circumstances, and it is the duty of all parents to teach respect for law and order to their children. We as a Nation must teach respect for law and order, for without law and order this Republic can not exist. As long as laws are upon the statute books they should and must be respected, and it is the duty of the executive branch of the Government to enforce them. Sometimes I feel we have been a

little lax in parts of this country in enforcing law and order. If laws are offensive they should not be disobeyed but should be repealed. Since I have been a Member of Congress there have been four important votes on the question of prohibition.

On February 21, 1917, second session of the Sixty-fourth Congress, CONGRESSIONAL RECORD, page 3807, the House voted on a bill to make the District of Columbia dry. I voted for prohibition.

On December 17, 1917, second session, Sixty-fifth Congress, CONGRESSIONAL RECORD, page 469, the House voted on the resolution submitting to the States the question of national prohibition by amendment to the Federal Constitution. I voted for prohibition.

On May 23, 1918, second session of the Sixty-fifth Congress, CONGRESSIONAL RECORD, page 6977, the House voted on the question of war-time prohibition. I voted for prohibition.

On July 22, 1919, first session of the Sixty-sixth Congress, the House voted on a bill to enforce war-time and national prohibition. I voted for prohibition.

I have voted for prohibition every time I have had an opportunity and shall do so in the future.

Prohibition is now an established fact, and it is the duty of the executive officers to enforce it, and it is the duty of Congress to enact such legislation as is necessary to a proper enforcement of the law. If prohibition is good for America it is good for the world, and it is our duty to use such influence as we possibly can to see that other countries adopt it.

A great deal of the hunger, poverty, suffering, misery, crime, and distress in other countries is caused by intemperance and because men will spend their money for intoxicating liquors instead of purchasing the necessities of life.

I have always been a temperance man personally, because I was taught when I was going to school of the evils of intemperance. In addition to the enforcement of the prohibition law, we must teach the people, and especially the children of this country and of the world, the harm that comes from intemperance.

Among the Christmas cards that I received I prize the following one very much:

The Anti-Saloon League of America wishes you and yours a merry Christmas and a happy New Year.
Greetings from Wayne B. Wheeler and E. C. Dinwiddie.

[Applause.]

Mr. SMALL. Does the gentleman from Iowa wish to proceed now?

Mr. KENNEDY of Iowa. Does the gentleman from North Carolina desire to yield time now?

Mr. SMALL. The gentleman has a little more to consume. We have consumed more time than he has.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, I want to congratulate the members of the Committee on Rivers and Harbors; I want to congratulate the country; I want to congratulate the Congress on the decision that that committee has reached in presenting this bill. A cut of 71 per cent below the estimates is a pretty severe one. A saving of $30,000,000 below the estimates is worth while even in these days when we are talking in billions. If we can keep up the good work and maintain the standard that this committee has set, this Congress and the membership of this Congress can go home to their constituents with a real valid and substantial claim for further consideration at their hands. For, let it be remembered, that as deep as the cut is in the estimates, as small as the appropriation is as compared with the estimates, in view of the sums now on hand to the credit of the various projects, in view of the fact that the committee has provided its appropriations in the form of lump sums, the total of the bill, as small as it is, will with the available balances care for the legitimate needs of commerce in every port and river of the country.

It is true it does not provide new projects. And I do not believe there is anyone, anywhere, that honestly believes we can in good faith and propriety provide for new projects for rivers and harbors or of any other sort at this time. It does not, it is true, provide specifically for a number of items of development and improvement which are important, but in every case where there are considerable demands for commerce there is a sufficient sum available, unobligated, which taken with a fair proportion of the lump-sum appropriations, such fair proportion as the engineers may provide, will take care of the needs of commerce. Of course, I know the gentlemen on one side will say, "Well, we are not so sure the engineers will take care of our part of the country out of the lump sum," and gentlemen on the other side will express similar doubt. Now, I have faith in the engineers. I believe they will do their duty, and I believe they will use these sums where they are needed, whether it is in the North or South or East or West. And believing that, I believe the committee has done wisely in providing lump-sum appropriations, and I believe it has provided liberally for the needs of commerce the country over.

Gentlemen, let us not forget the condition of the Treasury. I do not care to be continually playing on that string, but that is the most important matter now before us—the condition of the Treasury—the matter of ways and means. Nine billions of estimates, six billions of estimated revenue, and three billions of deficit are staring us in the face. We must economize, and our former colleague, the Secretary of the Treasury, who, I am sorry, is to leave that high office very soon, though I wish him well in the other high position to which he is called, took occasion just a few days ago to again remind us that unless we economize we can not escape a bond issue. He in common with all those who are familiar with the situation realize how unfortunate it would be to have an additional bond issue, large or small.

Mr. JUUL. Mr. Chairman, will the gentleman yield to a question? I would like to get the answer in the RECORD, and that is why I ask it.

Mr. MONDELL. Yes.

Mr. JUUL. It has been stated that the committees that were asked to economize were chiefly the committees that made the small appropriations. Now, I would like the gentleman to state here to the membership if the same economy that is taking place now in the Rivers and Harbors Committee has been practiced or is going to be practiced in the other committees having the power to appropriate funds?

Mr. MONDELL. I am sure that every committee in the House is impressed with the necessity of practicing economy, and I am confident that in the case of every bill that is presented, every general appropriation bill that is presented to the House, there will be a very considerable reduction below the estimate, with the two exceptions that I referred to in the course of my remarks some time ago, namely, the Post Office appropriations and the appropriation for pensions. Those two bills can not be reduced below the estimates. But every other bill will be reduced below the estimates. I hope the fortifications bill will be cut even more than the rivers and harbors estimates have been cut, and I hope that between the Navy and the military estimates we can make a saving of pretty close to half a billion dollars or quite half a billion dollars. [Applause.]

The saving of $30,000,000 was quite worth while, but, of course, we will get some very much greater saving, at least reductions below the estimates, when we reach the military bill and the fortifications bill.

Now, returning for a moment to the recommendation of the Secretary of the Treasury, who is constantly urging economy, for which he is entitled to a very great deal of credit, I am sorry that his colleagues in the Cabinet do not follow his good example.

I notice that certain of the Secretaries have said that we must loan $150,000,000 to the people of central Europe. I am not, of course, a member of the committee that will have to pass upon that matter, I may not be fully advised, but I am quite confident that, having said to our creditors in Europe, "We will absolve you for a year from the payment of $475,000,000 of interest due us"; having sold France a very great quantity of supplies, including foodstuffs, at a very low price; having given $100,000,000 of our money a year ago to these people to feed them; having contributed in a very large way in our foreign expenditures toward relieving the situation in Europe, it is about time for us to recall the fact that charity begins at home. [Applause.]

Mr. DAVEY. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. DAVEY. Will that save the starving children of Poland?

Mr. MONDELL. My dear sir, there never was a time in the history of the world, since this Government was founded—and it is a sad and unfortunate fact—when some one on earth was not starving. There is scarcely a time in our own country when some one, somewhere is not suffering for food. But this is not your money, my friend, and it is not my money.

It is a question as to whether we are justified now in taking the money from the people of this country and giving it, even in the best possible cause, to the people over yonder across the sea. They have neighbors, people who live near them, people who are under very much greater obligations than we are to them; and, God knows, up to this time we have been mighty liberal to those folks over on the other side.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. No; I can not pursue that further. There is endless argument for every charity. If we were to appropriate for everything that appeals to our sympathy we would soon reach the bottom of the Treasury, and the bottom of the pocketbooks of the people of this country. The easy way to do is

to say, "Yes; let us do it; let us be liberal." But it is not our money. We can pose as the benefactors of all the world, but we have a very great responsibility in the matter, because, after all, the American people must pay these sums.

Mr. FESS. Mr. Chairman, will the gentleman yield for one interruption?

Mr. MONDELL. Yes.

Mr. FESS. The gentleman noticed, no doubt, the recommendation of Sir George Paish, that there ought to be an international bond issue legalized by the League of Nations, to amount to $35,000,000,000 to take care of the European situation. That statement was made in New York officially at a group meeting where this matter was discussed. Has the gentleman any suggestions as to what ought to be our attitude on the international bond question?

Mr. MONDELL. I am very well satisfied that Sir George Paish's proposition will not materialize, so far as the American people are concerned. [Applause.] I am satisfied of that. At least we can not do it until the people have given us a commission to do it, and I do not find anything in my commission that authorizes me to participate in any such arrangement as that.

Now, Mr. Chairman, that is $150,000,000. Then the Secretary of War cites an additional $15,000,000 for airplanes. Well, we are all interested in the science of aeronautics and we want to appropriate for it reasonably, but I think the $60,000,000 that we have spent directly and the sums that we spend in the various services for the pay of personnel, amounting to quite a number of millions, is sufficient for aeronautics for this particular year of grace.

One Cabinet minister and another is insisting upon increased pay for officers in the various war services, as well as for those in the civil service of the Government. All of these things appeal to us, and appeal to us mightily, and I wish we were sufficiently in funds to provide for all of them. But our duty now, Mr. Chairman, is to economize. We must show a reduction of at least a billion or a billion and a quarter of dollars in the estimates, and we must not, having made that saving, spend enormous sums outside of the estimates, unless we are willing to take the responsibility to tax the people of the country to meet the new obligations. I think that any man who now asks for a large appropriation outside of the estimates should accompany his request with a suggestion of some kind of tax to meet it. [Applause.] I think it is incumbent upon him to do it. If men felt that obligation they would be very much slower than they now are to propose largely increased expenditures. It is all very lovely to talk about appropriating millions for this and for that and the other thing when you have no responsibility with regard to the raising of the money. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SMALL. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr DENISON. Mr. Chairman and gentlemen, I always enjoy hearing the gentleman from Wyoming [Mr. MONDELL] talk, and I agree with him entirely in what he says with reference to the necessity for economy. I am very sorry that I can not follow him, my leader, in his support of the present river and harbor bill. I dislike to have to disagree with my majority leader and those associated with him in the management of affairs in the House, as well as with the chairman of the committee. But the chopping off of appropriations for governmental activities does not necessarily mean economy, and gentlemen must not fall into the error of chopping off merely those activities where there are no votes involved under the pretext of economy.

Now, the gentleman from Wyoming has stated that we could not lessen the appropriations in the Post Office Department. Of course, there are a great many voters involved in the Postal Service and in other such governmental activities, but rivers and harbors do not vote. Neither do fortifications.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. And therefore we can chop off all of those appropriations.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. DENISON. No; I regret I can not yield.

Mr. MADDEN. I do not think the gentleman ought to make that statement about the post-office business, because that business maintains its own way. It is a work in progress, and it reaches every home in the land, and it ought to be conducted in such a way as to give the people the service which they expect.

Mr. DENISON. I understand that. I understood it before the gentleman made the statement. I am not in favor of chopping off appropriations from the Postal Service. I voted for the Post Office appropriation bill. I am just referring to the statement made by the gentleman from Wyoming.

Mr. SAUNDERS of Virginia. Will the gentleman yield for a question?

Mr. DENISON. I am sorry I can not yield.

Mr. SAUNDERS of Virginia. I was going to ask if he thinks that in view of the appropriations for the Postal Service for the next fiscal year it will continue to pay its way?

Mr. DENISON. I am not sufficiently advised to be able to answer that question accurately.

I feel this way about the bill, that there is no question before the American people to-day of greater importance than the development of transportation, and the business interests of the great Mississippi and Ohio and Missouri Valleys are entitled to some consideration. They are going to pay a good part of the taxes that are required to meet these appropriations and meet the expenses of this Government, and if this bill is enacted into law in the form in which it is reported it will absolutely be a blight upon the business interests of the Mississippi Valley. And unlike the gentleman from North Carolina [Mr. SMALL], who spoke a few moments ago, my feeling is that if we can not get this bill amended so as to secure sufficient money to continue the work of the development of the Mississippi River and its tributaries, the Members of the House ought to join together and send this bill back, recommit it to the Committee on Rivers and Harbors, so that they can give it further consideration and report back a bill for the improvement of the rivers and harbors of this country.

Why, gentlemen, this bill is a misnomer. This is not a bill for the improvement of rivers and harbors. This is a bill for economy. It ought not to have been reported from the Committee on Rivers and Harbors. It is going to blight the work of improvement of rivers and harbors instead of encouraging and continuing it. At the proper time I am going to offer an amendment, and I hope the members of the committee who are here present will notice the provisions of the amendment which I am going to offer. I am going to ask the Clerk to read it in my time.

Mr. EVANS of Nevada. I am still curious to know where the water traffic is. I have asked a number of gentlemen, and I am going to ask until some one can tell me where our inland water traffic is.

Mr. DENISON. If I had the time I would tell the gentleman. Of course, I realize that the gentleman has not served long in the House, and he is not familiar with the great question of the development of inland waterways. There was not very much traffic on the railroads until we built the railroads, and there never can be very much traffic on the waterways until we get waterways sufficient to carry the traffic. The great trouble about the development of inland waterways has been that we did not go at it in just the right way. We have been expending money to provide deep channels where they could be secured, but we did not make any provision for the building of terminals and for the coordination of rail and water transportation. Now the Congress is getting awake to the importance of this question, and in the railroad bill that has just passed the House, providing for returning the railroads to their owners, we are doing what we should have done years ago. We are providing for the construction of water terminals and the coordination of rail and water transportation. That is going to help encourage commerce, but we can never get river commerce until we get the channels through which it can move and the terminals where it can be transferred. If the gentleman from Nevada or any Members of the House would consult the business men of the country and those who operate the great factories and mills in the Mississippi Valley and the Ohio Valley, they would tell you that the mills and factories are standing idle part of the time to-day because they can not get cars to transport their products, and it is the duty of Congress, it seems to me, to do all it possibly can to hasten the development of the waterways of the country.

Mr. DEMPSEY. Will the gentleman yield?

Mr. DENISON. I want my amendment read. I will then be glad to yield to the gentleman from New York, because I want to answer what he had to say a while ago when I asked him a question. First, I will ask the Clerk to read my amendment.

The CHAIRMAN. The amendment will be read in the time of the gentleman from Illinois.

The Clerk read as follows:

Mr. DENISON moves to strike out the first section after the enacting clause, and substitute therefor the following, commencing with line 3:

"That the sum of $12,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for

the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

"The sum of $4,000,000 is hereby appropriated for continuing the improvement of the Mississippi River from the mouth of the Ohio River to the mouth of the Missouri River, with a view to securing a permanent 8-foot channel.

"That there is hereby appropriated the sum of $3,000,000 for continuing the improvement of the Missouri River from Kansas City, Kans., from the Quindaro Bend to the mouth of the Missouri, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvement of the Mississippi River between the mouth of the Missouri River and Minneapolis, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvements of the Ohio River by the construction of locks and dams, with the view to securing a permanent 9-foot channel from Pittsburgh to Cairo.

"*Provided, however*, That out of the general appropriation of $12,000,000 herein appropriated the sum of $5,000,000 may be allotted for the preservation and maintenance of existing river and harbor works, and $7,000,000 of said sum of $12,000,000 herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress.

"*Provided further*, That allotments out of said general fund of $12,000,000 shall be made by the Secretary of War upon the recommendation of the Chief of Engineers; and

"*Provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War, showing the amounts allotted under said appropriation for each work for improvement and maintenance."

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. I ask for five minutes more.

Mr. SMALL. I have only 15 minutes remaining, but I yield to the gentleman 2 minutes.

Mr. DENISON. That will serve the purpose of my friend from New York in asking his question, I presume.

Mr. DEMPSEY. Is the gentleman aware that there was on hand in the Ohio River project on the 1st of November $5,900,332? If so, does he think any larger sum should be appropriated to add to that fund, aside from what may be allotted out of this $7,000,000 for improvement and from this $5,000,000 for maintenance? And is the gentleman aware that instead of there being an 8-foot channel from the mouth of the Mississippi to the Ohio there is already a 9-foot channel, so that it is not necessary to provide for the 8-foot channel referred to in the gentleman's proposed amendment?

Mr. DENISON. The gentleman misunderstands my proposed amendment. It makes no provision for that part of the Mississippi River at all. I am aware of all the gentleman says. I believe that if the Government is going to complete a project of that importance they ought to go ahead and do it, just as we did the Panama Canal. We ought not to do it by piecemeal. If we appropriate the money for the project, the engineers ought to go on with the work and complete it as soon as possible, and especially on a project which is of as much importance commercially as this. [Applause.]

Now, there is only about $319,000 available out of funds heretofore appropriated for the improvement of that part of the Mississippi River between Cairo and the mouth of the Missouri. That part of the river is the key to water transportation in the entire upper Mississippi and Missouri Rivers. It needs a lot of work to improve it properly for navigation. The amendment I shall offer will provide $4,000,000 additional funds for that part of the river, and every dollar of it will be urgently needed. I hope the amendment may be approved by the House.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Chairman and gentlemen, this House has been told that we must economize, and the Rivers and Harbors Committee has met that request in a fair and proper manner. The small amount of this appropriation, the annual appropriation of the Rivers and Harbors Committee, this small amount demonstrates that this committee should be called not the pork-barrel committee, but, if we must have a nickname from the hog, we should be known as the spare-rib committee. [Laughter.] You must recognize that this is an exceedingly small appropriation for the annual appropriation of this widely advertised committee.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. FREEMAN. I will.

Mr. BLANTON. If this is to be known as the spare-rib bill, coming from the spare-rib committee, shall we understand that there is lots of bone in it but very little meat? [Laughter.]

Mr. FREEMAN. Exactly; we have cut it to the bone, and that is what we propose to do. The situation that confronts this country is this: A great army of 4,000,000 men has been recently demobilized, and yet all these men have found or seem to have found ready employment in the various agricultural, commercial, and industrial pursuits of this country. Labor to-day throughout the country is scarce and wages are very high. The cost of material grows higher and higher, and the price of improvements, public or otherwise, is greater than ever before.

Now, the Rivers and Harbors Committee considered the estimates of the engineers, amounting to $43,000,000 for improvements, and it developed in the hearings that this country, that this Board of Engineers, had at its disposal for existing projects some twenty-five or thirty million dollars already appropriated, available, and as yet unexpended. It also had in addition to that amount, upon other projects, for which additional estimates were not made, a further sum of $30,000,000, making $60,000,000 of available unexpended balances for the coming year up to March 4, 1921. With these facts confronting us, it seemed to be our duty to make this small appropriation for the coming year. We come before this Congress and asked for an appropriation of $12,000,000, and upon the facts presented we confidently expect to receive the hearty support of every Member of the House. [Applause.]

Mr. SMALL. Mr. Chairman, how does the time now stand?

The CHAIRMAN. The gentleman from North Carolina has 15 minutes and the gentleman from Iowa 25 minutes.

Mr. SMALL. I yield eight minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND of Missouri. Mr. Chairman, it is absolutely impossible to deal in detail with the rivers and harbors bill reported by that committee within the brief period of time at my disposal. There are many things I had hoped to present that seem to be most pertinent to this important measure and which must be left unsaid.

I want to call attention, in passing, to the report of the committee in the closing paragraph:

After carefully investigating each uncompleted project for which an estimate for further improvement is submitted and taking into consideration the existing condition of the channels, the size of the vessels to be accommodated, the amount of the funds remaining available on November 1, 1919, from the appropriation heretofore made, the rate at which expenditures on the several projects have been made in the past, and the desirability of continuing in force the organizations built up by the Government, and continuing the operation of Government plant, your committee has come to the conclusion that the funds on hand, plus the lump-sum appropriation of $7,000,000 made in this bill, will be ample to prosecute these works without deterring the progress toward their completion and without interfering with the needs of the present and prospective commerce.

I challenge the correctness of that statement of the committee, no matter how well intended it may have been. In other words, it is denied by the very report of the Chief of Engineers to the War Department now before the Rivers and Harbors Committee and on file with the committee.

I call attention, Mr. Chairman, to the fact that for the Mississippi River from Cairo to the mouth of the Missouri there remains on hand only $318,891, money available for new contracts and to be expended on that reach of the Mississippi.

Mr. MADDEN. That is on the Mississippi River?

Mr. BLAND of Missouri. That is on the Mississippi River. On the Mississippi River from the mouth of the Missouri River to St. Paul there remains $498,694. Will that fund be effective or adequate for real improvement of the river? On the Missouri River from Kansas City to the mouth there is available $323,029, another mere bagatelle; and I say the money remaining undisbursed for the Ohio River, when you consider the amount necessary to complete the project, is a mere bagatelle. So these great waterways in the Mississippi Valley, a system of waterways unexcelled in the world—yes; unequaled—traversing from every direction the richest valley in the world, the very bread basket of the entire world, populated by people who grow the wheat, who are the bread and food producers, are shamefully neglected by this bill. I wonder what the bread consumers in your markets in the East, your manufacturing centers, who are paying the present high cost for the necessary food products, may think of the lack of transportation that will prevent the delivery to them of those products of the greater Mississippi Valley.

I believe, and I believe it firmly, that the question of transportation is the vital, burning, all-important question that confronts the people of this country to-day. There is none more important, because we must recognize that commerce is the very lifeblood of the Nation, and it must flow over the railways of the country, the roadways of the country, and it should and could flow in a constantly increasing volume over the waterways of the country if improved by the Federal Government. I have not the time to mention the harbors on the Atlantic coast or even those on the Pacific coast, and I am therefore confining my remarks to the waterways of the greater Mississippi Valley. The good Lord blessed that great valley with a system of waterways unequaled, as I have stated, on the globe, and yet man,

or, better, the Government, has virtually neglected them all these years, or has done or performed the work just in the careless, makeshift, neglectful, haphazard manner which the present bill, supported by the Republican branch of Congress, proposes to do. No; I am not stating it correctly, for this is the worst bill of all.

If you look at the expenditures that have been made on the Ohio River and the lower Mississippi from Cairo to St. Louis, and the upper Mississippi from St. Paul to the mouth of the Missouri, the Missouri River from Kansas City down, you will find it will aggregate over $132,000,000 for improvement work, exclusive of maintenance. On the Ohio River itself the amount exceeds $62,000,000. The other rivers are as follows: The Missouri River has had expended on it $22,528,000 since the work was undertaken, before the present project was approved. The Mississippi River, from Cairo to the mouth of the Missouri, $19,166,599. The upper Mississippi, $31,180,000; and those three rivers exceed a total of $72,874,000, which, added to the $62,000,000 of the Ohio, makes the total of more than $132,000,000. This work has been done, and you are letting it stand idle. You are losing the interest on the investment; you are permitting the work and Government plants to deteriorate; you are appropriating a mere bagatelle to be distributed to all the harbors of the country and to all the waterways of the country. I have failed to hear to-day a single supporter of this bill point out any river appropriations that are unexpended. I would like to hear the statement now where there is any sufficient amount unexpended for a river in New York or on the Pacific coast or in the Mississippi Valley.

Mr. KENNEDY of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Missouri. Yes.

Mr. KENNEDY of Iowa. There is $5,000,000 of the Ohio River fund—more than that.

Mr. BLAND of Missouri. It is $4,702,589.

Mr. KENNEDY of Iowa. I beg the gentleman's pardon. There are a lot of funds under the heading of contract obligations that are available to pay for work to be done from now on on the construction of dams on the Ohio River.

Mr. BLAND of Missouri. I get the information from the Board of Engineers, and they give it at $4,702,589. That is a mere bagatelle compared to the work yet to be done on the Ohio to avoid the loss of the money already expended. The Government has expended over $62,000,000 on construction of work for that river. It has constructed dams above Cincinnati one after the other, and they are absolutely useless unless the project is completed.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Missouri. I would gladly yield, but I have not the time. Yet, as I have said, you permit that work to stand there neglected, unimproved, and lose the interest on that vast investment.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Missouri. I would if I had the time. Give me the time at the end of my remarks and I will gladly yield. Your present rivers and harbors bill is not economy. It is false economy to say that you will not improve the waterways of this country, that you will not keep up your harbors. You might with equal reason and logic say that you will abandon the railroads, the waterways, and roadways of the country because expenditures in the past have been large, because the war expenses have been great, that you are not interested in developing and enlarging transportation facilities.

Mr. Chairman and gentlemen of the committee, I have been greatly surprised by some of the statements that have been made by self-proclaimed friends of railways. I am necessarily compelled to confine my remarks for want of time, as I have said, to the waterways of the Mississippi Valley, and before entering upon the discussion of some of the matters which have been mentioned here I want to direct attention to the deterioration which occurs to the reaches of the river from the mouth of the Ohio to the mouth of the Missouri—the Cairo district, as it is called. The report of the Engineers, on page 1226, says:

> Because of the small and insufficient appropriations for this district in recent years many important regulation works have deteriorated rapidly, some having been entirely destroyed, and their repair and restoration is now urgent and necessary in the interests of navigation, just now greatly revived and stimulated by the new Government barge line between St. Louis and New Orleans, the Mississippi River section of the Mississippi-Warrior waterways, United States Railroad Administration. Due to the loss of these works at several localities the river is again becoming excessively wide (a mile or more), and unless necessary sums for such restorations and channel corrections are made available radical increase in the purely temporary dredging work, with attendant increase in plant and operating expense, must be expected and provided for.

Here is the report of the Board of Engineers, reported to the Secretary of War, and in turn it reaches Congress, to the effect that that important reach of the Mississippi River is deteriorating and being destroyed. Why? Because of the meager appropriations which have been made in the past. And yet, in spite of that, it is proposed in this rivers and harbors bill to radically cut down or shade—yes, virtually eliminate—those appropriations which the Board of Engineers have characterized as "insufficient."

That is one item. Now, I do not believe in discussing before this great tribunal—because Congress is the great legislative tribunal of this country—individual propositions, and while the gentleman from Illinois [Mr. MADDEN] has said that I "descanted eloquently" upon the Missouri River, I direct the attention of the gentleman to my remarks in the RECORD, and he will find out that he is mistaken in that respect. I spoke of the Missouri River in connection with the upper Mississippi and the Ohio and also the lower Mississippi and its connection with the Chicago to the Mississippi waterway because I am as heartily in favor of one as the other. I believe in that great system of waterways, and I believe in it firmly. I believe that the greater Mississippi Valley will not reach its highest destiny until those waterways are developed.

The business men in these great cities at the termini of those rivers at Pittsburgh, at St. Paul, at Minneapolis, at Kansas City, and at St. Louis and intermediate points, and the lowest point, New Orleans, all of those business men now, when the shortage condition relating to cars and equipment is accentuated as it is to-day, as well as the people generally, are crying from every section of this country for cars and for additional transportation facilities. Business is being relatively stifled. Those gentlemen realize that the only quick medium of relief is by the development of the inland waterways of the country. And yet here is a crumb thrown by an insufficient bill, appropriating an amount which the Board of Engineers, even when they were crucified and forced to scale down their respective recommendations, have said is insufficient.

Mr. KENNEDY of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Missouri. I regret I can not. At the conclusion of my remarks, if he requests, I want to yield to the chairman of the committee. He has been most considerate and courteous, and I am sorry he has taken part in committing this serious mistake, because it is a most serious mistake.

Let me speak for one moment—and I would not do so except for the attacks which have been made by the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wisconsin [Mr. FREAR]—on the Missouri River, which is one of the noblest streams that God ever made. Ten years ago we came before Congress requesting the approval of a project to improve and complete that stream from Kansas City to its mouth, at a cost of $20,000,000. We went back home with the promise to the River and Harbor Committee that we would raise a million dollars capital in public subscriptions to build boats and barges on that stream. We exceeded our promise. We secured a million two hundred and thirty-eight thousand dollars in subscriptions to our capital stock. We pioneered in boat building and in barge building to develop the proper types, and how successful we were is evidenced by the fact that with slight modifications the types of boats and barges which we developed, after much experimentation and a very large expense, have been adopted by the Government in building their new boats and barges for use by the United States Railroad Administration on the Mississippi River. We departed from the old type of boats which carried their own freight and their own fuel. We constructed steel-hull power boats with high-power triple-expansion condensing engines. The boats were equipped with twin-screw propellers, protected by tunnels in the hulls. We also developed the type with stern wheels. The fuel was oil; and thus space, weight, and bulk was economized, and the fuel, by the establishment of oil stations of supply along the river, was easily obtainable. We built steel-hull barges, virtually nonsinkable, as they were constructed with water-tight compartments.

The superstructure of these barges was inclosed in steel cargo boxes, to increase carrying capacity, with top opening doors through which freight shipments were loaded and unloaded by means of modern electrically operated hoists at Kansas City and St. Louis. We established at Kansas City and at St. Louis wharves equipped with modern electrically operated terminal equipment or machinery, thus eliminating the expense of roustabout labor, and our warehouse at Kansas City was equipped with the overhead Tellefer system, enabling us to transfer freight from one point to the other at the minimum cost. It is apropos to state here that St. Louis is now completing extensive wharves or docks built of concrete and equipped with all modern terminal facilities at a cost of several hundred thousand

dollars. The knowledge which we secured by scientific investigation as well as by practical experience we distributed without charge to all inland waterway communities and civic organizations expressing a desire to possess the same. After all these years of effort and earnest and effective endeavor on the part of the business men and citizens of Kansas City, and particularly of those directly charged with the responsibility of securing terminals and constructing and operating boats on the Missouri, it comes with ill grace from any individual, whether he be Congressman or plain citizen, who has never contributed by word or deed to the laudable and patriotic purposes of using the inland waterways of that great valley to the benefit and advantage of not only the producers but the consumers of this country, to decry and ridicule and, so far as possible, to destroy the result of those patriotic efforts.

It is asked to-day, Where is the commerce on the Missouri River? If you will examine the report of the Board of Engineers just made, it will disclose that there are bars or crossings in the Missouri River which should have been removed long ago, if the project which was approved in 1910 had been expedited to completion. At page 1285 the Board of Engineers states:

The river—

Missouri River—

is practically in its original condition, with a depth of 3½ feet at mean low water between Sibley and Waverly. The stretch from Waverly to Glasco, a distance of 61.5 miles, is the most unstable section of the river; two crossings had as little as 3½ feet depth.

The Board of Engineers also directs attention to the fact that from Glasco to Nigger Bend the required depth prevails, except at one crossing, where a depth of 3½ feet was found, and further says, page 1286:

From Nigger Bend to Rocheport, a distance of 27 miles, two crossings were found with a least depth of 3½ feet.

Also in the reach from Washington to St. Charles three crossings exist where there is a depth of 3½ feet. And again from St. Charles to the mouth two crossings have a depth of only 3½ feet. I could direct attention to other crossings of the river which should be removed cited in the report of the engineers, and which to-day afford an insufficient depth for navigation. My proposition is that if Congress had supplied adequate and sufficient appropriations to complete the approved project within the 10 years proposed, and as could very readily and easily have been done, the entire reach of the river, from Kansas City to the mouth, would to-day be finished, and a channel ranging from 8 to 30 feet have been secured. Boats and barges would be plying up and down the stream, and an exchange of barges could be effected with the line of boats and barges operated by the United States Railroad Administration, and to which I have just referred, and deliveries without breaking bulk could have been made for delivery to New Orleans, to be transferred to ocean-going vessels, not only for our domestic trade on both coasts but for export, and millions of car-miles could be saved and cars released to meet the pressing necessities which to-day exist everywhere in this country.

For 10 long years we have operated boats and barges upon the Missouri River, over bad crossings, and at a differential freight rate 20 per cent less than the rail rate. We have operated at a profit when the channel was at proper water stages, and have operated at a loss when we have had to nose on and back off of the sand bars which were caused by the river being uncompleted. The shallowest crossings in the channel of the river over which we were compelled to float our commerce fixed and determined the carrying capacity for the entire Kansas City-St. Louis reach of the stream, and at low water we were necessarily compelled to load light and therefore increase our per cent in cost of operation as compared to the commerce carried.

The experience of the business men of Kansas City has demonstrated beyond any question of doubt that the Missouri River, when improved, can be made one of the great arteries of commerce, and when statements are made by Members of Congress that it is incapable of improvement, that the proposition is not a practicable or feasible one, I am constrained to say that these statements are based upon either ignorance of the real situation or a total misapprehension of the facts. The Missouri River has been surveyed, resurveyed, and reresurveyed not one or two or three or four times but many times, and it has been determined by the best engineering skill we possess that it is both practical and feasible to improve the channel. Conclusive evidence is furnished by the work of the Missouri River Commission during a period of time from 1892 to 1901. The worst reach of the Missouri River for a distance of 45 miles, extending from Murrays Bend, just above Jefferson City, to the mouth of the Gasconade River, was improved. The river was confined to an average width of 1,200 feet, and scoured out its sandy bottom to a depth varying from 10 to 30 feet. Understand, this was the worst reach of the river, having a low-water depth as low as 2½ feet prior to the improvement. The work was done through diking and revetting an average period of 24 years ago, and to-day the work stands substantially intact. Does it not necessarily follow, then, that if the worst reach of the river could be made navigable and with a permanently fixed, improved, and sufficient channel for navigation purposes, the other reaches of the river, and not so difficult to improve, where crossings of shallow depth exist, could be just as well and permanently improved, and when the gentleman from Illinois [Mr. MADDEN] states that the Missouri River is in one State to-day and another State to-morrow he speaks without the facts to support his statement, and if he goes further and says that the river is not susceptible of permanent improvement he squarely opposes the opinion, and that, too, after repeated examinations, of the best engineering skill this country possesses.

When the last hearing, in 1915, was had as to the feasibility and practicability of improving the river the full Board of Army Engineers, Gen. Black presiding, sat for several days at Kansas City and an extended hearing was had and decision emphatically favorable. So much, then, as to the improvement of the river and as to its being made a navigable stream with a fixed, permanent, and dependable channel.

The community which I represent has done more to keep alive the spirit favoring inland waterway navigation than any other inland waterway community in this country. We have to-day in our hands a cash fund which we are ready to invest in boats and barges whenever the Government will give us a channel, which it is within its power and its obligation to do, and we will use the river not only to the benefit of the local inhabitants, but to the benefit of the consumers of the necessary products of that valley in the great manufacturing centers of our country, where consumption of those products must be supplied at fair and reasonable prices. We are not only ready but we are anxious and willing to invest that money in boats and barges to move the freight up and down the Missouri River and to deliver our barges to the Mississippi River line for transportation to New Orleans.

Under the stress and necessities of war and the consequent imperative demand for larger transportation facilities the United States Railroad Administration, after a full hearing in Washington, which was attended by representative business men from all parts of the great Mississippi Valley, decided to purchase all barges and power boats obtainable for use upon the lower Mississippi, and also additional equipment of boats and barges for use upon the Mississippi from St. Louis to St. Paul. To that end contracts were let aggregating $6,240,000 for power boats and barges upon the lower river and $3,360,000 for boats and barges upon the upper Mississippi. The latter appropriation was later increased by the sum of $500,000, thus making a total expenditure for a fleet of boats and barges to be used upon the Mississippi of $10,150,000, all of which are contracted for and many of them delivered.

In order to obtain a preliminary equipment, boats and barges already constructed were purchased elsewhere, and the fleet of boats then being operated upon the Missouri by the Kansas City (Mo.) River Navigation Co. were virtually commandeered by the Government and transported to the Mississippi, because it was thought by the Federal representatives a larger use could be secured by reason of the deeper channel on the lower Mississippi. I hope this statement will be carried in mind, because I desire to refer to it later.

We stand to-day on the eve of a great commercial and industrial era which must follow when business resumes normal condition. Europe, with depleted man power and reduced productive capacity, will demand and must have our surplus products from farm and factory. Our transportation facilities will be tested as never before. The railways of this country are confronted by a condition which is alarming and critical, and neither the time, men, money, and material can be secured to keep pace with the constantly expanding commerce and consequent transportation necessities. We are blind indeed to the interests of our great country if we are unwilling to use the great instrumentalities of commerce—our waterways—to the utmost by failing to provide the money necessary to put those waterways in condition to be used at the earliest practicable moment possible.

The distinguished gentleman from North Carolina [Mr. SMALL], who, prior to the present term of Congress, served as chairman of the Rivers and Harbors Committee, characterized

this bill as an "abortion," and as he thought of the wonderful results which might have been accomplished he stated that he was reminded of the old couplet—

Of all sad words of tongue or pen,
The saddest are these, "It might have been."

And if the gentleman had carried the thought further and considered not only the benefits which might have resulted to the whole country if a well-considered and wisely constructed rivers and harbors bill had been reported, but had only viewed the present bill as it is drawn and which he has characterized as an abortion, he might well have added:

But sadder yet, as you will see,
Are these, "It is, but hadn't orter be."

The strongest indictment which can be brought against this bill is the one that grows out of the very facts and not based upon any sentimental declaration.

I have already given the figures showing the amount of money remaining on hand for the Missouri River, the reach of the Mississippi from the mouth of the Missouri to Cairo, the reach of the Mississippi from the mouth of the Missouri to St. Paul, and the Ohio River, as well as the total expenditures made upon those rivers.

The Board of Engineers, in their report, Document 427, Sixty-sixth Congress, second session, recommend $5,000,000, exclusive of all funds on hand, as the amount which can be profitably expended in the fiscal year ending June 30, 1921, for new work on the Ohio River, and estimate that the amount required for the completion of the existing project is $20,265,488—see report, page 1380. For the Mississippi River, from Cairo to the mouth of the Missouri, $750,000, in addition to all available funds on hand, and the fund on hand December 1, 1919, was only $319,891. The amount necessary to complete the project is $16,000,000—see report, page 1227. For the Mississippi River, from the mouth of the Missouri to St. Paul, to be used during the fiscal year 1921 for new work, $2,000,000, while there was on hand December 1, 1919, only $498,694. The amount necessary to complete the project is $7,185,000—see report, page 1240. For the Missouri River, from Kansas City to its mouth, for new work and maintenance, the Board of Engineers recommend $2,100,000, while there was on hand on December 1, 1919, only $323,029, and the amount necessary to complete the project the Board of Engineers estimate to be $11,800,000—see report, page 1291. And yet in the face of these figures the Committee on Rivers and Harbors has reported that "after a careful investigation" of each uncompleted project the amount of funds remaining available on November 1, 1919, from the appropriations which have been made will be ample to prosecute the work to completion without deterring its progress. The very statement of the figures, I say, is a refutation of the position taken by the committee in its report and discloses its utter absurdity. For years and years practical, hard-headed, farseeing business men, representing commercial houses and manufacturing interests, have left their representative places of business and journeyed from every part of these United States to meeting after meeting, convention after convention, to develop and create a sentiment in favor of the larger use of the waterways not only in the greater Mississippi Valley but in other sections of the country. They have spent their time and money because they possessed a true vision, built upon their practical experience, of the journey our country is entering. They realized more and more that the railway situation of the country was becoming critical and more acute. They realized that commerce was expanding with tremendous bounds, and that there was a constantly increasing demand for transportation facilities, and that sooner or later progress and development would be halted unless additional avenues for commerce or transportation facilities were developed, and if this proposed rivers and harbors bill is enacted into law it will come as a distinct shock and serious injury to the various business interests, commercial and manufacturing, represented by those men.

Their hopes for a coordination and cooperation of railway and river lines with joint proportional rail and river rates were about to be realized. During the war the United States Railroad Administration in a large section of the country established joint rail and river rates, with the result that inland cities located at distances from the waterways obtained the benefit of the river rates. One concrete example of this may be given. At one time, comparatively recent, there was brought up the Mississippi River by Government barges and boats 79,600 bags of sugar, and of that quantity 20 per cent only, or 16,000 bags, were consigned to merchants at St. Louis, while the remaining 80 per cent, or 63,600 bags, went to merchants in inland cities, and this was made possible by joint river and rail rates, thus affording to the inland merchants the differential rate of the river. If the great waterways of the Mississippi Valley which I have mentioned were developed, they would, beyond question, be used; and if so used, the benefits of joint proportional river and rail rates would be extended to the inland cities of Missouri, Iowa, Nebraska, Kansas, Oklahoma, and, in fact, all of the cities located at distances from the waterways; and this same argument would apply to inland waterways in the other States of the Union, and saving of cars and car miles would be felt beneficially everywhere.

We are to-day proclaiming far and wide that the most potent factor in reducing the burdensome and increasing cost of living is increased production, but we are not providing carrying facilities for the present production and business, much less an increased volume, and in addition to that it is a duty and obligation to supply transportation at the minimum cost. To-day, so far as transportation is concerned, we measure distance not in miles but in dollars and cents, and with our great system of waterways—and I mean the projects which have been surveyed, thoroughly examined, and approved—we can supply mediums of transportation at the relative minimum cost. Such action would benefit the farmers and producers in the great agricultural States of Minnesota, Iowa, Nebraska, Illinois, Indiana, Missouri, Oklahoma, Ohio, and other States too numerous to mention, to which not only we in this country must look for sustenance, but toward which the peoples of the world are hungrily and anxiously turning their faces and with outstretched hands pleading for food to avoid starvation and death.

Ah, Mr. Chairman, it is a sad spectacle indeed—and I am still looking at the greater Mississippi Valley—to view those wonderful rivers—the Ohio with its source of navigation at the great mart of Pittsburgh; the upper Mississippi at Minneapolis and St. Paul, the first milling center of the country; the Missouri at Kansas City, the third milling center of the country, and perhaps the deep waterway from that great trade center, Chicago, to the Mississippi—and think of the long neglect and misuse made of those waterways over which there could be flowing to-day millions of tons of water-borne commerce which could be distributed to the needy markets of this country and the world at the lowest possible cost, either via the Atlantic or through the Panama Canal to Pacific or foreign ports. And right here, Mr. Chairman, the people of that greater valley gladly responded to the demand made upon them by the Government for their portion to construct the Panama Canal, and instead of being a benefit to that section that great canal is an injury. When the ocean-going vessels released from overseas service resume their coast-to-coast trade, intercoastal rates will necessarily be reduced, while the immediate prospects are that rail rates, which have already been advanced, will be raised still higher, and the position of the producers and of the commercial and manufacturing interests in the interior will become relatively worse.

Yes, Mr. Chairman; it is a sad commentary upon our foresight and our wisdom to view the long neglect of those splendid waterways which should to-day be completed and used for freight carrying purposes. It is reliably estimated that the greater Mississippi Valley, with its 1,980,000 square miles, with its soils richer than the fabled valleys of the Nile, yielding all the products known to farm and plantation, with its soil first enriched by marine deposits before the recession of the ocean then by glacial action, then, in part, by the Gulf of Mexico, then by centuries of washings from the mountains, and possessing a variety, quality, and fertility unequalled, with a potentiality to support on the basis of population of some of the European countries 600,000,000 people, and it can only secure its highest development by and through the use of its wonderful waterways.

Of the commodities demanded by mankind it produces over 70 per cent of the wheat, corn, cotton, live stock, iron ore, lead, zinc, and other commodities and staples of the entire Nation. There in the center of our country, between two great mountain ranges, gradually sloping or grading from the north and from the mountains on the east and west to and down "The Father of Waters," it has been designedly adapted by nature for carrying by water over the Mississippi and its great laterals, almost by gravity alone, its fabulous and infinite surplus production to all markets. In that great valley the center of production and the center of population is concentrated, and with its magnificent rivers improved and teeming with the commerce growing out of its wonderful production the mind of man can not conjure or conjecture the results; but if this bill is to be the declared policy of Congress, then a blight will be cast upon that valley; in fact, if this bill is passed as now drawn it should, and will, bring upon it the condemnation of the producers and of the business interests of the valley. If the work is to be done it should be done now; the necessity has been never so pressing and never so great. It

should be taken up and prosecuted with the same vigor, the same energy, the same dispatch, and with adequate funds, just as was done in the case of the Panama Canal, to the end that further waste and loss by deterioration, damage, and misuse may be avoided, and in order that benefits may be derived from the vast sums of money already expended.

Is it the part of wisdom and economy to procrastinate longer, to enact a "make believe" and grossly inadequate measure like this proposed rivers and harbors bill now reported by that committee, to commit such a travesty under the guise of a pretended and false economy, and to the injury and loss of production and commerce now demanding increased, adequate, and economical transportation?

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman, the greatest problem which to-day confronts the American people is the problem of transportation. The revenues of the Nation depend almost entirely upon the commerce of the country. Commerce can not and will not develop beyond the transportation facilities available, and the only substantial transportation facilities available to-day are those afforded by the railroads. There has not been a railroad of any consequence constructed in the United States in the past 10 years, and I am told that the railroad mileage in the United States is less to-day than it was two years ago, certain small lines having been abandoned under Federal operation. I know of no capital in this country seeking investment in railroad construction, and I do not believe there is any private capital available for that purpose. Yet commerce has grown and developed until the railroads are totally inadequate to meet the demands made upon them.

I think there is no one better advised as to the railroad situation in this country than Samuel O. Dunn, editor of the Railway Age, a publication of authority among the railroads. On the 17th of November, 1919, Mr. Dunn gave an interview to the Post-Dispatch of St. Louis, in which he said:

> If every locomotive plant in the country should operate at capacity for three years, if all the railroad material shops should work at top speed for three years, at the end of that time they would enable the railroads to do no more than catch up with the demands of business made upon them. The railroads at this moment are three and one-half years behind in equipment and other facilities. With the country spending a billion dollars additional every year for three years, and with the best and most efficient management obtainable and imaginable, they could not handle the business.

Mr. Dunn's statement reveals an amazing transportation situation, and yet I doubt if there is a man on the floor of this House who is surprised at its import, or who would attempt to contradict the truthfulness of his assertions.

In order to ascertain the true transportation situation in my home city, St. Louis, I wrote a letter about 10 days ago to each of 125 large shippers in that city, making inquiry as to whether or not the railroad facilities now available are adequate to meet the demands of their various business enterprises. No shipper was advised that another had been communicated with, and the answer in each case was spontaneous. I have had replies to most of the letters, and with only one exception I am told that these leading industries have been unable to procure adequate cars to properly carry on their business. The one exception is a large tie company, which asserts that it has experienced no difficulty in procuring adequate car space for its goods, and that it could not use a barge line to advantage. It is probable that the railroads give preference to ties used in repairing of their tracks. It is also possible that it might occur to a tie dealer that ties are not essential to transportation on the waterways.

I presume that the congestion of transportation is no worse in St. Louis than it is in other sections of the country, and in order to bring the Members of the House in more intimate touch with the deplorable conditions prevailing there, I desire to read short extracts from a number of the letters which I have received.

I received a letter from the Steinwender-Stoffregen Coffee Co., one of the largest coffee houses of that city, in which they say:

> So far as railroad facilities are concerned, the delay which our shipments are now suffering in New Orleans are almost unbearable. We have had cargoes in that port that have been held up all the way from two to six weeks before carriers could provide equipment to move them.

The Western Furniture Co. writes as follows:

> It has occurred time and again that we were prevented from making shipments on account of the refusal at depot platforms to take more freight, thereby curtailing movement and making additional cost by rehauling. There have been times, due to car shortage, when our goods consigned to pool cars have lain on the transfer platform from 7 to 14 days; in fact, this is a weekly occurrence.

The Broderick & Bascom Rope Co., one of the largest wire-rope manufactures in St. Louis, writes:

> The available railroad facilities are most certainly inadequate. Cars that should reach destination in a week or less are two or three weeks, and many times four or five weeks, en route. For example, a shipment of wire rope from Liverpool has reached St. Louis in five weeks' time via New Orleans and the Mississippi River, and it takes five weeks and more for cars to reach us from points in this country.

The J. H. Teasdale Commission Co., dealers in grain, feed, hay, and mill products, say in their letter:

> Railroad facilities have been wholly inadequate in our business during the past year and more to such an extent that at times and for considerable periods we have been compelled to cease buying and selling entirely owing to the impossibility of securing cars for transportation of grain. At the present time our business operations are reduced fully 75 per cent on account of the shortage of cars.

The Kehlor Flour Mills Co., one of the largest flour institutions in the city, writes:

> We have not and can not get sufficient railroad equipment to handle our business. Our mill is now shut down on this account. We have something like 250,000 bushels of wheat in Chicago, and we can not get the cars to move the wheat to St. Louis. Our mill is, therefore, shut down.

The gentleman from Wyoming [Mr. MONDELL], the leader upon this floor, pleads for economy and tries to justify the provisions of this bill upon that ground. I agree with him that, taking into account the great burden of debt resulting from the war, we should avoid every needless expenditure, but I deny his contention that an expenditure for the improvement of our waterways, which will open them for navigation, thereby relieving the congestion of transportation, is a needless expenditure. I deny that a policy which fails to develop our transportation facilities to such an extent as to enable our commerce to develop and grow is based upon sound economy. The taxes which we collect from incomes constitute one of the greatest sources of revenue which this Government enjoys, and a policy which stifles commerce by refusing to furnish transportation, thereby curtailing the incomes of the country, is certainly not based upon a wise and sound economy.

There is one kind of economy which impels us to hold money in the Treasury with an iron grip and to dole out sparingly and grudgingly the sums which the dire needs of the country compel us to expend. There is another kind of economy, based upon good business sense, which by developing the industries and commerce of the country enables us to fill the Treasury with abundant funds with which to amply provide for the country's needs. In my judgment this is the kind of economy which the people want. If large shippers, such as these from whose letters I have quoted are afforded adequate transportation facilities, their merchandise will develop and grow and their incomes will increase until they will pay millions in income taxes into the Treasury of the United States. Is it economy to curtail their incomes by failing to provide means of transportation for commerce, thereby depriving the Treasury of millions in taxes, which would far exceed the cost of these river improvements? If that is economy, then I fail to comprehend the meaning of the term.

Another inquiry which I made in my letter to the large shippers of St. Louis was to what extent, if any, they would be able to utilize in their business barge lines, if established. In more than three-fourths of the answers it is stated that barge lines could be used to a very great extent, and if established would do much to relieve congestion in transportation. I desire to quote from two or three letters on this point. The Marshall-Hall Grain Co. writes:

> Since the inauguration of Government barge service, September, 1918, we have loaded to barges for New Orleans a total of 1,277,181,300 bushels of grain.

The Philip Gruner & Bros. Lumber Co., one of the largest lumber dealers in St. Louis, writes:

> If navigation is made possible and barge lines established on the Mississippi River, will say that we figure that 50 per cent of our business can be handled through this medium.

The Kehlor Flour Mills Co. writes upon this point:

> We manufacture daily 3,000 barrels of flour. About 50 per cent of this goes for export. In other words, we have seven or eight cars of flour for barge lines per day. We also manufacture five cars of mill feed per day. A great deal of this goes to New Orleans and other lower Mississippi points. So we believe we can safely say that we could furnish the barge lines 8 or 10 cars of mill products per day.

I regret that I have not the time to quote from other letters which I have received from sugar companies, screw companies, wire-rope companies, tile companies, fire-brick companies, grocer companies, lumber companies, hay and grain companies, flour mills and feed companies, and other industries of St. Louis, all expressing a desire for an opportunity to procure relief from freight congestion through barge-line transportation.

The question, perhaps, of the greatest concern to the American people to-day is that of the "high cost of living." Under the laws of supply and demand the supply available at the point of demand governs the price at that point. There may be in the

country an abundance of every commodity to supply the people's needs; yet if facilities for transportation are inadequate to keep that supply at the point of demand, prices will be high, and there is no doubt but what the present high prices are largely due to that condition. For instance, the lumber people tell me that there is an abundance of lumber at the mills in the forests, but that sufficient cars are not available to haul it to market. Therefore the price of lumber is higher than ever known. Yet the incomes of lumbermen are being curtailed because of the limited amount of sales.

The Committee on Rivers and Harbors stands sponsor for this bill. The members of the committee are able and conscientious men, and it is to me a source of real regret that I am unable to concur in their report. Had they gone more fully into the matter and given us more extensive hearings, I am sure their conclusion would have been different. They tell us that the bill provides adequate funds to keep improvements already made in repair and to carry on the projects heretofore undertaken, and in support of this contention they quote Gen. Taylor, of the Army Engineers, though it has been denied upon this floor that this statement correctly defines the attitude of the general upon this question. They tell us that there is an unexpended balance of $25,000,000 in the Treasury heretofore appropriated for river improvement, which is all that the Army engineers will be able to expend until the next appropriation is made, some eight months hence. But I deny that available funds appropriated for the Missouri and the Mississippi Rivers are adequate to carry on improvements. Of the twenty-five millions heretofore appropriated and relied on by the committee as an excuse for this bill, the records of the War Department show that there is available on the Mississippi River between St. Paul and St. Louis only $498,694, while there is available on the Mississippi River between St. Louis and Cairo only $319,891, which is $30,000 less than was necessary to make repairs during the past fiscal year, without any provision for improvements. And upon the Missouri River there is available for use between Kansas City and St. Louis the sum of $323,029, which is not more than enough to make repairs on improvements heretofore made, leaving nothing with which to carry on new work.

Mr. KENNEDY of Iowa. Of course, the gentleman understands that more of this $5,000,000 for maintenance could be used to maintain the channel depth between St. Louis and Cairo?

Mr. NEWTON of Missouri. I know, but when we take into account that $5,000,000 is all that is being appropriated for the maintenance of all the rivers and harbors in the United States, it is probable that very little of such sum will be expended upon the Mississippi and the Missouri Rivers.

Mr. KENNEDY of Iowa. I want to say to the gentleman that there are $12,000,000 in project funds at the present time that can be used for maintenance. These $5,000,000 in addition will make $17,000,000 for maintenance from the 1st of November to the 4th of March, 1921.

Mr. NEWTON of Missouri. I will admit that for the Ohio River and many other waterways of the country adequate funds are available out of appropriations heretofore made to carry on the improvements which are needed, but such is not the case with respect to the Mississippi and the Missouri Rivers.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. MADDEN. What good reason is there for the improvement of the Missouri River if the channel is in one State to-day and in another State to-morrow?

Mr. NEWTON of Missouri. The Missouri River does not shift its channel as rapidly as the gentleman from Illinois seems to think. In 1900, pursuant to an appropriation made by Congress, the Army engineers improved a 45-mile section of the Missouri River lying between Jefferson City and Osage with the purpose of establishing a 6-foot channel. This was one of the worst sections of the river and was selected as an experiment. Prior to such improvement the river was spread out over a width of 1 to 1½ miles with no fixed or permanent channel. Dikes were constructed narrowing the channel to 1,200 feet. Floods came, throwing the current down this 1,200-foot channel, while the eddying waters between the dikes deposited their silt until the banks of the river, at the end of three years, extended up to the 1,200-foot channel, thus reclaiming thousands of acres of the most alluvial and fertile lands, while the newly made channel over the entire distance was found to be more than 6 feet. After 10 years had elapsed, during which time this channel remained stationary, the Army engineers, after making their soundings, found that the channel over this entire distance ranged from 10 to 30 feet.

Mr. BLAND of Missouri. And to-day this section stands practically intact, varying in depth from 11 to 30 feet.

Mr. NEWTON of Missouri. Yes; and what was done on the Missouri River from Jefferson to Osage can be done over every foot of that river from Kansas City to St. Louis, and a permanent channel thereby established, which will carry millions of tons of commerce each year.

About a year ago I talked with an Army engineer who was stationed at Kansas City and who had charge of the Missouri River and was familiar with its condition. He told me that the river from Kansas City to St. Louis is 400 miles long, that for 350 miles of that distance there is to-day a 6-foot channel at low-water mark, but that for 50 miles of that distance sandbars were distributed, affording a channel at low-water mark of less than 3 feet. Since for purposes of navigation a river is no better than its shallowest point, it is evident that even though there is to-day 350 miles of 6-foot channel between St. Louis and Kansas City, the river can not be used because the Government, which controls the great waterways of the country, has failed to remove the sand bars which obstruct the river over the remaining 50 miles.

In 1910, under the direction of Congress, the Army engineers made an examination as to the practicability and probable cost of improving the Mississippi from Cairo to St. Paul and the Missouri River from Kansas City to its mouth. Their report was favorable to the improvement of both rivers, and Congress adopted the projects proposed by the Army engineers for the improvement of these rivers. It was estimated that a permanent 6-foot channel at low-water mark could be established on the Missouri River between Kansas City and St. Louis for an expenditure of $20,000,000, and Congress undertook to make this improvement by appropriating $2,000,000 per year, the project to be completed in 1920, the current year.

The business men of Kansas City, to show their faith in river navigation and relying upon the good faith of Congress, organized a barge line company with a capital stock, fully paid up, of $1,000,000, and they purchased steel barges and towboats and began operations upon the river, and continued such operations for nine years, until the Government requisitioned their equipment for use in the prosecution of the war.

I am advised by the manager of this barge line company that during six months of every year, when high water afforded a channel, they operated successfully and at a profit, but that during three months of the year their profits were dissipated by delays and expense incurred while dislodging their barges from sand bars. In the meantime, however, while this barge line company operated in good faith, Congress, instead of appropriating $2,000,000 each year, as was intended, has appropriated only $8,000,000 in 10 years, much of which has been wasted, because the Army engineers did not have sufficient funds with which to carry on improvements and to protect the work already done.

Some members of the committee have endeavored to justify their failure to provide in this bill sufficient funds to carry on improvements on the Mississippi and the Missouri Rivers on the ground that cities adjacent thereto have not shown sufficient interest in river navigation by the erection of suitable docks and terminals. Is it any wonder the people along these rivers, when they have so long observed the delay of Congress in making appropriations for river improvements and its failure to carry out its river program when adopted, should hesitate to spend money to build docks and terminals which can not be used until the rivers are made navigable by governmental appropriations? As a matter of fact, is there any more reason for requiring the people who happen to reside in towns and cities along the river to build docks and terminals for barge lines, operated either by the Government or by private capital, than there is for requiring them to build railway stations, and certainly no one would ever urge that the people of a town or city should build a railway station before the railroad was built and before the money for building such a road was even available, and that is what is being expected as to docks and terminals. Furthermore, is it just to expect a city at its own cost to build docks and terminals when the great bulk of the freight passing through such terminals is neither consigned to nor originates in such city? Yet in the face of the fact that the building of terminals by municipalities is unusual and in the face of delays long practiced by Congress, St. Paul and Minneapolis have built adequate river terminals; Kansas City has river terminals sufficient to handle its commerce; Memphis and Helena, Ark., have appropriated large sums of money for the purpose of building terminals; New Orleans has abundant terminal facilities; and St. Louis has recently expended the sum of $800,000 for the erection of modern river terminals with up-to-date loading and unloading equipment, and is about to vote upon a bond issue which provides a million more for this purpose, while the State of Illinois has

appropriated $20,000,000 to construct an 8-foot canal from Chicago to the point of navigation of the Illinois River in order to give the commerce of Chicago the benefit of a cheap water rate to the Mississippi Valley; also to the Panama Canal and South American ports, and yet this canal can not be utilized until the Illinois and Mississippi Rivers have been improved and made navigable. What stronger evidence could be desired as to the anxiety of the people of the Mississippi Valley for the establishment of river navigation?

From the Gulf of Mexico to Cairo, Ill., the Mississippi has been improved and now has a permanent channel, at low-water mark, of 9 feet. From Cairo to St. Louis the river has not been improved, and while there is usually an 8-foot channel it is not permanent and stationary, but is constantly shifting, so that barges plying between St. Louis and New Orleans are unable to avoid collision with sand bars, thereby greatly retarding navigation. Thus the Mississippi has been improved and the channel fixed 1,081 miles from the Gulf of Mexico, while a stretch of 120 miles of unimproved river lies between that and a great railroad center with modern river terminals at St. Louis, where the commerce of the central valley could be given an opportunity to benefit by cheap water rates. Even if the condition of the Treasury should impel us to neglect the Missouri and upper Mississippi for another year, how can we afford to delay the completion of the 120 miles between Cairo and St. Louis, when its completion will bring cheap water rates from the Gulf of Mexico to the central Mississippi Valley, thereby enabling us to utilize the 600 miles of river already completed.

We built the Panama Canal at an enormous cost, and the funds therefor were supplied by the people of the whole country. It is of tremendous advantage to the eastern and western coasts, for it shortens the water line between them; but of what advantage is it to the interior ports of this country? Today, if the people in the valley want to get their goods to the Panama Canal, they must first ship them at rail rates to the eastern seaboard, where they are taken by ships, for that is the route over which the commerce now goes. Open the river to cheap transportation north and south, and the commerce of the valley will utilize the canal, and, furthermore, a trade will develop between the Mississippi Valley and the countries of South America which will be of great value to the United States.

Mr. Chairman, the committee further attempts to justify its failure to make more ample provision for the improvement of the Mississippi and Missouri Rivers, on the ground that that part of the Mississippi River which has already been improved is not being more extensively used. The limited amount of navigation upon that portion of the Mississippi River which has been improved is due partly to causes which I have already described, but it is chiefly due to a practice, long since established by the railroads and tolerated by the Interstate Commerce Commission, whereby the railroads make rates between river points which amount to less than 50 per cent of rates which they make between points where there is no water competition.

In order to demonstrate this point, I had a representative go to the railroad offices in St. Louis on yesterday and procure information for me as to the rates between certain river points, also between certain points where no river competition exists; and in his report I find that the freight rate on 100 pounds of sugar from New Orleans to St. Louis, a distance of 700 miles, is 44 cents, while the rate on 100 pounds of sugar from New Orleans to Camden, Ark., a distance of 360 miles, and where no water competition exists, is 50 cents, and that the freight rate on 100 pounds of sugar from New Orleans to De Queen, Ark., a distance of 417 miles, and where no water competition exists, is 54 cents. I also find that the freight rate per 100 pounds on corrugated strawboard boxes from St. Louis to New Orleans, a distance of 700 miles, is 44 cents, while the freight rate per 100 pounds upon such boxes from St. Louis to Wiggins, Miss., a distance of 625 miles, and where no water competition exists, is 87 cents. The freight rate per 100 pounds from St. Louis to Springfield, Mo., a distance of 239 miles, and where no water competition exists, is 77½ cents, and the freight rate per 100 pounds from St. Louis to Madison, Wis., a distance of 371 miles, and where no water competition exists, is 65 cents. Thus it will be observed that the freight rates upon railroads between water points is less than 50 per cent of what it is on lines where water competition exists. If the railroads can afford to make such rates for the carrying of freight along the river, then the Interstate Commerce Commission ought to compel them to make similar rates throughout the country. However, after the Government's experience in the operation of railroads during the war, whereby we sustained a loss of $1,300,000,000, I think the public has learned that it is doubtful whether the railroads can afford to carry freight at the rate which they are now charging between inland points, and it is evident that the rates which they are making and have been making between river points is less than 50 per cent of the actual cost of operation, and yet these rates were established years ago, and undoubtedly for the sole and exclusive purpose of driving water competition from the rivers. The Interstate Commerce Commission has tolerated this destructive and expensive practice, and Congress has permitted it to continue by failing to enact legislation prohibiting it; and, incredible as it may seem, the Government of the United States has permitted this practice to continue during its operation of the railroads, thereby greatly augmenting the losses which it has sustained as the result of such operation. One arm of the Government has expended and is expending sums to the total amount of $10,000,000 for barges, towboats, and other equipments for use on the Mississippi and Warrior Rivers, in an effort to revive navigation upon these rivers, while another arm of the Government is operating railroads along these waterways, carrying freight at less than 50 per cent of the cost of operation, in an effort to prevent navigation from developing upon such rivers; and now we propose to further prevent the development of such navigation by delaying the appropriation of funds with which to provide the necessary channels for such barges and towboats. I repeat, if that is economy, then I fail to understand the meaning of the term.

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. EVANS of Nevada. I want to ask the gentleman this question: If ten times as much money had been appropriated for the improvement of inland waterways as has been appropriated, would water transportation, in his judgment, be greater than it is to-day?

Mr. NEWTON of Missouri. Transportation upon the rivers has been greatly retarded by the failure of Congress to appropriate money to make the necessary improvements. But I doubt if any large amount of river traffic will develop as long as the railroads operating between water points are permitted to practice this destructive and wasteful competition. However, I am pleased to advise the gentleman from Nevada that both the Esch and Cummins bills, which are now in the hands of the conferees, contain ample provisions for abolishing this baneful practice, and when this practice is abolished we shall find an abundance of commerce springing up everywhere along our inland waterways.

Mr. EVANS of Nevada. That is exactly the point and the fact that I wanted to bring out.

Mr. NEWTON of Missouri. As the matter stands to-day, barge lines operating upon the Mississippi River are carrying freight at a rate equal to 80 per cent of the rate charged by railroads paralleling the river, which is less than 40 per cent of the rate charged by railroads for carrying freight between inland points thoughout the country, and Mr. M. J. Sanders, Federal director of the Mississippi and Warrior River Barge Lines, while testifying before the Rivers and Harbors Committee, recently stated that in the light of his experience as director of such barge lines he had no doubt but what when modern equipment is available he would be able to operate such lines at a less rate for freight than he is now charging and still earn a handsome profit for the Government.

Mr. Oscar F. Barrett, of Cincinnati, a practical river man, who owns a large number of boats and barges which he operates on the Mississippi and who in the face of war-time prices and ruinous railroad competition expended $100,000 last year for new equipment, while testifying before the Rivers and Harbors Committee demonstrated his faith in river navigation by stating that if unfair railroad competition could be prevented he could raise $10,000,000 in 60 days' time for investment in river equipment.

I hope you will not construe my attitude as unfriendly to the railroads. They have been hampered by unfriendly legislation and public officials until they could not develop and until their stocks have become the most unattractive investment in the land. Government operation has taught us much about them that we had never known. But their management has done many foolish things, among which was an attempt to destroy a competition which they could not meet except at a loss, and that, too, when they had more freight than they could carry between points where water competition did not exist. I trust, however, that in the future they will profit by their mistakes of the past.

River navigation now only benefits the inhabitants of cities along the waterways, but when joint through rates are established and through bills of lading issued all products carried

part way over water between origin and destination will profit by the cheaper rate. For instance, Kansas City is situated in the center of one of the largest wheat-producing sections of the United States. A large portion of that wheat is shipped to flour mills in Kansas City and manufactured into flour, and I am advised that a great portion of it is then shipped to the Pittsburgh manufacturing district and sold, while the bulk of the wheat remaining is shipped to some seaport, where it is loaded upon ocean vessels and carried to foreign ports. • If our rivers were improved and navigation established the flour manufactured by the mills in Kansas City could be loaded upon barges, float down the Missouri to the Mississippi, then down the Mississippi to Cairo, and then towed up the Ohio to Pittsburgh, and the shipper of such flour would enjoy a rate of less than 50 per cent of that which he is now paying to the railroads, and wheat intended for foreign markets belonging to farmers and grain operators throughout Kansas, Nebraska, and western Missouri could pay the inland freight rate over the short rail haul to Kansas City, then load their wheat upon barges and have them towed down the Missouri to the Mississippi, thence down the Mississippi to the Gulf, enjoying a rate from Kansas City to the ocean of less than 50 per cent of what they are now compelled to pay. Would not such a rate be a benefit to every farmer and wheat operator in Kansas, Nebraska, Missouri, Iowa, and Illinois, or any other State so situated as to enable its freight to enjoy the cheaper water rate over a part of its road to destination? The proof is conclusive that the railroads can not compete with barge lines in carrying freight. This difference in the cost of carriage should be recognized by the public and by Congress, and the barge lines should be permitted to carry the freight, where they can carry it cheaper, and the railroads should be paid a higher and a compensatory rate where barge lines are not available. Such a practice would benefit both the railroads and the public.

Not only would river navigation be a blessing to the inland farmers, producers, and manufacturers of the Middle West, but it would release thousands of cars which are now being used to transport wheat, flour, and other products from the Mississippi Valley to the eastern seaboard, so that such cars could then be used to relieve the transportation congestion now pervailing all over the country, and there would still be more freight available for the railroads than they could handle.

The railroads would be infinitely better off, because the public, enjoying the benefits of cheaper transportation of its foreign commerce, could then afford to pay them a remunerative rate upon its domestic commerce and they would no longer have the burden of operating a part of their lines at a heavy loss in an unwise effort to prevent commerce from developing upon the rivers.

As a further illustration of the benefits to be derived from cheap water rates to the people living inland and away from waterways, permit me to state that not long since a towboat arrived in St. Louis from New Orleans carrying 68,000 sacks of sugar. Only 14,000 sacks of this cargo were consigned to St. Louis merchants, while 52,000 sacks were loaded upon freight cars at St. Louis and carried to points inland, thus enabling the inland consumers to benefit by the cheap water haul from New Orleans to St. Louis. And that which was accomplished by this cargo of sugar can be accomplished upon lumber, coffee, rice, and every commodity imported from a foreign country and used or consumed in the Mississippi Valley.

For the purpose of showing the enormous amount of tonnage which can be carried in river navigation even under adverse circumstances, I desire to state that a towboat recently picked up two new steel barges built by the Government, and placing therein thirteen hundred tons of iron ore at St. Paul it proceeded without mishap down the river to St. Louis. So insignificant was this load that it caused the barges to draw only 3 feet of water and probably did not constitute more than one-fifth of the load which such barges were capable of carrying. Yet light as this quantity of iron ore was to a towboat it was sufficient to have loaded 50 freight cars, each having a carrying capacity of 50,000 pounds.

As a further evidence of the extent to which river navigation would relieve the present congestion in transportation, I desire to again call your attention to the testimony of Director Sanders, given when he appeared before the Rivers and Harbors Committee on December the 9th last. Upon that occasion he stated that a towboat had just arrived in St. Louis from New Orleans with 8,700 tons of freight. Considering 50,000 pounds as the average tonnage of a freight car loaded with general merchandise, which is a fair average, this cargo was sufficient to have loaded 348 freight cars. The Government now has in process of construction, and for use upon the Mississippi and Warrior Rivers, six steel twin-screw, 1,800-horsepower towboats and 40 steel barges, each barge having a carrying capacity of 2,000 tons. These towboats are to cost $360,000 each, and the barges are to cost $103,000 each. Mr. DUNN tells us that if the railroads should expend $1,000,000,000 additional each year for three years, with the best and most efficient management obtainable, they could not handle the business of the country.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

Mr. NEWTON of Missouri. Yes.

Mr. BEE. Do I understand that we are ready to give the railroads $1,000,000,000 approximately to tide them over, but that we stagger at giving a few million dollars to develop the waterways and harbors of this country?

Mr. NEWTON of Missouri. It is not expected that we shall be required to appropriate out of the Treasury $1,000,000,000 for each of the next three years for the use of the railroads for making improvements in order to enable them to meet the demands of commerce, but if the railroads are to make such improvements the funds therefor will necessarily come from the shippers and passengers who use the trains, and it will have to be paid for at a rate more than 100 per cent higher than a similar service would cost if rendered by boats and barges upon the river.

One of the lessons we have learned as a result of the World War is the vital importance of conserving our national resources. Our supply of timber is being constantly reduced and every effort is being exerted by the railroads to conserve ties. Transportation facilities can be established upon our inland waterways sufficient to meet the growing demands of commerce without the use of a single tie. The importance of conserving iron and steel is constantly increasing. The Government determined during the war that 29,000 tons of steel, costing $6,500,000, was sufficient from which to construct enough barges and towboats to carry annually a million tons of freight between New Orleans and St. Louis, while it was found that to construct rail equipment sufficient to haul an equal amount of freight would require 95,000 tons of steel, costing over $30,000,000. Then, too, it was found that it takes far less coal to convey a given amount of freight by water than it does by rail. In the light of this enormous saving to the Nation in timber and fuel and steel, how can Congress refuse to improve these our great inland waterways?

As I stated before, such modern, up-to-date, twin-screw towboats cost $360,000 each; a modern, up-to-date steel barge, with a capacity of 2,000 tons, costs $103,000. Thus $1,000,000,000 would purchase 1,000 towboats and 5,000 barges and leave $125,000,000—enough to complete the Mississippi River to St. Paul, the Missouri to Kansas City, the Illinois to its junction with the Chicago Canal, and have millions left. Five thousand steel barges of 2,000 tons each would have a carrying capacity equal to 400,000 railroad cars. If one towboat can go from New Orleans to St. Louis carrying freight sufficient in quantity to load 348 railroad cars, then 1,000 towboats equipped with adequate barges can each carry a similar cargo; and I venture the assertion, without fear of successful contradiction, that $1,000,000,000 will complete the Mississippi River to St. Paul, the Missouri River to Kansas City, and the Illinois River to the Chicago Canal, pay for the construction of enough barges and towboats to carry the outgoing and incoming commerce of the Mississippi Valley, and pay for the erection of a modern, up-to-date terminal in every city where freight is to be loaded. And what is more, it will relieve the congestion in transportation, make it possible for commerce to expand and the country to develop, and will result in the accumulation of incomes from which a depleted Treasury can be replenished and a staggering war debt reduced. In the face of the facts which I have presented and the conditions which I have described are we willing to depend alone upon the railroads for transportation, and that, too, when we are told upon good authority that an expenditure of $1,000,000,000 per year for three years will not equip them to handle the commerce of the country? This transportation question must be solved. The Nation can not stand idly by and see its commerce become stagnant and decay for want of the one essential upon which its existence depends.

I do not believe in Government ownership of railroads. I believe that such utilities, under proper regulation, should be left to private enterprise. But the country must have facilities for transportation. The railroads are admittedly unable to meet the demands made upon them, and the prospect for their future is not bright. If the railroads fail to meet the demands of commerce and other relief is not granted, then Government ownership is inevitable. Is it wise to utter a wail for economy and fold our arms in despair because funds are not available? Would it not be more economical to issue bonds or borrow funds and proceed at once to open our rivers to navigation?

Is such a policy of so-called economy consistent with our past? We wasted hundreds of millions of dollars by the methods used in the preparation and conduct of the war. Not long ago we gave a hundred million dollars to feed the peoples of Europe, and now it is proposed that we vote $150,000,000 more. We expended twenty-five billions establishing democracies beyond the seas, and now we gasp at the thought of investing a few millions at home in opening our rivers to navigation and commerce.

River improvements are inevitable. To delay their progress is waste. Arguments in their favor are unanswerable. The day will come, and soon, when sound economy and good judgment will prevail. The necessary legislation will be enacted, appropriations will be made, and the work will be done. Then the waters now rolling uselessly through our valleys will bear their burdens and contribute their share to the nation's wealth. Why delay a task of such grave importance? Why not do it now?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. EVANS of Nevada. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. EVANS of Nevada. Mr. Chairman, this committee should be highly commended for strength of character to reduce the ever-increasing amounts carried in the rivers and harbors bill. The time has arrived for reason in all things, and this committee has the courage to apply the remedy—economy—where it belongs. This will prove disappointing to those accustomed to receiving governmental aid under the guise of good business, but what they lose in subsidy will be gained for self-reliance. Rivers and harbors always carried too much money, benefiting contiguous lands worth billions, without placing a single boat on the river. The rivers provided for are paralleled with railroads which make a discriminatory rate against interior points favorable to points where land and water meet; thus, instead of fostering water traffic by a square deal, interior points upon rails are charged unfair rates favoring water points, using dishonest practices to unjustly assault and destroy water transportation. It now comes with poor grace to ask interior points to vote money for water traffic while you permit rail rates to destroy shipping. The money to control floods seems just and reasonable, but unjust and unequal rail rates which destroy water competition are dishonest and clearly encourage special privilege. Communities and chambers of commerce should guarantee that pensions intended to stimulate transportation by water should be not sandbagged by a loose interpretation of section 4, act of 1887. River localities while gaining low freight rates have permitted natural water traffic to be obliterated. Railroads under the management of shrewd men drawing salaries of $100,000 per year became bankrupt, even while getting Government subsidies of alternate sections 20 miles upon each side of their right of way. It is most difficult to withdraw special privilege, once established, and hard to convince Congress that rails require new management. The stock in those magnificent properties should be enhancing in value, and will when properly managed.

Mr. WHALEY. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from South Carolina makes the point that there is no quorum present. The Chair will count.

Mr. KENNEDY of Iowa. Mr. Speaker, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 866. An act providing for the issuance to Herman L. Karpeles of a duplicate of an original medal of honor awarded to his father, Leopold Karpeles; to the Committee on Military Affairs.

S. 1454. An act for the relief of John F. Kelly; to the Committee on Military Affairs.

S. 3176. An act to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army; to the Committee on Military Affairs.

S. 2782. An act for the purchase of the embassy building and grounds of the United States at Santiago, Chile; to the Committee on Foreign Affairs.

S. 849. An act to reimburse S. S. Buzzerd, postmaster at Berkeley Springs, Morgan County, W. Va., for cash stolen; to the Committee on Claims.

S. 3245. An act to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes; to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that on to-morrow the House dispense with business in order under the Calendar Wednesday rule until after the completion of the river and harbor bill, now under consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow, Calendar Wednesday, be dispensed with until after the completion of the river and harbor bill. Is there objection?

Mr. SMALL. I shall have to object.

The SPEAKER. Objection is made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTAGUE, for two days, on account of illness in family.

To Mr. MCARTHUR, for two days, on account of illness.

ORDER OF BUSINESS.

Mr. BEE. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. KENNEDY] if it is his intention to move to-morrow to dispense with Calendar Wednesday? Or will it be safe for those who are out of the city and who are interested in this bill to assume that he will not?

Mr. KENNEDY of Iowa. I may make the motion.

Mr. BEE. The gentleman may make it?

Mr. KENNEDY of Iowa. Yes.

ADJOURNMENT.

Mr. KENNEDY of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 21, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the State Department for expenses of regulating entry of aliens in the United States, fiscal year 1921 (H. Doc. No. 622); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the State Department for the annual share of the United States in the expenses of the International Trade-Mark Registration Bureau at Habana, fiscal year, 1921 (H. Doc. No. 623); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting draft of proposed legislation to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Navy or Marine Corps whose death results from wounds or disease not the result of his own misconduct (H. Doc. No. 624); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TREADWAY, from the Committee on Ways and Means, to which was referred the bill (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, reported the same with an amendment, accompanied by a report (No. 567), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MACCRATE, from the Committee on Claims, to which was referred the bill (H. R. 1035) for the relief of the widow of Joseph C. Akin, reported the same without amendment, accompanied by a report (No. 569), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1034) for the relief of Jose Ramon Cordova, reported the same with an amendment, accompanied by a report (No. 568), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8450) granting a pension to Annie J. Page; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 11834) for the relief of certain landowners of New Castle County, in the State of Delaware; Committee on the Public Lands discharged and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McFADDEN: A bill (H. R. 11918) to amend section 9 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. O'CONNELL: A bill (H. R. 11919) for the relief of the families of policemen and firemen who lose their lives through death or injuries in the performance of their official duties in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARD: A bill (H. R. 11920) to provide for a site and public building at Eaton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. LEE of Georgia: A bill (H. R. 11921) authorizing the erection of a post-office building at Rossville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WEAVER: A bill (H. R. 11922) for the purchase of a site and the erection of a post-office building at Sylva, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY T. RAINEY: A bill (H. R. 11923) to amend the revenue act of 1918 in regard to deduction from income for contributions for certain purposes; to the Committee on Ways and Means.

By Mr. HAUGEN: A bill (H. R. 11924) authorizing the Secretary of the Treasury to contract for the enlargement, extension, remodeling, and improvement of the present Federal building in the city of Mason City, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11925) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885, as amended by the act of July 9, 1918, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 11926) to enable officers, enlisted men, or civilian employees of the American Expeditionary Forces, who received their pay and allowances in foreign currency or in the form of a check drawn by an Army disbursing officer and payable in foreign currency, to exchange the foreign currency or to cash such check in United States currency at the rate of exchange at which the check was drawn; to the Committee on Military Affairs.

By Mr. KELLEY of Michigan: A bill (H. R. 11927) to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation; to the Committee on Naval Affairs.

By Mr. BLANTON: Concurrent resolution (H. Con. Res. 47) to remove Edward Keating from the Commission on Reclassification of Salaries; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11928) granting an increase of pension to Edward Carter; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 11929) granting a pension to Earl S. Reeves; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 11930) granting a pension to Robert A. Herbst; to the Committee on Pensions.

Also, a bill (H. R. 11931) granting a pension to Frank A. Smith; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 11932) granting a pension to Henry N. Wilks; to the Committee on Pensions.

By Mr. CHINDBLOM: A bill (H. R. 11933) for the relief of James G. Weart; to the Committee on Claims.

By Mr. CLASSON: A bill (H. R. 11934) granting an increase of pension to Peter Filiatreau; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11935) granting an increase of pension to Annie F. Willis; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11936) granting an increase of pension to Thomas L. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11937) granting a pension to Henry Burkitt; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11938) for the relief of Nelson M. Maydole; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 11939) granting a pension to Mary F. Woods; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 11940) granting an increase of pension to James Nolan, jr.; to the Committee on Pensions.

Also, a bill (H. R. 11941) granting a pension to Bessie B. Johnson; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11942) granting a pension to Teresa S. Fisher; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 11943) granting an increase of pension to Abraham Hess; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11944) for the relief of James F. Ayers; to the Committee on Claims.

Also, a bill (H. R. 11945) for the relief of W. C. Stewart; to the Committee on Claims.

By Mr. PARRISH: A bill (H. R. 11946) granting a pension to John B. Hamilton; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 11947) granting an increase of pension to George McDowell; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11948) for the relief of George W. Horn; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 11949) for the relief of Stanley Mitchell; to the Committee on Military Affairs.

Also, a bill (H. R. 11950) granting an increase of pension to Etta Crisp; to the Committee on Pensions.

By Mr. FLOOD: Resolution (H. Res. 442) to pay W. L. Bragg, clerk to the late Hon. WALTER A. WATSON, one month's salary; to the Committee on Accounts.

By Mr. WATKINS: Resolution (H. Res. 443) paying to William S. Smith $500 for extra services since December, 1912; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

988. By Mr. CARSS: Petition of Parent Teachers' Association of Bryan School, favoring legislation to establish a Federal motion-picture commission for the efficient and economical censorship of motion-picture films so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

989. By Mr. CULLEN: Resolution from the Board of Commerce of Flint, Mich., Edwin B. Linabury, secretary, favoring legislation that will stop the publication of radical newspapers of all kinds; to the Committee on the Judiciary.

990. Also, petition of Brooklyn (N. Y.) Lodge, No. 22, Benevolent and Protective Order of Elks, favoring the deportation of all dangerous aliens in the United States; to the Committee on Immigration and Naturalization.

991. Also, petition of the Chicago, Rock Island & Pacific Railway Co., regarding the return of the railroads by the Government to their owners; to the Committee on Interstate and Foreign Commerce.

992. By Mr. DALLINGER: Petition of the executive committee of Associated Industries of Massachusetts, urging the passage of Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

993. Also, petition of the postal employees of Greater Boston, relative to certain legislation; to the Committee on the Post Office and Post Roads.

994. Also, petition of the Appalachian Mountain Club, favoring the Weeks bill; to the Committee on the Public Lands.

995. Also, petition of citizens of Massachusetts, urging the passage of the Lehlbach-Sterling bill; to the Committee on Pensions.

996. By Mr. DARROW: Petition of the Washington Camp, No. 304, Philadelphia, Pa., indorsing House bill 7; to the Committee on Education.

997. By Mr. ELSTON: Petition of City Council of Oakland, Calif., condemning the importation of Chinese laborers to the United States; to the Committee on Immigration and Naturalization.

998. By Mr. HILL: Petition of Protective and Defense Committee of the Greater New York Taxpayers' Association, for the enactment of House bill 10518, providing for a Federal urban mortgage bank; to the Committee on Banking and Currency.

999. Also, petition of 155 realty owners in New York City and elsewhere, for the enactment of House bill 10518, to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

1000. By Mr. HUTCHINSON: Resolution adopted by Washington Camp, No. 108, Patriotic Order Sons of America, of Quakertown, N. J., pledging the power and influence of their organization to vigorously oppose all bolshevik movements and tendencies and all efforts that make for the destruction or impairment of the Nation; also urging the deportation of all undesirable aliens, and promising, individually and collectively, to patriotically cooperate with the Government in upholding American principles and maintaining the Constitution; to the Committee on the Judiciary.

1001. By Mr. LINTHICUM: Petition of the Harrison Nurseries, of Berlin, Md., against certain provisions in House bill 10311; to the Committee on Agriculture.

1002. Also, petition of sundry ex-service men of Baltimore, Md., relative to certain legislation now pending; to the Committee on Military Affairs.

1003. Also, petition of filtration engineers of the city of Baltimore, Md., relative to certain legislation; to the Committee on Appropriations.

1004. Also, petition of F. F. Berghoff, of Baltimore, Md., against the Cummins railroad bill, etc.; to the Committee on Interstate and Foreign Commerce.

1005. Also, petition of the Holy Name Society of St. Benedict's Church, of Baltimore, Md., opposing House bill 7, etc.; to the Committee on Education.

1006. Also, petition of the General Henry W. Lawton Camp, No. 5, of the Spanish War Veterans, relative to the Sells bill; to the Committee on Military Affairs.

1007. Also, petition of the Carey Machinery & Supply Co., of Baltimore, Md., relative to certain legislation now pending; to the Committee on the Judiciary.

1008. Also, petition of F. A. Broadbent, of Baltimore, Md., indorsing the bill for the relief of Austria, etc.; to the Committee on Foreign Affairs.

1009. By Mr. MAPES: Petition of citizens of Grand Rapids, Mich., indorsing Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

1010. By Mr. O'CONNELL: Petition of Hermann M. Biggs, M. D., State commissioner of health of New York, urging Federal aid to the States in public-health work; to the Committee on Interstate and Foreign Commerce.

1011. By Mr. RAKER: Petition of the San Francisco (Calif.) Chamber of Commerce, favoring certain legislation; to the Committee on Roads.

1012. Also, petition of the Chamber of Commerce of San Francisco, Calif., protesting against Senate bill 2904 and House bill 8315; to the Committee on the Judiciary.

1013. Also, petition of the American Legion Post of Placerville, Calif., indorsing House bill 6044; to the Committee on Military Affairs.

1014. Also, petition of the Lindsay-Merryman Citrus Exchange, of Lindsay, Calif., urging the support of constructive railroad legislation; to the Committee on Interstate and Foreign Commerce.

1015. Also, petition of the president of the Chamber of Mines and Oil, M. H. Whittier, of Los Angeles, Calif., relative to certain legislation now pending; to the Committee on Interstate and Foreign Commerce.

1016. Also, petition of the Fresno Lodge of Brotherhood of Railroad Trainmen, protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1017. Also, petition of Miss Emma Church, of Palo Alto, Calif., urging the antistrike clause in all railroad legislation; to the Committee on Interstate and Foreign Commerce.

1018. Also, petition of Clifford Coggins, of El Centro, Calif., urging support for the Kettner bill; to the Committee on Railways and Canals.

1019. Also, petition of Rev. Anson R. Graves, of Sonora, Calif., urging retention of Government control of the railroads; to the Committee on Interstate and Foreign Commerce.

1020. Also, petition of city council of Oakland, Calif., protesting against the importation of Chinese labor to compete with American labor; to the Committee on Immigration and Naturalization.

1021. Also, petition of the Atkins Kroll Co., of San Francisco, Calif., protesting against House Document No. 284; to the Committee on the Judiciary.

1022. By Mr. ROWAN: Petition of the Federal Council of the Church of Christ in America, of New York City, N. Y., opposing intervention in Mexico; to the Committee on Foreign Affairs.

1023. Also, petition of Mrs. James Bennett, of Richmond, Ky., opposing the ratification of the treaty and league of nations; to the Committee on Foreign Affairs.

1024. Also, petition of James A. Paisley, of Pennsylvania, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1025. Also, petition of the department of health of the State of New York, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1026. Also, petition of the Chamber of Commerce of Flint, Mich., relative to certain legislation; to the Committee on the Judiciary.

1027. By Mr. VAILE: Petition of South Broadway Christian Church, of Denver, Colo., favoring the granting of full citizenship to the American Indians and the abolition of the Indian Bureau; to the Committee on Indian Affairs.

1028. By Mr. VARE: Petition of Philadelphia Chamber of Commerce, relative to antitrust laws and proposed amendments for the same; to the Committee on the Judiciary.

1029. By Mr. WATSON: Petition of the board of directors of the Quakertown (Pa.) Chamber of Commerce, indorsing the Davey bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *January 21, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the exercise of the highest privilege that Thou hast committed to any of Thy creatures, the privilege of prayer, we come into the region where God is, higher than that which is embraced within the laws of our land or of any nation or of the earth. In the presence of Jehovah, the God of our fathers, the source of light and life, we come for the inspiration of this day and pray Thee to guide us in the discharge of our duties. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	McNary	Smith, S. C.
Beckham	Harding	Moses	Smoot
Borah	Harris	Myers	Spencer
Calder	Harrison	Nelson	Stanley
Capper	Henderson	New	Sterling
Chamberlain	Hitchcock	Norris	Sutherland
Colt	Jones, N. Mex.	Nugent	Thomas
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kellogg	Owen	Trammell
Curtis	Kendrick	Phipps	Underwood
Dial	Kenyon	Pomerene	Wadsworth
Edge	King	Robinson	Walsh, Mass.
Fernald	Kirby	Sheppard	Walsh, Mont.
Fletcher	Lenroot	Sherman	Warren
France	Lodge	Shields	Watson
Frelinghuysen	McCormick	Simmons	Wolcott
Gronna	McKellar	Smith, Ga.	

Mr. MOSES. I desire to announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I ask that this announcement may stand for the day.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is detained from the Senate by illness in his family.

The Senator from Rhode Island [Mr. GERRY], the senior Senator from Arizona [Mr. SMITH], the Senator from California [Mr. PHELAN], the Senator from Maryland [Mr. SMITH], and the junior Senator from Arizona [Mr. ASHURST] are absent on official business.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

VIRGIN ISLANDS COMMISSION.

The VICE PRESIDENT. In accordance with the provisions of the resolution (H. Con. Res. 46) the Chair appoints as members of the joint commission on the part of the Senate to visit the Virgin Islands the Senator from Iowa [Mr. KENYON], the Senator from New Jersey [Mr. EDGE], and the Senator from Louisiana [Mr. GAY].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the concurrent resolution of the House (H. Con. Res. 40) providing for the printing of the final report of Gen. John J. Pershing as a House document.

The message also announced that the House had passed a bill (H. R. 11053) to transfer the county of Early from the northern judicial district of Georgia to the southern judicial district of Georgia, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a memorial sent to me by the gentlemen signing it. They make a statement of certain proceedings had on a hearing of charges against one of the Metropolitan police force and state certain matters which require at least publicity if the matters stated be true. I ask that the statement be printed in the CONGRESSIONAL RECORD without reading.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE CASE OF ROBERT T. HUNTINGTON IN THE POLICE COURT OF THE DISTRICT OF COLUMBIA AND BEFORE THE TRIAL BOARD OF THE METROPOLITAN POLICE DEPARTMENT.

Pursuant to a conference with Hon. LAWRENCE Y. SHERMAN, of Illinois, chairman of the Committee on the District of Columbia, held on the morning of January 20, 1920, in regard to the failure of the Board of Commissioners of the District of Columbia, the Metropolitan Police Department, the trial board of said department, and the corporation counsel's office of the District of Columbia to properly function in regard to the grave injustice perpetrated by them upon Robert T. Huntington, we submit the following statement:

Richard J. Taggart, Esq., and William L. Taggart, Esq., of the bar of the District of Columbia, represent the heirs of the late Hon. Hugh T. Taggart and Louis C. Ritchie, coowners of premises 3516-3534 M Street NW., this city, in matters pertaining to the proper protection and development of said properties.

The owners, being taxpayers, naturally feel entitled to the protection afforded by the Metropolitan Police Department of the District of Columbia, at least to the extent of preventing malicious destruction of their property by disorderly subjects, of protecting the personal liberty of their tenants, and protecting said tenants from aggression and insult from the members of that department.

The owners do not feel that they are receiving the protection to which they are entitled, for the following reasons:

On the morning of Tuesday, October 28, 1919, a few minutes before 6 o'clock of that date, Mrs. Florence Huntington, wife of Robert T. Huntington, tenant of 3526 M Street NW., was drawn to the front of their home by the sound of crashing glass. There she learned that two disorderly men had engaged in a brawl in front of her husband's store window and, while so engaged, broken through it.

No police officer was in sight. After the elapse of 15 or 20 minutes, however, Private Stevens emerged from a lunch room immediately adjoining and, instead of arresting the offenders, engaged in a verbal conflict with Mrs. Huntington. She was anxious that something be done in regard to the matter and asked the officer why he had been so long in appearing. His reply was that he did not hear the crash. Mrs. Huntington stated she had heard it all the way upstairs, whereupon the private brazenly called her a "liar."

A few minutes later Mr. Huntington, who had been away from the store on a short business errand, returned and endeavored to learn what the trouble was. Private Stevens then, in response to an inquiry from Mr. Huntington, brutally remarked, "Don't give me any of your damn lip or I will arrest you," which he did, allowing the real offenders to go unmolested, and they still remain unmolested.

William L. Taggart, Esq., represented Mr. Huntington in the matter of the charge preferred against him. On the morning of October 31, 1919, the day set for the trial, all of the parties assembled in the office of Assistant Corporation Counsel Hart for a hearing. Mr. Hart, surmising the serious nature of the officer's conduct from the array of witnesses before him, remarked, "There is no doubt that this case will be dismissed, but if it is, you people will go to the police department and prefer charges against the officer, which will create a 'stigma' on the police department," and that he would nolle prosse the case if Mr. Huntington would let it drop. Mr. and Mrs. Huntington and their attorney objected to any such arrangement. It appears that the assistant corporation counsel, Mr. Hart, was more "solicitous" of protecting the good name of the police department than in seeing that justice was done between the parties. He at one time was secretary to Raymond W. Pullman, major and superintendent of the Metropolitan Police Department.

On account of pressing business matters Richard J. Taggart was unable to be present at the hearing in the police court. Later in the day, however, he and his brother, William L. Taggart, and Mr. Robert T. Huntington went to the office of Maj. Pullman and laid the facts in the case before him.

After hearing a statement of the facts from them he referred them to one of his assistants, to whom a statement covering the situation was dictated. Since then a request for copy of said statement has been ignored.

The police department made an investigation of the case and then required Mr. and Mrs. Huntington to file affidavits covering the facts. This they did, with the result that charges were formulated against Pvt. Stevens, and on the morning of December 20, 1919, he appeared before the trial board for a hearing. Eight or 10 witnesses for the prosecution appeared, but only three were allowed to be heard.

The first witness called stated what he had himself heard and seen, which in itself was enough to convict the officer. Mrs. Huntington then testified, and was succeeded on the stand by her husband. Their testimony conclusively showed that the officer had used insulting language to a lady and that he had been under the influence of liquor. At the conclusion of Mr. Huntington's testimony evidence as to what had happened in the police court on the morning of Friday, December 31, 1919, was erroneously admitted. It was intimated by counsel for the private that an agreement not to have charges preferred to the trial board had been entered into, which was entirely immaterial.

The prosecution was halted and Mr. Hart was called to testify on behalf of the defense. He stated that at the hearing in his office all the parties had seemed "solicitous" that no further action should be taken in regard to the case. Upon this ex parte statement of a matter entirely irrelevant and immaterial, and without giving complainants opportunity of refuting their testimony, the chairman of the board arbitrarily terminated the hearing by dismissing the charges. The right of cross-examination was absolutely denied.

Neither Mr. nor Mrs. Huntington were allowed to be represented by attorney, and the chairman of the board, Assistant Corporation Counsel Williams, and his two assistants shamefully neglected and failed dismally in their duty to see that complainants' case was fairly presented.

An appeal was promptly filed with the Board of Commissioners of the District of Columbia, which is still pending, unacted on.

Communications have been addressed to the major and superintendent of police, to the Board of Commissioners of the District of Columbia, and to the chairman of the trial board requesting copy of the testimony taken before the trial board and asking early action on the appeal.

Said communications to the major and superintendent and to the commissioners have been referred to the chairman of the trial board, who studiously ignores counsel for the complainants in regard to the matter. He did not even show them the courtesy of acknowledging their communication to him, and seems to have made up his mind to let the matter lie before him indefinitely.

It would appear from the foregoing that the board of commissioners, the police department, the trial board of said department, and the corporation counsel's office had knowledge of the facts herein set forth and have combined, and it is their whole end, aim, and object to protect the good name of the Metropolitan Police Department irrespective of their duty to protect the personal liberty and private property of the public.

Pvt. Stevens is still on duty in the vicinity of these properties, and the owners are fearful of other damage to them and violation of the rights of their tenants. They certainly will soon be without either property or tenants if such men are intrusted with the protection of it and them.

It would appear that drastic action is required to prevent the happening of such occurrences in the future.

RICHARD J. TAGGART.
WILLIAM L. TAGGART.

Mr. HARDING. I send to the desk for printing in the RECORD a short memorial in behalf of the surviving veterans of the Civil War.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

A MEMORIAL AND PETITION.

Representing, as I believe, the sentiment and desire of my comrades of the Civil War, I respectfully memorialize and pray your honorable bodies soon to favor and pass the pending bill giving us an increase of pension.

When Daniel Webster, at the laying of the corner stone of Bunker Hill Monument, addressed the remnant of the Continental Army as "venerable men who have come down to us from a former generation" it was just 50 years then from the date of the Declaration of Independence. It is now 54 years since the firing on Sumter, and but a small and very aged remnant of the soldiers of that day survive now. So we respectfully submit that if our bill be delayed it soon will be too late to benefit us who "are about to die."

Most respectfully,

JAMES MCCORMICK DALZELL,
Private, Company H, One hundred and Sixteenth Ohio Volunteer Infantry.

Mr. NELSON presented a petition of Columbia Typographical Union, No. 101, of Washington, D. C., praying for the enactment of legislation making February 12 of each year a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Minnesota remonstrating against the adoption of the antistrike provision in the pending railroad legislation, which was ordered to lie on the table.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask to have inserted in the RECORD a letter from Hamilton Holt, of the Independent, to the New York World, in which he recites and recapitulates a number of tests, straw votes, on the subject of the treaty of peace taken by various agencies all over the country. He calls particular attention to the fact that in the great vote by 410

colleges, wherein 158,078 votes were cast, the enemies of the league polled only one-tenth of the total vote and the supporters of the Lodge reservations only one-fifth of the total vote. He cites also a postal-card test taken of returned soldiers showing an overwhelming sentiment for the ratification of the treaty with the League of Nations. He cites also the American Federation of Labor, the Church Peace Union, and other tests, and finally he cites a recent vote taken by 14 daily newspapers which united their records and which show 48 per cent for unqualified ratification, 35 per cent for a compromise of ratification, 10 per cent for the Lodge reservations, and 7 per cent for no league.

Mr. McCORMICK. Mr. President, I merely want to recall to my friend the Senator from Nebraska the statement by the editor of the World preceding the election in Kentucky that that election would constitute the first actual test of sentiment on the league. It may be added that not one of the signers of the treaty in behalf of France is included in the new cabinet chosen to succeed that of Monsieur Clemenceau.

There being no objection, the statement submitted by Mr. HITCHCOCK was ordered to be printed in the RECORD, as follows:

THE PEOPLE FOR THE TREATY.

To the Editor of the World:

Last week's overwhelming vote of the faculties and students of the American colleges and universities in favor of ratifying the covenant without reservations, or only with such reservations as will honorably compromise the differences between the factions in the Senate favoring some kind of a league of nations, must have given Senator LODGE and his drastic reservationists and Senator BORAH and his battalion of death a severe jolt.

Of the 158,078 votes taken in 410 institutions, 61,494 favored a compromise to permit immediate ratification, 48,232 favored the treaty without change, 27,970 expressed themselves in accord with the Lodge program, 13,943 favored killing the treaty and the league, and 6,449 would negotiate a new treaty with Germany. In other words, less than one-tenth of the vote favored BORAH and less than one-fifth favored LODGE. President Wilson's uncompromising stand evoked more support than the Lodge and Borah proposals combined. In fine, nine-tenths of the voters are in favor of ratification in some form and seven-tenths are for a league more virile than the Foreign Relations Committee would have it.

This vote, in which the mature judgment of the faculties corresponds with the idealism of the students, has been confirmed by every other test so far taken in the country. The result of a postal-card poll of returned soldiers and sailors from southern Massachusetts made by Mr. Frank L. Andrews of Fall River showed that 554 voted for the league unamended, 5 for reservations, and 12 were opposed.

The American Federation of Labor at its annual meeting in July voted 29,000 in favor of the covenant and 400 against it. At a meeting of the national and State officers at Washington on December 13, 1919, the vote was 240 to 3 in favor of ratification, two of the three dissenters being unredeemed Irishmen.

The Church Peace Union took a Nation-wide poll of the ministers of the country, Protestant, Catholic, and Jewish. The vote was 17,309 in favor of and 816 against—most of those in opposition being Irish Catholics.

Fourteen daily newspapers from 10 States have just taken a very significant poll of their readers. The total vote was 48 per cent for no reservations, 35 per cent for a compromise, 10 per cent for the Lodge reservations, 7 per cent for no league. Most of the papers were in Republican congressional districts. The poll of the Portland Oregonian, which is not included in these percentages, was 11,096 for unamended ratification, 665 for compromise, 112 for the Lodge reservations, and 228 for no treaty.

I have addressed 30 meetings in 10 States in the last three months on the league of nations—North, South, East, and West. Before I presented my case I invariably called for a show of hands from the audience. With one exception—on the New York east side—every assemblage voted about the same, not only those who came knowing they were to hear an address in favor of the league but those ready-made audiences such as composed the City Club of Cleveland, the Teachers' Association of Minnesota, and the Southern Commercial Congress, which came for the occasion and not for the speaker. I found that about 60 per cent were in favor of the treaty as presented by the President, 30 per cent were for mild reservations, and the remaining 10 per cent were scattered between the drastic reservationists and bitter-enders.

If all these straw votes are not sufficiently conclusive, the last doubt of where the country stands on the covenant must have been removed when the official representatives of 26 national organizations waited on Senator LODGE and Senator HITCHCOCK last week and urged them, in behalf of the majority and minority factions which they represent in the Senate, to get together, to compromise their differences, and to ratify the treaty without delay. When practically all the official organizations of the land, representing, among other classes, the farmers, the workers, the churches, the schools and colleges, the women, unite on a program of this kind, it is the American people that is speaking.

From the above expressions of American sentiment it is evident that the present alignment of the country on the League of Nations differs radically from that of the Senate. In other words, the Senate does not represent the American people on this issue.

The Senators, therefore, have two imperative duties to perform if they would satisfy the people whose servants they are.

First. They must compromise their differences so that 64 of the 80 Senators favoring some kind of a league of nations will ratify the treaty.

Second. They must agree upon such a compromise as will permit the President to transmit it to our allies for their acceptance, rather than to project the issue into the next presidential election.

If the Senate in ratifying the treaty so emasculates it as to force the President to the latter course, there can be little doubt as to what the people will do at the next election both to the party and the individual Senators who are responsible for the delay.

HAMILTON HOLT.

NEW YORK, *January 19.*

LEAGUE OF PEACE.

Mr. FLETCHER. I ask unanimous consent to have inserted in the RECORD a short editorial from the Philadelphia Ledger of Sunday, January 4, entitled "Roosevelt for a league of peace."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROOSEVELT FOR A LEAGUE OF PEACE.

"A casual reader of Mr. Lawrence Abbott's 'Impressions of Theodore Roosevelt' is liable to miss one of the most impressive and important things in the book, buried, as it is, in the middle of an extract from the comparatively little-known address which Roosevelt delivered before the Nobel prize committee at Christiana in May, 1910.

"No one will have the temerity to question Theodore Roosevelt's patriotism or his 'nationalism.' It will scarcely be claimed that any of his utterances need 'Americanization.'

"This Christiana address was one of the more studied and carefully prepared addresses of his European tour, being delivered on an official occasion and before an audience of several thousand people, on the subject of 'International peace.' After expressing the hope that an 'international supreme court' of the world might be established and that armaments might be limited by international agreement, he added that until 'some form of international police power, competent and willing to prevent violence as between nations,' was established, 'each nation must keep well prepared to defend itself.' In other words, he recognized and admitted the fact that the choice for every government in the world was between becoming a party to a 'form of international police power' or laying upon its people the burden of maintaining an armament sufficient to defend itself from any foe or combination of foes. Just what the thought in his mind was, just what he meant by 'an international police power competent and willing to prevent violence as between nations,' he did not leave to guess or inference, however. He made it plain beyond the possibility of doubt or misunderstanding. He included this immensely significant sentence:

"It would be a master stroke if those great powers honestly bent on peace should form a league of peace, not only to keep the peace among themselves but to prevent, by force if necessary, its being broken by others.

"If Theodore Roosevelt had been representing the United States at Versailles in 1918, can there be any doubt that he would have urged that 'master stroke'? Can there be doubt that, if the task had been assigned to him, he would have written article 10 of the league covenant either as it is written or in language even stronger and more far-reaching? And will any friend or admirer of Theodore Roosevelt, any American who has one shred of respect for his memory, dare claim that he would have feared or shirked the responsibility of the assumption by the United States of its obligations under such a world league?"

CESSION OF THRACE TO GREECE.

Mr. LODGE. I report favorably from the Committee on Foreign Relations, with an amendment in the nature of a substitute, Senate resolution 216, and I call the attention of the Senator from Utah [Mr. KING] to it. I would be glad if it could have present consideration.

The VICE PRESIDENT. The resolution will be read.

The READING CLERK. It is proposed to strike out the preamble and all after the word "Resolved" and to insert:

That it is the sense of the Senate that those parts of Thrace which have been surrendered by Bulgaria and Turkey to the principal allied and associated powers and which, according to the showing made by Greece, are ethnologically and historically Greek and strategically important to Greece, should be awarded by the peace conference to Greece and become incorporated in the Kingdom of Greece, Greece being charged with the duty of granting to Bulgaria arrangements for the accommodation of Bulgarian commerce at an Aegean port of a similar character to the accommodations granted Serbia at Saloniki.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. KING. Mr. President, I regret that the committee modified in such a marked degree the resolutions heretofore offered by me dealing with the question of Thrace. This resolution, as I understand, which is based upon the two resolutions which I offered which were referred to the Committee on Foreign Relations, is not as broad and comprehensive or definite as I would like. My resolutions clearly indicated the portion of Thrace which should become a part of the Kingdom of Greece. The last resolution which I offered called for an expression of the Senate approving a policy by the peace conference which would give to Greece all of Thrace except that part occupied by Constantinople. I am afraid this resolution will be misinterpreted and will lead to some misunderstandings. I think, however, it is the intention of the Foreign Relations Committee to express the view that substantially all of Thrace should be awarded by the peace conference to Greece.

There are some parts of Thrace in which the Turks predominate. This, however, resulted from the cruel treatment of the Greeks and the attempt made by the Turkish Government to destroy Grecian domination of those parts of Thrace to which I have just referred. However, ethnographically and geographically, and certainly strategically, substantially all of Thrace should go to Greece; and, interpreting the resolution as so declaring, I shall be glad to support it. I wish it had been clearer in language, but am glad to have this expression from the Foreign Relations Committee and will be glad to have the Senate pass the resolution. At a later day I shall seek an opportunity to submit a few observations concerning the claims of Greece, not only to Thrace but to some parts of Asia Minor.

Mr. BORAH. Mr. President, the resolution comes from the committee of which I am a member, but I was unable to be present at the meeting this morning. It is not my intention to oppose it. I will simply say that in my opinion, and especially in view of the Senate's vote on the treaty, it is not our business to assume to advise.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

SHIPPING BOARD CLAIMS.

Mr. FERNALD. I report back favorably from the Committee on Commerce, with amendments, the bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war and I request its immediate consideration.

Mr. SMOOT. I ask that the bill may be read as proposed to be amended by the committee and as it will be presented to the Senate.

The VICE PRESIDENT. The bill will be read as requested.

The Assistant Secretary read the bill as proposed to be amended by the committee.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. HARDING. Mr. President, I want to reserve the right to object to immediate consideration. I am not, however, opposed to the Senator from Maine reporting the bill.

Mr. FERNALD. Let it go to the calendar, Mr. President.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co.; to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 3764) granting an increase of pension to Milton A. Anderson; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 3765) for the relief of Rhodilla Silvers; to the Committee on Military Affairs.

By Mr. BECKHAM:

A bill (S. 3766) granting a pension to Corbit J. Hopkins and Granville P. Hopkins; and

A bill (S. 3767) granting a pension to Hollie Britton; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3768) granting an increase of pension to Sherman E. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 3769) granting a pension to George W. Willey (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3770) to amend the Federal reserve act as amended, prohibiting a rate of interest in excess of 6 per cent per annum on loans secured by stocks or bonds as collateral; to the Committee on Banking and Currency.

COMMISSION RELATIVE TO FORMER SOLDIERS, SAILORS, AND MARINES.

Mr. ROBINSON. I introduce a joint resolution and I ask that it may be printed in the RECORD.

The joint resolution (S. J. Res. 145) creating a joint commission of Congress to investigate respecting the health, employment, and the advisability of legislation to promote the welfare of former soldiers, sailors, and marines in the service of the United States during the war with Germany was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 145) creating a joint commission of Congress to investigate respecting the health, compensation, and employment, and the advisability of legislation to promote the welfare of former soldiers, sailors, and marines in the service of the United States during the war with Germany.

Resolved, etc., That a joint commission of Congress, which shall be composed of three Members of the Senate, to be appointed by the Vice President, and three Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating conditions respecting the health, compensation, and employment, and respecting the advisability of legislation to promote the welfare of former soldiers, sailors, and marines in the service of the United States during the war with the Imperial German Government.

Said commission shall be empowered to hold hearings in Washington and elsewhere in the United States and to issue subpœnas to compel the attendance of witnesses and the production of books, papers, and documents.

The commission shall report its findings and recommendations to the Congress within 60 days after the passage of this joint resolution.

STANDARD OF CITIZENSHIP.

Mr. PHELAN. I introduce a joint resolution and ask that it may be read.

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment is hereby proposed to the several States as an amendment to the first section of Amendment XIV of the Constitution, which shall become valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"AMENDMENT XIV.

"SECTION 1. All persons born in the United States and subject to the jurisdiction thereof whose parents are white persons, Africans, American Indians, or their descendants, and all persons naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Mr. PHELAN. Mr. President, I simply desire to state in moving a reference of the joint resolution to the Judiciary Committee that at this time it seems appropriate and timely for the reason that the Congress is engaged in the work of Americanization. This amendment on its face may seem extraordinary to many Senators, because from the beginning of the Republic children born upon the soil are ipso facto citizens. We have acquired the Hawaiian Islands, which are now known as the Territory of Hawaii, an integral part of the United States, and there this condition exists: In less than 14 years the native-born Japanese population will control the Territorial legislature and all the elective offices. Therefore we will find the Territory of Hawaii under alien control because these

people are not assimilable, owe allegiance to their Mikado, and who, after and before the regular school hours, are now studying the Japanese language, traditions, and loyalty to the home Government.

They seem to be unassimilable, un-American, and often anti-American, and hence those born upon our soil under this amendment, if it should prevail, would not be in power to control the Territorial government of Hawaii.

At the present birth rate it is estimated that in 90 years there will be more Japanese in California than Americans.

Under the administration of Gov. Johnson, in 1913, a land law was passed by which it was provided that persons ineligible to citizenship in California might not acquire agricultural lands. That law from which so much was expected is to-day absolutely a dead letter, because those forbidden persons are putting the agricultural lands which they buy in the names of their native children, who are citizens and enjoy all of the privileges, rights, and immunities of American citizens.

Hence there is a necessity for changing our fundamental laws so that only the children of white persons, those of African descent and of American Indians and such others as the Congress may naturalize, shall enjoy the priceless boon of American citizenship. We must not allow that boon to be used for the destruction of a State, either California, Oregon, or Washington, or the Territory of Hawaii. I trust that the Judiciary Committee, to which I ask its reference, will favorably consider it.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

ADMIRAL WILLIAM S. SIMS.

Mr. WALSH of Montana. I offer the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 287) was read, as follows:

Whereas at the hearing being conducted by a subcommittee of the Committee on Naval Affairs of the Senate, on January 17, 1920, Admiral William S. Sims being under examination, he offered and there was received in evidence and thus became public a copy of a letter theretofore addressed by him to the Secretary of the Navy, in which, among other things, the writer said:

"6. In the latter part of March, 1917, in response to a request from the American ambassador in London, expressing the desire of the British Government that a naval officer of high rank be sent to secure the closer cooperation which our Navy Department had suggested, I was ordered abroad on barely 48 hours' notice.

"7. Brief orders were delivered to me verbally in Washington. No formal instructions or statement of the Navy Department's plans or policy were received at that time, though I received the following explicit admonition: 'Don't let the British pull the wool over your eyes. It is none of our business pulling their chestnuts out of the fire. We would as soon fight the British as the Germans'"; and

Whereas the said Secretary of the Navy has, through the public press, explicitly denied having given to Admiral Sims the alleged admonition, to wit: "Don't let the British pull the wool over your eyes. It is none of our business pulling their chestnuts out of the fire. We would as soon fight the British as the Germans"; and

Whereas it is apparent that if such an admonition was given to the said Admiral Sims, at the time and under the circumstances detailed, it was and must have been understood by him to have been highly confidential: Now therefore be it

Resolved, That it is hereby declared to be the sense of the Senate that the disclosure of the alleged admonition by Admiral Sims, constituting, if given, a part of the secret instructions of an officer of the United States Navy on the eve of his departure on a mission of the highest importance and most extreme delicacy, merits universal and unqualified reprobation.

Mr. WALSH of Montana. Mr. President, I anticipated that in all probability the chairman of the Committee on Naval Affairs would present a resolution of this character for the consideration of the Senate. As he has not done so, I have assumed to present it myself.

I do not desire to say anything on the resolution further than to remark that whether the admonition was given or was not given to Admiral Sims, the disclosure of it under almost any conceivable circumstances must have the reprehension of every American citizen. If a lawyer should disclose under almost any circumstances the confidential communications made to him by his client he would have the contempt of every member of his profession, if he would not actually be disbarred from practicing.

I ask unanimous consent for the present consideration of the resolution.

Mr. McCORMICK and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Senator from Illinois.

Mr. McCORMICK. Without assuming to express a judgment on the resolution of the Senator, and considering that the matter is under review by a subcommittee of the Naval Affairs Committee, I must ask that the resolution go over under the rule.

Mr. WALSH of Montana. Mr. President, of course I take this to be an objection to the present consideration of the resolution; but I merely desire to say that I do not understand that the subcommittee of the Senate is charged with any duty whatever with respect to this matter. The subcommittee of the Senate is charged to inquire into the criticism made by the admiral upon the direction of the naval operations by the Navy Department during the war. I do not desire to precipitate any question whatever here as to whether Admiral Sims is right or is not right in his criticism of the conduct of the operations. That is neither here nor there. I submit, however, that it is impossible to say anything or to find out anything that is in extenuation or justification of the disclosure by this officer of a confidential communication made to him under these circumstances, and I submit that the matter is not to be a matter of consideration by the committee at all under the powers given to it.

Mr. LODGE. Mr. President, the Senator from Illinois made the objection in the usual form by asking that the resolution go over. If the Senator from Montana has any doubt about its being an objection, I object.

Mr. President, I do not wish, on the reading from the desk of a resolution of that character, to condemn unheard and unconsidered one of the highest officers of the Navy of the United States for a remark that he made in testimony before a Senate committee.

Mr. BORAH. Mr. President, may I ask a question of one of the members of the subcommittee?

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. BORAH. I want to ask a question before it goes over. Was this letter called out by the subcommittee?

Mr. HALE. Mr. President, I will answer that question, if the Senator has no objection. The letter was called out at my request.

Mr. BORAH. Admiral Sims did not volunteer that information?

Mr. HALE. Admiral Sims did not volunteer the information.

Mr. WALSH of Montana. Mr. President, I have the record before me, and I shall be very glad to give the Senate accurate information concerning the circumstances under which the letter came before the subcommittee. I shall ask leave to do so, if the Senator will yield for that purpose.

Mr. BORAH. I asked one of the subcommittee. I did not know the record was here.

Mr. HALE. The circumstances, Mr. President, were as follows: After Admiral Sims had been going on for some time with his testimony, I asked him whether he had any further correspondence with the Secretary of the Navy touching on the question of awards in the Navy, or on any matter that would affect the morale of the service. I have forgotten the exact wording of his reply; but it was in response to this request that he produced the letter, and I think he did so very properly.

Mr. WALSH of Montana. Mr. President, the statement made by the chairman of the subcommittee is quite accurate as far as it goes. The facts about the matter, as disclosed by the record, which I have before me, are these:

The admiral was being cross-examined by the Senator from Nevada [Mr. PITTMAN], and in the course of the cross-examination of the admiral by that Senator the chairman of the committee interposed and asked about a letter. I read as follows:

Senator PITTMAN. In your particular recommendations, by reference to the record, you will find that he acted exactly as the board did in two-thirds of the cases; in some of the cases he reduced the recommendation, and in others he agreed with you.

Admiral SIMS. Certainly.

The CHAIRMAN. Admiral Sims, I think in connection with this matter, if you have had any further correspondence with the Secretary of the Navy about the question of awards and their effect on the morale of the service, it would be well for you to give that correspondence to us at the present time.

Admiral SIMS. It does not bear particularly upon the question of the awards, but it does bear upon the question of the morale of the service.

The CHAIRMAN. Then, I think it is decidedly germane to the issue.

Admiral SIMS. As I said before, the action of the board in the awards is only the last straw in this whole business.

Senator PITTMAN. May I finish this line of examination with regard to this particular subject?

The CHAIRMAN. If the admiral has expressed himself in regard to this matter in any letter that will throw light upon the subject, we should have it.

Senator McCORMICK. My sentiment is that we should give the admiral an opportunity to furnish us these letters before we get too far away from the subject to which they refer.

Senator PITTMAN. It seems to me the admiral has had plenty of opportunity to put anything in this record he desired to insert. I am not making any objection to it, but I have started an inquiry right now with regard to the difference of opinion.

Admiral SIMS. I do not think we can get any further along—

And so on, and so on; and so the cross-examination of the Senator from Nevada proceeds for some length, occupying a number of pages, when the chairman again interposes, and says:

The CHAIRMAN. Now, Senator PITTMAN, with your permission, we will go ahead with the question I put to the admiral, if the admiral cares to proceed.

Admiral SIMS. As I said in the little preliminary statement that I made yesterday, this business of the award of medals fell on the service

in a very critical condition of morale, which goes back a long ways, and has quite a good deal to do with the way in which the war was managed from a naval point of view; and it is this question of morale, as well as the question of awards, that is being investigated. It seems to me that it is quite proper that anything that bears on the morale should be taken into consideration.

This is a letter that I have written to the Secretary of the Navy under date of the 7th of January. As I said in my preliminary statement, it is the duty of an officer who has been in a responsible position of command during a considerable war, by the regulations of the Navy Department, to state any criticisms that he may have which, in his judgment, will be useful in avoiding mistakes in future wars; and it is the mistakes we want to avoid, and not camouflage in any respect. The following is this letter:

Mr. HALE. I thank the Senator for practically bearing out what I said. My statement, of course, was made simply on my recollection of what I had said. The admiral did produce the letter, and produced it because I insisted that he should. I am entirely willing to take all responsibility for the publishing of the letter.

Mr. BORAH. Mr. President, I had supposed that this letter came out just as the record shows it did come out—that is, at the request of the subcommittee. I do not suppose the subcommittee knew what was in the letter when they asked for it, but I doubt if the admiral would have any right to refuse to give it up if the subcommittee asked for it. I should want to examine that question before I condemned the admiral.

Mr. TRAMMELL. Mr. President——

Mr. BORAH. Let me say before I sit down——

Mr. TRAMMELL. As a member of the committee, I wish to make a brief statement.

Mr. BORAH. Just a moment. Before I sit down I think we are making a mountain out of a molehill as to what Secretary Daniels is supposed to have said. When he advised the admiral not to let the English pull the wool over his eyes, he disclosed a remarkable knowledge of English history and of the great genius of the English people. It is no reflection upon the English people to say they are most vigilant and effective in looking after their interest. It is no serious matter for an American to give instruction to look carefully after our interests. It was a colloquial way of saying guard American interests; that is what you are there for.

Mr. McCORMICK. Mr. President, if the Senator will permit me to interrupt, the admiral does not charge the Secretary with having given him that instruction, does he?

Mr. HALE. He does not.

Mr. BORAH. Well, whoever he was, he was not guilty of a crime. What was the Senator going to say?

Mr. TRAMMELL. I just desire to state that the admiral was not imposed upon in this matter at all. He had the letter with him, and brought the letter to the committee meeting with him, and nothing had been said in the open session of the committee prior to that time in regard to this letter. It seems, however, that the chairman did know that he had such a letter with him, and the chairman permitted him to read the entire letter, and after the entire letter had been read the chairman discovered that it was without the scope of the authority of the committee to inquire into the matters covered by the letter. He did not even care to have any inquiry made in regard to the letter at that time, but thought the committee should adjourn immediately and take up the matter with the main committee.

Mr. HALE. Mr. President, the chairman did know that there was such a letter, because it had been spoken about in the public press several days before the hearing. The chairman, however, had not seen the letter and was not aware in any way of its contents.

Mr. BORAH. I do not suppose that Admiral Sims would have any right to object to giving up the letter if he was asked for it.

Mr. WALSH of Montana. It does not appear that he produced the letter by an order of the committee. He had the copy conveniently at hand.

Mr. BORAH. I suppose he did have it conveniently at hand, because he was under examination with regard to all these matters. But I do not find anything to censure either in Mr. Daniels or the admiral. They were dealing with a situation, and when you analyze Mr. Daniels's statement, if he did make it, there is nothing to which anyone can reasonably object. It was a very proper admonition to be given to the admiral. Simply because we were an associate in the war is no reason we should not be vigilant to protect our interests.

Mr. WALSH of Montana. Mr. President, I trust the Senator will recognize that the resolution does not take issue at all with the wisdom or unwisdom of giving the admonition. The question is, Should Admiral Sims have disclosed his secret instructions?

Mr. BORAH. If he had done so voluntarily, I would stand with the Senator; but he was before a committee which was going into the investigation of a very serious matter, and I can see very well how the committee could call it out in perfect good faith, and having so called for it I do not know how the admiral would have any right to refuse to give it up. But I do not care to discuss that at this particular time. That is a matter about which I might change my opinion according to the circumstances as they hereafter develop.

Mr. THOMAS. Mr. President, I do not think this is the time to discuss the merits or the demerits of the unfortunate controversy which Admiral Sims has precipitated and now in charge of the Committee on Naval Affairs. I regret that it has arisen somewhat prematurely; but in view of the comments made by the Senator from Idaho [Mr. BORAH] I want to express my dissent to them. I do not know who gave the instruction or the warning to the admiral to beware of the British, or words to that effect. He has not disclosed its author. The Senator from Idaho says that neither he nor the Secretary is to blame for anything then said or any warning given.

As far as the public have any information, however, it would seem to me that the admiral has grossly violated somebody's confidence in giving to the world an incident which either proceeded from the highest official sources or was made to him by way of friendly and confidential warning.

I hope that the disclosures which the investigation will lead to may disabuse my mind of that opinion, because I have little regard for any man, I do not care whether he is an admiral or a footpad, who will violate a confidence. That defense can neither be condoned nor explained.

It may be that the admonition was a part of his official instructions, and I hope the subcommittee will insist, before the admiral leaves the stand—and he seems to belong to that class of people who need to be given all the rope they want when they hang themselves—that he shall disclose the author of that statement, not because of its abstract importance, although in view of the past pro-British record of the admiral I would regard it as a very necessary precaution; but he ought to be made to give the author and the circumstances under which the warning was given. Now that he has opened the door, everything in the apartment should be disclosed to the public. When that is done I shall probably have something to say regarding an incident.

Mr. PHELAN. Mr. President, the Senator from Montana, in advocating his resolution calling on the Senate to condemn the revelation of confidential communications from the Navy Department to Admiral Sims, said his justification for introducing the resolution was the fact that the subcommittee would not take cognizance of it under the instructions given it by the Committee on Naval Affairs. I would like to ask the chairman of the subcommittee whether he would think it competent for his subcommittee to pass upon the propriety of the act of Admiral Sims in disclosing this confidential information?

Mr. HALE. I do not think it is especially material, Mr. President. I think, as the Senator from Idaho said, that you are making a mountain out of a molehill. If the Navy Department gave confidential instructions to officers whom it sent abroad within a week or two of the time when we declared war on Germany, telling them that they must not allow the British to pull the wool over their eyes and that we would as soon fight the British as the Germans, I think it is high time that such instructions were called to the attention of the country.

Mr. PHELAN. Then the subcommittee thinks it is its only duty to consider the conduct of the Navy Department and not of the officers of the Navy?

Mr. HALE. We are going to consider the charges in the letter of Admiral Sims, and that will probably lead, I should think, to a general investigation or review of the conduct of the war in connection with naval matters.

Mr. PHELAN. But the question has been raised here in the resolution that it was an act of extreme impropriety on the part of an officer of the Navy in revealing at this time confidential communications. I want to know, because that will govern my course in either approving or disapproving the resolution, whether the subcommittee is going to take cognizance of it with a view of reprimanding Admiral Sims if the proof warrants it?

Mr. HALE. I think the subcommittee will take cognizance of that, and every other matter that comes up in relation to the conduct of the war, and will then do what it sees fit.

Mr. PHELAN. Then, the subcommittee will pass upon the propriety or the impropriety of the revelation made by Admiral Sims?

Mr. HALE. In the course of the investigation I have no doubt of it.

The VICE PRESIDENT. May the Chair inquire whether this is before the Senate or not? Is the resolution before the Senate?

Mr. LODGE. Mr. President, the Senator from Illinois [Mr. MCCORMICK] asked that it go over under the rule, and the Senator from Montana seemed to have some doubt as to whether that was an objection when I said, "I object," and I thought I said it clearly.

The VICE PRESIDENT. Then it is over now under the rule.

CORPORATE EARNING AND GOVERNMENT REVENUE.

Mr. SHEPPARD submitted the following resolution (S. Res. 286), which was read, considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 copies of Senate Document 259, Sixty-fifth Congress, second session, entitled "Corporate Earning and Government Revenue," for the use of the Senate document room.

WHITE RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River.

Mr. KIRBY. I move that the Senate disagree to the amendments of the House, request a conference of the two Houses on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CALDER, Mr. EDGE, and Mr. KIRBY conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 11053. An act to transfer the county of Early from the northern judicial district of Georgia to the southern judicial district of Georgia was read twice by its title and referred to the Committee on the Judiciary.

AUGUSTA LOUISE DE HAVEN-ALTEN.

Mr. McCORMICK. Mr. President, before moving to take up Senate joint resolution 234, to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States, I ask leave to say a word regarding it, because I feel there will then be no objection to its consideration and passage.

The joint resolution seeks to repatriate Augusta Louise de Haven-Alten, an American woman, now over 50 years of age, who was married to a German, who instituted proceedings for a divorce some years before the outbreak of hostilities, but who, under a German decree, was unable to go forward with those proceedings during the course of the war. She has long been separated from her husband, who, through the agency of the German Government, has sequestrated her property in Germany. Mrs. de Haven-Alten, therefore, is almost penniless because, in view of her German citizenship, she can not touch her property in this country.

She is the daughter of an officer of the United States Navy. Consideration of her case by the subcommittee and by the Immigration Committee has resulted in the unanimous report of the joint resolution to which I have referred.

We have precedents, of course, in the case of Mrs. Scoville-Mumm, the resolution covering whom has passed the Senate in the present Congress; and the case of Mrs. Nellie Grant Sartoris. I hope that there may be no objection to the joint resolution, as Mrs. de Haven-Alten is almost in a state of penury, I am informed.

Mr. WALSH of Montana. Mr. President, the effect of the joint resolution is to restore American citizenship to some American lady who married an alien enemy?

Mr. McCORMICK. Precisely, exactly like the case of Mrs. Scoville-Mumm, which was considered by the Senate some weeks ago.

Mr. WALSH of Montana. I suppose there are a great number of women in the same situation.

Mr. McCORMICK. I dare say, Mr. President.

Mr. WALSH of Montana. Then would it not be quite appropriate to pass some general legislation, instead of extending our favors to particular individuals who have friends in the Senate?

Mr. McCORMICK. This lady, so far as I know, has no friends in the Senate. I have not even ever seen her. Her tragic case was related to me by a mutual friend who sought the introduction of this joint resolution in view of the Senate's favorable action upon the resolution restoring citizenship to Mrs. Scoville-Mumm.

Mr. WALSH of Montana. But if the lady is in no different situation from that of a large number of other women, why should not the legislation be general and let all take advantage of it?

Mr. McCORMICK. Mr. President, if the Senator would introduce a resolution to that end, certainly I should not oppose it. If I were a member of the Immigration Committee I should very seriously consider the propriety of the committee introducing such legislation. I know only this tragic case of this old woman, who has broken with her children upon the issue of the war, who has sought a divorce from her husband, and who is now in Washington poverty stricken. That was my only reason for introducing the joint resolution.

Mr. HITCHCOCK. Mr. President, I understood there was some difference between this case and the ordinary case arising out of the fact that she had divorce proceedings pending before the war began.

Mr. McCORMICK. She had. The Senator from Nebraska is absolutely right.

There being no objection the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Whereas Augusta Louise de Haven-Alten, daughter of the late Capt. Joseph Edwin de Haven, of the United States Navy, a native-born citizen of the United States, and a resident of the State of Illinois, married in 1886 Eberhard Alten, an alien of German birth and parentage; and

Whereas the said Augusta Louise de Haven-Alten left Germany in 1911 and has not since returned, and in 1912 sued her said husband for absolute divorce, which suit is still pending in Germany, and has since 1911 lived apart from her said husband; and

Whereas the said Augusta Louise de Haven-Alten has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the status and privileges of a citizen of the United States, under and by virtue of the power and laws of the United States of America: Therefore be it

Resolved, etc., That Augusta Louise de Haven-Alten, daughter of Capt. Joseph Edwin de Haven, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

COAL CORPORATION INCOMES.

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of Senate resolution No. 247.

The motion was agreed to, and the Senate proceeded to consider the resolution which proposes to direct the Secretary of the Treasury to furnish the Senate certain detailed information secured from income and profits tax returns of the taxable year 1918 as to relative incomes of all corporations engaged in mining coal.

Mr. FRELINGHUYSEN. I desire to offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the end of the resolution the following:

Be it further resolved, That the Secretary of the Treasury be, and he hereby is, directed to furnish the Senate, from the income-tax returns for the taxable year 1918, a list of all miners and mine workers employed at lignite and bituminous coal mines, together with the gross income of each of said miners and mine workers, the income tax paid by them and each of them, and the net income of the same.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator introducing the resolution what will be the expense to the Government in complying with it, particularly if the amendment of the Senator from New Jersey is accepted?

Mr. HARRIS. I hope the amendment of the Senator from New Jersey will not be agreed to, because it would result in delay in procuring the information desired under the resolution.

Mr. FRELINGHUYSEN. May I ask that the Senator repeat his statement? I could not hear him.

Mr. HARRIS. I stated that I hope the amendment of the Senator from New Jersey will not be agreed to, because of the expense and delay in getting the desired information.

The Senator from West Virginia [Mr. SUTHERLAND] has proposed an amendment which would require the Secretary of the Treasury to give information in regard to all corporations, and I shall favor that.

I called the office of the Secretary of the Treasury this morning and talked with Mr. Roper in regard to the amendment offered by the Senator from West Virginia. He told me that the President some days ago had requested the Treasury Department to get for the Coal Commission the information desired under my resolution, and that the information was ready, and he could furnish it to the Senate without delay, but that it would take some time to get all the information desired by the amendment proposed by the Senator from West Virginia, which amendment I favor.

Mr. THOMAS. I do not recall that the Senator stated what Mr. Roper's estimate of the cost would be if the resolution was agreed to as originally introduced.

Mr. HARRIS. The information requested by the resolution introduced by me is all ready, and has been furnished to the Coal Commission, and would not require any expense or delay. The other information would require 90 days or more and the assistance of about 200 clerks.

Mr. SUTHERLAND. I wish to say in response to what the Senator from Georgia has just stated that in 1918 a similar resolution was passed by the Senate, calling upon the Secretary of the Treasury to furnish the identical information which is now suggested by my amendment. The resolution was passed on the 6th of June, and the information was furnished to this body on the 5th day of July, one day less than one month. So the figures now given by the Commissioner of Internal Revenue seem to be somewhat excessive, at least as to the time required to give the information to the Senate.

Mr. HARRIS. I asked Mr. Roper if he could not get it within a shorter length of time than 90 days, and told him of the time required 2 years ago, which was about 30 days. He said that at that time he put all the employees on that work, and that now the Government would lose about $25,000,000 of delinquent taxes if he put all the force upon this work, but that he could furnish it within 90 days.

Mr. THOMAS. I have no doubt it will take an enormous office force and considerable time to prepare the information which the resolution and the amendment will embrace. I can perceive as much necessity for the one as for the other, but I have a fundamental objection to the resolution itself. It is in direct and distinct violation of the laws of the United States. Under the revenue laws——

The VICE PRESIDENT. This is a Senate resolution?

Mr. HARRIS. It is.

Mr. THOMAS. It is a Senate resolution, not a joint or concurrent resolution.

The revenue laws of the United States provide that these returns shall not be disclosed to the public, but gives the President authority, under certain conditions, in his discretion, to disclose their contents. It appears from the statement of the Senator from Georgia that the information has been given to the Coal Commission and I have no doubt that it has been given in strict accordance with the law. We now have a Senate resolution proposing to instruct an official of the Government to disregard the law which he is sworn to support and to disclose to the Senate information which under that law he can not disclose except as the President shall direct.

I make the point of order, therefore, Mr. President, that the resolution and the amendment are both beyond the power of the Senate.

The VICE PRESIDENT. The Chair sustains the point of order. The resolution is not in order, as it is a Senate resolution violating an act of Congress.

Mr. HARRIS. I should like to ask if it would be in order to amend the resolution by providing that it shall be within the discretion of the President? That is the wording of the law.

Mr. SMOOT. I will say that even that will not do. I want to say to the Senator from Georgia, as I said before when the resolution was up for consideration, that it is not that I object to the information being furnished, but that the Senator is trying to repeal an act of Congress by a Senate resolution. If the Senate wants to make it a joint resolution and allow the House to pass upon it, too, that is a different thing entirely.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. A joint resolution, in the opinion of the Chair, would be in order, but not a Senate resolution.

Mr. BORAH. That is what I was going to suggest. A joint resolution would accomplish it.

The VICE PRESIDENT. Certainly; a joint resolution for the purpose would be in order.

Mr. FRELINGHUYSEN. Mr. President, if I am in order, I should like to say to the Senator from Georgia that at the present time there is a Senate committee investigating the coal question, and they intend to procure from the operators themselves, from their books, the profits that they are making.

I desire, further, to say that the committee also intend to procure information regarding the wages that are now being paid. I have no sympathy with any coal operator who is making an unfair profit, but I seriously object to the effort that is now being made to raise the miners' wages 14 per cent and give publicity to the fact that that 14 per cent will be taken out of the operators, when it will not. When that 14 per cent is to be imposed on the consumer, as it has been in my State, increasing the expense to the public service corporations $500,000 in the cost of their coal and indirectly increasing the cost to the consumer, it is time to call a halt.

The motive of the resolution, which, I strongly suspect, is to show that the operators are making an unusual profit in order that a still further advance may be made in the miners' wages and that it can then be imposed upon the operators, which is not possible under the contracts that prevail now between the operators and the large consumers of coal.

For that reason I offered my amendment to show that the miners of the country are now earning a wage far beyond what skilled workmen in other employments are making. I want the whole question shown up, if the committee are not to be intrusted with the further duty of procuring the information.

AWARDS OF NAVAL DECORATIONS.

The VICE PRESIDENT. Is there any further morning business?

Mr. HALE. Mr. President, at the close of the session yesterday afternoon I introduced Senate resolution No. 285, providing counsel and clerical assistance be given the subcommittee which is investigating the question of awards in the Navy. No action was taken on the resolution. An amendment was offered, and, a lack of quorum having been developed, the Senate adjourned. I should like to ask what is the parliamentary status of the resolution?

The VICE PRESIDENT. The Chair finds upon his return that according to the calendar Senate bill 3315 is the unfinished business, but the Chair does not believe it. The Chair thinks the resolution of the Senator from Maine is the unfinished business.

Mr. SMOOT. Does the RECORD show that unanimous consent was asked that the unfinished business should be temporarily laid aside?

The VICE PRESIDENT. I have not examined that. I presume it was taken up by unanimous consent.

Mr. SMOOT. I thought that was asked by the Senator from Iowa [Mr. KENYON], and in that case, of course, Senate bill 3315 would be the unfinished business. However, the RECORD does not show that unanimous consent was asked.

The VICE PRESIDENT. The RECORD shows as follows:

> The PRESIDING OFFICER. Is there any objection to the present consideration of the resolution?
>
> The Senate, by unanimous consent, proceeded to consider the resolution.
>
> * * * * * * *
>
> The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California.

Then the point of no quorum was made and there was an adjournment. I think the tangle ought to be gotten out of the way. It is in order for the Senator from Maine [Mr. HALE] to move to proceed to consider the resolution.

Mr. HALE. I make that motion.

The motion was agreed to, and the Senate resumed the consideration of the resolution.

Mr. THOMAS. I suppose that carries with it the amendment offered yesterday by the Senator from California?

The VICE PRESIDENT. It does. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The amendment proposed by the Senator from California [Mr. PHELAN] is to strike out, in line 10, the words "counsel and," so as to read "to employ such clerical assistants as it may deem necessary," and so forth.

Mr. HALE. Mr. President——

Mr. THOMAS. Will the Senator yield to me?

Mr. HALE. I am very glad to yield to the Senator from Colorado.

Mr. THOMAS. For the information of some Senators now present who were not here at the adjournment on yesterday I may state that the objection offered to the resolution is confined to that part of it which proposes to employ counsel. During the discussion yesterday afternoon it was stated by the Senator from Maine, having charge of the resolution, that it was not contemplated that counsel should be used for the examination of witnesses or to conduct the hearings, but for the purpose of arranging and digesting the testimony. The question then presented itself as to whether counsel was necessary for what seemed to be merely clerical duty.

Such investigations are necessarily expensive, but they should not be needlessly so. Some of us think that it is not required that the committee should employ expensive counsel for the purpose of abstracting or digesting testimony.

I should make no objection if the committee felt that in the proper conduct of the hearing the assistance of counsel to conduct it was necessary, but I object most decidedly to the employment of professional men to do clerical work. Any competent clerical assistant can do the work that it is proposed shall be done by expensive counsel, and when I say expensive counsel I refer to the fact that counsel employed in such positions are expensive. I do not see why we should subject the Treasury to this additional burden when it is so obviously needless.

Mr. HALE. Mr. President, I feel that we shall unquestionably need counsel in going ahead with the investigation. My first idea was that we should require counsel to take part in the hearings and to help conduct the examination of witnesses, but the Senator from Nevada [Mr. PITTMAN] and the Senator from Florida [Mr. TRAMMELL], who are on the subcommittee, were very much opposed to that. We therefore agreed with them that if we were allowed counsel we would not ask that counsel should take part in the hearings, but would have him assist us in every way in the matter of examining records and in every other way except to take actual part in the hearings. We feel that we need this assistance, and I am very much in hopes that the Senate will allow us the counsel that we ask for.

It seems to me that the charges made in the letter of Admiral Sims are so sweeping in their nature and are made from a man in so very high authority that everybody must want to have the matter very carefully investigated. If, as I think very probable, the investigation will lead to a review of the entire naval conduct of the war, we can not have too much assistance in making the investigation. After the subcommittee have considered the matter and have unanimously reported that they need this counsel and this clerical assistance I can not conceive that any Senator can find it possible to make an objection to the resolution.

Mr. CHAMBERLAIN. Mr. President, I can very well understand how essential it is that some good clerical man be employed to go through the immense correspondence that the committee or its members may have to wade through, and to make compilations therefrom, so that the members of the committee can interrogate the witnesses. I know from experience in a long investigation which the Military Affairs Committee had that it was almost impossible to go through the correspondence, the complaints, the criminations and recriminations, but we did not even have additional clerical assistance; and I do not believe any counsel is needed to advise the committee, because there are very able lawyers on the committee.

Mr. HALE. Mr. President, it seems to me that is a question for the committee to decide. We have already done more or less work on this investigation, and we have found that we very much need the services of counsel. Now, if we get counsel, he will have to go over all of the records and the letters and the testimony, and he will have to pick out from them the salient matters that we are going to need in the investigation. His responsibility will be very great, and, in my opinion, no man but a skilled lawyer would be competent to take this responsibility.

Mr. FRELINGHUYSEN. Mr. President, will the Senator yield?

Mr. HALE. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think the former chairman of the Military Affairs Committee will admit that our investigation of the War Department during the war took practically the entire time of all the committee, and that we practically did nothing else. Now we are encountering many of the afterwar problems, and in my opinion no investigation should be carried on unless it is thorough; and I do not believe that the Members of this body can carry on a thorough investigation with their other duties. I believe it is necessary not only to have clerical assistance but to have legal assistance to arrange hearings and the program of the hearings. If any Senator on this committee or subcommittee had the time, undoubtedly he could make the investigation; but it seems to me, the Senate having ordered the committee to make an investigation, and expecting it to be thorough, that it should be up to the chairman of the committee and the committee itself to determine its policy. I myself intend to ask in the coal hearing for assistance, because the other members of the committee and myself can not give their full time to the investigation; and if it is to be done thoroughly—and I think you must rely on the good faith of the chairman of the committee and the subcommittee, and trust them, because they are not trying in any way to impose an additional or unnecessary burden on the Senate—I think at least you have got to have confidence enough in the committee to let them determine whether or not they need this legal assistance.

Mr. CHAMBERLAIN. Mr. President, if the Senator will permit me to interrupt him, it is not a question of trusting the committee. We all have the highest confidence in all of the committees of the Senate. It is simply a question of expense, and there is no telling where it will end. With a competent secretary or a competent clerk—an additional clerk, if you please, or two additional clerks—to go through this testimony and make a synopsis of it for the benefit of the members of the committee, there is not any question in my mind—and my view is strengthened by what took place here in the Senate this morning—but that the committee will get at the truth. There probably will be some members of the committee who will be disposed to criticize the Secretary of the Navy or to feel that he is responsible. There will be some on the committee who will feel disposed to criticize Admiral Sims. All sides of the controversy will have an opportunity to bring witnesses before the committee and interrogate every witness that comes there, and the truth will come out.

Mr. FRELINGHUYSEN. Mr. President, may I again interrupt the Senator? The Senator well knows that that is not the question. The question is whether the Senate is going to yield to the request of the committee that they have this additional assistance. They feel that they need it, and I think it is up to the Senate to follow their wishes.

Mr. HALE. Mr. President, the charges that have been made in Admiral Sims's letter are not going to be overlooked. The welfare of the whole naval service demands that they be not overlooked. As chairman of the subcommittee I have stated that in my opinion the investigation can not be properly carried on unless we are given counsel. I should like to ask the Senator if he thinks it is better to have us go ahead without counsel and make a failure of the investigation or to spend the amount that is necessary for counsel and have a decent and proper and full investigation?

Mr. THOMAS. Mr. President, in answer to that question, let me say that the Senator has himself assured the Senate that the counsel is not to be used for the purposes for which counsel are generally employed before committees. If the Senator says that, in his judgment, it is necessary to have counsel to conduct the hearings, I will vote for his motion. Yesterday, however, it was stated, as I understood, that counsel was needed—I do not pretend to use the exact language of the Senator—for clerical purposes, for digesting the evidence, for abstracting it, for arranging it, for systematizing it. Now, any experienced clerical man could do that. It is not professional work; that is to say, it is not legal professional work. My objection is, therefore, let me repeat, not that the committee desires counsel for the work of counsel, but that it desires counsel for the work of a clerk; and I think therefore we should pay for clerical and not for legal help under those circumstances.

Mr. HALE. Mr. President, I have already stated that I should prefer to have competent counsel who would conduct the hearings and conduct any cross-examination that might be made.

Mr. THOMAS. If the Senator will say now that that is what he wants counsel for I will withdraw my objection.

Mr. HALE. But I do not. I have already explained that I withdrew from my position on that matter at the request of the other Senators on the committee. As I have already said, also, the counsel who will assist us, if we are allowed counsel, will have much more to do than clerical work.

Mr. LODGE. Mr. President, if the Senator will allow me a moment, I think perhaps I was the one who spoke about counsel being used only in the work of preparing the case, and that was what I understood was the intention of the subcommittee. It seems to me, in view of the wide expansion which has come to this inquiry, that it is but a reasonable request that they should have counsel, and that counsel will be under the direction of the subcommittee to do anything they ask him to do; and I should suppose that in getting him to prepare evidence they would naturally employ him, as the Senator from Colorado very truly says, to perform the ordinary duties of counsel.

I want to say one further word. I do not want to delay this matter, but I want to say a single word as to the only question that is before us, and that is the need of this additional assistance.

This began as an inquiry into the awards. That, I think, could have been managed by the committee, with the proper clerical assistance. Now, however, by the publication of that letter, they have become involved in what amounts to an inquiry into the conduct of the war in foreign waters. It seems to me that the inquiry has taken a very wide range, and that it is only reasonable that they should have what I have never known to be refused to any committee—the assistance, by counsel or clerks or otherwise, necessary to conduct such an important inquiry properly.

I am sure no Senator on either side has the slightest desire to suppress this inquiry. It is too important; it is too important to the country and to the Navy; and I think we ought to give the subcommittee any assistance they need in conducting it properly and concluding it rapidly.

Mr. PHELAN. Mr. President, the language of the resolution provides for the amendment of the former resolution on the subject so as to—

Authorize and empower the subcommittee appointed to consider the question of awards in the Navy to employ such counsel and clerical assistants as it may deem necessary.

My motion is to strike out the words "counsel and," so that it will read "to employ such clerical assistants." There is no limit upon the number of assistants authorized, and, of course, if they desire attorneys or experts they can employ them, but they will be known as clerical assistants, and there can be no conceivable reason for inserting the word "counsel," which is plural—it may involve many attorneys in this authorization—unless they want the counsel to do the work of a counsel. A counsel will cost the committee, say, $100 a day. An expert clerk will cost the committee $10 a day. Retrenchment has been loudly preached. This is a matter of expense, and a needless expense, because the chairman of the committee admits that the counsel is not expected to do the work of a counsel, but simply to act in what is really a clerical capacity.

I desire to point out that in the composition of this committee we find three lawyers, and one gentleman who has had honorable service in the Navy and Navy Department of the United States. It seems to me the committee is very well qualified to investigate the subject without establishing a bad precedent of employing counsel. In fact, it is intimated here by the Senator from New Jersey [Mr. FRELINGHUYSEN] that he is also going to ask for counsel; and if once this precedent is established every committee, possibly, to avoid the labors which necessarily fall upon Senators, will ask for counsel. The three attorneys on the committee are counsel enough, and the member of the committee familiar with naval affairs from actual experience and service is a very valuable coadjutor. So I take it that the committee is well composed for the purpose of carrying on this very important investigation.

I noticed yesterday that the Senator from Florida [Mr. TRAMMELL] complained that the committee was insulted by the flippant conduct of the witness, where laughter was evoked by his remarks, in derogation of the dignity of a committee of the Senate of the United States. I submit that they need a sergeant at arms more than they need a counsel, and that the committee itself should be capable of conducting its own business.

Mr. HITCHCOCK and Mr. FRELINGHUYSEN addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I doubt whether the Senate realizes the extent to which it is indulging in the investigation business. Both Houses of Congress combined, so far as we have gone in the Sixty-sixth Congress, have authorized 61 investigations, and a very large number of those are in the Senate itself. That is compared with 31 investigations during the whole of the Sixty-fifth Congress in both Houses.

Mr. President, we have had recent experience with this matter of employing counsel. It was suggested that we should employ counsel for the committee that is investigating Russian propaganda in this country. I objected to the immediate consideration of the resolution, and suggested that if legal advice were necessary the expense could be avoided by calling upon the Department of Justice to furnish it. That matter was brushed aside, however; and later, upon the assurance of the Senator from Iowa [Mr. KENYON]—whose resolution was the one originally adopted—that the committee would in all probability employ Mr. Stevenson, a lawyer who was already familiar with the case and who had been ardent in developing it—and whose fees, for that reason, would not be large—I abandoned opposition to that resolution. Later I discovered that when the committee acted, instead of employing this patriotic lawyer, who had been giving his services to the Lusk committee in New York free of charge as a matter of public service and public spirit, the committee had discarded him and had employed Mr. Wade H. Ellis, a lawyer no doubt of great ability, but, as I understand, a Republican leader of even greater prominence.

Mr. KENYON. Mr. President, when I talked to the Senator I was very much in hopes that Mr. Stevenson would be employed. I had no intention of misleading the Senator in any way, but, of course, I had nothing to do with the matter; and it seems that objections were raised to Mr. Stevenson which the committee thought might imperil the investigation.

Mr. HITCHCOCK. I have no doubt whatever of the Senator's entire good faith, and I would not for a moment in what I say reflect upon him in any way. I know he was sincere in his belief that Mr. Stevenson would be employed. I only cite it to show the reason why I abandoned my position at that time. Now, Mr. President, it looks to me as though that investigation has developed into a political persecution, and that instead of employing a lawyer qualified for the work we have entered upon an investigation and employed a lawyer who knows nothing about the case, but who is eminent as a Republican party leader.

Mr. President, this idea of employing counsel for these investigating committees has no limit. No one can tell where it is going to stop. Sixty-one investigations have already been ordered, and a number of them are already applying to the Senate for leave to employ counsel in order to carry on the work that the committee is charged with doing.

Mr. HALE. Mr. President, does the Senator think that any investigation ought to be made of this question of the charges in Admiral Sims's letter?

Mr. HITCHCOCK. Well, Mr. President, I withhold the opinion that I am gradually forming as to the investigation of those charges. I would not like to give to my friend the Senator from Maine the opinion which is developing in my mind and in the country as to the purpose of that investigation.

Mr. HALE. I shall appreciate it if, when the opinion is fully developed in the Senator's mind, he will give it to me.

Mr. HITCHCOCK. Possibly I may; but for the present I withhold it, because I desire to be more sure of my ground. I am sure, however, that in the last Congress—the Sixty-fifth Congress—while there were a number of very serious and very effective investigations, they were carried on without the aid of counsel. Probably the most effective investigation held was the one already referred to, conducted by the Committee on Military Affairs, which did a remarkable work in bringing the War Department up to the efficiency that the country demanded. The Senators on the Committee on Military Affairs worked in that investigation. They might easily have asked the Senate for counsel to facilitate their work; but, instead of doing that, they labored themselves, and carried on that work without any legal assistance. So I think investigating committees, if they are to be constituted under this control of the Senate, might well do the same thing, instead of calling in outside expensive counsel to aid them with the work; and I for one shall not vote for the employment of counsel upon any such showing as is made by this committee in this case.

Mr. FRELINGHUYSEN. Mr. President——

Mr. HITCHCOCK. I want to call to the attention of the Senator from Maine a fact which I understand there has been some question about. He states that this was a unanimous vote of the committee. The Senator from Florida assures me that he opposed the idea of employing counsel, and only submitted when, in the subcommittee, he was overridden.

Mr. HALE. I stated that at the subcommittee meeting yesterday it was the unanimous agreement of all of us that I was to put in a resolution asking for counsel and for clerical assistance. That was my understanding of the situation. The Senator from Nevada [Mr. PITTMAN] is in the Chamber. I will ask him if that was not his understanding.

Mr. PITTMAN. Mr. President, upon yesterday we met in Senator HALE's office, and Senator HALE suggested this situation; but I stated to him very frankly, as I think he will agree, that I was always opposed to having attorneys around committees.

Mr. HALE. Yes; that is true.

Mr. PITTMAN. But that I would not object to having any kind of assistance that the committee might feel necessary, even of counsel or attorney, provided that we have an understanding among ourselves, as we did have, that if counsel were employed he should take no part in the examination of the witnesses——

Mr. HALE. That was my understanding exactly.

Mr. PITTMAN. Or in any way interfere with any of the members of the subcommittee in their examination of any of the witnesses; in other words, that his assistance, whatever it might be, would be in the nature of clerical assistance or advice to any one of the subcommittee who might ask for it. It was in the nature of a compromise to that extent. I think the Senator from Florida [Mr. TRAMMELL] and I both opposed having counsel around the subcommittee, but the compromise was of that nature, that we would support a resolution for counsel provided it was understood that the counsel should in no way interfere with the investigation or take part in it.

Mr. HALE. The Senator from Florida [Mr. TRAMMELL] has just come into the Chamber. I will ask the Senator from Nebraska [Mr. HITCHCOCK] to repeat the statement that he just made to me so that the Senator from Florida may answer it.

Mr. HITCHCOCK. I made the statement, in the absence of the Senator from Florida, that there appeared to have been a difference of opinion upon the subcommittee as to the wisdom of employing counsel, and that I had understood the Senator from Maine to have said that the committee was unanimously in favor——

Mr. HALE. My statement had nothing to do with the wisdom of it. My statement was that we had agreed that we should employ counsel.

Mr. TRAMMELL. Mr. President, I will explain my attitude. I think I can best do that myself. The question came up in regard to the matter of employing counsel. I stated to the

subcommittee that I was opposed to employing counsel. Then the suggestion came with regard to employing counsel and not permitting counsel to interrogate the witnesses nor conduct the hearings before the subcommittee. I stated then that if counsel was employed at all I would very much object to him being permitted to conduct the hearings and to interrogate witnesses. You might say that it was practically a matter of yielding to the majority of the subcommittee that we should have counsel, with the distinct understanding that he would not conduct the examination before the subcommittee.

Mr. HALE. Did not the Senator agree that I was authorized to put in the resolution, and did I not show the Senator the resolution before I put it in, and did he not consent to it?

Mr. TRAMMELL. Mr. President, I do not consider that when the chairman of a subcommittee frames a resolution that is prepared for the purpose of carrying out the wishes of a majority of the committee it means that you approve of it, although you might have expressed your position against it before the subcommittee.

Mr. HALE. There was no formal vote taken in the subcommittee. We simply agreed, and all of us agreed. There was no question about it.

Mr. TRAMMELL. Mr. President, I take it that the chairman was showing it to me as a matter of carrying out the wishes of a majority of the subcommittee, not that he did it for the purpose of getting my approval. I reserved no right to protest against it in the Senate; but the Senator from Maine knows I did state that I was opposed to the employment of counsel by the subcommittee.

Mr. HALE. I stated the matters exactly as they occurred. I have nothing to take back. Now, however, in view of the feeling which evidently exists on the other side of the Chamber, I feel that it will not be advisable for the subcommittee to be longer bound by any agreement as to counsel, and I now state that if this resolution of mine goes through I shall see that competent counsel is retained, who shall have full authority, as I see fit, or as a majority of the subcommittee sees fit to give it to him, to conduct any investigations or to do any other work which we may need. I have in mind for such counsel ex-Senator Sutherland, of Utah, who is in this city. I am not at all certain that he would undertake the work; I have had no talk with him in any way; but some such able lawyer I believe could and would carry on an investigation and get to the bottom of this matter.

Mr. HITCHCOCK. Mr. President, that is a very frank statement of the Senator from Maine, and he deserves credit for it. To my mind, however, it makes matters worse. It is very evident that the intention is to convert as many as possible of the 61 investigations that have already been ordered into partisan proceedings. It is proposed to go on with this orgy of investigations, and establish as many tribunals as possible, and employ as many lawyers as possible, to work up as many cases as possible, as a method of attacking this administration in every possible form; and I am in favor, if it is proposed to carry on proceedings of that sort, to have the Senators who are desirous of doing it, do it themselves. I am not in favor of having Republican politicians and Republican party leaders called in on the pay of the Senate of the United States to carry on these cases.

These investigations of committees, which it is now proposed to increase in numbers and inspire with a partisan purpose, can be carried on by the Senators themselves. There has never been a more thorough investigation by the Senate than was made by the Committee on Military Affairs last year, and it did not require a paid counsel to enable that committee to bring about a great reform.

Mr. FRELINGHUYSEN. Will the Senator suffer an interruption?

Mr. HITCHCOCK. I will.

Mr. FRELINGHUYSEN. The full committee undertook that investigation, did they not? It was a hearing before the full committee, was it not, not a subcommittee?

Mr. HITCHCOCK. Yes; it was such originally.

Mr. FRELINGHUYSEN. And they gave their entire time to it?

Mr. HITCHCOCK. Oh, no.

Mr. FRELINGHUYSEN. Practically, hearings were held every day and the members were in attendance?

Mr. HITCHCOCK. No. I was probably as active as anyone else in those investigations, and I can say to the Senator that I by no means gave all my time to it. I worked hard upon it, I felt earnestly about it, and I did my work in a way to satisfy my own conscience. If any Senators believe there is anything wrong, it is for them in their investigations to bring it out. But I do not think that they should ask the Senate to employ expensive counsel, and then use their power as the majority to select as that counsel in each case Republican politicians and Republican leaders. That certainly will discredit the investigations before the country, and the frank avowal now made by the Senator from Maine that he proposes, if counsel shall be employed under this resolution, to authorize the counsel to conduct investigations before the committee, to ask questions before the committee, simply means that the majority of the committee is going to empower that man to run roughshod over the minority of the committee, and instead of an investigation we are going to have a prosecution.

Mr. HALE. The majority of the subcommittee expect to get at the root of the matter; and let me say, in explanation of the suggestion that I made, that I shall not, of course, expect the Senator from Florida [Mr. TRAMMELL] or the Senator from Nevada [Mr. PITTMAN] to support my plan. I consider them released from any obligation to support the resolution when I make this new proposition.

Mr. HITCHCOCK. Mr. President, I suppose the Senate would like to vote on this proposition before 2 o'clock, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	Moses	Smith, Md.
Beckham	Harris	Myers	Smith, S. C.
Brandegee	Harrison	Nelson	Smoot
Calder	Henderson	New	Spencer
Capper	Hitchcock	Newberry	Sterling
Chamberlain	Jones, N. Mex.	Norris	Sutherland
Culberson	Jones, Wash.	Nugent	Thomas
Cummins	Kellogg	Overman	Townsend
Curtis	Kendrick	Owen	Trammell
Dial	Kenyon	Phelan	Underwood
Edge	King	Pittman	Wadsworth
Fernald	Kirby	Poindexter	Walsh, Mass.
Fletcher	Lenroot	Pomerene	Watson
France	Lodge	Robinson	Williams
Frelinghuysen	McCormick	Sheppard	Wolcott
Gronna	McKellar	Shields	
Hale	McNary	Simmons	

Mr. GRONNA. I desire to announce the absence, on account of illness, of the Senator from Wisconsin [Mr. LA FOLLETTE], and I ask that the announcement may stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. TRAMMELL. Mr. President, in view of the statement made by the chairman of the subcommittee of the Naval Affairs Committee, I feel at liberty, even as far as he is concerned, and if he had not made the statement I would have felt at liberty to oppose this resolution in view of the statement he made in regard to giving counsel, if selected by the subcommittee, broad latitude to conduct the examination practically as he may deem proper. I am opposed to the employment of counsel to practically take charge of the investigation before the subcommittee. I will state, Mr. President, that I believe as a rule that in making investigations counsel assumes the attitude of a prosecuting attorney. My observation in legislative branches of the Government has been that if you employ an attorney his main object, as a rule, instead of trying to get at the facts from the standpoint of fairness, is to try to bring about a conviction or the condemnation of some one who is being investigated.

I know of one committee of the Senate that employed counsel for at least two or three months to conduct an investigation, and after that two or three months of labor he prepared a report for the subcommittee and it was signed by four members of the subcommittee before reaching my hands for signature, and I decided that I would do probably the unusual thing and read the report before I signed it. So I read the report and I found, among other things that the counsel had recommended, and four other members of the subcommittee had signed it, that the board for the young ladies who were occupying the Government dormitories should be increased $15 per month, so that the Government could get 5 per cent interest, based upon the original investment in those dormitories.

I found also that in the question of dealing with buildings he had stated in this report that members of the committee, when they looked upon the magnificent buildings being occupied by mechanics at some particular place, suffered with pangs of residential jealousy. That is just a little illustration to show you the viewpoint of a counsel and an attorney and his object in dealing with these matters. He was looking on the whole proposition very largely as a matter of trying to condemn somebody. The report, however, was changed after I read it. I think, Mr. President, that you have a fairer investigation if you do not select counsel who is to go in and act as a prosecuting attorney. My observation has been that they assume that attitude very generally, and I do not feel like having anyone to take up an investigation with a view of trying to convict some-

body or trying to clear anybody, but I want the investigation to be actuated by a sense of fairness all the way through. For that reason I object to employing counsel. I do not mean any reflection upon the attorney employed by the other committee to which I have made reference, but merely referred to this case to show the trend of counsel in such matters.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. HALE. May I ask the chairman of the committee in charge of the unfinished business that he consent to its being temporarily laid aside?

Mr. KENYON. If there is any reasonable prospect of a vote within a reasonable time, I have no objection.

Mr. HALE. I think we are nearly upon the verge of a vote on the resolution. It is very important that we should have it decided.

Mr. HITCHCOCK. Mr. President, I can assure the Senator that he is not on the verge of a vote. We are on the verge of hearing a number of other speeches.

Mr. HALE. I do not know how long the Senator intends to filibuster on the matter.

Mr. KENYON. In view of the statement of the Senator from Nebraska that other speeches will be made, does the Senator from Maine still desire to lay aside the unfinished business?

Mr. HALE. I would like an hour's time in which to discuss the resolution.

Mr. KENYON. I am going to make no objection to an hour's time.

Mr. HALE. I ask unanimous consent——

Mr. ROBINSON. I object.

Mr. HALE. Then, I move that the unfinished business be laid aside and that we proceed to the consideration of the resolution.

Mr. POINDEXTER. For an hour's time.

The VICE PRESIDENT. The Senator can not move to lay aside the unfinished business.

Mr. HALE. Then I move to take up the resolution.

Mr. HITCHCOCK. Mr. President, I understand that is a debatable question?

The VICE PRESIDENT. It is.

Mr. PITTMAN. Mr. President, I was absent, being called out to the telephone, when the Senator from Maine was making a statement. It was attributed to him in that statement that he intended to withdraw from the agreement made with the minority members of the subcommittee, such as I have stated, to the effect that the counsel, if appointed under this resolution, would not be restricted from conducting an examination.

Mr. HALE. The only reason for any agreement was that we wanted to have the committee harmonious on the matter; and our understanding was that if we gave up on the question of having counsel take part in the hearings that there would be no opposition. The Senator did not promise that there would not be opposition in the Senate, but clearly his whole party is in opposition, and under the circumstances I see no objection to withdrawing from the agreement. In doing so, of course, I do not expect the Senator from Nevada [Mr. PITTMAN] or the Senator from Florida [Mr. TRAMMELL] to follow me in voting for the resolution.

Mr. PITTMAN. The situation was, as I stated before, that I opposed the appointment of counsel for the committee, but finally consented that I would not oppose the resolution under the agreement then entered into, that the counsel should not question witnesses or participate in the examination of witnesses. I know of nothing that I have done to cause the Senator to violate that agreement; I know of no reason why he should violate it, except that he feels he can do so with impunity. It is a warning as to what will take place when the Senator realizes the power of the majority on the subcommittee with counsel sitting there.

I had absolute confidence as to the intention of the chairman of the committee and the members of the majority with regard to the employment of this counsel, and for that reason I forewent my prejudice to having attorneys for any committee; but we have scarcely more than arrived in the Chamber when, apparently, the Senator from Maine seeks the first excuse to throw down and eliminate any restriction that might have been agreed upon.

It is a very unpleasant thing for a minority to serve on a committee if the majority see fit to ignore them. It is perfectly possible for the majority to make it so unpleasant for the minority that they will be compelled to withdraw from the committee. It is perfectly possible for a majority of the committee, if they see fit, to so limit the scope of inquiry of the minority that the action of the minority in the matter, instead of accomplishing any good, may seem to be such as to prejudice the case as viewed by the minority.

The matter of the investigation of the medal awards has gone far enough to indicate two things; that, in the first place, the majority are very anxious to sustain the charges of Admiral Sims with regard to medal awards——

Mr. HALE. If they are true.

Mr. PITTMAN. It is also, I think, evident that the minority on that committee are doing everything to counteract that effort. It is very unfortunate, so far as the Senate and the country are concerned, that that development has taken place. All of us like to be fair, and yet it is a very difficult matter, of course, to be fair. It is very hard for a person to throw off his political allegiance in the matters that have affected him during his life.

Now, to accentuate the contest that has unfortunately arisen in the committee, it is the purpose to employ an outside man; to employ an attorney who will be under the absolute and exclusive direction of the majority of the committee and to have him work not for the committee but for the majority of the committee. That is inevitable; it can not be any other way. If a question arises as to what the counsel shall do, it comes to a vote, and there is no question that all members of the majority would vote together. That is in evidence already by the hearings so far as they have gone on the medal award. That really has not been so bitterly contested by the majority as we have a right to expect the other matter will be contested. That matter involves an attack upon the Navy board as well as upon the Secretary of the Navy. This matter is a personal attack by an admiral, by one man, upon his superior officer.

If the question involved some intricate law that able lawyers like the Senator from Maine could not be expected to be familiar with, there might be some excuse for employing counsel. We have been having an investigation of a naval law. It involves three or four thousand cases, I believe; it involves just that many different cases to investigate; it involves the construction of a very indefinite statute under which these awards are made, and yet the distinguished Senator and lawyer from Maine has not found himself at any disadvantage in the investigation. He has conducted his side of it most ably and clearly without any doubt whatever.

But, in addition to that matter, we have on the committee on the majority side, as has been stated already, one who should be an expert in naval matters. We have there on the majority side an ex-Secretary of the Navy. All of the advantage is with the Republican majority in this matter as far as the conduct of the hearing is concerned; but there has already in the hearing been evinced considerable impatience with certain portions of the examination that the minority wish to make. The minority Senators have been interrupted in the middle of their examination by the majority. Why, as a matter of fact, the Senator from Nevada was conducting the cross-examination of Admiral Sims when he was interrupted right in the midst of it, at the request of the chairman of the committee, for the purpose of injecting the Sims letter into the matter. The Senator from Nevada desired to go on, and resisted the suggestion that the character of the examination should be interfered with by the injection of this letter into the record; but it happened, and then, when the reading of the letter was completed, at a quarter of 1 o'clock, and there were yet 15 minutes left before the hour of adjournment agreed on had arrived, and the Senator from Nevada asked to be allowed to continue with his examination, he was sat down upon instantly by a motion on the side of the majority to adjourn. That motion to adjourn was carried without the permission of any further cross-examination, and yet there were 15 minutes left.

I am only citing these things for the purpose of disclosing that even when there was not any counsel present to monopolize the proceedings the minority members found some difficulty in continuing their part of the examination. Now, it is proposed to have an attorney, a man who is not a Member of this body, a man who is not even bound by the courtesies that sometimes exist between Members of this body, a man who has not even the slightest knowledge of the ethics of this body, not as much so as some of the newest Members of the body. He is to come in there and investigate for us; that is his function. He is to go out and dig up what he considers is material evidence bearing on this question. There is no limit whatever to the scope of his investigation nor the scope of the trial that he may direct. He is nominally the counsel of the committee; he is in fact the

counsel of the majority of the committee; there is no question about that; there is no use in mincing words about it.

We all know that is a fact. He consumes the time of the investigation. If, perchance, one of the Senators on the minority side should have a few ideas with regard to certain facts that he desired to develop by questioning, he would find it exceedingly difficult to break in upon that examination. You say "no." Why, when you did not have any counsel our examination was interrupted in the middle of it, and you adjourned.

We have not any controlling vote as to what is going to happen in this matter. You first agree that this counsel shall not interfere and then you come upon the floor, knowing that you have the majority, and believing, as I believe you do believe, that those of you on that side desire to make all you can politically out of this, and you go back on the agreement which you had with the minority members of the committee.

Mr. HALE. Mr. President, I have heard about enough of the talk of the Senator in reference to breaking agreements. The Senator knows very well I endeavored yesterday afternoon and this morning to carry out the arrangement that we had and that that arrangement has been bitterly opposed by Senators on his side of the Chamber. It is evident that they are not backing up the arrangement in any way, and therefore I have felt at perfect liberty to change our plans. As I said before, I do not expect the Senator from Nevada or the Senator from Florida, the minority members of the subcommittee, to vote with me now.

Mr. PITTMAN. Undoubtedly the Senator has no reason to expect that; nevertheless I have very rarely, and I hope never—I do not remember of it—broken an agreement with a Senator by reason of the act of some other Senator. The Senator from Nevada did not go back on his agreement; in fact, the Senator from Nevada rose on the floor before the Senator from Maine took his present course and sustained the Senator from Maine by stating that we did have an agreement.

Mr. HALE. I have followed out in every way any possible obligation that I was under through that arrangement.

Mr. PITTMAN. And now that some other Senator, who is not a party to the agreement——

Mr. HALE. The Senator from Nevada is evidently opposed to having counsel take part in the hearings——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Nevada yield to the Senator from Maine?

Mr. PITTMAN. I am always willing to yield to the Senator. However, he interrupted in the middle of a sentence which I was trying to complete. I want to say that that character of interruption is customary upon the subcommittee, and will probably be largely exaggerated after we have counsel there to advise us when we may and when we may not ask questions.

Mr. HALE. I had no idea this feeling existed about our hearings. I had the idea that the committee hearings were going along very comfortably.

Mr. PITTMAN. Well, Mr. President——

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. PITTMAN. I yield to the Senator from Maine. The only thing about it is that the Senator from Maine will be accused of filibustering in a few moments.

Mr. HALE. Well, never mind.

Mr. PITTMAN. Everything went smoothly on the subcommittee. There was absolutely no physical disorder from the time we started until we suspended. It was threatened on one or two occasions, but the minority considered they were also in the minority in every way, and succumbed. I remember very distinctly that I was in the midst of developing a certain state of facts in the cross-examination of Admiral Sims when this famous letter was injected. I was then submitting to the consideration of Admiral Sims a number of cases wherein the distinguished service medal was recommended by admirals in the Navy in cases where an officer had lost a ship.

I was doing it for the purpose of contradicting Admiral Sims's statement that it was contrary to the policy to grant any honor to an officer who lost his ship, for the purpose of disclosing the fact that it was not the policy of this Government to demote an officer, to take away from him his command, to place a stigma on him, when he lost his ship in the efficient performance of his duty without any fault on his part.

In the midst of the reading of those things the chairman stated: "The admiral has a letter that he would like to read." The Senator from Nevada said that he would prefer to go on with his own character of cross-examination, and the Senator insisted; and finally, under the belief which the Senator from Nevada had a right to indulge by reason of the statement of the Senator from Maine, the chairman of the committee, that this letter bore on the matter under consideration before us—in other words, the award of medals—I deferred my cross-examination to allow him to read the letter which was supposed to be in part answer to the character of cross-examination that I was conducting.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. PITTMAN. Just a second, please. When this letter was read, as it went on for nearly an hour, it was apparent that it did not answer the question. The Senator from Maine knew it was not answering the question. The Senator from Maine knew it was not dealing with the subject before the subcommittee. He was chairman of the subcommittee, and never once did he attempt to stop the reading of that letter or ask any questions with regard to the further contents of it—not one.

But after the admiral was through reading it, and the Senator from Nevada asked to go on with the cross-examination until 1 o'clock, there being 15 minutes left, then the Senator from Maine discovered that this letter had nothing to do with the matters submitted to the committee and was not within its jurisdiction, and that we ought to adjourn to get further information with regard to this letter. The Senator from Nevada said, "Let us go on with our examination of the matters that are within our jurisdiction until the hour of 1 o'clock." But that was not granted, and, by a motion supported by the three Republican members of the committee and opposed by the two Democratic members, they adjourned on us and stopped the proceedings.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. PITTMAN. I yield now.

Mr. KENYON. Mr. President, I want to ask the Senator—and I do not want him to be offended by my request at all—if he will not let us go ahead with the bill that has been before the Senate so many days? The motion now is to try to supplant this bill with the resolution of the Senator from Maine. I can assure the Senator, I think, that that motion will be voted down if we let it come to a vote, or that the Senator from Maine will withdraw it and let us proceed with the bill which has been before the Senate so many days.

Mr. PITTMAN. I assure the Senator from Iowa that I have no desire to delay the consideration of his bill at all, but I want an opportunity at some time to speak with regard to the changed attitude of the Senator from Maine, and I want an opportunity to go into this whole subject of the appointment of counsel for committees which are composed of lawyers in the investigation of every little matter connected with any branch of this Government that somebody asks to be investigated; but I now will permit it to come to a vote.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Maine.

Mr. HALE. Mr. President, in view of the fact that there is evidently more or less of a filibuster on this matter, I will withdraw my motion.

Mr. KENYON. Mr. President, of course if the Senator from Nevada is going to discuss the changing attitude of various Members of the Senate, it will take a long while.

Mr. BORAH. Especially on treaties.

Mr. KENYON. So I shall be glad if we can go ahead with the Americanization bill.

Mr. PITTMAN. Mr. President, it is a very fruitful subject; but I shall not do it, in deference to the Senator, while this bill is pending.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. KENYON. Mr. President, I am under the impression that the Senator from South Dakota [Mr. STERLING] is going to speak upon this bill. If there are other Senators ready to go ahead I shall be glad if they will do so. If not, I will call for a quorum, and try to get the Senator from South Dakota here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Colt	Frelinghuysen	Jones, Wash.
Ball	Culberson	Gronna	Kellogg
Borah	Dial	Hale	Kendrick
Brandegee	Edge	Harris	Kenyon
Calder	Fernald	Harrison	King
Capper	Fletcher	Hitchcock	Lenroot
Chamberlain	France	Johnson, Calif.	Lodge

McCumber	Overman	Simmons	Thomas
McKellar	Owen	Smith, Ga.	Trammell
McNary	Phelan	Smith, Md.	Underwood
Moses	Phipps	Smith, S. C.	Wadsworth
Nelson	Pittman	Smoot	Walsh, Mass.
New	Robinson	Spencer	Watson
Newberry	Sheppard	Sterling	Williams
Norris	Shields	Sutherland	Wolcott

Mr. SMOOT. I desire to announce that the Senator from Kansas [Mr. CURTIS] is detained from the Senate on official business.

Mr. KELLOGG. I wish to announce that the Senator from Iowa [Mr. CUMMINS], the Senator from Washington [Mr. POINDEXTER], and the Senator from Ohio [Mr. POMERENE] are absent on the conference on the railroad bill.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. KING. Mr. President, I understand that the Senator from Iowa has a number of amendments which he will tender in behalf of the committee; and until those amendments have been disposed of I shall not offer the one which I was about to suggest.

Mr. KENYON. Mr. President, I have here a number of pro forma amendments.

On page 2, line 19, the word "board" is used. That is a mistake; and I move to strike out the word "board" and substitute therefor "the Secretary of the Interior."

The motion was agreed to.

Mr. KENYON. On page 4, at the close of line 6, I offer the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 4, at the end of line 6, it is proposed to insert the following proviso:

Provided, That this shall not apply to those who are in this country temporarily for sojourn or business.

The amendment was agreed to.

Mr. KENYON. Mr. President, the Senator from Wyoming [Mr. WARREN] and myself have discussed the question of a reduction in the appropriation. I have not had an opportunity to discuss the matter with the members of the committee, but I understand that he will offer an amendment on that subject. I shall be glad if he will offer it now.

Mr. WARREN. Mr. President, in section 2, on page 2, line 6, I move to strike out all after the numerals "1920" to the end of that section and to insert the numeral "1" in place of the cipher, making it "1921" instead of "1920," and "$6,500,000" in place of the "$5,000,000," the intention being to make this apply only to the one year, and that that sum is all for the one year.

In section 3, on line 12, I move to strike out the words "for any fiscal year, $500,000," and insert "$100,000."

The PRESIDING OFFICER. Are they separate amendments, or one amendment?

Mr. WARREN. These are separate amendments, and I think the Secretary is taking them down as we go along.

Mr. KING. Mr. President, will the Senator permit an inquiry with respect to this amendment to which the Senator has directed attention?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. WARREN. I yield.

Mr. KING. I understood the Senator to make the statement that the appropriation was for the fiscal year ending June 30, 1921. What does the Senator do with the words found in lines 6 and 7, "and annually thereafter until the end of the fiscal year"?

Mr. WARREN. If the Senator will notice, we strike out from that section all after the words "1920" and insert "$6,500,000" in place of "$12,500,000," and also strike out all relating to future years, making it apply only to 1921. We change "1920" to "1921."

Mr. KING. Then will it read "for the fiscal year ending June 30, 1921, $6,500,000"?

Mr. WARREN. Yes; and it ends right there.

Mr. KING. I am very glad that that amendment is made, because I think it is a very bad practice to make an appropriation in advance of one year.

Mr. WARREN. We can not permit that.

Now, Mr. President, on line 24 of the same page I move to strike out the words "for each fiscal year."

Mr. KENYON. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I do.

Mr. KENYON. The Senator from Colorado suggests that the Senator offered an amendment there making that $500,000, $100,000.

Mr. WARREN. Yes.

Mr. KENYON. I wish the Senator would not do that. That is $500,000 that is to be taken out of the $6,500,000, and it is very essential to have that a larger sum than the $100,000.

Mr. WARREN. Mr. President, as I view the situation, we have an entirely new problem before us in this bill. We have got to seek out ways and means. We have got to correspond with the States. This bill, with the ordinary procedure, will hardly get to be a law until some time late in the spring or perhaps toward the end of the present fiscal year. This $100,000 is to be used for a certain purpose, publications, and so on, but I wish to say to the Senator it will take a large part of the year 1921, in fact the whole year, before we will know how many States are going to accept this offer and how many are going to participate. I understand the bill provides that no State can get the benefits of the bill unless it appropriates $5,000 or more.

Mr. KENYON. No; it appropriates dollar for dollar, but there must be an appropriation of $5,000 as a minimum.

Mr. WARREN. That is what I say, it must appropriate dollar for dollar, but not less than $5,000. In other words, there can not be drawn from this fund more than $5,000 for any State unless the State puts up $5,000.

Mr. KENYON. No.

Mr. WARREN. When you come to take the number of States whose legislatures do not meet until a year from this winter, and it will be pretty well along toward the end of the fiscal year ending June 30, 1921, when they adjourn, you will see that this will hardly get fully organized during 1921. I think it would be wholly unnecessary to increase the total amount of $6,500,000. I doubt very much whether that can be used.

Mr. KENYON. We do not increase it by the $500,000. That is taken out.

Mr. WARREN. I understand.

Mr. KENYON. And none of it is taken for this year. It is all of it for next year, and that really seems to me the most important part of the bill.

Mr. WARREN. You mean the $100,000?

Mr. KENYON. The $500,000 is entirely for next year. I think the Senator has been under the impression that a part of it was to be used for this year. I think some of it should be used for this year.

Mr. WARREN. As I said, you will hardly get to the point where you can use it this year, because it is doubtful whether the bill will become a law before the end of the fiscal year. There are only five months more of the fiscal year remaining.

Mr. KENYON. That is why I have been willing, as far as I was concerned, to let it go for this year and to start in with next year. They may make the preparations and go ahead next year.

Mr. WARREN. I will say very frankly, Mr. President, that from conversations I have had with the Senator I have understood, perhaps erroneously, that the $100,000 was entirely satisfactory, and because of that I was willing to have the other $6,500,000.

Mr. KENYON. Then we must have misunderstood each other. The $100,000 I was talking about was the $100,000 for the balance of this year, and had nothing to do with next year. I felt that something should be appropriated for this year, and I feel so yet.

Mr. WARREN. The Senator could make this $100,000 applicable for this year.

Mr. KENYON. Then there would be practically nothing for next year. They can not organize this work and go ahead on $100,000. That, to my mind, is the most important part of the bill.

Mr. WARREN. What does the Senator propose to do with $6,500,000?

Mr. KENYON. The $6,500,000 goes entirely to the States.

Mr. WARREN. I do not so read it.

Mr. KENYON. There is no question about that. Out of the $6,500,000 there is taken the $500,000 under section 3. Then turn to section 4. The balance of the money goes to the States in proportion to the illiteracy. That is the whole theory of the bill. There is absolutely none of the $6,500,000, after you deduct the $500,000, that goes to anything but the distribution to the States.

Mr. WARREN. The distribution to the States, in my judgment, if the Senator sees fit to take $500,000 instead of $100,000, could well stand to have six million and a half as the total amount. There are plenty of funds in the $6,500,000 to cover the whole balance of this year and 1921, in my estimation.

Mr. KENYON. The $6,500,000 does it, but out of the $6,500,000 you take the $500,000 provided in section 3.

Mr. WARREN. Does the Senator want to take the $500,000 from the $6,500,000?

Mr. KENYON. Yes; that is it exactly. It does not increase it at all; and I think the Senator will remember that the $100,000 was for the balance of this year. But the Senator rather convinced me that it would be so late before the bill would be passed and signed that perhaps there would be no need of appropriating anything this year, and I am willing to agree to that.

Mr. WARREN. I am willing to make the amount $500,000 if that meets the wishes of the Senator from Iowa.

Mr. KENYON. And do nothing for this year?

Mr. WARREN. Then, where I designated $100,000, it may be made $500,000.

Mr. KENYON. I suggest to the Senator that on page 2, line 12, we strike out the words "for any fiscal year."

Mr. WARREN. I will ask the Secretary to state the first amendment.

Mr. KENYON. Would it not be better to take up the various amendments and dispose of them as we go along?

Mr. KING. I desire to offer an amendment to the amendment when we reach section 30. So in disposing of the amendments suggested by the Senator from Wyoming I should be glad to have the amendment with regard to section 2 disposed of first.

The PRESIDING OFFICER. The Secretary will report the first amendment offered by the Senator from Wyoming.

The READING CLERK. In section 2, page 2, line 6, strike out the numerals "1920" and down to the end of the paragraph, including the word "year," in line 10, and insert "1921, $6,500,000."

The amendment was agreed to.

Mr. KING. Mr. President, I shall move to reconsider, unless the Senator from Iowa will agree that if my amendment to the next section should prevail, we may return to this item, because if it should prevail it might necessitate an amendment of this amount.

Mr. KENYON. If there is any need of returning to the section, I shall offer no objection to it, of course.

Mr. KING. That is the reason why I did not interpose an objection.

Mr. WARREN. I would like to have action upon so much of line 12 in section 3 as strikes out the words "for any fiscal year."

The PRESIDING OFFICER. That amendment will be stated.

The READING CLERK. On page 2, line 12, strike out the words "for any fiscal year."

Mr. SMOOT. Mr. President, I do not think the Senator wants to insist on that amendment. If the amendment is agreed to and the bill passes in that form, then all you have is an appropriation of $500,000.

Mr. KENYON. I think if that is so the Senator from Wyoming will not urge it.

Mr. WARREN. What did the Senator from Utah suggest?

Mr. SMOOT. I say that if the words "for any fiscal year" are stricken out, then the appropriation of $500,000, or whatever amount we provide, is all that will be appropriated for the expenses enumerated in section 3, and I take it for granted that the Senator from Iowa desires the appropriation for that purpose to cover each year hereafter that an appropriation may be made for the States.

Mr. WARREN. It is my intention absolutely to strike out of the bill any provision aimed to carry appropriations year after year in the future. That is, we appropriate for this purpose as we do for others, each year. We do not want by our legislation to mortgage the future, as to what shall be done hereafter.

Mr. SMOOT. I am perfectly aware of that, Mr. President. If this amendment is adopted and no other amendment is added to section 3, it simply means that they can go to work and spend $500,000 between now and June 30 of the present year.

Mr. KENYON. No; it does not apply to that at all. Section 2 is for next year—1921.

Mr. SMOOT. Has that amendment been agreed to?

Mr. KENYON. That has been agreed to.

Mr. SMOOT. Of course, then, that would make a difference in my conclusions in regard to section 3.

Mr. KENYON. I thought the Senator was wrong about it.

Mr. WARREN. I thought the Senator from Utah [Mr. SMOOT] had misunderstood.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming. On page 2, line 12, to strike out the words "for any fiscal year."

The amendment was agreed to.

The READING CLERK. The next amendment is, in section 4, on page 2, line 24, to strike out the words "for each fiscal year."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator from Iowa to section 3. Last evening, just before adjournment, the question came up as to making a lump-sum appropriation of $500,000 for the purposes named in section 3. I think there is not a Senator who does not desire in future to keep away from lump-sum appropriations. The Senator from Iowa asked the Commissioner of Education to submit to him an itemized statement as to the expenses that he had in mind to cover with the appropriation of $500,000, and the Senator has handed me the reply of the commissioner. While I have not had time to go into the details of it, in substance it is that of the $500,000 the sum of $158,500 is to be expended for salaries in the District of Columbia; that $79,800 is to be expended for salaries for the regional officers; for printing, stationery, and illustration material, $100,000; for traveling and subsistence, $55,000; for rent of regional offices, $6,000; for expert help in preparing material for teaching, $80,000; for 10 short-course training schools for supervisors and directors and those who will train teachers, $20,000; for incidentals and contingencies, $700; making a total of $500,000.

I think if the Senator from Iowa will study these estimates, he will agree that some of these items ought to be reduced.

Mr. KENYON. I will say to the Senator that the letter was handed to me just a few moments ago, and I have had no time to give it careful study.

Mr. SMOOT. Would it not be better to let it go over until we have time to study the items, and perhaps we can take it up later in the afternoon?

Mr. KENYON. Yes; I think that is a good idea. There is no reason why it can not be brought up as an amendment at any time.

Mr. SMOOT. Not at all, because the bill will be open to amendment as long as it is in Committee of the Whole.

Mr. KING. Mr. President, if I may have the attention of the chairman of the committee, I propose to offer as an amendment a proviso at the end of the section, and I invite attention to it now, so that it may be considered by the Senator from Utah and the chairman having the bill in charge in connection with the suggestion just made by my colleague. The proviso reads as follows:

Provided, That no part of said sum—

That is, the sum of $500,000, or whatever sum may be agreed upon, and I will say to the Senator that I have an amendment to reduce it to $250,000—

shall be used to increase the compensation now provided for any position or office or person or official of said Interior Department or Bureau of Education: *And provided further*, That not more than $———

It was my purpose to put in $75,000 or $100,000, but I wanted to talk with the Senator from Iowa first—

of said sum shall be expended in said year for the compensation or salaries of persons employed to carry out the provisions of this act, and for all expenses and costs of administration.

In other words, I desire to limit by this amendment the amount which may be used to a reasonable sum, and I say now that I think this amendment ought to be further amended by providing that there shall not be paid to any persons so employed a sum in excess of the amount now paid for like services in the various departments of the Government.

Mr. KENYON. As to the general plan the Senator proposes I have merely this suggestion to make: The Senator knows that it is better to have one good man at $10,000 a year, who can do the work, than 10 at $1,000, who can not do it. The trouble with that kind of a situation is that some men are worth so much more than others. I would be very glad to arrange with the Senator, and others who may be interested, for some kind of a limitation. I will talk with the Senator from Georgia [Mr. SMITH] about it.

Mr. KING. I know the Senator from Iowa wants to practice economy in this bill, as well as in all other measures, and I am very anxious not to present a measure that does not commend itself to his judgment.

Mr. STERLING. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. In section 5, page 3, beginning in line 23, strike out subdivision (e) and insert in lieu thereof the following:

(e) Require, under penalty, all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior.

Mr. STERLING. Mr. President, I am in hearty sympathy with the purpose of this bill, and I think I understand clearly the necessity for a measure like this, to aid in the Americanization of a large foreign element. The Senator from Iowa, in his discussion of the bill, I think, has shown the need of such legislation.

I desire briefly to call attention to some statements made by Prof. Edward Alsworth Ross, now of the University of Wisconsin, formerly of the University of Nebraska, made in his work published in 1914, entitled "The Old World in the New." I do not mean, in reading these references to particular races, to cast any odium upon such races or their characteristics. I am reading what I believe to be statements of facts showing the conditions that confront America by reason of the immigration of certain alien elements.

Speaking of the Italians, Prof. Ross says, in discussing their social characteristics:

Migratory job hunters rather than homeseekers, the Italians are loath to encumber themselves with their women. The women are only a little more than one-fifth of the whole, nor do they come here more freely as time goes on. The natural consequence of leaving families behind is a huge return current to Italy, amounting to a third of the arrivals from Italy.

The following paragraph is significant:

More than half of our British immigrants are skilled. Of the Italian arrival 1 out of 8 is skilled, 1 out of 4 is a farm laborer, 1 out of 3 is a common laborer, and 1 in 250 has a profession. In a word, two-thirds are of rural origin. The illiteracy of the Italian immigrants more than 14 years of age is 47 per cent; so that of the 2,000,000 illiterates admitted to this country—1899–1909—nearly one-half hailed from Italy.

Further on in the work he says:

It was frequently stated to the members of the Immigration Commission in southern Italy that crime had greatly diminished in many communities because most of the criminals had gone to America. One Italian official at Messina stated that several years ago southern Italy was a hotbed of crime, but that now very few criminals were left. When asked as to their whereabouts, he replied, "Why, they are all in the United States."

Mr. KENYON. Mr. President——

Mr. STERLING. I yield to the Senator from Iowa.

Mr. KENYON. That is interesting because the chart we had here the other day showed that from 1900 to 1915 the larger percentage, something over a million, had come from southern Italy.

Mr. STERLING. He proceeds:

From the Camorra, that vast spider web of thieves and prostitutes by whom life and politics in Naples are controlled, have come thousands who find the hard-working Italian immigrants a richer field of exploitation than any field open at home. Still more harassing is the Mafia, by means of which Sicilians contrive to ignore police and courts and to secure justice in their own way. A legacy of Spanish domination and Spanish arrogance is the sense of omerta, or manliness, which holds it dastardly to betray to justice even one's deadliest foe. To avenge one's wrongs oneself and never to appeal to law is a part of Sicilian honor.

Further, relative to the Italians, he says:

Among the foreign born the Italians rank lowest in adhesion to trade-unions, lowest in ability to speak English, lowest in proportion naturalized after 10 years' residence, lowest in proportion of children in school, and highest in proportion of children at work. Taking into account the innumerable "birds of passage" without family or future in this country, it would be safe to say that half, perhaps two-thirds, of our Italian immigrants are under America, not of it. Far from being borne along with our onward life, they drift round and round in a "Little Italy" eddy or lie motionless in some industrial pocket or crevice at the bottom of the national current.

I think, Mr. President, that one paragraph is pregnant with meaning and furnishes abundant evidences as to why legislation of this kind should be enacted.

I pass now to some observations made by Prof. Ross concerncerning the Slavic peoples.

Of the Slav arrivals since 1899 nearly three-fourths are males. Among the immigrants from the Balkans the men are from ten to twenty times as numerous as the women. Thirty-two per cent have been illiterates, the proportion ranging from 1.7 per cent among the Bohemians to 53.4 per cent among the Ruthenians. Excepting the Bohemians, few of them have had any industrial experience or bring any valuable skill. It is as if great numbers of the English of the sixteenth century had suddenly appeared among us.

It is a remarkable fact, Mr. President, that illiteracy is about, if not quite, as low among the Bohemians as among any other people on the face of the globe; I think it is even as low as, if not lower than, with the Scandinavian peoples, whose percentage of illiteracy is known to be very low.

What irony that these peasants, straight from oxgoad and furrow, should come to constitute, so far as we can judge from official figures, three-fifths of the force in sugar refining, two-fifths of the force in meat-packing, three-eights of the labor in tanneries and in oil refineries, one-third of the coal miners and of the iron and steel workers, one-fourth of the workers in carpet mills, and one-fifth of the hands in the clothing trade. On the other hand, they are but one-seventh of the labor force in the glass factories and in the cotton mills, one-ninth of the employees in copper mining and smelting (who are largely Finns), one-twelfth of our railway labor, and only a handful in the silk and woolen industries.

That is interesting and important, because it shows us in what occupations these people are engaged.

Here is another paragraph which shows the menace this immigration is to America and to American institutions. He says:

The Middle Ages are beginning to show among us—

That is, by reason of this vast immigration into this country of the people of this race we are being taken back, as it were, in our civilization to the period of the Middle Ages.

The Middle Ages are beginning to show among us. In 21 rural counties of Minnesota the Polish women have borne on an average 7 children in the course of 14½ years of married life. The full tale, no doubt, will come to 9 or 10. Thanks to our child-pitying, child-saving civilization, the Polish mother will keep her brood nearly as well as her American neighbor with 4 or 5. "The Irish for children," runs the proverb, and yet 1 Irish-American wife out of 13 is childless, and 1 English-American wife out of 12. But on the Minnesota farms only one Polish-American wife out of 58 is barren.

* * * * * * *

Eastern Europe is full of half-drowned nationalities, which only of late are regaining self-consciousness. Bohemians, Slovaks, Poles, Lithuanians, Serbians, and Bulgarians, each have had an "awakening," in which language revival and the study of national literature and history have played a great part. The immigrants who come with this quickened sense of nationality make it a point of honor not to drift selfishly with the American current and so lose touch with their struggling brethren in the old home. After refusing to be Germanized, Russified, or Magyarized in the old country, the patriotic Bohemian or Pole is bound to resist absorption here. It was the Irish-Americans who got the leverage for freeing Ireland. Now the Bohemians here are hoping to win home rule for Bohemia; while the Polish-Americans expect to find on this side of the water the fulcrum for the lever that shall free Poland. What, then, more natural than to cling to their own speech and traditions in home and church and parish school?

The vernacular press, of course—

Here is one element of danger; the condition here described was particularly noticeable in the German press and in the attitude and teachings of German societies before we entered the war.

The vernacular press, of course, harps ever on the chord of "the national speech," so that the second generation may not drift away to the reading of American newspapers. The church, too, which carries matters with a high hand among the Poles, holds the immigrants away from Americanization. The good priests fear lest some of their flock should turn away from religion, while the greedy priests dread lest the flock should become restless under priestly dictation.

So—

Says the author—

the tide from Slavland may swell, and the superfecund Slavs may push to the wall the Anglo-Americans, the Irish-Americans, the Welsh-Americans, the German-Americans, and the rest, until the invasion of our labor market by hordes of still cheaper West Asiatics shall cause the Slav, too, to lose interest in America, even as the Briton, the Hibernian, the Teuton, and the Scandinavian have lost interest in America.

Prof. Ross gives a vivid and yet I think in the main a true portrayal of conditions if we allow immigration to continue in the future as it has in the past and without our doing more than we have yet done toward the education of these people.

I come to the amendment just read. Subdivision (e) of the bill, it will be observed, provides for the compulsory education, in the first place, of all citizens of the United States between 16 and 21 years of age, but it requires the compulsory education of all aliens between 16 and 45 years of age resident in the United States. Mr. President, I can not quite reconcile my mind to that proposition. I believe the illiterates in America who are citizens of America and the illiterates from foreign lands who are here should in the matter of education be put exactly on the same basis. There is less excuse for the citizen of the United States to be uneducated and illiterate after he has reached the age of 21 years than there is for the foreign born. I see no reason why there should be the additional requirement against the foreign born, namely, that he should be compelled to attend school 200 hours each year after he has reached 21 years of age and until he has completed a specified course and the same rule not apply to the American citizen.

My amendment would strike out the maximum age of 45 years and provide that education should be compulsory for all illiterates, whether they are citizens or whether they are aliens, between the ages of 16 and 21. I think it will help us in the cause we are trying to promote to have the aliens and the citizens of the United States on an equality in this respect; that otherwise there might be great danger that resident aliens would resent the discrimination between citizens of the United States who were illiterate and their own illiterates, who have a much better excuse for being illiterate than our own people have.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. STERLING. Certainly.

Mr. KENYON. May I ask the Senator if he proposes also a substitute for subdivision (f)?

Mr. STERLING. Yes; I had proposed a substitute for it.

Mr. KENYON. What is that substitute?

Mr. STERLING. The substitute for subdivision (f) leaves it practically the same as subdivision (f) now is, save that we shall—

Provide as far as possible, subject to the approval of the Secretary of the Interior, for the education of resident persons, whether citizens of the United States or aliens, of the age of 21 years or more and less than 50 years, who are illiterate or unable to speak, read, or write the English language.

In other words, that we shall provide, as far as possible, without making it compulsory and under a penalty, such as is provided for those in subdivision (e).

Mr. KENYON. The Senator makes it compulsory between 16 and 21 years of age?

Mr. STERLING. Yes.

Mr. KENYON. For aliens and citizens alike?

Mr. STERLING. Yes.

Mr. KENYON. And persuasive from 21 to 50, aliens and citizens to be treated alike?

Mr. STERLING. Yes. There is another consideration, and the Senator himself the other day in his able address called attention to it. That is the question of treaty and treaty obligations. I call attention to his statement, just briefly, at page 1848 of the RECORD of January 19, 1920, in which he says that he wrote the Secretary of State some time ago and sent him a copy of the bill, and asked if he thought it would violate any of our treaty obligations. The Senator placed that letter in the RECORD. Then the Senator from Iowa himself proceeds to say that he thinks there is a serious question as to whether there might not be a violation of the treaties with Switzerland and a few other nations.

I quote now from the treaty as set forth in the letter from the Secretary of State:

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well Federal as State and cantonal, of the contracting parties.

But further on it is provided:

No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

Mr. President, surely, then, with reference to immigrants from Switzerland, we would be placing upon them burdens which we were not imposing upon our own citizens if we required them to attend school between the ages of 21 and 45.

Mr. KENYON. That, of course, is undoubtedly true if, under international construction, the school would be a burden. I am not certain, but I am very much inclined to think it would be. My thought, however, was that it possibly might be construed not to be a burden, and hence not to violate the treaty.

Mr. STERLING. The language is:

No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment.

But the previous part of the treaty, that which I first read, which provides for treatment upon an equality, would, I think, reach it if the latter language does not. We would not be treating them as our own citizens are treated if we make their education compulsory between the ages of 21 and 45.

But, waiving the matter of treaty and treaty stipulations—and the Senator from Iowa thinks there may be other nations with which we have similar treaties—my judgment is that if we can hold out the inducement to them, saying, "We invite you—we urge you—to participate with us in this educational scheme of ours for the benefit of all residents of the United States, whether citizens or aliens," we will have their cooperation instead of incurring the danger of having their resentment if we impose conditions upon them which we do not impose upon our own people. I believe that this is as far as we should go. We are taking a great stride in this direction when we are making compulsory education between the ages of 16 and 21 years.

I have some authority here, in a statute passed in my own State in 1919, providing for compulsory education. It makes education of illiterates compulsory between the ages of 16 and 21 years, but it stops there, and then provides some such plan as is provided in subdivision (f), making it in effect voluntary after the age of 21. It is only "so far as possible" that education shall be provided for those between the ages of 21 and 50 years. After providing for the compulsory education of all illiterates between 16 and 21, the South Dakota statute further provides:

Provided, That any person or persons more than 21 years of age and less than 50 who do not possess the ability to read, write, and speak the English language equivalent to the requirements for the fifth grade in our State course of study for the common schools may attend during good behavior, free of charge, any of the special classes established under the provisions of this act.

Subdivision (f) of this bill, and as I have provided in a substitute for this subdivision, goes further than the South Dakota statute and requires that the State "provide as far as possible * * * for the education" of resident citizens and aliens. I may say that my State of South Dakota since 1907 has had a compulsory-education law requiring the attendance upon schools of all between the ages of 8 and 16 years.

Mr. President, I can not help but think we will be doing the wise thing, the prudent thing, and the one that as much as anything else will appeal to and invite the cooperation of the alien element in this country, if we limit the compulsory provisions of the act to the ages between 16 and 21 for citizens and aliens alike; and I assure the Senator from Iowa that it is in the interest of the bill itself, of the general scheme and purpose of the bill, that I have proposed this amendment.

I call attention to another respect in which I amend, by this substitution, subdivision (e). I insert the words "who are not physically or mentally disqualified."

Mr. KENYON. That amendment should be made. I had intended to offer an amendment of that kind.

Mr. STERLING. Then, Mr. President, another thought that I have had all along is that in these educational schemes, where cooperation is sought between the Federal Government and the State governments, the initiative should clearly be with the States, who know the population, the various foreign elements in it, and who know conditions better than can the Federal authorities here in Washington. So I have provided in the bill that the specified course of study should be prepared by the department of education or chief school officer of the State, and approved by the Secretary of the Interior. I do not know but this would follow from subsequent language of the bill, but I want to make it clear that this course shall be first marked out and prepared by the State authorities.

I think, Mr. President, that covers the points of this first amendment which I have offered, and covers my thought, too, in regard to the general purpose of the bill, which I heartily favor.

Mr. DIAL. Mr. President, I listened very attentively indeed to the able and exhaustive address of the chairman of this committee, and I must say that he almost convinced me that it was our duty to pass this bill; but, on reflection, I am satisfied that this is not a matter upon which Congress should legislate. It is ideal, of course, for people to be educated, and I hope the time will soon come when every person over 10 years old in the United States can read and write; but that is a question that pertains peculiarly to the States.

When I went over on the other side of the Chamber and looked at the chart that the chairman had prepared, and saw the position that my State occupied, I certainly felt very reluctant to oppose any appropriation for this purpose, and I did not get much comfort from that chart, except I am thankful that three States have a greater proportion of illiteracy than South Carolina. That is not very much consolation, but it helps.

Mr. President, this war has revealed to us many things. It has shown us the great percentage of illiteracy in the United States. I was startled when I read the figures.

Some time ago a little incident occurred in my town that touched the hearts of all who heard it. We have a negro educator in my State, and he is one who preaches the right doctrine to his own race. He not only preaches it, but in my opinion he practices it. He made a speech in my town to the negroes and also to the white people, who sometimes turn out to hear him, and he said that a short time before that he was in a depot waiting for a train and a white soldier told him he wanted to see him. He took him around to the side of the depot and pulled a letter out of his pocket, and said he had been carrying it for three days, and he could neither read nor write, and he asked this negro preacher to read it for him. It was a letter from the soldier's mother. The preacher read it to him, and he asked the preacher to write a letter for him to his mother, which the preacher did.

The white boy insisted on paying him for it, but the preacher would not accept any money. The boy, however, insisted on his taking a dollar, and he said he did not want to offend him, so he took the dollar; and the meeting where he made this speech was to collect money for some war activity, and he contributed a dollar, and no doubt more besides.

When we remember that our soldiers went to the war when many of them could not read their orders, and could not read the letters that they received from their mothers and from home, it certainly does show that we ought to make a great effort to educate our people sufficiently to enable them to read and write. Incidents of that kind brought to our attention forcibly the condition that we are in, and I believe that the States of this Union have gone to work and are going to put

forth renewed efforts whereby they will obliterate illiteracy all over this country. I know that in my State we now have an organization of teachers that go around to the different counties, a kind of a flying organization of four or five teachers, and they organize adult schools. I noticed in the paper yesterday that they went to a town that is a good-sized town, with two large cotton mills in it, and they had inaugurated a school in each, and in a very short time, two or three months, there was not an adult, I believe, with the exception of two, but that could write his own name. I have seen some letters that some of those adult pupils wrote to the principals. So our State is making a great effort to throw off this cloud of illiteracy, and I think by the time another census is taken we will be able to take a higher stand on the chairman's chart over there. We will not be so near the bottom as we are now. I am informed that this is also being done in my neighboring State of Georgia and in a number of other States.

But, Mr. President, it takes more than education to make good citizens. Sometimes a little knowledge gets people into trouble. I noticed in the paper just a day or two ago where a forgery was committed down in my town on a little bank of which I am president, and the culprit is now in jail, and I want to go home next week and put him on the chain gang. So people not only ought to be taught to read and write, but they ought to be taught right principles; they ought to be taught honesty and industry and decency; they ought to be taught to work; and I am sorry to say that when people get educated in these modern times they seem to think, often, that means that they should quit work. If this bill or any other bill is passed about education, I hope we will try to convince the people that it is not disreputable to earn their living by the sweat of their brow.

Mr. President, while, as I say, it is very desirable to educate all of our people, we have compulsory-education laws in a great many of the States; we have in my State, I know; but the ages would not come within the limits of this bill. Therefore you would have to amend the laws of the different States in order to compel people to attend school. Not only that, Mr. President, but at this particular time, directly after the Great War, when the country is in such an unsettled condition, and when labor is so scarce and production so limited, it does seem to me that we should be content to wait a little while longer before initiating any new expenditures under this Government.

Arguments were made by Senators yesterday about the constitutionality of this proposed law. I had often thought that there was no provision in the Constitution whereby the National Government could undertake to educate the people, but I believe we have stretched the Constitution to cover pretty much everything that the people want; so yesterday, when Senators were undertaking to differentiate and to explain how this bill would or would not come under the general-welfare clause, I thought that if they could not bring it under that clause perhaps they could get it under the interstate-commerce clause. I believe if they do not get it under one they will put it under the other. I do not want to prejudge their argument, but I thought perhaps it would be something like this—that it was against the interests of interstate commerce for an illiterate man to ride, and therefore Congress should appropriate money to educate him, so that he could ride better. [Laughter.]

I do not know whether you could get inside the Constitution along that line or not, Mr. President; but it does seem to me, in all seriousness, that it is time for Congress to go back to original principles, and that we should call a halt on all but the most necessary expenditures.

As I suggested yesterday, take, for instance, the railroads of this country. When the managers of one-twelfth of the taxable property of this country, one class of property that ought to be a prosperous class, admit that they can not operate at a profit on the present basis, and when they admit that they can not pay taxes, and when they fall down by the roadside and ask for help, does it not warn us that other enterprises will soon be in the same condition? It is becoming burdensome on all the enterprises in this country. Now, if the railroads fall down, perhaps the next thing the factories will say that they can not exist under the present high-priced labor, high taxes, high-priced materials, and everything of that sort; so it looks to me as though disaster were ahead. Our annual interest bill to-day exceeds, I am told, the entire national debt as it stood in 1914!

If I may be excused for making a personal allusion, I will say this: I think I have about as much nerve as the ordinary man. It has been my pleasure to promote various enterprises in my part of the country. I have put a little money in them myself—not much, for I did not have much to put in—but I have induced my friends from all over the country, from North and South, to develop enterprises and to give employment to a number of people, quite a number of people; and it has been one of the prides of my life that those enterprises have succeeded, and are succeeding to-day, and no one has ever lost a dollar in any enterprise that I have gotten anybody to put any money into. Now, Mr. President, I ask to be excused for referring to myself, but I do it for this purpose: The people of the United States, as a rule, are constituted pretty much alike. As I say, I think I have as much nerve as the ordinary man, and I would no more undertake to-day to induce my friends to start a new enterprise, on account of the uncertainties of taxation, and the great unrest in this country, and the turmoil that now exists, than I would undertake to jump out of the window of a seven-story building; and if I feel that way, is it not natural to believe that other people would feel that way, Mr. President?

We want to do something in this country to encourage investment, to encourage industry, and to encourage enterprise. You take the man on the farm: If taxes and labor and materials and other things are going to get so high, and his profits are going to become so little, remember that whenever he stops his plow and moves to town he brings in five or six people to sit around a table and eat and to compete with us who do not produce. Therefore, we ought to do nothing to increase taxes in this country, but everything to encourage industry and more production on the farms. We never will get the cost of living down until we do produce more. We should realize that every man should work. It is ideal to have education, but you want him to have more than education. He should devote that education to enable him to produce more and to become a better citizen.

I say, then, that we have aroused the States. They fully realize the conditions that exist, and I think each State now is going to see if it can not surpass the others in obliterating illiteracy. There is no compelling reason for the intervention of the National Government; on the other hand, there are many and weighty objections to such interference.

Then we must remember that before this war there were only about 400,000 bondholders in the United States, and we went to work to sell Government bonds, and no doubt every Senator here made speeches to encourage the people to buy bonds. I talked until I was hoarse all over my county and my State. I told them that I not only believed the Government bond was a good investment, but it was the best investment that they could make, and I told them I believed those bonds would not only bring par, but within a reasonable time they would bring a premium. I told them that after the Civil War my recollection was that bonds of the United States Government brought a premium of as much as $36 on the hundred, and I believed that these bonds in a short space of time would go up.

Now we see what is going on. Instead of being able to get out without a loss, they are now down as low as perhaps 91 or 92, or something like that, depending on the different issues of bonds. I feel that it is our bounden duty to stop every expenditure that we possibly can, to lop off every expense possible in this Government, and to encourage the people who hold those bonds, and try to get them back to 100 cents on the dollar at as early a date as possible. I hate to see my Government's paper sell under par. I would hate to see my own paper sell under par. I hope it will not be long until there will be such a demand for those bonds that they will bring 100 cents on the dollar. Now, if we keep on appropriating money here as we have been doing, it seems to me that we are absolutely unmindful of the interests of the people.

I believe another bill is pending here, perhaps, to appropriate $100,000,000 for education. These figures are startling; in fact, almost beyond comprehension. Of course, it takes money to operate this Government, and we are compelled to have a certain amount of taxes, but the people of this country are tired of being overburdened, and they are looking closer to their representatives than they have ever looked in the past, to see that we do our duty.

I might say, not in the nature of a threat to my southern brethren, that a long time after the Civil War we hardly considered that we were in this Union; we did not get much out of it, and we did not pay very much attention to it. We did not pay much taxes, except a little tariff. But now, since everyone almost has to pay an income tax, and since our factories and our banks and our other enterprises are paying high taxes, the people are watching the votes of their representatives in Washington more closely than they watched them in the past. So I believe, Mr. President, that it should be the policy of this Congress to appropriate just so much money as is required to preserve the Government, to protect the credit of the Government, and to furnish what is necessary, but not to expend more and to encourage people to extravagance.

A lot of money is appropriated under this bill for a periodical or something of that sort. The great trouble with those things

is that these periodicals do not get into the families they ought to reach. Those of us who do get the mail get a lot of this trash and throw it in the wastebasket. But I hope by educating the people you will get them to take newspapers and to take magazines and to read them. But I do not know that I care for the kind of periodicals that are to be gotten out under this bill and to be sent around through the country.

We have appropriated money here for vocational education of discharged soldiers and sailors. It is very proper to get these men back on their feet. That is to be expected. But I do not think a good many of these things are expected from Congress.

So I feel, Mr. President, that it is my duty to my people to say this, that we do not want this money appropriated; that we want the head of the family to take an interest in his family and to control his children; and I feel that this burden should not be removed from the family onto the Government.

After awhile the States will come to Washington for everything. They come for almost everything now. As I said some time ago, if we keep on assuming jurisdiction here in Washington the governors of the States will be not much more than chiefs of police. That is about what they are now, in fact. So I feel, Mr. President, that the time has come when we should examine ourselves, and I can not see how men can come here and be unmindful of the interests of their constituents.

Things are becoming burdensome; and if you discourage a man and induce him to quit work, then he becomes a drone on society. I want to raise up an independent population in this country, and not a dependent crowd who think that they can not get along without running to the Government and asking for a little pap every time they need a little something or other. The communities ought to be ashamed not to go ahead and educate the people there. Down in my country we know almost everyone by his given name, and the war has taught us to take a brotherly interest in our fellow men, and that is what we are doing, and we are doing it rapidly, and we are going to encourage them to get an education and to better their condition. But I feel that it would be a sad day if we should give up our home schools and our interest in them. This money would not amount to much, anyway, when spread through the Union, and I feel it is a bad principle, and I think it is now time to stop and strike out any other appropriations along this line.

While I was almost persuaded by the eloquence of the chairman of the committee, I feel that his bill is based on a wrong principle and ought not to pass.

Mr. McCUMBER. Mr. President, from the very best information I can obtain, we will start our fiscal year beginning on July 1, 1920, with about $3,000,000,000 deficit. We have estimates for the fiscal year 1921 amounting to about $6,000,000,000. That brings the total up to $9,000,000,000. The same Book of Estimates will show that we will possibly raise during the fiscal year 1921 about $6,000,000,000. That will leave us at the end of that year with $3,000,000,000 of indebtedness. How are we going to meet it? In one of two ways: Either by cutting down appropriations to keep them within the income, or by issuing bonds and increasing our national interest-bearing debt. We are up against that proposition at the present time.

It was my intention to discuss that feature of the situation in connection with the bill which is now pending. The bill, however, has been pending for some time, and I know the Senator from Iowa is anxious to dispose of it this afternoon. I am quite equally certain that anything I would say would not change a vote upon the bill. So I give notice at this time that to-morrow morning, after the close of the routine morning business, I shall ask permission of the Senate to present some facts and figures along this line, and to indicate, and my remarks will only be valuable if I can indicate, wherein we can make a saving to keep our expenses within our income.

I only want to say at this time that I shall vote against the pending bill. There may be considerable merit in the bill itself, but I shall vote against each and every bill that will add to the expenses of the Government which shall be presented at this session of Congress, until I can see daylight between our expenses and our income.

I object to this bill for another reason. I know of no moral obligation, at least, on the part of the United States to educate the Russian people, or the Italian people, or any other European people. Above all, I am not in favor of spending money to educate them when we have to borrow the money with which to do it.

The Senator from South Dakota [Mr. STERLING] just quoted extracts from a book written by Prof. Ross. I think the Senator could draw a conclusion entirely different from that which he did draw from those excerpts. My own conclusion is, applying my own views, that you can not Americanize anyone by simply educating him. You can not change a criminal into a good man by simply teaching him how to read and write English. On the contrary, I am rather inclined to think that the greater education you give to a criminal the greater opportunity there is on his part for the practice of his criminal vices. I am not sure that an education of a Trotski or a Lenin, or that character of people in the United States, has benefited the Russian people to any great extent, and I do not think that we help out the situation by attempting to educate them here.

The Senator's quotation indicated that about one-third of the Italians return to their own country each year. I do not know how many of them come back the second year. But I am certain that if they or any percentage of the number he has spoken of are of the character indicated in these lines from Prof. Ross, we do not want to Americanize them. We do not want them as American citizens.

Mr. STERLING. Mr. President——

Mr. McCUMBER. I would do what I could to keep them from being naturalized, and when you decline to naturalize them, you are in a position to send them back to the country from which they emigrated. When you Americanize them and naturalize them, you have to take care of them here in some way. I yield to the Senator.

Mr. STERLING. I should like to ask the Senator if he would prevent their immigration to this country?

Mr. McCUMBER. Certainly I would.

Mr. STERLING. That is another question, then.

Mr. McCUMBER. The criminal class, and those I could not catch in a net at Castle Garden and send back, those that got through the meshes and who we found were criminals here, I certainly would not try to educate and thereby increase their ability to commit crime. On the contrary, instead of educating them, I would try to get them back to their own country as quickly as possible.

I know, Mr. President, that there is not much use of talking against any of these provisions. We have gone mad on the question of conceiving new things that will reach into the Federal Treasury. Nothing that anyone can say at this time is going to stop that tendency. There is just one thing that will stop it, and that is our coming to the end of the rope. When we have to bond the country for an extra sum of money, then the people themselves will see that we stop these unnecessary appropriations.

I admit that there is some good in this bill. I do not doubt that. There are a thousand good things that we can not afford to appropriate for at this time, under the present conditions of the United States Treasury.

So, Mr. President, I am going to vote against this bill, and against each and every bill calling for appropriations, except those that appropriate what is absolutely necessary for the existence and the functioning of the Government.

Mr. FRELINGHUYSEN. Mr. President, in view of the situation in the country at the present time in regard to the activities of alien radicals, undoubtedly the question of a Federal educational bill, looking to the compulsory education of aliens and illiterates, will appeal to many of those in the country who believe that the basis of good citizenship is education. I have no desire to interfere with the policy of the Senator from Iowa, who has fathered so many constructive measures in this body. I know that his great, broad spirit and conception of the welfare of the country is reflected in the social legislation which he now proposes. But there are two reasons why I shall vote against this bill.

Mr. KING. Mr. President, will the Senator permit an inquiry right there?

Mr. FRELINGHUYSEN. Certainly.

Mr. KING. It may be an additional reason, if I interpreted the opening sentence of the Senator correctly. As I understood the Senator, he conceives the bill to deal only with the education of illiterate aliens. Does not the Senator understand that the bill goes further, and that it devolves upon the Federal Government the duty of providing for the education of illiterates who are American citizens, a duty which should devolve upon the States?

Mr. FRELINGHUYSEN. Yes; I understand that; I have read the bill.

Mr. KING. Then I apologize to the Senator for interrupting him.

Mr. FRELINGHUYSEN. I was referring particularly to the sentiment of the country toward the Americanization of those elements which are opposed to our institutions of government.

I have made no preparation on this bill. I am simply speaking from my own experience, as one who is interested very largely in the educational affairs in my own State. I believe that we are departing from our powers of government when we are undertaking as a Nation to establish a Federal system of educa-

tion. I admit that these figures presented by the Senator from Iowa are very startling, particularly those pertaining to my own State, which show 13 per cent of illiterates over 10 years of age. The figures showing the percentages in other States are also startling. The figures also were startling which came to us when the draft was imposed, when it was necessary for the military authorities to establish educational facilities in the various camps and military communities of the country.

But the States at the present time are undertaking the education of their illiterates. Large sums of money are being appropriated in my State and in New York State, and I believe that it is the function of the State and not the function of the Federal Government to carry on the educational systems of this country.

I wrote to one of the members of the State board of education of my State in regard to this measure. I said to him that I was very much impressed with the efforts made by the Senator from Iowa to improve the situation, particularly after he had been a member of a committee to investigate the causes of a large strike in this country, where he found large communities and large centers where the English language was not spoken; and I told him that I thought some good might come from this measure. This man is a student of the educational systems of this country.

I believe that he knows as much as any other educator in the country. He is a member of the State board of education at the present time. He had a great deal to do with helping me draft the educational laws of New Jersey, which have raised the standard of education in that State to the forefront of all the States in the Union. He has written me a letter on this subject, and I am going to read it for the information of the Senate, withholding his name. I will furnish his name confidentially to any of the members of the committee or to Members of the Senate. It reflects, since I have considered this question further, my views, because I believe that he is right. His letter reads:

Since receipt of your letter of the 9th I have read the Kenyon bill, S. 3315. It is merely one phase of the bill introduced at the last few sessions for the creation of a department of education and providing an appropriation of $100,000,000. There was opposition to that bill, and I rather assume, in view of that opposition, that this bill is simply an entering wedge and introduced in the expectation that very few will dare oppose it because of the application to it of the term "Americanization." To me Americanization means love of country. Love, in my mind, can not be taught. It is something that must be imbibed or grow upon a person. A child is not taught to love its parents, neither is a husband taught to love his wife. Many parties marry in the expectation that love will come after the marriage, but experience shows that there is no more foolish way to enter into wedlock. An Irishman is not taught to hate England; a Russian is not taught to hate England; a Frenchman is not taught to hate Germany. Such a hatred is imbibed with the mother's milk. Many of the Russians who came to this country came because of their hatred of the autocratic government under which they were born. Very many of them hate any government. To them government is obnoxious. The more you teach them the more dangerous they become. You will not Americanize them—you will make them dangerous enemies of all governments. The mere fact that a man is taught to read, write, and understand English will not Americanize him. An Englishman who comes to this country thoroughly understands the language, but he does not become Americanized—he remains an Englishman. That is a notorious fact. Very few Frenchmen who come to this country, no matter how well they know English, become Americanized—they remain Frenchmen. Anarchists who come to this country do not become Americanized—they remain anarchists, and present experience is demonstrating that fact. Educate them and they become just so much the more dangerous. The phrase "Americanization," therefore, does not appeal to me in the bill. Very many who have studied the subject do not believe that Americanization can be taught. Many have reached the conclusion that it is through singing and possibly through motion pictures that love of country will gradually grow upon people. The bill should therefore be considered on its merits and quite aside from the glamor of the word "Americanization."

Take section 3. Five hundred thousand dollars may be used for the publication of periodicals devoted to Americanization problems and for aiding work carried on by local bodies, private individuals, and organizations for studies and reports through the Bureau of Education, etc. A nice item for patronage and also perhaps for propaganda in favor of those in power.

Under section 5, subdivision (e), course of study must be approved by the Secretary of the Interior.

Under subdivision (h) the Secretary of the Interior can insist upon a report to his satisfaction.

Under section 11 he can make rules and regulations.

By section 6 it is provided that none of the appropriations under the bill can be used for the education of persons under 16—

I understand that has been amended, has it not?

Mr. KENYON. No; it has not.

Mr. FRELINGHUYSEN. The letter continues—

or for purposes other than those which I have designated above as patronage and propaganda, but may be used for "payment of salaries of teachers, supervisors, or directors of education, or for the preparation of teachers, supervisors, and directors of education." Now, you can see who is behind the bill and one of its main objects. The school people think that through the United States Government they will be able to get better salaries and also believe that if a department of education is ultimately created they will become a greater factor. The real object of this bill, I believe, is an entering wedge for a department of education. If the United States Government controls the purse strings and can make rules and regulations governing the disbursement of school moneys and can insist upon courses of study, it will, just as sure as I am writing, enter into the field of education and control same. The United States Government has no right under the Constitution to enter the field of education. It is admitted that that is outside of its powers. If education is outside of its powers, what right has it to tax for purposes of education? If can not distribute the money unless it secures same through taxation. I maintain that the United States has no more right to tax for an extra constitutional power than it has to exercise an extra constitutional power. The whole thing goes back to my fundamental proposition that we have been drifting very rapidly away from the form of government established by Washington, Jefferson, Hamilton, and others. Washington is grasping for power; the President is grasping for power; it is very nearly time for some one to insist that this is a Republic made up of independent States; that the States reserved certain powers and that the Federal Government should not, directly or indirectly, assume such powers.

Mr. President, those are the views of a very able man——

Mr. STERLING. Will the Senator state, while he does not give his name, what is his profession or occupation?

Mr. FRELINGHUYSEN. He has been a member of the State board of education in New Jersey for, I think, six or eight years; he is a lawyer; he is a prominent citizen of my State; and I think he knows not only the school laws of our own State, but of every other State in the Union.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. NUGENT in the chair). Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. Certainly.

Mr. KING. The letter which the Senator has just read expresses views which meet with my hearty approval and presents, I think, an irrefutable argument in favor of the conclusions drawn. But what I rose to say was that the statement made by the writer, namely, that the bill is intended as an entering wedge to further appropriations from the Treasury of the Federal Government for education in the States, is correct. Secretary Lane testified recently before one of the committees—I think a committee of the Senate—that the Smith-Towner bill, which is the bill to appropriate $100,000,000 annually and creating a department of education, is not to be put aside by this bill; in other words, that this is merely a prelude to that.

Mr. Claxton, in the propaganda which he is carrying on throughout the United States, calls attention to the fact that the bill known as the Smith-Towner bill, creating a department of education, is not to be superseded by this bill but that this is to pave the way. That is the substance of the letter. The other bill is a more formidable and far more objectionable measure.

Mr. FRELINGHUYSEN. Mr. President, I have read the views of this gentleman, who has made a study of the question, and I simply wish to say that I believe that if you will let this thing alone, leave it to the States themselves, the legislature of every State in the Union is alive to the problem and that they will meet it. New Jersey is very differently situated from many other States in the Union, especially many of the Western States. It absorbs large numbers of the immigrants coming to the country. We have a great collection of racial groups in our various cities in New Jersey, but I desire to say that the record we have shown in the war and the record of their support of the Government in the war is one of which our State is very proud.

The State itself has appropriated large sums of money, I think about $12,000,000 a year, for the cause of education. We are taking care of these problems in New Jersey, and we will continue to take care of them.

Education will not remove from the mind of the anarchist or the communist or the Bolshevist his hatred for government. I venture to say that every one of the radicals deported in the "red ark" was a man of education. Did it prevent them from plotting against the welfare and safety of this Government? Not a bit of it.

We have gone on with a sort of reckless indifference to the practical question of our governmental expenditures in these great uplift measures that have been presented to the Senate. There was no question about the duty of the Government to pass the vocational bill for the rehabilitation of wounded soldiers; there was no question about their vocational training up to a certain limit; but there is a question when we are asking the States of the Union, through this new source of revenue which within the past five years has been afforded, the application by the Federal Government of the excess-profits tax, to take away from certain States through that system of taxation and reappropriate to other States that do not bear as great a share of the burden of that taxation.

I will refer, in illustration, to the good-roads act, which appropriated some $250,000,000. There are three States in the Union—New York, Pennsylvania, and New Jersey—that pay, if I remember the figures correctly, about $141,000,000 of that tax

through the income and excess-profits tax appropriated in that manner; and yet some of the Western States receive back four and five times the amount that they pay through that same source. The same thing applies to this appropriation of $12,500,000 devoted to this purpose, looking to the establishment of a control and supervision of education in the Federal Government. That is what I object to.

The standards of efficiency in New Jersey are at the highest mark; but if you are going to bring political influence into the school system of New Jersey, those standards will be lowered to zero, and that is a proposition you can not get away from.

I have been told that already efforts are being made by an influential politician to procure positions through the vocational board for favorites. I care not whether my own party is in power or whether the party represented by the minority on the other side now controlling the administration is in power, you can not, if you centralize in the Federal Government the control and supervision of education, prevent politics creeping in; and politics means, in my opinion, the breaking down of the educational system of the country.

Mr. President, I have spoken of only one phase of the bill. I have simply given my own personal views and impressions in regard to it. I shall vote against it. I shall also vote against any bill to Federalize the educational system of the country.

There is another feature of the bill that imposes a burden upon the Treasury for all years to come; a burden of $12,500,000 annually. Am I correct in that?

Mr. SMITH of Georgia. The Senator is mistaken about that. The original bill as introduced by the Senator from Iowa limited it, I think, to three years; and I think he then reduced the appropriation to $6,500,000.

Mr. KENYON. I did not understand the Senator's inquiry.

Mr. SMITH of Georgia. The Senator from New Jersey has just stated that the bill makes the appropriation continuous. I was endeavoring to explain that to him.

Mr. FRELINGHUYSEN. I am now told that it is $6,500,000.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. FRELINGHUYSEN. Certainly.

Mr. CHAMBERLAIN. I understand it is claimed that this is only an emergency bill, and that it is to be followed by a bill which will appropriate $100,000,000 a year.

Mr. KENYON. I do not know of any claim of that kind.

Mr. CHAMBERLAIN. I will state for the Senator's information that on yesterday I had a copy of a letter from Mr. Claxton, written to different people of the country, wherein he said it was not intended by this bill to displace a bill which is to come later, which is called the Smith-Towner bill.

Mr. KENYON. The Smith-Towner bill is pending before the committee, but it has nothing to do with this bill. I think it will be some time later when it reaches the Senate.

Mr. FRELINGHUYSEN. Whether it is $6,500,000 or $12,000,000, when you come to educate the population represented in the charts presented by the Senator from Iowa, in my opinion $6,500,000 will not scratch the surface. I only speak from recollection, but I believe that the Vocational Educational Department is asking for increased appropriations. To assume that you can give any sort of education to those illiterates represented in the charts referred to with $6,500,000 is, I think, beyond the range of human imagination. You can rely on it that if the system is entered into and this Federal bureau is established, whether a separate bureau is established or it is administered through some other bureau, it will cost a great deal more than $6,500,000 a year. But even that is a considerable sum at the present time.

For eight years we have indulged in this country in a saturnalia of extravagance. I do not blame either political party. I blame the Committee on Appropriations and I blame the lack of vision on the part of statesmen who have gone before who have not established an efficient budget system in the country. Before the war there was a time when we ran the Government on $1,000,000,000 a year. Then it rose, immediately before the war, to $2,000,000,000. During the war there was greater extravagance than that practiced by any other nation characterizing our expenditures. This, in a large measure, was probably necessary by reason of our lack of preparation, by reason of the necessary haste owing to the breakdown in the morale of the armies on the other side, and the fact that we were 3,000 miles away from the scene of action. Nevertheless, there was great extravagance.

Since the war, when everything should have counseled economy, there has been nothing but waste, waste, waste! We have heard of these great war munitions and materials of war, the automobiles parked by the thousand, rusting, useless, still parked in those large concentration centers, no effort made to sell them, and yet a bill comes before the Congress and is passed allocating those transportation motors to the Highway Commission and the Post Office Department without any estimate as to their needs, not knowing whether they need 1,000 or the 36,000 that were allocated, and no inquiry made as to the necessity of that distribution.

We have the report of the selling of $1,700,000,000 worth of war materials in Europe for $750,000,000. Of course, everyone knows that a lot of those permanent structures and improvements after the war were much depreciated in value; everyone recognizes that; but if you will investigate the hearings before the House committee, you will find that there were millions of pounds of sugar, millions of pounds of coffee, and millions of pounds of bacon sold for 20 cents on the dollar reflected in the comparison of values between the cost and the prices for which they were sold. There were 74,000,000 pounds of bacon, if I remember it correctly, that sold for 11 cents a pound figured in that proportion, and the French Government turned around and sold it immediately to the people for 18 cents a pound. Now, I simply point out that when this country needed the food, when there was a shortage of sugar, when the high cost of living was burdening everybody in this country, the War Department was selling its war materials over there for about 25 cents on the dollar—shoes, clothing, thousands of articles that could have been utilized in this country had they been transported.

During the last few months we have increased the pay of the firemen, we have increased the pay of the policemen, we have increased the wages of the miners, we have increased the wages of the shopmen on the railroads, and the trainmen. This represents nearly a billion dollars loaded on the cost of commodities when the war is over, and economy should be the watchword.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. KING. I rise for information. The Senator has made a statement in regard to the disposition of surplus products held by the War Department in France. I have heard that statement made a number of times, and have seen it in the newspapers. I was wondering whether, assuming that the statements are true, the fault is chargeable to Gen. Pershing, or to Secretary Baker, or to Assistant Secretary Crowell, or to some other official, or to a board? Has any evidence been adduced before the committee, of which the Senator is a member, that would indicate who was chargeable for that negligence and delinquency, if there is negligence and delinquency?

Mr. WILLIAMS. What has all that got to do with this bill?

Mr. KING. The Senator asks what that has to do with this bill. I think that in the discussion of appropriations the Senator from New Jersey is perfectly within the legitimate sphere of discussion in calling attention to the great expenses of the Government.

Mr. FRELINGHUYSEN. Possibly the Senator from Mississippi failed to hear my protest against this bill on the ground that at the present time we could not afford it; and I was calling attention to the policy of this Congress in appropriating money for many projects, and also the absolute disregard at the present time of any policy of economy in the Government; and I think it is perfectly pertinent to the position I have taken on this subject that I should make some mention of the question of economy.

Answering the Senator from Utah, I will state that the information I have procured comes from the hearings of the House Committee on War Expenditures, which I read. I shall be very glad to furnish them for the information of the Senator, and I think he will see that the testimony given there proves that my statements are accurate.

The Senator asked who was responsible for that apparent discrimination between the cost price and the selling price of these war materials. I do not know who is directly responsible, but the Senator may be interested if he reads the hearings and ascertains that there was a board over there, but the policy of that board was controlled from Washington; and he will also find, I think, certain official telegrams empowering that board not only to sell these food supplies in Europe at that price, but also calling attention to the fact that there were many millions of dollars worth of food supplies in this country which would be available on the same terms, through the same commission, for distribution in France. If my memory serves me right, I think there was 57,000,000 pounds of sugar mentioned in that list, which finally resulted in a resolution in the House of Representatives directing the War Department to distribute those food materials to the people of this country.

I hope I have answered the Senator. I shall be very glad to give him official copies of those hearings.

I simply wish to refer to a statement by Secretary Glass, of the Treasury Department, regarding the appropriations by Congress, and pointing out the fact that if Congress does not stop

these indiscriminate appropriations for every project under the sun we will be compelled to impose upon the people of this country another bond issue; and I want to say that after reading this wonderful statement made by the Secretary of the Treasury before the Budget Committee in the House, I am glad that a man of such character and ability and courage is going to become a Member of this body.

In the course of this statement he says:

All sense of values seems to have departed from among us. The departments, bureaus, and boards, all inspired by a laudable enthusiasm for their work, but some by a less laudable instinct to magnify its importance, bombard the committees of Congress with projects, some more or less meritorious, some of no merit whatever, but all conceived in sublime indifference to the fact that the great business of Government is being run at a loss and that each one of these projects increases the deficit of the Government and consequently the burden to be thrown upon the great body of people, whether the deficit be met by increasing taxes or by floating additional loans. For no fallacy is more grotesque than the assumption that by issuing bonds or notes or certificates of indebtedness now we may pass on to future generations the burden of our own extravagance. The burden of these issues will have to be met to-day, not only in the interest and sinking fund charges added to an already heavy load, but in the expansion of credit which is inevitable as a result of the issue of such securities, constituting as they do a prime basis for additional credit in the hands of the holders, whoever they may be.

Passing on, reading another section of this statement:

You, gentlemen, I am sure, have learned as well as I by long service in Congress that the instincts and enthusiasms of departments, bureaus, and boards find support in the committees of Congress appointed to have charge of their particular affairs. As a result, we find that governmental expenditures initiated in a department of the Government charged with the specific business of creating an army, or of creating a navy, or of creating a merchant marine, or of stimulating commerce, or of protecting labor, or of aiding the development of agriculture is submitted to the Congress without consultation with or approval by the finance officer of the Government, the Secretary of the Treasury, who serves merely as a messenger and whose office is charged with the heavy burden of finding financial means in loans and taxes to meet expenditures, and when it reaches Congress is referred to the corresponding committees of the Congress whose specific function is also to see to the development of the Army, the Navy, the merchant marine, etc. And the Congress passes upon all of these projects—good, bad, and indifferent—without a report from the Committee on Ways and Means or the Committee on Finance, the committees of Congress which share with the Secretary of the Treasury the heavy burden of finance.

* * * * * * *

I think it amazing that under such a system the Congress has done so well for so long a time, but I feel constrained to warn you, gentlemen, in view of the greatly expanded activities of the Government and the extraordinary financial burdens which the country must endure, that it would be hazardous to continue on the old way of transacting the public business.

And then he goes on:

But I say to you it is an intolerable thing that such conditions should exist and that the welfare and economic life of the American people should be at the hazard of such things as these.

As a former colleague, and in a spirit of frank comradeship which such association inspires, I am prompted here to enter a complaint which may not be ascribed to a desire to be critical, but to a hope that it may be given serious attention in behalf of administrative efficiency. The Congress votes with a lavish hand stupendous sums conceived in a magnificent spirit of generosity, with a view to the enhancement of the prestige of the Nation or for the benefit of this or that element in the community. This it does upon the advice of the committee of Congress charged with the business of caring for such special interests. Then, speaking through the great Committee on Appropriations, it pursues a policy of restriction with relation to the expenditures of some of the departments of the Government which makes it impossible for those departments to conduct the vast affairs imposed upon them with efficiency and economy. The Government of the United States to-day is spending hundreds of millions of dollars, even billions of dollars, for armies, for navies, for merchant fleets, and other magnificent activities, and at the same time refusing the payment of a living wage to the faithful clerks and employees in departments of the Government charged with the stupendous responsibility of transacting these vast affairs honestly, expeditiously, and economically.

Then I want to read just one other section of this wonderful statement.

Referring to the claim made by the American Legion, or the soldiers, for a bonus, he says:

To-day the credit of the United States is imperiled by projects initiated and supported on the floor of Congress with a view to capturing the so-called soldier vote. I do not believe for a minute there is any such thing as the soldier vote. I do not believe that that magnificent body of strong, brave, lusty young men who went out to France, or were ready to go, want to see the people of the United States exploited in order that each of them may receive a donation. I do not believe these fine young men, if they realized what it is that is proposed in their behalf, would accept a gift made at the expense of their fathers and mothers and sisters and the children that are to come after them in order to give them a holiday. While, of course, you can not commit to terms of money the value of the service rendered by the Army of America, I call your attention to the fact that the actual pay of our soldiers was doubled at the outset of the war; that our soldiers have been paid with liberality never dreamed of in the history of this or any other country; and that the projects now advocated so lavishly and with so little regard for the welfare of the American people are not limited to those heroic men who suffered injury or death at the hands of the enemy, not even to those who actually saw the front, not even to those who were sent to France. These projects extend to everyone of some four and one-half million men, mostly young men, who were included in the military and naval forces of the United States, even to those of their number who sought and obtained employment of a character which would relieve them from being exposed to personal risk.

It has been the disheartening task of the Treasury to examine scores and scores of bills drawn and presented with a view to benefiting a section of the country or a portion of its citizenship at the expense of the whole. Many of these bills were apparently devised to avoid the appearance of an appropriation by requiring the Secretary of the Treasury to issue bonds, notes, or certificates of indebtedness to meet the expenditure involved, and all of these bills were such as would not be reached by a purely executive budget.

Mr. President, I have criticized this measure because it makes an appropriation of $6,500,000 and imposes a fixed charge on our Government and a responsibility for educating a certain class of our citizens, when the duty to educate those people should rest upon the States of the Union. It may be that this appropriation is limited to $6,500,000; it may be that it is limited to one year; but if you establish this policy under a bureau of the Government, next year they will be here demanding more, pointing out the great need of extending and enlarging this system of education, and another appeal will be made, and Congress will weakly submit. What I am trying to impress upon Congress at the present time is that we have got to stop this spendthrift policy. From every section of this country there comes a demand that the taxes shall be lowered. From every section of this country there comes the demand that this Government shall stop appropriating its millions for every project, idealistic and otherwise, that could ever be conceived in the brain of man. I am going to vote hereafter against every one of these projects, and I am going to do my utmost to see that the appropriation bills are reduced. Economy is the watchword; and it is the duty of every Member of the Senate, no matter whether he is on the other side of the aisle or here, to do everything in his power at the present time to cut down these expenses and relieve the people of this country of this extreme burden of taxation, which, through the exigencies of the war, we have placed upon them. There does not seem to be any appeal that will get under our spendthrift hides. We go on, and go on recklessly; but now we must call a halt. No doubt many of these projects will be worthy; no doubt an argument can be made as to their necessity; but there is one need that this country has at the present time, and that is that its legislators shall have the nerve to stand up and say, "Thus far you may go, and no farther." Let us cut out these things. Let us economize.

Mr. KING. Mr. President, I am very glad to hear the admirable address of the Senator from New Jersey. In most of the views which he has so forcefully expressed I most heartily concur. I welcome my good friend from New Jersey to the ranks of the economists. There are a few who from time to time during the past year have been lifting their voices in behalf of economy and against these extravagant appropriations which have been made by the Government. Under the splendid leadership of the Senator from Colorado [Mr. THOMAS] a number of us have marched up the hill, but we have also marched back again. We have achieved no victories, bloodless or otherwise; but I think we are still here, ready to combat these large appropriations and to seek to adopt a policy of economy in the appropriations of the Government.

Mr. SMOOT. Mr. President, I would not want my colleague to say that we have gained no victory. We have gained one or two, and I think they are going to increase in the future.

Mr. KING. I am glad my colleague reminded me of that fact. I do recall that there have been a few successes attending the efforts which have been put forth.

Mr. President, the lack of appreciation of the spendthrift qualities and characteristics of a legislative body is a remarkable thing. In most of the municipalities, counties, political subdivisions, school districts, and States, as well as in the Federal Congress, appropriations are being made, and in the past have been made, with an abandon and a recklessness wholly incompatible with the supposed thrift and economical characteristics of the great business men of our country. I believe the time has come when we must call a halt. As the Senator from North Dakota [Mr. MCCUMBER] has stated, with a deficit of $3,000,000,000, and it will be more, and with a bond issue which, it seems to me, is inevitable, with a burden of taxation resting upon the people imposed by the Federal Government, the American people will cry out with resentment and indignation against the continued extravagant appropriations made by the American Congress.

It is a remarkable thing, however, that some of these very same people who are denouncing the extravagant expenditures of the Federal Government are among the most earnest in seeking appropriations from the Federal Treasury. Demands are being made for appropriations for purely State and domestic affairs, and raids are being contemplated upon the Federal Treasury by those who are crying out for economy.

Mr. President, I rose, however, not for the purpose of indulging in a speech; but, if no one else has any amendment to offer at this time, to offer an amendment to the pending bill.

Mr. KENYON. There is an amendment pending. Does the Senator from South Dakota desire a vote on that amendment to-night, or does he prefer to have it go over until to-morrow?

Mr. STERLING. I am not particular about having a vote on my amendment to-night. I would prefer to have it go over.

EXECUTIVE SESSION.

Mr. KENYON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

POSTMASTER AT MOREHEAD, N. C.

In executive session this day, on motion of Mr. TOWNSEND, the injunction of secrecy was removed from the report made by the Committee on Post Offices and Post Roads on the nomination of Robert T. Wade to be postmaster at Morehead, N. C.

TREATY WITH VENEZUELA.

The Senate, in executive session, this day ratified the following treaty, and on motion of Mr. LODGE the injunction of secrecy was removed therefrom:

The SENATE:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Venezuela, to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, signed at Caracas July 3, 1919.

WOODROW WILSON.

THE WHITE HOUSE.

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The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approve thereof, a convention between the United States and Venezuela, to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, signed at Caracas July 3, 1919.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington,

—

The United States of America and the United States of Venezuela, being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries:

The President of the United States of America; Stewart Johnson, chargé d'affairs ad interim of the United States; and the President of the United States of Venezuela, Dr. Esteban Gil Borges, minister of foreign relations, who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers, either personally or by means of agents or employees, within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war it reserves to itself the right to prevent from operating within its jurisdiction as commercial travelers, under the provisions of this treaty or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer, provided he sells them to merchants duly established dealing in similar articles.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the dispatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

The license for commercial travelers established by Article II of this convention shall not be required of—

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agencies which pay the licensee fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

ARTICLE IX.

Any concession affecting any of the provisions of the present treaty that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned this convention shall altogether cease and terminate.

This convention shall be ratified and the ratifications shall be exchanged in Washington or Caracas within the briefest possible period.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunto affixed their seals.

Done in duplicate, in English and Spanish, at Caracas, this 3d day of July, 1919.

STEWART JOHNSON. [SEAL.]
E. GIL. BORGES. [SEAL.]

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 22, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1920.

COMMISSIONER OF EDUCATION FOR PORTO RICO.

Paul G. Miller, of Porto Rico, to be commissioner of education for Porto Rico. (Reappointment.)

ASSISTANT TREASURERS OF THE UNITED STATES.

Arthur Espy, of Cincinnati, Ohio, to be Assistant Treasurer of the United States at Cincinnati, Ohio. (Reappointment.)

Robert G. Hilton, of Rockville, Md., to be Assistant Treasurer of the United States at Baltimore, Md. (Reappointment.)

APPRAISER OF MERCHANDISE.

Morris Sabath, of Chicago, Ill., to be appraiser of merchandise in customs election district No. 39, with headquarters at Chicago, to fill an existing vacancy.

RECEIVER OF PUBLIC MONEYS.

Frank B. Kinyon, of Idaho, to be receiver of public moneys at Boise, Idaho, his present term expiring February 6, 1920. (Reappointment.)

UNITED STATES ATTORNEY.

E. F. Aydlett, of Elizabeth City, N. C., to be United States attorney, eastern district of North Carolina, vice Thomas D. Warren, appointed by court.

UNITED STATES MARSHAL.

C. J. Lyon, of Greenville, S. C., to be United States marshal, western district of South Carolina. A reappointment, his term expiring January 18, 1920.

PROMOTIONS IN THE COAST AND GEODETIC SURVEY.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be hydrographic and geodetic engineer (by promotion from junior hydrographic and geodetic engineer):

Ernest Werner Eickleberg, of New York, vice O. W. Swainson, promoted.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be junior hydrographic and geodetic engineer (by promotion from deck officer):

Albert Mathis Weber, of the District of Columbia, vice R. R. Moore, promoted.

PROMOTIONS IN THE REGULAR ARMY.

INFANTRY.

To be colonel.

Lieut. Col. Lutz Wahl, Infantry, from January 6, 1920.

To be lieutenant colonels.

Maj. Edward T. Hartmann, Infantry (Quartermaster Corps), from January 6, 1920.

Maj. Frederick B. Shaw, Infantry, from January 6, 1920.

To be majors.

Capt. Frederic G. Kellond, Infantry (General Staff), from January 6, 1920.

Capt. Herbert L. Evans, Infantry (Quartermaster Corps), from January 6, 1920.

Capt. Harry D. Mitchell, Infantry, from January 6, 1920.

To be captains.

First Lieut. Mark W. Clark, Infantry, from November 7, 1919.

First Lieut. David S. Rumbough, Infantry, from November 10, 1919.

First Lieut. Francis J. Heraty, Infantry, from November 11, 1919.

First Lieut. Donovan Swanton, Infantry, from November 11, 1919.

First Lieut. Francis A. Macon, jr., Infantry, from November 12, 1919.

First Lieut. Laurence B. Keiser, Infantry, from November 12, 1919.

First Lieut. Homer C. Brown, Infantry, from November 13, 1919.

First Lieut. Clare H. Armstrong, Infantry, from November 18, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1920.

ASSISTANT TREASURER OF THE UNITED STATES.

Guy F. Allen to be Assistant Treasurer of the United States.

REGISTER OF LAND OFFICE.

Thomas J. O'Keefe to be register of the land office at Alliance, Nebr.

RECEIVER OF PUBLIC MONEYS.

John C. Morrow to be receiver of public moneys at Alliance, Nebr.

POSTMASTERS.

CONNECTICUT.

Albert E. Wellman, Torrington.

NEVADA.

Howard C. Mulcahy, Sparks.
Harry H. Mayer, Elko.

SOUTH CAROLINA.

Malcolm J. Stanley, Hampton.
Thomas B. Madden, Columbia.
Arthur P. Horton, Heath Springs.
Gabriel B. Ingraham, Hemingway.
William R. Moore, Lancaster.
James H. Sullivan, Laurens.
William J. Hughes, Loris.
Andrew J. Bowers, jr., Newberry.
Iris Perry, Ridgeland.
Lillie B. Smoak, St. Matthews.
Ben Harper, Seneca.
Nellie S. Moore, Simpsonville.
George I. Hutchinson, Summerville.
William S. Hite, Batesburg.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 21, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, when the world moves smoothly, the sun shines brightly, the winds blow softly, business is prospering, friends are many and hopes run high, it is comparatively easy to be a Christian.

But when adversities come thick and fast, the home is invaded by death and our loved ones are borne away, the heavens seem overcast with dark and lowering clouds, friends deceive us and hope seems despairing, then it is that the loving arms of a true and faithful God are about us—to uphold, sustain and guide us. Then it is that we need the strong arm of faith, the eternal hope of the soul, and a love which fails us not.

Increase our faith, hope, and love in Thee, O God our Father, and we will praise and magnify Thy holy name. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech made before the Illinois Manufacturers' Association in Chicago on the 9th day of January by the gentleman from Iowa [Mr. GOOD] on the subject of a national budget.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD a speech made by the gentleman from Iowa [Mr. GOOD] before the Illinois Manufacturers' Association on the subject of a national budget. Is there objection?

Mr. GARNER. Reserving the right to object, I should like to ask whether that was a political speech or an economic speech.

Mr. CANNON. An economic speech, as I understand it.

Mr. GARNER. Then I have no objection.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Committee on Patents was called.

TRADE-MARKS AND COMMERCIAL NAMES.

Mr. NOLAN. Mr. Speaker, by direction of the Committee on Patents I call up the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

The SPEAKER. The gentleman calls up a bill which is on the Union Calendar. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan [Mr. CRAMTON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9023, with Mr. CRAMTON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Patents shall keep a register of all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, in connection with which the fee of $50 gold for the international registration established by article 2

of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark.

SEC. 2. That whenever any person shall deem himself injured by the inclusion of a trade-mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the exclusive use of the mark at or since the date of his application for registration thereof, or that the mark is not used by the registrants or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of the examiner in charge of interferences.

SEC. 3. That any person who shall willfully and with intent to deceive affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly transport such merchandise or cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations.

SEC. 4. That any person who shall without the consent of the owner thereof reproduce, counterfeit, copy, or colorably imitate any trade-mark on the register provided by this act, and shall affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 5. That it shall be the duty of a registrant under this act to comply with the law of the country in which his original registration took place, in respect to giving notice to the public that the trade-mark is registered, in connection with the use of such trade-mark in the United States of America, and in any suit for infringement by a party failing to do this, no damages shall be recovered except on proof that the defendant was duly notified of the infringement and continued the same after such notice.

SEC. 6. That the provisions of sections 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 29 of the act approved February 20, 1905, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," as amended to date, are hereby made applicable to marks placed on the register provided for by section 1 of this act.

SEC. 7. That written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this act, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor and paying the fee required by law shall have certified copies thereof.

SEC. 8. That the same fees shall be required for certified and uncertified copies of papers and for records, transfers, and other papers, under this act, as are required by law for such copies of patents and for recording assignments and other papers relating to patents.

On filing an appeal to the Commissioner of Patents from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark, canceling or refusing to cancel the registration of a trade-mark, a fee of $15 shall be payable.

Mr. NOLAN. Mr. Speaker, this bill proposes to give effect to certain provisions of the convention for the protection of trade-marks and commercial names made and signed in the city of Buenos Aires on August 20, 1910.

The bill is identical with a bill that passed the Senate in the Sixty-fifth Congress and reported out late in the last Congress by the Committee on Patents of the House. There is no opposition to it. The Secretary of the Treasury, both in the Sixty-fifth Congress and in this Congress, sent to the chairman of the Committee on Patents a letter, a copy of which is included in the report, strongly urging the immediate passage of this legislation. The Commissioner of Patents, representatives of the international high commission, the American Patent Law Association, and a large number of representatives of manufacturers and commercial institutions in this country appeared before our committee earnestly urging the immediate passage of the legislation.

The delegates representing the United States at this convention were Henry White, Enos H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul S. Reinsch, and David Kinley.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. NOLAN. I yield to the gentleman from Kansas.

Mr. LITTLE. Do I understand that this convention or assembly of delegates of the different countries made this treaty in 1910?

Mr. NOLAN. That is correct.

Mr. LITTLE. Why this frantic haste to enact this bill into law? Why not wait another 10 years?

Mr. NOLAN. If the gentleman will give me an opportunity to explain the bill, he will become acquainted with the facts.

Mr. LITTLE. That is just what I want to get.

Mr. NOLAN. If the gentleman will give me time to explain the measure, there will not be any necessity for his questions.

Mr. LITTLE. What is the hurry about this? We have waited only 10 years already!

Mr. NOLAN. Only in the last few years have the northern section of the South American Republics ratified the convention. They have now ratified it, and so has the Republic of Cuba. At the present time there is established at Habana a bureau for the registration of trade-marks and commercial names. This gives an opportunity to American manufacturers and those interested in the protection of trade-marks and commercial names to go to the Patent Office or file with the Commissioner of Patents a registration, and for the sum of $50 American trade-marks, trade names, and commercial names are given protection in all of the Central and South American Republics and in the Republic of Cuba. At the present time, owing to the fact that we have not ratified and put into effect the provisions of this convention, our manufacturers must go to each one of these separate Republics and get separate protection, taking a lot of time and a great deal of money. This convention should have been ratified a long time ago. All this bill does is to give the Commissioner of Patents authority to keep a register of all trade-marks and commercial names communicated to him by the international bureau provided for by the convention for the protection of trade-marks and commercial names, and the fee of $50 is transmitted to this international bureau.

There is not any considerable amount of work placed on the Commissioner of Patents or the Patent Office by this bill; but the amount of additional fees that are brought in the Commissioner of Patents feels confident will take care of any clerical expenses of the registration bureau.

Mr. BEE. Will the gentleman yield?

Mr. NOLAN. I will.

Mr. BEE. Will the gentleman explain the provisions of section 2 which provide that whenever any person shall deem himself injured by the inclusion of a trade-mark on this register he may at any time apply to the Commissioner of Patents to cancel the registration? Is that an injury to an American citizen by reason of the inclusion of a trade-mark in a foreign country; and if so, wherein does the injury consist? I am asking the question for information.

Mr. NOLAN. The trade-mark laws of this country are radically different from those of the South American Republics and from practically every country in the world. A trade-mark will not be granted on any article that describes the article itself. We have certain restrictions that are not imposed by any Central South American Republic. So, if some man in a South American Republic should secure a trade-mark registration upon an American trade-mark not registrable in this country, his registration of that trade-mark in Habana, or wherever he may see fit in a South American Republic, will not give him any rights he does not possess in this country. Neither will it give an American any right that he does not possess at the present time. So, if a trade-mark is registered from a South American Republic and gets by the Commissioner of Patents without protest, the injured party can come in and get protection under section 2.

Mr. BEE. Without this law they could not file this trade-mark that the American could hereafter complain of?

Mr. NOLAN. No; without a complete investigation by the Patent Office. I have explained that we are not imposing any additional work on the Patent Office. This merely provides for registration at the present time on an application for trade-mark, not carefully inquired into, provided the application is made to the Patent Office. This does not entail that character of work on the Patent Office; it gives the Patent Office the right to register it, and the registrant is not entitled to any protection not now in order under our laws.

Mr. BEE. Suppose here is an American who has a trade-mark, and establishes it in Habana or Rio Janeiro, and some man down there puts this trade-mark into this foreign registry to the injury of the American. Now, is there any protection to the American in the interval if it became necessary to cancel the registration to protect himself against injury by the unlawful filing of the trade-mark?

Mr. NOLAN. If the foreign registrant has protection in the country where originally registered under the law. In times gone by this does not deprive him of the right. He may have registered in a South American Republic some valuable trade-mark of this country. He can not come into this country and use the trade-mark to the detriment of the legitimate owner of the

trade-mark. The man who possesses the right in this country can not be injured.

Mr. BEE. What is the injury to the American holding the trade-mark necessary to protect himself?

Mr. NOLAN. It protects him to this extent. The fact that the trade name has been entered on the registry does not give the man that makes the application any right, but the second provision is a safeguard to the American manufacturer or the owner of the trade-mark or the commercial name.

Mr. MERRITT. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MERRITT. Do I understand that the registration of the trade-mark contemplated by the bill is distinct from the registration under our own law?

Mr. NOLAN. Absolutely separate and distinct. It is only for the purpose of keeping a record of these trade-marks and commercial names in the International Bureau.

Mr. WALSH. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. WALSH. Does the law, or will its administration, in any way affect the situation with reference to German patents upon which we have had some legislation heretofore? Will it protect them or give them a right to take advantage of it?

Mr. NOLAN. No; this only provides for trade-marks in a convention entered into between the United States and the Central and South American Republics and the Republic of Cuba.

Mr. WALSH. So that the register kept under the provisions of this act will only include the registry of those trade-marks and names from the South American Republics or countries which took part in this proposed convention?

Mr. NOLAN. Yes; only those who were a party to the convention. The convention was particularly confined to the Central and South American Republics and the Republic of Cuba. Only those participating in it will be entitled to the benefits of this act.

Mr. WALSH. It does not include European countries?

Mr. NOLAN. It does not. Mr. Chairman, I ask unanimous consent to include in my remarks the proceedings of the convention. It comprises only about four pages and it will not take up much of the RECORD, and I am sure it will be enlightening to those interested in the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The convention is as follows:

CONVENTION.

PROTECTION OF TRADE-MARKS.

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela:

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interest of America:

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquim Murtinho, Domicio de Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chile: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

Republic of Colombia: Roberto Ancízar.

Republic of Costa Rica: Alfredo Volio.

Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

Dominican Republic: Américo Lugo.

Republic of Ecuador: Alejandro Cárdenas.

Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

Republic of Haiti: Constantin Fouchard.

Republic of Honduras: Luis Lazo Arriaga.

Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

Republic of Nicaragua: Manuel Pérez Alonso.

Republic of Panama: Belisario Porras.

Republic of Paraguay: Teodosio González, José P. Montero.

Republic of Peru: Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavelle y Pardo.

Republic of Salvador: Frederico Mejía, Francisco Martinez Suárez.

Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

United States of Venezuela: Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following convention for the protection of trade-marks:

ARTICLE I. The signatory nations enter into this convention for the protection of trade-marks and commercial names.

ART. II. Any mark duly registered in one of the signatory States shall be considered as registered also in the other States of the union, without prejudice to the rights of third persons and to the provisions of the laws of each State governing the same.

In order to enjoy the benefit of the foregoing, the manufacturer or merchant interested in the registry of the mark must pay, in addition to the fees or charges fixed by the laws of the State in which application for registration is first made, the sum of $50 gold, which sum shall cover all the expenses of both bureaus for the international registration in all the signatory States.

ART. III. The deposit of a trade-mark in one of the signatory States produces in favor of the depositor a right of priority for the period of six months, so as to enable the depositor to make the deposit in the other States.

Therefore the deposit made subsequently and prior to the expiration of this period can not be annulled by acts performed in the interval, especially by another deposit, by publication, or by the use of the mark.

ART. IV. The following shall be considered as trade-mark: Any sign, emblem, or especial name that merchants or manufacturers may adopt or apply to their goods or products in order to distinguish them from those of other manufacturers or merchants who manufacture or deal in articles of the same kind.

ART. V. The following can not be adopted or used as trade-mark: National, provincial, or municipal flags or coats of arms; immoral or scandalous figures; distinctive marks which may have been obtained by others or which may give rise to confusion with other marks; the general classification of articles; pictures or names of persons without their permission; and any design which may have been adopted as an emblem by any fraternal or humanitarian association.

The foregoing provisions shall be construed without prejudice to the particular provisions of the laws of each State.

ART. VI. All questions which may arise regarding the priority of the deposit or the adoption of a trade-mark shall be decided with due regard to the date of the deposit in the State in which the first application was made therefor.

ART. VII. The ownership of a trade-mark includes the right to enjoy the benefits thereof and the right of assignment or transfer in whole or in part of its ownership or its use in accordance with the provisions of the laws of the respective States.

ART. VIII. The falsification, imitation, or unauthorized use of a trade-mark, as also the false representation as to the origin of a product, shall be prosecuted by the interested party in accordance with the laws of the State wherein the offense is committed.

For the effects of this article, interested parties shall be understood to be any producer, manufacturer, or merchant engaged in the production, manufacture, or traffic of said product, or in the case of false representation of origin, one doing business in the locality falsely indicated as that of origin, or in the territory in which said locality is situated.

ART. IX. Any person in any of the signatory States shall have the right to petition and obtain in any of the States, through its competent judicial authority, the annulment of the registration of a trade-mark, when he shall have made application for the registration of that mark, or of any other mark calculated to be confused, in such State, with the mark in whose annulment he is interested upon proving—

(a) That the mark the registration whereof he solicits has been employed or used within the country prior to the employment or use of the mark registered by the person registering it or by the persons from whom he has derived title;

(b) That the registrant had knowledge of the ownership, employment, or use in any of the signatory States of the mark of the applicant the annulment whereof is sought prior to the use of the registered mark by the registrant or by those from whom he has derived title;

(c) That the registrant had no right to the ownership, employment, or use of the registered mark on the date of its deposit;

(d) That the registered mark had not been used or employed by the registrant or by his assigns within the term fixed by the laws of the State in which the registration shall have been made.

ART. X. Commercial names shall be protected in all the States of the union, without deposit or registration, whether the same form part of a trade-mark or not.

ART. XI. For the purposes indicated in the present convention a union of American nations is hereby constituted, which shall act through two international bureaus established, one in the city of Habana, Cuba, and the other in the city of Rio de Janeiro, Brazil, acting in complete accord with each other.

ART. XII. The international bureaus shall have the following duties:

1. To keep a register of the certificates of ownership of trade-mark issued by any of the signatory States.

2. To collect such reports and data as relate to the protection of intellectual and industrial property and to publish and circulate them among the nations of the union, as well as to furnish them whatever special information they may need upon this subject.

3. To encourage the study and publicity of the questions relating to the protection of intellectual and industrial property; to publish for this purpose one or more official reviews containing the full texts or digest of all documents forwarded to the bureaus by the authorities of the signatory States.

The Governments of said States shall send to the international American bureau their official publications which contain the announcements of the registrations of trade-marks, and commercial names, and the grants of patents and privileges, as well as the judgments rendered by the respective courts concerning the invalidity of trade-marks and patents.

4. To communicate to the Governments of the union any difficulties or obstacles that may oppose or delay the effective application of this convention.

5. To aid the Governments of the signatory States in the preparations of international conferences for the study of legislation concerning industrial property, and to secure such alterations as it may be proper to propose in the regulations of the union, or in treaties in force to protect industrial property. In case such conferences take place, the directors of the bureaus shall have the right to attend the meetings and there to express their opinions, but not to vote.

6. To present to the Governments of Cuba and of the United States of Brazil, respectively, yearly reports of their labors, which shall be communicated at the same time to all the Governments of the other States of the union.

7. To initiate and establish relations with similar bureaus and with the scientific and industrial associations and institutions for the exchange of publications, information, and data conducive to the progress of the protection of industrial property.

8. To investigate cases where trade-marks, designs, and industrial models have failed to obtain the recognition of registration provided

for by this convention on the part of the authorities of any one of the States forming the union and to communicate the facts and reasons to the Government of the country of origin and to interested parties.

9. To cooperate as agents for each one of the Governments of the signatory States before the respective authorities for the better performance of any act tending to promote or accomplish the ends of this convention.

ART. XIII. The bureau established in the city of Habana, Cuba, shall have charge of the registration of trade-marks coming from the United States of America, Mexico, Cuba, Haiti, the Dominican Republic, El Salvador, Honduras, Nicaragua, Costa Rica, Guatemala, and Panama.

The bureau established in the city of Rio de Janeiro shall have charge of the registration of trade-marks coming from Brazil, Uruguay, the Argentine Republic, Paraguay, Bolivia, Chile, Peru, Ecuador, Venezuela, and Colombia.

ART. XIV. The two international bureaus shall be considered as one, and for the purpose of the unification of the registrations it is provided:

(a) Both shall have the same books and the same accounts kept under an identical system;

(b) Copies shall be reciprocally transmitted weekly from one to the other of all applications, registrations, communications, and other documents affecting the recognition of the rights of owners of trade-marks.

ART. XV. The international bureaus shall be governed by identical regulations, formed with the concurrence of the Governments of the Republic of Cuba and of the United States of Brazil and approved by all the other signatory States.

Their budgets, after being sanctioned by the said Governments, shall be defrayed by all the signatory States in the same proportion as that established for the International Bureau of the American Republics at Washington, and in this particular they shall be placed under the control of those Governments within whose territories they are established.

The international bureaus may establish such rules of practice and procedure, not inconsistent with the terms of this convention, as they may deem necessary and proper to give effect to its provisions.

ART. XVI. The Governments of the Republic of Cuba and of the United States of Brazil shall proceed with the organization of the bureaus of the international union as herein provided upon the ratification of this convention by at least two-thirds of the nations belonging to each group.

The simultaneous establishment of both bureaus shall not be necessary; one only may be established if there be the number of adherent Governments provided for above.

ART. XVII. The treaties on trade-marks previously concluded by and between the signatory States, shall be substituted by the present convention from the date of its ratification, as far as the relations between the signatory States are concerned.

ART. XVIII. The ratifications or adhesion of the American States to the present convention shall be communicated to the Government of the Argentine Republic, which shall lay them before the other States of the union. These communications shall take the place of an exchange of ratifications.

ART. XIX. Any signatory State that may see fit to withdraw from the present convention shall so notify the Government of the Argentine Republic, which shall communicate this fact to the other States of the union, and one year after the receipt of such communication this convention shall cease with regard to the State that shall have withdrawn.

In witness whereof the plenipotentiaries and delegates sign this convention and affix to it the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires, on the 20th day of August, in the year 1920, in Spanish, English, Portuguese, and French, and filed in the Ministry of Foreign Affairs of the Argentine Republic in order that certified copies may be made, to be forwarded through appropriate diplomatic channels to each one of the signatory nations.

For the United States of America:
HENRY WHITE. BERNARD MOSES.
ENOCH H. CROWDER. LAMAR C. QUINTERO.
LEWIS NIXON. PAUL S. REINSCH.
JOHN BASSETT MOORE. DAVID KINLEY.

For the Argentine Republic:
ANTONIO BERMEJO. CARLOS SALAS.
EDUARDO L. BIDAU. JOSÉ A. TERRY.
MANUEL A. MONTES DE OCA. ESTANISLAO S. ZEBALLOS.
EPIFANIO PORTELA.

For the United States of Brazil:
JOAQUIM MURTINHO. OLAVO BILAC.
DOMICIO DA GAMA. GASTÃO DA CUNHA.
JOSÉ L. ALMEIDA NORGUEIRA. HERCULANO DE FREITAS.

For the Republic of Chile:
MIGUEL CRUCHAGA TOCORNAL. ANÍBAL CRUZ DÍAZ.
EMILIO BELLO CODECIDO. BELTRÁN MATHIEU.

For the Republic of Colombia:
ROBERTO ANCIZAR.

For the Republic of Costa Rica:
ALFREDO VOLIO.

For the Republic of Cuba:
CARLOS GARCÍA VELEZ. ANTONIO GONZALO PÉREZ.
RAFAEL MONTORO Y VALDÉS. JOSÉ M. CARBONELL.
GONZALO DE QUESADA Y ARÓSTEGUI.

For the Dominican Republic:
AMÉRICO LUGO.

For the Republic of Ecuador:
ALEJANDRO CÁRDENAS.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. NOLAN. Yes.

Mr. MANN of Illinois. The bill on page 3 provides that—

Any person who shall knowingly transport such merchandise or cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes—

and so forth, shall be liable to an action at law. I presume that the author of that provision had in mind, when he used the word "knowingly" a person who transported any of the articles contrary to law—that is, that the articles were contrary to the law; but to knowingly transport means that the transportation company knows that it is transporting. The transportation company would not know whether the articles are in violation of the law or not, and usually could not know. There have been a great many propositions of that sort submitted to Congress in the course of many years, and I think they have always been changed when they came before this House.

Mr. NOLAN. The section ought to be taken in its entirety—

That any person who shall willfully and with intent to deceive, affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly transport such merchandise or cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law.

And so forth.

Mr. MANN of Illinois. The man who does that ought to be punished, but the transportation company that transports the article knowingly, knowing that it transports it, not knowing what it is, ought not to be punished, yet it is liable to be indicted under the language of this law. It is never safe in enacting a law to presume that the administrative officers will use any common sense, and if the law so provides they are liable to commence action.

Mr. NOLAN. I have no objection to amending it.

Mr. MANN of Illinois. It is all right to penalize the man who does the thing.

Mr. NOLAN. I think it should be confined to that. I have no objection to amending that section so that no transportation company who shall innocently transport any article shall be subject to being dragged into court or be in any way seriously inconvenienced.

I yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, the committee perhaps understands that the importance of this bill is, in the first place, to carry out the convention which was entered into by the Central and South American Republics with this country. The reason for that, so far as this country is concerned, is to protect the manufacturers and the merchants of this country against the so-called trade-mark pirates.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question right there?

Mr. MERRITT. Yes.

Mr. LITTLE. Will the gentleman tell us why we have had to wait 10 years after that treaty was made before any steps were taken to carry it into effect?

Mr. MERRITT. I am not on the committee and I do not know the details as well as the chairman, but my understanding is that the delay of this legislation has been due to the delay on the part of other countries in accepting this convention and getting the necessary machinery ready to carry it on. Is that correct, Mr. Chairman?

Mr. NOLAN. That is right.

Mr. MERRITT. So that, so far as the Patent Committee goes and this House goes, there has been no unnecessary delay in the legislation. It is very difficult for those of us who have been brought up under the law of this country and under the general impression that a man who establishes a trade name and a trade-mark is entitled to its use, and that a man can only establish the right to such a trade-mark by use, to understand why that rule does not prevail elsewhere. It is hard for us to understand the law which exists in many of the countries of South America, that any man, whether he has any connection with the trade-mark or the trade name, can go to the registration office and register that trade-mark and keep out from that country the real creator of the trade-mark and, under our law, the owner. For instance, he can go to the registration office and register a name like "Singer," for the Singer sewing machine, if it has not already been registered in that country, and when a consignment of those Singer machines comes to that company, sent by the Singer people, they can not be landed. There are numerous instances of that sort, and it is to correct that difficulty that this legislation is proposed. It seems to me it does not require much argument to show its necessity. The machinery is very simple, it is inexpensive, and it is already in operation, and I think it is obviously desirable in these times when so many American manufacturers have expanded, owing to the war, when they must have an outlet for their products, when they must expand their foreign trade, to give them the necessary protection in such foreign trade.

I heard only this morning in another hearing before the Patent Committee an illustration which, I think, will be interesting to the committee: Where a manufacturer of Connecticut

clocks was in Japan, and found there exact imitations of clocks that are made in a certain town in Connecticut—not only exactly so far as the mechanism is concerned but an exact imitation of the color and the case and the actual trade-mark. When he ascertained how this came about he found that originally the clocks had been imitated in the Black Forest of Germany, that they had been exported to Japan, and then, when Japan began to develop as a manufacturing country, with its very cheap labor, they were reproduced exactly in Japan, with the shape, the mechanism, the color, and the trade-mark. It is to protect the manufacturers and merchants of this country in their trade names, so important to them, that this legislation is proposed. The protection of the trade name is more important to the manufacturer in other countries than it is at home, because in the East particularly it is the practice to buy on the name. That is true also of textiles, food products, and all kinds of manufactures—sewing machines, clocks and watches, and everything else. They buy on the name. There are no two sides to this question. It is the duty of this House to pass this legislation and to protect in Central and South America the trade of this country and its manufacturers and merchants, as this bill, in connection with the Buenos Aires convention, will do.

Mr. NOLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman, as has already been stated, it is necessary for the Congress to enact this legislation before the United States will become a member of this convention. In 1910 the United States had eight representatives, all of them eminently qualified, including such men as Henry White, Enoch H. Crowder, John Bassett Moore, and others, who participated in the proceedings which culminated in the adoption of the convention of which we are now seeking to become a member. Briefly stated, the purpose of becoming a member of this convention is in order to simplify and expedite and lessen the cost of registration in the various South American and Central American countries, together with the Republics of Mexico and Cuba.

Mr. NOLAN. Mexico is not included.

Mr. DAVIS of Tennessee. While Mexico has not adopted the convention, it is eligible for membership if it does adopt the convention.

As the conditions are now, before an American manufacturer can register his trade-mark in all of those countries, it will cost him over $500 and also involve a great deal of trouble and delay. He can register his trade-mark in all of those countries for a total cost of $50, and do it very quickly and expeditiously, under this convention. Now, it occurs to me that it is especially important and opportune at this time for the United States to become a member of this convention, when we are all looking to Central and South America as a future market for a large portion of our products. We are all working to that end, and it is undoubtedly a great field. And all of these manufacturers are loath to enter into these foreign fields unless they feel that they will have adequate trade-mark protection, protection against such conditions as were explained by the gentleman from Connecticut [Mr. MERRITT].

Now, there is another reason why, it occurs to me, it is opportune at this time for us to enact this bill. A Pan American Congress is now in session in the city of Washington. The purpose of it is to promote cooperation between the United States and the Central and South American countries, and to arrange trade and financial relations and connections which will result in closer intercourse, which is certainly very beneficial and very much desired on the part of the United States.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. McDUFFIE. Can the gentleman tell the committee what arrangements other governments of the world have with respect to registration of their trade-marks in the South American countries—England, for instance, and France?

Mr. DAVIS of Tennessee. Well, I can not answer specifically any further than to say that those different countries have laws, as we have, permitting foreign trade-marks to be registered upon certain conditions. And there is a considerable variety of provisions in the different countries. One thing that made it difficult to adopt a convention which would be acceptable to all the countries involved was that very thing. But this convention does not give any rights whatever to any European or Asiatic manufacturers.

Further referring to your question and also to the question propounded by the gentleman from Massachusetts [Mr. WALSH], I will state that the articles of the convention itself, which the chairman has asked to be incorporated as a part of his remarks, provides in article 1:

> The signatory nations enter into this convention for the protection of trade-marks and commercial names.

No nation other than those designated in the articles of convention, to wit, the South and Central American countries, the United States, Cuba, and Mexico, can become a member.

Article 2 provides:

> Any mark duly registered in one of the signatory States shall be considered as registered also in the other States of the Union, without prejudice to the rights of third persons and to the provisions of the laws of each State governing the same.

That also answers the question propounded by the gentleman from Texas [Mr. BEE]. In other words, it will not give foreign manufacturers any rights in the United States which they do not already acquire when they obtain trade-mark protection under our general laws, and it does not give any higher rights to any of the respective members of the convention than could be obtained by registering under the laws of the various countries which have become members of the convention. It merely simplifies, expedites, and lessens the cost of registration.

As I started to remark when I was interrupted, it occurs to me that it would be very appropriate for us to show the interest of the Congress and a friendliness on our part and an earnest wish to cooperate with these South American countries, by enacting this bill while the representatives of these various nations are in our city working with the representatives of our Nation in an earnest effort to further these trade relations. I think it would be a beautiful tribute to the fact that they are our guests in the city and the Nation, and it would manifest an interest which no doubt would be gratifying to them.

At the time the Commissioner of Patents appeared before our committee he stated that, lacking two, two-thirds of the signatory powers had already adopted this convention. There has been delay on the part of many of them for the reason that there is always delay in adopting a new departure. We know of no opposition to the measure. The Secretary of State and the entire State Department favor it and are very much interested in it. Secretary of the Treasury GLASS addressed a letter to the chairman of our committee, in which he strongly recommends the passage of this legislation. The Commissioner of Patents favors it. A representative of the American Patent Laws' Association appeared before us and favored it, as well as other gentlemen who are competent to speak upon it. I can conceive of no reason why we should not quickly pass the bill. I can conceive of no evil result that would follow, and it certainly would result in many very great benefits. So far as the expense is concerned, as stated by Secretary GLASS, after we get the convention into operation there will be no further expense. It is intended and expected to be self-supporting. In other words, the fees will be sufficient to maintain the office and conduct the convention.

I trust that the committee will pass this bill, and I am sure that it will result in very great benefits which I have not even undertaken to explain. [Applause.]

Mr. NOLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, it is well known that the State of Connecticut, which I have the honor in part to represent on this floor, is very greatly interested in the subject of patents. From time immemorial Connecticut has furnished its full share of inventors and patented inventions. The manufacturers and the inventors are specially interested. I mean by this that they are first interested, but the interest is general, because what affects them affects business and in the end affects all.

Of course, I am in favor of a bill to protect patents and trade-marks and prevent the pirating of patents and trade-marks, and I expect to support this bill. I note in the latter portion of the bill that it provides for furnishing certain certified copies, and also for certain fees to be paid, which, I understand, will make this bill self-supporting. I also understand that our entire Patent Office is more than self-supporting, which leads me to another matter not directly connected with this bill, and yet bearing somewhat upon it. I refer to the deplorable condition in the Patent Office in regard to the transaction of public business there.

I have complaints, and no doubt other Members of Congress have the same, from numerous people, to the effect that it is impossible for them to get even printed copies of patents. Where it is necessary to get a certified copy, it has to be prepared outside of the office, and even then it requires days or weeks before a simple certification of it can be had. Even the correspondence of the office is delayed, and the adjudications upon the patent applications are universally slow.

I have prepared and introduced a House resolution which, with the consent of the chairman of this committee and the rest of the House, I shall hope to have passed, calling for information on this very subject, as to what is the cause of these delays which have been growing from bad to worse.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman.

Mr. DAVIS of Tennessee. I will state to the gentleman that the Committee on Patents has had hearings upon different bills in which the matters to which the gentleman refers have been discussed by the Commissioner of Patents and others, and they explain that the growth in the patent business has so far outrun the appropriations and the allowances for help that that fact has brought about the situation complained of.

There is a further fact that should receive consideration, and that is that there have been no increases in salaries in the Patent Office since 1870, I think, and it is impossible for them to keep the trained men they have. About the time they become proficient somebody else offers them more money. The Committee on Patents now has under consideration a bill providing for the allowance of additional employees and increased salaries, and it is hoped that the passage of such bill will remedy the situation to which the gentleman refers.

Mr. TILSON. I am glad the Committee on Patents is contemplating taking action, because there is great complaint, at least, from people in my State in regard to this matter. I have sought to make explanation to them, but in order to do so more intelligently I have asked by this resolution to be furnished with information. I have not made my resolution privileged, because, in addition to the facts desired, I have asked for the opinion of the Commissioner of Patents as to whether there is not some way in which the situation can be made better. Asking for an opinion would make it not privileged, and therefore I should have to ask unanimous consent.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. NOLAN. I will state to the gentleman that the Committee on Patents during the month of July last held extensive hearings on this subject; that is, to put the Patent Office on an efficient basis, as well as amending the patent laws and providing for a court of patent appeals. There is a program in connection with it, and the Committee on Patents has devoted a great deal of time and attention to the matter. We are about to report a bill that will take care of that serious condition in the Patent Office and give them sufficient help to put the Patent Office on an efficient basis, so that it can function, as well as to keep those highly trained men that they have down there in the Patent Office by paying them sufficient compensation to retain them. Many of their best men have gone into private life.

The policy of this House is a program of economy. We want to take care of the additional expense by increased fees as well as final fees for copies of patents. I think that within a few weeks the Committee on Patents will be able to bring in a measure that will take care of that situation.

Mr. TILSON. The Patent Office, as I have said, pays for itself. It is self-supporting. For that reason I think the public is entitled to prompt service, because sometimes it means a great deal in the transaction of important business.

Mr. NOLAN. I agree with the gentleman. The inventors and the manufacturers of this country have been laboring for several years under a very serious handicap.

Mr. TILSON. That is what prompted the resolution that I have introduced, and I hope, at least, to get sufficient information to be enabled to give an intelligent response to the many complaints that have been made to me on the subject.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. DAVIS of Tennessee. The Patent Office has not only been self-supporting but it has paid $8,000,000 into the Treasury beyond what it has taken out, and I believe that every member of the Committee on Patents will favor the bill to which I previously referred, and that it will be shortly reported.

Mr. TILSON. My judgment, perhaps not founded upon as much information as the gentleman possesses on the subject, is that we have been treating the examiners and other highly qualified employees of that important office as ordinary clerical help. They are more than mere clerks. They are experts, in a way, and we shall probably have to pay them accordingly or else we shall not be able to get expert service in this very important bureau of the Government, which is so vitally connected with the industrial progress of the country.

Now, Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD by inserting extracts from a letter received from a very prominent business man and manufacturer in my State on this subject.

Mr. WALSH. On this bill?

Mr. TILSON. In connection with this matter.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks by inserting the extracts referred to. Is there objection?

Mr. WALSH. Are the letters upon the subject of this bill?

Mr. TILSON. Only extracts from a single letter in regard to the matters I have been speaking of.

Mr. WALSH. In connection with this bill?

Mr. TILSON. As I said in my opening remarks, some of the things I had to say were not strictly confined to this bill but related to patent legislation now pending before this committee.

The CHAIRMAN. Is there objection?

There was no objection.

Following are the extracts referred to:

The deplorable condition of work at the United States Patent Office is so apparent and so detrimental to the best interests of manufacturers like ourselves that we are led to write you concerning it as it appears to us from our experience.

* * * * * * *

There are daily evidences of bad conditions, which have an immediate and important effect upon our interests and to all inventors and manufacturers.

It is difficult—almost impossible—to get a printed copy of a granted patent or the rendering of an opinion. It was formerly possible to get such copies within two or three days. Now it takes at least a week or 10 days, and in many cases printed copies of patents are exhausted, so that no copies can be obtained. When it comes to manuscript copies, which are of great importance and very necessary at times, they are so difficult to obtain that oftentimes a copy must be prepared by the attorney, sent to the Patent Office to be certified, and paid for when it is certified the same as if it had been made by the Patent Office; and when copies are sent to be certified it takes several weeks or months before they are returned with the certificate.

There is also a great delay in the acknowledgment of applications sent to the Patent Office for filing, or assignments sent for record, which is again very detrimental to business. * * * These conditions seem to be unjust to the inventors and manufacturers, because the Patent Office is self-supporting, has to its credit some $8,000,000 which have been paid in fees, in excess of expenses, and it would seem there is no valid reason why Congress should not appreciate the situation and pass some legislation which will relieve it.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. NOLAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MACGREGOR].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. MACGREGOR. Mr. Chairman and gentlemen of the committee, I have compiled some figures from various sources with reference to the war, which several Members have asked me to put into shape so that they might be available to all. I will read them, as follows:

INTERESTING FACTS CONCERNING THE WAR.

1. The total costs of the war to all nations was about $186,000,000,000.

2. The expenditures of the United States were about $22,000,000,000.

3. The expenditures by the United States were about equal to those of Austria-Hungary.

4. During the first three months our expenditures were at the rate of $2,000,000 per day; during the next year they averaged more than $22,000,000 per day. For the final 10 months the daily average was over $44,000,000 per day.

5. The Ordnance Department spent $1,191,182,850 for artillery, the result of which was to deliver 72 American-made guns on the firing line.

6. The total expenditures of the Army itself amounted to $14,214,061,000.

7. The total of the Army expenditures about equals the value of all the gold produced in the whole world from the discovery of America up to the outbreak of the war.

8. The item of pay for the Army is larger than the combined salaries of all the public-school principals and teachers in the United States for the five years from 1912 to 1916.

9. The number of men serving in the armed forces of the United States during the war was 4,800,000, of whom 4,000,000 served in the Army.

10. Of the 54,000,000 males in the United States, 26,000,000 were registered in the draft or were already in the service.

11. New York State furnished the greatest number of men of any State—367,864. Porto Rico furnished 16,538, Hawaii 5,644, Philippines 255.

12. Two out of every three American soldiers who reached France took part in battle. The number who reached France

was 2,084,000, and of those 1,390,000 saw active service at the front.

13. American divisions were in battle for 200 days and engaged in 13 major operations.

14. In October, 1918, the American divisions held 101 miles of line, or 23 per cent of the entire western front.

15. In the Battle of St. Mihiel 550,000 Americans were engaged, as compared with about 100,000 on the northern side in the Battle of Gettysburg.

16. The Meuse-Argonne battle lasted 47 days, during which 1,200,000 American troops were engaged.

17. The American battle losses of the war were 50,000 killed and 236,000 wounded.

18. The total sum expended by the munitions section of the Ordnance Department was $3,173,054,546; 10,637,359 American shells of all descriptions were landed in France. The British fired 2,753,000 rounds of ammunition in their preparation for the Battle of Messines Ridge and 4,000,000 rounds in preparation for the Battle of the Somme.

19. Five out of every six men sent to hospitals on account of wounds were cured and returned to duty.

20. The death loss from all causes among American forces was 122,500, of which about 10,000 were in the Navy.

21. Pneumonia killed more soldiers than were killed in battle.

22. When the war was declared the United States had two aviation fields and 55 obsolete airplanes. There was expended for aircraft production $1,055,000,000. At the time that the armistice was signed there were 196 American-built airplanes on the front.

23. The Construction Division expended $818,000,000 for cantonments, etc., in the United States.

24. Housing constructed had a capacity of 1,800,000 men, or more than the entire population of Philadelphia.

25. There were 227,447 motor vehicles manufactured in the United States for the War Department; 118,900 were shipped overseas; 8,444 motor vehicles were purchased overseas.

26. Thirty-nine thousand nine hundred and ninety-three motor vehicles were shipped to France after the signing of the armistice, and included in the sale to France.

27. During our 19 months of war more than 2,000,000 American soldiers were carried to France. Of every 100 men who went overseas 49 were carried in British ships, 45 in American, 3 in Italian, 2 in French, 1 in Russian.

28. American Engineers built in France 83 new ship berths, 1,000 miles of standard-gauge track, and 538 miles of narrow-gauge track.

29. The Signal Corps strung in France 100,000 miles of telephone and telegraph wire.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point.

Mr. BLANTON. I do not know how the gentleman is going to end his argument. On Calendar Wednesday the debate is limited to the subject matter of the bill. If the gentleman's speech is not going to terminate in politics, I do not care to object. If it is a matter of information for the House, I shall not object.

Mr. MacGREGOR. It is just for the information of the House.

The CHAIRMAN. Does the gentleman from Texas withdraw his point of order?

Mr. BLANTON. I withdraw it.

Mr. MacGREGOR (continuing):

30. At the time of the signing of the armistice the Signal Corps was operating 282 telephone exchanges and 133 telegraph stations. The telephone lines numbered 14,956, reaching 8,959 stations.

31. Seventy-five per cent of the entire leather production of the country was used during the war.

32. With 391,000 horses in the Army, orders were given to the Procurement Division to contract for 845,000 saddles and 1,000,000 sets of harness.

33. If all the orders had been filled it would have taken 300,000 more hides than the entire take-off of the United States for a year.

34. There was delivered to the War Department up to May 31, 1918, 131,800,000 pairs wool socks, 85,000,000 undershirts, 83,600,000 underdrawers, 30,700,000 pairs shoes, 21,700,000 blankets, 21,700,000 wool trousers, 12,900,000 coats, 8,300,000 overcoats.

35. Army supplies and property that the United States had in France, costing us $1,426,000,000, was sold to France for $400,000,000.

36. Some of the items, with cost price to the United States, were: Flour, $15,500,000; bacon, $41,300,000; beef, $58,890,000; coffee, $6,500,000; sugar, $3,200,000; flannel shirts, $17,200,000; underwear, $25,551,000; shoes, $36,880,000; socks, $9,000,000; blankets, $12,400,000.

37. Included in the sale to France were 89,199 motor vehicles costing the United States $310,739,694.

38. If the $22,000,000,000 that the war cost the United States were counted in silver dollars, it would take a man counting 72 a minute working 8 hours a day 1,744 years to count them.

If the silver dollars were laid side by side, they would stretch 520,833 miles.

Their weight would be 687,500 short tons.

Loaded in box cars of 40 tons capacity they would make a train of 17,187 cars 130 miles in length.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from New York yields back two minutes.

Mr. NOLAN. How much time have I remaining?

The CHAIRMAN. The gentleman from California has nine minutes remaining.

Mr. NOLAN. I yield the remainder of my time to the gentleman from New York [Mr. MacCRATE].

Mr. MacCRATE. Mr. Chairman and gentlemen, one of the underlying reasons for this legislation is the piracy of American trade-marks and commercial names in certain countries. There are some countries which require that the home registration must be filed first in that country before they will file a registration of the mark. In some countries, however, that is not true, and anyone can take an American name which we value very highly in this country and, without producing a single item of goods or wares under that name, file it and keep the American manufacturer out of that country. In one case $100,000 worth of American goods were manufactured in this country and sent to South America. On their way to South America somebody found out the trade name of those goods and went and filed that trade name in the South American country, and when the American goods reached the South American port they were stopped from entering the country, and it was not until after our State Department had made very strong representations that those goods were permitted to enter that South American country.

Another thing is the item of expense to American manufacturers and merchants. Under the present system it costs an American manufacturer who desires to register his trade-mark in South American countries about $600 to do so. Under this bill that expense will be reduced to $50; that is, the American manufacturer, instead of having to go to Paraguay, Uruguay, Brazil, and the other South American countries to file his registration, will simply file it with the registration bureau, and that will give it immediate registration in the other countries of South America. Under the present law he must make his round to every one of the different countries. The passage of this law will stop pirating in another way, because in some South American countries an American manufacturer registers a trade-mark, and then some one else goes and registers that same trade-mark in another South American country and deprives the rightful owner of the use of it. If a man is not quick in going from one country to another, he may find that his trade-mark good in one place is not good in another place. But under this proposed law, when he files his registration with the registration bureau, immediately in all South American countries coming within the convention his trade-mark will be registered and his rights will be protected.

Now, with reference to what the gentleman from Connecticut [Mr. TILSON] said as to the Patent Office, I believe we ought to go into this matter carefully. There are copyists in the Patent Office receiving only $700 a year, and their work nets the Government only 10 cents a folio for copying patents and other matters in the bureau. You will readily see that 10 cents a folio is below the prevailing rate, and that $700 a year is far below the compensation paid for similar service in other bureaus of the Government. By increasing the copying fee 5 cents a folio we can add about $50,000 a year to the revenues of the Patent Office. With this $50,000 we can meet a part of the necessary increase that should be made in salaries in the Patent Office. Then by the changing of the fee for an application for a patent from $15 to $20, and reducing the fee for the final issuance of a patent from $20 to $15, we can secure an additional $400,000 a year for the Patent Office, as I am informed, and I believe that without additional expense to the Government we can well properly pay the people who are now performing the work in the Patent Office.

Mr. TILSON. Will the gentleman yield?

Mr. MacCRATE. Yes.

Mr. TILSON. Does the gentleman consider that that would be a fair division of the total cost of obtaining a patent so far

as the service rendered is concerned—fairer than the present division?

Mr. MACCRATE. That is as I understand it from the Commissioner of Patents. The work on the original application, requiring a great deal of searching and other things, ought to be a little more expensive than the final issuance of the patent itself. A great many applications are made where patents are never issued, and if the fee for the preliminary application is made $20, it would increase the revenues without unduly burdening the men who are interested in obtaining patents. By transferring this $5 from the final fee to the preliminary fee the total expense in cases where patents are issued will be no greater than it is now.

Now, if I may proceed out of order for a moment, it has occurred to me that in considering all classes of soldier legislation, and bonus legislation, the question where the money shall come from is one that affects the country. As was stated by my colleague [Mr. MACGREGOR] a few minutes ago, the sum of $9,000,000,000 of American money was advanced to the Allies, on which there is an annual interest charge of about $415,000,000. If a bill can be drafted for the application of a little more than one-ninth of this amount and the interest for four years, we can easily meet the financial requirements of some of the legislation that has been suggested.

Mr. LONGWORTH. But the gentleman is aware of the fact, is he not, that the policy of the present Treasury Department is not to receive any of this interest at all?

Mr. MACCRATE. That may be the policy, but I do not believe it is the correct policy.

Mr. LONGWORTH. And that the President stated in a message he delivered here to this House that the administration would regard it as a dangerous proposition for any money to be sent to us now by the Allies; that is, for any gold to be shipped to this country. Therefore we are receiving nothing.

Mr. MACCRATE. We are not in any way in danger of losing the good will of our allies if we let them understand that, although we grant extension of time for payment, we expect they will pay the principal and the interest of the moneys advanced by the American people in the way of loans for war purposes.

On the other hand, the American people will not suffer unduly and taxpayers will not complain greatly if a part of the money which they have thus far advanced and paid for war purposes is used for one such purpose—that is, for the payment, not as a measure of their service but as a token of our gratitude, to the men who sprung to the support of the Nation in its hour of need.

I throw this out as a suggestion to the committee dealing with the legislation to see if it is not a workable plan whereby bonds could be issued and redeemed as the Allies pay the principal and interest on these loans.

Mr. LONGWORTH. The gentleman realizes that that is not a matter for Congress. Congress has not the power as things stand now. Under the claim of the Treasury Department they have the right to postpone the collection of the interest indefinitely. The Treasury Department, in other words, claims that under the law authorizing the loans to the Allies, it has the power to postpone the payment of the interest indefinitely, and acting under legislative authority they are postponing all collections of any interest from any debts due from the Allies. We are receiving nothing in the way of interest.

Mr. BLANTON. Will the gentleman yield?

Mr. MACCRATE. I yield.

Mr. BLANTON. In reply to the distinguished gentleman from Ohio, I want to call the gentleman's attention to the fact that the Treasury Department operates under the law and nothing else, and that Congress can change any law that exists in this Nation to-day. If the law under which the Treasury Department is acting is not a proper law, Congress can change it to-morrow.

Mr. LONGWORTH. Unquestionably.

Mr. BLANTON. Then this Congress is responsible and not the Treasury Department.

Mr. LONGWORTH. Is the gentleman from Texas in favor of changing the law?

Mr. BLANTON. I am in favor of every country that owes the United States paying its debts promptly.

Mr. LONGWORTH. The gentleman is not in accord with the administration.

Mr. BLANTON. I will vote, if the gentleman will bring in a rule from the Committee on Rules, to require those countries to pay the interest on their debt.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. MACCRATE. Yes.

Mr. DAVIS of Tennessee. I wish to call the attention of the gentleman to the fact that Secretary Glass addressed a letter to the chairman of the Ways and Means Committee, Mr. FORDNEY, in which he stated that it was the opinion of the Treasury Department that they had the right, without further legislation, to extend the interest payments, but if the Committee on Ways and Means thought otherwise he wanted them to so indicate.

Mr. MACCRATE. The time has come when this Congress must say plainly and unmistakably that it will pass additional legislation in favor of the service men.

If we delay action, our motives may be misunderstood. We may be sure that condemnation will be heaped on any party which attempts to make political capital of soldier legislation.

The good will of men who have gone fearlessly into the valley of death to preserve the Nation's life can not be bought by a bond or a farm or a home, for they know what service to the Nation means and their good will will go to that party which best meets their standard of national service. Let us speedily determine what we should do and then let us do it.

The CHAIRMAN. The time of the gentleman from California has expired. If there is no time desired in opposition, the Clerk will read.

The Clerk read as follows:

SEC. 3. That any person who shall willfully and with intent to deceive, affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly transport such merchandise or cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations.

Mr. MANN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 5, after the word "knowingly," strike out the words "transport such merchandise or."

Mr. NOLAN. Mr. Chairman, the committee has no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. BLANTON. Mr. Chairman, I ask for a division just to check up.

The question was taken, and there were 35 ayes and no noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this act, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor and paying the fee required by law shall have certified copies thereof.

The CHAIRMAN. On line 5, page 5, there is an error in spelling the word "certified." Without objection, the Clerk will make the correction.

There was no objection.

The Clerk read as follows:

On filing an appeal to the Commissioner of Patents from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark, canceling or refusing to cancel the registration of a trade-mark, a fee of $15 shall be payable.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In reference to the last paragraph, does that mean that the fee is to be payable for all appeals to the Commissioner of Patents from the decisions of the examiners under the provisions of this act, or is it in all cases? This fixes a fee for filing the appeal from the examiner in charge of interferences. I wondered whether that was fixing a new fee outside of the scope of this act.

Mr. NOLAN. No; the law provides now as to fees both in patents and trade-mark cases. The registration only applies to this act. The registration of a trade-mark in the Patent Office does not give the registrant any advantage until finally approved.

Mr. WALSH. It seemed to me that there ought to be in there somewhere the words "on filing an appeal under the provisions of this act."

Mr. NOLAN. I think perhaps that amendment ought to be made.

Mr. WALSH. Mr. Chairman, I offer the following amendment: After the word "appeal," line 15, page 5, insert the words "under this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 15, after the word "appeal," insert the words "under this act."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. NOLAN. Mr. Chairman, I move that the committee do now rise, report the bill to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9023, and had directed him to report the same back with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. NOLAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and (on a division, demanded by Mr. BLANTON) there were—ayes 65, noes 3.

So the bill was passed.

On motion of Mr. NOLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Has the gentleman from California any further business from the Committee on Patents?

Mr. NOLAN. Nothing further.

The SPEAKER. The Clerk will call the roll of committees.

HONORABLY DISCHARGED SOLDIERS.

The Clerk called the Committee on Invalid Pensions.

Mr. FULLER of Illinois. Mr. Speaker, I call up the bill (H. R. 11449) providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 11449, and under the rule the House will resolve itself automatically into the Committee of the Whole House on the state of the Union, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. It has been ruled that that can not be done on Calendar Wednesday. The House must resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11449, with Mr. TILSON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That every person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service; and any widow or former widow of such person shall be entitled to be paid a pension at the same rate as is paid to widows or former widows of soldiers, sailors, and marines who served in any such war for 90 days or more and were honorably discharged therefrom: *Provided*, That no pension under any general or special act shall be reduced by anything in this act contained.

The CHAIRMAN. Under the rule there are two hours of general debate to be confined to the bill. The gentleman from Illinois is recognized for one hour.

Mr. FULLER of Illinois. Mr. Chairman, I do not wish to take more than a moment in explaining this bill. Under all recent legislation widows' pensions are based on the service of the soldier for 90 days or more and an honorable discharge. The occasion for introducing this bill is a decision of the Pension Bureau or the Department of the Interior that a widow whose soldier husband died in the service of his country can not receive a pension under the act of September 8, 1916, because the soldier has not been honorably discharged technically. It seems to me that a man who was killed or who dies in the service of his country should be considered to be honorably discharged and that the widow should have a pensionable status as well as widows of those who served for 90 days or more. That is all there is in the bill.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Illinois. Yes.

Mr. WALSH. This provides that anyone killed during any war shall be so considered. Would not that give the widows of the soldiers killed in the late war a further pensionable status in addition to what is provided under the war-risk act?

Mr. FULLER of Illinois. I do not think so. The last clause of the bill I think would cover that. It provides simply that the widows of soldiers who died in the service shall be pensionable the same as the widows of those who served for 90 days or more, as provided under existing law. The widows of the soldiers of the late war are not pensioned. They receive compensation.

Mr. WALSH. Of course there is a pension, and we will be legislating to that effect before long. It is called compensation now, but it is under a law which gives them certain benefits. I was wondering if they are receiving that benefit whether under this law they might not come in for additional benefits.

Mr. FULLER of Illinois. The law already provides that they can receive but one pension, and it is held by the Pension Bureau that a widow or anyone receiving compensation from the Pension Bureau can not at the same time receive a pension.

Mr. WALSH. Suppose she is receiving compensation from the War Risk Bureau?

Mr. FULLER of Illinois. It would not make any difference. That fact would be ascertained before the application for the pension is acted upon by the pension officials.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Illinois. Yes.

Mr. McLAUGHLIN of Michigan. I received a letter this morning stating that compensation would be allowed either to a soldier or the widow of a soldier, even if a pension were drawn by the one who has applied for compensation.

Mr. FULLER of Illinois. I think that has been the ruling of the War Risk Bureau, while the Bureau of Pensions rules otherwise.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Illinois. Yes.

Mr. CRAMTON. I would like to ask the gentleman from Illinois whether this law would in his opinion apply to this case: Take a soldier who enlisted in the Civil War and who deserted from that enlistment, who then reenlisted soon thereafter and served out the balance of the enlistment and thereafter died of wounds or sickness contracted in the service. Would the widow of such a man receive the pension by virtue of this proposed law?

Mr. FULLER of Illinois. I think she would.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Illinois. Yes.

Mr. SANFORD. I have a somewhat lengthy statement, but the gentleman has time enough. In the work on the Military Committee, the subcommittee on desertions has found quite a few cases which seem to me ought to be considered by the gentleman's committee. Yesterday the subcommittee had a case which I think should be included in this bill. The applicant was the widow of a soldier who was honorably discharged, as appeared by the records of the War Department, and who at the time of his death was drawing a pension, but when the widow applied for a pension the Pension Bureau looked up his record and found a record of a court-martial proceeding against him in 1865, and although for 20 years he drew a pension, yet because of the record of the court-martial they refused a pension to the widow. Our committee would be expected to pass favorably on such a case, and I am sure the House would pass favorably upon it. The court-martial offense was trivial, away back in 1865, but that mark against her husband, who himself did not suffer from it all his life, is now brought up to keep the widow from getting a pension, and for eight years she has been trying to get consideration at the hands of Congress.

Mr. FULLER of Illinois. The Committee on Invalid Pensions has had under consideration a bill that would cover precisely those cases, and I have just received a communication from the Commissioner of Pensions indorsing the bill, and I think it will be passed.

Mr. SANFORD. It seems to me it would be a good time to pass it now, and it seems to me that all that would be necessary would be to offer an amendment after the word "service," in line 6, as follows: "or who at the time of his death was drawing pension for such service."

In other words, the pensionable status of the husband should cover the question of service as far as the widow is concerned, it seems to me.

Mr. FULLER of Illinois. It seems to me that the bill is broad enough to cover the case.

Mr. SANFORD. I think not, and I have examined it for that purpose. In the case I have in mind the soldier was wounded. In order to bring the widow under this bill it will be necessary to show that he died of his wounds. If the gentleman will accept my amendment, I will try to get it into form.

Mr. FULLER of Illinois. I will accept the amendment if the gentleman will draw it.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. FULLER of Illinois. Certainly.

Mr. HULINGS. Under the law at present if a soldier has been court-martialed and the sentence of the court is anything short of dishonorable discharge does that in any way affect his right to a pension?

Mr. FULLER of Illinois. I do not think it would under existing law. I do not think that a case would lie at all.

Mr. Chairman, if any gentleman desires time, I will yield.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCKENZIE, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2476. An act to amend the act establishing the eastern district of Kentucky; and

S. 3427. An act to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, had requested a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. MCNARY, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns to construct, maintain, and operate a toll bridge and approaches thereto across the White River, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDER, Mr. EDGE, and Mr. KIRBY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

An act (S. 3331) granting the consent of Congress to the Interstate Construction Corporation to construct a bridge across the Columbia River, between the States of Oregon and Washington, at or within two miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States.

The message also announced that in accordance with the provisions of the concurrent resolution of January 15, 1920, providing for a commission of Congress to visit the Virgin Islands the Vice President had appointed Mr. KENYON, Mr. EDGE, and Mr. GAY as members on the part of the Senate.

HONORABLY DISCHARGED SOLDIERS.

The committee resumed its session.

Mr. BLANTON. Mr. Chairman, I am opposed to the bill, and I ask recognition in opposition to it.

The CHAIRMAN. Is there a member of the Committee on Invalid Pensions who is opposed to the bill and claims recognition? If not, the Chair will recognize the gentleman from Texas.

Mr. BLANTON. Mr. Chairman and gentlemen, the point raised by the distinguished gentleman from Massachusetts [Mr. WALSH], who is one of the ablest lawyers in this House, is a good point in my judgment, regardless of the opinion of the chairman. There can be no question but that under the terms of this bill the widow of every soldier in the late war, notwithstanding the fact that she now may be drawing her $10,000 of insurance, which was provided by Congress to take care of the ordinary pensionable status that otherwise should properly attach to such death, and notwithstanding the fact that in addition to the $10,000 insurance she may now be drawing the additional compensaion from the War Risk Bureau, based upon dependency, that is provided for in another feature of that law, in addition to both of such monthly remittances she is now receiving, she will yet be pensionable under the terms of this bill. Because her husband died in a war or died from wounds inflicted in this war, what takes her out of the terms of this bill? I ask the chairman to point us to the provision of this bill that exempts her from its terms?

Mr. DOWELL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. DOWELL. You would not want to deprive the widow of receiving the insurance money, would you?

Mr. BLANTON. Oh, no; I want her to receive it.

Mr. DOWELL. But he paid for that, just the same as if he were in civil life.

Mr. BLANTON. The gentleman surely does not believe that.

Mr. DOWELL. He paid for the insurance, certainly.

Mr. BLANTON. The gentleman is too good a business man, he is too intelligent, he has too much knowledge concerning the insurance business of this country, to believe that that was a business transaction between this Government and our soldiers who took out the policies. Why, the gentleman knows that for an insignificant monthly payment, wholly incommensurate with the risk and hazard, this Government provided insurance to men whose hazard no business institution of the country anywhere or in any of the civilized nations of the world would have accepted for any kind of a premium. The gentleman knows that. It was more of a gift, it was more of a gratuity, on the part of this Government, to our splendid soldiers who risked their lives in the trenches of France.

But I want to get some information. The chairman of the committee in reply to the distinguished gentleman from Massachusetts said that these widows would not draw a pension under this bill. Now, I ask him if he can show me the provision in this law that exempts them?

Mr. HULINGS. Will the gentleman from Texas permit a question?

Mr. BLANTON. I will.

Mr. HULINGS. Suppose a man who has been a good soldier during the Civil War——

Mr. BLANTON. Let us get away from the Civil War now and get down to the more recent war.

Mr. HULINGS. Suppose he dies, leaving a widow, and under our pension laws he has been entitled to $12 a month—recently increased to $25—and the widow has a son that went into the recent service, and he bought insurance, and entered into a contract with the Government——

Mr. BLANTON. I anticipate the gentleman. She ought to draw the Civil War pension, and ought also to draw her insurance, and ought to draw the compensation, if she were dependent, because she lost her husband in the Civil War and she lost her son in the late war with Germany. She ought to draw it all.

Mr. HULINGS. In that case, why are you against the bill?

Mr. BLANTON. Because my good friend's illustration doesn't apply. This bill is brought here under the statement of the chairman that it does not apply to the widows who lost their husbands in the late war against Germany.

Mr. FULLER of Illinois. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. FULLER of Illinois. In order to avoid any question about that, I will offer an amendment providing that no widow who receives compensation on account of service in the late war shall be pensionable under this act.

Mr. BLANTON. I feel grateful to the chairman for such assurance. The bill as drawn says "any war." It takes in the late war with Germany as well as the Spanish-American War, as well as the Civil War, as well as the Mexican War, and as well as any war of conflict with which this country has ever been afflicted. With such an amendment properly drawn it will get rid of that question.

But I want to call the chairman's attention to another defect in this bill. Say a man did not volunteer in the Civil War to protect his country. And right here I want to say this: My father, as a volunteer, served four years as a Confederate soldier.

I was brought up in an atmosphere that surrounded such a service, and revere, love, and honor the lost cause for which my father bravely fought; but do you suppose I am not glad of the termination of that war in the way it did terminate? Why, as an American citizen, I am now glad of it. [Applause.] Our beloved Republic was preserved and slavery abolished. I am glad of it, although it meant great suffering and enormous financial sacrifice to my family and to the people of my particular section of the country and the fair Southland. But I am an American citizen; and I believe that if my father were

alive—my father, who voluntarily served four years his cause conscientiously and lost—he would be glad that I have that kind of spirit of Americanism in me now.

But I want to say this: Suppose you find a man who had been drafted into the service of his country to protect his flag—not volunteered, but drafted into the service—and incidentally he got sick or was wounded, superficially or otherwise, and then he deserted at the first opportunity. Instead of fighting for his flag, instead of rendering service—patriotic service—to his country, he deserted and slunk around for months hiding. Then when the war was over, why, possibly, he died from those wounds not voluntarily received in the service for his country, or died from some disease contracted, possibly, in the service and in his hiding. Under the provisions of this bill his widow could come in here now and claim a pension from this Government.

SEVERAL MEMBERS. Oh, no.

Mr. BLANTON. Oh, yes. Why not? This bill gives him an honorable discharge. He does not have to have an honorable discharge under this bill. Read it. This bill itself is, ipso facto, an honorable discharge in just such a case as I have mentioned, because it says that "if he died from wounds received while in the service of his country or if he died from disease contracted while in the service of his country," regardless of how or when it was contracted, regardless of how long he was a soldier serving his flag, or whether thereafter he was a slinking deserter, yet his widow could come in at this late hour, after half a century has passed, and have the United States Government pay her a pension of at least $25 a month.

Mr. LAYTON. Mr. Chairman, will the gentleman yield for a moment?

Mr. BLANTON. Gladly.

Mr. LAYTON. Does it not say that he shall be deemed to have been honorably discharged?

Mr. BLANTON. That is the law that you are asking us to pass—that we shall deem him to be honorably discharged, regardless of his having been a deserter, even if he was a deserter, even though the wound he received was received while he was not voluntarily serving his country, even though the disease he contracted was not contracted while he was voluntarily serving, but was contracted when he had an intention in his heart to desert at the first moment, though at the time serving under leash, and did desert, and did thereafter slink away from the officers of the law who were seeking to bring him back into the service. It is to such a man as that that we give, under the terms of this bill, an honorable discharge; and it is to the widow of such a man that we pay a pension of at least $25 a month.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RICKETTS. Would not the records of the War Department show whether the man had deserted and whether he was killed in the service? That is the intention of this bill. Let the gentleman go to the War Department and ask The Adjutant General to give him the service of any soldier of the Civil War. If he was a deserter, the record would show it.

This bill does not undertake to establish an honorable discharge for a deserter, or to give him an honorable discharge. This is to provide for the widow or dependents of the man who lost his life on the field of battle or in the service of his country, and where the record shows he died in battle. The chairman of this committee has an opinion by the Commissioner of Pensions, where he has held up a widow's claim for pension on the theory that the man was killed in battle, in the service of his country, and never was discharged, and consequently she can never get a pension. That is the purpose of this bill—to cure that defect.

Mr. BLANTON. Mr. Chairman, I have become discouraged in the efforts I have made here to keep at least a few of my Republican colleagues on the floor of the House, because the distinguished gentleman from Ohio [Mr. RICKETTS], who has just interrupted me, is the only one of my Republican colleagues who in the last session of Congress missed not a single roll call. He has been here all the time—that is, when roll calls are going on, at least—but it has not seemed to have done him much good, because being here at this time, with a small bill like this in front of him, written in the English language, he does not seem to be able to understand what it means, and he does not seem to be able to apply it to the facts of any particular case that could come within its provisions.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In one moment. Let me answer my friend from Ohio first.

What does this bill provide? It provides that the widow of any man who was in the service of the United States in any war—whether it was service for one minute, five minutes, or a day, or a week, or a month, it matters not—any service for any time in the United States during any war——

Mr. RICKETTS. Mr. Chairman, will the gentleman yield again?

Mr. BLANTON. I have not answered the gentleman yet.

Mr. RICKETTS. The gentleman wants to be fair, does he not?

Mr. BLANTON. Yes.

Mr. RICKETTS. Why does not the gentleman quote the bill, then?

Mr. BLANTON. Mr. Chairman, I decline to yield now until I fully answer the gentleman.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. That is what the bill provides. It says that, when you find such a widow, this law that we are called upon to pass now is to grant ipso facto to her soldier husband an honorable discharge and place the widow in the pensionable class, to draw at least $25 a month from this Government——

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. I want to answer the gentleman from Ohio before I quit—if her husband died from wounds received or disease contracted while in the service, and this, too, regardless of the length of time he served, or of whether he deliberately deserted thereafter. Here you may have a man who was drafted in the Army of the United States during the Civil War, who did not volunteer. He did not come in willingly. He did not have a spark of patriotism in his bosom. He did not want to serve, but he was drafted into the Army during the Civil War and made to serve. This drafted man is taken to camp. He had an intention right then and there to desert at the first opportunity. In a possible effort to find a way of deserting, he is out in the cold some night and contracts a cold, and probably it is followed by pneumonia or something, and probably by other complications that develop a chronic disease in his system; or he is possibly forced out on the line, and in a week's time receives some kind of wound. Then, with less than a week's service—it could so happen—he deserts his Army, he deserts his country and his flag, and flees in hiding; he has not got a spark of patriotism in his bosom; and then he hides out for months and months and months in the mountain fastnesses and in the swamps; then years after dies from the alleged result of said wound or said disease——

Mr. SMITH of Idaho. Mr. Chairman——

Mr. BLANTON. Just a moment. I am going to fully answer the gentleman from Ohio [Mr. RICKETTS] if it takes a week. I ask the chairman of this committee what would keep that man's widow from coming within the pensionable status of this bill? Tell me why under the loose provisions of this bill that man's widow would not draw a pension if he died from that disease in that kind of service, or if he died from the result of a wound received in that kind of service? A deserter, yet wounded in or diseased by service? Yet a deserter! The chairman does not answer, but I know my distinguished lawyer friend from Massachusetts must agree with me that that is a legal construction of this bill applicable to a possible state of facts. Now, I yield to the gentleman from Ohio for a minute, if I have done him an injustice.

Mr. RICKETTS. Well, the gentleman has. The bill provides—

That every person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service.

Mr. BLANTON. Yes.

Mr. RICKETTS. He must have been in the service, and if he was a deserter he was not in the service, and consequently the gentleman's argument falls flat. Did I understand the gentleman to say that any man who was drafted to serve his country had not a spark of patriotism in his bosom?

Mr. BLANTON. Oh, no; I did not say anything like that.

Mr. RICKETTS. What did the gentleman say about that?

Mr. BLANTON. I will tell you if you will just be seated. In the first place, a man could come within the provisions of the bill quoted and yet be a deserter. If a man was drafted into service, even though when he was drafted he might have had the intention then and there to desert at the first opportunity, yet if he was drafted into the service and sent to camp and served a week or a day or 10 hours after being drafted and then deserted, he was, nevertheless, in the service of the United States and comes within the provisions of this bill, and you can not get away from that.

Mr. VAILE. Will the gentleman yield to me for a moment?

Mr. BLANTON. Yes; but first I want to fully answer the gentleman from Ohio. What I said about a drafted man was purely a possible hypothetical case that could arise in this country or might have existed during the Civil War and come within the provisions of this bill. It had no reference to the many loyal, patriotic men, even in that war, who were drafted. It had no reference to the splendid young soldiers of America who were drafted in the recent war and who loyally served their country.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. In just a moment. I am going to answer the gentleman from Ohio [Mr. RICKETTS] if it takes all my hour. Then I am going to yield first to my friend from Colorado [Mr. VAILE]. Now, does the gentleman from Ohio get this fact, that if a man who was drafted into that Army, served an hour or a day or a week, and then deserted, he was in the service?

Mr. RICKETTS. He was in the service as long as he stayed in it.

Mr. BLANTON. But suppose he afterwards deserted?

Mr. RICKETTS. Then he was out of the service.

Mr. BLANTON. But he had served in a war, had not he?

Mr. RICKETTS. Oh, yes; but he was not wounded.

Mr. BLANTON. But suppose he was wounded during that hour or that day or that week of forced service. This bill makes no distinction.

Mr. RICKETTS. He would not be a deserter if he was killed in the service and went out of it in that honorable way.

Mr. BLANTON. But suppose after being drafted——

Mr. GARD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GARD. It is certainly not in the interest of decorum that there should be colloquy between gentlemen in the way this is going on—one standing and one sitting.

Mr. BLANTON. I am not responsible for the gentleman from Ohio remaining in his seat.

The CHAIRMAN. When a gentleman interrupts he must rise and obtain the permission of the Chair.

Mr. RICKETTS. I hope my colleague from Ohio [Mr. GARD] will observe what actually happened. I did not interrupt the gentleman by asking him a question. He came over and asked me a question.

Mr. BLANTON. My hearing must have been at fault. I was under the impression that the gentleman asked me several questions.

Mr. RICKETTS. When I was sitting down the gentleman asked me a question.

Mr. BLANTON. I had no way of compelling the gentleman to rise to answer me. I had to leave that to his own discretion and courtesy.

Mr. RICKETTS. The gentleman does not owe me any apology. He owes his apology to the gentleman from Ohio [Mr. GARD].

Mr. BLANTON. I take it I have answered the gentleman, that if a man who was drafted into the service during the Civil War served an hour or a day or a week, and during that short service he was wounded or contracted a disease from either of which later on in life he died, that man was in the service of the United States in a war, and even though he became a deserter, he comes within the provisions of this bill, which gives him an undeserved honorable discharge and which gives his widow a pensionable status, and thus rewards desertion. Now, I yield to the distinguished gentleman from Colorado.

Mr. VAILE. I think I appreciate the point which the gentleman is arguing so ably, but let me suggest this: Desertion fixes a legal status. It constitutes a dishonorable separation from the Army. It is an affirmative act constituting a dishonorable separation.

Mr. BLANTON. Under the existing law that is true.

Mr. VAILE. Exactly.

Mr. BLANTON. But when we pass this bill we change the present law and give that man an honorable discharge regardless of his subsequent desertion.

Mr. VAILE. If the gentleman from Texas was on the bench deciding the question as to whether a man who by his own unpatriotic act had acquired the status of a dishonorably discharged soldier he would decide that no subsequent legislation of a general character designed to reach the cases of men killed in action or who died as the result of wounds or disease contracted in the service, could affect that man's status. It seems to me that where a man has acquired the distinct legal status of a dishonorably discharged soldier that would not be affected by this bill which is general in its terms.

Mr. BLANTON. Now, I will answer the gentleman. Under the existing law any man who deserted his country is not entitled to a pensionable status, and that ought to be the law and it ought to remain the law. But read this bill. It is easily understood. It is a short bill in plain, simple English. Its provisions mean that if any man ever did any service for this country in any war, regardless of whether he deserted or not, there is no exemption made with regard to desertion, and he dies from wounds or disease contracted while in the service his widow is paid a pension, notwithstanding the fact that before the war closed this man became a deserter and hid out from service. You can not get away from this construction of the bill, gentlemen, and if it is passed in its present form some widows of deserters will be paid pensions.

Now, the gentleman asks what would I do if I were on the bench construing the bill.

Mr. VAILE. In the case as presented where the widow of a soldier is the widow of one who by his own act acquired a definite legal status, with all the disabilities of a discharged soldier.

Mr. BLANTON. If I were on the bench I would carry out the law whether it conformed to my own ideas or not.

Mr. VAILE. We know that the gentleman would do that anyway.

Mr. BLANTON. When I was on the bench at one time in my life the law of the State of Texas provided that in order to introduce a deed to a man's home, to prove his title in some cases, he must file it among the papers of the case three days before the trial commenced and give the opposite counsel notice of that filing. Otherwise you could not introduce such deed in evidence. Such a case as that came up in my court, where one shrewd lawyer was trying to take advantage of a less-informed young lawyer. A man's home was involved and the roof that covered and sheltered the heads of his wife and children was the stake. It was my duty under the law not to admit his deed in evidence and to let a scoundrel take his property. I had to hold that he could not offer his deed. But I will tell you what I did do, my good friend from Colorado, I took the bit in my mouth and I said that all announcements in this case are withdrawn and the case is continued until the next term of court for trial.

Mr. VAILE. And I have no doubt that gentleman will find some equally simple and reasonable way of settling the difficulty that I have suggested. [Laughter.]

Mr. BLANTON. No; you could not do it, because the Pension Department does not sit as a judge. It sits to carry out the will of this Congress expressed in laws, and it is our duty to pass proper laws. If this bill does mean what I say it means, and no good lawyer in this House can escape the legal point I have made—if it does mean what I say, do you want to give that class of widows a pensionable status? If you do, vote for it; that is all. The distinguished chairman of the committee has admitted that the first point I made is good and has admitted that he will offer an amendment to cure it. If the second point is good, why not offer an amendment to cure that. I do not care to take up further time of the House, Mr. Chairman and gentlemen. I have taken what time I have in a zealous effort to discharge my duty as a Representative of the people of this country, and I yield the floor.

Mr. FULLER of Illinois. Mr. Chairman, I will yield five minutes to the gentleman from Texas [Mr. BEE]. I see, however, that he is not just at present in the Chamber.

Mr. BLANTON. Mr. Chairman, I reserve the balance of my time. I want to yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. SMALL. Will the gentleman yield to me to make a unanimous-consent request?

Mr. BLACK. Certainly.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. When the gentleman from Texas [Mr. BLANTON] left the floor he yielded the floor. Later on he reserved his time, and I want to know if that can be done; not that I have any objection, but I want to know as a matter of parliamentary practice.

Mr. BLANTON. Mr. Chairman, I was not aware that any other gentleman wanted to speak.

The CHAIRMAN. The Chair's recollection is that when the gentleman left the floor he yielded the floor. No one made any claim for further time, and then the gentleman renewed the request that he be allowed to reserve the balance of his time and yield to the gentleman from Texas [Mr. BLACK], and no objection was made.

Mr. KEARNS. I have no objection, I merely rose as a matter of information—whether a Member could yield the floor and then later on take it back and reserve the balance of his time.

The CHAIRMAN. There was no objection made to it at the time, and the Chair could have again recognized the gentleman from Texas.

Mr. BLACK. Mr. Chairman, I would like to ask the chairman of the committee [Mr. FULLER] about the language of the bill. I notice that the language of the bill provides that a soldier, sailor, or marine killed in action shall be deemed to be honorably discharged from the service. Is that not the law at the present time? If a soldier is killed in action, is he not deemed to have an honorable discharge by the very fact of his death?

Mr. FULLER of Illinois. Not under the recent pension legislation. It requires the service of 90 days and an honorable discharge from such service.

Mr. BLACK. Does the gentleman mean to say that under the pension act if a soldier of the Civil War had enlisted on the 1st of April and was killed during that month that his widow would not have a pensionable status under the act the gentleman speaks of?

Mr. FULLER of Illinois. Not under the act of September 8, 1916. The report contains a copy of the opinion of the Pension Bureau denying pension to a widow whose soldier husband died in the service, and therefore was not discharged.

Mr. BLACK. In another part of the bill it provides that this pension shall be paid to the widow or a former widow of such person. If that widow had remarried, I presume as long as the second marriage relation exists she would not be held to be a former widow?

Mr. FULLER of Illinois. Certainly not.

Mr. BLACK. Of course, if she should be divorced from that soldier or he should subsequently die, she would become the former widow of the soldier.

Mr. FULLER of Illinois. That would bring her under the provisions of the Ashbrook law.

Mr. BLACK. That is the construction of that law as now interpreted by the Pension Department?

Mr. FULLER of Illinois. Yes.

Mr. BLACK. I yield back the rest of my time.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Illinois. Yes.

Mr. GARD. I am interested in having the benefit of the gentleman's opinion regarding this bill. Manifestly it would seem to me that a soldier in any war in defense of the Union, who was killed in action or who died of wounds incurred or disease contracted in the line of service, would be an honorably discharged Union soldier. It is the gentleman's contention that the Bureau of Pensions has held that under the act of September 8, 1916, unless there be 90 days' actual service, there is no pensionable status?

Mr. FULLER of Illinois. And a technical discharge.

Mr. GARD. Let me call the gentleman's attention to a case which I have in mind, if the gentleman has time to enlighten me. A man was a member of the United States Army, on his second enlistment, and was sent into the Battle of San Juan as a member of the Regular Army on second enlistment. He was shot in the foot and in the thigh on, say, July 1 or 2 in 1898. He was not discharged from the Regular Army until January, 1899, when he was discharged for medical disability. There was a ruling from this same department, under this law, I apprehend, that he had no pensionable status, nor had his minor children a pensionable status, because it was held that he had not served actually 90 days in what they termed "active service." The point I have in mind is this: Where one is injured in the service and is confined in a hospital because of gunshot wounds received in action, does not that constitute active service?

Mr. FULLER of Illinois. I should think so.

Mr. GARD. This soldier of the Spanish-American War, on second enlistment, Regular Army man, was wounded and compelled to retire from active service before he had served on this second enlistment actually 90 days. He was not discharged until some six months after that, and then was discharged for medical disability, but the contention of the examining board was that he had not served 90 days' active service at the time he received the wounds which made his absence necessary from the firing line. Is there anything in this bill which would correct such a state of affairs?

Mr. FULLER of Illinois. The gentleman could form an opinion on that as well as I. I do not know.

Mr. VAILE. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. FULLER of Illinois. Yes.

Mr. VAILE. Let me suggest to the gentleman from Ohio [Mr. GARD] that I think he will find that arises from what seems to some of an injustice in the pension law, providing that in case of Regulars their service must have been 90 days' active service, which is construed by the Pension Department to have been service at the scene of action in the Spanish War. I have a bill pending which I have introduced which seeks to correct that.

Mr. GARD. That is unquestionably a defect, because it seems to me that if a man is injured in the service and is compelled to retire from the fighting front and go to a hospital for 60 or 80 days, that certainly should be construed as being military service, because he is absent from the conflict through the injury that he received in action.

Mr. VAILE. That is a very glaring case of it. I contend that if he was in the United States, and never could have been at the Battle of San Juan at all, he should have a pensionable status.

Mr. GARD. I have not had the privilege of seeing the gentleman's bill, but it seems to me that there is a manifest injustice about the right of the Regular Establishment of the Army of the United States in the case I have cited.

Mr. FULLER of Illinois. It is very difficult to cover all of those cases in one bill. If the gentleman can suggest any amendment, I do not know but that it might be agreeable.

Mr. Chairman, I ask for the reading of the bill for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That every person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service shall be deemed to have been honorably discharged from such service; and any widow or former widow of such person shall be entitled to be paid a pension at the same rate as is paid to widows or former widows of soldiers, sailors, and marines who served in any such war for 90 days or more and were honorably discharged therefrom: *Provided*, That no pension under any general or special act shall be reduced by anything in this act contained.

Mr. FULLER of Illinois. Mr. Chairman, I move to amend, on page 1, line 4, by inserting the words "prior to April 6, 1917," after the word "war."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 4, after the word "war," insert "prior to April 6, 1917."

Mr. DAVIS of Tennessee. Mr. Chairman, I make the point of order against the bill. I tried to get recognition of the Chair before the chairman of the committee was recognized. I make the point of order against the bill on the ground that it is reported out by the Committee on Invalid Pensions, which has no jurisdiction except upon Civil War pensions, and this bill undertakes to cover pensions in other wars.

Mr. BLANTON. I make the point of order that the point comes too late, debate having ensued on the bill.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Chairman, this is a bill which embodies some features over which this committee has jurisdiction. That being true, the Members of the House are not supposed to know the contents of the bill until they have heard it read. There was no opportunity to make the point until we knew the contents of the bill. I think the same question has arisen before, at which time a decision was rendered by the gentleman from Virginia [Mr. SAUNDERS], who was presiding. The point was made that the point of order came too late, but the Chair at that time held that it was a point that could be made even after the bill was read and had been debated.

The CHAIRMAN. The Chair will hear the gentleman from Texas if he wishes to be heard on his point of order.

Mr. BLANTON. Mr. Chairman, the rules and precedents of the House clearly provide that no point of order against an entire bill is good where debate on the bill against which the point of order has been made has been had. This is likewise true as to a section of a bill, where debate has been on the section before the point of order has been lodged against it. That is a rule which is well recognized by the House, and I think it has been so decided by the present occupant of the Chair.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. FULLER] on the point of order.

Mr. FULLER of Illinois. Mr. Chairman, in my opinion, the point of order comes too late, if it were made. I do not think it is good in this particular case. If of this bill the Com-

mittee on Invalid Pensions does not have jurisdiction, I do not know what committee would have. The bill relates more particularly to the Civil War than to any other war. The cases referred to in the report are Civil War cases. I do not know whether there are other cases or not, but I presume there might be. Certainly as to so much of the bill as has reference to the Civil War, the Committee on Invalid Pensions has jurisdiction. The bill, of course, goes further than that, but no other committee would have exclusive jurisdiction of this bill. The other Committee on Pensions has jurisdiction only of cases other than the Civil War.

Mr. BLANTON. Mr. Chairman, I wish to state further that the jurisdictional question must be raised at the time the bill is taken up for consideration. In other words, this bill could come from any committee, even that which has lately been denominated as the "Spare Rib Committee," and if no objection was raised against it, the point of order would come too late after debate thereon. And I call the attention of the Chair further to the precedent again established during the consideration of the railroad bill, when what is known as the Anderson substitute was under consideration. I made a point of order against the substitute, and the Chair held at that time that because debate had ensued upon the substitute before point of order was made, the point of order came too late. That has been the uniform ruling of the House for several years.

Mr. SAUNDERS of Virginia. Mr. Chairman, I understand that the Chair is entertaining this point of order?

The CHAIRMAN. The Chair is hearing arguments on the point of order, and will hear the gentleman from Virginia.

Mr. SAUNDERS of Virginia. With reference to the point of order raised by the gentleman from Texas [Mr. BLANTON], I wish to say that of course everyone agrees that after debate has begun it is then too late to raise a question of order, provided, of course, that the following state of facts does not exist, namely, that a Member at the time was seeking to make the point of order, was on his feet, and doing his best to secure the attention of the Chair. If a Member was making this effort, and was inadvertently overlooked by the Chair, then I undertake to say, that under such circumstances the presiding officers have not been in haste to exclude the question of order. That is precisely as I understand this situation to be.

Mr. BLANTON. No, Mr. Chairman, because the distinguished chairman of the committee was recognized for an hour and used most of his hour. I was recognized for an hour, and I used a great portion of such time. The gentleman from Texas [Mr. BLACK] was recognized for five minutes, and used his time, and never during any of such long debate did the gentleman from Tennessee [Mr. DAVIS] ask recognition to make the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] has stated the facts so far as the observation of the Chair is concerned.

Mr. SAUNDERS of Virginia. I understand that what has been stated as to general debate is perfectly true, but I understand further that we are now considering the bill for the purpose of amendment, and this is therefore the first point of time at which the gentleman from Tennessee could raise a question of jurisdiction with respect to certain items in the bill.

I understand that the gentleman from Tennessee was seeking recognition to make his point of order, was on his feet, and the Chair recognized the chairman of the committee, not observing that the gentleman from Tennessee was seeking recognition to make a point of order.

The CHAIRMAN. The Chair understands the gentleman from Tennessee made the point of order against the entire bill because it was reported by a committee that had no jurisdiction over the matter contained in it.

Mr. SAUNDERS of Virginia. I understand that he is now directing a point of order to those portions of the bill which are in excess of the jurisdiction of the committee.

The CHAIRMAN. The gentleman should proceed to point that out.

Mr. SAUNDERS of Virginia. I agree that is what he should do. I would like to understand the exact status. If I am under misapprehension as to the facts——

Mr. RANDALL of California. May I suggest to the gentleman that no Member has made the point of order that the Committee on Invalid Pensions had no jurisdiction of the bill while the bill was in the hands of the committee? The committee is in charge of the bill now, and the committee is in the hands of the House.

Mr. SAUNDERS of Virginia. I understand that very well. Mr. Chairman, if I have the facts correctly in hand, this is a bill which in part contains matter appropriate to the jurisdiction of this committee, and in part contains matter that appropriately belongs to other committees. The gentleman from Tennessee [Mr. DAVIS] is making a point of order solely to those portions of the bill which are in excess of the jurisdiction of this particular committee, not undertaking, of course, to raise any question of order as to the portions of the bill which the Committee on Invalid Pensions could appropriately consider and report. If that is the situation, if I am correctly advised as to the facts, then I desire to be heard on the point of order to the illegal matter in this bill.

Mr. RUCKER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. RUCKER. Suppose the bill were amended so as to make it apply solely to Civil War soldiers, then the Committee on Invalid Pensions would clearly have jurisdiction over it. If the bill had been brought in without the language in it making it applicable to the Spanish-American War soldiers, would it not be competent for this committee to amend the bill and put it in the form in which it is now?

Mr. SAUNDERS of Virginia. I do not know that I understand the question. If the Committee on Invalid Pensions had brought in a bill which dealt with subject matter belonging to its jurisdiction such a bill could not be amended in order by adding matters not belonging to its jurisdiction, but appropriate to the jurisdiction of other committees.

Mr. RUCKER. Not subject to the jurisdiction, but belonging to the general idea of the bill?

Mr. SAUNDERS of Virginia. Such additions would not be germane. Matters belonging to and falling within the jurisdiction of one committee could not be germane to matters falling within and belonging to the jurisdiction of another committee.

Mr. RUCKER. That question could be raised in reference to every amendment offered to a bill.

Mr. SAUNDERS of Virginia. Not at all. I have frequently on this floor seen the chairman of the Committee on Appropriations come upon the floor of the committee, and make a point of order to particular items in bills under consideration on the ground that they belonged to the jurisdiction of his committee. On these contentions he was often sustained.

The CHAIRMAN. The Chair would like to ask the gentleman from Virginia when would be a proper time to make objection to the jurisdiction of the committee bringing in this bill?

Mr. SAUNDERS of Virginia. The proper time to make an objection depends upon the facts. If a bill which, as a whole, does not belong to the jurisdiction of some particular committee, is referred to that committee, and the steps contemplated by the rules to correct a reference are not taken in time, and the bill is reported back to the House, then the question of jurisdiction can not be raised at all.

If an error of reference is made with respect to a public bill, and such error is not corrected pursuant to section 832 of the rules, then the failure to take the course prescribed by this rule will in effect give jurisdiction to the committee receiving the bill. This practice rests upon sound principle. The motion to make the correction may be made by any Member asking unanimous consent, or on motion of the committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred. But if this action is not taken, the Members of the House will be considered to have slept upon their rights, and very appropriately will not be heard later. The opportunity for relief has been afforded by the rules, and if not availed of, the doctrine of estoppel should prevail.

But a different situation is presented when a committee brings into the House a bill containing matter upon which it is competent to act under the rules, and other matter which is in excess of its jurisdiction. The first opportunity to object to such illegal matter is when the bill is under consideration, and the offending section is reached. Suppose a bill is introduced which on the whole belongs to a particular committee, but it contains a measure of illegality, or of material appropriately belonging to another committee. The question of jurisdiction could not be waived under section 832 for the manifest reason that if it was referred to another committee, that committee would be confronted with precisely the same difficulty as the first. The only open course, therefore, upon such a state of facts is to refer the bill to the committee to which on the whole the bill belongs, upon the theory that this committee in its deliberations will purge the bill of the offending matter. Should it fail to do this, and return the bill with the offending matter retained, the opportunity will thereupon be presented to the House for the first time, to exercise its authority to keep its committees within the jurisdictional limits prescribed for the committees. To illustrate further. Suppose a bill should be introduced that in part plainly provided for Civil War veterans, and in other part for Spanish War veterans. That bill might be appropriately referred to the Committee on Invalid Pensions, nor would a motion lie under section 832 to refer it to the Committee on

Pensions, for the manifest reason that on the whole the Committee on Pensions would have no better right to it than the Committee on Invalid Pensions. But should the Committee on Invalid Pensions undertake to report a bill providing first for veterans of the Civil War, and then eo nomine for veterans of the Spanish-American War, it would as to the latter provision be plainly encroaching upon the jurisdiction of the Committee on Pensions. An action in excess of authority is certainly a question of order, and in due course should be reached and corrected by a point of order. The subject matter proper to be dealt with by the Committee on Invalid Pensions, are the pensions of the Civil War. Pensions of all other wars belong to the Committee on Pensions. Committees should not report bills dealing with matters foreign to their jurisdiction and authority. Should they undertake it, this exercise of usurped authority, should be challenged. How can it be challenged until the bill containing the offending matter is under consideration for amendment, and such matter is reached in due course?

Mr. FULLER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes; certainly.

Mr. FULLER of Illinois. What committee would?

Mr. SAUNDERS of Virginia. In the case supposed, either committee—yours as much as the other committee.

Mr. FULLER of Illinois. I agree with that proposition.

Mr. SAUNDERS of Virginia. But if in your committee you fail to purge the bill of the matter, not falling within your jurisdiction, and the bill is reported with this illegal content, then the House on a point of order can do what you should have done in the committee, namely eliminate the illegal matter.

That is all for which I am contending. Take another illustration: Suppose a bill appropriate to a committee, is referred to that committee. Later the committee reports the bill with a section added that upon inspection is plainly in excess of its jurisdiction. Is this assumption of authority, this action in contempt of the rules prescribing jurisdiction to go unchallenged? And if this illegality is challenged, how and when may that action be taken, save when the bill is under consideration, and by a point of order to the objectionable matter when it is reached in due course?

This has often been done in this body. As Chairman of the Committee of the Whole I have had to pass on this precise question. On September 19, 1918—see CONGRESSIONAL RECORD, page 10525—the House was in Committee of the Whole considering the revenue bill. Mr. WALSH of Massachusetts made the point of order that a paragraph of the bill did not relate to the revenue or bonded debt of the United States, and therefore was not within the jurisdiction of the committee reporting the bill. The rules of the House limit the jurisdiction of the Committee on Ways and Means, to the revenue, and the bonded debt of the United States. The paragraph complained of did not fall under either head, I ruled and I think correctly, that the point was well taken, and the offending paragraph should be stricken from the bill. The Committee on Roads is empowered to report on matters relating to the construction or maintenance of roads, but not to make an appropriation. Suppose this committee should report a road bill, and undertake to include an appropriation, would the chairman decline to entertain a point of order specifically directed to the appropriation, on the ground that the same was in excess of the jurisdiction of the committee? If the Chair would decline to entertain this point of order then in what way would this undertaking of the Roads Committee to become an appropriating committee be appropriately challenged?

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. WINGO. I am not familiar with this controversy. Does the gentleman contend that this committee is acting beyond its jurisdiction?

Mr. SAUNDERS of Virginia. Not altogether. Some of the matter in the bill, as I understand the facts, is properly under the jurisdiction of the committee.

Mr. WINGO. Then it is your contention that, having some portions of the bill falling within the jurisdiction of the committee that reported it, a point of order on the whole question of jurisdiction could not have been made in the beginning?

Mr. SAUNDERS of Virginia. Yes; a point of order on the whole question of jurisdiction could not have been made in the beginning. It could not have been appropriately made for the reason that there was no other committee to which the bill could be more properly referred than to this committee.

Mr. WINGO. Your position is that some portions of the bill do not fall within the jurisdiction of the committee, and the proper time at which to make the point of order against it is when that portion of the bill is reached to which the point of order lies?

Mr. SAUNDERS of Virginia. Precisely; and I challenge the contention that there is any other time at which it could be done.

This is the reason why, in a proper case for rereference, the motion must be made at the prescribed time. The rules fix the time for this motion. If you do not take advantage of your opportunity, then you have slept on your rights; you are guilty of laches; you have had your day in court. But with respect to a bill that has some particular content in it, not within the jurisdiction of a particular committee, there is no motion you can make when the bill is referred. Therefore you can not be charged with sleeping on your rights, when you raise a question against this illegal content in the Committee of the Whole.

Mr. WINGO. Mr. Chairman, will the gentleman permit another question?

Mr. SAUNDERS of Virginia. Yes.

Mr. WINGO. Do I understand that the part objected to as not being within the jurisdiction of the committee is a matter that it is contended no committee has jurisdiction of?

Mr. SAUNDERS of Virginia. No; the contention is that it is within the jurisdiction of other committees.

Mr. WINGO. I thought the question was raised as to what committee you would send it to.

Mr. SAUNDERS of Virginia. No. Suppose this question had been raised in the beginning. Part of the bill belongs to the Committee on Invalid Pensions, and part of it to the Committee on Pensions. On the whole the Speaker sends it to the Committee on Invalid Pensions. The Committee on Pensions could not sustain a claim for rereference, for on the whole it has no better claim to the bill, than the Committee on Invalid Pensions, and is no more empowered to deal with the compound subject matter of the bill, than the other committee.

Mr. WINGO. It occurs to me that if that happened in the committee you would not have a question of rereference, but the committee would decide, "While we have jurisdiction over certain portions of the bill, we will absolutely cut out the other portion of the bill, because we have no jurisdiction to consider that subject."

Mr. SAUNDERS of Virginia. That is precisely the point I am making—that no point of order can be made at the time of the original reference, and that it must be presumed that the committee in its own deliberations will eliminate that portion of the bill over which it has no jurisdiction. Should it fail to do this, then the House or the Committee of the Whole can act when the bill is reported and under consideration.

Mr. SANFORD. Then would you not have this situation, where the House never could consider matter in a bill if a point of order was made to so much of the bill as would be technically beyond the jurisdiction of the committee having the bill in charge?

Mr. SAUNDERS of Virginia. Not at all. That particular committee could not act on the offending matter, but the appropriate committee would have jurisdiction. I will illustrate again. The contention that I am making is that the Committee on Invalid Pensions should not include in a bill which it reports matter that belongs to the jurisdiction of the Committee on Military Affairs. The contention that I am making is that the Committee on Invalid Pensions should not include in its bills matter that belongs to the Judiciary Committee. Should it undertake to do this illegal thing, I contend that the House is not powerless to deal with the situation. Why do the rules establish the jurisdiction of the several committees if they may act unrebuked in excess of the prescribed limits? The rules prescribe in detail the jurisdiction of each committee. To what end, if they may pass these boundaries without restraint, or control by the House?

Mr. BLANTON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. BLANTON. Under the gentleman's contention we would have this state of facts: There has been a time when the House has authorized the Committee of the Whole to have as much as 12 hours' general debate on a bill, which sometimes takes 3 days. Then, under the gentleman's contention, a Member could come in here and sit quietly by and wait until three days have been consumed in general debate on a bill, and then when the bill was read under the five-minute rule he could get up and make the point of order that the committee reporting the bill did not have jurisdiction of it.

Mr. SAUNDERS of Virginia. Of course, he can, as to a particular section which does not fall within its jurisdiction.

Mr. BLANTON. And all that time would have been wasted.

Mr. SAUNDERS of Virginia. Not at all. Let me call the attention of the gentleman to the fact that I have seen him sit

here during debate, and later do that very thing after hours of general debate. When the consideration of a bill was almost concluded under the five-minute rule, I have seen him raise a point of order to a section of the bill on the ground that it was not in order, and have it stricken out.

Mr. BLANTON. Oh, yes; because it was an appropriation bill, and reservations of all points of order had been made against it when it was introduced on the floor; but if it was any other bill, the time for making the point of order would come when the section was read. Now, this point of order is to the whole bill.

Mr. SAUNDERS of Virginia. No; it is not to the whole bill. The chairman of the committee admitted that there was some matter in the bill that did not belong to the jurisdiction of his committee.

Mr. BLANTON. But I understood the gentleman from Tennessee to make a point of order against the whole bill.

Mr. SAUNDERS of Virginia. I do not so understand the situation. If that is the situation, then I have nothing to say.

Mr. BLACK. Will the gentleman yield for just one suggestion?

Mr. SAUNDERS of Virginia. Yes.

Mr. OSBORNE. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. OSBORNE. I do.

Mr. SAUNDERS of Virginia. I have not yielded the floor. I simply yielded to the gentleman from Texas for a question.

Mr. BLACK. I recall that in the consideration of an appropriation bill, unless points of order are reserved when the bill is presented to the House you can not make them when the bill is read. I remember one particular case when the Chair held that not having reserved points of order when the bill was reported to the House the points of order were waived, and I was wondering whether the same rule would apply in this particular case.

Mr. SAUNDERS of Virginia. Not at all. That provision as to reserving points of order applies exclusively to general appropriation bills. There is no reason in principle why the requirement should apply to these bills, but such is the practice. The gentleman will find on looking to section 6926 of Volume V of Hinds' Precedents that Mr. Speaker CANNON ruled upon a motion to go into Committee of the Whole for the consideration of bills on the Union Calendar from the District of Columbia, that it was not necessary to reserve points of order, as the bills in question were not general appropriation bills. To the same effect see section 6924. But in the latter case the Chairman clearly intimates that even as to general appropriation bills if the necessity for the reservation of points of order, in order to be able to make points of order upon the consideration of the bill, was presented as a new or original proposition, he would have no difficulty in holding that it was unnecessary. But the practice undoubtedly is that as to general appropriation bills all points of order must be reserved in advance. If points of order are not reserved when the bill is sent to the Committee of the Whole, then points of order may not be entertained in the consideration of the bill. See Volume V, Hinds', section 6923.

It therefore clearly appears that as to general appropriation bills, points of order must be reserved before the bill is sent to the Committee of the Whole, in order that questions of order against the contents of the bill may be raised in the committee. But this requirement does not apply to other bills that are committed to the Committee of the Whole. As to these bills, and the right to raise points of order upon their consideration in the committee, the Members have the same right as the Members have as to a general appropriation bill with respect to which points of order have been reserved. Now for an application of these principles, suppose a general appropriation bill is committed to the Committee of the Whole and all points of order are reserved. Upon consideration, if offending matter is found in the bill, whether matter appropriately belonging to other committees, or illegal matter of a different character, a point of order may be directed against it.

But if no points of order have been reserved, then points of order on consideration of the bill may not be made. The reservation of the points of order does not change the character or quality of the offending matter. It merely gives a Member the right to reach it, by a point of order. Now as other bills sent to the Committee of the Whole do not require this reservation, a Member upon the consideration of such bills has precisely the same right to reach illegal matter by a point of order that a Member has to take this course upon the consideration of a general appropriation bill, when all points of order have been reserved. Sections 6921, 6889, and 6891 of volume 5 of Hinds, and sections 4365 and 4372 of volume 4, have been cited to show that upon consideration of a bill containing some matter not belonging to the jurisdiction of the committee reporting the bill, a point of order may not be made against this matter. But all of these citations refer to the totally different situation of a bill that has been improperly referred, and correction is not made as prescribed by the rules. In such case when the bill is reported, no objection can be made to the effect that the committee making the report was without original jurisdiction of the entire subject matter.

Mr. SMITH of Michigan. What would be the effect on the bill if this point of order had not been raised?

Mr. SAUNDERS of Virginia. What would have been the effect on the Post Office appropriation bill if the point of order had not been raised as to the portion of it relating to experimental traffic on the rural routes? The bill would have been passed with that provision in it, and the whole would have become the law. If a point of order is not raised against legislation on an appropriation bill, the legislation remains in the bill and becomes law. That answers the gentleman's question.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MOORE of Virginia. I ask the question as one who knows little about the parliamentary law and who in a way sits at the feet of the gentleman in respect to that subject.

I find it stated in a note to the rule which the gentleman has quoted that "an erroneous reference of a public bill under this rule if it remains uncorrected gives jurisdiction."

Mr. SAUNDERS of Virginia. I have stated that to be true. The committee is thereby given jurisdiction.

Mr. MOORE of Virginia. Now, coming to the case we have here of a bill relating to two subjects, one within the jurisdiction, admittedly, of this particular committee, and the other not within the jurisdiction of the committee, and there is this further statement:

A bill may not be divided among two or more committees, although it may contain matter within the jurisdiction of several committees.

Mr. SAUNDERS of Virginia. Certainly not.

Mr. MOORE of Virginia. It would seem, then, that it would not be competent to refer this bill to two committees.

Mr. SAUNDERS of Virginia. Certainly not.

Mr. MOORE of Virginia. And yet, it being possible to refer it to only one committee and that committee having considered it, nevertheless when it is reported to the House the gentleman claims that it is only competent for the House to consider the particular portion of which the committee has jurisdiction.

Mr. SAUNDERS of Virginia. Precisely, the committee should report only on those matters that belong to its jurisdiction under the rules.

Mr. HUDDLESTON. Will the gentleman permit me to call his attention to the fact that the point of order is made not to a part of the bill but to the whole bill?

Mr. SAUNDERS of Virginia. I have stated that if it is made against the jurisdiction of the committee as a whole I have nothing to say, but I do not understand that to be the case.

Mr. HUDDLESTON. That is the situation.

Mr. OSBORNE. Mr. Chairman, I am not a parliamentarian, but it would appear to a layman that the contention of the gentleman from Virginia would reduce legislation to an absurdity. It is admitted that there is no one committee that would have jurisdiction over all features of this question, and therefore because of that fact you could not consummate legislation. I respectfully submit that that is an absurdity that you should tie yourself up with rules so that you can not legislate at all.

Mr. DAVIS of Tennessee. Mr. Chairman, to make my position understood I want to say that my point of order is intended to be made primarily against this provision of the bill over which this committee has no jurisdiction. Secondly, I insist that it is necessarily directed against the entire bill, for the reason that the bill is not divisible. In other words, you can not eliminate that portion of the bill dealing with matters over which the committee has no jurisdiction without destroying the entire bill. For instance, it provides for pensions for those who served "during any war." As is conceded, this Committee on Invalid Pensions, which reported out the bill under consideration, only has jurisdiction over Civil War pensions and not over those of the last war nor the Spanish-American War. In order to eliminate the objectionable provision, it would be necessary to strike out the words "any war," if it could be done at all. That would not leave any sense at all. If it was a bill that was divisible—in other words, one in which you could elide the objectionable features—you could do so, and then go ahead and enact the bal-

ance. However, that can not be done, and so the point is good against the entire bill.

The CHAIRMAN. This bill was introduced in the House January 5 and referred to the Committee on Invalid Pensions. The House thereby had knowledge of the contents of the bill and its reference. No objection was made to the reference and there was no attempt to have it referred to any other committee. On January 12 the bill was reported back to the House by the Committee on Invalid Pensions, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed. The House again had notice that the Committee on Invalid Pensions had been considering this bill, had ordered a favorable report upon it, and that the bill in its present form had been referred to the Committee of the Whole House on the state of the Union for consideration. Still no objection or point of order was raised.

To-day, the calendar being called, the gentleman from Illinois rose in his place and called up the bill. It was read in its entirety in the House. The House then went into Committee of the Whole House on the state of the Union for the consideration of the bill. In other words, the House ordered the Committee of the Whole House on the state of the Union to consider this bill. It was again read in its entirety before consideration was begun in Committee of the Whole House on the state of the Union, and yet no point of order was made against the bill.

Consideration of the bill was begun, debate was had pro and con in the committee, and the bill had been read in its entirety for amendment before the gentleman from Tennessee [Mr. DAVIS] made his point of order.

It seems to the Chair that so far as any point of order against the bill as a whole is concerned, the point of order comes too late, because it is undoubtedly the better practice of the House that after the consideration of a bill has begun in Committee of the Whole it is too late to raise the point of order as to the manner or form in which the bill was reported to the House. The following quotation from the syllabus of Hinds' Precedents is in point:

After the House has actually entered upon the consideration of a bill it is too late to make a point of order that it was not properly reported from the committee. (V, Hinds' Precedents, 6889.)

The following seems also to be nearly on all fours with the case now pending:

A public bill having been reported by a committee and being under consideration in Committee of the Whole, it was held that the question of jurisdiction might not then be considered. (IV, Hinds' Precedents, 4372.)

The gentleman from Tennessee has not made a point of order against any particular or specific language of the bill. He has stated the substance of that which he claims to be in violation of the rules of the House as to jurisdiction, but has not pointed out the particular phraseology of the bill which he deems offensive to the rule. Therefore the Chair can not pass upon that point. It seems to the Chair that under the decisions of the House, and the universal practice so far as the present occupant of the chair has been able to find, the point of order of the gentleman from Tennessee is not well taken. The Chair, therefore, overrules the point of order.

The question is on the amendment offered by the gentleman from Illinois.

Mr. FULLER of Illinois. Mr. Chairman, that amendment simply limits the operation of the bill prior to April 6, 1917, so as not to conflict with the war-risk act.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FULLER of Illinois. Mr. Chairman, I move to amend, on line 6, page 1, after the word "service," insert "and in the line of duty while in such service."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "service," insert "and in the line of duty while in such service."

Mr. BLANTON. Mr. Chairman, I offer a perfecting amendment to the gentleman's amendment. At the end of the amendment offered by the gentleman from Illinois I move to amend by adding this language: "free from charges of desertion."

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment, offered by Mr. BLANTON: After the word "service" at the end of the proposed amendment, insert the words "free from charges of desertion."

Mr. DOWELL. Mr. Chairman, will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. DOWELL. If the amendment of the gentleman be adopted, then will it not be necessary for the widows to also show affirmatively that there was no desertion?

Mr. BLANTON. No; because in the first place that is a matter of record in The Adjutant General's office, evidence of which could be procured in a few hours' time on any given case, and it is required on any and every case, anyway. In the second place, it ought to be shown in every case.

Mr. DOWELL. Mr. Chairman, I desire to submit just one question to the chairman of the committee. In view of the ruling of the department and the amendment that he has suggested, I want to read, if I may, the ruling of the department that this bill, as stated by the chairman, is to remedy.

The official records show that the claimant's soldier husband died in the service, and while it is true that death in the service and line of duty constitutes an honorable discharge, it precludes any assumption whatever of death subsequent to an honorable discharge.

May I ask, if the amendment is adopted, do you not place the matter exactly in the same situation it is now, and will you not go back to identically the same question that you are confronted with in the department now? I ask this for information.

Mr. FULLER of Illinois. I hardly think the amendment to the amendment offered by the gentleman from Texas should be adopted, and the amendment which I have proposed and to which he proposes his amendment provides, in substance, that a man should have been killed in action or died of wounds incurred or disease contracted in such service and in the line of duty while in such service. It would be a little absurd to have him charged with desertion when he was killed in action or died of wounds incurred or disease contracted while in the service and in the line of duty. It seems to me it would be absurd to presume that the charge of desertion was or could be held against that man.

Mr. SANFORD. Mr. Chairman, it may be a little out of place for me to say a word for the deserter of the Civil War, but I have been surprised after an examination of about 500 desertion cases in the Military Affairs Committee to find how careless we have been with regard to that class of people. We have become familiar in this recent war with what we call the shell-shocked cases. I am inclined to think that the deserter of the Civil War to a large extent was the shell-shocked soldier of this war, and he has been carried on the records of the War Department for about 50 years as a deserter. Of course, a great many of those cases we have there are not in the class I describe, but a great many of them are, and it is a sad reflection to go through some of those cases and see how utterly futile have been the efforts of some of these men to get the merits of their particular cases considered. Their cases have been here, some of them, for 10 or 15 or 20 years. A great many of them have passed the House after careful consideration, and a great many of them have passed the Senate after careful consideration, but not at the same session of Congress, so that probably one might say that 1 or 2 per cent have become laws.

Mr. FULLER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. In just a moment. These cases are often like this: The soldier was in the hospital at the close of the war or at some other time during the war, and I refer to this now because it has very great application upon the amendment that the gentleman from Texas proposes. They were not so formal in their military matters in 1861–1865 as they are now. When the soldier was discharged from the hospital, being under no restraint, or sometimes before he was discharged, when he thought he had recovered, he went home, or in a great many cases at the close of the war these men were in the hospitals. Almost all of the Civil War soldiers who were in hospitals at the close of the war were subject to a charge of desertion. I have 30 to 40 cases in that committee where the wounded soldiers of the Civil War are carried on the records of The Adjutant General as deserters because they were in hospitals at the time the war closed, and now you want to put a stain on the widows because their widows after their death can not disprove that charge.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. SANFORD. I will be glad to yield.

Mr. RUCKER. Let me say in connection with what the gentleman has just said, that some few years ago I introduced a bill to remove the charge of desertion. In support of that bill it so happened that the officer himself who made the charge was still living, and in his own handwriting he wrote into the affidavit himself, on file in this Capitol, that he made the charge under misinformation, made it inadvertently, and that he had placed a stain upon the man's character and his military valor which he would gladly have removed years ago if he had had the power and the soldier had appealed to Congress to do it. I take it that a great many men have been

done an injustice by reason of the unfortunate action of some member of the Army who to-day, and who for many years, has passed away so that he can not be heard.

Mr. SANFORD. Of course, the number of these persons is, relatively speaking, small. But when you see the intimate character of the case, in the personal point of view of the old fellow who comes hobbling to Washington to find out about his case that has been pending for, say, 20 years, it is pathetic. Not long ago a man from Georgia came to see me, and on examination I found that his case had been reported in this House four or five times, and sometimes it had been passed by the Senate, but it never received consideration in both branches at the same session. I told him I would do what I could for him, but I knew there was little chance to help. He is 80 years old. He had not discovered the charge that was against him until about 20 years ago, and during those 20 years he has not been able to get it removed.

I want to make the point that at the time of the Civil War the study of mental diseases in the practice of medicine had not progressed to the point that it has reached at this time. During the last war, if a soldier was out of his mind he was sent to the hospital, where he had doctors and Red Cross nurses to take care of him. In the Civil War, when a man lost his mind he was faced with a criminal charge and accused of cowardice and of being a deserter. And I firmly believe, from the cases I have seen, that the shell-shock patient of this war is marked as the coward of the Civil War.

Take the case of a man whose case I examined recently and who served three years in the Civil War. The record of his officers and noncommissioned officers was that he was the bravest man in his company, but in one of the battles, toward the end of the war, he was found under his bed, and the charge of cowardice was brought against him. And his family is now trying to have the charge removed. There was no question but that he was a brave soldier. But in the stress of battle, through the noise and shock—and he had been through 15 or 20 major engagements—his mind broke down, and he was tried for cowardice. He is carried on the records of the War Department to-day as a coward. If he had fought in this late war he would have been a patient in Walter Reed Hospital, or somewhere else, and would have been given every medical and nurse attention.

I do not think we have given too much attention to those men in the recent war. I believe the medical profession is pointing the true course. But when you put a man in battle and break down his body, and his mind breaks down, he is as much in need of hospital treatment as if a leg was off or an eye out. But they did not recognize the situation in 1861 to 1865, and we ought to be lenient to these men who are now called deserters in The Adjutant General's Office. They knew nothing about the case, and when the widows try to prove that the charges are unfounded they can not find the evidence to do so. I think the amendment offered by the gentleman from Texas should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. FULLER].

The amendment was agreed to.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 1, line 6, after the word "service," insert "or who at the time of his death was drawing a pension because of such service."

Mr. SANFORD. Mr. Chairman, the only effect of that amendment would be to put the Government in this position, that when the Government, through the Pension Bureau, has examined the status of the soldier during his lifetime and has carried him through his lifetime and to his death as a pensioner and an honorably discharged soldier, they shall not raise the question after his death against his widow. It seems to me there is no answer to that position, and I think the amendment should be adopted.

Mr. FULLER of Illinois. I am in favor of the amendment. The question is where it should come in. The amendment just adopted comes after the word "service."

Mr. SANFORD. It should come in after your amendment.

Mr. WALSH. Mr. Chairman, I would like to have the language read as already amended and as it will read if it is amended by the gentleman's amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment that has already been adopted, with the amendment, if adopted, of the gentleman from New York [Mr. SANFORD].

The Clerk read as follows:

That every person who served in the Army, Navy, or Marine Corps of the United States during any war prior to April 6, 1917, who was killed in action or died of wounds incurred or disease contracted in such service and in the line of duty while in such service, shall be deemed to have been honorably discharged from such service.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent to change my amendment, in view of the wording of the other amendment, to read:

Or any such person who at the time was drawing a pension because of such service.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

After the word "service," in the amendment to the amendment of the gentleman from Illinois [Mr. FULLER], insert: "or any such person who at the time of his death was drawing a pension because of such service."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out, in line 3, page 1, the word "every" and insert the word "any."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, after the word "that," strike out the word "every" and insert the word "any."

Mr. WALSH. Mr. Chairman, I understand that amendment is acceptable to the chairman of the committee, but I would like to ask him in reference to a further provision in the bill. In lines 7 and 8 it says:

And widow or former widow of such person shall be entitled to be paid a pension—

And so forth.

Now, that would permit the payment of a pension to a Civil War veteran's widow who has remarried and was still living with her second husband, would it not? She would still be the former widow of that veteran soldier, would she not?

Mr. FULLER of Illinois. Well, perhaps, that should be made more specific there.

Mr. WALSH. Should there not be put in there something like the limitation that is contained in the act of 1908, to the effect that she is again a widow, having remarried since his death, or having been divorced from her second husband without fault on her part, or something to that effect?

Mr. FULLER of Illinois. It might be put in that shape. The pending amendment, however, has not yet been voted on.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Chairman, I rise to ask a question of the chairman of the committee [Mr. FULLER of Illinois]. In view of the remarks of the gentleman from New York [Mr. SANFORD], apparently in behalf of pensioning deserters, I want to ask the gentleman from Illinois [Mr. FULLER] whether it is the purpose of this bill and the idea of his committee in presenting it to give pensions to men who were deserters in fact, or to the widows of such men?

Mr. FULLER of Illinois. The gentleman's amendment covers the point absolutely. The soldier must have died in line of duty or while in the service.

Mr. HUDDLESTON. The bill reads, originally, that if he "died as the result of wounds or disability incurred while in the service." I understand that the amendment of the gentleman means that he must have died in the service. Is that the meaning of the amendment that has been adopted?

Mr. FULLER of Illinois. It would have to be shown that he died in the service while in line of duty in order that the bill should apply.

Mr. HUDDLESTON. If that is the purpose of the bill, I am in hearty agreement with it. But if it is the purpose of this bill to pension deserters, men as to whose desertion there is no dispute, or their widows, of course I could not support the bill.

Mr. FULLER of Illinois. The gentleman can form his opinion of the language as well as I could.

Mr. HUDDLESTON. The gentleman from New York [Mr. SANFORD] argued in behalf of pensions to deserters, and following that a vote was taken which might have been interpreted as approving the gentleman's remarks, of which I do not approve. If a man were not a deserter his record could be corrected and

will be corrected by act of Congress. But if he is a deserter, why——

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. SANFORD. Would the gentleman be in favor of holding a man to be a deserter whose leg was shot off at Gettysburg, if the records in the War Department show that fact, and truthfully so?

Mr. HUDDLESTON. The gentleman knows that Congress has corrected every erroneous record of that kind when it has been brought to its attention. We have been correcting such records for many years, and I believe there are no remaining cases of that kind where the veteran can make the necessary proof. Their records having been corrected so as to show the facts, all such men and their widows are now pensioned, so there is no point to the gentleman's question.

Mr. SANFORD. They may not have had their legs shot off, but they may have been shown to have been seriously wounded.

Mr. HUDDLESTON. Of course, there are cases where a man is set down as having deserted, and 40 years afterwards he comes forward and says that record of desertion was made while he was in a hospital sick. He may have been in a hospital. There is no way of proving that he was not. But the chances are that that was a mere excuse, an insincere excuse, and that the man ran away because he was tired of the Army.

The gentleman from New York [Mr. SANFORD] speaks pathetically about a man being found hiding under a bed. If a man is a real deserter, that is probably where he would be found. If a man is a real deserter, that is one situation. If, on the other hand, he is unjustly charged with being a deserter, that is another situation. If this bill purposes to give pensions to real deserters, it is an outrage. If, on the other hand, it is intended simply to give relief to widows of men who are unjustly charged with desertion, that is a different proposition.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. QUIN. The gentleman is correct as to the policy on the part of Congress of relieving men from unjust charges of desertion. While I was on a subcommittee there were 2,000 cases of men who were recorded as deserters who were endeavoring to have that record removed in order to get a pension. Only a few of them were entitled to have the charge of desertion removed so as to be entitled to a pension. Certainly this bill is wrong if it purports to pension the widows of all deserters. I agree with the gentleman from Alabama [Mr. HUDDLESTON] on that point.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. JONES of Texas. According to the terms of this bill, if a man had a disease while in the Army, from which he later died, and yet was convicted of desertion, would he not be entitled to a pension?

Mr. HUDDLESTON. I understand the gentleman from New York to argue that his widow ought to have a pension.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. ASHBROOK. I think there is no doubt that this bill is merely for the benefit of widows of soldiers who were killed in line of duty.

Mr. HUDDLESTON. But it applies to men who died from disease contracted in the line of duty, and their deaths may have been years after they had ceased to belong to the Army.

Mr. ASHBROOK. Then it would not have been in line of duty.

Mr. HUDDLESTON. I fear the bill is not clear in showing that they are required to have died in line of duty. I want to ask the gentleman from Ohio [Mr. ASHBROOK], who is a representative of this side of the House on the committee, if it was the purpose of the committee to give to a deserter or his widow a pension—a real deserter? Is that the purpose of this bill?

Mr. ASHBROOK. I am glad to say to my friend that when this bill was considered in the committee it was intended simply to care for cases where the widow was denied a pension because her husband was killed in the service, and therefore did not have an honorable discharge.

Mr. HUDDLESTON. Then why is the provision put in here providing for the case of the widow of a soldier who died as the result of disease incurred in the service.

Mr. ASHBROOK. I do not understand that the bill contains that provision. It says "incurred while in line of duty."

Mr. STEPHENS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. STEPHENS of Ohio. The gentleman spoke about desertions. I simply want to call his attention to one particular case that I am familiar with.

Mr. HUDDLESTON. We are all familiar with such cases.

Mr. STEPHENS of Ohio. I want to call attention to a case where a man served as a captain, fought at Shiloh, and went home and lived for years, and farmed, and after his death his widow discovered that his record in Washington showed that he was a deserter, and that record has never been cleared up.

Mr. HUDDLESTON. He may have been a deserter for all I know. Many soldiers have fought in battle and subsequently deserted and gone home.

Mr. STEPHENS of Ohio. Never.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, I want to take only a minute to say this: We can not fool ourselves on this bill, because under its present terms you will find that there can be a case where a man has served in the Army and has contracted a disease or has been wounded, even in the line of his service, and afterwards deserted; and yet under the terms of this bill his widow will draw a pension.

Gentlemen, do not deceive yourselves, because this possibility does exist in this bill under its present phraseology, and you can not get away from it. Without amendment, in voting for this bill, you will vote to reward a deserter who deserts his flag in war time.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 1, line 8, after the word "person," insert "who, having remarried since his death, is again a widow, or has been divorced from the last husband upon her own application without fault on her part."

Mr. FULLER of Illinois. I accept that amendment.

Mr. BLACK. Mr. Chairman, this is the same amendment as that suggested by the gentleman from Massachusetts. I happened to have it already prepared, and he suggested that I offer it.

Mr. FULLER of Illinois. That is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The amendment was agreed to.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VAILE: Page 2, line 4, after the word "therefrom," insert "notwithstanding the military services of such person during such war may not have been rendered or performed at the scene of hostilities or the geographical location of military operations on sea or land during such war."

Mr. VAILE. Mr. Chairman, the purpose of this amendment is to correct what appears to me to be a very technical ruling by the Pension Bureau, which excludes the families of members of the Regular Establishment who served in the War with Spain from drawing pensions if they were not at the actual scene of hostilities for 90 days during the war, whereas members of the Volunteer Establishment are on a different footing and their widows can get such pensions. The gentleman from Ohio, Judge GARD, cited a case which was very extreme but which certainly illustrates the point. His case was that of a soldier who had served one full enlistment period and reenlisted for his second enlistment period a few days before the battle of San Juan Hill. He was wounded in that battle, taken to a hospital away from the scene of hostilities, and was afterwards discharged on a medical certificate as a result of the wound which he received. Afterwards he died, and because he had not been 90 days at the scene of actual hostilities the widow is debarred from receiving a pension. I have in my hand the opinion of the department in the case of Anna, as widow of Oscar J. R. de Rochment, decided January 31, 1919, explaining the department's ruling. It says, referring to the act of July 16, 1918:

But as the act, after providing pension for dependent widows of volunteer officers and enlisted men who served 90 days or more in the Army, Navy, or Marine Corps "during" the War with Spain or the Philippine insurrection and were honorably discharged from said service, provides pension for dependent widows of officers and enlisted men of the Regular Establishment who rendered 90 days or more

"actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection" and were honorably discharged therefrom it is manifest without further argument or elucidation that by the words "volunteer officer or enlisted man" in the connection in which they are used in the act was meant any person who was commissioned or enlisted in any organization not a part of the Regular Establishment, and such as is usually known and denominated as a volunteer organization.

Had the claimant's deceased husband been, as contended in the appeal, a volunteer man in the Army; had he served in such capacity 90 days or more "during" the War with Spain or the Philippine insurrection and been honorably discharged from said service she would as his widow have title to pension under the act if dependent within the meaning thereof. But as he served as an enlisted man in the Regular Establishment in order for her to have such title he must have rendered 90 days or more "actual military or naval service" in the United States Army, Navy, or Marine Corps "in" the War with Spain or the Philippine insurrection or as a participant in the Chinese Boxer rebellion campaign and been honorably discharged therefrom. "In" the War with Spain, according to this decision, means only at the fighting front.

And the department held that, while a volunteer soldier's widow can receive a pension, the widow of a Regular Army soldier can not. It seems to me that is an unfair distinction against the widow of the Regular soldier. A great many men in the Spanish War enlisted voluntarily in the Regular Army, because they expected that in that way they would more quickly get actual service at the front. If these men had been married and had been killed in action, their widows could not now receive pensions from the Government, notwithstanding their service was undertaken in that way for the very purpose of enabling them to get to the front, unless they had actually got to the front and had served 90 days or been killed in action. I think the amendment is in entire accord with the spirit of the bill and that it should be adopted. But unless the bill allows pensionable status to the widow of a soldier who died after his discharge she can not receive a pension if her husband was a Regular who was not 90 days at the front, even though he died from a wound received in battle while he was there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PELL: Page 1, line 7, after the word "service," insert "unless he be a deserter or under charges at the end of his service."

Mr. FULLER of Illinois. Mr. Chairman, a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FULLER of Illinois. This is the same amendment that had been voted down.

The CHAIRMAN. Will the gentleman indicate to the Chair what amendment embodying this language has been voted on? Does the gentleman refer to the Blanton amendment?

Mr. FULLER of Illinois. Yes.

The CHAIRMAN. An examination of the two amendments indicates that they are not identically the same. The gentleman from New York [Mr. PELL] is recognized in support of his amendment.

Mr. PELL. Mr. Chairman, the object of this bill quite obviously is to allow to men who have been killed and of whom no record is found all the credit which would be given to them had they been honorably discharged; that is to say, it is to remove a technical disability in the case of a man missing, or a man killed who could not be identified; but I do not think it is our intention to allow that privilege to extend to the men who have willfully deserted. Although there may be occasions when a man who had so deserted might possibly be justified in receiving a pension, I certainly do not think such people should be taken care of by a general law. Such instances can not be frequent. There can not be many men who having deserted deserve pensions. It can be only the very special circumstances of a particular case that can justify us in pensioning such a man. Prima facie a deserter should not be granted any support whatsoever from the Government, and the amendment which I have offered will protect men who could not be identified, who died in prison, or of whom for one reason or another we have not a complete record. It will give them the benefit of the doubt. But I do not want to see a bill go through which will pension the men who are proven to be deserters. If we want to do anything for such men, let us be bold enough to come out openly and say "We give a pension to so and so, a deserter"; but do not let us pass a general bill which will cover deserters. It would be an insult to every man who has honorably worn the uniform of the United States. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, can we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 1, line 6, after the word "service," insert the words "unless he be a deserter or under charges at the end of his service."

Mr. RUCKER. Mr. Chairman, in my opinion this bill seeks to remove a defect in the pension laws of the United States. It is a defect that ought to have been remedied long years ago. I think its passage, if properly amended, will prove gratifying to every old soldier that served in that terrible ordeal between 1861 and 1865.

But in my opinion, Mr. Chairman, if it passes with the language that is now in it every man who was brave enough to shoulder a musket and follow the flag during the Civil War will in his heart condemn this Congress for its action. This bill, unless the gentleman's amendment is adopted, would put a man who deserted, if perchance he had been injured before desertion, in the same category, in the same status, as the man who boldly pressed forward in front of the enemy.

I know what I am talking about. I know every soldier in this land will condemn it.

Mr. SANFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. SANFORD. Does not the gentleman think that we are in a strong position when 50 years after the war we accept the wounds themselves as a proof of courage and fail to raise against the widow after the death of the soldier a question that would exclude her?

Mr. RUCKER. Pass this bill and hereafter the only thing on earth the soldier would ever dread would be the court-martial.

Mr. SANFORD. Does not the gentleman think that the wounds are conclusive of courage?

Mr. RUCKER. Not always; a man might get his leg broken running from the enemy. I think wounds received are very persuasive evidence of courage, but it is not conclusive. I agree with the remarks made a little while ago by the gentleman from New York with reference to the jurisdiction and the duty of the great Committee on Military Affairs to correct these records which have done many soldiers injustice. That committee ought to get busy with these bills. I have one before them which ought to be passed, and there are a thousand which ought to be passed.

But let us first remove the blot of desertion before we line them up side by side with the brave and distinguished men, heroes of the war. [Applause.] Now, I am as good a friend of the soldier as any man on either side of this House, but as this bill now stands I would not vote for it. I would vote against it in the hope that my vote against it would defeat it, and yet I am heartily in favor of its passage.

Mr. PARRISH. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. PARRISH. In reply to what the gentleman said that the wounds are not conclusive of courage, is it not a fact that Benedict Arnold was wounded in the line of service and afterwards became a traitor?

Mr. RUCKER. Oh, yes; everybody knows that.

Mr. PELL. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. PELL. My amendment only applies in case where a man is a pronounced deserter.

Mr. SANFORD. With the gentleman's permission, let me say that you can not try the question of desertion at this time in the majority of cases. What defeats a man now if his name appears on the roll of The Adjutant General as not having reported and not having got a discharge, he is a deserter, and his widow can not make the desired proof to remove it. I think if the bill passes it will save more money in clerk hire at the Pension Bureau than it will cost to pay the extra pension.

Mr. RUCKER. The best way to save the clerks in the Pension Office work which the gentleman refers to is for the Committee on Military Affairs to get busy and do its duty. I am not complaining of the committee, but it should do its duty and investigate each individual case, find where the injustice has been done to the soldier, and have the courage of their convictions to correct it. Those records ought to be wiped out. If there is merit in the charge, if it be a true charge, then let the man share the fate or his wife share that which he himself invited by his conduct.

But, Mr. Chairman, in behalf of the brave and gallant old soldiers in my district, I appeal to the chairman of this committee to vote for the amendment of the gentleman from New York [Mr. PELL], and let it be so that everybody in the House on both sides may join in passing this very meritorious bill, which ought to have been passed many years ago. I hope the amendment of the gentleman from New York will be adopted. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. Benedict Arnold was wounded prior to his act of treason. His leg was broken if my memory is not at fault in the gallant assault upon Quebec. Yet if a bill of this character had been enacted after the Revolutionary War, his widow would have drawn a pension under its provisions. I think it has been admitted on behalf of the committee, that this bill is not designed to afford a pension to the widows of deserters.

I freely concede there have been some cases where injustice has been done, but it would be far better to leave such cases for individual inquiry, so that appropriate justice may be accorded, as has been done in many cases, rather than undertake by a sweeping general bill to provide without qualification that the widows of deserters shall receive pensions. It seems to be agreed on both sides of the Chamber that if this bill passes in its present form, it will have that precise effect. Does this body desire to go on record as being in favor of a bill embodying so offensive a proposition? If not, then they should agree to the amendment offered by the gentleman from New York [Mr. PELL], which establishes a very different general policy.

Mr. CONNALLY. Mr. Chairman, I would like to ask the gentleman if he thinks it would be sound public policy with reference to the future to hold out to the young men of America that we are going to pension soldiers regardless of whether they are deserters or not?

Mr. SAUNDERS of Virginia. There is nothing that would be more offensive to the old soldiers, the veterans of the Civil War, or the veterans of the war from which we have just emerged victorious, than the suggestion that awards should be paid for desertions from the service, that men who failed at the Argonne, or at the crossing of the Meuse, or in any of those famous battles, in France, and became deserters, should be placed on the same footing as to pensions, as the loyal soldiers. I imagine that such a plan would be indignantly repudiated both by the veterans of the present and of the Civil War. Unless we propose to do that very thing, to change our policy, to retrace our steps with respect to deserters, and our attitude toward them, we ought to make it clear by appropriate amendment that this bill is not intended to give rewards to deserters or anyone claiming through them. If the House does not propose to do that sort of thing then I think the amendment of the gentleman from New York will commend itself to our favorable consideration. Nor will this amendment work any hardship in individual cases where it is contended that the record should be corrected. Appropriate procedure is provided for such cases. In any proper case supported by the evidence, relief will be readily granted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 35, noes 39.

Mr. BLANTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PELL and Mr. VAILE to act as tellers.

The committee again divided, and the tellers reported ayes 39, noes 52.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, at the end of the Black amendment, insert "or any minor, dependent child or children under the age of 16."

Mr. WALSH. Mr. Chairman, on that I reserve the point of order.

Mr. GARD. Mr. Chairman and gentlemen of the committee, the amendment is designed to include that which is included in every other pension law, to wit, any dependent minor child or children under the age of 16 years of the person originally entitled to a pension. So far as I am advised, every existing pension law carries proper provision for minor dependent child or children under the age of 16 years. As the bill now stands, it would probably have its most important application, in so far as this amendment is concerned, to the children of the Spanish-American War soldiers, although when I submitted it to the chairman of the committee, the gentleman from Illinois [Mr. FULLER], he said that there were cases to his knowledge which would come within the purview of the veterans of the War between the States, but the greater number of cases, of course, would apply to soldiers of the Spanish-American War. There is no provision in the bill which provides for a dependent minor child or children of Spanish War soldiers who were killed, but who heretofore have not been entitled to a pension, but who under this law would be entitled to a pension. I am speaking rather to the merits of the amendment than the point of order, since I understand the gentleman from Massachusetts reserves the point of order.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes. I will say to the gentleman that the matter is one which I took to the chairman of the committee, and he was of opinion that some such language should be included.

Mr. WALSH. Does the gentleman understand that dependent minors of Spanish War veterans are not now provided for in existing law?

Mr. GARD. Oh, as a general proposition I understand they are, but under the particular circumstances of this bill, unless some such language is included, they are not.

Mr. VAILE. I would suggest to the gentleman that they would not be provided for by existing law if they were children of Regulars who had not served 90 days at the actual scene of operations.

Mr. WALSH. If the gentleman's amendment is agreed to, it would make provision for minors, dependent children of Spanish War veterans who did not serve 90 days.

Mr. VAILE. At the actual scene of operations.

Mr. WALSH. He may have been wounded in the service or have died before that time.

Mr. GARD. Who may have been wounded in the service, and who was sent from the actual scene of conflict, and was not present in the active participation the required number of days. I will say that the distinction is what seems to me to be an improper one in the rulings of the Pension Commissioner as between soldiers of the Regular Army and those who are not.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. LAYTON. Mr. Chairman, I move to amend, on page 2, by striking out the words "for 90 days or more."

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 2, strike out the words "for 90 days or more."

Mr. LAYTON. Mr. Chairman, the object of this amendment, of course, is very evident to the House. Recently a pension bill was introduced, but was introduced in such a fashion that I was unable to get an opportunity to express my views on a matter connected with pensions relating to the Civil War, which I think has been a burning shame to the whole country.

I am referring to those men who were honorably enlisted, who were called upon in the darkest hour of the Republic, when the great commander from Virginia with his host were treading upon Pennsylvania soil, and when every Union arm was demanded. The 60-day men were enlisted and were put into service. They guarded the fords and the bridges; they went away from their homes without any adequate training—from the soft places of home—out into the open life upon the ground, and many of them incurred serious diseases, many of them lost their lives. But under the policy of this House no man who served for 60 days can receive any benefit at all from the Federal Government. An arbitrary line was established at 90 days. Now, I am aware that possibly my amendment may be subject to a point of order, because there is an existing law now that restricts the benefit of the Government to those who served for less than 90 days. I have, however, taken this occasion to express myself on this question.

Mr. BLACK. Will the gentleman yield?

Mr. LAYTON. Certainly.

Mr. BLACK. If I understand the true meaning of this bill, it is to do that very thing that the gentleman is talking of. It does not say that a man who was wounded in the service must have been in the service 90 days, or if he contracted disease that subsequently resulted in his death he must have been in the service 90 days, but it only says in such cases as that the widow shall receive the same rate of pension as given under the Ashbrook law, which did require 90 days of service. I think the gentleman's amendment would not have any effect, except probably to complicate the situation.

Mr. LAYTON. My desire was to voice my opinion in regard to the general policy of the Government in regard to those 60-day men. I want to call the attention of the House to this fact, that in the recent war we made no such discrimination. We absolutely gave the soldier who was honorably enlisted the benefit of all the paternal care of the Government even if he was in the service but for one day. But the whole policy of the country has been to exclude those men who served 60 days in the Civil War.

Mr. FULLER of Illinois. If the gentleman will yield, I think the amendment proposed here would not have the effect that he desires. It does not grant pensions to anybody whether they

served 60 days or 90 days. It simply provides pensions for widows the same as for soldiers who served 60 or 90 days.

Mr. LAYTON. Could the widow of a man who served 60 days get the benefit of this bill?

Mr. FULLER of Illinois. Yes. It does not make any difference about that at all.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. LAYTON. I will.

Mr. GREEN of Iowa. I think the gentleman, inadvertently, I have no doubt, misstated the law in reference to the Civil War pensions. We never had a law which refused to give a pension to the wife of a man who was killed in battle or the wife of a man who was wounded in battle, no matter how few days he served.

Mr. LAYTON. The gentleman knows this, as every man knows it who is as old as I am, and who has practiced as a physician and has drawn up certificates ad infinitum, that the beneficent provisions of the general pension acts have not been extended to men unless they served 90 days.

Mr. GREEN of Iowa. The gentleman is thinking of the length of service of the men. That related to the service pension. If they had not served 90 days they could not get a pension.

Mr. LAYTON. Has the Federal Government given a man who served for 60 days the same paternal care in respect to pensions as those who served 90 days and over?

Mr. GREEN of Iowa. Yes.

Mr. ASHBROOK. Mr. Chairman, I happen to be a member of the committee which considered this bill. I thought at the time the committee considered it that I understood it, and I still hope that I do. My understanding of the bill is this, and this explanation was made to the committee—I trust I am not stating anything to the House that is not proper for me to state as a member of that committee—it was stated to the committee by the chairman of the committee that a soldier who was killed in service was held by the Pension Office to have not received an honorable discharge, and on the pension rolls he is classed as a deserter, and his widow therefore is unable to secure a pension; that this bill was merely for the purpose of giving the widows of those soldiers who were killed in the service a pensionable status. I would like to inquire of my good friend, the chairman of the committee, whether or not my understanding of the bill is correct?

Mr. FULLER of Illinois. It was not confined to those killed in the service, but extended to those who died of wounds or disease contracted in the service. It arose from the decision of the Pension Bureau, which is attached to the report in this case, in regard to a case that came before them under the Ashbrook law, where it was held that because the soldier husband of the widow died in the service that he was therefore not honorably discharged.

Mr. ASHBROOK. Died in the service?

Mr. FULLER of Illinois. Died in the service; and therefore was not honorably discharged, and therefore could not draw a pension under the act of December 8, 1916.

Mr. ASHBROOK. That is correct. I would like to ask the chairman further. In line 5 it reads:

> Or died of wounds incurred or disease contracted in such service.

Do I understand by that that if the soldier was wounded while in the service or contracted disease while in the service, and 10, 20, or 40 years afterwards he should die of that disease, or of such wounds, and the soldier did not have an honorable discharge, then his widow was entitled to a pension?

Mr. FULLER of Illinois. I presume the gentleman has not been present in the committee or he would remember an amendment that I offered. After the word "service," line 6, the following words were inserted:

> Or in the line of duty while in such service.

Mr. ASHBROOK. Well, then, just one question more. Then it is the understanding of the chairman of this committee that this bill will not give a pension to any widow of a soldier unless he was killed in the service or in the line of service?

Mr. FULLER of Illinois. That is my understanding.

Mr. ASHBROOK. Just one word more. I think, gentlemen, if that is all this bill does—and that is all that I understood it would do—there ought not to be any opposition whatever to the bill. But if the bill gives a pension to a deserter I am not in favor of it. I am not in favor of giving a pension to a deserter or to a widow of a deserter.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. RUCKER. Does not the bill on its face say "or died of disease when contracted in the service"—two years afterwards; in the meantime he became a deserter. That is what it means, and the gentleman from Illinois says so.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. HUDDLESTON. The gentleman has in mind the fact that an amendment was offered to make it absolutely clear that it was not intended to give pensions to the widows of deserters. That amendment was voted down. Therefore it might be inferred that the men who voted for the amendment thought differently from the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. I think this ought to be made clear. There is no man in this House who is more in favor of generous pensions and generous pension legislation than I am. I voted for the amendment of the gentleman from New York because I thought that cleared it up. It ought to be cleared up. If the gentleman from Illinois is not certain of the matter and if the bill as it now reads will give a pension to the widow of the deserter, then I am not in favor of the Pell amendment.

Mr. BEE. Mr. Chairman, I move to strike out the last two words.

Mr. LAYTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAYTON. I would like to know if the amendment that I offered was ruled out on a point of order?

The CHAIRMAN. No. No point of order was made, or if one was made it was withdrawn. The gentleman from Texas [Mr. BEE] has offered a pro forma amendment.

Mr. LAYTON. What has become of the amendment that I offered?

The CHAIRMAN. It is now being discussed.

Mr. LAYTON. I did not know that it was being discussed.

Mr. BEE. Mr. Chairman, I want to ask the gentleman from Illinois [Mr. FULLER] about this language, "died of wounds or disease contracted in the service." Suppose this condition arises: A man deserts the service and incurs a disease from which he dies before he has been punished as a deserter. He is still borne on the rolls as a soldier, and before the judgment of desertion and a record of dishonorable discharge is registered against him he dies. Would he not be put, or would his widow not be put, on a pensionable status under the words there?

Mr. FULLER of Illinois. In the amendment I offered on page 1, line 6, there were inserted the words "in line of duty while in such service." I am afraid it is not as explicit as it should be, or it is not just what I intended it to be. I want to correct that amendment by adding, after the word "duty," the words "and while in such service." That is to provide that he should have died in the service. I intended that when the amendment was offered—that it should have the word "and" inserted after the word "duty" in that amendment.

Mr. BEE. Suppose a man deserts the Army to-day and dies to-morrow. He has not yet been tried and convicted and dishonorably discharged. Would not his widow have a pensionable status even under the gentleman's amended amendment?

Mr. FULLER of Illinois. Not if he deserted.

Mr. BEE. Will the gentleman permit me further?

Mr. FULLER of Illinois. I think the amended amendment would cover the case.

Mr. BEE. A man who leaves the service is given 10 days' leave. If he has not returned within the 10 days he is carried as "absent without leave." After the 10 days the charge of desertion is entered against him. The point I want to emphasize to the gentleman from Illinois is that a man may leave to-day and die to-morrow, with the full intention of deserting, but he has not been carried on the roll either as a deserter or as having been convicted of desertion by a court-martial and given a dishonorable discharge. The effect is that the widow of that man would have a pensionable status even under the amendment of the gentleman from Illinois. Is not that correct?

Mr. FULLER of Illinois. I do not see how a bill can be drawn that would anticipate every possible case that might arise in a million cases. I think if the word "and" is added before the words "while in the service" the whole subject will be covered.

Mr. BEE. Does the gentleman leave to the Pension Department the discretion to pass upon a case like that which I have just illustrated?

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last two words.

Mr. GREEN of Iowa. Mr. Chairman, I do this particularly because the gavel fell before I had completed my answer to the question propounded by the gentleman from Delaware [Mr. LAYTON]. My answer might be misunderstood as it stands.

The question was whether the Government gave the same care to those who had served less than 90 days in the Army in the

Civil War as it has given to those who had served more. Then the gavel fell. What I intended to say was this: That it gave the same care in case of death, disease, or wounded while in the service. For service, of course, no pension is given for less than 90 days' service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware [Mr. LAYTON].

Mr. RUCKER. Mr. Chairman, let the amendment be read as it will appear.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. LAYTON: Page 2, lines 2 and 3, strike out the words "for 90 days or more."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of the committee just one question. How can a man be a deserter who died in the line of duty or was killed in the line of duty?

Mr. FULLER of Illinois. I can not understand that myself. I have been trying to find out. [Laughter.]

Mr. ASHBROOK. It is so held by the Pension Department.

Mr. CLARK of Missouri. There is no sense in such a ruling as that.

Mr. FULLER of Illinois. Mr. Chairman, I ask now to amend the section that I offered.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware.

The question was taken, and the amendment was rejected.

Mr. FULLER of Illinois. Mr. Chairman, I want to add the word "and" to make it explicit, so that the soldier must have died while in the service.

Mr. RUCKER. I should like to have that amendment read.

The CHAIRMAN. The Clerk will report the language as it will read if the word "and" is inserted.

The Clerk read as follows:

Amend, page 1, line 6, after the word "service," by inserting "and in the line of duty and while in such service."

Mr. BEGG. Reserving the right to object, I should like to ask the gentleman from Illinois a couple of questions. Do I understand that the purpose of this bill is to care for the widows and orphans of dead soldiers who served less than 90 days?

Mr. FULLER of Illinois. It makes no difference how long they served, if they were killed or died in the service.

Mr. BEGG. All right. I will ask the gentleman if these widows and orphans of soldiers who died in the service deserve any more consideration at the hands of this Government than do the widows and orphans of those soldiers who contracted diseases in the service from which they afterwards died?

Mr. FULLER of Illinois. They would be presumed to have been honorably discharged when they left the service. This bill is only to give an honorable discharge to those who died in the service.

Mr. HAWLEY. To overcome an adverse decision of the department.

Mr. JONES of Texas. Does the gentleman think there would be any objection to inserting the words "while in such service" after the word "died" in line 5? That would make it clear, so that there could not be any doubt about it, that they died while in such service of wounds incurred or disease contracted in such service.

The CHAIRMAN. The question is, Is there objection to the inserting of the word "and"?

Mr. JONES of Texas. Reserving the right to object, I do not believe that will accomplish the purpose the gentleman desires, because it will not be clear that the words "while in such service" refer to death. The words may refer to wounds or to disease. If it is amended as I suggest, then it will read:

Or died while in such service of wounds incurred or disease contracted in such service.

Would the gentleman be willing to accept that amendment?

Mr. FULLER of Illinois. I do not think I can accept that amendment.

The CHAIRMAN. Does the gentleman modify his request for unanimous consent?

Mr. WALSH. If the Chair will permit, reserving the right to object, you can not upset the action of the committee in this way. We have adopted an amendment and put it in the bill. The gentleman asks for a modification of the amendment by inserting words by unanimous consent. It seems to me to be a little irregular to try to do that.

The CHAIRMAN. The gentleman asks unanimous consent to insert the word "and" at the place indicated, as read by the Clerk. Is there objection?

There was no objection.

Mr. JONES of Texas. I move to insert, in line 5, page 1, after the word "died," the words "while in such service."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 1, line 5, after the word "died," insert "while in such service."

Mr. FULLER of Illinois. That simply states the matter twice.

Mr. JONES of Texas. I will move to strike out the words "while in such service" at the other place where it was offered and make my amendment include both.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 1, line 5, after the word "died," insert "while in such service"; and strike out of the amendment offered by Mr. FULLER of Illinois the words "while in such service."

Mr. WALSH. I make a point of order against that amendment. The amendment of the gentleman from Illinois [Mr. FULLER] has been inserted in the bill. It can not now be stricken out by hitching it up with an insertion in another place in the bill.

Mr. JONES of Texas. You can have an amendment which inserts something and strikes out something, provided it does not cover the exact terms of the former amendment. I do not move to strike out all of the Fuller amendment. I simply desire to transpose the words "while in such service."

The CHAIRMAN. The gentleman had his opportunity to offer this amendment when the original amendment was pending before the committee. That was the proper time for him to move to amend. It is too late to do so now, after the committee has agreed to the language of the amendment. The Chair sustains the point of order.

Mr. VAILE. What is the matter now pending, Mr. Chairman?

Mr. JONES of Texas. A point of order, Mr. Chairman. Would it be in order to ask unanimous consent to transpose the language and insert it?

The CHAIRMAN. It would be in order to propose a request for unanimous consent and that is the only way in which it can be done at this time.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that the language be so transposed as to insert the term "while in such service" in the Fuller amendment after the word "died," page 1, line 5.

The CHAIRMAN. The Clerk will report the language as it would read with the transposition.

The Clerk read as follows:

That every person who served in the Army, Navy, or Marine Corps of the United States during any war, prior to April 6, 1917, who was killed in action or died while in such service of wounds incurred or disease contracted in such service and in the line of duty, etc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FULLER of Illinois. Mr. Chairman, I object.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, after the word "died," insert the words "while in such service."

Mr. JONES of Texas. Mr. Chairman, it is claimed by the chairman of the committee that he intends by his amendment to limit the application of this bill to those who died while in the service and thus not to permit a deserter who did not see service again after the desertion to obtain the benefits of its provisions.

If the gentlemen who are fathering this bill mean what they say, they should be willing to have it made clear that the soldier or the widow of a soldier, in order to be entitled to the full pension which the bill provides, must be the soldier who was wounded or who died of disease and must have died while in the service, the others having been taken care of by the compensations and other pension laws; I submit that if you place the terms "while in such service," as it is placed in the Fuller amendment, it will refer to the terms wounds or disease and will be so construed by any reasonable person. In its present form that portion reads as follows, "died of wounds incurred or disease contracted in such service in the line of duty while in such service." It will naturally and logically apply to the terms "wounds or disease."

Under the Fuller amendment "while in such service" will be limited in its application to those two words, and every soldier,

whether he is a deserter or not, who was sick, no matter how far behind the lines, who was sick in the service, and proof can be offered that he later died of that sickness or of the wounds incurred, though he may be as guilty of treason as Benedict Arnold, could get a pension from the United States Government, and his widow could also draw a pension. In fact, under its provisions the widow of Benedict Arnold could draw a pension if it had been in effect following the Revolution. There is not a man in this House who would vote to grant Benedict Arnold a pension, and I take it there is not a man in the House who would plead the right of the conscientious objector, who had been afflicted with some sort of a disease in the Army, who had stayed in the Army a few weeks and deserted and was convicted of desertion, or who would assert that the people of the Nation should be taxed to pay him a monthly pension as long as he lived or his widow after his death. And yet under the terms of this bill he will, unless you adopt my amendment, be entitled to that pension. If you are willing that it shall be so limited as to exclude deserters, vote for the language which makes it clear and satisfactory. It looks to me that the gentlemen, while saying they are willing that it shall be so limited, want to open the floodgates wide to every deserter, regardless of the circumstances of his case.

Mr. FULLER of Illinois. The precise language that the gentleman wants has been incorporated in the bill.

Mr. JONES of Texas. But it does not apply to the word "death"; it only applies to wounds and diseases.

I am both willing and anxious to see every soldier who while in the service was wounded or disabled, or who contracted a disease that disabled him, or from which he died, have every care taken of him; and am also anxious that the widow of such soldier may have the Government assume a liberal attitude toward her. And, as a matter of fact, the Congress and the country will see to it that this is done. But surely neither Congress nor the country wants a man who deserted, and who remained a deserter, to be pensioned by the Government for all time; at least we should not enact a sweeping law that would include every deserter and conscientious objector in its all-inclusive provisions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were 23 ayes and 43 noes.

So the amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 2, line 5, after the word "contained," strike out the period, insert a comma, and the following: "*Provided*, That this act shall not apply to any soldier who died of disease so contracted and who was convicted of desertion, and who was not in such service subsequent to such desertion, nor shall it apply to the widow or former widow of such soldier."

Mr. SANFORD. Mr. Chairman, I make the point of order that the amendment has been acted upon, and although it is put in a little different language, it is not a proper method of attempting to reconsider the action of the committee.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is different language from the other two amendments.

The CHAIRMAN. The Chair thinks it is not in the same language, and the point of order is overruled.

Mr. JONES of Texas. Mr. Chairman, whatever may be the merits of the contention that if a man is wounded in the service, notwithstanding that he may have been a deserter, that nevertheless he should be pensioned, as also his widow—and I concede that there may be instances where a man was severely wounded and deserted at a time when it did not amount to so much and did not reenter the service, that might be exceptional, and which, of course, could be taken care of by special legislation—I do not believe that any man can say that if a man simply has some disease while in the service, though he may be hundreds of miles from the front, though he may never have been near the front, although proof is offered that he died later of the disease, and at the same time proof is offered that he was also convicted as a deserter, his widow should be, nevertheless, in all instances, pensioned. Such a doctrine seems monstrous to me. Now, all that the amendment that I offer stipulates is this: That if a man in the service contracted a disease, from which he afterwards died, but if while he was in the service he deserted and was convicted of desertion, and never again was in the service, his widow can not receive a pension under this law. Does this Congress want to say that a man who entered the service and stayed for three weeks, who perhaps did not want to enter the service in the first place, who contracted some disease, and after he had gotten practically well, or well, deserted, and was convicted of desertion and never again entered the service, should nevertheless be paid a pension later by the Government of the United States, or that the people shall be taxed to pay his widow a pension?

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. CONNALLY. Is it not a fact that a soldier is carried on the rolls for a certain number of days before he is guilty of desertion, even though he may have in fact deserted? He is absent without leave for a certain number of days before he is marked as a deserter. Would it not be possible under the terms of this bill for a deserter while running away to stumble and break his leg and then be eligible to a pension because he received a wound while in the service?

Mr. JONES of Texas. Mr. Chairman, I am very glad that the gentleman has suggested that illustration. He could draw a pension, if he was injured under those circumstances, or it may be that he would run so fast while he was deserting that he would catch pneumonia from the breezes that he made, and yet under the terms of this bill he would be eligible to a pension from the United States for injuries resulting from a disease so contracted. This amendment merely limits the bill in one small particular, and that is to the effect that a man who became afflicted with some disease while in the service and who later was convicted of desertion, who was never reinstated, who never again served, shall not receive a pension, nor shall the widow of that man be entitled to receive a pension. Surely that limitation should be placed in the bill. At least a bill should not be passed that would include all such cases regardless of the merits of the individual case.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 19, noes 48.

So the amedment was rejected.

Mr. FULLER of Illinois. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to. Accordingly the committee rose, and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 11449 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. FULLER of Illinois. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments?

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. PELL and Mr. SAUNDERS of Virginia rose.

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SAUNDERS of Virginia. I am.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PELL. For the same purpose.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. PELL. I am.

The SPEAKER. Is either gentleman a member of the committee?

Mr. SAUNDERS of Virginia. No.

The SPEAKER. Inasmuch as the gentleman from Virginia is the senior, the Chair will recognize him.

Mr. SAUNDERS of Virginia. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. SAUNDERS of Virginia moves to recommit the bill to the Committee on Invalid Pensions with instructions to that committee to report the same back forthwith with the following amendment: At the end of the bill insert: "*Provided further*, That no pension shall be granted under this act to any widow or former widow of a soldier, sailor, or marine who deserted the service."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for a division and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present. The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to recommit.

The question was taken; and there were—yeas 93, nays 219, not voting 116, as follows:

YEAS—93.

Bee	Drane	McClintic	Sisson
Bell	Evans, Mont.	McDuffie	Small
Benson	Evans, Nev.	Major	Smithwick
Black	Fisher	Mann, S. C.	Steagall
Blackmon	Flood	Mansfield	Stedman
Bland, Va.	Garner	Moore, Va.	Stephens, Miss.
Blanton	Godwin, N. C.	Nelson, Mo.	Stevenson
Box	Goodwin, Ark.	Oldfield	Stoll
Brand	Hastings	Oliver	Sumners, Tex.
Briggs	Heflin	Overstreet	Taylor, Ark.
Brinson	Hoey	Padgett	Tillman
Byrnes, S. C.	Holland	Park	Venable
Byrns, Tenn.	Huddleston	Parrish	Vinson
Candler	Hull, Tenn.	Pell	Weaver
Carss	Igoe	Quin	Welling
Clark, Mo.	Johnson, Ky.	Rainey, Ala.	Whaley
Collier	Johnson, Miss.	Rainey, H. T.	Wingo
Connally	Jones, Tex.	Rayburn	Wise
Crisp	Keller	Robinson, N. C.	Woods, Va.
Davis, Tenn.	Kincheloe	Rouse	Wright
Dent	Lanham	Rubey	Young, Tex.
Dickinson, Mo.	Lankford	Rucker	
Dominick	Lee, Ga.	Saunders, Va.	
Doughton	Lesher	Sears	

NAYS—219.

Ackerman	Edmonds	Lampert	Reed, W. Va.
Anderson	Elliott	Langley	Rhodes
Andrews, Md.	Ellsworth	Layton	Ricketts
Andrews, Nebr.	Emerson	Lea, Calif.	Robsion, Ky.
Anthony	Fess	Linthicum	Rogers
Ashbrook	Focht	Little	Rose
Ayres	Fordney	Lonergan	Rowe
Babka	Foster	Longworth	Sabath
Bacharach	Frear	Luce	Sanders, Ind.
Baer	Freeman	Lufkin	Sanders, N. Y.
Barbour	French	McAndrews	Sanford
Begg	Fuller, Ill.	McKenzie	Schall
Benham	Gallagher	McKinley	Sells
Bland, Ind.	Gandy	McLane	Sherwood
Bland, Mo.	Gard	McLaughlin, Mich.	Shreve
Boies	Glynn	McLaughlin, Nebr.	Siegel
Bowers	Good	MacCrate	Sinclair
Britten	Green, Iowa	MacGregor	Sinnott
Brooks, Pa.	Greene, Mass.	Madden	Smith, Idaho
Browne	Greene, Vt.	Magee	Smith, Ill.
Browning	Griffin	Mapes	Smith, Mich.
Burdick	Hadley	Mead	Snell
Burke	Hardy, Colo.	Merritt	Snyder
Burroughs	Hardy, Tex.	Michener	Steenerson
Butler	Harreld	Miller	Stephens, Ohio
Caldwell	Haugen	Minahan, N. J.	Strong, Kans.
Campbell, Kans.	Hawley	Mondell	Strong, Pa.
Campbell, Pa.	Hayden	Mooney	Sullivan
Cannon	Hays	Moore, Ohio	Summers, Wash.
Carew	Hernandez	Moores, Ind.	Sweet
Chindblom	Hersey	Morgan	Swope
Classon	Hersman	Morin	Tague
Cleary	Hickey	Mott	Taylor, Colo.
Coady	Hicks	Mudd	Temple
Cole	Hoch	Nelson, Wis.	Thomas
Copley	Houghton	Newton, Mo.	Tilson
Costello	Hulings	Nichols, Mich.	Timberlake
Crago	Hull, Iowa	Nolan	Tincher
Cramton	Husted	O'Connell	Tinkham
Crowther	Hutchinson	Ogden	Vaile
Cullen	Ireland	Osborne	Voigt
Currie, Mich.	James	Paige	Volstead
Curry, Calif.	Johnson, Wash.	Parker	Walsh
Dale	Jones, Pa.	Phelan	Wason
Dallinger	Juul	Platt	Watson
Darrow	Kahn	Porter	Webster
Davey	Kearns	Purnell	Welty
Davis, Minn.	Kelley, Mich.	Radcliffe	White, Kans.
Dempsey	Kelly, Pa.	Rainey, J. W.	White, Me.
Denison	Kendall	Raker	Wilson, Ill.
Dickinson, Iowa	Kettner	Ramsey	Wood, Ind.
Dowell	Kinkaid	Ramseyer	Yates
Dunbar	Kleczka	Randall, Calif.	Young, N. Dak.
Dunn	Knutson	Randall, Wis.	Zihlman
Echols	Kraus	Reed, N. Y.	

NOT VOTING—116.

Almon	Christopherson	Esch	Goodykoontz
Aswell	Clark, Fla.	Evans, Nebr.	Gould
Bankhead	Cooper	Fairfield	Graham, Pa.
Barkley	Dewalt	Ferris	Graham, Ill.
Booher	Donovan	Fields	Griest
Brooks, Ill.	Dooling	Fuller, Mass.	Hamill
Brumbaugh	Doremus	Gallivan	Hamilton
Buchanan	Dupré	Ganly	Harrison
Cantrill	Dyer	Garland	Hill
Caraway	Eagan	Garrett	Howard
Carter	Eagle	Goldfogle	Hudspeth
Casey	Elston	Goodall	Humphreys
Jacoway	McGlennon	Olney	Stiness
Jefferis	McKeown	Peters	Taylor, Tenn.
Johnson, S. Dak.	McKinley	Pou	Thompson
Johnston, N. Y.	McPherson	Reavis	Towner
Kennedy, Iowa	Maher	Reber	Treadway
Kennedy, R. I.	Mann, Ill.	Riddick	Upshaw
Kiess	Martin	Riordan	Vare
King	Mason	Rodenberg	Vestal
Kitchin	Mays	Romjue	Walters
Kreider	Monahan, Wis.	Rowan	Ward
Larsen	Montague	Sanders, La.	Watkins
Lazaro	Moon	Scott	Wheeler
Lehlbach	Murphy	Scully	Williams
Luhring	Neely	Sims	Wilson, La.
McArthur	Newton, Minn.	Slemp	Wilson, Pa.
McCulloch	Nicholls, S. C.	Smith, N. Y.	Winslow
McFadden	O'Connor	Steele	Woodyard

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BROOKS of Illinois with Mr. DOREMUS.

Mr. GARLAND with Mr. BUCHANAN.

Mr. HILL with Mr. SIMS.

Mr. KENNEDY of Rhode Island with Mr. STEELE.

Mr. MONAHAN of Wisconsin with Mr. WILSON of Pennsylvania.

Mr. CHRISTOPHERSON with Mr. MCKINLEY.

Mr. EVANS of Nebraska with Mr. ROMJUE.

Mr. GOULD with Mr. UPSHAW.

Mr. COOPER with Mr. SMITH of New York.

Mr. KING with Mr. WATKINS.

Mr. MCPHERSON with Mr. GALLIVAN.

Mr. ESCH with Mr. WILSON of Louisiana.

Mr. MANN of Illinois with Mr. KITCHIN.

Mr. HAMILTON with Mr. POU.

Mr. NEWTON of Minnesota with Mr. HARRISON.

Mr. DYER with Mr. DUPRÉ.

Mr. GRIEST with Mr. MAYS.

Mr. WINSLOW with Mr. ALMON.

Mr. FULLER of Massachusetts with Mr. NEELY.

Mr. WOODYARD with Mr. CASEY.

Mr. JEFFERIS with Mr. O'CONNOR.

Mr. ELSTON with Mr. HUDSPETH.

Mr. FAIRFIELD with Mr. OLIVER.

Mr. GOODYKOONTZ with Mr. LAZARO.

Mr. JOHNSON of South Dakota with Mr. MONTAGUE.

Mr. KIESS with Mr. RIORDAN.

Mr. GRAHAM of Pennsylvania with Mr. MARTIN.

Mr. KENNEDY of Iowa with Mr. MCGLENNON.

Mr. LEHLBACH with Mr. JOHNSTON of New York.

Mr. GOODALL with Mr. JACOWAY.

Mr. KREIDER with Mr. HUMPHREYS.

Mr. GRAHAM of Illinois with Mr. HOWARD.

Mr. MCARTHUR with Mr. CARAWAY.

Mr. VARE with Mr. ASWELL.

Mr. REBER with Mr. DEWALT.

Mr. PETERS with Mr. EAGAN.

Mr. RIDDICK with Mr. BANKHEAD.

Mr. STINESS with Mr. GOLDFOGLE.

Mr. TOWNER with Mr. GARRETT.

Mr. TREADWAY with Mr. FERRIS.

Mr. RODENBERG with Mr. CARTER.

Mr. MASON with Mr. DOOLING.

Mr. SLEMP with Mr. EAGLE.

Mr. WALTERS with Mr. BARKLEY.

Mr. VESTAL with Mr. DONOVAN.

Mr. SCOTT with Mr. CLARK of Florida.

Mr. WHEELER with Mr. GOODWIN of Arkansas.

Mr. THOMPSON with Mr. GANLY.

Mr. WILLIAMS with Mr. FIELDS.

Mr. TAYLOR of Tennessee with Mr. HAMILL.

Mr. LUHRING with Mr. SCULLY.

Mr. WARD with Mr. LARSEN.

Mr. MURPHY with Mr. ROWAN.

Mr. MCCULLOCH with Mr. SANDERS of Louisiana.

Mr. REAVIS with Mr. MCKEOWN.

Mr. MCFADDEN with Mr. MAHER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. BLANTON. Division, Mr. Speaker.

Mr. McCLINTIC. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty-one Members have risen—not a sufficient number.

Mr. RUBEY. No quorum, Mr. Speaker.

The SPEAKER. The Chair thinks the point of no quorum can not be made, the roll call had so recently having demonstrated that there is a quorum. The bill is passed.

Mr. BLANTON. Mr. Speaker, I asked for a division in time. I asked for a division before the gentleman from Oklahoma [Mr. McCLINTIC] called for the yeas and nays. I think we are entitled to have a division.

The SPEAKER. A division is demanded. The question is on the passage of the bill.

The House divided; and there were—ayes 180, noes 27.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. RUBEY. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The Chair thinks a quorum is present.

Mr. RUBEY. This vote shows that there is not.

The SPEAKER. There were 180 ayes and 27 noes. That does not in itself show that there are less than 218 present.

Mr. BLANTON. Mr. Speaker, in view of the fact that the division vote just taken disclosed that there were less than 217 Members present, will the Speaker kindly count?

The SPEAKER. The Chair will. [After counting.] Two hundred and seventeen Members—a quorum—are present.

So the bill was passed.

On motion of Mr. FULLER of Illinois, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10137. An act to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes";

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918;

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889; and

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3427. An act to establish a commission on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes; and

S. 2476. An act to amend the act establishing the eastern district of Kentucky.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PORTER. Mr. Speaker, I desire to report the annual Diplomatic and Consular appropriation bill, together with the report thereon.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

Mr. FLOOD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Virginia reserves all points of order on the bill. Referred to the Committee of the Whole House on the state of the Union.

SUITS AGAINST THE UNITED STATES IN ADMIRALTY.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3076), insist on the amendments of the House, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill which the Clerk will report, with House amendments, and agree to the conference asked for by the Senate.

The Clerk read as follows:

A bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The SPEAKER. Is there objection to agreeing to the conference?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. VOLSTEAD, Mr. MORGAN, and Mr. WHALEY.

EXTENSION OF REMARKS.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 11892, the rivers and harbors bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the rivers and harbors bill. Is there objection?

There was no objection.

Mr. MACCRATE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made to-day on the floor.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks made to-day. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Thursday, January 22, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Commissioners of the District of Columbia, transmitting second annual report of the minimum-wage board of the District of Columbia; to the Committee on the District of Columbia.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Post Office Department for stationery for the Postal Service, fiscal year 1920 (H. Doc. No. 625); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KELLEY of Michigan, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11927) to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation, reported the same without amendment, accompanied by a report (No. 570), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, reported the same without amendment, accompanied by a report (No. 571), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11795) granting a pension to Minerva A. Ford, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 11951) to authorize the Commissioners of the District of Columbia to close streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening of other streets, roads, or highways, and for other purposes; to the Committee on the District of Columbia.

By Mr. DYER: A bill (H. R. 11952) to prohibit the export of coal from the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of California: A bill (H. R. 11953) to amend section 215, act of March 4, 1909 (Criminal Code), penalizing fraudulent use of the mails; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11954) to amend section 4041, Revised Statutes, enabling Postmaster General to forbid payment of postal money orders in connection with the exclusion of fraudulent de-

vices and lottery paraphernalia from the mails; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11955) to amend section 3929, Revised Statutes, relating to exclusion of fraudulent devices and lottery paraphernalia from the mails; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11956) to amend section 213, act of March 4, 1909 (Criminal Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Post Office and Post Roads.

By Mr. WEBSTER: A bill (H. R. 11957) for the consolidation of forest lands within the Wenatchee National Forests; to the Committee on the Public Lands.

By Mr. GANDY: A bill (H. R. 11958) to authorize and direct the Secretary of the Interior to ascertain the feasibility and desirability for reclamation by irrigation, including the making of an official survey, of the North Grand River and its tributary, Spring Creek, in the counties of Bowman and Adams, in the State of North Dakota, and in the counties of Harding and Perkins, in the State of South Dakota; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 11959) to provide for a reclamation project on the North Fork of Grand River and Spring Creek, in the counties of Bowman and Adams, in the State of North Dakota, and the counties of Harding and Perkins, in the State of South Dakota; to the Committee on Irrigation of Arid Lands.

By Mr. PORTER: A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921; to the Committee of the Whole House on the state of the Union.

By Mr. KINKAID: A bill (H. R. 11961) to authorize advances to the reclamation fund and for the issue and disposal of bonds in reimbursement therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. DICKINSON of Missouri: Joint resolution (H. J. Res. 279) for the speedy return of the bodies of American military dead buried in France to the United States, and that all proper steps be taken to induce the French Republic to repeal, modify, or suspend all laws that delay or prevent their speedy removal to the United States and that the Secretary of War be directed to take all necessary steps for removal of such bodies for burial in the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11962) granting an increase of pension to Benjamin F. Burklew; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11963) granting an increase of pension to Robert H. Kernan; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 11964) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HARRELD: A bill (H. R. 11965) granting an increase of pension to Jacob Amberg; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 11966) granting an increase of pension to Lucy E. Buckridge; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11967) for the relief of Julian Hurt Guild; to the Committee on Naval Affairs.

By Mr. HULL of Iowa: A bill (H. R. 11968) granting a pension to Delia P. Smith; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11969) granting an increase of pension to Ferdinand Zimmerer; to the Committee on Invalid Pensions.

By Mr. KLECZKA: A bill (H. R. 11970) granting a pension to Philip Stokes; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11971) to remove the charge of desertion from the military record of James M. Webster; to the Committee on Military Affairs.

Also, a bill (H. R. 11972) granting a pension to Owen P. Daly; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 11973) granting a pension to David E. Almy; to the Committee on Invalid Pensions.

By Mr. PELL: A bill (H. R. 11974) granting a pension to Margaret Egan; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 11975) granting an increase of pension to David H. Welch; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11976) granting an increase of pension to Katherine L. Cushing; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 11977) granting an increase of pension to George W. Thompson; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11978) for the relief of Dean Monahan; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 11979) to reimburse William C. Hann for property destroyed by an automobile truck operated by the Post Office Department; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1030. By Mr. CALDWELL: Petition of Albany Assembly in re quarantine establishment at Staten Island; to the Committee on Appropriations.

1031. By Mr. KELLEY of Michigan: Resolutions of the Michigan State Horticultural Society, protesting against certain phases of cold-storage legislation; to the Committee on Agriculture.

1032. By Mr. KETTNER: Petition of the Church of the New Jerusalem, San Diego, Calif., asking that the United States grant all American Indians full rights of American citizenship and abolish the Indian Bureau; to the Committee on Indian Affairs.

1033. Also, petition of sundry citizens of Lone Pine, Calif., opposing House bill 284, now pending before the Committee on Mines and Mining; to the Committee on Mines and Mining.

1034. By Mr. KLECZKA: Memorial of the Common Council of the City of Milwaukee, relative to State Street Bridge, at Milwaukee, Wis.; to the Committee on Interstate and Foreign Commerce.

1035. By Mr. LINTHICUM: Petition of the Family Welfare Association of Baltimore, Md., relative to certain legislation now pending; to the Committee on the Post Office and Post Roads.

1036. Also, petition of the Lunacy Commission of the State of Maryland, relative to Senate bill 3383; to the Committee on Expenditures in the Treasury Department.

1037. By Mr. McCLINTIC: Petition of Oklahoma Press Association, favoring legislation that will prevent the production or exhibition of any picture purporting to show the commission of any crime by any desperado, bandit, train robber, or alleged outlaw; to the Committee on the Judiciary.

1038. By Mr. MacGREGOR: Petition of the Albany Assembly in re quarantine establishment at Staten Island; to the Committee on Appropriations.

1039. Also, petition of railroad employees and citizens of Buffalo, N. Y., protesting against the Cummins bill and the Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

1040. Also, petition of citizens of Brooklyn, N. Y., for recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

1041. By Mr. MORIN: Petition of the Pennsylvania Veterinary Medical Association, D. E. Hickman, secretary, Harrisburg, Pa., indorsing Surgeon General's recommendation for Veterinary Corps; to the Committee on Military Affairs.

1042. Also, petition of Lodge No. 1116, of the International Association of Machinists, urging extension of Government control of railroads for a period of two years in order to prove the effectiveness of Government operation; to the Committee on Interstate and Foreign Commerce.

1043. By Mr. HENRY T. RAINEY: Petition of sundry citizens of Griggsville, Ill., favoring the repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

1044. By Mr. ROWAN: Petition of the Brian Boru Branch of Friends of Irish Freedom, of New York City, relative to certain legislation; to the Committee on Foreign Affairs.

1045. Also, letter from William H. O'Rourke, of New York City, relative to the Sells bill, House bill No. 2; to the Committee on Pensions.

1046. By the SPEAKER: Petition of the Associated Survivors of the Sixth Army Corps for the disposal of the Lincoln Statue; to the Committee on the Library.

1047. Also, petition of citizens of New York City, relative to the recent race riots in Arkansas; to the Committee on the Judiciary.

1048. By Mr. TAGUE: Petition of the Associated Industries of Massachusetts, relative to certain legislation now pending; to the Committee on the Judiciary.

1049. Also, petition of Richards & Co. (Inc.), of Boston, Mass., relative to certain legislation now pending; to the Committee on Ways and Means.

1050. Also, petition of the Massachusetts Real Estate Exchange, of Boston, Mass., indorsing House bill 8080; to the Committee on Ways and Means.

1051. By Mr. TEMPLE: Petition by the Joseph Plunkett Branch, Friends of Irish Freedom, New Castle, Pa., protesting against any arrangement by the agencies of our Government in control of fiscal matters by which payment of interest due to the United States on foreign loans should be deferred; to the Committee on Ways and Means.

1052. By Mr. TIMBERLAKE: Petition of the Sterling Lodge No. 1336, Benevolent and Protective Order of Elks, against the disloyal and seditious element; to the Committee on the Judiciary.

1053. Also, petition of citizens of Colorado, relative to certain legislation now pending; to the Committee on Military Affairs.

1054. By Mr. YATES: Petition urging the importance of inserting in House bill 10453 the preservation of a State's commissions jurisdiction, so as to relieve shippers from the burden of a second hearing before the Interstate Commerce Commission; also urging the consideration of the other matters suggested in memorial submitted by the National Association of Railway and Utility Commissioners, excepting the recommendation for the creation of a transportation board; to the Committee on Interstate and Foreign Commerce.

1055. Also, petition of the Hamilton Club, of Chicago, Ill., urging the establishment by Congress at an early date of an aeronautical department of the Government under a Cabinet officer and with adequate appropriation, and reciting that the Hamilton Club will aid at once in acquiring for Chicago a municipal landing field; to the Committee on Military Affairs.

1056. Also, petition of the Heppes Nelson Roofing Co., Chicago, Ill., advocating the retention of the present powers of the various State commissions as provided for in House bill 10453, but opposing the creation of a transportation board; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *January 22, 1920.*

Rev. John Paul Tyler, of the city of Washington, offered the following prayer:

Almighty God, Lord of all the earth, God of our fathers, accept, we beseech Thee, our grateful thanksgiving for all Thy mercies unto us. Forgive us wherein we have failed to see Thee and to do Thy will, and grant unto us grace that with pure and unselfish devotion to the establishment of Thy righteousness in the earth we may give ourselves to the affairs before us this day.

Let Thy blessing rest upon the President of our United States and all others in authority over us. Bless the people of our land, our homes, our loved ones. Keep us ever true to Thee, and then at last crown us with Thine own blessed, "Well done." We ask in His name, who taught us all when we pray to say:

Our Father who art in heaven. Hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory, forever. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its amendment to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. VOLSTEAD, Mr. MORGAN, and Mr. WHALEY managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9023. An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes; and

H. R. 11449. An act providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2476. An act to amend the act establishing the eastern district of Kentucky;

S. 3427. An act to establish a commission on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes;

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 10137. An act to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes"; and

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry citizens of Red Lake County, Minn., remonstrating against the taxation of bonds issued by joint-stock land banks, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Minnesota, praying for the passage of the so-called Smoot land-bank bill, which was referred to the Committee on Banking and Currency.

He also presented the memorial of H. B. Smith, president of the Northern Pacific Railway Beneficial Association, of St. Paul, Minn., remonstrating against the enactment of certain antipass legislation affecting railroad surgeons, which was referred to the Committee on Interstate Commerce.

Mr. ASHURST. I present resolutions adopted by the Chamber of Commerce of Yavapai County, Ariz., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

"Whereas there has grown up in this country one or more organizations which openly avow their purpose and design to forcibly overthrow our Government, which openly spread revolutionary propaganda, which advise and encourage disobedience and open defiance of lawfully constituted authority, which in time of war have given aid and comfort to our enemies, and, claiming the protection of our laws, do themselves advocate and practice murder, intimidation, and wanton destruction of property as a means of furthering their unlawful and disloyal ends; and

"Whereas there are harbored in this country many of foreign birth, some of whom have been admitted to citizenship, whose chief occupation is to teach the doctrines of anarchy, syndicalism, and force, and who promote unrest and disloyalty among our population of foreign birth; and

"Whereas, as a result of the nefarious, seditious, and disloyal teachings aforesaid, there is a well-founded belief that there does now exist in this Nation an extensive organized conspiracy to forcibly overthrow our form of government, to hold our Constitution and laws in contempt, and to substitute therefor a government by a class for that class—the so-called soviet or proletariat; and

"Whereas those of our institutions which guarantee the equal rights and opportunities of all of our citizens are thus put in jeopardy: Therefore be it

"*Resolved by the Chamber of Commerce of the County of Yavapai, State of Arizona*, That the Senate and Congress of the United States and the legislatures of the several States be urged to enact the most stringent laws to suppress the disloyal and seditious activities above set forth; that ample funds be placed at the disposal of those charged with the enforcement of such laws; and that all aliens engaged in disloyal propaganda or practices be deported from our country: Be it further

"*Resolved*, That we heartily commend and urge upon the Senators and Representative from the State of Arizona their most hearty and vigorous support of H. R. 10650, entitled 'A bill defining sedition, the promoting thereof, providing punishment therefor, and for other purposes:' Be it further

"*Resolved*, That a copy of this resolution be sent to the Senators and Representative of the State of Arizona in the United States Congress.

"YAVAPAI COUNTY CHAMBER OF COMMERCE.

"Approved:

"E. S. CLARK, *President.*

"Attest:

"[SEAL.] "B. M. SPARKES, *Secretary.*"

Mr. ASHURST. I also ask to have printed in the RECORD a resolution adopted by Henry Berry Post, No. 4, American Legion.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

At a regular meeting of Henry Berry Post, No. 4, of the American Legion, held on the 13th day of January, 1920, the following resolution was duly adopted:

Preamble and resolution.

"Whereas a copy of the report of Attorney General Palmer to the Senate has come to the attention of this post; and

"Whereas we view with alarm the need of a proper law to deal with anarchists and radicals of all kinds who seek to destroy our Government; and

"Whereas the right of naturalization has been shamefully abused in this country and thousands of men have acquired American citizenship by fraud and bad faith; and

"Whereas the Hon. MARTIN L. DAVEY, Member of Congress from the State of Ohio, is sponsor of a bill defining sedition, and providing for the deportation of aliens and naturalized citizens who shall be convicted of sedition, or the promotion thereof: Therefore be it

"*Resolved*, That we urge upon the Congress of the United States to enact into law the Davey bill or other legislation, providing for the drastic punishment of all persons found guilty of sedition, or advising, advocating, teaching, or justifying of any act of sedition; and for the prompt deportation of any alien or any naturalized citizen who shall be convicted of sedition or the promotion thereof; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the governor of the State, our Senators and Representatives in Congress, to the Hon. MARTIN L. DAVEY, Member of Congress, and to the press."

"M. F. MURPHY,

"*Commander of Henry Berry Post.*

"Attest:

"C. C. FAIRES, *Post Adjutant.*"

Mr. NEWBERRY presented a petition of the Adult Bible Class of the Congregational Sunday School, of Three Oaks, Mich., and a petition of the Rotary Club of Kalamazoo, Mich., praying for the ratification of the treaty of peace with Germany, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Manistique, Mich., praying for the enactment of legislation providing for the suppression of bolshevism and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3771) to correct the military record of Joseph B. Forbes; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3772) to authorize national banking associations to establish and maintain branches; to the Committee on Banking and Currency.

By Mr. GORE (by request):

A bill (S. 3773) to provide for the payment of interest on reserve balances in Federal reserve banks; to the Committee on Banking and Currency.

By Mr. McLEAN (by request):

A bill (S. 3774) to authorize the coinage of a Roosevelt 2-cent coin; to the Committee on Banking and Currency.

By Mr. WALSH of Montana:

A bill (S. 3775) to reimburse the heirs of Chief Heavy Runner on account of his death and for property taken from him at the time of the Baker massacre; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 3776) granting an increase of pension to Henrietta Magee; and

A bill (S. 3777) granting a pension to Hattie Kindred; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3778) for the relief of Frank Carpenter (with accompanying papers); to the Committee on Claims.

By Mr. HARRIS:

A joint resolution (S. J. Res. 146) directing the Secretary of the Treasury to furnish the Senate certain detailed information secured from income and profits tax returns of taxable year 1918; to the Committee on Finance.

PROPOSED INDUSTRIAL CONFERENCE.

Mr. KENYON. I submit a concurrent resolution and ask that it be referred to the Committee on Education and Labor.

The concurrent resolution (S. Con. Res. 24) was referred to the Committee on Education and Labor, as follows:

Whereas in the period through which we are now passing of adjustment of war-time conditions of business and industry to normal conditions there exists no general national agency for the settlement of industrial disputes or for the determination of a general labor policy; and

Whereas no general arrangement has as yet been worked out by representatives of employers and employees as to the fundamental principles which should obtain in the adjustment of industrial relations and conditions, or the labor standards which should be observed; and

Whereas the general public has suffered much from this state of affairs, and will suffer further loss and inconvenience if the present situation is allowed to continue; and

Whereas unless some national machinery, based on certain well-defined principles for the peaceable adjustment of industrial disputes, is established, not only the continuity of production can not be maintained but also the acceleration of production to its maximum proportions, of which our country and the world are in so grievous need, can not be hoped for: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That with the desire to assist the President in the present emergency, and to bring industrial peace and prosperity to all our people, the Congress of the United States recommends the following course of action to the President:

First. That he immediately constitute a labor adjustment board, similar in its composition to the former National War Labor Board, to be designated as the national labor board, to pass upon industrial disputes pending the action of a national industrial congress as hereinafter recommended.

Second. That the national labor board shall immediately proceed to function under the principles and precedents established by the former National War Labor Board. It shall receive for adjudication either ex parte complaints or joint submissions from employers and employees, or it may institute proceedings in any controversy on its own motion or at the direction of the President or of the Congress. It shall establish in the leading industries by conference and agreement joint boards for the adjustment of labor disputes and for such other purposes as it may deem proper for the advancement of industrial peace and the public welfare.

Third. For the purpose of establishing permanent agencies for the adjustment of industrial disputes to supersede the national labor board, and for the further purpose of determining a permanent series of principles, or a code to govern future industrial relations and the adjustment of industrial disputes, and for the still further purpose of sanctioning standards of working conditions to obtain in industry, that a national industrial congress be called by the President, which shall be democratic and representative, composed of an equal number of voting delegates, of 150 each, from employers and employees, divided as follows:

I. Group of employees:

a. Ten delegates to be designated by the president of the American Federation of Labor.

b. One delegate each to be named by the chief executives of the national and international unions affiliated with the American Federation of Labor.

c. One delegate to be designated by the chief executives of each of the four railway transportation brotherhoods.

d. One representative to be designated by the chief executives of each of the legitimate local unions not affiliated with the American Federation of Labor recognized by employers.

e. The remaining number of delegates to make up the total of 150 from the labor group to be selected from State and municipal federations of labor and from representatives of the National Women's Trade Union League, apportioned as may seem just and proper by the President's industrial conference as hereinafter provided, including 10 to be selected from labor not affiliated with federations of labor.

II. Group of employers—

a. Ten delegates to be designated by the National Industrial Conference Board.

b. One delegate to be selected by the president of each of the manufacturers' associations which are organized on a national basis, such as the National Erectors' Association, American Cotton Mill Manufacturers' Association, Iron and Steel Institute, National Coal Operators' Association, etc.

c. One delegate each from the representative investment banking houses which have to do particularly with the financing of industrial and transportation corporations, such delegates not to exceed a total of 25.

d. Five representatives designated by the Investment Bankers' Association.

e. Thirteen representatives designated by the United States Chamber of Commerce.

f. Twelve delegates to be designated by the Committee of Railway Executives.

g. The remaining delegates to make the total of 150 for the employers' group to be selected from other organizations of employers as the President's industrial conference may deem just and proper, as hereinafter provided, including 10 to be selected from industries not affiliated with any national association.

III. That the industrial conference, constituted entirely of representatives of the public, which has been called by the President and which is now in session, be instructed to act as a committee on organization and program for the national industrial congress hereinbefore provided, and when the industrial congress convenes the present industrial conference, together with representatives of farmers' organizations and representatives of other groups designated by it, not to exceed a total of 50, shall take part in its deliberations as representing the public.

IV. That at the conclusion of the national industrial congress the President transmit to the Congress the recommendations of the industrial congress as to legislation or other permanent action which it may have deemed advisable; and

Resolved further, That the sum of $50,000 from the funds in the Treasury not otherwise appropriated is hereby appropriated, to be used under the direction of the President in carrying out the foregoing recommendations.

Mr. KENYON subsequently said: Mr. President, this morning I submitted a concurrent resolution, but had no opportunity to explain it. I now embrace this opportunity to say just a word concerning its provisions.

The resolution is in reference to the labor situation. I intended to submit it some time ago, but waited for the recommendations of the present industrial conference. It is not intended at all as critical of the work or recommendation of this conference. I believe, as suggested by them, that some form of industrial courts is necessary. In the introduction of their report they say:

The right relationship between employer and employee in large industries can only be promoted by the deliberate organization of that relationship.

That states the question I am trying to get at in this resolution. I assume the industrial conference will later enunciate their view as to how this organization of relationship between employer and employee is to be accomplished. I fail to see just how we can have industrial courts without an industrial code, which shall set forth the fundamentals as to "the right relationship between employer and employee," and I do not see how this troublesome question can ever be settled until there is an industrial code.

You could not well have a Congress without a Constitution or courts without a code; likewise how can you have industrial courts without an industrial code? If employer and employee could get together and agree on an industrial code, recognizing the eight-hour day, a living wage, the right of collective bargaining, and other fundamental matters, then disputes over these fundamentals could be taken care of in the industrial courts. But they can not be, and it seems to me we must solve this fundamental relationship before courts will be of practical value, and we might as well meet that question fairly and determine it.

The conference proposed in the resolution goes far beyond the present conference or the former one, which ended in disaster. It will be an industrial conference. England tried this plan, and it was successful. The first thought will be that the conference is too large, but you must have a conference representing practically every line of industry and of labor. They will spend a week or two, as they did in England, arguing and discussing, and then get down to fundamentals through committees. The creation of a national labor board will help in solving these problems until such time as the national industrial congress provided for in the resolution shall make its report to Congress.

I desired to say these few words with reference to the resolution I submitted this morning.

REPLY TO THE CHARGES AGAINST THE COPPER PRODUCERS.

Mr. ASHURST. Mr. President, I have here a copy of an article which appeared in the Engineering and Mining Journal of January 13, written by Mr. Walter Douglas, of Arizona. Mr. Douglas is engaged in the production of copper in the Southwest, and he and the other copper producers of this country were recently made the objects of bitter attacks. It seems to me but fair that the copper producers who have been attacked should have some opportunity to reply, as nearly as possible in the same forum where the attack has been made. So I ask unanimous consent to include in the RECORD a copy of the article written by Mr. Douglas.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

REPLY TO THE GRAHAM COMMITTEE CHARGES AGAINST COPPER PRODUCERS.

"In the New York Times of December 17 appeared an article reporting a discussion in the House of Representatives of the report of the special House Committee Investigating War Department Expenditures. This committee, commonly known as the Graham committee, submitted a report on November 11 designated as Report No. 463, from which the following is an extract:

"In the last case cited, that of the United Metals Selling Co., immense profits were made by the producers of copper by virtue of a combination of low-price copper producers, which combination was aided and encouraged by the Government, although in violation of the law of the land.

"The Times article above referred to states that Mr. GRAHAM, speaking as chairman of the committee for the Republican majority members—

"Attacked the method of sale by the War Department of 100,000,000 pounds of surplus copper held when the armistice was signed. Copper producers, he said, were paid large amounts in excess of correct amounts due for Government copper during the war.

"It appears that the producers in the sale of their product through the United Metals Co. secured great and substantial profits, and in the purchase of the surplus copper from the Government through this same single agency gained control of the market and made substantial profits upon the same a second time. The copper producers were, by combinations agreed to by the Government, enabled to secure large profits which they otherwise would not have secured. The Government also made it possible for certain copper producers to maintain and largely increase the price of copper to the public since the signing of the armistice by disposing of its surplus to a combination of such producers.

"It will undoubtedly appear to those conversant with the transactions between the copper producers and the Government during the war that a confutation of such charges would be not only unnecessary but entirely superfluous; unfortunately, however, the general public is not in a position to know the facts. The inference, whether intentional or not, in the statement in Report No. 463 that 'In some of the cases cited the committee is of the opinion that constructive if not actual fraud occurred, vitiating settlements,' places the producers in a position which they are unwilling to accept, and which is not in accordance with the evidence placed before the committee.

"In this report two alleged facts are complained of: First, that immense profits were made by copper producers; and, second, that such profits resulted from a combination of low-price producers, which combination was, though illegal, aided and abetted by the Government.

"First as to immense profits:

"It might be interesting to sketch briefly the market fluctuations in the price of the metal throughout the period of war. At the outbreak of hostilities in 1914, due to the cessation of export trade, which had absorbed over 50 per cent of the output, the price rapidly fell to 11 cents per pound, or below the cost of production. In 1915 the war demand began to be felt, and at the close of that year the price rose to 22½ cents. In 1916 the demand became increasingly urgent, and the price advanced to an average for the year of 27.202 cents. At the beginning of 1917 the price was over 30 cents per pound, and forward contracts for the first quarter were executed at from 31 to 33 cents.

"About this time, in conformity with the then preparedness plans of this country, the Government approached some of the large producers for a price and immediate delivery on a considerable tonnage of copper for the Army and Navy. As indicative of the loyal desire of the whole industry to cooperate, this metal was furnished at 16⅜ cents per pound, or the average selling price for the previous 10 years, although copper was at the time selling for over 30 cents. There was much criticism of this transaction, but if it was an error it was certainly one of the heart and marked the inception of an era of closest mutual cooperation with the administration.

"On our entry into the war the Government adopted a policy of price fixing and one of the earliest commodities to be affected was copper. As it became known that nonessential industries would be forbidden the metal and that our Government would fix the price not only for its own requirements but for the allied powers, the price declined after March, and electrolytic copper was selling for slightly over 26 cents, when the price-fixing committee of the War Industries Board, on September 21, 1917, fixed the price at 23½ cents per pound, with the added condition that wages, which were based on a sliding scale equivalent to a 26-cent market, should not be reduced. In spite of increased costs of production, this price maintained until July 2, 1918, when the Government granted an increase of 2½ cents to compensate for increased freight rates and wages and a higher toll to refiners. The 26-cent price remained to the close of the war.

"While comparisons are odious to those in whose favor they do not trend, may it not be pertinent to compare the relative advance in copper to that in other commodities? As before stated, the selling price of copper was 16⅜ cents for the 10 years prior to our entry into the war. The Graham committee report covers transactions only since the United States became a party to the struggle. Therefore the percentage of increase was for the first 15 months 41 per cent and for the last 4 months 56 per cent. Does this, under the conditions of high labor and material costs, 60 per cent increase in freights and the admitted inefficiency of labor, indicate profiteering?

"During the period under consideration wheat sold at an average price of $2.03 per bushel, or 110 per cent above the 10-year prewar price. Pig iron sold at a price 129 per cent above

the prewar average; structural steel, 120 per cent; and lead, 72 per cent—to cite only a few other essential commodities.

"As apparently so-called 'low-price' copper producers, which may be assumed to mean 'low cost,' have been singled out for special attack, it is surely unnecessary to point out that those mines so gifted by nature with conditions which permit the extraction of the metal cheaply, were penalized by an 80 per cent war-profit tax, thus placing them on an equality with those less favorably endowed.

"The Federal Trade Commission in its report of June 30, 1919, entitled 'Copper,' gave the average costs of all the American companies for the year 1918 as 16.17 cents, allowing only seven-tenths of a cent for depletion and excluding all except local State taxes. It might also be stated, as pointed out by the commission, that charges for exploration and development work during this period were almost negligible owing to shortage of labor. As the Federal corporation and excess-profits taxes, properly falling most heavily on the low-cost producers and those who are charged in the Graham report with having entered into an illegal combination with the connivance of the Government, will probably be about 2½ cents per pound of copper, the margin of profit since the United States entered the war will not have averaged that of prewar years, while since the armistice such metal as has been sold has not paid for the cost of extraction.

"As to the charge that 'immense profits were made by the producers of copper by virtue of a combination of the low-price producers, which combination was aided and encouraged by the Government, although in violation of the law of the land,' it should only be necessary to explain the machinery devised by the War Industries Board to show the absurdity of the allegation.

"When the Government took practical charge of the industry it utilized the highly developed selling organizations of the United Metals Selling Co. and the American Smelting & Refining Co.; the former for the distribution of copper for domestic consumption and the latter for the export business. A committee known as the copper producers' committee was formed, consisting of the representatives of all the important selling agencies. This committee, acting under the instructions of the War Industries Board, and being itself practically a Government agency, allocated to the allied nations and the domestic consumers their respective proportions of output as directed. The United Metals Selling Co. and the American Smelting & Refining Co. actually donated, without expense to the Government or the other producers, the services of their specialized and efficient organizations to simplify the very complicated object desired. Surely there was nothing illegal nor in restraint of trade in such an arrangement, which constituted simply a means for equitable and intelligent distribution of product, without power or initiative even to consider the question of price.

"On the presentation of the committee report to Congress on December 16 Mr. GRAHAM attacked the War Department and the United Metals Selling Co. for what he termed was a means by which it was made possible 'for certain copper producers to maintain and largely increase the price of copper to the public since the signing of the armistice by disposing of its surplus to a combination of such producers.' The facts, which are of record in the files of the committee, are as follows:

"At the conclusion of hostilities the Government found itself in possession of approximately 100,000,000 pounds of refined copper, brass, and scrap, which it was anxious to dispose of. Not desiring to create an abnormal condition by flooding the market, which would have depressed the price and caused a serious financial loss, the Government entered into an arrangement with all the producers through the United Metals Selling Co. whereby this surplus stock should be sold along with that in the hands of the producers in proportion to the ratio which the Government stock bore to that of the producers. By this means the surplus was sold and the same price realized as was received by all the other selling agencies, so that the Government will have obtained approximately 17½ cents per pound for its surplus, which, while undoubtedly representing a loss as compared to the price paid, was far more than would have been received had these holdings been dumped upon an already overstocked market in one lot. As the average price obtained for copper was, as before stated, 17½ cents since the armistice, which is admittedly below the average cost of production, the 'great and substantial profits' complained of by Mr. GRAHAM are hard to visualize.

"It is conceivable that a Nation, organized administratively for peace conditions only, when confronted with the problems which presented themselves in the spring of 1917, might naturally have experienced extreme difficulty in perfecting an organization competent to obtain full value for its expenditures. There were bound to be wasteful and extravagant contracts made by inexperienced and zealous agents of the Government, and it is undoubtedly proper and desirable that full investigation of war expenditures should be made in order to ascertain if any taint of fraud existed in connection with such transactions. The American public wants no whitewashing of fraudulent or even doubtful contracts, nor will it stand for charges, definite or implied, which can not be substantiated by facts and which have been spread broadcast for purely partisan reasons.

"The copper producers invite the most searching and public investigation of their relation with the Government, confident that any unprejudiced tribunal will decide that the charges made by the Graham committee are false and vicious and circulated solely and purely for campaign purposes."

LEAGUE OF NATIONS COVENANT.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial by Mr. Bryan commenting on an amendment which I offered to the League of Nations covenant, together with a letter which I will furnish later, commenting in part upon this subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

GORE'S REFERENDUM AMENDMENT.

"On another page will be found an extract from Senator GORE'S speech, made during the treaty discussion in advocacy of an advisory vote on war. His amendment was voted down, but the vote does not indicate the real attitude of the Senate on the subject. The Democrats who were likely to favor Mr. GORE'S amendment were restrained from voting for it while they were endeavoring to secure ratification without reservations. And then, too, there would be some hesitancy about forcing such a provision on all the nations even though our Senators might unanimously favor an application of the principles to our own Nation.

"The principle for which Senator GORE contends is entirely sound and ought to be adopted by this country, and ought also be brought before the League of Nations by our delegates. If there is any merit at all in the doctrine that governments must derive their just powers from the consent of the governed, surely the governed ought to have the right to decide for themselves, by popular vote, a question as important as going to war. No other subject comes so near to the people. It has long been the custom to submit constitutional amendments to a popular vote, and in cities bond issues and grants of franchises are submitted to popular vote. If people have the right to be heard on such questions, how much greater is their right to be heard on questions that involve their lives and the exercising of the taxing power as it is employed in time of war. A referendum on war would give greater assurance of peace than any other provision that could be made. With the advent of women into politics the argument in favor of a referendum gathers additional strength and the probability of a peaceful solution of international difficulties increases. Senator GORE should not be discouraged by the defeat of his resolution; the principle is right, and a righteous principle always triumphs finally.

"W. J. BRYAN."

HOUSE BILLS REFERRED.

H. R. 9023. An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, was read twice by its title and referred to the Committee on Patents.

H. R. 11449. An act providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war who was killed in action or died of wounds incurred or disease contracted in such service shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person, was read twice by its title and referred to the Committee on Pensions.

SHIPPING BOARD CLAIMS.

The VICE PRESIDENT. Is there further morning business?

Mr. FERNALD. I ask unanimous consent to take from the calendar the bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war, and I deem it fair to the Senate to make a few very brief remarks in regard to it. I shall then ask unanimous consent to proceed to its consideration.

Mr. SMOOT. The Senator has reference to the bill he reported yesterday from the Committee on Commerce?

Mr. FERNALD. Yes.

Mr. SMOOT. In that case I am compelled to ask for a quorum, because there is one Senator now absent who will be very much interested in what the Senator is going to say.

Mr. FERNALD. I shall be very glad to have that done.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, Md.
Beckham	Harding	McLean	Smith, S. C.
Borah	Harris	McNary	Smoot
Brandegee	Harrison	Moses	Spencer
Calder	Henderson	Myers	Stanley
Capper	Hitchcock	Nelson	Sterling
Chamberlain	Johnson, Calif.	New	Sutherland
Colt	Jones, N. Mex.	Newberry	Townsend
Culberson	Jones, Wash.	Norris	Trammell
Cummins	Kellogg	Overman	Underwood
Curtis	Kendrick	Owen	Wadsworth
Dial	Kenyon	Page	Walsh, Mass.
Edge	King	Phelan	Walsh, Mont.
Fernald	Kirby	Pittman	Williams
France	Lenroot	Robinson	Wolcott
Frelinghuysen	Lodge	Sheppard	
Gore	McCormick	Sherman	
Gronna	McCumber	Simmons	

Mr. MOSES. I announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I ask that this announcement may stand for the day.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Rhode Island [Mr. GERRY] and the Senator from Colorado [Mr. THOMAS] are detained at their homes by illness.

The Senator from Idaho [Mr. NUGENT], the Senator from Ohio [Mr. POMERENE], the Senator from Arizona [Mr. SMITH], the Senator from Missouri [Mr. REED], and the Senator from Georgia [Mr. SMITH] are absent on official business.

The VICE PRESIDENT. Sixty-nine Senators have responded to the roll call. There is a quorum present.

Mr. HALE. Mr. President——

Mr. FERNALD. I yield to my colleague, and to-morrow morning I shall call up the bill to which I referred.

The VICE PRESIDENT. The morning business is closed.

AWARDS OF NAVAL DECORATIONS.

Mr. HALE. I move to take from the calendar Senate resolution 285 and proceed to its consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine.

Mr. PITTMAN. Mr. President, a parliamentary inquiry. Is the motion debatable?

The VICE PRESIDENT. It is not debatable.

Mr. TRAMMELL. I suggest that the resolution which the Senator from Maine desires to have taken up be read so that we may know what it contains.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read Senate resolution 285, submitted by Mr. HALE on the 20th instant, as follows:

Resolved, That the resolution of the Senate No. 62, agreed to June 6, 1919, authorizing the Committee on Naval Affairs of the Senate, or any subcommittee thereof, to send for persons, books, and papers, to administer oaths, and to report such hearings as may be had in connection with any subject which may be before said committee, or any subcommittee thereof, be, and the same is hereby, amended to authorize and empower the subcommittee appointed to consider the question of awards in the Navy to employ such counsel and clerical assistants as it may deem necessary, the expense thereof to be paid from the contingent fund of the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

Mr. ASHURST. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. Therefore I withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

Mr. NEWBERRY (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote until I can secure a transfer.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Arizona [Mr. SMITH], and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the junior Senator from Idaho [Mr. NUGENT], and vote "nay."

The roll call was concluded.

Mr. GORE (after having voted in the negative). I am paired with the junior Senator from West Virginia [Mr. ELKINS], and therefore withdraw my vote.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. He is not present, and I have not been able to obtain a transfer. I therefore withdraw my vote.

Mr. OVERMAN. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Kentucky [Mr. STANLEY], and vote "nay."

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

Mr. JONES of Washington. The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. During that absence I am paired with that Senator, and therefore withhold my vote.

Mr. EDGE. Has the Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not.

Mr. EDGE. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FERNALD. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the junior Senator from California [Mr. JOHNSON], and vote "yea."

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Tennessee [Mr. SHIELDS], and vote "nay."

Mr. STANLEY entered the Chamber and voted "nay."

Mr. OVERMAN (after having voted in the negative). The Senator from Kentucky [Mr. STANLEY], to whom I transferred my pair with the Senator from Wyoming [Mr. WARREN], having come in and voted, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 31, nays 31, as follows:

YEAS—31.

Brandegee	Frelinghuysen	McCormick	Sherman
Calder	Gronna	McLean	Smoot
Capper	Hale	McNary	Spencer
Colt	Harding	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kenyon	Norris	Townsend
Fernald	Lenroot	Page	Wadsworth
France	Lodge	Poindexter	

NAYS—31.

Ashurst	Hitchcock	Pittman	Stanley
Beckham	Jones, N. Mex.	Pomerene	Trammell
Borah	Kendrick	Robinson	Underwood
Culberson	King	Sheppard	Walsh, Mass.
Dial	Kirby	Simmons	Walsh, Mont.
Harris	McKellar	Smith, Ga.	Williams
Harrison	Myers	Smith, Md.	Wolcott
Henderson	Phelan	Smith, S. C.	

NOT VOTING—33.

Ball	Gerry	Moses	Shields
Bankhead	Gore	Newberry	Smith, Ariz.
Chamberlain	Johnson, Calif.	Nugent	Swanson
Dillingham	Johnson, S. Dak.	Overman	Thomas
Edge	Jones, Wash.	Owen	Warren
Elkins	Keyes	Penrose	Watson
Fall	Knox	Phipps	
Fletcher	La Follette	Ransdell	
Gay	McCumber	Reed	

So Mr. HALE's motion was rejected.

ADMIRAL WILLIAM S. SIMS.

Mr. WALSH of Montana. I ask the Chair to lay before the Senate Senate resolution 287, which went over yesterday under the rule.

The VICE PRESIDENT. The morning business is closed.

Mr. WALSH of Montana. I had heard no announcement of the Chair to that effect.

The VICE PRESIDENT. Yes; a vote has been taken since the morning business closed. It will require a motion to take up this resolution.

Mr. WALSH of Montana. I move, then, that the Senate proceed to the consideration of Senate resolution 287.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. WADSWORTH. What is the motion?

The VICE PRESIDENT. That the Senate proceed to the consideration of Senate resolution 287.

Mr. SMOOT. Mr. President, let the resolution be stated.

The VICE PRESIDENT. The resolution will be stated.

The resolution (S. Res. 287) submitted by Mr. WALSH of Montana on the 21st instant was read, as follows:

Whereas at the hearing being conducted by a subcommittee of the Committee on Naval Affairs of the Senate on January 17, 1920, Admiral William S. Sims being under examination, he offered and there was received in evidence and thus became public a copy of a letter theretofore addressed by him to the Secretary of the Navy, in which, among other things, the writer said:

"6. In the latter part of March, 1917, in response to a request from the American ambassador in London, expressing the desire of the British Government that a naval officer of high rank be sent to secure the closer cooperation which our Navy Department had suggested, I was ordered abroad on barely 48 hours' notice.

"7. Brief orders were delivered to me verbally in Washington. No formal instructions or statement of the Navy Department's plans or policy were received at that time, though I received the following explicit admonition: 'Don't let the British pull the wool over your eyes. It is none of our business pulling their chestnuts out of the fire. We would as soon fight the British as the Germans.'"

And

Whereas the said Secretary of the Navy has, through the public press, explicitly denied having given to Admiral Sims the alleged admonition, to wit:

"Don't let the British pull the wool over your eyes. It is none of our business pulling their chestnuts out of the fire. We would as soon fight the British as the Germans."

And

Whereas it is apparent that if such an admonition was given to the said Admiral Sims at the time and under the circumstances detailed it was and must have been understood by him to have been highly confidential: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that the disclosure of the alleged admonition by Admiral Sims, constituting, if given, a part of the secret instructions of an officer of the United States Navy on the eve of his departure on a mission of the highest importance and most extreme delicacy, merits universal and unqualified reprobation.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana that the Senate proceed to consider the resolution which has just been read.

Mr. SMOOT and Mr. LODGE called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. Call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Delaware [Mr. BALL], who is absent. For the present I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. GORE (when his name was called). I am paired with the junior Senator from West Virginia [Mr. ELKINS], and therefore withhold my vote.

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife, and has asked me to take care of him during that absence by a pair. Therefore I withhold my vote.

Mr. KELLOGG (when his name was called). I have a pair with the Senator from North Carolina [Mr. SIMMONS], who is absent from the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KENDRICK (when his name was called). I make the same announcement as to my pair as heretofore, and vote "yea."

Mr. MOSES (when his name was called). Repeating the announcement previously made with reference to my pair, I withhold my vote.

Mr. NEWBERRY (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN]. As he is not present, I withhold my vote, not being able to get a transfer.

Mr. KIRBY (when Mr. ROBINSON'S name was called). I announce the unavoidable absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON], who is detained by illness.

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the previous roll call of my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I transfer my pair with the Senator from Delaware [Mr. BALL] to the Senator from Idaho [Mr. NUGENT] and vote "yea."

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS], which I transfer to the senior Senator from Wisconsin [Mr. LA FOLLETTE], and vote "nay."

Mr. WOLCOTT (after having voted in the affirmative). I am just advised that the senior Senator from Indiana [Mr. WATSON], with whom I have a general pair, did not vote. I was under the impression that he had voted. That being the case, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 30, nays 33, as follows:

YEAS—30.

Ashurst	Henderson	Owen	Smith, S. C.
Beckham	Hitchcock	Phelan	Trammell
Chamberlain	Jones, N. Mex.	Pittman	Underwood
Culberson	Kendrick	Pomerene	Walsh, Mass.
Dial	King	Sheppard	Walsh, Mont.
Fletcher	Kirby	Shields	Williams
Harris	McKellar	Smith, Ga.	
Harrison	Myers	Smith, Md.	

NAYS—33.

Borah	Frelinghuysen	McCumber	Smoot
Brandegee	Gronna	McLean	Spencer
Calder	Hale	McNary	Sterling
Capper	Harding	Nelson	Sutherland
Colt	Johnson, Calif.	New	Townsend
Cummins	Kenyon	Norris	Wadsworth
Curtis	Lenroot	Page	
Edge	Lodge	Poindexter	
France	McCormick	Sherman	

NOT VOTING—32.

Ball	Gore	Newberry	Simmons
Bankhead	Johnson, S. Dak.	Nugent	Smith, Ariz.
Dillingham	Jones, Wash.	Overman	Stanley
Elkins	Kellogg	Penrose	Swanson
Fall	Keyes	Phipps	Thomas
Fernald	Knox	Ransdell	Warren
Gay	La Follette	Reed	Watson
Gerry	Moses	Robinson	Wolcott

So the motion of Mr. WALSH of Montana was rejected.

SHIPPING BOARD CLAIMS.

Mr. FERNALD. Mr. President, I wish to make a very brief statement about a measure which I am going to ask the Senate to consider at this time. I believe it to be of sufficient importance to have immediate consideration.

The purpose of the bill is to fulfill an obligation which the United States in good faith owes to certain builders of wooden ships, and the justice of this measure will be apparent when the facts are understood. When Congress declared war against Germany our most immediate need was for ships, because without them neither our men nor our supplies could be rendered available in Europe. Confronting that condition, the Government sought to procure the establishment of shipbuilding plants, and men were sent into all parts of the country for the purpose of holding public and semipublic meetings at which the absolute necessity of having ships was explained, and the people were urged in the most earnest way to provide for building them. An appeal was not only made to the patriotism of the people as an inducement for them to establish and equip shipbuilding plants, but they were assured that the Government would protect them against loss and allow them a fair profit on their investment. All of the shipbuilding yards for the relief of which this bill is intended were constructed and equipped under such circumstances.

Contracts for building ships were, in time, made with these companies, though in many instances the work had been progressing for weeks or even months without any contract and

upon the assurances given by letters or by telegrams or in personal conferences. The first contracts obligated the Government to pay the cost of building the ships, plus 10 per cent; but that form of contract was soon superseded by a contract to pay a certain sum which it was calculated by the Government experts would return a profit ranging from $30,000 to $42,000, depending on freight rates, which in turn depended on the proximity of the plants to the materials and the supplies which they required. The building on the Pacific coast was, with two or three exceptions, done under lump-sum contracts; but on the Atlantic and Gulf coasts the lump-sum contracts were soon superseded by contracts to pay the cost of the ships plus a fixed fee of $15,000 per hull, $7,000 of which was intended to cover yard depreciation and $8,000 was intended as compensation for the service. Every contract did not follow these terms precisely, but the few exceptional cases vary from them very little.

These shipbuilding companies were assured by the Government that their yards would be given work enough to fully return the investment, with a fair compensation, but they were not given contracts in the beginning for such a number of ships as would fulfill that assurance, because the policy of the board was to give a contract for a certain number of ships, and when that was finished a contract for a further number. That policy was based upon the belief of the board that the companies would exert themselves to complete each contract in order that they might obtain a further contract.

When the armistice was signed the Government immediately abandoned the construction of wooden ships, and canceled all contracts for them, thus saving a sum estimated by the chairman of the Shipping Board at between $125,000,000 and $130,000,000. The Government fully recognized, however, that it was obligated, in good faith, to keep not only its contracts with but also its assurances to those companies, and a board of cancellation was immediately organized by the Emergency Fleet Corporation, instructed to settle claims on the same basis as is provided in the bill under consideration, and something like 70 claims were so settled. But with a change in the personnel of the Shipping Board, resulting in the selection of a new chairman, further settlements were suspended. The moral obligation of the Government was not disputed, but it was held that under the law as it now stands the board has no power to pay any claims except those resting on a purely legal obligation of the Government. Under this conviction the present chairman discontinued the policy of his predecessors and refused to approve any further settlements according to the admitted moral obligation of the Government. It is proper that we should say, however, that the chairman's position in that regard was purely a question of power with him; and, recognizing the justice of the claims involved, he has recommended the passage of this bill.

The evidence submitted to your committee shows that unless this bill is passed without unnecessary delay a very great hardship will be inflicted on many worthy American citizens. In a number of cases—indeed, we might say that in practically all of these cases—men have not only invested their own money in the capital stock of these companies but they have become sureties for the companies at the banks and for money borrowed wherever it could be obtained. Those obligations aggregate millions of dollars, and unless relief is afforded hundreds of men will be hopelessly bankrupted through no fault of their own, and simply because they sought to help the Government in its hour of trial, accepting its assurances in lieu of its positive contracts.

It is estimated that to settle the claims provided for in this bill will cost the Government about $15,000,000, which will be less than 40 per cent of the amount reserved by the Shipping Board for that purpose.

Accompanying the report your committee submits a printed copy of the hearings held by it while considering the bill.

The urgency of this case, I believe, demands that the bill shall have immediate consideration, and I ask unanimous consent that it be considered at this time.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3451) authorizing the United States Shipping Board to adjust equitable claims of wooden-ship builders arising out of the prosecution of the war, which had been reported from the Committee on Commerce with amendments.

Mr. KING. Is the bill up for consideration?

The VICE PRESIDENT. It is.

Mr. KING. Has the Senator from Maine moved to take it up for consideration at this time?

The VICE PRESIDENT. The Senator from Maine obtained unanimous consent to have it taken up. The Chair made a loud inquiry as to whether there was objection, and there was none.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, line 4, after the word "authorized," to insert the words "and directed," so as to read:

That the United States Shipping Board be, and it is hereby, authorized and directed to adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States, etc.

Mr. HARDING. Mr. President, I hope the amendment in line 4 will be rejected. It is thoroughly out of harmony with the declared purposes of the bill. The bill is represented to be one giving authority to the Shipping Board to make these settlements. That is all that seems to be asked for. The committee comes in now and asks by this amendment to make it mandatory that the board shall proceed in accordance with the act to make settlement. I think we ought to leave something to the discretion of the board. If we grant authority, we have done everything that is necessary. I suggest the rejection of the amendment in line 4.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. HITCHCOCK. Is it a direction by Congress to the Shipping Board to adjust, liquidate, and pay? That leaves no option.

Mr. HARDING. It is not only a direction, but it specifies the terms on which the settlement shall be made, without regard to the contract. It ought not to be in the bill.

Mr. HITCHCOCK. That leaves no discretion to the Shipping Board.

Mr. FERNALD. It authorizes the Shipping Board to pay all just and equitable claims, and directs them to do so. I can see no objection to it.

Mr. HITCHCOCK. Why is it not sufficient to authorize them to take the steps? Here is an expression from Congress, which has not passed on the claims, directing the board to adjust, liquidate, and pay the claims. An authorization ought to be sufficient.

Mr. FLETCHER. Mr. President, I suggest to the Senator that an authorization might enable them to proceed to adjust, liquidate, and pay, but it does not direct them to do it. There might be a question whether that would be giving them sufficient power unless Congress proceeded not only to authorize them but to direct them to adjust these claims.

Mr. TOWNSEND. Will the Senator permit an interruption? I understood from the statement of the Senator from Maine that the Shipping Board had been paying these claims and would be willing to pay them now if they had authority to do so. Why direct them to do it? It simply restores the power which was exercised by the former Shipping Board, but which the present chairman denies he possesses. I understood the statement of the Senator from Maine to be that all he was asking for was an authorization which would justify the Shipping Board in making payments.

Mr. FLETCHER. I am inclined to think the Shipping Board would proceed, but, as a matter of fact, some portions of these claims have been thoroughly admitted, and there is no dispute about them; yet they do not pay them. They hold those portions up until they can adjust other questions in dispute. It was for that reason, I think, that the committee thought the words "and directed" should be inserted. The chairman of the board, I am quite sure, welcomes this sort of a direction. It is not intended to compel anything that he does not want to do or does not think ought to be done. I think he feels himself that it simply strengthens the authority. The committee thought they ought to be told positively to make these adjustments and payments at once.

Mr. HITCHCOCK. Mr. President, I think that would be a very serious error. Congress has no time to investigate and determine whether these claims should be paid. Congress can authorize the board to do it. The authority is just as sufficient to justify the act as it can be; but to direct it to do so leaves no option upon the part of the board. I think that would be a gross error.

Mr. CHAMBERLAIN. Mr. President——

Mr. FERNALD. I have no objection to striking out the words "and directed." I believe it is all covered in the word "authorized." I do not think it makes any particular difference, and I will accept that suggestion.

Mr. CHAMBERLAIN. If the Senator consents to have it stricken out, very well; but I think it would have been perfectly proper to insist that it remain there, in view of other provisions in the bill. However, I will not discuss it.

Mr. McCUMBER. I ask the Senator from Maine how much is involved in this proposition?

Mr. FERNALD. The chairman of the Shipping Board, I think, estimated that it is between ten and fifteen million dollars now.

Mr. McCUMBER. That is a mere estimate. It may be fifteen million and it may be a hundred and fifty million before we get through. I think no one knows what the liabilities of the Government are in connection with anything it had to do with the building of ships.

Considering the loose way in which contracts were made, the extravagances displayed along every line of contract, I have no doubt that it will be many times that amount before we get through.

Mr. President, I gave notice yesterday that I would present at the close of the routine morning business to-day some figures relating to our income as compared with our proposed expenses for the fiscal year 1921. Those remarks will have just as much bearing on the pending bill as they would upon the Kenyon Americanization bill, and I propose to place them in the RECORD at this time.

NATIONAL RECEIPTS AND EXPENDITURES.

Mr. President, there is a widespread opinion throughout the country that one of the pastimes indulged in by the Senate is talking against time. I am not certain that this may not be the result of my effort to-day to bring home to the Senate and to the country the most serious and threatening state of our financial affairs. Duty, however, to both the Senate and the country compels me to give, and to reiterate wherever it may be necessary, a note of warning along this line.

I am not a member of the Committee on Appropriations, but above and superior to the report of any committee is the final report of the Congress of the United States which it makes to the people of the United States. I am a Member of the Senate, and therefore justified in presenting the figures without waiting for action on the part of any Senate committee.

Mr. President, each Senate committee makes its report of the needs of the service over which it has jurisdiction, with, I am sorry to observe, very little reference to the needs of other branches of the Government which are being considered by other committees. The natural consequence is that there is no comprehensive paring of items to bring the whole within the Government's income.

The weakness in our legislative system to-day is the lack of a supervisory committee in the Senate that will assume the task of determining what is absolutely necessary in all the appropriation bills and what should be eliminated—of retaining only that which is most necessary and keeping the sum total of all the appropriations clearly within our income. That function can not be performed by the Senate as a committee of the whole, because the Senate never has more than one appropriation bill before it at any one time. It can therefore neither make adequate comparisons nor any intelligent, just, or comprehensive reductions. That result could only be obtained if all the several appropriations were combined in a single omnibus bill.

Mr. President, we will start the fiscal year beginning July 1, 1920, with a deficit of more than $3,000,000,000. Our estimated expenditures in the Book of Estimates, incomplete, but always below the actual amounts expended, propose for our consideration an expenditure which with the additional appropriations now being made will not be less than $6,000,000,000.

The total expenses to be met during the fiscal year ending June 30, 1921, would, therefore, in round numbers, be about $9,000,000,000.

Where will we obtain the cash to meet this demand? We must again turn to the Book of Estimates for contemplated revenues for our action. Including a return of $500,000,000 of capital stock of the Grain Corporation, the estimate of revenues, in round numbers, is $6,000,000,000.

Assuming that we would collect all of this sum, and I doubt that very much, we would still have a deficit of about $3,000,000,000. That means one of two things. We must either reduce these estimated expenses three billions or we must sell bonds and increase our permanent indebtedness another three billions. What are we going to do about it? What are our several committees which report huge appropriations going to do about it? What are Senators going to do about it? That may be answered in part by what they are doing right now, and the answer is that instead of reducing they are vastly increasing appropriations over the estimates. The House has passed the Fuller pension bill, not estimated for, which will carry an increase, in my judgment of $75,000,000. You have passed the Sweet bill, which carries probably another $80,000,000. You have just passed the Great Falls water-power bill, carrying $25,000,000.

So here we go, Mr. President, like a blind man rushing toward a precipice, seemingly oblivious to the financial abyss toward which we are heading.

I recognize that the indulgence in mere criticism of extravagances leads nowhere. I realize that what we want is a concrete statement of what items in the estimates can be dispensed with, to the end that our expenses shall be kept within our revenues. And if I felt that I was unable to meet that requirement I should not address the Senate on the subject.

I propose, therefore, to go into some little detail in presenting to the Senate a number of reductions that can and ought to be made. The only general statement that I shall make is that every estimate in excess of that required for the year ending June 30, 1920, except those where by law added duties are imposed or increased wages or salaries provided, should be eliminated. There should be no extension of Government activities in any line until our revenues overtake our present expenses.

And right here, Mr. President, I am compelled to note and enter upon the record a visual phenomenon peculiar to both branches of Congress, namely, that we can see very little things much more distinctly than we can see very large things, a reversal of nature's ordinary rule. And so we often spend weeks in battling to save a few thousand dollars and allow items amounting to hundreds of millions and even billions to pass without challenge or careful investigation. We are altogether too much inclined to be penny wise and pound foolish. Mr. President, we have outlived the old proverb, "Take care of the pennies and the dollars will take care of themselves." The proverb that would apply to present-day exigencies would read: Take care of the billions and the millions will take care of themselves.

We can not meet the present situation by the mere paring down of appropriation bills. We have simply got to cut out entirely many of the items entering into the estimates. We must apply an ax and not a drawshave.

I know of no better way to clearly bring into view the excrescences that have grown into enormous dimensions, and which invite the saw and the ax and not merely a manicure set, than to present in a table, for the purpose of comparison, some of the leading items of Government expenditures for the year ending June 30, 1915, with the estimates for the same items for the year ending June 30, 1921, one period nearly normal, before we were greatly affected by the World War, and one year beginning 21 months after the termination of the war and ending 2 years and 9 months after its termination. Certainly this last period is sufficiently remote from the war to demand a return to normal conditions. Mr. President, I here ask consent to have the table inserted in the RECORD.

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Total recapitulation by departments.

Objects.	Estimates for 1921.	Total appropriations for 1915.
Legislative	$19,844,934.95	$13,495,774.62
Executive	2,221,224.00	3,848,799.67
State Department	12,920,600.91	5,846,110.16
Treasury Department	1,674,203,922.86	148,823,222.86
Independent offices	506,740,449.59	5,341,828.20
District of Columbia	20,285,316.03	13,064,157.28
War Department	1,208,901,505.92	155,525,932.07
Panama Canal	18,245,391.00	21,849,525.00
Navy Department	580,674,130.80	147,294,218.97
Interior Department	294,370,826.81	211,164,901.16
Post Office Department proper	2,093,870.00	1,885,169.65
Postal Service, payable from postal revenue	391,713,673.00	313,364,667.00
Department of Agriculture	72,568,102.00	27,103,334.15
Department of Commerce	33,705,038.40	11,290,702.09
Department of Labor	8,974,574.00	3,785,712.84
Department of Justice	17,946,471.35	10,484,060.18
Total	4,865,410,031.62	1,094,168,102.39
Deduct Postal Service, payable from postal revenues	391,713,673.00	313,364,667.00
Total	4,473,696,358.62	780,803,435.39
The above items do not include amount due railroads, estimated at	600,000,000.00	
Nor the sum made necessary by enactment of the Sweet bill	80,000,000.00	
Nor the water-power bill	25,000,000.00	
Nor the Fuller bill	68,000,000.00	
Total	5,246,696,358.62	

Other deficiencies will bring the grand total to about $6,000,000,000.

Mr. McCUMBER. It needs but a glance at this table to indicate where the economy ax should be applied. We need not now bother ourselves with the few millions of dollars advance indicated here and there in this table. All of them put together would not make an appreciable showing in the enormous deficit which confronts us. Let us examine the big items.

We find that the estimates for the Treasury Department have advanced from $148,823,000 in 1915 to $1,674,000,000 for

1921, an increase of $1,526,000,000. Of course the principal part of this increase is the interest on war debt. The interest on our public debt which entered into the 1915 appropriation was about $23,000,000; interest estimated for 1921, $1,017,000,000. But after deducting this excess of interest we still have for the ordinary expenses $572,000,000 for the year 1921 as compared with $148,823,000 for the year 1915, or approximately an increase of $420,000,000 in the ordinary expenses. You ought to save right here not less than $300,000,000.

I next come to the item, "Independent offices." The appropriation for 1915 for this item was $5,341,000. This year the estimate is $506,750,000, an increase of 10,000 per cent. What makes up this vast increase from about $5,000,000 to $506,000,000? The one grand item is the estimate for the Shipping Board, $447,000,000. The Senator from Maine [Mr. FERNALD] proposes to increase it immediately by this bill by another $15,000,000. Every dollar of this can be cut out. The most shameful of all of our criminal extravagances have been the expenses of building our ships. The Government can not operate them, private individuals can not purchase them at Government cost, and the whole scheme is to run the Government into this new field of wild and extravagant paternalism.

Mr. KING. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield.

Mr. KING. As I understood the Senator's last statement, it was to the effect that private parties could not purchase these Government-owned ships. My understanding was that the board had determined to dispose of the ships. If they have not done so, I am inclined to think that Congress ought to take some steps to see that they shall act in a proper and legitimate way in the disposition of the ships.

Mr. McCUMBER. They are attempting to dispose of them. They can not dispose of them at a sum approaching the fearful cost that they have placed upon them; and so they have proposed that they will count off a billion dollars in cost; but even after allowing a billion dollars reduction, the price is so much higher than that for which they can be constructed by private individuals that they are receiving no demand for them.

Mr. KING. I agree with the Senator that something ought to be done toward a liquidation of the entire accounts of this great Federal agency. I know that the expenses incurred in the operation of these ships is wholly indefensible. I know, at least it is my information, that vessels are leased by the Shipping Board to some private persons who are operating their own ships, and that they so manipulate the operation of the Government vessels as that the profitable cargoes are shipped in their own boats and the unprofitable ones in the boats of the Government. The Government suffers, as it always will when it attempts to engage in activities which belong to private enterprise.

Mr. McCUMBER. We, of course, can not undo the evil extravagances which have heaped this enormous loss upon the Government. What we can do, however, is to cut out any future extravagances. We do not need to make this extra expenditure of $447,000,000. We had better shut up our shop right now and stop this expense. We will save at least $447,000,000 of contemplated Government expenses, and we can save enough more out of the Shipping Board to make another $500,000,000 of expenses saved to the Government. I am trying here to show wherein we can save from two billion to two and one-half billion dollars out of our estimates.

Our experience in operating our railways under Government ownership ought to be sufficient to force the elimination of that entire amount. The Shipping Board should be closed as quickly as the Government can close it. We can easily save out of this item for independent offices $500,000,000 and still leave a million more than our 1915 appropriation. We next examine the War Department. The appropriations for 1915 were $155,525,000. For 1921, a period that will end nearly three years after the termination of the war, we call for $1,208,901,000, an increase of $1,053,376,000. As this does not include any increase in the salaries of officers, to say the very least we ought to cut this down about $700,000,000.

A large part of this estimate is for fortifications, military posts, and so forth, $139,296,000. These should be cut out. They should not be thought of at this time. We have a number of vacant military posts. We have all the buildings and structures erected in this country during the war which are vacant and rotting to-day and can be used for posts.

There is not a country in Europe to-day that could make war on us, and there will not be one that can conduct a war for 50 years. All these extra appropriations can wait until we can afford to pay for them.

We next examine the Navy Department. Until we can secure a degree at least of decent international behavior by a compact of all the great nations, of course we must build warships and prepare to destroy each other, and we must keep abreast of the necessity of the hour. But, Mr. President, with every nation in Europe practically bankrupt, the necessity of the hour does not demand the vast increase in battleships asked for. We do not need to expend as much as we expended in 1915, because the possibility of another war is far more remote than it was in 1915.

In 1915 we expended for our Navy Department $147,294,000; we ask for this coming year $580,674,000; we can easily save right here another $400,000,000.

Our present appropriation bill calls for $75,000,000 to be expended in good roads by the Government. That ought to be eliminated until we can afford to pay for this luxury.

There was appropriated for public works under the War Department last year $54,000,000; this year the estimate is $194,000,000. If we hold to last year's appropriation, we can save $140,000,000 right here.

The War Department asks for $10,000,000 for vocational training of soldiers, as against $2,000,000 asked last year.

The Vocational Education Bureau asks for $21,000,000 for rehabilitation for soldiers injured during the war. Much of the expense incurred for slight injuries in sending doctors and lawyers and others to college might, in my opinion, be saved.

Other minor items that could be dispensed with are:

Public buildings	$10,000,000
Rivers and harbors	60,000,000
Public works	31,000,000
Torpedo boats	23,000,000
Armor for vessels	49,000,000

From the best information I can get we can dispense with about 50,000 clerks in our departments, with a saving of $60,000,000.

A recapitulation of the most important reductions would show:

Treasury Department	$300,000,000
Independent offices, including Shipping Board	500,000,000
War Department	700,000,000
Navy Department	400,000,000
Reduction in clerical service	60,000,000
Total	1,960,000,000

With careful reduction along other lines indicated we could easily bring about a total reduction of $2,250,000,000 without the Government suffering in the least.

Mr. President, the country is longing for a return to something like normal conditions; but the people as a whole can not possibly return to a normal state so long as the Government keeps up this abnormal extravagance. Government extravagances are solely responsible for the high cost of living to-day, which, when analyzed, mean nothing more or less than that we are indulging in a wild orgy of spending borrowed money. The first great necessary step is to stop borrowing, but to stop borrowing we must stop spending, and to stop the spending we must stop unnecessary appropriations.

Mr. President, I am fully aware that we can hardly look for anything more than a mild sympathy in the several committees which are to pass judgment on what each department shall be allowed; but I know without any greatly refined process of reasoning that the Government can operate and function with an expenditure of not to exceed three times what we expended in 1915. And if we do that we can easily keep within our income.

Let us make allowance for $1,000,000,000 extra expense of interest. Let us assume that our expenses in 1915 were $1,000,000,000 in round numbers. Suppose we double it, and we have $2,000,000,000; and there is no excuse on earth for more than doubling the ordinary expenses of the Government over the expenses of 1915. That would bring us to such a point that instead of being two or three billion dollars above our income we could cut our taxes about $2,000,000,000.

One of the great difficulties we encounter whenever we make any systematic effort at economy, as I have suggested, lies in the fact that one committee can not refuse to allow items in a bill before it which it considers of more or less grave importance when other committees report bills carrying heavy appropriations which the first-named committee considers of far less importance. I might here give an illustration.

Unquestionably good roads are needed throughout the country. But, like many other good things, we can get along without them, as we have heretofore done, if we have not the money to pay for them. The good-roads movement will cost the Government for 1921 $75,000,000.

Now, because of the awful extravagances of the Government just at a time when the old soldiers of the Civil War are on the brink of the grave, when they are less able to care for themselves, we have increased their burden in the higher cost of living at least twofold. We have increased the wages of

railway and other employees to meet the higher cost of living. These old veterans certainly have a just right to say that if we can spend $75,000,000 in good roads for the year 1921 we can add $75,000,000 to just put them where they were before we added to their burdens. These old veterans are as patriotic as when they fought to uphold the Union from 1861 to 1865. If 300,000 of their comrades died to save the Union, so in the Government's present extremity most of the survivors would be willing to suffer privations down to their last breath if necessary. But I for one should never consent that their needs should be denied so long as a single one of these extravagant and unnecessary appropriations is voted by the Senate.

Mr. President, I am appealing for united action on the part of the Senate itself to eliminate from our appropriations everything not absolutely necessary, to the end that we may keep within our income without a further increase of taxes or a further issuance of bonds. And I especially appeal to the Republican Members of Congress, members of that party which is responsible for any failure to meet the necessity of the hour, to unite in a determination to check all further governmental extravagances.

Mr. President, for the use of the Senate, I desire to present and have printed as an appendix to these remarks certain other memoranda and tables which, I think, will be useful to Senators in ascertaining wherein we may make necessary reductions.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Total recapitulation by departments.

Objects.	Estimates for 1921.	Total appropriations for 1915.
Legislative	$19,844,934.95	$13,495,774.02
Executive	2,221,224.00	3,848,786.67
State Department	12,920,600.91	5,846,110.16
Treasury Department	1,674,203,922.86	148,823,222.86
Independent offices	506,740,449.59	5,341,828.20
District of Columbia	20,285,316.03	13,064,157.28
War Department	1,208,901,505.92	155,525,932.07
Panama Canal	18,245,391.00	21,849,525.00
Navy Department	580,674,130.80	147,294,218.97
Interior Department	294,370,826.81	211,164,901.16
Post Office Department proper	2,093,870.00	1,885,169.65
Postal Service, payable from postal revenues	391,713,673.00	313,364,667.00
Department of Agriculture	72,568,102.00	27,103,334.15
Department of Commerce	33,705,038.40	11,290,702.09
Department of Labor	8,974,574.00	3,785,712.84
Department of Justice	17,946,471.35	10,484,060.18
Total	4,865,410,031.62	1,094,168,102.30
Deduct Postal Service, payable from the postal revenues	391,713,673.00	313,364,667.00
Total	4,473,696,358.62	780,803,435.30
The above estimates do not include amount due railroads, estimated at	600,000,000.00	
Nor the sum made necessary by enactment of the Sweet bill	80,000,000.00	
Water-power bill	25,000,000.00	
Fuller bill	68,000,000.00	
Total	5,246,696,358.62	

Other deficiencies will bring the grand total to about $6,000,000,000.

Appropriations asked for—Estimates 1921.

Treasury Department		$1,674,204,000
Payment of interest		1,017,500,000
1 per cent for issuing bonds, etc		12,456,000
General expenses of operating department, including mints		73,000,000
Miscellaneous items		247,000,000
Public buildings		10,000,000
Balance is made up of minor items.		
Independent offices:		
Principal ones are—		
State, War, and Navy Department buildings, care of		2,330,000
Social Hygiene Board		2,500,000
Interstate Commerce		4,000,000
Federal Trade Commission		1,300,000
United States Shipping Board		447,000,000
Employers' Compensation Commission		3,000,000
For rehabilitating soldiers		38,000,000
Operating expenses of the Board for Vocational Education		4,000,000
Other items are made up of appropriations for such institutions as Smithsonian, Board of Mediation and Conciliation, Council of National Defense, National Advisory Committee for Aeronautics, etc.		
War Department		$1,208,000,000
Pay of Army, National Guard, etc		989,578,000
Fortifications, military posts, etc		139,296,000
Rivers and harbors		60,000,000
For civil employees of the War Department		6,500,000
Navy Department		580,000,000
Salaries, expenses, etc., civil		3,097,000
Pay of Naval Establishments		542,000,000
This includes following items—		
Public works		31,000,000
Permanent annual appropriations		4,000,000
The latter includes naval homes, hospital taxes, expense of selling clothing, etc., trust funds.		
On account hulls and outfitting of vessels, machinery heretofore authorized		105,000,000
Torpedo boats		23,000,000
Armor for vessels		49,000,000
Repairing and preserving machinery, etc		26,000,000
Completing vessels in stocks		27,000,000
Establishing a docking and repair plant at San Francisco		10,000,000
Navy air service, hangars, dirigibles, etc., changing vessels, etc		35,000,000

Memoranda.

[Figures given in round numbers.]

Appropriations for 1920		$6,030,000,000
Estimated deficiency for 1920		3,000,000,000
Estimates for 1921		4,865,000,000
Deficiency not known.		
Of this amount there is:		
Interest on public debt	$1,017,500,000	
Sinking fund	287,500,000	
Postal revenues	391,700,000	
		1,686,700,000
Leaving for ordinary running expenses of the Government		3,178,300,000
Of this amount there is estimated for the Shipping Board to construct vessels, property, etc		446,270,000
Which, if omitted, would leave		2,732,030,000
There was appropriated for public works under War Department last year $54,000,000; this year the estimate is $194,000,000; holding to last year's appropriation would give a saving of		140,000,000
The Bureau of War Risk Insurance asks $6,000,000 more than was appropriated last year for operating expenses, of which $2,000,000 is for collecting premiums and $1,000,000 for advertising		6,000,000
The Treasury Department asks $23,000,000 more for operating expenses, of which $12,000,000 is for refund of taxes illegally assessed and $6,000,000 for war-risk insurance, $2,000,000 more for enforcing prohibition law, and $3,000,000 for extra expense of collecting taxes.		
The War Department asks for $10,000,000, instead of $2,000,000 granted last year, for vocational training of soldiers in service		10,000,000
The Vocational Education Bureau asks, instead of $21,000,000 granted last year, for rehabilitation of of soldiers injured in the war		38,000,000
The Department of Commerce asks for $14,163,000, instead of $9,516,000 granted last year, an increase of approximately		5,000,000
The Department of Labor asks for $6,075,000, instead of $3,340,000, an increase of approximately		3,000,000
In the Post Office appropriation act approved Feb. 28, 1919, there is appropriated $200,000,000 for construction of rural post roads. Of this amount $50,000,000 was made immediately available for the year ending June 30, 1919; $75,000,000 for the year ending June 30, 1920; $75,000,000 for the year ending June 30, 1921; and in addition there was another $9,000,000 appropriated, $3,000,000 for each of the three years, for survey and building roads and trails in forest reserves.		
The act of June 30, 1919, appropriated for deficiencies in the operation of railroads by the Government		750,000,000
This was in addition to $500,000,000 granted the previous year.		
For public printing and binding the estimate for 1921 is $10,770,000, as against $7,346,000 appropriated for last year.		
A large amount of this printing and binding is useless. Every department has an editorial staff, whose sole duties are to carry on a propaganda for expansion of that department.		
On Dec. 24 the President signed the Sweet bill, amending the war-risk insurance so that a soldier of this war will receive for total disability from $80 to $100 per month instead of $30 per month under the original act, increasing appropriations (estimated) over what they would have been had this law not been enacted		80,000,000
The water-power bill has just been passed, carrying with it an appropriation for utilizing the power of Great Falls for Washington of		25,000,000
This could have been postponed.		

Mr. KING. Mr. President, I shall suggest the absence of a quorum, unless the Senator from Maine desires to speak now.

Mr. FERNALD. No.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Hale	McKellar	Smoot
Calder	Harding	New	Spencer
Capper	Harris	Newberry	Sterling
Chamberlain	Henderson	Norris	Trammell
Colt	Hitchcock	Overman	Wadsworth
Cummins	Jones, Wash.	Page	Walsh, Mass.
Curtis	Kellogg	Phelan	Walsh, Mont.
Dial	Kenyon	Sheppard	Warren
Fernald	King	Sherman	Wolcott
Fletcher	Lenroot	Shields	
France	Lodge	Smith, Md.	
Gore	McCumber	Smith, S. C.	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. KENDRICK, Mr. OWEN, and Mr. SMITH of Georgia answered to their names when called.

Mr. HARRISON, Mr. POMERENE, Mr. SUTHERLAND, Mr. FRELINGHUYSEN, Mr. POINDEXTER, Mr. SIMMONS, Mr. NELSON, Mr. CULBERSON, Mr. BANKHEAD, Mr. NUGENT, and Mr. UNDERWOOD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee, on page 1, line 4, after the word "authorized" to insert the words "and directed."

Mr. KING. Mr. President, the measure under consideration was introduced in this body November 19, 1919, and reported from the Committee on Commerce on the 21st instant. I doubt whether any of the Members of the Senate, other than the Committee on Commerce, knew of this bill until it was called up for consideration a few moments ago by the Senator from Maine [Mr. FERNALD].

It is impossible, Mr. President, to intelligently or fairly discuss a measure of such importance without having had an opportunity to become familiar with its provisions and to learn the purpose for which it was designed and the evils which it seeks to remedy. I have had no opportunity to even read all of its provisions, and it is quite likely that some of my observations and criticisms may be unwarranted and unfair. However, I feel that legislation of this character, which may establish a precedent of far-reaching consequences, should be carefully considered, and that we should not pass them in a perfunctory manner.

Mr. President, a hasty perusal of some of the provisions of this measure have impressed me with the view that it was rather hurriedly prepared and does not sufficiently protect the interests of the Government. It is unfortunate that the committee did not submit a full and detailed report, so that Senators might be advised of all questions connected with the proposed legislation.

I understand the bill is for the purpose of liquidating claims against the United States, some of which may be founded upon contracts, express or implied, some of which may rest in nubibus, in the imagination of individuals, upon grounds which are uncertain and indefinite and having no legal sanction. It also appears that it is absolutely impossible for anyone to determine the amount of the claims.

The Senator from Maine [Mr. FERNALD], who reported the bill, has just stated that his information is that they will not exceed $15,000,000. As stated, there is no report accompanying the bill, and Senators are wholly at sea as to the expenditures which will be called for under the provisions of the bill. It may be $15,000,000 or it may be $50,000,000.

We know, from newspaper statements and otherwise, that many wooden ships were constructed, and that contracts for a large number were canceled. The keels of some of these ships were never laid; some were in process of construction. I have been advised that some yards were completed for the construction of wooden ships, under no valid contracts with the Government, but in anticipation that contracts for the construction of wooden ships would be entered into with representatives of the United States; and that after the yards were constructed and the armistice was declared work upon the yards was suspended and no ships were constructed.

My information is that there will be claims for damages against the Government aggregating millions of dollars, for which, in justice and equity, the Government should not be held accountable. Some yards were completed and ships partially, and, indeed, some entirely completed. Claims will be made by the owners of those yards against the Government. I am afraid, Mr. President, that there will be some persons who built yards for the construction of wooden ships, whether ships were completed or not, and who were not authorized to engage in the enterprise, who will attribute the undertaking to some fanciful statement or promise made by the Government. It has been claimed that some persons or corporations, partially influenced by patriotic motives, and partially influenced by a desire for gain, which was entirely legitimate, undertook the construction of shipyards for the building of wooden ships, and when the armistice came they concluded that they would not prosecute their work further. Indeed, the record of the wooden ships during the war was of such a character as to demonstrate the futility of their construction. This seems to be the day of the steel ship, not the wooden vessel. It may be that some individuals who constructed yards, or attempted to build ships as a business venture, will seek to attach a liability to the Government under this bill, and to put their hands into the Treasury of the United States for large amounts.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. I want to call the Senator's attention to the situation. Those people had contracts with the Government for building wooden ships. It was estimated by the Shipping Board itself, according to the claims presented to the committee, and which, so far as I know, have never been questioned, that the Government, without having authority to do so under the contracts which they had entered into with the wooden-ship contractors, would save from $125,000,000 to $130,000,000 by canceling those contracts, which they proceeded to do when the armistice was signed. That was over and above any possible claim or estimate or allowance to the contractors covering these claims and all other claims that they might have under the contracts.

I call the Senators' attention to the fact that the Shipping Board, without express provision in the contracts giving them that power or authority, deliberately canceled those contracts, and nobody is finding any fault with them particularly, because it saved the Government $125,000,000 to $130,000,000, according to their statement, over and above what they estimated would properly, reasonably, and justly compensate the contractors for the construction of wooden ships. So the Government took the matter in their own hands by canceling contracts which had no provision for such cancellation, and saved the Government from $125,000,000 to $130,000,000 over and above these claims.

Why should not claims be properly and reasonably adjusted on a fair and equitable basis? That is the situation as disclosed by the hearings. Extensive hearings were had before the Commerce Committee, and I call the Senator's attention to them; they are printed. That situation appears in the hearings at pages 26, 27, and 28.

Mr. KING. Mr. President, I would be the last man in the world to deny any person who has a legitimate claim against the Government the opportunity or the forum in which to present and litigate such claim.

If the Government of the United States entered into valid contracts with individuals for the construction of yards or wooden ships, and the Government broke the contracts to the damage of the contracting parties, the Government, of course, should pay for all damages sustained, even though the yards and ships are now of but little or no value. But I am concerned in finding a proper tribunal, surrounded with proper limitations, in which all individuals may litigate their claims and have justice done to them. I would not deprive any person of a single cent to which he is honestly entitled from the Government; but what I am protesting against, Mr. President, is the loose character of the legislation which is submitted here, if I am able to understand the purport of the bill, and the failure of the committee to properly guard the interests of the United States.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. KING. I yield.

Mr. HARRISON. Was not a similar bill passed through Congress to adjust all claims that arose out of the war?

Mr. KING. I sent for the bill the Senator refers to a moment ago and I am going to allude to it a little later. I have it here before me.

Mr. HARRISON. That is true, is it not?

Mr. KING. I have stated to the Senator that the bill is before me and I shall allude to it. I will state, however, that it differs materially from this bill and protects the Government better than this bill.

Mr. FERNALD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maine?

Mr. KING. I yield.

Mr. FERNALD. I am exceedingly sorry that the Senator has not read the pending bill, because the very point he is making and the argument he is making so eloquently are covered in the first 20 lines of the bill, which are to the effect that nothing but just and equitable claims are to be considered. It is plainly stated in the bill, and if the Senator would read it I believe he would withdraw any objection that he has along those lines.

Mr. KING. I have read all the bill but the last page, and I will read that before I take my seat, if I have an opportunity, even though I shall be compelled to read it to the Senator.

Mr. President, the Senator calls attention to the first section. Let us see what that section is. First, it "directs" the Shipping Board to go out and liquidate and settle claims. It would seem as if its duty was to hunt up claimants against the Government. It is not sufficient for claimants to assert their claims against the Government, but the board is directed to adjust and liquidate claims.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. KING. Automatically, I presume, I would be taken from the floor at this time?

Mr. KENYON. No; I do not wish to do that.

Mr. KING. That is to say, automatically the bill of which the Senator from Iowa is in charge would displace the pending measure?

Mr. KENYON. Yes.

Mr. KING. So if I proceed in the discussion, it would be under the Americanization bill. I think, while I have the floor, if the Senator from Iowa will pardon me, in order that the Senator from Maine [Mr. FERNALD] may have my views in regard to the bill which I have been discussing, I shall call his attention to some of the features which I deem objectionable.

The next provision I call the Senator's attention to is on line 4, page 1, where these words appear:

> They are permitted to adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917, which can not be paid under the law as it now is.

It is obvious that the law under which some persons entered into contracts or "built" wooden ships gives no ground for relief against the Government. In other words, this bill is to validate or legalize claims which have no legal foundation. I have not examined the various measures now upon the statute books under which legitimate claims growing out of breaches of contract by the Government may be presented to the Court of Claims, but I am inclined to think if there is a valid contract existing between any individual and the Government growing out of the construction of vessels or shipyards, an opportunity now exists under existing law to present claims for damages and to have them adjusted and paid.

The next point to which I direct the Senator's attention is, on page 2, lines 4, 5, 6, 7, and 8, where I find stricken out what I regard as a proper provision which was in the bill as it was introduced. The words stricken out are as follows:

> *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Emergency Fleet Corporation, or a representative of them or either of them.

It seems to be the intention in eliminating these words to allow claims against the Government and to compel their payment, though there was no valid contract entered into between the man who built the yard or built the ship and a duly accredited representative of the Government.

Mr. McNARY. Mr. President——

Mr. KING. I yield to the Senator from Oregon.

Mr. McNARY. As a member of the Senate Committee on Commerce, I attended those hearings, and I will say to the Senator that that language was stricken out by reason of the restricted, technical, and narrow construction given to a definition of the word "representative" by Judge Payne, chairman of the Shipping Board. When the question was propounded to him he said he thought the word "representative" would apply only to the personnel of the Shipping Board—the president or vice president of the Emergency Fleet Corporation. It is plain, if the Senator has given the matter, as I have no doubt he has, careful and thorough thought, that nearly all these shipyards are in zones or districts, with what we call district managers in charge, through whom the orders were made and through whom the voice of the Shipping Board spoke.

Necessarily, the changes in the program, the modifications in the style of architecture of the vessels, were dictated to a very great extent by those regional or district managers. In view of the very narrow definition placed by Judge Payne upon the word "representative," it was thought best to strike it out. In order to meet the situation that is presented by the Senator from Utah, I have suggested an amendment which I have not yet disclosed.

Mr. KING. To make it read "accredited representative"?

Mr. McNARY. No. I had considered that; but I want to follow the mineral act, which I like much better. After the word "Corporation," in line 8, page 2, I propose to insert the words "or any officer or agent acting under its authority, direction, or instruction." Those are the words used in the mineral act. That would cover the objection made by the Senator from Utah.

Mr. KING. If the Senator will permit me to interrupt him at this point, I think the provision which has been eliminated should be retained in the bill, and that the words "and accredited" should precede the word "representative," so that it will read:

> *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Emergency Fleet Corporation, or an accredited representative of them or either of them.

However, the words just suggested by the Senator from Oregon seem to meet the objection urged; certainly they will greatly improve the bill and provide some safeguards for the Government.

Mr. McNARY. I will say to the Senator, if he will pardon me until I conclude, that I had the word "accredited" placed there this morning, thinking, perhaps, that there should be a reinstatement of that provision; but after I obtained the mineral act I thought I would use the same language, so there would be uniformity of expression in the statute pertaining to the particular situation.

Mr. KING. I desire to invite the attention of the Senator from Oregon to a situation with which he is entirely familiar. He will agree with me that we should be exceedingly careful in enacting legislation of this character because of the precedent which will be established. Let me illustrate.

The Department of Agriculture and the Food Administration representatives soon after we entered the war began a campaign, and a very proper one, throughout the United States to induce the people to produce the food necessary to sustain ourselves as well as our allies. Representatives of the Agricultural Department and of the Food Administration visited—I was about to say every hamlet in the United States, but, at any rate, they visited every State and every county of every State, and came in contact directly with thousands of individuals. They importuned them to produce potatoes and other vegetables, wheat and corn and all forms of agricultural crops. They went to the woolgrowers and urged them to grow sheep to produce more wool, in order that clothing might be provided for our soldiers who had crossed the sea and for our allies. They went into Arizona and told farmers there to grow long-staple cotton, that it was indispensable in the production of aircraft and other war materials. Men plowed up other crops and planted their farms, in many instances, to the crop desired by the Government. The result was, as Senators know, that hundreds of thousands of agriculturists in the United States and stock growers and others who produced for the winning of the war sustained serious losses.

The long-staple cotton men, I remember, came here to Washington soon after the termination of the war and laid the situation before the War Department and importuned them to grant some relief. None could be granted, notwithstanding those individuals had been appealed to directly by representatives of the Government and had responded to their requests. It was held that there was no valid contract, no binding contract, under which the Government was liable.

I recall that the distinguished junior Senator from Pennsylvania [Mr. KNOX] stated that in his section of the State many persons produced large quantities of potatoes at the direct request of representatives of the Government and they lost thousands of dollars. There were no purchasers for the potatoes. In the State of Idaho hundreds of thousands of bushels of potatoes were lost because of the lack of market and the imperfect system of transportation. The farmers had patriotically undertaken to produce what the officials of the Government had asked them to grow, but their losses were never paid and never will be.

Hundreds of thousands of people were compelled to close their business enterprises because it was alleged they were producing nonessentials. Their losses are hundreds of millions of dollars.

I merely instance those cases for the purpose of showing that legislation of this character should be carefully scrutinized and the interests of the Government should be carefully guarded in order to prevent the establishment of a precedent that will arise to vex and injure the Government.

I know that in my own State individuals acted under the provisions of an act of Congress which was approved October 5, 1918, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply." Many persons in my State and in other States of the West, and in some of the Southern States spent thousands of dollars in trying to develop the rare metals which were indispensable in the conduct of the war. We needed manganese, pyrites, chrome, vanadium, and many other rare metals and minerals, and at great expense patriotic persons attempted their production. When the war suddenly came to an end, many of those individuals were found with incomplete plants, many were found with thousands and tens of thousands of tons of ores, some in process of being shipped, some upon the dumps, and some already shipped to eastern points. They presented claims to the Government and the Government held that there had been no valid contracts entered into and they could not be compensated; and they have not been compensated to this day.

Mr. President, there are hundreds of thousands of persons who sustained serious losses by reason of their patriotic efforts to increase production in manufactured products, in articles needed by our soldiers and by our allies, and in the production of metals and foodstuffs. They never have been compensated; they never will be compensated. If those who seek relief under this bill have valid contracts, not necessarily written contracts or express contracts, but contracts, express or implied, with the Government of the United States or accredited representatives of those boards or agencies of the United States upon whom was devolved the duty of building ships, then I insist that they shall be paid, and I shall be very glad to aid in setting up the necessary machinery in order that their claims may be presented, allowed, and paid. If we do not properly guard this bill the temptation will be great for the presentation of claims which are groundless and could not be sustained in law or in good conscience.

Mr. McNARY. Will the Senator yield on that point?

Mr. KING. I yield.

Mr. McNARY. By studying the bill it will appear to the Senator that it is based upon the proposition that there must be a contract, either express or implied, with the Government. The instance which the Senator cites of men who desire to come in under cover of the proposed legislation are instances where they have neither an implied nor a written contract, and, consequently, the bill would give them no relief; nor would it create any remedy to which they are entitled that we are now seeking to erect. On the first page of the bill it specifies clearly the contract to be had with the Government.

Mr. KING. Will the Senator consent to an amendment of the measure by which it shall be clearly expressed that no claim shall be paid that does not rest upon a valid contract, express or implied, with the Government of the United States or an accredited representative of the Government?

Let me add before the Senator answers that section 1 is ambiguous. It says claims are to be paid when "individuals, firms, or corporations * * * build * * * wooden ships for the United States," and so forth. Some persons may claim that they "built ships for the United States," but will fail to produce a contract. They may claim that some agent of the United States urged them to build ships, and that these efforts were solely the result of such alleged statements. The same situation exists with respect to many who produced cotton, or minerals, at a loss. There was no contract, but the persons so producing insist that they acted upon the request of the Government. There are doubtless cases where the desire for profit induced crop and metal production as well as shipyard and ship production. But I call attention to page 2 of the bill, which strikes out the words which would protect the Government.

Mr. McNARY. I will say to the Senator, in the first place, that I have not the bill in charge, and I can not authorize or accept the amendment. In the second place, by a careful reading the Senator will find a provision covering what the Senator now requests, and covering the very suggestion which he is proposing.

Mr. KING. The words which are stricken out by the committee are not quite broad enough. I should like to see them amended so as to more carefully guard and protect the interests of the Government. But let me say to my good friend from Oregon that I have no doubt a bill can be drawn and can be passed which will be just and fair in its terms to the Government and to those who have claims against the Government, and I shall be very glad to join the committee and the Senator from Oregon in passing a measure that will protect the Government and will deal justly with those who have claims against the United States.

I wish to call the attention of the Senator to one or two other provisions, so that he may have them in mind before the bill comes up again for consideration. I find on page 2, at the bottom of the page, these words are stricken out:

> And that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said board.

I am not sure that the amendment offered by the committee fully protects the Government. I am inclined to think that it rather extends the opportunity for speculative and prospective profits. I direct the attention of the Senator and those having the bill in charge to that amendment.

Mr. FERNALD. Mr. President——

Mr. KING. I yield to the Senator from Maine.

Mr. FERNALD. At the top of page 3, line 3, there are these words:

> *And provided further*, That no prospective or possible profits of any kind shall be allowed on account of any ships or barges or other work contracted for—

Mr. KING. Will the Senator read the concluding words of the amendment?

Mr. FERNALD. They read as follows:

> Or other work contracted for on which no work has been done or commitments made.

Mr. KING. The Senator will see that there is a limitation. I think the Senator ought to strike those words out.

I direct attention to another amendment tendered by the committee, beginning in line 23, on page 3, and terminating in line 14, on page 4. That provision may be intelligible, and, doubtless, is to those who have drafted it, but I fancy that there are some loopholes under which the Government of the United States might be compelled to pay some unjust claims.

Mr. McNARY. Let me ask the Senator, does he refer to the amendment ending with the word "equitable," in line 13, on page 4—that is, the provision in italics?

Mr. KING. Yes.

Mr. McNARY. The whole thing?

Mr. KING. Yes; and I particularly direct the attention of the Senator to these words——

Mr. McNARY. I will state to the Senator that I think that was inserted largely on account of Judge Payne, the chairman of the Shipping Board, desiring to have a rule in the measure by which he could determine the amount and the quantity of the damage; and in order to relieve him from setting up a structure of his own he wanted a legislative guide by which he might act.

Mr. KING. Mr. President, I think this attempt to determine the basis of damage is objectionable. There is so much incertitude in the method of determining damages here that I think it needs clarification. For instance, where would these words carry us to? On page 4, after speaking of the deductions, the section proceeds:

> And the salvage value of said yards, plants, facilities, machinery, and equipment at the time of adjustment, less such amount as the contracts specify, shall be allowed for depreciation for each delivered ship hull and for each delivered barge.

I invite the attention of Senators to that.

Then I shall offer an amendment to this bill limiting the amount of the appropriation. The Senator from Maine says that it will not exceed ten or fifteen million dollars. I make the prediction now to my distinguished friend that claims will be lodged, if the bill is passed in the present form, that will go far beyond $15,000,000; and so I shall offer an amendment limiting the aggregate amount that may be paid under the bill.

Mr. FERNALD. Mr. President, with the Senator's permission I will say that the chairman of the Shipping Board estimated that between ten and fifteen million dollars would be required; but the appropriation for that purpose is something like $55,000,000, so that this is less than 40 per cent of the amount that has already been appropriated.

Mr. KING. Well, if somebody has imposed upon Congress, and we have heretofore made an appropriation of $55,000,000 to liquidate valid claims which aggregate only ten or fifteen million dollars, there is no reason why we should not make a limitation upon the appropriation. Nobody had a right to come here and impose upon Congress and ask for an appropriation of $55,000,000 for claims that would not aggregate more than ten or fifteen million dollars.

Mr. McNARY. Mr. President, may I ask the Senator a question?

Mr. KING. I yield.

Mr. McNARY. The Senator spoke a moment ago of a most laudable desire to have all those engaged in this work for the

Government compensated for the amount of their actual damages.

Mr. KING. Yes.

Mr. McNARY. Now he wants to impose a limitation, irrespective of whether or not they have suffered damages in a greater sum than that. I do not understand the Senator's position.

Mr. KING. The Senators say that the estimates which they have show damages of from ten to fifteen million dollars. Does the Senator mean to state that with this great cloud of employees which the Emergency Fleet Corporation and the Shipping Board have had, thousands of employees, and bureaus and boards and administrative officers without number, they do not know what contracts they have made or the actual, valid, bona fide claims against the Government? If they do not they are not fit to hold the offices which they now occupy.

Mr. FLETCHER. Mr. President, will the Senator allow me?

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. I call the Senator's attention to another fact—that since these estimates were made and submitted to the Appropriations Committee, and provided for in the appropriation bill, as to the amounts required to cover all of these claims, some $50,000,000, about 70 of the cases have been actually settled and adjusted on the original basis which the Shipping Board and Emergency Fleet Corporation felt they were authorized to settle. Now, a change in personnel of the chairmanship of the Shipping Board, resulting in Judge Payne's taking the place of Mr. Hurley, and other changes in the Emergency Fleet Corporation, have brought about a situation whereby Judge Payne felt that technically he might not have authority under existing law to settle these claims as the other claims had been settled, and on the basis that had been figured out and estimated before; and therefore he favors the granting by Congress of some authority like this. Some seventy-odd cases have been settled since that estimate went in, involving probably five million or six million dollars—at least that much and perhaps more—but the remaining cases have simply been suspended, waiting for some authority like this.

Furthermore, the Senator is in error when he speaks about going out to hunt up claims, and that sort of thing, to be presented under this bill. As a matter of fact, the claims involved in the provisions of this bill have been before the Shipping Board and Emergency Fleet Corporation for some eight months. Men have been about Washington and Philadelphia, endeavoring to reach settlements with these boards, for some 8 or 10 months. Now, it takes a good, long time to go through all of the accounts of each one of these yards. There are some 77 yards, as I recall, in the class of claims involved here; and to check up all these accounts and each one of these contractors' undertakings has taken a good deal of time. I am not complaining that too much time has been taken, perhaps; I am simply reminding the Senator that no new claims will be developed. The claims have all been in for some time, and the people have been trying to get an adjustment, and the delay has been occasioned by the time taken to arrive at the figures and go through all of the accounts and all the claims; and they have finally run up against the proposition that the Shipping Board felt that it did not have the authority to proceed further with these settlements.

Mr. KING. Mr. President, I have the pleasure of knowing Judge Payne. I only regret that Judge Payne was not chairman of the Shipping Board during its entire existence, and in making that observation I do not want to reflect upon those who preceded him; but I know that Judge Payne, if he administers this act, will deal fairly and justly with those who have valid claims against the Government, and I know that the interests of the United States will be absolutely protected and sacredly guarded. He is a man of the highest integrity and ability, and I think the Government is fortunate indeed in having him at the head of this organization at the present time. Nevertheless, Mr. President, I am in favor of a limitation on the appropriation.

The Senator from Oregon [Mr. McNARY] says, "Suppose that the investigation demonstrates a larger amount due in the aggregate than the limitation contained in the bill, are they to be denied payment?" Why, of course not. If Judge Payne, or whoever has charge of this matter, shall, upon full and complete investigation, find that valid and legitimate claims exist against the Government in excess of the amount specified in the bill, Congress will immediately make an appropriation to cover them, and I do not believe now in leaving loopholes and opportunities for the payment of claims without any limitation whatever upon the appropriation.

Mr. President, I invite attention to section 2, which seems to be the product of the committee itself. I think the original bill, as offered by the Senator from Washington [Mr. JONES], was much better than the bill as it came from the committee; but in lines 14, 15, and 16 on page 5 of the bill, I find these words:

And in making such adjustments due consideration shall be given to the conditions under which the contracts were entered into.

What does that mean? Conditions of poverty or of wealth, or the necessities of the individual, or the patriotic motives which inspired him, or the cupidity, if there was cupidity in his soul, which prompted him to engage in the undertaking? What conditions are referred to? Climatic conditions, financial conditions? I should like to know how any court, any tribunal, any jury, could properly interpret those words.

Not only are the conditions under which the contracts were entered into to be taken into account, but the conditions under which the work of construction was performed. What conditions are referred to? Climatic conditions, whether the person had to go a great distance to obtain the lumber and the timbers for the erection of the plant, and so on? I should like to know what those conditions are. There ought to be some limitation, something more specific, as a guide to those who shall administer the law. There can easily be conceived conditions which might be suggested to be considered by the board in determining the damages, if it is left to the whims, the caprice, the imagination, or even the judgment of rational and just men.

Then, at the bottom of page 5, I find these words—

or any representative of either thereof, and such adjustments of claims of legal liability shall be made without regard to any claim submitted under section 1 hereof.

I do not know the purpose of that language. Is it to say, "You may go beyond the provisions of section 1; you may disregard it in submitting your claim"?

I have merely, in a very hasty and imperfect way, challenged attention to some of what appear to me to be defects in this measure. I am sure the Senate will consider it very carefully before giving it their approval.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. KENYON. Mr. President, the pending amendment, I understand, is the amendment of the Senator from South Dakota [Mr. STERLING]. I am very much persuaded by his argument on the floor that there is great merit in his amendment. I have no authority to accept it for the committee; but it gets rid of any question of treaty violation, and there is danger that as the bill is now drawn there might be some violation of treaties. Furthermore, the argument of the Senator from South Dakota that the alien would say, "I am receiving exactly the same treatment as the citizen and not being compelled to do things that the citizen is not doing," tending toward a better feeling and perhaps more enthusiasm for our institutions, is likewise rather persuasive; and I enter no objection to the amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The READING CLERK. On page 3, line 23, it is proposed to strike out subdivision (e), which reads as follows:

(e) Require, under penalty, all residents who are citizens of the United States, 16 years of age or over and under 21 years of age, and all residents of more than six months who are aliens, 16 years of age or over and under 45 years of age, who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course approved by the Secretary of the Interior.

To which has been added an amendment by the committee, which reads as follows:

Provided, That this shall not apply to those who are in this country temporarily for sojourn or business.

And to insert in lieu thereof the following words:

(e) Require, under penalty, all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior.

Mr. STERLING. Mr. President, I move to amend the amendment by striking out the words "under penalty" in the first line of the amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment in that respect.

Mr. STERLING. Very well. Now, Mr. President, I should like the proviso added by way of an amendment to the original subdivision (e) to be retained, and I accept the amendment of the committee as an amendment to the amendment.

The PRESIDING OFFICER. The Senator from South Dakota can modify his amendment in any way he chooses, and can add the proviso to his amendment if he desires.

Mr. KENYON. It will then stand as the substitute of the Senator from South Dakota, with the amendment of the committee as a part of his amendment?

The PRESIDING OFFICER. Yes.

Mr. HARRISON. How does it read now?

The PRESIDING OFFICER. The amendment will be stated again as the Senator from South Dakota has modified it.

The READING CLERK. As modified, the amendment reads as follows:

(e) Require all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum, until they shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior: *Provided*, That this shall not apply to those who are in this country temporarily for sojourn or business.

Mr. HARRISON. Mr. President, may I ask the Senator from Iowa whether it is his intention to raise the age limit on residents from 16 to 21, as now provided in the bill, to 16 to 45?

Mr. KENYON. No. As originally drawn and presented by the committee, citizens were required to receive this instruction from 16 to 21 and aliens up to 45. The question was raised that that would violate some of our treaty obligations, and, further, that it was unwise to have this difference in the treatment of aliens and citizens; so that under the substitute of the Senator from South Dakota they are treated exactly alike, 16 to 21. Then I understand that the Senator has another amendment to subdivision (f) which will provide for cooperation by the States in instruction in English up to 50; but that is entirely a matter to be arranged between the States and the Federal Government. There is nothing compulsory about that at all.

Mr. HARRISON. As I understand this amendment, it removes the compulsory provision altogether from 16 to 21. Is that right?

Mr. STERLING. No.

Mr. HARRISON. The word "penalty" was left out of the amendment.

Mr. STERLING. It is compulsory between the ages of 16 and 21. We struck out the words "under penalty," thinking those words rather harsh, probably; but under the provisions of the amendment the States must require this education for all persons between the ages of 16 and 21.

Mr. KENYON. It is left to the States as to how they shall do it.

Mr. HARRISON. I understand.

Mr. KENYON. They take care of any penalty question.

Mr. HARRISON. They may not impose a penalty or they may impose a penalty. Is that the idea?

Mr. KENYON. That is the idea.

Mr. HARRISON. And you do not propose to force compulsory education on aliens who are above 21?

Mr. STERLING. We do not; nor even provide for it in the next subdivision, as the Senator will know when I come to offer that subdivision.

Mr. HARRISON. Mr. President, I have listened to the discussion on this bill with a great deal of interest. I did not have the opportunity to give it the degree of consideration that I desired until the last two or three days, but I am convinced that it is a very bad bill, and I shall vote against it upon its final passage. I did not think that there was any doubt that the bill was violative of certain provisions of our treaties. The proponents of the legislation have now attempted to remedy that, so I shall not discuss that.

I am opposed to the bill for many reasons. In the first place it takes too much money and will get no good result. The bill will cost $85,000,000. Eighty-five million dollars is the amount provided for in the bill to educate foreigners in the United States or residents who may be illiterate—twelve and a half million dollars for three years by the Federal Government, twelve and a half million dollars by the States for three years, and $5,000,000 for the first year by the Federal Government and $5,000,000 by the States.

Mr. KENYON. Mr. President, may I suggest to the Senator that the bill has been changed by amendment? Five million dollars is entirely out of the bill for this year, and the balance of the appropriation is cut in two. The bill carries six and a half million dollars instead of twelve and a half million, and it would be only for the one year. The appropriation has to be made every year, but it undoubtedly will be made for the next two or three years.

Mr. HARRISON. The bill provides, then, so that we can appropriate forty-two and a half millions of dollars to educate resident illiterates and foreigners in this country.

Mr. KENYON. How does the Senator get the figures $42,500,000?

Mr. HARRISON. I am just cutting the amount $85,000,000 in half.

Mr. KENYON. The bill carries $6,500,000.

Mr. HARRISON. It carries $6,500,000 for three years on the part of the Federal Government, I understand.

Mr. KENYON. No; I want to be perfectly frank about it. It carries $6,500,000. The chairman of the Committee on Appropriations takes the position that we can not appropriate for future years. Consequently that is cut out. It simply carries an appropriation for one year; but, of course, it will be law, and it will require appropriations, naturally, for the succeeding years.

Mr. HARRISON. You provide the law for the appropriation of $6,500,000 for three years, I understand.

Mr. KENYON. No; for one year. It only carries an appropriation for one year.

Mr. HARRISON. I did not know about the change.

Mr. KENYON. I think it is fair for the Senator to argue that it will be $6,500,000 a year for three years.

Mr. HARRISON. I understand that the bill carried $12,500,000 for three years on the part of the Federal Government, and a provision that each State must put up an equal amount. It would have carried $85,000,000 adding the $5,000,000 by the Federal Government and a like sum by the States to be appropriated for this year.

Mr. STERLING. Why does the Senator say that the bill carries $12,500,000 when an amendment has been adopted which reduced it to $6,500,000?

Mr. HARRISON. I said the bill did carry $12,500,000 per year on the part of the Federal Government, and to that a similar amount was to be added by the States for three years. I really did not know about the change. But, as stated by the Senator from Iowa, we can suppose that this is going to cost $6,500,000 for three years upon the part of the Government, and $6,500,000 for three years upon the part of the States. It would be around $35,000,000 we will say. Am I correct in that statement?

Mr. KENYON. I think that is a fair statement.

Mr. SMITH of Georgia. It, however, would be true that it would be entirely within the discretion of Congress, when the appropriation bill comes up, as to whether further appropriations are made.

Mr. KENYON. Yes; and it should be stated, too, that it is entirely within the discretion of the State as to whether it desires to appropriate a dollar.

Mr. HARRISON. Of course, I understand that. I am just confining my remarks now to the provisions of the bill or the suggestions in regard to the amendment to it.

Mr. SMITH of Georgia. Of course, if States do not desire to utilize this fund and do not make appropriations, to that extent the national appropriation would be reduced.

Mr. HARRISON. Of course. But the proponents of this legislation are very desirous that the States and the Federal Government, acting jointly, shall appropriate around $35,000,000 to educate the foreigners and the illiterate residents in this country for the next three years. Is that statement correct?

Mr. KENYON. The statement is correct. The bill does not go as far as I would go. I would leave the bill at $12,500,000, and if we can get rid of illiteracy in this country for $100,000,000 it would be the best money we ever spent. That is my position. I may be wrong, however.

Mr. HARRISON. I understand the Senator's position thoroughly. I am opposed to his position.

Mr. KENYON. That is all right. I am not objecting to that at all.

Mr. HARRISON. We can not agree on this proposition at all. I would not go at it in this way. I do not believe in taxing the old fellow who was not able to go to school in his younger years and who is a good, true American, who has fought in the armies of this country and helped to save the Union, perhaps, or fought for whatever he thought was right in the South during the war; I do not think that he should be now taxed in order to educate some foreigner who came to this country, who can not read or write the English language. I am opposed to that, while the Senator from Iowa is in favor of it. I believe there is a better way to get at it and to really Americanize the country.

Mr. KENYON. I do not think the old fellow is going to pay very much taxes.

Mr. HARRISON. I understand; but the Senator should not forget that he will pay his part, and there are a lot of them in this country—splendid, patriotic old fellows who are good, true Americans, but who, perhaps, can not read very well. I get letters occasionally from them. Senators who are within the sound of my voice get letters occasionally from them. They will explain sometimes, and apologize to the Senator to whom they are writing, that they are writing when really they do not know how to write very well; but I delight to get those letters; I believe there are just as true Americans in this country who can not read very well, and who can not write very well, and who can not speak the high-fangled English very well, as are found among the so-called educated class; and we should give some concern to those fellows.

What I would do is not to spend thirty-odd millions of dollars to educate these foreigners and these illiterate residents who may be 21 years of age, but I would appropriate every cent necessary to keep from this country the periodicals which are preaching I. W. W.ism, revolution, bolshevism, and other such isms. I would spend every cent necessary to enforce the immigration laws that we already have on the statute books, and I would pass an immigration law that for the next five years would prevent immigration absolutely to this country.

I know that there are very few Members of the Senate who agree with me in my views touching that question. I think we ought to tighten up the reins against foreigners coming into this country for the next five years, because they are going to flood the country, they are going to try to hunt out loopholes in the present immigration law. They will be in many cases an undesirable lot.

There is no politics in this measure, so far as I am concerned. I am so strong for a strict enforcement of the immigration law, and a strong immigration law, that twice I have voted to override the veto of the President of the United States in passing appropriate immigration legislation. I voted to override the veto of the President when we had a Republican President and I voted to override the veto of the President when we had a Democratic President, and I would be glad to-day to vote for an immigration law that would prevent such people as you desire to provide for in this bill from coming into this country for the next five years.

I would be glad to vote for a reasonable appropriation to stop the publication in this country of any periodical, or allow it to be sent through the mails, that was not printed in the English language. I would be glad to appropriate more money for the enforcement of the laws against the people whom my friend from Iowa so beautifully pictured the other day, who go into the little camps called "Little Austria" or "Little Germany" or "Little Hungary" and preach to them in their language these un-American doctrines. I think those people ought to be stopped, punished, and sent away from our land. Every cent that is necessary to accomplish it should be provided.

Not long ago the Commissioner of Immigration, Mr. Caminetti, came before the Immigration Committee of the Senate and appealed for some legislation so that the Bureau of Immigration could employ more men to enforce the present immigration law. We ought to give it to them, and yet we have failed. That is the way you are going to Americanize this country. You are not going to do it by spending $35,000,000 in trying to teach some man who is 21 years of age how to read and write the English language. Learning how to read and write does not always make one a better American. Some of the most dangerous scoundrels to American institutions in America to-day are highly educated.

The amendment that is suggested by the Senator from South Dakota provides that you shall not make compulsory this law on those above 21 years of age. While I am against the whole bill, it looks to me, if you are going to make it compulsory on those under 21 years of age, why do you not apply it to those above 21 years of age? Why place any limitation to the proposition, if you are going to put compulsory education in this bill? There are probably as many foreigners in this country who are preaching these false doctrines and carrying on this propaganda who are over the age of 45 as under the age of 45, and certainly more over 21 years of age than under 21 years.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. SMOOT. Does the Senator know how many illiterate foreigners there are in the United States over 21 and under 45 years of age?

Mr. HARRISON. That has not been stated, but I am taking it for granted that there are approximately about as many, perhaps, as there are under 21.

Mr. SMOOT. Does not the Senator think there are more between the ages of 21 and 45 than there are under 21?

Mr. HARRISON. Yes; I think decidedly so; and I think if you are going to have compulsory education below 21, if you think some good results are coming from it, you ought to apply it to those above 21, and you should not have the limitation at 45, because the man who is attempting to carry on that kind of a propaganda, if he is over 45, can do just as much harm as the man under 45 years of age.

So far as the resident illiterates are concerned, I want to make this suggestion to the Senator from Iowa. If he really desires to Americanize the resident illiterates in this country, let me suggest to the Senator that if, in the Senator's State and in every other State of the Union the legislatures would put an educational clause in the constitution so that a man could not vote unless he could read and write and understand the English language, it would seem to me that the result would be much better than we will get by spending $35,000,000 in teaching some people in their old age how to read and write the English language.

Mr. WILLIAMS. Make it the qualification to read and write the English language.

Mr. HARRISON. Yes; make it the qualification, as suggested by my colleague, to read and write the English language.

In my own State and in all the Southern States they appropriate liberally to educate all our illiterates. Some of them go to school; some fail or refuse to go to school. We do not have compulsory education. It does not seem to me that it is just, fair, or wise to have compulsory education for the illiterate person over school age in my section or in any other section, and compel him to go to school 200 hours a year just at the age perhaps when he can labor and should make a living for himself or family, and not compel the schoolboy at school age to go to school. I am against compulsory education under all circumstances, but the position here taken is inconsistent and unwise.

Mr. SMITH of Georgia. Mr. President, of course, the Senator will understand that the hope is that before they are 16 they will have learned to read and write. If so, they will not be compelled to go after they are 16.

Mr. HARRISON. I understand that.

Mr. SMITH of Georgia. The idea of making it necessary to require them to go to school at that age is that if they pass out of the ordinary school age they will pass on to be 21 as illiterates.

Mr. HARRISON. But the Senator is aware that in his State there is a very small per cent of illiterate population who go to school between the ages of 7 and 16, although his State provides the medium and the means by which they can go to school. They have no compulsory education law in his State, but by this bill, if they failed to go to school when they were younger, you take them out of the field, take them out of the sawmill, take them out of the various lines of work when they grow older, and compel them to go to school. I do not know what kind of penalty is to be imposed. They have stricken out the word "penalty." You leave that for the States to say. Some States may provide a death penalty for the offense.

Mr. WILLIAMS. Mr. President, I would like to ask my colleague one question divided into three parts. Does he remember the age at which Andrew Jackson quit school?

Mr. HARRISON. I know it was quite a young age.

Mr. OVERMAN. Thirteen years.

Mr. WILLIAMS. Does my colleague remember the age at which Henry Clay quit school?

Mr. HARRISON. He was quite young.

Mr. WILLIAMS. Does my colleague remember the age at which Daniel Webster quit school?

Mr. HARRISON. My recollection is that he was quite young.

Mr. WILLIAMS. These were all three tolerably well distinguished American citizens, as I remember. Does my colleague think that by forcing a negro in Mississippi to go to school at 21 you can make him the equal of any one of the three?

Mr. HARRISON. I do not. It would be a beautiful sight down there to get all these negroes who are illiterate up to the age of 45 years and herd them together and drive them under a State law to school. It is all wrong, in my opinion. The bill ought not to pass. We ought to pass more stringent immigration laws. We ought to spend in some other way the $35,000,000 that is proposed to be expended in the bill. It seems to me it would be much more in the interest of this country if we would economize in this bill and make reasonable appropriations in other directions, especially at this time, when the

steering committee of the Republican Party is trying to preach economy along certain lines.

I read in the paper this morning that at the other end of the Capitol, in order to economize, to be able to tell the people that they had saved a lot of money, the steering committee of the Republican Party had lopped off $30,000,000 from the rivers and harbors bill; that they had reduced it from $42,000,000 to twelve and a half million dollars for this year. That is false economy, saving $30,000,000 from the rivers and harbors, when the board of Army engineers had recommended it, when they had put their approval on it. Now you desire to take that money and educate foreigners in this country to read and write the English language, and compel some illiterates in certain sections of the country to go to school after they have passed school age.

We appropriated during the war millions of dollars to build a merchant marine. We have to-day a merchant marine that is the pride of America. It helped us to win the war. Great encouragement was given to shipbuilding, and yet, although you can not utilize ships unless you have harbors, unless the harbors are maintained and improved, as the lanes in which the ships must come and go; although you can not have an export trade and take our proper place among the nations of the world unless you have ships and harbors in which they can come, this economy program lopped off $30,000,000 from the rivers and harbors, and proposes to appropriate it, perhaps, or make it possible to appropriate it, for the education of foreigners in this country. It is false economy; it is all wrong; and if you insist upon it, it will rise to plague you.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

Mr. SMOOT. Mr. President, I desire to say merely a word with reference to the amendment. I really did not intend to say anything, but it seems to me that the amendment of the Senator from South Dakota would really limit the object of the bill, and I think in a way it would be very harmful, indeed, if much good is to come from the bill at all. I have not any doubt that there are three or four times the number of illiterate foreigners in the United States between the ages of 21 and 45——

Mr. WILLIAMS. Mr. President——

Mr. SMOOT. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I note that there are only four Senators upon the Republican side and only seven Senators upon the Democratic side. The Senator from Utah [Mr. SMOOT] is making, with his usual intelligence and his usual industry, a speech that ought to be listened to by somebody. I therefore suggest the absence of a quorum.

Mr. KENYON. Mr. President, I make the point of order that no business has been transacted since the last call for a quorum. There will not be as many Senators here if a quorum is called as there are now.

The VICE PRESIDENT. The Chair is informed that there has been no business transacted.

Mr. WILLIAMS. Mr. President, I am inclined to think the point of order made by the Senator from Iowa is well taken. I have no idea of encumbering the public business. My purpose in calling attention to the fact that the Senate has merely ceased to function has been accomplished.

Mr. KENYON. How much of the time has the Senator from Mississippi been in the Chamber this afternoon?

Mr. WILLIAMS. The Senator from Mississippi is in now, at any rate.

Mr. KENYON. Yes; but that is about all. The Senator comes in, makes a call for a quorum, and then will walk out.

Mr. WILLIAMS. If the Senator from Utah will yield to me, the point is not whether the Senator from Mississippi is present here; the point is not whether the Senator from Iowa is present or not at some previous period; but the point I am making is that here is a very distinguished Senator from a very important State making some very important statements, and there is nobody here to listen to him. Of course, the Senator from Iowa is present during the consideration of this bill because he is in charge of it upon the floor, but he has not been in the Senate all the time.

Mr. KENYON. I am present during the consideration of every bill.

Mr. WILLIAMS. The Senator from Mississippi has not been present all of the time when it was being considered, but I want to call the attention of the country to the fact that there are twice as many Senators as there are States, and here is a very important argument, weighted down with good reasons, apparently directed to the Senate, and after that directed to the country, and that there are 11 Senators present to hear it. Again and again Senator after Senator has risen charging that some executive branch of the Government did not function. I thought I would call the attention of the country and of the galleries, because so many Senators speak to the galleries, to the fact that the Senate itself is not functioning very well.

It is not a question whether it is my fault or the fault of the Senator from North Carolina [Mr. OVERMAN], or the Senator from Georgia [Mr. SMITH], or the Senator from Iowa [Mr. KENYON], or the Senator from Arizona [Mr. ASHURST], or the Senator from Florida [Mr. TRAMMELL], or the Senator from Tennessee [Mr. SHIELDS]. I am not bringing in any individual charge. I am merely asserting that the Senate is not functioning.

Mr. KENYON. Why does not the Senator scold the Senators who are not here instead of scolding those who are here?

Mr. WILLIAMS. How can I scold Senators when they are not here?

Mr. KENYON. The Senator has great capacity for scolding.

Mr. WILLIAMS. If the Senator will appoint me a committee of one, I shall be glad to——

Mr. SMITH of Georgia. The Senator ought, at least, to have stated——

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator from Mississippi at least ought to have stated that those whose names he mentioned were here; and there are other Senators here also.

Mr. SMOOT. Mr. President, I think it is quite uncalled for, and particularly for the Senator from Mississippi to call attention to the absence of Senators as he did at the close of a long day's session; and if it is repeated in the same way many times there will be some very plain statements pass between Senators in this Chamber.

When I was interrupted I was calling the attention of the Senate to the fact that there are at least three and, perhaps, four times as many illiterate foreigners in the United States between the ages of 21 and 45 as there are between the ages of 16 and 21. I would very much prefer, if there is a question of treaty right involved in the original paragraph to which the Senator from South Dakota offers the amendment, to amend it by raising the ages of 16 years and over and under 21 to the ages of 16 years and over and under 45, so that both classes would fall within the same age limit and there would be no question of the violation of treaties. I think that if our country is in danger from illiterate aliens, men over 21 years of age will be the chief offenders.

The men who are over 21 and under 45 years of age are the active men found among the illiterates of foreign born in this country. They will be the ones who will be the leaders and exercise influence wherever they go among their associates. It will not be the boys of 16 or 17 or 18 or 21; it will be the men of 25 and 40 or 45 who are influential for good or evil.

Mr. NORRIS. Mr. President——

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. While I agree that the Senator is stating the facts correctly in regard to the particular persons about whom he is speaking, it is true that the bill covers two classes of people. The class that the Senator is speaking about, who are over 21 and who have this influence, are people who can not speak or write the English language, as a rule. Is not that true?

Mr. SMOOT. Yes.

Mr. NORRIS. The bill provides for the education of illiterates, regardless of whether they can speak the English language, and it also includes foreigners who can not. Would it not reach the remedy if we confine the activities of the Government, as far as the class the Senator is speaking of, to the teaching of the English language to those who could not speak it?

Mr. SMOOT. I think that would go a long way to remedy the defect, as the Senator suggests.

Mr. NORRIS. I can not discuss the proposed amendment properly, because it has not been printed. It is an amendment that is a substitute for subdivision (c), and I can not discuss it intelligently, because I do not have it before me; but it seems to me that the difficulty comes from the fact that we are insisting upon educating people, regardless of whether they can speak English, who are over 21 years of age. An education, as far as any compulsion is concerned at least, ought to be confined to younger people, commencing with 7 years of age and, perhaps, ending with 16 or 18 years of age.

Mr. SMOOT. I will say to the Senator that the amendment offered by the Senator from South Dakota, in the first place, proposes to strike out the words, on page 3, line 23, "under penalty."

Mr. NORRIS. But it still uses the word "require," so that the law that the State must pass must require that this be done. I can not conceive how it could require it to be done unless it did attach some penalty, otherwise it would not be a requirement.

Mr. WILLIAMS. If the Senator from Utah will permit me for just a moment, in immediate connection with what the Senator from Nebraska has just stated, I will propound this inquiry to the Senator from Utah: If we once take the position that the United States Government has the right to require a State to put into operation certain educational facilities, I should like to know where the United States Government shall stand in its controversy with Japan about the treaty rights of the Japanese children to attend white schools in California? Or where it would stand if the British Empire made an equal demand in consequence of the same clause in a treaty with it, which is a favored-nation clause as well as an original-treaty clause, requiring the equal treatment of their subjects here? That might lead to the fact that there might be a demand upon the part of the British Empire for admitting negro children from the West Indies, Jamaica, and other places, to the white schools in Mississippi; and there might be a demand from the French Republic upon the same grounds.

When we had to meet the Japanese demand we put it upon the ground that that was not a concern of the Federal Government, and that, as far as the Federal Government was concerned, it was powerless to regulate it. If you are contrary to the Constitution, and assert that the Federal Government has the power, how are you going to meet these international questions?

Mr. SMOOT. That question has appealed to me, I will say, and I have tried to reconcile this proposed legislation with the position taken by the Government at the time the question arose as to the Japanese children in the State of California entering the public schools; but that question is not involved in the amendment offered by the Senator from South Dakota and under discussion.

Mr. NORRIS. If I may interrupt the Senator, I should like to call attention to the fact that it is unnecessary to take the time of all the Members to answer that question, because the Senator from Mississippi [Mr. WILLIAMS] has already left the Chamber.

Mr. SMOOT. Yes; the Senator from Mississippi remained in the Chamber long enough to ask the question.

I am going to read the amendment which was offered by the Senator from South Dakota, as the Senator from Nebraska has said he does not have it before him.

Paragraph (e) of section 5 would read as follows, according to the amendment offered by the Senator from South Dakota:

> Requiring all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified, and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior: *Provided*, That this shall not apply to those who are in this country temporarily for sojourn or business.

The Senator will notice that that part of the original paragraph (e) stricken out begins on page 4, after the word "alien":

> Sixteen years of age or over and under 45 years of age who are illiterate.

Those words are stricken out so as to make the ages of both classes of illiterates the same. What I endeavored to bring to the attention of the Senate was that I believed that the proposed amendment is a mistake. I very much prefer to have the first part of the amendment apply to aliens 16 years and over and under 45. With that change I can not see how any question could arise as to the matter of rights of aliens in this country under any treaty entered into by this country with the country from which the alien came.

I suppose the reason for not extending this to those who are 45 years of age and making it compulsory for them to attend the schools provided for is that generally they would be married men; they would have families, and it would be exceedingly difficult to compel them to attend school. But I am quite sure that if good is to follow the passage of this legislation it would be necessary to educate the men between 21 and 45 years of age to speak English and learn of American ideals. Whether that can be done under the bill or not I am not sure; but, so far as I am concerned, I would very much prefer the original text without the amendment. If the amendment is defeated, then I shall ask that the age be increased to 45 in the first-named class.

Mr. WILLIAMS. Mr. President——

Mr. SMOOT. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I stepped out of the Chamber a moment ago to the cloakroom to take a whiff at a cigar, in order to relieve my soul from the constant argumentations, and I understand that during my absence the Senator from Utah stated there was no use to answer me, because I had just left.

Mr. SMOOT. No, Mr. President; the Senator is mistaken.

Mr. WILLIAMS. The Senator need not have answered me. My argument was left in the Senate, and he might have answered that.

Mr. SMOOT. The Senator from Mississippi is mistaken. The Senator from Utah did not make the statement attributed to him; but I am perfectly willing that the Senator should charge the Senator from Utah with anything he sees fit to. I desire to say to the Senator from Mississippi——

Mr. WILLIAMS. I wanted the Senator from Utah to understand that the observations I made did not necessarily require my physical presence. I asked the Senator a question, and I understand that as I stepped out he stated that he need not answer the question because I was not here; but the question remained here.

Mr. SMOOT. The Senator has been misinformed as to the statement he says I made.

Mr. HARRISON. It was stated on the floor of the Senate that the Senator from Mississippi had left the Chamber.

Mr. WILLIAMS. I beg the Senator's pardon. I was misinformed by another Senator.

Mr. SMOOT. It would not have made any difference if the Senator from Utah had said it, as far as that is concerned, but I will simply say to the Senator from Mississippi that he is mistaken.

If the Senate wants to adopt the amendment, well and good; but I think it will make the bill weaker by far than the original text.

Mr. WILLIAMS. Mr. President, the question to which I wished to direct the attention of the Senator and of the Senate was this: If the United States Government undertakes to "require" of a State that it shall do certain things with regard to the education of its children, then the United States Government has surrendered the contention that education within a State, schools within a State, and educational facilities within a State are a part of the State jurisdiction and do not belong to the Federal Government, and therefore that the Federal Government can not remain answerable to foreign governments on that account, under terms of treaties promising nondiscrimination.

It is well known that in the California-Japanese issue the answer of the United States was, "This is a dual form of government. All the world must take notice of it. This Federal Government can not control the administration of schools within a State."

By the way, that was nothing new. Thomas Jefferson, Secretary of State under George Washington, first gave that notice to the world in connection with the debts that Virginians and other colonists owed to British merchants, and said that all the Federal Government could do was to promise to use its best efforts to "persuade the States" to pass the laws necessary to make their citizens pay their debts to British merchants; and later on it was all settled, under the Jay treaty, I believe, or under some treaty—I am forgetful about that; but the United States Government paid the money out of its Treasury under protest, so to speak, saying that while it was not a matter of Federal jurisdiction, the Federal Government had rendered itself to a certain extent morally responsible, and that, therefore, under the Jay treaty in the settlement of various claims the United States Government would become responsible for a certain number of dollars due from American citizens to British merchants. Then the British withdrew their forces from the northwestern ports, and we and they signed and ratified the treaty.

This is more than a mere matter of congressional legislation. It is a question of world relationship. Either this Federal Government has a right, or it has not a right, to compel equal treatment of those who have migrated to the United States under our immigration laws from foreign governments in the schools of the States composing our United States. Our contention hitherto has been that the Federal Government had no authority under the Constitution to do it. The minute you say that Congress has the right to "require" a State to do anything about the education of the residents of the State, whether native born in the State or emigrants out of other States or immigrants from foreign countries, you have surrendered that contention. I repeat what I have said before, that if that be true, and if the Federal Government has a right to make a requirement upon the States, then there is no justification at all for the action of the State of California in connection with the deprivation of Japanese immigrants from certain educational

facilities, because the minute you make the distinction that the California Legislature made, you have made a discrimination contrary to the treaty, as against the Japanese child, in favor of the American child.

I say that California had a right to make that discrimination, and I say that the Federal Government has no right, treaty or no treaty, to interfere with California in separating white and Japanese children in schools, nor with Mississippi if she puts negro children from the British West Indies and French West Indies in separate schools from white children, whether they are born in Mississippi or elsewhere. I say the only ground upon which you can defend our traditional contention is that the Federal Government had no constitutional power to enforce mixed schools. You can not defend it upon the ground that the Federal Government had no will to do it; you can not defend it upon the ground that it had no wish to do it; you can not defend it upon the ground that it wanted to make the discrimination as a Government, internationally speaking, because it had no right to make any discrimination, having promised by treaty that it would not. From the beginning of this Government down to now, beginning with Tom Jefferson as Secretary of State under George Washington, we have promulgated to the world this idea, expressed in one of Mr. Jefferson's earliest letters as Secretary of State—that the world must take notice of the fact that this is a dual Government, and that the Federal Government of the United States is a Government of delegated powers, and that it has no rights in the States except in so far as it has received a constitutional delegation of power. That dates from the first American administration under the Constitution; and the minute you dig up by the roots that plant of American thought you have entirely destroyed the character of our Government. The minute you say that any foreign government has a right to call the Federal Government to account for any exercise of an undelegated power that remained reserved in the States, you have destroyed the character of your own national tree, of your own peculiar dual form of government.

I am glad to see that the Senator from Utah, by nodding his head, agrees with me about that.

Mr. President, that is the main thing at the bottom of this. I deny the right of the Federal Government to "require" Mississippi or to bribe Mississippi by offering or withholding help to do anything with regard to the education of her children or the children within her boundaries of school age, and I deny it upon the general principle that this is a government of delegated powers—as unpopular as that doctrine may be right now—and that the Federal Government has no right under the sun except such right as is delegated to it by the States, either under the original Constitution or under the amendments later adopted.

Another thing: You in this bill talk to me about compelling a man to study English! Leaving aside the power and the right of the Federal Government, suppose it were a State question alone: I say that to require any man who is 21 years of age, and the captain of his own soul, and the master of his own destiny, to study any language is tyranny. I say that, Mr. President, in full possession of the idea, which is a fact, that no human being upon the surface of this earth can be in full sympathy with American institutions, American traditions, and American ideals unless he can read and write and think English, because our institutions come from England. They come from the Magna Charta. They come from the Bill of Rights and the Petition of Rights. They come from the Act of Settlement. They come from Charles II. They come all the way down, not as a sudden thing all at once adopted in America by a Constitutional Convention, but as the growth and development and final eighteenth century best matured thought of America as a part of the mother country in its birth and raising—constituting up to the date of our independence a part of its law, constituting a part of its traditions, constituting a part of its old religion, and constituting a part of its then daily habit of thought.

These men, English born, or American born of English and Scotch and Welsh and Irish parents, met in Philadelphia. They struck out no sudden, great, new principle. They merely communicated to the world the finished political and civil-rights product of English-speaking civilization, and they were themselves the finished individual products of English-speaking civilization—George Washington, English all over, a Virginia planter, at the head of it; Witherspoon, Scotch in thought and prejudice, from Princeton; Hamilton, the son of a Scottish woman, from the West Indies originally; Jefferson, of Welsh parentage; Madison, of English parentage; all the balance of them Americans, yes, but Americans as the finished product of British development and growth in law, in literature, in language, in commerce, and in everything else that goes to the making of a people homogeneous then—nobody from southeastern Europe at that time to teach Bolshevism and anarchy; English-speaking, though some of them were from Ireland, but still even they spoke English and had spoken it so long that Irish had become with them a dead language. They read Dean Swift, and they read William Shakespeare, and they read John Milton, and they read Blackstone, and they read Sir Matthew Hale, and they read the Magna Charta, and they read the Bill of Rights, and all that was a part of their very thought and their very soul. There was nothing else in them—Hollanders, Welshmen, Irishmen, Englishmen, Scotchmen, but all of the same literature, all of the same traditions, all of the same law, and all virtually of the same religion. I do not mean as far as sects go. They had various sects, but the old English-speaking religion meant only this—that every man is individually responsible to God for his own worship and for his own opinion, and that is to-day the religion of the English-speaking race, whether the particular man be a Roman Catholic or a Presbyterian or an Episcopalian or a Campbellite or a Seventh Day Adventist. It comes to the point that a man is responsible alone and solely, and not through the instrumentality of any government or any synod or any priesthood, for his relationship to God—to God himself, to God alone.

Now, Mr. President, one more word.

The very keystone of the arch of the maintenance of the structure of English-speaking civilization has consisted in the localization of education and in the fact that education was not centralized nor uniform. The very glory of the old log schoolhouse and "the old field schoolhouse" consisted in the fact that it encouraged originality and independent thought, and hardly four schools taught the same books. Yankee thought has been great in this country; Dixie thought has been great in this country; Middle States thought, Pacific thought, Utah thought, Arizona thought, New Mexican thought, and the very difference between the civilization and the glory of the English-speaking race and the so-called civilization and so-called glory of the Germanic Empire has consisted in the fact that education was left to seek independent lines of development in America and England and Scotland and Wales and Ireland and New Zealand and South Africa and Australia and Canada, whereas little by little the Government Prussianized education in Germany, and when it Prussianized it it stereotyped it, and it stereotyped it by uniformizing it, if I may construct an English word that can not be found in the dictionary.

I hate uniformity. I hate it in the church; I hate it in the State; I hate it in the school. I do not want any Mormon teaching my children according to Mormon ideas; I do not want any Roman Catholic teaching them according to the ideas of the Pope, and I would not for my hand have my church teach the Mormon children or the Roman Catholic children according to my church's ideas, either. The greatest thing that God has given any human being is liberty, freedom, the right to think for himself, and the only great danger to that God-given right of intellectual development is uniformizing it, centralizing it, stereotyping it, making a State function of it.

I like to read Edgar Allan Poe. A New Englander loves to read Whittier. Each of us loves to read the other's poet, too, but not to the same degree. A Scotchman loves to read Burns. An Irishman loves to read Tom Moore, and he loves to read Charles O'Malley, and the Scotchman loves to read Sir Walter Scott, and the genuine Englishman loves to read Charles Dickens or Thackeray, and the genuine southern English-speaking man loves to read Thomas Nelson Page and Uncle Remus, and the genuine Yankee loves to read a novel by Henry James.

Let them all alone, and do not uniform their schools, nor attempt thereby to stereotype their thoughts. Do not make my children read in Mississippi what a Massachusetts child is reading in Massachusetts, nor do I ask that your children be made to read Annabel Lee, though I hope they will. Do not make them all learn the same things out of the same books, and then come together when they are grown people all molded in a common mold, with no clash of thought and no clash of soul and no clash of sentiment, and therefore no individuality nor liberty. Give them a chance.

The only uniformity that is worth a thing in this world is a uniformity growing out of diversity, because the uniformity which grows out of diversity is the survival of the fittest for the mature mind; but do not start the child off with somebody's idea of what ought to be the survival of the fittest in American thought. Give them a chance to grow up. Do not stereotype them until after they are grown, anyhow. Federal centralization and the centralization of industry, and all of the balance of it, do enough to centralize men after they are grown; but, for God's sake, leave the child free, ununiformed, uncentralized, ungovernmentally captured, unstereotyped. Let him think according to his environment. Then let the several environments clash out what is highest. Give him at least what God has given him, what God gives us all. He gives us the right to go

wrong if we want to. Going wrong is not always a bad thing. The experience and remorse of it may make you go right; perhaps even, in the main, stay right.

If God can afford to leave man free, the Federal Government ought to afford to leave him free—free for Mormonism if he wants it, free for Roman Catholicism if he wants it, free for the predestination of the Presbyterian Church if he wants that, free for a belief in the Seventh Day Adventists if he wants that, free for any measure of thought in the world except when it crosses the line of becoming a personal injury to a fellow citizen. That is the only line of forbidden progress.

Mr. President, at first I was in favor of this bill, because I am in favor of Americanism, and, as I said a moment ago, no human being can be a good American citizen who can not read English, speak English, and, moreover, think English. You say that if I admit that I have given up the whole contention. I have not, because there is something higher even than that, and that is the freedom that God left to a man; and if we stand around and quarrel with Russia and Austria and Prussia because they made Poles study German or Russian, we have no right to make these people learn English.

But you ask, "How are you going to prevent the poison, then, from entering the American body politic?" My answer is simply do as Mississippi has done. Do not let any man vote until and unless he can read and write English. That divorces him from the body politic. Then, if you want to go a little further, provide a penalty against any man, directly or indirectly, interfering with American politics who is not a voter.

I might go to that latter position with you. I am not quite ready to commit myself to it; but I am perfectly ready to commit myself to the first proposition, that no man should become a member of the body politic of America, not even to the extent of a little nail upon his little finger, unless he can read and write English. If he can read and write English, we can take it for granted that perhaps he can think English, and that perhaps he has accumulated behind him the traditions and has in front of him the ideals of the English-speaking race. But leave the Federal Government out of it. Let us have precious diversity—e pluribus unum; but let the unum be by competitive evolutionary process.

One more thought, Mr. President, and I will take my seat—or I may perhaps retire to the cloakroom, unless some Senator wants to comment on it or take advantage of it. The war is over—not technically, not theoretically, and not internationally—but the cessation of hostilities has come about. Let us get back as soon as we can to the normal condition of thought, life, and government of the English-speaking race, with the utmost freedom possible consistent with the safety of the State, and let us repeal as rapidly as we can all the mere emergency laws, and let us not resort to any more emergency laws. Let us get back to George Washington and to Thomas Jefferson and to the Constitution of the United States.

Here you stand in the Senate, having refused to have anything to do with your brethren in the balance of the world. You have declined all burdens and all responsibilities of an international character, and yet here the other day the Senate passed a resolution in the utmost insolence telling what America wants about Thrace. There are various resolutions pending to tell what America wants done about various other European countries. After you said, "We hereby divorce ourselves from this entire business and will have nothing to do with it; we decline the burdens and we decline the responsibilities," let us not insolently proclaim our right to put our fingers in the pie whenever we please. If we are not one of our European brother's keepers—though I think under God we ought to be—then do not order him around.

Mr. President, one of two things we have to take up internationally, and that is either our part of the burden and our part of the responsibilities of civilization and peace keeping, or else, if we isolate ourselves and divorce ourselves from civilization and the cause of peace, we ought to do it completely. One of the two things is logical. Both of them are unthinkable; that is, at the same time.

As for this Federal Government, speaking for myself and my people, we will die for it in the exercise of its legitimate functions; we will follow its flag to the uttermost parts of the world in assertion of its legitimate rights, but we do ask that outside of that it keep its miserable hands off of our shoulders and its miserable fingers out of our pockets.

Die for it? Yes. Live for it? Yes. Stultify ourselves for it? No. Confess that this is no longer a Government of delegated powers? No. Confess that the Federal Government has a right to require a State to do anything with regard to its roads or its ferries or its educational facilities? No. Confess that we have no right to resist it in the exercise of its legitimate functions? Yes. Make somebody, because he is a foreigner, study English? No.

What is the necessity of it? There is just one thing you have to do, and the State can do it, the Federal Government need not do it. Open the public and night schools, give opportunity for education to everybody, and then let each State pass a law that where a child's parents want to have their child excused from attendance at a public school they must prove that the private school which will take the place of the public school will teach English.

As to compulsory English teaching at the public schools, that is utterly useless, because every lesson—reading, writing, arithmetic, geography, algebra, and everything—is taught in English, and the child can not learn it without learning English. So there is an indirect compulsory education in English by the State law and custom as far as the public school is concerned.

When a German Lutheran in Iowa or a Roman Catholic in New York insists that his child shall be released from attendance on the public school, tell him, "All right; we will give you that license, provided you will furnish us with a certificate which will meet with our credence that English will be taught in the school to which you are going to send your child. That is all that is necessary. Otherwise, you can send him to the parish school; you can do what you please with him. He is yours until he is grown, but while he is yours he is the State's, too, and the State has the right to say that he shall be educated, and while you may have a right to say he shall not be educated in the public schools, a State has a right to say that in your substitute school the language of the United States shall be taught, so that the child can understand the laws and the thought of the United States."

Mr. STERLING. Mr. President, I offered the pending amendment with the very best of intentions, and with the idea that in doing so I was helping to Americanize, as far as possible, this Americanization bill.

There are three reasons for the substitute to subdivision (e) of the bill. The first is that compulsory education of persons over 21 years of age is contrary to the spirit and the genius of our institutions. Whether citizens or whether aliens, I do not believe we should provide for the compulsory education of persons over 21 years of age. That is one reason for offering the substitute.

The original subdivision (e) provided for compulsory education of aliens over the age of 21 years and up until the age of 45 years. That did not appeal to me. It seemed to me that we were going further than we should attempt to go in imposing compulsory education upon people after they had reached their majority. No State in the Union which has compulsory education, I think, has gone beyond the age of 16 years in compulsory education; perhaps from 7 to 14 or from 8 to 16. My own State of South Dakota in 1907 enacted a compulsory-education law, the minimum age being 8 and the maximum being 16.

I do not know how many States in the Union have a compulsory-education law, but a great many indeed. So in the mere fact of compulsory education there should be nothing objectionable.

Why do we begin in the bill and under subdivision (e) at the age of 16? We give them the opportunity for education prior to that time, voluntary education; but if, on arriving at the age of 16 years, the young man or the young woman can not read, write, or speak the English language, then it should be made compulsory, and that whether for alien or for citizen of the United States.

So, Mr. President, it is in accordance, as I said, with our traditions and with the spirit of our institutions that I provide by this substitute that the maximum age for compulsory education shall be 21 years.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question right there?

Mr. STERLING. I yield to the Senator.

Mr. SMITH of Georgia. Have we not, however, neglected in our system of education any special consideration of the foreign-speaking people who are coming in and increasing in our country, and may we not feel that the peculiarity of the trouble sought to be reached by the bill, to teach English even to the mature, will be accepted by the States as a justification for extending the age beyond the usual age and seeking to take hold of all who are living with us and requiring that they should learn and speak English?

Mr. STERLING. I had intended to mention that matter a little later, but I might as well do it now.

A second reason for my amendment to the bill is the discrimination for which the bill provides between aliens and residents. It is my fear, Mr. President, that that discrimination in and of itself would injure the very cause we are trying to promote by

this bill, and the alien element would say, "Why are we discriminated against? Why are we obliged to attend school here after we have reached the age of 21 years and up until 45 years of age when your illiterate American citizen over 21 is not required to attend school at all?"

I think, Mr. President, that in and of itself is a fatal objection to the provision.

Mr. SMITH of Georgia. Would it trouble the Senator for me to make a statement just here?

Mr. STERLING. I yield.

Mr. SMITH of Georgia. I would be glad to see the word "alien" stricken out of the bill, and I would be very much gratified to see all between 21 and 45 in the United States who can not speak English required by the States to give 200 hours a year to learning how to speak English until each can speak English.

Mr. STERLING. The first objection I make is that that course would be contrary to the spirit of our institutions and our traditions. Moreover, I fear it would be very difficult to enforce such a law. I mention another objection: When a man has reached the age of 21 years, or soon after, or about that time, he becomes the head of a family, he is a breadwinner, and his circumstances may be such that it would be a great hardship imposed upon him to require him to give 200 hours a year for the purpose of education. We will no doubt find many so situated the country over.

So there are the three reasons, then, for my substitute to subdivision (e): First, because compulsory education from 21 to 45 years of age is contrary to the genius of our institutions.

Second, because of the discrimination between the alien element and the citizens of the United States, which I fear will be resented.

Third, because after a man has reached the age of 21 years he is often so situated and circumstanced in regard to means and the support of his family that he will not be able to attend school; hence for such a man this is a requirement we should not impose.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield to the Senator.

Mr. SMOOT. I wanted to ask the Senator if he knows of any State in the Union that has not compulsory education?

Mr. STERLING. I do not know of any, but I think there are some.

Mr. SMOOT. I mean between the ages of 7 or 8 up to 16 or 18?

Mr. STERLING. No.

Mr. SMOOT. I have not looked it up, but there must be very few such States. The children of aliens, no matter where they are located, are compelled to go to school in the State in which they are located. It seems to me that if we are going to get at illiteracy, as far as the alien is concerned, we have to reach him after he is 21 years of age in some way.

I have a great deal of sympathy with the statement the Senator from South Dakota has just made in relation to a man after he reaches 21 years of age being compelled to go to school, even for the purpose of learning to speak the English language, but it is the great object of the bill to accomplish that purpose. I think below 16 years of age our school systems in the different States will take care of it now. I think if the Senator will look up the statistics he will find that the great percentage of the immigrants coming into the country who remain illiterate are men and women who immigrate here when over the age of 21 years. If we are not going to touch them and can not reach them in any way, I think then that a great many of the advantages, if there is any advantage to the bill at all, would be lost.

Mr. STERLING. I will answer the Senator; I think I can. Short of making education compulsory after the person has reached the age of 21 years, the bill provides and the second substitute which I have to offer when the pending one is disposed of provides as follows: That each State that accepts the benefits of the act shall—

Provide, as far as possible, subject to the approval of the Secretary of the Interior, for the education of resident persons, whether citizens of the United States or aliens, of the age of 21 years or more and less than 50 years, who are illiterate or unable to speak, read, or write the English language.

Then, under this proviso if it is adopted, there will be cooperation between the several States and the Federal Government in the work of inducing those under 21 years of age who can not read or write to take the advantages offered them under the act.

I have a further proviso in this subsection which is not in the original bill, and which reads as follows:

Provided, That any course of education or instruction under this subdivision or under subdivision (e) shall especially include instruction in American history, the fundamentals of civil government, and the principles of the Constitution of the United States.

Mr. SMOOT. Allow me to suggest to the Senator that if the second amendment which he proposes to offer and has just read is agreed to, it seems to me there ought to be added to it a provision that hereafter similar work shall not be done by the division of citizens' training now located in the Department of Labor. The amendment proposes, as I understand it, to accomplish work that is already being done in the Bureau of Labor. Has the Senator studied that question at all?

Mr. STERLING. I am not quite sure, I will say to the Senator from Utah, what is being required by the Department of Labor; but, of course, I agree with the Senator that there ought not to be duplication of work under the bill and under any authority or power given to the Department of Labor.

Mr. SMOOT. I am quite sure that if the second amendment, which the Senator has just read, becomes a part of the bill, there is almost certain to be a duplication of work if the Department of Labor insists upon carrying out the program it is now carrying forward. I will not take the time of the Senator now, but I want to call his attention to the great number of these schools that are established in the United States now under that department. It is for the very purpose and, as I understand, carrying out the very theory that is outlined in the amendment which has just been read by the Senator.

Mr. STERLING. I anticipate that if the work is being carried on in any State in the Union under the supervision of the Department of Labor it may well be taken cognizance of by the Secretary of the Interior and by the educational authorities of the several States, and that they will provide the one system that will cover the whole question and cover the subjects enumerated here in subdivision (f).

Mr. SMOOT. The Senator is perfectly right in assuming that that is what would be done, but I wish to say to the Senator now that wherever there are two departments of the Government doing exactly the same work, past experience has demonstrated beyond a question of doubt that each one of those departments will labor with more real interest in pushing forward that line of work than if one department alone of the Government had the work in hand.

Duplication of work in the Government is—I was going to say a disgrace to our Government, but I will say it is a disgrace to the Congress to keep appropriating money for the duplication of work that is going on.

Mr. STERLING. I agree with the Senator from Utah in the respect that there is more or less of duplication of work in the various departments and bureaus of the Government. If they are at all allied or even remotely allied, there is more or less duplication of work; but it is up to Congress, I think, to have the courage to provide by law that there shall be no such duplication involving extraordinary and unnecessary expenditures of public funds.

Mr. KING. Mr. President, will the Senator yield?

Mr. STERLING. Certainly.

Mr. KING. The Senator has just said something which I think should appeal to every Senator. Now is the chance for us to carry out the splendid and admirable precepts just enunciated by the distinguished Senator. What my colleague says is true—that the Department of Labor, through the Division of American Citizenship Training, is doing this work and doing it well in hundreds and thousands of communities in the United States. We are proposing now to develop the work which they are doing, and instead of using the word "interest," as my colleague did, I say there would be a jealousy if you create this instrumentality between it and the Department of Labor, and that this instrumentality, having more money, would try to crowd out the Department of Labor and assume the entire work.

Mr. STERLING. Without seriously questioning the efficiency of the Department of Labor and the activities of the Department of Labor in this respect, I shall "want to be shown," if I may use the expression, just what the department is doing along those lines before I will concede the point that all that is here provided for and all that is here contemplated is being covered by the Department of Labor.

Mr. KING. Will the Senator yield again?

Mr. STERLING. Certainly.

Mr. KING. If the Senator had done me the honor to listen to the very long and somewhat tedious speech which I delivered the other day, he would have learned of some of the activities of the Department of Labor, showing the way in which it was entering hundreds and thousands of communities in which it had schools and representatives and the cooperation, and indeed coordination, between the Federal Government and the municipal and State authorities as well as the various industrial plants throughout the United States who are teaching Americanization.

Mr. STERLING. It was not my good fortune to hear the able speech of the Senator from Utah the other day. I was necessarily absent from the Chamber, but I shall take pleasure in investigating the matter further to find out just what the Department of Labor is doing.

But now, Mr. President, a great deal of the argument, and especially the argument of the Senator from Mississippi [Mr. WILLIAMS], has been based upon the theory that the bill is compulsory as to the States, and requires the States to enter into this scheme of the education of illiterates, whether citizens of the United States or aliens. There is nothing further from the mark than that belief. No State in the Union is required against its will to take advantage of the provisions of the bill or to appropriate a single dollar under it. Each State, in order that it may share in the benefits of the bill, must, by act of legislation, accept the provisions of the bill and make appropriations accordingly to meet the appropriations made by the Federal Government.

I think it worth while to call attention to the fact that the Senators who are objecting on that score now may well wait a little and examine the record; and from that they will ascertain that they did not object to the many bills providing for cooperation between the Federal and the State governments. There was no objection to the Morrill Act of 1862, the great land grant act for the benefit of agricultural colleges in the States, giving instruction in agriculture and in the mechanic arts.

Mr. KING. Mr. President——

Mr. STERLING. I yield to the Senator from Utah.

Mr. KING. The first Morrill Act, which was passed in the days of President Buchanan—and the later one was very much of the same character—was vetoed by President Buchanan and was opposed by many who believed in our form of government and in the preservation of the rights of the States.

Mr. STERLING. I referred not to the act that was passed during the Buchanan administration, but to the act of 1862, which President Lincoln approved, which act has been most beneficial in its operation ever since, and of which every State in the Union, except, I believe, about four States, which had no agricultural colleges, has been eager to take advantage and eager also to take advantage of every act amendatory of the old Morrill Act and which extended its provisions and benefits.

Mr. SMITH of Georgia. Mr. President——

Mr. STERLING. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Will the Senator allow me to suggest that we have had no proposition made from any of the States to repeal or exempt them from its operations?

Mr. STERLING. No; we have not. I thank the Senator for his suggestion.

I come now to the act of March 4, 1907. Other acts had been passed meanwhile between 1862 and 1907. The act of March 4, 1907, makes appropriations for colleges established under the Morrill Act. It increases the old appropriations and provides for use of part of it in special training of instructors authorized.

Then comes the act of May 8, 1914, providing for cooperative extension work between the agricultural colleges and the Department of Agriculture. The great bill of which the Senator from Georgia [Mr. SMITH] had charge, providing for cooperation in farm demonstration and home economics work—what State in the Union, Mr. President, would repudiate that act or deny itself the benefits available under the act? I have not heard of one. There is cooperation. There is no compulsion under the act of 1914 any more than there is under the pending bill. It was left to each State to determine for itself whether it would accept the benefits of the act.

Then comes the act of February 23, 1917, providing for cooperation with the States in the promotion of vocational education, making appropriation and providing the regulations. Have you heard of a single State in the Union that has complained because of the vocational education act—another act providing for cooperation and not compulsory in any sense? The very Senators who are objecting to the pending bill because, under the theory advanced, it is compulsory as between the Federal Government and the States, have been glad enough to share all the benefits provided for in these acts to which I have called attention. But Senators are mistaken in the assumption that this bill compels the States to do anything. It is no more compulsory than any of the acts I have mentioned. The State is free to choose.

Mr. KING. I hope the Senator will acquit me from the general statement which he has just made. I was not here when some of those bills were passed. If I had been, I should have voted against them. One of the bills was passed while I was in the Senate. I not only spoke against the bill but I voted against it. I do not believe in these bribes that are being given to the States; and this is a bribe, as the other bills have been.

Mr. STERLING. I shall allude to that just a little later on if the Senator will be patient.

Mr. KENYON. I should like to ask if the State of Utah did not accept the advantages under the vocational education bill.

Mr. STERLING. The Senator from Utah can answer.

Mr. KING. I think it did.

Mr. KENYON. The majority of the people of that State do not agree with the Senator's position evidently.

Mr. KING. I think the majority of the people of my State, and the majority of the people of any State in the Union, when you explain to them the operations of this sinister plan, will repudiate the methods that are being pursued and the policy which is being now engrafted upon our Government.

Mr. STERLING. I might cite other acts, cooperative acts we may term them, in a broad way; but I call attention to the last act of June 27, 1918, being an act providing for a Federal Board for Vocational Education and giving that Federal Board for Vocational Education new powers and prescribing new duties in regard to the work of vocational rehabilitation authorized by the terms of the act and authorizing the board to cooperate with such private or public agencies as it might deem advisable.

The Senator from Utah refers to this, although his State has accepted the benefits of these several acts, as a bribe to the several States. I challenge that statement. I deny that it is a bribe to the several States. In the discussion of these questions there is one thing that we lose sight of. This is a dual form of government and it means a dual citizenship. There is a citizenship of the State and a citizenship of the Federal Government, with reciprocal rights, duties, and obligations between the Federal Government and the citizen and between the State government and the citizen of the State. Is the Federal Government interested in the citizenship and in good citizenship? That is the question. Mr. President, let the story revealed by the war and the conscription act tell. Let the story that is being written every day now, with every newspaper coming to our desks containing accounts of the activities and the arrest of radicals who believe in the overthrow of the Government by force or violence—let these tell their stories, and then let us answer the question whether or not the Federal Government is not interested in good citizenship.

Well, what is fundamental in good citizenship? Not education or mental discipline always and alone, but rather that character, individual character, is the greatest fundamental of all. And yet one great object of education is to build and improve character. It is not a complete or perfect system of education until it does take that great element into consideration—character.

Mr. President, this is not paternalism; it is not the Federal Government assuming to dictate, compel, or require education on the part of the different States of the Union. It comes to the States, if we pass the bill, and says, "We agree to cooperate with you, and we will provide so much money in this great work of Americanization and civilization, too, if you yourselves will contribute a share, and that is all there is to it."

It was remarked the other day by some one, in discussing this measure, that it would be detrimental to the public welfare—at least, that was the essence of the statement—to educate. The effect of education, it was said, would be simply to enable men to be more active and ingenious in their activities against the Government. If that is the doctrine laid down, then, Mr. President, let us dispense with education, the schools and colleges, and all the things that we have so devotedly believed in as the means of elevating and ennobling humanity. Let us do away with them.

Why, Mr. President, do we not know that it is the ignorant and alien masses that men like Lenin and Trotski and Berkman and William Z. Foster and women like Emma Goldman prey upon and exploit? Educate these people, and the occupation of these degenerate and evil geniuses is gone. That is the great purpose of this bill, to educate these illiterate aliens in order that they may understand our institutions, and understanding may no longer be a menace to them.

Mr. President, it is a case of neglect. It has been a case of neglect throughout the years; and what is the principle involved? Neglect the child and you are apt to make a delinquent of that child. Here are these children, as it were, so far as knowledge of our American institutions, our laws, our ideals, our traditions, is concerned. They are but children in that respect, and we are inviting them here by the hundreds of thousands. The doors are wide open, and it is likely that that will continue to be our policy. No wonder they are delinquent. It is the very condition most apt to follow from our neglect as to their education, or means of education.

Mr. President, I regret to see the feeling that is manifested toward, or rather against, this bill. Should it become a law, I believe it will be noted as a great landmark in our educational progress. To Americanize these people that come to our shores in such numbers without any of the American spirit, without

any knowledge of our institutions, it is necessary that they be educated in that great fundamental—the English language—and that they be taught to speak, read, and write that language. No State, under my amendment, can make the age of education compulsory after the age of 21. There will be no discrimination in the law, but they and our own citizens will stand on the same level. As to all we may say, "Come; we invite you; we urge you now to stand with us upon the same ground with our own American citizens in the various States, to do no more than we require them to do under the provisions of this bill, if it becomes a law." That will appeal to them, and I predict that instead of their feeling alien, and something apart from American ways and institutions, they will appreciate the broad, generous spirit we manifest, and will, with even some enthusiasm, enter into this plan.

Mr. CALDER. Mr. President, it has been very difficult for me to bring myself to the position of opposing this measure, for I am a believer in the doctrine that where knowledge exists there free government will survive. In the State which I represent in part here we have always appropriated more money for education than for any other purpose, and in the city of New York, where I reside, we have the finest public educational system in the world. But, Mr. President, it seems to me that this legislation, splendid in its conception, will provide a duplication of what is already being done in nearly every State in the Union.

It has been my good fortune recently to look carefully into the school system in the city of New York. I find there that nearly one-fourth of all the money appropriated for our city government is set aside for educational purposes. This year the city of New York will spend for maintaining its public schools alone the sum of $45,000,000, and for the building of new schoolhouses a sum exceeding $6,000,000, all told over $51,000,000. We have in our elementary public schools to-day over 920,000 children and in our high schools and trade schools nearly 70,000, and to teach these boys and girls we have a teaching staff of over 22,000 men and women. I have visited many of the schools in the crowded sections of our city and have observed in some that every single child is of alien birth or immediate alien parentage, all being taught by American teachers the English language and Americanism in its finest sense.

We have a wonderful night-school system in New York City, and in many of them every pupil is a foreigner. The people who attend these schools are taught to read and write the English language. I make the statement here that every person in New York City who cares to learn the English language can obtain a knowledge of it without cost.

Mr. NORRIS. Mr. President, I should like to inquire particularly about the night schools. Are the night schools for grown people?

Mr. CALDER. Yes.

Mr. NORRIS. And the principal object there is to teach the English language, as I understand?

Mr. CALDER. Yes; that is right.

Mr. NORRIS. I have wondered, and I expect to find out before this discussion is over, why this bill was not framed along some line of that kind. In this particular paragraph that is before us, why would it not be a good plan to have the system the Senator has just described, where the children who ought to go to school are compelled to go? That applies to the foreigners as well as to the Americans?

Mr. CALDER. Yes. Every child in New York City is compelled to go to school up to 14 years.

Mr. NORRIS. Why not do that, and then let the other schools, known as the night schools, take care of the other part of it, although they would not necessarily have to be night schools; but they are not compulsory, are they?

Mr. CALDER. They are not compulsory.

Mr. NORRIS. But they are free?

Mr. CALDER. They are free—free books, free stationery, free teachers, and so forth.

Mr. NORRIS. The city government supplies them, and the principal thing taught there is the English language?

Mr. CALDER. Yes. I might say to the Senator that I have observed in many of these schools men and women who enter without any knowledge of the English language, and there they are given every opportunity to learn it. I have visited dozens of such schools in the crowded foreign sections of our city. I do not know the exact number, but I will venture to say that we have to-day in the city of New York at least 50 schools with night classes; and the great majority of the people in these night classes are adults, alien adults, being taught the rudiments of education. We are doing this at the expense of the city of New York. We do not come here and ask for Federal aid for this purpose.

From some sources in New York State requests have been coming favorable to this sort of legislation; but it seems to me that just at this time, when we are facing a situation whereby we may have to have a bond issue to meet the Nation's obligations, it would be wise to postpone consideration of the whole matter. Splendid as the whole scheme is, we can put it off for this year, and then perhaps we can get a better opportunity to investigate just what is being done throughout the country and see if, after all, this whole thing is not an unnecessary expenditure of money and is not a duplication of the work already being done.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. I do.

Mr. SMOOT. I notice from the report that besides the night schools that the Senator speaks of in the city of New York there are 39 other schools sustained by donations from philanthropic persons and institutions, and in those 39 schools there are 15,825 foreigners—that is to say that is the average attendance on those schools—and the ages are from 21 up to 50 years, and they are not costing the city a cent. That work is going on, not only in the city of New York but in over 3,000 other cities in the United States. I will say to the Senator that I have the figures here covering every city and giving the number of pupils that are attending, and also giving the names of the donors of the funds which carry on these great schools. I know that this work, which is being carried on so successfully to-day, and is growing every month of every year—for instance, during the month of December there were over 287 of these schools started in different parts of the United States—is going to result in a great deal of good; and I know that if we pass this bill, and the Government provides the money, these people are not going to put it up. The advantage that accrues to the men who give this money, and to the institutions that give it, is in my opinion even greater than the advantage to our country, and I will admit that it is a great advantage to both.

Mr. CALDER. Mr. President, in my youth I attended a night school of the character described by the Senator from Utah. At the age of 15, being employed during the day, I went to Cooper Institute and attended their night classes, and more than two-thirds of the boys and men, some of them as old as 40, were—of alien birth—taking advantage of the educational opportunities afforded at night, even to a greater extent than the boys born in this country. I am sure the Senate will be interested to know that in the city of New York the young men and women of foreign birth who are required to labor during the day are in the main most earnest in seeking for knowledge.

We also have in this country to-day educational facilities conducted by the Army. I was informed by an Army officer the other night that during the war the Army taught 250,000 young men to read and write, and that to-day all over the country the Army is not only teaching recruits to read and write, but vocational trades as well. So it does seem to me that when the expenses of Government are so large, with the possibility of a duplication of this business throughout the country, we ought to hesitate before passing this bill.

The cost of Government is increasing by leaps and bounds. In Jefferson's administration the figures seem to indicate a cost of about $1.52 per capita per year to conduct the Federal Government. During the four years of the Civil War it cost $25.01 per capita. During the four years succeeding the Civil War $11.02 per capita, while the estimates for the next year will mean a cost for the Federal Government of $47 per capita to conduct the business of this country. So it seems to me we must stop somewhere, and, splendid as this thing is, I think we can very well do without it for this year at least.

Mr. SHIELDS. Mr. President, I offer an amendment to be inserted upon page 7, immediately after line 14, as a part of section 11, in these words:

Provided, That the white races and the negro race shall not attend the same schools, but that separate schools, teachers, and other accommodations shall be provided for the white and negro races.

I ask that the amendment be printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. KING. Mr. President, I offer the amendment which I send to the desk, and ask that it be printed and lie on the table. It is an amendment to section 3 of the bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. NORRIS. Mr. President, I had intended to make a motion to strike out paragraph (e) of section 5. That is the one for which the Senator from South Dakota has offered a substitute, which is the pending amendment. I intended to do that, because it seemed to me that that paragraph was not necessary,

although I concede that it is perfectly proper to put in as one of the conditions upon which this money shall be given to the States, some of the things that are in that paragraph. But I want to offer a few suggestions, and I do it as a friend of this kind of legislation. I desire to have a bill here that I can vote for. I believe it is all right for us to make some provision to assist in the education of some of the citizens of the States if we can do it with the proper safeguards.

I have a great deal of sympathy with the argument just made by the Senator from New York [Mr. CALDER]. Much as I should like to go even further than this bill goes, I realize that we are up against a proposition in a financial way that demands that we should consider very seriously any step that we may be asked to take in the expenditure of money that is not absolutely necessary. So I have a good deal of sympathy with the thought of postponing this kind of legislation, although I do not believe that I would be led to vote against the right kind of a bill on that argument, as much as I believe it is weighty. I wish, however, that the Senator from Iowa [Mr. KENYON], the Senator from Georgia [Mr. SMITH], and the Senator from South Dakota [Mr. STERLING], all members of the committee that reported this bill, would listen to the suggestions I have to make, realizing that I am making them as a friend of this kind of legislation, consider them, and see whether an amendment along the line I am going to suggest would not be acceptable.

Let me say, first, that I have no sympathy with the idea that this is trying to interfere with State legislation. We are proposing here to give to the States certain Federal sums on certain conditions. It is not an attempt, as I read the bill, to interfere with the educational system of any State. It is perfectly proper for a State to refuse to comply with these conditions and not get the money, if it wants to; and when it does comply with them, it still controls the educational facilities of the State and its schools. But there are two classes of people that this bill seeks to educate, and I am seriously wondering whether, particularly at this time, one of those classes might not be left out of the bill.

First, there are the illiterates, without regard to citizenship. They may be American citizens or foreigners, either one. Second, there is the other class, consisting of those aliens or people living here who can not speak or read or write the English language. It occurs to me that particularly under present conditions I would at least feel better satisfied if we confined our energy and the expenditure of our money for the purpose of giving it to the States to be used in connection with their money for the purpose of teaching the English language to those who can not speak it or write it or read it at the present time.

One of the conditions in this particular paragraph requires the States to teach illiterates—illiterates who are over 21 years of age, grown people. They must do that.

Mr. STERLING. Mr. President, I think the Senator puts it a little strongly there. It does not "require."

Mr. NORRIS. Is not the word "require" used in the amendment?

Mr. STERLING. It is in subdivision (e).

Mr. NORRIS. That is the one I am discussing now.

Mr. STERLING. The limitation there is 21 years.

Mr. NORRIS. The word "penalty" is stricken out. It says "require all residents, who are citizens of the United States," or aliens, "16 years of age or over."

This is the point I want to make: I believe in education, and I believe in compulsory education. I am willing to support a proposition that we shall not turn any money over to a State that does not have the proper kind of compulsory education. But I do not believe in compulsory education for grown people. It seems to me that is illogical.

Mr. STERLING. It is not compulsory, under this amendment, after the age of 21. It applies to 16 or over and under 21.

Mr. NORRIS. Yes; the compulsory education ought to commence with the child when he is able to go to school—when he is 6, 7, or 8 years old. I think in almost all States the compulsion ends at 16 years. It sometimes goes up to 18. I would not quibble about it, whether it stops at 16 or 18. But compulsory education, in my judgment, ought to be confined to children; and I believe in it. I am in favor of a compulsory-education law.

When we get to grown persons, even though they can not speak the English language, I would not compel them. I believe it will be a failure if you try to compel grown people to go to school. I would throw out every inducement possible. Let the school be free; supply them with books and everything necessary; have it in the evening if necessary. That would probably be the right time to have it, when men and women who are working in the daytime could attend a night school and learn the English language. I do not believe it is going to be necessary to make it compulsory, because, as the Senator from New York [Mr. CALDER] has described, most people—at least, worthy people—unless they are away along in advanced years, are glad of the opportunity, when they come to this country in good faith, to learn the English language, and they all ought to learn it.

Therefore I do not like these requirements which you are going to put upon the State—to compel the State to teach grown illiterates, born in America, who have lived here all their lives and speak the English language, to give them an education after they are grown, and make that one of the conditions. It would be a good thing if they did it. I am not arguing against that, because I am one of those who believe that while education is not the only thing it is one of the great things that make good citizens.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. TOWNSEND. I myself have been a little disturbed about how you are going to determine accurately who are illiterate and who can not read or write. Is this machinery to be so extensive as to make a test of that in all cases?

Mr. NORRIS. I presume under the bill if there was a question as to whether they were complying with the Federal statute, it would be passed on by the Secretary of the Interior. A case might arise where that might be a very difficult question to decide.

Mr. STERLING. Mr. President, I was just going to suggest whether it will not be determined by the State authorities, who will really have the administration of this law in hand? Will not the State superintendent of schools, for example, know from the different counties in the State who are illiterate?

Mr. TOWNSEND. How would he know?

Mr. STERLING. He will know it from the county authorities. For example, the county superintendent of schools will know who are the illiterates in his county, undoubtedly.

Mr. TOWNSEND. Do you make provision for a census?

Mr. STERLING. No; there is no provision for it.

Mr. NORRIS. I presume the census that is being taken now would disclose that, as far as the number is concerned. It would show how many illiterates there are in every locality and in every State.

Mr. STERLING. That would be the most obvious means.

Mr. NORRIS. I think so.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. May I ask the Senator how this law could be enforced by the States? In most States the compulsory law provides that a child from 8 years old until 16 shall attend school a certain number of months during the year. In my own State we have compulsory education, the law providing that every child above the age of 8 years and under the age of 16 shall go to school nine months during the year. That applies to every child in the State. If the parents of the child are so poor that they are unable to send the child to school, the municipality or the township must provide means for the child, it must purchase books for the child, and see that it is sent to school nine months during the year. My question is, How are you going to enforce that law by having a Federal statute which provides that a person above the age of 16 years shall be compelled to go to school when there is no such provision in the State law?

Mr. NORRIS. Of course, all this law does is to provide that the Secretary of the Interior must be satisfied by the proper State authorities that certain things are done by the State or the State does not get any share of the fund.

Mr. GRONNA. Then the State which has a law providing for the education of boys or girls only up to the age of 16 would get no benefit unless the law is changed?

Mr. NORRIS. I should say that is right.

Mr. KENYON. Unless they provided for compulsory education, for teaching in English from 16 to 21, 200 hours a year. If they did not do that, then they would get no benefit out of the law.

Mr. GRONNA. The law in my State provides for attendance in public schools. It means English schools, of course. In some States they prohibit the teaching of any other language except English.

Mr. KENYON. Those in the schools in the Senator's State, of course, would not be illiterate, and they would not be compelled to attend instruction in English after 16. But some might have come in from the outside who never attended school, who were illiterate. They would have to attend.

Mr. GRONNA. That is my understanding. But how would this apply to a State like my own State?

Mr. NORRIS. I do not think it would apply. Unless your State amended its law it would not get any of the money. That would be the effect of it.

Mr. GRONNA. It would be very difficult to agree on a provision that a boy or girl shall be compelled to attend school until the age of 21.

Mr. NORRIS. I think so. That is one of the things I am arguing against.

Mr. KENYON. They are not compelled to attend school until they are 21. They are compelled merely between 16 and 21 to attend such classes of instruction in English as the State may provide, subject to the approval of the Secretary of the Interior. There can be night schools, there can be groups, private schools, any kind of school. But I did not intend to interrupt the Senator.

Mr. NORRIS. I yield to the Senator. All I am trying to do is to get all the light I can on the question.

Mr. KENYON. The rule is laid down that an illiterate is one who can not read or write English.

Mr. NORRIS. That would mean any language.

Mr. KENYON. If you had none of those in your State above 16 years of age, of course this law would have no effect whatever on the Senator's State, and they would not take any advantage of it, or desire to; it would do no good. But if you had persons from 16 to 21 or beyond who were illiterate, then it would do good, and your State would have to pass a law providing for the teaching of English to those between 16 and 21, and then they would take advantage of it 200 hours a year.

Mr. GRONNA. Before it could get any of the appropriation provided for it in the bill?

Mr. KENYON. Absolutely.

Mr. GRONNA. I am quite familiar with the conditions in my State, and I have been very much interested in the school question. I consider that one of the greatest honors I ever had conferred upon me was to be made president of our school board for a number of years, and I am in favor of anything which will help to educate the people of my State or any other State.

With the permission of the Senator from Nebraska, I am glad to say that we have not any such number of illiterates in my State as is shown on that chart. We do have a number of people who can not read English, but there are many of them highly educated in some other language. We have very few people in North Dakota who are unable to read in some language.

Mr. KENYON. The figures on the chart relate to illiterates and non-English-speaking people.

Mr. NORRIS. Yes. As I understand the chart, it is not confined to illiterates, but it relates to illiterates and non-English speaking. They are combined in one chart. So while the Senator's State might not have a single illiterate in it, if it had in it people who could not speak or write the English language, they would be included in the list on that chart.

Mr. GRONNA. My interest in this measure particularly is to see that it shall benefit people between the ages of 16 and 21—and we have a number of them—who have come to the State and who have not had the opportunity of attending school. If they had been there they would have had to attend or their parents or guardians would have been prosecuted. They would get no benefit whatever from this law unless the State should amend its law to conform with this Federal statute, a proposition which is very difficult of accomplishment. It is very difficult for the reason that every State, through a term of years, has worked out a certain plan upon which it proceeds with reference to education. I think it is true of every Western State. I know it is in the State of the Senator from South Dakota, because I am quite familiar with the situation there.

Mr. STERLING. If the Senator will permit me, and if the Senator from Nebraska will permit, in order to show what a State might do under this Federal statute, I call attention to a couple of paragraphs in the statute passed in 1919 in my own State, and these two paragraphs correspond in a broad way, respectively, to subdivisions (e) and (f) of the pending bill, and of the substitute I have offered. Section 1 of the act reads:

> All persons between the ages of 16 and 21 years, inclusive, who are not physically or mentally disqualified, and who do not possess the ability to speak, read, and write the English language as is required for the completion of the fifth grade in public schools of this State, shall attend public evening school classes for at least eight hours each week during the entire time that evening school classes of the proper grade shall be in session in the school district within 5 miles of his or her place of residence or until the necessary ability has been acquired: *Provided*, That regular attendance at a public day or part-time school shall be accepted in place of attendance at evening school classes.

Mr. NORRIS. What is the age provided there?

Mr. STERLING. Sixteen to twenty-one; and that is according to the terms of subdivision (e). Now, coming to the proviso according to subdivision (f), you will see that it is simply permissive; it is not compulsory at all. It reads:

> *Provided*, That any person or persons more than 21 years of age and less than 50, who do not possess the ability to read, write, and speak the English language equivalent to the requirements for the fifth grade in our State course of study for the common schools, may attend during good behavior free of charge any of the special classes established under the provisions of this act.

That is permissive as to all who are over 21 and under 50.

Mr. TOWNSEND. How is that law working in your State?

Mr. STERLING. I am not advised.

Mr. NORRIS. It has just recently been passed.

Mr. STERLING. It was recently passed, in 1919, and I am not apprised as to how it is working.

Mr. TOWNSEND. The Senator does not know whether his State is afflicted with a large percentage of ignorance?

Mr. STERLING. It is not afflicted with a very large percentage of ignorance or a very large percentage of aliens.

Mr. TOWNSEND. And there could not very many people take advantage of this proposed law who would not be cared for under the law of the Senator's State?

Mr. STERLING. No; not very many.

Mr. NORRIS. They would probably be all cared for. The only thing is that the Senator's State would get some Federal funds.

Mr. STERLING. I imagine that if States wanted to accept the benefits of this law they would pass some such statute as that and would meet the requirements, especially of subdivision (e) as proposed to be amended.

Mr. GRONNA. If the Senator will allow me again, the provision of that law as passed in the Senator's State is, as he says, permissive. This Federal law will be compulsory.

Mr. STERLING. No; there are two subdivisions here. Subdivision (e) makes education compulsory between the ages of 16 and 21, without reference to whether they are aliens or citizens. Subdivision (f) corresponds to the provision last read, which is permissive, and permits persons between 21 and 50 to attend these special classes.

Mr. NORRIS. Of course, the Senator from North Dakota [Mr. GRONNA] must remember that this law does not pretend to make it compulsory; but if we should adopt the amendment that is now pending it would say to the State, "You must make it compulsory; and if you do not, you can not get any Federal funds; but if you do, you get them."

Mr. GRONNA. I see.

Mr. NORRIS. It seems to me that we ought to add any requirement we desire about the compulsory education of children within school age, and we should then require the State to have free schools to teach the English language to those within its borders who can not speak, read, or write the English language. I am not so particular as to how long that should be. I would want it myself long enough to be effective. I would want it to be so that we would bring about the use of the English language as much as we can by all the people who live in the country. I think what has happened in various States during the war has taught us a good many lessons along this line. I know I have modified a good many of my views, or, rather, I have gotten new ideas that I did not have before, when we found in some localities that there were so many people who could not speak, read, or write the English language. Yet we ought to remember, it seems to me, what I, at least, believe to be true, that when you take a grown person and compel him by law to go to school, even though the time may be short, you are undertaking a proposition that I think ought not to be done by the Government. I know the answer comes, "We would like to educate the people who are now living so that they would use the English language"; and I would like to see that done. I would like to throw out every possible inducement to get them into these schools. Most of them will come in without compulsion. Some will come in without compulsion who would try to avoid it if you tried to compel them to come.

But the law, if founded upon the lines that I have outlined, would start at the bottom and build up a citizenship. It would be some years before this result would appear, but it seems to me that must be true. We can not expect immediate results. We ought to require the States to commence with the children, to compel them to go to school and to offer free facilities for those who are grown to learn the English language. Within the course of the coming generation we would see its effects. In a very few years we would have a better educated citizenship; we would have a greater use of the English language everywhere.

As to the schools that we ought to require the States to provide for the children, if there is any doubt about it it seems to me we could provide that they should be conducted in the English language. Probably that would be done anyway, but there would not be any objection to putting it in the bill, and thus

bring about a knowledge of the English language just as far as we can.

In my judgment we would make a mistake if we tried to force any language on anybody. It has never yet succeeded; but proper inducements held out will bring into these schools people of all ages who are here in earnest and who are going to stay here and be citizens of the United States and learn our language.

I do not understand why the committee is not willing to amend the bill along those lines. They are running against a great many objections, and I think serious objections, when they undertake to require by compulsion, even indirectly, the attendance of grown people upon schools.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. Certainly.

Mr. GRONNA. I may be entirely mistaken, but is it not possible that economic conditions may enter into the question? Is it not possible that a boy above 18 or a girl above 18 may have dependents? It is, then, a question of whether it is possible for that boy or that girl to surrender his or her time.

Mr. NORRIS. Oh, yes. Of course, this particular bill, I will say to the Senator, does not contemplate very much time being spent in going to school. It is only 200 hours a year. The State would make provision for that and probably provide for night schools. But the question which the Senator raises would certainly arise unless there were night schools, because there are a great many people who are from 16 to 21 years of age who have to work all the time in order to support others, a dependent invalid father or mother or sister or some one of that kind.

Mr. GRONNA. I am not a member of the committee and I have not given it special attention, but I was wondering if that matter was taken into consideration, because I think it is a question of some concern. I believe that while perhaps not to a large extent yet to some extent that question would have to be solved.

Mr. STERLING. If the Senator will permit me——

Mr. NORRIS. I yield.

Mr. STERLING. I realize that is a matter of some concern when we come to make education compulsory for those over 21 years of age. A man over 21 years of age may be the head of a family or may be in very moderate or straitened circumstances; he may be the breadwinner of the family, and it will be very difficult for him to give 200 hours a year for attending school. Hence that is my purpose in proposing the substitute.

Mr. NORRIS. You still have up to 21 years where it is compulsory; and in many cases it would be harder for a boy who has, perhaps, lost a father by death and who may have an invalid mother to support to be required to go to school in this way. It might be a physical impossibility for such a boy to go to school.

Aside from that, and in a much broader sense, grown people will not take kindly to a compulsory-education system. I do not believe it would work.

Mr. STERLING. Does the Senator mean by "grown people" those above 21 or less than 21 years of age?

Mr. NORRIS. For the purpose of this bill, I will say I mean by "grown people" those between 18 and 21 years of age. They are grown people. Indeed, in most States girls 18 years of age are of legal age; they are out from under the control of their parents, legally speaking, and they have the same power in law that they will have when they are 75 years old.

As I said a while ago, what has been brought out during the war has opened the eyes of a great many people. To me it has shown the importance of doing everything that we can for increasing the use of the English language. It is desirable to have everyone in the country, particularly those who are citizens or who are going to become citizens, learn to read and write the English language; and when we permit people to come from foreign countries, seeking a new home and a new citizenship, we ought to take steps to see that they are not grouped, as they have been in the past, where they see no one and talk with no one except those who use their language and who have come from the same country.

We ought to remember that, whether we like it or not, there is a burden upon us; and we have been to blame to a great degree because in the past that burden has not been assumed. There is a burden upon us to see that these people are given the opportunity to learn our language. In my judgment, if we do that, education and the learning of our own language will go a great way to avoid the dangers that come from anarchy, from a misunderstanding of our system of government and our ways of living. Many of these people have not had opportunities to get out from under the influences that controlled them even in the countries from which they emigrated. We ought to give them an opportunity to understand our Government, to understand our society, to become one with us, to become the right kind of citizens. I am not averse to spending public Federal funds in order to bring that about.

I think the bill would be an instrumentality of that kind if it were amended as I have suggested; if we would eliminate from it entirely the proposition of practically everything except the teaching of the English language. That will not do it all, but it is the greatest one thing of all to make an American citizen, first to have him learn the English language. He may be a bad citizen afterwards; he may be an anarchist afterwards; it may not and will not in all cases bring about a cure for such things. I would not offer it as a panacea, but it would be one of the greatest Americanizing factors that we can possibly provide for, in my humble judgment. I should like to confine the use of the Federal funds to carrying out that idea.

It seems to me that when we have carried that out we have gone as far as we ought to go with Federal funds, at least now. There may come a time later when I might be in favor of taking up the question of illiteracy also, but to my mind this is the pressing thing. We ought to lay the foundation now for a better citizenship. Let the American language be understood by everybody.

I hope that the Senators who have given a great deal of time to this and who have had the benefit of the hearings and the considerations of the committee will take heed of the debate that has taken place and of the opposition to the bill. Let us not run any danger of killing what I believe would be a very good thing by taking in something that I believe they will think after awhile is unnecessary by doing something in the way of compulsory education that I think is undesirable.

Mr. KENYON. Mr. President, I want to get clearly in my mind the Senator's position. Would he leave the illiterates out of the bill entirely?

Mr. NORRIS. Yes; I would.

Mr. KENYON. And confine it strictly to the non-English speaking?

Mr. NORRIS. Yes.

Mr. KENYON. The Senator would have no compulsory education required in the States?

Mr. NORRIS. No.

Mr. KENYON. No compulsory speaking of English, but merely the States having free schools for those who desire to attend?

Mr. NORRIS. I have said "yes" to the Senator's question. I do not want the Senator to understand that I am trying to draw the line there and that I am going to stand there. I am willing to compromise on the bill. On the compulsory part of education in the schools by the States as would be required by the law I would have no objection if before you gave the State any of the money you compelled the State to have a compulsory system of education for children, say, between 7 and 16 years of age.

Mr. KENYON. Nearly all States have that.

Mr. NORRIS. Most of them have. I would not have any objection to compelling that; that would help illiteracy; but I would leave the illiteracy part out, and in that respect it would help to remove illiteracy just as much as it would assist the language proposition. I would have no objection to putting in the law a provision that the States must provide not only for compulsory education but that those schools must be held and conducted in the English language. I think they all are anyway, but I have no possible objection to putting that in the bill.

Mr. KENYON. That is, up to 16 years of age?

Mr. NORRIS. Yes.

Mr. KENYON. What would the Senator do between 16 and 21—the same thing?

Mr. NORRIS. No; I would not do anything except as the language proposition comes in. I would provide for language schools. Let the State, before it can get any of the money provided for by the law, provide for free open schools to teach the English language to those who can not speak or write it, and without regard to age. Commence at 16 and go up to 75. Let anybody come who wants to learn the English language. I think I would stop about there.

Mr. KENYON. Of course the Senator would have illiterates attend?

Mr. NORRIS. There would be no objection to their attending, but the illiterate might be an American who could not speak anything but the English language.

Mr. KENYON. An illiterate who could speak the English language might be one who could not read or write the English language.

Mr. NORRIS. He could not read or write, but he would have to speak some language.

Mr. KENYON. Yes; he might speak the English language.

Mr. NORRIS. It might be the English language that he would speak.

Mr. KENYON. Of course the proposition is a difficult one.

Mr. NORRIS. I know it is a difficult question.

Mr. KENYON. Our idea has been to get some legislation that would amount to something and that would pass. If we can not pass legislation that amounts to something, let us not pass any.

Mr. NORRIS. The Senator does not mean to say the suggestion that I have made would not amount to anything?

Mr. KENYON. Oh, no; not at all.

Mr. NORRIS. I think that would be going a good way. I think that would be accomplishing something. Here is what it would result in: It would result in every State in the Union, very likely, having a compulsory system of education for its children. That would apply to all the children. The school would always be conducted in the English language, and the common-school age is ordinarily, I think, 16 years. That would accomplish a great good.

If every State in the Union had a compulsory system of education, we would soon see the effect in our citizenship. We would have an educated citizenship; they would all be educated. I think that would be going in the right direction and would accomplish a great deal.

The next thing is to give every foreigner who comes to the country an opportunity, without expense and regardless of age, to learn the English language. I think that is another step that is pretty good. It would bring about a great improvement in our citizenship.

ADJOURNMENT.

Mr. KENYON. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 23, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 22, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, who lives, loves, and reigns; ever constant in Thy ministrations to Thy children, physically, mentally, morally, spiritually; help us to reciprocate by loyalty to Thee, ourselves, and our fellow men, loyal to Thy Kingdom, our Government, and to all mankind. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JACOWAY, for seven days, on account of sickness.

To Mr. CARTER, for to-day and to-morrow, on account of sickness.

To Mr. CASEY, indefinitely, on account of sickness.

WIDOWS' PENSIONS—CHANGE OF REFERENCE.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent that H. R. 11538, to repeal certain provisions of the act of March 3, 1889 (30th Stats. L., p. 1379), relating to widows' pensions, be rereferred to the Committee on Revision of the Laws.

The SPEAKER. The gentleman asks unanimous consent that the bill designated by him be rereferred from the Committee on Invalid Pensions to the Committee on the Revision of the Laws. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing resolutions of a chapter of the American Legion on the question of a bonus for ex-service members.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing resolutions of the American Legion relative to a bonus for ex-service members. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I presume every Member of Congress has received just such resolutions not alone from one particular chapter of this organization but from many of them. Now, if one Member of Congress puts in a particular resolution that he has received, then every other Member would likewise be authorized to put in not one but several, and the RECORD would be filled with them.

Mr. NICHOLS of Michigan. These resolutions embody the sentiments of the State organization of the State of Michigan.

Mr. BLANTON. Then I shall not object.

Mr. GARD. Further reserving the right to object, is this from a local organization?

Mr. NICHOLS of Michigan. These resolutions are from a city organization, but they embody practically the resolutions of the State organization.

The SPEAKER. Is there objection?

There was no objection.

POINT OF NO QUORUM.

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. It is quite evident that there is no quorum present.

Mr. KENNEDY of Iowa. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Almon	Evans, Nebr.	Larsen	Sanders, La.
Anthony	Ferris	Lazaro	Schall
Aswell	Fess	Lehlbach	Scott
Bankhead	Fields	Longworth.	Scully
Bell	Focht	McArthur	Sells
Benson	Gallivan	McFadden	Slemp
Blackmon	Garrett	McKeown	Smith, N. Y.
Bland, Ind.	Good	McPherson	Snell
Boies	Goodall	Mann, Ill.	Steele
Booher	Gould	Martin	Stiness
Burdick	Graham, Pa.	Mason	Stoll
Burroughs	Graham, Ill.	Mead	Taylor, Tenn.
Campbell, Kans.	Griest	Monahan, Wis.	Treadway
Candler	Hamill	Moon	Upshaw
Cantrill	Hill	Mudd	Vestal
Caraway	Hudspeth	Nicholls, S. C.	Volstead
Carter	Humphreys	O'Connor	Ward
Casey	Jacoway	Olney	Watkins
Clark, Mo.	Jefferis	Pou	Williams
Cooper	Johnson, S. Dak.	Reber	Wilson, La.
Curry, Calif.	Kelly, Pa.	Reed, N. Y.	Wilson, Pa.
Dewalt	Kennedy, R. I.	Robinson, N. C.	Woodyard
Dupré	Kettner	Rodenberg	
Eagan	Kiess	Romjue	
Eagle	Kleczka	Rowan	

The SPEAKER. On this call 231 Members have answered to their names. A quorum is present.

Mr. KENNEDY of Iowa. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

RIVER AND HARBOR APPROPRIATIONS.

On motion by Mr. KENNEDY of Iowa, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, H. R. 11892, with Mr. HUSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of H. R. 11892, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. At the time the committee rose on Tuesday there were 12 minutes remaining for general debate, 5 minutes under the control of the gentleman from Iowa [Mr. KENNEDY] and 7 minutes under the control of the gentleman from North Carolina [Mr. SMALL].

Mr. KENNEDY of Iowa. Will the gentleman from North Carolina use his time now?

Mr. SMALL. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there is some justification for a resort to camouflage by an army engaged in deadly conflict with an enemy, but at no time and upon no occasion is there any excuse for a Member of Congress or for a dominant political party in Congress resorting to camouflage, because here our acts relate to and affect only our friendly constituents in peace times.

There is hardly an appropriation bill presented to the House during the present era that our friends on the majority side do not announce to the people in clarion tones that they have cut down estimates and have practiced economy for the people. [Applause.] Well may you applaud, because you know that such statements that you make to the country are camouflage pure

and simple. [Applause.] True economy, genuine economy, means that not a dollar will be appropriated by the Congress of the United States unless the Congress knows where that money is going to be expended. [Applause.]

You speak of a $12,000,000 river and harbor bill as a matter of supreme economy. I want to say to you that not a member of the invisible but always active and yet ever dominating steering committee of the majority can tell the country right now where one single dollar in this river and harbor $12,000,000 lump-sum blanket appropriation bill is going to be expended. You do not know where it is going. You do not know upon what project it is going to be expended; and I want to say that it is not economy, but it is the rankest extravagance, and the people of the country know it.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BLANTON. I regret I can not yield. I have only five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. In passing the last appropriation bill you told the country that you had cut down estimates and practiced the greatest economy, and yet you had voted and passed an increase of over $70,000,000 above the estimates of the department on one single section. When there was a provision in that bill of less than $1,000,000, to give us a proper air service, the distinguished, ever alert, astute, wise counselor and colleague from Illinois, the matchless gentleman, Mr. MADDEN [applause], told us that if we passed that appropriation it would terminate in the biggest pork-barrel grab that had ever been known in the history of the House. I was astounded when he made such a statement. He led us to believe that it would merely be a matching of wits between the Members of the House with the greatest political influence as to where that money would be spent. I could not believe that he knew what he was talking about. But the distinguished chairman of that committee, the gentleman from Minnesota [Mr. STEENERSON], conclusively proved the truth of it in his statement that a year ago when the committee raised the appropriation 800 per cent he took occasion to question the Assistant Postmaster General, Mr. Praeger, as to when they could expect aeroplane service for the Twin Cities—Minneapolis and St. Paul, in his home State of Minnesota, if you please—and he said that Mr. Praeger assured him that he would have it in three months' time, and he said that that assurance by the Post Office Department got the Minnesota vote, because, forsooth, the Assistant Postmaster General promised some pork barrel to the chairman's State of Minnesota, proving conclusively the statement that had been made by the distinguished gentleman from Illinois [Mr. MADDEN].

Mr. KNUTSON. Will the gentleman yield?

Mr. BLANTON. I can not refuse to yield to my genial friend from Minnesota.

Mr. KNUTSON. Does the gentleman mean to insinuate that Mr. STEENERSON said he would deliver the Minnesota vote in return for aeroplane service?

Mr. BLANTON. Not that he would do it, but that he did it, and here is his language. He said—

That, of course, got the Minnesota vote for the appropriation.

He said that on page 1578 of the RECORD, concerning the proposed air service appropriation, as follows:

Mr. STEENERSON. * * * I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill:

"Mr. STEENERSON. You have not gotten to Chicago yet?

"Mr. PRAEGER. Sunday week we will get there—on the 15th of December.

"Mr. STEENERSON. And then what time will you get to Minneapolis and St. Paul?

"Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919."

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis.

Mr. BLANTON. Now, Mr. Chairman, if the well-posted gentleman from Illinois [Mr. MADDEN] is wise and correct when he says that the Congress should defeat a proposed lump-sum blanket appropriation of only $850,000—less than one million—designed to experiment with, perfect, and carry on a proper aero mail service, because such action would result in pork-barrel grabbing, the Members with the greatest political influence obtaining the money spent in and the service for their own particular districts, what is the gentleman from Illinois [Mr. MADDEN] now going to say concerning this bill, when not a paltry $850,000 is involved, but when $12,000,000 are to be appropriated by Congress in a blanket lump-sum appropriation, with no one knowing where it is to be expended? Will not his statement remain true, that the Members with the greatest political influence will still be able to get the major portion of this $12,000,000 expended in their district? If not, why not? The gentleman from Illinois must be consistent as well as wise. I shall vote against this lump-sum appropriation bill because, as well said, it is a spareribb measure, from which the people of the United States may expect all bone and no meat of value to them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SMALL. I yield two minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Chairman, I send to the Clerk's desk a telegram and ask that it be read in my time.

The CHAIRMAN. The gentleman presents a telegram and asks that it be read in his time. Is there objection?

Mr. WALSH. What is it about?

Mr. IGOE. About this bill.

The CHAIRMAN. The Chair hears no objection, and the Clerk will read.

The Clerk read as follows:

ST. LOUIS, MO., *January 20, 1920.*

Hon. WILLIAM L. IGOE, M. C.,
Washington, D. C.:

The newspapers and commercial interests of St. Louis are vigorously protesting against the niggardly appropriations for waterway improvements suggested by the chairman of the Rivers and Harbors Committee. Transportation is the vital need of the Mississippi Valley at this time, and the use of our navigable waterways is the only means of securing the needed relief. In pursuing a policy that will cripple the commerce of our country and retard its further development we will be following the most expensive policy that can be imagined. We hope that you will personally protest against it and use your influence upon others to do likewise.

MISSISSIPPI VALLEY WATERWAYS ASSOCIATION,
JAMES E. SMITH, *President.*

Mr. IGOE. Also the following telegram, Mr. Chairman.

The Clerk read as follows:

ST. LOUIS, MO., *January 21, 1920.*

Hon. WILLIAM L. IGOE, M. C.,
Washington, D. C.:

The suggested river and harbor bill is meeting with general disapproval of the Merchants' Exchange of St. Louis. We hope you will vigorously protest against the small amount of appropriation and do all you can to secure a proper increase. We feel that the provisions of the Newton bill should be promptly approved by Congress, as it asks for nothing more than has already been promised by Congress, and the promise should now be fulfilled. The policy suggested will, in our opinion, meet with the condemnation of the commercial interests of the entire Mississippi Valley.

CHARLE. L. NEIMEIER, *President.*
EUGENE SMITH, *Secretary.*

Mr. IGOE. Mr. Chairman, I ask unanimous consent to incorporate in my remarks two other telegrams on the same subject from other associations in St. Louis.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RHODES].

Mr. RHODES. Mr. Chairman and gentlemen of the House, since the convening of the Sixty-sixth Congress on the 19th day of last May I have endeavored to follow the leadership on the majority side of the House in the support of all legislation that has been presented. During this time questions have come up about which I was in doubt, and in all such cases I cheerfully surrendered my own judgment to that of the committee. The question involved in this bill, however, is of such broad and deep significance that I find myself unable to follow the committee in this instance. This matter involves a question which strikes at one of the greatest problems—I should say at one of the greatest domestic problems—in all this country. That is the question of transportation. I come from the interior of the great Mississippi Valley territory. I have the honor to represent the district in which I was born and reared, and which comprises about 100 miles of Mississippi River territory on that stretch of the river between the mouth of the Ohio and the mouth of the Missouri. When I heard the chairman of this committee day before yesterday explain the objects and purposes of this bill, I could not refrain from the conclusion that if he could only see as I have seen, and as other people in the Mississippi Valley now see, the necessity for larger transportation facilities, he could never conscientiously defend the present river and harbor bill. When I heard the eloquent and distinguished gentleman from New York [Mr. DEMPSEY] seek to defend the provisions of this bill, I could not but feel that if he only knew as much of the possibilities from an industrial viewpoint of the great Mississippi Valley territory as did a distin-

guished historian of his State 100 years ago he could not maintain the position he took day before yesterday.

What we need is more generous appropriations for the improvement of our internal waterways, and more substantial improvements.

Under the present and past methods of river improvement the commerce of the Mississippi Valley has not only suffered but many river towns have suffered irreparable financial loss. In some cases in my own district certain towns are threatened with inundation, and others are cut off from the main channel on account of the formation of bars and islands. I respectfully call attention to the following examples. I have in mind a certain point on the Mississippi River in Perry County, Mo., which is known as "Belgique Landing." At this point the channel of this great river has divided itself into three chutes, and if the channel was confined where it properly belongs, instead of having been converted into three distinct streams, there would be only one channel. That part of the channel next to the Missouri shore is known as the "Missouri Chute," the middle channel as the "Middle Chute," and the stream on the Illinois side is known as the "Illinois Chute." By keeping up the fence which was built some years ago across the Belgique Chute to the island separating the Middle and Missouri Chutes, the Belgique Landing would be safely protected. As it now is all the dredge boats on the Mississippi River under the present method of operation can not prevent the inundation and washing away of the town of Belgique unless something be done. By building a similar fence on the Illinois side the entire volume of water would then be confined to the Middle Chute, where it naturally belongs, and the channel thus confined could be depended upon to do its own dredging. The Missouri side, practically all the way down from St. Louis to the city of Ste. Genevieve, is a rock shore, while on the Illinois side they have soft alluvial banks. These banks easily erode, and the result is, on account of the erosion of the banks on the Illinois side and the great amount of sediment that is being precipitated in this part of the Mississippi River, which is just south of the mouth of the Missouri, this part of the river is difficult to control. It should be remembered that the Missouri River carries perhaps a greater amount of sediment per cubic yard than any other river in the United States; and, as a matter of philosophy, when the water of the Missouri comes in contact with the water of the Mississippi, there is a tendency to precipitation. Hence this silting process builds up the bed of the river, which, with the erosion of the Illinois banks, cause the water to draw away from the Missouri side and the formation of bars and islands along our shore.

Further up on the river, at Ste. Genevieve, we find this situation of things: Ste. Genevieve is not only the oldest town in Missouri, but is one of the most beautiful little cities on the Mississippi River from its mouth to its source. At Ste. Genevieve the old boat landing, on account of a great bar and an island having been formed in the river, has been completely destroyed, and to-day the landing is about 3 miles north of the city. The fact is, the city of Ste. Genevieve no longer boasts of her old-time boat landing, but instead has stretched out before her a long ragged island. I call attention to this matter to show the shifting nature of the channel of the river here, and to urge more liberal appropriations and substantial improvements. South of the city of Ste. Genevieve the shore situation changes. We have on our side the alluvial banks, and on the Illinois side is the rock shore. The tendency here is for the river to wash away the Missouri shore; consequently our people suffer great loss, and our river transportation has been almost entirely destroyed.

To show positively how the Mississippi River has been neglected the last 100 years, and how commerce has suffered on account of the same, I beg to call attention to the following bit of history which is both interesting and instructive:

In the year 1818 Henry R. Schoolcraft, a naturalist, scientist, and historian of the State of New York, was sent out under joint authority of that State and the Federal Government to explore the upper Louisiana Territory. An account of his explorations is recorded in a book which I hold in my hand, entitled "A Journal of a Tour Into the Interior of Missouri and Arkansas in 1818 and 1819," by Henry R. Schoolcraft, published by Sir Richard Phillips & Co., of London, in the year 1821. An account of these same travels and adventures is found in an American publication entitled "Scenes and Adventures in the Semi-Alpine Region of the Ozark Mountains of Missouri and Arkansas," by Henry Rowe Schoolcraft, published by Lippincott, Grambo & Co., of Philadelphia, in 1853, and dedicated to the memory of DeWitt Clinton, one time governor of New York.

Omitting further preliminaries, Mr. Schoolcraft, on Thursday, November 5, 1818, after having spent four months in the vicinity of Potosi, Mo., made the statement that the chief industry in that locality was lead mining; that over 9,360,000 pounds of lead had been smelted there between 1798 and 1816 and hauled to Ste. Genevieve, Mo., for shipment down the Mississippi to New Orleans.

July 19, previous, Mr. Schoolcraft tells of his first visit to Ste. Genevieve, Mo., then a town of about 3,000 people, containing several stores, a post office, a branch of the Missouri Bank, a courthouse, and a Roman Catholic Church. He described it as a thriving town and the principal point on the Mississippi River from which lead at that time was exported. He tells of great stacks of pig lead on the banks of the Mississippi River for shipment to New Orleans.

July 23, 1818, Mr. Schoolcraft tells of reaching the town of Herculaneum, Mo., on the Mississippi about 30 miles north of Ste. Genevieve. He describes this as a thriving village possessing several stores, a post office, a courthouse, a school, a jail, and three shot towers. Moses Austin is said to have owned the shot towers, and there made all the bullets used by Gen. Jackson at the Battle of New Orleans. Here, as at Ste. Genevieve, the lead was obtained from the lead mines at Potosi, Mo., and hauled overland to Herculaneum, Mo., for export purposes down the Mississippi River.

If Mr. Schoolcraft could return to-day and stand where he stood 100 years ago at Ste. Genevieve, he would not only fail to see the piles of lead and other products stacked on the river banks for export, but he would find the channel of the river so changed as to make it impossible to land boats at the old barge landing of that day. In fact, the boat landing, on account of the changing of the channel and the formation of a large island and numerous sand bars in the river near the Ste. Genevieve shore, has been gradually forced north, until to-day it is 3 miles from the city of Ste. Genevieve, and the usefulness of the river at this historic point as a carrier of commerce entirely destroyed. One hundred years ago Mr. Schoolcraft describes Ste. Genevieve as an important shipping point on the Mississippi River, situated on high ground overlooking the beautiful Gabarie Valley, and a monument to the early French people in the days of Indian supremacy.

These are a few of many cases I could name which show the effect of an improper system of river improvement. I am compelled to say that 75 per cent of all the money expended on this stretch of the river has been a waste both from a financial and economic standpoint. The trouble is the system is wrong.

The following lines are taken from a tribute to Missouri Territory written by Mr. Schoolcraft in 1819, after he had visited Ste. Genevieve, Potosi, St. Louis, and all the upper Louisiana Territory:

"All countries and climates, the bond and the free,
The people, the wilderness, closely agree,
From Maine's rocky borders the emigrants pour,
And are leaving the fruitful Connecticut shore;
The Hudson, Potomac, and Delaware sigh
For friends who had quit them, they hardly knew why;
The exiles of Europe, the poor, the oppressed,
All, all, they are bending their steps to the West.
One object impels them, one passion inspires—
The range for improvement, for wealth the desires;
And alike in all countries, conditions, and States,
This passion is cherished, prevails, and inflates;
The rich in it see an increase of estate,
And the poor are still flattered by hopes to be great.
Thus season on season new converts engage,
And support and augment the migratory rage;
Now here and now there its direction it turns,
On Wabash it kindles, on Miami burns,
And now on the fertile Scioti delights,
And now on the Washitaw fondly invites;
Still changing, each season new regions display,
No boundaries check it, no streams can allay,
No land is too distant, no climate too hot,
No forest too heavy, no streams too remote;
They move, they inhabit, they cultivate all,
And were oceans no check, would encompass the ball;
Even now they approach my extensive domain,
And Missouri already is peopled with men."

As a final reference to the way Mr. Schoolcraft was impressed with the wonderful resources of the country, he closed with the following stanza from Pope's Letters:

The things we saw are rich and rare, but how the devil came they there?

In conclusion let me repeat, what we most need in the Mississippi Valley is greater transportation facilities. We believe the Mississippi River is the natural outlet over which a large part of the commerce arising in the Mississippi Valley territory should find its way to the high seas.

We believe now, since the Panama Canal has been completed, a permanent channel of not less than 9 feet should be maintained, at least from the Gulf to St. Louis. Personally I want to see the old boat landings restored in my district on the Mississippi. I want to see the boat lines return to the Mississippi

River, that it may be allowed to take its place as a natural artery of commerce, and thus serve the purpose of its creation.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. RHODES was granted leave to extend and revise his remarks in the RECORD.

The CHAIRMAN. All time has expired; and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the sum of $12,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation: *Provided*, That $5,000,000 of the sum herein appropriated may be allotted for the preservation and maintenance of existing river and harbor works, and $7,000,000 of the sum herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress: *Provided further*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *And provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation for each work for improvement or maintenance.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word and ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, in the first place I wish to congratulate the Committee on Rivers and Harbors upon the wisdom of their conclusions. I think this is the cleanest river and harbor bill that has ever been reported to the House during my membership in it, and I am in a position to congratulate not only the distinguished chairman of the committee but every member of the committee on the patriotism which prompted them in doing the thing which the country expects to have done. [Applause.] They deserve not only the confidence of the American people but they will receive the plaudits of the people for having had the courage to do the right thing. There is no bill that offers greater temptation for extravagance in appropriation than this particular bill, and the committee that has had the courage to withstand such temptations has proved its qualifications and its right to the confidence of the American people. I am proud to be permitted to stand here today and say this much for these great men on this wonderful committee. I have been against the "pork-barrel" schemes provided in past river and harbor bills, but I can vote for this bill with a clear conscience, because I know that there is no waste in it, and at the same time I am sure that it provides adequately for every need of commerce.

Here we have an appropriation proposed of $12,000,000, $5,000,000 of which shall be expended for maintenance and $7,000,000 for the prosecution of existing projects. The average annual expenditure for the last five years for river and harbor improvements has been $15,000,000. If the $12,000,000 carried in this bill was all that is available for river and harbor work, I still believe it would be adequate to meet every pressing need, but it is not all, for there are $25,000,000 available——

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RHODES. What does the gentleman mean by "pressing needs," as referred to in his remarks?

Mr. MADDEN. I mean the needs of navigation, of commerce, as proposed to be improved and provided for by the appropriations through the river and harbor bill. We have $25,000,000 available to the credit of existing projects against which there is no contract obligation. That is in the Treasury. That can be added to the $12,000,000 provided for in this bill. That would make $37,000,000, and in addition to that there are $27,000,000 more available in the Treasury to the credit of existing river and harbor projects. That makes $64,000,000 in all. Does anyone believe they can spend $64,000,000 for river and harbor work during the period embraced between this hour and March 4, 1921? Of course they can not.

It has been said that we leave the matter in a state of doubt as to where the $12,000,000 will be expended, because we have left it in the discretion of the Engineer Board as to where it will be used. There is no doubt as to what disposition will be made of this money. To the extent that may be necessary it will be allotted to projects which have moneys in the Treasury standing to their credit not sufficient to meet the existing needs, and every project will be permitted to go forward without any interruption to the progress of the work which we have now in hand. It is also said that this small appropriation will retard commerce on the interior waterways. When did it happen that there was any commerce on most of the interior waterways, for which appropriations have been heretofore made? Take the Missouri River project, about which the gentleman from Kansas City, Mr. BLAND of Missouri, descanted eloquently the other day. When was there a ton of commerce on the Missouri River——

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I decline to yield. The gentleman refused to yield to me. We have spent $8,000,000 for the so-called improvement of the Missouri River. The trouble with the Missouri River is that its banks are not in the same State two days in succession. We never know where it is. It is floating first in one State and then in another, but you may be sure that there is no commerce on it wherever it floats. The only commerce the Missouri River carries is the commerce that comes out of the United States Treasury in the form of appropriations.

We have other projects concerning which fear has been expressed that in some of these you will have to sink artesian wells to supply them with water, and yet we find appropriations to accommodate the commerce that floats down these wonderful streams. I say to you, men of this House, that the passage of this bill in its present form will do more to stabilize the improvements of rivers and harbors that are worthy of improvement than any other act that has ever been passed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman's time be extended one minute, in order that he may answer a question.

Mr. DYER. Mr. Chairman, I object.

Mr. DENISON. Mr. Chairman, I offer an amendment to the section which I will ask the Clerk to read.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DENISON moves to strike out the first section after the enacting clause and substitute therefor the following, commencing with line 3:

"That the sum of $12,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

"The sum of $4,000,000 is hereby appropriated for continuing the improvement of the Mississippi River from the mouth of the Ohio River to the mouth of the Missouri River, with a view to securing a permanent 8-foot channel.

"That there is hereby appropriated the sum of $3,000,000 for continuing the improvement of the Missouri River from Kansas City, Kans., from the Quindaro Bend to the mouth of the Missouri, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvement of the Mississippi River between the mouth of the Missouri River and Minneapolis, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvements of the Ohio River by the construction of locks and dams, with the view to securing a permanent 9-foot channel from Pittsburgh to Cairo.

"*Provided, however*, That out of the general appropriation of $12,000,000 herein appropriated the sum of $5,000,000 may be allotted for the preservation and maintenance of existing river and harbor works, and $7,000,000 of said sum of $12,000,000 herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress.

"*Provided further*, That allotments out of said general fund of $12,000,000 shall be made by the Secretary of War upon the recommendation of the Chief of Engineers; and

"*Provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War showing the amounts allotted under said appropriation for each work for improvement and maintenance."

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DENISON. Mr. Chairman, if the amendment is not in order I would be glad to have the gentleman show it now. I do not want to take up the time of the House in talking on something that is not in order. My only purpose is to get these appropriations so as to continue river and harbor work.

Mr. SAUNDERS of Virginia. Mr. Chairman, are we under the five-minute rule now?

The CHAIRMAN. Yes.

Mr. DENISON. I would be glad if my friend from Massachusetts would state his point of order.

Mr. WALSH. Mr. Chairman, I make the point of order that the amendment is not germane and not in order on this bill, which provides for a lump-sum appropriation. It proposes to make specific appropriations for specific, definite objects, and of course the gentleman should know that it is not in order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Massachusetts [Mr. WALSH] on the point of order.

Mr. WALSH. Mr. Chairman, I think the gentleman from Illinois is called upon to show that his amendment is within the rules. The point of order has been raised, and I have some citations I wish to offer.

Mr. DENISON. Mr. Chairman, the gentleman from Massachusetts claims the amendment is not in order. I think it ought to be up to the gentleman from Massachusetts to state to the Chairman and the members of the committee the reason why it is not in order.

The CHAIRMAN. The Chair thinks the gentleman is not required to discuss the point of order. The gentleman from Massachusetts [Mr. WALSH] has stated the point of order, and has stated the grounds upon which he makes the point of order. The Chair thinks that is sufficient. It is optional with the gentleman himself whether he discusses it further or not.

Mr. DENISON. Very well. All I have to say, Mr. Chairman, is this: I did not anticipate a point of order was going to be made against the amendment, therefore I do not have the precedents at hand and have not looked them up, and have had no opportunity to do so. I confess that I do not know what the parliamentary rule is, but in one provision of the bill before us $12,000,000 is to be expended in the discretion of the Chief of Engineers, and in other provisions of the bill it appropriates $4,000,000 to be expended on various projects.

Mr. SEARS. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SEARS. I notice this bill is a bill—

making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

It makes this specific. Can you show me in the section which has just been read any specific appropriation for certain works? In other words, this bill does not follow the title of the bill. Your amendment, as offered, seems to follow the title of the bill, making certain specific appropriations.

Mr. LITTLE. Will the gentleman from Illinois yield for a question?

Mr. DENISON. Yes.

Mr. LITTLE. I would like to make a parliamentary inquiry. Just what rule is it that the gentleman from Massachusetts [Mr. WALSH] thinks that this does not fall within? If this is outside of the rule, what rules does it violate?

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts stated that this amendment was not germane to the section under consideration.

Mr. LITTLE. Of course, anybody can say that. But it was suggested that the gentleman from Illinois [Mr. DENISON] ought to state how it fell within the rule. Now, my inquiry is, What rule was it that the gentleman from Massachusetts claims it does not come within? That is the point. Unless there is such a rule, of course, it is not tenable.

Mr. DENISON. I understand the point the gentleman from Massachusetts makes is that the amendment is not germane to the bill; that the bill makes a lump-sum appropriation, and an amendment that is not germane to the bill is not within the rule. That is the rule, I understand, he is invoking—the rule of germaneness.

Mr. LITTLE. If there is some rule that shows it is not germane, will somebody state what it is?

Mr. DENISON. I have asked that to be done. The gentleman declines to do so, and I can not make him do so. But I think, Mr. Chairman, where there is a general appropriation, a general lump-sum appropriation, to do work on the various projects in the discretion of the Chief of Engineers, that certainly it is germane to that proposition for the House to say where part of that money shall be expended.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. DENISON. I think it is germane. The other provisions of the bill specify the projects that part of this money is to be expended for, and I think my amendment is germane to the bill.

Mr. CLARK of Missouri. As a general rule, I have a good deal of respect for any parliamentary proposition advocated by the gentleman from Massachusetts [Mr. WALSH], but it seems to me that the point of order he has raised against this amendment is not tenable.

Now, the title of this bill is:

Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Well, now, the amendment of the gentleman from Illinois [Mr. DENISON] falls within that language. There is not any question about it on the face of the earth.

The Committee on Rivers and Harbors elected to do a very bad thing, namely, to make a lump-sum appropriation, which is always bad and has been declared bad by every prominent man in this House from first to last, about some bill or another. I have heard the lump-sum business condemned here in ferocious manner time and time again, and I have heard the gentleman from Illinois [Mr. MADDEN] do that thing in the House a great many times, and he always does everything with a good deal of vehemence, and consequently always gets a hearing. I always listen to him in order to get the extreme view on his side of the case. And here comes a lump-sum proposition continuing the appropriation for improvement, repair, and so forth, of rivers and harbors. The lump sum is not the principle involved in this bill; it is not the subject of the bill. The appropriation to improve and take care of rivers and harbors is the essence of this bill. Well, now, all that the amendment of the gentleman from Illinois [Mr. DENISON] does is to try to improve on the scheme of the committee, and it is about rivers and harbors; it is the very same subject matter of the bill.

Now, if the gentleman from Massachusetts [Mr. WALSH] wants to beat this amendment by a vote, that is a horse of a different color; but I do not think he can make his contention good that this is not germane to this bill, because it is the same subject exactly. Well, now, all that the amendment of the gentleman from Illinois does is to try to improve on the scheme of the committee, and it is about rivers and harbors, it is not about appropriations for rivers and harbors—the very same subject matter of the bill. Now, if the gentleman from Massachusetts wants to beat this amendment on a vote, that is a horse of a different color; but I do not think he could make his contention good that this is not germane to the bill, because it is the same subject exactly.

Mr. WALSH. Mr. Chairman, of course the title of any bill is not controlling in discussing it, considering it, or amending it. It is only taken into consideration in connection with the entire text of a measure in passing upon legislation or points of order that may be raised. But, as the Chair will note, the sum of $12,000,000 is intended to be appropriated by the first section, to be expended under the direction of the Secretary of War and under the supervision of the Chief of Engineers for the preservation and maintenance of existing river and harbor work, for the prosecution of projects heretofore authorized that may be most desirable in the interest of commerce and navigation. And now the gentleman from Illinois [Mr. DENISON] offers an amendment which appropriates $4,000,000 to continue the improvement of the Mississippi River from certain points to certain other points; $3,000,000 for continuing the improvement of the Missouri River between such points; $2,000,000 for the improvement of the Mississippi River between the mouth of the Missouri and Minneapolis, with a view to securing a permanent 6-foot channel; $2,000,000 for continuing the improvement of the Ohio River by the construction of locks and dams, and then there are certain provisos to his amendment.

Now that is an amendment containing definite, specific projects, stating where the money shall be spent and the amount of money appropriated for each of the projects specified. But the bill appropriates a general sum to be expended by the Secretary of War, in his discretion, through the Chief of Engineers. It makes a general appropriation, and it is for a general plan of improvement, restricted to the discretion of the Engineer Department under the Secretary of War. I submit that it can not be held that it is germane on such a question as that to offer an amendment appropriating money for specific objects. The precedent has been cited under the rule relating to germaneness, and for the sake of the RECORD and for the information of the gentleman from Kansas [Mr. LITTLE], who inquired as to the rule—and who certainly is entitled to know the rule under which the point is made—I would state that it is paragraph 7 of rule 16, which is:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The Chair held in a previous case, of March 1, 1890, first session, Fifty-first Congress, that to a provision authorizing a class of employees in the public service an amendment providing for the employment of a specific individual was not germane. That is on page 4343, volume 5 of Hinds' Precedents, section 5848. A point of order was made against an amendment providing for a specific individual, and the Chair sustained the point of order, even though that individual was in the same class of employees as was provided for in the legislation under consideration, which at that time happened to be a resolution.

Now, I submit, Mr. Chairman, that here we have appropriated a general fund for a general purpose, to be expended in a way indicated in the paragraph as reported by the Committee on Rivers and Harbors, and I submit that it is not in order to amend that general provision by specific propositions of this sort, setting forth definite sums for the purpose.

Mr. KITCHIN. Mr. Chairman, will the gentleman permit an interruption?

Mr. WALSH. Certainly.

Mr. KITCHIN. Instead of the bill reading as it does, suppose it read, "The sum appropriated herein to be expended on works heretofore authorized by Congress," setting out specifically under the 40 or 50 different river and harbor projects theretofore authorized, then would the gentleman say that this amendment would be out of order?

Mr. WALSH. No.

Mr. KITCHIN. Then is it not elemental that when a bill refers to a particular part of an act, as this bill does, for example, the words "heretofore authorized by Congress," its effect is to include the different projects "heretofore authorized" the same as if the bill had specified those projects?

Mr. WALSH. No. The difference, if the gentleman will permit, is that in former cases where they enumerate the objects they are setting forth a number of specific objects for which the appropriations are made. Of course the rule is plain that when you provide for the admission of two Territories, you can amend by adding another, and so forth. But where you establish a general class, which is not made by specifying the various objects and enumerating the appropriations, you are establishing then nothing but a general class, and that general class can not be enlarged by adding on to it specific objects.

Mr. KITCHIN. The gentleman's amendment is not a general class. It is a specific class included in the general class named in the act itself. It is a specific class, each one of the objects being named in the act to which this bill refers. If there were no acts already on the statute books, if there were no projects already on the statute books, then the language of the bill would be meaningless. But there is an act specifying each and every one of the projects incorporated in the gentleman's amendment, and this bill refers to them. The engineers have no authority to spend a dollar of that $7,000,000 except on the projects mentioned in the act, which includes the projects embraced in the gentleman's amendment.

Mr. WALSH. I do not think the gentleman's contention is sound in that respect, because the gentleman's amendment provides for $4,000,000 for the Mississippi, $3,000,000 for the Missouri, $2,000,000 for a 6-foot channel in the Mississippi, and $2,000,000 for a 9-foot channel and locks in the Ohio River; and certainly those projects provided in that amendment are specific projects, which he seeks to add to a general class of projects that are reported by the committee.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. DENISON. It does not add any projects. It simply specifies those that are provided for in the bill.

Mr. WALSH. It does add projects, because the projects provided for in the bill are not set forth particularly. They are included in a general class, and necessarily they need not receive any of the appropriations provided for, which are to be expended in the discretion of the Chief of Engineers.

Mr. NEWTON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. NEWTON of Missouri. I will state to the gentleman that all the projects included here have heretofore been appropriated for by Congress, and each is subject to that $7,000,000. Is it not proper to increase the appropriation for any part of the river that is subject to the benefit of that amount?

Mr. WALSH. That does not make any difference, that they have heretofore been authorized. The amendment of the gentleman from Illinois [Mr. DENISON] seeks to attach to this bill a principle which is directly opposite to that reported by the committee; that is to say, that they abandon the principle that the committee followed in reporting this bill as a general class, and he seeks to attach to it certain specific projects which may or may not be within that class. But even if they are within that class, it is not germane to single them out of that class and then to attach them to the bill by way of an amendment.

The provision of the rule has heretofore been invoked in the case of a tariff bill when they have had a tariff bill under consideration, and a motion to recommit was made, with a provision for the creation of a tariff commission, and the distinguished gentleman from Missouri, former Speaker CLARK, ruled that that was not germane, that it was not in order on a motion to recommit, and it went out.

Now, there was a general tariff law which had been reported and had been read a third time, and this motion to recommit was made to add on a specific provision having to do with the tariff, germane in many of its aspects, to create a separate board to administer some of the provisions of the very tariff act then under consideration, and yet that was held to be not germane.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. FAIRFIELD. I am very much interested in the decision of this point. Would the gentleman hold that if the appropriation was not increased, this House now has no power to distribute this lump-sum appropriation to the particular works that have been authorized previously by Congress?

Mr. WALSH. I am not making any contention on that point at all, I would say to the gentleman. Of course I am not invoking the Holman rule, or anything of that sort. I am simply saying that this amendment offered here to this section of the bill is not germane, because the principle which the section seeks to establish, which has been followed by the committee, is to provide for a class of work.

The CHAIRMAN. The Chair would be glad to have the gentleman from Massachusetts state for the information of the Chair what the gentleman from Massachusetts considers to be the subject of section 1 of the bill.

Mr. WALSH. The subject of section 1 of the bill, Mr. Chairman, is an appropriation of $12,000,000 to be expended by the Secretary of War through the Chief of Engineers, in his discretion, for the maintenance of existing river and harbor work and the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation. I submit that it is not germane to say that that $12,000,000 by an amendment shall be expended on one existing project heretofore authorized, or on two existing projects heretofore authorized, because you are making a specific appropriation by way of amendment to a general class of legislation as reported by the committee.

Mr. BLANTON. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I make the point of order additional to that made by the gentleman from Massachusetts [Mr. WALSH], that the amendment must not only be germane to the subject matter of the bill, but it must be germane to the particular section to which it is offered; and I make the point of order that the amendment of the gentleman from Illinois [Mr. DENISON] is not germane to section 1, because in that section every dollar appropriated is required to be expended, if expended at all, upon the recommendation of the Chief of Engineers, and only in that way. That was the purpose and intent of the committee in reporting out the bill, that no public money should be expended on rivers and harbors just now except upon the recommendation of the Chief of Engineers, while the amendment of the gentleman from Illinois seeks to get around that provision, seeks to take it outside of that limitation, and to permit a certain amount—not the amount provided for in the bill, but additional to it—to be expended, not upon the recommendation of the Chief of Engineers, but in a specific way determined by the House antagonistic to the purpose and intent of the committee reporting out the bill.

Mr. DENISON. Mr. Chairman, I want to make this additional observation: Of course there is nothing to the point made by the gentleman from Texas. He construes the essence of section 1 to be to give discretion to the Chief of Engineers, and says that therefore any amendment that would take away the discretion from the Chief of Engineers would not be germane. Of course, the giving of the right to the Chief of Engineers to exercise his discretion is a mere incident and is not the purpose or essence of section 1. The chairman suggested the real, essential purpose here. What is the committee seeking to do in section 1? What is the essence of it? The essence of it is stated plainly—for the preservation, maintenance, and repair of existing river and harbor work, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation.

Now, section 1 does divide that blanket appropriation up into two provisions, $5,000,000 of which will be devoted to one purpose and $7,000,000 to another.

Mr. Chairman, I want to say that the decision of the Chair is going to be of a good deal of consequence, because if this is held not to be germane then hereafter any committee can come in with a blanket lump-sum appropriation for any project or for the use of any department of the Government and the House of Representatives will have its hands tied and can not say by amendment for what purpose the money shall be expended, under the pretense that it is not germane, when the purpose of the amendment would specifically carry out the very purpose stated in the bill. It seems to me that would be carrying the rule of germaneness entirely too far and would establish a very dangerous precedent.

Mr. SMALL. Mr. Chairman, the amendment of the gentleman from Illinois, as I understand it, is this: In the first place, it is

a substitute for section 1, and the substitute proposes to appropriate $12,000,000 and divides it up—$5,000,000 for maintenance and $7,000,000 for further improvement, just as the existing section of the pending bill does. It further appropriates specifically $4,000,000 for the Mississippi River between the mouth of the Ohio and Missouri Rivers, $3,000,000 for the Missouri from Kansas City to the mouth, $2,000,000 for the Mississippi River from the mouth of the Missouri up to Minneapolis, and $2,000,000 for the Ohio River. That is in addition to the $12,000,000.

In other words, the proposed substitute for section 1 appropriates $12,000,000, just as section 1 does, to be divided—$5,000,000 for maintenance and $7,000,000 for further improvements—and in addition to that appropriates specific sums for the Mississippi, Missouri, and Ohio Rivers. That is the way I interpreted the amendment as I heard it and as I read it hurriedly afterwards.

The gentleman from Massachusetts [Mr. WALSH] makes the point of order that it is not germane, and bases his point upon the contention that section 1 in the pending bill simply makes a lump-sum appropriation without attempting to specify how the items shall be expended, and that therefore this amendment is not germane and not in order because it does attempt to specify as to three rivers in the country.

Mr. Chairman, in my opinion the point of order is absolutely untenable. But before giving my reasons for it I want to be frank and say that I am not in favor of the amendment, because it violates the well-settled policy of the committee which has been in force for many years in making appropriations, and I shall have later a motion to recommit this bill and to insert a substitute for section 1 which will entirely conform to the policy of the committee, and which, by the way, is printed on page 1789, January 20, and which I hope to discuss while this bill is under consideration under the five-minute rule.

Now, I wish at this moment to present my views to the effect that the point of order is not tenable. The gentleman says the amendment is not germane because it attempts to make three specific appropriations for three rivers. Why, Mr. Chairman, section 1 of the pending bill makes appropriations for the maintenance and further improvement of every river and harbor in the United States, and leaves it to the Chief of Engineers to select where it shall be expended; so that the pending section, although it is a lump-sum appropriation in its expenditure, instead of being designated by Congress, leaves it to the Chief of Engineers to designate, and in effect constitutes an appropriation for the maintenance and further improvement of a number of projects throughout the country.

Therefore the contention that this amendment is not germane because it makes appropriations for three rivers in the United States can not be sustained, because, as I said, this $12,000,000 appropriation carried in the first section of the pending bill appropriates for numerous projects specified in the report, but, instead of Congress selecting the projects upon which the appropriation is to be expended, it directs the Secretary of War, under the supervision of the Chief of Engineers, to make the selection where it shall be expended. So that section 1 of the bill does appropriate for various improvements, both for maintenance and for further improvement, and the point of order upon that ground, it seems to me, must fall and can not be sustained.

Mr. SAUNDERS of Virginia. Mr. Chairman, the making of points of order on the subject of germaneness, like the writing of many books, seems to be without end. In connection with points of order of this character, it may be noted that it is not difficult to find in the great mass of House precedents on this subject some precedent to support almost any contention that may be advanced.

The main proposition involved in the pending point of order is one of the power of the House. Is it competent for an appropriating committee to bring into this body a bill carrying a lump-sum appropriation which is to be expended according to directions contained in the bill, and thereby exclude the House from providing a different system of expenditure dealing with a larger appropriation for precisely the same objects? I wish to call the attention of the Chair to the fact that the money provided in the bill may be expended by the Secretary of War upon the recommendation of the Chief of Engineers upon precisely the same projects that are described in the Denison amendment. In both cases the works of improvement are works heretofore authorized by Congress.

The gentleman from Massachusetts says, in substance, that when one method of dealing with a subject matter is before the committee, and under consideration, it is not competent to substitute therefor by amendment a larger appropriation and a different application in detail of the same without impinging upon the principle of germaneness. That is too broad a contention. One plan may be replaced by another plan of a very different character, but the second plan may be open to amendment that is germane to the first. A germane amendment may totally alter a pending proposition. Of course it may be freely conceded that the principle of germaneness may be so enlarged in application as to admit anything in the way of an amendment. That is not desirable. On the other hand, it may be so strictly construed as to prejudicially restrict the power of the House or committee to perfect pending legislation by appropriate amendments, and thereby bring about a still more undesirable situation. There is no precise mathematical standard to which you can appeal to determine whether an amendment is germane. A large common sense must be used in the application of the rule of germaneness to a proposed amendment. The principle is a wholesome one, and readily stated, while its application is often very difficult. It is impossible to bring many amendments within the terms of any express precedent. On the one hand is the Scylla of too loose an application, on the other the Charybdis of too rigid and technical application. Both are equally undesirable, and between the two the presiding officer must hold a middle course. I maintain that the rule of germaneness should be liberally, not narrowly construed. Even in the former view there will be many amendments that will be clearly out of order.

I desire to call the attention of the Chair to two or three precedents in this connection, showing how a different proposition from the one under consideration has been admitted by amendment.

Some years ago a bill was before the House for the construction of an interoceanic canal. This bill provided for a canal by a specified route. An amendment providing for another route was held to be germane. The kinship in this matter was that both the bill and amendment related to a canal to connect the Pacific and Atlantic Oceans. Hence the amendment was in order, though the routes were entirely different.

According to the contention of the gentleman from Massachusetts [Mr. WALSH], the ruling admitting the amendment was erroneous. A proposition of a certain definite character was before the House. It dealt with an interoceanic canal by a specified route. If the present contention of the gentleman from Massachusetts [Mr. WALSH] is sound, upon what principle was the amendment providing for a canal by an entirely different route germane and in order? See Hinds, Volume V, section 5909. Some other precedents may be appropriately cited.

To a bill relating to the salaries of judges of the United States an amendment relating to salaries of the judges in Porto Rico was held to be germane. See Hinds, Volume V, 5913.

This bill dealt with one class of judges, the judges of the United States and of the District of Columbia, yet an amendment bringing in the judges of a totally different locality was held to be germane. A narrow application of the rule of germaneness would have excluded the latter judges. There was nothing in the bill before the House relating to Porto Rico. The bill was intended for the judges of continental United States. Obviously the Chair took the view that as the bill fundamentally dealt with the salaries of judges, there was kinship between the general purpose of the bill and an amendment bringing in other judges within the authority of the Federal Government.

Permit me to give the Chair another and even stronger illustration: To a bill providing for a union station in the District of Columbia an amendment levying a special tax on the District to defray the cost of that station was held to be germane. Hinds, Volume V, section 5916. If the gentleman from Massachusetts [Mr. WALSH] is right in his contention, upon what possible view was that amendment held to be germane?

The subject matter before the House was the establishment of a union station in the District of Columbia. The proposition to tax the District of Columbia was not presented in the bill, directly or indirectly. Yet an amendment providing for a tax upon the District of Columbia to pay for the station proposed to be established was held to be germane. Evidently the Chair considered that as the subject matter was the establishment of the station, a plan for paying for the same was germane and in order, and not to be excluded merely because the terms of the bill related only to the location of the station in the District, and in no wise undertook to pay for the same.

Still another citation.

To a provision providing clerks for Members of one House, an amendment providing clerks for Members of the Senate has been held to be germane. Hinds, Volume V, section 5899. Upon what principle could that ruling be sustained, save by a liberal interpretation of the rule of germaneness? The one subject matter of the bill was clerks for one branch of Congress. The bill was designed to deal only with the clerks of this body, and was lim-

ited in express terms to the clerks of this body, yet an amendment which provided clerks for the Members of the other body was held to be germane. It is perfectly competent to transform by amendment a pending proposition.

This bill provides an appropriation of $7,000,000 for the prosecution of works of improvement heretofore authorized by Congress. These projects are numerous, and conceivably this appropriation may be so applied by the distributing authority provided in the bill that every project now in progress may receive a portion of the fund. This is the exact language of the bill:

Seven million dollars of the sum herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress.

In other words, every work of improvement heretofore authorized by Congress may, as stated heretofore, receive a portion of this fund. The gentleman from Illinois [Mr. DENISON] offers an amendment enlarging the fund. He denominates certain selected projects heretofore appropriated for, and authorized, and provides by his amendment specifically what amounts shall be applied to these projects. That is carrying forward the work of internal improvement and the plan proposed by the amendment is germane to the bill. It deals with the same subject matters provided for in the bill, but in a different way, and conceivably a better way. The plan of the amendment is in harmony with the general purposes announced in the title of the bill. It merely reduces the discretion of the Chief of Engineers by providing a fixed amount for certain projects. The amendment relates to rivers and harbors and their development, and is certainly germane to the scheme of the bill by providing another and different plan of dealing with the same subject matters.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. BLANTON. Suppose the Chair should follow the gentleman's argument and should hold with him that the point of order is not good; then, beginning with to-morrow, there would be another precedent found in the RECORD for upholding the gentleman's position on the subject of germaneness.

Mr. SAUNDERS of Virginia. If my position is correct, it should be sustained.

Mr. BLANTON. If the gentleman's position is incorrect, the precedent should not be established by following it.

Mr. SAUNDERS of Virginia. But if my position is correct, then by sustaining it, the Chair will merely add another to a long line of well-established precedents. I do not catch the gentleman's point.

Mr. BLANTON. Because former Chairmen may have been making improper rulings.

Mr. SAUNDERS of Virginia. That may be true, but the rulings that I have cited are well sustained and conform to sound principle. I maintain that they are proper rulings.

The CHAIRMAN. The Chair is ready to rule. This is a bill appropriating money for the improvement of rivers and harbors. Section 1 of the bill provides for a lump-sum appropriation to be expended under the direction of the Secretary of War. The gentleman from Illinois [Mr. DENISON] offers an amendment to the section by way of substitute incorporating a lump-sum provision and also providing for certain specific appropriations. The gentleman from Massachusetts [Mr. WALSH] makes the point of order that the amendment is not germane to the section of the bill. It is true that certain circumstances might suggest that the purpose of the amendment is to defeat the purpose of the first section. The method proposed by the first section is one way of expending the money provided. The gentleman from Illinois proposes another way of doing it, and he also provides appropriations for certain improvements that fall within the class for which the lump-sum appropriation is made.

The general rule is that specific provisions can be made qualifying a general provision in a bill. The Chair holds that the section under consideration is an appropriation for the improvement of rivers and harbors generally and for the continuation of certain projects, and it seems to the Chair that the amendment of the gentleman from Illinois is germane not only to the subject of the bill itself but also to the subject under consideration; and the Chair therefore overrules the point of order and recognizes the gentleman from Illinois [Mr. DENISON].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BACHARACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution (S. J. Res. 134) to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States, in which the concurrence of the House of Representatives was requested.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, the day before yesterday the gentleman from Wyoming [Mr. MONDELL], and this morning my colleague [Mr. MADDEN], took considerable time complimenting the Committee on Rivers and Harbors and denominating that committee as one of the greatest committees of the House and the chairman of it as a great chairman. The gentleman from Wyoming and my colleague from Illinois are addressing these remarks to the committee because in this instance, apparently, the committee bowed to their judgment and has done what they have wanted done. But this great River and Harbor Committee will come in next year with another river and harbor bill, and the year after that with another bill, and in the years to come with other river and harbor bills. Neither of those gentlemen has a higher opinion of the River and Harbor Committee and its chairman than I, but my opinion about that committee and its chairman is not based upon their action this year, but their conduct of the business during a course of years. I shall await with interest to see the attitude my colleague from Illinois [Mr. MADDEN] and the gentleman from Wyoming [Mr. MONDELL] take the next year and the year after when the gentleman from Iowa [Mr. KENNEDY] brings in a real river and harbor appropriation bill for the improvement of rivers and harbors.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. Does not the gentleman recognize the difference between now and next year, possibly, and the year after?

Mr. DENISON. I recognize the difference in some respects in conditions, but I do not recognize any difference in principles involved in the development of water transportation. Next year and the year after I hope the River and Harbor Committee will come in with a real river and harbor appropriation bill, and then I am anxious to see whether or not my colleague from Illinois and the gentleman from Wyoming will come in and continue their laudatory observations about this committee. Gentlemen, there will be no more blanket appropriations from the Committee on Rivers and Harbors. The House of Representatives is not going to stand for lump-sum appropriations. They are wrong in principle, and the Members on both sides of the House have denounced them, and to-day in opposing them in this bill I am simply following the better judgment of the Members of the House of Representatives heretofore. I am not in favor of abdicating the functions of Congress in favor of any Chief of Engineers or of the chief of any other bureau or division of the Government.

Mr. Chairman, the State of Illinois has voted a bond issue of $20,000,000 for the purpose of deepening the channel between Lake Michigan and the Mississippi River, so as to make a channel for the transportation of commerce by water from the Lakes to the Gulf, and if this bill passes in the form in which it is reported the action of the State of Illinois will have to be suspended in my judgment. The State of Illinois can not afford to expend its $20,000,000, in addition to the $100,000,000 that have already been expended on that waterway by the State of Illinois, making the channel from Lake Michigan to the Illinois River, when we are stopping the work on the Mississippi River between St. Louis and Cairo, which is the key to the entire Mississippi and Missouri Valleys. There is a stretch between the mouth of the Missouri River and Cairo where there is great need of the expenditure of money to make an 8-foot clear channel for the commerce of the upper Mississippi River and the Missouri River and the Illinois River to the Lakes, if we complete that channel; and now, if we abandon that, which we are doing if we pass this bill, we will be wasting a great deal of money that has heretofore been expended in the improvement of the upper Mississippi, the Missouri, and the Illinois Rivers. I hope that the Congress, notwithstanding the great need for economy, will not adopt a policy this year that will not only stop the work of improvement of these channels but will waste a great deal of money that has already been expended there.

If you are going to build a house, no business man would say that he would expend just $1,000 on the foundation or on the framework and let the house go until some other year. You would be wasting money in doing that, and the appropriation of $12,000,000 to the Chief of Engineers for the improvement of rivers and harbors is a mere waste. If you are not going to make any appropriations for the improvement of rivers and harbors, I think the economic and wise policy would be to strike out the $12,000,000 entirely. The $12,000,000 is not going to do

anything in the way of improving rivers and harbors, and if you are going to attempt to economize to the extent done by this bill, you had better go ahead and defeat the entire bill, and thereby you may save $12,000,000 more. The Government has been expending money in the construction of barges, and what for? To begin water transportation and encourage the investment of private capital in the operation of water transportation. If we stop the work of improving the channels, the money we have expended in the construction of barges for the Mississippi River will practically have been lost.

Mr. KENNEDY of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KENNEDY of Iowa. Of course, the gentleman knows that the engineers have made no such recommendations for expenditures for the next fiscal year as are contemplated in the gentleman's amendment.

Mr. DENISON. I understand that they have stated that they need practically that amount of money. If I have not got it exactly right in dollars and cents I will be glad to have the gentleman from Iowa suggest the correct amount, and I will insert it in my amendment. What I am trying to do is to get enough money to go ahead with the necessary work.

Mr. KENNEDY of Iowa. The engineers say that the Missouri can be left out without any appropriation.

Mr. DYER. What about the Mississippi River?

Mr. DENISON. I want to say this to the chairman of the committee: I have been interested in the development of river transportation since I have been a Member of Congress. I have been in the office of the engineers that have charge of that part of the Mississippi River from St. Louis to Cairo a number of times, and I was in their office not over three weeks ago. Every time I have been there to see them about getting river work for the improvement of the channel, their invariable answer is that they have not the funds to do it, and why does not Congress "give us the funds?" When we go to the engineers' office to get work done, they say give us the funds to do it, and when the committee brings the bill in here somebody gets up and says that they have a great deal more than they can use. Some one is wrong. I was in the engineers' office not over three weeks ago, and they told me they could not do any better work of correcting the channel along that part of the river with the appropriations that they had. We should either appropriate enough money to complete the work of providing a permanent navigable channel in that part of the river or we should abandon the work entirely.

Now, what I want to do is to go ahead with this great work that Congress has approved for a great many years and develop water transportation in the Missisippi Valley.

Mr. DYER. Will the gentleman yield?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. WALSH. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes on the amendment strictly.

Mr. DYER. I object. If the gentleman from Illinois [Mr. DENISON] could not have an extension of five minutes, I shall object to any gentleman having an extension.

Mr. GREEN of Iowa. The gentleman from Illinois [Mr. DENISON] had 10 minutes.

Mr. FREAR. This is an $11,000,000 increase proposition, and if the people from St. Louis insist on cutting down the time, they will gain nothing by such proceeding.

Mr. DYER. Will the gentleman yield?

Mr. FREAR. No; I will not yield.

Mr. DYER. Then do not refer to me.

Mr. FREAR. I referred directly to the gentleman who just spoke. Here is an indefensible appropriation for $11,000,000 additional appropriation, $4,000,000 for the Mississippi River and $7,000,000 for three other projects. If I wanted to kill this bill, gentlemen, I would vote for the amendment. I can not think of anything that would damn this bill more than to put through this amendment you have offered here.

I desire to oppose this amendment offered by the gentleman from Illinois [Mr. DENISON], which adds to the committee bill the following items: Four million dollars for the 200-mile stretch on the Mississippi between Cairo and the mouth of the Missouri; $2,000,000 for the Mississippi River from the mouth of the Missouri River to Minneapolis; $3,000,000 for the 400-mile stretch of the Missouri River from Kansas City to the Mississippi River, and $2,000,000 for the Ohio River.

This $11,000,000 is in addition to the amount required by Army engineers for the next two years' improvements and maintenance fund, which is covered by $12,000,000 contained in the committee bill. In other words the adoption of this amendment will increase the bill from $12,000,000 to $23,000,000 and show the absurdity of all claims for economy that have been made during the past few days.

Several years ago when the first fight was made against the river and harbor pork barrel, I stood practically alone in the House. I take no credit for what has been brought about after a number of contests, but bills have been defeated and others pared from $50,000,000, the amount carried in the 1913 bill, down to $12,000,000 named by the committee in this bill. Waterways should be improved by the Government where actual commerce exists, but it is folly to throw money away on worthless projects and probably no four more worthless or extravagant projects can be brought together than those covered by the amendment of the gentleman from Illinois.

I desire to submit a few brief comparisons that speak for themselves, and they disclose that apart from fabulous expenditures in the past of over $100,000,000 on these four river projects the entire commerce, aside from coal carried a few miles on the Ohio River, is not 10 per cent of any one of a half dozen lake harbors. Commerce is so small on these rivers that only by giving the figures can the waste of public money be appreciated. Before one dollar of the $100,000,000 was spent on the three rivers, and another $100,000,000 on the lower Mississippi, the waterways were covered with boats. Now, they are almost deserted, apart from a small short-haul coal traffic on the Ohio.

Dredgers and contractors are continually boosting waterway associations, but practically every dollar of the $30,000,000 more asked for on the 200 miles of the Mississippi from Cairo to the Missouri is for revetment and diking to protect private property. The same is true of the Missouri River expenditures by the Government. Private property along these rivers is being protected or reclaimed at public expense. The startling fact remains that after squandering the major part of $200,000,000 on the Ohio, Mississippi, and Missouri Rivers commerce is insignificant, while the reclamation projects have been a constant burden on the Government, and we have practically nothing of real value to navigation to show for our money. Great locks and dams and many miles of revetments will not bring commerce as long as the railways continue to drive freight from the river by cut-throat "water competition" freight rates. It is folly to expect it.

COST OF AN INSIGNIFICANT COMMERCE.

Mr. Chairman, here are a few comparisons that tell their own story. The Mississippi River and Ashland Harbor amendment to add $4,000,000 for the following project, Mississippi River, Cairo to mouth of the Missouri, 200 miles:

Past appropriations (p. 1226, 1919 report)	$19,166,599
Past expenditures (p. 1226, 1919 report)	18,503,764
Balance July 1, 1919	619,767

Cost to complete project, $31,010,000, or $50,000,000 in all for a 200-mile stretch of river.

How $14,000,000 has been expended on this 200 miles (p. 1224): The Government built 357,000 feet of bank revetment, or 70 miles, and 402,000 feet piling dikes, or 80 miles, at cost of $14,000,000. Of the work there is now in good condition (p. 1226):

270,000 feet revetment, or one-fourth, has been destroyed, loss $25 per foot	$6,000,000
240,000 feet dikes, or 40 per cent, has been destroyed, loss $25 per foot	8,000,000
Total loss	14,000,000

In other words, the loss due to increasing cost equals past expenditures:

To be built or restored:	
866,000 feet revetment, or 175 miles, at $25 per foot	$21,650,000
286,000 feet dikes, or 55 miles, at $35 per foot	10,010,000
	31,660,000

Due from Edward F. Goltra $14,780 for barge rental (p. 2822); no local cooperation in recent years (note, p. 1226); $350,000 regular maintenance annually.

Commerce, 1918 (p. 2818), 264,149 tons, of which:		
Garbage	tons	34,775
Logs	do	27,690

This small commerce was possible after the Government had built and leased 20 steel barges that carried 47,000 tons of ore.

REAL WATERWAY COMMERCE.

Harbor of Ashland, Wis., cost and commerce: Total appropriation, $650,500 (p. 3169); commerce, 9,361,221 tons. Haul average, 800 miles.

Ashland improvement cost about 4 per cent of this 200-mile Mississippi project. Commerce of Ashland is 40 times as great, including St. Louis garbage, logs, etc., and the haul 8 times as far.

Again the Denison amendment asks $2,000,000 for the following project: Mississippi River from mouth of Missouri River to Minneapolis, 664 miles; appropriations, $31,230,200 (p. 2851); commerce (1918), 157,471 tons. Average haul, 59.6 miles.

Compared with cost and commerce of Buffalo harbor (p. 3350), year 1918: Appropriations, $6,795,450 (p. 3350); commerce (1918), 19,163,259 tons (p. 3349); Buffalo appropriations are about 22 per cent of those of the upper Mississippi. Buffalo harbor commerce is more than one hundred times as great as that of the upper Mississippi.

The engineers say of the upper Mississippi River:

There is no hope of a prosperous river business on the upper Mississippi until adequate terminal and transfer facilities connecting with railroads are provided and also suitable tow boats and barges (p. 2847).

Although $31,230,200 have been appropriated for the upper Mississippi River, not a single boat line runs on the river from St. Paul to St. Louis excepting for short distances, and the small commerce is shown to be 157,471 tons of coal, merchandise, and so forth, hauled about 60 miles on the average over a stretch of river 664 miles long or 10 per cent of the distance.

I am giving some comparisons, if you will permit, that show the absurdity of this amendment coming in the way it does.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask for five minutes additional time.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, the Denison amendment adds $3,000,000 for the lower Missouri River. Let me give a few figures from the last Engineers' report on this remarkable project:

Missouri River, 400 miles.

Appropriations (p. 2898)		$17,313,130
Unexpended July, 1919 (p. 1290)		$1,174,110
Commerce, 1917	tons	217,616
Commerce, 1918	do	142,981

Loss, 40 per cent in one year.

Boats sold to the Government in September, 1918, to use on the Mississippi, but traffic was continued six of the eight months of the year.

Estimates of proposed use of $2,100,000 asked for by Engineers for 1920 (p. 1288):

Revetment	$675,000
Clump dike	1,075,000
Repairs to dikes	225,000
Miscellaneous, including office expenses	125,000
Total	2,100,000

Again it appears all of this public money is to reclaim private lands or protect lands from floods and not to help navigation:

Commerce, 1918 (p. 2897)	tons	142,981
Sand and gravel hauled one-half mile	do	132,787
Miscellaneous commerce	do	10,000

Interest on an investment of $16,000,000 included, makes a cost of $90 per ton for carrying 10,000 tons of miscellaneous commerce, including wood and coal hauled 20 miles, valued at $4.50 per ton.

Expended for maintenance, 1918, $295,207 (p. 1289), or $29.50 per ton.

Comparison between Missouri River and Ashtabula Harbor (1918):

Real waterway commerce.

Missouri River appropriations (p. 2398)		$17,313,130
Missouri River commerce (p. 2897)	tons	10,000
Ashtabula Harbor appropriation (p. 3338)		$2,401,874
Ashtabula Harbor commerce (p. 3337)	tons	16,993,677

Ashtabula appropriations are about 15 per cent of those of the Missouri River.

Ashtabula commerce is 1,600 times as great.

Mr. Chairman, with $12,500,000 balance on hand July 1, 1919, for the Ohio River the Denison amendment adds $2,000,000 to the wasteful Ohio River project.

Ohio River cost and commerce.

Appropriations:	
Open river (p. 3113)	$9,257,871
Locks and dams (p. 3016)	62,534,579
Total	71,792,450

Balance on hand July 1, 1919 (p. 3017), $12,555,617.

Commerce (p. 3039) year 1918, 4,571,935 tons, of which gravel was 1,020,999 tons, sand 844,830 tons, waste 50,000 tons. Total, 1,915,829 tons. One million nine hundred and fifteen thousand eight hundred and twenty-nine tons of gravel, sand and waste and 2,594,699 tons of coal hauled 20 miles; 60,407 tons miscellaneous hauled 20 miles.

Apart from coal hauled 20 miles out of the 1,000 miles of Ohio River improvement the real commerce is only about 60,000 tons on the upper stretch and a comparativey slight commerce on the entire river. Countless millions will be wasted on the Mississippi, Missouri, and Ohio in addition to a large part of $200,000,000 already squandered on these waterways before the taxpayers will demand to know what it was for.

AGAIN SOME REAL WATERWAY COMMERCE.

Superior-Duluth Harbor (1918) cost and commerce: Appropriations (p. 3166), $8,199,028; commerce (p. 3164), 53,746,358 tons, hauled 850 miles. Cost about 12 per cent of the Ohio River expenditures; commerce twelve times as great; haul forty times as far.

Mr. Chairman, I desire to say one further word. I was on the River and Harbor Committee for several years. No committee can give Members all they want for their projects. It is well that can not be done. You are on record and we are all on record in this Congress to try at this time to put through a bill that will be economical. I congratulate the chairman of the committee, because he has always stood strong on the general proposition of trying to prevent waste. He has never been afraid of the cars, and I know this committee also is deserving of credit in holding the 1920 bill down to small limits. With nearly $60,000,000 on hand and with the $12,000,000 that is carried by this bill the Army engineers will not be able to use one-quarter of the money by next year. They can not get the contractors, and they are paying to-day 40 or 50 per cent more on the dredging contracts than they have paid in the past.

Mr. DENISON. Does the gentleman think that this $60,000,000 ought to be covered back into the Treasury?

Mr. FREAR. I think it ought to be used as each particular project is improved, and that is what has to be done under the law. We have in this bill $12,000,000, of which $5,000,000 is for maintenance and $7,000,000 for new improvements. I do not think all the $7,000,000 will be used, but I believe we ought to maintain every commerce-carrying project we have got. But if the Army engineers say it is proper I am willing to submit to it at this time and hold them responsible for wasteful expenditures.

Mr. DENISON. Where does the gentleman think it ought to be expended?

Mr. FREAR. I think it ought to be used where it can be used profitably and commercially and, let me add, economically. I would stop work to-morrow on a project that is not carrying commerce. That hits the Missouri River, which is only carrying a trifling number of tons of freight to-day, outside of sand hauled half a mile. I would say to the waterway associations and other organizations that bear down on Members to get large appropriations for their pet project, "Show your own need and do your own part before the Government will keep digging into the Treasury for your projects. Build terminals and boats to carry commerce and prove the waterway is to be used." When inland waterway commerce has fallen off probably 80 per cent to 95 per cent on our largest rivers in 50 years, it is folly to ascribe such loss to lack of river improvements. This is a day for economy, when we are compelled to give an accounting for what has been expended, and it is a rash man who will undertake to defend one-half of the three hundred and odd waterway projects we are improving to-day. We ought to change the entire system and provide a high-class board of public works to take over all of our waterways. Until that is done "pork barrels" will confront us in every Congress and Members will be found urging additional appropriations for projects in their districts. We are called upon to legislate nationally, not locally, and while every Member must properly care for the legitimate needs of his constituents it is neither wise nor just to the taxpayers of the country to urge a proposal that is without merit. The projects covered by this amendment have little to recommend them to this Congress, and the amendment ought to be defeated.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. FREAR. I ask unanimous consent, Mr. Chairman, to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request.

There was no objection.

Mr. KENNEDY of Iowa. Mr. Chairman, some considerable discussion may be desired on this section. I would like to see if we could not agree on limiting the time on this section and all amendments thereto.

Mr. SMALL. What length of time would the gentleman suggest?

Mr. KENNEDY of Iowa. Would 45 minutes be enough?

Mr. SMALL. On the entire bill?

Mr. KENNEDY of Iowa. On this section.

Mr. BEE. I would like to have a few minutes.

Mr. SMALL. Forty-five minutes would not be enough, judging from the number of gentlemen over here who have indicated a desire to speak on this section.

Mr. KENNEDY of Iowa. I hope the gentlemen who wish to speak would indicate it.

Mr. SMALL. It would probably be an economy of time to let the debate run 15 or 20 minutes longer. Then we can agree, probably.

Mr. KENNEDY of Iowa. Suppose we agree on an hour, 30 minutes on a side?

Mr. SMALL. The requests are made for time on this particular section. I desire to say that I wish about 15 minutes myself.

Mr. KENNEDY of Iowa. My only desire was to save time.

Mr. SMALL. I will cooperate with the gentleman in every way, but the gentleman will recall that there are no other sections in the bill that, so far as I can anticipate, will be likely to provoke debate.

Mr. RHODES. Mr. Chairman, I would like to have five minutes.

Mr. KENNEDY of Iowa. Suppose we close the discussion on this section at half past 3.

Mr. GRIFFIN. And all amendments thereto?

Mr. KENNEDY of Iowa. Yes.

Mr. SMALL. Fifty minutes have been asked for by gentlemen around me. The gentleman from Iowa can see the number of gentlemen who wish to speak. Fifty-five minutes have been asked for outside of the 15 minutes which I have asked for.

Mr. KENNEDY of Iowa. Well, then, suppose we agree upon two hours, one hour to be controlled by the gentleman from North Carolina and the other by myself?

Mr. SMALL. If the gentleman does not wish as much time as this side, make it two hours and a half.

Mr. WALSH. No; I will object. I will make a point of order to every pro forma amendment.

Mr. SMALL. Does the gentleman wish to use more than an hour on his side?

Mr. KENNEDY of Iowa. I have requests here for about an hour.

Mr. SMALL. Let us have 1 hour and 15 minutes. Then we can accommodate these gentlemen.

Mr. KENNEDY of Iowa. Let us agree on two hours. I will move to close debate unless we can get an agreement.

Mr. SMALL. We are all willing that the bill be completed to-day and not carry it over until to-morrow.

Mr. KENNEDY of Iowa. Then we can not have a debate of more than two hours on this section.

Mr. SMALL. I do not think there will be much debate on the other sections of the bill.

Mr. KENNEDY of Iowa. I do not want to cut off debate, but I do not think we can agree on more than two hours' debate.

Mr. SEARS. Reserving the right to object, Mr. Chairman, it seems that those who have already spoken on that side are the ones who are insisting on limiting the debate.

Mr. DYER. Regular order, Mr. Chairman.

Mr. BLAND of Missouri. Mr. Chairman, am I recognized?

Mr. KENNEDY of Iowa. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto be limited to two hours, one-half to be controlled by the gentleman from North Carolina [Mr. SMALL] and one-half by myself.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this section and all amendments thereto be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from North Carolina [Mr. SMALL]. Is there objection?

Mr. SMALL. Reserving the right to object, Mr. Chairman, under the peculiar conditions, I ask the gentleman from Iowa to modify his request and make it 1 hour and 15 minutes to this side, because of the unusual demand. I think that is in the interest of economy of time.

Mr. KENNEDY of Iowa. I think we should divide the time equally.

Mr. SMALL. The gentleman should remember that nobody on this side has spoken on the section yet.

Mr. DEMPSEY. Oh, yes; they have. The gentleman from Illinois [Mr. DENISON], the author of the amendment, has taken 10 minutes, and the gentleman from Wisconsin [Mr. FREAR] has taken 10 minutes against it. The time has been equally divided.

Mr. SMALL. The gentleman from Illinois [Mr. MADDEN] occupied 10 minutes.

Mr. DEMPSEY. Oh, Mr. MADDEN had 10 minutes on the general bill.

Mr. SMALL. I think it is in the interest of economy of time.

The CHAIRMAN. Is there objection?

Mr. SMALL. I object.

Mr. KENNEDY of Iowa. Mr. Chairman, I then move that all debate on this section and all amendments thereto close in two hours.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this section and all amendments thereto close in two hours.

Mr. LINTHICUM. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland makes the point of no quorum. The Chair will count. [After counting.] One hundred and sixty-three gentlemen are present—a quorum.

Mr. LINTHICUM. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those who favor taking the vote by tellers will rise and stand until they are counted.

Mr. WALSH. Mr. Chairman, what is the request?

The CHAIRMAN. For tellers.

Mr. WALSH. We have not voted on the original motion yet.

The CHAIRMAN. The gentleman's point is well made. The question is on agreeing to the motion of the gentleman from Iowa.

The question was taken, and the chairman announced that the ayes seemed to have it.

Mr. SMALL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 88, noes 38.

So the motion was agreed to.

Mr. KENNEDY of Iowa. Mr. Chairman, I ask unanimous consent that the time be equally divided between the gentleman from North Carolina and myself, he to control one half of the time and myself the other half.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time be equally divided, one half to be controlled by the gentleman from North Carolina [Mr. SMALL], and the other half to be controlled by himself. Is there objection?

Mr. GRIFFIN. Reserving the right to object, Mr. Chairman, may I ask what disposition that request will make of proposed amendments which Members of the House desire to offer?

Mr. DEMPSEY. They will have to offer them during the time of two hours' debate.

Mr. GRIFFIN. Does that mean we have got to get consent from either one or other of the gentlemen controlling the debate in order to offer an amendment?

Mr. DEMPSEY. I suppose so.

Mr. DYER. Regular order, Mr. Chairman.

Mr. GOLDFOGLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I have not relinquished the floor yet, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

Mr. GRIFFIN. A parliamentary inquiry, Mr. Chairman.

Mr. WALSH. Mr. Chairman, I demand the regular order.

Mr. GRIFFIN. If you are going to insist upon gag rule, all right. I object if you will not listen to reason.

The CHAIRMAN. Objection is made.

Mr. SMALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMALL. I think the proposition of the gentleman from Iowa was embodied in these motions.

SEVERAL MEMBERS. Oh, no!

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

Mr. GOLDFOGLE. Mr. Chairman, I rose to a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York has sought to get the recognition of the Chair. The Chair will recognize the gentleman.

Mr. GOLDFOGLE. I desire to make this parliamentary inquiry: I understand the action of the committee was that two hours were to be given to debate and for the consideration of amendments to the section. Does that preclude the offering, the mere offering, of an amendment by anyone who may not have obtained the floor to speak within the two hours?

Mr. WALSH. No; it does not.

The CHAIRMAN. As many amendments may be offered as gentlemen desire to make.

Mr. GOLDFOGLE. Irrespective of the recognition of the gentleman within the two hours?

The CHAIRMAN. Yes.

Mr. GOLDFOGLE. I thought so.

Mr. SMALL. Mr. Chairman, I understand the gentleman from New York [Mr. GRIFFIN] withdraws his objection. I renew the unanimous-consent request of the gentleman from Iowa [Mr. KENNEDY], that the two hours be controlled one-half by himself and one-half by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the time be equally divided, one-half to be controlled by the gentleman from Iowa and one-half by himself. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object——

Mr. GRIFFIN. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. If a Member has an amendment, but is not able to get time to speak or present it, under the rules of the House is he not entitled to have his amendment presented and read at the desk and voted upon?

The CHAIRMAN. If he secures recognition for that purpose he is entitled to offer his amendment.

Mr. DYER. I make the further inquiry whether or not the Chair is not compelled to recognize a gentleman who has an amendment to offer?

The CHAIRMAN. The Chair thinks not.

Mr. SMALL. I modify my request for unanimous consent to this extent, that any amendments offered may be read regardless of the time, and that all amendments which are ready be presented now.

Mr. DEMPSEY. That will give the gentleman from Missouri a chance.

The CHAIRMAN. Is there objection?

Mr. CANNON. I object, Mr. Chairman.

Mr. DEMPSEY. Mr. Chairman, has the motion of the gentleman from North Carolina as to division of the time been agreed to?

Mr. CANNON. That was agreed to.

The CHAIRMAN. A request was made that the debate be confined to two hours. That was objected to and then a motion was made that the time be limited to two hours, and that motion was agreed to. That limits the debate on this section and all amendments thereto to two hours. Then the gentleman from North Carolina [Mr. SMALL] preferred the request that the time be equally divided between the gentleman from Iowa [Mr. KENNEDY] and the gentleman from North Carolina [Mr. SMALL], and to that request objection was made.

Mr. CANNON. I withdraw my objection to that.

The CHAIRMAN. The gentleman from Illinois withdraws his objection. The question is, Is there objection to the request of the gentleman from North Carolina?

Mr. WALSH. What is the request?

The CHAIRMAN. The request is that the two hours' time which the committee has decided shall limit the debate be controlled one-half by the gentleman from Iowa [Mr. KENNEDY] and one-half by the gentleman from North Carolina [Mr. SMALL].

Mr. WALSH. That has already been granted. What the gentleman from Illinois [Mr. CANNON] objected to was the request that amendments might be offered during the time.

Mr. GRIFFIN. We do not need any consent to offer amendments. The question is not as to the offering of amendments but it is whether or not amendments that are offered may be read.

Mr. IGOE. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. KENNEDY].

Mr. KENNEDY of Iowa. I yield 10 minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Chairman and gentlemen, I fear that many of the Members who seem to be opposing this bill—the rivers and harbors bill—have lost sight of the fact that in order to run the engineering department out of money and exhaust the funds already at its disposal between this date and March, 1921, that department will have to expend somewhere in the vicinity of $64,000,000 already available in addition to the $12,000,000 that we now seek to appropriate in this bill.

I feel strongly with my distinguished friend from Illinois [Mr. DENISON] on the subject of the Mississippi, Ohio, and Missouri River waterways. As has been stated here on this floor, the city of Chicago has expended over $80,000,000 in order to connect the Great Lakes with the Gulf. There is an unfinished stretch of 5 miles between Lockport, Ill., and Joliet, Ill., that would solve the most expensive part of the waterway problem in so far as Illinois is concerned, and years ago the city of Chicago, or, rather, the Sanitary District of Chicago, offered to pay the bill for that improvement.

I am as opposed as any Member on this floor can be to lump-sum appropriations. I do not believe that this Congress should hand over to any executive organization the matter of expending money without complete direction; but I realize that the year 1920 is different from all other years in the history of this country. We are confronted with a terrific deficit. We have piled burdens on the taxpayer under which he groans, and if there ever was a call upon the Congress of the United States to economize, that call is on us now. I, as a member of this committee, have joined the majority members of the committee in coming in here with this bill reducing a $42,000,000 estimate to a $12,000,000 appropriation, cutting off $30,000,000, and I have done that on the express statement to me by members of the steering committee that every committee of this House would be requested and expected to do exactly what we have done. We are doing a patriotic act.

Mr. IGOE. Will the gentleman yield for a question?

Mr. JUUL. Yes.

Mr. IGOE. I just wanted to know if all the appropriation bills are going to be on the basis of 8 months instead of 12?

Mr. JUUL. I want to say to the gentleman that I think a great number of Members are harassed with the undue fear that the works in which they are interested are going to be stopped. So I want to call attention to a few of the items for which there is money in the Treasury.

My friend from Illinois [Mr. DENISON] probably does not know, although perhaps he does, that there is for the improvement of the Mississippi River between the Ohio and the Missouri the sum of $367,573 available in addition to such share as that project will get out of the $12,000,000 which it is proposed to appropriate in this bill.

There is available in the Treasury for the Mississippi River, from the Missouri River to St. Paul, credited to that same stream, $586,875 unexpended.

There is a project very close to that, the Tennessee River, for which there is unexpended $591,215.

There is in the Tennessee River, from Chattanooga to Riverton, unexpended, $559,812.

There is to the credit of the Ohio River, unexpended, for locks and dams, $4,954,884. Those figures are as of the first day of November, 1919. It will be clear to gentlemen upon this floor that for most of these projects there is now on hand as much money as can reasonably be expended between now and March, 1921.

Mr. DENISON. Will my colleague yield there?

Mr. JUUL. Yes.

Mr. DENISON. The $219,000 on hand for the stretch of the Mississippi River between St. Louis and Cairo will not run the engineer's office one month. They will have to close down and go out of business, so far as that project is concerned.

Mr. JUUL. I want to say to the gentleman from Illinois that the matter of money for the Illinois and Mississippi Rivers and for connecting the Great Lakes with the Gulf is very dear to my heart. I feel he knows that I drafted one of the first waterway bills under which the State of Illinois, a few years ago, decided on the improvement of its waterways. I was a member of the Smith drafting committee in Illinois; and the gentleman knows that this subject is as dear to me as it is to any Member on this floor. But let me say to the gentleman that we have been in the habit of expending on an average, on the 50 projects that were in the river and harbor bill when it reached this committee, $14,453,463 a year. That is all they have expended per year. Now we are giving them $12,000,000 additional, and we are telling the Board of Engineers to go ahead and complete the projects for which the money is resting in the United States Treasury.

Gentlemen who have to vote on this bill are confronting this question: Is there anything in the Treasury to the credit of these various projects? My answer is that there is in the vicinity of $60,000,000 to the credit of all the various projects now in the Treasury of the United States, and the $12,000,000 added thereto will make $72,000,000; and the haunting fear of gentlemen upon this floor that commerce is going to suffer during the next 12 months and that the country is going to pieces is not warranted by the facts.

But if the facts were otherwise than as they are I would still come before this body and say, "Gentlemen, for once in our lives we have got to do something to cut down the bills." We have got to cut to the bone. We must do it. Republicans and Democrats alike must be able to go back home to our people and tell them that we realize that it was a fine thing to come home with big appropriations for our localities, but that this once you people must wait a year or two and give us a chance to catch up. [Applause.] Now, what would you gentlemen do if you were running a sawmill or a factory and you were facing a deficit corresponding to the size of the deficit that we are facing, and the man in the bank to whom you were accustomed to go for your loan had told you, "You have got to cut it down. We have got to reduce your credits"? You would retrench in every de-

partment. We are facing a deficit in this country that may run up to $3,000,000,000. Now, is it not time to use up the dollars that have been stored up to the credit of these various projects? Is it not time to do that and go home and tell our people that for once in our lives we would rather take a drubbing for being stingy, if you please, just now than to take a drubbing for being extravagant? I want to tell my friends in this House that I will join with them next year and come in and holler loudly for improvements in the Central and Middle West, that will connect the great rivers and lakes with the Gulf, and connect the Great Lakes with the St. Lawrence River, so that we may have an outlet to the sea. [Applause.]

Mr. SMALL. I yield five minutes to the gentleman from New York [Mr. CLEARY], a member of the committee.

Mr. CLEARY. Mr. Chairman and gentlemen, we have listened to men, some of whom are opposed to all river and harbor bills and some who have spoken from a political standpoint, but as an old friend of waterways I wish to say that I have no political feeling on this subject, and certainly I have no hostility to waterways. I may add that there is no chance, and I think the gentleman from Illinois [Mr. DENISON] knows that there is no chance, of his amendment passing, because it affects only one section of the country, and the whole Congress of the United States could not sit here and simply see one section of the country advanced and taken care of specifically without any change for the others.

Therefore, when any change is to be made in this bill, if there is to be any, it will be made just as the engineers have laid it out to our committee. We sat for two weeks listening to them reducing it down to its lowest terms, and that would be the only intelligent way to deal with it. Men get up here and offer amendments who have very little specific knowledge. The committee spent two weeks listening to the engineer make his lowest terms on the bill. If the bill is to be changed at all, it should simply revert from a lump sum to that way of doing it.

The other day I heard our former chairman, Mr. SMALL, mention how the people of the Pacific slope are willing to cooperate better than some other people, and I could not help thinking when he was saying that that about 100 years ago the then governor of New York thought that it would be a good thing to connect the Atlantic Ocean with the great inland seas—the Great Lakes. The State of New York went ahead and did that, and since that time the people of that State have expended more than $200,000,000 in connecting the Atlantic with the Lakes, and they have done it themselves. They never came to Congress and asked Congress to connect those Lakes with the Atlantic. The great State of New York simply did that itself, without any assistance from anybody. Of course it has reaped the reward in the greatest commerce on the face of the earth to-day. I would not fight very much for changes in the bill, because if you gave us nothing, then New York would do it herself; but we do not think you ought to make her do that herself. She is the pathway to Europe, both in times of peace and in times of war. She has undergone great expense in the building up of her docks and her waterways. She has made connections up to the St. Lawrence River through the Champlain Canal and through Lake Champlain and with the Great Lakes through the Erie Canal. It is because she made those improvements that she is great in waterways to-day. We know that the effect of that was to make New York able to pay an immense portion of all of the debts and expenses of this country. We know that she illustrated there what waterways could do. We hope that the other parts of this country, the Mississippi Valley and all of the other places, will in the future do the same thing, through Congress and by themselves, and in that way build up the whole country as it should be built up. Water transportation is cheap transportation, and cheap transportation enables us to send our manufactured goods into the nations of the world in competition with all other nations. Therefore it is a great thing to have cheap transportation. There is no better way to use money than to obtain cheap transportation. There is no use of doing anything in respect to transportation unless it is kept in order. A boat aground is of no use. I remember one time when I was the manager of a Hudson River tug line. I was riding down on a passenger steamer one night and she got aground. We happened to be passing one of our boats, and I hailed the captain and had him send a tug over and pull us off the bank. I was a very popular fellow on that boat that night. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman, I realize that I have not the time in the five minutes allotted to me to explain this matter as it ought to be done. I represent a district in Texas that was virtually destroyed by storm. Port Aransas is the entrance to Aransas Pass and the project to Corpus Christi. A storm came the 14th of September last and not only destroyed thousands of human lives but ruined millions of dollars' worth of property. The Government of the United States has a project at Port Aransas in addition to the one at Aransas Pass. The War Department sent engineers to see what was necessary for immediate action. I want to read to the committee from the report of the district and division engineers of the United States Army how the storm damaged this place, not touching upon other matters which if I had the time would be very pertinent. I read from the report:

Harbor at Port Aransas: Here the greatest loss was naturally suffered, as the storm center passed close to this place. The jetties were severely damaged by unseating cap blocks, washing down slopes and causing gaps. The dike on St. Josephs Land was breached in several places. The office building was damaged and strained, the storerooms with contents were washed away, the wharf and the oil and the water-supply system were all seriously damaged, portions being washed away; several barges and one small power skiff were lost.

They recommend $150,000 as necessary for the repair of the north and south jetties at the harbor and $189,000 for the repairs to the island dikes at St. Josephs Island. I am not going to discuss the question as to the wisdom or the unwisdom of a bill of this kind, but I am appealing to this membership, that this is a proposition which if this bill carries without the amendments that I have offered may mean the absolute destructon of the Government works at Port Aransas in one year's time, because the dikes have been breached and the channel has been filled up and the jetties have been damaged, and every day of erosion and every day of the sweeping of the waters against the dikes and against the jetties is causing that much more damage to the millions of dollars that the United States Government has already expended in maintaining a harbor for the people of the Texas coast. Not only that, but it sounds like a notice to the people of that great section of the State that they are abandoned by the Government of the United States under the terms of this bill, for only $140,000 is available now for maintenance, and that maintenance carries everything connected with it, outside of the dikes and the jetties that are so essential to the channel.

Mr. KENNEDY of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. KENNEDY of Iowa. I suggest to the gentleman that the engineers recommended nothing in the way of improvements for Aransas Pass.

Mr. BEE. I have already inserted in the RECORD the report made by the engineers. Let me say this to the gentleman from Iowa: I do not know what the engineers recommended to the Committee on Rivers and Harbors, as no opportunity was given to present these matters to the committee before this bill was brought up, and under the sudden transition no hearings were had. I have here the report in which the division engineer at New Orleans and the district engineer at Galveston, who visited the place immediately after the storm in October, and they say that $160,000 is necessary for repair of the jetties and $189,000 for the dikes, and only $140,000 is available.

Mr. KENNEDY of Iowa. Col. Taylor said that was maintenance work and he could take care of that out of the lump sum, and that he did not need the $15,000 that he originally estimated for improvement purposes.

Mr. BEE. The trouble with the report of Col. Taylor is this: Col. Taylor is dealing with another question outside of the one here presented. He is not dealing with the destruction of the dikes. I have offered these amendments, which I shall expect to have voted on at the proper time, and I wish I could persuade my distinguished friend from Iowa to accept it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. HICKEY].

Mr. HICKEY. Mr. Chairman and gentlemen of the committee, I wish in the few words that I may say with respect to this bill to speak as a friend of the development of the great waterways of the Nation. I feel that the present needs of the country have been well looked after by the committee in this bill. We had hearings covering a long period of time and during that time had a representative from the Chief of Engineers of the War Department before the committee, and we went into the situation carefully with relation to all of the waterways of the Nation. After doing so we concluded that, with the amount at present available for water improvements and the additional amount which this bill provides for, the situation will be taken care of very nicely during the coming year. I have nothing but the most kindly feeling for the gentle-

men from the Mississippi Valley, who wish to develop the great waterways of that locality. I think the time will come when Congress and the Nation will feel disposed to deal liberally with that locality.

This bill carries a much smaller appropriation than any rivers and harbors bill submitted to the House in many years. The amount proposed to be appropriated and to be used for the improvement of the rivers and harbors of the country will be at the disposal of the Chief of Engineers of the War Department to be used as in his opinion will best meet the needs of commerce. I voted for this bill in the committee and will vote for it when it comes up for final vote in the House.

Personally, I do not favor this plan of appropriating money. As a policy to be followed generally it would be neither expedient nor wise. There are certain times and certain occasions, however, when it is the wise thing to do. As a rule, Congress itself should determine from facts submitted what money should be used. The committee felt that in view of the many obligations facing the Government that the wiser course would be to make the smallest appropriation possible compatible with the needs of water commerce.

We find the Government burdened at this time with a debt, the exact amount of which is unknown. It has been estimated to be in the neighborhood of $26,210,530,000. We paid out during the period of the war approximately $26,007,000,000. We raised 43 per cent of this sum by taxation, or $11,280,154,000. It will readily be seen that with this great indebtedness now against the Government, and considering the enormous sums that have been collected from the taxpayers and must be collected in order to meet interest charges and the running expenses of the Government that the greatest economy must be observed. Something must be done to give relief to the tax-paying public. The fact that we raised so large a sum by taxation during the war is in a very large measure responsible for the present high cost of living, about which we hear so much.

The individuals and corporations called upon to meet the heavy tax charges to furnish necessary funds required by the Government to carry on the war necessarily charged the amount so paid in such a way that it was carried on to the consuming public. So the people as a whole, whether rich or poor, were compelled to pay the bills, no matter where the money came from in the first instance. I believe Secretary Glass has said that the most vital factor in increasing the cost of living is the excessive Government expenditures.

The estimates coming from the various department heads show that the cost of running the Government during the coming year will be nearly $9,000,000,000. This means a very large deficit based upon the present revenues, and these figures take no account of the interest charges nor of the funds required to retire Government indebtedness as it matures. Considering the state of the Treasury, the committee concluded in this appropriation it would set an example in economy for the big committees.

The question of transportation is one of the big questions we have to deal with to-day. The Government has been operating the railroads for the greater part of the past two years. The standard income of the roads for a year is estimated at something like $904,597,000. This year the loss to the Government will amount to about $320,000,000, so it will be seen that the people are contributing in no small way in maintaining the land transportation agencies of the country. In addition to this contribution of more than three hundred and twenty millions that the Government is making to the railroads, we are paying higher freight rates and higher passenger rates than ever before. One of the first things that Congress did after it convened in May, 1919, was to appropriate $750,000,000 to the railroads. Why was all this money used? The answer is, to assist in maintaining the transportation agencies of the country.

The amounts carried in the rivers and harbors bill for the past four years are as follows:

1920	$33,378,364
1919	23,771,900
1918	27,826,150
1917	40,598,135

For this year it is twelve millions. At the present price of labor and the present cost of material the twelve millions which is carried in this bill will go no further than six millions did in 1914.

The report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1919, shows that the water-borne tonnage cared for during this year totaled something like 959,987,125 tons, and that the value of this commerce amounted to $23,823,943,267.44. These are very imposing figures, and this is especially true when it is remembered that the amount of commerce carried during the year of 1919 was carried not because of Government encouragement but with every obstacle thrown in the way of developing or aiding the water commerce of the country. The Government should not be censured for its attitude during this period, for it was very largely due to war conditions.

When we consider the amount of this water-borne commerce we must admit that it is a very substantial contribution to the commerce of the country, and we must also bear in mind that the expense to the people for carrying this commerce has been very small, being on an average of not more than a few cents per ton.

We pay, directly and indirectly, millions of dollars annually for rail transportation but hesitate to appropriate a few millions annually for the maintenance of water transportation, and yet water transportation offers a great field at this time for development, and in developing this commerce, we accomplish two things: First, we furnish the people with cheap transportation. Cheap transportation means lower cost for the things the people use. Second, by maintaining the great waterways of the country, and especially the great navigable rivers, we prevent those rivers from getting out of their banks during certain periods of the year and destroying towns and cities and ruining millions in property. Indeed, one great flood often destroys property greater in value, to say nothing of the lives lost and the suffering caused, than the appropriation in any year for the maintenance or improvement of the rivers and the harbors of the country. And so, as I have indicated, it is poor economy and poor policy to deal in too little a way with an agency capable of playing so large a part in carrying the commerce of the country and in developing the country.

In the years immediately before us the question of transportation is to be of great consequence. Our population is rapidly increasing. We will likely, in the next quarter of a century, have a population exceeding 150,000,000 people. This in itself will require the development of our transportation facilities, both water and rail, and there is no doubt but that in the immediate future every big trunk line will be compelled to lay more tracks. Instead of having double tracks, it may be necessary to have four or six tracks, and the only way that the roads can be developed is by getting the money from the public; there is no other source. The reason for the development of the railroads is that they will transport the commerce of the country for the benefit of the people, and if part of this burden can be assumed at a much smaller charge by using the waterways of the Nation, it seems to me this would be the wise thing to do.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

By unanimous consent Mr. HICKEY was granted leave to revise and extend his remarks in the RECORD.

Mr. SMALL. Mr. Chairman, I yield six minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 2, line 7, after the word "appropriated," strike out the word "may" and insert the word "shall."

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, this bill before us has been trumpeted throughout the country as a "porkless" river and harbor bill; but I beg to assure you, and I hope to show you, that if there was ever any bill before this House which contained "pork" this bill unquestionably comes within that class. And my amendment is directed toward eliminating the "pork" by taking out of the power of the United States Army Engineers the discretion to fritter away and waste appropriations as they see fit.

What does "pork" mean, when used in connection with the term "appropriation"? It means an appropriation incontinently wasted, softly spent, or designedly thrown away. Now, gentlemen, in this bill that is what you propose to permit. You give $7,000,000 to be spent carte blanche by the United States Army Engineers. There is an implication in the much-heralded claim as to this bill being without "pork." The implication is that other bills heretofore have had "pork." Well, if they have had "pork" in them, who cut the "pork" up and who distributed it? Why, your Army engineers.

Now, this is worth while considering. Their sole object seems to be to make every project they touch a continuous mendicant. They have exercised their own sweet will as to where the work shall be done and how the work shall be done, and how it shall be perpetuated, and have wasted millions of dollars without bringing really vital projects to a conclusion. While they have been fiddling with the East River, Hell Gate, and other well known and necessary improvements to the waterways of this country the Panama Canal and the New York

Barge Canal, the greatest engineering undertakings in the world's history, have been brought to completion. With Army engineer procrastination no project seems ever to reach a conclusion. At the proper time I propose to introduce a resolution or bill which will take up this question of United States Army administration of waterway appropriations. The body or commission which should attend to the building and deepening of our waterways and harbors should in some way or other be connected with the Navy and not with the Army.

Now, what does my amendment do? I call your attention to the wording of this section. Twelve million dollars are appropriated outright. I know you say you divide that up, $5,000,000 for maintenance and $7,000,000 for projects already authorized. Nothing of the kind. The language of this section reads that the $12,000,000 is "for the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation." The appropriation is made in bulk. That is the governing clause, and you will see it gives full discretion to use the whole appropriation either for maintenance of old or the prosecution of new work.

Then comes the proviso: Five million dollars for maintenance and $7,000,000 for continuing pending projects. But you do not say that the $7,000,000 "shall" be spent on these authorized improvements, you say it "may" be spent. Now, my amendment proposes to eliminate that indirection and give specific, direct orders to these gentlemen to spend the money where it ought to be spent and where we direct. You should say "shall" and not "may." I do not believe we should surrender to any irresponsible body the reins of government and the keys to the Treasury.

Talk about your "porkless" waterway bill. What is going to happen if these gentlemen are given carte blanche to spend this money and you put no limit on them? You do not say that they "shall," but that they "may."

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. GRIFFIN. Will the gentleman give me two more minutes?

Mr. KENNEDY of Iowa. I have not got it.

Mr. GRIFFIN. The gentleman from North Carolina [Mr. SMALL] can not give me the time, but if you will do it I will be glad to answer your questions.

I have prepared an analysis, which you will find in the appendix to the CONGRESSIONAL RECORD of January 21. I would like to have you gentlemen who are interested in this matter——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Look at the table in the Appendix. It shows 39 great river and harbor projects, every one of which has more to its credit unexpended than has been required in the past year to carry on the work. Surely the $7,000,000 of this bill are not going to be allocated to these projects.

Now, look at the next table, where is shown 33 smaller projects, which have not enough on hand to equal their average annual requiremet. Here, possibly, the $7,000,000 will be allocated. But look again. We find that even these projects have $7,321,181 on hand unexpended and that their average annual requirement is $10,837,508.38. Therefore, to give these projects an appropriation sufficient, with the sum on hand, to equal the average annual requirement, or about $3,500,000, would seem to be all that ought to be necessary if our friends on the other side want to make good their boast of a "bone-dry bill." According to that even this vaunted bill would seem to provide for about $3,500,000 of "pork."

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman and gentlemen of the committee, I am very glad to notice that the excitement over this rivers and harbors bill is dying down somewhat, and I hope the House is commencing to realize that navigation is not going to be ruined because of the small appropriation in this bill. To my mind it is all the money that is necessary to carry on the work of improving the rivers this year. I am in favor of spending money on harbors where there is any commerce and on any streams where there is commerce, but the trouble is—and I have been on this committee for nearly 10 years and know—that commerce has been dying out, and that there is a smaller number of boats upon the rivers to-day than there was 10 years ago. There is less commerce on the rivers. We have been spending from twenty to thirty and forty and fifty millions of dollars annually, throwing it into the rivers, and for what purpose? Now, what is the sense of spending on an average nearly $25,000,000 annually to improve rivers where there are no boats, where the people along the rivers make no attempt to provide harbors, where there is no possibility or no evidence of the people anywhere attempting to furnish boats to navigate the rivers?

Now, if you are going to throw money into a river to improve it, there ought to be some evidence before we do it that there is going to be boats provided to navigate it. Why, on the rivers where there is no obstruction to navigation and there is lots of water we have no boats. The gentleman spoke about the Barge Canal, on which New York has spent, as he says, probably $200,000,000. There are no boats on that canal, except boats, I think, that are being operated by the Government.

The only additional boats that are provided for the Mississippi are owned by the Government. Still we are asked to spend more money this year than this bill contains. Why, if I had my way about it, I would knock out the $7,000,000. They do not need it. I hope that with the condition of the Treasury Members will realize that the navigation of the country is not going to be ruined because we refuse to make a large appropriation. The engineers are going to have plenty of money to go on with all the necessary improvements. And I doubt if a number of those named are necessary. Some of the strongest fights I have seen on this floor for the improvement of rivers have been for improvements on rivers that have been discarded by the Government; rivers that they have wasted millions on, and then threw them up as a bad job. People have asked here why we do not pave some of the rivers instead of trying to make them navigable.

Now, I hope there will not be any excitement over this matter, and I hope there will not be any opposition to this bill. No matter if the people in your territory are telling you that they need river improvements, we on the committee know that they do not need them at this time, and that there are going to be no boats on the rivers that you are talking about and want improved for years to come.

I heard it said here the Ohio River was being neglected, and the gentleman from Cincinnati was told the other day that if we did not stop kicking about this bill he would hear from the people in Cincinnati. The only people in Cincinnati he might hear from would be some contractors or from friends or agents that are furnishing supplies to those contractors. If that is the kind of business you want to help out, go ahead and proceed to spend money in the old way. I hope you will realize that this bill is all right.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I want to join the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Illinois [Mr. MADDEN] in congratulating the Committee on Rivers and Harbors and its distinguished chairman upon this bill. It is one of the most meritorious bills, in my judgment, that have been produced by a Republican Congress.

I have been opposed heretofore, and I am now opposed, to "lump-sum" appropriation, because under ordinary circumstances the lump-sum appropriation can be expended in any way in which the particular department chooses to spend it, and in many cases it has been expended in ways which Congress would never have approved if it had had any anticipation that it would have been so paid out. But every dollar of this appropriation that is made in this bill, and every dollar that is on hand, must be expended in the way that Congress has directed and in accordance with the report of the engineers.

The engineers have heretofore mapped out these plans and presented them to the committee for approval; they have been presented to the committee and have been ratified; and it has been determined that the money shall be expended in that way and in no other. Not a dollar of the money carried in this bill, either for maintenance or for continuance of work on projects, can be expended except in the manner Congress has directed.

Now, it is said that we are "abdicating" our authority by turning over to the engineers the privilege of determining upon which projects the money carried in this bill is going to be expended because it is only a small part that they will have the right to determine. Twenty-five million dollars is on hand, already appropriated, and definitely appropriated, which must be expended on particular projects. They say we are "abdicating" our authority because we leave it to the Board of Engineers to say where some of this money shall be expended. If

that is so, we have abdicated our authority long ago, many years ago, because we have always left it to the Board of Engineers to determine whether projects were meritorious or not, and it has been the policy of the Committee on Rivers and Harbors for many years that no money should be expended on a project that is not approved by the Board of Engineers. There is plenty of money on hand to carry out these projects, with a reasonable distribution of the extra money allowed by the committee, in the discretion of the engineers.

A gentleman was talking a moment ago about the Mississippi River from the mouth of the Ohio up to the mouth of the Missouri. As I understand from the chairman of the committee, there is somewhere between $300,000 and $400,000 unexpended for use there.

Mr. MADDEN. It is over $4,000,000.

Mr. KENNEDY of Iowa. They have had an 8-foot navigable channel depth for 10 years.

Mr. GREEN of Iowa. This is all that was planned. There is also a large amount of money unexpended which can be used. The country is at this time faced with a deficit of $3,000,000,000; here we are, with a deficit so vast that we know not how to meet it. We have got to economize somewhere, and where can we economize better than at a place where we already have money enough to carry out the projects, so far as the money can be economically expended during the next year? You can not expend all that a project will cost economically in one year. You can not spend any more money than is allowed in this bill economically during the next year. These sums have accumulated in past years. The engineers have not expended them. Why? I suppose because they could not be expended economically. We have sufficient on hand for them to use, if they use it with discretion, in the next year; sufficient for every project that has been approved, with the money that has been allowed in this bill.

With reference to maintenance they are the ones who must determine whether a project shall get money for maintenance, whether it has been injured so that it should be repaired. And who else, I ask, could properly determine such questions? They are the proper ones to determine this matter.

I insist that this bill is one of the most meritorious that has been presented to this Congress. [Applause.]

By unanimous consent, Mr. BLAND of Missouri, Mr. GALLAGHER, Mr. GOLDFOGLE, and Mr. DONOVAN were given leave to revise and extend their remarks in the RECORD.

Mr. SMALL. Does the gentleman from Iowa desire us on this side to proceed?

Mr. KENNEDY of Iowa. Yes.

Mr. SMALL. Mr. Chairman, I ask to be notified when I have consumed 10 minutes. First, I ask to have this telegram from Representative H. GARLAND DUPRÉ, a member of the committee, read by the Clerk.

The Clerk read as follows:

NEW ORLEANS, LA., *January 21, 1920.*

Hon. JOHN H. SMALL,
House of Representatives, Washington, D. C.:

I greatly regret my enforced absence during consideration of rivers and harbors bill, but had received assurance from Chairman KENNEDY that same would not be called up until week of January 26. The bill as reported in press here is niggardly. The amount carried is shamefully inadequate. The measure is a cheap demagogic appeal to economy at the expense of the great waterway interests of the country. Please pair me in any effort made to increase the amount appropriated, and pair me against the bill. I will thank you to read this telegram into the RECORD.

H. GARLAND DUPRÉ.

Mr. SMALL. Mr. Chairman, I have had this telegram read at the request of my friend, Mr. DUPRÉ.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Nevada.

Mr. EVANS of Nevada. The definition of that word "niggardly" used in the telegram of the gentleman from Louisiana is "meanly avaricious." That is rather a severe term to use toward our Government.

Mr. SMALL. I would not like to take up time discussing that feature. I had the telegram read at the request of my friend from Louisiana.

Mr. EVANS of Nevada. I resent having our Government called meanly avaricious, after it has spent hundreds of millions of dollars for rivers and harbors.

Mr. SMALL. I can not yield further for that purpose.

Mr. Chairman, I regret that there seems to be any serious disagreement as to our duty with regard to this bill. I have listened to my distinguished friend from Iowa [Mr. GREEN] and my distinguished friend from Chicago [Mr. GALLAGHER] in their remarks on the bill. The trouble about this bill—and I say it not in any obsession of pride—is that so many people attempt to talk about it and form opinions about it who do not know anything about it. My good friend the gentleman from Chicago [Mr. GALLAGHER] talked about water-borne commerce decreasing. I have here an advance copy of a report from the Bureau of the Census, showing that water-borne commerce in the United States during the 10 years from 1906 to 1916 increased 42 per cent. Statements to the contrary are easily made by gentlemen who want to oppose river and harbor appropriations.

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. KENNEDY of Iowa. That includes all water transportation, rivers and harbors both?

Mr. SMALL. Yes.

Mr. KENNEDY of Iowa. It applies not alone to rivers?

Mr. SMALL. Oh, no; it applies to the rivers and harbors of our country.

Mr. DEMPSEY. Is there anything under discussion at the present time except the amendment of the gentleman from Illinois [Mr. DENISON]? Is not that the only pending amendment?

Mr. SMALL. Other gentlemen have other amendments ready, but the whole of section 1 is under discussion.

Mr. DEMPSEY. Is the gentleman in favor of the amendment proposed by the gentleman from Illinois [Mr. DENISON]?

Mr. SMALL. No. If the gentleman had been listening, he would have heard my prior statement to the contrary.

The Committee on Rivers and Harbors was to have reported a bill exercising every possible economy, and yet a bill that was consistent with and that conformed to good judgment and the best policy of the committee. The committee held hearings at which the representative of the Chief of Engineers, Gen. Harry Taylor, was present. He was instructed to reduce and revise the original estimates. The original estimates submitted in round numbers were $9,000,000 for maintenance and $33,000,000 for further improvements. As a result of this direction from the committee he submitted a number of recommendations. In the first place, as to maintenance he thought we could save money by making a lump-sum appropriation of $5,000,000. I did not agree with him as to that method of appropriating even for maintenance, but he having expressed the opinion that we could save in that way several millions of dollars I found it difficult to combat that argument, and the committee determined as to maintenance to recommend an appropriation of $5,000,000.

Then as to appropriations for further improvement he went over the various projects under improvement throughout the country, revised and reduced his recommendations, and when they were completed they made an aggregate of between $19,000,000 and $20,000,000.

After the committee on last Monday morning determined, in deference to directions from what I understand to be the steering committee of the majority, to report a bill carrying $12,000,000, a lump sum, $5,000,000 for maintenance and $7,000,000 for improvement, and during the interval of yesterday my colleague [Mr. LEA of California] and I prepared a substitute for section 1 of the pending bill. This substitute appropriates $5,000,000 for maintenance and then takes up the several items of improvement recommended by Gen. Harry Taylor, with the appropriations as recommended by him, and that proposed substitute is printed in the RECORD of this morning on pages 1957 and 1958, and I invite the attention of gentlemen to it.

I shall offer a motion to recommit this bill with instructions to report it back with that as a substitute for section 1, and I shall say at the time that I am opposed to the pending bill.

When this bill came up in the House day before yesterday we were told by the majority leaders that it must be passed the same day. Having had no opportunity to prepare any substitute and being confronted with the alternative of supporting this bill or having no river and harbor bill at this session, I was in doubt as to my duty. The interval of yesterday gave us time to draft an appropriate substitute, and I shall offer the same on a motion to recommit this bill. I shall therefore vote against this bill for the reasons given in my opening remarks on Tuesday last. I hope the Members of the House who believe in maintaining and improving the waterways and harbors of the country will join with us in voting for the substitute for section 1.

Now, I wish to say that this substitute, giving these various appropriations toward the further improvement of about 49 projects, represents, in the opinion of the Chief of Engineers, the very lowest sum which ought to be appropriated to be expended between now and March 4, 1921.

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. KENNEDY of Iowa. Is it not also true that those recommendations were based on the policy of the engineers to proceed with a project after Congress has adopted it with a view to

completing it, and that the estimates are not made on the basis of what commerce will need in the next fiscal year?

Mr. SMALL. I am sorry I can not agree with my friend on that proposition, because there are a number of projects which have been heretofore authorized and which have not been completed and are in course of construction, and yet no appropriations are recommended for them. It was repeated to me not longer ago than this morning by Gen. Taylor that these proposed appropriations here represent the irreducible minimum, as it were, which Congress ought to appropriate for these projects to be expended between now and March 4, 1921, and that these amounts are necessary in the interest of those projects and in the interest of the water-borne commerce of the country, and this proposed substitute was submitted to Gen. Taylor and received his final approval.

Who is Gen. Taylor? He has been the representative of the Chief of Engineers in river and harbor matters for a number of years. He was the representative of the Chief of Engineers when the distinguished gentleman from New York, Mr. Alexander, was chairman of this committee, and for a time when Mr. Burton was chairman of the committee, and also during the entire time, as I recall it, when Mr. Sparkman, of Florida, was chairman of the committee. He stands high as an engineer and is regarded as an expert in the improvement of rivers and harbors, and I repeat again that this proposed substitute for section 1 is approved by him in its entirety and in detail, and if any gentleman is not satisfied with my statement in that respect he has the liberty of telephoning Gen. Taylor.

The CHAIRMAN. The gentleman has occupied 10 minutes. He wished to be notified at the end of that time.

Mr. SMALL. I thank the Chair, and will consume several minutes more.

Now, how about this $25,000,000 that they say is available and unexpended? I discussed that matter day before yesterday. I thought my ideas upon it were clear. I have discussed it again with Gen. Taylor since this bill was under consideration, day before yesterday, and he instructed me to say that the statement which I made here in the House on that day was correct; that all these available balances were taken into consideration when these appropriations were recommended.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. DEMPSEY. I hardly think Gen. Taylor would instruct a Member of Congress as to what he should say on the floor.

Mr. SMALL. Certainly, Gen. Taylor did not undertake to instruct me as to what I should say; but I was simply ascertaining as to whether he approved the statement which I had made. The statement was this, and I repeat it, that all of these available balances had been taken into consideration when he made the recommendations for these appropriations.

Now, Mr. Chairman, many Members will be disappointed because there are no appropriations for the further improvement of projects in their sections and districts. Many are omitted. There are only 49 here for which appropriations for further improvements are recommended, and in every one of those the representative of the Chief of Engineers, Gen. Taylor, says they are absolutely essential. These rivers which are embodied in the substitute amendment of the gentleman from Illinois [Mr. DENISON] are all cared for in the proposed substitute which I am going to offer on a motion to recommit, but with lesser sums than are embodied in the amendment of the gentleman from Illinois.

I would like to say this personal word, if I may, which may add something, if you please, if it is necessary, to my effort to be perfectly frank and sincere in this matter. I believe if there is an important improvement in the country, it is a section of the intracoastal waterway from Norfolk to Beaufort, N. C. Money will be needed upon that waterway before March 4, 1921, and yet not a dollar is appropriated here for it, and it is not embodied in this proposed substitute which I am going to offer. The chairman will remember that I asked for more time in order to secure evidence as to the necessity of an appropriation for this project. The fact remains that up to this time no recommendation for an appropriation for this waterway has been submitted, and it is not included among the estimates in my substitute. Of course, I am disappointed. Does not this situation entitled me to some consideration for frankness and sincerity?

Mr. KENNEDY of Iowa. Of course, the gentleman understands that the engineers made no recommendation for an appropriation for that particular improvement.

Mr. SMALL. I have just so stated.

Mr. KENNEDY of Iowa. They claim to have sufficient money on hand.

Mr. SMALL. I say that they have omitted this, as they have omitted a number of others, and I only mention it for the personal reason assigned.

Mr. GOLDFOGLE. The gentleman's motion to recommit would not take that in?

Mr. SMALL. No; the motion to recommit would take in just the improvements mentioned here. Just this other thought. Here are appropriations aggregating $19,443,000 for further improvements. If you add that to the $5,000,000 for maintenance, you will have an aggregate of a little less than $25,000,000. I want to call the attention of gentlemen to what a $7,000,000 appropriation for further improvements will mean.

Take the East River and Hell Gate, N. Y., where there is recommended $2,100,000, one of the great improvements of the country. Under the $7,000,000 appropriation, if divided proportionately, that would get only about $700,000. Take the Delaware River, for which in this substitute $2,000,000 is recommended. That would only get a little above $600,000, or seven-nineteenths of nineteen and a half million dollars. The same observation would apply to other improvements. In some instances the amount allotted would be so small that it would be negligible; it would be waste to attempt to expend it, because it is wasteful upon some of these great improvements to expend a small amount of money on account of the fact that the amount of expense involved in getting ready to begin the work is so great.

I shall not take up the time of the committee further, except to say that I hope when this motion to recommit is made that it will meet with the approval of the friends of river and harbor improvements, the friends of water-borne commerce, and the friends who wish to add increased facilities to the transportation of the country. It represents the best judgment of the Chief of Engineers, and with every desire to exercise the most rigid economy.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. SMALL. I yield to the gentleman.

Mr. GOODWIN of Arkansas. The substitute which the gentleman offers in his motion to recommit carries with it only those recommendations made by the Board of Engineers for additional appropriations for further improvements?

Mr. SMALL. Yes.

Mr. GOODWIN of Arkansas. The Ouachita River, for instance, which has now a system of locks and dams in Louisiana and Arkansas, will not be cared for in this motion to recommit for the reason that the engineers made no recommendation to increase the appropriation for the project there now in course of construction?

Mr. SMALL. That is correct.

Mr. GOODWIN of Arkansas. For the reason there is now on hand and unexpended $304,000, an amount sufficient to prosecute the work until March, 1921, when the next river and harbor bill becomes a law?

Mr. SMALL. Yes.

Mr. GOLDFOGLE. Would the gentleman's motion to recommit carry any larger sum in the aggregate than the $12,000,000?

Mr. SMALL. Yes; the aggregate of the appropriations here in this motion to recommit will be $19,443,000, plus the $5,000,000 for maintenance, making the aggregate between $24,000,000 and $25,000,000. I reserve the remainder of my time.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman, I am gratified that the Republican members of the committee, having in charge the rivers and harbors appropriation bill, which bill is now under consideration, have severely pruned it. The minority members, judging from their remarks, were anxious to have the bill carry at least $100,000,000, but the majority members, in wisdom, have reduced the figures to twelve millions, of which five millions is to cover the cost of maintenance of the works now existing and the residue of seven millions is to be used in completing improvements heretofore authorized by Congress.

On yesterday the gentleman from Kentucky [Mr. LANGLEY], chairman of the Committee on Public Buildings and Grounds, announced that his committee would not, at this session, report a bill for post offices and other public buildings; this action will save the Treasury many millions of dollars. There are needed in the district which I have the honor to represent several post-office buildings, and these, or some of them, would have been provided for had the bill been reported, but in view of the alarming condition of the Treasury, the severity of existing taxation, and the tremendously high cost of living, I know that the people will heartily approve the action of the majority. That action is drastic but necessary. All other departments of the Government must be treated in similar fashion. There are 40,000 too many clerks here in Washington. I am informed that in one building, the one occupied by the War Risk Insurance Bureau, there are about 14,000 employees—enough to run a dozen or more of the great life insurance companies

of the country. Not only that, but it is true that 60 per cent of the insurance taken out by soldiers has lapsed.

What is true of the War Risk Insurance Department is likewise true as respects other departments. We know that it is necessary for a surgeon to apply the knife to a cancerous growth or a diseased appendix in the human body, and in like fashion must Congress promptly slice appropriations and thereby force the innumerable departments, boards, bureaus, and commissions to release thousands and thousands of girls and boys who ought to be at their homes. Furthermore, a lot of these boards and commissions ought to be dissolved. Some of them were organized during the war, but the members still have their hands in Uncle Sam's pockets. A lot of good places were provided for some lame ducks. I happen to know of one gentleman defeated for Congress at the last election who is nicely fixed up, being attached to the Railroad Administration and drawing the not-to-be-despised salary of $25,000 per year. This case is only one of many. And yet should we wonder why freight and passenger rates are high or why the service is rotten or why the Government has lost millions in operating the roads. In a matter such as this Congress has but little to say.

The President has been operating the railroads by virtue of his war power. The loss on railroads alone will probably exceed a billion dollars and must be made good out of the pockets of the people. In order to cover the cost of waste and mismanagement of Government operation of railroads, telephones, telegraphs, and cables there must be continuous heavy taxation.

Having submitted these general observations, I shall now ask your kind attention to another proposition, which I would like briefly to discuss, namely, the

IMPROVEMENT OF THE WATERS OF THE BIG SANDY RIVER.

The Big Sandy River empties into the Ohio at Catlettsburg, Ky., and Kenova, W. Va. The Big Sandy forms part of the boundary line between the States mentioned. It is 27 miles in length and is formed at Louisa, Ky., and Fort Gay, W. Va., by the junction of the Levisa and Tug Forks. The Levisa or western fork rises in Virginia and runs through Kentucky; the Tug has its source in West Virginia. The plan of development of these streams contemplated a 6-foot stage of water to be produced by a series of locks and dams—3 in the main river, 10 on the Levisa, and 8 on the Tug, making 21 in all. The dam farthest up the Levisa, 88.5 miles distant, was to be at Pikeville, Ky., and the one farthest up the Tug was to be located at the mouth of Pond Creek, opposite Williamson, W. Va., 58.1 miles from the junction.

Five locks and dams—three in the main river and the lower one in each fork—have been completed and are ready for operation. The cost of this work, including maintenance to June 30, 1919, has amounted to $1,649,593.74. The object of Congress in undertaking this internal improvement was to provide easy access and cheap transportation for the almost inexhaustible beds or seams of coal that set in about 40 miles from the junction on each fork and extend thence southward to the very sources of these waters.

Unfortunately, the first dam in the river was placed about 1,000 feet from the river's mouth, with the result that in dry seasons there is only about 3 feet of water in the channel below leading to the Ohio, and thus it is that boats from the Ohio can not get into the pool nor boats navigating the pool reach the Ohio. Then, again, the slack water in the pools in the respective forks falls short by about 25 miles of reaching the coal-bearing regions.

With the coming into power of President Wilson, his administration and party did not take kindly to the Big Sandy project. Statesmen from the South, for the first time in a decade having free rein and desiring to take advantage of the opportunity, diverted the stream of appropriations in the direction of the alligator ponds and bayous of the sunny South.

The Secretary of War, acting under authority of law, appointed a special board of officers to make a "preliminary report" on the Big Sandy project. Army engineers years before had not only made preliminary reports, but had made surveys and final reports, showing the absolute feasibility and the impelling necessity for the undertaking. For the purpose of making the "preliminary report" Col. Dan C. Kingman, of Savannah, Ga., gave notice of a public hearing to be held at Catlettsburg. On the appointed day over 150 prominent citizens—heads of boards of trade, chambers of commerce, water and improvement associations, and men in private capacity from Williamson, Huntington, and Kenova in West Virginia; Pikeville, Louisa, Inez, Ashland, and Catlettsburg in Kentucky; and Ironton, Portsmouth, and Cincinnati in Ohio—presented facts and figures and reasons why the work should be continued according to the original plan. The only opposition was presented by the two railroads, who were represented at the meeting by their officials, whose business might be affected if the work were completed.

In a report to the Secretary of War, dated September 8, 1914, Col. Kingman expressed the view that the further improvement of these waters was not deemed advisable at that time, and "recommended that the slack-water improvement of these streams be discontinued."

The reasons assigned by Col. Kingman for his action were that the railroads could handle the traffic; that enough tonnage had not been carried on the pools to warrant the belief that the scheme would be a financial success; that the streams were too tortuous, and so forth.

Certainly it is true that there is but little water-borne traffic, for boats from the Ohio can not get into the pools on account of the sand bar between the Ohio and the first dam, but this difficulty will be overcome when the dam which is now in process of construction in the Ohio, below Ashland, is in operation; but there can be no traffic of consequence until additional dams are placed in the forks and navigable water extended into the coal fields. The contention that the streams are too crooked to be capable of being navigated is unworthy of any consideration by one who has observed the width and length of the rafts of saw logs that go down these streams on the spring and fall tides. Therefore, as is plain to be seen, the work projected must be completed if the scheme is to be successful.

The five completed locks and dams standing alone are of no more practical use than a house completed except for its roof, or a railroad bridge with one span missing, or a wagon lacking its wheels.

The reasons assigned by Col. Kingman for his action are nothing more than excuses. His action in attempting to overrule prior decisions and judgments of Government engineers and of Congress ought not to stand. The cost of transportation by water is estimated to be about one-fourth the cost of transportation by rail. The railroads can not handle the traffic; they are constantly refusing to allow coal sidings, upon the ground that they have all the business that they can handle. The railroads are without competition, therefore the rates are very high. It costs less to bring freight from Chicago to Kenova, a distance of over 500 miles, than from Kenova to Williamson, a distance of less than 100 miles. With water transportation on the Big Sandy and its forks all this would be changed. With water transportation Williamson, a town of 8,000 inhabitants, Matewan, Nolan, Naugatuc, Kermit, Crum, Webb, Glen Hays, Fort Gay, and Kenova, and other points along these waters in West Virginia, would put on new life and hum with industry.

The products of the mine and the farm would go out and merchandise would come in at a very cheap rate. Pikeville, a growing city of 5,000 people, Inez, Paintsville, Louisa, Ashland, and Catlettsburg, all in Kentucky, would benefit to the same extent as their West Virginia neighbors.

The people of the Big Sandy Valley are not of the kind to tamely submit to the edict of Col. Kingman, of Savannah, Ga. They are not willing that valuable works costing over one and a half millions of dollars shall remain idle; that the great scheme of enabling the shipment of coal at a low figure out onto the Ohio and Mississippi shall be aborted; that valuable coal lands now lying idle for lack of sidings and cars shall have their value lost and destroyed.

I have thus, Mr. Chairman and gentlemen, brought this matter to your attention in order that you might understand that West Virginians and Kentuckians do not acquiesce in Col. Kingman's decree and in order that silence may not in the future be plead as an estoppel against our demand for the appropriations necessary to complete the job according to the original survey, plans, and recommendation of the Army engineers, approved by Congress as far back as the days of William McKinley.

Mr. Chairman and gentlemen, at such time as the Treasury of the Government will justify the action of Congress in passing a general appropriation bill for the improvement of rivers and harbors the Members of the House from Kentucky and West Virginia will respectfully ask that the work projected on the Tug and the Levisa Forks of the Big Sandy River be resumed and carried forward to an early completion.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman, I have introduced an amendment to the Denison amendment, and I ask permission that it be read at this time.

The CHAIRMAN. Without objection, the amendment will be reported for the information of the committee.

There being no objection, the Clerk read as follows:

Amendment offered by Mr. MANSFIELD: Amend the Denison amendment, after the word "Cairo" and preceding the first proviso, by inserting another paragraph, as follows:

"There is hereby appropriated $301,300 for continuing the improvements at Freeport Harbor, Tex."

Mr. MANSFIELD. Mr. Chairman, the figures embraced in that amendment are the figures as recommended by the engineers of the War Department. I appreciate all that has been said by the gentlemen in behalf of the Mississippi and the Missouri and the Ohio Rivers. It was in the watershed of those great streams that I first saw the light of day. My Saturday evening bathings were in the swimming holes of a tributary of that great stream, and, with the exception of the great State which I have the honor in part to represent, I know of no country to-day that is dearer to my heart than the great valley of the Mississippi and its tributaries.

Freeport Harbor, many of you have heard of. It is upon the Gulf of Mexico, 34 miles west of Galveston. The harbor is within the mouth of the Brazos River, a stream that drains 37,000 square miles of territory, a territory that produced in 1918 approximately $250,000,000 worth of cotton, a large portion of which, as a matter of course, would have found its way to the foreign markets of the world through Freeport if the harbor and bar had been dredged to the depth that has been approved by the engineers. The river for many miles above its mouth has a good, practical depth, but at the mouth of the stream a bar prevented the traffic from going in and coming out. Some 15 or 18 years ago private parties organized a company and built jetties approximately 1 mile in length at a cost of $1,449,000.

In the rivers and harbors bill of 1888 and 1889 the Government took these jetties over without any compensation whatever to those who constructed them at such great expense other than the obligation to secure and maintain a depth of 22 feet of water across the bar and in the channel. Since that time appropriations have been made from time to time and a depth of about 18 feet was obtained at the time of our entry into the war and exports and imports began to increase enormously. Since those jetties were constructed, since the harbor was taken over by the Government, the great sulphur mine was discovered there, and developed to a production of more than 49 per cent of the sulphur output of the United States. During the years 1917 and 1918, the period of our participation in the war, this mine furnished to the Government of the United States, directly and indirectly, more than 600,000 tons of sulphur for war purposes. From the year 1914 to October, 1919, more than 1,000,000 tons were shipped out by all-rail route, nearly all of which would have gone by water, and at far less cost, if ships of sufficient draft could have entered the port.

During the same period—from 1914 to October, 1919—445,717 tons of sulphur passed through the harbor at Freeport, but owing to the failure to maintain the required depth, many of the ships had to load light and then go to Galveston or Texas City to complete their cargoes. For this purpose large quantities of sulphur had to be shipped around by rail to those ports, which entailed an additional cost upon the sulphur trade to be passed to the consumer. From May to October of last year 37,546 tons were shipped to Galveston and Texas City to be loaded upon shipboard there, where, on account of the absence of docks especially suited for the purpose, the process of loading was rendered far more expensive than at the docks in Freeport, where, with the splendid system of docks and chutes adapted for the purpose, the process of loading was negligible.

Still, Mr. Chairman, the freight charges on the tonnage shipped to Galveston and Texas City, and the added cost of loading on the ships at those places, do not by any means represent the entire burdens imposed. The difficulty in securing the necessary cars and other equipment for the prompt handling of this tonnage has been very great, though no accusation or blame should rest upon the Railroad Administration. It, too, perhaps, has its troubles and its difficulties. But, Mr. Chairman, in spite of the great care and diligence exercised by those directing the railroads, the fact remains that on account of delays in these shipments an additional loss of nearly $70,000 was passed to the consumers of sulphur. On account of the shallow harbor the past year, some of the larger vessels in the sulphur trade could not enter the harbor at Freeport at all, but took their entire cargoes at other ports, requiring as many as 190 cars to complete the load. It was impossible to obtain the necessary cars of the required type promptly, which resulted in the payment of demurrage charges amounting in some cases to more than $2,000 per day for each day of delay.

SULPHUR HELPED TO WIN THE WAR.

Freeport sulphur, Mr. Chairman, was a most potent factor in winning the war. Appreciating its importance, our Government, soon after our entry into the conflict, through the War Industries Board, took over the operation of this mine. Gen. Pershing, before going to France, being then in command of the troops in Texas, placed soldiers there to protect it from possible internal enemies, while the Navy took the necessary precautions to guard it from attack by sea. Sulphur is the principal basic raw material of sulphuric acid, which was used so extensively in the manufacture of smokeless powder, T. N. T., and the toxic acids, all of which were so essential in winning the war. About 12 per cent of the output of this mine was taken by the Government under direct purchase, approximately 70 per cent additional was consumed in indirect contracts with the Government for the manufacture of explosives, leaving about 18 per cent only for the general trade, the greater portion of which was used in the manufacture of paper.

HIGH COST OF PRINT PAPER LARGELY DUE TO HIGH COST OF SULPHUR.

Of the various uses of sulphur other than for war purposes Dr. Philip S. Smith, of the United States Geological Survey, in Part II of "Mineral Resources of the United States, 1916," says:

> Sulphur is used for many different purposes, but the greatest consumption is in the manufacture of paper and in the preparation of chemicals. According to information from paper manufacturers, about one-eighth of a ton of sulphur is used for each ton of sulphite pulp manufactured.

The United States census reports show that 136,456 short tons of sulphur were used in the manufacture of paper pulp in the year 1914. The war in Europe was commenced that year and wrought a great change in the newsprint-paper situation. Sulphur was then rapidly diverted from the channels of ordinary trade and devoted to the manufacture of explosives. As a consequence the supply of paper at once began to diminish, and correspondingly the price increased. Sulphur has not yet returned to its normal status, and until it does the paper situation must of necessity remain acute.

Mr. Chairman, this Freeport mine having the past few years produced such an enormously large proportion of the sulphur of the United States, it follows that any increased burdens placed upon it will have an appreciable effect upon the price of sulphur and the price of those commodities of which it is an essential in the production. Its principal use in time of war being for the manufacture of explosives for the Government, the Government, of course, paid the cost of production in the price paid for the explosives. Its principal use in time of peace being for the manufacture of print paper, I know of no business more seriously affected by it than that of the newspaper business.

The failure of the Government to provide and maintain the depth of 22 feet at Freeport, as stipulated in the contract under which it acquired the jetties at that place, has caused an extra burden to the sulphur industry there amounting to more than $414,000 the past year, which, of course, goes as an unnecessary burden upon the users of sulphur products. Fortunately a new sulphur mine of great promise has recently been opened up in Matagorda County, Tex., some 30 miles west of the Freeport mine, but it, too, will have its shipping troubles unless the interconstal canal is enlarged. This canal, with a depth of only 5 feet or less, is entirely inadequate for shipping purposes, and the Texas Gulf Sulphur Co., the owners of this new mine, give us the assurance that by giving this canal a depth of 9 feet its shipments alone will amount to not less than 2,000 barrels of oil and 1,200 tons of sulphur per day every day in the year.

Sulphur, of course, has been the principal article of export; but since the discovery and development of the new oil field at Columbia, on the Brazos River, 25 miles above Freeport, fuel oil would now be a close second for foreign and coastwise trade, provided the harbor had the depth of 22 feet, as recommended by the engineers, or even the depth of 18 feet, which it had at the beginning of the war. Notwithstanding the difficulties encountered, still considerable quantities of the oil from this new field were brought down the river on barges and loaded into light tank ships and passed through Freeport Harbor during the last six or eight months, which from March to November of last year amounted to 37,692 tons, and would undoubtedly have reached several hundred thousand tons the present year with the necessary depth in the channel. The Gulf Refining Co., one of the largest of its kind operating in the State, has commenced the construction of its docks, with the view that the present Congress would take the necessary steps to deepen the bar sufficiently to permit the free ingress and egress of at least light-draft tankers suitable for this trade.

Oil has also been a leading article of import during the past five years, and from 1914 to October, 1919, 895,435 tons were brought in from the rich fields of Tampico, Mexico; but this industry, like the sulphur industry, has suffered seriously on account of the shallow water. Lightering has been resorted to at heavy additional expense, and a number of serious accidents have recently occurred due to the shallow harbor. One tanker of the whaleback type, while being placed in position,

became unmanageable because of the tug not having the necessary range of free action on account of the shoal. The ship ran upon the jetties, receiving serious injuries, and had to be beached to prevent sinking. Both the ship and the tug were out of commission for many months and had to be taken to Mobile, Ala., for repairs, that being the nearest dry dock available at the time. These repairs cost more than $40,000, and the value of the time the vessels were out of commission was worth much more.

But notwithstanding the great importance of sulphur and oil, Freeport was rapidly developing into a port of consequence in the handling of other commodities when, on account of the war, practically all shipping was withdrawn for war purposes. Large quantities of such things as bagging and ties, binder twine, canned goods, dry goods, drugs, implements and general hardware, linoleums, heavy machinery of all kinds, paints and oils, wire, paper, cement, and other commodities were being handled through that port. With the deepening of the channel and harbor and a return of the ships to supply the needs of commerce, Freeport would soon take high rank as a port of general entry and departure.

Mr. Chairman, without disparagement to any other Texas port, I will simply, by way of comparison, call attention to the following facts: According to the estimates of the engineers of the War Department a depth of 25 feet at Port Aransas would cost $3,255,750; Sabine Pass, $5,476,000; Houston Ship Channel, $3,777,000; and a 26-foot channel at Galveston is estimated at $8,143,996. The same engineers estimate the cost of a 25-foot channel at Freeport at only $455,000, or less than one-seventh of the cost of procuring that depth at any other port in Texas, and all of those ports are most worthy projects.

Mr. Chairman, we will further take into consideration the fact that Freeport is fortunately situated, geographically speaking, with reference to the great producing centers of south and central Texas. It is within 35 miles of two out of the three greatest sulphur mines of the world; within 25 miles of one of the greatest producing oil fields of the world; and within 100 miles of at least a half dozen oil fields; within 35 to 80 miles of the great rice fields of the Colorado River Valley; at the very entrance of the great productive valleys of the Brazos and Colorado Rivers, Old Caney, and the San Bernard, unsurpassed for fertility by any other country on earth, and which produced in 1918 over $250,000,000 worth of cotton alone and other farm products in proportion, and annually producing other farm crops valued at several hundred million dollars.

Mr. Chairman, it would hardly seem possible that other or better reasons could be given for the undertaking and carrying out this much-needed improvement, but if required to make the effort I would simply call attention to the fact that the river frontage of many miles will always afford ample room for the accommodation of the great commerce that will develop; that this frontage will always be available to any legitimate industry requiring port facilities; that under the act of Congress appropriating it the facilities can never be dominated by any special interest; and that free wharfage privileges are guaranteed for all time, resulting in a substantial saving on all tonnage passing through the port.

Mr. Chairman, deep water is the crying need for Freeport and south Texas. More water is our demand. Congress having rendered other liquids impossible, certainly we should not be denied these great privileges which nature has placed within our reach. [Applause.]

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, labor is scarce and wages high, costing double to do work as formerly. It is a most opportune time to save money. Here we have the spectacle of the richest section of our great country asking subsidies. We were careless and debonair prewar, but now we owe $25,000,000,000. Those worthy people of the most prosperous section in all the world, with billions of money in lands, should relieve a Government which has been kind to them. Why do not the Representatives of that great section say that a Divine Providence has blessed our section more than anywhere on earth, therefore we resolve to refuse further charity from a beneficent Government? Of what use is pouring money into rivers while permitting rails to assault and create unfair rates. You have had this special privilege until you are morally a little soft. Voluntarily relinquish this pension; you will gain tenfold in self-reliance and self-respect. You have had staggering amounts of money, and water transportation not increased. You have citizens who would furnish water transportation if given protection from rail rates against "out-of-pocket cost."

The question of inland waterways as affecting railroads and transportation is a national problem. It will not be solved upon the basis of sectional advantage. Astute railroad men with acute sense for monopoly will not assassinate the natural means for transporting goods. Waterways can no longer be used to serve special privilege. Paying princely salaries to sagacious experts for bringing rails to the very brink of bankruptcy. This will not rest with some favored community receiving a few millions from the Treasury under the flimsy pretext of water traffic, who will then sit supinely by and approve crafty men discriminating to sink the boats. It is a question of national welfare. It is more than rates between cities. It is more than railroad transportation alone, but of transportation in general over highways, railroads, and steamship lines, concerning the entire Nation which it serves. Grant to each branch of the industry a fair field for development, each specializing where best fitted. Water traffic will grow of its own accord when penetrating railroad men give way to honesty of conduct, when our Government ceases to reward manipulators of those grand properties by guaranties against loss from operation, when subtle men can no longer draw pensions for mismanaging railroads, when localities with self-denial and self-reliance build and develop their own systems peculiar to their needs, serving themselves with efficiency and economy, who will scorn the idea of assaulting the Treasury without sense of shame and will not permit shrewd rail managers to scuttle their ships.

There are hopeful signs that the future Congressman will make his campaign upon some other claim than the amount of bacon he can bring home.

A policy of aiding the Government instead of collusion for subsidy to favored districts and special privilege.

But to-day, with our Government $25,000,000,000 in debt, because rivers and harbors has $60,000,000 in a fund still unexpended, this measure is called niggardly because it carries $12,000,000. The definition of niggardly is meanly, avaricious, parsimonious.

After sections of our country with the natural advantages afforded where land and water meet have had hundreds of millions of Government money expended in their vicinity, now style it a niggardly policy.

There is a statement which is correct, "Transportation is the vital need of the Mississippi Valley." That is the vital need of every other section, but you have men strong and patriotic enough to furnish water transportation; give them a square deal, not "out of pocket cost." We will settle the transportation problem permanently upon national lines of justice to all sections until sections disappear and grow into one great mutual Nation.

Mr. BLANTON. Mr. Chairman, I also ask unanimous consent to revise and extend my remarks on this bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend and revise his remarks on the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, I want to join with the gentleman from Iowa [Mr. GREEN] and others in extending my congratulations to the distinguished chairman of this committee and his able associates. I want to say that I believe at this time there is wisdom in making an appropriation in a lump sum for maintenance.

I will briefly refer to a condition that obtains at my home, Erie, Pa. Those who are familiar with the situation know that we have the finest harbor on the chain of lakes, protected by a great peninsula 7 miles long, with a narrow opening into it of about 400 feet. There is no finer harbor anywhere in the world that I know of. For half a century or more the peninsula has protected the large amount of shipping inside of the harbor. About two years ago the winds came and the waves came and there was a break in the peninsula. A couple of thousand dollars at one time would have made the necessary repairs, but the money was not available. It could not be found. And finally this last year the contract for repairs was let for $214,000, $212,000 of which can be considered as wasted, for $2,000 would have repaired the break at one time and have left the peninsula in much better shape than it will be after the expenditure of $214,000.

So I say, gentlemen, I can see great wisdom in this lump-sum appropriation, because it makes immediately available funds that may be used in just such cases of emergency as arose in Erie Harbor.

In this connection I wish to refer to some remarks I made in the Sixty-third Congress, while the Rivers and Harbors bill was being considered, which apply to the harbor at Erie, Pa.

Mr. SHREVE. Mr. Chairman, I desire to inquire of the chairman of the committee, the distinguished gentleman from Florida, regarding appropriations for the Erie Harbor. I do not propose to criticize the com-

mittee or the engineers or pay any compliments to my colleagues on the floor of the House, and neither do I propose to discuss any subjects that are not germane to this bill, but I find on page 7 an appropriation of $167,375 for completing the improvements at the harbor at Buffalo, which is probably 80 miles to the east of our harbor. I also find on page 39 an item for improving the harbor at Conneaut, Ohio, carrying an appropriation of $243,530. Conneaut Harbor is 30 miles to the west of us. I also find for Fairport an appropriation of $158,000—Fairport is about 70 miles from Erie—and an appropriation for Cleveland, 99 miles away, of $200,000; and, going a little farther, to the harbor of Toledo, about 200 miles away, I find an appropriation of $135,000. I assume it is the policy of the Government and of this committee to improve all the harbors of Lake Erie. Now, inasmuch as the harbor of Erie during 1912 had a commerce of 3,135,725 tons, at a value of $82,507,650, leads me to ask the committee what appropriations are available for Erie Harbor during this year?

Mr. SPARKMAN. Mr. Chairman, the reason there is no item placed in this bill for Erie Harbor is that the Chief of Engineers made no estimate for such an item in this bill. He states in his report:

"That no estimate for funds is made for the fiscal year ending June 30, 1914, for Erie Harbor because funds on hand are sufficient for ordinary maintenance during the fiscal year, and that is all there is to do there."

The project upon which we have worked for quite a number of years there has been completed and all that is needed is the maintenance of the harbor channel and the harbor. There was on the 30th of June last year $84,164 on hand, and there is on hand at the present time $41,600, which the engineers say is quite enough to maintain the channel and harbor until the next bill.

Mr. SHREVE. Then I understand there is an unexpended balance of over $40,000, and the engineers estimate this sum would be sufficient for maintenance during the fiscal year.

Mr. SPARKMAN. That is the estimate; yes, sir.

Mr. EDWARDS. I would like to suggest to the gentleman in that connection not only is the amount on hand to which the chairman referred, but on July 1, 1913, there was $33,905 covered by an uncompleted contract.

Mr. SPARKMAN. Mr. Chairman, instead of saying for the fiscal year ending June 30 of this year, I should have said until the 4th of March, 1915, when another bill will be due.

Mr. MOORE. May I ask the gentleman is it not a fact that the State of Pennsylvania also makes an appropriation for Erie Harbor?

Mr. SHREVE. Yes; I am very glad my colleague from Pennsylvania mentions that fact. The policy of the State of Pennsylvania is to contribute largely to her harbors—the two principal harbors, one at Philadelphia and one at Erie. Way back more than a century ago this harbor was established, and a considerable sum of money has been expended by the State during all that time. During the last four or six years the appropriations by the State of Pennsylvania for the Erie Harbor amounts to more than twice, or double, the amount received from the National Government. In this connection I desire to say that all appropriations from the National Government for all time are as follows:

Appropriations and allotments.

To June 30, 1890 (as listed in H. Doc. No. 421)	$841,867.23
Sept. 19, 1890	40,000.00
July 13, 1892	40,000.00
Aug. 18, 1894	10,000.00
May 11, 1896	1,289.33
Mar. 3, 1899	125,000.00
June 13, 1902	125,000.00
Mar. 3, 1905	125,000.00
Mar. 2, 1907	120,000.00
June 25, 1910	70,000.00
Feb. 27, 1911	30,000.00
Total	1,528,156.56
Received from sales	4,725.72
Grand total	1,532,882.28
Subtracting the amount to June 30, 1890	841,867.23
In last 24 years we received	691,015.05

The natural advantages of the harbor have assisted materially in the low cost of improvements and maintenance, but the time is soon coming when larger developments will have to be made to accommodate the increasing shipping. Fully realizing the importance of these improvements, the city planning committee, acting under recent legislation enacted by the Pennsylvania Legislature, have prepared elaborate plans for harbor improvements. The construction of extensive docks is being considered by the State and city, which will require a uniform harbor depth of 22 feet, and the anchorage basin will have to be enlarged to meet the rapidly growing requirements of commerce.

Mr. SMALL. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, my time being so limited, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I am very much disappointed with the river and harbor bill as reported by the committee, and which seems certain of passage in its present form. I have always been opposed to lump-sum appropriations no matter for what department nor how efficient the department may be. I have likewise always opposed the appropriation of unexpended balances, because I believe it against the policy of economy and certainly is not in the interest of economy.

I had expected an economical river and harbor bill, but I was in hopes it would be in line with the policy which has always been pursued by the River and Harbor Committee and by this House in making definite appropriations for definite projects.

According to the bill before us, no project is given any specific sum. It is left entirely with the Secretary of War upon the recommendation of the Board of Engineers how to apportion the money. There are many projects which have more money at their disposal at this time than can possibly be expended during the next fiscal year, or until March of 1921, as is intended by this bill. There are other projects, however, whose appropriations are lean and small and will not effectively carry on the work until the next act is passed. For instance, the gentleman from New York [Mr. DEMPSEY] has to the credit of his project, embracing East River and Hell Gate, N. Y., nearly four and three-fourths millions of dollars—more than sufficient to carry him until larger appropriations come. Naturally he is in favor of this bill.

Take Baltimore, however, which had at its disposal in July last the sum of $600,652, but upon which have been drawn two contracts, one for the widening and deepening of the channel into Curtis Bay, the other for the construction of the new channel into Spring Gardens as far as Port Covington, whereby it is intended to give the Western Maryland terminals 35 feet to the sea. When we deduct these two contracts, we have only to our credit at the first of the year the sum of $118,506—a very small sum, indeed—for the continuation of the work until March of 1921. It is true the contracts which have been allotted will increase largely our efficiency and capacity, but are far short of the completion of our project as outlined by the Board of Engineers and approved by Congress.

Under the bill before us it will be necessary to prevail upon the Secretary of War and the Board of Engineers to apportion a part of the $7,000,000 toward the work at Baltimore. This I hope can be done; this I believe will be done to a limited extent. I had rather have seen the bill, though formed for economy, carry definite appropriations for projects which lack sufficient sums to prosecute the work. I am a great believer in channel and harbor improvements. I feel assured that the great progress which Baltimore has made during the last few years has been largely due to its increased port facilities. To-day our ships travel to every port of the country and ply to the countries of the world. Her name is heralded throughout the land for the progress and prosperity which she is enjoying. Her harbor and channel facilities and likewise her docks and piers should always keep ahead of the demand upon her. If we but do this, big business both in manufacturing and commerce will certainly come to our city. This is what I want to see done, and that is why I call upon Congress to cooperate with us in making this great port appeal even more strongly to the commerce of the world.

Baltimore is the strategic point of the Atlantic coast. It enables commercial and industrial enterprises to defy competition from other seaboard cities. Figure it out from a map. It is the shortest route to southern Europe and Africa. It is closer than any other big Atlantic seaport to Cuba, Jamaica, and South American cities on the east coast. It is 470 miles closer than San Francisco to the city of Valparaiso, Chile, the chief seaport on the west coast of South America. As a distributing center it is closer to the South and the great Middle West than any other Atlantic seaport. It has many steamship lines engaged in trans-Atlantic and other foreign trade. Its numerous local steamship companies operate in the Chesapeake Bay and coastwise trade. It has 6 miles of municipal wharfage front; 32 miles of private wharfage, of which 10 miles are occupied by railroad piers and docks; 1.3 miles by steamship companies; 2 miles by wharf and dock companies; and 19 miles by industrial concerns.

By reason of its geographical location, the city from the very first days of the "iron horse" became a railroad center. It has always been one of the important seaports of the country. That Baltimore lived and flourished may be attributed to its natural maritime advantages. It early became a distributing point for merchandise that came over all seas and from all lands. It sent and still sends back ships burdened with products of every section of this country. Long before steam became the propelling force of commerce Baltimore's supremacy was assured. The Baltimore clipper was famous; it was sailing every sea and was seen in every port.

Mr. Chairman, under my leave to extend, I desire to insert the following extracts showing my position on many vital questions heretofore considered by this body.

[Speech, Jan. 21, 1919.]

DIPLOMATIC AND CONSULAR BILL—EMBASSY BUILDINGS.

The Diplomatic and Consular Service of this Government has played a large part in the conduct of the Great War which has now ended. Other departments of the Government have received vast public attention and large praise from the patriotic people of the land. This service, however, performing its duties without publicity, 3,000 miles or more away, without hope of great reward in a financial sense, has perhaps done more than any other noncombatant branch of the service toward the winning of the war. It has engendered in the hearts of the people of the world friendship and good will toward America. It has conducted its business under adverse circumstances and, while the work

has been enormously increased, with efficiency and dispatch, and cost the Government proportionately less than any other branch.

* * * * * * *

In the years to come much will depend upon this service as to what benefits we reap from the Great War which we have fought, both in a friendly and financial sense. Our Government has expended billions of dollars in the preparation and transportation of troops, in the conduct of the war, in the manufacture of munitions, in merchant marine, and in loans to our allies. Whether we shall reap a just reward for these great expenditures, whether the name of our country shall stand aloft in foreign lands, will depend largely upon the men of this service.

* * * * * * *

It is therefore the duty of Congress to recognize in every way possible this particular and unswerving performance of duty. It has always been my desire to see this service well maintained, extended, and every opportunity given for its betterment and enlargement wherever the circumstances demanded. To that end I have always been an advocate of providing in the various countries homes for our embassies, so that they may have permanent quarters, no matter who may occupy them.

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[Speech, Jan. 30, 1919.]

AGRICULTURAL BILL—"SAVE THE BABIES."

Mr. Chairman, I want to congratulate the committee for having inserted in the bill this paragraph for the purpose of eradicating tuberculosis in cattle. I have been speaking to this House for some time about the great importance of this subject, and it is inspiring to me that the gentlemen of the committee have seen the vision. The gentleman from Nebraska [Mr. SLOAN] has done splendid work, along with the chairman of the committee, and also the gentleman from Iowa [Mr. HAUGEN] and the gentleman from Pennsylvania [Mr. MCLAUGHLIN] have done good work.

I believe it is one of the most important items that this Congress will pass at this session or that has been passed at any other session. It provides for safeguarding the purity of those necessities of life which the young consume. I think that when this inspection has been in vogue for a few years, after we have been able to enforce its provisions throughout the country, the inspection will cover all milk products that are consumed by the young—not only milk in its original state but butter and cheese. We will then have been able very largely to eradicate tuberculosis throughout the United States. It is a subject in which everybody is interested. It is a subject in which we are more interested to-day, perhaps, than ever before in the history of the country, because "the boys" are coming home, many of them in a condition which needs absolute attention and pure food, so that they may not be contaminated with any diseases, and particularly with the germs of tuberculosis.

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I tell you, gentlemen, you are building greater than you realize, and generations yet unborn will rise up to call you blessed for the protection and purification of this all-important food product. Important to the young, when they are unable to care for themselves or look out for their interests; important to the sick, when they must rely upon the good judgment of their fellow beings for those things which they can use for their sustenance; a blessing to old age, when milk and its products perform such an important part of their daily food.

Congress saw the light in the inspection of beef; it has now seen the light and the wisdom in the protection of milk and milk products. I hail the day when the percentage of tuberculosis in cattle will be so low that it will be negligible. It is my proud privilege to again congratulate the committee and the workers of the same for the results they have brought about. It has been a long fight, but what a worthy one.

[Speech, July 18, 1919.]

DAYLIGHT SAVING.

Mr. Chairman, I shall vote against the repeal of the daylight-saving law, and in doing so I voice the sentiments of more than 218,000 people whom I represent in the city of Baltimore. They have tried this law for a year. They find it beneficial. The school-teachers are in favor of it. I find there is a universal sentiment in the city of Baltimore against its repeal.

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One of the speakers has just told us that there are 12,000,000 people engaged in the agricultural pursuits of the country and 27,000,000 people engaged in the industrial pursuits. Is not this great number of people, more than doubling the 12,000,000, entitled to some consideration in this matter?

Take the lives of those engaged in agricultural pursuits. They live in the fresh air and sunshine of the country, amid the trees and flowers, and those things which make for health and comfort; their life is one in the open, fresh air and the beautiful sunshine—two ingredients which physicians tell us are more health-giving than all the medicines we could take. Their food is fresh from garden and field, and everything which providence in its bountiful nature has provided is at their hand.

The 27,000,000 engaged in industrial pursuits are composed of men, women, and children crowded into the factories and shops of the great cities of the land, toiling behind the machines, sewing in the factories, and performing all the vast services required of them in their line of endeavor. Their life during working hours must necessarily be confined indoors in the crowded portions of our cities, where the heat of the day is reflected by brick and mortar, amid the close air of the factory, and the smoke coming from the great chimneys in their sections. Their only chance to get the fresh air, to enjoy free exercise, and a bit of the country is during their leisure hours when daylight makes it possible.

If you cut off the hour provided under the daylight-saving law in the afternoons they are deprived of just that much daylight in which to enjoy some of the blessings which the agricultural community enjoys all the time. To speak of the golf or tennis player is to speak of only an infinitesimal part of our city people. The men and the women enjoying this pursuit usually control their own time in which to take their exercise or to work; they are not confined to the long hours and the arduous work of those engaged in the industrial pursuits.

I speak for the laboring men, the women, and the children who find, by virtue of this law, they can get into the great parks and recreation centers of our cities to enjoy a little pleasure during daylight when their work has ended, the toiling masses of our people who are entitled to our attention. To go through my city after working hours one beholds in that section where live those engaged in these pursuits thousands of men, women, and children sitting upon the doorsteps, parading in the parks, playing baseball or some other game in which they are interested. It has meant much to these people, and to deprive them of it would be a great handicap.

I realize from what has been said that the farmer is somewhat inconvenienced by virtue of this law, but from my personal observation of the farmers of my State I can not see where it has been very harmful to them. Let them practice a little Christianity; let them remember their brethren engaged in the cities who are the purchasers and consumers of the products which they produce.

[Speech, July 18, 1919.]

MINIMUM-WAGE BILL.

Mr. Speaker, the bill which is before us to-day, known as the minimum-wage bill (H. R. 5726), has been before Congress for several years. At the time it was first introduced $3 per day as a minimum wage seemed to many persons rather high, but since that time there has been such a change come over the world by virtue of the Great War we have just finished, the consequence of which has been the increase in the cost of everything necessary for our livelihood, and particularly the increased cost of food and clothing.

The purchasing power of money has been so largely decreased that when we speak of $3 per day as a minimum wage for our Federal employees we are then scarcely giving them a living wage. Men in the ordinary walks of life employed by firms and corporations, especially in the large cities, are receiving far more money than the minimum wage allowed in this bill.

I am heartily in favor of the passage of the bill so that the Government at least may set an example before the employers of the country as to what is fair and just for those whom they employ. The laboring men of our country have long been neglected, and especially is this so of those receiving regular salaries. Mechanics, artisans, and others in the various occupations have had their wages increased several times. Railroad employees and men employed by the large steamship companies and other transportation individuals and corporations are all paying their men very largely increased wages and salaries. The salaried men and largely the Government employees have been caught between the rising prices of everything necessary for their livelihood and the stationary salary fixed many years ago. It has been impossible for them to maintain themselves and families, and the consequence is that while the men formerly were able to support their families, it is now necessary that every boy and girl as soon as they are old enough, are compelled to seek positions in order to maintain the family exchequer and to properly live. Where the increase in prices will cease certainly no one knows at this time.

Certainly, this House and the Members of this Congress are disposed to give the postal men and the various other employees of this Government fair treatment. We realize the decreased purchasing power of money. We realize that by virtue of this prices are soaring, and no man can tell the end. This House does well, therefore, in giving immediate attention to this all-important measure, and it is my sincere hope and that of my colleague that the Senate will not hesitate or delay in its prompt passage, which will surely receive the approval of the President.

[Speech, Oct. 18, 1919.]

NATIONAL BUDGET.

Mr. LINTHICUM. Mr. Chairman, I am in favor of the passage of this bill creating a national budget system and an independent audit of Government accounts. I feel that the system under which we are now operating is both antiquated and extravagant. The gentleman who has just preceded me has well said it is too hard to get up steam, it takes too much coal in the shape of money, too much fuel, and too many people to shovel it in.

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The people through this budget will know exactly what the entire cost of the Government is to be for the next fiscal year, just as soon as it is transmitted by the President, and will have ample time to study and approve or disapprove the various items.

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I believe if we can concentrate public attention on the national budget when it is so framed, not as the estimate of one department but the estimates of all the departments, if we can throw the calcium light of public attention on the budget when sent down by the President, it will not only reduce the expenses of this Government, but it will reduce the responsibility of Congress, and it will largely reduce the criticisms of Congress which it has not merited.

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The public should more closely scrutinize the departmental items, see to the elimination of all waste, whether it be by excess expenditures for material or for an overabundant list of employees; the latter seems at this time to be the principal waste and extravagance of our various departments. I do not criticize the departments too strongly, nor do I blame employees. I realize that during the war vast numbers of employees were taken on, and that it is difficult to decrease and unusually hard upon the employee who is dropped from the Government pay roll. The American people will, however, sooner or later demand reduction. It will become the great issue before the American people sooner or later—and the "later" is not far distant—excess costs and excess employees must go, not perhaps at the sole demand of Congress, but the demand of a heavily taxed people, who will rise up and demand retrenchment in every department and every branch of Government.

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When we consider the changes which have taken place in the revenues and expenditures of the Government we must naturally understand that a system which perhaps cared for the country moderately well in the early days could not take care of present conditions. It could not be expanded correctly for such vast bookkeeping and accounting.

There was a time when the larger portion of our revenues was derived from the tariff and from the internal-revenue tax on liquors and tobacco. During 52 years prior to 1917 there had been only something over $600,000,000 collected from direct taxes, and that from but few people. In the year 1909, 52,498 corporations in the United States made tax returns showing taxable income, while in 1917, 232,000 made returns. During the calendar year of 1913, 357,598 persons made individual income-tax returns, and for the year 1917 this was increased to 3,472,890.

Can you imagine any private corporation with its book accounts so vastly increased adhering to an old system which had long since become obsolete?

In 1914 we expended something over $1,025,000,000, while for 1919 it is estimated that it will take to settle our obligations for the war and run the Government something around eleven billions. This, of course, including obligations created during the war period for which we must now pay.

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So long as the people paid their taxes indirectly through a tariff and an internal revenue on certain articles of luxury they did not much concern themselves, but now, when taxation is heavy and the taxgatherer delves into a man's business affairs, when taxation burdens his livelihood, when he is asked all manner of question as to his business, his profits, and his expenditures, when it affects the very livelihood of his family and education of his children, we can readily understand why the people become more interested in national legislation, in appropriations, and in revenues. The people of this country do not object to the payment of taxes, but they want a dollar in service or in material for every dollar of taxes they pay, and I believe by this system we will be able to materially help them in that respect.

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This budget system of the National Government wil not alone serve for the reduction of appropriations and lessening of taxation, but it will serve as a strong adjunct to the Government in that it will provide information for the use of Congress and the various departments, and will always have at hand a vast fund of information for not alone the guidance of the President himself but for Congress and the departments as well. There will be at hand information as to the condition of the Treasury and the opinion of the President as to the needs of the Government for the ensuing fiscal year. [Applause.]

[Speech, Oct. 22, 1919.]

INTERNATIONAL COMMUNICATIONS—APPOINTING POWER.

I rise particularly to deplore the fact that the Foreign Affairs Committee, which during my membership thereof for the past nine years, under the administrations of President Taft and of President Wilson, has always eschewed politics in its deliberations; that you should at this time endeavor to reflect upon the appointing power of the Nation in these matters, when we are just emerging from the greatest war which the world has ever known. It is bad enough to consider matters from a political standpoint upon the floor of this House when it is essential to do so, or beneficial to the respective political parties to do so, but the voters will not approve of it in international matters, and it will prove a boomerang to you Republicans.

Throughout this broad land of ours there is unrest, unsettled conditions; money interests, business interests, and labor interests are wondering when we shall again reach a peaceful basis in fact as well as in law. Here in this House upon the least provocation you intrude political questions. You take a political view of matters which should be dealt with solely from a business and reconstruction standpoint. You delay action by long debates upon questions of which the people are well informed while the conditions of the country demand action.

I remember distinctly when the Speaker of this House [Mr. GILLETT] argued that the President should call an extra session of Congress by April 1 for the solution of weighty problems upon which will depend our industrial prosperity. He is from an industrial section and knew whereof he spoke. He said the factories of the United States are halting because of the uncertainty of the future and to revive that condition would be the first task of the new Congress. He said, "I believe it will be done with wisdom and fearlessness, and that its results will command the approval and confidence of the American people." Your floor leader, Mr. MONDELL, announced on March 4 that the Republicans were ready for the extra session; that appropriations would first be taken up; then would come railroad and shipping legislation; that water-power, coal, and oil leasing, and a variety of other measures for the industrial life of the Nation would be enacted.

I ask you to-day, Where, oh, where is this railroad legislation upon which the President asked action by Congress about a year ago? Where are those measures which were to be made with "wisdom and fearlessness and receive the commendation of the American people"? Where is the shipping legislation or the water-power, coal, and oil-leasing bills? We have spent a very considerable time upon investigations of this, that, and the other; what benefit has been derived from it except to establish in the minds of the American people that through the lavish expenditure of money and the forcing of war work we reached Europe in time with two millions of men to save the war for the Allies?

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I say these things, Mr. Speaker, to show you and to demonstrate the fact that Congress has abundance of work to perform, both in the House and Senate; that the Senate is overcrowded and will find it difficult to take on further operations. To add to the political harangue of this House and additional work to the Senate, it is proposed by the Committee on Foreign Affairs that we shall, by the amendment submitted, direct that the appointment of the members of this international conference should be ratified by the Senate. The appointment of such commissioners has almost universally been left to the Executive, where the Constitution vested it. Never in the history of our country has a Congress demanded that appointments of this nature first receive the sanction of the Senate. Presidents have in some instances voluntarily submitted them to the Senate, but never has Congress required it to be done.

[Speech, Nov. 7, 1919.]

AMENDMENT TO FEDERAL RESERVE ACT—FOREIGN FINANCIAL SYSTEM.

Mr. Chairman, I am particularly anxious to see a strong, virile American banking system established throughout the world. I do not want any system, however, established in which we have not every confidence and are willing to give it the same degree of support and assistance which we now give to our national banking institutions in the way of inspection and other safeguards which are thrown around their operations.

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This Government has no right and Congress has no justification in organizing anything in the way of a financial system to which it is not willing to give not alone its name but likewise its unqualified supervision.

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I want to see the prowess of America established in financial matters in all the great centers of the globe. Her banking institutions and her business facilities should be as well known as the great feats performed by our soldiers and sailors in the late war. The people expect much of this country, rich in natural resources and vast wealth, rich in energy and perseverance, a people who do things and do them quickly. I am glad to see that at last we are providing some financial system by which people may transact financial matters with American institutions in foreign lands.

[Speech, Nov. 15, 1919.]

RAILROAD BILL—TERMINAL FACILITIES.

Mr. Chairman and gentlemen, I objected to the withdrawal of the amendment because I think it is a matter of great importance to the cities along the Atlantic seaboard and the cities in the Middle West. I have in mind especially the situation between the Baltimore & Ohio Railroad and the Pennsylvania Railroad entering the city of New York. We all know there has been many millions of dollars expended at the terminal in New York by the Pennsylvania Railroad Co. That the expense of upkeep and the necessary overhead charges must be borne by the people traveling the Pennsylvania Railroad unless other roads are admitted to this terminal.

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I do not think we should take any chance of this right being withdrawn. It would injure the convenience of the people along this whole section, who now have two roads by which they can enter the center of New York, whereas if that right is withdrawn there will be but one road. It doubles the convenience as it is now. It lessens the great expense to the Pennsylvania Railroad, and it is of inestimable benefit to all travelers, in that it gives them double facilities to enter the great metropolis of this country, and obivates the inconvenience of the ferry. I therefore object, and I think the amendment ought to be adopted. We ought to safeguard the situation, if we can do it, at this time. This is not the time to take any chances with a situation which means so much to the people.

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The citizens of this country have come to realize that, no matter through what system a railroad is built or a great terminal constructed, the final payment and continual expense rests upon the shoulders of those who travel, and of all the other people by virtue of freight rates for the necessities of life and the comforts, convenience, and success of the entire citizenship of the land.

Vast sums of money have been expended in this country not alone in duplicating terminal facilities, depots, and stations in various towns and cities of the land, but in constructing parallel lines between certain points. I am glad this matter of construction of new lines has been left largely to the Interstate Commerce Commission. It has often occurred that the construction of an additional line which was unnecessary has rather injured the public than benefited it, because it results often in two weak and inefficient lines rather than one strong line. It places the burden upon the public to maintain two lines, with all the duplication of officials, employees, stations, and other adjuncts and necessities of a railroad system, instead of one.

Federal control became a necessity owing to the war. It has, like all war-time activities, resulted in a great burden to the people; but many things have grown out of the situation and out of this control from which lessons for the future can be learned and the defects of the old system be remedied. The railroad systems of the country constitute the very lifeblood of the Nation; they are the trade arteries of the land; and the greater ease and facility by which they are operated, the satisfaction and prosperity of their employees, and their financial soundness means prosperity to the entire country.

The amendment was one prohibiting the withdrawal of joint terminal facilities.

[Speech, Nov. 8, 1919.]

MERCHANT MARINE—BALTIMORE HARBOR.

Mr. Chairman, I am very much impressed by the statement of the gentleman from Alabama [Mr. BANKHEAD] in reference to terminal facilities. It seems to me that one of the great necessities for the success of the merchant marine is terminal facilities and not too much congestion of the shipping in any one port along the seaboard. We all know that the port of New York has been so congested for several years that it has been almost impossible to do business there with any great economy, that the port of Philadelphia has been very much congested, and that the port of Baltimore has had a tremendous increase of shipping and is rapidly becoming like the other ports. New York and Philadelphia have received large appropriations, owing to the war. Baltimore has received some very good appropriations, but we must have a channel of 40 feet and still wider channels. We are the only city along the Atlantic outside of New York having an unobstructed channel of 35 feet up to the piers, but even this is not sufficient, and more money must be expended with us.

What we must certainly do is not alone to say that we want a merchant marine, which I believe all of us favor on some basis. Some favor a subsidy, some Government ownership, and some semi-Government ownership, but all favor a merchant marine. It is highly essential that we should at the same time develop our port facilities and that there should not be continuous objection every time the river and harbor bill is reported to this House, because it appropriates money along the Atlantic seaboard or along the Pacific coast for the development of our channels and waterways.

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That, with the additional elevators which we have, gives a capacity of 10,000,000 bushels of grain. Baltimore has 18 miles of water front suitable for docking purposes, including 6¾ miles in the main inner harbor, 3½ miles on the middle branch within technical city limits, and at least 8 miles more adjacent to the city limits. It has 160 wharves in the main harbor with 145,700—say 27¾ miles frontage of wharf room. Adding this amount of wharf frontage to the other water front of the Patapsco River and its tributaries gives a total of 120 miles water front, developed and undeveloped. Of this wharfage the city owns 13 piers with a wharf frontage of 26,385 feet—5 miles.

The port facilities, the quick operation of ships, the quick loading and accommodation at the various ports are highly essential to the success of any merchant marine which we may establish.

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The water is the theater of activity of many of our people, and many of those now living can remember the day when the Chesapeake was dotted with its white fleets of clipper ships whose prowess and reputation made the name of Baltimore famous throughout the world.

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Richard Henry Dana, jr., in that splendid work of his, "Two Years Before the Mast," refers to the good ship *Ann McKim*, of Baltimore, as being one of the fastest and best-sailing merchantmen on the Pacific coast. Thus, even while Baltimore was in her infancy, her clipper ships were carrying her goods and making her products known to the people of distant lands.

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It is invigorating to know that after the lapse of so many years during which American ships were seldom seen in the ports of the world, and the American flag was seen seldom on anything except its warships, to-day we have again entered upon a vast shipbuilding program. That America to-day has more ship workers, more shipyards, more shipways, more vessels under construction, and is turning them out more rapidly and in greater number than now issue from all the shipyards of the world. We are the premier shipbuilding Nation of the entire world, and this we have attained in one gigantic stride since the beginning of the war.

Up to the outbreak of the World War we had only 15 vesels of 1,000 tons engaged in overseas trade. To-day the American flag floats from 1,280 ocean-going steamships, 1,107 of which have been built by the United States Shipping Board within the last two years. In June, 1914, the total gross tonnage under the American flag, including coastwise shipping and the freight operating on the Great Lakes, was 4,287,000 tons, while in June, 1919, its gross tonnage was 11,983,000, an increase of 278 per cent, and this chiefly in ocean-going vessels. To-day the steam tonnage of America sailing under Old Glory is 24.8 per cent of the steam tonnage of the world. Certainly this is a splendid record, and one of which the public generally should feel most proud.

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A moment's reflection will bring home to anyone considering the subject how independent the United States is when building for its own shipping. Thousands of miles of sea separate us from the great shipyards of Europe. It is natural therefore that we should depend on ourselves for our ships and that we should build these ships adapted to our own needs. It is a historical fact that the shipbuilding nations have ever been the shipowning nations, and that nations without shipbuilders are nations without ships and without trades of their own. To neglect to build our own ships is to neglect to own the ships in which our commerce is carried. To neglect to own the ships in which we carry our commerce is to attempt to compete with our rivals for that commerce under conditions most unfair. The successful commercial nations of the past have been those nations who have built their own ships and have carried their commerce in these ships to the nations of the earth. To endeavor to build up a great State from commerce without controlling the vessels of commerce is a proposition as impossible as that to set aside the laws of gravitation.

The wisdom of the policy of our forefathers in encouraging building and the maintenance of an adequate merchant marine has been demonstrated time and again. We are told that under their farseeing policy of encouagement eligible farms become town sites, land increased in value, and trade and industry everywhere felt the quickening impulse of foreign trade. Every interest in the country was benefited by the policy adopted which gave to our country the business of shipbuilding; of getting ship timber; of building dry docks and repairing vesels; of making spars, blocks, and pumps; of fitting, rigging, and of sailmaking; of making anchors and chains, windlasses and capstans; of building boats and making oars; of equipping and outfitting vessels; of supplying provisions and clothing for crews; and many other incidental trades.

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In conclusion let me say that the American people are to be highly congratulated, and those who have had the building of the ships should be highly pleased that America has again taken her place in the commerce of the world, not alone in vast trade but in hauling her products to the ports of the countries in American-built ships, laden with American goods, and manned by American crews; that they will invade every ocean and sea and every port of commecial size; that Baltimore, one of the largest shipbuilding ports along the seaboard, is again taking its part in this great enterprise, and her ships are becoming as well known as her clipper ships of old.

[Speech, Dec. 12, 1919.]

CAMP HOLABIRD.

Mr. Chairman, I rise to inform the House of Camp Holabird, Md., perhaps the greatest motor-truck camp in the world, certainly the largest automobile repair shop in existence. Camp Jesup, at Atlanta, Ga., and Camp Normoyle, at San Antonio, Tex., are about two-thirds the size of Camp Holabird, while Camp Boyd, on the reservation of El Paso, is about one-third the size.

According to the testimony of Gen. Drake, there are 80 officers and 2,000 employees at Camp Holabird. It is located about 4 miles from the old city limits of Baltimore, on Colgate Creek; has large truck facilities and railroad connections. You will see, therefore, that it is admirably located from every economic point of view, being in close proximity to a city of 700,000 people, with its vast number of mechanics, having railroad and water connections which lead to all parts of the country and to every country of the globe.

There have been purchased at Camp Holabird 97.74 acres of land, costing $340,000, and upon construction, $4,933,000, making total expenditure of $5,273,000. I am thankful to say that this bill provides for the completion of the purchase of land at that camp, 43.53 acres having already been contracted for, the price agreed upon, and the people promised their money. They have been waiting for a long time for the payment, and the $140,000 which the committee gives under this bill will allow the Government to settle with these people who have long since parted with their property in the hope of prompt payment. We are very thankful that the committee has granted this appropriation. We feel that it is not alone the appropriation that is granted, but that the appropriation signifies that the camp has been adopted for continuation; that we shall look forward to great work of the Government in that section. I say we are pleased with this. We congratulate the committee upon its good judgment, and we know all Baltimoreans are thanking them for having given them their attention in this bill.

We must realize that the Government having a vast number of automobiles and trucks in its service ought to have the very best equipped and most up-to-date repair shop that can be procured; its property ought to be sheltered and cared for; its railroad facilities and railroad storage ought to be ample in order to be economical and efficient. It is therefore regretted that the committee has not seen its way clear to make these two appropriations.

Certainly Baltimore, with its close proximity to the West, the coal and iron fields of the country and the cheap railroad rates, the doorway to the Southland, and with a harbor second alone to that of New York, is an admirable location for such a camp. That it should be fostered and enlarged as requirements demand is self-evident.

I sincerely hope that this camp, which has performed such a valuable service in salvaging and handling automobiles and trucks and has meant such a vast saving to the Government, should be dealt with liberally and well, so that its usefulness may become greater and more abundant as the demands upon its capacity require.

[Speech, Jan. 10, 1920.]

POSTAL BILL.

Mr. Chairman, I was particularly gratified with the remarks of the gentleman from Illinois [Mr. MADDEN]. I know that he has been a constant student on postal matters and a great friend of the postal employees. I know it is largely through his influence and work that salaries have been increased and that these men are now or will shortly be paid sufficient remuneration upon which to live. I am particularly gratified with the fact that Baltimore has such a splendid service, such a fine personnel, both in its clerks, its letter carriers, and the entire force of that city. My great wonderment is the fact that they are able to carry on the work as efficiently as they do in the face of the crowded condition of our post office. Many of our men are crowded into a basement, working with a poor light—mostly artificial light—endeavoring to carry on the postal work of the city that has grown to tremendous proportions, now having something over 700,000 inhabitants.

Since the Postal Service has been inaugurated and the work of the postal department has grown so enormously, it seems to me that Congress should undertake to get enlarged accommodations throughout the country. I know that in many of the post offices a great deal of space has been sacrificed to architectural effect. We might have had more light if we had had less architecture, and the result is that now we have very crowded conditions, and that obtains throughout the land.

I rise particularly to call attention of the House to the fact that if the other cities are crowded as Baltimore is crowded in its postal building, then certainly something should be done to enlarge the facilities for carrying on this work. I would like to see post offices constructed or enlarged throughout the country along the same line that a business man would enlarge his business buildings. We do not find the business interests of the country trying to carry on a tremendously increased business in a small structure, but we find them enlarging their business buildings so that they may carry on the enlarged business, and that should be the case with the Post Office Department. I think we should undertake the construction of new postal buildings wherever they are necessary. For myself I should like to see the buildings for separate cities considered in separate bills, so that each city could go before the committee and present its necessities and then have the House act upon those bills. Something must be done. It is not just, it is not fair, it is not reasonable to expect these men to carry on this great work in the crowded conditions we find everywhere, using the artificial light that must be used.

I hope this Congress will take up the subject and force it to a conclusion, so that we may soon find ourselves with better facilities for carrying on this tremendous work, which means something to practically everyone in the land, rich or poor, for everyone enjoys the postal facilities of the country. The post office is their pride, it is the one thing they need every day, and it is the one thing which should be equipped to the very highest point of efficiency.

[Speech, May 18, 1914.]

DUTY OF GOVERNMENT IN PROTECTING AND DEVELOPING SEA FOOD—IMPORTANCE OF SEA FOOD IN OUR DIET.

To many who have given little or no thought to the subject it may come as a surprise when I tell you that of our estimated population of 98,000,000 people in this country at least 3,000,000 may be safely said to derive their living from pursuits or business relating directly or indirectly to our sea-food life. Consider for a moment this vast number, and it will occur to you that they constitute an army more numerous than all those engaged in our Civil War. Then pause to consider the millions of people to whose diet the work of these 3,000,000 contribute and you will have some idea of the vast extent of this subject.

CONSERVATION OF OUR FOOD FISH.

Waste almost criminal in its character has distinguished the American people in the treatment of their food fish. A century ago the waters of almost every flowing stream in our country were alive with a variety of fish whose flesh offered delicious edible nourishment. Little more than a hundred years have passed and we are beginning to suffer the consequences of our profligacy toward this valuable gift of nature. The run of fish in our rivers has decreased from 20 to 80 per cent, and in some rivers they are on the verge of extermination. Even in those estuaries of the ocean whose supplies of marine life seemed inexhaustible this depletion is nearly on a par with that which has taken place in our rivers. That this depletion foreshadows eventual extinction is only too plainly apparent. The necessity for immediate conservation is upon us, and those who have given attention and study to the subject have been brought to realize that no measure can be enacted fully protective unless it be one of national scope. The great estuaries of the ocean and the waters which empty into them flow within the jurisdiction of two or more States; hence any effort to control these waters through the laws of one State alone is insufficient to meet the requirements of the situation.

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Let me make plain at the outset of these remarks that my interest in the subject is not from the viewpoint of the fisherman-sportsman. I am not a member of any game or sportsmen's club, and I do not recall that within the past 15 years I have caught a fish or attempted to catch one. My whole interest in the question is from the side of the consumer and the commercial fisherman. To me it is purely an economic proposition. My study of the subject has brought clearly to me the realization that unless we institute some radical change in our present policy but a few years will intervene between now and the day when the fish-consuming public will be entirtly deprived of one of its important sources of food and the commercial fisherman will find his business has vanished.

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On the upper waters of the Potomac the fishermen complain that their catch is steadily diminishing year by year. The causes for this diminution may be readily found in the vast network of seines which extend from the Virginia shores of the Bay athwart the path usually followed by fish coming in from the sea and which catch and prevent the fish in the course they would follow up the river. Four or five years ago the State of Virginia licensed approximately 2,500 of these line nets. To-day, with the quantity of fish much reduced, Virginia is licensing over 4,000 of them. If the fish are fortunate enough to escape the network of seines which impede their progress, they have yet to get by the

thousands of gill and pound nets that beset them at almost every mile of their progress up the bay to the river.

As an illustration of how great has been the decrease in the catch of shad and herring, I call your attention to the statement of Neitzy Bros., of Washington, D. C., who report that in 1909 they caught 9,000 shad and 1,400,000 herring. In 1813 their catch had dwindled to 700 shad and 60,000 herring.

Another evidence of this depletion in the catch of shad was presented by a fisherman at the head of the bay, in the Susquehanna River, who shows that in 1882 he caught 19,000 shad, in 1883 only 17,000, and in 1912 his catch had dwindled to 7,200.

In 1909 the catch of shad in the State of Virginia was nearly 7,500,000 pounds, while in 1913 it was less than 3,000,000 pounds. In Maryland, in 1890, they got a catch of over 18,000,000 pounds; in 1900 their catch was reduced to a little over 3,000,000 pounds, while in 1912 the catch was less than 2,000,000 pounds. In other words, during a period of 25 years the catch fell off to 5,000,000 pounds.

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The use of food fish for fertilizer purposes has resulted in intense fishing, an increase in the number of line nets and their extension farther into the water, with the consequent effect of impeding the fish in their migrations up the river. This wholesale taking has been felt with severity on the upper waters, and for example I quote you the case of a firm of old and experienced fishermen in the Potomac River, whose catch of herring for the entire season of 1913 was less than their catch for one day 10 years before.

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I hold that these great, bountiful gifts of nature were bestowed for our use and profit, to be handled wisely and frugally. We are at liberty to use all that we require, but beyond that it is our duty to preserve the remainder for the generations to come. Providence has made the living the trustees of this vast natural wealth, charging them with the duty of holding it for posterity. We have no right to deprive those yet unborn of their birthright as, under our present practices of extravagance and folly, we are doing. It is a solemn, sacred duty we owe to humanity to use this trust economically and transmit it unimpaired to the future. Let us not forget that it is easier to destroy than to build; that the damage of a few moments often can not be repaired in years, sometimes in centuries. The most shameful reflection we can have upon our memory, the greatest monument to our profligacy we can erect, is that which, under our present policy, we are building in robbing and ravishing the waters of our land of the bountiful supply of fish with which an all-wise nature endowed them.

[Speech, Dec. 22, 1914.]

PROHIBITION AMENDMENT—LET THE PEOPLE RULE.

I do not believe the liquor question can be solved by an amendment to the Constitution which could be adopted by a minority of the people of the land through their legislative bodies. In the adoption of a constitutional amendment each State, through its legislature, has the same voting power. For instance, the State of Delaware, with its 203,000 people, would have the same power in the adoption of this amendment as the State of New York, with its 8,000,000. Ten States of the Union might vote against the adoption, and yet the balance of the States could enact it. There are 10 States of the Union which contain more than half the population, and their votes might be counted against the amendment, and yet the balance of the States, representing a minority of the people, could enact it.

We have been urging "Let the people rule," and only lately we finished a campaign in which we claimed we had performed a great service to the American people by taking from the legislatures of the several States the naming of United States Senators and vesting their election in the people themselves. Shall we now do diametrically opposite and take from the people local self-government in the control of their liquor traffic, through their police power, and vest that power in the hands of the United States Government? * * * Shall we so far forget the past as to approve an amendment which in its powers and inquisitorial nature is a close parallel to the force bill?

Thousands of Federal employees would be necessary for its enforcement, expense unlimited, and trouble and annoyance untold.

I prefer to leave its solution to the people of the States and of those localities which desire it. Let good men, above reproach, who have the confidence of the community, be intrusted with the execution of the liquor laws, and with public sentiment back of them upholding and aiding in the work we will get the best results. In my judgment this is the only way to deal effectively with this important question.

You can never enforce a law of this character unless you have public sentiment behind it. You can never legislate people good. They must be trained and educated so. It has been demonstrated time and again that you seldom convict a man before a jury of 12 of his peers if the law under which he is indicted is in conflict with the public sentiment of his community. We can, therefore, readily see how difficult it would be to enforce such a law against the will of the people of a State which had voted against the adoption of the amendment and in which public sentiment opposed its enforcement.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the bill now before us will provide with the sums available, unexpended and unobligated, for all of the rivers and harbors in the country where there is real water and real commerce. The only localities that will not be taken care of are the dry creeks that need a little sprinkling, and the rivers here and there that carry no commerce.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. SMALL. Where did the gentleman get authority for his statement that $7,000,000 for further improvement will comply with the demands of the country? Did he get it from the War Department?

Mr. MONDELL. There is now on hand and available for the various improvement projects a sum equal to the average expenditure on those projects for the last five years.

Mr. SMALL. Is the gentleman aware——

Mr. MONDELL. And at this time, in the present condition of the Treasury, if any man insists that we should spend more money on these projects than we have been spending on the average for the last five years, he has not, in my opinion, a due regard for his country's Treasury and its finances.

Mr. SMALL. May I ask the gentleman why he is in favor of spending $7,000,000 for further improvements?

Mr. MONDELL. I am in favor of spending $7,000,000 because this committee, after very careful consideration of every item, came to the conclusion that in order to adequately and properly care for the needs of commerce, where there is commerce, they should grant a sum of $7,000,000 in addition to the sums now available for the various projects. In my opinion, after having given the matter consideration, I believe the sum they provided is adequate, and will provide for the continuation of work as rapidly as it can properly be carried on under present conditions, in all of the important harbors and on all of the important rivers of the country bearing commerce.

Now, that being the case, a man is simply after "pork," local indefensible "pork," when he asks for more than that. Here is an opportunity to prove that we believe in economy, economy without parsimony, economy that cares for the commerce of the country, and economy that keeps going the river and harbor enterprises and activities of the Nation where needed and as rapidly as they can be economically carried forward under present existing conditions.

There will be no letting up on the prosecution of the work where needed. I live in a country that never benefits by river and harbor bills, but I have generally voted for river and harbor appropriations. And I am for this bill, because it is a logical bill; because it provides for the real needs of the country and carries no item of "pork."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I shall consume one minute, in reply to the distinguished gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from North Carolina is recognized for one minute.

Mr. SMALL. The gentleman says that this bill is "logical," and yet it has not the approval of the engineers of the War Department, upon whose judgment the estimates of appropriations are based. They say that this $7,000,000 is not sufficient; that it will result in loss and waste, and will not subserve the best interests of the country. And yet the distinguished gentleman from Wyoming proposes—and I ask his attention—to leave to those same engineers the discretion of expending this $7,000,000.

Upon which occasion does he trust their judgment? Does he trust their judgment now, or in the future, when it comes to the expenditure? Apparently he does not trust them to-day.

The CHAIRMAN. The gentleman has occupied one minute. The Chair presumes he wished to be notified.

Mr. SMALL. I will yield to the gentleman from Wyoming if he wishes to ask me a question.

Mr. MONDELL. The present administration of the Government is in the hands of the party to which the gentleman belongs. I am willing to intrust to them the expenditure of this money. Is the gentleman willing to intrust to them the expenditure of this money?

Mr. SMALL. Oh, that is begging the question. The gentleman is not willing to trust them in the estimates that are necessary to-day, and yet he is willing to trust them, five or six months from now, to select the projects and allot the $7,000,000. The gentleman's position is inconsistent.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MONDELL. Does the gentleman believe that the engineers will allot any of this sum where there is no commerce and no urgent need?

Mr. SMALL. I do not believe they will. They never have done so heretofore.

Mr. MONDELL. Then, what is the gentleman's complaint?

Mr. SMALL. Oh, there is a wide difference between submitting estimates for future work and selecting hereafter projects to which they will allot this lump-sum appropriation. I say it is the function of Congress to select the projects to be improved and to get the best judgment of the engineers as to the amount to be appropriated. That is what we propose to do in this motion to recommit.

What the gentleman intended to do when he rose was to crack the party whip, to admonish men on his side to be regular and stand by the steering committee. I am sorry that for the first time in many years there is sought to be injected politics into the river and harbor bill. It is unfortunate for the bill.

The CHAIRMAN. The gentleman has used three minutes.

Mr. SMALL. I reserve the remainder of my time. How much time have I remaining?

The CHAIRMAN. The gentleman has nine minutes.

Mr. KENNEDY of Iowa. We have only one more speech on this side.

Mr. SMALL. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. McDUFFIE].

The CHAIRMAN. The gentleman from Alabama is recognized for three minutes.

Mr. McDUFFIE. Mr. Chairman, I present an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the sum of $25,000,000 be, and the same is hereby, appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor work and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *And provided further*, That at the beginning of the first session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War, showing the amount allotted under this appropriation for each work for improvement or maintenance."

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, while it may appear presumptuous on my part to even make suggestions, to say nothing of criticizing the great Rivers and Harbors Committee, yet I can not remain silent and fail to raise my voice in solemn protest against this piece of legislation in its present form.

I am not unmindful of the burden resting upon this Congress, and especially those committees which have to do with appropriations, in their efforts to curb the expenditure of the people's money. I realize you have no easy task, and I, like all good Democrats, wish to join you in your efforts for economy, but I am not willing to join you in the exercise of such economy, such unbusinesslike and wasteful economy, as you have shown in this legislation.

It is true that the overburdened taxpayer of this Government is looking to Congress to-day for the practice of economy. The public is groaning underneath the high cost of living and the most burdensome taxation the people have ever had in my recollection. And, while they are calling upon us for economy, they are expecting us to adopt the policy of real, genuine economy, for economy's sake, and not for the sake of politics. And may I be pardoned for saying that, in my judgment, the development of the transportation systems, both rail and water, in these United States is more important to-day to the people of the American Republic than the success of the Republican Party.

When the distinguished gentleman from North Carolina [Mr. SMALL] asked to know who demanded this bill in its present form he was told by the gentleman from New York [Mr. DEMPSEY] that the taxpayers of this country were demanding economy, and for that reason the Rivers and Harbors Committee had seen fit to cut the appropriations necessary, and estimated to be necessary by the Chief of the Engineers, from $43,000,000 to $12,000,000. Oh, taxpayer, what crimes are committed in thy name! Let me remind the committee that some of the taxpayers of this country live in New York and enjoy the advantages of that wonderful harbor and the rivers of that great State; some of the taxpayers live within the Mississippi Valley, the vast territory between the Alleghanies and the Rocky Mountains, that part of the Union which, with the Gulf States, produces more food and raiment for mankind than any other section; some of the taxpayers of this country live on the Atlantic seaboard and some on the Pacific coast; some of the taxpayers live on the Gulf coast and along the great Warrior River system, at Mobile, New Orleans, and Galveston—all these are overburdened taxpayers. Their money goes into the Treasury of the United States, and these taxpayers, these people, are demanding of this Congress that they do not neglect nor fail to develop the wonderful natural advantages with which God Almighty has blessed this great country.

Transportation is one of the greatest questions confronting the American people. Everyone is reminded of the congestion of the traffic even to-day and the scarcity of railroad equipment, the inability of the railroads to handle all the commerce of the Nation. It has been shown that, according to the census of 1916, 275,000,000 tons of traffic was water borne; something over $7,000,000,000 worth of commerce. Would you hamper the means by which this vast amount of tonnage is handled? Suppose, if you please, that it were dumped upon the railroad lines of this country in their already congested and depleted condition. Do you comprehend the distressing conditions that would follow? Is it economy to let dredges and machinery remain idle and deteriorate? Is it economy to permit river channels and harbors to so fill until much work will have to be done all over again?

Gentlemen have stood upon this floor and repeatedly proclaimed that this $12,000,000 carried in this bill, to be expended under the supervision of the engineers, by the Secretary of War, is ample to continue existing projects in keeping with the needs of commerce, and yet, from the report of the engineers and according to a statement to me of Col. Harry Taylor, Acting Chief of Engineers of the War Department, the $7,000,000 you provide for improvements is largely inadequate and will greatly hamper the improvement of existing projects, while the five millions you provide in this bill for maintenance is barely enough to tide over until March, 1921. Who knows best about this—Col. Taylor, who has spent years and years of his life in the engineering work and in caring for the rivers and harbors of the country, or the members of this committee? What sort of economy is it that prompts a party to give to the railroads of this country $1,000,000,000, yet deny to the rivers and harbors of the Government $25,000,000?

Under the provisions of the amendment which I have just offered, it is provided that $25,000,000 be appropriated for the improvement of existing projects and their maintenance. According to the estimates of the Engineers' Office, $19,500,000 is absolutely necessary to carry on the improvement of existing projects, while $5,000,000 they say is hardly enough to maintain the work already done. To this amount I have added one-half a million in order that the engineers may not be hampered in the carrying out of this most useful development.

Personally I much prefer the old way of making appropriations for rivers and harbors; that is, specifying each particular project and naming the amount to be expended thereon. However, the committee has seen fit to make this a lump-sum appropriation of $7,000,000 to cover all of the improvements in these United States, leaving the expenditure of this improvement money to the discretion of the engineers. Therefore I have followed the idea of the committee in this amendment and I would leave the expenditure of these $25,000,000 in the discretion of the engineers, and you will notice that I have not suggested in the amendment how much shall be expended for improvements nor how much for maintenance. I have full faith and confidence in the engineers' office, and believe that they will exercise the proper discretion in the expenditure of this money. They are unquestionably a splendid organization, intelligent men with the good of their country at heart, men who have a pride in this improvement of our rivers and harbors, and I have no hesitancy in saying that I am willing to trust this development to their good judgment. But, gentlemen of the committee, engineers can not build up the rivers and harbors on good judgment and discretion alone. It takes money and a great deal of money. Seven millions of dollars will not carry us over until March, 1921, when we assume that another rivers and harbors bill will have passed. Therefore I beg you to seriously consider this amendment which is offered with a view of appropriating enough money and only enough money to properly and economically take care of this development and maintenance of our rivers and harbors.

I never heard a more fallacious argument in my life than that advanced by some gentleman to-day to the effect that this is no time for the development of water transportation, that we should wait on this matter until times get hard in this country, when people are out of work, and then let the contract. Surely that gentleman has lost sight of the fact that the more people we have at work and the more people who actually work and give value received for their services the more taxes are paid into the Treasury, and therefore the better the condition of the Treasury to stand these expenditures.

Can any member of this committee tell me under this legislation how much money the harbor of New York will receive, or the harbor of Boston? Some harbors of this country have not money available now, as you claim, till further than June 30, 1920. For instance, take the harbor of Mobile, which I have the honor to represent. According to the engineers' estimate there is now on hand available to be expended by June 30, 1920, $402,267.98. The estimated expenditures to carry on the project until June 30, 1921, will take an additional $300,000. After June 30, 1920, is the work on this splendid harbor of Mobile and its maintenance to cease? If not, where will the money come from under this bill? Suppose it is all expended in the harbors of Philadelphia, Norfolk, Boston, New York, or San Francisco; and yet in all these places the work can not be properly carried on under the meager appropriation which you provide in this bill.

It was argued here to-day that no commerce is being carried upon the inland waterways of this country; that the harbors of the country and the inland waterways were all sufficiently de-

veloped to take care of the needs of the commerce to-day; that the amount of water-borne commerce of the Government did not justify the expenditure of so much money on the improvement of our waterways. I do not know the conditions all over the country, but I would invite the attention of the gentleman from Illinois to the harbor of Mobile, where to-day we are working upon a 30-foot channel project from the Gulf of Mexico, a distance of 33½ miles through Mobile Bay, to the port of Mobile. There he may see the ships of all nations carrying to all the busy markets of the world the products of American industry. I would invite him to inspect the great river systems, comprising some twelve or fifteen hundred miles, which is carrying to the port of Mobile thousands of tons of steel, iron, coal, cotton, and lumber. The Warrior-Tombigbee system, which taps the rich coal fields of Alabama, which extends even to the steel factories of the great Birmingham district, and which are to-day carrying from that magic city the best steel in the world, made in Birmingham, the Pittsburgh of the South, and which is sent to Mobile, there to be used in the construction of steel ships by the Chickasaw Shipbuilding Co., a subsidiary of the United States Steel Corporation. Surely you gentlemen would not impede or hinder the much needed development in a territory like this. I mention this section of the country, primarily, of course, because it is that part I represent; but I am sure the same argument applies to the Mississippi, Missouri, and Ohio Rivers; the same argument applies to all the harbors of this country. The better your harbors the bigger should be our volume of traffic. No country on earth can boast of such wonderful advantages in the way of inland waterways and harbors as the United States. Shall we adopt a policy of neglect, or is it our duty, Republicans and Democrats, to join hands in making our transportation problems less burdensome by utilizing these God-given arteries of commerce?

Are you gentlemen on the other side, who are going to support this measure because the Republican steering committee has "issued its edict," going back to your constituents at Boston, Philadelphia, New York, and Chicago and say "your dredges are idle, your machinery is deteriorating at great cost to you people, but we voted for this stinting economy so that we could go before the people in the next campaign and say, 'behold, see how we have economized'?"

There is such a thing, in my opinion, as being too economical. There is such a thing, gentlemen of the committee, as being unbusinesslike and wasteful in our efforts to practice economy when it comes to a question of public improvement. I was advised yesterday that the Committee on Public Buildings and Grounds would not even report a bill for passage at this session of Congress. It is my understanding that this committee would consider and pass upon all matters seeking to provide additional hospital equipment for the returned soldier and sailor. Are these heroes of the late World War to be denied proper and deserving treatment at the hands of Congress because, forsooth, the Republican Party would show to the country a record for economy? Is it the economical "germ" which has gotten into your blood which has thus far prevented action upon more legislation for benefit of the soldier and sailor? Are we to expect that all measures in the future to be passed by this Congress are to bear these same earmarks of economy?

Yes; the people of this Government are demanding wise economy, but remember, gentlemen, that they will frown upon the camouflaged, false economy with which you gentlemen now seem to be obsessed. I appeal to you to adopt this amendment in the name of "those taxpayers" who are looking to this Government for the development of the rivers and harbors, who have paid their taxes into the Treasury, who have a right to demand of you that their money be expended in developing a better and more useful transportation system on our rivers and harbors throughout the land. The only change, practically, made by this amendment is an increase in the amount to be appropriated from twelve to twenty-five million, not such an exorbitant amount for all the river and harbor improvements of the United States. Let the Republican Party answer for this ill-conceived idea of economy.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I yield one minute to the gentleman from Minnesota [Mr. KELLER].

The CHAIRMAN. The gentleman from Minnesota is recognized for one minute.

Mr. KELLER. Mr. Chairman, no one, of course, can say very much in one minute. Still I desire to express the feeling of the people of St. Paul on river navigation.

We were told several years ago that we had a 6-foot channel from St. Louis to St. Paul and that it was up to us to provide terminals for traffic. The people furnished about $200,000, which was expended for the improvement of the river. We have fairly good connection with the railroads and the barges and have handled some coal and iron ore over the docks. But after about a year we discovered that we did not have a 6-foot channel to St. Louis. The city of St. Paul has gone to great expense in preparing for river navigation. Docks have been built, cranes have been installed, and plans have been completed for the extension of harbor and dock facilities. During approximately two months of the year, generally in the middle of the summer, the river becomes so low that with the present channel it is impossible for boats to ply up and down with cargoes. With the proper improvement of the river this difficulty would be eliminated and this great natural waterway would become the active and bristling lane of traffic that Divine Providence intended it to be.

Complaint has been expressed from time to time, especially during the last two years, by the railroads of the country that it is practically impossible to transport the freight of the country on the existing lines; also that some of the bulkier commodities are handled at a loss, especially in the Mississippi Valley region. With proper improvement of the river a great amount of this business could be handled by boats at a saving in rates, while also relieving our transportation system and increasing its efficiency in the handling of other commodities. A vast amount of the agricultural products of the upper Mississippi Valley States could be sent down the river to the great distribution points along its course or to New Orleans, and thence to the eastern or western seaboard. It would mean a connecting link in our future economic and commercial development; and if the eyes of this Congress have been focused on the future at all, they certainly must appreciate the absolute necessity of proper development and maintenance of a channel in the Mississippi River sufficient to permit of its use throughout the entire year. I have always been a strong advocate of economy in the expenditure of public funds, but have never advocated an economy which threatens to interfere with the future development of our country or its activities. We have become accustomed to doing great things in the past two years, and the reconstruction period before us calls for greater accomplishments and greater activities, but within our own borders—progressive, constructive accomplishments—for the future well-being of our citizens and of our country. Let us not by any means adopt a policy of economy which will threaten our future as the leading nation of the world.

Mr. SMALL. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BRIGGS].

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BRIGGS. Mr. Chairman, I would like to have this amendment read for information.

The CHAIRMAN. The gentleman from Texas submits an amendment, which the Clerk will read for information.

Mr. BRIGGS. I also ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman also asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Insert a new paragraph after the Denison amendment to read as follows:

"There is hereby appropriated the sum of $1,131,000 for improvement of Galveston channel."

Mr. BRIGGS. Mr. Chairman and gentlemen of the House, this provision for $1,131,000 embraced in the proposed amendment is contained in the estimates of the Chief of Engineers, and is one that is particularly vital to the harbor at Galveston and to the people of the Middle States and Southwest.

At that point there is being constructed now by the Government a huge sea wall to protect the harbor and Government works against the attacks of the sea. The sea wall provided for will be completed under the estimates of the engineers some time probably early this fall. The 1919 report of the Chief of Engineers at the time it was given out, showed that the wall would probably be completed about the end of May. The estimate now, I undersand, is that it will be somewhere nearer the 1st of October.

That wall has yet no filling behind it. It will have to bear the brunt of storms hurled against it. The appropriation is regarded by the engineers as an urgent one.

A board of Army engineers especially appointed under authorization of Congress has only recently filed a rather exhaustive report, setting forth the reasons why Congress ought to immediately provide for filling behind the Government extension of the sea wall at Galveston, as contemplated and provided for under the plan adopted by the United States when it undertook the work of construction. The extent of the pressure and strain to which the wall would be subjected in storms of great intensity has been calculated and outlined in that report—now in the hands of the Board of Engineers for Rivers and Harbors before transmission to Congress—clearly indicating that as against attacks of the sea in ordinary storms the wall alone, unsupported by filling, would probably prove sufficient; but to protect against extraordinary or more violent storms, such as have visited Galveston on two occasions since the beginning of the year 1900, the filling and other protective works behind the wall are an absolute necessity.

Of course no one can tell when such severe storms are likely to occur, and it is not the course of wisdom to speculate against their recurrence but to provide at once against it.

The present great reinforced granite concrete sea wall, which was constructed by the county of Galveston and completed in July, 1904, is reinforced and strengthened by filling behind such wall, which not only starts at the level of the top of the wall but rises on a constantly increasing elevation for a width of 200 feet from the edge of the wall to the rear crest of the fill; there an additional retaining wall is built and sheet piling sunk to protect such filling against the action of the spray, which in storms may fall upon the cement and brick pavement crowning the fill.

The plan of the original sea wall, which was ably devised by a board of engineers composed of Brig. Gen. Henry H. Robert, United States Army, retired; Mr. Alfred Noble; and Mr. H. C. Ripley, was accepted and followed by the United States engineers in the construtions of the Government extension westward of such wall for the protection of Fort Crockett.

The wonderful stability of this construction and its demonstrated ability to resist the action of the severest storm, persuaded Army engineers to recommend substantially the same plan of construction for the present Government extension eastward of such wall to Fort San Jacinto, at the island end of the entrance of the harbor into the Gulf of Mexico. It will be remembered that Congress provided for this extension of the sea wall in the river and harbor act approved July 27, 1916, stipulating for certain cooperation on the part of the county of Galveston in the construction of part of the sea wall and for the conveyance to the Government without charge of about 600 acres of land on the east end of Galveston Island adjoining the military reservation of Fort San Jacinto, adding thereby to such reservation additional land, which gives the Government at Galveston one of the finest military posts in the United States. And when all of said area has been filled will furnish an unrivaled site for the construction of permanent barracks and establishment of a large station for both permanent troops to man the fortifications and for the concentration, as a base for military operations, of other large bodies of troops designed to be used elsewhere.

The value of such property protected by the work already undertaken and yet to be completed will alone equal, if not exceed, the expenditure made and to be made by the Government in carrying out such protective measures, irrespective of the inestimable value of such protection to the harbor and commerce drawn from not only the State of Texas but from the States of the Middle West, and even farther to the Pacific coast.

It should be remembered that the Government in building, as it has done, this great harbor at Galveston, has given a port to the United States greater than most and as great as any in the Nation.

The saving in freight rates alone to the people of the South, Southwest, and West by reason of the existence of this port—closer to them than any other for European and Latin-American trade—has been conservatively estimated as at least $10,000,000 a year, thereby nearly paying back in one year to the Government, through return in cheaper rates and greater facilities to the people, the total cost of developing the great harbor and port of Galveston.

It is to preserve these splendid facilities and insure them against irreparable damage and injury that the Government is more than justified in not only carrying out promptly the present project of protective works but of adding to the same such additional ones as will forever assure to the commerce and people of this country the permanence of this wonderful outlet to the sea. Not only is the harbor and port of Galveston of transcendent importance to the commerce of the country, but its presence right upon the ocean—instead of, as with so many harbors, many miles up a river from the entrance to the sea—causes vessels the least difficulty and loss of time in entering and leaving such port.

A Government engineer has also stated that what gives this port so much of an advantage over others is that when the desired depths of channel are obtained they can be so easily maintained at a low cost.

In the report for the fiscal year 1919 of the Chief of Engineers, United States Army, the statement is made that the effect of the improvements of the Government at Galveston has been to make that port in normal times, just previous to the present war, the second port of the United States in value of exports; such report further showing that for the year 1918, when Galveston was still suffering from the effects of the diversion of commerce by the Government during the war, the value of the commerce passing through the port was only a little less than $500,000,000.

Since the signing of the armistice commerce has again begun to flow in increasing volume through Galveston, until now it has almost reached the normal prewar stage, and it will not be long before she will again occupy the position of being the second greatest export port in the United States. Already the shipments in 1919 of cotton through Galveston have been greater than those through either Savannah or New Orleans. In fact, Galveston has again become the greatest cotton-export port in the world.

During the year 1919, 678 vessels in the foreign trade passed through the harbor of Galveston. In the month of November alone 68 vessels, with an aggregate tonnage of 170,103 tons, cleared from Galveston in the foreign trade, carrying domestic exports valued approximately at $85,000,000, while for the month of December 82 ships of an aggregate tonnage of 199,240 cleared in the foreign trade. To illustrate how rapidly Galveston is regaining her former prestige and commercial importance, it need only be mentioned that her cotton exports this past year have been two and a half times as great as they were the year previous, and that her wheat exports, amounting this year to over 17,000,000 bushels, have been nearly four times as great as in 1918, thereby raising the value of the foreign export figures alone to almost twice the value of such commerce for the year 1918, for in the Chief of Engineer's report the coastwise as well as foreign export commerce is included, and the value of such coastwise trade alone for 1918 amounted to over $175,000,000. The estimated value of the export foreign trade for the year 1919, given at $445,000,000, is above and entirely independent of the value of the coastwise trade during such period.

In addition to the many foreign steamship lines which have regular service from this great port, the United States Shipping Board has also established there 12 regular lines of steamships between Europe and Latin-American ports, and has in contemplation the establishment of additional lines.

But it is not alone the great port of Galveston, which has no rival on the Gulf coast except New Orleans, that is dependent upon the preservation of the great harbor improvements there, for it is also through this same harbor that all vessels must pass which enter and depart from the ports of Texas City, Houston, and Port Bolivar. It is true these other ports have separate channels, but all such channels are only reached through the harbor of Galveston.

As reported by the Chief of Engineers in his report for the fiscal year 1919, the commerce of Texas City for the year 1918 was valued at over $20,000,000, while for the year 1919, with its many new steamship lines and increased trade, it would be safe to estimate such commerce at a value not less than $50,000,000. The value of commerce of Port Bolivar, according to the same engineer's report for 1918, is given at $8,426,919, while the port of Houston is given at $116,332,138.

I appreciate and favor the practice of the most rigid economy in appropriations at this time, and it is for that reason that I have not been heard to complain of the cutting of the $9,000,000 estimate, made by the Chief of Engineers for maintenance and preservation of river and harbor projects, down to $5,000,000, being made available in a lump sum and to be expended under the direction of the Secretary of War and Chief of Engineers. From the assurances of the committee and expressions of the Chief of Engineers, I am inclined to think that with the remainder of the funds on hand for purpose of maintenance and with the $5,000,000 appropriation for such purpose that all the present river and harbor projects which the Government is endeavoring to maintain can be tided over until the next rivers and harbors appropriation in March, 1921; that is, that enough funds will be available, if conservatively expended, to bridge

over the period between the end of the present fiscal year in June, 1920, until March, 1921.

But the fill behind the Government extension of the sea wall is not classified as a maintenance project; it is regarded as belonging to the class designated as "prosecution of works of improvement heretofore authorized by Congress," for which only $7,000,000 is carried in this bill to meet the demands of all river and harbor projects in the United States.

As the Chief of Engineers in his estimates recommended the necessity of $33,000,000 for such projects, and as it has been stated that his revised and final estimates, after cutting out what he felt could be eliminated, still made necessary an appropriation of approximately $19,500,000, it is apparent that the prosecution of much work on pending river and harbor approved projects must be seriously retarded and delayed if only the $7,000,000 carried by this bill is finally provided.

To relieve, therefore, the emergency which exists for this $1,131,000 requested by the Chief of Engineers for filling behind the Government extension of the sea wall at Galveston, the necessity for which should be evident to all, I have offered this amendment to the pending bill and earnestly urge its adoption.

I may add that after the provision for the extension of this wall, when the river and harbor act of 1916 was adopted, the conveyance of 600 acres of land to the Government, as provided for in the said act, was duly made, and that the county, by a resolution of its commissioners' court on August 13, 1917, made provision for raising the sum of $560,000 as the portion of said sea wall extension which the county of Galveston was required to provide for the construction. A certified copy of both this order of the court and the previous order, dated July 9, 1917, I include as a part of my remarks.

On the 9th day of July, 1917, the county commissioners' court of Galveston County, Tex., convened in regular session at a regular term of said court, all the members thereof being present, to wit, G. E. Mann, county judge; James A. Boddeker, commissioner precinct No. 1; Fred Hartel, commissioner precinct No. 2; John Egert, commissioner precinct No. 3; H. A. Deats, commissioner precinct No. 4; and on motion of Commissioner Fred Hartel, seconded by Commissioner J. A. Boddeker, passed the following order:

"Whereas the county of Galveston is a county of the State of Texas bordering on the coast of the Gulf of Mexico, and said county and the United States Government have each acquired a right of way for the construction of a sea wall on Galveston Island, in said county, said wall to be an extension of the present sea wall now owned by the county and situated on Galveston Island; and the county's proportion of said wall is 3,300 feet, which construction is to be paid for on a proportionate estimate from the United States Engineer Department as the work progresses, the United States Government having offered to build said sea wall for the county at the same time the United States Government sea wall is constructed, and it is necessary to provide funds for the county to establish, locate, erect, construct, extend, protect, strengthen, maintain, and keep in repair and otherwise improve any sea wall or breakwater, and to improve, maintain, and beautify any boulevard erected in connection with such sea wall or breakwater: Therefore be it

"Resolved by the commissioners' court of Galveston County, Tex., and it is hereby ordered, That for the purposes named herein a tax of and at the rate of 25 cents on each $100 valuation of the taxable property in Galveston County, Tex., is and shall be annually assessed and collected; and said tax is now levied for the current year and the same shall be collected for the current year and annually assessed and collected thereafter, as may be required, within the limits required by law, and applied to the purposes named.

"It is further ordered by the court that all moneys collected under this levy shall be deposited to the credit of the sea-wall improvement and maintenance fund of Galveston County."

STATE OF TEXAS, *county of Galveston:*

I, George F. Burgess, clerk of the county court in and for Galveston County, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of an order of the county commissioners' court in and for Galveston County, State of Texas, made and entered July 9, 1917, as the same appears of record in my office in commissioners' court record book No. 9, on pages 595 and 596.

In witness whereof I have hereunto set my hand and affixed the impress of my official seal at my office in the city and county of Galveston, State of Texas, on this the 26th day of December, A. D. 1919.

GEO. F. BURGESS,
Clerk of the County Court in and for Galveston County, State of Texas.
[SEAL.] By J. F. JOHNSTON,
Deputy Clerk.

MONDAY, *August 13, 1917, 3 o'clock p. m.*

On the 13th day of August, 1917, the county commissioners' court of Galveston County, Tex., convened in regular session at a regular quarterly term of said court, the following members being present: James A. Boddeker, commissioner precinct No. 1; Fred Hartel, commissioner precinct No. 2; John Egert, commissioner precinct No. 3; and H. A. Deats, commissioner precinct No. 4. Absent: County Judge George E. Mann. And on motion of Commissioner Boddeker, duly seconded by Commissioner Egert, it is ordered by the court that the following communication be sent to Maj. E. N. Johnston, Corps of Engineers, United States Army, Galveston, Tex., and another identical therewith to the Secretary of War of the United States of America, which communication shall have the effect of an order of this court, and shall be considered as the binding agreement of Galveston County:

GALVESTON, TEX., *August 13, 1917.*

Maj. E. N. JOHNSTON,
Corps United States Engineers, Galveston, Tex.

DEAR SIR: With reference to the proposed extension of the sea wall on the east end of Galveston Island, Galveston County, Tex., project referred to in the document known as 'Public, No. 168, Sixty-fourth Congress, H. R. 12193,' the same being an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

This is to advise you that Galveston County, Tex., has secured the right of way and is now ready to proceed with and meet all of the requirements of the portion of the act above cited, and contained in pages 8 and 9 of said act, affecting harbor at Galveston so far as follows:

"Galveston Channel, Tex.: Continuing improvement by construction of sea-wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session, subject to the conditions therein named, $200,000: *Provided*, That no part of the amount herein appropriated shall be expended and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests have donated the lands to the United States, as set forth in said Document No. 1390, and shall have quieted all claims to the present San Jacinto Reservation, nor until the said city or county of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of construction of at least 3,300 feet of similar sea-wall extension in addition to that herein appropriated for: *Provided further*, That the entire work of construction shall be done under the direction of the Secretary of War, and the funds appropriated by Congress and those furnished by the county or city of Galveston shall be expended by him."

We herewith formally request the United States Government, through proper department thereof, to proceed with the project, and the county of Galveston stands prepared to meet each requirement of the United States Government in connection therewith on demand or other direction.

The county of Galveston, by proper order of the commissioner court, has levied a tax of 25 cents on the $100 of taxable values of Galveston County, and made arrangements to obtain the funds necessary for the aforesaid premises, and is ready to pay, will pay, and promises to pay over to the Secretary of War, or according to his direction from time to time, on demand such sums of money as may be required to pay the monthly estimated cost of construction of said sea-wall extension as provided in said act up to the amount of $560,000, or so much thereof as may be required to carry out and complete said work as contemplated by said law, the same being the portion of the said sea-wall extension which the county of Galveston is required to provide for the cost of constructing.

Witness our hands as county commissioners of Galveston County, Tex., sitting as the county commissioners court, under the seal of said court.

JAS. A. BODDEKER.
FRED HARTEL.
JOHN EGERT.
H. A. DEATS.

THE STATE OF TEXAS,
County of Galveston.

I, George F. Burgess, clerk of the county court in and for Galveston County, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of an order of the county commissioners court in and for Galveston County, State of Texas, made and entered August 13, 1917, as the same appears of record in my office in commissioners court record book No. 9, on pages Nos. 615 and 616.

In witness whereof I have hereunto set my hand and affixed the impress of my official seal at my office in the city and county of Galveston, State of Texas, on this the 26th day of December, A. D. 1919.

GEO. F. BURGESS,
Clerk of the County Court in and for Galveston County, State of Texas.
[SEAL.] By J. F. JOHNSTON,
Deputy Clerk.

It may also be stated that the county of Galveston, outside of its contribution to the expense of the Government extension of the sea wall, has had to previously bear such a tremendous tax burden in constructing the present sea wall now in use and improvements in connection therewith, as well as in the erecting of other protective measures to safeguard the county seat, that the limit of taxation under the State constitution has, for such purposes, it is alleged, been nearly, if not completely, reached.

Although an effort was recently made to get the people of Texas to adopt an amendment to the State constitution enabling the city and county of Galveston to exceed the present constitutional limit and issue additional bonds for further protective works, such effort resulted in failure, the proposed amendment being defeated by a remarkably close vote, but still it was defeated. This situation presents a most serious aspect with respect to any suggestions for further county cooperation, and is one which deserves generous consideration at the hands of the Federal Government in the carrying on of these great protective works of such tremendous value to not only the people of the locality but to all of that vast population and industrial, agricultural, and mining interests of the whole Southwest that depend upon the security and preservation of the port of Galveston as an outlet for their commerce in their great coastwise and foreign trade relations with other parts of the United States and foreign lands.

In concluding I desire to say that it seems to me the value of the great river and harbor projects of this county to the people and commerce of this Nation can not be overestimated. I grant

you that in the past much money has been wasted by the Government in the development of unimportant streams and insignificant so-called ports or harbors; but while such expenditure ought to emphasize the importance of refusing to make appropriations for projects that are without merit, yet it also emphasizes the enormous value and great benefit to the Nation of the further development of great waterways and harbor projects that are a part of the commercial life of the people in their trade relations among themselves and with foreign nations, without which this wonderful country can not hope to maintain or further develop its tremendous wealth and power among the nations of the world.

Representing, as I do, one of the great arteries in that commercial life, the port and harbor of Galveston, I ask that you support and adopt the amendment for the emergency appropriation which I have offered.

Mr. SMALL. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. HOWARD].

The CHAIRMAN. The gentleman from Oklahoma is recognized for three minutes.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I shall not undertake to discuss this matter, with the exception of asking this Congress, before passing this bill in a lump sum and giving opportunity to some engineers to cut out in the great Southwest one of our great benefits, that you give due consideration to it.

I want to call attention to the history of navigation on the Missouri River. It may be true that great, gilded boats do not run on that river and afford the kind of transportation that you have in some of your communities, but listen, gentlemen: The mere fact that the Missouri River has been treated by the United States as navigable has resulted in a lowering of the freight rate on every bushel of wheat, every bushel of corn, every barrel of oil, and every piece of live-stock products that we produce in the great Southwest and send into your markets. It has also resulted in a better condition for your factories that ship their products into our markets; and while a few hundred thousand dollars may have been spent on the Missouri River, which looks as though it was wasted money, it has, as a matter of fact, my friends, resulted in economy in the matter of freight rates to every citizen in the Southwest, and has been beneficial to you people who consume our products. And I say to you that I believe there is more economy in the adoption of either the Small amendment or the Denison amendment than there is in the proposition to make a lump-sum appropriation as you are doing in this bill, leaving it to some engineer here in Washington not fully acquainted with all the conditions to cut out our right, out in that country, to base our freight rates upon our products and upon your products on the Missouri River basis, as it is done to-day and has been done since the Government of the United States has recognized the Missouri River as navigable.

The CHAIRMAN. All the time controlled by the gentleman from North Carolina [Mr. SMALL] has expired. The gentleman from Iowa [Mr. KENNEDY] has 20 minutes remaining.

Mr. KENNEDY of Iowa. I yield the remainder of my time to the gentleman from New York [Mr. DEMPSEY], a member of the committee. [Applause.]

Mr. DEMPSEY. Mr. Chairman and gentlemen, the House has before it now for its consideration three propositions. The first, and the one which has been debated at length here, the one which the House has in mind and the one upon which it will really vote, and the only one which I think it will really consider, is the Denison proposition. What is that? It is that we expend $11,000,000 upon four waterways, two stretches of the Mississippi River, the Missouri, and the Ohio.

If you wanted to center opposition to rivers and harbors, if you wanted to crystallize that opposition, if you wanted to give to those who say we should not improve them at all a justification for so saying, you could not do it better than by this proposed amendment. Why do I say that? Let us take the Missouri River first. The gentleman who has had the disposal of the time [Mr. SMALL], the gentleman who was formerly chairman of this committee, the gentleman who leads this fight, wrote a letter recently questioning the wisdom, and wanting to be advised as to whether or not any future appropriation should be made for the Missouri River. The Chief of Engineers, only as late as 1918, wrote a letter to the local engineer advising him to inform the communities which he served that it was doubtful whether Congress would make any future appropriation for the Missouri River, anything more than simply to preserve from destruction what had been done there.

So we have here as one of the proposals a proposition to expend upon the Missouri River the sum of $3,000,000; and I ask the House, in view of the letter from the gentleman from North Carolina, in view of the letter from the Chief of Engineers—they two agreeing upon this subject—in view of the fact that there is no commerce at all upon that river, whether they want to add $3,000,000 to this appropriation for that purpose?

Now, let us come to the next proposition of the gentleman from Illinois [Mr. DENISON]. It is for the Mississippi River between the Ohio and the Missouri Rivers. The original estimate in the bill was for $750,000. The engineer himself considered that that should be cut to $500,000. And what is the proposition of the gentleman from Illinois? What is his proposition in view of the fact that the estimate of the engineer is $500,000? The gentleman from Illinois proposes to add to this bill in these days when we must practice economy the trifling sum of $4,000,000.

Mr. DENISON. No; the gentleman is mistaken.

Mr. DEMPSEY. I have taken the figures from the gentleman's amendment. I am not at all astonished that the gentleman may have not studied his own proposition enough to remember whether it was $2,000,000 or $4,000,000.

Mr. DENISON. I thought the gentleman was speaking of the Ohio. I beg the gentleman's pardon.

Mr. DEMPSEY. No; I am speaking of this part of the Mississippi River.

Mr. DENISON. I misunderstood the gentleman.

Mr. DEMPSEY. The amount suggested is just what I state. Now, if the gentleman will turn to the report of the engineers, he will see that to-day, and for 10 years past, they have had a navigable depth at low water of 8 feet. But what more does he want, or what more does he propose to get?

Let us take the gentleman's next suggestion, as to the Mississippi River between the Missouri River and St. Paul. The original estimate of the engineers was $2,000,000. Upon questioning and developing the real facts that was cut by the engineers to $1,200,000. And what does the gentleman propose? Why, these are days when we should not be concerned about a little money. All you have to do is to raise taxes. It is difficult to find where you will impose the additional tax. It is difficult to imagine how a community can stand it, but the gentleman, with the same lightness of touch, with the same disregard of the state of the Treasury, proposes, in face of the estimates of the engineers, that we shall expend $2,000,000.

Now, let us come to the gentleman's last proposal, that as to the Ohio River. The revised estimate of the Engineers was $1,000,000. Again, the gentleman says let us not take into consideration at all present conditions. What is the trouble, on paper, in doubling that amount and calling that $2,000,000?

Two million dollars in the face of what? Two million dollars in the face of the fact that on the 1st day of July there was in the Treasury unexpended to the credit of this river $12,700,000. And what was the condition on the 1st day of January? I have that in a statement from the engineer, furnished this afternoon. The engineer says that there was on hand an unexpended balance on the 1st day of January of $9,558,815.02. Nine million and a half dollars on hand to the credit of this fund on the 1st day of January. Yet they want to add $2,000,000 more to that sum. Why, they can not possibly spend anything like the $9,000,000 before we will pass a new river and harbor bill. Why can they not? The engineer testified before our committee to this state of things: That on the Ohio River they have a limited number of plants which do this work, that it is impossible to get additional plants there on account of the enormous expense of transporting and installing them, that competition in work on the Ohio River is restricted to those who are at present doing the work there, and so it is impossible to do any large amount of work in any one year.

In addition to that, owing to rains, owing to the difficulties in the winter season, the work can be prosecuted only during a limited part of the year, and so there is not the slightest possibility, there is not even a chance that you can expend any considerable part of this enormous sum that is on hand. Yet the gentleman proposes that we shall impose additional taxes and continue keeping these sums in the Treasury to the credit of these projects, unexpended in this time when we have taxed to the limit and can not find an additional way to impose taxation. That is a fair review of the gentleman's proposals in detail.

Now, let us take the gentleman's proposition in a broader way. Let us take it on general considerations, and what do we find? Why, we find that the gentleman's proposal is confined to the poorest waterway projects in the United States, to the projects which least merit the attention of this Congress; and, on the other hand, he excludes all the great harbors and all the great waterways of the United States. Not a cent does he propose to expend on the Atlantic, not a cent on the Pacific, not a penny on the Great Lakes. All these are excluded from

the gentleman's consideration, and he limits his attention to practically the little bit of country which he can look at from his back porch, from day to day, when he visits his home. He can not see the great, turbulent Atlantic. He can not see those wonderous inland lakes, the greatest anywhere on the face of the earth. He can not see the beautiful and placid waters of the Pacific. His vision does not reach down to the blue waters of the Gulf. All he can see is the Ohio and the Mississippi Rivers, and last and most astounding of all, that great inland waterway—the Missouri.

Mr. DENISON. Will the gentleman yield for a question?

Mr. DEMPSEY. So I say that the gentleman's vision, aside from detailed consideration, aside from its illustration of a want of vision, the gentleman's proposal illustrates the trouble that we always meet with in the consideration of river and harbor bills when the committee comes in here, having prepared and being ready to present a bill which takes in the whole continent, having tried to be fair and just toward everyone in the preparation of the bill. When we have done that, the gentleman from Squedunk Creek comes to the forefront and insists on occupying the stage, and he says that creek must be improved, although it is only 6 inches deep, and it must have an enormous appropriation of money or he will balk and refuse to see things in a national way and refuse to join in great and necessary improvements.

Let us take the proposition of the gentleman from North Carolina [Mr. SMALL] and see how that stands before this House. This committee, it is true, considered these items one by one, and the committee, with care and diligence and thought, examined the engineer and concluded, 16 to 1—those old, familiar figures—to adopt this lump sum and not to appropriate by items. All I have to say as to the gentleman's proposal is that, instead of it having the sanction of the engineers, for which he claims so much, it should have the sanction of this committee. This committee never considered the appropriating of these sums item by item and never agreed with the engineer that these amounts were the right and proper figures as to future improvements. On the contrary, this committee, as a result of an examination lasting only a few days, reached the conclusion that the amount of $42,000,000, instead of being reduced to $19,000,000, as the engineers suggested, should be reduced to $7,000,000, and that that would be ample and would satisfy every improvement that should be made in this time of stress and financial difficulty.

My time is nearly ended, and I want to say just a word as to the effect of this bill. The gentleman from North Carolina [Mr. SMALL] says that he takes a just pride in the committee; that he wants it to retain the great and good name which it has enjoyed in the past. Let me say to the gentleman from North Carolina that I share his hopes, but I believe that if the committee is to gain that good name, if it is to have influence in the country in the future, it can not hope to do anything better here than in days like this to cut appropriations to the last point which will insure the requisite degree of care of all waterway improvements, and that is done in this bill. Let me say further to the gentleman that we do need to convert the public from an adverse attitude toward this committee, we do need to have the public believe in this committee, we do need to have a good name in the community and in the country at large, because the country needs transportation by water, the country needs to have the railroads relieved, and the only way it can have that done is through this committee. If we pursue, as we are seeking to pursue now, a method which will induce the country to believe that we are, in a businesslike and economical method, doing that which is necessary and not doing anything more, that we are appropriating every sum that is necessary for commerce, but are not appropriating money to tie it up in the Treasury, then we will deserve and will gain the confidence of the country, but if we fail to do it we will forfeit and justly forfeit it. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON], or any amendments which may be offered thereto, unless some gentleman offers an amendment to perfect the original text. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 2, line 7, after the word "appropriated," strike out the word "may" and insert the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MANSFIELD to amendment the Denison amendment: After the word "Cairo," and preceding the first proviso, insert another paragraph as follows:

"There is hereby appropriated the sum of $301,300 for continuing the improvements at Freeport Harbor, Tex."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MCDUFFIE: Strike out all of section 1, after the enacting clause, and insert in lieu thereof the following:

"That the sum of $25,000,000 be, and the same hereby is, appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *And provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation for each work for improvement or maintenance."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Insert a new paragraph after the Denison amendment, to read as follows:

"There is hereby appropriated the sum of $1,131,000 for continued improvement of Galveston Channel."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 72, noes 131.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BEE, to amend the amendment by Mr. DENISON: At end of Denison amendment insert another paragraph, as follows:

"There is hereby appropriated the sum of $150,000 for repairs to the north and south jetties at the harbor at Port Aransas, Tex., damaged by the storm of September 14, 1919."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BEE, to amend the amendment by Mr. DENISON: At end of Denison amendment insert another paragraph, as follows:

"There is hereby appropriated the sum of $189,000 for the repairs to St. Josephs Island Dike, at the harbor at Port Aransas, damaged by the storm of September 14, 1919."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Mr. DENISON moves to strike out the first section after the enacting clause and substitute therefor the following, commencing with line 3:

"That the sum of $12,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

"The sum of $4,000,000 is hereby appropriated for continuing the improvement of the Mississippi River from the mouth of the Ohio River to the mouth of the Missouri River, with a view to securing a permanent 8-foot channel.

"That there is hereby appropriated the sum of $3,000,000 for continuing the improvement of the Missouri River from Kansas City, Kans., from the Quindaro Bend to the mouth of the Missouri, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvement of the Mississippi River between the mouth of the Missouri River and Minneapolis, with a view to securing a permanent 6-foot channel.

"That there is hereby appropriated the sum of $2,000,000 for continuing the improvements of the Ohio River by the construction of locks and dams, with the view to securing a permanent 9-foot channel from Pittsburgh to Cairo.

"*Provided, however*, That out of the general appropriation of $12,000,000 herein appropriated the sum of $5,000,000 may be allotted for the preservation and maintenance of existing river and harbor works and $7,000,000 of said sum of $12,000,000 herein appropriated may be allotted for the prosecution of works of improvement heretofore authorized by Congress.

"*Provided further*, That allotments out of said general fund of $12,000,000 shall be made by the Secretary of War upon the recommendation of the Chief of Engineers; and

"*Provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War showing the amounts allotted under said appropriation for each work for improvement and maintenance."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DENISON) there were—ayes 54, noes 128.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read section 2 of the bill.

Mr. KENNEDY of Iowa. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 5, between lines 13 and 14, insert the following as a new paragraph:

"La Grange Bayou, Fla."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. KENNEDY of Iowa. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. KENNEDY of Iowa: Page 6, between lines 9 and 10, insert the following as a new paragraph:

"Menominee Harbor and River, Mich. and Wis."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. KENNEDY of Iowa. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. KENNEDY of Iowa: Page 7, line 23, after the word "Monterey," strike out "Bay" and insert "Harbor."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BROWNING. Mr. Chairman, I move to amend between lines 5 and 6 on page 4 by inserting the words "Salem River, N. J."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWNING: Page 4, between lines 5 and 6, insert:

"Salem River, N. J."

Mr. KENNEDY of Iowa. Mr. Chairman, the committee accepts that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NOLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NOLAN: Page 8, between lines 1 and 2, insert a new paragraph, as follows:

"Islais Creek, San Francisco, Calif."

Mr. NOLAN. Mr. Chairman, the chairman of the committee is agreeable to the acceptance of it, and the gentleman from North Carolina [Mr. SMALL] as well. I have consulted both.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 8, after line 4, insert:

"St. Helens, Oreg., connecting deep water in the Willamette Slough with deep water in the Columbia River and including any proposal of cooperation by local interests."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oregon.

The question was taken, and the amendment was agreed to.

Mr. CURRY of California. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CURRY of California: Page 8, line 3, after the word "Oakland," strike out "and" and insert a comma, and after the word "Berkeley" insert "and Albany."

Mr. CURRY of California. Mr. Chairman, this is to correct a clerical mistake that was made in the committee, and is acceptable, I understand, to the chairman.

Mr. KENNEDY of Iowa. Mr. Chairman, the committee has no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CURRY].

The question was taken, and the amendment was agreed to.

Mr. BEE. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 5, line 19, after the word "Aransas," insert the following: "and also with a view of securing increased depth"; and, after the word "Rockport," in the same line, insert the words "Aransas Pass."

Mr. BEE. Mr. Chairman, the committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BEE].

The question was taken, and the amendment was agreed to.

Mr. BEE. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Texas offers a second amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 5, line 20, after the word "Texas," insert the following: "and also a further report on measures necessary to protect existing projects at Port Aransas."

Mr. BEE. Mr. Chairman, the committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BEE].

The question was taken, and the amendment was agreed to.

Mr. BEE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Texas offers a third amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: On page 5 insert the following as a new paragraph between lines 20 and 21:

"The coast of Texas in the vicinity of Aransas Pass, Port Aransas, Corpus Christi, and Rockport, with a view to the establishment of a safe and adequate harbor."

Mr. BEE. Mr. Chairman, the amendment is acceptable to the committee.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BEE].

The question was taken, and the amendment was agreed to.

Mr. MAPES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 6, line 7, after the word "Michigan," strike out the words "with a view to securing increased depth in the entrance channel."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MAPES. Mr. Chairman, I wish to say that the chairman of the committee informed me that there was no objection to that on his part.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RANDALL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RANDALL of California: Page 7, line 15, after the word "breakwater," insert "to a point between the Long Beach Harbor entrance and the sea outlet of the flood diversion channel."

Mr. RANDALL of California. Mr. Chairman, this amendment makes no change in the bill except to state definitely that the full proposed extension of the breakwater shall be surveyed, and I understand it is satisfactory to the committee.

Mr. KENNEDY of Iowa. It has been passed upon favorably by the subcommittee.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. BLAND of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Virginia: On page 5, after line 2, insert the following as a new paragraph:

"Channel from Old Point to Newport News, Va., with view of securing increased width and depth of Little Wicomico River, Northumberland County, Va."

Mr. BLAND of Virginia. This is acceptable to the committee, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 8, after line 4, insert: "Nehalem River, Oreg., including removal of submerged rock near the inshore end of south jetty, and any proposal for cooperation by local interests."

Mr. HAWLEY. Mr. Chairman, I wish to state that this has the approval of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was agreed to.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 2, lines 17, 18, and 19, after the word "surveys," strike out the words "and contingencies for rivers and harbors for which there may be no special appropriation."

Mr. GRIFFIN. Mr. Chairman and gentlemen, the sponsors for this bill profess to have great faith in the discretion of the Secretary of War and the Board of Engineers—that is, so far as the allocation of the $7,000,000 appropriation is concerned, in the first section of the bill. But when we come down to the second section of the bill which is now before us we find that they are painfully specific and particular in indicating the various appropriations that are to be made for surveys, and I regret to say—or perhaps I had better put it this way and say I hope that none of the gentlemen on this side of the aisle have been seduced by the dangling of these little promises—glittering bait held up for their temptation—surveys in their pet localities. For what does it all amount to? Four hundred thousand dollars is appropriated, and the committee gives you a list of 64 separate and distinct projects; in other words, $6,250 for each survey, and this is the little bait that we are asked to nibble at and swallow.

Mr. KENNEDY of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Pardon me. I have not the time.

Mr. KENNEDY of Iowa. The gentleman does not want to make an incorrect statement?

Mr. GRIFFIN. I can not yield unless I get additional time.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRIFFIN. Now, my amendment is directed at a little joker in this section, and I call the attention of our friends here, who are perhaps influenced by this little bait, to the language on lines 17, 18, and 19, which I ask to be stricken out. Are they going to get this appropriation? Is a survey going to be made? Is it directed to be made? No. The $400,000 may be used in the discretion of this all-powerful Board of Engineers, because the language reads, "for examination, survey, and"—what?—"contingencies for rivers and harbors for which there may be no special appropriation," so that if the Board of Engineers decides that there is some other project for which there may be no special appropriation, they can divert this $400,000 to that purpose, and you gentlemen who believe that you have the promise of something in your pet locality will be left out in the cold.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken, and the amendment was rejected.

Mr. MILLER. Mr. Chairman, I send an amendment to the desk.

The CHAIRMAN. There is already an amendment pending. The gentleman from Washington will please defer until this pending amendment is disposed of. The Clerk will report the amendment offered by the gentleman from New York [Mr. HICKS].

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 7, after the item in line 4, insert "12-foot channel from Peconic Bay to Jamaica Bay, N. Y."

Mr. HICKS. I will say to the gentlemen of the committee that that is acceptable to the chairman of the Committee on Rivers and Harbors.

Mr. CALDWELL. I understood the gentleman was going to make his amendment read "15 feet" instead of "12 feet."

Mr. HICKS. I think 12 feet will be sufficient.

Mr. CALDWELL. You had better make it 15 now, and not take another bite at it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas demand a division?

Mr. BLANTON. I ask for a division.

The CHAIRMAN. The gentleman from Texas demands a division. The question is on agreeing to the amendment offered by the gentleman from New York.

The committee divided; and there were—ayes 137, noes 0.

So the amendment was agreed to.

Mr. WINGO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. MILLER] claims recognition. The Chair will first recognize the gentleman from Washington.

Mr. MILLER. Mr. Chairman, I send an amendment to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. MILLER: On page 8, after the seventh line, insert the following:

"Duwamish Waterway, Seattle Harbor, Wash.: Survey of Duwamish Waterway, Seattle Harbor, with report on the practicability of widening or deepening, or both widening and deepening, the channel to accommodate present and future commerce."

Mr. MILLER. Mr. Chairman, I desire to say for the information of the committee that included as a part of our harbor improvements is the construction of three waterways, which have been constructed entirely at local expense. No Government money has been appropriated for it. It has been done under the direction of the Board of Engineers of the Army. There is a right of way 400 feet wide. One hundred and fifty feet now is excavated to a depth of 20 feet. We simply want a survey as to the practicability of increasing it to its full width of 400 feet and at a greater depth, if necessary; all to be done at private expense, the Government simply making the survey. The committee is favorable to it.

Mr. KENNEDY of Iowa. Mr. Chairman, I ask unanimous consent to have the amendment read again.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again read.

Mr. KENNEDY of Iowa. Mr. Chairman, I think the words "survey of" should be stricken out, so as to authorize only a preliminary examination. That is the case with all orders for surveys. I suggest to the gentleman that he leave out the words "survey of."

The CHAIRMAN. Does the gentleman from Washington desire to modify his amendment?

Mr. MILLER. I will modify it in accordance with the suggestion of the gentleman from Iowa.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment by striking out the words "survey of." Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. MILLER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the second amendment of the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. MILLER: Page 8, following the previous amendment in line 7, insert the following:

"Wrangell Narrows, Alaska: Survey of Wrangell Narrows with a view of determining the channel to accommodate present and future commerce, and the determination of the relative advantages and practicability of the above improvement of Wrangell Narrows, as compared with the improvement of Dry Straits, recommended in House Document 68, Sixty-fifth Congress, first session."

Mr. KENNEDY of Iowa. Mr. Chairman, I make the same suggestion as to that as I made to the first amendment—that the words "survey of" be stricken out.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to modify my amendment in accordance with the gentleman's suggestion.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 5, between lines 22 and 23, insert "Red River, Ark., Okla., and Tex., from Fulton, Ark., to Denison, Tex."

Mr. WINGO. Mr. Chairman, I offer that amendment with the approval of the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 142, noes 2.

So the amendment was agreed to.

Mr. SMALL. I ask the Clerk to report the amendment sent to the desk by the gentleman from Florida [Mr. SMITHWICK].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITHWICK: Page 5, after line 15, insert a new paragraph as follows:
"Appalachicola Bay."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. MANSFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANSFIELD: Page 5, between lines 16 and 17, insert the following:
"Pass Palacios on Matagorda Peninsula, Tex., with a view to securing a channel 18 feet deep."

Mr. MANSFIELD. Mr. Chairman, I have not had an opportunity of taking up this matter with the committee, but I am reliably informed that the recent hurricane in Texas has cut a new channel across Matagorda Peninsula, about 18 miles east of Pass Cavallo. Some of the best citizens of that place inform me that they believe they now have a channel 18 feet deep. I simply ask that an investigation be made, and I hope the committee will vote for it.

Mr. KENNEDY of Iowa. Mr. Chairman, a number of surveys have been passed on by the subcommittee, and they have all been favorably recommended. The committee knows nothing about the amendment offered by the gentleman from Texas [Mr. MANSFIELD], and they would not like to accept it as long as they have not given it any consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MANSFIELD].

The question being taken, on a division (demanded by Mr. MANSFIELD) there were—ayes 96, noes 95.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the last paragraph of section 1 of the river and harbor act approved March 2, 1919, which reads: "No work shall be undertaken upon any new project herein adopted unless the Secretary of War shall be of the opinion that, based upon the cost at the time of entering upon the work, the project can be completed at a cost not greater than 40 per cent in excess of the estimate of cost in the report upon such project," be, and the same is hereby, repealed.

Mr. FREAR. Mr. Chairman, I move to strike out the section. This section strikes out a provision that has been placed in the law, which limits the Army engineers to a 40 per cent expenditure in excess of estimates on all projects. It protects the Public Treasury. By referring to the committee report it will be seen that a number of projects are mentioned, including Scuppernong Creek, Raccoon Creek, Newark Bay, and others that will be without limit to expenditure under the bill. For instance, there is the inland waterway from the Delaware River to Chesapeake Bay. The estimates for a 35-foot channel for large ships run up to $20,000,000 or over for a 13-mile canal. If you wipe out this provision, which puts a limitation of 40 per cent in excess of the estimates, it will give the engineers an opportunity to expend any amount upon that project that they choose, or $40,000,000, if need be, on a 13-mile canal. The same thing is true of a number of other projects which are mentioned in the report. I call attention to one known as Newark Bay, because a newspaper clipping was placed on my table a day or two ago with which I think the House ought to be acquainted. This is a proposed project for the reclamation of meadowland, according to the headlines of the Newark papers. This article is a column in length; and they have had a large meeting in Newark to urge the proposition on Congress. The purpose, briefly, is for the reclamation of public land and also for digging a deeper channel. I call attention to extracts which read:

Concerted action * * * was decided upon at a meeting in the Down Town Club last night.

* * * * * * *

The program * * * comprehends the reclamation of the meadowland adjacent to the waterways with an adequate highways system affording easy access and communication, and the coordination of the railroad facilities, the establishment of terminals for these and for steamship lines, and the construction of a belt-line railroad.

* * * * * * *

Later it says:

That the development of the port facilities is dependent upon an appropriation for a deeper channel in the bay and tributary rivers was declared by J. Spencer Smith, of the State Board of Commerce and Navigation. He urged that an assessment be levied and a representative, preferably Brig. Gen. Black, recently retired as Chief of Engineers, be engaged to promote the project in Congress.

This suggestion was strongly approved by Dr. Charles F. Kraemer, of the Newark Real Estate Board, who related an experience of a few years ago, when local representatives secured the inclusion of an appropriation in the rivers and harbors bill only to have it defeated by Congressman FREAR. "What is needed now is action," he said. "We must get the votes in Congress, and to do this should be ably represented at Washington."

I am not concerned with the reference to myself, but here is a proposition to have the retired Chief of Engineers urge upon Congress the necessity for this land reclamation and waterway improvement. His influence could be exerted upon the Board of Engineers to choose whatever project or expend whatever amount he wants on a number of pending projects. I do not believe he would accept that job, but it is the proposal of Newark citizens, according to this article of a few days ago.

Section 3 will remove all restrictions in expenditures, and you gentlemen who have been so anxious to hold the reins over the Army Engineers will find that will be the effect.

I move an amendment to strike out the section.

Mr. DEMPSEY. Mr. Chairman, 40 per cent does not represent the increase in the cost of work such as has to be done upon rivers and harbors, and we knew that if we left that provision in the bill we could not have any work done, no matter how important it might be. In order to avoid that, and to get work done where it had to be done, we found that it would be absolutely necessary to repeal this provision. The committee are unanimous on this point. There was no division of opinion upon the subject. We all believed that this should be repealed. We found upon investigation that it was necessary, and we ask that the provision stand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR] to strike out the section.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 6. Delaware River, between Philadelphia, Pa., and Trenton, N. J.: The two projects heretofore authorized for Delaware River from Allegheny Avenue, Philadelphia, Pa., to Lalor Street, Trenton, N. J., and above Lalor Street to the upper railroad bridge at Trenton, are hereby consolidated to form a single project between Philadelphia and Trenton.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. CALDWELL. Reserving the right to object, on what subject?

Mr. REAVIS. I am not inclined to submit to the censorship of the gentleman from New York. If he is not willing to take a chance, he has his remedy.

Mr. CALDWELL. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. It was my purpose to introduce an amendment for an appropriation to continue the work already begun upon the Delaware River, but I find that the spirit of the committee is against increased appropriations; therefore I will not present the amendment.

The Sixty-fourth Congress appropriated $40,000 to construct a basin at Trenton, and $25,000 to improve the channel in the Delaware River between Philadelphia and Trenton. As a result, Trenton expended many thousands of dollars in order to construct water terminals. Within two years $25,000,000 have been expended upon the upper Delaware to develop the industries of our country. It seems to me we are exercising a very niggardly economy when we do not appropriate money to improve our natural resources. [Applause.] Within the memory of many gentlemen here the pony express was the only means of carrying letters from the Mississippi River to the Pacific coast. Congress appropriated millions of acres to the railway companies in order that they might develop the great West. Was that economy? No one doubts it. Now our friends from the mountain tops and the prairies of the West are transported in easy velvet chairs to the seas. Yet when we ask them to help us to develop the waterways they raise their hands and cry "economy." My friends, we must recognize that if the Esch

bill or the Cummins bill becomes a law the development of railroads by private enterprise will be at an end. Now is the hour to develop our inland waterways. [Applause.] I hope the time is not far distant when all the main rivers of our country will be connected one with the other by great canals. Gentlemen cry "economy." Is it economy to tell England that she may pay the interest on the money we loaned her whenever she pleases? Is it economy to give her two or three billion dollars and permit her to build a navy costing $1,000,000,000 from the money we loaned her, in order that she may command the commerce of the seas? The Book of Estimates calls for a bill of $1,240,000,000 for the Army, when our friend who is sitting in the executive chair says, "Let us have a League of Nations in order that our country may never be at war." [Applause.] Is that economy? The Naval Committee, if guided by the Book of Estimates, will report a bill appropriating $584,000,000 for a Navy. Gentlemen, let us not confound inefficiency with economy. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the pro forma amendment. I will ask the gentleman from Pennsylvania [Mr. WATSON] where he gets his figures of the amount to be carried in the coming Army and Navy appropriation bills.

Mr. WATSON. I received the figures from the Committee on Appropriations.

Mr. MONDELL. What Committee on Appropriations?

Mr. WATSON. The one just across the aisle here.

Mr. MONDELL. And they told the gentleman that the Army bill was going to carry over a billion dollars?

Mr. WATSON. So I understand.

Mr. MONDELL. They do not make up the Army bill in that committee. The gentleman has not been talking with the right people. I suggest that he confer with the people who have charge of that bill. If he does, they will tell him that the bill will carry less than half the sum that he has stated.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the time within which applications for relief under the provisions of section 10 of the river and harbor act approved March 2, 1919, may be filed by contractors with the Secretary of War or with district engineers or other contracting officials of the Engineer Department is hereby limited to six months after the date of the approval of this act.

Mr. KENNEDY of Iowa. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

SEC. 9. Cumberland River above Nashville, Tenn.: The Secretary of War is hereby authorized to proceed with the prosecution of existing projects for lock and dam construction on that section of the river located in the State of Tennessee when the local interests in that State have complied with the conditions precedent imposed in the river and harbor act approved March 2, 1919.

Mr. KENNEDY of Iowa. Mr. Chairman, I would state that this is recommended by the Engineer's office.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

That section 10 of the act of March 2, 1919, making appropriations for the construction, repair, and preservation of certain public works on the rivers and harbors, and for other purposes, be, and the same is hereby, amended to read as follows:

"SEC. 10. That the Secretary of War is hereby authorized to ascertain whether any of the contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into war with Germany, have become inequitable and unjust on account of increased cost of materials, labor, and other unforeseen conditions arising out of the war; whether such contracts are still uncompleted or have been completed or were canceled; and to ascertain and report what amounts, if any, in addition to those fixed by the terms of said contract, should in justice and equity be paid to such contractors for work performed between April 6, 1917, and July 18, 1918, the date of the approval of an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' on account of the increased cost of labor and materials and other unforeseen conditions arising out of the war during that period: *Provided*, That in every case the amount so ascertained shall not exceed the actual loss sustained by the contractor in performing the work between the said dates: *Provided further*, That when such amount shall have been ascertained the Secretary of War shall transmit to Congress for consideration a statement or statements of all findings or determinations rendered by authority of this section, the amounts thereof, the names of contractors, and dates of contracts: *Provided further*, That in any such case where a contract was canceled before its fulfillment on account of the increase in labor, materials, and other unforeseen conditions arising out of the war, the Secretary of War shall have authority to relieve any such contractor and his bondsmen from further liability or obligation on account of the nonperformance of such work or on account of the reletting of such contract by the Government.

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is not germane to the bill nor to the preceding section of the bill.

The CHAIRMAN. The gentleman from Texas makes the point of order that the amendment is not germane, and the Chair will hear the gentleman from Kentucky.

Mr. BARKLEY. Mr. Chairman, section 8 of the bill now under consideration amends section 10 of the act of July 18, 1918. It amends that section by providing for a limitation of six months' time in which contractors, who are sought to be relieved under that section, may file claims with the Department of War. Therefore, it seems to me that any other amendment to that section affecting contractors or their rights with the War Department is germane, and therefore in order. I could not offer an amendment to any other section of the act of July 18, 1918, because section 10 of that act is the only one sought to be amended by the present bill, but the present bill offering in its last paragraph an amendment to section 10 of the act of July 18, 1918, certainly any other amendment touching the same subject is in order.

Mr. BLANTON. Mr. Chairman, we have passed section 8 by adopting an amendment coming from the Committee on Rivers and Harbors, which constitutes a new section to the bill, and would make the amendment of the gentleman from Kentucky not an amendment to section 8 but to the new section adopted. Also the point of order should be sustained for the reason that the reference to a change of this law of March 2, 1919, was only in one particular, one specific item. The amendment offered by the gentleman from Kentucky has no reference to this particular matter in which section 8 amends the bill.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Kentucky [Mr. BARKLEY] offers an amendment to add an additional section, and in this amendment he provides that certain contractors may under certain circumstances be excused from liability. It seems to the Chair that that is wholly unrelated to the subject of this bill or to the subject of any section of the bill, and as a portion of the amendment only, if not germane, is sufficient to make the whole amendment out of order. The Chair holds that the amendment is out of order and sustains the point of order.

Mr. BARKLEY. Mr. Chairman, I do not desire to take up the time of the Chair if he has irrevocably made up his mind, but I would call his attention to this fact: This amendment sets out the original language in whole——

The CHAIRMAN. The Chair has already ruled.

Mr. KENNEDY of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11892, the river and harbor appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. KENNEDY of Iowa. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. SMALL. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SMALL. I am.

The SPEAKER. The gentleman from North Carolina offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. SMALL moves to recommit H. R. 11892 to the Committee on Rivers and Harbors, with instructions to report back the same forthwith to the House with the following amendment, to wit: Strike out section 1 of said bill and insert in lieu thereof the following:

"That the sum of $5,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preservation and maintenance of existing river and harbor works: *Provided further*, That allotments from the amount hereby appropriated

shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *And provided further*, That at the beginning of the third session of the Sixty-sixth Congress a special report shall be made to Congress by the Secretary of War, showing the amount allotted under this appropriation for each work for improvement or maintenance.

"That the following sums of money be, and are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the construction, prosecution, and completion of works of improvement heretofore authorized by Congress and hereinafter named:

"Pollock Rip Channel, Mass.: Continuing improvement, $73,000.

"Connecticut River, Conn.: Continuing improvement below Hartford, $75,000.

"Greenwich Harbor, Conn.: Completing improvement, $14,000.

"East River, N. Y.: Continuing improvement, $2,100,000.

"Hudson River Channel, New York Harbor, N. Y.: Continuing improvement, $400,000.

"Newark Bay and Passaic River, N. J.: Continuing improvement, $150,000.

"Shrewsbury River, N. J.: Continuing improvement, $100,000.

"Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $2,000,000.

"Inland waterway from Delaware River to Chesapeake Bay, Del. and Md.: Continuing improvement, $1,000,000.

"Baltimore Harbor and Channels, Md.: Continuing improvement, $316,000.

"Norfolk Harbor and Channels, Va.: Continuing improvement, including Thimble Shoal Channel, $750,000.

"Cape Fear River at and below Wilmington, N. C.: Continuing improvement, $600,000.

"Charleston Harbor, S. C.: Continuing improvement, $400,000.

"Savannah Harbor, Ga.: Continuing improvement, $800,000.

"Brunswick Harbor, Ga.: Continuing improvement, $200,000.

"St. Johns River, Fla.: Continuing improvement and for maintenance from Jacksonville to the ocean, $301,000.

"Tampa Harbor (Hillsboro Bay), Fla.: Continuing improvement, $260,000.

"Alabama River, Ala.: Continuing improvement, $32,000.

"Mobile Harbor and Bar, Ala.: Continuing improvement and for maintenance, $150,000.

"Black Warrior, Warrior, and Tombigbee Rivers, Ala.: Continuing improvement, $150,000.

"Pascagoula Harbor, Miss.: Continuing improvement, $50,000.

"Gulfport Harbor, Miss.: Continuing improvement, $50,000.

"Passes at the mouth of the Mississippi River: Continuing improvement, $1,500,000.

"Barataria Bay, La.: Completing improvement, $30,000.

"Houston Ship Channel, Tex.: Continuing improvement, $300,000.

"Freeport Harbor, Tex.: Continuing improvement, $300,000.

"Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $500,000

"Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement, $1,200,000.

"Missouri River: Continuing improvement and for maintenance between Kansas City, Kans., from the upper end of Quindaro Bend and the mouth of the river, $600,000.

"Cumberland River, Tenn. and Ky.: Continuing improvement below Nashville, $300,000.

"Tennessee River, Tenn., Ala., and Ky.: Continuing improvement above Chattanooga, $140,000; continuing improvement below Riverton, Ala., $75,000; in all, $215,000.

"Ohio River: Continuing improvement by open-channel work and for maintenance, $400,000.

"Ohio River: Continuing improvement by the construction of locks and dams, with a view to securing a navigable depth of 9 feet, $1,000,000.

"Fox River, Wis.: Continuing improvement, $40,000.

"Milwaukee Harbor, Wis.: Continuing improvement, $175,000.

"Manistee Harbor, Mich.: Continuing improvement, $17,000.

"Chicago Harbor, Ill.: Continuing improvement, $40,000.

"Indiana Harbor, Ind.: Continuing improvement, $200,000.

"Illinois River, Ill.: Continuing improvement below Copperas Creek, $25,000.

"St. Clair River, Mich.: Continuing improvement, $26,500.

"Detroit River, Mich.: Continuing improvement, $700,000.

"Rouge River, Mich.: Completing improvement, $273,000.

"Oakland Harbor, Calif.: Continuing improvement, $25,000.

"Humboldt Harbor and Bay, Calif.: Continuing improvement and for maintenance, $406,000.

"Columbia and Lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg.: Continuing improvement and for maintenance, $500,000.

"Grays Harbor and Bar, Wash.: Continuing improvement, $600,000.

"Honolulu Harbor, Hawaii: Continuing improvement, $150,000.

"Hilo Harbor, Hawaii: Continuing improvement, $150,000.

"San Juan Harbor, P. R.: Continuing improvement, $200,000."

Mr. KENNEDY of Iowa. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. WALSH. Mr. Speaker, I make the point of order on the motion to recommit.

The SPEAKER. The gentleman from Iowa moves the previous question and the gentleman from Massachusetts makes the point of order, which he will state.

Mr. WALSH. Mr. Speaker, my point of order is that the motion of the gentleman from North Carolina [Mr. SMALL] is not in order, because the amendment which he proposed is not germane to the provisions of the bill. There are no items in the bill for continuing improvements. Furthermore, the bill proposes an appropriation for a general class of works and projects and it is not in order in a bill for the improvement of a general class of projects to amend by making appropriations for specific projects, designating the projects and the amount to be appropriated. I will say to the Chair that in the Committee of the Whole an amendment was offered providing for certain specific appropriations to be added to the language of the first section, and the point of order was made by me in the Committee of the Whole and was not sustained. In that case the language used was not that used by the gentleman from North Carolina in this instance. In this instance the gentleman from North Carolina seeks to write into the first section of this bill appropriations for continuing improvements, whereas the language of the section reported by the committee is—

for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

That certainly is not the same language as "continuing improvements," and I submit that the amendment is not germane.

The SPEAKER. The Chair is disposed to think that a general clause making a general appropriation for the "prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation" could fairly be amended by specifically mentioning projects which are now under construction by the department, and as the Chair understands this present amendment is confined to existing projects, the Chair overrules the point of order. The question is on the motion of the gentleman from Iowa ordering the previous question on the motion to recommit.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. SMALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays, 207, not voting 106, as follows:

YEAS—115.

Barkley	Ganly	McDuffie	Rayburn
Benson	Garner	McGlennon	Rhodes
Blackmon	Godwin, N. C.	McKiniry	Riordan
Bland, Mo.	Goldfogle	McLane	Robinson, N. C
Bland, Va.	Goodwin, Ark.	Maher	Rouse
Brinson	Griffin	Major	Rubey
Byrnes, S. C.	Hardy, Tex.	Mann, S. C.	Rucker
Byrns, Tenn.	Harrison	Mansfield	Saunders, Va.
Caldwell	Hays	Mead	Sears
Carss	Heflin	Minahan, N. J.	Sinclair
Clark, Fla.	Hersman	Montague	Sisson
Clark, Mo.	Hoey	Mooney	Small
Cleary	Holland	Moore, Va.	Smithwick
Coady	Howard	Neely	Steagall
Collier	Huddleston	Nelson, Mo.	Stedman
Connally	Hull, Tenn.	Newton, Mo.	Stephens, Miss.
Cullen	Igoe	O'Connell	Stephens, Ohio
Davey	Johnson, Ky.	O'Connor	Stevenson
Dickinson, Mo.	Johnson, Miss.	Ogden	Sullivan
Donovan	Johnston, N. Y.	Oldfield	Tague
Dooling	Keller	Oliver	Thomas
Doughton	Kincheloe	Overstreet	Tillman
Drane	Lankford	Padgett	Venable
Dyer	Lea, Calif.	Park	Vinson
Eagan	Lee, Ga.	Pou	Weaver
Eagle	Lesher	Rainey, Ala.	Welty
Evans, Mont.	Linthicum	Rainey, H. T.	Wingo
Fisher	Lonergan	Rainey, J. W.	Woods, Va.
Flood	McAndrews	Raker	

NAYS—207.

Ackerman	Crowther	Haugen	MacCrate
Anderson	Currie, Mich.	Hawley	Madden
Andrews, Md.	Curry, Calif.	Hernandez	Magee
Andrews, Nebr.	Dale	Hersey	Mapes
Ashbrook	Dallinger	Hickey	Merritt
Ayres	Darrow	Hicks	Michener
Babka	Davis, Minn.	Hoch	Miller
Bacharach	Davis, Tenn.	Houghton	Mondell
Baer	Dempsey	Hulings	Moore, Ohio
Barbour	Dominick	Hull, Iowa	Moores, Ind.
Bee	Dowell	Husted	Morgan
Begg	Dunn	Hutchinson	Morin
Bell	Echols	Ireland	Mott
Benham	Edmonds	James	Mudd
Black	Elliott	Johnson, S. Dak.	Murphy
Bland, Ind.	Ellsworth	Johnson, Wash.	Nelson, Wis.
Blanton	Elston	Jones, Pa.	Newton, Minn.
Box	Emerson	Jones, Tex.	Nichols, Mich.
Brand	Esch	Juul	Nolan
Briggs	Evans, Nev.	Kahn	Osborne
Britten	Fairfield	Kearns	Paige
Brooks, Ill.	Focht	Kelley, Mich.	Parker
Brooks, Pa.	Fordney	Kennedy, Iowa	Parrish
Browne	Frear	King	Pell
Browning	Freeman	Kinkaid	Peters
Brumbaugh	French	Kitchin	Phelan
Buchanan	Fuller, Ill.	Kleczka	Platt
Burke	Fuller, Mass.	Knutson	Purnell
Butler	Gallagher	Kraus	Quin
Campbell, Kans.	Gandy	Lampert	Radcliffe
Campbell, Pa.	Garland	Langley	Ramsey
Cannon	Glynn	Lanham	Ramseyer
Carew	Good	Layton	Randall, Calif.
Chindblom	Goodykoontz	Little	Randall, Wis.
Classon	Green, Iowa	Luce	Reavis
Cole	Greene, Mass.	Lufkin	Reed, W. Va.
Copley	Greene, Vt.	Luhring	Ricketts
Costello	Hadley	McCulloch	Riddick
Crago	Hardy, Colo.	McKinley	Robsion, Ky.
Cramton	Harreld	McLaughlin, Mich.	Rogers
Crisp	Hastings	McLaughlin, Nebr.	Rose

Rowe	Snyder	Tilson	Wheeler
Sabath	Steenerson	Timberlake	White, Kans.
Sanders, Ind.	Strong, Kans.	Tincher	White, Me.
Sanford	Strong, Pa.	Vaile	Williams
Schall	Summers, Wash.	Vestal	Wilson, Ill.
Shreve	Sumners, Tex.	Voigt	Wood, Ind.
Sinnott	Sweet	Walsh	Woodyard
Smith, Idaho	Swope	Walters	Young, N. Dak.
Smith, Ill.	Taylor, Ark.	Watson	Young, Tex.
Smith, Mich.	Taylor, Colo.	Webster	Zihlman
Snell	Temple	Welling	

NOT VOTING—106.

Almon	Foster	McArthur	Siegel
Anthony	Gallivan	McClintic	Sims
Aswell	Gard	McFadden	Slemp
Bankhead	Garrett	McKenzie	Smith, N. Y.
Boies	Goodall	McKeown	Steele
Booher	Gould	McPherson	Stiness
Bowers	Graham, Pa.	MacGregor	Stoll
Burdick	Graham, Ill.	Mann, Ill.	Taylor, Tenn.
Burroughs	Griest	Martin	Thompson
Candler	Hamill	Mason	Tinkham
Cantrill	Hamilton	Mays	Towner
Caraway	Hayden	Monahan, Wis.	Treadway
Carter	Hill	Moon	Upshaw
Casey	Hudspeth	Nicholls, S. C.	Vare
Christopherson	Humphreys	Olney	Volstead
Cooper	Jacoway	Porter	Ward
Denison	Jefferis	Reber	Wason
Dent	Kelly, Pa.	Reed, N. Y.	Watkins
Dewalt	Kendall	Rodenberg	Whaley
Dickinson, Iowa	Kennedy, R. I.	Romjue	Wilson, La.
Doremus	Kettner	Rowan	Wilson, Pa.
Dunbar	Kiess	Sanders, La.	Winslow
Dupré	Kreider	Sanders, N. Y.	Wise
Evans, Nebr.	Larsen	Scott	Wright
Ferris	Lazaro	Scully	Yates
Fess	Lehlbach	Sells	
Fields	Longworth	Sherwood	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. YATES with Mr. ALMON.

Mr. ANTHONY with Mr. WRIGHT.

Mr. GRAHAM of Pennsylvania with Mr. FIELDS.

Mr. KENDALL with Mr. WATKINS.

Mr. KIESS with Mr. ASWELL.

Mr. FOSTER with Mr. SHERWOOD.

Mr. SLEMP with Mr. GARRETT.

Mr. MONAHAN of Wisconsin with Mr. DUPRÉ.

Mr. DENISON with Mr. SANDERS of Louisiana.

Mr. GRIEST with Mr. STEELE.

Mr. KREIDER with Mr. WILSON of Louisiana.

Mr. STINESS with Mr. CARTER.

Mr. MCARTHUR with Mr. BANKHEAD.

Mr. KELLY of Pennsylvania with Mr. ROMJUE.

Mr. FESS with Mr. DENT.

Mr. BURROUGHS with Mr. ROWE.

Mr. LEHLBACH with Mr. WILSON of Pennsylvania.

Mr. SCOTT with Mr. FERRIS.

Mr. MANN of Illinois with Mr. SIMS.

Mr. BURDICK with Mr. HUMPHREYS.

Mr. HAMILTON with Mr. SMITH of New York.

Mr. BOIES with Mr. GARD.

Mr. CHRISTOPHERSON with Mr. LARSEN.

Mr. KENNEDY of Rhode Island with Mr. NICHOLLS of South Carolina.

Mr. DICKINSON of Iowa with Mr. WISE.

Mr. LONGWORTH with Mr. UPSHAW.

Mr. GRAHAM of Illinois with Mr. CARAWAY.

Mr. DUNBAR with Mr. MAYS.

Mr. EVANS of Nebraska with Mr. OLNEY.

Mr. GOULD with Mr. MOON.

Mr. GOODALL with Mr. BOOHER.

Mr. PORTER with Mr. MARTIN.

Mr. SANDERS of New York with Mr. HAYDEN.

Mr. MCPHERSON with Mr. CASEY.

Mr. MCFADDEN with Mr. GALLIVAN.

Mr. SELLS with Mr. KETTNER.

Mr. TINKHAM with Mr. HUDSPETH.

Mr. VARE with Mr. MCCLINTIC.

Mr. REBER with Mr. DEWALT.

Mr. TREADWAY with Mr. LAZARO.

Mr. WARD with Mr. JACOWAY.

Mr. RODENBERG with Mr. CANDLER.

Mr. TOWNER with Mr. MCKEOWN.

Mr. THOMPSON with Mr. SCULLY.

Mr. WASON with Mr. HAMILL.

Mr. WINSLOW with Mr. STOLL.

Mr. WHALEY (for) with Mr. BOWERS (against).

Mr. DOREMUS (for) with Mr. MCKENZIE (against).

Mr. CANTRILL (for) with Mr. COOPER (against).

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 167, noes 35.

So the bill was passed.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the bill.

The SPEAKER. The gentleman from California asks unanimous consent——

Mr. BARKLEY. Mr. Speaker, I make the same request.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill be permitted to extend their remarks for five legislative days.

The SPEAKER. The gentleman from Iowa [Mr. KENNEDY] asks unanimous consent that all Members who have spoken on the bill shall have the privilege of revising and extending their remarks within five legislative days. Is there objection?

Mr. KENNEDY of Iowa. Mr. Speaker, I move to reconsider the vote whereby the bill was passed, and move to lay that motion on the table.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, if the gentleman will modify his request so that permission shall be given for three legislative days, I shall not object.

The SPEAKER. Does the gentleman from Iowa modify his request?

Mr. KENNEDY of Iowa. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. It is understood, Mr. Speaker, that they are to extend their remarks on river and harbor legislation?

The SPEAKER. Yes.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEAVER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from North Carolina makes the same request. Is there objection?

Mr. WALSH. Reserving the right to object as to all these requests, was not general consent given for three legislative days?

The SPEAKER. Only for those who have spoken.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HAYS. Mr. Speaker, I make the same request.

Mr. KINKAID. And I make the same request.

Mr. HERNANDEZ. And I make the same request.

Mr. DEMPSEY. I make the same request, Mr. Speaker.

The SPEAKER. Is there objection to these several requests?

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. KENNEDY] moves to reconsider the last vote and lay that motion on the table. The question is on agreeing to that motion.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONAHAN of Wisconsin (at the request of Mr. RANDALL of Wisconsin), for three days, on account of illness.

To Mr. FOSTER (at the request of Mr. COLE), for three days, on account of a death in his family.

To Mr. WHALEY (at the request of Mr. BYRNES of South Carolina), indefinitely, on account of illness.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 10137. An act to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes; and

H. R. 10331. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution 134 to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States was referred to the Committee on Immigration.

EXTENSION OF REMARKS.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MOORE] may have permission to extend his remarks.

The SPEAKER. Is there objection to the gentleman's request?

Mr. BLANTON. On the bill?

The SPEAKER. Yes; on the bill. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. KENNEDY of Iowa. I ask unanimous consent, Mr. Speaker, that the gentleman from Ohio [Mr. FOSTER], who was called away on account of a death in his family, shall be permitted to extend his remarks on the bill.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

ADJOURNMENT.

Mr. KENNEDY of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Friday, January 23, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting letters from the Chief of the Bureaus of Operations, Construction and Repair, Steam Engineering, and Yards and Docks (H. Doc. No. 627) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1700) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, reported the same without amendment, accompanied by a report (No. 572), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (S. 3327) granting certain rights of way and exchanges of the same across the Fort Douglas Military Reservation, in the State of Utah, reported the same with an amendment, accompanied by a report (No. 578), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, reported the same with amendments, accompanied by a report (No. 573), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 10401) to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, reported the same with an amendment, accompanied by a report (No. 574), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIEGEL, from the Committee on Immigration and Naturalization, to which was referred the bill (S. 3566) to amend section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917, reported the same without amendment, accompanied by a report (No. 575), which said bill and report were referred to the House Calendar.

Mr. TOWNER, from the Committee on Insular Affairs, to which was referred the bill (H. R. 11769) to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, reported the same without amendment, accompanied by a report (No. 576), which said bill and report were referred to the House Calendar.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm-loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land banks and joint stock land banks, reported the same with amendments, accompanied by a report (No. 579), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 9840) for the relief of Capt. E. V. Dickson, reported the same without amendment, accompanied by a report (No. 577), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 11980) fixing the compensation of certain officials of the Customs Service; to the Committee on Ways and Means.

By Mr. MOORE of Virginia: A bill (H. R. 11981) to provide for the admission, free of charge, to the public schools of the District of Columbia of children of parents employed at the Arlington National Cemetery and the Agricultural Experiment Farm, located in Alexandria County, Va.; to the Committee on the District of Columbia.

By Mr. KRAUS: A bill (H. R. 11982) to provide for the purchase of a site and for the erection of a public building thereon at Hartford City, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 11983) to amend sections 1, 3, 4, 7, and 37 of title 2 of the national prohibition act; to the Committee on the Judiciary.

By Mr. NOLAN: A bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes; to the Committee on Patents.

By Mr. BACHARACH: A bill (H. R. 11985) to amend and simplify the revenue act of 1918, to repeal the excess-profits tax and certain other taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 11986) to repeal section 2 of an act entitled "An act making appropriations for the support of the Army and Navy for the fiscal year ending June 30, 1917, and for other purposes"; to the Committee on Military Affairs.

By Mr. HENRY T. RAINEY: A bill (H. R. 12009) to punish transportation of stolen motion-picture films in interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. BLANTON: Resolution (H. Res. 444) to remove Edward Keating from the Commission for the Reclassification of Salaries and to declare vacant the position held by him thereon; to the Committee on Reform in the Civil Service.

By Mr. SABATH: Joint resolution (H. J. Res. 280) providing that special permits and reports relative to the use of whiskeys for medical purposes be suspended for 90 days; to the Committee on the Judiciary.

By Mr. BLANTON: Joint resolution (H. J. Res. 281) to remove Edward Keating from the Commission for the Reclassification of Salaries and declaring vacant the position held by him thereon; to the Committee on Reform in the Civil Service.

By the SPEAKER: Memorial from the Legislature of the State of Oregon, relating to the restoration to entry of certain lands in Klamath Falls, Oreg.; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DALLINGER: A bill (H. R. 11987) granting a pension to Abbie Davis Morang; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11988) granting an increase of pension to Charles H. Bothwell; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11989) granting an increase of pension to Charles A. Morrison; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 11990) granting a pension to William Firkins; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 11991) granting an increase of pension to Henry McCombs; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 11992) granting an increase of pension to Lewis C. Fosnot; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11993) granting a pension to Ewel King; to the Committee on Pensions.

Also, a bill (H. R. 11994) granting a pension to Lucinda C. Muncey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11995) granting a pension to John Baker; to the Committee on Pensions.

Also, a bill (H. R. 11996) granting a pension to James M. Vaughn; to the Committee on Pensions.

Also, a bill (H. R. 11997) granting a pension to Hiram Hensley; to the Committee on Pensions.

Also, a bill (H. R. 11998) granting a pension to Gellgoo Wells; to the Committee on Pensions.

Also, a bill (H. R. 11999) granting a pension to Elijah Spurlock; to the Committee on Pensions.

Also, a bill (H. R. 12000) granting a pension to Stephen Lyttle; to the Committee on Pensions.

Also, a bill (H. R. 12001) granting a pension to Lafayette R. Kincaid; to the Committee on Pensions.

Also, a bill (H. R. 12002) granting a pension to Rosa Taylor; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 12003) granting a pension to Harlan R. Hudson; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 12004) granting an increase of pension to George Guilford; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 12005) for the relief of Henry P. Corbin; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 12006) for the relief of Reuben Clymer; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 12007) granting an increase of pension to Thomas J. Bradshaw; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 12008) granting an increase of pension to Louise Niemann; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1057. By the SPEAKER (by request): Petition of E. H. Thomas, secretary of the Newspaper Writers' Union No. 9, Milwaukee, Wis., protesting against the passage of any so-called antisedition bills; to the Committee on the Judiciary.

1058. By Mr. CULLEN: Petition of the Fort Greene Chapter of the Daughters of the American Revolution, opposing all un-American propaganda; to the Committee on the Judiciary.

1059. Also, petition of the Civil Service Forum of New York City, indorsing Senate bill 1699 and House bill 3419; to the Committee on Reform in the Civil Service.

1060. By Mr. DYER: Petition of the Chamber of Commerce of St. Louis, Mo., relative to certain legislation now pending; to the Committee on Appropriations.

1061. Also, petition of the Sergeant Joseph M. Fournier, Jr., Post, No. 3, of the American Legion, relative to discharging soldiers from hospitals; to the Committee on Military Affairs.

1062. By Mr. ESCH: Petition of the Edwin Anderson Post, No. 40, of the American Legion, of Bangor, Wis., relative to certain legislation now pending; to the Committee on Military Affairs.

1063. By Mr. FULLER of Illinois: Petition of citizens of Mendota, Ill., favoring Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

1064. By Mr. LINTHICUM: Petition of the Hampden Post, No. 55, of the American Legion, of Baltimore, Md., urging the passage of House bill 5545; to the Committee on Military Affairs.

1065. Also, petition of the Export and Import Board of Trade of Baltimore, Md., relative to the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1066. By Mr. O'CONNELL: Petition of the Civil Service Forum of New York City, indorsing Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

1067. By Mr. ROWAN: Petition of the Oil Seeds Co., of New York City, relative to transportation facilities; to the Committee on Interstate and Foreign Commerce.

1068. Also, petition of E. J. Russell, of New York City, opposing Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

1069. Also, petition of the Civil Service Forum of New York City, indorsing Senate bill 1669 and House bill 3149; to the Committee on Reform in the Civil Service.

1070. Also, petition of Mr. Jansen Woods, of New York City, opposing Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

1071. Also, petition of the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church of Washington, indorsing the Sims bill, House bill 262; to the Committee on the Judiciary.

1072. By Mr. VARE: Petition of the Philip J. Meaney Post, No. 249, of the American Legion, asking passage of House bill 10650; to the Committee on Military Affairs.

1073. By Mr. WATSON: Petition of Pennsylvania Branch of the Woman's International League, of Philadelphia, relative to war-time espionage act and Sterling-Graham and other bills; to the Committee on the Judiciary.

1074. Also, petition of sundry citizens of the State of Pennsylvania, urging Congress to stop the canning industries at the mouth of the Yukon River, Alaska; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *January 23, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of peace and of righteousness. Thou art the God of order. Thy laws are over all Thy works and our highest achievement is to bring our activity of life into harmony with Thy will. In this sacred moment at the beginning of a new day we lift our hearts to Thee asking for guidance and for blessing, that we may have our hearts open to every impression of Thy spirit and be led to-day by the Truth that God reveals to us. We ask it for Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

LANDS IN KLAMATH COUNTY, OREG.

Mr. CHAMBERLAIN. I present Senate joint memorial No. 6 of the Oregon Legislature, which I ask may be printed in the RECORD and referred to the appropriate committee.

The memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

[Oregon Legislative Assembly—special session, 1920—senate joint memorial No. 6—introduced by Senator Ritner (by request of American Legion) and read January 14, 1920.]

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

That whereas Congressman SINNOTT, of the third congressional district of the State of Oregon, has introduced a bill which is now pending in the Congress of the United States, having for its purpose the restoration to entry of certain lands in Klamath County, Oreg., which provides:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

"SECTION 1. That the Secretary of the Interior be, and he hereby is, authorized and directed to determine and make public announcement of what lands in and around Upper Klamath Lake, in Klamath County, Oreg., ceded to the United States by the State of Oregon by an act entitled 'An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels or by the drainage of any or all of said lands' (general laws of Oregon, 1905, p. 63) may be uncovered and

opened to agricultural development by drainage, or diking, not impairing the use of the portions of said lake, which do not cover title or marshlands for storage of water or irrigation in connection with the Klamath reclamation project.

"SEC. 2. That title to all said lands can be acquired by homestead entry under the general homestead laws and the provisions of this act, and not otherwise. That the Secretary of the Interior is hereby authorized to permit any drainage district organized under the laws of the State of Oregon, or any person or corporation, to dike or drain said lands at a cost to be fixed by said Secretary, and to have a lien on said lands as security for the payment of the cost of said drainage or diking. That residence and improvement of said lands by entryman shall not be required until his entry shall have been drained.

"SEC. 3. That those who served in the military or naval forces of the United States during the war between the United States and Germany, the Spanish-American War, or the Philippine Insurrection, and have been honorably discharged or separated therefrom or placed in the Regular Army or Naval Reserve shall have preference and prior right to file upon and enter said lands under the homestead laws and the provisions of this act for a period of six months following the time said lands are opened to entry. That in opening said lands for homestead entry the Secretary of the Interior shall provide for the disposition thereof to said soldiers, sailors, and marines in one 160-acre tract to each entryman, by drawing, under general rules and regulations to be promulgated by him: *Provided*, That the rights and benefits conferred by this act shall not extend to any person who having been drafted for service under the provisions of the selective-service act shall have refused to render such service or to wear the uniform of such service of the United States.

"SEC. 4. That said lands shall not be leased, or otherwise disposed of, except under the provisions of this act, and the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

Now, therefore, be it

Resolved by the Senate of the State of Oregon, the House of Representatives concurring, That the Legislative Assembly of the State of Oregon favors the passage by Congress of said bill and to that end the Representatives and Senators in the Congress of the United States from the State of Oregon are hereby urged to use their influence in behalf of the passage of said bill; and be it further

Resolved, That the chief clerk of the senate of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives of the State of Oregon in Congress.

Adopted by the house January 16, 1920.

SEYMOUR JONES,
Speaker of the House.

Adopted by the senate January 15, 1920.

W. I. VINTON,
President of the Senate.

TREATY OF PEACE WITH GERMANY.

Mr. PHIPPS. I send to the desk a copy of a resolution adopted by the board of directors of the Chamber of Commerce of the United States, and also resolutions adopted by the Chamber of Commerce of Pueblo, Colo., which I desire to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, D. C., January 21, 1920.

Hon. LAWRENCE C. PHIPPS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The board of directors of the Chamber of Commerce of the United States on January 20, 1920, unanimously adopted preambles and a resolution expressing its views with respect to the urgency of action upon the treaty of peace with Germany and with respect to the principles which should be followed in taking action.

By request of the board of directors, I am placing these preambles and the resolution before you, through inclosure with this letter, and ask that they have all possible consideration from you.

Very truly, yours,

H. L. FERGUSON, *President.*

"Whereas the progress and the safety of the world demand it; and

"Whereas in order that the vital interests of the United States and its nationals in Europe may be fully protected and the attention of our Government and our people may be concentrated upon our domestic problems, it is essential that the peace treaty be ratified immediately: Now, therefore, be it

"*Resolved*, That the board of directors of the Chamber of Commerce of the United States of America hereby urge the President and the Senate to take prompt action with respect to the treaty of peace with Germany, with such reservations as will fully safeguard every fundamental principle of the Government of the United States."

—

PUEBLO, COLO., *January 5, 1920.*

Hon. L. C. PHIPPS,
United States Senator, Washington, D. C.

DEAR SIR: At a public meeting held in Pueblo, Colo., January 2, 1920, the following resolutions were adopted:

"Whereas it is apparent that a strong effort is being made by interests not wholly in accord with Americanism to force a compromise upon the adoption of the so-called League of Nations:

"*Resolved by citizens of Pueblo, Colo., regardless of party, in a public meeting assembled to become better informed upon the League of Nations*, That we are unalterably opposed to any compromise in any way changing or modifying the Senate reservations and that the Knox resolution declaring peace be adopted.

"*Resolved*, That copies of these resolutions be sent to our Senators, chairman of the Senate Foreign Relations Committee, and Representatives of Colorado."

The foregoing resolutions were adopted by a unanimous vote.

JOHN MARKEY, *Chairman.*

Attest:

J. A. DOLAN, *Secretary.*

Mr. CHAMBERLAIN. I present a statement from Reed College, Portland, Oreg., in reference to the vote of the faculty on the peace treaty. It is short, and I ask that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REED COLLEGE,
Portland, Oreg., December 18, 1919.

We, the undersigned members of the faculty of Reed College, are convinced of the supreme importance of the ratification by the Senate, as soon as possible, of the treaty of peace with such interpretative reservations as may be proper and necessary to protect American interests, but which at the same time recognize the solemn duty of this country as a world power to assume its fair share of responsibility for the preservation of world peace and justice. We urge the Senators from Oregon to promote this action. We believe that a strong majority of the most intelligent and public-spirited citizens of all parties in the State will support them in favoring a resolution ratifying the treaty of peace with the League of Nations covenant in terms that will make it clearly unnecessary to resubmit the treaty to the general peace conference.

A. A. Knowlton, C. H. Gray, Susan Almira Bacon, W. C. Morgan, Hudson B. Hastings, Norman F. Coleman, Frank L. Griffin, Florence H. Read, Minna W. Niemice, Elsa F. Gill, Ruth B. Compton, Harry Beal Torrey, Carroll H. Wooddy, Dorothy A. Elliott, Helen Clark, Bertha K. Young, Margaret Walton.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Overman
Ball	Frelinghuysen	Lodge	Owen
Borah	Gronna	McCormick	Page
Brandegee	Hale	McKellar	Phelan
Capper	Harris	McLean	Phipps
Chamberlain	Harrison	McNary	Pomerene
Colt	Hitchcock	Moses	Sheppard
Culberson	Johnson, Calif.	Myers	Sherman
Curtis	Jones, N. Mex.	Nelson	Smith, Ga.
Dial	Jones, Wash.	New	Smith, Md.
Edge	Kellogg	Newberry	Smith, S. C.
Elkins	Kenyon	Norris	Smoot
Fernald	Kirby	Nugent	Spencer

Stanley	Townsend	Walsh, Mass.	Williams
Sterling	Trammell	Walsh, Mont.	Wolcott
Sutherland	Wadsworth	Warren	

Mr. GRONNA. I desire to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE], due to illness. I ask that this announcement may stand for the day.

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I make this announcement for the day.

Mr. McKELLAR. I desire to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Colorado [Mr. THOMAS], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Utah [Mr. KING] are absent on account of illness.

I wish also to announce that the Senator from Kentucky [Mr. BECKHAM], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

I have been requested to announce that the Senator from Virginia [Mr. SWANSON] is detained on account of illness in his family.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

WITHDRAWALS OF PUBLIC LANDS (H. DOC. NO. 629).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the withdrawals of public lands during the period from December 1, 1918, to November 30, 1919, etc., which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I have received from the board of directors of the Chamber of Commerce of the United States a resolution with the request that I present it to the Senate, which I do. I ask to have it read.

The reading clerk read the resolution.

Mr. PHIPPS. That is a copy of the resolution which I sent to the desk and had printed in the RECORD.

The VICE PRESIDENT. Very well, it will go in but once.

Mr. PHELAN. I ask to have printed in the RECORD a memorial of the American Legion of California.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

BAKERSFIELD, CALIF., *December 29, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

DEAR SENATOR: You have been forwarded a copy of the resolutions passed by the California State Department of the American Legion. You will note that resolution No. 34 expresses the opinion of the California department that the Government should pay a bonus to all men who served in the World War of $30 a month for each month of service. This resolution was very thoroughly debated at the State convention held in San Francisco in October, 1919. Every speaker admitted that in justice the Government should do something of this sort. Those opposing the resolution were simply against a clear-cut statement by the legion on the bonus question and wanted to leave it to the discretion of Congress. The resolution was voted by roll call at the convention and there were 417 votes for the resolution and 102 against it.

At Minneapolis the national convention passed the bonus question back to Congress only after Congressman ROYAL C. JOHNSON, of South Dakota, who was there as a delegate, assured the convention that Congress would consider the statement that the American Legion believed that there should be a provision for adjusted compensation would be sufficient to insure the hearty support of a bonus measure from the Members of Congress.

The advocacy of a bonus or adjusted compensation is somewhat embarrassing to the members of the American Legion, inasmuch as those members will be the recipients of the benefits, but without question 99 per cent of the men who served believe that the Government should pay a bonus and do so without delay. The 1 per cent against the bonus are men in such financial position that they are beyond need. Many of us are not in need of a bonus, but it would be exceedingly selfish to let our own position interfere with the needs of our less fortunate comrades. You realize that many men assumed family obligations before they entered the service, during their term of service, or immediately upon their return, and now find themselves utterly unable to cope with their new obligations.

The reports given by the Morris Plan Banks show that a great number of their loans are made to men who have returned from the service, who have had to mortgage their earning power to meet urgent and immediate obligations. If the Government fails to vote a bonus, it will be placing a premium on draft evaders and slackers, who received the benefits of high war-time wages and were able to buy automobiles and homes, while men who were serving their country are compelled to go into debt to a degree that will hamper them for at least several years in putting themselves upon their prewar footing.

I was chairman of the resolutions committee at the California State convention and a delegate to the Minneapolis convention and I know that it was thought by every delegate present that Congress would give justice to the men who had served. Those of us from California hope that the California delegation in Congress will stand as a unit back of the California Department of the American Legion in its request that the Government give a cash bonus, based upon the length of service.

You will hear it advanced that the men are not capable of taking care of their money if they are to receive it from the Government. That is a vicious and malicious statement made by men who have little appreciation of the fact that those who served were intelligent and capable, and inasmuch as the Government did not allow them to stipulate just what they would do while in the service it would not be wise to attempt to stipulate to them just what they should do now that they are out of the service with their adjusted compensation.

Canada, with its limited resources, has recognized its men and is endeavoring to give them a foothold in civil life upon their return, and it is to be sincerely hoped that our country, the greatest and wealthiest, will not be among the last to give recognition of the services of the men who answered her call in time of need. It is common knowledge that many thousands of men who served in the World War are in very urgent need of financial assistance, and it is a strain upon their loyalty and good will toward their country to overlook their needs at this time.

Yours, very sincerely, THOS. W. MCMANUS,
Vice President American Legion of California.

Mr. ELKINS presented a petition of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation making appropriations for the construction of Federal highways throughout the country, which was referred to the Committee on Post Offices and Post Roads.

Mr. MOSES presented a petition of sundry citizens of Hanover, N. H., praying for a compromise looking to an early ratification of the treaty of peace with Germany, which was ordered to lie on the table.

Mr. SUTHERLAND presented a petition of the Automobile Club and the Automobile Dealers' Association of Wheeling, W. Va., praying for the enactment of legislation making appropriations for the construction of Federal highways throughout the country, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 310) for the relief of John Murphy, reported it with an amendment and submitted a report (No. 378) thereon.

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, reported it with amendments and submitted a report (No. 379) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3750) to amend an act entitled "An act to provide for the settlement of claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885, as amended by the act of July 9, 1918, and for other purposes, reported it without amendment and submitted a report (No. 380) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KIRBY:

A bill (S. 3779) to authorize the Ozark Forest road-improvement district, of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfolk, Ark.; to the Committee on Commerce.

By Mr. SHERMAN:

A bill (S. 3780) further to regulate public utilities in the District of Columbia, and for other purposes;

A bill (S. 3781) to create the offices of third assistant probation officer and stenographer and typist for the probation office of the police court of the District of Columbia; and

A bill (S. 3782) to authorize the Commissioners of the District of Columbia to close streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening of other streets, roads, or highways, and for other purposes; to the Committee on the District of Columbia.

By Mr. WALSH of Montana:

A bill (S. 3783) providing for the allotment of lands within the Fort Belknap Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. KENYON:

A bill (S. 3784) granting an increase of pension to Hamilton K. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3785) to amend the Penal Code; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

A bill (S. 3786) granting a pension to August L. S. Becker;

A bill (S. 3787) granting a pension to Edgar B. Stuart;

A bill (S. 3788) granting an increase of pension to Elias B. Lesh;

A bill (S. 3789) granting an increase of pension to Sophrona J. Spencer (alias Owen); and

A bill (S. 3790) granting a pension to Carrie McFadden; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3791) granting an increase of pension to George P. Thompson; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 3793) granting a pension to Leon H. Coombs; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 148) authorizing the Department of Commerce to participate in the National Marine Exposition to be held in New York in April, 1920; to the Committee on Commerce.

LAND FOR WALTER REED HOSPITAL.

Mr. SPENCER. I introduce a joint resolution and ask that it be referred to the Committee on Military Affairs.

The joint resolution (S. J. Res. 147) to amend the Army appropriation act approved July 11, 1919, was read twice by its title and referred to the Committee on Military Affairs.

Mr. SPENCER. I am authorized by the Committee on Military Affairs to report back favorably without amendment the joint resolution which I have just introduced, and I ask that it may go to the calendar.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

RIVERTON PROJECT, WYOMING.

Mr. WARREN submitted an amendment proposing to increase the appropriation for continuation of investigations, construction, operation, and maintenance of the Riverton project, Wyoming, from $50,000 to $150,000, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

CONSTRUCTION WORK AT MILITARY POSTS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, which was referred to the Committee on Military Affairs and ordered to be printed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. JONES of Washington submitted the following resolution (S. Res. 288), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce be, and is hereby, authorized to employ an assistant clerk at the rate of $1,680 per annum, to be paid out of the contingent fund of the Senate during the present session of the Sixty-sixth Congress.

HEIRS OF JOSEPH SHAW.

Mr. KENYON submitted the following resolution (S. Res. 289), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay jointly, out of the contingent fund of the Senate, to Cora Shaw, Mabel Shaw Hedekin, and Edna Shaw Hutson, daughters of Joseph Shaw, late an employee in the folding room of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

NEW YORK AND SOUTHERN PORTS.

Mr. DIAL. Mr. President, we are considering what disposition shall be made of the ships. I present an editorial, reprinted in the Charleston News and Courier from one of the New York papers, which I ask may be printed in the RECORD without reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[Editorial leader from the News and Courier, Charleston, S. C., of Jan. 20, 1920.]

NEW YORK AND SOUTHERN PORTS.

"In the light of the determined efforts which are being made by New York to prevent by any and all means the diversion of foreign trade from New York through southern ports, it is interesting to note again the congested traffic conditions which exist in New York Harbor. According to the New York Journal of Commerce of last Saturday, 'harbor facilities at the port of New York are so overwhelmed by export trade demands that, in the opinion of underwriters and shippers, commodity deterioration, theft and pilferage, misplacement, and delayed shipments prevail to an extent hitherto unprecedented.'

"The New York Journal of Commerce says that the losses resulting from the conditions which it describes are declared by those acquainted with the facts to be 'appalling.' It states that the congestion is confined to no particular district but prevails generally along all wharf frontages, but goes on to give a vivid picture of the situation in those districts where conditions are particularly bad. Here is the state of affairs which exists in the Chelsea district, along the North River, the Weehawken section, both shores of the East River where are deep-water facilities, and along the 'Atlantic Basin' in Brooklyn:

"In these places goods of all types lie exposed to the elements. Even the makeshift tarpaulin is usually lacking. Cotton bales lie upon the bulkheads with neither covering above nor protection from the soil beneath. Goods in burlap or other types of bagging, packed in thin boards, or, as is often the case, in open crating, are beat upon by wind and rain for indefinite periods.

"Not only are piers and bulkheads generally piled high with vast quantities of unprotected goods, but the same thing is true with respect to lighters. Far beyond the pierheads to which they are attached they swing in long strings. The inspection and surveying officials of one large insurance company asserted that fleets of lighters were literally chained together, fastened to a single pierhead, and left to drift, in one case the radius of the drift being approximately 1,000 feet. It was said that this is in direct violation of the city ordinances, but even more to be deplored was the fact that many of these lighters are loaded either with perishable commodities or with goods which materially deteriorate upon long continued exposure to wind and rain.

"Inadequate protection from the weather is supplemented by inadequate safeguards against thievery. Along certain shore fronts, notably the Chelsea frontage, the thieving elements seem to be in a high state of organization and are no longer content with petty pilferage, but steal by the case or by entire consignments. Entire cargoes of lighters have not proved to be beyond their undertaking, according to statements from sources known to be wholly reliable. It was asserted that the vast quantities of unhoused goods on lighter decks, piers, and barns made protection by ordinary police methods entirely unsuccessful.

"It is said that practically all of the congested goods to be found along the New York water front are for export trade, and as an illustration of how difficult it is to get traffic moved promptly through New York one inspector is quoted as saying that '119 automobiles, according to his count, remained in one spot for four and a half months.' The Journal of Commerce says that 'chaos exists generally in and around the wharves.' Yet in the face of these conditions, New York is determined that the southern ports shall not be utilized if it can put a stop to the movement to bring this about. Her agents, acting for her, are bringing all the pressure they can from many directions to destroy the hopes which exist in the South for the building up of a foreign trade through the South Atlantic ports and for the development of these ports.

"One week from to-day, on next Tuesday, January 27, there will be a hearing before the Senate Committee on Commerce at Washington which is of great importance to Charleston and the other South Atlantic ports. It has been arranged by the Mid-west-Gulf-South Atlantic committee, representing these three sections of the country for the promotion of foreign trade through southern ports, and the Senate Committee on Commerce has promised to give a full day to this hearing. In connection with this hearing Mr. Matthew Hale has arranged for a conference at the New Willard to meet Senators and Congressmen of the Mississippi Valley and South Atlantic States at which the need of continuing export rates will be discussed. A vigorous effort is on foot emanating from New York to annul these rates, and unless concerted action can be got from those who have the welfare of this section and of this movement on their hearts there is danger that the attack from New York will succeed.

"Nothing can be more evident than that New York now has a larger volume of foreign traffic than she is able to accommodate. The statements quoted above from the New York Journal of Commerce prove that. It must be borne in mind that the

condition which the Journal of Commerce describes is one which has lasted now over a period of several years, and which during that time has grown steadily worse instead of better. Patriotic citizens all over the country were aroused two years ago to the necessity of opening the southern ports to this foreign trade in order to relieve the dangerous congestion which exists at New York. It is the selfishness of New York which would defeat the movement which, under the able leadership of Mr. Hale, has been making rapid progress in that direction. Charleston and South Carolina in this crisis should give Mr. Hale the support which he requires. This city's business men should send to Washington the strongest possible delegation to represent its interests and the interests of the southern ports at the hearing which is to be held before the Senate Committee on Commerce next Tuesday."

SEDITIOUS ACTS AND UTTERANCES.

Mr. OWEN. Mr. President, I present an analysis of the Nelson or Davey bill and the Sterling bill, which I ask to have printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE NELSON OR DAVEY BILL AND STERLING BILL.

DAVEY BILL IS IDENTICAL WITH THE NELSON BILL—THE NELSON OR DAVEY BILL IS THE BILL RECOMMENDED AND TRANSMITTED TO CONGRESS IN HIS REPORT OF NOVEMBER 14, 1919.

"The Nelson bill purports to prohibit the doing or threatening of any 'act of force' (not defined) against any person or property or any act of 'terrorism, hate, revenge, or injury' (not defined) against the person or property of a Government employee with subversive intent. That is sedition. It also provides for the punishment of 'promoting sedition'—defined to cover the advocacy or justification of sedition as thereinbefore defined or connection with an organization concerned with such advocacy or justification.

"The Sterling bill prohibits advocacy of the overthrow or change of government by force, violence, or physical injury to person or property.

"The Sterling bill seems moderate in comparison with the Nelson bill. Its moderation, however, is a moderation of language and not of substance. It has the same vice of not saying what it really means. It is the more deceptive for less clearly suggesting the excesses to which it will lend itself.

"Both bills are disingenuous. What the authors are after is not the finding of a person who actually preaches violent acts (Sterling bill) or expresses subversive intent (Nelson bill). That person is altogether too hard to find. What the authors are really after is a chance to put up to magistrates, postmasters, and juries the question whether extremist doctrines do not in themselves imply advocacy of force and violence, or subversive intent, and so make their holder jailable. The answer to the question depends on one fact only, a fact outside the record, namely, the liberal or conservative tendency of the person who has to answer it. And the legal percentage of liberals in court rooms seems to be kept down to about the percentage of benzoate of soda under the pure-food law. A jury of a man's peers in a free-speech case means a jury of 100 per cent Americans and who are also 100 per cent conservative and 100 per cent ignorant of the most elementary theories of socialism, industrial unionism, the labor movement, and, if possible, social betterment in general. The very ideals of socialism and communism in their most pacifist forms shock an average jury to such an extent that they mistake the shock itself for force and violence. When you give district attorneys the chance of going to trial on an issue of advocating force and violence or 'intent to change the Government,' they are very nearly as well off as if the crime were defined as mere disagreement with existing conditions.

The Nelson bill, S. 3448.

INTENT.

Section 1. Whoever with the intent to levy war against the United States—

"What is evidence of 'intent to levy war'? An undertaking to organize and drill a band of rebels in a mountain fastness would be clear. That is not the case, however, which will arise. In the practical application of the statute excited prosecutors will persuade excited jurymen to infer 'intent to levy war' from the mere fact of advocacy of extreme doctrines.

or to cause the change, overthrow, or destruction of the Government—

"The preposterousness of the word 'change' in this connection is obvious. Advocacy of the substitution of a commission form of government for government by President, Congress, and Supreme Court—or even of so unfundamental as a change to executive from legislative budget making—would evince a sufficiently criminal intent.

"It does not follow that the omission of the word 'change' would make the provision reasonable. 'Intent to cause the overthrow or destruction of the Government,' of course, does not mean intent to cause violent or unlawful overthrow or destruction. Expression of a preference for constitutional monarchy, for example, at a time when men's passions were heated with respect to the merits of such a form of government, would, as a practical matter, be sufficient.

or of any of the laws—

"The Anti-Saloon League has undoubtedly had lately, and the brewers and liquor interests have undoubtedly at present, the kind of an intent which it is here proposed to make a criminal intent.

or authority thereof—

"Some time ago Macy's department store, in New York City, posted an invitation to sign a petition for the repeal of luxury taxes containing in glaring black capitals this statement: 'Luxury taxes discourage industry and make for unemployment.' It is obvious that such a placard tends to dampen the zeal and ardor of merchants and customers for paying luxury taxes; it would follow, as a natural and probable consequence, that some person thus made apathetic or hostile would now and then evade his luxury tax. Since everyone is presumed to intend the natural and probable consequences of his acts, it follows that R. H. Macy & Co., in exhibiting such a placard, intended to change, overthrow, or destroy the authority of the luxury-tax law.

or to cause the overthrow or destruction of all forms of law or organized government—

"This, like the 'intent to levy war' clause, is a bid for the approval of people who hate anarchy and do not realize the ingenuity of prosecutors in persuading juries to make far-fetched inferences from remote evidence.

or to oppose, prevent, hinder, or delay the execution of any law of the United States—

"During the war Congress appropriated money for the purchase of munitions. Conditions in some of the industries where these munitions were produced were intolerable; the life and safety of employees were needlessly exposed; the hours were long; the wages were low; there was not recognition of the fact that the employees were sentient human beings. It was proposed to organize strikes. This was held evidence of intent to oppose, prevent, hinder, and delay the execution of the laws appropriating money for the purchase of munitions at the plants in question.

or the free performance by the United States Government or any one of its officers, agents, or employees of its or his public duty—

"It is the duty of the United States Government and many of its agents to procure materials. The performance of these duties would be obstructed by strikes in the industries producing these supplies, however proper and legitimate the occasion might be for a strike. And, again, on the familiar theory that persons are presumed to intend the natural and probable consequences of their acts, the organization of such a strike would be presumptive evidence of intent to interfere with the performance by the Government and its officers of their public duty.

FORBIDDEN ACTS.

commits or attempts or threatens to commit any act of force against any person or any property—

"In the case already referred to the proposal to organize strikes against intolerable conditions was held to evince not only intent to oppose, prevent, hinder, and delay the execution of laws, but to include the further element of force—i. e., the inference was of intent 'by force to prevent, hinder, and delay' the execution of various laws, in violation of section 6 of the Criminal Code. Thus a strike—any strike—may be an act of force against both persons and property.

or any act of terrorism,—

"The possibilities attending the introduction of a word like this, with no precise definition, into such a statute are too obvious to call for comment.

hate,—

"The gesture of thumbing the nose may be punished by 20 years in prison and a $10,000 fine if done with intent to change the law by a sufficiently unpopular person at a time of sufficient hysteria.

revenge, or injury against the person or property of any officer, agent, or employee of the United States—

"The Kaiser possibly had as adequate a protection against lese majeste as this would confer upon the President of the United States. But the Kaiser's prime minister most assuredly had no such personal sanctity as that with which it is contemplated to invest the janitor of the Post Office Building.

shall be deemed guilty of sedition.

Sec. 2. Whoever makes, displays, writes, prints, or circulates, or knowingly aids or abets the making, displaying, writing, printing, or circulation of any sign, word, speech, picture, design, argument, or

teaching which advises, advocates, teaches, or justifies any act of sedition as hereinbefore defined, or any act which tends to excite sedition as hereinbefore defined—

"There can obviously be no check upon the kind of prosecution to be instituted under this language except the moderation and discretion which the Attorney General will doubtless promise to employ. We shall have courts gravely litigating the significance of salmon-colored petticoats or the wearing of Red Cross buttons in the right lapel instead of in the left.

"With the first set of fine verbs there is no qualification as to knowledge, willfulness, or intent. Supposing that it has been held that the following words criminally justify an act of sedition: 'R. H. Macy & Co. ought not to be punished for declaring that luxury taxes make for unemployment.' Suppose the New York World prints this news item: 'John Smith has been convicted for saying that R. H. Macy & Co. should not be punished for declaring that luxury taxes make for unemployment.' Then the New York World is itself guilty of 'promoting sedition.'

"The second set of verbs is qualified by 'knowingly.' Anyone who 'knowingly' displays or prints, whatever his intent, is guilty. The World may publish the fact that John Smith is indicted for sedition, but not what his alleged sedition consisted of.

or organizes or assists, or joins in the organization of, or becomes or remains a member of, or affiliated with, any organization or society, whether the same be formally organized or not, which has for its object,-in whole or in part, the advising, advocating, teaching, or justifying of any act of sedition as hereinbefore defined, or the inciting of sedition as hereinbefore defined—

"What is affiliation with an organization? What constitutes 'assisting' an organization? What is an organization? What is an organization which is not formally organized?

"It has been held that acts and expressions of members of an organization are evidence of its objects. A member or assister or affiliator can not rely upon an innocent charter or organization agreement. He becomes in effect an insurer of the private conduct of all the members.

shall be deemed guilty of promoting sedition.

"*The Sterling bill, S. 3317.*

"*Section 1. That it shall be unlawful for any person to advocate or advise the overthrow, or to write, or knowingly to print, publish, utter, sell, or distribute any document, book, circular, paper, journal, or other written or printed communication, in or by which there is advised the overthrow, by force or violence, or by physical injury to person or property of the Government of the United States or of all government, or to advise or advocate a change in the form of government or the Constitution of the United States or resistance to the authority thereof by force or violence or by physical injury to person or property, or by force or violence to prevent, hinder, or delay or attempt to prevent, hinder, or delay the execution of any law of the United States.*

"A reader of this section unfamiliar with the ingenuity of prosecutors might infer that it is intended to punish only advocacy of the use of force or violence or physical injury to person or property for the accomplishment of certain ends. The accompanying analysis of the Nelson bill has presented illustrations of the kind of far-fetched inferences which ingenious prosecutors, in collusion with hysteria, can persuade juries to make.

"It is intolerable that the determination of the political ends and aims in men's minds should be left to the judgment of their passionate adversaries.

"*Sec. 2. That the display or exhibition at any meeting, gathering, or parade, public or private, of any flag, banner, or emblem intended by the person or persons displaying or exhibiting the same to symbolize or indicate a purpose to overthrow by force or violence or by physical injury to person or property, the Government of the United States or all government, is hereby declared to be unlawful.*

"The prohibition of emblems symbolizing or indicating sinister purposes is more harmful than their display. Who is going to determine what is an emblem or what an emblem symbolizes? Who is hurt by its display? Does it entail such a danger that it is worth while to punish 10 persons mistakenly for displaying something which is not in fact an emblem, or which does not in fact symbolize any sinister purpose, in order to prevent one futile ill-intentioned display?

"*Sections 3 and 4.*

"These sections make written matter which violates the preceding sections unmailable and nontransportable. The futility of expecting a Postmaster General or other public official to be less bigoted and less unintelligent in the interpretation of the meaning of controversial doctrines than 12 ordinary jurymen needs no demonstration."

SHIPPING BOARD CLAIMS.

The VICE PRESIDENT. The morning business is closed.

Mr. FERNALD. I ask unanimous consent again this morning to take from the calendar Senate bill 3451.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. Let me inquire what the bill is?

Mr. FERNALD. It is the bill I called up yesterday morning for the relief of wooden-ship builders.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3451) authorizing the United States Shipping Board to adjust the claims of wooden-ship builders arising out of the prosecution of the war.

Mr. FERNALD. Mr. President, I had hoped that the brief statement of facts which I made yesterday might be sufficient to warrant the passage of the bill, but some statements were made in the Senate at that time which I can not permit to go unchallenged.

It was stated on the floor of the Senate that the bill had been very carelessly and loosely drawn. To that statement I object. First of all, it was drawn by a Senator who is considered to be one of the best lawyers in the Senate. It was carefully considered for several days by the Committee on Commerce, on which we have as a member the chairman of the Committee on the Judiciary and 12 other eminent lawyers of the Senate of the United States. Further than that I have taken the trouble myself to consult one of the best constitutional attorneys in the country, so considered by Senators on both this and the other side of the Chamber. In view of these facts it would seem to me to be entirely unfair and unjust that such statements should go to the people of the country.

Mr. LENROOT. Will the Senator yield?

Mr. FERNALD. I yield.

Mr. LENROOT. The Senator does not mean that the distinguished chairman of the Committee on the Judiciary was present when the amendments were considered or that he agreed to them?

Mr. FERNALD. I think that Senator was present at the last meeting of the committee.

Mr. NELSON. No; I was not present when the bill was considered by the committee. It was difficult to get a quorum, and the clerk of the committee asked me if I might be counted to make a quorum; but I was unable to be present on account of my duties in connection with another committee. I had no opportunity to vote on the amendments, and they do not meet with my concurrence.

Mr. FERNALD. Mr. President, I desire to make the statement that in the final disposition of the bill by the committee a quorum was present and every member present voted that the bill should be reported as I have reported it, with the amendments.

Having brushed aside that statement, because I believe it ought to be cleared, I wish to say that we seem to forget that scarcely two years ago the country was at war and we were giving to the President of the United States, and very properly so, all the authority that seemed necessary for the carrying on of the Great War. He immediately inaugurated new departments, instituted new bureaus for conducting the war, and among others were the United States Shipping Board and the Emergency Fleet Corporation. The members of those corporations begged people all over the country to come to Washington to confer on matters which were to be brought before those corporations or departments.

We were appropriating money by the millions and hundreds of millions in those days to carry on the war. We were raising an army of 4,000,000 men. We were getting active in every line of business in the country. The munitions factories, the steel factories—in fact, every manufactory in the United States—was set to work and thousands of contracts were made, entirely invalid, but for the purpose of immediate and speedy action.

With all the preparations that were made for the munitions of war and the manufacture of everything that could help to win the war, we had an army of 2,000,000 soldiers who were being trained on this side of the water, and one of the great essentials in carrying on the war was to get them to the other side. The United States Shipping Board, knowing that emergency and having been told by the President of the United States that it was a most important factor in the carrying on of the war, brought men from almost every State, in fact from every State on the Gulf and the Atlantic and Pacific coasts, to engage in the building of ships. They were told that the Government needed ships, more ships, and more ships, and they were invited and begged and implored to build ships, and every man who knew anything about the building of ships was sent into action; and before any contracts were made they were told that this department was a business organization; that there was to be no red tape about this; that business was to be done in a businesslike way over the table as among business men, and before contracts were even made with these men they were implored to go back home and get busy. I am telling no

fiction, Mr. President; but, taken from the files of the United States Shipping Board, letters will be found to men in all parts of the Pacific and Atlantic coasts imploring them to get busy in the building of ships; and, acting on that suggestion, men did start in the building of ships.

They built ways; they got their organizations together; they went to every man who had any property in their immediate vicinity; they went to the banks and organized financially to carry on the building of these ships. The work was begun, and after it was nicely and finally started it was decided that the contract which had been contemplated by the United States Shipping Board was not workable. They had first endeavored to have steel ships, and then it was found that the steel mills in the country were engaged for at least two years ahead, and it was impossible to build steel ships for at least two years. On the other side of the water ships were being sunk by submarines at the rate of 10 to 40 a day, and it was the plea from the other side of the ocean that we people on this side must build ships to get our soldiers and sailors across the water; and, whatever may be said about the conduct of this war, no man has a right to criticize the activity of the Navy in getting our boys safely on the other side of the water. We built ships. It was impossible to build steel ships, and every little wood-ship builder in this country got busy in the building of ships.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD. I yield.

Mr. HITCHCOCK. I have not been able as yet to find any written report on this bill.

Mr. FERNALD. I made a report yesterday.

Mr. HITCHCOCK. Does not the Senator think it would be wise to defer the consideration of the bill until Senators can have an opportunity to examine the report?

Mr. FERNALD. This bill has been reported several days; and it does seem to me that men who have a just and honest claim against this Government, and have been deprived of their funds for 14 months, while others who have been manufacturing all kinds of munitions have had their contracts validated by the Congress of the United States, ought now to have immediate action, and this bill ought to have immediate passage.

Mr. HITCHCOCK. I should like to ask the Senator whether the report has been printed?

Mr. FERNALD. I think it has been.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that on the bill itself, calendar No. 334, as printed, there is no notation that there has been a report made upon the bill; and, therefore, if it has been printed, there is a mistake in printing the bill itself, as now on the calendar.

Mr. LENROOT. Mr. President, my bill bears a notation that it was reported by the Senator from Maine [Mr. FERNALD] on the 21st instant.

Mr. SMOOT. Oh, that is a different thing; but the report should be noted upon the bill as reported to the Senate.

Mr. LENROOT. Did the Senator make a report?

Mr. FERNALD. I made a report yesterday.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD. I yield.

Mr. HITCHCOCK. Of course, the report is of no use to the Senate, and throws no light on the subject, unless it is printed and supplied to Senators. I should like to ask the Senator some questions.

Mr. FERNALD. I shall be glad to answer them.

Mr. HITCHCOCK. How many claims are involved in this matter of wooden ships?

Mr. FERNALD. The president of the Shipping Board is unable to determine the exact number of claims. There have been already about 70 adjusted and paid. In the Congress last year there was an appropriation of $55,000,000 to pay these claims.

To go back a little, if the Senator will permit me, in the cancellation of these matters the Government saved about $125,000,000.

Mr. HITCHCOCK. I understand that claim, but I am trying to secure some information.

Mr. FERNALD. I am trying to answer the question. The appropriation of $55,000,000 was estimated. The shipbuilders of the country were invited to Washington and asked to make a report as to about the amount that was necessary to pay their claims. They estimated a total of $55,000,000 for the payment of the entire bill of all the shipbuilders.

Mr. HITCHCOCK. Were these claims presented?

Mr. FERNALD. An estimate of them was made. They were not all presented, but each man simply made his estimate. Then they commenced the settlement of these claims, and it was found that on the basis of the returns from the shipbuilders the settlements by the Shipping Board amounted to less than 25 per cent of the claims of the shipbuilders. In the case of the 70 claims that were settled, it cost only one-fourth as much as it was estimated by the shipbuilders; so that without doubt the amount of $55,000,000, which was appropriated, was at least three times as much as was necessary. Now, it is not possible to tell the exact number, because these men were scattered all over the country, and they were building anywhere from one small ship to very many large ships; but the amount of $15,000,000, estimated to be required to pay the claims, is doubtless more than will be required.

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. FERNALD. Yes.

Mr. LENROOT. This estimate of $15,000,000 did not contemplate the incorporation of the amendments that the committee has incorporated, which will vastly increase the expenditures.

Mr. EDGE. Mr. President, may I ask the Senator a question?

Mr. FERNALD. I yield.

Mr. EDGE. I thoroughly agree with the Senator's contention that these claims, where they are just, should be settled; but does the Senator agree that this suggested amendment gives any discretion to the Shipping Board in making such adjustments, at the bottom at page 3:

That in adjusting such claims the said board shall include and pay an amount equal to the difference between the actual cost of the yards, plants, facilities, machinery, and equipment provided for use in connection with the construction of ships or barges under contracts with the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation and the salvage value of said yards, plants, facilities, machinery, and equipment at the time of adjustment less such amount as the contracts specify shall be allowed for depreciation for each delivered ship hull and for each delivered barge.

Does not that make the settlements almost a matter of arbitrary decision?

Mr. CHAMBERLAIN. Mr. President——

Mr. FERNALD. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment to remind him of this fact: This bill follows along the lines of the precedents which have been established already, not only by the Senate but by Congress. It is conceded, and the evidence shows, that millions of dollars of war contracts were made without any authority of law, and made in many cases by officers of the Army and by the Secretary of War over the telephone, sometimes by letter, sometimes by persons who really had no specific authority to contract upon the part of the Government; and yet the Congress passed a bill in the Sixty-fifth Congress, Public, No. 322, which authorized the Secretary of War to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis that had been entered into in good faith, and so forth. I am going to ask that that law be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Public, No. 322, Sixty-fifth Congress, H. R. 13274.]

An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis that has been entered into, in good faith during the present emergency and prior to November 12, 1918, by any officer or agent acting under his authority, direction, or instruction, or that of the President, with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for damages resulting from notice by the Government of its intention to acquire or use said lands, or for the production, manufacture, sale, acquisition or control of equipment, materials or supplies, or for services, or for facilities, or other purposes connected with the prosecution of the war, when such agreement has been performed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such person, firm, or corporation prior to November 12, 1918, and such agreement has not been executed in the manner prescribed by law: *Provided*, That in no case shall any award either by the Secretary of War or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States and a reasonable remuneration for expenditures and obligations or liabilities necessarily incurred in performing or preparing to perform said contract or order: *Provided further*, That this act shall not authorize payment to be made of any claim not presented before June 30, 1919: *And provided further*, That the Secretary of War shall report to Congress at the beginning of its next session following June 30, 1919, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof: *And provided further*, That no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into, or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in all such cases shall exist against the executors, administrators, heirs, successors, and assigns, of any party or parties: *And provided further*, That nothing in this act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statute of the

United States for any fraud or criminal conduct: *And provided further,* That this act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: *And provided further,* That in all proceedings hereunder witnesses may be compelled to attend, appear, and testify, and produce books, papers and letters, or other documents; and the claim that any such testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding.

SEC. 2. That the Court of Claims is hereby given jurisdiction on petition of any individual, firm, company, or corporation referred to in section 1 hereof to find and award fair and just compensation in the cases specified in said section in the event that such individual, firm, company, or corporation shall not be willing to accept the adjustment, payment, or compensation offered by the Secretary of War as hereinbefore provided, or in the event that the Secretary of War shall fail or refuse to offer a satisfactory adjustment, payment, or compensation as provided for in said section.

SEC. 3. That the Secretary of War, through such agency as he may designate or establish, is empowered, upon such terms as he or it may determine to be in the interest of the United States, to make equitable and fair adjustments and agreements, upon the termination or in settlement or readjustment of agreements or arrangements entered into with any foreign government or governments or nationals thereof, prior to November 12, 1918, for the furnishing to the American Expeditionary Forces or otherwise for war purposes of supplies, materials, facilities, services, or the use of property, or for the furnishing of any thereof by the United States to any foreign government or governments, whether or not such agreements or arrangements have been entered into in accordance with applicable statutory provisions; and the other provisions of this act shall not be applicable to such adjustments.

SEC. 4. That whenever, under the provisions of this act, the Secretary of War shall make an award to any prime contractor with respect to any portion of his contract which he shall have sublet to any other person, firm, or corporation who has in good faith made expenditures, incurred obligations, rendered service, or furnished material, equipment, or supplies to such prime contractor, with the knowledge and approval of any agent of the Secretary of War duly authorized thereunto, before payment of said award the Secretary of War shall require such prime contractor to present satisfactory evidence of having paid said subcontractor or of the consent of said subcontractor to look for his compensation to said prime contractor only; and in the case of the failure of said prime contractor to present such evidence or such consent, the Secretary of War shall pay directly to said subcontractor the amount found to be due under said award; and in case of the insolvency of any prime contractor the subcontractor of said prime contractor shall have a lien upon the funds arising from said award prior and superior to the lien of any general creditor of said prime contractor.

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation by reason of producing or preparing to produce either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war, said minerals being enumerated in the act of Congress approved October 5, 1918, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply."

The said Secretary shall make such adjustments and payments in each case as he shall determine to be just and equitable; that the decision of said Secretary shall be conclusive and final, subject to the limitation hereinafter provided; that all payments and expenses incurred by said Secretary, including personal services, traveling and subsistence expenses, supplies, postage, printing, and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, as the Secretary of the Interior may deem essential and proper, shall be paid from the funds appropriated by the said act of October 5, 1918, and that said funds and appropriations shall continue to be available for said purpose until such time as the said Secretary shall have fully exercised the authority herein granted and performed and completed the duties hereby provided and imposed: *Provided, however,* That the payments and disbursements made under the provisions of this section for and in connection with the payments and settlements of the claims herein described, and the said expenses of administration shall in no event exceed the sum of $8,500,000: *And provided further,* That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months from and after the approval of this act: *And provided further,* That no claim shall be allowed or paid by said Secretary unless it shall appear to the satisfaction of the said Secretary that the expenditures so made or obligations so incurred by the claimant were made in good faith for or upon property which contained either manganese, chrome, pyrites, or tungsten in sufficient quantities to be of commercial importance: *And provided further,* That no claims shall be paid unless it shall appear to the satisfaction of said Secretary that moneys were invested or obligations were incurred subsequent to April 6, 1917, and prior to November 12, 1918, in a legitimate attempt to produce either manganese, chrome, pyrites, or tungsten for the needs of the Nation for the prosecution of the war, and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said Secretary: *And provided further,* That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year.

That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: *Provided further,* That in determining the net losses of any claimant the Secretary of the Interior shall, among other things, take into consideration and charge to the claimant the then market value of any ores or minerals on hand belonging to the claimant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip said mine for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid.

Approved February 2, 1919.

Mr. CHAMBERLAIN. Not only that, Mr. President, but the terms of the pending bill are not dissimilar from the terms of the bill which was passed at that time. They went still further than that, and in the bill to which I have called attention they authorized the payment upon a just and equitable basis of claims, express or implied, that were incurred in producing chrome and other minerals that were necessary for the prosecution of the war. So we are not going blindly into this legislation. We are doing the fair thing, and exactly the same thing that was done in reference to war and other contracts that were made really informally and without any express authority of law. If it was right then, it is right now that these people should be paid in exactly the same way.

Mr. EDGE. Mr. President, may I follow up the question by asking the Senator from Oregon if the same language appears in the act to which he is now referring? This is certainly arbitrary. This amendment gives no discretion, as I read it.

Mr. CHAMBERLAIN. I have not compared the language of the two bills, but the purpose of the bills is practically the same.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FERNALD. Yes.

Mr. LENROOT. I certainly would agree with the bill as originally drawn; there is no possible objection to that; but these amendments go far beyond the validation-of-contracts bill that was passed by Congress.

Mr. CHAMBERLAIN. Of course, I assume that some amendments will be made to the bill. So far as I am personally concerned, I do not want to open the doors of the Treasury wide to every claim that might come in; but I do feel that these men, who acted in perfect good faith and were complying with the requests of the department, ought to be paid the amount due them.

Mr. LENROOT. There is no controversy about that; but I should like to ask the Senator whether he understands that under the amendment proposed by the committee a man might have entirely completed his contract with the Government and then put in a claim for the salvage of the yard, without any assurance from any representative of the Government that he would ever get another contract, and yet under this amendment every shipyard in this country would have to be paid for out of the Treasury? Does the Senator agree that any such legislation as that is wise?

Mr. CHAMBERLAIN. I do not think the bill goes to the extent that the Senator claims, but he may be right in his construction of it. I shall be glad if he will call attention to the particular provision to which he refers.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. FERNALD. I yield to the Senator from Florida; yes.

Mr. FLETCHER. I want to say that I do not think the purpose of the amendment was to open the door to any such settlement as the Senator from Wisconsin [Mr. LENROOT] apprehends; and, furthermore, I am satisfied that the parties interested here do not ask, under this bill, any different plan or basis of settlement than that which was pursued originally by the Shipping Board in making the settlements of some 70 cases which they have already made. Some five or six million dollars were paid out in the adjustment of those claims, and the people now interested are perfectly willing to have those settlements continue upon the basis which had been agreed upon by the board, and which was actually put into practice originally. They are not asking any different plan of settlement than that. They have proposed certain amendments, however, because after hearings it was suggested that a very strict construction might be placed upon this language which would eliminate the principle of fairness and equity in the settlement of these claims and hold them down to a strict, technical construction of precise language—for instance, whether a given person was an authorized representative of the Shipping Board or Emergency Fleet Corporation.

The chairman of the board would hold, under that construction, that it meant the president or the vice president or the general manager, duly authorized to make contracts. When this work was going on, however, the Shipping Board and Emergency Fleet Corporation sent out representatives all over the country to negotiate contracts for the building of ships, and those men were the representatives of the Emergency Fleet Corporation, although they were not officials of that corporation holding the relation to the corporation that an officer authorized to sign contracts would be required to hold; but they went out as agents of the Emergency Fleet Corporation, and as its representatives in

the sense that they were the actual attorneys in fact, duly authorized to make these negotiations, and to give assurances. Now, the men who built the ships depended upon those representatives; and while they were not representatives in the sense that they were officers of the Fleet Corporation, they were representatives in the sense that they were sent out for the purpose of making these representations and these assurances and negotiations, and the men who relied upon those assurances and representations ought not to be deprived of their rights upon a technical objection that these men representing the Emergency Fleet Corporation, duly authorized to negotiate these contracts, were not officers of that corporation.

It is amendments like that which the committee thought ought to be made plain and clear, and therefore proposed to this bill. It is not the purpose of the bill to open the door, as I said, to any different kind of settlements than those which have already been practiced prior to the present organization of this board, and under which settlements some five or six million dollars have already been disbursed. Therefore I say that the amendments to the bill do not open the door, as the Senator from Wisconsin suggests, to the disbursement of larger sums than were contemplated when the Appropriations Committee had the bill under consideration and adopted the estimates of the Shipping Board as to the cost of these adjustments. They actually appropriated the money and provided for these settlements, and yet the settlements are held up, and the money is there waiting on these adjustments. For 8 or 10 months the people concerned have been here pleading for an adjustment of their claims, and they ought to be settled, and ought to be settled now. Otherwise, delay amounts to a denial of justice, and they might just as well have no settlement at all. Many of them will go into bankruptcy before any relief can come.

As to the number of these men, I am sorry the Senator from Nebraska [Mr. HITCHCOCK] has disappeared; but he raised that question, and I would refer him to the testimony given at the hearings by Judge Payne, wherein he gives the number of shipyards that are actually involved. There can not be any more claims than there were shipyards and shipways, and that number is given on page 1 of the hearings, as follows:

Referring to the number of shipyards, there are 77 wood-ship yards; 6 concrete yards, having together 357 ways; 18 yards building wooden tugs; and 9 building barges, making a total of 93 additional ways.

Some of these, particularly as to the tugs and barges and those items, I think have already been adjusted; but there could not be more claims than there are shipyards, and there are only 77 shipyards involved in this whole matter. I wanted to clear that up, because Senators seemed to think that we were likely to become involved in the adjustment of thousands of claims and the expenditure of an indefinite amount of money.

Mr. FERNALD. Mr. President, I thank the Senator for the observation. It is not a question with me of just how much it is going to cost or just how many claims there are, but it is a question of whether the Government ought to pay its just claims and the just debts which its officers have incurred. It was entirely proper for the Shipping Board to encourage the building of ships and for the Emergency Fleet Corporation to go out and urge and implore and beg men to build ships, and courageous men all over this country were willing to put their money and their efforts into this undertaking. Nobody knows the trouble they ran into, because sometimes the lumber that was needed first, and which was controlled by the Shipping Board, came last, and that which was needed last came first; and they had to keep their organizations of men together for the building of the ships at a great disadvantage. Then, lumber that was supposed to be in the East was found not there, but had to be brought from the West. Then there was great congestion of freight, and the lumber was scattered all over the country, and was dumped from the cars and had to be reloaded. Such troubles as those came to these men who had put their money into these enterprises.

The claims are just and honest, and I do not believe the United States Government wants to repudiate a just claim. It is just as essential that we pay the express and implied claims of the Government as it is that we keep our contract in the issuing of the bonds of the United States. It would be just as fair to repudiate the Victory and Liberty bonds as to repudiate the claims of the honest men who were endeavoring to produce what would help us win the war.

Mr. EDGE. Mr. President, I am sure there is not a Senator who does not agree absolutely with the observations of the Senator from Maine that these bills should be paid. They have gone over an unnecessary period and have not been paid. But it strikes me that the bill with its amendments is so full of limitations and arbitrary rulings that it is going to result in delay rather than expedition. I think a bill of 20 lines, giving power to the Shipping Board to make the adjustments along the lines of the contracts made, without the limitations or arbitrary rules would dispose of the question and dispose of it fairly. I think certain amendments have been suggested to the bill which do not permit of discretion, and the result will be that the Government can not make a fair bargain either way. You must delegate authority to somebody in this world when you want to make settlements. Congress can not make provision to meet the many conditions that are involved in these contracts. I would give the authority to the board to make settlements, subject to review by the Court of Claims, and not attempt to limit them by arbitrary rulings, which, in my judgment, will bring only dissatisfaction.

Mr. FERNALD. In answer to the Senator——

Mr. NELSON. Will the Senator yield to me for just a moment?

Mr. FERNALD. I yield.

Mr. NELSON. Mr. President, I simply desire to say that I was heartily in favor of the original bill before the committee. I read it over carefully. But when these amendments were brought up I was in charge of the water-power bill on the floor and I could not attend the committee meeting. I was asked if I could be counted for a quorum, and I said "yes," that I was willing to be counted for a quorum. I am heartily in favor of the original bill, but I am not in favor of the bill with the amendments that are engrafted on it by the committee. I can not support those amendments.

Mr. McNARY. Mr. President——

Mr. FERNALD. I yield to the Senator from Oregon.

Mr. McNARY. I think there is a great deal of wisdom in what the Senator from Minnesota [Mr. NELSON] has said. I suggest to the Senator having the bill in charge that all the amendments offered by the committee be stricken out except the one found on page 4, which gives the right of appeal to the Court of Claims to those who have claims against the Government, and that in place of the word "representative," on page 2, line 8, there be inserted the following:

any officer or agent acting under its authority, direction, or instruction.

That would cure the peculiar and narrow construction placed upon the word "representative" by the chairman of the Shipping Board. If that is done, it will leave the bill in its original form, except that it will place a definition on the word "representative"; and those aggrieved will be given the right of appeal. If those changes are made I think there will be but little opposition to the bill. I suggest that to the Senator having the bill in charge.

Mr. McLEAN. Mr. President——

Mr. FERNALD. I yield to the Senator from Connecticut.

Mr. McLEAN. I suggest to the Senator from Maine that if he will substitute the word "approximating" for the words "equal to," in line 24, page 3, it will leave discretion.

Mr. FERNALD. I am very glad to accept that amendment.

Mr. McLEAN. I think that will obviate largely the objections that have been raised. So that line 24, page 3, will read:

Shall include and pay an amount approximating the difference between the actual cost—

And so forth.

Mr. HARDING. Mr. President, there is some merit in the suggestion of the Senator from Connecticut, but I shall object to the adoption of the amendment suggested by the committee in its entirety unless it is the judgment of the Senate that they want to retain the provisions contained in lines 8 to 14 on page 4.

If I may make a further observation, Mr. President——

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. HARDING. I think all members of the Committee on Commerce are cordially in favor of taking such steps as will enable the Shipping Board to do the just and righteous thing in settling these claims. The bill as originally drawn made ample provision to deal justly with these claimants, the wooden-ship builders of the country. Undoubtedly there are many men who entered into wood-ship building construction on the request of the Emergency Fleet Corporation with assurances that they would be properly protected in an undertaking on the Government's behalf. Nobody in the Senate would wish to interfere with a perfectly just settlement of a claim arising from such a commission. The difficulty about passing the bill in its form as suggested by the committee is that there are some claimants who are not entitled to consideration, and the bill makes it mandatory that the Shipping Board shall proceed to a settlement which takes care of every loss incurred.

Mr. President, it ought to be said that among the scores of patriotic men who entered into the shipbuilding enterprise as a matter of service to the Government there were those who entered upon speculative ventures with the most inconceivable

lack of conscience. It has never been magnified in a public way, but I have official knowledge of instances where these enterprises were undertaken, money secured from the Emergency Fleet Corporation to inaugurate an enterprise, and the money was expended on real estate ventures and the platting of town lots rather than the erection of shipyards. It is a discreditable chapter in the history of our strenuous endeavors for war preparation.

All that those of us want to do who are opposing the bill as it comes from the committee is to eliminate features which will make it mandatory on the part of the Shipping Board to settle with those adventurers.

Mr. KIRBY. I would like to suggest an amendment that might relieve the condition complained of by the Senator from Ohio.

Mr. HARDING. If the Senator will just permit me to conclude, I think I will make the situation a little more clear.

Mr. KIRBY. Very well.

Mr. FERNALD. I yield further to the Senator from Ohio.

Mr. HARDING. If the Senator in charge of the bill will accept essentially the suggestion of the Senator from Oregon [Mr. McNARY] and restore, on page 2, the provision originally written in the bill, with the addition suggested by the Senator from Oregon, so that it may be established that the enterprise was undertaken upon the advice or request or assurances of an accredited representative of the Shipping Board or Emergency Fleet Corporation, then the Shipping Board will have a basis on which to proceed to make a settlement. It would be a very simple matter to restore the bill so that there would be ample authority for the Shipping Board to make a just settlement.

I think the amendment contained on page 3, relating to prospective profits, might well stand. I like it better than the original provision. But we ought to strike from the bill the committee amendment contained in line 23, on page 3, and down to line 8, on page 4, and leave only a clause which permits a claimant to go before the Court of Claims in case he is not satisfied with the award made by the Shipping Board.

Mr. LENROOT. Does not the Senator think it would be very much better to strike out all of the committee amendments, with the exception of the one suggested by the Senator, and pass the bill as first framed?

Mr. HARDING. I should very much prefer that, although I quite agree that there might reasonably be a modification of the provision contained in lines 4 to 8, on page 2.

Mr. LENROOT. With reference to representatives?

Mr. HARDING. Yes. I think that the citizen of the country who accepted what was presumably the official representations of an agent of the Shipping Board ought to be given consideration. If one who had authority to go out and speak for the board entered a vicinity suited to wooden-ship building and invited the investment of capital by captains of industry in that section to a shipbuilding enterprise, and gave assurance that the investment would be amortized by the contracts which were allotted, I think that, in all justice, ought to be given consideration. On the other hand, if some one entered upon the shipbuilding industry as a mere adventure of war and was not sufficiently thoughtful of his own interests to see that his capital was protected, I do not think it is becoming on the part of Congress to undertake to make him whole, and I do not want to open the doors to everyone who is seeking to reach the Public Treasury to make his adventures whole. It would be a very simple matter to have the bill adjusted so as to provide everything that is necessary, and I would be glad to give it my very cordial support. I could not accept it in the form in which it is now presented to the Senate.

Mr. LENROOT. I shall be glad to support the bill if the amendment proposed by the Senator from Oregon [Mr. McNARY] should be adopted and all the other amendments disagreed to except the one as to the right of appeal.

Mr. HARDING. Let me ask the Senator from Wisconsin if he does not think the committee amendment on page 3, relating to prospective profits, is rather better than the language of the original measure?

Mr. LENROOT. I do not, for this reason: In the first place, with reference to the phraseology itself, the Senator will see that it only prohibits prospective profits where there has been no work whatever done or commitments made, but it would permit prospective profits where the work had been merely started.

Mr. HARDING. If the Senator will permit me, I think we ought to retain in the bill the clause, ending on line 3, "that no investment for merely speculative purposes shall be recognized in any manner by said board."

Mr. LENROOT. Does the Senator think that where they have made an investment in a shipyard, and in a contract there was no provision for profits but only an amortization of costs, we should now permit them to have profits? I want to say to the Senator that no representative of anyone appearing before the committee asked for profits. They were entirely satisfied if they should be made good their losses.

Mr. HARDING. I quite agree with the Senator from Wisconsin that we ought to guard against claims for profits. I thought the provision of the committee covered that.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield to the Senator from Utah.

Mr. SMOOT. As the bill was originally drawn I was heartily in favor of it; but I quite agree with the Senator from Wisconsin in his reasons for his opposition to the Senate committee amendments. I think if the bill were agreed to exactly as it was drawn, with the exception of the one case mentioned by the Senator from Oregon [Mr. McNARY], it would be perfectly fair to the Government of the United States and perfectly fair to any honest builder of wooden ships.

Mr. FERNALD. To save any further argument, I am ready to accept the amendment of the Senator from Oregon, which, I think, meets with the approval of the Senator from Utah. I am anxious for action on this measure. It is the most necessary part of the bill which provides that these men shall be permitted to get what is due them, and I am very willing to accept the amendment.

Mr. SMOOT. I will state to the Senator that I have no desire whatever to prolong the debate.

Mr. FERNALD. I know it.

Mr. SMOOT. All I desire is to make the bill so that we can defend it anywhere we are called upon to do so.

Mr. FERNALD. I think the amendment of the Senator from Oregon will meet the approval of the Senator from Utah.

Mr. SMOOT. I rather think so, too; and I would like to have the Senator from Oregon now restate his proposed amendment.

The VICE PRESIDENT. The Chair must interrupt. The clerks at the desk can not have a bill put through in this way. The amendments will have to be taken up in order and acted upon.

Mr. SMOOT. All I asked was that the Senator from Oregon should state his amendment; and, of course, I knew it would have to come up in the regular order. Then we would know exactly what to vote against and what to vote for. I agree with the Chair that that is the only proper way to act on the amendments.

The VICE PRESIDENT. The clerks at the desk can not keep a record in any other way.

Mr. FERNALD. That is precisely the way I view the situation.

Mr. SMOOT. With the understanding that we will proceed with the bill and vote against the amendments of the committee until the part of the bill is reached to which the amendment suggested by the Senator from Oregon relates, I think the best thing to do would be to proceed with the bill.

The VICE PRESIDENT. The first amendment of the committee will be stated.

The ASSISTANT SECRETARY. The first amendment is on page 1, line 4, where the committee proposes, after the word "authorized," to insert the words "and directed."

Mr. FLETCHER. I understand the Senator in charge of the bill withdraws that amendment.

Mr. FERNALD. That was excepted.

Mr. NELSON. It seems to me the proper way is to disagree to it.

Mr. FLETCHER. Very well.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

The ASSISTANT SECRETARY. The next amendment of the committee will be found on page 1, line 6, after the words "United States," to insert the words "the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation."

Mr. McNARY. I think that amendment should stand.

Mr. FLETCHER. I think that amendment ought to go in, Mr. President.

The amendment was agreed to.

The ASSISTANT SECRETARY. The next amendment of the committee will be found on page 2, line 4, after the word "final" to insert a comma and the words "except as herein otherwise provided."

Mr. NELSON. Is not that a part of the language which the Senator from Oregon proposes to amend?

Mr. McNARY. No; this amendment is necessary, if we are going to retain in section 4 the part giving those aggrieved at any settlement the right of appeal, because the language is that the action of the Shipping Board shall be final "except as herein otherwise provided." It prevents being made negative the right of appeal found on page 4. So it should stand if we are going to give the right of appeal.

Mr. LENROOT. Where there is a valid contractual relation, can they not now appeal?

Mr. McNARY. I think not. It is thought not, at least.

Mr. HARDING. It is the statement of the chairman of the Shipping Board that they can go to court on a contractual arrangement.

Mr. McNARY. There was some conflict of opinion in the Shipping Board with regard to that right, and this was to make it clear.

Mr. HARDING. I have no objection to the amendment.

The amendment was agreed to.

The ACTING SECRETARY. The next amendment of the committee is on page 2, beginning in line 4, where the committee proposes to strike out the first proviso, which reads:

Provided, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Emergency Fleet Corporation, or a representative of them or either of them.

Mr. LENROOT. Is not this where the amendment of the Senator from Oregon comes in?

Mr. HARDING. The language of the proviso must first be restored.

On a division, the amendment was rejected.

Mr. McNARY. I desire to offer at this point an amendment, if in order.

The VICE PRESIDENT. At this place?

Mr. McNARY. Yes.

The VICE PRESIDENT. Very well.

Mr. McNARY. After the word "Corporation," in line 8, on page 2, I move to insert the following——

Mr. NELSON. Will the Senator yield to me? Had he not better postpone that until we dispose of the prior amendment to the bill?

Mr. McNARY. Very well.

The VICE PRESIDENT. The prior amendment was disposed of. It was disagreed to. The proviso was restored and is subject to amendment.

Mr. McNARY. Then I move at the place stated to insert the words "or any officer or agent acting under its authority, direction, or instruction."

Mr. FLETCHER. Where does the amendment occur?

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. After the words "Emergency Fleet Corporation," in line 8, page 2, it is proposed to insert the words "or any officer or agent acting under its authority, direction, or instruction."

Mr. HARDING. Mr. President, I desire to suggest an amendment to the amendment. I think I can clarify the amendment. I propose, on line 8, page 2, to strike out the words "or a representative of them or either of them" and substitute therefor the following:

Or any officer or agent acting under its authority, direction, or its instruction.

Mr. McNARY. I accept the amendment to the amendment.

The VICE PRESIDENT. The Secretary will state the amendment proposed to the amendment.

The ASSISTANT SECRETARY. On page 2, line 8, after the words "Emergency Fleet Corporation," strike out the words "or a representative of them or either of them" and in lieu insert the words "or any officer or agent acting under its authority, direction, or its instruction."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. State the next amendment.

The ASSISTANT SECRETARY. The next amendment is, in line 9, page 2, after the word "*Provided*," to strike out the word "*further*."

Mr. LENROOT. That should be disagreed to now.

The amendment was rejected.

The ASSISTANT SECRETARY. The next amendment is, on page 2, line 12, where it is proposed to strike out the words "approval of this act," and to insert in lieu thereof "the date when this act shall become a law."

The amendment was agreed to.

The ASSISTANT SECRETARY: The next amendment is in line 16, page 2, after the words "good faith," to strike out the words "and upon assurances by a representative of the Government that reimbursement would be provided for in money or contracts for additional work."

Mr. HARDING. This amendment by the committee ought to be rejected in order to restore the original language of the bill for amendment.

The amendment was rejected.

Mr. HARDING. In order to make this language conform to the previous language of the section I move to strike out the words "a representative of the Government," in lines 16 and 17, and substitute therefor the words "the United States Shipping Board, the United States Emergency Fleet Corporation, or any officer or agent acting under its authority, direction, or its instruction."

Mr. FERNALD. I accept that.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. It is proposed to strike out, in lines 16 and 17, on page 2, the words "a representative of the Government" and insert the words "the United States Shipping Board, the United States Emergency Fleet Corporation, or any officer or agent acting under its authority, direction, or its instruction."

Mr. FLETCHER. May I suggest the correct name? The United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation are the correct names.

Mr. NELSON. Will the Senator yield to me? The word "their," after the words "Emergency Fleet Corporation," should be substituted for the word "its," so that it will apply to both the Shipping Board and the Emergency Fleet Corporation. I move as an amendment to the amendment suggested by the Senator from Ohio to substitute the word "their" for the word "its" in two places in both amendments.

Mr. FLETCHER. The only question is whether we shall make it necessary that the agent shall represent both the Shipping Board and the Fleet Corporation or either of them.

Mr. NELSON. "Their" or "either of them" would be satisfactory.

Mr. FLETCHER. That would cover it.

The VICE PRESIDENT. The amendment will be stated as modified.

The ASSISTANT SECRETARY. Beginning on line 16, page 2, at the end of the line, strike out the word "a" and in line 17 strike out the words "representative of the Government" and insert in lieu thereof the words "the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any officer or agent acting under their authority, direction, or their instruction, or under the authority, direction, and instruction of either of them."

The amendment as modified was agreed to.

Mr. HARDING. Since the suggestion has been made by the Senator from Florida as to the legal title of the Emergency Fleet Corporation, I want to inquire if we had better not amend line 7 so that in the previous expression we shall allude to it as the United States Shipping Board Emergency Fleet Corporation?

Mr. FLETCHER. That is the proper name. It is the United States Shipping Board Emergency Fleet Corporation.

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. After the words "United States," in line 7, on page 2, insert the words "Shipping Board."

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. On page 2, line 22, it is proposed to strike out the words "and prior to November 12, 1918."

Mr. HARDING. It was the general understanding that amendments like this should be disagreed to.

The amendment was rejected.

The ASSISTANT SECRETARY. It is proposed, in lines 24 and 25 on page 2, and lines 1, 2, and 3 on page 3, to strike out beginning with the words "and that no profits" and ending with the words "by said board" and to insert in lieu thereof:

And provided further, That no prospective or possible profits of any kind shall be allowed on account of any ships or barges or other work contracted for on which no work has been done or commitments made.

The VICE PRESIDENT. The question is on the amendment.

[Putting the question.] The noes seem to have it.

Mr. FLETCHER. I should like to have a division on agreeing to the amendment. It seems to me that is an important amendment and ought not to be defeated. It simply refers to a situation that might mean that those yards which actually did not turn out any ships and did not do any work would get compensation, whereas the yards that actually built ships would have no sort of compensation for the ships they did build.

Mr. LENROOT. Would not their contract take care of that?

Mr. FLETCHER. I am not sure that it would. If it would, that is all they want. In other words, I do not want to penalize the diligent, energetic shipbuilder and put him on a footing with a man who did not actually build a ship. I want to have it understood that it does not exclude the man who actually constructed ships from making a profit on those ships.

Mr. LENROOT. I should like to ask whether Judge Payne did not testify before the committee that where they had a contract that was canceled in making the adjustment they could allow as part of the damages prospective profits?

Mr. FLETCHER. If that is the understanding I have no objection to the rejection of the amendment. It was simply to cover a situation such as I mentioned that the amendment was proposed, and it should not be defeated unless it is understood in that way.

The amendment was rejected.

The ASSISTANT SECRETARY. The next amendment is, on page 3, line 11, after the words "nor the right," where it is proposed to insert the words "of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation."

The amendment was agreed to.

The ASSISTANT SECRETARY. The next amendment is, on page 3, after line 22, where it is proposed to insert the following language:

That in adjusting such claims the said board shall include and pay an amount equal to the difference between the actual cost of the yards, plants, facilities, machinery, and equipment provided for use in connection with the construction of ships or barges under contracts with the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation and the salvage value of said yards, plants, facilities, machinery, and equipment at the time of adjustment, less such amount as the contracts specify shall be allowed for depreciation for each delivered ship hull and for each delivered barge: *Provided further*, That in the event any claimant shall be dissatisfied with any allowance or award made by said board pursuant hereto, such claimant may appeal therefrom with respect thereto to the Court of Claims, which is hereby given jurisdiction to make such allowances and awards, in the case of such appeals, as it may deem just and equitable.

Mr. McNARY. I move to amend the committee amendment by striking out that portion commencing with the word "That," on line 23, page 3, and ending with the word "barge," on page 4, in line 8.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The ASSISTANT SECRETARY. On page 4, line 15, beginning with the word "That," it is proposed to strike out all down to and including the words "in the manner aforesaid," in line 3, page 5, and to insert:

And provided also, That the board shall promptly pay all pending undisputed claims and all undisputed portions of pending claims and.

The amendment was agreed to.

The ASSISTANT SECRETARY. It is proposed to add a new section to the bill, to be known as section 2, as follows:

SEC. 2. That it shall be the duty of the United States Shipping Board, either directly or through the United States Shipping Board Emergency Fleet Corporation, to adjust promptly all claims of wooden-ship builders based upon legal liability created by contracts under which vessels have been constructed and based on contracts which have been canceled by the United States Shipping Board Emergency Fleet Corporation; and in making such adjustments due consideration shall be given to the conditions under which the contracts were entered into and the conditions under which the work of construction was performed resulting from the orders or directions of the President of the United States and any officer, board, or agency appointed or created by him or under his direction, or resulting from orders or directions of the United States Shipping Board Emergency Fleet Corporation or the Shipbuilding Labor Adjustment Board, or any representative of either thereof, and such adjustments of claims of legal liability shall be made without regard to any claim submitted under section 1 hereof.

Mr. FERNALD. I move to reconsider the vote whereby we struck out from line 15 on page 4 down to and including line 3 on page 5. It was understood that that language should be retained.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. LENROOT. I had no objection to a reconsideration, but I want to call the attention of the Senator from Maine to the objection that was raised in the committee to the language of the text. The proviso beginning in line 17 would seem to charge the board, in arriving at the amortization to be allowed, with treating a plant in every case as scrapped and they would not be permitted to treat its full value as a going concern. If that language is to be retained, there should be an amendment covering its value as a going concern. So I think we could strike this whole language out and yet the board could take into consideration all these matters.

Mr. FERNALD. If there were nothing in its place, it would seem to me to leave the matter in a quite unsatisfactory shape for a settlement. If there were some amendment——

Mr. LENROOT. Oh, yes; then the board would take the whole matter and allow such amounts as it deemed just and equitable under the first section of the bill.

Mr. FERNALD. The Senator suggests that we strike this out entirely?

Mr. LENROOT. Strike it out entirely. I am afraid this limits it against the Government.

Mr. FLETCHER. Would not the Senator's objection be reached by including after the word "any," in line 20, the words "such plant or the"? Then it would read "the then market value of any such plant or the lumber or materials."

Mr. LENROOT. That is all right.

Mr. FERNALD. I think that would cover it.

Mr. FLETCHER. I think we had better leave it in. I move that amendment to the whole paragraph. The first question is on disagreeing to the committee amendment to strike out, I understand. Does the Senator from Maine desire the committee amendment which strikes out the paragraph to be disagreed to?

Mr. FERNALD. The amendment which the Senator suggested was acceptable.

Mr. FLETCHER. Then the Senator from Maine desires that the committee amendment striking that language out of the bill shall be disagreed to and the language shall remain in the bill, and then we will amend that language?

Mr. FERNALD. That is right.

Mr. HARDING. Mr. President, may I make this clear? If the Senate wants to complete this bill and carry out the program on which we are essentially agreed, we must first reject the committee amendment.

Mr. FLETCHER. Precisely.

Mr. HARDING. And then it is open to the suggested amendment of the Senator from Florida.

Mr. FLETCHER. Precisely.

Mr. LENROOT. It is open to amendment now. We may perfect before we strike out.

Mr. FLETCHER. The first question is, Shall the committee amendment be agreed to?

Mr. LENROOT. I suggest that the amendment of the Senator from Florida is in order. It is always in order to perfect an amendment before a motion is made to strike out.

The VICE PRESIDENT. That is true.

Mr. FLETCHER. Then I move first to insert, after the word "any" in line 20, the words "such plant or the," so that it will read:

The then market value of any such plant or the lumber or materials on hand—

And so forth.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Before the word "materials," on line 20, it is proposed to insert the words "such plant or the."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the committee to strike out.

The amendment was rejected.

The VICE PRESIDENT. The last amendment, section 2, has been read. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I shall vote for this bill with pleasure. We hear a vast deal about economy. I knew a man once who economized by escaping the payment of his just debts, but I do not believe the Federal Government should attempt to economize in that way. The way to have citizens love this Republic, and spring to its frontiers when it is in trouble, is to have the Republic pay its just debts. The Democratic Party to-day stands convicted of inefficiency in the matter of liquidating this war. The Republican Party is equally guilty of gross inefficiency in liquidating the war.

Here is the treaty of peace "lodged" in the Senate. The other nations are making forward moves looking toward liquidating the Great War, whilst partisan politics dominate our country and candidates for President are bombarding the circumambient atmosphere thinking they are going to get elected on a speech, whereas they could promote their chances by doing their duty here. We are not making a good record on this side of the Chamber and you are not making a good record on the other side. We are thinking only of politics in this day when action is required. So, Mr. President, I welcome this bill and all others like it that seek to liquidate the recent war.

The League of Nations convened on the 16th instant. The country inhabited by the Ottoman Turk was conspicuous by its absence from the league. Germany was not represented, Russia did not answer, and we were conspicuous by our absence. I

do not mean by that set of circumstances to infer that the Senate should ratify the treaty as it is written, because that can not be done. Men who indulge in the luxury of thinking know that the treaty can not be ratified as it is written. So much for that. Why, therefore, it is asked, does not the President recede? He can not recede as a matter of honor. Therefore it is the duty of the Senate, without regard to what the President thinks or does not think, manfully, courageously to press forward and ratify the treaty in the form in which the Senate thinks it should be ratified. That is the duty of the Senate to-day; but here we are planning, scheming, plotting as to who is going to be the next President, and all of us demonstrating that none of us is fit to be President.

Very recently the New York World announced to the country that a certain man who is not identified with any political party should be nominated for President. I was amazed at the popularity and the enthusiasm that greeted his name, although he will never be President. He will never be nominated. The enthusiasm and the admiration for his candidacy arises not because he lived in England some years; it arises not because he can talk luminously and write history well; but the admiration and the enthusiasm of the American people for his name arises simply, solely, and only because he can do the duty of the hour instead of talk about it.

We have some 15 or 20 men in the Senate who want to be President. There is no reason why the Vice President of the United States or some United States Senator should not be the next President; but we must begin, if we are going to be taken seriously by the country, to demonstrate that we can do business.

Consider France, which has one-third of the population of the United States. She was bled white by war. France within one year after the armistice filled in 74,000,000 cubic yards of excavated earth. France within that one year rebuilt 93 per cent of her double-track railroad, or 900 miles. France within one year rebuilt 90 per cent of her single-track road, or over 400 miles. She had 550,000 homes, mostly built of stone, destroyed during the war, and within one year she rebuilt 60,000 of them, and is now in process of rebuilding 96,000 more, or 156,000 in all. France during the war had 1,100 bridges and tunnels completely destroyed, but she has permanently rebuilt 550 of them. These figures translated into other terms mean that France, with one-third the number of our people, has done vastly more work than the United States has done during the past year. And what have we done? Filled the air with talk and filled the corners with schemes and plots and plans as to who is to be the next President!

It is time that the two great political parties began to liquidate the war, began to make good some of the promises we gave during the war, began to pay the just debts incurred during the war, and I regard this bill as one that is a progressive step, because it looks toward the discharge of the obligations we incurred in the war.

Our land is filled with discontent and with shoutings, whilst other nations are working. News is even now coming over the cables that Russia is thinking of going to work! The Germans have gone to work. Here we sit with the treaty "lodged" in the Senate, eagerly listening to hear what the White House whispers as to how we should vote! What kind of statesmanship is that? We should to-day take up the treaty, appreciating full well that the President can not recede if he desired to. Shame on him if, after sitting for months at the table with our allies and making that treaty, he then would quietly and under cover say to us, "Yes; go ahead and carve the heart out of the treaty, and I will pretend to our allies that I am sorry about it, but can not prevent it"! The President is manfully and honorably doing just what he ought to do, standing by our allies, and here we sit, knowing that he will never change his mind on the treaty; that he can not change his views on the subject if he wanted to, because honor prevents him from doing it. We should therefore delay no longer.

January, 1919, went by; the ides of March came; the ides of July and November passed; the autumnal leaves fell thicker than presidential candidates. The snows of winter came again, found us planning, "politicking," and disgusting the American people.

The Constitution lays a duty upon us regarding treaties. Are we going to discharge that duty according to our own views or the views of some one else? Let us therefore sit here and vote and vote and vote until we ratify something; and I give you now the assurance that no one will be more pleased than the President when we show him that we are able to do something constructive without asking his permission. He would be one of the most delighted individuals in our country to discover that the Senate could do something without finding out in advance what he thinks about it. Such action on our part would make him admire the Senate.

If you want men to respect you in this world, do not ask them what they think; think what you think. Do not ask another man what he thinks about something; think what you think yourself and then act upon it. But here we sit, unable to get a vote on the treaty, because, forsooth, we do not know what another man thinks—a beautiful commentary on the United States Senate! Shades of Roscoe Conkling and Ben Hill and Lamar and Webster! If we go to the country, my fellow Senators, with this war unliquidated, with no more forward step than we have made to date, we will find out what the American people think.

I am proud of the Senate. I want to continue to be proud of the Senate. I want to remain here as long as I may; but who will be proud to remain in a body which ties up a peace treaty for many months, unable to proceed, forsooth, because it does not know how some other man may think?

I thought to-day, therefore, whilst I was in such good humor and had a few minutes to spare, I would say a word on these subjects. I am glad this bill is here. There are other bills of like character that ought to be here. I repeat, if you want citizens of the United States to love the United States, let the United States pay its debts, not only its financial debts but its moral and its physical debts.

What have we done for the private soldier? The bill providing the bonus for the soldier—where is that? In the limbo of things that are dead. Where is the soldier settlement bill? My party is responsible just as much as yours for this situation, sir; and this is not a partisan speech. Where is the soldier settlement bill? Dead beyond hope of resurrection. Where is the bill appropriating, or lending rather, $250,000,000 to build up the irrigation systems of the West? It has been struck a fatal blow.

Let me discuss for a moment the bill introduced by the Senator from Washington [Mr. JONES], a statesman of large view. He does not belong to my party. I think he would be a better man if he did belong to my party. He introduced a bill appropriating—no; I will not use the word "appropriating"—proposing to lend to the arid and irrigable States $250,000,000, to be repaid to the Federal Government, and this $250,000,000 is proposed to be used for the purpose of continuing the construction of irrigation projects heretofore begun and for the purpose of commencing the construction of irrigation projects that may be found feasible by the Secretary of the Interior. The governors of western States, some 15 or 20 in number, came here. They were told, Mr. President, that this $250,000,000 could not be loaned to the farmers, although it would easily be repaid, because it might be necessary to feed Europe this winter! That is the statement that was given to us—no money with which to finance our own farmers, no money to lend to our farmers! It must be given to Europeans.

So, Mr. President, let us pause and see what we have done in this regard. Economy? Economy? Why, yes; we all favor economy when we are in the minority. Let us just see what we have done in regard to ladling out the money of our people to other countries, and then I want to put into juxtaposition with it the statement that we can not lend to our own farmers this $250,000,000!

In round numbers we have loaned the following sums of money:

To Belgium, $343,445,000.
To Cuba, $10,000,000.
To Czecho-Slovakia, $55,330,000.
To France, $3,047,000,000.
To Great Britain, $4,277,000,000.
To Greece, $48,000,000.
To Italy, $1,620,000,000.
To Liberia, $5,000,000. There are 40,000 civilized people in Liberia and two and a half million savages. Our Government lent them $5,000,000, but it has not a cent to loan our own farmers.
Roumania, $25,000,000.
To Russia, land of Trotzki and Lenin, the murderers who sink their teeth into the flesh of humanity; Russia, with blood dripping from her lips, looking for some one else to destroy. We have ladeled out to Russia $187,000,000; and yet, when our farmers want to borrow $250,000,000 and pay it back in 10 years we are told that we have got to have money to take care of Europe first!
To Serbia, $26,780,000.

Mr. WOLCOTT. Mr. President, will the Senator yield?

Mr. ASHURST. I yield; certainly.

Mr. WOLCOTT. The Senator does not mean to convey the impression, does he, that we have loaned $187,000,000 to the

Bolsheviki in Russia? Was not this money loaned before the revolution of March, 1917, arose?

Mr. ASHURST. No. I will say to my learned friend that some of that money was loaned as late as—now, let me see: The Russian revolution took place officially about the time when many revolutions take place, about the 17th of March, 1917. At that time Nicholas Romanoff was driven off the throne and the provisional government established. The Bolsheviki established their supremacy about the 1st day of November, 1917. It may be—and I think the Senator is correct—that a large part of the money we loaned to Russia, if not all thereof, was actually advanced to Russia before the Bolsheviki took control, so I stand corrected as to that.

Mr. WOLCOTT. If I may venture to speak in the language of assurance, the Senator is correct. We have loaned no money to these men that the Senator has properly described as murderers, Lenin and Trotski, nor any of their régime. All the money that was loaned to Russia was loaned before that band got control.

Mr. ASHURST. I think that is correct, so I withdraw the statement; but I have no doubt that if Trotski and Lenin were to make the right kind of moves, and would sing the right sort of tune, Trotski and Lenin would be just as likely to get a loan as would the American farmer, from what I have seen taking place here. So while it is true that we did not lend money to the Trotski and Lenin régime, let me ask, Who is going to pay back that loan if they do not? Whence will come the money to repay it if they do not repay it? And repaying loans is not in their catechism.

Mr. HARDING. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. HARDING. I dislike to interrupt the Senator——

Mr. ASHURST. I am glad to have the Senator interrupt me, because I regard his interruption as possibly the best part of my speech.

Mr. HARDING. But if the Senator will recall his admonition, at the beginning of his remarks, that we should fulfill our contracts, and will just give us two minutes, we will have this bill out of the way before the 2 o'clock ban comes on. Would the Senator mind doing that?

Mr. ASHURST. Two minutes to 2? The Senator's watch is very different from mine.

Mr. HARDING. No; I say we can dispose of it in two minutes.

Mr. ASHURST. Mr. President, I do not wonder that the Senator from Ohio dislikes to hear this speech. I do not wonder that he asks that I stop it. He and other presidential candidates have been equally guilty of a lack of constructive statesmanship on the treaty, and no wonder he prefers not to hear this speech.

Mr. HARDING. Mr. President, the Senator from Arizona has very much misconstrued me. I am not only delighted, I am elated over the speech of the Senator from Arizona, and the last thought I could have in the world would be to interrupt the flow of his illuminating eloquence.

Mr. ASHURST. The Senator is a good judge of speaking; I can see that. [Laughter.]

Mr. HARDING. I am not only a good judge of speaking but I rejoice at certain things going into the RECORD from the Senator's viewpoint.

Mr. ASHURST. As an evidence of that, the Senator would like to have them shut off.

Mr. HARDING. No. If the Senator will permit me, in all seriousness, this bill must be passed by 2 o'clock or it will go over another day, and in two minutes it can be disposed of. I will ask the Chair not to take the floor from the Senator who is speaking after the pending bill is disposed of.

Mr. ASHURST. That is most generous, Mr. President. I am so overwhelmed by the kindness of the next nominee of the Republican Party that I think I will quit talking. [Laughter.]

Mr. HARDING. I have not lived entirely in vain, then. Mr. President, with the permission of the Senator from Arizona, may I ask for a reconsideration of the vote by which section 2 of the bill was adopted, so that in accordance with the general agreement it may be rejected and the bill go to its passage?

Mr. KENYON. Mr. President, has the Senator from Arizona given up the floor?

Mr. HARDING. I so understood.

Mr. ASHURST. Mr. President, I shall not be facetious further, and if I said aught that seemed to be improper I hope the Senator from Ohio will forgive me. I am earnestly in favor of the passage of this bill; and I want it to pass before 2 o'clock, and I shall stop speaking in a few minutes.

Mr. KENYON. I simply want to suggest to the Senator from Arizona that a very important bill is coming on at 2 o'clock, and if he feels that he must make his speech to-day, I hope he will not put it over until after 2 o'clock.

Mr. ASHURST. Very well. It was somebody's task to say these sharp things; it was somebody's task to say these things that are very unpleasant to say. It is not at all pleasant to say such things. I have an affection for every Member of the Senate, and I crave their affection. But Senators on the other side are making a poor record. The Democratic Party is making as poor a record as you are making. Great constructive measures looking toward the benefit of the country are delayed. When will we liquidate the war? When will the peace treaty be ratified? No man knows. The majority should make an effort to ratify some kind of a treaty soon.

So, Mr. President, having on this morning made a somewhat unpopular speech, but a true speech, one which every Senator here knows is true, I will conclude with an observation from either Lord Macaulay or Addison, probably Addison, about a certain political upholsterer.

There was in London an industrious man who had a shop, and with that shop he kept his family, not in opulence but in comfort; he even kept a coach, so much were his profits and his revenues from his upholstering. But strangely enough he began to think of what Holland ought to do and what Poland ought to do and what Germany ought to do and what France ought to do and he neglected his shop in order to find time to talk about Poland and France and Holland and Germany.

Then he enlarged the scope of his conversation to Russia, and he so neglected his shop whilst talking about what Holland and Russia and Prussia et al. ought to do that his customers began to fall off. He could not pay his bills; he could not keep his coach; he could not pay his servants. His eldest daughter was taken out of school and went to work in somebody else's kitchen. His son was taken out of school and bound out as an apprentice. His shop was sold at public sale, the coach was sold, the family plate was sold, and he was reduced to complete beggary and his family was sent to the poorhouse, because he insisted that he ought to upholster Poland, France, and Russia, and Germany and the other foreign countries, whilst his own household was reduced to wretchedness.

Let us not, Mr. President, in these parlous times be political upholsterers; let us quit worrying about what some other country is going to do, quit worrying about what other men are thinking. Let what we ought to do be sufficient for us to do. Let us do our duty. Then we will find that we have kept our shop, we have not reduced our constituents to beggary, and we have, in addition thereto, elevated ourselves in the estimation of the American people.

Mr. FERNALD. I move that the Senate reconsider the vote whereby section 2 was agreed to. I desire to have section 2 stricken from the bill.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question is on the amendment to insert section 2 of the bill.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the United States Shipping Board to adjust and pay the claims of wooden-ship builders arising out of the prosecution of the war, and for other purposes."

AMERICANIZATION OF ALIENS.

Mr. KENYON. I move that the Senate proceed to the consideration of Senate bill 3315, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315), to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Mr. KENYON. The pending amendment is the amendment of the Senator from South Dakota [Mr. STERLING], which has been thoroughly discussed. I ask for a vote on that amendment.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Borah	Chamberlain	Dial
Ball	Brandegee	Colt	Fernald
Beckham	Capper	Curtis	Fletcher

Frelinghuysen	Jones, N. Mex.	New	Sterling
Gerry	Jones, Wash.	Newberry	Sutherland
Gronna	Kenyon	Norris	Townsend
Hale	Lodge	Nugent	Trammell
Harris	McCumber	Page	Underwood
Harrison	McKellar	Sheppard	Wadsworth
Hitchcock	McNary	Smoot	Walsh, Mass.
Johnson, Calif.	Nelson	Spencer	Wolcott

The PRESIDING OFFICER (Mr. ASHURST in the chair). Forty-four Senators only having answered to their names, a quorum of the Senate is not present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. OVERMAN, Mr. PHELAN, Mr. PHIPPS, Mr. REED, Mr. SMITH of Georgia, Mr. SMITH of South Carolina, and Mr. WILLIAMS answered to their names when called.

Mr. KELLOGG, Mr. MCCORMICK, Mr. EDGE, Mr. ELKINS, Mr. CUMMINS, Mr. FRANCE, Mr. MOSES, and Mr. SMITH of Maryland entered the Chamber and answered to their names.

Mr. GERRY. The Senator from Arkansas [Mr. ROBINSON] and the Senator from Ohio [Mr. POMERENE] are absent on official business.

Mr. HARRISON. The Senator from Florida [Mr. TRAMMELL], the Senator from Nevada [Mr. PITTMAN], the Senator from Kentucky [Mr. STANLEY], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Colorado [Mr. THOMAS], and the Senator from Nevada [Mr. HENDERSON] are absent on official business.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum of the Senate is present. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

Mr. HARRISON. Mr. President, may the amendment be read?

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On page 3 strike out lines 23, 24, and 25, and lines 1 to 6, inclusive, on page 4, and insert the following:

(e) Require all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior: *Provided*, That this shall not apply to those who are in this country temporarily for sojourn or business.

Mr. KENYON. Mr. President, while I have no authority to accept the amendment, I believe it ought to be adopted.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GRONNA. Mr. President, if it is not too late, I ask to have the amendment stated.

The PRESIDING OFFICER. There has been no response. The Secretary will state the amendment.

The reading clerk again read Mr. STERLING's amendment.

Mr. NORRIS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Do I understand the Chair to say that the question is still open to debate?

The PRESIDING OFFICER. No. The roll call was begun and three names were called, but there was no response, and the Senator from North Dakota [Mr. GRONNA] asked that the amendment be stated. The only thing to be done now would be to continue the calling of the roll.

Mr. NORRIS. It would not follow, then, that debate could be had?

The PRESIDING OFFICER. Only by unanimous consent. Is there objection? There being no objection, the Senator is now in order to discuss the proposed amendment.

Mr. NORRIS. Mr. President, I should like to have the attention of Senators. I have a provision that I wish to read to the Senate that is not in order now because it is a substitute, and the Senator from South Dakota [Mr. STERLING] has already offered a substitute. I have prepared a substitute for this language, and I should like to have the Senate know about it before the vote on the pending question is taken. I expect to offer my substitute. I would offer it now if it were possible under the parliamentary situation. May I inquire of the Chair if it would be in order for me to do so at this time?

The PRESIDING OFFICER. There is an amendment pending.

Mr. NORRIS. But, as I understand, it is a substitute that is now pending?

The PRESIDING OFFICER. It is a proposed substitute.

Mr. NORRIS. Of course, I could not now offer another substitute.

The PRESIDING OFFICER. Not at this time.

Mr. NORRIS. I will be able to offer the amendment when the pending substitute is disposed of, no matter whether the substitute is agreed to or not?

The PRESIDING OFFICER. If it is agreed to, other matter could be substituted; but if it is defeated, the Senator's offer would be of an amendment to the text of the bill.

Mr. NORRIS. It would be a substitute for the original text. There is a great deal of dispute as to just what ought to be contained here. I am not going over what I said yesterday, but it does seem to me that we ought not to require a State, in order to get any of this money, to provide for a compulsory system of education for grown people. As soon as the parliamentary situation is such that I can offer it, I propose to offer as a substitute that which I shall now read:

Provide by general law for free public schools in the English language that can be attended for at least six months in each year by all resident children of school age, and provide by law for free schools that can be attended by residents of the State of any age who are unable to speak, read, or write the English language, where instruction in English language can be received for not less than 200 hours per annum.

That would relieve what to my mind and I think what probably in the minds of a great many other Senators is particularly objectionable in the original text and in the substitute.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. HARRISON. The amendment suggested by the Senator from Nebraska includes resident illiterates, does it not?

Mr. NORRIS. The first part of it, "children of school age," includes everybody that is of school age.

Mr. HARRISON. I merely desire to get the position of the Senator. I understood him to say yesterday in a colloquy with the Senator from Iowa [Mr. KENYON] what I read from the RECORD:

Mr. KENYON. Mr. President, I want to get clearly in my mind the Senator's position—

Speaking to the Senator from Nebraska—

Would he leave the illiterates out of the bill entirely?

Mr. NORRIS. Yes; I would.

I thought, perhaps, the Senator was going to offer an amendment that would leave the illiterates entirely out of the bill.

Mr. NORRIS. I think the Senator will agree with me now, when he considers the amendment I am going to offer if I get an opportunity, that I have, in effect, left the illiterates out, excepting that the States must provide a law for children of school age; that they must be free to attend school for six months in the year. In that class is included all who are residents and who are within the school age provided for by the State laws. That would include illiterates and it would include foreign-born and native-born children just the same. But when it comes to the other part, where we provide schools—presumably evening schools—to teach the English language illiterates are not included in that provision. If the Senator will allow me to read it again, I will show clearly that they are omitted and that the schools for grown people are confined entirely to instruction in the English language. It reads:

Provide by general law for free public schools in the English language that can be attended for at least six months in each year by all resident children of school age, and provides by law for free schools that can be attended by residents of the State of any age who are unable to speak, read, or write the English language, where instruction in the English language can be received for not less than 200 hours per annum.

Mr. HARRISON. That removes the compulsory feature of the bill, does it not?

Mr. NORRIS. It entirely removes the compulsory feature of the bill.

Mr. HARRISON. Providing for six months' schooling?

Mr. NORRIS. The State must provide for six months' schooling for its children of school age, regardless of whether they are foreign-born or native illiterates.

Mr. HARRISON. Does the Senator intend that the Federal Government should make an appropriation to carry out that provision?

Mr. NORRIS. That is, the State must do that in order to get any of this money.

Mr. HARRISON. The Federal Government is going to cooperate with the State, as I understand, by putting up half and the State half. Is that right?

Mr. NORRIS. Yes.

Mr. HARRISON. The bill provides for 200 hours' schooling a year. The Senator's amendment would provide for not less than six months.

Mr. NORRIS. No; the Senator is wrong there, as I understand it. The 200 hours' a year are left in the amendment just as it is in the bill. That applies to people above school age who are studying the English language.

Mr. HARRISON. To what do the six months apply?

Mr. NORRIS. To children of school age only.

Mr. HARRISON. Has the Senator any idea how much that would cost the Federal Government?

Mr. NORRIS. The bill itself fixes the limit.

Mr. HARRISON. It would certainly cost more to include what the Senator proposes to include than it would if left as originally worded.

Mr. NORRIS. I do not think so. It would cost much less.

Mr. HARRISON. The Senator thinks it would cost much less?

Mr. NORRIS. Yes.

Mr. HARRISON. The Senator does not think it would require $85,000,000?

Mr. NORRIS. I have not gone into that, because this does not affect the appropriation or the authorization for an appropriation, one way or the other, of course.

Mr. SMOOT. May I ask the Senator to read the first paragraph of his proposed amendment?

Mr. NORRIS. It reads as follows:

Provide by general law for free public schools in the English language that can be attended for at least six months in each year by all resident children of school age.

Mr. SMOOT. Do I understand the Senator has in mind teaching merely the English language?

Mr. NORRIS. Oh, no; but that the public schools of the State must be English schools and not conducted in a foreign language.

Mr. SMOOT. The Senator's idea is to allow teaching of any science or any study in any department of education?

Mr. NORRIS. Oh, yes. I do not want to interfere with the State law on the subject. This, of course, would not apply to a college or a high school or anything of that kind.

Mr. SMOOT. It would apply to primary schools?

Mr. NORRIS. Yes.

Mr. SMOOT. Would that be understood by the State to mean that the Government of the United States would pay half the expenses of the running of their primary schools?

Mr. NORRIS. Oh, no. If the Senator will notice where that is to come in, he will see that it is one of the requirements (e) at the bottom of page 3 of the bill. There are certain requirements in the bill that the law, if enacted, would compel the States to comply with in order to get any of the money. This simply requires that they must have public schools; that those public schools must be free; that they must be open at least six months in each year; and that they must be conducted in the English language.

Mr. SMOOT. Take any State in the Union and consider the conditions existing to-day. There is no State in the Union that has not free schools; there is no State in the Union that is not teaching English in its schools; and there is no State in the Union that does not begin with the primary grades and go up to the eighth grade in its free public schools. As I understand the wording of the Senator's amendment, all the State would have to do would be to adopt this requirement, and, doing so, then the Government of the United States would pay half of the expense of maintaining the schools.

Mr. NORRIS. Oh, no.

Mr. STERLING. They would not need to make it compulsory at all.

Mr. SMOOT. No.

Mr. STERLING. But we put the General Government in the position of giving half the money to support the free schools of the States.

Mr. SMOOT. That is what I think.

Mr. KENYON. It would not require the teaching of any language, would it?

Mr. NORRIS. Oh, yes; the common schools must be conducted in the English language. The requirement of the bill, for instance, for which I want to substitute this, although there is one substitute pending, is to "require all residents who are citizens of the United States, 16 years of age and over and under 18 years of age, and all residents of more than six months who are aliens, 16 years of age or over and under 45 years of age, who are illiterate or unable to understand," and so forth.

That goes a great deal further. It includes in its original form, as reported by the committee, grown people, and makes it compulsory. That is what I object to. I do not believe that is a practical proposition. Personally, I would have no objection to making the common schools compulsory; but I realize it would be objectionable in a great many instances.

The principal object I am trying to attain in this amendment is that those people who are to be taught English, who can not speak the English language, shall have an opportunity in the State, not be compelled to do it, but that they shall have an opportunity, without expense, to learn the English language.

Mr. SMOOT. I am in perfect accord with the Senator there, as he must have gathered from what I said yesterday.

Mr. NORRIS. Yes; I think so.

Mr. SMOOT. But I am fearful the first paragraph of his amendment would simply mean that the Government of the United States shall hereafter pay one-half of all expenses of maintaining all of the schools in all of the States.

Mr. NORRIS. I do not want to do that.

Mr. SMOOT. I did not think so.

Mr. NORRIS. I do not think the amendment does that. Of course, if it does, I would not want it. Let me explain a little further. Here is a statute that comes along and says, "We will give to the State a certain amount of money, but before we give it we will require you to do certain things; you have to enact certain kinds of laws." I provide that one of those kinds of laws must be that they must have common schools that are free and which must be conducted in the English language.

It is true that probably all of the States, at least with only one or two exceptions, already have that kind of a law; but we can require that, even though we pay nothing toward it, before we will give the money to pay for something else. If the Senate thinks the language I have used would bind the Government of the United States to pay half the expense of the common schools, I would be willing to strike it out and leave nothing in except the last clause, as follows:

Provide by law for free schools that can be attended by residents of the State of any age who are unable to speak, read, or write the English language, where instruction in the English language can be received for not less than 200 hours per annum.

Mr. SMOOT. That, I agree with the Senator, is a splendid provision.

Mr. NORRIS. That is what I am trying to reach in the amendment I propose to offer.

Mr. SMOOT. I suggest to the Senator that he confine his amendment, when he does offer it, to the second paragraph and leave out the first paragraph entirely.

Mr. NORRIS. I do not think that would be the construction; but if Senators fear it would be I do not think I would weaken it any by striking it out. I just wanted to let the Senate know, before we vote on the particular substitute now pending, that in due time I am going to offer this, no matter whether the pending substitute goes in or is rejected.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). The question is on the amendment of the Senator from South Dakota [Mr. STERLING], on which the yeas and nays have been ordered.

The Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. I have agreed to take care of him by a pair during his absence and therefore withhold my vote.

Mr. STERLING (when Mr. MCCORMICK'S name was called). I wish to state that the Senator from Illinois [Mr. MCCORMICK] is necessarily absent from the Senate. He is paired with the Senator from Nevada [Mr. HENDERSON].

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He being absent from the Chamber, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He being absent, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He is detained on account of illness. In his absence I withhold my vote.

Mr. WALSH of Montana (when his name was called). Has the Senator from New Jersey [Mr. FRELINGHUYSEN] voted?

The PRESIDING OFFICER. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator, which I transfer to the Senator from Colorado [Mr. THOMAS] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

The PRESIDING OFFICER (when Mr. WOLCOTT'S name was called). The present occupant of the Chair transfers his general pair with the senior Senator from Indiana [Mr. WATSON] to the junior Senator from Rhode Island [Mr. GERRY] and votes "yea."

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that he has not voted.

The PRESIDING OFFICER. He has not.

Mr. BALL. If he were present, I should vote "yea." As he is absent, I withhold my vote.

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Kansas [Mr. CURTIS] and vote "yea."

Mr. McCUMBER. I understand that arrangements have been made for the transfer of my pair on this question. That leaves me at liberty to vote, and I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He has not voted. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will let my vote stand.

Mr. BALL. I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] to the senior Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. GORE. I desire to announce that I am paired with the junior Senator from West Virginia [Mr. ELKINS], and will therefore withhold my vote until he returns.

Mr. KENYON. I have been asked to announce the pair of the Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY].

Mr. SMOOT. I desire to announce the absence of the Senator from Kansas [Mr. CURTIS], who is detained on official business.

The roll call resulted—yeas 32, nays 4, as follows:

YEAS—32.

Ashurst	Gronna	Norris	Sterling
Ball	Harding	Page	Sutherland
Beckham	Harrison	Phelan	Townsend
Brandegee	Jones, N. Mex.	Phipps	Wadsworth
Capper	Kenyon	Poindexter	Walsh, Mass.
Chamberlain	McCumber	Sheppard	Walsh, Mont.
Cummins	McLean	Smith, Ga.	Williams
France	McNary	Spencer	Wolcott

NAYS—4.

Dial	Harris	Smith, S. C.	Smoot

NOT VOTING—59.

Bankhead	Gore	Lodge	Reed
Borah	Hale	McCormick	Robinson
Calder	Henderson	McKellar	Sherman
Colt	Hitchcock	Moses	Shields
Culberson	Johnson, Calif.	Myers	Simmons
Curtis	Johnson, S. Dak.	Nelson	Smith, Ariz.
Dillingham	Jones, Wash.	New	Smith, Md.
Edge	Kellogg	Newberry	Stanley
Elkins	Kendrick	Nugent	Swanson
Fall	Keyes	Overman	Thomas
Fernald	King	Owen	Trammell
Fletcher	Kirby	Penrose	Underwood
Frelinghuysen	Knox	Pittman	Warren
Gay	La Follette	Pomerene	Watson
Gerry	Lenroot	Ransdell	

The PRESIDING OFFICER. On the amendment of the Senator from South Dakota [Mr. STERLING] the yeas are 32 and the nays are 4. There are 5 Senators present and not voting. There is, therefore, not a quorum present. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gronna	Phipps	Sutherland
Brandegee	Harris	Sheppard	Townsend
Capper	Harrison	Smith, Ga.	Wadsworth
Colt	Jones, N. Mex.	Smith, Md.	Walsh, Mass.
Dial	Jones, Wash.	Smoot	Williams
Edge	Kenyon	Spencer	Wolcott
France	Norris	Sterling	

Mr. PHIPPS. I desire to announce that the Senator from Maine [Mr. HALE] and the Senator from Michigan [Mr. NEWBERRY] are detained on official business.

The PRESIDING OFFICER. Twenty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The names of the absent Senators were called, and Mr. NUGENT, Mr. OVERMAN, Mr. PAGE, Mr. PHELAN, Mr. POMERENE, and Mr. SMITH of South Carolina answered to their names when called.

Mr. CURTIS, Mr. REED, Mr. CULBERSON, Mr. CHAMBERLAIN, and Mr. KIRBY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. A quorum is not present.

Mr. KENYON. Mr. President, it being now 2.30 o'clock, and being unable to secure a quorum, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, if that is the proper motion.

The PRESIDING OFFICER. That motion is in order.

Mr. KENYON. If not, I will move that he arrest them and bring them in.

The PRESIDING OFFICER. The Senator from Iowa moves that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. McNARY, Mr. FLETCHER, Mr. GORE, Mr. NELSON, and Mr. FRELINGHUYSEN entered the Chamber and answered to their names.

Mr. KIRBY. I announce the necessary absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained by illness.

Mr. HARRISON. I desire to announce that the Senator from Utah [Mr. KING] and the Senator from Tennessee [Mr. SHIELDS] are sick and detained from the Senate. This announcement may stand for the day.

Mr. McCUMBER, Mr. WALSH of Montana, Mr. OWEN, Mr. McKELLAR, and Mr. HITCHCOCK entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from South Dakota [Mr. STERLING], on which the yeas and nays have been ordered. The roll will be called.

The Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. JONES of Washington (when his name was called). I make the same announcement of my pair with the Senator from Virginia [Mr. SWANSON] that I made a short time ago, and therefore withhold my vote. I make the report so that I can be counted as present.

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same statement, for the same reason, as on the last vote, I withhold my vote.

Mr. WOLCOTT (when his name was called). I transfer my general pair with the senior Senator from Indiana [Mr. WATSON] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. FLETCHER. I transfer my pair with the Senator from Delaware [Mr. BALL] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. HARDING (after having voted in the affirmative). I have already voted, but I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair. I transfer that pair to the Senator from Maine [Mr. HALE] and permit my vote to stand.

Mr. KENYON. I desire to announce the pair of the Senator from New Hampshire [Mr. MOSES] and the Senator from Louisiana [Mr. GAY], and I ask that this announcement may stand for the balance of the afternoon.

Mr. STERLING. I desire to announce the pair of the Senator from Illinois [Mr. McCORMICK] and the Senator from Nevada [Mr. HENDERSON], and I ask that this announcement stand for the day.

Mr. KELLOGG. Did the Senator from North Carolina [Mr. SIMMONS] vote?

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). He has not voted.

Mr. KELLOGG. I withhold my vote, being paired with that Senator. If permitted to vote, I would vote "yea."

Mr. HALE. During my absence the Senator from Ohio [Mr. HARDING] transferred his pair with the Senator from Alabama [Mr. UNDERWOOD] to me. I will transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to

the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 45, nays 4, as follows:

YEAS—45.

Ball	Hale	Nelson	Spencer
Beckham	Harding	New	Sterling
Capper	Harris	Newberry	Sutherland
Chamberlain	Harrison	Norris	Townsend
Colt	Hitchcock	Nugent	Trammell
Cummins	Jones, N. Mex.	Page	Wadsworth
Curtis	Kenyon	Phelan	Walsh, Mass.
Edge	Kirby	Phipps	Walsh, Mont.
Fernald	Lenroot	Pomerene	Wolcott
Fletcher	McCumber	Sheppard	
France	McKellar	Smith, Ga.	
Gronna	McNary	Smith, S. C.	

NAYS—4.

Dial	Frelinghuysen	Reed	Smoot

NOT VOTING—46.

Ashurst	Henderson	McLean	Simmons
Bankhead	Johnson, Calif.	Moses	Smith, Ariz.
Borah	Johnson, S. Dak.	Myers	Smith, Md.
Brandegee	Jones, Wash.	Overman	Stanley
Calder	Kellogg	Owen	Swanson
Culberson	Kendrick	Penrose	Thomas
Dillingham	Keyes	Pittman	Underwood
Elkins	King	Poindexter	Warren
Fall	Knox	Ransdell	Watson
Gay	La Follette	Robinson	Williams
Gerry	Lodge	Sherman	
Gore	McCormick	Shields	

So Mr. STERLING's amendment was agreed to.

Mr. NORRIS. Mr. President, in accordance with my statement awhile ago, I now offer the amendment that I read before. I ask the Secretary to read it, as I have modified it by eliminating the clause that seemed to be objectionable to some Senators. It is a substitute for subdivision (e).

Mr. SMOOT. Mr. President, the parliamentary situation is that that subdivision now has been agreed to. I understand that this can not be offered as a substitute while the bill is in Committee of the Whole unless a reconsideration is had.

Mr. NORRIS. No, Mr. President; a reconsideration would not help it any. I admit that the parliamentary point is good if made against it. I suggested it, however, before we voted on the other amendment. There was not any way for me to get it in while the other one was pending. I agree that a point of order is good against it. I think it was understood when I mentioned it that it would be offered, and I now ask unanimous consent to offer it as a substitute for subdivision (e), which has been agreed to.

The PRESIDING OFFICER. Is there any objection to granting unanimous consent asked by the Senator from Nebraska?

Mr. STERLING. I object.

Mr. NORRIS. Then I give notice that I will offer it as a substitute when the bill gets into the Senate.

Mr. SMITH of Georgia. I do not understand that subdivision (e) has been adopted. We amended subdivision (e). The fact that we have amended subdivision (e) does not preclude the offering of a substitute for it as amended. If we had formally adopted the subdivision it would not be amendable in Committee of the Whole without a reconsideration of the vote.

Mr. KENYON. We have formally adopted a substitute for subdivision (e).

Mr. SMITH of Georgia. A substitute for the entire subdivision?

Mr. KENYON. Yes; for the entire subdivision.

Mr. SMITH of Georgia. I thought it was not a substitute for the entire subdivision.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from South Dakota.

The READING CLERK. On page 4, beginning with line 7, strike out subdivision (f) and insert in lieu thereof the following:

(f) Provide, as far as possible, subject to the approval of the Secretary of the Interior, for the education of resident persons, whether citizens of the United States or aliens, of the age of 21 years or more and less than 50 years, who are illiterate or unable to speak, read, or write the English language: *Provided*, That any course of education or instruction under this subdivision or under subdivision "e" shall especially include instruction in American history, the fundamentals of civil government, and the principles of the Constitution of the United States.

Mr. STERLING. Mr. President, just a word in explanation of this proposed substitute. It has already been explained perhaps two or three times on the floor. It does not change very materially the provision of subdivision (f) as it is found in the bill itself. It is simply permissive, however, or persuasive. No State is required to adopt the compulsory education law with reference to those who are between the ages of 21 and 45. It is entirely voluntary upon the part of the State. If the State does adopt provisions satisfactory to the Secretary of the Interior for the education of persons between the ages of 21 and 45, and the State accepts by legislative act the provisions of this bill, then it will apply, and the State, because of the special courses of instruction given to these people, will be entitled to share in the benefits of the act.

It adds this to subdivision (f) as found in the original bill, namely, that instruction is required in American history, the fundamentals of civil government, and the principles of the Constitution; and considering the object and purpose of the bill, namely, the Americanization of those who are not Americanized, it is supposed that it will apply largely to the alien element in our midst. I think it is quite essential to call special attention to these subjects, the fundamentals of civil government, American history, and the principles of the Constitution, and that such persons between 21 and 45 should receive instruction in those things.

Mr. JONES of New Mexico. Mr. President, I had intended offering an amendment to subdivision (f) as it appears in the bill. I am rather inclined to favor the substitute proposed by the Senator from South Dakota; but the amendment which I had intended to offer to subdivision (f) as it appears in the bill seems to me to be likewise pertinent to the substitute which the Senator from South Dakota has just presented. It is in the first line of the Senator's proposed substitute, after the word "possible," to insert the words "and practicable." The Senator will doubtless recognize the difference in the two expressions, and so as to put it in the conjunctive there it should read "as far as possible and practicable," which, I think, would state the matter very much better.

Mr. STERLING. I agree with the Senator's suggestion, and I accept that amendment to my substitute.

The PRESIDING OFFICER. The Senator from South Dakota accepts the suggestion, and the question now comes on the adoption of the substitute as modified.

Mr. SMITH of Georgia. Mr. President, I desire to move to amend still further the proposed substitute of the Senator from South Dakota by striking out a provision therein which is also included in the original bill. I do not think that the details of this plan should be subject to the approval of the Secretary of the Interior. I believe this carries governmental interference into State educational work too far.

The bills that we have passed heretofore, through which national aid was given to State education, prescribed in themselves the line of work that was to be done in the States, the States contributing also, and a report was required to a national officer of the work, and he, when the next appropriation was made for distribution, could withhold it if he found that the funds had not been used according to the plan of the bill passed by Congress. But nowhere was the authority given to the National Government to prescribe rules and regulations for the work in the States, and nowhere was the approval of a national officer required of any details of plans adopted in the States.

I favor national contributions toward educational work, but I am entirely opposed to the National Government interfering with the detailed management of this work in the States. The detailed management heretofore has always been left to the States themselves.

I therefore move to strike from the substitute offered by the Senator from South Dakota the words "subject to the approval of the Secretary of the Interior."

The subdivision reads:

Provide, as far as possible, subject to the approval of the Secretary of the Interior, for the education of resident persons, whether citizens of the United States or aliens, of the age of 21 years or more and less than 50 years, who are illiterate or unable to speak, read, or write the English language.

I think that detailed work should be left to the State authorities.

Mr. KENYON. Mr. President, may I ask the Senator who would determine that the 200 hours per year in the study of English had been taken care of?

Mr. SMITH of Georgia. That would come to the Secretary of the Interior under subdivision (h).

Mr. KENYON. The Senator will make no objection to subdivision (h)?

Mr. SMITH of Georgia. I am not going to object to subdivision (h). I think that covers it. I think that the State authorities should report to the Secretary of the Interior each year the work done. The State authorities understand what the bill requires. If the report at the end of the year does not show that the work has been done, then no fund goes to that State that year.

Mr. KENYON. He could withhold the fund?

Mr. SMITH of Georgia. He could withhold the fund the next year. It constrains the use of the fund for the purpose defined by the bill.

Mr. KENYON. The Senator is not contending that the fund may be used by the State?

Mr. SMITH of Georgia. Not at all. The State must use the fund for the purpose intended by the bill; but after we require that the fund shall be used for the purpose intended by the bill, I think we should leave the broadest, unrestrained discretion in the State and to the State officials executing the plan. They must use it to do the work contemplated by the bill. I know when we had under consideration our bill for vocational education a great deal of hostility from State officers throughout the country developed to proposed national direction of work in the States, and we eliminated it; and we have found no trouble coming from that elimination.

Mr. NORRIS. Mr. President, I am opposed not only to the substitute but I am opposed to the particular paragraph in the bill that it proposes to amend. The more I think about it the more I feel as though the bill ought to be defeated if it has this substitute in it, or that part of the bill that the substitute seeks to amend. It seems to me it is a dangerous proposition. Let us see what it provides for.

The State shall be required—

To do what?

(f) Provide, as far as possible——

Mr. STERLING. "Or practicable," according to the amendment accepted a while ago.

Mr. NORRIS. Yes; "or practicable." It would be practicable for the Secretary of the Interior to feel that a State ought to have a compulsory law that would require everybody within the State who is illiterate or who is an alien over 21 years of age and not over 50 to attend these schools.

It seems to me that the Government of the United States is going a good way when we appropriate money out of the Federal Treasury to educate illiterates who are 50 years old, and to require the States to provide by law that that shall be done in order to get some Federal funds. There is not a State in the Union that does that, so far as I know. To leave it in indefinite language like this is a mistake. I would feel that it would be the duty of the Secretary of the Interior to require something pretty big under this, because it says "provide as far as possible and practicable."

Mr. SMOOT. Is it "and practicable" or "or practicable"?

Mr. NORRIS. I do not know.

Mr. SMOOT. Can some Senator tell me which it is?

Mr. SMITH of Georgia. It is "and practicable."

Mr. SMOOT. That is worse than ever.

Mr. NORRIS. Yes; that is worse than ever. You must go just as far as you possibly can so long as it is practicable. One Secretary of the Interior would say, "Before you can get any of this money you must require every person in your State who is illiterate or an alien, between 21 and 50 years of age, to go to school 12 hours a day 365 days in the year." That is practicable and it is possible. I admit that is extreme; but that could happen under the bill that we are proposing to pass. How far should the Secretary of the Interior go? The law says he shall go as far as possible, and he would have to go some distance to do that.

Mr. STERLING. If the Senator will permit me——

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. While the word "or" if used as a conjunction here might make it a little more definite as to what is intended, yet I venture to say that where you use the words "possible and practicable" connected with the word "and" that the word "practicable" will modify the word "possible."

Mr. SMITH of Georgia. It must be both possible and practicable.

Mr. STERLING. Yes; it must be both possible and practicable. It would not be put in operation unless it were a practicable thing.

Mr. NORRIS. A law that would require every person between 21 and 50 years of age to go to school six months in the year is both possible and practicable; nobody can deny that. A good many people would think it was possible and practicable to go further than that; and here we propose to educate the illiterates in the State away beyond the school age.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. Certainly.

Mr. JONES of New Mexico. The legislature of the State would have to determine whether it was practicable, would it not?

Mr. NORRIS. The Secretary of the Interior also would determine it.

Mr. JONES of New Mexico. But the Secretary of the Interior has no power under the bill to coerce the legislature.

Mr. NORRIS. Not at all; but he can keep that State from getting any of the money unless they comply with what he says is possible and practicable.

Mr. JONES of New Mexico. Is it not true that if the Secretary of the Interior should be captious, he would certainly find some means for putting the law into operation? Would not the criticism of the Senator apply to any restriction which might be imposed upon the legislature or any requirement which might be imposed upon the legislature?

Mr. NORRIS. No; I do not think so. I think this goes a good deal further than the ordinary restriction that is put on. We are going to say in this bill, "Go as far as possible just so long as it is practicable." We are instructing him to do that. It is a fair presumption that a Secretary of the Interior is honest and square; we ought to go on that theory. What would he do when right at the beginning of the bill it provides that you must require as much as possible so long as it is practicable? There is a great opportunity for disagreement and still to be honest; but everybody must admit that he would have to go a long distance.

Mr. JONES of New Mexico. May I inquire of the Senator what language he would suggest to cover the point?

Mr. NORRIS. Yes. I would strike the provision out of the bill.

Mr. JONES of New Mexico. In other words, leave the matter entirely to the State without any supervision or cooperation on the part of the United States Government?

Mr. NORRIS. In other words, I would make no provision in the bill for the education of illiterate citizens who are over 21 years of age and not over 50. I am not in favor of spending public money to educate people who are past school age.

Mr. JONES of New Mexico. From that point of view I can understand just what the Senator means.

Mr. NORRIS. I hope I have made my point clear to the Senator.

Mr. JONES of New Mexico. I think the Senator has made himself quite clear from that point of view, but it is the point of view of some of the rest of us that we ought to have some provision for educating illiterates who are above 21 years of age.

Mr. NORRIS. Oh, yes. I am not complaining because the Senator or anyone else holds that point of view, but I want to submit to the Senator that, so far as I know, it is contrary to every system of education. There is a reason for teaching people over 21 years of age the English language. When we invite these people over here and they can not speak our language, we owe it as a duty to them and we owe it as a duty to ourselves to do that much for them, because they then make better citizens, and we avoid, in many cases at least, the development of anarchistic ideas, of anarchists, Bolshevists, and so forth. But there is not a State in the Union that provides for the education at public expense of its citizenship between 21 and 50 years of age.

Mr. STERLING. I think I called the attention of the Senator from Nebraska yesterday to a provision of the statute of South Dakota upon that point. I read the provision, and I thought it was generally assented to that the provision covered the question just raised by the Senator from Nebraska. The provision is:

Provided, That any person or persons more than 21 years of age and less than 50 who do not possess the ability to read, write, and speak the English language equivalent to the requirements for the fifth grade in our State course of study for the common schools may attend during good behavior, free of charge, any of the special classes established under the provisions of this act.

The act having provided for the classes——

Mr. NORRIS. But if he will again read the classes of people who are going to be admitted the Senator will see they are not the ones we have here.

Mr. STERLING. They are exactly what we have here. They are all persons between 21 and 50 years of age, whether aliens or residents, who have the privilege of attending the special classes. Any State, by the enactment of a law such as I have quoted from the statute of South Dakota, with perhaps something additional in regard to the grades or the instruction that would be given, would comply with the Federal statute as here proposed.

Mr. NORRIS. Will the Senator let me have the statute which he quoted?

Mr. STERLING. Certainly.

Mr. NORRIS. I will read it again. This law provides for certain schools in South Dakota, and then it says:

Provided, That any person or persons more than 21 years of age and less than 50 who do not possess the ability to read, write, and speak the English language.

That is intended to apply to foreigners, of course, to aliens who can not speak the English language. The illiterates who are here can speak the English language. If they can not speak the English language, the only one they have ever known anything about, then they are deaf and dumb and can not speak at all. South Dakota provided for certain educational facilities and then provided for those people to whom I have just referred in the statute—

Who do not possess the ability to read, write, and speak the English language.

They must lack the ability to do each one of those things. They are connected by the word "and." If they could not read, that would not be sufficient; if they could not write or read, that would not be sufficient; but it must be that they can neither read, write, nor speak the English language in order to get the benefits of it. That is a different proposition from the one we have here.

I have been arguing thus far what I have believed to be the difficulty of the bill and its enforcement as a law if we pass it. I want to give another reason why, in my judgment, we ought not to have that kind of a provision in the bill, and that is that we ought not to provide by law for the appropriation of public funds out of the Federal Treasury to go into the different States of the Union where they have illiterates, grown people, and educate those people. I would like to see them educated, and I have no objection to the State doing it if it wants to.

I am not finding fault with South Dakota; I have no objection to that; but we ought not to take from the Federal Treasury, as I view it, money to educate people who are grown and grayheaded, who ought to have been educated when they were children. The right kind of public-school system is the one that educates the children. You will get into all kinds of difficulty trying to educate grown people. They can not go to school, though they want to, in a great many meritorious cases. They have to support wives or children or families. We do not require grown men to go to school, and yet you are about to pass a bill the effect of which may make that compulsory.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. If that were true, I would agree with the Senator; but the whole face of the bill shows that the Senator is not correct. The philosophy of the bill as originally drawn is to compel aliens to attend the teaching of English for 200 hours a year up to 45, and of citizens up to 21 years of age. By the substitute offered by the Senator from South Dakota that age of aliens is reduced to 21. There is the compulsion that is part of the bill.

Subdivision (e) only extends by compulsion to 21 years of age. Then we pass to subdivision (f), which is in the nature of and intended to be a persuasive statute, that above 21 and up to 50 years of age, according to the substitute of the Senator from South Dakota, the teaching of those aliens and the teaching of those citizens shall be purely by agreement that will be worked out for night schools, or even clubs or private schools. There is absolutely no compulsion in it; and the Senator from Nebraska in arguing as to compulsion must take subdivision (e) in conjunction with subdivision (f) to get at the meaning of the whole section.

Mr. NORRIS. I think the Senator is entirely wrong. I am just as much in sympathy with the main purpose of the bill as is the Senator from Iowa.

Mr. KENYON. The Senator insists that under subdivision (f) it is compulsory education?

Mr. NORRIS. I insist that it may be, and if the Secretary of the Interior thinks it his duty I am inclined to think it will be.

Mr. KENYON. Does the Senator think it should be?

Mr. NORRIS. No; and that is the reason I want to strike it out.

Mr. KENYON. Why does the Senator think the Secretary of the Interior would try to compel it?

Mr. NORRIS. Because the bill tells him to do so. The bill says, "You must require this State to go as far as possible and practicable."

Mr. KENYON. But the proposed law considers that practical and possible as to compulsion only up to 21 years of age. You have to take the law on all sides and look at the different sections.

Mr. NORRIS. I understand that. The bill, as to subdivision (e), in my judgment, is entirely wrong.

Mr. SMOOT. Will the Senator yield to me?

Mr. NORRIS. In just a moment I will.

Subdivision (e) now stands, as the Senator from Iowa says, compulsory up to 21 years of age. That is fundamentally wrong. It never ought to be put in a Federal statute here that we should require the State to do a thing of that kind. But we follow that with subsection (f) and we say that we will require the State, as far as possible and practicable, to provide——

Mr. STERLING. Let me say——

Mr. NORRIS. Let me answer one at a time. I will yield to the Senator from South Dakota in due time. I will be much more courteous to the Senator from South Dakota than he was when he objected to my offering my substitute.

Mr. STERLING. I do not see how the Senator from Nebraska can take that as an act of discourtesy.

Mr. NORRIS. Now, the Senator is interrupting without any reason. The Senator has no right to say anything unless he is recognized by the Chair.

Mr. STERLING. When I am charged with discourtesy——

Mr. NORRIS. He insists on talking without recognition when I have the floor.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. When I am charged with an act of discourtesy to any Senator in this body, then I have the right to rise and protest against language which so charges; and I do protest, because I never thought of an act of discourtesy or meant to be in the slightest degree discourteous to the Senator. I was clearly within my rights. If any Senator was expected to object to the reconsideration of subdivision (e), I had the right to do so, and I know it was expected that I would object. There had been a pretty decisive vote, though showing a lack of quorum, on the matter.

Mr. NORRIS. The Senator says that when his lack of courtesy is questioned he has a right to protest, but that right does not extend beyond the rules of the Senate. That right does not give him an opportunity to break in without recognition. I was ready to yield when he went at it in the right way. In other words, I was courteous, but I was not willing that he should make a rule of the Senate to suit himself. The rules provide how one Senator shall interrupt another. The rules do not say that when any Senator here, whether another Senator has been discourteous or not, shall have the right to get up and talk without recognition and without permission of the Senator who has the floor.

Now, I did say that I would be more courteous than he was. I never thought for a moment that the Senator would get, as the fellow said, "all het up" over that. I think I was. I do not think I was shown the right courtesy when I proposed my amendment and called attention to it beforehand, when, as a matter of fact, although the Senator from South Dakota does not know it, I was going to offer a substitute before he offered his, and was asked by the Senator in charge of the bill to wait until the Senator from South Dakota got through, and I did wait.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. SMOOT. I want to find out just what the understanding of the Senator from Iowa is as to section 5; and if the Senator from Nebraska will allow me to ask the Senator from Iowa a question, I should like to do so.

Section 5 reads as follows:

That no money shall be paid to a State until it shall through its legislature—

Then, in subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) certain requirements are enumerated. Does the Senator from Iowa contend that if (a), (c), and (e) are complied with by the legislature money would be paid to the State to take care

of those three subdivisions? As I read it, no money shall be paid to a State until all of those subdivisions are complied with—every one of them.

Mr. KENYON. I think that is true.

Mr. SMOOT. Then I think the Senator from Nebraska is right in his position.

Mr. KENYON. Does the Senator agree with the Senator from Nebraska that subdivision (f) requires compulsory education?

Mr. SMOOT. Oh, no.

Mr. KENYON. Well, that is the only issue I am making with the Senator from Nebraska.

Mr. SMOOT. It is not compulsory upon any alien or citizen between the ages of 21 and 50 to attend the schools, but it is compulsory upon the part of the State legislature to provide that he shall have a chance to attend the school before ever a dollar of the money shall be paid.

Mr. KENYON. To provide, just as is stated there, that those who are illiterate or can not speak, read, or write the English language shall be able to secure this instruction.

Mr. SMOOT. Yes; that is as I understand it.

Mr. KENYON. And I think the original intention of that was to provide for exactly the same instruction that you would provide for under subdivision (e), instruction in English. Now, that has gone a little further than instruction in English, and provides that it shall cover history, civil government, and so forth.

Mr. SMOOT. I will speak on that subject a little later, but I wanted to understand just how the Senator from Iowa construed it.

Mr. KENYON. Oh, I thoroughly understand that there is no compulsion under subdivision (f), and if the language can be construed as compulsion there should be a proviso, which I was just trying to indite here, providing that that shall not be. It never was intended.

Mr. SMOOT. It is compulsory on the States, however, to provide the schools, any or all?

Mr. KENYON. To provide some arrangement, subject to the approval of the Secretary of the Interior, by which men between 21 and 50, as it is now, or, in mine, 45, can receive this instruction.

Mr. HARRISON and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Mississippi.

Mr. HARRISON. The Senator is so well posted upon this subject that I should like to ask him a question. I have an idea—I do not know where I got it; I probably read it somewhere—that the Bureau of Naturalization has spent some money in establishing schools in various parts of the country for the purpose of giving to these alien residents an opportunity to learn how to read and write. Is the Senator familiar with that?

Mr. NORRIS. No; I am not.

Mr. SMOOT. Mr. President, if the Senator will yield I will simply say that up to July 17, 1919, 2,815 community schools had been established for this very purpose.

Mr. HARRISON. Under the Bureau of Naturalization?

Mr. SMOOT. Under the Department of Labor.

Mr. HARRISON. Can the Senator from Utah tell us how many students enlisted in those schools?

Mr. SMOOT. I have the complete list here, but——

Mr. NORRIS. I have had the bulletins that show the entire number, but I have not them here.

Mr. SMOOT. At this point, if the Senator does not object, I will insert the communities in which the schools are established, and also the number of students in the schools.

Mr. NORRIS. All right; I have no objection.

Mr. SMOOT. In the city of New York there are over 15,000 students attending these schools established under the Department of Labor to-day.

Mr. HARRISON. Are the Department of Labor requesting any larger appropriations to carry on this work, or do they think they are meeting the situation fairly well?

Mr. SMOOT. I can tell the Senator the amount the Department of Labor are asking for the year ending June 30, 1921. The amount they ask for field service, 70 field employees, salaries, and traveling expenses, is $210,000. That is for employees in the District of Columbia. For statistical work they ask for $40,000; for general correspondence, $50,000; for motion pictures, $75,000; miscellaneous $25,000; or a total of $400,000.

Mr. HARRISON. I will ask the Senator from Utah how long they have been carrying on that work?

Mr. SMOOT. They began the work in 1914.

Mr. KENYON. That is entirely connected with the preparation of men for naturalization.

Mr. HARRISON. Then may I ask the Senator from Iowa a question, because probably he is thoroughly familiar with this matter? I am seeking information now, because I am sure no Senator here wants to duplicate the work of two departments; and it would seem to me, as one Senator, that if that department is doing this work, and doing it efficiently, and taking care of all the demands for the education of these foreigners, it would be a useless expenditure of money to appropriate $35,000,000 to create another department to do it.

Mr. KENYON. Why, of course it would. It would be criminal and asinine.

Mr. HARRISON. Yes.

Mr. KENYON. But that department is doing some work in the preparation of men for naturalization. It is not covering the field of this work. They have established these schools in my town and we have had citizens turn in and help, and they did considerable good; but that does not in any broad way cover this whole question. It can not do it. If it does, that is the end of it.

Mr. HARRISON. The object of this bill is to teach them how to read and write and speak the English language?

Mr. KENYON. Yes.

Mr. HARRISON. On the theory that that will make them better Americans. Now, the Senator says that what the Department of Labor has done is to prepare men for naturalization. In order to prepare them for naturalization, have they not tried to teach them how to speak and write the English language?

Mr. KENYON. They have, but they have not covered very many of them. They have done good work.

Mr. NORRIS. I yield now to the Senator from South Dakota.

Mr. STERLING. I have almost forgotten what the point was, but it was this:

The introductory words of these two subdivisions, I think, make clear the difference. In the first place, under section 5 no money shall be paid to a State until it shall, through its legislature—now go to paragraph (e)—"require," as originally drawn, "under penalty"—that is stricken out, but "require" is the word; while, taking subdivision (f), it is not "required" at all, but the State "provides, as far as possible," or, as it now is, "as far as possible and practicable." That is the difference between the two. The one indicates that the State, in order that it may come under the provisions of the act, must require this course and provide laws requiring it, whereas in the other case it is to provide, as far as possible and practicable.

Mr. NORRIS. Mr. President, there is a difference between the two. Nobody has ever contended to the contrary, so far as I know; but while the word "provide" is used in one place and "require" in another, the word "provide" is modified by what follows. Provide how? Provide, as far as possible. Now, I think that is going a good way, Mr. President. You must provide, as far as possible, what? To educate illiterates who are more than 21 years old and from that on up to 50. That is what you must do, as far as possible and practicable. You are not asked to do anything not practicable; and the Senator from Iowa says it does not provide for compulsion. Why, Mr. President, that depends on the Secretary of the Interior. It may provide for compulsion, and I do not know but that the Secretary of the Interior would be justified in it. He must not have this money spent for tomfoolery. The law provides that in certain lines you shall educate people who are more than 21 years old. They may have been born right here in America and have lived here all their lives. They may be purely Americans. They are illiterates, however, and you must educate them.

Now, the law says to the Secretary of the Interior: "You must require that State to go, as far as possible and practicable, in the education of those people." The question at once comes up, How far shall we go?

Suppose you are going to pass the law. Will it comply with the law to say, "We will have a night school in a few of the cities"? I doubt it, but I do not know. According to my judgment, you have not gone as far as possible and practicable yet, and you must make some provision for the education of those people. They must learn to read and write the English language. They must take a course in United States history, under the substitute that is pending. That is a valuable thing. Men are sometimes misunderstood when they talk about that kind of a provision. We would all be glad to have that done; but the point is that we are going to take money out of the Federal Treasury, and require the State to provide the school and duplicate the money that we put into it in order to accomplish that thing. I do not believe we ought to do it.

I am willing to appropriate Federal money to teach the foreigner who has been admitted into our country to read and write and speak the English language, but I am not willing to

take Federal funds and go into some State and teach their citizenship up to 50 years old what they ought themselves to have taught them 25 years ago. If you would confine it to teaching children of school age, it seems to me there would be something practicable about it; but these men are working on the farms, they are working in the factories, some of them have large families to support, and are sending their children to the public schools. They have to clothe them and feed them, and you are going in some way to require the farmer to go to school, also. Now, those of us who oppose it are not objecting to the farmer having an education, but we do not believe you ought to use public funds, particularly at this time, and turn them over to the State in order that that may be done. A system of education that is practical educates the children; and even though mistakes have been made by the States in not doing that in the past, it is too much to expect that we should now undertake to remedy it and educate people who are 50 years old. It seems to me that we are going too far. It seems to me we are taking a step in the use of public funds that we ought to avoid.

Mr. KENYON. Mr. President, may I ask the Senator a question? Outside of the objection that he raises as to compulsion, suppose a provision of this kind were added:

Provided further, That such course of education and instruction shall not be compulsory.

That would make that clear, and remove the objection, would it not?

Mr. NORRIS. Yes. Of course, the Senator understands that I would still be opposed to it. I am opposed to spending public money to educate this particular class of people.

Mr. KENYON. Yes; I understand, but that is a different question.

Mr. NORRIS. But that would help it very much.

Mr. KENYON. On that theory the Senator and I can not agree, but on the other we would agree, that this shall not be compulsory; and I suggest to the Senator from South Dakota that he add that to his amendment.

Mr. STERLING. If the Senator from Iowa will offer that as an amendment, I will accept the amendment.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. GRONNA in the chair). The Chair will state to the Senator from Iowa that there is an amendment to the amendment pending.

Mr. KENYON. Oh, yes; I beg the Senator's pardon.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment proposed by the Senator from South Dakota.

Mr. HARRISON. Mr. President, may we have the amendment stated again?

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In lines 1 and 2 of the amendment it is proposed to strike out the words "subject to the approval of the Secretary of the Interior."

Mr. STERLING. Mr. President, if it were not for other provisions in the bill I should be tempted to oppose the amendment offered by the Senator from Georgia; but I think possibly under subdivision (h) the matter is carefully guarded so that the interests of the Federal Government will be protected. I think, of course, there should be some supervision of these funds expended by the Federal Government, but I think subdivision (h) will cover it, and I accept the amendment.

Mr. HARRISON. Mr. President, this is such an important matter that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

Mr. KENYON. Mr. President, a parliamentary inquiry. Has any business been transacted since the last quorum call?

The PRESIDING OFFICER. The Chair thinks it has. The Senator from Georgia has offered an amendment, and the Chair thinks one or two other amendments have been disposed of since the roll call was made.

Mr. KENYON. Very well.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harris	McNary	Sheppard
Beckham	Harrison	New	Smith, Ga.
Capper	Hitchcock	Norris	Smoot
Chamberlain	Jones, Wash.	Nugent	Spencer
Colt	Kellogg	Overman	Sterling
Dial	Kenyon	Owen	Sutherland
Edge	Kirby	Page	Wadsworth
Fletcher	Lenroot	Phipps	Walsh, Mass.
Frelinghuysen	McCumber	Pomerene	
Gronna	McKellar	Reed	

Mr. McKELLAR. The Senator from California [Mr. PHELAN], the Senator from Florida [Mr. TRAMMELL], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. PHIPPS. I desire to state that the Senator from Kansas [Mr. CURTIS] is engaged in holding a committee hearing.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. NELSON answered to his name when called.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. KENYON. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. TOWNSEND, Mr. MYERS, Mr. WALSH of Montana, Mr. SMITH of Maryland, Mr. CURTIS, Mr. FRANCE, Mr. SMITH of South Carolina, Mr. MCCORMICK, and Mr. JOHNSON of California entered the Chamber and answered to their names.

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON] on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Georgia [Mr. SMITH].

Mr. STERLING. I accept the amendment of the Senator from Georgia to my amendment.

Mr. SMOOT. The amendment has not been agreed to.

Mr. STERLING. I understand that disposes of it, Mr. President.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. Strike out the words "subject to the approval of the Secretary of the Interior."

Mr. STERLING. I accept that amendment.

Mr. SMOOT. Does not the Senator really think that those words should remain in? Who is going to approve it? The Secretary of the Interior has the approval.

Mr. STERLING. Mr. President, attention was called during the discussion of the amendment of the Senator from Georgia to my amendment to subdivision (h), which I think carefully guards the matter, so far as the Federal Government is concerned. Subdivision (h) provides for—

the submission annually to the Secretary of the Interior a report which shall show the (1) plan for administration and supervision, (2) courses of study, (3) methods and kind of instruction, (4) equipment, (5) qualifications of teachers, supervisors, directors of education, and other necessary administrative officers or employees, (6) plans for the preparation of teachers, supervisors, and directors of education, and (7) receipts and expenditures of money for the preceding fiscal year.

Mr. SMOOT. I call the Senator's attention to the fact that subdivision (h) simply requires the submission annually to the Secretary of the Interior of a report, as just stated by the Senator; but there is nothing at all in subdivision (h) which requires the approval of the Secretary of the Interior. This requires an annual report to be made.

Mr. SMITH of Georgia. The Senator is right. Yet I think the bill means, with this amendment, what the Senator considers it should mean. The bill leaves it to the State authorities to undertake to provide for handling this money to carry out the object of the bill. They must report to the Secretary of the Interior and show how they have done it. If they have not complied with the provisions of the bill, then he withholds the next year's appropriation from them.

Mr. SMOOT. But the bill does not provide that.

Mr. SMITH of Georgia. Oh, yes; that is in the bill. I sought to strike out the provision requiring that in the first instance they should submit their plan to him for his approval and putting the Secretary in control of the detailed plans of the States. I think that is an interference with the State management that is unnecessary.

Mr. SMOOT. As far as I am concerned, I would rather have an interference to begin with than to have it all started, and then be interfered with later by the Secretary of the Interior. I think that the State should not provide any means nor begin an organization for this class of schools until they know that the Secretary of the Interior would approve of them, and that is all there is in subdivision (f).

Mr. SMITH of Georgia. I am opposed to the Secretary having anything to do with the detailed plans of the State. I do

not think it is any of his business, and I think it is a mistake to give the power to him.

Mr. SMOOT. The Secretary will have it.

Mr. SMITH of Georgia. No; he will not.

Mr. SMOOT. If it did not meet with his approval, as the Senator said, he would withhold the appropriation for the next year; so he passes upon it, anyhow.

Mr. SMITH of Georgia. I am going to offer an amendment covering the provision in the other section, that the Secretary, when he does withhold it, shall report the facts to Congress and that Congress shall be the judge as to whether the State has complied with the requirements of the bill. The details are not controlled by the bill. It is the mere use the bill requires for the purpose. I am opposed to the Secretary of the Interior having anything to do with the details. If the States spend the money for the purpose required by the bill, then they are entitled to the money; and the State officers should have the discretion as to the plan.

Mr. SMOOT. If the Secretary has any power whatever to withhold the appropriation, then it may be withheld because of the fact that the plans are not satisfactory to him.

Mr. SMITH of Georgia. No; he can not withhold it because the plans are not satisfactory to him. He can withhold if they do not use the money for the purpose, but he can not control the way they execute that purpose.

Mr. SMOOT. Of course, I am not going to be captious about the matter, but it does seem to me, if we want to protect not only the States but the Treasury of the United States, that we ought to allow the Secretary of the Interior to approve of the plan before the State goes any further.

Mr. KENYON. I wish to call the attention of the Senator from Utah to subdivision (f) in connection with subdivision (h) of section 5. It seems to me that those two subdivisions protect the situation. I do not want the funds turned loose without any supervision whatever.

Mr. SMOOT. I will say to the Senator that I have read section 7, and that provides in general terms and gives him the power to impose under the provisions of the bill. Subdivision (f), which we are now discussing, says:

> Provide, as far as possible, subject to the approval of the Secretary of the Interior, for the education of residents who are citizens of the United States of the age of 21 years or more or resident aliens—

And so forth.

What we should do is to strike out the words "subject to the approval of the Secretary of the Interior."

Mr. KENYON. The Senator from Georgia does not ask to strike out subdivision (h) and he has not asked to strike out section 7.

Mr. SMOOT. No; but subdivision (h), no matter what the States may do, simply provides for them to submit annually to the Secretary of the Interior a report which shall show the plans of administration and supervision. When those things are submitted, that is the end of it. They have complied with the requirements of subdivision (h).

Mr. KENYON. But it is not a question of what the Secretary of the Interior can do. If he is satisfied they are not carrying out the purposes of the bill, he can withhold the allotment; and, under section 10, that allotment comes every three months; so no particular harm could result. Suppose the work is going on and the Secretary of the Interior is satisfied they are not carrying out the terms of the act, then he can withhold that allotment, and in that way control the matter.

Mr. SMOOT. Then, if the Senator is right in his contention, it would be very much better for the Secretary of the Interior to approve of the plan under subdivision (f) before the State begins the organization, rather than three months afterwards.

Mr. KENYON. Does not the Senator believe, as a matter of common horse sense, as we call it out West, that when a State is doing this work it would take it up with the Secretary of the Interior and discuss it with him, just as the Senator from Utah and the Senator from Georgia and myself would discuss and decide what we were going to do? They are all working to one end.

Mr. SMOOT. That is the natural course to take, I will say to the Senator.

Mr. KENYON. Of course, that is the course that would be taken.

Mr. SMOOT. That is why the bill was written that way, because of the fact that it directs them to do the very thing that ought to be done. But suppose some State does not do it and suppose there is no action taken on the part of the State that would be in any way opposed by the Secretary of the Interior, it does seem——

Mr. KENYON. Then he could withhold the funds.

Mr. SMOOT. Not to begin with, however.

Mr. KENYON. He could do so after three months.

Mr. SMOOT. Yes; after three months, and then all the effort of the State up to that time would be lost.

Mr. KENYON. Knowing that he could do that after three months, the State certainly would be wise enough to adopt some plan to meet his approval. I agree with the Senator.

Mr. SMOOT. I simply think it is weakening the provision.

Mr. KENYON. I, too, think it is.

Mr. SMOOT. But I am not going to object.

Mr. KENYON. But there are some Senators rather offended by the language, and if we can accomplish the same thing without being offensive I should like to do it.

Mr. SMITH of Georgia. I should like to give the Senator my conception of the distribution. Take the State of Utah. Suppose they receive from the National Government, under their census showing as to the number of residents who can not speak English, $10,000. The State authorities determine upon their own plan of spending that sum and the State appropriation of $10,000 in instructing residents to speak English. The Secretary of the Interior has nothing to do with your plan so long as you in good faith make a plan and spend the money for that purpose.

Mr. SMOOT. He does not for the first three months.

Mr. SMITH of Georgia. And he does not afterwards under the bill. He only has the right to see that the State has spent it for the purpose, which is the purpose of giving to its residents the ability to speak English. That is the extent of his control as I would establish it in the bill. I would strike out those provisions that require the original plan to go to him and give him the right to control the State's plan of conducting education. I would leave to the State entirely the determination of the plan, so long as the State spent the money for that purpose. The plan I would leave to the State. That is the distinction I make.

Mr. SMOOT. I fully understand the position of the Senator from Georgia. I think the original part of subdivision (f) accomplishes that, for it simply provides, in the very first place, that it must be approved by the Secretary of the Interior.

Mr. SMITH of Georgia. I never would allow it. Because he does not approve that plan of instruction, he can not stop that appropriation; not at all.

Mr. SMOOT. He passes upon it.

Mr. SMITH of Georgia. He passes upon the question as to whether the State has used the money to teach English to residents, but the way of doing it or the mode of schools and the management of it should be left to the State authorities.

Mr. TOWNSEND. The Senator from Georgia speaks of the use of money for educating the foreigner.

Mr. SMITH of Georgia. To teach the foreigner or the resident to speak English.

Mr. TOWNSEND. That applies also to illiterates within the State.

Mr. SMITH of Georgia. That is another branch.

Mr. SMOOT. No; it applies to citizens of the United States.

Mr. SMITH of Georgia. There are two branches, the removal of illiteracy, which applies to all, and the teaching of English. There are two classes on account of which the appropriation is made.

If there were illiterates in Utah the State would get a certain sum for them. If there were residents who could not speak English, no matter how literate they were, the State would get some for that use. The State must use the proportion which comes to it for illiteracy to remove illiteracy. It must use the portion that comes to it for teaching English for that purpose. The way of doing it, I think, should be left to the State, but it must use it for the purpose.

As I understand the bill, it would strike out the provision that if the Secretary of the Interior does not approve of the mode of doing it he can not stop the State from taking the money because he thinks he could point out to the State a better way of teaching English than it is using. I would leave the mode of instruction to State authorities. I would not have the Federal officials interfere with the mode of instruction, but I would only leave to the Secretary of the Interior the right to say that unless the States are in good faith spending the entire sum in that instruction they are not to have the money.

Mr. TOWNSEND. Do I understand that, so far as this applies to illiterates, the States also are to have a free hand as to how they shall spend the money among those illiterates or for the purpose of educating those illiterates without any let or hindrance from the Federal Government?

Mr. SMITH of Georgia. Yes; I think they would.

Mr. STERLING. I hardly agree with the Senator from Georgia in that broad statement.

Mr. SMOOT. I certainly can not.

Mr. STERLING. Having accepted the amendment offered by the Senator from Georgia, my purpose and intent would be that the State would have the initiative in the first place in adopting a course of study or providing for schools for those illiterates, whether they be citizens or aliens. The bill further provides for reports annually to the Secretary of the Interior. If those reports disclose that any State is not following out the purpose of the bill in providing facilities for the education of those illiterates, then I think the Secretary of the Interior might direct that the money to which the State would otherwise be entitled should be withheld.

Mr. TOWNSEND. Does the Senator from South Dakota agree with the Senator from Georgia that the State should adopt the plan for spending the money which the Federal Government pays in educating illiterates, even though that plan is confined to only a portion of the people in the State?

Mr. SMITH of Georgia. I do not mean that, I will say to the Senator from Michigan. It must be in good faith spent in an effort to remove illiteracy from all of the illiterates. I do not think it would comply with the requirements of the act unless there were good faith, but the Secretary might think it should be a day school and the officers of the State might think a night school was better. The details of the plan, I think, ought to be left to the State authorities; but the money must be used in good faith to carry out the purpose of the act by removing illiteracy from all.

Mr. SMITH of South Carolina. May I ask the Senator from South Dakota, in the light of what the Senator from Utah has said, what is the meaning of section 11, which says:

That the Secretary of the Interior shall make such rules and regulations as may be necessary to carry out the purposes of this act, and may cooperate with any department or agency of the Government and request such agencies to cooperate with him and with the several States?

If I understand the meaning of that language, he is given——

Mr. SMITH of Georgia. I expect to offer an amendment later on, striking out that section.

Mr. SMITH of South Carolina. In view of section 11, and in view of the fact that no such amendment has been offered, it seems to me that the point contended for by the Senator from Utah is not very well taken.

Mr. SMITH of Georgia. I have my amendment ready to offer.

Mr. SMOOT. The position I take is directly in accord with the remainder of the bill, including section 11. The position taken by the Senator from Georgia [Mr. SMITH], if it be followed out, would require that section 11 must go out of the bill.

Mr. SMITH of South Carolina. Certainly. Section 11 clothes the Secretary with absolute power to regulate the use of the entire fund, and only makes it permissible by his will whether any of the Federal authorities or State authorities may cooperate with it. In other words, he can control it as he sees fit.

Mr. STERLING. I differ from the Senator from South Carolina on that point. If the Secretary of the Interior has anything at all to do with the administration of the act, of course, he will have to make some rules and regulations. His powers and his authority are limited by other provisions of the bill, or at least he has no other power than such as is conferred by the other provisions of the bill, but they do give him some power. He is to receive and pass upon these annual reports submitted by the State authorities in regard to what they have done in carrying out the provisions of the bill, in regard to what they have done in reference to providing facilities, and so forth, for the education of the illiterates. He can make rules and regulations appertaining to those matters, but that is all he can do.

Mr. SMITH of South Carolina. The language of section 11 could not possibly be more potential than where it provides that he shall make such rules and regulations as he may deem necessary to carry out the purpose of the act. It takes in the whole act, and the purpose and operation and administration and execution of the act are entirely subject to his rules and regulations.

Mr. STERLING. Subdivision (f), the one under consideration now, makes it all permissive. The States are simply to provide, at their option always, the facilities for the education of the illiterates.

Mr. SMOOT. But if the State does not provide, under subdivision (f), for the education of the citizens and aliens named in the subdivision, then all the balance of the requirement under the subdivision, if complied with, would not entitle it to receive for any purpose any part of the money appropriated in the bill.

Mr. STERLING. That may be.

Mr. SMOOT. That is exactly the way the bill reads. I desire to say to the Senator further in relation to section 11 that the Senator knows very well that wherever the power is given to the Secretary of the Interior to make rules and regulations, that power is so potent that he can almost set aside the laws that are passed by Congress. How often has it been done in relation to the public lands of our Western States?

"Rules and regulations." What does that mean? Under section 11 the Secretary of the Interior would have the power to say to the State of Georgia, "Unless you educate, under subdivision (f) of the bill, 5,000 alien illiterates you can not have any portion of the money." The Secretary of the Interior can go that far, or he can make such rules as that they shall hold school only between the hours of 11 o'clock in the morning and 1 o'clock in the afternoon. He has that power under section 11.

Mr. SMITH of Georgia. I have offered an amendment to strike out section 11. This is the first one we have come to, and that is the reason why my motion was made, because the amendment was offered.

Mr. SMOOT. There seemed to be such a wide difference of opinion between the Senator from Georgia [Mr. SMITH] and the Senator from South Dakota [Mr. STERLING] in regard to the powers vested in the Secretary of the Interior under section 11, that I have taken a little time to explain how I construed section 11, and to what extent that power would virtually place in the hands of the Secretary of the Interior the direction of every plan in the States.

Mr. HARRISON. Under that section, does not the Senator think the Secretary of the Interior might prescribe what textbooks should be used in the schools?

Mr. SMOOT. Under the rules and regulations he could.

Mr. HARRISON. That authority in the various States is now given to school commissions, textbook commissions, and so forth.

Mr. SMOOT. That is true, but in all such cases the State pays the whole of the expense of carrying on the education.

Mr. HARRISON. That is true; but if they wanted to get any of this money they would have to change the rule, divest themselves of that power, and give it over to the Secretary of the Interior.

Mr. SMOOT. Yes, as far as the provisions of the bill are concerned.

Mr. KENYON. Does the Senator from Utah contend that under section 11 the Secretary of the Interior could determine what textbooks should be used in the schools?

Mr. SMOOT. I think under section 11 he could make a rule or regulation that a certain textbook should be used in the schools.

Mr. KENYON. He can make certain rules and regulations to carry out the purposes of this act. The purposes of this act are the teaching of English.

Mr. SMOOT. That is one of the purposes.

Mr. KENYON. Yes; that is the only compulsory feature of the act.

Mr. SMOOT. And the teaching of English requires a textbook, and he can make a rule that a certain textbook shall be used.

Mr. KENYON. Oh, he might make a rule that heads should be cut off, but it would not amount to anything. It is easy to raise objections of that kind for the purpose of defeating a measure.

Mr. SMOOT. I have been led into this. I never intended to speak on it at all.

Mr. KENYON. I think the Senator has a wrong lead on it.

Mr. SMOOT. That may be; but I am quite sure that if the bill passes as it is now the Senator from Utah has not a wrong lead. But what I was going to ask the Senator from South Dakota—and that is what I rose for—was about the proviso to his amendment:

Provided, That any course of education or instruction under this subdivision or under subdivision (e) shall especially include instruction in American history, the fundamentals of civil government, and the principles of the Constitution of the United States.

Does the Senator think that it is wise to put such a proviso on subdivision (f) as I have just read? Why enumerate any of the courses of instruction that are to be given?

Mr. STERLING. Mr. President, the idea I had in mind when I added that was that in doing so I was simply carrying out a little more effectually the purposes of this bill, which are the Americanization of the illiterates, and especially of the illiterate foreigners—those who can not read, write, or speak the English language. Here they are, and they understand nothing about American institutions, American government, American history. Why should they not be taught, either by textbook or by lecture, the principles and fundamentals of civil government? That is the essential thing. It is because of their lack of knowledge of these things that they are an undesirable or a dangerous ele-

ment; but if we instruct them in American history, the principles of civil government, and the principles of the Constitution of the United States we will let them know then what our institutions are.

Mr. SMOOT. There is no earthly need for this bill being before the Senate of the United States if that is not the very purpose of the bill. What I object to is simply enumerating here in the bill, as set out in this proviso, just what courses of instruction shall be given under subdivisions (e) and (f).

Mr. KENYON. That does not include all of them.

Mr. SMOOT. Oh, no; I know it does not, but the very purpose of the bill, the title of the bill, is to promote Americanization. How on earth could you ever promote it without teaching American history and the fundamentals of civil government?

Mr. KENYON. Then what possible harm does it do to say so?

Mr. SMOOT. The only reason I can see for the inclusion of these words is to call attention to the fact that this is a bill for the purpose of teaching Americanization. That is stated in the title of the bill. I will admit that this is about the only provision in the bill that has any reference to it; but there is more bad legislation passed by trying to enumerate what it is to provide than in almost any other way.

Mr. STERLING. Mr. President, if it emphasizes the fact that it is to Americanize, and that that is the purpose of the bill, it will have accomplished a purpose. You can infer from certain provisions of this bill that it is simply to teach men to speak and read and write the English language. We do not want this education confined to that. We want them instructed especially in the principles of American government, and that was the idea in putting this in the bill. It emphasizes that proposition.

Mr. KENYON. Mr. President, I want to ask the Senator from Georgia a very frank question. He is always frank with me. There is a thought arising out of the matter we are discussing, and we might as well have it right out.

Suppose a situation like this arose—that the money that went to a State under this bill should be used entirely for the whites, and nothing for the blacks?

Mr. SMITH of Georgia. I do not think we will have any of it until next year. What we want this for in my State is almost entirely to help for the other purpose.

Mr. KENYON. Yes; I know; but no one need close his eyes to the fact that there is a black cloud that is interfering with the passage of this bill.

Mr. SMITH of Georgia. In this way: If the Secretary of the Interior, for instance, could insist that whites and blacks should be educated together, of course, the State would decline the funds.

Mr. KENYON. Certainly; but if the Secretary of the Interior found that they were simply using the money for the whites, and none of it for the blacks, then could he not stop the funds?

Mr. SMITH of Georgia. He could stop the funds the next year absolutely. I do not think there is a doubt but that the bill goes to that extent.

Mr. KENYON. I thank the Senator.

Mr. HARRISON. Mr. President, in that connection, on yesterday the Senator from Tennessee [Mr. SHIELDS] offered an amendment. He is not here to-day. He is sick. It would seem to me that that amendment ought to be offered as an amendment to the Senator's amendment.

Mr. KENYON. That comes at the end of section 11.

Mr. HARRISON. Very well.

Mr. KENYON. We will discuss that when we get to it.

Mr. McKELLAR. Mr. President, has the Senator any objection to that? As he knows, in the South we have separate schools.

Mr. KENYON. There is no intention to interfere with that. I will say to the Senator that the Senator from Idaho [Mr. NUGENT] spoke to me about that amendment as affecting his State, where there are just a few colored people and they do not have separate schools. He said that that should be fixed up in some way to take care of cases of that kind, and I have no objection.

Mr. SMOOT. For instance, I will call attention to the State of Utah. We have not enough colored men in the State of Utah to have a school for them anywhere in the State. I think there are only two cities in the whole State that have any at all, and there are not nearly enough of them there to have separate schools.

Mr. McKELLAR. The amendment submitted by my colleague, the Senator from Tennessee [Mr. SHIELDS] could easily be arranged so as to take care of that situation; and it ought to be done, I think.

Mr. KENYON. Mr. President, was the amendment of the Senator from Georgia disposed of?

The VICE PRESIDENT. It was accepted by the Senator from South Dakota.

Mr. KENYON. Then I offer this amendment to the amendment offered by the Senator from South Dakota, at the close:

Provided further, That such course of education or instruction shall not be compulsory.

Mr. STERLING. I accept that amendment.

Mr. HARRISON. Mr. President, if a vote is going to come on the amendment, it is a rather important one, and I suggest the absence of a quorum.

Mr. STERLING. Mr. President, I understand that the amendment is disposed of, for the time being, by its acceptance.

Mr. HARRISON. The Senator from South Dakota accepted the amendment of the Senator from Iowa, and now the vote is to come on the amendment as amended; and I say it is a matter of importance, and we ought to have a quorum present.

Mr. KENYON. Let us dispose of this offer of the amendment.

Mr. HARRISON. I thought the Senator's amendment had been accepted.

The VICE PRESIDENT. It has been. Both the modification of the Senator from Georgia and the modification of the Senator from Iowa have been accepted by the Senator from South Dakota, and the question will be on agreeing to the amendment as modified.

Mr. KENYON. I move that not later than 5 o'clock p. m. the Senate take a recess until 12 o'clock noon to-morrow. I understand that an executive session is desired.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KENYON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. KENYON. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 24, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 23, 1920.

DIRECTOR WAR FINANCE CORPORATION.

George R. Cooksey, of the District of Columbia, to be a director of the War Finance Corporation, to fill out the unexpired term of Clifford M. Leonard, resigned.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Marcellus L. Stockton, jr., Cavalry, to be first lieutenant from September 21, 1919.

The above-named officer was nominated to the Senate for said promotion on December 5, 1919, and confirmed by that body on January 5, 1920, under the name Marcellus C. Stockton, jr. This is submitted for the purpose of correcting an error in the name of the nominee.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Lloyd H. Chandler to be a rear admiral in the Navy, for temporary service, from the 23d day of November, 1919.

Capt. Herman O. Stickney to be a rear admiral in the Navy, for temporary service, from the 22d day of December, 1919.

Commander Walter G. Roper to be a captain in the Navy, for temporary service, from the 19th day of November, 1919.

Commander Frederick R. Naile to be a captain in the Navy, for temporary service, from the 23d day of November, 1919.

Lieut. Commander Herbert S. Babbitt to be a commander in the Navy, for temporary service, from the 19th day of November, 1919.

Boatswain (temporary) Charles N. Johnson to be a chief boatswain in the Navy, for temporary service, from the 1st day of September, 1919.

Capt. Philip Andrews to be a rear admiral in the Navy from the 23d day of November, 1919.

The following-named commanders to be captains in the Navy from the 1st day of July, 1919:

Frederick A. Traut,

Stephen V. Graham,

Roscoe C. Moody,
George E. Gelm,
George L. P. Stone,
Ridley McLean,
Alfred W. Hinds,
Robert W. McNeely,
Frank H. Brumby, and
Harris Laning.

The following-named commanders, additional numbers in grade, to be captains in the Navy from the 1st day of July, 1919:
Andre M. Proctor,
Frank Lyon,
William P. Scott, and
James P. Morton.

Commander Henry V. Butler to be a captain in the Navy from the 25th day of September, 1919.

Commander Walter R. Gherardi to be a captain in the Navy from the 20th day of October, 1919.

Commander James J. Raby to be a captain in the Navy from the 23d day of November, 1919.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1919:
Donald C. Bingham and
Gilbert J. Rowcliff.

Lieut. Commander Robert Henderson to be a commander in the Navy from the 6th day of August, 1919.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:
Clyde R. Robinson,
Claud A. Jones,
Claudius R. Hyatt,
Charles T. Blackburn,
Ralph R. Stewart,
Leslie E. Bratton,
Charles S. Keller,
Philip H. Hammond,
Lucien F. Kimball,
George H. Laird,
Clarence N. Hinkamp,
Ralph C. Parker,
Emanuel A. Lofquist, and
Carl C. Krakow.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:
Carl E. Hoard and
William L. Wright.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1919:
Leman L. Babbitt and
James R. Webb.

Ensign Edwin S. Earnhardt to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1919.

Ensign Fred W. Connor to be a lieutenant (junior grade) in the Navy from the 5th day of December, 1919.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 30th day of July, 1919:
Louis H. Clerf,
Sterling P. Taylor, jr., and
Aaron Robinson.

Carl McC. Scott, an assistant surgeon for temporary service, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 17th day of October, 1919.

Asst. Surg. Frank S. Hundley, United States Naval Reserve Force, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 20th day of December, 1919.

Asst. Dental Surg. Lucian C. Williams to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 4th day of February, 1916.

Asst. Dental Surg. William L. Darnall to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 5th day of June, 1917.

Asst. Dental Surg. Franklin L. Morey to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 5th day of June, 1917.

The following-named officers to be professors in the Navy, with the rank of captain, from the 18th day of September, 1918:
Harry E. Smith and
Daniel M. Garrison.

Prof. Herbert L. Rice to be a professor in the Navy, with the rank of commander, from the 18th day of September, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1920.

POSTMASTERS.

ARKANSAS.

Emma Z. L. L. Wheeler, Almyra.
James K. Sartain, Blytheville.
Thomas C. Wilson, Bradford.
James H. Garison, El Dorado.
Robert H. Johnson, Hatfield.
Charlotte A. Proctor, Hazen.
John W. McClenney, Heber Springs.
George M. Walter, Judsonia.
Jessie Garner, Kingsland.
Elmer A. Murphy, Lepanto.
John B. Dixon, Lincoln.
Ethel L. Nall, Lockesburg.
Fount G. Hollabaugh, Marshall.
Jesse M. Osborn, Okolona.
Grace D. Gillette, Strong.
Thomas W. Graddy, Vilonia.

DISTRICT OF COLUMBIA.

Merritt O. Chance, Washington.

INDIANA.

Pearl M. Clark, Bainbridge.
Vilas Schindler, Berne.
William T. Rowland, Birdseye.
George E. Endres, Bloomfield.
John McIntyre, Carbon.
Cora M. Cook, Centerville.
James B. James, Charlestown.
Paul H. Brown, Earlham.
Edward C. Miller, Fort Wayne.
Holland S. Chamness, Galveston.
Addison M. Love, Grandview.
Ruth P. Sutherland, Hanover.
George D. Henderson, Holton.
John M. Clingan, Idaville.
Seymour A. Thompson, Kirklin.
Charlie E. Clark, Knightstown.
Joseph A. Misner, La Fontaine.
John Huber, Lebanon.
Henry W. Key, Marengo.
John R. Kelley, National Military Home.
Clarence E. Magers, Newport.
Roland B. Craw. Oxford.
L. G. Harley, Plymouth.
Charles Hamilton. Sharpsville.
James W. Payne, Shelburn.
Benjamin E. Hinshaw, Winchester.
William J. Richardson, Winslow.

KANSAS.

James M. Elliott, Americus.
William A. Caldwell, Arcadia.
Lewis T. Smith, Argonia.
Ida M. Beck, Army City.
Stella G. Sommers, Athol.
Nellie Waters, Bird City.
Carrie A. Bickett, Brewster.
Lewis W. Knight, Burlington.
John W. Willham, Clearwater.
Henry A. Replogle, Coldwater.
Albert B. Carney, Concordia.
Grant Taylor, Fowler.
Alonzo F. Dove, Hamilton.
Lewis S. Newell, Harveyville.
Berthold Stratmann, Holyrood.
James H. Rice, Kensington.
James W. Frazier, Lenora.
John A. Marshall, Leon.
Lee Oldham, Leoti.
Frederic C. Herdman, Le Roy.
Mildred K. Godfrey, Meade.
Joseph S. Dooty, Melvern.
William B. Gregory, Minneola.
Robert Durst, Moundridge.
Cecil L. Hinds, Mound Valley.
Philip B. Dick, Mount Hope.
Harvey P. McFadden, Natoma.
Jeremiah M. Hopper, Ness City.
Francis J. Castle, Norcatur.
David F. Bruner, Norton.
Joseph T. Harmon, Oil Hill.
Allis D. Babcock, Osborne.

George D. Smith, Pretty Prairie.
Thomas L. Chase, Protection.
George A. Bruch, Randall.
William C. Polley, Republic.
Harry S. Bearg, Robinson.
Josiah Crosby, St. Francis.
Harry D. Burke, Severy.
Henry F. Dodson, South Haven.
William J. Dehler, Sylvan Grove.
Jamec P. Kelley, White Cloud.

LOUISIANA.

Teakle W. Dardenne, Plaquemine.

MISSOURI.

Edward L. Potter, Advance.
John F. Patton, Albany.
Andrew Poe, Belle.
Edgar W. Prentiss, Bethany.
Nellie H. Hunter, Blairstown.
Charles L. Canaday, Blythedale.
William J. Jackson, Bourbon.
Anna C. Gessler, Buckner.
Nathan C. Hickcox, California.
John C. Sanders, Carterville.
Ruth Thompson, Chula.
Charles C. Bishop, Clarence.
Bettie C. Hubbard, Clarkton.
Webb Watkins, Dexter.
George B. Sproule, Drexel.
Lena E. Reece, Elvins.
Harry P. Mason, Fayette.
Amelia C. Walters, Gorin.
William A. Hendon, Granby.
Frank H. Caughell, Hermann.
Joseph J. Hoeken, Hillsboro.
Brose Dickerson, Iberia.
John Fleurdelys, Ilasco.
Charley W. Mulinex, La Belle.
Charles E. Mayhall, Laddonia.
Arthur Aull, Lamar.
William H. Johnson, La Plata.
Jeremiah F. Poston, Leadwood.
Charles C. Carter, Maysville.
Mary F. Stewart, Mendon.
Fay Webb, Miller.
Charles G. Le Compte, Pierce City.
Olive De Lisle, Portageville.
John A. Fields, Powersville.
Booker H. Rucker, Rolla.
Robert J. Mulford, Spickard.
Solon McDaniel, Urich.
Harry B. Adkins, Weston.

NEW YORK.

Michael L. Boyle, Glens Falls.

NORTH DAKOTA.

Augustus E. Ross, Agricultural College.
John H. Fallon, Alexander.
Arnt H. Bredley, Ambrose.
James N. McGogy, Ashley.
Mabelle C. Elgar, Bowman.
Selmer Erfjord, Buxton.
Fred A. Young, Courtenay.
Edwin O. Larson, Crosby.
Genevieve Gregor, Dawson.
William H. Lenneville, Dickinson.
Cecil C. Chamberlain, Enderlin.
Dow S. Thomson, Fairdale.
Lorenz F. Tavis, Glen Ullin.
Orna F. Leedy, Goodrich.
James H. McNicol, Grand Forks.
Benjamin L. Anderson, Grenora.
George D. Tripp, Hettinger.
Luzerne J. Bowen, Hope.
Redmond A. Bolton, Jamestown.
Christian C. Reimers, Max.
Leo E. Behan, Mohall.
Ivah A. Miller, Nome.
Earl W. Spencer, Oberon.
William J. Storie, Osnabrock.
James F. McQueen, Pembina.
William E. Brophy, Rhame.
Anthony J. Berger, Richardton.
John W. Campbell, Ryder.
Albert C. Grant, St. Thomas.
Monrad R. Thue, Stanton.
Forrest Daniel, Sykestown.
Edward P. Starr, Tower City.
Freda E. Johnson, Washburn.
Holly M. Beall, Wing.

SOUTH DAKOTA.

Harold R. Richardson, Arlington.
Marjorie A. Hazen, Canistota.
Thomas H. Ryan, Elk Point.
Louis W. Carter, Highmore.
William R. Russell, Lake Andes.
Laura Larsen, Lesterville.
John D. Haney, Mitchell.
Elmer R. Hill, Newell.
Edmund A. Barlow, Oacoma.
Inez G. Jones, Oelrichs.
Walter H. Fergen, Parkston.
Elmer E. Wilson, Platte.
Hugh H. Gardiner, Ree Heights.
Peder A. H. Hagen, Revillo.
George Fugate, St. Lawrence.
Fred C. Falkinburg, Scotland.
Paul J. Linster, Sisseton.
Bertha G. Moen, Toronto.
Orrin L. Starr, Tulare.
Carlota E. Beard, Valley Springs.
Carl O. Steen, Veblen.
Jessie A. Gerrits, Wentworth.
Will C. Bromwell, Wessington Springs.
Charles G. Kuentzel, White Rock.
Beatrice M. Dobson, Winfred.

TENNESSEE.

Mamie D. Phillips, Brighton.
Ethelbert C. Cross, Clinton.
James M. Scarborough, Dover.
John M. Welch, Dukedom.
John C. Messamore, Fountain City.
Oliver Benton, Jackson.
Victor H. Williams, Jacksonville.
Aileene Pope, Jasper.
James P. Miller, Lafollette.
Alexander B. Miller, Limestone.
James D. Daniel, Linden.
Samuel D. Simpson, Loudon.
Etna M. McCormack, Lynchburg.
Hal P. Cotten, Rives.
Victor C. Stafford, Sevierville.

TEXAS.

William C. O'Bryan, Groveton.

WYOMING.

William W. Sproul, Casper.
Mertie E. Mitchell, Hanna.
James A. Woods, Lingle.
Walter A. Olson, Lusk.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 23, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that the Christian religion is coming to its own, since it is no longer a riddle to be solved but a life to be lived.

Metaphysics, speculative theology are fast passing; the churches are getting together; conventionalities, forms, ceremonies are regarded only as stepping stones.

Christ lives and is abroad in the earth—illustrated by the Red Cross, the Christian Endeavor, the Knights of Columbus, the Salvation Army, and a thousand philanthropic organizations whose object is to throw safeguards around the children, young men and young women, to save them from the hells of this life and fit them for the life revealed in the Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

EFFICIENCY AND PERSONNEL OF THE NAVY AND COAST GUARD.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which will be read by the Clerk.

The Clerk read as follows:

The Committee on Rules, to which was referred H. Res. ——, submit a privileged report on said resolution with the recommendation that it be adopted:

"*Resolved*, That immediately upon the adoption of this rule it shall be in order for the Speaker to recognize the Member in charge of H. R. 11927 to move to suspend the rules and pass the bill, being a bill 'To increase the efficiency and personnel of the Navy and Coast Guard through temporary provision of bonus or increased compensation,' the general rules of the House to the contrary notwithstanding."

Mr. BLANTON. Mr. Speaker, is the gentleman from Kansas certain that this is a privileged resolution?

Mr. CAMPBELL of Kansas. He is.

Mr. BLANTON. If he was not, I wanted to reserve a point of order on it.

Mr. CAMPBELL of Kansas. The purpose of the rule is to make it in order for the gentleman in charge of the bill referred to to move to suspend the rules and pass the bill. The bill is reported from the Committee on Naval Affairs——

Mr. BUTLER. Unanimously.

Mr. CAMPBELL of Kansas. Unanimously, as I am informed, providing increased pay for certain men in the Navy. I understand the higher officers, and, in fact, all the commissioned officers of the Navy are eliminated from the bill. It simply provides for enlisted men and petty officers.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Will the gentleman state why an important measure of this sort is brought in under a rule suspending the rules when there can be only 20 minutes' debate on a side instead of being brought in in the usual way?

Mr. CAMPBELL of Kansas. The purpose is to make it in order to move to suspend the rules to-day rather than to wait for 10 days, because of the emergency that exists in the Navy. Does the gentleman from North Carolina [Mr. POU] desire any time?

Mr. POU. We do not care for any time.

Mr. CAMPBELL of Kansas. If no one desires time on the rule, Mr. Speaker, I move the previous question.

Mr. CLARK of Missouri. I wish the gentleman would withhold that until I can make a parliamentary inquiry.

Mr. CAMPBELL of Kansas. I withhold the motion.

Mr. CLARK of Missouri. I should like to ask how the Speaker could refer this resolution to the Committee on Rules when the rule itself refers to it as "H. Res. blank"?

Mr. CAMPBELL of Kansas. I think I can answer the question of the gentleman from Missouri. The rule was prepared in manuscript and not printed, to meet this emergency, just as the gentleman from Missouri [Mr. CLARK] has prepared rules with a lead pencil and had them agreed to within five minutes after they were written.

Mr. CLARK of Missouri. I just wanted to know.

Mr. CAMPBELL of Kansas. This is one of that kind.

Mr. GARD. Will the gentleman yield further?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. Who is the gentleman of the Naval Affairs Committee referred to in the rule who has charge of the presentation of this bill?

Mr. CAMPBELL of Kansas. I understand the gentleman from Michigan [Mr. KELLEY] has charge of the bill.

Mr. GARD. It is the purpose under this rule to pass this bill exactly as it is, without any opportunity for amendment?

Mr. CAMPBELL of Kansas. Under the rules of the House a motion to suspend the rules admits of 40 minutes' debate. After that a vote on the bill without amendment or just as the bill is presented to the House is had.

Mr. GARNER. How much money does this take out of the Treasury?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Michigan to answer that question.

Mr. KELLEY of Michigan. About $10,000,000 annually.

Mr. GARNER. And I understand the gentleman from Kansas [Mr. CAMPBELL], on the spur of the moment, in the emergency, pencils a resolution without any number, and wants the House to consider it, and moves the previous question on a proposition to give 20 minutes' debate on a side on a bill which takes $10,000,000 a year out of the Treasury.

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. That looks to me like rapid-fire economy—electric economy, I might term it—20 minutes on a side to discuss a question that involves taking $10,000,000 a year out of the Treasury.

Mr. CAMPBELL of Kansas. There have been many hours of discussion in the Committee on Naval Affairs.

Mr. BUTLER. We have had it under consideration for four months.

Mr. CAMPBELL of Kansas. The Committee on Naval Affairs have had it under consideration ever since last October, and the Secretary of the Navy has written twice, asking for much more than is provided for by the bill.

Mr. GARNER. The committee have had it since last October. There have been four months' consideration in the Committee on Naval Affairs. About how much consideration has it had by the steering committee?

Mr. CAMPBELL of Kansas. I am unable to inform the gentleman from Texas, not being a member of the steering committee.

Mr. GARNER. If it took four months in the Committee on Naval Affairs and two weeks in the steering committee, I am wondering why you allow only 20 minutes' debate on a side in the House? That is the way you legislate here. It takes a committee of the House four months, and takes the steering committee 10 days, and then you allow 20 minutes on a side, on a bill taking $10,000,000 a year out of the Treasury.

Mr. CAMPBELL of Kansas. It takes several months to grow a plum, and just a moment to pick it. We are picking it here this morning. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Kansas moves the previous question.

Mr. WALSH. Mr. Chairman, I ask for a division.

The House divided; and there were—ayes 72, noes 18.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, Mr. BLANTON and Mr. WALSH demanded a division.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum present. There is no quorum present. The Doorkeeper will lock the doors, and the Sergeant at Arms will notify absentees. Those in favor of agreeing to the resolution will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 30, not voting 101, as follows:

YEAS—297.

Ackerman	Dempsey	Hoch	Madden
Anderson	Denison	Hoey	Magee
Andrews, Md.	Dickinson, Mo.	Holland	Maher
Andrews, Nebr.	Dickinson, Iowa	Houghton	Major
Anthony	Donovan	Howard	Mann, S. C.
Ayres	Dooling	Hulings	Mapes
Babka	Doremus	Hull, Iowa	Mead
Bacharach	Dowell	Husted	Merritt
Baer	Drane	Hutchinson	Michener
Barbour	Dunbar	Ireland	Miller
Bee	Dunn	James	Minahan, N. J.
Begg	Dyer	Johnson, Ky.	Mondell
Bell	Eagan	Johnson, S. Dak.	Montague
Benham	Echols	Jones, Pa.	Mooney
Benson	Edmonds	Kearns	Moore, Va.
Black	Elliott	Keller	Moores, Ind.
Blackmon	Ellsworth	Kelley, Mich.	Morgan
Bland, Ind.	Elston	Kelly, Pa.	Morin
Bland, Mo.	Emerson	Kendall	Mott
Boies	Esch	Kennedy, Iowa	Mudd
Brand	Fairfield	Kettner	Murphy
Briggs	Fisher	Kiess	Neely
Brinson	Focht	King	Nelson, Mo.
Brooks, Ill.	Fordney	Kinkaid	Nelson, Wis.
Brooks, Pa.	Frear	Kleczka	Newton, Minn.
Browne	Freeman	Knutson	Newton, Mo.
Browning	Fuller, Ill.	Kraus	Nichols, Mich.
Brumbaugh	Gallagher	Kreider	Nolan
Burke	Ganly	Lampert	O'Connell
Butler	Garland	Langley	O'Connor
Byrnes, S. C.	Glynn	Lanham	Ogden
Campbell, Kans.	Godwin, N. C.	Lankford	Oldfield
Campbell, Pa.	Goldfogle	Layton	Oliver
Cannon	Good	Lea, Calif.	Osborne
Cantrill	Goodall	Lee, Ga.	Overstreet
Carew	Goodwin, Ark.	Lehlbach	Padgett
Carss	Goodykoontz	Linthicum	Paige
Chindblom	Green, Iowa	Little	Park
Clark, Mo.	Greene, Mass.	Lonergan	Parker
Classon	Greene, Vt.	Longworth	Parrish
Cleary	Griest	Luce	Pell
Coady	Hadley	Lufkin	Peters
Cole	Hamilton	Luhring	Phelan
Collier	Hardy, Colo.	McArthur	Platt
Connally	Hardy, Tex.	McClintic	Porter
Costello	Harreld	McDuffie	Pou
Crago	Hastings	McFadden	Purnell
Cramton	Haugen	McGlennon	Radcliffe
Crisp	Hawley	McKenzie	Rainey, Ala.
Cullen	Hays	McKiniry	Rainey, H. T.
Currie, Mich.	Heflin	McKinley	Rainey, J. W.
Dale	Hernandez	McLane	Raker
Dallinger	Hersey	McLaughlin, Mich.	Ramseyer
Darrow	Hersman	McLaughlin, Nebr.	Randall, Calif.
Davey	Hickey	MacCrate	Randall, Wis.
Davis, Minn.	Hicks	MacGregor	Reavis

Rhodes	Sinnott	Swope	Welling
Ricketts	Sisson	Taylor, Colo.	Wheeler
Riddick	Small	Taylor, Tenn.	White, Kans.
Robinson, N. C.	Smith, Idaho	Temple	White, Me.
Robsion, Ky.	Smith, Ill.	Thomas	Williams
Rodenberg	Smith, Mich.	Tillman	Wilson, Ill.
Rogers	Smithwick	Tilson	Wilson, La.
Rose	Snell	Timberlake	Wingo
Rouse	Snyder	Tincher	Winslow
Rowe	Stedman	Tinkham	Wise
Rubey	Steenerson	Vaile	Wood, Ind.
Sanders, Ind.	Stephens, Miss.	Venable	Woods, Va.
Sanford	Stephens, Ohio	Vestal	Wright
Schall	Stevenson	Vinson	Yates
Sears	Strong, Kans.	Voigt	Young, N. Dak.
Sells	Strong, Pa.	Walters	Zihlman
Shreve	Summers, Wash.	Watson	
Sims	Sumners, Tex.	Weaver	
Sinclair	Sweet	Webster	

NAYS—30.

Ashbrook	Dominick	Jones, Tex.	Rucker
Bland, Va.	Evans, Nev.	Kincheloe	Saunders, Va.
Blanton	Gard	Kitchin	Sherwood
Box	Garner	Lesher	Steagall
Buchanan	Griffin	Mansfield	Welty
Byrns, Tenn.	Huddleston	Mays	Young, Tex.
Caldwell	Igoe	Quin	
Clark, Fla.	Johnson, Miss.	Rayburn	

NOT VOTING—101.

Almon	Ferris	Kennedy, R. I.	Scully
Aswell	Fess	Larsen	Siegel
Bankhead	Fields	Lazaro	Slemp
Barkley	Flood	McAndrews	Smith, N. Y.
Booher	Foster	McCulloch	Steele
Bowers	French	McKeown	Stiness
Britten	Fuller, Mass.	McPherson	Stoll
Burdick	Gallivan	Mann, Ill.	Sullivan
Burroughs	Gandy	Martin	Tague
Candler	Garrett	Mason	Taylor, Ark.
Caraway	Gould	Monahan, Wis.	Thompson
Carter	Graham, Pa.	Moon	Towner
Casey	Graham, Ill.	Moore, Ohio	Treadway
Christopherson	Hamill	Nicholls, S. C.	Upshaw
Cooper	Harrison	Olney	Vare
Copley	Hayden	Ramsey	Volstead
Crowther	Hill	Reber	Walsh
Curry, Calif.	Hudspeth	Reed, N. Y.	Ward
Davis, Tenn.	Hull, Tenn.	Reed, W. Va.	Wason
Dent	Humphreys	Riordan	Watkins
Dewalt	Jacoway	Romjue	Whaley
Doughton	Jefferis	Rowan	Wilson, Pa.
Dupré	Johnson, Wash.	Sabath	Woodyard
Eagle	Johnston, N. Y.	Sanders, La.	
Evans, Mont.	Juul	Sanders, N. Y.	
Evans, Nebr.	Kahn	Scott	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. BOWERS with Mr. WHALEY.

Mr. CHRISTOPHERSON with Mr. TAYLOR of Arkansas.

Mr. EVANS of Nebraska with Mr. SULLIVAN.

Mr. FESS with Mr. STEELE.

Mr. KAHN with Mr. DENT.

Mr. HILL with Mr. STOLL.

Mr. JUUL with Mr. FERRIS.

Mr. SIEGEL with Mr. ALMON.

Mr. WOODYARD with Mr. GANDY.

Mr. FRENCH with Mr. MCKEOWN.

Mr. KENNEDY of Rhode Island with Mr. SABATH.

Mr. CROWTHER with Mr. MCANDREWS.

Mr. REED of West Virginia with Mr. CARTER.

Mr. SLEMP with Mr. DEWALT.

Mr. TOWNER with Mr. DOUGHTON.

Mr. VOLSTEAD with Mr. ASWELL.

Mr. BRITTEN with Mr. SANDERS of Louisiana.

Mr. CURRY of California with Mr. OLNEY.

Mr. GRAHAM of Pennsylvania with Mr. TAGUE.

Mr. SCOTT with Mr. CANDLER.

Mr. RAMSEY with Mr. DUPRÉ.

Mr. WARD with Mr. HAMILL.

Mr. BURDICK with Mr. SCULLY.

Mr. FOSTER with Mr. RIORDAN.

Mr. BURROUGHS with Mr. UPSHAW.

Mr. FULLER of Massachusetts with Mr. HULL of Tennessee.

Mr. COOPER with Mr. HUMPHREYS.

Mr. GOULD with Mr. LARSEN.

Mr. COPLEY with Mr. SMITH of New York.

Mr. SANDERS of New York with Mr. BARKLEY.

Mr. WALSH with Mr. BANKHEAD.

Mr. GRAHAM of Illinois with Mr. LAZARO.

Mr. JEFFERIS with Mr. MARTIN.

Mr. MASON with Mr. CASEY.

Mr. STINESS with Mr. EAGLE.

Mr. VARE with Mr. CARAWAY.

Mr. HICKEY with Mr. WATKINS.

Mr. MCCULLOCH with Mr. ROMJUE.

Mr. JOHNSON of Washington with Mr. ROWAN.

Mr. MCPHERSON with Mr. EVANS of Montana.

Mr. MONAHAN of Wisconsin with Mr. FIELDS.

Mr. THOMPSON with Mr. GALLIVAN.

Mr. REBER with Mr. HARRISON.

Mr. MANN of Illinois with Mr. GARRETT.

Mr. MOORE of Ohio with Mr. FLOOD.

Mr. WASON with Mr. HUDSPETH.

Mr. TREADWAY with Mr. HAYDEN.

Mr. REED of New York with Mr. WILSON of Pennsylvania.

The result of the vote was announced as above recorded.

Mr. KELLEY of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11927) to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That commencing January 1, 1920, a bonus shall be paid to commissioned warrant and warrant officers of the Navy, in addition to all pay and allowances now or hereafter allowed by law, at rates per annum as follows: Commissioned warrant officers, $480; warrant officers, $240.

SEC. 2. That commencing January 1, 1920, the following shall be the rate of base pay for each enlisted rating: Chief petty officers with acting appointments, $99 per month; chief petty officers with permanent appointments and mates, $126 per month; petty officers, first class, $84 per month; petty officers, second class, $72 per month; petty officers, third class, $60 per month; nonrated men, first class, $54 per month; nonrated men, second class, $48 per month; nonrated men, third class, $33 per month: *Provided*, That the base pay of firemen, first class, shall be $60 per month; firemen, second class, $54 per month; firemen, third class, $48 per month: *Provided further*, That the rate of base pay for each rating in the Naval Academy Band shall be as follows: Second leader, with acting appointment, $99 per month; with permanent appointment, $126 per month; drum major, $84 per month; musicians, first class, $72 per month; musicians, second class, $60 per month: *Provided further*, That the base pay of cabin stewards and cabin cooks shall be $84 per month; wardroom stewards and wardroom cooks, $72 per month; steerage stewards and steerage cooks, $72 per month; warrant officers' stewards and warrant officers' cooks, $60 per month; mess attendants, first class, $42 per month; mess attendants, second class, $36 per month; mess attendants, third class, $33 per month: *Provided further*, That the retainer pay of those members of the Fleet Naval Reserve who, pursuant to call, shall return to active duty within one month after the passage of this act and shall continue on active duty until the Navy shall have been recruited up to its permanent authorized strength, shall be computed upon the base pay they are receiving when retransferred to inactive duty, plus the additions or increases prescribed in the naval appropriation act approved August 29, 1916, for members of the Fleet Naval Reserve.

SEC. 3. That the Secretary of the Navy is authorized, in his discretion, to readjust the prevailing rates of pay of civilian professors and instructors at the United States Naval Academy: *Provided*, That said readjustment, which shall be effective from January 1, 1920, shall not involve an additional expenditure in excess of $55,000 for the remainder of the current fiscal year.

SEC. 4. That commissioned warrant and warrant officers, petty officers, and other enlisted men of the Coast Guard shall receive the same pay and allowances and bonuses as are now or may hereafter be prescribed for corresponding grades or ratings and length of service in the Navy; and the grades and ratings of warrant officers, chief petty officers, petty officers, and other enlisted persons in the Coast Guard shall be the same as in the Navy, in so far as the duties of the Coast Guard may require, with the continuance in the Coast Guard of the grade of surfman, whose base pay shall be $70 per month.

SEC. 5. That nothing contained in this act shall be construed as granting any back pay or allowances to any commissioned warrant or warrant officer or enlisted man whose active service shall have terminated subsequent to December 31, 1919, and prior to the passage of this act, unless such commissioned warrant or warrant officers or enlisted men shall have been recalled to active service or shall have been reenlisted.

SEC. 6. That any enlisted man or apprentice seaman who, having been honorably discharged from the naval service, shall reenlist within one year thereafter shall, on presenting his honorable discharge or on accounting in a satisfactory manner for its loss, be entitled to a gratuity of four months' pay equal in amount to that which he would have received if he had been employed in actual service during the four months immediately following his honorable discharge from the naval service, and shall receive all the benefits of continuous service: *Provided*, That this section shall become inoperative within six months after the date of the approval of this act.

SEC. 7. That the foregoing provisions of this act, except sections 3 and 4, shall remain effective until the close of the fiscal year ending June 30, 1921, unless sooner amended or repealed: *Provided*, That the rates of pay prescribed in section 2 hereof shall be the rates of pay during the current enlistment of all men in active service on the date of the passage of this act, and for those who enlist, reenlist, or extend their enlistments prior to July 1, 1921, for the term of such enlistment, reenlistment, or extended enlistment.

SEC. 8. That the appropriation "Pay of the Navy, 1920," is hereby made available for any of the expenses authorized by this act, and any part or all of the appropriation "Provisions, Navy, 1920," not required for the objects of expenditure specified in said appropriation may be transferred to the appropriation "Pay of the Navy, 1920": *Provided*, That any money remaining to the credit of the appropriation "Pay of the Navy, 1920," shall be available for supplementing, if necessary, such current appropriations of the Coast Guard as have been provided for the pay and allowances of officers and men of the Coast Guard.

SEC. 9. That nothing contained in this act shall operate to reduce the pay of any commissioned warrant or warrant officer or enlisted man of the Navy or Coast Guard: *Provided*, That the allowances and gratuities now authorized by existing law are not changed hereby, except as otherwise specified in this act.

The SPEAKER. Is a second demanded?

Mr. HUDDLESTON. Mr. Speaker, I demand a second.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is entitled to 20 minutes and the gentleman from Alabama 20 minutes.

Mr. KELLEY of Michigan. Mr. Speaker, this is a bill intended to give temporary relief to the enlisted personnel of the Navy. It provides increased pay until the 30th of June, 1921, and does not continue beyond that time. The situation in the Navy is exceedingly critical so far as the skilled men are concerned. When the armistice was signed the Navy had about 500,000 men. It was demobilized by the 1st of July last to 275,000 men, and at the present time there are about 100,000 men in the Navy. Those 100,000 men who are now in the Navy are nearly all young boys, 18, 19 years of age, and the skilled mechanics and officers of the enlisted personnel necessary to man these complicated ships and take care of the machinery, the boilers, and the engines, have nearly all left the service. At the present time, while we have an enlisted force of about 100,000 men, the shortage in these higher ratings is so great that we have not really a force of more than 45,000 men for the ships and for the shore stations. As a result of this shortage of skilled men the great majority of ships of the Navy to-day are tied up. We took about half of the fleet to the Pacific, but as soon as it arrived there the term of enlistment of thousands of men expired and they were discharged under legislation previously passed by Congress. Therefore, the greater portion of the Navy in the Pacific to-day is tied up at the navy yard at Mare Island and the navy yard at Bremerton for lack of men to man the ships in these higher ratings. The Navy Department has scoured the training stations for men who have had any degree of mechanical training. If a boy has been in school for two or three months, or perhaps a less time, at one of these training stations, where ordinarily he would remain a year pursuing his mechanical course, the Navy Department has taken him out and sent him to sea.

But even then the majority of the ships of the Navy are not really in commission to-day. This is a most dangerous situation so far as the the ships and the men are concerned. Gentlemen will appreciate what a complicated thing a warship is. It has cost the Government sometimes as high as $20,000,000 and has on board fifteen or sixteen hundred men, and the greatest of danger would result in having inexperienced boys 18 or 19 years of age attending the engines and boilers. An explosion might occur at any time with great loss of property and loss of life. Damage already has resulted on some of the smaller ships from this cause. The reason for this shortage of skilled men is apparent. The man who has been in the Navy for a few years is an ideal man for the merchant ships. During the last two or three years we have increased the merchant shipping of this country to something like 10,000,000 tons, and the merchant service is constantly reaching out to get skilled mechanics, to get these enginemen and firemen and others who have been trained in the Navy, and is offering twice as much pay as they are receiving in the Navy. So that the difficulties of keeping them in the service are very great. Not only that, but the general wage throughout the country, as we all know, is so much higher than it was formerly that these skilled mechanics are sought for in factories all over the country. We are paying on the average $6.40 a day in the navy yards for skilled mechanics while a man in the Navy occupying a position of great importance on board ship has been getting $83 a month. If he went out of the service and went into the navy yard he could draw as high as $2,000 a year. These two causes taken together have resulted in taking the skilled men out of the Navy, so that to-day we are short of these skilled ratings something in the neighborhood of forty or forty-five thousand, based upon the normal strength of the Navy of 143,000 men.

In this bill we have provided for increases in pay on an average of about 33⅓ per cent over and above what they are now getting. We do not increase the pay of the apprentice seamen. The boys who are going into the service now are young boys. They have to spend five or six months in school before they are of any service to the Government, and we have not increased their initial pay. We did not think it was necessary to do so. Above the grade of apprentice seaman we increase the pay from 33⅓ per cent to 50 per cent.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. NEWTON of Minnesota. I heartily agree with the idea of the gentleman and his committee in raising the pay of those men in the bill, but I notice that there is no provision whatever made for an increase in the pay of the commissioned officers of the Navy whose pay has not been raised since the year 1908, if I am correctly informed.

Mr. KELLEY of Michigan. That is true, and I will say to the gentleman that the Secretary of the Navy did recommend an increase in the pay of the commissioned officers, and in my own judgment the officers of the Navy, especially those in the grades of commander, lieutenant commander, and lieutenant, are in dire need in many cases of relief; but there would be controversy over increasing the pay of the officers. This legislation which we have proposed is so vital, so absolutely necessary, and so pressing at the moment that we decided to report a bill carrying an increase for the men without the officers and at another time take up the question the gentleman referred to. I am fully in accord with the sentiment he has expressed.

Mr. NEWTON of Minnesota. Then the effect of this bill will be, if it becomes a law, that some of the warrant officers will draw more money than some of the commissioned officers.

Mr. KELLEY of Michigan. I think that is true even now, and is not at all improper. The commissioned warrant officer is a man who has gone up through all the grades of the Navy and gained his rating by his experience on board ship. That necessarily makes him, when he reaches the highest grade that he can reach, a man pretty well along in years. He is a man 40 or 45 years of age, and, of course, he has a family to support on shore. He gets the same pay as an ensign, who graduates from the academy, but who has not, generally speaking, any family, and whose expenses are very light. If we increase the pay of the man of mature years, the skilled man, who could easily secure a position as master of a merchant ship, the man with a family, I think we are doing what we ought to do. Understand me, I have no controversy over the question of whether the commissioned officer should have his salary increased under present conditions, because I think he should have more pay, especially in the lower ratings, but I feel that his necessities are not so great as the skilled mechanic, the man 40 or 45 years of age, who has a family on shore to take care of. That is why we put in the bill the provision for a bonus for the commissioned warrant officer and the warrant officer and did not include the ensign or lieutenant.

Mr. NEWTON of Minnesota. I sincerely hope this committee will before very long report out a bill that will attempt to do justice to the commissioned officers of the Navy.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CALDWELL. Did not the gentleman's committee report a bill providing for an increase of salary of the commissioned personnel of the Navy?

Mr. KELLEY of Michigan. No. The Naval Committee reached an agreement on a bill of that kind, but it never was reported.

Mr. CALDWELL. Did not the gentleman's committee appoint a subcommittee to confer with a subcommittee of the Military Committee on the matter of reporting a bill to increase the pay of the commissioned personnel of both the Army and the Navy?

Mr. KELLEY of Michigan. We did have some negotiations with the Military Committee on the question of the pay of officers, but we never really formulated any plans or came to any understanding.

Mr. OLIVER. Mr. Speaker, the committee, however, some two months ago did agree on a bill providing for an increase of the officers' pay.

Mr. KELLEY of Michigan. Yes; but we never reported it.

Mr. OLIVER. My recollection is that the committee directed it to be reported.

Mr. KELLEY of Michigan. The gentleman asked if we had not reported the bill, and I said we had not.

Mr. OLIVER. There was opposition, however, on the part of some who would provide a rule for the reporting out of the bill, and for that reason we could not get consideration.

Mr. KELLEY of Michigan. Further, the bill which the Committee on Naval Affairs agreed upon did not carry any provisions for the personnel of the Army.

I think, perhaps, gentlemen, I had best reserve the balance of my time.

Mr. LINTHICUM. I wanted to ask the gentleman two questions. The first one is: If there is this scarcity of these men in the Navy, why would it not be a good idea to take these graduates from the Naval Academy, and men who have been serving in the Coast Guard for many years, and put them in the Navy to help?

Mr. KELLEY of Michigan. The Coast Guard is in as bad a condition as the Navy. That service has no skilled men to spare. There is a shortage of a thousand men in the Coast Guard out of a total of 5,000.

Mr. LINTHICUM. There are guardsmen there that have been serving for 25 years.

Mr. KELLEY of Michigan. They are officers. This bill deals with the enlisted force only.

Mr. LINTHICUM. I want to ask the gentleman if it is the intention of your committee to take care of the commissioned officers of the Navy? Is there any immediate prospect of doing that?

Mr. KELLEY of Michigan. The officers?

Mr. LINTHICUM. The commissioned officers?

Mr. KELLEY of Michigan. Nothing has been done so far.

Mr. LINTHICUM. Is there any prospect of anything being done?

Mr. KELLEY of Michigan. I will say to the gentleman that, in my opinion and in the opinion of the members of the committee, some relief ought to be given to at least the lower grades of the commissioned personnel of the Navy. I can not, of course, forecast the future action of the committee.

Mr. LINTHICUM. The gentleman heard a lot about the steering committee in connection with the rivers and harbors bill. Are they injecting anything in it to hold this back?

Mr. KELLEY of Michigan. I am not a member of the steering committee, and I wish the gentleman would direct his query to somebody who is a member of that committee.

Mr. KITCHIN. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from North Carolina.

Mr. KITCHIN. I would like to ask the gentleman how much of an increase of appropriation is involved in this bill?

Mr. KELLEY of Michigan. The increase in appropriation is about $10,000,000; but we will save, I will say to the gentleman from North Carolina, if these men come back, as we expect they will, $100 per man—clothing allowance and much of the expense of recruiting. This saving will greatly reduce the amount I have stated.

Mr. KITCHIN. Now, if the increase which is asked applied to officers, how much would it have been?

Mr. KELLEY of Michigan. It would be the small end, I will say to the gentleman. The officers' increase would not amount to as much as the increase for the men. I will say, further, that this bill does not carry any appropriation.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KELLEY of Michigan. This bill does not carry any appropriation and none will be needed, because in the last naval bill we appropriated for an average of 190,000 men for this entire fiscal year; whereas, as a matter of fact, there are now only 100,000 men in the Navy, and the average will fall considerably below what we expected. So there should be a large sum of money turned back into the Treasury after the increase provided in this bill has been taken care of.

Mr. MILLER. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. MILLER. I see that the letter of the Secretary says that those in similar positions in the Shipping Board get two and one-half times the pay of the Navy?

Mr. KELLEY of Michigan. That is true.

Mr. MILLER. And the increase is about 33⅓ per cent?

Mr. KELLEY of Michigan. That is true.

Mr. MILLER. Have you any assurance that you will get the desired men with that increase, even including the bonuses?

Mr. KELLEY of Michigan. I think this will do the business. Of course, nobody can tell, but the men themselves seem to think that considering the superior service of the Navy, the better care that they have in the Navy, the love of the service, and all that, and the retiring benefits, if they stay in the Navy long enough, that, everything taken together, this increase would induce the men that are in now to stay, and will get back those who have left during the last six or eight months.

Mr. MILLER. It is the judgment of the committee that the men will come back?

Mr. KELLEY of Michigan. It is the judgment of the committee and the judgment of the Bureau of Navigation.

Mr. KINCHELOE. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. What is the purpose of section 6? What is the purpose of giving them four months' back pay contingent on the fact that they reenlist? Is that for the purpose of getting back these experienced fellows that have gone out?

Mr. KELLEY of Michigan. I will say to the gentleman from Kentucky this, that when a man's term in the Navy expires, after he has served for four years, he is given a four months' leave, practically, and if he reenlists within the four months he gets four months' pay. You can see why that is so. A young man goes into the Navy; he is away from home for four years, and if you did not give him a chance to go home for three or four months once in four years you would probably lose that man altogether. So the Government has been giving him four months' pay provided he reenlisted within that time. But we extend the time in this bill, so that if he comes back in six months or eight months he will get the four months' pay that he would have gotten if he had come back within the four months.

Mr. KINCHELOE. Suppose that he reenlists in a different rank than that which he had when he was discharged?

Mr. KELLEY of Michigan. He would not do that. He would get four months' pay in the rank in which he served when he went out.

Mr. Speaker, if there are no other questions, I will reserve the balance of my time.

The SPEAKER pro tempore. The gentleman reserves one minute.

The gentleman from Alabama [Mr. HUDDLESTON] is recognized for 20 minutes.

Mr. HUDDLESTON. Mr. Chairman, I ask to be advised when I have used 10 minutes.

My objections to this bill are threefold. In two grounds of my opposition I am pretty strenuous. In the middle ground I am rather mild.

I object, first, to taking up a matter of this importance in this way—that is, by motion to suspend the rules, and under House rules no amendment to the bill can be offered and only 40 minutes of debate can be had. It is a bad way in which to take up legislation. It affords no opportunity for amendment, and no fair opportunity for discussion or understanding. It is quite obvious to me, and must be to the House as a whole, that this bill is brought forward in this particular way for the very purpose of preventing an amendment to the bill.

The rule proposed by the committee might just as well have made the bill in order and provided for taking it up regularly. Had that been done, the bill would have been subject to amendment. But evidently those who are responsible for bringing up the bill in this fashion do not want it amended and do not want the House to really understand what they are doing. So much for that.

My second ground for objection is mild. It is based chiefly upon my opposition to a close adherence to the scriptural text that—

> For he that hath, to him shall be given; and to him that hath not, from him shall be taken even that which he hath.

I do not approve of that principle in legislation or anywhere else. This bill gives the biggest part of the increase to the men who are already getting the most. It gives the increase to the highest ratings, and to the lowest of all it gives nothing at all.

The gentleman from Michigan [Mr. KELLEY] speaks of those who enlist as being "boys," and hence entitled to little pay. Well, nobody but a boy can be roped in on any such pay as is given for the lowest rating.

Mr. STEPHENS of Ohio. Will the gentleman yield?

Mr. HUDDLESTON. Excuse me, I would be glad to yield, but I have not the time. That is the reason they are not getting anybody but boys, and the department has been taking mere boys 16 and 17 years of age, "trundle-bed trash," out of my district against the will of their parents, and without their authority and consent until patience has ceased to be a virtue. That is an actual fact. We ought to have a Navy that is a men's Navy, and leave these boys at home to get their education and receive the training that they ought to have until they are 18 or 19 years old, instead of roping them in under what is in some cases almost false pretenses. We ought to increase the men's wages so that a grown man can afford to join the Navy. This bill does not do it, and it ought not to pass for that reason.

But there is another thing that is more serious than this. I see here in the bill that an additional bonus is to be paid to the men who come back into the Navy, having been heretofore discharged. A bonus of four months' pay is to be given them, a bonus for men to come back into the Navy, and yet no additional bonus is given to the boys who served during the war, when there was real need for men, a need much more acute than now. They must be content with the $60 which they have already received.

The very first thing I did following the armistice, at the session of Congress which began on December 1, 1918, was to introduce a bill to give to each honorably discharged soldier and sailor $180, or six months' pay. That bill was not allowed to come before the House. All the boys got was a miserly $60, not enough to buy a civilian outfit. Those now responsible for

legislation in the House do not intend that any such measure shall come before this House. They do not purpose to give the House a chance to vote on the question whether we will give to these boys who served their country in the war a respectable bonus. They have decided for this House, in the committee room and in the secret caucus, that no recognition shall be given by way of bonus to the men who served their country in the Great War.

I object to that and am compelled to protest against it, though my voice be never so feeble. Had we given to these boys, at the time this matter was first brought forward, a reasonable and respectable bonus, the matter would have been ended forever; but we whittled them down to $60, a mere pittance, and turned them loose; and now we will have the matter coming up and up again, and agitation going on all over the country, with propositions to pay bonuses of extravagant amounts.

But that there should be some additional bonus allowed, I challenge any Member of the House to deny. No man dare take the position before the country that these men who served on the front line and upon the tossing billows should not have some recognition beyond the little pay which they received. Nobody dares do that. Yet there are those who dare in the privacy of the committee room and in secret caucus to refuse to allow the House of Representatives, which is authorized to speak for the people of the United States, an opportunity to consider or to take any action upon that question.

I leave it to those who are responsible for such action to answer first to their consciences. We sat in our comfortable seats; these boys went overseas and risked their lives. Then I ask these men, when they have answered to their consciences, to answer their constituency and the people of America at large, why, oh why, they are so niggardly with the men who actually went to the front? They have been willing, practically all of them, to vote to take care of war contractors, to make good any business losses that have been sustained. They have been tender with business. They have been, oh, never so regardful of property rights. But what respect have they shown for human rights—what respect to the boys who made their sacrifices in France?

I want to say now, for myself, that no measure for the relief of these men will be presented on the floor of this House to which I will not be willing to give adherence. I would be willing, if necessary, to pay out of my own pocket not merely my per capita share but according to my means and ability to pay whatever may be found necessary.

I would think I got off light—I, who stayed at home in a safe place and slept in bed and had good food and enjoyed the love and society of my family and friends—I should think that I got off light if I gave my whole fortune for the benefit of those boys who went away, who risked their lives, who suffered every pang, and who, back at home now, get, many of them, small comfort and very small recognition.

Oh, we were glad to get them to go. "Brave, brave boys." And big business men shouted and said, "Go on to the front! You are heroes!" But when the boys came back they did little shouting. "The shouting and the tumult had died away." There were few to meet them at the station. They stole in quietly, as though they had been on a pleasure trip. When they meet them on the street many of those who lauded them on as "heroes" are afraid to look the discharged soldier in the eye for fear he will strike them for a job or perhaps ask for a cigarette.

Gentlemen, answer to your consciences, you who have charge of the responsibilities of this House and for its action. You must answer to the country for what may be done upon this matter.

Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PELL].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. PELL. Mr. Speaker, I expect to vote for this bill on the ground that almost any bill of this sort is better than none.

But it seems to me that a great mistake is being made in not including the commissioned officers, men who have been trained, whose training and education have cost the Government really great sums of money, who are in a position to-day, every man of them, to go out and draw a salary of two or three or four times as much as they are getting to-day from the United States.

These men are held in their places to-day by the traditions of the Navy and their own genuine patriotism. That loyalty which we have always had from our naval officers has been a thing in which every American should take a proper pride, and we have a right here to ask those men for loyalty. But we have not got a right to ask them for martyrdom. We have not got the right to take men upon whom we impose tremendous responsibilities and place them in a position where it is quite impossible for them to live. An officer must live like a gentleman. He must spend a certain sum of money on appearances. He must keep his family properly. And it is to-day absolutely impossible for any officer to do so on his salary, and we are losing by resignation thousands of men every day who may some day be needed. Those men with their spirit, their training, and their organization can not easily be replaced. The time will come when this so-called economy will be shown to be the most terrific extravagance.

Mr. Speaker, I yield back the remainder of my time.

Mr. HUDDLESTON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for five minutes. The Chair discovers, on examination, that a gentleman to whom time is yielded can not yield to others except by unanimous consent.

Mr. HUDDLESTON. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman used eight minutes and the gentleman from New York [Mr. PELL] used two minutes.

Mr. HUDDLESTON. Before yielding to the gentleman from Texas [Mr. BLANTON], I will first yield three minutes to the gentleman from North Carolina [Mr. KITCHIN].

The SPEAKER. The gentleman from North Carolina is recognized for three minutes.

Mr. KITCHIN. Mr. Speaker, I am in favor of this bill. I understand that the reason why we had this peculiar rule a few moments ago is that, if you did not shut off debate and amendments, it was feared that some gentleman would offer an amendment to increase the appropriation in this bill—to put in higher salaries for the officers—and therefore they desired to pass this bill under a suspension of the rules, which would prevent all amendments.

If that was the purpose, it was very wise. I want to ask the gentleman from Wyoming [Mr. MONDELL] a question. I do not see him here now. Or I want to ask the committee this question: Is this really a sincere stand or position which the Republicans in the House are going to take, or is this bill cutting down the appropriations below the requests of the Navy Department some several million dollars simply a pretext in order to give the distinguished gentleman from Wyoming justification to issue his little weekly or semimonthly statements as to the great economy which this House is effecting? [Laughter.]

I am going to help you pass this bill. If I were on the committee I would have voted for it just as it is. But if we pass it and send it to the Senate, and then the Senate puts on five or six or ten million dollars additional for the increase of salaries of the commissioned officers and others in the Navy Department, are you going to stand by this bill and make the Senate back, or is it understood by the steering committee of the House, or by the distinguished gentleman from Wyoming, that when the Senate puts on an increased appropriation he will brag about what the House has done, and when it comes to dealing with this increased appropriation put on by the Senate, he will say, "We could not help it, we had to yield to the Senate; the Senate made us do it"?

What are you going to do about it? I am going to stand with you, and when the bill comes back from the Senate, if the Senate puts on an increased appropriation, if the House conferees will stand out I will help you make a fight to make the Senate for one time in its life back down. I believe that is the sentiment of the House. I am sure the naval conferees of this House will fight it out with them. I remember in the last session they fought it out and made the Senate yield on practically every proposition. Let us do it this time. [Applause.]

Mr. HUDDLESTON. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, under the Constitution of the United States, as construed by Congress, such a bill as this must originate in the House of Representatives. It could not come from the Senate. It must be passed here and start on its road to final passage in the House in order to become a law, thereby assuming that the membership of this House would have the right finally to perfect and frame its terms and provisions, and I submit that under the rule brought in here, under the procedure by which this legislation must be passed, requiring the House under whip and spur to pass this bill without change, without even the dotting of an "i" or the crossing of a "t," the committee, in justice to the membership of the House, should have amended the context of this bill. It should have amended the enacting clause of this bill where it says:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

Because it is the creation of neither the House of Representatives, nor of the Congress of the United States. It should have stricken out "House of Representatives" and inserted in lieu thereof:

Be it enacted by the secret, silent, invisible steering committee of the Republican Party, whose names do not appear in the directory, whose names do not appear in the archives of Congress, who are unknown to the great majority of Congressmen, Republicans as well as Democrats, but yet who bring legislation in here already prepared to take $10,000,000 out of the Treasury annually in the face of a possible $3,000,000,000 deficit, with no possible chance to change it in the slightest particular.

That committee says to the Members of the House of Representatives, "We have no confidence in you to pass proper legislation. We have no confidence in the 400 other Representatives of the people drawing $7,500 a year each from the Public Treasury. We do not know what you might do with this legislation. We are not even going to give you a chance to discuss it for more than 20 minutes on the floor of the House." That is why I find myself for one time in hearty accord with the gentleman from Alabama [Mr. HUDDLESTON] in the position just taken by him on this bill.

I am going to vote against this bill. Very likely increases should be granted, and I would vote for proper increases if we were permitted to discuss and frame this bill, but I do not believe this is the proper way to pass legislation. If it is, this all-powerful steering committee should bring in a bill here changing even the Constitution and the law under a special rule always available out of the hip pocket of the distinguished gentleman from Kansas [Mr. CAMPBELL], saying, "We will dispense with the balance of the membership of Congress and let all their salaries go to the steering committee, because we get better laws in that way. We can expect better legislation from the steering committee."

Mr. MOORE of Virginia. Who are the steering committee?

Mr. BLANTON. I am not surprised that the gentleman from Virginia asks that, because half of our majority colleagues on the Republican side of the House do not even know who they are, and were I to disclose their identity, and thus dispel some of the awful mystery surrounding them, such leaders might lose some of the power of their bull-whip; but we know what they are and why they are when we have legislation like this crammed down the throats of willing Members of the House of Representatives.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLANTON. I wish I had more time, but I can not yield. There are some things to which I want to call attention. If there was a desire on the part of the gentleman from Wyoming [Mr. MONDELL] and his invisible committee to accomplish real economies, why does he not have the Naval Affairs Committee look into a proper reorganization of our Navy? Does the distinguished gentleman from Wyoming know that if he were to go out to a battleship to-day in one of our harbors and advise the petty officer meeting him that he must see the captain of that ship, how long it would take him to see him? Does he know how many splendid young men of our country would have to act as flunky go-betweens for the petty officers and lower-commissioned officers and high-commissioned officers and run hither and thither back and forth before he could get to the captain of that ship? Our naval officers have entirely too many white American servants in uniform waiting upon them, whose salaries are paid by the Government, and whose services are wholly unnecessary. They should be dispensed with and this money saved.

The SPEAKER. The time of the gentleman has expired.

By unanimous consent, Mr. BLANTON was given leave to revise and extend his remarks in the RECORD.

Mr. PADGETT. The gentleman from Michigan yielded to me his one minute.

The SPEAKER. The gentleman from Tennessee is recognized for one minute.

Mr. PADGETT. Mr. Speaker and gentlemen of the House, this bill was unanimously reported by the Committee on Naval Affairs. It should be passed, and I hope it will be passed by the unanimous vote of the House, because it is desperately needed. The committee were in favor of including the commissioned officers from ensign to captain, and had authorized a report of such a bill, but we could not get consideration of that bill, and this is all we could get consideration for, and we are taking the best that we can get. It should be adopted, because for lack of it the Navy is in a desperate condition as to its enlisted personnel. If an opportunity ever offers for increasing the pay of the officers during these abnormal times, I shall support it, and I hope this House will agree to it.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. PADGETT. I shall be glad to yield if I have the time.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MONDELL. Mr. Speaker, in view of the fact that my name has been mentioned several times in connection with this legislation, I ask unanimous consent that I have two minutes in which to address the House.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

Mr. BLANTON. Mr. Speaker, I think the gentleman should have gotten that permission from the Rules Committee, and I object. [Laughter.]

The SPEAKER. Objection is made. The question is on suspending the rules and passing the bill.

The question being taken, Mr. BLANTON demanded a division.

Mr. KELLEY of Michigan. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. In order to help out the membership, I make the point of no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. Evidently there is no quorum present. The Sergeant at Arms will notify absent Members. The Doorkeeper will close the doors. As many as are in favor of suspending the rules and passing the bill will, when their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 314, nays 9, not voting 105, as follows:

YEAS—314.

Ackerman	Ellsworth	Kreider	Porter
Andrews, Md.	Elston	Lampert	Pou
Andrews, Nebr.	Emerson	Langley	Purnell
Ashbrook	Esch	Lanham	Radcliffe
Ayres	Evans, Mont.	Lankford	Rainey, Ala.
Babka	Evans, Nev.	Layton	Rainey, H. T.
Baer	Fairfield	Lea, Calif.	Rainey, J. W.
Barbour	Fisher	Lee, Ga.	Raker
Barkley	Flood	Lehlbach	Ramsey
Bee	Focht	Lesher	Ramseyer
Begg	Fordney	Linthicum	Randall, Calif.
Bell	Frear	Little	Randall, Wis.
Benham	Freeman	Lonergan	Rayburn
Benson	French	Longworth	Reavis
Black	Fuller, Ill.	Luce	Rhodes
Bland, Ind.	Gallagher	Lufkin	Ricketts
Bland, Mo.	Gandy	Luhring	Riddick
Bland, Va.	Ganly	McAndrews	Riordan
Boies	Gard	McArthur	Robinson, N. C.
Box	Garland	McDuffie	Robsion, Ky.
Brand	Garner	McFadden	Rodenberg
Briggs	Glynn	McGlennon	Rogers
Brinson	Godwin, N. C.	McKenzie	Rose
Brooks, Pa.	Goldfogle	McKiniry	Rouse
Browne	Goodwin, Ark.	McKinley	Rowe
Browning	Green, Iowa	McLane	Rubey
Brumbaugh	Greene, Mass.	McLaughlin, Mich.	Rucker
Buchanan	Griest	McLaughlin, Nebr.	Sanders, Ind.
Burke	Griffin	MacCrate	Sanford
Butler	Hadley	MacGregor	Schall
Byrnes, S. C.	Hardy, Colo.	Madden	Sears
Byrns, Tenn.	Hardy, Tex.	Magee	Sells
Campbell, Kans.	Harreld	Maher	Sherwood
Campbell, Pa.	Hastings	Major	Shreve
Cannon	Haugen	Mansfield	Sims
Cantrill	Hawley	Mapes	Sinclair
Carew	Hays	Mays	Sinnott
Carss	Heflin	Mead	Small
Chindblom	Hernandez	Merritt	Smith, Idaho
Clark, Mo.	Hersey	Michener	Smith, Ill.
Classon	Hersman	Miller	Smith, Mich.
Cleary	Hickey	Minahan, N. J.	Smithwick
Coady	Hicks	Mondell	Snell
Cole	Hoch	Montague	Snyder
Collier	Hoey	Mooney	Stedman
Connally	Holland	Moore, Ohio	Steenerson
Costello	Houghton	Moore, Va.	Stephens, Ohio
Crago	Howard	Moores, Ind.	Stevenson
Cramton	Hulings	Morgan	Strong, Kans.
Crisp	Hull, Iowa	Morin	Strong, Pa.
Cullen	Husted	Mott	Summers, Wash.
Currie, Mich.	Hutchinson	Mudd	Sumners, Tex.
Curry, Calif.	Igoe	Murphy	Sweet
Dale	Ireland	Neely	Swope
Dallinger	James	Nelson, Mo.	Taylor, Ark.
Darrow	Johnson, Ky.	Nelson, Wis.	Taylor, Colo.
Davey	Johnson, Miss.	Newton, Minn.	Taylor, Tenn.
Davis, Minn.	Johnson, S. Dak.	Newton, Mo.	Thomas
Davis, Tenn.	Jones, Pa.	Nichols, Mich.	Tillman
Dempsey	Jones, Tex.	Nolan	Tilson
Denison	Juul	O'Connell	Timberlake
Dickinson, Mo.	Kearns	O'Connor	Tincher
Dickinson, Iowa	Keller	Ogden	Tinkham
Donovan	Kelley, Mich.	Oldfield	Vaile
Dooling	Kelly, Pa.	Osborne	Venable
Doremus	Kendall	Overstreet	Vestal
Doughton	Kennedy, Iowa	Padgett	Vinson
Dowell	Kettner	Paige	Voigt
Dunbar	Kincheloe	Park	Volstead
Dunn	King	Parker	Walsh
Dyer	Kinkaid	Parrish	Walters
Eagan	Kitchin	Pell	Watson
Echols	Kleczka	Peters	Weaver
Edmonds	Knutson	Phelan	Webster
Elliott	Kraus	Platt	Welty

Wheeler	Wilson, Ill.	Woods, Va.	Young, Tex.
White, Kans.	Wilson, La.	Wright	Zihlman
White, Me.	Wingo	Yates	
Williams	Wood, Ind.	Young, N. Dak.	

NAYS—9.

Blanton	Good	Huddleston	Sisson
Clark, Fla.	Goodykoontz	Quin	Steagall
Dominick			

NOT VOTING—105.

Almon	Evans, Nebr.	Kiess	Siegel
Anderson	Ferris	Larsen	Slemp
Anthony	Fess	Lazaro	Smith, N. Y.
Aswell	Fields	McClintic	Steele
Bacharach	Foster	McCulloch	Stephens, Miss.
Bankhead	Fuller, Mass.	McKeown	Stiness
Blackmon	Gallivan	McPherson	Stoll
Booher	Garrett	Mann, Ill.	Sullivan
Bowers	Goodall	Mann, S. C.	Tague
Britten	Gould	Martin	Temple
Brooks, Ill.	Graham, Pa.	Mason	Thompson
Burdick	Graham, Ill.	Monahan, Wis.	Towner
Burroughs	Greene, Vt.	Moon	Treadway
Caldwell	Hamill	Nicholls, S. C.	Upshaw
Candler	Hamilton	Oliver	Vare
Caraway	Harrison	Olney	Ward
Carter	Hayden	Reber	Wason
Casey	Hill	Reed, N. Y.	Watkins
Christopherson	Hudspeth	Reed, W. Va.	Welling
Cooper	Hull, Tenn.	Romjue	Whaley
Copley	Humphreys	Rowan	Wilson, Pa.
Crowther	Jacoway	Sabath	Winslow
Dent	Jefferis	Sanders, La.	Wise
Dewalt	Johnson, Wash.	Sanders, N. Y.	Woodyard
Drane	Johnston, N. Y.	Saunders, Va.	
Dupré	Kahn	Scott	
Eagle	Kennedy, R. I.	Scully	

So, two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDERSON with Mr. WISE.

Mr. ANTHONY with Mr. WATKINS.

Mr. BACHARACH with Mr. STEPHENS of Mississippi.

Mr. BROOKS of Illinois with Mr. OLNEY.

Mr. CHRISTOPHERSON with Mr. BANKHEAD.

Mr. CROWTHER with Mr. BLACKMON.

Mr. FOSTER with Mr. BOOHER.

Mr. GOODALL with Mr. CALDWELL.

Mr. GREENE of Vermont with Mr. DRANE.

Mr. HAMILTON with Mr. DUPRÉ.

Mr. KIESS with Mr. FERRIS.

Mr. MCPHERSON with Mr. JACOWAY.

Mr. SANDERS of New York with Mr. JOHNSTON of New York.

Mr. TEMPLE with Mr. MCKEOWN.

Mr. TILSON with Mr. MOON.

Mr. TOWNER with Mr. MANN of South Carolina.

Mr. WINSLOW with Mr. OLIVER.

Mr. WOODYARD with Mr. MCCLINTIC.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PORTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921. Pending that, I ask the gentleman from Virginia how long he desires for general debate?

Mr. FLOOD. Mr. Speaker, I have had demands over here for two hours' time. I suggest two hours on a side.

Mr. PORTER. That will be satisfactory to us. Mr. Speaker, I ask unanimous consent that general debate be limited to four hours, one-half to be controlled by the gentleman from Virginia and one-half by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Virginia [Mr. FLOOD]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill, with Mr. MADDEN in the chair.

The Clerk reported the title of the bill.

Mr. PORTER. Mr. Chairman, the pending appropriation bill provides for the expenditure of $8,843,037.91 for the payment of expenses of our foreign intercourse during the fiscal year ending June 30, 1921. It is $1,122,073.76 less than the appropriation for the current fiscal year and $3,070,125 less than the estimates submitted by the department. If there be added to this amount the deficiency bills so far passed for this service, amounting to $844,140.28, there will be a total of $1,966,214.04 less expended during the fiscal year ending June 30, 1921, in case there is no deficiency legislation.

Your committee realizes fully the necessity of rigid enonomy and has cut the department estimates to a point where further reduction would cripple and weaken the service. It is confident that our foreign intercourse can be carried on according to a high standard of efficiency with the amounts carried in the items of the bill, notwithstanding the fact that the war has placed us in a position of economic potency quite equal to that which the Central Powers hoped to obtain by conquest. It is a fact that the pending bill is larger than the prewar appropriation law of 1915, but this Great War has worked such extraordinary changes, both economic and political, in our relations with the countries of the world that the prewar policy in relation to foreign intercourse must be partially, if not wholly, abandoned. The greater portion of the world now finds its financial condition seriously impaired, its productive forces greatly weakened, and its inhabitants unsettled, dissatisfied, and in many instances in open rebellion against constituted authority; in fact, the economic, industrial, social, and political poise of the world has been upset and deranged. Our present machinery of government for dealing with foreign relations is in need of complete reorganization. It was effective in the past. It is not calculated to meet the intricate and perplexing problems that now confront us. It will be necessary in the reorganization to bring the economic and political questions together, as the latter now depends on the former, so that political and economic information may be considered jointly and used on the basis of the results attained by binding them together.

In the prewar period we were a debtor nation; to-day we are the largest creditor nation in the world. We hold the bonds or other evidences of indebtedness of a number of the recent belligerents in the enormous sum of $10,000,000,000, upon which the interest is in default. We have claims in the process of adjustment against the recent belligerents which arose during our period of neutrality of over $1,000,000,000, exclusive of the claims of our citizens against the Mexican Government. There are two ways for the adjustment of these claims, either through diplomatic channels or the appointment of commissions. The former is unquestionably preferable, as the history of commissions is largely a history of exasperating delays.

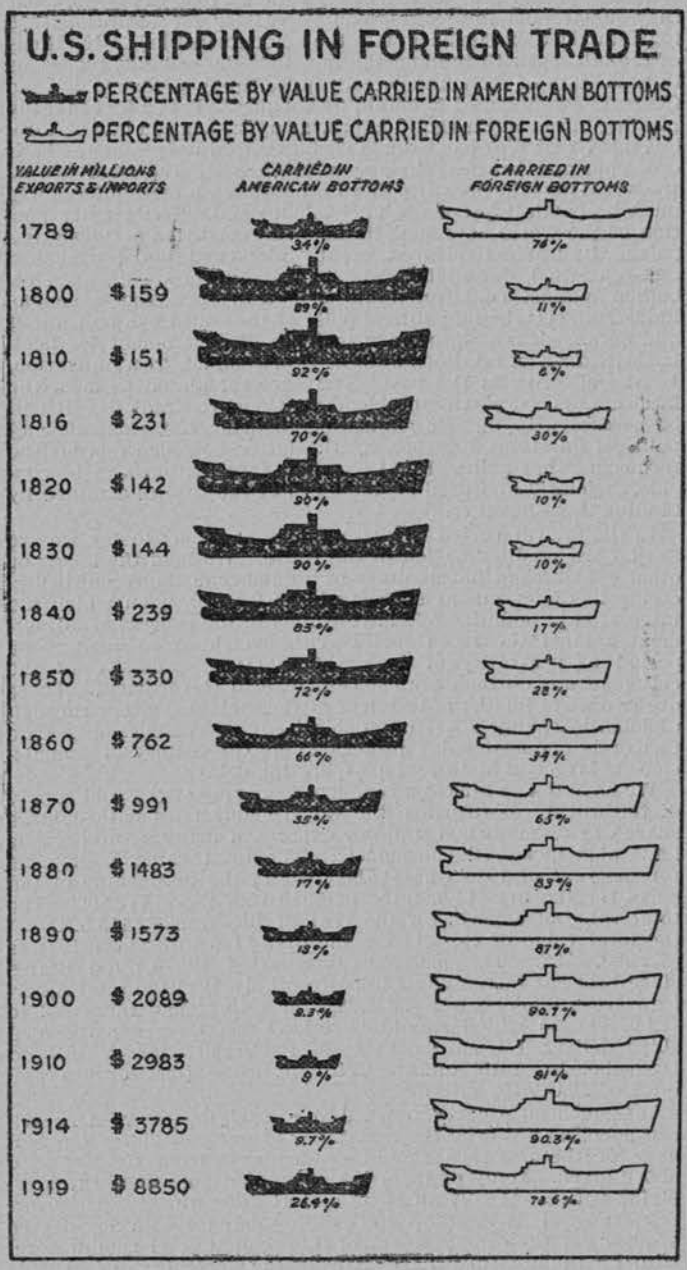
We have to-day almost a complete monopoly of the gold supply of the world. We furnish the world's industries with a large share of raw materials, and our exports of manufactured goods have also increased enormously. The total value of imports for the year of 1914 was $1,789,276,001; the total value of imports for the first 11 months of 1919 was $3,523,772,899. The total value of exports for the year of 1914 was $2,113,624,050; the total value of exports for the first 11 months of 1919 was $7,242,045,798. The merchant marine of the United States since 1914 has increased 62.79 per cent. In 1914 the total American gross tonnage was 7,928,688; in 1919 it had increased to 12,907,300, to which should be added 690 Government-owned ships delivered from the close of the fiscal year of 1919 to December 31, 1919, totaling 2,151,852 gross tons, or a grand total of 15,059,152 gross tons.

Inasmuch as American-owned vessels plying between American ports do not need the assistance of our consulates the tonnage of these vessels should be deducted from the estimate above given. Many of them are engaged a part of the time in plying between American ports and at other times in the overseas trade. It is therefore impossible to secure with any degree of accuracy the exact amount of this reduction. I submit herewith an illuminating chart showing the percentage of exports and imports carried in American bottoms since 1789. It is interesting to note that the minimum of 9 per cent was reached in 1910, and that as a result of the war activities it has now increased to 26.4 per cent, and when vessels now under construction by the United States Shipping Board are completed and delivered will reach 40 per cent.

This enormous increase in tonnage of ships flying the American flag which carry the products of our factories and farms to the markets of the world, and these increased exports and imports, add very materially to the duties of our consuls, as a ship seldom stops at a port without receiving assistance of our representative, and they are persuasive evidence against cutting the estimates for consulates more than we have done. The fact that the fees collected at the consulates makes the service

largely self-supporting is in itself sufficient justification for the appropriation.

Before the war there was no difficulty about the rate of exchange; to-day the problem is perplexing the ablest financiers of the world. The adjustment of this is undoubtedly more important to us than any other nation, with the possible exception of Great Britain; otherwise we will not be assured of payment for the merchandise which we sell to the people of foreign countries, and our efforts to take advantage of our present opportunities to increase our foreign trade will be wholly thwarted.



In the adjustment of this rate of exchange it may be necessary for us to give assistance to nations which are in financial distress, but I do not think we are justified in making them any more loans. I am perfectly willing to help these nations to walk, but I am not willing to have the already overburdened American taxpayer walk for them. We must impress upon Europe by this stern policy that more work and less bolshevism is the only remedy for her economic and political ills.

War is still going on in Russia and Siberia; Turkey and Mexico are completely disorganized and in a state of ferment and rebellion; and the relations between this country and the Central Powers have not so far been restored.

In the prewar period the peoples of the world were happy, contented, and reasonably prosperous; to-day there is a spirit of unrest that threatens the very foundations of organized society. The United States, with her beneficent government and great wealth, is the only safe anchor for civilization, and if we fail to discharge the plain duty which destiny, perhaps, has placed upon us, civilization may perish from the earth.

Before the war Congress gave little, if any, attention to the ascertainment of political and economic conditions in foreign countries. During the war we spent large sums of money for these purposes and were richly rewarded for our efforts. The appropriation for the emergency fund for the current fiscal year is $700,000. A number of the members of this committee felt that it should remain in this amount, but it was finally agreed to reduce it to the sum of $400,000. It is important, in fact more important, for this Government to keep itself fully informed of the changes now taking place almost daily in the political and economic conditions of many European and Asiatic countries than it was during the period of actual warfare.

The estates of American citizens in China are administered in the United States Court for China. They do not pay an inheritance tax to the Federal Government. Your committee felt it advisable to extend this tax to these estates so that the Government would receive the revenue without regard to the place of death.

These are the considerations which moved your committee to abandon, in part at least, the prewar appropriations and to maintain with material reductions, however, the war appropriations for our foreign intercourse. It may be that the ratification of the treaty of peace will aid in the solution of these great problems, but your committee does not think it prudent or wise to appropriate upon any such assumption. [Applause.]

Mr. BLANTON. Mr. Chairman, should not the gentleman reserve his time?

Mr. PORTER. Mr. Chairman, I reserve the remainder of my time and yield 10 minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman and gentlemen of the committee, I want to distinctly disavow in what I have to say any disposition or desire to attack the Federal reserve banking system as a system. I have always approved the legislation which created that organization. I have always looked upon it as one of the constructive measures of this administration whose contributions to the country in the time of war are almost beyond computation. I have no complaint or quarrel with the system as a system, but I have become convinced in my own mind that many of the agents and employees of the regional banks have started on a policy of oppression toward State banks that can work only disaster. For some time I have been receiving letters from various portions of my own State criticizing the officers and agents of the regional bank at Kansas City in their attempts to control the affairs of the Nebraska State banks. These letters have been more or less infrequent until the last six weeks, since which time scarcely a day has gone by that some one has not written me, some State banker, some officer in some State bank, in respect to the unconscionable conduct of some of the agents and employees of these regional banks. Inasmuch as I am not fully informed I have no desire or intention to discuss the merits of the controversy between them. The matter that I want to bring to the attention of the House is the attempted coercion of the State banks to compel them to adopt a system that the State bankers are not willing to adopt. These State banks are the creation of State legislation. They are answerable only to State law and State authority. There is nothing in the Federal law creating the reserve system that grants any power to the regional banks or the Federal Reserve Board over the conduct of State banks. Yet I have received letters showing that the officers and agents of the regional banks in Kansas City, because some State banker in a small town would not be obedient to their commands, because some bank would not conduct its business in harmony with the ideas of the officers of the Federal reserve bank, have gathered together as high as $41,000 in checks on the bank in a small town and have sent employees to that bank in an automobile and demanded cash on the checks in legal tender. That is an oppression that is likely to close a bank. It amounts almost to a conspiracy to wreck a bank, and it is about time somebody should be prosecuted for that sort of conduct.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. GARNER. Can not the Federal Reserve Board here correct that evil?

Mr. REAVIS. I have written twice to the Federal Reserve Board. I wonder if I may be permitted to read a letter which reached me yesterday?

Mr. GARNER. What reply did the gentleman get from the Federal Reserve Board?

Mr. REAVIS. Just the ordinary stereotype reply that the matter would be looked into.

Mr. GARNER. And how long is it since the gentleman wrote?

Mr. REAVIS. Two or three weeks.

Mr. GARNER. This same complaint is coming to other Members of Congress.

Mr. REAVIS. It is almost universal among the Members of Congress. It is coming from all sections.

Mr. GARNER. With reference to the oppression being brought against State banks by these regional banks.

Mr. REAVIS. I want to read a letter which I received yesterday from one of the most prominent bankers of a small State bank in my State. I know nothing of the facts which he relates here, but I have known the gentleman for many years, and any statement of facts he makes I would be willing to vouch for. I shall omit the name of the banker and the institution with which he is connected, because I do not want him to be submitted to further persecution, and also some little personal reference in the letter. Otherwise the letter is as follows:

JANUARY 20, 1920.

Hon. FRANK C. REAVIS,
House of Representatives, Washington, D. C.

DEAR SIR: We want to call your attention to the arbitrary methods employed by the Federal reserve banks in trying to force all banks to conform to their methods of doing business.

There was a meeting of the State Bankers' Association in Omaha this week, which we attended, and we find that all the bankers of the State are having the same experience. In one town—Pierce, Nebr.—this State, we understand that representatives of the Federal banks saved up enough checks until they had an aggregate of $41,000, and then went up in an automobile and demanded the cash for these checks.

We had a representative of the Federal reserve bank in our own bank within the last two months who told us that he would bring us checks here and in large amounts and he would demand legal tender and he would show us whether we would refuse to do what they wanted us to or not. He tried to browbeat us and said that he would make it hot for us, that they would make us do as they wish. If we employed this method of doing business with our fellow bankers and save up checks and go to a bank and try to force them to pay us the cash for a lot of checks that we had saved up on them, we surely would be liable to the law under a conspiracy act of trying to break the bank, and that is in effect what the Federal reserve bank is trying to do with the State banks who do not conform to their way of doing business.

I am even informed that at Pierce, Nebr., they have a man on the ground trying to start a national bank in order to force the other banks to terms. This is a great situation in free America, where we can have institutions supported by the Federal Government that is going into private business and trying to enforce methods onto other banks by such tactics. We ask that you take this matter up with the proper authorities and call the attention of Congress to the matter.

We are free-born American citizens and object to such methods in any line of the Government or in anyone. It is beginning to be that the Government seems to want to take charge of all our affairs in every way, and we think it is time to call a halt in the matter, not only in this matter of the Federal Reserve Board but in a good many other boards that have been created when there is no necessity of them.

We want the strictest laws against combinations and trusts and the like, and then let the laws of supply and demand take their course. Too many dictators in every line of business being created.

The town of Pierce, Nebr., is a small town, and the bank in the town necessarily must be small.

The conduct referred to with respect to that bank would swamp any small State bank in the Nation; and it was evidently done for that purpose, to coerce and oppress these men until from fear of the consequences they would become obedient to the organization which under the law has no control over them at all.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. I am afraid that I will not have the time.

Mr. STEVENSON. I just want to ask what is the thing that they want them to do? Is not this the situation? Is it not where banks are charging exchange for remitting their own checks that the desire arises, and whenever they will not remit for their own checks without charging exchange the banks who get them for collection are sending them through and making them pay them over the counter?

Mr. REAVIS. I do not know the controversy out of which this arises, but I do know this, that the Federal Reserve System created under the national law has no right legally or morally to coerce and force by oppression a State institution to do their will. I will say further that if such reprehensible conduct is continued I shall do my best to see that legislation ample to protect State institutions is enacted.

Mr. STEVENSON. Now, Mr. Chairman, I desire an answer from the gentleman. He says they are trying to make them do something. What is the thing they are trying to make them do? Are they trying to get them to remit their own checks, or what is it?

Mr. REAVIS. It is not indicated, but I think the controversy arises from the charging of exchange on checks. I am equally certain the time has come to indicate to the Federal Reserve System that Congress, having in its heart the instincts of fair play, is determined that these State institutions shall not be unnecessarily oppressed by the great Federal banking institutions.

Mr. DENISON. Is not what they are trying to do to compel the State banks to come in under the Federal Reserve System?

Mr. REAVIS. There is no question about it. It is an effort to coerce State banks into a great centralized banking institution under Federal control.

Mr. DENISON. I think if the gentleman will take time to investigate he will find it originates in Washington.

Mr. REAVIS. I am not going to make the charge. I have mentally drawn deductions, but they are merely deductions, and I do not wish to reflect on anybody. But I wish to express my opposition to things of this kind.

Within the last few weeks there has been a special meeting of all the State bankers of my State, a special convention, to consider this very proposition. They have been compelled to employ counsel to defend their right to do business under a State law, and to protect their institutions from oppression and the coercion of the Federal reserve banks.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. I ask unanimous consent to extend my remarks by the publication of the letter referred to and the resolutions adopted at a special meeting of all the State bankers of Nebraska, in which are cited the acts of oppression, and from which they desire protection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following are the resolutions referred to:

Resolutions unanimously adopted at a special meeting of State bankers of Nebraska held at Omaha January 14, 1920.

1. Whereas the Federal Reserve Bank of Kansas City and its branch at Omaha have served notice upon the State banks of Nebraska, which are nonmembers of the Federal Reserve System, that on January 15 all towns in Nebraska will be listed as par points, irrespective of the consent of the banks in such matter; and

2. Whereas the said Federal reserve bank, through its branch and representatives, has threatened in the event of refusal of the State banks to render the service of remitting for checks without a reasonable compensation to present such items for payment through the express companies or messengers and demand payment thereof in cash at par, and in event of noncompliance with such demand to protest such items; and

3. Whereas the said Federal reserve bank, through its branch and representatives, has held for an unreasonable time (in defiance of well-established usage and custom and in defiance of a decision of the Nebraska Supreme Court that a bank check must be promptly presented) checks on Nebraska State banks until an important aggregate has been accumulated and has then demanded payment in cash through messenger or express company, for the very evident purpose of intimidating and embarrassing payee banks; has in case of refusal to comply with this demand threatened and is now actually attempting to organize national banks in towns already amply supplied with banks whose patrons make no complaint of existing rules and practices; has protested checks which were not legally subject to protest; and in numerous other and undignified ways is attempting to discredit the standing of nonmember banks with their patrons.

4. *Therefore be it resolved,* That in our judgment such demands and methods are unwarranted by law, a distinct departure from well-established customs, and an unjustifiable invasion of the legal rights of State institutions by the Federal Reserve Board, which has no jurisdiction whatever over State banks.

5. *Be it further resolved,* That we pledge ourselves to resist in every legitimate way such demands and practices and endeavor to preserve for our institutions the rights guaranteed under the laws of our State.

6. *Be it further resolved,* That the committee of three appointed by the chairman of this meeting be given full authority to act for the nonmember State banks of Nebraska to carry out their wishes, to employ counsel, to make assessments against said banks to defray any expenses incurred, and to take whatever other action they may deem necessary to secure the relief sought, and to act in cooperation with similar committees in other States.

7. *Be it further resolved,* That we respectfully request the cooperation of our city correspondents in this matter, and will look with disfavor upon said correspondent banks if they assume an attitude to the contrary.

8. *Be it further resolved,* That we recommend that all nonmember banks which have agreed to par items for the Federal reserve bank be, and are hereby, requested to recall such agreement promptly.

9. *Be it further resolved,* That our Representatives in Congress be requested to demand an investigation of the acts and practices of the Federal Reserve Board and their representatives in relation to this matter.

10. *Be it further resolved,* That a copy of these resolutions be mailed to every State bank in Nebraska, the Federal reserve bank, our Representatives in Congress, and the official representatives of State banks in all other States.

11. *Be it further resolved,* That our thanks be extended to President H. K. Frantz and Secretary William B. Hughes, of the Nebraska Bankers' Association, for making the arrangements for this meeting and to the Omaha banks for the entertainment provided.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAIGE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 411. An act to confer jurisdiction of the Court of Claims to certify certain findings of fact, and for other purposes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, on the 3d of March, 1919, in the closing hours of the

Sixty-fifth Congress, the House of Representatives passed a resolution earnestly requesting the peace conference when passing upon the rights of various peoples to give consideration to the claims of Ireland. At a later date the Senate of the United States adopted a similar resolution. During the consideration of this matter in the House some of you may recall that I opposed its passage and sought to point out that the only probable result of that measure would be to offend a friendly power, and that it would in no wise cause the peace conference to assume jurisdiction of the question of the Irish republic. Of course, all of us now know that that result has come to pass. We now know——

Mr. FLOOD. I would like to know the gentleman's authority for saying the passage of that resolution offended a friendly power. I read a statement from Mr. Lloyd-George in the House of Commons, in which he said that resolution was inoffensive to Great Britain. I do not know, therefore, what friendly power the gentleman is referring to.

Mr. CONNALLY. I will say to the gentleman from Virginia that those of us who tried to keep up through the press with the manner in which our action on the resolution was received in Great Britain could not have failed to note in press dispatches that it was not received very graciously by the British press. I do not recall what Mr. Lloyd-George said and I do not take issue with the gentleman from Virginia as to what he said. I perhaps used language a moment ago that was not chosen with due discrimination if I said that it had offended. I should have, perhaps, said that I sought to point out that it was calculated to offend a great power.

But all of us do now know that the passage of that resolution did not have the effect of causing the peace conference to take up the question of Irish independence. One of the results of that action on our part, however, was to give undue encouragement to certain elements within this country who prey upon the credulity and enthusiasm of those groups of our citizens of Irish blood. The peace conference not having given consideration to the Irish question and Great Britain not having immediately recognized the independence of Ireland, we are now confronted in this House with a bill introduced by the gentleman from Illinois [Mr. MASON], now pending before the Republican Committee on Foreign Affairs, in which it is proposed that Congress shall appropriate money to defray the expenses of a minister and a corps of consuls to the Irish republic.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. CONNALLY. I will be glad to do so.

Mr. BROWNE. I wondered why the gentleman termed the Committee on Foreign Affairs as a Republican committee?

Mr. CONNALLY. You are in charge. You are in the majority.

Mr. BROWNE. You are a member of it, are you not?

Mr. CONNALLY. To be sure I am, but I do not control the committee. If the gentleman from Wisconsin seeks to disavow the fact that the majority is in control in this House and in the Committee on Foreign Affairs, as it is in every other committee of this House, I shall be quite willing to put that disavowal into truth after the next election.

Mr. BROWNE. The practice has been for Republican committees to be nonpartisan, but I see that the gentleman thinks that a committee is either Republican or Democratic from his partisan view.

Mr. CONNALLY. The gentleman from Wisconsin is unduly sensitive about this matter. I want to say to him and to others that, while I am frank to confess that I can not, except with great difficulty, believe that a Republican Congress is seriously considering the question of the passage of the bill, yet I am convinced that it is being sought by the majority party now, as it has been sought in the past, to try to make those portions of our citizenship which are of Irish blood believe that the Republican Party is in favor of the bill. A very unusual proposition is here presented. We are urged to send an ambassador to the republic of Ireland, and by so doing to recognize the putative Irish republic as a functioning and operating government. We are solemnly asked to officially challenge the authority and Government of Great Britain in so far as they apply to the island of Ireland. It is proposed that the Congress of the United States, speaking for the American people, shall say to Great Britain that the United States no longer recognizes Ireland as a part of the British dominions, but that henceforth our Government shall transact its diplomatic intercourse affecting matters pertaining to Ireland not through the ambassador at London but through a diplomatic representative at Dublin.

This remarkable proposal is seriously suggested just as we are laying aside our arms so recently employed in the greatest conflict that ever shook the foundations of ordered society or taxed all the resources and energies of republican governments and in which our own efforts were linked with those of Great Britain. I can not believe that the Congress will, and I know that the people of the United States do not, look with approval upon this unfortunate and mischievous measure.

The real temper and purpose of the more prominent protagonists of this bill may be ascertained somewhat from the attitude of Judge Cohalan of New York, who appeared before the Committee on Foreign Affairs in the hearings shortly before Christmas. While I said a moment ago that I could not seriously believe that the Republican House would undertake to pass this measure, yet the very fact that for two days the committee held open hearings on the bill has given weight to the suspicion that the Republican Party is seeking to create the impression among the Irish citizenship of this country that it sympathizes with the bill.

Judge Cohalan, while before the committee, was interrogated. I asked him questions, and as a result the following dialogue took place:

Mr. CONNALLY. Let me ask you this further question, as an American citizen: Supposing we should pass this resolution and Great Britain should take offense at it, and our action should eventuate in war; as an American citizen, would you be willing for America to go to war to maintain the freedom of Ireland?

Judge COHALAN. In any contingency, whether we were weak or strong, when a situation has been presented to the American people that appears to them to be just, I have never found any red-blooded American citizen who was not in favor of doing that which would maintain justice, even though it would bring war. [Applause.]

Mr. CONNALLY. Then, I understand you to answer my question in the affirmative?

Judge COHALAN. Undoubtedly, under those circumstances.

Mr. CONNALLY. That you are willing for the United States, if her action in this regard should eventuate in war with Great Britain—that you are in favor of going to war with Great Britain to liberate Ireland?

Judge COHALAN. I will put it this way——

Mr. CONNALLY. My question was very direct.

Judge COHALAN. I am going to answer squarely, yes.

Mr. CONNALLY. Judging from the applause, there was not any question about what the audience took my question to imply.

Judge COHALAN. I am going to answer your question, and there will not be any doubt as to my reply. At this time, from conditions over there and from a close study of English history and from a knowledge of what confronts the ruling class of Great Britain to-day, when they are almost face to face with internal revolution, when the masses are demanding not only a share in the Government, but control of the Government, as they never have at any previous time, I say that, in my opinion, we would never be faced with any such contingency as that; but in the face of that I insist and reiterate that, as an American citizen, I would be in favor absolutely of doing that which was just. [Applause.]

It will be noted that when at last Judge Cohalan was held to make answer to the specific question as to whether he would be willing for the United States to risk the issue of war with another power to serve the Irish cause he unblushingly, though reluctantly, admitted that to be the opinion to which he held. While this Irish patrioteer remains here at home safe and secure, he avows it to be his will that American boys shall die on the high seas and their bodies be devoured by the monsters of the deep, or that others of them shall die in cold and cheerless trenches, or that others may bake and bleach on burning battle fields, if his own political purposes may be served here in America. He is perfectly willing and seems to view without alarm the fact that by his incitement brave and rash Irishmen in Ireland may rise in riot, only to meet useless and tragic death. If he here in America may ingratiate himself into the confidence and the affection of the Irish voters, may appeal to their imagination as the apostle of Irish freedom, he is indifferent as to possible consequences.

A short time ago the press carried a statement that Mr. Eamon de Valera, advertised as the "president of the Irish republic," would speak in the city of Washington. I heard his utterances on that occasion. I heard him, in attempting to repel the charge that certain elements in Ireland had been unfriendly to the cause of the Allies, undertake to deny it, but in doing so he used substantially the following language:

Ireland was at war with but one nation. That was the one with which she had been at war for 750 years.

Let us for a moment analyze the language which was thus employed. It can not be doubted that if "Ireland was at war with but one nation," then she was, at least in spirit, at war. Was she at war with the German Empire or with Austria-Hungary, or with Bulgaria, or with Turkey? It could not have been with one of these powers, for neither of them has for 750 years been at war with Ireland. There can be no escape from the conclusion that Ireland, at least in spirit—the Ireland of Mr. de Valera and the "republic" of which he is the putative president, not the Ireland of all the Irish people, but this Ireland of which he pretends to be the titular head—was hostile to the success of Great Britain in the struggle which has just come to a close.

If the Irish republic of Mr. de Valera was at war with Great Britain, she was hostile to our own purposes, because both in the test of battle on sea and in the clash of arms on land our

interests were the interests of the Allies; our allies were Great Britain's allies, our friends were her friends, and her enemies were our enemies. And this, according to the "president of the Irish republic," was the attitude of those whom he represents. I am informed that the "president," De Valera, is an American citizen. If so, he values very lightly that proud status.

Mr. MOORES of Indiana. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. Yes.

Mr. MOORES of Indiana. I would like to know if he has ever taken the oath of allegiance to the British Government?

Mr. CONNALLY. I am not informed. The gentleman will have to ask some one else about that. But in so far as the matter affects my own convictions as to what this Congress should do, it is a matter of indifference whether he is a native-born expatriate or still an American citizen. In either event he sets little value on the citizenship he once enjoyed if he does not now enjoy it. He is willing to alienate and expatriate himself and surrender a status which usually proudly confers privileges greater than under any flag that flies, and is willing to become an alien in fact as well as he is in thought.

Some days ago a statement appeared in the public press to the effect that a campaign had been launched in New York for the purpose of floating a $10,000,000 bond issue for the "Irish republic." From the enthusiastic and credulous people of Irish blood, with their passions aroused by oratory and dramatics, these funds will be carefully collected, no doubt. It is not beyond the range of probability, however, that they will be expended in propaganda and in the exploitation of self-appointed leaders here in the United States. Mr. de Valera, as long as he is in the United States as an individual, as long as he respects the laws of this country and those considerations which should be suggested by the hospitality which he enjoys, is welcome, but when he parades himself around over this country pretending to be the "president of the Irish republic" he shows a lack of consideration for our own national interests and welfare. He is willing that we suffer embarrassment in order that reality may be given to his flimsy dreams, that his "presidency of the Irish republic" may be transmuted into actuality.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I shall be glad to yield.

Mr. FAIRFIELD. Does the gentleman believe that there is any action that could be taken by our own Government with reference to the activity of the "president of the Irish republic," or, in other words, is the thing that he is doing here, which you may say is against the interests of a friendly power, of such a nature that the executive part of our Government should take cognizance of it?

Mr. CONNALLY. I would say to the gentleman from Indiana that that is a legal question which I have not had occasion to examine, and I am sure that the gentleman from Indiana, on account of his scholarship, is quite as well if not better prepared to examine that question than the gentleman from Texas.

Now, let no one go from this presence with the statement on his lips that I am lacking in appreciation of the many admirable attributes of the Irish race. I am not forgetful of the generous and chivalric nature of that brave people. With a spirit and recklessness that excite the wonder of all men, they have struggled and died for what they have conceived to be their rights. Ireland's sons have with pen and sword inscribed their glory and heroism on every glowing page of modern history. Her sons have played a large and noble part in the making of America, while others have shed imperishable luster upon the British realm and have generously contributed of their genius to the improvement of her institutions. Her poets and playwrights have charmed the readers of the English language, and her orators at the bar and in Parliament have marvelously persuaded the reason and stirred and swayed the emotions. In sharp and striking contrast to the conduct of Cohalan and De Valera in America was the action of thousands of patriotic Irishmen in Ireland who volunteered and fought courageously in the armies of the Allies. It is pleasing to turn from the pictures of the former to look upon the gripping chapters of some of the most desperate engagements and campaigns of the war and to see written there in large letters the exploits and achievements of men of Irish blood. To them and to their valor we cheerfully accord an abundant measure of admiration.

I also embrace this opportunity to give assurance that I am no apologist for British rule in Ireland in the past. There can be no question of the unfortunate methods which have often been employed by Great Britain in dealing with that people. However, the British Parliament and ministers, prompted by their own national interests, seem disposed to devote their best energies to a solution of the Irish question. It is said that the land act of 1903 has realized much of Parnell's dreams and has enabled the Irish farmers to purchase their land upon most favorable terms. While Great Britain is striving to bring to bear the best thought of the Empire to devise a plan of political autonomy for Ireland, no true friend of the Irish serves her well by inciting revolution and riot which can but bring tragedy and despair." Ireland, perhaps, if left alone by the agitators and strife breeders beyond her borders, who during the strife, the revolution, and riot which their efforts may bring about, may be trusted to remain safely out of the zone of fire, might realize home rule through the establishment of two parliaments coordinated and unified by a supreme council of Ireland. She might attain a dominion form of government similar to that of Canada or Australia, and while enjoying self-rule would lose nothing of her security by the protection of the British flag.

Under this state of affairs the real friend of the Irish people serves them poorly, and the real American serves America poorly, when he seeks, either intentionally or by incitation, which in its indirect effects may have the same result, to incite turbulence and terror among the Irish people.

Aside from the other angles from which this matter may be viewed, politics is playing a dominant part. The Republican Party has been, and is now, I believe, seeking to insinuate itself into the good graces of those elements of foreign extraction among whom it is believed that there still lingers an affection for foreign lands. I believe that for some time there has been an attempt to foment among them a dissatisfaction and a discontent with the manner in which our international affairs have been handled, for the sinister purpose of capitalizing that discontent in the impending election.

Now, you will perhaps recall that—not by direct statement but by implication and insinuation—those elements of our citizenship who are of Italian blood have been given to understand that the peace congress did not solve in a fair and proper manner the question of Fiume, and that within the party which is now in power in this House may be found their only friend. The Greek voters of the United States have been informed—not in black and white statement, perhaps, but nevertheless just as effectively informed—that Greece was not accorded as large a share of territory out of the spoils of victory as was her due. And even those of our citizens who are of German extraction were told in the Senate of the United States only a little while ago by a Senator of the same political persuasion as the majority of this House that the terms of peace, as imposed by the treaty, were too onerous; that they bore too heavily upon their kindred across the sea; and that complaint came from those who only a little while before the terms of peace had been made known had been clamoring for the most exacting terms, for a dictated peace—one that should grind the vanquished into the very dust.

And now, last and largest, because they have the most votes, the Irish are told that at Paris Ireland did not get its freedom, and by hints and nods and shrugs and winks they are insidiously urged to believe that the Republican Party is the party that wears the shamrock and the green nearest its heart. Gentlemen on the Republican side of the House, why do you not keep your implied promise to the Irish and bring out this bill and pass it or else do your duty and kill it, so that there may be no doubt as to where this Congress stands on that measure? [Applause.] Oh, do not be deceived. Why does not that wonderful, noiseless, rubber-tired, ball-bearing steering committee of yours——

A MEMBER. Some one suggests "bearing." [Laughter.]

Mr. CONNALLY. Well, I know that it is bearing; not perhaps that which it ought to bear, but it is bearing nevertheless. Why does not that committee "that bloweth where no one listeth and no man knows whence it cometh or whither it goeth"—why does not that committee say something to its waiting and docile servitors so that you may know what to do with this measure? Has it come to pass that the telephone and the telegraph wires are down? Can you not get any communication from that magic man, Will Hayes, that political prestidigitator, from whose radiant personality comes that which the Republican House of Representatives is required to pass—this wonderful potentate, who both forecasts and recasts Republican legislative action? Oh, why do not you let the Irish know? Why do not you let the American public know what is to be done with this bill, introduced by a lifelong Republican and pending in the Foreign Affairs Committee since the 27th day of last May? Oh, dear Irish friends, do not be deceived. They want your votes. To kill this bill would disillusion you. Do not you see, dear friends? Nothing can be done now. Oh, dear American public, do not you see that they want your votes also? They need your votes also. Can not you see that they can do nothing now? Wait. Wait only a little while. To kill this bill as they should

would disillusion you. Now, both dear friends, can not you see why it is necessary to wink and smile and hint and nod and shrug and hoodwink both of you? [Laughter.]

So far as I am concerned, I repudiate and denounce appeals to class and faction in our land. Are we Americans legislating here for America or are we mere traffickers in votes, afraid to act upon a measure of this kind for fear it might offend some element of our citizenship or afraid that it might not be politically expedient?

Mr. KNUTSON. Does the gentleman repudiate and renounce the slogan, "He kept us out of war," which his party put forward in 1916 to catch the German vote?

Mr. CONNALLY. The gentleman wants to know if we renounce the slogan of 1916 that "He kept us out of war," and he says that was done to catch the German vote. No; I will tell you who renounced that. In the fall of 1918, in the congressional election, the Republican Party, of which the gentleman from Minnesota is the whip on that side of the House, renounced that doctrine and appealed to our citizenship, to every element that was dissatisfied with the declaration of war and with the conduct of the war—silently, perhaps, so far as the public was concerned, but nevertheless effectively—and in 1918 the gentleman's party received the advantage of the vote of every voter in this country who was dissatisfied with the declaration of war and with its conduct to which appeal could be made, and you capitalized it. Then, having learned to capitalize such elements of our citizenship, you are seeking to repeat that performance at this time. [Applause.]

If this Republic shall ever perish—and in the Providence of God may it always survive—it will probably fall through class strife, through the conflict of the classes, industrial or social or racial classes, or groups who view the whole question of the life or the death, of the survival or the dissolution of our system from the narrow and selfish horizon of their own supposed welfare, those whose views are so contracted by class or race as to preclude that broader vision of the welfare of the whole Nation.

As Representatives we do not possess the right to vote away the treasure and the lives of our countrymen as caprice or fancy or political expediency may dictate. There must exist some cause sufficient in law and morals to justify such a course. You and I are trustees for those vast powers, and for their keeping we are solely responsible. I can not view with patience an attempt to place my country in the attitude which the passage of this bill would inevitably create. I shall not needlessly affront our ally and cobelligerent. We shall neither fawn nor be afraid in her presence, but we can not withhold respect for her wonderful people and her vast contribution to civilization. While I should not surrender the least of our rights or compromise in the slightest degree our dignity to meet any demand on her part, I should not deny to her the same respectful treatment which I expect to always demand that she accord my own country. Still less am I constrained to do that which might be construed as an unfriendly and impertinent act that, if performed by her toward us, would rouse all the latent defiance of outraged pride.

Our country for more than 140 years has inspired and quickened throughout the world aspirations for liberty and self-government. She has not wrought that great result by meddling and interfering in the affairs of other nations, but by the example which she has set of justifying the claim to self-government, by vindicating the power of the people to govern themselves.

Her influence has reacted upon even the archaic monarchies of Europe and has brought to the peoples of England and France and Italy, of Spain, and at last of Germany and Austria, a large portion of liberty and a greater share in their governments. May that policy be pursued in the years to come, except where treaty obligations or clear and unmistakable national interests of our own make another course necessary or advisable.

Though we have just stepped from the stage of a frightful struggle with the world acclaim of victory still ringing in our ears, and while all about us the earth heaps its gratitude that our strength turned defeat into triumph and the night into glorious day; while the whole world, yet suffering from the agonies of that terrible conflict and her festering wounds, still feverish and inflamed, vividly recall the anguish and wretchedness which she has so lately suffered, earnestly longs for a peace that shall last; as we stand peering into the vast no man's land before us, we can not push our listening posts nor can we scatter our patrols far enough to discover all of the dangers that await us or all of the abysses of woe into which the passions of men or military or racial ambitions of nations may seek to plunge our country. While I trust that the pathway that lies ahead may never be crossed by a hostile power—that never again may America be summoned to lead her manhood and youth out upon the martial fields to meet the shock of an enemy—if such a time ever does come—whether it be to test our strength with the unnumbered millions of the Far East or whether it be to repel the rising tide of anarchy and chaos set in motion by the disordered and maddened masses of Russia in an effort to engulf us in its pitiless and bottomless depths, I should entertain greater assurance of my country's safety in such a time of terrible trial had I the knowledge that she would enjoy the friendship even, if not the active assistance, of that great people whom I am unwilling to offend by the passage of this bill. Let no one in blindness or zeal for Irish freedom lessen the influence or impair the prestige of America, the one great Nation in whom is found the noblest champion of liberty on the globe.

Mr. PORTER. I yield 15 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, I desire to address myself to a bill that has been reported favorably by the Judiciary Committee known as the Graham bill, which I believe is one of the most important bills before the House of Representatives.

Mr. Chairman, I am a firm believer in freedom of speech and of the press and free assemblage. Free speech and freedom of the press are essential to democracy. Without these three great safeguards representative government would be impossible. I am opposed to the Graham bill, as reported by the Judiciary Committee, and whose advocates are now asking for a special rule to bring it before Congress, because I believe it to be an unjustifiable assault upon the rights and integrity of the press and the American people. Freedom of speech and of the press was realized after years of valiant fighting. In England King James denied the right of freedom of speech even in the Parliament. The American Colonies were denied freedom of speech, which was one of their greatest grievances against the English Government.

RELIGIOUS LIBERTY AND FREEDOM OF SPEECH GUARANTEED.

The first amendment to the Constitution of the United States proposed at the first meeting of the first Congress, on March 4, 1789, reads as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people peaceably to assemble.

The makers of the Constitution regarded freedom of speech and of the press as of such great importance to a free people in the maintenance of their freedom that they placed the right of freedom of speech and of the press beside the right to worship God according to the dictates of conscience.

SUFFICIENT LAWS ON THE SUBJECT.

My contention, Mr. Speaker, is that the existing sedition laws, which were placed on the statute books during the Civil War, are sufficient to meet present-day conditions. If they are not, they can be easily amended without repealing them and without endangering the sacred rights guaranteed us by the Constitution. It should also be remembered that each State has laws upon this subject to meet their own conditions.

The overwhelming majority of the American people believe in our institutions that have withstood the attacks of agitators for over a century. The United States has grown and prospered as no other nation ever has without the drastic censorship proposed by the Graham bill. Our institutions have grown stronger and, in my opinion, there has never been a time when the enthusiastic love of country was as general and spontaneous among the people as it is to-day. This was shown by the acquiescence to all laws, orders, and even suggestions promulgated during the war, and in the willingness of the people to aid in the various war activities.

DRASTIC SEDITION LAWS FAIL.

The only other time that freedom of speech or of the press or of the right of the people peaceably to assemble has been seriously questioned in the United States was by the passage of the alien and sedition laws in 1798. This legislation was quickly repealed, and the old Federalist Party, through whose efforts the law was passed, was swept from power forever by an indignant people.

The United States laws on the subject of sedition are taken from the Federal Penal Code of 1910, under Crimes, chapter 1, page 6.

Section 4, inciting, and so forth, rebellion or insurrection:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authorities of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years or fined not more than $10,000, or both; and shall, moreover, be incapacitated from holding any office under the United States.

Page 7, section 6, seditious conspiracy:

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or destroy by force the Government of the United States, or to

levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than six years, or both.

The States all have statutes on the subject applicable to their conditions. Under our existing laws the anarchists, the communists, and the dangerous radicals have made very little headway in the last 50 years. In fact, the dangerous radical has made fewer converts in the United States than in any other country in the world.

Mr. BLANTON. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. BLANTON. Where a newspaper or a public speaker advocates the overthrow of this Government by force and violence, does the gentleman hold that that is a proper exercise of a constitutional prerogative?

Mr. BROWNE. I think that would be a violation of law, and I think it would come properly under our existing sedition laws.

Mr. BLANTON. The Attorney General says that he needs further law to meet the present emergency.

Mr. BROWNE. I read the statement of the Attorney General.

Mr. BLANTON. Does the gentleman know that copies of such publications as this one entitled Freedom, a journal of constructive anarchy, which preaches anarchy, and the violent overthrow of this Government, are to-day and have been for months circulated through our mails, in the very face of the law of our country, and that under the present law our Government is powerless to stop it? Is the gentleman willing to have such a condition exist in this Government, where the Attorney General and the other law-enforcing officials of the Government have to be guarded to prevent their assassination in their home country of the United States? Is the gentleman willing to let that go on?

Mr. BROWNE. In answer to the gentleman's question I will say that I am giving the law as it exists now in the United States and in the several States, and that I think those laws, if they are enforced as they should be, will cover such cases. Now, I understand the Attorney General himself is quoted in the papers as not favoring this bill.

Mr. BLANTON. But he does favor a sedition law.

Mr. BROWNE. I am not speaking against sedition laws. We have got to take up and discuss them as they are reported by the committee. There is too much general talk on both sides. I hold that when we pass a sedition law here we should weigh each word carefully, and not simply do as they used to do on the frontier, set a gun in the front yard to keep out robbers, and shoot friends and robbers alike. We want to protect ourselves against anarchists, but we want also to protect our own people in a free and fair discussion and criticism of our Government. [Applause.] That is the position I take.

Our existing laws have been interpreted by our courts; the meaning of every word has been determined by the decisions of our highest courts. To change these laws and place in their stead new criminal statutes with the death penalty attached to their violation would have a tendency to bully and intimidate the American people, so that they would not dare to enter upon a fair discussion of our Constitution, the laws on our statute books, and the acts of an administration in power.

DEATH PENALTY.

Notwithstanding a very considerable number of the States have abolished capital punishment, this section of the law provides for the death penalty for its violation. It further provides that anyone is guilty of the violation of the law who sets on foot or assists in the use of force or violence. Under section 6, a person might not be guilty of using force himself, but by means of propaganda or speech might be said to set on foot or assist. Such persons would be subject to the death penalty if convicted of violating this section.

Section 2 is subject to the same criticism.

Section 3 provides that no person shall orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, or aid, abet, or encourage forcible resistance to the Government of the United States, its Constitution, laws, and authority, or the government of the several States, all or any of them, or the existence of constituted governments generally or defend * * * the injury or destruction of public or private property as a means of changing the Constitution, laws, or Government of the United States or defeating the authority thereof.

The above section is very broad and quite ambiguous. It contemplates that a person might by sign, symbol, picture, caricature abet or encourage forcible resistance to the Government of the United States and its authority or the existence of constituted government generally.

Under this statute a jury would have the right to pass upon the question of whether a picture or cartoon did not abet or encourage forcible resistance to the Government of the United States or the authority of the United States, or the existence of constituted governments generally. I do not know what is meant by the existence of constituted government generally the way it is intended in this statute. It can not mean the Government of the United States, because that has already been designated. It must therefore mean municipal, township government, or it might even mean a foreign Government.

I want in that connection to read an extract from May's Constitutional History of England, volume 2, page 2001:

Let us now examine the general results of the long contest which had been maintained between the ill-regulated, mischievous, and often criminal struggles of the people for freedom, on the one hand, and the harsh policy of repression maintained by the Government, on the other. The last 28 years of the reign of George III formed a period of perilous transition for liberty of opinion. While the right of free discussion had been discredited by factious license, by wild and dangerous theories, by turbulence and sedition, the government and legislature in guarding against these excesses had discountenanced and repressed legitimate agitation. * * * Authority was placed in constant antagonism to large masses of people who had no voice in the Government of their country. Mutual distrust and alienation grew up between them. The people lost confidence in rulers, whom they knew only by oppressive taxes and harsh laws severely administered. The Government, harassed by suspicions of disaffection, detected conspiracy and treason in every murmur of popular discontent.

That is the situation practically to-day in the United States.

I wish now to direct my attention to another section of the Graham bill, and many of these sedition bills are practically the same in regard to a few of these principal features.

Section 3 further provides that no person shall orally or by the use of pictures, caricature, or otherwise, defend the injury or destruction of public and private property. If public property or private property should be destroyed or injured as the result of a labor strike, every person who aided or encouraged the strike or who in any way defended the strikers might be held by a jury to be guilty under section 3 and be subject to a penalty of 20 years' imprisonment.

POSTMASTER GENERAL CENSOR.

Section 6 provides that the Postmaster General shall pass upon every book, magazine, newspaper, sign, symbol, or communication, writing, pictorial, printed matter, and so forth. If the Postmaster General or one of his authorized clerks determine that any letter, paper, magazine, or any other writing that passes through the mail violates this law or makes an appeal to racial prejudices, the intended and probable result of which appeal is to cause rioting or the resort to force and violence within the United States or any place subject to the jurisdiction thereof, he can declare the same nonmailable.

In discussing the powers conferred on the Postmaster General there is nothing personal intended. My remarks are directed against the giving of any person the right to determine without even a hearing what is seditious.

Section 7 of the law provides that any letter, book, magazine, newspaper, document, and so forth, which has been declared nonmailable by the Postmaster General or his clerk shall not be transportable in any other way, by express or by public or private conveyance. This section of the law gives the Postmaster General the right to censor or say what 110,000,000 people shall read. It provides for no trial and no appeal.

This provision of the proposed law is very much more drastic than the espionage law, which was a war measure and was passed with the proviso that it should expire when the war ended. Under the provision of the proposed law any writing which had been passed upon adversely by the Postmaster General could not be circulated in any way. It could not be handed to a person. If the Postmaster General should pass upon a speech in the CONGRESSIONAL RECORD adversely, any person would violate this law who handed the RECORD to a member of his family, or even exhibited it to his attorney to obtain an opinion.

Under the less drastic espionage law the Postmaster General replied to a suit in the Federal court by declaring that "he acted in his uncontrolled discretion and under the law was not accountable to anyone for the justice or effect of his official act."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. BLANTON. It was not the Postmaster General or the Attorney General when Czolgocz got in his work.

Mr. BROWNE. I hold that these people who want to support anarchists and read literature that emanates from cellars and underground places we will have with us always. We have had those people ever since the world existed, just as we have had robbers and murderers, and the law that it is proposed to enact will not eliminate them, for you will have just as many afterwards, and if you read the history of this country you will find

that the assassination of our public men has been less than it has been in any other country. Where you find the anarchists thrive the most is in your autocratic government, where your censorship laws are the most drastic.

Mr. BLANTON. But the soviet ambassador of Lenin and Trotski does not occupy the cellars. He occupies one of the most fashionable apartment houses in the city of Washington.

Mr. BROWNE. Then that is the fault of your administration, the Department of Justice.

Mr. BLANTON. It is not my fault; it is the fault over here.

Mr. BROWNE. The soviet government of Lenin and Trotski has a censorship on the press, for they are afraid of a revolution. They have a drastic censorship, and the censorship is used by the radicals Lenin and Trotski just as much as it is by the other autocratic governments.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. I will ask the gentleman to yield me five minutes more.

Mr. PORTER. I yield five minutes more to the gentleman.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. BAER. I can furnish the gentleman with a quotation from Abraham Lincoln's first inaugural address and one from an address made by Thomas Jefferson, if he wants it, and I am sure that Attorney General Palmer, with the Graham law in force, could take Jefferson by the nape of the neck and put him in jail if he were on earth to-day. But I understand that he states the Graham law is no child of his department.

Mr. BROWNE. I know that parts of the Declaration of Independence have been considered absolutely unmailable.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. NEWTON of Minnesota. Does the gentleman say that he knows that some portions of the Declaration of Independence are unmailable under this law?

Mr. BROWNE. I think that some parts would be under the proposed Graham bill.

Mr. NEWTON of Minnesota. I would like to have the gentleman, in his time, put in those extracts from the Declaration of Independence that, in his judgment, would be unmailable under this law, or any statement of Thomas Jefferson or of Abraham Lincoln.

Mr. BAER. I will furnish the gentleman with an editorial from a New York World, wherein it says that Mr. Pulitzer had printed a part of the Declaration of Independence in his yearbook every year, and Mr. Cobb says the World would be absolutely unmailable under the provisions of this law if enacted, and several jurists have told me the same thing.

Mr. BROWNE. Take the part of the Declaration of Independence where it states that whenever any form of government is destructive of these ends, it is the right of the people to alter or to abolish it. Also that clause in the Declaration of Independence states when long abuses and usurpations evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government. I think under the provisions of the Graham bill it would be doubtful whether you could mail the Declaration of Independence.

Mr. NEWTON of Minnesota. I have not read the Graham bill.

Mr. BROWNE. Then I commend it to the gentleman for his reading before he tries to defend it.

Mr. NEWTON of Minnesota. I am not defending it.

Mr. BROWNE. Let me, in this connection, call your attention to a newspaper extract which I have here stating that a minister of the gospel up in Canada, where they have rather severe censorship laws, but no more drastic than the Graham bill, has been placed in jail for quoting a passage from the Bible.

Canada seems to be afraid of its people and has just passed a drastic censorship law. The other day the Canadian Government had one of its ministers, the Rev. J. S. Woodsworth, indicted for quoting the passages from the Bible:

That is literally true. The indictment upon which Rev. J. S. Woodsworth is being tried reads:

"That J. S. Woodsworth, in or about the month of June, A. D. 1919, at the city of Winnipeg, in the Province of Manitoba, unlawfully and seditiously published libels in the words and figures following:

"'Woe unto them that decree unrighteous decrees, and that write grievances which they have prescribed; to turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may rob the fatherless.' (Isaiah.)

"'And they shall build houses and inhabit them, and they shall plant vineyards, and eat the fruit of them. They shall not build, and another inhabit; they shall not plant, and another eat; for the days of a tree are the days of my people, and mine elect shall long enjoy the work of their hands.' (Isaiah.)"

Mr. NEWTON of Minnesota. I read a statement some two or three months ago to the effect that if a sedition bill was passed, using the term generally, portions of the Constitution could not be mailed under such a law.

Mr. BROWNE. In whose address was that?

Mr. NEWTON of Minnesota. I say that I read it in a New York paper devoted to the cause of the rights of women. The paper went on to state that some New York judge had put a man in prison because he had quoted and circulated in a pamphlet an extract from the Constitution. I wrote to the paper and asked the editors for the proof, and when they were asked for a showdown they could not give anything.

Mr. BROWNE. What paper was that?

Mr. NEWTON of Minnesota. I do not remember the name of the paper, but I think it was the Woman Citizen or something of that kind.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. GRIFFIN. Was it not a part of the Declaration of Independence that was quoted?

Mr. NEWTON of Minnesota. No; the Bill of Rights.

HARMFUL EFFECTS OF DRASTIC LAWS.

Mr. BROWNE. People have sometimes felt justified in remote, out-of-way places, where robbers were very much more numerous than officers of the law, to set a gun at nightfall in the front yard. Of course, this practice was soon discountenanced. Even conceding that the proposed law would get some anarchists if it is broad and far-reaching enough to convict people who are honestly advocating changes in our laws and criticizing the way our Government is being administered, if it deters the small papers of the country or honest citizens from absolute freedom in the discussion of public questions or in criticizing public officials or the Government, the law would do manifestly more harm than good. The anarchist, or so-called "red," will go down in a cellar and plot against the Government as much after this bill becomes a law as before. These enemies of all government have existed since the establishment of the first government. They exist just the same as robbers and crooks that prey on society. They are criminals, and should be dealt with as such. We should not, in dealing with them, pass laws that will oppress others and maybe drive many honest radicals into their ranks.

It is a significant fact that the more autocratic your Government, the more you censor your press and gag freedom of speech and prevent people peaceably to assemble, the more anarchists you make. The milder class of radicals that are prohibited by drastic laws from speaking through the press or in public places, and who is an enemy of the red anarchist and would not be seen in his company, is driven from his public meeting place to the cellar. Here he meets the anarchist; and, with the feeling that the Government has wronged him, he is a much more easy convert than he would have been if allowed freedom in discussing his views.

I hold no brief for the socialists. I do not believe in their theories, but I do believe that their arguments should be met by arguments and reason and not by police officers and United States marshals. I am not afraid that the American people are going to be carried away by Bolshevism when discussed from the platform. I am not afraid that the American people are going to adopt the theories of the I. W. W. or any organization of its kind.

DANGERS IN REACTION.

There is danger in reaction as well as in radicalism. There can be no more prolific breeder of revolution than the suppression of the people's fundamental liberties.

AMERICAN INSTITUTIONS SECURE.

Our American institutions are secure because the great majority of the people believe in them, and not because Attorney General Palmer and the Department of Justice are attempting to maintain them by force. Free government must forever be the resultant of all the forces that are brought to bear upon it—radical and reactionary, liberal and conservative, revolutionary and bourbon, socialistic and individualistic. When any of these forces is compelled to resort to secrecy the equilibrium is destroyed and the way is open to disaster.

Jefferson said:

Error should be free to be heard as long as reason is left free to combat it.

INTOLERANT SPIRIT ALL OVER THE WORLD.

Our Government, after entering the war to make the world safe for democracy, seems to be joining with Europe in an effort to centralize power and stamp out democracy. Every country that was engaged in the war seems reluctant to give up any of the powers that were given it in the war. Drasti

censorship laws are being enacted, the same as they have been after all wars and after autocratic war powers have been exercised by those in authority.

England, although she promised after the war to repeal conscription and her press censorship, still maintains them. England has even suspended the right of trial by jury in Ireland. She allows the arbitrary search of private premises, the suppression of newspapers, forbidding even monthly fairs and farmers' meetings in Ireland. Of course, it takes force to carry out such autocratic policies, and England has over 100,000 British troops in Ireland in attempting to maintain its government by force. Who would believe that this was the Government of which Pitt said:

The poorest man in his cottage may bid defiance to all the force of the crown; it may be frail, its roof may shake, the winds may blow through it, the storms may enter, the rain may enter, but the King of England can not enter; all his forces dare not cross the threshold of the ruined tenement.

The inherent sovereignty of the citizen over government was thus pictured by Pitt in words that for over a century and a half have been part of the political heritage of the English-speaking peoples.

SOVIET CENSORS THE PRESS.

In the soviet government Lenin and Trotski, of Russia, censor the press and prohibit freedom of speech to protect the people from what they call revolutionary propaganda.

FREEDOM OF ASSEMBLAGE.

During the steel and coal strikes in Allegheny County, Pa., the authorities forbade two or more men to assemble in the streets. The authorities in many cities have prohibited socialists, nonpartisan league speakers, and others from speaking, and have even driven them out of their cities.

In keeping with the spirit of intolerance, the five socialists elected by a majority of the voters from their respective districts in the State of New York, with their certificates of election signed by the proper authorities, are summarily denied their seats because they hold different political opinions from the majority party of that assembly.

These unjustifiable acts of intolerance cause distrust and shake the people's faith in our Government and make more socialists and radicals than years of propaganda would make.

Democratic platform during the Civil War, adopted in Chicago, Ill., August 29, 1864:

Extracts from the platform adopted by the national Democratic convention in Chicago August 29, 1864.

Resolved, That this convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity or war power higher than the Constitution, the Constitution has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired—justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to the ultimate convention of the States, or other peaceable means, to the end that, at the earliest practical moment, peace may be restored on the basis of the Federal union of the States.

Resolved, That the direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware was a shameful violation of the Constitution, and a repetition of such acts in the approaching election will be held as revolutionary and resisted with all the means and power at our command.

Resolved, That the aim and object of the Democratic Party is to preserve the Federal Union and the rights of the States unimpaired, and that they hereby declare that they consider that the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution—the subversion of the civil by military law in States not in insurrection; the arbitrary military arrest and imprisonment, trial and sentence of American citizens in States where civil law exists in full force; the suppression of freedom of speech and of the press; the denial of the right of asylum; the open and avowed disregard of State rights; the employment of unusual test oaths; and the interference with and denial of the right of the people to bear arms in their defense—is calculated to prevent the restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

Resolved, That the shameful disregard of the administration to its duty and respect to our fellow citizens who are now and long have been prisoners of war and in a suffering condition deserve the severest reprobation on the score alike of public policy and common humanity.

Under the proposed law these delegates voting for the Democratic platform of 1864 and whosoever helped circulate it could be convicted and sentenced to the penitentiary for 20 years.

HISTORY CONDEMNS CENSORSHIP.

At the time of the French Revolution, when agitators and anarchists were seeking not only to destroy the French Government but every other Government in the world, all the nations of Europe passed drastic sedition laws. Free speech, free press, and the right to peaceably assemble were prohibited. Free speech was prohibited in many legislative bodies by the most drastic censorship laws.

WHAT SOME GREAT AMERICANS SAY ABOUT DRASTIC CENSORSHIP LAWS.

Thomas Jefferson, in 1804, said:

The firmness with which the people have withstood the late abuse of the press and the discernment they have manifested between truth and falsehood shows that they may safely be trusted to hear anything true and false and form a correct judgment between them. Our first object should therefore be to leave open to the people all avenues to truth. The most effectual hitherto found is the freedom of the press.

William E. Channing, of Massachusetts, one of the ablest pulpit orators of his time, stated:

Freedom of opinion, of speech, and of the press is our most valuable privilege, the very soul of republican institutions, the safeguard of all other rights. We may learn its value if we reflect that there is nothing which tyrants so much dread. They anxiously fetter the press; they scatter spies through society, that the murmurs, anguish, and indignation of their oppressed subjects may be smothered in their own breasts; that no generous sentiment may be nourished by sympathy and mutual confidence. Nothing awakens and improves man so much as free communication of thoughts and feelings. Nothing can give public sentiment that correctness which is essential to the prosperity of a Commonwealth but the free circulation of truth from the lips and pens of the wise and good. If such men abandon the right of free discussion; if, awed by threats, they suppress their convictions; if rules succeed in silencing every voice but that which approves them; if nothing reaches the people but what will lend support to men in power, farewell to liberty. The form of a free government may remain, but the life, the soul, the substance is fled. * * *

John Quincy Adams, a champion of freedom of speech, in a speech in 1837 said:

Freedom of speech is the only safety valve which, under high pressure, can preserve your political boiler from a fearful and fatal explosion.

Joseph Story said:

Here shall the press and the people's right maintain,
Unawed by influence and unbribed by gain;
Here patriot truths her glorious precepts draw,
Pledged to religion, liberty, and law.

[Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

By unanimous consent, Mr. BROWNE was granted leave to extend his remarks in the RECORD.

Mr. FLOOD. I yield 30 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

By unanimous consent, Mr. HUDDLESTON was granted leave to revise and extend his remarks in the RECORD.

Mr. HUDDLESTON. Mr. Chairman, in view of the fate of my friend the gentleman from Wisconsin [Mr. BROWNE], with respect to interruptions during his remarks, I beg that I may not be interrupted. I want to speak upon the same subject to which he addressed himself, the sedition bill.

This is the second time within a few days that I have risen to this subject, and I trust the House will forgive me. I do not want to weary the House, but I am deeply concerned about the matter. I fear that something wrong is about to be done. I love my country too much to be willing to see that any of the things that we regard as fundamental Americanism shall be tampered with.

I try not to be an extremist, but I can not forget why our ancestors fought at Lexington and at Cowpens and at Yorktown. I can not forget the early history of my country; I can not forget the Declaration of Independence and the American Bill of Rights. There seems to be so little attention being paid to this bill by Members of the House, and it has such momentous possibilities and is of such tremendous importance that I am distressed at its imminence.

Speaking upon the passport-control bill in the House on May 4, 1918, at page 6063 of the RECORD, I said:

Democracies find it hard to wage efficient war. When war comes we find that the principles that democracies have long cherished and have bled for are given up one by one, little by little, piece by piece, until at last, if those who concern themselves merely with carrying on the war have their complete will, there will be left no democracy, no liberty, but only autocracy, because autocracy can wage the most efficient war.

I realize that we who love liberty must give up many things that we have cherished, and I am willing to give up mine. I give them up gladly, but I give them up with an awful and sickening fear in my soul that perhaps some of them may never come back to me and to my people.

We gave up many American privileges to win the war. We passed the passport-control bill which forbade an American citizen either to leave his own country, or once away from it to come back, without the permission of the President, under power which might be delegated to some subordinate. We gave up the right to speak our minds freely and say what we thought about the war and matters connected with it. We gave up the right to say whether we would go to war as volunteers or stay at home. There are other rights which we gave up.

While I did not agree to giving up some of these things even temporarily, my judgment was that of the minority, and I cheerfully acquiesced in what was regarded as the emergency of the

hour. One reason why I did not agree was because I knew what I said on that day was true—that once you give up a liberty there is danger that you will never get it back again. That has been verified and is being constantly verified.

That same passport-control bill came before my committee again after the war had closed, and a strong effort was made to get it reenacted for peace times without any limit upon the period during which it should be in force. I honor the Committee on Foreign Affairs that it stood against that effort and insisted that a limit should be put upon it, but we were able only after a hard fight to compromise with the other body to put a limit at the time fixed, six months as I recall it, after peace had been finally declared. That law is still in force, though we have had no war for over a year.

The explosives act, which we passed, as anyone who really understands the subject will admit, invaded the police powers of the States, yet a determined and persistent effort was made—and I feel I am not exaggerating when I say that that effort was to a large extent surreptitious—to reenact that law and make it of permanent application. Only the courage of the House defeated that purpose.

We are now having, as is known to every Member of the House, a most determined and powerful effort made to make as a permanent American institution the odious system of conscription of soldiers—conscription for peace, not for war. There is an influential element in this country that wants to carry on in time of peace and as a permanent thing a system of dragging boys by force away from their firesides and putting them in the ranks in time of peace.

In this sedition bill we have an effort to perpetuate in still more distasteful terms, with still more drastic provisions, the harsh terms of the espionage act.

I hope the House will not surrender to these proposals. I hope the House will not allow its sense of true Americanism to be overcome by the temporary hysteria of reaction which is an aftermath of the war. I hope we will stand firm.

NOT A LABOR ISSUE.

There is a disposition upon the part of some to look upon this measure as having peculiar labor aspects, as being a labor issue. That is a very grave mistake. Labor has no particular concern in this bill. Do not be misled, gentlemen, by the coincidence that it happens that the big employers are all for this sedition bill and that labor is all against it. Mr. Gompers has no more concern about this legislation than should be held by any patriotic citizen.

There is nothing about a man being a workingman, or a unionist, for that matter, that has any particular relation to this bill.

It just so happens that one of the planks of the American Federation of Labor is in behalf of free speech. It has had that principle in its platform during its entire existence; it is in there along with some other splendid democratic and humanitarian planks; and I recommend that some Members of the House, who do not seem to understand what the American Federation of Labor stands for, read them some time. There is reason why the American Federation of Labor should stand for democratic principles. Somebody has got to speak for the common man and defend his interest, else he is lost. The common man is the one who is really concerned in democracy; he is the one that needs his liberty defended. The great and powerful always have all the liberty they want. They can take care of themselves. It is the poor and ignortant and obscure who need freedom of speech and the right to think their thoughts and try to make something of themselves. They are the people who should be encouraged. They are the ones who should have the greatest liberty, to strive and to look onward and upward into a higher and better life. The rich and powerful can work out their own destinies. Governments courtesy to them, even as "customs courtesy to kings." This is so because they dominate government by reason of their wealth, intelligence, and education and social and political prestige. Governmental activity is but the manifestation of their will. This is inevitable, whether in oligarchy or democracy.

But this is not a labor question, gentlemen. It is an American question. It has nothing to do with unionism. It has to do with what our ancestors fought for upon the battle fields of the Revolution. Free speech is an essential part of the spirit of Americanism which broods over our country and guides its destiny. Let us not forget it in a moment of hysteria.

WHAT IS THE WORST TREASON?

Too many gentlemen of the House, and this is true also of the public, are inclined to take a mere legalistic view of this and of other similar measures. Many Members are in the same situation as the gentleman who a few moments ago expressed himself with considerable assurance upon the proposition, saying at the same time he had never read the bill. So it was that a gentleman who made a speech the other day saying that he was against sedition; he was against treason. Well, are we not all against sedition? Are we not all against treason? Commonplaces, oratory, protestations, and swelling the bosom over how patriotic we are are of small worth. Let us read the bill and understand it.

What is treason? Ah, the worst treason I know of, my friends, is treason to the principles of Americanism [applause], treason which would betray what our ancestors accomplished by the shedding of their blood. If there be worse treason, I do not know what it is. Of course, we are against sedition and we are against treason. Gentlemen who talk such commonplaces, in their innocence—I will not say ignorance—do not seem to know that we already have laws to punish treason; that we already have laws to punish sedition. We need nothing new for those purposes, and this bill does not give anything new.

Nobody who knows this subject or has studied it will for a moment insist that we have not laws which make it a crime either to actively resist the Government of the United States, its authority, or its laws, or to conspire with anybody else toward that end. If a man undertake to use force against the Government of the United States or its laws or its authority—and that is very broad, gentlemen—there is a law that fits his case exactly. If any two men agree between themselves to do any act of that kind, although that act be not accomplished, we have laws that fit their case exactly. We need nothing more for such cases. And I refer gentlemen who want to look into the subject to sections 5334 and 5336 of the Revised Statutes.

The only thing that this proposed measure acomplishes or is intended to accomplish is to keep a man from saying what he may want to say. It is to prevent speech, either printed or oral. That is the only field for the operation of this statute whatsoever, to keep men from advising others to oppose by force either the Government, the authority of the Government, or any law of the United States.

HOW LAW WOULD OPERATE.

For illustration, if a man should get up on the street corner and say to the bystanders, "An unjust law has been passed by Congress. I advise you to resist it by force, if need be," this statute operates on him and him alone. It is applicable only to cases of that kind, and its sole purpose is to prevent such speeches and other similar acts.

Mr. BLACK. Will the gentleman yield?

Mr. HUDDLESTON. The gentleman will excuse me, please. I asked at the beginning not to be interrupted, because I really did not have time to say what I want to say.

It operates on him and him alone. Then comes back at me a legalistic gentleman and says, "Are you not opposed to a man saying that?" Now, there are several propositions involved in that question. Of course, I am opposed to him saying that, but it does not follow by any means that I want to put him in the penitentiary for it, or that I would favor passing a law that would do so. I want to be perfectly frank with this House. I would not suppress that man. I would let him say what he wants to say. Nobody need misunderstand me on that point. But that is not the question.

The propriety of passing a law to suppress free speech is not to be decided solely upon the issue of whether a law is needed to forbid some man from doing a thing which he ought not to do. That is not the sole consideration at all. There are other aspects of the matter much more important. One is the expediency of such a law. Should we start out on a program aimed at the freedom of speech? That is the first problem you have got to settle for yourselves. Should we imprison men for saying what they please when and although no consequences whatever result therefrom? Then, if you answer in the affirmative, ask yourself this question, "Is this an opportune time to embark upon that kind of legislation?" The country is at peace, yet we have grave unrest in the country. The unrest at present is almost wholly industrial. There is not one man in 10,000 in the Uuited States who wants to overthrow the Government or has any thought of such, or who wants to change the things that constitute Americanism. And yet, as I said in a speech which I made in the House on December 9 last, industrial unrest may be converted into political unrest by political measures. And when I said that I had in mind just such measures as this, efforts by Government to deal with industrial unrest, not by answering it, not by explaining it away, not by remedying the evils that have caused the unrest, not by doctoring the disease, but by throttling the patient's cries.

WILL AGGRAVATE DISCONTENT.

If there be anybody so simple as to believe that to forbid the expression of discontent is a cure for discontent, then to him I

can offer no argument. There is industrial unrest. I deplore it. But it exists and it has its causes. It will in due course pass away, just as such things have in the past. We will forget it. However, if we pass such a law as this, I hope we will not be allowed to forget our action.

Existing popular unrest will pass in due course unless we deal with it in a stupid, blundering way; unless we undertake to suppress it by the iron hand of the Government; unless we change and divert the dissatisfaction which the man feels with his wage, or with his employer, or with the conditions under which he works, or with the profiteer, or with one thing and another that has excited unrest; unless we divert that dissatisfaction from its legitimate object, the employer or the profiteer, and so on, who may be abusing the privileges and opportunities of this country—divert it from him to the Government. By suppressing an expression of that discontent we will take upon the shoulders of our Government the burden of this discontent that is caused in chief by industrial and economic conditions. [Applause.]

Now, if we are going to pass this kind of law, if somebody is so legalistic and abstract that because his attention is called to a field for the operation of an antiforce law, to a gap in the law that ought to be stopped some time, he feels compelled to fill it, I hope he may have balance of judgment enough to wait until a time when it is more opportune, until the industrial and economic pain from which the people are suffering has either run its course or has been remedied in some way. I do not want our Government to take upon its shoulders the burden of the hatred and distrust of everybody who has got a just ground of complaint and dissatisfaction now. Is there anyone who does? I would ask him to consider it most carefully.

ABUSES IN ENFORCING LAW INEVITABLE.

But another thing, gentlemen, that we have got to consider, having passed upon the two preceding points, is, What is going to be the result of this law? How is it going to be enforced? Well, we have had some experience with the enforcement of the espionage act. We have had many convictions under that law. We have had a great many more arrests. The Attorney General's report shows that more than two people were unjustly and wrongfully charged with violating that act to every one who was found guilty under it. For every man who was found guilty more than two were haled into court, put to the expense of trial, and humiliated and made ashamed.

But what about the thousands who did not get into court? What about the terror that was spread over the country? What about the spies? What about honest men and patriotic citizens being made afraid? They did not know their rights; they are not lawyers—they did not know what they could say nor what they could not say. Members of Congress even could not say that. There were in this country thousands and hundreds of thousands of good Americans who suppressed their thoughts, and who were made afraid, and who were spied upon and humiliated and embarrassed because we had this law. The country was filled with busybodies and volunteer spies, who considered themselves patriotic in evesdropping their neighbors and informing upon any who spoke indiscreetly.

What occurred then will occur again. These men who were convicted—who were they? Were they German spies? My information, gentlemen, is that under that espionage act there has not been a single conviction of an enemy agent or a spy or of anybody who tried, either at the instigation of an enemy government or otherwise, to get information for enemy uses. No; it was Americans who were punished. There were only a few people who undertook to do disloyal acts, a very few who undertook such things, scarcely one out of a hundred of those convicted. Nearly all of those convicted were Americans, Americans in spirit and Americans in interest. They were unwise; they had bad taste; they were wrong; they were impolitic. They said things against the Government or against the administration. What they did was wrong. It was also unlawful—and they were put in jail. The sad thing to tell is that many of them are still there, languishing in prison, with the war over and the troops gone home—Americans born and bred, loving our country and its institutions, perhaps willing to die for it—fanatic and misguided—they languish yet in jail.

CASE OF ROSE PASTOR STOKES.

Rose Pastor Stokes about two years ago wrote a letter to a newspaper in which she said, "I am for the people; the Government is for the profiteers." For the use of those words she was indicted under the espionage act for obstructing recruiting for the Army, and so forth, haled before the court, and tried. Her past utterances were investigated. Everything that she had ever said or done which indicated opposition to the war or dissatisfaction or disagreement with governmental action was placed before the jury in its most prejudicial light. She was not permitted to prove that she had done this or said that or the other thing tending to sustain American institutions and showing her love of country, but everything she had ever said or done that could be twisted or distorted into an unfavorable aspect was quoted against her. The jury was human and naturally the woman was convicted. She was given a 10 years' sentence in the penitentiary. Public sentiment was inflamed and most intolerant; she was wrong; she spoke ill of our Government; the jury thought her words might have had some harmful effect; of course, she was convicted.

That, gentlemen, is a typical case. Are you going to leave the door open to prosecutions under another act, and this in time of peace, that will leave it open to juries to say, "Your intent was bad, and therefore we convict you and send you to the penitentiary"?

Read this bill, gentlemen; read it carefully. If it merely provided that a man who advised in explicit terms the use of force against the Government, if that were all, it would not be so bad. But that is not all. In it are used many equivocal expressions, such as "advises," "teaches," "suggests," "tends to," "incites," and "calculated to," and so on down the gamut of words expressing the means by which one man may affect the conduct of another, words of loose and uncertain meaning.

Every jury that is called upon to try a man under such a statute will be required to pass upon his intentions. It is inevitable that the accused will be found guilty or innocent as the jury may approve or disapprove his motives. And how are they going to find his intent? Just as they did under the espionage act. [Applause.] The result of such a trial is bound to be determined by existing public opinion and the standing and influence of the accused. This bill, if it passes, will put it in the power of any jury, if they should be so stupid, prejudiced, or uninformed, to convict an accused, no matter how high his loyalty or unselfish his patriotism.

NO GENERAL DEMAND FOR SEDITION LAW.

There is no general demand for legislation aimed at sedition. Such demand as there is is merely a class demand. It comes merely from the big business and propertied interests and those who, having little sympathy with democracy, conceive the need that the plain citizen should have his thinking and his talking done for him. Big finance and big business and their organs and parasites demand the legislation. By them it is intended to suppress agitation for the economic and industrial changes which they oppose. They fear that their control over our resources and their opportunity for exploiting labor and the masses in various ways are threatened. Certain newspapers which speak for the big interests are advocating repressive measures, but there is no demand for such measures from our farming population or from labor or from the masses generally.

I come from a great industrial district. The three dailies published in my home city each advocated antisedition legislation editorially and have carried the propaganda in favor of it. One of these papers, the News, the most influential of the three, published a copy of the so-called Davey bill, and urged editorially that my constituents should write me advocating the passage of that measure. In response to this urging and to the editorials and so forth in the two other dailies I have received exactly one letter in behalf of the Davey bill. I have received numerous letters from my constituents against it. No doubt my district is typical.

Mr. Glass, editor of the Birmingham News, to which I refer, is also president of the American Newspaper Publishers Association. He is reported in the press to have called upon the newspapers, members of his association, to oppose section 6 of the Graham bill. That is the section which would affect the freedom of the newspapers to publish what they wish. After advocating in the News the passage of the Davey bill, Mr. Glass becomes suddenly aroused when a measure which would affect the privileges of newspapers is presented. It would seem that he cares nothing for the right of the people to speak but is deeply concerned when his own rights and those of his fellow editors are trenched upon.

THE AGE OF PROPAGANDA.

This is the age of propaganda. The printing press, long a blessing to mankind, is now, it seems, about to prove a curse. The press seems almost wholly devoted to teaching class doctrines and furthering interests of the small upper class. Journalism is a dying art. Newspapers print little unadulterated news. Nearly everything is set up in line with the owner's policy and to teach the things he would have his readers believe. I do not make this statement solely upon my own responsibility. We have the opinion of Frank I. Cobb, the New York editor, upon the subject. In an address which Mr. Cobb delivered in the city

of New York on December 11, 1919, he discussed the methods of propaganda and the necessity for the reestablishing of free opinion and speech with great force and understanding. I take leave to quote a few passages from Mr. Cobb's speech:

For five years there has been no free play of public opinion in the world.

Confronted by the inexorable necessities of war, Governments conscripted public opinion as they conscripted men and money and materials.

Having conscripted it, they dealt with it as they dealt with other raw recruits. They mobilized it. They put it in charge of drill sergeants. They goose-stepped it. They taught it to stand at attention and salute.

This governmental control over public opinion was exerted through two different channels—one the censorship and the other propaganda.

* * * * * * *

As the war progressed the censorship became less and less a factor and propaganda increased in importance. * * * Governments relied on propaganda to equip and sustain their armies, to raise money, to furnish food and munitions, and to perform all those services without which armies would be vain and helpless. The organized manipulation of public opinion was as inevitable a development of modern warfare as airplanes, tanks, and barbed-wire entanglements.

There were two kinds of propaganda, one that represented the appeal to reason.

* * * * * * *

The other kind of propaganda resembled in a general way the activities of the cheer leaders at a football game. It was noisy and demonstrative and emotional and spectacular, and as such it often served a highly useful purpose. Sometimes it was frankly mendacious, for mendacity plays no insignificant rôle in the drama of war. When government lies, it does not lie sneakingly and furtively but proudly and ostentatiously.

When the armistice was signed and demobilization began, public opinion was demobilized, too. Bands of propagandists are wandering around terrorizing public opinion and trying to frighten it into submission to theories of government that are strange to American institutions.

* * * * * * *

What the United States needs more than anything else to-day is the restoration of the free play of public opinion. That requires, first, the reestablishment of the freedom of discussion, for without freedom of discussion there is no public opinion that deserves the name.

* * * * * * *

The policy of repression that has been generally adopted by governors, mayors, and police officials—in some cases by Federal authority—to meet this propaganda of radicalism is fatal. Two thousand years of history bear witness to its folly. Nobody ever succeeded in bettering the weather by putting the thermometer in jail, and nobody will ever remove the causes of unrest and discontent by trying to suppress their manifestations.

BE NOT AFRAID.

The trouble with the advocates of repressive measures of legislation seems to be a case of fear—I almost said "shell shock," the recoil of war. They do not trust the people. Their faith in American institutions is shaken. They are perhaps unconsciously showing themselves willing to abandon the principles of Americanism to which we have so long held. I reassure them. The people of the United States are yet capable of self-government, notwithstanding the doubts of these gentlemen. It will take something more than a few "soap-box spellbinders" to overthrow the Government of the United States.

I would bid the fearful ones to trust to the sound sense of the people and to their ability to winnow out the chaff of false political doctrine. Undoubtedly, after 140 years of development and experience with free institutions, the American people can be trusted to adhere to them. They are more competent for self-government to-day than ever.

The greatest threat to American self-government is the efforts of propagandists who poison public opinion with their falsehoods and crystallize men's views along warped lines. We have some rich men in America who don't know what to do with their riches. They want to interfere with and control other people's lives. They want to do other people's thinking. They conceive, because they have made millions, that they know all about political and social problems. The truth is that the average captain of industry and financier has less real understanding of such questions than the average citizen. Let him get back to his money box, let him clip his coupons, let him go on heaping up his millions. That he understands and can do. He can not rule the people. No man who is burdened with accumulated wealth or whose past is tainted by having devoted his heart and soul to the accumulation of wealth is fit to lead the people along lines of high morals or thinking.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PORTER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HUSTED].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. HUSTED. Mr. Chairman, I rise for the purpose of discussing the sedition act, which the gentleman from Alabama [Mr. HUDDLESTON] has just condemned in such unmeasured terms. I happened to be the chairman of the subcommittee that drafted the act. [Applause.]

But I desire to say that I am and have always been absolutely opposed to sections 1 and 2, the sections which contain the conspiracy clauses. I do not believe that any man in the United States should be convicted of a political offense unless he have a separate trial, and those sections provide for group trials. I also am opposed to the death penalty carried in those sections, because I believe it is not necessary there. There is ample statutory authority in every State to deal with cases of murder or cases of violence which cause death.

But with the eliminations of sections 1 and 2 this bill is not at all what the gentleman from Alabama [Mr. HUDDLESTON] and other gentlemen, who have apparently examined it not at all closely, have said that it is. It is confined absolutely to the prohibiting and punishment of advocacy of force and violence, in overthrowing either the Government of the United States, its laws, or the authority of its laws; and I would like to hear some gentleman rise upon this floor and say that the Government of the United States, through its administrative officials, should not be possessed of adequate authority to deal with a man who either on the public platform or in the meeting room advises the overthrow of this Government by the use of the bomb, the torch, dynamite, or any other violent means. [Applause.]

This bill does not interfere in the slightest degree with any man who advocates any change in our Government, however fundamental that change may be. He can advocate the soviet form of government; he can advocate socialism; he can advocate communism, if he wants to, so long as he confines himself to peaceful means. But when he stands up on the public platform or in the meeting room and advises the establishment of soviet government here by force and violence, by murder, by burning, and by the destruction of property, then this bill reaches him, and reaches him most effectively. [Applause.] I believe that the people of the United States, all patriotic red-blooded Americans, want the Government of the United States to be in a position to adequately protect itself against that kind of doctrine. Section 3 of the bill provides—

That no person shall orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, or aid, abet, or encourage forcible resistance to or forcible destruction of the Government of the United States, its Constitution, laws, and authority, or the governments of the several States, all or any of them, or the existence of constituted government generally.

Is there anybody who can object to that? Also—

Or orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, aid, abet, encourage or defend the destruction of human life or the injury of any human being or the injury or destruction of public or private property as a means of changing the Constitution, laws, or Government of the United States or defeating the authority thereof.

Now, it has been said that this bill would interfere with labor organizations who propose to strike. If you take out sections 1 and 2, it does not do anything of the kind. It would not interfere with any labor organization that wanted to strike for any purpose so long as that organization did not advocate the use of force and violence as a means of overthrowing our Government, our Constitution, our laws, or their authority. And I do not believe that any patriotic labor organization man, whatever labor organization he may belong to, would object to any of the provisions of this bill after sections 1 and 2 are stricken out, if he understood what they are.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. GOODWIN of Arkansas. What effect would sections 1 and 2 have if they should remain in the bill?

Mr. HUSTED. I think they would confer upon the law officers of our Government the power of efficient threat, if they saw fit to exercise it. I think they could say to a labor organization about to start a strike, "We think you are taking the first, the initial, step in an attempt to overthrow the Government, and we want to warn you that if anybody is killed as a result of this strike, we are going to hold you all for murder, and we have not got to give you individual trials. We will give you a group trial. We have only got to give one man an individual trial."

Now, I am absolutely opposed to that sort of thing, and I believe the people of the country are opposed to it; but if you take sections 1 and 2 out of the bill, then there will be no provisions in it that any patriotic American should have any objection to.

Mr. BROWNE. Does the gentleman believe in the section that gives the Postmaster General the right to censor all handbills, letters, and materials that pass through the mails, without any appeal or any hearing?

Mr. HUSTED. That is not the intention of the committee.

Mr. BROWNE. Section 6 gives that power.

Mr. HUSTED. A committee amendment will be proposed that will give the right of appeal from the decision of the

Postmaster General to the district courts, so that that appeal will be heard immediately and a decision made de novo.

Mr. BROWNE. The bill does not do that now.

Mr. HUSTED. The committee adopted such a provision, and it should be in the bill. If it has been inadvertently omitted, a committee amendment to that effect will be offered.

Mr. BURKE. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BURKE. Does the gentleman know that there was a similar bill presented in Pennsylvania, and all those objectionable clauses and features were taken out, and it was stripped down to a simple sedition law, but under that law they denied the members of organized labor the right to meet in a hall, two or three of them together, although those men were just as good American citizens as you or I and made just as great sacrifices as you or I?

Mr. HUSTED. I am not familiar with the statute to which the gentleman refers, but I know that if you take sections 1 and 2 out of this bill, no officer under its authority could interfere with organized labor in any respect whatsoever.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. I yield 25 minutes to the gentleman from Texas [Mr. Box].

AMERICANISM OR EUROPEANISM—WHICH?

Mr. BOX. Mr. Chairman and gentlemen, for a period of 12 years, beginning with 1903 and ending with 1914, when the European war started, the number of aliens admitted into the United States ranged between 750,000 and 1,300,000 annually, never falling as low as 750,000 in any one year, six times rising above 1,000,000, and twice above 1,200,000.

The number coming during each of these years is shown by the following figures:

1903	756,046
1904	812,870
1905	1,026,499
1906	1,100,735
1907	1,285,349
1908	782,870
1909	751,786
1910	1,041,570
1911	878,587
1912	838,172
1913	1,197,892
1914	1,218,480

Enough immigrants came during these years to make two or three of the smaller States. During the earlier years of the Republic New England objected to the creation and admission of Western States, because she feared that they would turn the scale of power to the injury of interests which she cherished. Later, all thinking men saw that the character of the new States would control the Nation and its attitude toward vital questions. Therefore there was a hard fight, a series of political battles, a series of campaigns, a protracted political war over the Missouri Compromise, the admission of Texas, and the Kansas-Nebraska bill. The question was, Who should be in the Union and in position to participate in control of the Nation? The sequel proved that the leaders and the people were not making "much ado about nothing," but that the issue on slavery and a certain construction of the Constitution depended on the admission or exclusion of States whose people would favor certain policies.

The even greater question now is whether Americanism shall dominate or be destroyed, whether the people and spirit of this country shall be American or European or oriental in character. The result will certainly and vitally affect the character of the Nation and the fate of its people.

The continents of Europe, Africa, and Asia have been and are the homes of hundreds of millions of pitiful human creatures who have labored and had a hard existence. Famine in China and Ireland, and bitter poverty everywhere; serfdom in Russia and kindred curses in all the Old World; Jewish pogroms, Armenian massacres, Spanish inquisitions, French revolutions. Russian exiles and Russian chaos, wars without number, and almost without end, all mere waves on the wretched human sea which has covered the other three continents for ages.

Sometimes suffering has caused frantic uprisings and revolutions, but stillness, silence, and endurance have in the main pervaded this pitiful human mass. Sometimes their wails have shrieked in the words of Hebrew poets and prophets. At other times an Irish bard has told of "ages of bondage." A Tolstoi has made his life and words an index finger pointing to it. Because of it a peasant poet has concluded that "Man was made to mourn."

Europeanism and Orientalism are synonyms of poverty and slavery, but Americanism has meant other things. I do not use the word in a political clap-trap sense. When not coming from the mouths of demagogues Americanism means plenty, opportunity, and freedom. Here has developed a race whose attitude toward life is different from that of men in countries where such a mess has been made of human society. This attitude toward life also is Americanism. Europeanism and Orientalism have starved, belittled, and deformed men. Thus we have in the Old and New Worlds opposites of conditions and character. Such opposites create conflicts. Slavery desires to break into freedom; famine wants to feed on plenty. Thus America presents what the world wants—a meal to satisfy its hunger, an antidote for its woes. The question is not whether we shall help them, but whether Europeanism shall envelop America to its destruction as the home of Americans.

The contests between races rising out of such conditions constitute one main development of history. America was Europeanized as against the original American—the Indian. Europeans are rapidly converting Africa into a home for themselves as against the African. The character and status of India with its 250,000,000 of people is rapidly being changed. Every country has been changed by an obtruding, incoming people from without. China, Korea, and Manchuria are passing through the process now. Australia, France, ancient Rome, ancient and modern Egypt, England in its conflicts with the ancient Britons and later with Normans are examples of such changes. No country has been permanently exempt from this peril. Such struggles are certain; they have waxed and waned eternally. In some instances the process is war; in others it is less noisy and exciting, but no less destructive of the existing national life.

The destruction of the spirit, institutions, and government of a people may be by quick violence like Germany used toward Belgium and France, by infection like that which Germany put into Russia to destroy it, or by both dilution and infection such as would take place in America should the new and un-Americanized element become so numerous that their sentiments would prevail over the views of Americans who understand and cherish the traditions and spirit of their country, or should the poison of radicalism and disorder from that source imperil our institutions?

The size and character of this throng, measured by tens of millions, make it look ominous to one who wants America to live forever—not as Europe and Asia have existed, but in the full possession of its own American soul, the spirit and atmosphere of a home for Americans, which is a heaven as compared with Europe and Asia, lying forever under the curse of poverty and oppression.

The number coming during the 12 years mentioned and ending with the check caused by the war is shown by the figures already presented, in addition to which I remind you that there are 13 States now having more than one-half of their population foreign born, and the children—not grandchildren—of foreign-born father or mother, or both. They are: New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Illinois, Minnesota, Wisconsin, Michigan, North Dakota, South Dakota, Montana, and Utah. Many of these are big States, like Illinois, with 25 Representatives in Congress and 27 presidential electors, and New York, with 43 Representatives in Congress and 45 presidential electors. Some of them have as much as 70 per cent of their population so constituted; Minnesota, North Dakota, and Rhode Island have. Several have more than 60 per cent of such population; New York, Connecticut, and Massachusetts have. Then there are 13 other States having more than 35 per cent of such population, and many others having a heavy percentage of such population. (See pp. 85 to 89, Abstract 13th Census.)

Every student of this question knows that these people are collecting in dangerous hundreds of thousands in the large cities.

President Roosevelt said in his message to the Fifty-ninth Congress:

> As much as possible should be done to distribute the immigrants upon the land and keep them away from the congested tenement-house districts of the great cities. (P. 101 RECORD, 59th Cong., spec. sess.)

The Immigration Commission's report, from which I quote freely because of its authenticity, says:

> In making the large cities and industrial centers their place of residence, aliens composing the new immigration movement have continued to follow a tendency which originated with the advent of such immigrants in considerable numbers. (1 I. C. R., 40.)

And again:

> The increase in foreign-born is an increase in city population entirely, and mostly in large city population. (1 I. C. R., 142.)

In 1910 Greater New York had a population of 4,766,883, of whom 19.3 per cent were native-born whites of native parentage, 40.4 per cent were foreign-born white, 38.2 per cent were the children—not grandchildren—of foreign-born fathers or mothers, and 1.9 per cent were negroes.

Chicago had in 1910 a population of 2,185,284, of whom 20.4 per cent were native-born whites of native-born parents, 35.7 per cent

were foreign-born whites, 41.8 per cent were the children of foreign fathers or mothers, and 2 per cent were negroes.

Pittsburgh in 1910 had a population of 533,905, of whom 33 per cent were native-born whites of native-born parentage, 26.3 per cent were foreign-born whites, 35.9 per cent were children of foreign-born father or mother, and 4.8 per cent were negroes.

Milwaukee had in 1910 a population of 373,867, of whom 21.1 per cent were native-born whites of native parentage, 29.8 per cent were foreign-born whites, 48.8 per cent were children of foreign-born father or mother, and 9.3 per cent were negroes.

Boston in 1910 had a population of 670,585, of whom 23.5 per cent were native-born whites of native parentage, 35.9 per cent were foreign-born whites, 38.3 per cent were children of foreign-born father or mother, and 2 per cent were negroes.

Fall River, Mass., had in 1910 a population of 119,295, of whom 13.3 per cent were native-born whites, 42.6 per cent were foreign-born whites, 43.7 per cent were children of foreign-born father or mother, and 3 per cent were negroes.

Worcester, Mass., had in 1910 145,986 people, of whom 28.4 per cent were native-born whites, 33.2 per cent were foreign-born whites, 37.5 per cent were children of foreign-born father or mother, and 9 per cent were negroes.

On page 95 of the Abstract of the Thirteenth Census will be found the authority for these figures. Many more such cases could be cited, but these are typical, and sufficient to show how these people are congesting in the cities.

The worst of this element tends to align itself with the enemies of government. Like children they stand in the midst of good things provided by others, without any thought of their cost, or of the necessity of preserving them.

Europe and the Old World have made their society and government so often and so long the instruments of oppression that men have come to look upon government as an evil and the enemy of man—especially of lowly man.

These millions of recent arrivals consisting of Slovanians, Turks, Bulgarians, Russians, and other long oppressed, and largely lawless, men, bring infection with them and provide dangerous breeding ground for infection from their own poison and from poison already here. They furnish a very dangerous kind and quantity of material on which the vicious madness of communism, anarchy, and chaos may and does feed. The fact that we have a big, bad element of our own, instead of reducing the danger, increases it. If all Americans were good ones, the danger would be much less, but our bad class is large enough to be dangerous within itself, and is much more to be dreaded when it has millions of un-Americanized men of a class specially subject to its influences and suitable as its instruments.

Mr. James Bryce, in his "American Commonwealth," a friendly, learned, and impartial work on America, says over and over again that the vast immigrant population of the cities is ignorant and unpatriotic, and that it is a pity that they have been given civil power. (Vol. —, p. 299; vol. 2, pp. 97–98.)

I recently collected figures showing 2,428 red conspirators against the Government, whose arrests were reported in one recent issue of a daily paper. Of this 2,428, 2,088 were arrested in 13 States having more than one-half of their population foreign born or their first-generation children; 235 came from States having 15 to 50 per cent of their population foreign born and their first-generation children; and 5 came from States having 5 to 10 per cent of their population foreign born or their immediate children. None came from States having less than 5 per cent of their population so constituted.

Who shot President Roosevelt? John Shrank, born in Germany.

Who killed the loved and lamented McKinley? Try to pronounce his name, and you will know the rest.

As indicating the source from which the thousands of anarchists now in this country came, I give you below the names of the defendants recited in one brief by their attorney in a legal proceeding against them as alien anarchists:

Mike Bratko, Thomas P. Buhkanow, Nikolai Besarow, Ignatz Bogdonoff, John Banuff, Abe Brook, Michael Abrossimoff, Misha Antonoff, Roman Andrieuk, Banjamin Apanasech, Fred Antonchuk, Aaron Shalow, Maxim Schinejko, George Cyzyk (alias Paul Gigalko), John Coslick, John Duboff, Tony Federaco, Thomas Furs, Andrew Hostilla, Alfons Hajduk, Boris Keretchuk, Demian Kravchuk, Tony Korscheikoff, Joe Koza, Teodosi Kotovich, Steve Kaminsky, Piotr Kozloff, Samuel Kanonowich, Alex Kornen, Michael Koropotko, Michael Kravchuk, Dora Lipkin, Arthur Lesiga, Andrew Lazarewitz, Anton Lipsky, Mike Lavrenuk, Gregory Meinikoff, John Newar, Andrew Nazaruk, Peter Novick, Ivan Novikoff, Nikolai Oehrimuk, Dimitrie Panko, Joseph Poludeck (alias Balluck), Mathew Podlipsky, Theodore Proshkovich, Human Perkus, Daniel Rice (alias Daniel Risch), Louis Ristick, Ilia (Eli) Shinkewich, Alexandar Schatz, Boris Shatz, Maximilian Stocky, Tony Smollok (alias Smollakow), Mike Seegan (alias Michael Seegunoff), Michael Sawicki, August Schmidt (alias William Lauwa), Harry Skochuk, Tom (Foma) or Tommie Turka, Peter Urgel, Stephen Uschenna (Stephen Uschenia), John Veremenuk, Demian Vlasoff or John Vlasloff, Nikolai Vizeroff, Nicholas Wasilieff, Harry Wardner, Peter Voronenko (J. Waschenko), John Yarmola, Nikita Safronieff (Necita Zafronia), Peter Zorin, Vincent Martzin, Alexander Derkacl.

My information is that most of the citizens of the United States charged with plotting the overthrow of the Government are of this class.

Here let me make it plain that my remarks do not apply to the worthy people of nearly all European races who came among us and became Americans and have contributed much to American life. I am not talking about such men any more than about other good Americans.

America could do no wiser thing than to stop immigration, for the present at least; but it will not be easily stopped. The talk of stopping all immigration has been heard for a hundred years, but the number increases at a quickening rate.

In the 10-year period from 1820 to 1830 foreign immigrants numbered 151,824, which was 1 immigrant during that 10-year period for every 84 persons within the United States at the end of that period.

The next 10 years brought 599,125, 1 immigrant to every 23 people in the country at the end of that 10-year period.

Jumping 30 years to the period extending from 1870 to 1880, we find 2,812,191 immigrants, which was 1 immigrant to every 17 persons in the Nation at the end of that period.

Jumping again to the 10 years between 1900 and 1910, we see 8,795,386 aliens coming, which was 1 to every 11 persons in the country at the end of that period.

These figures do not mean that there was only 1 immigrant to 11 persons in the country in 1910, but 1 in every 11 had come during the preceding 10 years—many new millions added to many millions already here. There were fluctuations in the tide, but the rate of their coming increased by leaps, absolutely, and in proportion to the population.

Enough people want to come to America now to overwhelm us. Europe could easily double our population in a decade, making it much less than one-half American. The Old World Continents could easily empty on us a flood which would drown the life of America in a generation. They threaten to do it, and conditions favor it. It is stated that we are much closer to the Old World than we were a few years ago, which is true for purposes of knowledge, communication, travel, and immigration. The narrowing of the Atlantic for acquaintance and travel and business also makes these attractive shores better known and nearer to the millions who are trying to escape the wretchedness on the other side. Where thousands crossed in one year 90 years ago millions crossed annually 10 years ago, and the rate threatens to quicken still more.

The sense of self-preservation, the intuition of the American people has prompted them with more or less urgency for many years to protect themselves from this danger. During the past 25 years this alarm has quickened, and if America had had its will it would have protected itself.

Our Presidents have not usually been in sympathy with the views of the people on this subject, and have repeatedly used the veto power to prevent them from giving expression to what they have repeatedly tried to say for themselves and their posterity. In 1879 President Hays vetoed the first Chinese exclusion act. (2 I. C. R., 580.) In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years. (2 I. C. R., 581.) On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates. (2 I. C. R., 573.) President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates. (P. 101, RECORD, special session, 59th Cong.) In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

The difficulty of getting restrictive measures enacted is only a part of the trouble. It has been hard to get our immigration and naturalization laws enforced. Separate States first encountered the opposition in their efforts to protect themselves. After many years of struggle with European-owned shipping interests the States were defeated in the courts and gave up the struggle. In 1824 New York enacted a self-protective, restrictive measure, which alien shipowners disregarded and resisted in the courts. A divided court, for the time being, upheld the law. (50 Pet., 102.) In 1837 Massachusetts enacted two kindred measures, which were bitterly contested by foreign shipping interests and the laws nullified. (7 How., 283; U. S. Sup.) California, Louisiana, and several other States enacted similar laws, but European shipping interests disregarded them and fought them in the courts until the United States Supreme Court, in Ninety-second United States, page 259, held them unconstitutional and left Congress as the only power to deal with this all-important subject.

The history of the dealings of Congress with immigration is the record of difficulties caused by shipowners, contract-labor importers, and other obstructions embarrassing all efforts to protect the country against incoming criminals, prostitutes, paupers, and anarchists.

Before 1820 no record was kept of immigration and no regulation of any kind was attempted. During the first 50 years after 1819 the Nation did nothing toward restriction, but did attempt to prohibit shipowners from crowding poor wretches together like hogs or cattle in the insanitary, inhuman manner practiced by them, which caused degradation, disease, and thousands of deaths among them.

I read from volume 2 of the report of the United States Immigration Commission, page 589, which I cite as "I. C. R.":

Prior to the year 1819 there were no United States laws governing or regulating ocean passenger traffic. * * * As a result abuses were permitted and practiced on transporting vessels that caused distress, disease, and death, especially among immigrants bound for America. (2 I. C. R., 589.)

Further, the fact that the protection given by the law—

* * * was inadequate, is shown by the gruesome records of the steerage experiences in those days. (2 I. C. R., 591.)

From the beginning of the movement of population from Europe to the New World suffering and death were common on immigrant ships. Among the earlier instances recorded was that of 3,000 Palatines forwarded * * * by England to New York, 470 of whom died on the voyage and 250 soon after their arrival of ship fever. There is also a gruesome account * * * of experiences on a ship which sailed in 1731 for America from Rotterdam with 156 immigrants. She was bound for Philadelphia via Falmouth. When she had been at sea eight weeks the passengers were put on short allowance, and during the last five weeks of their journey were unable to obtain bread. Finally they were paying 18 pence for a rat and 6 pence for a mouse. (2 I. C. R., 589.)

Upon the increased demand for transportation to the United States following the close of the second war with England, many vessels which had originally been constructed solely for the purpose of transporting freight were hurriedly transposed into emigrant ships, that they might enjoy some of the profits of a business that had become lucrative. This, with the fact that excessive overcrowding had been practiced on all vessels, rendered the condition of emigrants at sea almost unbearable. (2 I. C. R., 590.)

The potato famine in Ireland occurred in 1847, and in consequence there was a great increase in emigration from that country. (2 I. C. R., 591.)

Famine-stricken Ireland was also fever-ridden; * * * the disease was carried aboard ship, where in the overcrowded and poorly ventilated steerage quarters thousands died of ship fever and thousands more survived the voyage, only to die after landing.

Thousands of Irish and other British emigrants died during the voyage to Canada, and at Grasse Island, near Quebec, where the Canadian quarantine station was located, as many as 7,000 emigrants perished from ship fever and cholera in 1847 alone. (2 I. C. R., 592.)

In 1819, 1847, and 1855 laws were passed by Congress to limit crowding and prevent the starving of immigrants, but these were opposed, avoided, and disregarded by the shipping concerns. The Immigration Commission says:

It may well be questioned whether the condition surrounding the transportation of emigrant passengers had been improved by any of these laws. (2 I. C. R., 593.)

Slave ships, moved by human greed, brought wretched humans from Africa to sell into slavery in America, where they embroiled the country in years of strife, caused an awful war, and yet present a dangerous race problem. Immigrant ships, for gain, have all along been the chief offenders against America and against humanity. Many of them have been German, many have been British, and some have been American. Their desire for profits is now an embarrassment to the enactment of proper legislation and the enforcement of such as we have.

The greed of steamship companies, the greed of cities, the greed of men in America who want to make money off of immigrants, and the greed of those who want cheap labor is at the root of most of the difficulty in enacting and properly enforcing immigration laws. Each class of employers wants cheap labor. Some want tailors; others want railroad hands; many want factory hands; others, though comparatively few, want them for farm help. Some want Italians; some want Russians for mine work; some want Mexicans, mainly for railroad work. All these say, "Keep out undesirables," by which most of them mean the kind the other people want to work—not the kind they want to work.

The acts of 1882 and 1885 excluded criminals, idiots, lunatics, persons liable to become a public charge, and contract laborers. In 1888 this House passed a resolution reciting that the law prohibiting the admission of contract laborers, paupers, and convicts was being extensively evaded, and authorized the appointment of a committee to investigate the subject. (2 I. C. R., 569.) The committee found that thousands were unlawfully admitted every year, and that serious danger resulted. (2 I. C. R., 570.) In 1890 a joint committee of the House and Senate found that the contract-labor law was "generally evaded." (2 I. C. R., 571.) In 1893 another joint committee of the House and Senate found that undesirable aliens not entitled to admission were being admitted, and that the so-called examination of immigrants at ports of entry "appeared to be more of a farce than a reality." (2 I. C. R., 572.) In 1907 the National Immigration Commission was created, which consisted of nine members, three appointed by the Republican President, three by the Republican President of the Senate, and three by the Republican Speaker of this House. Among its members were Senators LODGE and DILLINGHAM, Hon. John Burnett, long an honored Member of this House, and men of like character. It was overwhelmingly Republican, and is subject to no charge of unfairness against the Republican Party. The commission made the most exhaustive study of the industrial features of immigration in America, conditions in Europe causing immigration, and the enforcement of our immigration laws. Its work covered a period of more than three years, and is reported in some 40 volumes, its conclusion being largely covered in volumes 1 and 2 and its hearings in the remainder. I am citing these reports as Immigration Commission Reports, preceded by the number of the volume and followed by the page. This commission found that at that time feeble-minded, insane, and diseased persons were being fairly well excluded, but says:

No adequate means have been adopted for preventing the immigration of criminals, prostitutes, and other morally undesirable aliens. * * * In spite of the stringent law, criminals or moral defectives of any class, provided they pass the medical examination, can usually embark at European ports and enter the United States without much danger of detection. (1 I. C. R., 27.)

The report further says that, because of the rigidity of the law, few actual contract laborers are admitted, but—

There are annually admitted a very large number who come in response to indirect assurance that employment awaits them. In the main, these assurances are contained in letters from persons already in this country, who advise their relatives or friends at home that if they will come to the United States they will find work awaiting them. On the other hand, it is clear that there is a large induced immigration, due to labor agents in this country, who, independently or in cooperation with agents in Europe, operate practically without restriction. (1 I. C. R., 29.)

In the same report, volume 1, page 25, it is said:

Comparatively few immigrants come without some reasonably definite assurance that employment awaits them, and it is probable that as a rule they know the nature of that employment and the rate of wages. A large number of immigrants are induced to come by quasi labor agents in this country, who combine the business of supplying laborers to large employers and contractors with the so-called immigrant banking business and the selling of steamship tickets. (1 I. C. R., 25.)

In the records of this House and reports of committees and joint committees and commissions created by both Houses I have not found one statement that these laws were generally and effectually enforced. Again and again in the record of a period of more than 40 years is found complaint of the violations or evasions of contract-labor laws.

Gentlemen, the evidence taken upon hearings of the Committee on Immigration and Naturalization, and an actual inspection of the work of admitting immigrants at Ellis Island in New York Harbor, have fully convinced me that your restrictions against the admission of undesirable immigration are not now being properly enforced.

The Bureau of Immigration is not, in my judgment, chargeable with the failure. The whole system is inadequate to a proper enforcement of the law. The force, arrangement, and system do not evidence an understanding of the problem or a purpose on the part of Congress and the United States Government to deal effectively with it. The land boundaries are not properly guarded.

As a member of a subcommittee, I saw thousands of aliens marching past a few inspectors while the ship moved toward the pier in New York port, through which three-fourths of our immigrants come. Any observer who will visit Ellis Island and one or two immigrant ships will see that a real and effective enforcement of the regulations provided by law is not being accomplished. The acting superintendent at New York admitted to the committee, in answer to questions propounded by me, that the so-called inspection is a farce. At a future time I hope to present this phase of the question more explicitly and fully.

The number coming is, during these days, increasing. Conditions in Europe favor it. I noticed recently that 8,000 were admitted in one day in New York, and the shiploads come daily.

It is very fitting that the big employers who want immigrants for their cheap labor, and steamship companies who want their passage money, should be represented by common agents in inducing immigration.

But who are the "large employers" whose demand for cheap labor is supplied by the "labor agents" mentioned? You can not tell so well by looking at the immigrants when they are starting or when they arrive at New York or Boston. But keep your eye on the immigrant until he goes to work, bearing in mind that he usually knew the nature of his employment and the prospective wages before he left Europe. You can tell then who is the "large employer" whose demand is being supplied by the men who are joint labor and steamship-ticket agents.

On page 38 of volume 1 of its report this Republican immigration commission says:

The aliens come from countries where low economic conditions prevail and where conditions of labor are very bad. They were content to accept wages and conditions which the native American and immigrants of the older class had come to regard as unsatisfactory. They were not, as a rule, engaged at lower wages than had been paid to the older workmen for the same class of labor, but their presence in constantly increasing numbers prevented progress among the older wage-earning class, and as a result that class of employees was gradually displaced. (1 I. C. R., 38.)

Again, on page 540 of volume 1 of the same report:

It is hardly open to doubt, however, that the availability of the large supply of recent immigrant labor prevented the increase in wages which otherwise would have resulted during recent years from increased demand for labor. The low standard of the southern and eastern European, his acceptance of a low wage and existing working conditions, his lack of permanent interest in the occupations and community in which he has been employed, his attitude toward labor organizations, his slow assimilation, and his willingness, seemingly, to accept indifferently, without protest, certain wages and conditions of employment have rendered it extremely difficult for the older classes of employees to secure improvements in conditions or advancement in wages since the arrival in considerable numbers of southern and eastern European wage earners. (1 I. C. R., 540–541.)

On page 406 of volume 1 of this report, in explaining a table showing the earnings of the heads of families, it is said:

It is evident from a comparison of the totals in the foregoing tables that the native-born heads of families have a higher range of annual earnings than those of foreign birth. The greater proportion of the former earned yearly between $400 and $800, while the greater proportion of the latter earned between $300 and $600. (1 I. C. R., 406.)

It was also found that the foreign-born laborer received the lowest wages; that the native-born children of foreign fathers received somewhat better wages; and that the native-born laborers of native parentage received the best. Of the wages of 26,616 wage earners of all races and classes the report says:

It is seen that the average annual earnings of 22,938 foreign-born wage earners * * * were only * * * $455, as contrasted with average yearly earnings of $566 for the 2,059 * * * of native birth of foreign father, and of $666 for 1,454 native-born white wage earners of native fathers. (1 I. C. R., 408.)

In an effort to learn who are the large employers for whom labor agents induce immigrants of the class mentioned to come in millions, let us study the large industries:

A large proportion of the southern and eastern European immigration of the past 25 years have entered the manufacturing and mining industries of the Eastern and Middle Western States. (1 I. C. R., 37.)

IRON AND STEEL MANUFACTURING.

Of the total number of employees in the industry, 57.7 per cent were found to be of foreign birth. * * * Of the total number of iron and steel workers, 28.9 per cent were native born of native father, and 13.4 per cent were of native birth of foreign father. (1 I. C. R., 297.)

SLAUGHTERING AND MEAT PACKING.

It was found that 60.7 per cent of the total number of wage earners in the industry were of foreign birth. * * * Of all employees, 24.8 per cent were of native birth and of native father, and 14.5 were native born of foreign afther. (1 I. C. R., 298.)

BITUMINOUS COAL MINING.

Of the total number of employees, 61.9 per cent were of foreign birth; 9.5 per cent were of native birth, but of foreign father; and 28.5 per cent were native-born persons of native father. (1 I. C. R., 300.)

GLASS MANUFACTURING.

Of the total number of employees, 39.3 per cent were of foreign birth, 18.4 per cent were of native birth but of foreign father. (1 I. C. R., 301.)

WOOLEN AND WORSTED MANUFACTURING.

Of the total number of employees, 61.9 per cent were of foreign birth, 24.4 per cent were of native birth of foreign father. (1 I. C. R., 302.)

COTTON GOODS MANUFACTURING.

Of the total number of employees, 67.7 per cent were of foreign birth, 21.8 per cent were of native birth but of foreign father, and 9.4 per cent were of native birth of native father. (1 I. C. R., 304.)

The first employees of the New England cotton mills were secured almost exclusively from the farm and village population immediately adjacent to the early cotton goods manufacturing centers. (1 I. C. R., 507.)

Since the year 1885, and especially during the past 15 years, the operatives of the cotton mills have been mainly recruited from the races of southern and eastern Europe and from the Orient. (1 I. C. R., 511.)

The Americans, who formerly composed the bulk of the cotton-mill operatives in the North Atlantic States, at the present time form only about one-tenth of the total number of employees in the cotton mills. * * * If persons native born of foreign father be added to this pure American stock, or those native born of native father, the total number of native-born operatives amounts to about three-tenths of the operating forces of the North Atlantic mills. The remaining part of the operatives, or about seven-tenths, is composed of employees of foreign birth. (1 I. C. R., 511.)

CLOTHING MANUFACTURING.

Of the total number of employees in the industry, 72.2 per cent were of foreign birth, 22.4 per cent were * * * native born of foreign father, and only 5.3 per cent were native born of native father. (1 I. C. R., 305.)

FURNITURE MANUFACTURING.

Of the total number of employees, 59.1 per cent were of foreign birth, while 19.6 per cent were of native birth but of foreign father, and 21.2 per cent were native born of native father. (1 I. C. R., 307.)

LEATHER TANNING, CURING, AND FINISHING.

Of the total number of employees, 67 per cent were of foreign birth, 15.9 per cent were of native birth but of foreign father, and 11.4 per cent were native born of native father. (1 I. C. R., 309.)

OIL REFINING.

Of the total number of employees, 66.7 per cent were of foreign birth, 21.5 per cent were of native birth but of foreign father, and only 11.8 per cent were native born of native father. (1 I. C. R., 311.)

SUGAR REFINING.

Of the total number of employees, 85.3 per cent were of foreign birth, while 8.4 per cent were of native birth but of foreign father, and 6.3 per cent were native born of native father. (1 I. C. R., 312.)

In 1913 President Taft vetoed a bill passed by Congress to restrict and reduce immigration, and said in his veto message that he did so for the reason given in the accompanying letter of his Secretary of Commerce and Labor. Among the reasons given by his Secretary, Mr. Nagle, in the attached letter is the following:

We need labor in this country, and the natives are unwilling to do the work which the aliens come to do. (RECORD, Feb. 14, 1913, 63d Cong., 3d sess., p. 3156; Senate Doc. 1087.)

I have just shown what kind of work aliens come to do. I have also shown who are the "large employers" whose labor demands are being supplied by labor agents and steamship companies.

I call your especial attention to the fact that all immigrants gradually crowd out native Americans, and that new immigrants crowd out old immigrants.

On these undisputed facts, I base the following suggestions:

First. The big employers whom the labor agents are supplying with labor are the big protected industries, such as the cotton, worsted, clothing, steel, and coal producers.

Second. While these big concerns have sent our Republican friends to the people to talk of protection for American labor, in order to raise the prices of their goods, they have sent their labor brokers to get the lowest type of cheap European labor to hold down wages and living conditions and drive American labor out of the great protected industries.

Third. If the labor people vote for such a program as this, they will create in the minds of their fellow Americans a deep fear that labor does not know enough or has not vigor enough to take care of its own legitimate interests.

It will be noted that the highest figures for incoming immigrants were for the years beginning in 1903, when Republican tariff laws were in force, and continued until 1914, soon after the Underwood Act took effect, and that the Democrats, with some patriotic Republican help, were the first to enact a law restricting immigration by the exclusion of illiterates.

Another interesting and highly important consideration is the attitude of organized labor toward this incoming throng. First, the report of the Immigration Commission, volume 1, page 38, shows that 10 years ago these newcomers did not merge into the labor organizations easily, nor cooperate with them, but competed for their employment on terms unsatisfactory to American labor. I am informed that American labor organizations of the most pronounced American type did not at first take favorably to having this ignorant and somewhat degraded mass drawn into their organizations, and at first excluded them; that later, when they saw these new millions of incoming foreigners ready to take their places in the mines and factories; that when they talked to their employers of better pay and better conditions they saw the foreign throng waiting for their work, and were thereby forced to take them into their organizations; that after being forced to take them in or be completely displaced, they now find them gaining the ascendency in numbers, and often giving an irresponsible and radical character to the organizations which they are capturing, while their American brothers find it necessary to cooperate with them, or acquiesce in their radical tendencies, rather than lose all touch with them and be crowded out of the industries of the country. From this bad part of the foreign element comes much that causes American labor brotherhoods to be accused of contract breaking and radicalism.

What are Americans in the unions to do? Work with them as best they can, and hold on to their own jobs, or give up the unions and the work to them and try to meet their foreign millions in unequal competition for a place to toil? If the unions are surrendered to them, they will go to worse excess. Americans of the laboring classes in the sections where these men have come have been placed in a perilous position by their coming. Their fellow Americans should recognize it and give them such hearing and recognition as will enable them to get what is right and increase the hold of Americans upon American labor. Laboring people should oppose radicalism, help arrest immigration, and take less seriously the Republican talk about protecting American wages.

Yet another suggestion arises from these facts for your consideration. Just now your committee is besieged with appeals from industrial employers not to close the door against incoming labor. This fact, considered with the other facts, should advise American labor that these people are still to be brought here to take their places. The interests of labor require that it be protected from the importation of an endless supply of European pauper labor.

The public, the millions of Americans, are entitled to have their country protected from Europeanization by the importation of this un-Americanized European mass.

What are employers thinking? Do they realize that the worst, most radical element is now found in the bad portions of the foreign element? Will they replace each relay of employees with another still less American, still more infected with the virus of socialism, radicalism, and anarchy; still less subject to the appeal of order and Americanism? At this rate how long will any property be protected, any order maintained, any cherished American institution be perpetuated?

Industry may pile its present profits higher by such a course, but it is surely making provision for the destruction of the very property which industry would accumulate.

Labor, the general American public, and employers themselves, if moved by enlightened self-interest, will join in building barriers against that which will injure and eventually ruin all.

That vast masses of them are not becoming good Americans is known to everyone who has observed them or the effect of their presence. They are having the rights of citizenship bestowed upon them as they move in herds through the court rooms. As members of a subcommittee of two, assigned to that, I and the gentleman from Louisiana [Mr. WILSON] sat through an entire daily session with one of the New York City judges while sitting as a court of naturalization. First, let me say that the judge seemed conscientious and capable; I have no criticism to make of any clerk, inspector, or officer of the Government whose work I observed. We entered the room a few minutes before the judge and occupied seats at his desk. The room was then jammed full of aliens, not one of whom I heard at any time pronounce his name so that I could understand it. The room was so full of them and their witnesses that no effort was made to seat them all. I was told that there was another room full waiting to enter as soon as there was space for them. When the judge entered, the procession was formed and moved under the direction of policemen in much the same manner as an officer controls traffic at a busy street crossing. Each alien waiting to be made a citizen, with few exceptions, was accompanied by two witnesses. As that procession started past the judge, I soon decided that the applicant was being examined as to the legal requirements, and his two witnesses heard, and the oath administered to him at the rate of one case a minute or faster—not one witness a minute, but the applicant and the two witnesses heard and the oath of allegiance administered in one minute. Looking at my watch, I carefully counted the number of cases disposed of in five minutes and found the number to be 10. Doubting the accuracy of that count, I kept my watch before me and made a score mark as each case was disposed of. During that five minutes eight cases were heard and disposed of. In 90 minutes 125 cases were heard, which included the examination of 125 aliens and substantially 250 witnesses. In 90 minutes 375 people had given testimony, interspersed with a few remarks by the judge and officers, and many such expressions as, "That's all!" "Step this way!" "Step lively!" from policemen, as they rushed the herd by the court. An average of less than one-quarter of a minute—15 seconds—was consumed in examining each applicant and witness. An officer read the oath of allegiance in a hurried, muffled whisper while the witnesses were marching past the judge. Such is the manner of making United States citizens of people whose efforts to speak English few Americans or none could understand, and whose answers about America and its Government would shame an average 6-year-old American child.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. DONOVAN. There is no question but that the requirements of the Government were complied with in these instances, is there?

Mr. BOX. No very serious contention could be made that they were doing it.

Mr. DONOVAN. That they were or were not trying to do it.

Mr. BOX. Understand, I appreciate the environment and difficulty up there, and I will join with my committee in doing anything I can to help remove the obstacles; and I want to make plain, as I tried to do a moment ago, that I am not reflecting on any man.

Mr. DONOVAN. The point I was making was this. I came from a New England city, as a member of the New England bar, to the New York bar. My first impression when I went into a New York court was that the procedure was so unusual to what I was accustomed to in New England I doubted its efficiency, but after I became a resident of New York and saw the great volume of business and the great dispatch that had to be employed and learned that real results were obtained just as good as in New England, I then wondered why it was not just as good as the New England practice.

Mr. BOX. I will say this: The dispatch was there. [Laughter and applause.] They had policemen there and their main words were "Step lively," "Step quick," "Come this way." They heard a man's testimony and did not ask 1 in 10 whether he was an anarchist; they heard his witnesses and swore him to allegiance to that flag, in a muffled whisper, while his witnesses marched past the court.

In the same farcical manner are examinations made of shiploads of aliens on the ships in the harbor when about to be admitted to America. Of course the acting superintendent had to admit to one who saw it that it was a farce, as he did to me.

This claptrap talk about Americanism amounts to nothing. The question is whether a man really wants America to be preserved for Americans. If he is the right kind of an American, he is generous and brave, but at the same time he believes in providing for his own household. I have not very much respect for the man whose patriotism is so thin or whose allegiance is so divided that he has to look two ways—try to please two masters—when he considers questions affecting the welfare of his country. [Applause.]

The American people should look into the question of the number being admitted, the question of their distribution, and the manner in which they are being made American citizens. [Applause.]

Gentlemen, this problem needs the thoughtful, practical attention of Congress and the country. I am making this statement to bring this serious situation before you and the people. When I became a Member of this body I resolved to do something more than talk about this momentous question, with its bearing upon us and our children who are to succeed us. I sought and obtained a place on the committee which has this subject in charge and have attended every meeting of the committee. As a member of the subcommittee I spent several days in New York, the port through which most of these immigrants enter the country, studying the problem there, and seeking to provide a remedy for it. I shall continue to give my best thought, attention, and labor to it, and urge upon the committee, upon Congress, and upon the country such measures as will save our country from threatened ruin, by the changing of America from a home for Americans to a Babylon of strange voices, strange faces, strange un-American ways, a place from which the spirit of America has taken its departure—another Europe, another Orient. May the God of Nations save us and our children from such a calamity. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PORTER. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, as the only Member of either branch of this Congress who has ever been employed in the Diplomatic Service of his country, I always take an active interest in this Diplomatic and Consular bill. In view of the part our Government is taking in the affairs of the world the four hours granted for general debate on this bill could be well employed in discussing the bill. When Cleveland assimilated Hawaii, 25 years ago, Cherif Pasha, first secretary of foreign affairs for Egypt, said to me, "Your country is going into politics." He meant world politics. Since we have embarked in the world's affairs on a big scale, this Congress should give more serious care to this bill. The State Department does not give much thought to it.

Glancing at the bill, on page 2 I see something that is worthy of a moment's consideration from the committee. We send these ministers to foreign countries, and occasionally we find a little country where we can not afford to send a minister, and we appoint a man to represent two countries. Heretofore, last year and before, I have had occasion to call attention to some of the idiosyncrasies of the service, and said to the committee and the State Department what might be remedied. My suggestions got no consideration in the House, but when this foreign bill came here for conference they were remedied. The Senate had fixed most of them, and I found them in the bill

after it came back from conference. I want to throw out one or two suggestions now in the hope that the Senate will get at them or perhaps the committee will make the needed changes here.

We have an ambassador to Belgium and a minister to the Netherlands, and in this bill the little State of Luxemburg is tacked onto the jurisdiction of the Netherlands minister. The territory of Belgium lies between Luxemburg and the Netherlands. If Luxemburg has to be attached to some minister's duties, it should be attached to the duties of the fellow that goes to Belgium. His domicile is immediately adjacent to Luxemburg. The minister to Holland can not go directly to Luxemburg except by passing through Belgium. The Belgian minister gets $17,500 a year, and the Netherlands man gets only $12,000, and if there is not to be any extra man, let the $17,500 man do the extra work. Luxemburg should go with Belgium.

I find the minister to Greece carries the burden of Montenegro. That country immediately adjoins Serbia, and the people speak the same tongue. There is an intervening country between Greece and Montenegro, a great mountain country, difficult to pass through, and a long distance away. If you are going to attach Montenegro to the duties of another minister, as I suggested two years ago, you ought to give it to the minister to Serbia, the one immediately adjacent. Those two countries are entirely alike, and the work is the same in both. My idea is you ought to apply the rule of common sense to the matter, just as everybody would except a diplomat. I throw out these two suggestions now in the hope the change will be made.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LITTLE. I will.

Mr. GREEN of Iowa. The gentleman is aware, of course, that the Paris conference is disposing of these people according to its own sweet will?

Mr. LITTLE. I can speak of it, can I not, even if that is true?

Mr. GREEN of Iowa. Oh, yes.

Mr. LITTLE. For a moment I am going to take the diplomat's attitude, and I take it from the State Department's view, that is a sensible one.

I read here:

Agent and consul general at Cairo, $6,500.

This man is not agent and consul general at Cairo. He is the minister to Egypt. His dominion and power extend all over Egypt, 2,000 miles up the Nile, and across the Red Sea to Jedda, the seaport of Mecca. He holds a place of considerable responsibility. On one occasion I was addressing the Sultan, on an official occasion, and I spoke of the agent at Cairo. Those diplomats are very jealous of their prerogatives. The wife of one of my colleagues said to me, "I notice that you are appointed at Cairo, not to the rest of the country." I was a little embarrassed. The American representative there should be as well accredited as his colleagues. You would assist the man who has that job and make it a little easier and nicer for him if instead of saying "agent and consul general to Cairo" you would say "agent and consul general to Egypt." It would not cost a cent, and it would put his office in a position of being more highly respected there. Cromer, my colleague in 1892 and 1893, was agent and consul general, too, but his country gave him the rank in their service of minister resident though he was agent to Egypt.

Now, I would be glad if some member of the committee would tell us how some of these countries got in here in this bill, although it is all right with me. I see here Czechoslovakia and Poland have ministers. I suggested two years ago that they ought to be put in here, and the committee told me that the State Department had informed them that it could not be done because there was no treaty with them, though they had Austria-Hungary, with whom we were at war, in the bill——

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLANTON. It was done on the gentleman's suggestion. [Laughter.]

Mr. LITTLE. I thank you. It seems I am a greater power than I thought I was. [Laughter.]

Mr. PORTER. I will say to the gentleman that the independence of Poland and Czechoslovakia was recognized in January of last year.

Mr. LITTLE. Who recognized them?

Mr. PORTER. The President of the United States.

Mr. LITTLE. Who runs this Government, anyway? Is it the Congress of the United States who make the laws, or is it the President?

Mr. BLANTON. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLANTON. I would suggest that it is the steering committee. [Laughter.]

Mr. LITTLE. Oh, that is doing very well, so far. I hope it will keep it up. I am glad its ability is recognized by the gentleman. [Laughter.]

These gentlemen down at the State Department, it appears, have now recognized Poland and Czechoslovakia. I am glad of it, but really there ought to be a treaty. Things should not run loosely this way. Congress should take care of such things instead of letting the State Department run wild. But I suggest that we should go a step further. Why do we not recognize some of these other countries, as, for instance, Armenia and Georgia? There are two Christian peoples who stepped of their own accord into this war and declined all offers from the enemy and fought on our side. One hundred and sixty thousand Armenians were engaged in this war on our side. When they were pouring back from the Russian front with the rest of the Russian Army the Armenians came by train to Baku, from Russia, and could get no farther, and found themselves surrounded by a horde of Moslem Tartars. The Armenian Bagratouni, who had been Kerensky's chief of staff, organized them and took possession of Baku. They fought for several weeks and conquered the Turks and the Tartars there, and held Baku for months and months. We did not know—nobody knew—what had happened at the time. A great victory had been won for the Allies. Central Asia had been taken for the Allies.

The leader in that movement, Gen. Bagratouni, has been here for weeks and no hand extended to welcome him. This one-legged hero of the Caspian should have recognition here, and his nation should have recognition. How does it happen that Armenia and Georgia are not recognized as well as Poland and the Czecks? We have cheered in our galleries several splendid soldiers of European nations, none of them more worthy of our applause than the Armenian. He is as much entitled to recognition as any other hero of the war. There is Gen. Andranik, the mountain chieftain, who fought the Turks to a standstill and actually won Armenia's independence on the field of battle. It was agreed that Armenia's existence should be recognized by the Turks themselves. Why does not our Government recognize it?

Andranik has a record not surpassed by any in all the stories of forlorn hopes for freedom. There is a splendid chance now to send a minister to Armenia without it costing us a cent. There is no minister or ambassador to Turkey provided for or mentioned here. That is a very funny feature in this bill. But I turn over the pages and I see that there is $26,200 to be expended on the Turkish Embassy for secretaries and assistants and clerks and students—$26,200 appropriated here, and no minister or ambassador. Let some one explain that if he can. If you have not an ambassador, how are you going to have an embassy? There should not be any minister to Turkey unless there is one to Armenia. We owe recognition to them more than we do to the Turks. What I suggest ought to be done is to amend this bill so that you will have a minister to Armenia, Georgia, and Turkey. Why $26,200 for clerks and students in Constantinople?

Mr. GREEN of Iowa. Very desirable places for deserving Democrats.

Mr. LITTLE. But their time is so short. Establish a minister at Tiflis, to Armenia, Georgia, and Turkey. You can take this $26,200 and put them all in, and it will not cost you a cent. Neither will the advice I am giving you, I will say to the committee. [Laughter.]

If the State Department or the President could recognize Poland and Czechoslovakia, as I understand it can and has, let it also recognize Armenia and Georgia. They have at Tiflis almost as splendid a city as this is, with beautiful palaces and noble buildings. They have big newspapers, almost as big as those here. They have a great city to send a minister to. That is my suggestion. Send a minister to Armenia and Georgia and Turkey; put them in the bill. When Allenby beat the Turks below Damascus 8,000 Armenian veterans were with him and 100,000 Turks were away fighting Armenians toward Erzerum, where Andranik had become one of the Orient's resplendent and chivalric figures, a nation's hero. Let us welcome him and Bagratouni by according Armenia recognition and a minister. Is this a Christian Nation? Then let us recognize in this bill the oldest Christian people, over whom the star of Bethlehem swung sixteen hundred years ago. If the President can recognize one nation, we can appropriate the money for another. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PORTER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BURKE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. BURKE. Mr. Chairman, I desire to say a word in answer to the remark of the gentleman from New York [Mr. HUSTED], that "if sections 1 and 2 were taken out of the sedition bill no man with red blood in his veins would dare vote against the bill."

As a member of organized labor, I want to say that the four railroad brotherhoods and the American Federation of Labor denounce anti-Americanism and anarchy and are as loyal to this American Government as any Member of Congress. I want to declare myself, first, as an American citizen who still believes in and reveres the Constitution of the United States; and, second, as an American citizen who believes in the wisdom and the justice and the divine inspiration of those greatest of all Americans, the fathers of our country, the creators of American liberty, when they wrote into that covenant of liberty, the Constitution of the United States, these words:

> Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Such bills as these are an insult to the intelligence and loyalty of the American people. There is and there can be no question that the masses of the American people are for their country first, last, and all the time; [applause] that they would willingly and generously shed their lifeblood in defense of that country. [Applause.] This has been demonstrated beyond all shadow of doubt in the World War just ended, when the noblest youth of America crossed the ocean to bear arms in defense of American principles of truth, liberty, and justice; when American families gave up their loved ones with a spirit of patriotism bordering on the divine.

In every village, city, and State of the Union there are broken hearts and saddened homes on account of the ravages of the war, and it is from these homes and the hearts of these people that the strongest cry comes for the survival of democracy in this land.

We hear talk of discontent existing in the country, and we actually know there is discontent and unrest.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE. Would the gentleman let me have a few minutes more?

Mr. PORTER. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. BURKE. But laws such as this will only add fuel to the flames, for I want to say right here that the discontent existing is a natural discontent brought about by the proposal of laws and the enactment of laws which encroached upon the constitutional rights of the people of America. If there is one thing the people of this country love, it is their sense of American freedom; if there is one thing they guard with jealousy, it is their constitutional rights, and the American people are not going to tamely submit to the taking away of those rights.

Burdened down with the high cost of living until the wage earner to-day can not make ends meet, realizing that an unscrupulous system of profiteering is prevalent in the country, and that nothing is being done to bring the profiteers to justice or to lower the cost of living, the people naturally and rightfully voice their discontent and disapproval.

According to the press report of the country, during the period of war 17,000 millionaires were created, which means $17,000,000,000 more of private wealth garnered out of a Nation's woe and a people's misery. If Congress would turn its guns upon these newly made millionaires and endeavor to find out just how they made the millions, and let the common people of the Nation alone for a little while, I think some of the unrest would disappear, for the people would think that possibly there was some hope of them getting a "square deal."

I am opposed to the sedition bill because it is vicious in character, subtle in meaning, and is one of the most damnable schemes ever perpetrated against a free and liberty-loving people. It is a blot upon the Nation. In my opinion, its sole purpose, its one intent, is to hold in subjection the working people, to crush labor, to deny the common people the right of public speech, the right of public assembly, the right to offer protest against any intolerable political or industrial conditions. [Applause.]

Mr. FLOOD. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, from time to time something has been said of the power exerted over this Congress and over legislation by a party steering committee. I wish my party had a strong steering committee. I am beginning to believe in steering committees to a certain extent; because when I can see the leader of a steering committee crack the whip, and in 15 minutes fill these seats here with 160 Republicans and keep them on the floor for hours to pass a bill in accordance with a prearranged understanding, as was done yesterday afternoon, I begin to believe in that sort of business. And it might not be so bad after all, because the steering committee is composed of Representatives in Congress who are supposed to represent the people of the land. But I am going to tell you of a power that makes the power of the Republican steering committee look like 30 cents. I am going to tell you who is the real dictator of this Congress and of legislation in this land; not the Republican steering committee, if you please, but it is the president of the American Federation of Labor who comes to this Capitol from time to time and who gives orders and who has his orders obeyed.

On last Saturday I called attention on the floor of the House to the fact that the New York papers that morning had told the country that Mr. Gompers had stopped the bringing in of a rule making in order the Graham sedition bill, which had the approval of the Republican steering committee, yet, regardless of such approval, was held up by order of Samuel Gompers. A futile attempt was made to intimate that something else had stopped it. But in the next morning's paper the facts were made plain to the people of this country, because the statement was then made and sent broadcast over the land by Mr. Samuel Gompers that he opposed this bill and that same must not be passed. Then the public became aware of the fact that it really was Samuel Gompers who was setting aside the action of the Committee on the Judiciary and the Republican steering committee and was holding back this legislation.

Mr. BROWNE. Will the gentleman yield right there?

Mr. BLANTON. I am sorry I can not. I have not the time.

Mr. BROWNE. I want to ask a brief question, whether Attorney General Palmer——

Mr. BLANTON. I refuse to be interrupted, and I ask the Chair not to take this out of my time.

The CHAIRMAN. The gentleman refuses to be interrupted.

Mr. BLANTON. Because I want to tell the gentleman something that possibly he knows but does not publicly admit. Who appeared before the Rules Committee yesterday morning in opposition to this bill? Why, Mr. Samuel Gompers, president of the American Federation of Labor. Mr. Gompers was the chief figure there, backed up by his attorney and his cohorts, and he said he did not want that bill passed. And what did he do? He came with a threat, as usual; a threat to whom? Not to the Congress, because he has already threatened Congress, but to the Republican Party, which controls the passage of legislation here. He told the chairman of the Rules Committee almost in the first breath what the distinguished gentleman from Wisconsin [Mr. BROWNE] told you awhile ago, that in 1798, when the last peace-time sedition bill was passed in this country, he said the old Whig Party passing it was defeated, destroyed, and went out of memory because through punishment it was put out of power by the people of the country, intimating to the Republican Party that if they let this bill go through they would suffer defeat at the hands of 5,000,000 organized members of unions in the country. Did it have any effect? Such orders as he gave could have but one effect. Why, the Washington Times came out immediately and said the sedition bill was buried; that it was dead; and my friend from Kansas [Mr. CAMPBELL], the chairman of this great committee, came out afterwards and said, "Oh, it is because the newspapers of the country do not want the bill." And he intimated that there were some newspapers from my State which did not want it. I will state to the gentleman [Mr. CAMPBELL of Kansas] that he can not name a bona fide, loyal newspaper in Texas that objects to a reasonable, proper antisedition law. I challenge him to do it. The Houston Post, the Dallas News, the Star-Telegram, the Fort Worth Record, the San Antonio Express, the Waco Times-Herald, the Austin papers, the El Paso papers, I challenge him to show that any of such papers as that object to a proper sedition law to stamp out anarchy in our beloved Republic.

Are the Attorney General and the law-enforcing peace officers of this land going to be forced by your action and mine to have bodyguards follow them day after day and night after night to keep them from being assassinated? Why, my friend from Pennsylvania [Mr. BURKE], says what Mr. Gompers said, that

this bill sought to shackle labor. When Mr. Gompers said that the chairman of the committee said, "Mr. Gompers, please turn to the provision in that bill that you claim seeks to shackle labor," and he could not do it. He had to turn to his attorney and let his attorney point out the supposed paragraph. Then he said that it sought to shackle them because it prevented them from using moral force to change the Constitution. Thereupon the distinguished chairman of the Judiciary Committee arose and explained that moral force was not involved in the bill, and that it did not in any way restrain any newspaper, any public speaker, or any individual, unless they advocated the overthrow of this Government by physical force and violence. Does this bill seek to restrain the use of moral force? No. Does it interfere in any way with the constitutional right of free speech and free press? No; it does not. You can not find a loyal newspaper in the land that will ever be hampered or restrained in any way by the provisions of this bill. But should an anarchist paper like Freedom preach anarchy, or preach the overthrow of this Government by physical force and violence, it will reach them, and it ought to reach them, and it ought to hang their editors as high as Haman. And when a public speaker gets upon the rostrum is there anything in this bill that will prevent free speech? Is there anything that will prevent his advocating a change in the Constitution by lawful means? Why, no; unless in the attempt to exercise his constitutional prerogative he seeks to advise the people of the country to use physical force and violence to throw aside their Constitution and to overthrow their Government. Then it does touch them and reaches them. And the dirty scoundrels ought to be reached by law and properly punished. Are you surprised that the anarchists of the country do not want a law against anarchy? Why, law interferes with their business. Are you surprised that murderers do not like a law against murder? Law and punishment interfere with their murdering. My friend from Pennsylvania [Mr. BURKE] frankly says that he is against sedition laws, and intimates that all other union men are against sedition laws, because same might incite trouble with anarchists. Let me ask him, Is he likewise against the law to punish murder? Seditious acts culminate in murder, and no murderer likes the law that punishes the crime of murder. Is he likewise against the law to punish burglary because burglars do not like it? No burglar likes either law or punishment. Is he against the law to punish rape because rapists do not like that law? Is he afraid that such laws may incite murderers, burglars, and rapists to commit crime?

Mr. BURKE. I should like to answer that question.

Mr. BLANTON. I will let you answer it later, but I must use my own time.

Mr. BURKE. All right. I do not want to interrupt the gentleman.

Mr. BLANTON. I would gladly yield to the gentleman, had I the time. Do not take this out of my time. Do you know that it is no longer the money power of the country that elects men to Congress now and men to the legislature and men to the governor's chair? Why, the money power is past. That autocracy is gone and forgotten. The biggest autocracy that exists in this Nation to-day is the autocracy that stopped this sedition bill. Samuel Gompers is the presiding autocrat. There is the autocracy. His is the power that fills public office and makes and unmakes laws just now, because the people have not yet fully awaked. Are you men going to be big enough to vote your sentiments? And with the exception of about five men who hold union-labor cards in this House, your real heart sentiments are the same as my sentiments, and you know it. You have got the same feelings on this matter that I have got. You know that the people of the United States are dominated by an organized class and are not getting a square deal. Are you not brave enough in your representative capacity, in behalf of all the people, to get up here and pass a proper sedition law, and let Mr. Gompers go where I once told him to go when he was sending me orders, which instead of obeying I told him to go to hell.

Mr. BURKE. He did not go, though, did he?

Mr. BLANTON. No; and I do not want him to go there. I hope he does not, but he has no business telling me or any other Congressman what we shall or shall not do, or to threaten us so often. He has no right to make a threat against the Republican Party and make your leaders shake in their shoes. He has no right to come in here and stop legislation needed for the country.

There is a proper mode of changing the Constitution. This bill does not take away from my brother union member of my good friend from Pennsylvania any right to change the Constitution lawfully in accordance with its terms.

The political spokesman on the floor of the House for the Republican Party, the gentleman from Illinois [Mr. RODENBERG], can not camouflage the issue by asserting that the Attorney General has "cold feet." Gen. Palmer personally advised Chairman CAMPBELL that—

A criminal element exists in this country which can not be reached except through a sedition law such as was proposed by him.

The members of the Rules Committee know full well that the bill introduced by Congressman DAVEY was specially prepared by the Attorney General as the legislation needed. With his letter sent to the Rules Committee and read at the hearing yesterday the Attorney General sent a copy of the sedition bill he wanted passed, and urged its prompt passage, and reiterated that he needed it passed to stop anarchy in this country. The people are going to wake up soon and resume mastery. They can not be fooled. They know that it was Samuel Gompers's orders which has stopped this bill, and the people are going to resume electing Congressmen and all other officers before long.

Mr. BURKE. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] in his remarks put a pointed question to me. I should like to answer it.

The CHAIRMAN. The gentleman can not be heard without getting time from one of the gentlemen in control of the time.

Mr. BURKE. I hope the chairman will give me time to answer the question. It will not take long.

The CHAIRMAN. This is out of order.

Mr. PORTER. I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and gentlemen of the House, when I was home during the holiday vacation I had a letter handed to me in Cleveland by Mr. Charles W. Toland, which I should like to insert in the RECORD. I have always believed that our diplomatic corps and the Navy should be used as much as possible within reason to advance the commerce of this country, and I ask unanimous consent to extend my remarks in the RECORD by inserting this letter.

Mr. WALSH. What is the letter about? Is it about what the gentleman has referred to?

Mr. EMERSON. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The letter is as follows:

CLEVELAND, OHIO, *January 5, 1920.*

Hon. HENRY I. EMERSON, M. C.,
Washington, D. C.

DEAR SIR: We wish to call your attention to the difficulties which our Mr. F. B. Anderson recently experienced in endeavoring to make a business trip to South America. The facts are as follows:

The principal product of our factory is machinery used for pressing oil from cocoanuts, peanuts, and other oil-bearing seeds. At the present time we have a large foreign trade in the Orient.

It seems that the Central and South American countries are producers of large quantities of oil-bearing seeds from which valuable edible oils can be obtained.

Prior to the war the Germans largely controlled this business. However, the present is the opportune time for the manufacturers in the United States to obtain this South American trade.

With this in view our Mr. F. B. Anderson planned a six months' trip to South America and provided himself with credentials, passports, and other papers. In fact, he visited the Agricultural Department at Washington, with whom we have had extensive relations in the way of running experiments for them at various times on oil-bearing seeds.

Mr. Anderson left New York on November 24 on the steamer *Brazos* and arrived at San Juan, P. R., November 24. Inasmuch as there are no steamers from Porto Rico to South America, it was necessary for him to reach the island of St. Thomas, at which point the lines of steamers for South America touch.

While both Porto Rico and St. Thomas are now United States possessions, it seems, however, that there are no connections between the two islands. While Mr. Anderson was at San Juan the United States gunboat *Vixen*, which, by the way, is a converted yacht, arrived December 2 from St. Thomas, bringing the admiral and his family for Christmas shopping. Mr. Anderson called on Capt. White, of the *Vixen*, and asked that he and Mrs. Anderson be transported to St. Thomas, and agreed to ride on deck or in any other way they might wish. However, Capt. White absolutely refused to take him, stating that it would be impossible unless he were a Government employee. The *Vixen* returned to St. Thomas in a day or two and came back again with a party of people who wished to be at San Juan while Secretary Baker was there.

Mr. Anderson again asked Capt. White for passage and was again refused. During the conversation he showed his credentials to Capt. White and also explained that he was not on a pleasure trip, and was frankly told by Capt. White that the Navy did not think much of the business man.

The upshot of the matter was that Mr. Anderson was finally obliged to return to New York and is now in Cleveland, and possibly may not be able to get away this season, inasmuch as all the ships going to South America are booked up.

This seems to us to be a very poor policy on the part of the United States Government in not allowing Government vessels to carry people in an emergency of this kind, particularly as the *Vixen* was used as a ferry, and, furthermore, as it took only about six hours to go from San Juan to St. Thomas. The *Vixen* on her trips only carried people who Capt. White claimed were either Government employees or their relatives.

The British consul of San Juan stated that if a British warship came in, he would gladly take Mr. Anderson over to St. Thomas, and further stated that their navy made it a point to assist their people in every way possible, and that they would gladly extend our people the same courtesy.

A Dutch warship came into the harbor while Mr. Anderson was there and offered to take him to the island to which they were destined, but, unfortunately, there was no means of Mr. Anderson getting away from this island for at least 60 days.

We feel, in view of the fact that the Government is urging the people in this country to get foreign trade, that this matter is worthy of investigation, and that Capt. White or his superior officer should be called to account for their attitude, which was certainly unbusinesslike. It has certainly come to a great pass if boats which are paid for by the people and for which the people are taxed can not be used except for carrying naval and Government employees on pleasure expeditions.

Yours, respectfully,

THE V. D. ANDERSON CO.,
A. D. ANDERSON, *Secretary*.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11960, the Consular and Diplomatic appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'CONNELL, for one week, on account of illness.

To Mr. STOLL (at the request of Mr. BYRNES of South Carolina), on account of sickness.

EXTENSION OF REMARKS—RECLAMATION FUND.

Mr. HERNANDEZ. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement made by the president of the Pecos Water Users' Association, Carlsbad, N. Mex., before the Committee on Ways and Means. It is very interesting, and I think it would be illuminating to some of us.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. How long an article is it? It is costing a good deal of money to print the RECORD these days.

Mr. HERNANDEZ. It is not very long. There are some very interesting statistics in it.

The SPEAKER. Is there objection?

There was no objection.

The article referred to is as follows:

BEFORE THE WAYS AND MEANS COMMITTEE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20, 1920.

STATEMENT IN BEHALF OF $250,000,000 LOAN TO THE RECLAMATION FUND MADE BY FRANCIS C. TRACY, PRESIDENT PECOS WATER USERS' ASSOCIATION, CARLSBAD, N. MEX.

Mr. Chairman and gentlemen, we appreciate that the gravest possible responsibility rests upon you, in that you largely control the expenditures and direct the financial policies of the Nation at this most critical period. The spirit of unrest and discontent threatens civilization itself. At a time when increased production alone can sustain the financial structure through the delicate and difficult readjustment period and repair waste and when such increase is absolutely needed to feed and clothe the world, there is a universal slacking up in labor which is leading toward disaster. Patriotism requires us to speed up. Strict economy is necessary, but economy alone will not pay debts or sustain life. It must be subordinated to the higher law of nature—produce and reproduce or perish.

The agricultural program offers such a procedure—a concrete, safe, and sane road toward a gradual reduction of the high cost of living by a steady increase in the production of the necessities of life and a corresponding increase in the population and wealth of the Nation, thus immediately alleviating the unavoidable burdens of taxation in two directions at one time.

Senator WADSWORTH, of New York, recently put the problem briefly and eloquently when he wrote, "The relative decrease in the farming population has become a menace to the Nation. It is as certain that this Government will be forced to take some definite action regarding the settlement of land as it is that the British people will no longer tolerate the ownership of the land of England for shooting preserves. Home hunger is a primal thing. It is the desire to own homes which has brought millions of immigrants to the United States. Home owners are the backbone of a self-governing nation, because necessarily they are self-governing individuals." A constructive national land-settlement program offers a direct cure for Bolshevism, which is the greatest political problem of the day. This problem is acute and demands immediate solution. All those who have home hunger in their hearts must be searched out and those who are competent must be helped upon the land, whether soldiers, sailors, or long-neglected and undigested foreign immigrants. This must be done by private endeavor under Government guidance. This program will lead to solve the agricultural labor problem in every State. If begun immediately it will offer opportunity for labor in self-sustaining, self-feeding effort should any slacking up occur in industry.

The program must be big enough and broad enough to get big results and to interest and focus the best minds of the Nation and thus stimulate private effort upon the same lines. Therefore Congress must initiate and sustain this new enterprise upon the proper scale and scope to arouse and to direct the patriotic effort of the whole Nation toward increased production and active labor along those lines which first laid in the thirteen original States the foundation of this magnificent, wealthy, and powerful Nation. The superstructure has outgrown this foundation, and it is for us here and now to remedy this condition.

It is interesting and suggestive that although a call was made to more States, the 13 most westerly alone were represented in Salt Lake City in November, and their representatives were the first to formulate a plan for the part of the extreme West in this nation-wide land-settlement program, which to them unanimously appears to be the one best adapted to their local conditions. It is necessarily based upon the national reclamation act, adopted in 1902. This plan has to-day been presented to you and affects the 17 so-called reclamation States.

We wish to call your attention to the fact that these States are very large producers of cattle, sheep, wool, alfalfa, cotton, and sugar—all items directly affecting the cost of living in every household in the United States—and they comprise the only large area where the production of all these products can be rapidly and greatly increased. These products, you will note, complement rather than compete with the products of the rain belt, even our cotton being of special long-staple varieties grown only under irrigation. These products even reduce the cost of living to every farmer's family.

We ask for very little present outlay in comparison to the immediate productive results to be obtained by the completion of works long since begun by the Reclamation Service, but discontinued during the war for lack of funds, labor, and material.

A total loan to the reclamation fund (not a direct appropriation) of $250,000,000 to be pledged at once because of the need of a comprehensive and continuous constructive program, and to avoid all risk of another period of shutdown, waste, and loss, such loan to be made in installments as needed and to be appropriated for yearly expenditure at the discretion of Congress in such amounts as will be most efficient, probably never more than $20,000,000 in any one year.

The yearly appropriation actually required may even probably be reduced by receipts from the sale of public lands and from coal, oil, and gas leases, so as to materially extend the relief period, but it must be held available for time of need.

If desired in the future still further to reduce the annual loan installments from the Treasury, this can be done by establishing a policy of grazing leases or licenses upon the public domain within these States, proceeds of which in part could go to the reclamation fund, or those grazing lands themselves might be turned over to the States to be administered as they see fit, certain proceeds therefrom to go to that fund.

Some such policy of range control and range improvement must soon be established if meat production is to be sustained and increased in the great live-stock breeding area of the Southwest, which now furnishes and must continue to furnish the larger portion of the feeders for the corn belt and the grass lands of the Central States and the North. Three successive years of drought having sadly depreciated the range as well as decreased the herds strongly emphasize this feature, as well as the need for increased alfalfa production. The price of alfalfa in the Southwest has advanced from $8 to $35 and $40 per ton f. o. b. cars under the present conditions.

Should this policy be inaugurated it may well be that this union of the 13 States of the far West and their leadership will result in a new birth of national consciousness, a renewal of national energy, and a new era of national growth second only to that inaugurated by the 13 Eastern States in 1776. Gentlemen, we ask your assistance and your cooperation, as we believe, upon a thoroughly sound basis.

In behalf of New Mexico I append some statistics to support our argument and also to sustain the position that because we have been now working nearly 20 years under a definite Federal reclamation program, which has largely influenced our State irrigation laws and practice, the resulting legal, financial, and practical agricultural and irrigation ramifications are such that all of our greater irrigation problems, and many of the smaller, are so interdependent with Federal interests that we absolutely can not move alone.

New Mexico irrigation statistics.

Total area of New Mexico—acres	78,485,760
Irrigated area (three-fourths of 1 per cent)—do	637,215
Population of the State	450,000
Population of irrigated area (66⅔ per cent)	300,000
Annual production irrigated area	$25,488,600
Total bank deposits in irrigated area	$30,494,000
Total assessed valuation in State	$375,000,000
Assessed valuation of irrigated area	$38,500,000
Area under existing canals to be made available by increased storage chiefly by reclamation funds—acres	150,000
Increase available by completion of Rio Grande and Carlsbad projects and canals at Taos and Fort Sumner—acres	150,000
Total possible increase in irrigated area—do	1,045,000

To illustrate the present interdependence of irrigation, present and future, in the State of New Mexico, both legal and practical, with the reclamation program of the United States, and the present acute situation which is bringing serious financial loss both to the settlers and the United States by delay, it is proper to say that the two reclamation projects in the State—the Rio Grande project, with a net investment cost June 30, 1919, of $2,295,964.75, and the Carlsbad project, net investment $1,204,577.35—are each, respectively, situated at the lower end of the watershed of the two great north and south drainage areas traversing the entire State, and under the State irrigation law hold an appropriation right for storage which completely dominates these drainage areas.

On June 30, 1919, Carlsbad project construction charges had accrued to the amount of $221,963.30, all but $14,406.51 having been collected, while under the Rio Grande no construction charges had been made or collected because of bad drainage conditions and deferred construction now practically at a standstill for lack of funds. Meanwhile, many of the settlers' improved farms have gone back and more are being threatened by the lack of drainage facilities.

Estimated acreage damaged by seepage June 30, 1919	80,700
Estimated acreage protected by drains to June 30, 1919	57,000
Estimated acreage to be protected by drains	147,000
Cost of drainage to June 30, 1919	$930,535.95

(See p. 263 of 18th Ann. Rept. of the Reclamation Service.)

Crop report for the Carlsbad project for the year 1919 is appended hereto to show the character of crops grown and the annual return therefrom on the southern projects in Arizona and New Mexico.

Crop yield report of Carlsbad project for the year of 1919.

Crop.	Area.	Unit of yield.	Yields.				Values.		
			Total.	Per acre.			Per unit of yield.	Total.	Per acre.
				Average.	Maximum.	Minimum.			
Irrigated for production of this crop:	*Acres.*								
Alfalfa hay	7,031	Ton	21,306	3.03	6	0.5	$20.18	$429,974.00	$61.15
Alfalfa seed	912	Pound	123,041	135	400	25	.245	30,199.00	33.11
Barley	66	Bushel	1,396	21.15	22	20	1.73	2,420.00	36.66
Cane	379	Ton	721	1.90	6	.4	14.61	10,538.00	27.80
Corn fodder	429	do	556	1.30	4	.2	15.73	8,746.00	20.38
Corn, Indian	541	Bushel	11,797	21.80	45	10	1.57	17,773.00	32.85
Corn, sorghum	279	Hundredweight.	2,725	9.75	25	8	2.76	7,528.00	27.00
Cotton	8,713	Bale	5,051	.58	2.75				
		Pound	2,525,805	290	1,375	50	.50	1,262,902.00	144.96
Cotton seed	8,713	Ton	2,399	.275	2,610	150	70.00	167,930.00	19.27
Garden	34							2,750.00	80.87
Oats	119	Bushel	1,995	16.76	22	10	.56	1,111.00	9.33
Pasture	1,080	Acre						23,535.00	21.79
Peaches	53	Pound	134,753	2,542	8,000	330	.044	5,998.00	113.17
Pears	7	do	13,500	1,929	3,000	500	.043	585.00	83.57
Potatoes, sweet	21	Pound	181,620	8,649	16,000	1,200	.033	6,056.00	288.38
Wheat	301	Bushel	5,727	19.02	.33	8	1.83	10,501.00	34.88
Total and average	28,678							1,988,546.00	106.01
Less duplicated areas	9,925								
Total cropped	18,753								
Irrigated for other purposes:									
Fall alfalfa seeding	388								
Fall oats seeding	157								
Irrigated without crop	1,065								
Less duplicated areas	1,610								
Total other purposes	1,610								
Grand total irrigated	20,333								

Areas.	Acres.	Farms.	Per cent of project.
Total irrigable area farms reported	24,990.6	565	100
Total irrigated area farms reported	20,363	565	18
Under water right applications	24,990.6	565	100
Under rental contracts	None.		
Total cropped area farms reported	18,753	565	75

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 411. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. PORTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, January 24, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill relative to promotion by selection in the Navy (H. Doc. No. 628); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting report required by the act approved June 25, 1910, covering the period of December 1, 1918, to November 30, 1919, inclusive, together with copy of a letter from the Commissioner of the General Land Office (H. Doc. No. 629); to the Committee on the Public Lands and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting an alternate estimate of appropriation required for salaries, Metropolitan police, District of Columbia, fiscal year 1921, to comply with provisions of the act of December 5, 1919 (H. Doc. No. 630); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Federal Board for Vocational Education for vocation rehabilitation for the current fiscal year (H. Doc. No. 631); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting alternate estimate of appropriation required by the Federal Farm Loan Board for the fiscal year 1921 (H. Doc. No. 632); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 7629) to amend the penal laws of the United States, reported the same without amendment, accompanied by a report (No. 580), which said bill and report were referred to the House Calendar.

Mr. COLE, from the Committee on Indian Affairs, to which was referred the bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the claims of the Iowa Tribe of Indians against the United States, reported the same without amendment, accompanied by a report (No. 581), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 7567) for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros., reported the same without amendment, accompanied by a report (No. 583), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 12010) for the erection of a public building at Covington, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. VENABLE: A bill (H. R. 12011) to provide for the copyright of educational games; to the Committee on Patents.

By Mr. FULLER of Illinois: A bill (H. R. 12012) concerning the administration of the pension laws in claims for pensions of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War, and by the widows of such persons; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12013) for the reclamation of lands in the Imperial and Coachella Valleys, Calif., and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. RHODES: A bill (H. R. 12014) to provide a tariff and to obtain revenue in connection with cobalt, oxide of, and repealing existing laws fixing the rate of duty on such commodity; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 12015) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans.; to the Committee on Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 12016) granting an increase of pension to William F. Dines; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 12017) to reimburse William H. Flagg and E. B. Flagg for property destroyed by mail aeroplane No. 73, operated by the Post Office Department; to the Committee on Claims.

By Mr. GANLY: A bill (H. R. 12018) granting an increase of pension to William Riley; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 12019) granting an increase of pension to Isaiah G. Mayo; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 12020) granting a pension to Charles L. Kent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12021) granting a pension to Ida McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12022) granting a pension to George W. Murphy; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 12023) granting a pension to Louise M. McArthur; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 12024) granting a pension to Sophia Schram; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 12025) granting an increase of pension to Margaret L. Burns; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 12026) granting an increase of pension to Robert W. McFarland; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 12027) granting a pension to Sarah C. Bragg; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 12028) to remove the charge of desertion against William H. Mounce; to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 12029) granting a pension to John T. Burris; to the Committee on Pensions.

Also, a bill (H. R. 12030) granting a pension to James C. Overbee; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1075. By the SPEAKER: Petition of the Federal Council of the Churches of Christ in America, of New York City, relative to certain legislation now pending; to the Committee on Foreign Affairs.

1076. Also (by request), petition of First National Labor Party, Bellville, Ill., regarding the treatment of the mine workers by the Department of Justice during the recent strike; to the Committee on the Judiciary.

1077. By Mr. BROWNING: Petition of the Gloucester County Pomona Grange, No. 8, of New Jersey, against universal military training and a large standing Army; to the Committee on Military Affairs.

1078. Also, petition of the Gloucester County Pomona Grange, No. 8, of New Jersey, protesting against renewal of the daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

1079. By Mr. CARSS: Petition of sundry citizens of the eighth district of Minnesota relative to certain railroad legislation; to the Committee on Interstate and Foreign Commerce.

1080. By Mr. CULLEN: Petition of the Ancient Order of Hibernians, of Philadelphia, Pa., relative to the Mason bill; to the Committee on Appropriations.

1081. By Mr. DARROW: Petition of the Cliveden Improvement Association, of Germantown, Philadelphia, Pa., urging daylight saving legislation; to the Committee on Interstate and Foreign Commerce.

1082. By Mr. FULLER of Illinois: Petition of John L. Lewis, of the United Mine Workers of America, against the Sterling-Graham sedition bills; to the Committee on the Judiciary.

1083. By Mr. O'CONNELL: Petition of the United Mine Workers of America, at Indianapolis, Ind., protesting against Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

1084. Also, petition of A. M. Farrier, of the Easton Car & Construction Co., of New York City, protesting against Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

1085. Also, petition of the National Conservation Association of Washington, D. C., against certain provisions in House bill 3184; to the Committee on Water Power.

1086. By Mr. ROWAN: Petition of Gifford Pinchot, president of the National Conservation Association, regarding the water-power bill (H. R. 3184); to the Committee on Water Power.

1087. Also, petition of Aloysius D. Mabry, first lieutenant, United States Army, Cohoes, N. Y., regarding the protracted hospital treatment for military personnel in the Army; to the Committee on Military Affairs.

1088. Also, petition of John L. Lewis, president of the United Mine Workers of America, protesting against the sedition bills now pending; to the Committee on the Judiciary.

1089. By Mr. SMITH of Michigan: Petition of Frank P. Rogers, commissioner of highways of Michigan, favoring the Kahn bill (H. R. 9412); to the Committee on Military Affairs.

SENATE.

SATURDAY, *January 24, 1920.*

(Legislative day of Friday, January 23, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11892. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 11927. An act to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increase of compensation.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from South Dakota [Mr. STERLING] as modified.

Mr. SMOOT. Mr. President——

Mr. KENYON. Before the Senator from Utah suggests the absence of a quorum, will he wait a moment? The roll call may serve two purposes. I should like to inquire of Senators if a unanimous-consent agreement can not be obtained to vote on the bill? I would suggest that we vote this afternoon, but, if not, say Monday by 3 o'clock. Such an agreement would necessitate a call for a quorum, and if it is had now the call may accomplish two purposes. Is there any objection so far as Senators present are concerned?

Mr. HITCHCOCK. What hour on Monday does the Senator suggest?

Mr. KENYON. I suggest 3 o'clock on Monday, but 4 o'clock would be satisfactory.

Mr. HITCHCOCK. I am not able to speak for those on this side who are absent, but as far as those here are concerned we would not have any objection to making it late in the afternoon on Monday.

Mr. KENYON. I should like to inquire of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. It has been suggested to me by one of the Senators to make it not later than 5 o'clock on Monday.

Mr. KENYON. From our experience yesterday it will be difficult to get a quorum after half past 4. The Senate does not seem to be functioning very well.

Mr. HITCHCOCK. If the Senator will make it not later than half past 4, the vote might come earlier.

Mr. KENYON. The only thing I am thinking about is that late in the afternoon there will be difficulty in getting a quorum.

Mr. HARRISON. To make it not later than 4 o'clock, I think, would be all right.

Mr. SMOOT. Will the Senator from Iowa ask unanimous consent now? Then his request will require the calling of the roll.

Mr. KENYON. If it is not arranged now, we would have to have another quorum call; and I will make my request now.

Mr. SMOOT. I so understood; and I was not going to suggest the absence of a quorum for that reason. Let the Senator make his request now, and then the roll can be called for a quorum.

Mr. KENYON. There is no use making the request if Senators here are going to object. I can wait until later and see how we get along. It may be that we will reach a vote this afternoon. If not, I will submit the request later in the afternoon. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harrison	Moses	Poindexter
Beckham	Hitchcock	Nelson	Sheppard
Brandegee	Jones, Wash.	Newberry	Sherman
Dial	Kenyon	Norris	Smith, Ga.
Edge	Kirby	Nugent	Smoot
Elkins	Lodge	Page	Sterling
Fernald	McCormick	Phelan	Trammell
Hale	McCumber	Phipps	Wadsworth
Harris	McNary	Pittman	Walsh, Mass.

Mr. MOSES. I announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is no quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. JONES of New Mexico, Mr. OVERMAN, Mr. REED, Mr. ROBINSON, Mr. SMITH of South Carolina, and Mr. WARREN answered to their names when called.

Mr. POMERENE, Mr. SUTHERLAND, Mr. SPENCER, Mr. CAPPER, Mr. KELLOGG, Mr. COLT, Mr. TOWNSEND, Mr. CUMMINS, Mr. WALSH of Montana, Mr. MCKELLAR, Mr. NEW, Mr. CURTIS, and Mr. GERRY entered the Chamber and answered to their names.

Mr. GERRY. I wish to announce that the Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

I wish also to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Utah [Mr. KING], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Colorado [Mr. THOMAS] are detained from the Senate by illness.

The Senator from Maryland [Mr. SMITH], the Senator from Delaware [Mr. WOLCOTT], the Senator from Kentucky [Mr. STANLEY], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. KENYON. I submit the following unanimous-consent agreement.

The VICE PRESIDENT. It will be read.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Monday, January 26, 1920, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 3315, a bill to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and in the assimilation of foreign-born residents, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. HARRISON. Will the Senator change 10 minutes to 15 minutes?

Mr. KENYON. On the bill?

Mr. HARRISON. Yes; on the bill, for one Senator.

Mr. KENYON. I have no objection to that. I ask leave to change the 10-minute limit to 15 minutes, as suggested by the Senator from Mississippi.

Mr. HITCHCOCK. I should like to inquire what effect that has on Calendar Monday?

The VICE PRESIDENT. The unanimous-consent agreement does not provide that the bill shall remain exclusively before the Senate until disposed of.

Mr. KENYON. I think it should do that. It was my intention to move a recess and that would put an end to Calendar Monday. Let the Secretary insert that the bill shall remain before the Senate exclusive of other business.

Mr. HITCHCOCK. That does away with Calendar Monday, which raises some objection. Is it possible to have the calendar continue until 2 o'clock on Monday?

Mr. KENYON. I would have no objection.

The VICE PRESIDENT. The Chair is going to rule that if it does not go in, Calendar Monday is Calendar Monday.

Mr. KENYON. I ask that it go in. Will the Senator from Nebraska agree to that?

Mr. HITCHCOCK. I suggest to the Senator that I should like to have some opportunity to proceed with the calendar until 2 o'clock.

Mr. KENYON. A parliamentary inquiry. If the proposed unanimous-consent agreement is adopted, the calendar would be before the Senate on Monday until 2 o'clock?

The VICE PRESIDENT. Until 2 o'clock, according to the opinion of the Chair.

Mr. KENYON. Then the unfinished business would come on, speeches would be limited to 15 minutes on the bill, and the vote would commence at 4 o'clock. I have no objection to that if the Senator from Mississippi [Mr. HARRISON] does not object.

The VICE PRESIDENT. That is what the Chair would rule.

The ASSISTANT SECRETARY. At the end of the proposed unanimous-consent agreement it is proposed to add, "*Provided*, That nothing in this agreement shall interfere with the morning hour on Calendar Monday."

Mr. HITCHCOCK. I suggest it should read that nothing shall interfere with the consideration of the calendar under Rule VIII on Monday up to 2 o'clock.

Mr. SMOOT. That is where Rule VIII takes it.

The VICE PRESIDENT. It goes no further than that.

Mr. KENYON. One o'clock should be changed to two o'clock.

The ASSISTANT SECRETARY. It is proposed to change the request for unanimous consent as originally made so that it will read:

That after the hour of 2 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than 15 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

The VICE PRESIDENT. Now, let there be no misunderstanding about this. Of course, there will be no Calendar Monday should the Senate take a recess to-day.

Mr. KENYON. I did not understand the statement of the Chair.

The VICE PRESIDENT. The Chair stated that there should be no mistake about this unanimous-consent agreement, if entered into. If a recess is taken from to-day until Monday, there will, of course, be no Calendar Monday.

Mr. KENYON. The understanding is that if it desired to have a Calendar Monday I shall not move a recess, but shall move to adjourn. I made the suggestion a while ago that I would move a recess, thinking that would eliminate Calendar Monday, but I understand the Chair to hold that it would not do so.

The VICE PRESIDENT. The Chair did not hold any such thing.

Mr. KENYON. If Senators want Calendar Monday, instead of moving a recess, I shall move to adjourn. If they do not, I shall move a recess.

Mr. HITCHCOCK. I think that is satisfactory.

The VICE PRESIDENT. Is there any objection to the unanimous-consent agreement?

Mr. LODGE. I should merely like to hear the terms of the proposed unanimous-consent agreement read, if the Secretary will be kind enough to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Monday, January 26, 1920, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 3315, a bill to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and in the assimilation of foreign-born residents, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 15 minutes upon the

bill, or more than once or longer than 5 minutes upon any amendment offered thereto: *Provided*, That nothing in this agreement shall interfere with the consideration of the calendar under Rule VIII during the morning hour of the said calendar day.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the agreement is entered into.

LAND FOR WALTER REED HOSPITAL.

Mr. SPENCER. On yesterday I reported from the Committee on Military Affairs a joint resolution to correct a mistake in a bill which we passed in July, 1919, with regard to Walter Reed Hospital. In July, 1919, we authorized the purchase of some land in connection with Walter Reed Hospital in this city. The comptroller has ruled that because in that bill there was a general prohibition against the purchase of land our specific appropriation for Walter Reed Hospital was not available, and the War Department has sent down to us a corrective amendment, which is now Senate joint resolution No. 107, to relieve that situation.

It is important at this time that this legislation pass, because the real estate department has a contract with regard to the purchase of a large portion of the land which is so extremely advantageous that they are anxious at once to close the transaction for fear that they will lose it, as the time runs out in a few days. I therefore ask, if there is no objection, that the joint resolution be now taken up for consideration. It is very brief, and it corrects the situation to which I have referred.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. SMOOT. Mr. President, I should like, first, to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 147) to amend the Army appropriation act approved July 11, 1919, was read as follows:

Resolved, etc., That no provisions contained in the Army appropriation act approved July 11, 1919 (Public, No. 7, 66th Cong.), shall be deemed or construed to prohibit the expenditure of the appropriation of $350,000 made therein for the purchase of land contiguous to the Walter Reed General Hospital, 26.9 acres more or less, and the acquisition of so much of said acreage for the amount appropriated as the Secretary of War, in his discretion, may deem to be in the public interest.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Missouri if the price of the land referred to in the joint resolution has been agreed upon?

Mr. SPENCER. There is a definite contract for 94 out of the 195 lots, and the War Department is of the opinion, in which I concur from my own examination, that if these 94 lots are acquired for $82,000, which is the contract price, the remainder of the appropriation of $350,000 will be amply sufficient to complete the entire purchase.

As I have stated, the comptroller made the ruling that our specific appropriation of $350,000 was not available because of a general prohibition in the same bill. As a matter of law, I do not agree with the ruling, but the purpose of this joint resolution is merely to correct the legal status of our appropriation so that it may be available. Otherwise the joint resolution does not change the law.

Mr. SMOOT. Did I understand the Senator to say that there were 26 acres of land involved?

Mr. SPENCER. That is my information.

Mr. SMOOT. Then, it would cost about $14,000 an acre.

Mr. SPENCER. There are some improvements upon some of the lots; some of them have houses upon them. The land which is now under contract covers 94 lots, at a price of 17 cents a square foot, which is less than one-half of what those lots could be purchased for in the open market.

Mr. KENYON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KENYON. It seems to me that under the unanimous-consent agreement the unfinished business is before the Senate to the exclusion of other business, and I must object to other business being taken up.

The VICE PRESIDENT. The objection of the Senator is well taken.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from South Dakota as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. If there are no other amendments——

Mr. KENYON. The Senator from Georgia [Mr. SMITH] has some amendments which he desires to offer, and I see he is now in the Chamber.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator from South Dakota if it would be advisable in his substitute for paragraph (e) of section 5 to insert after the word "require" the words "as far as practicable," or "as far as possible and practicable," so as to make it conform to the phraseology of paragraph (f), which was disposed of on yesterday.

Mr. STERLING. Mr. President, I would not like to agree to an amendment of that kind in subdivision (e). We have stricken out the words "under penalty" in subdivision (e). I should like to have it still regarded as compulsory, and with the word "require" it will be. It is something with which I think each State can comply. I would not like to have words put in there that would so modify the remainder of the language as to leave it optional with the State, and I am afraid that that is the way it might be construed. I do not think I can agree to an amendment of that kind.

Mr. JONES of New Mexico. A parliamentary inquiry, Mr. President. Is the substitute which has been adopted by the Senate subject to amendment at this time, or must it be reserved for amendment in the Senate?

The VICE PRESIDENT. It is not subject to amendment without a reconsideration of the vote whereby it was agreed to.

Mr. JONES of New Mexico. I should like to urge upon the Senator from South Dakota and upon the Senate to modify the subdivision in the respect to which I have just referred. The Senate must understand that otherwise it would undoubtedly work a very great hardship. It must be apparent to all that there would be a disposition for the legislatures not to attempt a compliance with that provision of this bill. It would be impossible for the legislatures, or, at any rate, impracticable for the legislatures, to require, under penalty, all residents who are citizens of the United States to attend a school for the length of time required by that provision. It makes no exception in the case of sickness; it makes no provision for any exception whatever.

Mr. STERLING. Mr. President, if the Senator will permit me to interrupt him, it does expressly make provision for that class of persons. The words "who are not physically or mentally disqualified" make the exception. If they are physically or mentally disqualified, of course, they do not come under the provisions of subdivision (e).

Mr. JONES of New Mexico. I only have before me the original draft of the bill. I have not the Senator's substitute, and doubtless the Senator is right about it and I was wrong. The original bill did not make any exception whatever.

Mr. STERLING. That is true, I will say to the Senator, and I had in mind in framing this substitute the fact that there should be that exception.

Mr. JONES of New Mexico. Now, I desire to call the Senator's attention to another situation. Take it in my own State: That is a State about 350 miles wide and 400 miles long, and contains a population of only about 450,000 people. Those people are distributed pretty well all over the State, but there are vast distances where there are but very few people; and I should like to know of the Senator if he has in mind now any way of taking care of that kind of a situation without making some special provision for it? Those people are scattered all over that expanse of country, about 123,000 square miles, engaged in various occupations. A good many of them are sheep herders, and engaged in occupations away from any settlement. Would the Senator require them to give up their business, if there are only a few of them in one section of the country, in order to get to some center where provision might be made for this instruction; or would the Senator want to go to the extent of providing such instruction over such a sparsely settled country? Ought not that to be left to the determination, along practical lines, of the people who know and must deal with the situation? If it is made to read "as far as practicable," it seems to me that ought to be sufficiently drastic.

I am perfectly willing to go to any length that is practicable to carry out the purposes of this bill, and I am in hearty sympathy with it. I do not know of any piece of legislation which to my mind is of greater importance than this bill; but I do want to have it so framed that it will not bring about an impossible situation.

Mr. STERLING. I supposed, Mr. President, in answer to the Senator from New Mexico, that school facilities would be provided for the children of all the States; and if in the Senator's State such school facilities are not provided for the children of the State I think his State must be a rare exception. Wherever a State can provide school facilities for the children I think it

can meet the requirements of this subdivision and provide for the education of those between 16 and 21 years of age.

Mr. JONES of New Mexico. School facilities are provided for the children who are not above 14 years of age, but no provision is made for the compulsory education of children above 14 years of age in that State, and this relates to those who are above 16 years of age. It would include the young men who are out with the flocks and the herds, long distances from any present school facilities. The Senator lives in a sparsely settled section of the country, but I doubt if it is quite so sparsely settled as some other sections.

Mr. STERLING. I appreciate what the Senator says. There may be those impossible cases, and I do not believe that under the provisions of the bill the Secretary of the Interior will require the impossible to be done, and if there are young men far removed from school facilities or from places where they can be furnished with school facilities I do not believe the State will be held, leaving the language of this subdivision as it is, to provide those facilities.

Mr. JONES of New Mexico. May I inquire of the Senator whether his substitute makes any exception whatever except for the physical disability which he mentioned a while ago?

Mr. STERLING. No physical or mental disqualification.

Mr. JONES of New Mexico. Then would there be any discretion left in the legislature, in providing for the enforcement of this measure, to make any exception?

Mr. STERLING. If I could make an exception to fit the case proposed by the Senator from New Mexico, I should have no objection to doing it. I would suggest to the Senator that he see if he can not frame some amendment that would reach the kind of a case he proposes. I suppose it would hardly be admissible here, but after the bill comes to the Senate it could be offered.

Mr. JONES of New Mexico. Inasmuch as we have agreed upon the language of subdivision (f) it seems to me that a strong case can be made in favor of duplicating that language here, because if you expect the one to accomplish its purpose it would accomplish the same purpose in the other provision.

Mr. STERLING. There is this about subdivision (e): I think the education should be compulsory between the ages of 16 and 21. Subdivision (f) covers the ages between 21 and 45, and there is that reason for the distinction. I do not believe we ought to make it any less than compulsory generally; and if there are exceptions, let those exceptions appear by way of amendment, rather than some general language that will allow any State to ignore the law.

Mr. JONES of New Mexico. Mr. President, I fear that the legislatures will not pass any such drastic legislation as would be required by this section as it now reads. I do not believe they will do it.

Mr. OVERMAN. Mr. President, I should like to ask the Senator from South Dakota if the legislature would be required to have compulsory education generally, or just for illiterates; or would it be a general law?

Mr. STERLING. Oh, simply for illiterates.

Mr. OVERMAN. A general law?

Mr. STERLING. For these illiterates.

Mr. OVERMAN. The compulsion would apply only to illiterates?

Mr. STERLING. Certainly; and, besides, I should say, to any who can not speak, read, or write the English language.

Mr. OVERMAN. And it would not be a general compulsory law from 16 to 21?

Mr. STERLING. Not at all. It would apply only to all illiterates; and to those who, under the language of the bill, can not speak, read, or write the English language.

Mr. JONES of New Mexico. Mr. President, I do not know whether the substitute of the Senator from South Dakota was adopted upon a roll call or not. If I have the right, I should like to move at this time to reconsider the vote by which the substitute offered by the Senator from South Dakota was adopted.

Mr. SMITH of South Carolina. Mr. President, may I ask the Senator from New Mexico a question?

Mr. JONES of New Mexico. Certainly.

Mr. SMITH of South Carolina. Is the Senator opposed to the limitation of 16 to 21 for illiterates?

Mr. JONES of New Mexico. Not at all. It is not a question of the age or any other provision regarding it; but the way the paragraph now reads, it provides that they shall require under penalty all these residents to do this, and the only exception to it is the one of physical disability, which has been put in here. What I am insisting upon is that there may be other conditions which would become apparent to the legislature of a State at the time it was passing legislation upon this subject which would make it impracticable. Therefore I seek to put in here, in connection with this requirement, a proviso that they shall require as far as practicable, under penalty, these things; and it will undoubtedly develop in various States that there are local situations, or situations of one kind or another, which would make it impossible or impracticable or inadvisable for the legislature to pass an act making it a penal offense not to educate the people under circumstances which would be contrary to all sense of justice. What I am seeking to do is to put in there the words "require as far as practicable." I am willing to add to that, "subject to the approval of the Secretary of the Interior."

Mr. STERLING. Mr. President, if the Senator from New Mexico will allow me to make a suggestion, it is that, instead of reconsidering the vote by which this substitute was adopted, the Senator consider the question of an amendment to be offered, and I will say to the Senator from New Mexico that I will do the same thing, and I will confer with him and see if we can not agree upon an amendment to meet some such situation as he suggests. Let me say further, in answer to the Senator, that the words "under penalty" have been stricken out by amendment.

Mr. JONES of New Mexico. I shall be very glad to act upon the suggestion of the Senator and withdraw my motion at the present time, and I shall be glad to confer with the Senator from South Dakota with regard to it.

Mr. STERLING. We will not dispose of it now before Monday, and there will be ample opportunity, I think.

Mr. JONES of New Mexico. Very well. I shall be very glad to cooperate with the Senator.

Mr. SMOOT. Mr. President, I move as a substitute for section 3 the following:

SEC. 3. That of the amount appropriated by section 2 above, $336,100 may be deducted and used for the following purposes:
Administrative officers, specialists, and field officers in Washington, D. C.—1 at $5,000, 4 at $4,000 each, 3 at $3,500 each, 5 at $3,000 each, 4 at $2,750 each, 5 at $2,500 each; total, $70,000;
Clerks, stenographers, and messengers in Washington, D. C.—1 at $2,000, 3 at $1,800 each, 6 at $1,600 each, 10 at $1,400 each, 5 at $1,200 each; total, $37,000;
Regional officers—4 at $3,500 each, 8 at $3,000 each; total, $38,000;
Clerks and stenographers in regional offices—4 at $1,400 each, 4 at $1,200 each; total, $10,400;
For printing, stationery, illustrative material, $75,000;
For traveling and subsistence, $30,000;
Rent of regional offices, $5,000;
Part-time expert help in preparing material for teaching, $50,000;
Ten short-course training schools for supervisors and directors and those who will train teachers, $20,000; and
Incidental and contingencies, $7,000.

Or a total, in all, of $336,100.

I simply want to say that instead of a lump sum of $500,000, this amendment provides the number of administrative officers, specialists, and field officers in Washington, the number of clerks and stenographers and messengers, the number of regional officers, the number of clerks and stenographers in regional offices, and then the general expenses for the administration of the act itself.

Mr. KENYON. I want to make an inquiry of the Senator from Utah. That cuts, as I understand it, the number of officers desired by the Department of the Interior for this work, and it cuts the appropriation about $170,000?

Mr. SMOOT. Yes; it cuts the number of clerks and officers, not only in Washington but the regional officers and clerks as well, and it also deducts from the itemized statement made by Mr. Claxton, the commissioner, for the expenses in the administration of the law.

Mr. KENYON. I am going to offer no objection to the amendment. I believe that payment out of lump sums is bad policy. While the amendment does not give them as much help as they think they ought to have, they can undoubtedly get along with it. I am willing that the amendment shall be adopted.

The amendment was agreed to.

Mr. SMITH of Georgia. I suggest that, on page 2, line 13, the word "periodicals" should be stricken out. Possibly that has already been done.

The VICE PRESIDENT. The whole section in the text is out now.

Mr. KENYON. I want to call the attention of the Senator from Georgia to a number of matters. We have had a good deal of discussion on the floor as to the power of the Secretary of the Interior in the regulation of this work. I suggest to the Senator from Georgia that in section 7, page 6, in line 6, after the word "being," there be inserted the word "properly." I move as an amendment, in line 6, page 6, section 7, that the word "properly" be inserted.

I shall follow that with other amendments to section 10 to make it clear that if the money under this act is not used by the States fairly and properly to carry out the purposes of the

act it will be within the power of the Secretary of the Interior, under section 10, to stop payment after the first three months. That is to meet the question that has been in people's minds and has made some trouble about the bill. I do not think there is anyone who wants to have the money used unfairly as between races or anybody else, and it does give the Secretary that power.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 6, line 6, after the word "being" and before the word "applied," insert the word "properly."

Mr. SMITH of Georgia. The Senator also stated that it is his purpose to move to strike out subdivision (g), on page 4, section 11.

Mr. KENYON. When we complete these amendments, if the Senator from Georgia will move to strike out subdivision (g), as far as I am concerned I shall offer no objection.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. On page 7, section 10, I move these amendments: In line 2, after the words "Secretary of the Interior," I move to strike out the words "shall pay" and insert the word "made"; and, after the word "year," in line 4, to insert the words "shall pay." Then, in line 6, after the word "act," I move to insert the words "for the ensuing quarter."

Let us understand that thoroughly. It means that the certifications shall be made quarterly, so that if under section 7 the Secretary of the Interior should reach a determination that the money was not being properly applied to carry out the purposes of the act he could stop any further payment for that year.

Mr. SMITH of South Carolina. If the Senator will allow me, his first amendment was, in line 2, to substitute the word "shall" for the word "may"?

Mr. KENYON. To substitute "made" for "shall pay." Then, the words "shall pay" come in after the word "year," in line 4, so that it would read:

That the Secretary of the Treasury, upon the certification of the Secretary of the Interior made on the 15th day of August, November, February, and May of each year, shall pay to the custodian of such sums in each State the money to which it is entitled under the provisions of this act for the ensuing quarter.

Under section 7 the Secretary of the Interior could not, if the work was not being properly done, as the bill now stands, stop payment until the year had expired. Under this amendment he could stop payment quarterly if the work was not being carried out. There ought to be no question about that.

Mr. SMOOT. I think the amendment will reach the situation that the Senator suggests.

Mr. KENYON. I feel fortified by hearing the Senator's approval.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. On page 5, line 22, the words "Territories, or possessions" should be stricken out. I move that as an amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. I move to strike out, on page 4, subdivision (g), and I will follow that with a motion to strike out section 11, on page 7.

Mr. KENYON. As the question is thoroughly covered by the amendments I have suggested, and which have been adopted, as far as I am concerned, I shall offer no objection to the Senator's motion to strike out subdivision (g).

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 4, strike out subdivision (g), beginning in line 13, in the following words:

(g) Require the preparation and submission to the Secretary of the Interior, annually, of rules and regulations designed to enforce the provisions of such State law and the rules and regulations of the Secretary of the Interior.

The amendment was agreed to.

Mr. SMITH of Georgia. I now move to strike out section 11, page 7.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Strike out section 11, page 7, in the following words:

SEC. 11. That the Secretary of the Interior shall make such rules and regulations as may be necessary to carry out the purposes of this act, and may cooperate with any department or agency of the Government and request such agencies to cooperate with him and with the several States.

The amendment was agreed to.

Mr. REED. Mr. President, I move to strike out all of section 3.

The VICE PRESIDENT. Section 3 has already been stricken out and a substitute agreed to.

Mr. REED. I asked for a copy of the bill this morning as amended to date, but apparently this is not such a copy.

Mr. SMOOT. I will state to the Senator that I offered a substitute for section 3 subsequent to the statement I made to the Senator that no change had been made in it.

Mr. REED. The Senator showed me that substitute. A parliamentary inquiry, Mr. President. Would it be in order at this time, before the bill gets into the Senate, to move to strike out the substitute? That would have to be done in the Senate, would it not?

The VICE PRESIDENT. The vote would have to be reconsidered.

Mr. REED. I was engaged when the Senator offered his substitute, and did not know that it was being voted upon. It went through on a viva voce vote. I would like to ask the Senator from Utah to move a reconsideration in order that I may make my objection to that section. I shall be very brief about what I have to say.

Mr. SMOOT. I ask unanimous consent that the vote by which the substitute for section 3 of the bill was agreed to may be reconsidered.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the vote by which the amendment of the Senator from Utah was agreed to is reconsidered.

Mr. REED. As I understand the situation now, the Senator's substitute is the same as section 3, except that it provides specifically the sums of money which shall be spent in the manner and form set forth in the tabulation he has given me.

Mr. SMOOT. Yes. In other words, the appropriation is cut from $500,000 to $336,100; but the items the Senator will find in the tabulation I have just handed him.

Mr. REED. Those tabulations which I have before me provide for clerks and stenographers in the regional offices and for printing. Does the Senator understand that there is no part of this appropriation left to be employed for the printing of periodicals devoted to Americanization problems?

Mr. SMOOT. There is $75,000 provided. The estimate from Dr. Claxton, I will say to the Senator, was $100,000, and by this amendment it is cut to $75,000.

Mr. REED. In a parliamentary sense, the substitute is now before the Senate, and I very much favor the substitute over the original. What I desired to do was to move to strike out the entire item.

Mr. SMOOT. Then the easiest way for the Senator to do would be to reserve the right for a separate vote in the Senate, or he can ask the Senate now to disagree to the amendment and then move to strike out the original section 3 of the bill.

Mr. KENYON. May I ask the Senator to what extent his motion goes? He proposes to strike out the amount to be used for printing?

Mr. REED. I want to strike out any part of this bill which provides for the publication of periodicals.

Mr. KENYON. That is the extent to which the Senator's motion goes?

Mr. REED. That is the extent to which it goes.

Mr. SMOOT. It is in order at the present time, then, for the Senator to move to amend the substitute by striking out the item for printing, amounting to $75,000.

Mr. REED. I feel like apologizing for not knowing myself what I ought to do, but while the bill has been under consideration I have been held elsewhere.

The VICE PRESIDENT. It is perfectly plain. What the Senator from Missouri wants to do is to strike out section 3 entirely. So, if he can accomplish his purpose, he can accomplish it by having the pending amendment disagreed to and then move to strike out section 3.

Mr. SMOOT. That is what I suggested.

Mr. KENYON. The Senator does not want to strike out all of section 3, but only that part as to the publication of periodicals. I suggest that the proper course to follow would be to vote to strike out the item for $75,000.

Mr. REED. I move to strike out from the substitute the item which reads as follows:

For printing, stationery, illustrative material, $75,000.

Mr. President, I wish to say just a word on my proposed amendment to the amendment. I very much doubt the propriety of the Federal Government entering the field of education. There is no one who more than myself believes that every man, woman, and child in the United States ought to be given a liberal education. I go to the extent of saying that I

am in favor of compulsory education for the rising generation whether the individuals are born in this country or elsewhere.

But, Mr. President, there are some duties that ought to be performed by the States. If the State governments are incapable of doing anything, they should be abolished. If we are in fact to centralize all power in Washington, we might as well do so boldly and at once. Nobody yet proposes that, although, taking into account the recent drift of affairs, it may soon come.

In my opinion the chief trouble with all our legislation nowadays is this: We find that some particular condition existing in a community or State does not suit us, whereupon we assume that if we take jurisdiction of that question we will conduct it in infallible wisdom. We confidently assert that whatever we undertake to do will be done right; that all the mistakes that the States may have made will be avoided; that whereas the States have only mortals for the administration of their affairs, we will create something supermortal to administer affairs here at Washington. Accordingly we presume that if a State has had an educational system which has in some manner become involved in politics, and we transfer the venue to Washington, we will have a pure and exalted atmosphere in which the wickedness of politics never enters. If a State has done anything which seems to us to be in dereliction of duty, we assume the superior right to judge that State. We forget that the officers and citizens of a State probably know their own business a good deal better than the bureaucrats of the Capital.

So we are undertaking to regulate everything here at Washington. I have not the slightest hesitation in saying that there is not a State in the Union which does not run its business better than the Federal Government runs its business. It manages its business better because its agencies are closer to the business and because those agencies are held to a more direct and immediate reponsibility by their constituencies. The further you remove the agencies of government from the people the greater likelihood of error, inefficiency, and rascality. At the same time there is an inevitable increase of ignorance regarding the wants of the people. If the Senator from North Carolina [Mr. OVERMAN] were an officer of the State of North Carolina, and had presented to him a question affecting the people of North Carolina, he would at once be able to visualize the situation. He knows the people of his own State, he knows their environments, their wants, their ambitions, and he is dealing with a question with which he is familiar.

But another element enters. If he were an officer of the State of North Carolina dealing with a question immediately affecting the people thereof, if he were to fail in his duty, the people of his State might remove him from office.

Those two elements just discussed do not so directly affect the qualifications of Federal officers. If the Senator will pardon me for carrying the illustration a little further, I will assume that he in his capacity as Senator is required to act upon a proposition which is local to the State of Maine. Beyond all question he can not approach it with the degree of knowledge he possesses and may employ in matters concerning his own State.

Besides, the incentive to do something which pleases the people of his own State because of the rewards which they may grant or the punishments which they may administer through removal from office or through loss of their good will is absent in the case where the Senator is dealing with the question from Maine. The consequence is that every time we transfer to the city of Washington these questions that are properly local we are placing them in the hands of men who do not understand local conditions, and who are not directly and immediately responsible to the constituency affected for their conduct. Accordingly, it almost invariably happens that in Washington we get a class of service that is not the equivalent of the service that can be rendered by a State to its people.

It may be said that sometimes States have failed. Over against that I state the proposition that almost universally the Federal Government has failed. Will somebody tell me what branch of business the Federal Government has ever successfully conducted? If you answer the post office, I reply that the post office is not in any proper sense a business concern. It does not trade or traffic. It merely sells stamps at its own price and permits no rivals in its chosen field. We tried to manage the railroads and we made an inglorious mess of that.

The only real progress I have observed is in a placard stuck up in the front end of every car and printed on the back of every menu in every dining car, which asserts the proposition that when a man gets a job on a railroad he becomes a partner in the company and the railroad is thereafter to be run in his interest.

The language substantially is that the railroad is being run in the interest of the public and of the employees, "whose partnership in the enterprise is cheerfully and ungrudgingly recognized." The proposition is pure, absolute, unqualified, unmitigated socialism or communism, as believed in and advocated by the so-called most advanced Bolshevists of the world.

Mr. SMITH of Georgia. May I inquire of the Senator where he states that language is to be found?

Mr. REED. It is placarded in the front end of every passenger car in the United States, and has been for a year; it is on the back of every menu in every dining car on every railroad, and the Government has paid for the printing of that miserable propaganda. The placard used to bear the distinguished signature of Mr. McAdoo, and it is now adorned with that of Mr. Hines. It either means nothing or it means that when a man gets a job on a railroad, whether he is the peanut boy on the train or the man who puts in the ties, or the engineer, or the conductor, he is a partner in the enterprise—not an employee getting pay and wages, but that he becomes a copartner, and that "the partnership is cheerfully and ungrudgingly recognized." When the Government is teaching that sort of rot, that sort of communistic socialism; when the Government, at the expense of the people who ship over the roads, is sowing the seed of a false doctrine broadcast throughout the country, it is time for me to vote to stop appropriating money which may be employed for propaganda purposes.

I have just as much respect for the men who work on the railroads as I have for any class of citizens in our country, and I have voted for them and with them time and again when the opportunity offered. But if the man who works on a railroad is a joint partner in the enterprise the moment he gets a job, then every man who works for anybody else in any capacity has the same right exactly to claim that he is a partner in the business of his employer. So far as the question I am now discussing is concerned, there is no difference in the rule between the public highway that happens to be run by the Government of the United States while it is owned by private individuals and any other private enterprise.

It is no wonder that we have Plumb bills, for this proposition goes further than the Plumb bill; at least, it lays the groundwork for going further, for if those men who work on the railroads are partners in the railroad enterprise, and are cheerfully and ungrudgingly recognized as such, then they have a right to a division of the profits, that being the undoubted right of every partner in a business.

I did not intend to discuss that question, but if the stockholders of the railroad and the employees of the railroad are to be jointly interested in the enterprise and to own it, I wonder what is going to happen to the public that must travel and ship over the railroad? There ought never to arise between the members of such a partnership as I have discussed any difficulty in fixing rates high enough to enrich both groups of partners. All they have to do is to fix the rates high enough so that wages and profits, however high, may be promptly met from the earnings. That is the Plumb plan, but back of the Plumb plan is the McAdoo plan continued by Mr. Hines. I do not know who is back of them. Whoever he may be, I repudiate the doctrine. I am tired of seeing the Federal Government employ the money of the taxpayers of the country to teach socialism and communism. There has been an enormous amount of money so wasted.

What has become of the old Democratic-Republican doctrine that the individual man must take care of himself except in cases of misfortune or infancy?

Mr. SMITH of Georgia. I was merely wondering if the Senator thought that we would return to our Democratic moorings by nominating Mr. Hoover.

Mr. REED. That depends. If we adopt the League of Nations, he is the logical candidate for all parties indorsing that un-American scheme to nominate. I will tell you why. The League of Nations surrenders the sovereignty of the world to an organization which will be dominated by the British Empire. That has been proven on this floor time and time again. The British Empire will cast 6 votes in the assembly direct; she will cast the vote of Persia, which decadent land she now owns; the vote of India, her conquered slave; the vote of Portugal, for years a British pawn; the vote of Hejaz, whose King is in her pay.

She will dominate Greece as she has in the past. Belgium, dependent upon her for support, may not resist her imperious will; France, proud and great, confesses her dependence upon the Empire's navy and army. Behold her as she stands, her hands outstretched to the Senate, asking that we jointly with Great Britain guarantee her against Germany. When she appeals

to us all must realize that her chief reliance is Great Britain, whose mighty navy and army is at her door.

If, therefore, we have a British league of nations, dominated by British votes, why not nominate Mr. Hoover, who all of the years of his adult life has been a denizen and resident of Great Britain; who never yet cast a vote in the United States, unless he has done so since he came here in the capacity of nonofficial food dictator? Possibly, for the purpose of qualifying for office, he has since voted. Why not have him for our President? He will fit admirably into the new order of things. Permit me to further display my candidate's special pro-British qualifications. When Mr. Hoover but crossed over to this country he was written up by a eulogist, who undoubtedly spoke by the card and who probably also spoke for the coin. That eulogist, after he had described Mr. Hoover's beautiful house in London and had told us what great corporations he was connected with, stated that, being asked as to his politics, Mr. Hoover declared that he guessed "he was a liberal." Of course, the Liberal Party is a British party.

Mr. Hoover evidently had not been frequently enough in the United States so that he knew our political parties. Naturally he had to describe his politics by the name of a British political party. The circumstance is a very happy one, for it now eminently qualifies him to run on any platform of any party or on the platforms of all parties, for he owes allegiance to none.

Mr. LODGE. Where did that eulogy of Hr. Hoover appear?

Mr. REED. I put the eulogy into the RECORD when we were first discussing Mr. Hoover. It can easily be found. It was an article written, I think, by Mr. Irwin. It is all copied here and sacredly preserved, covered with the dust of time and laid away in that cemetery of forgotten things, the CONGRESSIONAL RECORD.

I call attention in particular to the fact that Mr. Hoover left here when he was 21 or 22 or 23 years of age. When he came back to the United States he was 46 or 47 years old. He had lived in Great Britain or in the British possessions all of that time. In his youth he was taken from America in the employ of a British syndicate which was operating in Australia. At the time he came to this country he was a member of a very large number of syndicates, joint-stock companies, and so forth, that were operating or pretending to operate in many countries of the world, but chiefly in England. There were Romanoffs who were members of some of his Russian corporations, and there were Englishmen galore of various titles and descriptions in others of his syndicates and corporations. Being asked as to his business, his answer was that he was a promoter. I think that is true. Just now he is promoting a boom for President—his own boom.

So, Mr. President, if we are going to have a British League of Nations, by all means let us have a man who has been trained to English life and English politics and English social rules and English business conditions and who has plenty of investments in British companies, so that when he acts in conjunction with Great Britain we will know at least that British money and British capital are being well cared for. If the world is bankrupt and out of the wreckage we are to save nothing but a British League of Nations, by all means let us keep that country solvent. Why not Mr. Hoover? Think of the influence that America, after going into this League of Nations, might be able to exert if it had Mr. Hoover for President. He knows all the English nobility; he has had a lot of them in his companies; there are many of them in his companies yet; therefore he would have the entrée at once, through these financial connections, with the high fiscal authorities of the British Government. He might get many favors for us as we exist as a subordinate State in the League of Nations. If we are going to have a British League of Nations, let us have somebody represent us who can get next to the British Government.

Mr. President, I charge that Mr. Hoover was one of the go-betweens between Mr. House and members high in the British Government during the negotiations that preceded this war. He was so close to the British Government then as to constitute a convenient connecting link. If anybody wants to investigate that statement, let him offer a resolution of investigation.

In further commendation of Mr. Hoover I direct attention to the fact that he absolutely has no American politics. By reason of that circumstance he will be able to do whatever Great Britain desires him to do without running inconveniently into some political pledge of either the Republican or the Democratic Party, for were he an adherent of either he might be suddenly confronted by a platform announcing some real American principle; some of the old doctrines of the fathers. How inconvenient when we are in the league for an American President, nominated and elected on an American platform, to do business in an organization based upon internationalism, which implies that all nationalities are to be dissolved, all flags be merged into one conglomerate banner, all peoples are thrust into a common melting pot, and that in the fires of the new internationalism all the patriotism of the world is to be consumed. The love of country is to become a thing dead and forgotten. It is to be cast away as a barbarism to be abominated. In the "new era" we are to crush affection for native land and love of the old flag because all that is selfish and wicked and small; we are to become citizens of the world, lovers of mankind, brothers of everybody.

The distinguished Senator from North Carolina [Mr. OVERMAN], who is looking at me, may peradventure be our delegate to the new world government. I can behold him entering the great hall at Geneva; the representative of Haiti upon one arm and the representative of Liberia upon the other, thus exemplifying that glorious trinity—brotherhood, charity, and universal love. I could enlarge the picture, but it pains me so, I desist and "return to my muttons." Why not have a man well trained in British affairs to represent us when we take our place in tribunal exactly on a par with a British colony, except in one small particular, namely, we are a permanent member of the council, whereas the colony must be elected from time to time, a thing easily accomplished by the votes controlled by the British Empire. When that has been done the British colony or dependency will be qualified to sit on the council with us, qualified to sit there, although the mother country is a permanent member; qualified to sit there, although there may be three other British colonies there as temporary members. They are qualified to sit on the council because Lloyd-George, Clemenceau, and Woodrow Wilson have certified the fact.

As the procession forms to enter the world capital I observe that at its head marches the representative of the Imperial Government. Immediately back of him come the representatives of four British colonies and the representative of one British slave, India. The slave India wears golden chains, but they are none the less the chains of servitude. Then immediately behind them, in a sort of post of honor, comes the Senator from North Carolina, now the representative of the United States Government, and flanked on either hand, tricked out in the barbaric grandeur of the tropics, the gentleman from Liberia and the gentleman from Haiti, waving fans to keep off the flies. [Laughter.] Coming along immediately behind them is the gentleman from Siam, the representative of a dying race that is to-day a mere pawn for the British Empire. He is being led by a British officer to tell him where to go and how to go. Then comes an individual wearing a turban, with bare legs, bare arms, and a huge spear over his shoulder. He is drawing $150,000 from the British Empire as the King of Hedjaz. He is right alongside of the Senator. He has just the same vote as the Senator. And poor Persia, with her newly forged chains, a British possession to-day—the representative of that country follows along, another British vote. And Portugal and Greece—I shall not name them all.

They number a full round dozen, enough votes so that in any controversy the British Empire may have before the assembly of the League of Nations—and every controversy between nations can be sent there—the Empire can prevent a binding decision being rendered against her. This is so because a decision by the assembly must be rendered by the unanimous vote of the members of the council, who are also members of the assembly, and by a majority of the noncouncil members. As the organization is now constituted, there will be 23 votes in the assembly outside of the nine council members. Great Britain already controls a majority of these noncouncil members, so that no such thing as a decision against Great Britain is ever possible. Such are the conditions existing as we are asked to place our neck under the infamous and treacherous yoke. Great Britain has a decision against her effectively blocked. If we are to enter this British League of Nations, will it not advantage us to have a near-British subject as our representative, so why not all be for Mr. Hoover?

It is said that he made $10,000,000—I saw the statement in a paper; I do not know whether it is true or not—before he was 30 years old.

That, now, is advanced as a reason why he should be elected President of the United States! A get-rich-quick promoter is the kind of man we ought to have for President! The qualification is that he made money and made it quick. We are not to inquire how; that is immaterial, even insolent. But the modern altruist must know that he made it quick.

If that is the supreme qualification and we Democrats nominate Mr. Hoover, then I say to the distinguished Senator from Massachusetts that the only thing that can save his party from defeat is to nominate J. Rufus Wallingford. [Laughter.] Then we would have a race of two horses bred alike, trained alike—neither of them ought to be handicapped a pound, for each would have a fair and equal chance at the money; and as that would be

what each of them apparently has most desired and gained in life, by all means let us sit back in the grandstand and watch the performance, for I am sure they would both run true to form.

I trust that the distinguished Senator from Georgia, who asked the question that has unexpectedly led me into this digression, is prepared to indorse Mr. Hoover this morning, and do it publicly. Why, I understand that he has bought two newspapers already, while he is being ravished into this fight.

Mr. SMITH of Georgia. The Senator means that Mr. Hoover has bought them, not the Senator from Georgia.

Mr. REED. Oh, yes.

Mr. SMITH of Georgia. And I wish to say that my question did not imply any committal of myself in any sense.

Mr. REED. I am disappointed.

Mr. SMITH of Georgia. I hate to disappoint the Senator, but still I must continue to say that my question was intended to obtain information. I wanted to know something from the Senator from Missouri, and I have learned part of what I had expected to hear. [Laughter.]

Mr. REED. If the Senator will compose himself, I will contribute some more. [Laughter.]

Mr. SMITH of Georgia. Mr. President, I will compose myself if the Senator does not suggest again that I meant to indorse Mr. Hoover as my choice.

Mr. REED. I am really a little disappointed, because I thought I had found some one man who was for Hoover besides himself and his press agent. I confess that the sentence I employed was susceptible of a misconstruction.

I did not mean to say that the Senator from Georgia had bought two newspapers. It is the "gentleman from London" who has acquired the two newspapers. He has bought them to keep the people from nominating him, evidently, because by his own vociferous assertions up to this hour, like a coy, blushing, and virtuous maiden he is fighting valiantly to preserve his honor alike against the seductive wiles and brutal force of politicians who ruthlessly seek to overcome his virgin innocency. Nevertheless the newspapers have been acquired, according to the public press. What part of the $10,000,000 has been thus employed deponent saith not and knows not. To what purpose they have been purchased I venture no suggestion, except that they must be intended to be so employed as to keep the people from nominating Mr. Hoover.

Mr. President, some day, when I have the time, I am going to have some remarks to make about Mr. Hoover. [Laughter.]

I pass the subject at this time with the remark: To what estate has our country come when it can be seriously proposed that a man shall be nominated for President who probably has never voted yet in the United States; whose every interest and inclination kept him in Great Britain for 23 years out of a life of 46 years; who when he returned to America knew so little about our politics that he described himself as a "Liberal," and who to-day is so ignorant of public policies that even now he can not tell whether he is a Democrat, a Republican, a Socialist, or a Populist; he apparently only knows that he wants to be President of the United States, and we are told he has $10,000,000. Whether he intends to invest that in his new scheme of promotion remains to be seen. I do not say he has said he will invest it, but the argument that is being put forward—and it looks to me like propaganda, duly inspired—is that he has made $10,000,000 and that he made it quick. Hence the inference. Why not?

To what estate has a country fallen—men out promoting their own candidacies, running for President, with no other qualification than the fact that they have made money.

About the last qualification in the world for President of the United States is that he has made a lot of money. I commend this philosophy of the Bible—"where a man's treasure is, there will his heart be also." I wonder how many British investments this recent acquisition to American population, Mr. Hoover, has?

I hope that the rule laid down about getting into heaven will be forever applied to the Presidency. That "It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God" ought to be the rule as to the Presidency. I have no attack to make upon men who have made money honestly, and have not made it too quickly, but no man ever ought to be President of the United States who has so much money that he made quickly, or which he made by long drudgery, that the weight of the money may pull him away from the interests of the common people of the land.

I know Mr. Hoover will be very popular with the farmers, to whose wheat, contrary to the spirit of the law, by a gross abuse of the letter of the law, he denied a free market. This Mr. Hoover did. Congress passed a law authorizing the licensing of certain dealers and traders. It did it for no other purpose in the world than to stop the cornering of the market, the forestalling of the market. The debates will show the fact. So, in order to put a ready curb upon these practices Congress provided a system of licensing. I repeat, it was to prevent the evil practices I have described. The law did not give to Mr. Hoover or any other man born of woman the right to fix the price of the grain raised by the farmers of this country.

On the contrary, in order to encourage the raising of grain, the planting of enormous crops, a guaranty by law of a minimum price, which would be made good by the Government, was put into the statute. Instead of giving anybody authority to keep down the price and control the price of the farmer's product we undertook to encourage the farmer by guaranteeing him against a possible loss, by paying him generously when the world needed his grain.

In this Government of law, where no man has ever been authorized to employ a statute for the purpose of coercing and compelling others to do something he has not given direct authority to command, Mr. Hoover proceeded as I shall state. I charge in advance that he was guilty of an abuse of power which has no parallel in the history of this country. He started upon a deliberate plan to fix the price of the farmer's wheat. The farmer had, speaking broadly, three possible markets. First, the great market afforded by the grain exchanges of the country. As long as that market was open, the farmer could sell there in competition with all the other farmers of the country; he could at the same time have the benefit of the world bidding for his grain.

Mr. Hoover compelled all grain dealers to take out licenses. He did not say to them, as the law contemplated, "You must not profiteer; you must not corner the market. You must let these grains go on to their ultimate destination as rapidly and uninterruptedly as possible," thus carrying out the principle for which the law was enacted. That is not what Mr. Hoover did at all. Mr. Hoover got some of the biggest grain gamblers there ever were in the United States on his board, and then Mr. Hoover said to the grain men, "If you pay a penny more for wheat than I have fixed, I will forfeit your license and destroy your business and ruin you." I do not mean to say that he told them in so many words he would ruin them; he simply said, "We will forfeit your license," and that spelled ruin. Thus, the farmer, if he sold to the grain dealer, was compelled to take the price that Mr. Hoover fixed, not the price that was fixed in the world market.

One other source of market was the miller. Mr. Hoover licensed the miller, and then said to the miller, "You shall not buy your grain except from the licensed grain dealer, and you must pay him a specified price, which I fix, and if you violate my instructions in the slightest particular your license will be revoked, your mill will be closed." Finally that order was modified to this slight extent, that wheat hauled in wagons to a mill might be bought by the miller, but that probably is not one thousandth part of the wheat of the United States.

So there was, then, only one other place where the American farmer could sell his wheat; that was abroad. But that way was blocked by the organization of the "wheat corporation," which alone had authority to ship abroad.

It was dominated by Mr. Hoover, and the price again was fixed. So the power to license, which was intended by the lawmakers only for the purpose of protecting the country against the men who organized the combinations in restraint of trade, and who sought to hoard provisions and extort prices by hunger, was wrongfully and infamously employed by Mr. Hoover for the purpose of fixing the price of all the grain that was raised on all the farms of the United States. Talk about electing a man of that kind for President! What would a man of that kind do with the great powers of the presidential office, a man who thinks that the right to license a man to sell grain gives him the right to close the market to the American farmer? A man who would give that sort of a construction to the laws of this country, if he were the Commander in Chief of the Army and Navy of the United States, would feel perfectly justified in using all its coercive force to accomplish any end he might have in view.

Mr. President, I want to talk for a minute about the pending bill. I am opposed to placing any fund in the hands of any department of the Government for the purpose of propaganda work. In the first place, the business of looking after the education of the people belongs to the several States. In the second place, I am unqualifiedly opposed to having a board set up here at Washington that proposes to teach the people of the United States what they ought to think. I do not care how well it may run at first, the time is absolutely bound to come when somebody will be in control of that educational bureau who will be educating people according to his notions,

and his notions will probably fit in with the political notions of the party that put him in power.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. REED. I do.

Mr. STERLING. I would like to ask the Senator from Missouri if we have not some precedents for this kind of legislation, for instance, the agricultural extension bill, passed in 1914; followed by the vocational educational bill, and that followed by the vocational rehabilitation bill, passed in the last Congress, providing for cooperation between the Federal Government and the States with regard to these matters?

Mr. REED. If the Senator's illustrations were pertinent they would do no more than to prove that we had already gone too far in that direction, or that we are now about to go too far. But let me call the Senator's attention to the line of demarcation.

When you undertake to teach a farmer how to improve his wheat or his corn or his hogs you are dealing purely with an economic question. It has nothing to do with government. So with all the other plans that the Senator has spoken of. But here you are proposing to authorize the teaching of ideas to a class of men who come to this country. It is a formative process. It has to do with ideas. It has to do with the issuance of a paper. Mr. President, we have had some experience along that line. Congress refused to set up a press censor, and thereupon the President set up Mr. Creel's bureau, and it furnished a lot of the misinformation this country had during the war.

I am opposed to setting up a governmental directorship of ideas. I do not intend to talk any longer about the bill. It is perfectly plain to me that you can not have a paper of that kind issued without the person who issues it ultimately beginning to use it for the purpose of controlling the ideas of the people. Perhaps with the best intentions, he will nevertheless weave his ideas into the teachings, and if we enter upon such a field there is no one who can tell where we will end.

So, Mr. President, I hope that the item for $75,000 will be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Utah [Mr. SMOOT].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment as amended.

Mr. WALSH of Massachusetts. Mr. President, in view of the interesting speech just delivered by the Senator from Missouri, I have been looking forward to a motion from him to strike out the word "Americanization" and substitute in lieu thereof "internationalism."

Mr. REED. I think that would be an office that ought properly to be performed by the Senator who makes the suggestion. I would be very glad to vote for it; that is, if we have the League of Nations.

Mr. CAPPER. Mr. President, I find a great deal to commend in the bill now before us. I am going to support the bill for an Americanization program as presented by the Senator from Iowa [Mr. KENYON]. The chief objection at this time, I think, is its demand upon the Public Treasury, but since the Senator from Iowa has greatly reduced the appropriation required I think we should at least give it a trial. I think one of the reasons for the high cost of living, with which we are all deeply concerned, is the high cost of government.

I wish to present to the Senate a telegram I have just received from the National Wool Growers' Association, which I think is quite illuminating as to a phase of the high cost of living problem that deeply concerns the American people to-day. I ask that the Secretary may read the telegram which I send to the desk.

The PRESIDING OFFICER. Without objection, the telegram will be read, as suggested.

The telegram was read, as follows:

SALT LAKE CITY, UTAH, *January 23, 1920.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Retail clothing is high, and many people are of the opinion that this high price is due to the price of wool. The National Wool Growers' Association desires that the public shall know exactly what part of the cost of clothing goes to the man who raises the sheep and produces the wool. All-wool three-piece suit of men's clothing is to-day retailing from the stores at $50 to $75 for a man weighing 175 pounds. Three and one-half yards of cloth is required to make a suit. The weight of cloth for men's clothing ranges all the way from 10 ounces to 18 ounces per yard. The average medium-weight winter suit is made of goods weighing 14 ounces per yard. At 3½ yards per suit, then, the cloth in the entire suit weighs 49 ounces, or slightly over 3 pounds. In the manufacture of worsted all-wool cloth it requires 1¼ pounds of scoured wool to produce 1 pound of cloth; therefore, to make all the cloth in this suit would require 61¼ ounces of scoured wool, or, say, 62 ounces. Western wool is selling on the Boston market from 70 cents to $2 per scoured pound, depending on the fineness of the wool. The finer the wool the higher the price. Between the coarsest wool and the finest wool we have a medium grade, known as three-eighths blood. This is a general-purpose wool suitable for the manufacture of men's or women's dress goods. This grade of wool is selling in Boston on this date at from $1.25 to $1.36 per scoured pound. As 62 ounces of scoured wool is required to make the entire suit, then the cost of wool in the suit is $5.27. If the suit happens to be made of the very finest western wool, selling at $2 per scoured pound, instead of the medium grade, then the wool in the entire suit will cost $7.37. Neither of these amounts represents a very large part of the retail price of the suit, but at that the woolgrower did not receive this much for furnishing the wool in the suit, as the wool prices we have used are Boston prices. The woolgrower had to deliver his wool in Boston paying freight, commission, etc., amounting to 8 or 10 cents per scoured pound, which properly should be deducted to find what the grower actually received out of this suit. All we ask is that the public place on the shoulders of our woolgrowers only that portion of responsibility for high-priced clothing that properly belongs to them. We are willing to assume that responsibility.

(Signed) NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. CAPPER. Mr. President, this statement is of more than ordinary interest when considered in connection with the latest official report of the national conference board, which brings the startling information that from July 1, 1914, to November, 1919, cost of clothing has increased 135 per cent, though foodstuffs increased only 92 per cent, fuel 48 per cent, rent 38 per cent.

Anxiety concerning the continued advance in prices is reported general in American business circles by the Federal Reserve Board's recent review of business conditions. It may well be. The prevailing high prices are referred to in that report as an "unquestionable menace." This report virtually admits that excessive profit taking is beginning to menace business itself—to kill demand.

Just now the country condemns labor in unsparing terms for its exactions, but the evidence is overwhelming that the cause of the expensive cost of living is not labor wholly, but profits. It is true that labor demands all it can get that it may live, but big business to a great extent, at any rate, keeps on getting and the helpless consumer pays. After the labor is paid profits mount to unheard-of heights.

Can we doubt that the general public is being sandbagged when we know such facts as these:

The net profits of the American Woolen Co., after Federal taxes had been deducted, were $2,778,600 in 1914, $5,160,295 in 1915, $8,210,761 in 1916, $15,664,985 in 1917, and $12,324,084 in 1918. All on an invested capital of twenty-two millions. The earnings on its common stock were $10.80 a share in 1915, $27.05 a share in 1916, $47.62 a share in 1917, and this year, according to best Wall Street information, will exceed $100 a share, or more than the stock's par value. A year ago the watered stock of the American Woolen Co., the chief textile company in the United States, was quoted on the stock exchange at 45. To-day it is close to 150, and in recent weeks has been quoted at 156.

For the wool that goes into a suit of clothes which sells for $100 the wool grower receives $7.37, says the Wool Growers' Association. This makes the finished garment cost the consumer more than twelve times the price of the raw material. The price of clothing has made enormous advances and is still advancing notwithstanding the American Woolen Co. cleaned up net profits of 50 per cent in 1917 and in 1918—or $2,000,000 more than the $20,000,000 total of the company's authorized outstanding stock.

There can be no real shortage of cotton with a crop of 11,000,000 bales added to 3,600,000 bales left over from 1918, but it is a common occurrence, I am told, for the speculators on the cotton exchange to boost the crop's value $50,000,000 in a single day. In one week, during the crop year, they actually increased it one-half billion dollars.

Said the Monroe (N. C.) Journal a few days ago:

Cotton manufacturers are making from 100 per cent up on their investment, and several have not only duplicated their plants in one year but paid a dividend also.

Raw material and manufacturing bring the cost of yarn at about 80 cents, selling at $2, or at a profit of 150 per cent.

The value of a single load of cotton advanced $131.25 at Phoenix, Ariz., a recent week while the load was being weighed. To this enormous speculative margin the mills and jobbers add a margin of profit more than ample to meet all contingencies. Therefore is it any wonder that sheeting now costs nearly as much a yard as silk used to?

A 50 per cent increase in the price of shoes by next summer is predicted by the president of the National Shoe Travelers. The day this prediction appeared another extra dividend was declared by the Central Leather Co. The common stock of this company was rated at 58 a year ago. It is now quoted around 105 and a large issue of new stock has recently been added. While the people contemplate going barefoot the Leather Trust walks on "velvet" made thicker. A year ago it was the war

demand for leather that made shoes high. Now it seems to be the peace demand for "velvet."

At a time when shoe manufacturers have issued announcements of still higher prices for shoes, the report of one of the great leather corporations shows profits earned of 52 per cent on the stock. The stock of most of such corporations originally did not represent strictly, dollar for dollar, the money invested, but a good part of the stock represented earning power. A great deal, or most, of the so-called "water" in security issues stands for what the organizers believed the concern could earn at a fair dividend rate. But 52 per cent is not a fair rate of return on such watered capitalization. As long as unrestricted prices of stocks soar in Wall Street we must be prepared to pay robbery prices.

Just now the greatest get-rich-quick game in America is gouging in sugar. It is a mighty sweet and rich business for profit cormorants. The Equalization Board held the refiners down as to price. So in the name of Great Britain and France they bought up the Cuban sugar crop and exported it to those countries at a higher figure than the board would allow these men to sell it in the United States. And this Government let them do it. As a result the increase in the price of sugar will add a billion dollars to the burdens now being borne by the American people. The stock of the Cuba-American Sugar Co. has advanced more than 200 per cent in the last 12 months—probably because of the "sugar shortage." The remarkable rise in its stock quotations indicates it is near a rich mine of easy money.

A year ago the stock of the Crucible Steel Co. was quoted at 52. To-day it is quoted at 209, and has recently been as high as 261. Before this country entered the war the Crucible Steel Co. never earned a dividend on its watered stock. The quotation shows what the best opinion is of its earning power.

Mr. President, while we were sending the boys to France, eating war bread, and conducting all kinds of drives to win the war the United States Steel Corporation made $1,300,000,000 net profit. The price of steel common stock, worthless at the beginning, soars to values of unbelief.

We have 4,000,000 homeless people in the United States as a result of the melon cutting in lumber. There has been and is shameless profiteering in that industry, yet weekly advances of $2 to $5 a thousand are not uncommon.

Relative to profiteering in lumber, a reliable Kansas lumber dealer writes me:

> Ten months ago the wholesale price of the best grade of lath was $5.30. We are selling lath to our trade at $10 a thousand, although by the inclosed new price lists showing lath at wholesale, lath is now quoted to us at $17.25 and $18.25 a thousand f. o. b. this place. I begin to think the only way out is for the public to stop buying. I would much sooner lock up and lay off for six months than continue business under present conditions. So I think it is up to the Government to advise the people to stop buying. The Big Five don't get all the hogs to slaughter.

Here is an increase of nearly 250 per cent in 10 months on the war price of a staple commodity. In shameless and reckless greed the lumber barons now lead the procession.

Mr. President, the market price of the farmer's live stock has declined nearly 50 per cent, bringing many farmers to the verge of bankruptcy. But the high prices the consumer pays for meat are virtually unchanged. This is particularly true of pork, of which we have a surplus of more than one and a half billion pounds, produced last year, besides large quantities in storage.

The Fuel Administration restricted the advance in wages asked for by the striking bituminous-coal miners to 14 per cent, because at that per cent the consumer would not have to be further taxed for his coal. Notwithstanding this estimate, carefully based on facts, Chicago coal dealers, and perhaps others, have since advanced the retail price of coal 60 cents or more a ton. I have a telegram to-day from Leavenworth, Kans., that the public is being compelled to pay the 14 per cent increase. The income-tax returns prove the mine operators get excessive profits. During the recent strike it was shown that miners' wages in the soft-coal field were not excessive. But very little, or no information whatever, was disclosed in regard to the actual profits of the operators, which still are known only to themselves and the bookkeeper.

Mr. President, all the quotations I have referred to conspire to prove that it is profiteering in manufactures, in the great industrial corporations, that has sandbagged the public, rather than by merchants who deal directly with the consumer. It goes behind the retail price. No doubt there is price gouging by some of the retailers, but it is the price of goods when they leave the factory to which the administration's best attention should be first directed. These gigantic corporations have become drunk with unconscionable profits extorted from a too compliant public. The outstanding fact is that there is nowhere the slightest indication of any change in the strategy of the great trusts, combines, and industrial corporations in fattening their profits. A thief has only to steal half as much property these days to commit grand larceny, but it seems a profiteer corporation may take all it can get from the people and then make them pay its war taxes besides.

Prosecution of 179 profiteers in 18 States has been started by the Department of Justice since a penalty was added to the Lever Act. In three cases fines and jail sentences have been imposed. Of these victims of governmental harshness one was fined $100 and given a brief stay behind the bars, another was fined $250 and given three months, and the third had a fine of $5,000 and five months in jail administered to him. These three martyrs were hoarders.

Mr. President, the Department of Justice is to be highly commended for its efforts to stamp out bolshevism. It took the Government Secret Service just a few weeks to round up and put in prison 4,500 reds. And when it comes to profiteers, the reds are in a pitiful minority. I am glad to see it is now proposed to have the Secret Service raid the profiteers, the most potent promoters of anarchy we have. If this raid is prosecuted with vigor and backed up by the imprisonment of profit extortioners it will have a most wholesome and salutary result.

We deport the reds, and I heartily approve the Government's efforts in that direction; but our chief trouble makers, the price gougers, we still let run wild. If we were to put half as many profiteers in jail it seems to me we should be in far less danger of contracting the red flu of bolshevism. Our greatest present menace is anarchistic greed here at home. For three years we have permitted it to do its worst to the devoted people who are the backbone of this Nation and who must be its ever-present help in time of trouble. In that time we have made 18,000 brand-new millionaires. We must stop this thing soon or be prepared to take the consequences, not knowing just what those consequences may be.

We seem to be bartering not only our own peace of mind but all our fine prospects for bettering our condition or serving mankind for this miserable mess of pottage. And probably no other nation ever had so unparalleled an opportunity. I am constantly surprised that so little account is taken of the wrath that is stirring among the people at this continuous and widespread plundering. Washington must soon show it has the nerve to deal with these wreckers or must itself reckon with the people. Our Government must prove to them its adequacy to govern, must prove worthy of its stewardship, or lose their confidence and respect. Mr. President, I would not have you understand that I have no faith in the wisdom and intelligence of the people. It is just because I have this trust in them that I say the time has come for Washington to prove its ability to deal with this destructive evil.

Profiteering, to be sure, is not responsible for all our price inflation, but it plainly is responsible for very much of it, and is so greatly aggravating our strained economic situation that it is becoming the last straw to the people's forbearance. The hard way, the expensive way, the dangerous way to reach our readjustment is to let greed break down business, throw industry out of gear, men out of employment, and bring on hard times, while it continues to play its selfish, shortsighted game of starve-out and freeze-out with the people. The saner way would seem to be to do what is in our power to do, to meet and conquer these dangerous exploiters as an intelligent and forceful people should.

I earnestly urge as a remedy to meet this emergency an active prosecution of profiteers followed by their imprisonment, and a law requiring every manufacturer to attach to every article he produces the exact price he receives for it. I am confident nothing else will so quickly reduce and stabilize prices and restore business and industry to a safe and sane basis. I also urge drastic reduction in Government expenditures, prompt enactment by Congress of the measures for strict regulation of the packing industry, and Federal supervision of cold-storage business. The people can help themselves, too, if they will organize to boycott the profit hogs by refusing to buy goods offered at extortionate prices.

Unless we make a real effort to control this orgy of greed we shall continue to drift toward the rocks and no one can foretell what looked-for or unlooked-for disaster may occur.

Mr. EDGE. Mr. President, I propose to take the time of the Senate for but a very few minutes briefly to discuss the general principles of the pending bill, and shall not attempt to go into its details. Official business takes me from Washington on Monday next, so I shall not have the opportunity of voting for the bill at the hour which by unanimous consent has been set for that purpose. Therefore I take advantage of this opportunity to express my general viewpoint in reference to the bill.

I feel the function of Congress, the function of the Federal Government, is to cooperate with the States, to make, so far as possible, general suggestions which can be carried out by the States, and to use its great power to encourage the States along the lines of social reform and in meeting the various problems of the day and hour.

I thoroughly agree with the observations of some Senators that the Government should not enter business. In my judgment, the function of the Government is not to conduct business but to cooperate with business. When the Government attempts to conduct business it usually makes a failure of it. I do feel, however, that there is a clear distinction between attempting to conduct business and attempting to encourage the various States which make up the Union of the Federal Government to act in consonance with the natural, progressive ideas of the day. Either the Government has no function, if we agree that it should not actually conduct the business of the country, or it must be agreed that it has the responsibility of encouragement and of attempting to stabilize. This bill is along that line.

I disagree with the view that in attempting to extend this encouragement we are interfering with State government. We are not interfering with State government, but, in my opinion, are encouraging State government. We are encouraging the various States of the Union to take advantage of an opportunity involving, to some extent, a subsidy of the Government in so far as the actual appropriations permit, that will enable them to proceed and advance along certain lines. I feel that there is not any function of the Federal Government, generally speaking, unless it be to encourage the States in meeting the obligations that arise and develop from day to day. I feel that the pending bill is absolutely in that direction.

I have stated that I am not going to attempt to discuss the details of the bill. They have been gone over, and some amendments have already been adopted. The idea that the National Government should have nothing to do with those things which the States should do, in my judgment, is illogical. The Government is a Government of all the States; it has a certain general responsibility, concurrently with the States; and certainly its main responsibility would be by the joining of the intellect or the joining of the abilities of the representatives of all the States of the Union in these two bodies, to encourage the States mutually to proceed with it along the lines of advancement. I think that that is the main and first function of the Government.

We do not make money; we spend money. If we attempt to make money, we usually lose money. We have a responsibility to help encourage and to help develop the States along lines that are designed by this bill. So, if I should be here on Monday next the bill would receive my vote on the affirmative side.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] as amended.

Mr. KENYON. I rise to inquire as to the parliamentary situation. Has the Reed amendment to the Smoot amendment been adopted?

The PRESIDING OFFICER. That amendment to the amendment has been adopted.

Mr. KENYON. I was out of the Chamber, and I do not know whether or not the Senator from South Dakota [Mr. STERLING] was here; but I was opposed to that amendment to the amendment.

Mr. STERLING. I was not in the Chamber.

Mr. KENYON. I think the amendment to the amendment may be reserved for action in the Senate.

The PRESIDING OFFICER. The Chair does not think that either the Senator from Iowa or the Senator from South Dakota was on the floor when the amendment was submitted.

Mr. STERLING. I do not recall that I was.

Mr. KENYON. When I left the Chamber the Senator from Missouri [Mr. REED] was discussing Herbert Hoover, and I thought it perfectly safe to go to the lunch room.

Mr. STERLING. I did not know the Senator from Missouri had offered an amendment. I heard him speaking in reference to an amendment that he would like to see made to the bill, but I did not know that he had offered such an amendment.

The PRESIDING OFFICER. The amendment to the amendment was adopted.

Mr. KENYON. There were not many "ayes" on this proposition, I am sure.

The PRESIDING OFFICER. There were three or four ayes and no nays.

Mr. KENYON. The Senator from Missouri is not present, but I desire to ask for a reconsideration of the vote by which the amendment of the Senator from Missouri to the amendment of the Senator from Utah was agreed to. Perhaps that could be done in the Senate, or I think I could reserve a vote upon the substitute in the Senate. Would not that give the right to have another vote?

The PRESIDING OFFICER. The substitute has now been reconsidered and is before the Senate.

Mr. KENYON. I should like to ask a parliamentary question. If the substitute is now adopted and goes into the Senate with a vote reserved on the substitute in the Senate, could we, in the Senate, vote on the Reed amendment?

The PRESIDING OFFICER. When it gets into the Senate, the question will be upon the adoption of the substitute amendment as agreed to as in Committee of the Whole.

Mr. KENYON. So that we could not go into the other question?

The PRESIDING OFFICER. The Chair thinks not.

Mr. KENYON. I am going to send for the Senator from Missouri to come into the Chamber. In the meantime, if no other Senator desires to take the floor, I will have to speak until the Senator from Missouri returns——

Mr. HARRISON rose.

Mr. KENYON. Unless the Senator from Mississippi desires to proceed.

Mr. HARRISON. I desire to listen to the Senator from Iowa.

Mr. KENYON. That is the first time any Senator has ever complimented me in that way. Has the Senator from Mississippi any amendment to offer?

Mr. HARRISON. Yes; I have some amendments to offer when other amendments are disposed of.

Mr. KENYON. Would it not be possible to have the substitute for section 3 go over for a few moments?

The PRESIDING OFFICER. It may be passed over temporarily by unanimous consent.

Mr. KENYON. That would enable us to proceed with other amendments.

The PRESIDING OFFICER. Without objection, the amendment is passed over temporarily.

Mr. KENYON. That will give the Senator from Mississippi an opportunity to offer his amendments.

Mr. HARRISON. I wanted to call up the amendment offered by the Senator from Tennessee [Mr. SHIELDS], to come in at the end of section 11, I believe. I think the Senate ought to vote on that amendment. The Senator from Tennessee is sick and unable to be present.

Mr. KENYON. Section 11 has been stricken from the bill.

Mr. HARRISON. It is difficult to tell just what is in the bill, so many provisions have been stricken from it.

Mr. KENYON. There might be an advantage in adjourning and having a reprint of the bill and taking these matters up on Monday.

Mr. HARRISON. I think that is a very good suggestion. If we can have a reprint of the bill, we can tell just what there is in the bill now.

Mr. KENYON. I think that would be valuable; and if we can first have a reconsideration of the amendment of the Senator from Missouri to the amendment of the Senator from Utah, then we can adjourn.

Mr. HARRISON. I wish to offer an amendment——

The PRESIDING OFFICER. The Senator from Iowa can lodge his motion now to reconsider the vote by which that amendment was adopted.

Mr. REED entered the Chamber.

Mr. KENYON. Mr. President, the Senator from Missouri has now come in. I had supposed that the Senator from Missouri would take a little more time in his very interesting discussion. I had to leave the Chamber, and that seemed to be the only opportunity to go down to the lunch room and Hooverize. I found that the Senator had finished his address on this interesting subject much before I had expected and his amendment had been adopted. Would the Senator have any objection to having that reconsidered?

Mr. REED. Mr. President, I saw that the Senator was out, and I myself would have asked to have the amendment go over, but I did not see any way to do it. Of course I will agree to that.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment of the Senator from Missouri was adopted will be reconsidered. The Chair hears no objection.

Mr. KENYON. Mr. President, the substitute offered by the Senator from Utah [Mr. SMOOT] for section 3 cut the amount of the appropriation, and cut the amount that could be used in any publication. Now, I know that the view of the Senator from Missouri is that no amount should be used at all in the publication of anything by the Bureau of Education or the Department of the Interior. It seems to me, however, that that

is an important work. I know it may be abused, as everything else in the Government may be abused. They have been issuing a little bulletin called "Americanization." Some 23,000 copies of it have been going around the country, and it has done good. This appropriation is very small. The whole thing is more or less of an experiment. No serious damage could be done, short of losing the money—which, of course, is some damage—and much good may be accomplished. I know that the Bureau of Education and the Department of the Interior are very anxious that some sum should remain in the bill for that purpose. That is why I feel that the amendment of the Senator from Missouri should be defeated.

Mr. REED. Mr. President, I do not desire to go over the ground that I went over before. Seventy-five thousand dollars devoted to the business of teaching men to become American citizens will amount to absolutely nothing. You have got to reach this great multitude of men on very much broader lines than that. About all that it amounts to is to give these gentlemen that much money for press-agency work. I think this Government has spent not less than $10,000,000, and I suspect $100,000,000, in the last four years in paying gentlemen's salaries and for the white paper that they have used in praising their superiors, some of whom are now running for President, and I do not want to see any more of it done. I think we have arrived at a time when we ought to determine whether or not the American people have got any sense themselves, or whether all the brains are concentrated here in Washington. My opinion is that you can take a compass and set it down in any part of the United States and describe a circle that will embrace as many people as there are in Washington, including the Senate, and you will have as much brains and patriotism as you have here in Washington, even if we include in the Washington population the Congress and the White House.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. REED. I do.

Mr. STERLING. I just want to ask the Senator a question. I have not heard—or, if it was read since the Senator came in, I do not know now—the scope of the Senator's amendment.

Mr. REED. I moved to strike out the paragraph that appropriates $75,000 for publications.

Mr. STERLING. Was that substituted in lieu of the $500,000?

Mr. KENYON. Mr. President, I will say to the Senator that the substitute of the Senator from Utah for section 3—an entirely new section, limiting salaries and limiting the number of employees and reducing to $75,000 the amount for publications—has been adopted. That action has been reconsidered; and the motion of the Senator from Missouri was to strike out the $75,000, leaving nothing for publications.

Mr. STERLING. May I ask the Senator from Missouri a question, then? This being an Americanization bill, and the education having to be along particular and peculiar lines—the dissemination of information with regard to American institutions, the principles of the American Constitution, and so forth—does not the Senator think that an appropriation of that limited amount, $75,000, could be used and should be used in carrying out the purposes of the bill? I do not like to see every dollar that is to be devoted to that purpose stricken out of this bill.

Mr. REED. But when the Senator speaks of an Americanization bill, he means a bill to teach the principles of the American Republic. Is that what the Senator understands?

Mr. STERLING. Partly, and in one of the provisions of this bill it is so provided. The substitute which I had the honor of offering myself provides for the teaching of the fundamentals of civil government, the principles of the American Constitution, and American history.

Mr. REED. And love of the American Republic?

Mr. STERLING. Yes.

Mr. REED. Do you not think your bill will be obsolete when you mild reservationists have internationalized this country so that we no longer have a National Government?

Mr. STERLING. Oh, that is aside from the question.

Mr. REED. No; it is not aside from the question.

Mr. STERLING. We are not considering the League of Nations now.

Mr. REED. I think we are obliged to, because at this moment—not in the Congress, but back of the Congress, behind locked doors, with the keyhole stopped—a conference is being held. It is a conference of gentlemen who have hitherto demanded "open covenants, openly arrived at." It is made up, to a large extent, of men who have denounced the secret caucus as dangerous to the Republic.

Mr. STERLING. Let me say to the Senator that I know nothing about such a conference. I have not been invited to attend one.

Mr. REED. I am giving you some light. They are now getting ready to deliver your vote.

Mr. STERLING. Well, we will see whether they do or not.

Mr. REED. This body of gentlemen is dealing and trafficking secretly. It is not dealing with principles at all, but is endeavoring to find out how it can fix things so that a few wavering votes may be secured. It is either self-appointed or appointed by so-called "leaders" without any authority. Nevertheless these gentlemen are fixing up an international program for the Senator from South Dakota to accept while these leaders are trying to patch up a compromise in order to put over a contract based upon the idea of internationalism, and while they are doing that you propose to appropriate money to teach the old, wicked, selfish doctrine of nationalism!

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. REED. I do.

Mr. STERLING. I simply want to say to the Senator that I do not think any of this money is to be spent abroad. This money devoted to the purposes of Americanization will all be spent here, and will not be spent internationally.

Mr. KENYON. Mr. President, may I ask the Senator from Missouri how the conference that he speaks of is getting along?

Mr. REED. I do not know. I understand that there has been some trouble.

Mr. McCORMICK. Mr. President, perhaps I might suggest to the Senator that there is a saying that "In the kingdom of the blind a one-eyed man is king." It is under that myopic guidance that the conference is proceeding, I think.

Mr. KENYON. Does not the Senator from Missouri think it might be a good idea to spend some of this money on these Americanization bulletins and have them sent to the conference?

Mr. REED. Mr. President, that will all depend upon who is selected to write the bulletins. If you gave the task to one class, they would anxiously promulgate the doctrine that we ought to be glad to be recognized as the equal of a British colony, and therefore that true Americanism would consist in the surrender of the sovereignty of this Nation.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. REED. Just a moment. There might be, then, the other class, the mild reservationists, who would insist that we yield only part of our sovereignty, that we wade in about to our knees and then stand there trembling, wondering whether we were going to be overwhelmed by the next wave or whether we will be able to make shore. There might also be another class of old-fashioned, wicked people, who still believe that the American flag is the greatest flag in all the world, who would not exchange the star of a single State for an entire international constellation, who would not surrender the right of a single American citizen for the benefit of the subjects of any foreign power. We might happily have that old-fashioned doctrine taught. In that case I would be satisfied.

The point that I am making, abandoning all satire, is this: Whoever writes this bulletin on Americanism will teach his kind of Americanism in these days when we have so many different kinds of Americans. I am not willing that the Government's money should be spent in that way. When I consider that Mr. Hoover landed here a few months ago and solemnly asserted before the Agricultural Committee that the only residence he had on earth was the Willard Hotel, and that he had arrived there that morning, when we find him regarded as a presidential possibility, I am not willing to trust to the Americanism of all the publicists who may seek to teach Americanism. Let me suggest while we are on the subject that we complete the ticket. Why not Hoover and Creel? [Laughter.]

It is the truth, the very truth, that when they were here in Washington together the old quotation, "How good and how pleasant it is for brethren to dwell together in unity," applied. If you had a ticket composed of Hoover and Creel, you would have two masters of publicity, but in this case the copartnership would not be obliged to go outside and hire talent and import it and bring it here from England, as Mr. Hoover did when he organized this publicity bureau down here at the Capital. In the next place Mr. Creel's lack of knowledge of English politics could be supplied by Mr. Hoover, and the lack of American geography which Mr. Hoover is burdened with could be supplied by Mr. Creel, who is a much-traveled man. In the third

place they are both very progressive and forward-looking gentlemen.

The opinions of Mr. Creel have been embalmed in the CONGRESSIONAL RECORD, and it will be discovered upon reading them that he is almost abreast of the times and nearly up to the advanced kind of politics we are now being taught. I do not know whether he has yet advocated the licensing of all interstate business in order that it can be controlled, but I am sure he would readily accept that doctrine. If he did, and we had Mr. Hoover for President, and had a general law for the licensing of every man engaged in interstate business, so that every man, from the corner grocer to the great manufacturer, would be under a Government license; and if that power were by Mr. Hoover administered, as he has already exercised the license power, truly Mr. Hoover could run this country in every part of its business and in all of its life.

At the same time Mr. Creel, as the boss of publicity, could teach the American people what they were to think and the progressive ideas they might entertain. Of course, the whole ought to be supplemented by such a law as has been proposed by Mr. Palmer, whereby every citizen of the United States who dares think out loud might be incontinently dragged to jail, haled before a Federal court sitting perhaps some hundreds of miles away from his home, bankrupted in his purse, and destroyed in his reputation—the picture of a free country would be perfect. What a glorious country this would be.

But I do not want to talk about Hoover any more. This much is true of the pending bill. It proposes to put into the hands of somebody the business of teaching Americanism and to pay for it out of the taxpayers' money, and I am unwilling that any individual shall be picked to teach the people of this country Americanism, because he will teach his kind of Americanism, his ideas of Americanism. It would not do to seek to escape this by saying that it is only $75,000, and it does not go far. It goes far enough to impress itself upon the public opinion of the country, or else it is not of any value at all; it is wasted. It goes far enough to impress itself upon the forming opinion of these foreigners, or else it does not amount to anything. If it does affect opinion and help shape that opinion, then it is highly important that Americanism in its proper sense should be taught.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. KENYON. If we can not rely on anyone to teach Americanism, can we rely on any histories of America that may be written? They must be written by some man or woman, and in the last analysis is there not the same argument against both?

Mr. REED. I will state the difference: I would be against an official history of the United States unless it was a mere matter of the statement of absolute facts preserved, as we now preserve them, in our statistical reports, for if the Government of the United States were to be permitted to write a history of itself at the public expense, it could cover every iniquity, every sham, every fraud, and describe all acts as in the public interest.

Let me point out to the Senator the distinction between the two propositions. The Senator asked me if there might not be mistakes made if we had individuals writing history. Yes; there might be something worse than mistakes made if the Government wrote the history. There might be a deliberate attempt to mislead. But if the Government does not attempt to write the history, if it is left to private individuals to write the history, then if private individual "A" writes a false history it has to stand upon its merit. It is subject to the scrutiny of everybody, and private individual "B" is very likely to write a history showing that private individual "A" did not tell the truth, that he was mistaken; and the great public, still possessing a modicum of common sense, judges between the two, and forms its opinion as to which is the proper and true story.

So if we do not attempt to have a governmental teaching of what constitutes Americanism, but leave that to the press, the pulpit, the law school, and all the agencies of enlightenment, the intelligence of the people will form a very correct conclusion. But when the Government goes to teaching what constitutes Americanism you will have the Government teaching that true Americanism is written in the platform of the dominant party. That is the objection to it.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. KENYON. That leads me to ask the Senator about an utterance or a program of another one of the candidates for President. He has discussed two of them, I think, this afternoon. Mr. Bryan has suggested that the Government ought to issue an official bulletin giving facts to the people; that the press of to-day is in such a condition that it does not give the people the real facts. Now, is there not something to be said in favor of that?

Mr. REED. No; that is wholly unnecessary as long as we have the Commoner and a multitude of other papers.

Mr. KENYON. But suppose they do not have access to the Commoner?

Mr. REED. They can all have access at a dollar a year.

Mr. KENYON. They all have not the dollar.

Mr. REED. In these days a man who can not get a dollar in order to get a newspaper like the Commoner is so poor that he would not be able to get to the polls.

No, Mr. President, and without indulging in any satiré toward Mr. Bryan—I am not going to discuss all presidential possibilities—Mr. Bryan has done one or two things in the last few days that have very greatly pleased me. In the first place, he has said to the American people that article 10 of the League of Nations will not do.

In the second place, he has declared that the acceptance of a mandate by this country is a thing that is against the spirit of our institutions. Since I am invited by the chairman of the committee into this field for mowing June grass with a dull scythe, let me call attention to that article of Mr. Bryan. I have not the Commoner with me, but this is a quotation from the Kansas City Star, a very large and influential paper. The quotation is in a telegram from Washington:

> Mr. Bryan says in the Commoner that a mandate would be "very objectionable to the American people," and continues:
> "In the first place, it is contrary to the theory upon which our Government rests."

The Senator from Iowa appealed for my opinion about Mr. Bryan, and I hope he will pay attention to this.

Mr. KENYON. I am going to listen very attentively.

Mr. REED. The article proceeds, quoting Mr. Bryan:

> In the first place it is contrary to the theory upon which our Government rests, and our country will not be willing to step down from its high position and indorse the doctrine upon which land-grabbing empires have tried to justify the exploitation of helpless countries. The pretext is resorted to by one of two classes, namely, those who use it to cover their greed and those who use it to cloak their aristocratic ideas. As our country has neither land hunger nor the aristocratic germ there is no reason why we should enter upon any scheme of government without the consent of the governed. In the second place it would involve us in the politics of the Old World, and the word "politics" over there has a very different meaning from that given to it in this country. In Europe and Asia they have not yet risen to the point of governing for the benefit of the governed. There would be no scramble for mandates if service was the predominant idea. But service is not the predominant idea; it is commercial advantage, and we would at once become involved in the schemes of the commercial nations, each seeking an advantage over the other. We would not do justice to any one of the rivals without offending the others, and we could not favor outsiders without doing injustice to domestic interests.

That is the excerpt that is printed. I have not the original here, but I have no doubt that is perfectly correct.

So I am glad that Mr. Bryan condemns another and a very important part of this document that we are asked to accept. He has at last stated, in a voice which I am sure will be heard over the country, what I have said in my weak way on a number of public occasions. He has said it perhaps better; but what I said was that "mandatory" is only a polite name for military conquest; that it means nothing more nor less than that some people or some nation is to be held in subjection at the point of the sword; that an armed soldiery is to be quartered upon them; and that they are to be compelled, if necessary by fire and sword, to submit themselves to the will of another people.

You may call that a mandatory if you please, but Rome called it conquest; Great Britain called it conquest; France called it conquest; the United States of America called it conquest up to the very moment when it became necessary or desirable, according to the opinions of some gentlemen, to sanctify these conquests, whereupon they sought out the gentle term "mandatory."

Since I am off the track of the argument we are having, and referring again to Mr. Hoover, let me put this into the RECORD, since the question of his citizenship is raised: On the 8th day of May, 1917, he testified before the Senate Committee on Agriculture and Forestry. He had arrived in this city only two or three days before. I will read these questions a little out of order. The Senator from Georgia [Mr. SMITH] propounded this question to Mr. Hoover:

> When did you get back?

That is, back from Europe. Mr. Hoover had described how he had been over there transacting business with the food controllers of England.

I arrived here on Thursday.

The first question that was asked Mr. Hoover in this examination, which occurred on the 8th day of May, which succeeded the Thursday of his arrival, was this:

The CHAIRMAN. Mr. Hoover, will you please state your full name and address?

A. My name is Herbert C. Hoover; and I am at present at the Willard Hotel, this city, which is my only residence now.

"Which is my only residence now." But since he has started to run for President he claims California has, I understand, been his residence all the time. When he got back here from England he said that the Willard Hotel was his only residence; but at that time he owned a house in London, where his goods, wares, and chattels were located.

In Who's Who in America, written in 1916–17, volume 9, will be found this information.

Mr. GORE. Who's Who in America is not confined to Americans?

Mr. REED. Oh, no. Who's Who in America does not limit itself to Americans. This is what appears in the volume to which I have referred:

Hoover, Herbert Clark, engineer * * * Home: Red House, Hornton Street, London. Offices: 1 London Wall Buildings, London, E. C., England; 71 Broadway, New York; Mills Building, San Francisco.

There is a great deal more about that that I want to say later on.

Mr. President, since we have been led into this discussion of Mr. Hoover, I want to have it appear in the RECORD that the New York American to-day prints on its front page a statement giving the names of the men who attended the luncheon at which was launched the candidacy of Mr. Hoover for President of the United States. The statement is accompanied by the pictures of the men who were present at the luncheon.

It will be recalled that the New York World, which is owned by the Pulitzer estate, or by the members of that family, indorsed Mr. Hoover a day or two ago. The editorial indorsed him whether he ran as a Democrat or as a Republican or as a hybrid. The New York American prints the pictures of the principal dinner guests. That of Mr. Ralph Pulitzer, owner of the World, appears at the left. Next to him is Mr. Frank I. Cobb, editor of the New York World. Next to them is Viscount Edward Grey, British Ambassador to the United States, and next to him Herbert C. Hoover, who is labeled "corporation director and friend of President Wilson." Next to him is Col. E. M. House, President Wilson's—this states "political handyman," but I will withdraw those words. Then next is Cleveland H. Dodge, millionaire Wall Street financier, and then Cyrus H. K. Curtis, Philadelphia publisher. The statement of the article is—and I am reading the headlines—

The British envoy sat in at famous gathering. Col. House had five guests at luncheon to fix on candidate to succeed Woodrow Wilson. Aim of the gathering was to choose a man who would carry out President's policies. Newspapers, Wall Street, and the English Government represented, and Hoover boom started.

I ask permission to insert in the RECORD, without reading, the article in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

THE BRITISH ENVOY SAT IN AT FAMOUS GATHERING—COL. HOUSE HAD FIVE GUESTS AT LUNCHEON TO FIX ON CANDIDATE TO SUCCEED WOODROW WILSON—AIM OF THE GATHERING WAS TO CHOOSE A MAN WHO WOULD CARRY OUT PRESIDENT'S POLICIES—NEWSPAPERS, WALL STREET, AND THE ENGLISH GOVERNMENT REPRESENTED, AND HOOVER BOOM STARTED.

Herbert C. Hoover, whose candidacy for the Presidency was publicly launched recently, was in this city yesterday consulting with his New York backers.

Prominent among these are Cleveland H. Dodge, the Morgans, and certain representatives of the railroads, notably the New York Central.

The Philadelphia North American, Mr. Wanamaker's newspaper, gives a highly interesting account of the launching of the Hoover boom, which occurred at a luncheon given by Col. Edward M. House, at which were representatives of the various interests supporting Mr. Hoover and anxious to secure his election as President.

At this luncheon were: Ralph Pulitzer and Frank I. Cobb, respectively, owner and editor of the New York World; Cleveland H. Dodge, Wall Street financier; Cyrus H. K. Curtis, Philadelphia publisher; and Viscount Edward Grey, British ambassador to the United States.

It is rather unusual to have a British ambassador present at an occasion at which the boom for an American President is launched. But Mr. Hoover is understood to be the candidate of the Democratic administration, pledged to perpetuate Mr. Wilson's policies. And, naturally, the British ambassador is anxious to see policies continued which have been so advantageous to England.

Mr. Pulitzer and Mr. Cobb represent the New York World, which has been the supporter of the administration through thick and thin, and is generally recognized as the official organ of the administration.

Mr. Curtis is publisher of the Saturday Evening Post, the Philadelphia Public Ledger, and other publications.

DODGE A WALL STREET FINANCIER.

Mr. Dodge is a leading Wall Street financier, connected with many of the big interests. He is known to the public mainly as a heavy contributor to Mayor Mitchel's $2,000,000 election fund. He was also known as a large contributor to the Wilson campaign fund. Mr. Dodge also came before the public notice by reason of his association with the Phelps-Dodge Mining Co., which in 1917 deported 1,200 workmen from their Bisbee, Ariz., mining properties, which caused great public furore at the time.

Col. House is well known. He has been the right hand of the Wilson administration and probably is still, although a statement was given out for political purposes that he had had a difference with Mr. Wilson.

The Philadelphia North American's article follows; at the time this article was printed the presence of Viscount Grey at Col. House's luncheon had not been made public, but since then the fact of his presence there has been fully verified, and the list now stands as above detailed, including the British ambassador:

"COL. HOUSE DINNER WAS BIRTHPLACE OF HOOVER BOOM—TEXAN'S TACTICS SEEN IN SUDDEN CALL FOR CANDIDATE.

"WASHINGTON, *January* 22.

"The sudden effulgence of the Hoover star in the firmament of presidential possibilities is not a cosmic accident. It is the result of well and carefully laid plans, under the direction of that practiced President maker, Col. E. M. House.

"The chronology of the Hoover boom begins with the return from Europe of Col. House, sick in body and sore at heart over the heartless treatment he had suffered at the hands of President Wilson. Having had the luxury of private ownership of a presidential administration for more than six years, Col. House refused to be thrown in the discard without ceremony.

"What was done prior to December 3 in the way of getting a new President for the quiet little Texas colonel does not yet appear. The first fact of record is that on December 4 the New York World, whose chief recent claim to fame had been its unfaltering devotion to President Wilson, editorially announced that it would not stand for a third term for him.

"The very next day, December 5, Col. House gave a dinner at his apartments. Among the colonel's guests were Ralph Pulitzer and Frank Cobb, respectively owner and editor of the World; Cleveland H. Dodge, a very rich man, hitherto a friend of the President and Col. House; and Cyrus H. K. Curtis, publisher of the Public Ledger, of Philadelphia.

"On the following Monday, December 8, the World published a story in which its veteran political reporter, Louis Seibold, occupied several columns telling that Col. House and the President were on the outs. A great deal of the several columns was taken up with a recapitulation of the colonel's value as a counselor and his shrewdness as a political manager.

"Soon Hoover talk began to spring up with apparent spontaneity in various quarters. There was mysterious discussion as to his availability as a candidate for either party. Hoover headquarters were opened here and there, frequently under the management of a former member of Mr. Hoover's food administration.

"About the middle of December the Public Ledger devoted nearly two columns of space to exalting Mr. Hoover, without declaring for him for President; but, as the Ledger did not retract or mitigate its praise next day, it was considered very showy for the Ledger.

"About that time came the announcement that a group of capitalists had purchased the Washington Herald.

"Among these were Charles R. Crane and Julius Barnes. Crane is a rich Chicago manufacturer, who had been a big contributor to the Wilson campaign and had since that time been on intimate terms with Col. House. Barnes is the Federal wheat dictator and a close friend of Hoover. The other capitalist in the group was Hoover himself.

"About a week ago Mr. Barnes, at a trade dinner, nominated Hoover for President, attempted to classify him politically as a progressive Republican, but served warning on the Republicans that if they do not accept Hoover as a candidate the Democrats might avail themselves of this alluring chance to have a winning candidate. Incidentally he gave a sort of vicarious assurance that Mr. Hoover would accept the Democratic nomination.

"The matter was put by the reporters to Mr. Hoover, who was ready with an oracular reply. It left him free to do anything that occasion might suggest.

"Within four days, the New York World made its declaration for Hoover. Explaining its position, the World said it would be glad to support him as a candidate on a platform that 'represented the historical principles of the Democratic Party'; it would 'be glad to support him as an independent candidate on a platform of progressive liberalism'; and it would 'not hesitate to support him as the Republican candidate on a platform representing the kind of government which Mr. Hoover exemplified in his public career.'

"The World's declaration set the old Democratic organization by the ears. The Senators who meekly have taken orders from Wilson for seven years in the hope of inheriting his mantle couldn't see Hoover with a telescope, and they used a megaphone in telling it to the world.

"But the widespread Hoover uprising left little doubt that the able and noiseless Col. House had done a good job. The New Republic, a periodical devoted to spreading Col. House's kind of internationalism and operated by Col. House's personal friends, comes out this week for Hoover. The devoted "E. S. M." editorial writer of Life also picks Hoover as the successor of Wilson in its adoration of the White House.

"In the meantime the other Democratic aspirants are living in dread that the little Texas colonel will give another dinner. From present appearances that would make Hoover unanimous in the Democratic convention. Always with the possible exception of Mr. Bryan in the doubtful background."

CURTIS'S NEWSPAPER DECLARES HOOVER IS WILSON'S CANDIDATE.

Strangely enough, yesterday morning, at the same time the North American printed its story, the Philadelphia Public Ledger, owned by Cyrus H. K. Curtis, one of the guests at Col. House's luncheon and a very close friend of Mr. Wilson, printed in its most prominent position on the first page a story that Herbert Hoover is Woodrow Wilson's candidate for the White House. The story appeared under this head:

"HOOVER CHOICE OF WILSON FOR THE PRESIDENCY."

The story, under a Washington date line, began:

"Herbert C. Hoover is Woodrow Wilson's candidate for the Presidency. That assurance was given to the Public Ledger correspondent to-night from a quarter which bears every indication of being well informed."

Beyond question Mr. Hoover is the choice of Mr. Wilson for the Presidency, and he will to a large extent secure the support of all the devoted followers of Mr. Wilson and all the supporters of Mr. Wilson's policies.

Mr. REED. I also ask to put in the RECORD, from the same paper, a cable dispatch of January 29, 1917, sent from London by Charles H. Grasty, staff correspondent. It will be interesting, I think, to Senators.

There being no objection, the cable dispatch was ordered to be printed in the RECORD, as follows:

BRITAIN WANTED BELOVED HOOVER TO TURN ENGLISH.

Herbert Hoover, a resident of England for most of the time from 1902 until 1914, was so well thought of in Great Britain that officials in the highest circles there wanted him to become a Briton.

A cable dispatch printed in the New York Times on January 29, 1917, sent from London by Charles H. Grasty, a staff correspondent, stated:

"Mr. Hoover's abilities have excited the greatest admiration in the highest circles. They have wanted him very much to become an English citizen, and I don't think that I exaggerate when I say that the House of Lords would not have been beyond his reach if he had consented to change his allegiance."

Mr. Hoover was a partner in Bewick, Moreing & Co., mine operators, with offices in London, from 1902 until 1908. He was director of the following English firms from 1908 to 1914: Zinc Corporation (Ltd.); Kyshtim Corporation (Ltd.); Tanalyk Corporation (Ltd.); Oroya Exploration Co. (Ltd.); Russo-Asiatic Corporation (Ltd.).

Mr. STERLING. Mr. President, I merely wish to say a word in reply to the Senator from Missouri. In view of what he has said in the general lines of his argument, he ought to be in favor of the bill and use all his eloquence and his efforts to favor this particular item, because the bill is for Americanization as against internationalization; it is for Americanism as against internationalism. It is to prevent the spread of a doctrine taught by the whole tribe of internationalists.

The Senator from Missouri referred in his last remarks to what would be published and sent out by the Secretary of the Interior. The course of study under this system, the plan provided for in the bill, is to be adopted by the several States, and may even be adopted and carried out without the approval of the Secretary of the Interior. They have a system of reporting to the Secretary of the Interior under the provisions of the bill, it is true, but the several States will have the initiative in all the work that is done under the bill.

The PRESIDING OFFICER (Mr. GRONNA in the chair). The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Utah [Mr. SMOOT].

Mr. HARRISON. If the Senator from Iowa is going to make a motion to adjourn, why not let it go over until Monday?

Mr. KENYON. I have no objection, I will say to the Senator.

Mr. HARRISON. I should like to offer an amendment so that it may be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRISON's amendment is at the end of section 2, to insert the following proviso:

Provided, That such charge, as prescribed by the Secretary of the Interior, be exacted of each person attending any school maintained in whole or in part from any funds provided for under the provisions of this act, as will reimburse the Treasury of the United States.

Mr. HARRISON. I understand the Senator from Iowa is going to ask to have the bill reprinted?

Mr. KENYON. I am going to make that request. I ask unanimous consent that the bill now under consideration be reprinted with the amendments as adopted.

Mr. SMOOT. Will the Senator withhold that request just a moment? Does the Senator intend to proceed further with the bill this afternoon?

Mr. KENYON. No.

Mr. SMOOT. I have some amendments to offer.

Mr. KENYON. The Senator has some amendments about which there will be no controversy?

Mr. SMOOT. I think there will be no controversy about the one I will offer first. If there is, I will say to the Senator that I will withdraw it.

On behalf of my colleague [Mr. KING] who is ill at home, and at his request, I offer the following amendment——

The PRESIDING OFFICER. There is an amendment pending at this time.

Mr. SMOOT. Then I will withdraw the amendment.

Mr. KENYON. I renew my request that the bill now under consideration may be reprinted with the amendments as adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEDITIOUS ACTS AND UTTERANCES.

Mr. WALSH of Massachusetts. I have been requested by the Senator from Oklahoma [Mr. OWEN] to ask to have inserted in the RECORD an analysis of the Sterling bill, by Prof. Zechariah Chafee, jr., of the Harvard Law School, and also a memorandum on the Sterling bill and the Graham bill by Dr. F. C. Howe.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Analysis of the Sterling bill, by Prof. Zechariah Chafee, jr., of Harvard Law School.]

"The Sterling bill against sedition, which has just passed the Senate, will, if it becomes law, be the first restriction by Congress of liberty of speech in time of peace, with the exception of the notorious sedition act of 1798, which was opposed by Marshall and denounced as unconstitutional by Jefferson and Madison. Without any legislation against advocates of violence and revolution this country has gone safely through much worse crises than the present.

"James Ford Rhoades, in the last volume of the history of the United States, tells how in the midst of the great railroad strikes of 1877, when unemployment was larger than ever before or since, a big communist meeting took place in New York. The Seventh Regiment was held in readiness to put down any actual disorder, but there was no interference with anything that was said. The speakers indulged in the wildest kind of talk, but everything went off tamely.

"Arthur Woods used the same wise policy with success when he became police commissioner of New York City during the hard times of the summer of 1914. Under the previous administration the police had been breaking up anarchistic meetings, which were held in Union Square every Saturday afternoon, and the crowds were in an excited, defiant, and bitter mood. When Mr. Woods took office he told the police to interfere in case of any actual disturbance, but not to stop any speaker. A hundred plain-clothes men were scattered through the crowd singly on the watch for violence to nip any attempt in the bud, but beyond that they were to radiate good nature and try to maintain an atmosphere of quiet and calm. Mr. Woods says:

"The change of method was almost unbelievably successful. There was no disorder, the crowd was very large but very well behaved, and at the end of the meeting, when everything was over and many had gone home, three cheers were proposed and given for the police and for the old chief inspector, Max Schmittberger, who had been in personal charge.

"Why should we abandon this traditional American method of dealing with hot-headed agitators and revive the odious sedition act of 1798?

"It may be urged that the Sterling bill does not impose penalties on radical discussion, but simply punishes those who advocate the overthrow of this Government or changes in its form by means of force. We ought to remember, however, that reformers who get excited are pretty sure to take the position that force is justifiable if peaceful methods fail to gain what they consider right. In the past we have felt it wiser to let them talk than to cause much greater bitterness in them and in their friends by throwing them into prison. We have refused to arrest them unless there was a real danger that the lawlessness which they advocate would immediately take place.

"Under the Sterling bill, however, it will be possible to go through any socialist or communist book or speech with a fine-tooth comb and probably find a sentence here or there which can be interpreted as advocating revolution. Thus it will be possible to imprison almost any radical agitator in the absence of any real danger of revolution. There will be a serious temptation to those in authority in times of great strikes and other excitement to make use of this law to bottle up the leaders. It is too powerful a weapon to intrust any human being with.

"If Judge George W. Anderson is right in his statement that 90 per cent of the pro-German plots never existed in spite of our fear of them, and that there is no greater reason to anticipate serious "red" plots, then it is just as safe as it ever was to treat revolutionary talk with contempt.

"On the other hand, if there is any real plot to overthrow the Government of the United States by force or to hinder the execution of its laws, we do not need any new legislation to deal with such a conspiracy. Section 6 of the Federal Penal Code of 1910 gives the Government ample power to deal vigorously with any such emergency. This section reads:

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war again them, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000, or imprisoned not more than six years, or both.

"In addition, every State has laws to punish severely any successful or unsuccessful attempt to destroy life and property by bombs and other violent means. We have enough legislation now to protect us against any real danger.

"The third and fourth sections of the Sterling bill are particularly objectionable because they make it a crime to send through the mails or to import or transport from State to State any book which contains a single passage advocating any changes

in this Government or in all governments through force. Many of the classics of modern economics contain a few such passages in addition to theoretical discussion.

"This statute would prevent a loyal citizen from obtaining the works of Marx, Proudhon, Bakunin, or Stirner from abroad or from another State, and would make it criminal for a loyal bookseller to buy those books for him. One particular instance will show the evil of such a statute. The faculty of Harvard University is now planning to collect in its library all books and pamphlets relating to the Russian revolution in order to start as soon as possible to parallel the great collections which were made after years of delay of material relating to the French Revolution. This statute would make it impossible to bring a large part of this material into the United States. It makes it impossible for us to know what our enemies are planning, and cuts us off from some of the main currents of modern thought.

"In the past we have been proud to believe that arguments for law and order, the common sense of the American people, including those who come from Europe to help build up our industries, and the noble qualities of our institutions would win out in a short time over any revolutionary talk or writing. The Sterling bill shows a serious distrust in these three great stabilizing factors of American life.

"It is a kindergarten measure which assumes that our patriotism and our institutions are so weak as to crumble away at any talk of revolution. Those who have confidence in the American policy of free speech, the stability of American institutions, and the sound sense of the American people ought to do all in their power to secure the defeat of this bill or any similar legislation."

[Memorandum on Sterling bill and Graham bill, by Dr. F. C. Howe.]

"These bills are alike in creating constructive or inferential crimes. Constructive sedition was evolved by Judge Jeffries in an historical case which was not overthrown by the courts of England for several centuries. Under the original infamous Jeffries decision a man was held guilty of treason for having in his possession a private memorandum written by himself, which the court said might have gotten into the hands of some one else, and might have so influenced his action that he would conspire or take some action against the King or the Government, looking to its overthrow.

"This was the genesis of constructive sedition. It was reversed, I believe, about 150 years ago, to the credit of English law.

"The Federal Bill of Rights was a protest against constructive sedition, with which the colonists were thoroughly familiar. The pending bills elaborated this idea in a most extraordinary way. They carry it much further than the English law ever contemplated.

"These laws put in the hands of policemen, district attorneys, and courts all over the country the power to arrest men, to hold them in jail, and ultimately to try them. Even aside from conviction, it creates a net for terrorism which may be directed as any local official agency may desire. It can be used to destroy strikes, agitation, protest, or publications. It is a standing menace against every speaker and against every radical publication.

"The common law has heretofore contemplated only overt acts. Overt acts can be proved. They can be proved by witnesses. The proof under this statute is inference or conjecture. this is an entirely novel criminal procedure, except as it has been recently extended under conspiracy acts, for the most part against labor. As I recall, the 35 men sent to jail in Indianapolis some years ago in connection with the Los Angeles explosions were convicted by inferential conspiracy. This makes it possible to network the country and dragnet it by secret-service men. It can be used to exhaust by bail bonds and trials all kinds of radicals.

"The provision in the bill requiring a man to testify against himself, even though it does incriminate him, is a reversal of the traditions of our criminal procedure.

"The act itself is ambiguous. This is probably intentional. It would be very easy to have made the clauses definite as to the use of force and violence. The ambiguity is undoubtedly intentional.

"The act establishes a menacing censorship over every printed word, over every movie, over every caricature, as well as over every speech that may be delivered. It subjects every one except a reactionary to fear. The resultant psychology of the Nation will be terrible to contemplate.

"The thing that distinguished America heretofore has not been its form of government; it has been a sense of freedom on the part of the individual to do and say what he chose. That is what liberty has meant. These bills take away liberty by substituting fear; by denying a man the right to be the judge of his own opinion. I doubt if Germany or Russia ever went further.

"There is no need for such legislation. We have gotten on for 150 years without it. There is adequate legislation against sedition or treason.

"I understand there has not been a single person arrested by the Immigration Service against whom there was any evidence that he conspired against the Government. I understand that Attorney General Gregory has made a similar statement in one of his reports.

"The results of the section creating a post-office censorship are obvious. Every radical publication would be under a standing menace. It would not dare speak freely. It could be bankrupt overnight. Under this bill socialist papers, even liberal papers like the Nation, and the New Republic, could be denied the mails by a hostile administration, while such papers as the Liberator would be surely suppressed. The passage of this bill really marks an end of freedom of the press in America. The very existence of this power is a denial of freedom, even though it is not used.

"This is the essential effect of it as to the three primal American liberties: Liberty of speech, liberty of assemblage, and liberty of the press. The power of an official to deny these rights, to arrest men as they have been arresting them, to hold them in jail and subject them to expensive litigation, are in effect as complete a denial as their exercise.

"This bill invites the agent provocateur; it invites espionage; it is an invitation to spying of all kinds."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3794) granting an increase of pension to John Colby (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3795) granting a pension to Ann Carman (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3796) granting an increase of pension to Eli F. Holland (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. PHELAN submitted an amendment proposing to appropriate $20,000 for the relief and care of nonreservation Indians in California in destitute circumstances, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

HOUSE BILLS REFERRED.

H. R. 11892. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

H. R. 11927. An act to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation was read twice by its title and referred to the Committee on Naval Affairs.

ADJOURNMENT.

Mr. KENYON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, January 26, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 24, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

To be at one with Thee, in intent and in purpose, our Father in heaven, is to live to the highest purposes of life, to be in the world and yet not of the world. The Master said to His disciples: "In the world ye shall have tribulation: but be of good cheer: I have overcome the world."

The man who lives without God and in his quest for material gains forgets the rights of his fellowmen, lives a lonely life; and when he passes on will be unwept, unsung, and go to the place he has prepared for himself; but the man who regards God, loves Him and recognizes the rights of his fellows, will be surrounded by friends and tears will follow his going; for truth is truth and right is right, so let us live and pass on, serenely, to the larger life, prepared for us by Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF SUFFRAGE AMENDMENT.

The SPEAKER laid before the House a communication from the governor of the State of Kentucky announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

BRIDGE ACROSS COLUMBIA RIVER BETWEEN OREGON AND WASHINGTON.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call up the bill S. 3331, a bridge bill, which was on the Speaker's table, an identical bill being on the House Calendar, and I ask that the same be considered.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 3331) authorizing the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States.

Mr. WALSH. Mr. Speaker, I desire to ask whether the House bill was reported before or subsequently?

The SPEAKER. The Chair is informed it was reported before. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That authority is hereby granted to the Interstate Construction Corporation, a corporation organized under the laws of the State of Washington, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near a point within 2 miles westerly from Cascade Locks, in the county of Hood River, State of Oregon, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That a license is hereby granted to the Interstate Construction Corporation, a corporation organized under the laws of the State of Washington, and its successors and assigns, to construct, maintain, and operate an approach to the bridge mentioned and referred to in section 1 of this act over property belonging to the Government of the United States, said approach to be constructed as near as practicable upon the following locations, to wit: Across an area 200 feet in width, the center line of which originates and bears as follows: Beginning at a point on the section line between sections 12 and 13, in township 2 north, range 7 east, Willamette meridian, in Hood River County, Oreg., 4,494 feet west of the southeast corner of said section 12, township 2 north, range 7 east, whence extending in a straight line bearing north 76 degrees 44 minutes west to an intersection with the north shore of the Columbia River, in the State of Washington, the exact location to be fixed by the Secretary of War.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GARRETT. Do I understand that the House bill, Mr. Speaker, is in identical terms with this bill?

Mr. JOHNSON of Washington. Yes; without amendment.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 52, noes 0.

So the bill was passed.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill H. R. 10281 be laid on the table.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill H. R. 10281, identical with the Senate bill, be laid on the table. Is there objection? [After a pause.] The Chair hears none.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. PORTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11960, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11960, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PORTER] has 36 minutes remaining and the gentleman from Virginia [Mr. FLOOD] 15 minutes remaining.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. KITCHIN]. [Applause.]

Mr. KITCHIN. Mr. Chairman, I am for this bill—after a little more pruning. The gentleman from Wyoming [Mr. MONDELL] and myself, though through no real express understanding, have made up our minds to put through an economy program in this House at this session. [Applause.] I have been helping him. I have been voting for every bill that reduced appropriations, and I am going to continue to do it. Of course, he and the Republicans have put in items amounting to $75,000,000 or $100,000,000 on bills that I could not stand for.

Of course, there has been some criticism of the gentleman from Wyoming and the steering committee by Republicans and by Democrats. I do not think those criticisms are justified at all. I do not criticize the steering committee for taking charge of these regular standing legislative committees of the House. I think they have done right from their standpoint. These committees are composed, from the steering committee's viewpoint, of incapable, impotent members. Take the Committee on Naval Affairs. The members thought they knew what to do. They thought they knew what kind of bill to report out. They thought they knew what kinds of appropriations to make; but the steering committee did not think they knew. Of course, I had nothing to do in making up the Republican membership of the Naval Affairs Committee. If I had, I believe I could have made up a committee that would not have been under the necessity of having overlords, but my friend MONDELL and others made up that committee from their membership, and, from their standpoint, they know them. They know they are weak men; they do not believe they have the wisdom or patriotism or judgment sufficient to know how to legislate, how to make appropriations, although some of them have been on the Naval Affairs Committee for 20 years or more. So the steering committee said to itself, "Why, the chairman and these other Republican members of the Naval Affairs Committee do not know what to do. They have not sense or wisdom or patriotism or sense of economy sufficient to know what kind of bills to report out." So they are brought up before the steering committee, and the gentleman from Wyoming, acting as spokesman—I assume this is the way it was—[laughter], said to them, "Now, look here. Tear up that bill that you propose; tear it up! This House has got to make an economy program—for this year's election—and I intend to carry it out. Tear it up! Do not appropriate a single dollar except for these noncommissioned officers and enlisted men." And this Naval Affairs Committee, the Republican membership of it, went back and tore up the bill they proposed, and substituted exactly what the steering committee drafted.

I presume the steering committee is right. Why should they be criticized for taking charge of a committee like the Naval Affairs Committee? Why, they have shown wisdom, so much so that I voted for the bill that the steering committee reported out yesterday.

Now, you take the rivers and harbors bill. There is a committee made up of Republicans, a large majority selected by the gentleman from Wyoming and his Committee on Committees, and they proposed to do what seemed at that time to be the wise thing to them. They decided to take each item, each project mentioned in this proposed bill, and go over it and cut that project to the bone; and they proceeded along that line. The Republican steering committee said to itself: "Why, we Republicans have got a crowd of weaklings on that committee. We made it up to satisfy this element and that element and to have this river or harbor and that river or harbor represented. We made it up in order to get their votes, and not because we thought they were the wisest and best or strongest members we could put on the committee. They do not know what they are doing. Now, let us have them up before us."

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KITCHIN. One moment. I have but 10 minutes, and this is going to do you a lot of good.

And the steering committee proceeded to hale this rivers and harbors Republican membership before it. The gentleman from Wyoming [Mr. MONDELL] had determined for politics to carry out an "economy program" here in the House, knowing at the same time that whatever reduction in the rivers and harbors bill was made here was never going on the books, that the Senate was going to increase the bill by many millions, and the House was going to back down at the proper time. I do not think or say that Mr. MONDELL intends to back down on it, but so many Democrats and so many Republicans do. [Applause on the Democratic side.] To this Rivers and Harbors Committee—that is, to the Republican members—he said: "Here, don't you put in the bill a single dollar specifically on a single project of the 50 or 60 projects; not a dollar. You have no right to exercise your judgment one moment on these projects or say where the money must be spent. Don't you permit Congress to do it, but you put it in the engineers' discretion and judgment, and cut that bill down from $25,000,000 or $40,000,000 to $12,000,000. This must be done for 'my economy program.'"

And Mr. KENNEDY of Iowa, the chairman, and the other Republicans—I just assume this is the way it was; it turned out that way—just walked out, head down, and forthwith, in servile obedience to the overlords, called the committee together, and said: "Boys, here is what we have to do; not what we ought to do, but we have just got to do it. This bill by its orders can not carry but $12,000,000. The steering committee says we have got to do it." And they did it. [Laughter.]

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. No; not now. The sight of the gentleman himself [Mr. GREEN of Iowa] reminds me of another committee of the House that has been for a hundred years considered a very important committee, the Committee on Ways and Means, that has been converted into putty in the hands of this overlord committee.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes; right now.

Mr. GREEN of Iowa. I thought you would.

Mr. KITCHIN. No; I have changed my mind. I decline to yield right now. [Laughter.]

The CHAIRMAN. The gentleman from North Carolina declines to yield.

Mr. KITCHIN. Here is the Committee on Ways and Means, as I said, a very important committee, which has been in existence for over 100 years, and it is considered by the House to be a very important committee, of which the gentleman from Iowa has been for a long time a member, and is now the ranking Republican member on it, and my friend from Michigan [Mr. FORDNEY] is the chairman, and has been on it for 14 or 15 years. It was made up this session mostly of new Members. Of course, the steering committee knew they were going to be handicapped somewhat in the future, because of the make-up of this committee. Do you know the only kind of bills this great committee has been allowed to report out and consider in the House, although there have been bills after bills, important bills, referred to that committee? Do you know the only kind of bills the steering committee permitted to be reported out were bills in which members of the committee were particularly interested, as, for instance, the little pearl-button bill. [Laughter.] And then they only allowed the gentleman from Iowa to report it because he begged them so hard to let him have the pearl-button bill reported, to encourage a little home industry in his district. [Laughter.] Over 50 per cent of such buttons made in the United States is made in his State and district.

Another bill was for the protection of tungsten, introduced by another member of the committee. The gentleman from Colorado [Mr. TIMBERLAKE] was permitted to report it. He begged to be allowed to report out that little bill for tungsten ore, and they trusted him with that little bill. [Laughter.]

Another bill was reported by the gentleman from Washington [Mr. HADLEY], a member of the committee, for magnesite. He said, "Let me get it out, to show the folks of the State that I am on that committee." [Laughter.] This overlord committee has taken complete charge of Brother FORDNEY's and Brother GREEN's committee, to their great humiliation. [Laughter.] The committee reported a bill for which both Republicans and Democrats unanimously voted, to permit the Secretary of the Treasury to pay the same scale of wages for helpers at the appraisers' offices as other people are getting around the seaports, and which is absolutely necessary in order to get any help at all, and they wanted to bring it up in the House, but this steering committee said to Mr. FORDNEY, "Don't you do it; don't you do it. We forbid. We forbid." [Laughter.] And they did not do it.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Well, all right. [Laughter and applause.]

Mr. FLOOD. Mr. Chairman, I yield two minutes more to the gentleman.

The CHAIRMAN. The gentleman from North Carolina is recognized for two minutes more.

Mr. KITCHIN. All right. They would not let Brother FORDNEY get out that bill. They have another bill before the committee to appropriate $150,000,000 to loan to Poland and Austria and Armenia to keep their people from starving. The steering committee will not let the Republicans report out that or any other bill for any amount to prevent starvation. To illustrate the situation, in the city of Vienna or Budapest there is a hospital that will accommodate 18,000 children—babies—and do you know that the children put in there have been dying at the rate of from 60 to 96 per cent? The highest rate in one month was 960 out of every 1,000 put in—perishing to death from lack of food and medicines; and they are unable to help the situation. Relief must come from the outside. And the steering committee tells Mr. FORDNEY: "You shall not help. Report no bill out. Come before me. Your committee have not sense enough to know what to do. Humanity, starving people, and perishing babies can not interfere with my economy program." Yet every man on the committee was in favor of giving some needed assistance. These overlords have dwarfed that once proud and important and powerful committee into a mere thing of servile obedience.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. GARNER. Was it not a fact that the committee was called for the very purpose of reporting this bill?

Mr. LONGWORTH. Oh, no; that was because of the eloquent speech of the gentleman from North Carolina against it. [Laughter.]

Mr. KITCHIN. You do not need these legislative committees. You only need the steering committee. Now, let me tell you something else——

The CHAIRMAN. The time of the gentleman from North olina has again expired.

Mr. KITCHIN. Oh, let me just tell them something! [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for three minutes.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I ask that in part of my time there may be read from the desk an editorial from the Baltimore Evening Sun of January 23, 1920.

Mr. WALSH. Mr. Chairman, I object to the reading.

Mr. LINTHICUM. That is in my own time. I will read it myself.

Mr. WALSH. I will object to the gentleman reading it.

Mr. LINTHICUM. You can not object to me reading it.

Mr. WALSH. I will object to the gentleman reading it.

Mr. KING. Mr. Chairman, I move that the gentleman from Maryland be allowed to read it to the House.

Mr. WALSH. I would not object but for the action of the gentleman from Maryland the other day in connection with the rivers and harbors bill.

The CHAIRMAN. The gentleman from Illinois [Mr. KING] moves that the gentleman from Maryland [Mr. LINTHICUM] be permitted to read an extract from the Baltimore Evening Sun. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Maryland will proceed.

Mr. LINTHICUM. Mr. Chairman, this is an editorial from the Baltimore Evening Sun of January 23, 1920, entitled "The steering committee acts." I read:

THE STEERING COMMITTEE ACTS.

Austria is starving. That fact has been asserted by numerous well-informed persons and has not been denied by anyone. Eight out of every ten children in Vienna have the rickets. Hearses clog the traffic in the streets. Women so weak that they can not stand erect are seen crawling along the pavements, dragging to their homes bits of firewood which they have gathered.

England has advanced some millions of pounds for its relief. Italy, herself struggling under terrible economic burdens, has furnished a refuge for 15,000 Austrian babies in order to give them the milk and food which will save their lives. Out of their little they have given much. The United States Government, out of its abundance, delays to give anything.

When Secretary Glass and Mr. Hoover a few days ago presented to the House Ways and Means Committee a plan for the relief of the starving nations of Europe—a plan which meant, in the end, very little monetary loss to this Government, for they showed how the money advanced would be largely returned and within a comparatively short time—the members of that committee were convinced. They announced that they were ready to support the congressional measure suggested by Secretary Glass and indorsed by Mr. Hoover. Now, the Republican steering committee of the House has ordered the Ways and Means Committee not to approve the project. Its members give puerile reasons in defense of their action.

Is the Ways and Means Committee, is Congress, are the American people willing to let Austria starve in order to discredit a Democratic Secretary of the Treasury or to hinder the movement to make Herbert Hoover President?

[Laughter on the Republican side.]

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to revise and extend his remarks.

Mr. WALSH. I object.

The CHAIRMAN. The gentleman from Massachusetts objects. The gentleman from Pennsylvania [Mr. PORTER] has 26 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 26 minutes.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Would the gentleman from Wyoming like an audience? If he does, I will get him one. [Laughter.]

Mr. MONDELL. We have a very good audience. The gentleman from Texas is here, and others. [Laughter.]

Mr. KNUTSON. The gentleman from Texas is an audience in himself.

Mr. MONDELL. Mr. Chairman, at one time and another I have felt under very great personal obligations to the gentleman from North Carolina [Mr. KITCHIN]. I have a very high regard for him. I agree with him in many things, but I have never been under such profound obligations to him as I am at this moment, because he has afforded me an opportunity—in fact, he has really made it incumbent upon me—to make certain statements which in my modesty, and in view of the modesty of the members of the steering committee and of the Members on the Republican side generally, I should not have felt justified in making, except that the gentleman has invited, suggested, even insisted upon it.

Of course, the gentleman has been largely in favor of what we have done. He has approved in the main the policy that has been adopted. He was good enough to announce that it had been his purpose—and his purpose has been very clearly indicated by his votes and by his attitude and by his actions—to join with us in an effort to carry out a program of economy and of sound business legislation.

But, Mr. Chairman, the gentleman from North Carolina, delightful gentleman as he is, of course, can not feel absolutely and unqualifiedly happy over the fact that the Republicans are working in absolute harmony in this Congress. [Laughter on the Democratic side.] That they are giving the finest example of teamwork and of cooperation that has ever been given in the Congress since I have been a Member of it. [Applause on the Republican side.] We have an organization. The Speaker is a part of it; the steering committee is a part of it; in a small and humble way, the chairman of the steering committee is a part of it; and every Member on the Republican side is an important part of it. [Applause on the Republican side.] They are a part of it that is constantly and continuously consulted on all the matters that come before the House.

Why, even from time to time the gentleman from North Carolina himself and some of this colleagues who are sound-thinking men are a part of it, because they are consulted in regard to matters on which their judgment is known to be reasonably sound—and it is sound on many matters. [Laughter.] Now, it would have been very presumptious under ordinary circumstances for me to have stated on the floor of the House the methods of the organization on the Republican side—in fact, I should not have thought of doing so—had it not been for the fact that the gentleman from North Carolina has in effect suggested that that be done; and, inasmuch as I always like to agree with him and carry out his wishes when I can and when it is for the good of the country to do so, I feel not only justified but rather impelled to say a few words in regard to the manner of conducting the public business in this Congress.

We have splendid committees, not only the majority membership but the minority membership of them; and fortunately for the good of the country, on very many matters that come before us there is no considerable difference of opinion, at least from a partisan viewpoint. Of course, there is the playing for position. There is the inevitable effort at times on the part of the minority to try and secure just a little political advantage, and sometimes it appears on the floor as though they are not wholly in favor of certain action which in their heart of hearts they indorse and approve. It is just a part of the game. We all understand that, and we are charitable enough about it not to expose their hand if they do not go too far. [Laughter.]

We have a steering committee. The Republicans of the various committees of the House, after having given careful consideration to the matters that come before their committees, very frequently say to the Speaker or to the chairman of the steering committee, or some member of it, "We have some matters with regard to which there is some difference of opinion as to the proper policy to follow. We are trying to carry out a policy of economy. We want to provide properly for the public service, but we want to cut out all unnecessary appropriations, and the members of our committee would like to take up with the steering committee and with the Speaker, and with such other members as you see fit to invite in, the general questions of policy before our committee." We frequently have conferences thus suggested. We have done that with regard to every appropriation bill that has been presented to the House thus far. That policy will be followed with regard to other appropriation bills, no doubt. The conference not only takes in the Republican members of the committee having the matter in charge, the members of the steering committee, and the Speaker, but generally chairmen or members of other committees interested in the carrying out of the general policy and having to do with legislative and appropriation matters somewhat akin to those under consideration. And after full consideration we have always reached a unanimous agreement. That is what has pleased me. It is not a matter of a showing of hands with the idea of finding out whether there is a preponderance of opinion on one side or the other; but after all have discussed the matter, frequently, not once but a number of times, there is eventually a unanimous agreement.

We keep at it until there is a unanimous agreement as to the general policy that ought to be followed. You know, I think that is what we ought to have had here years ago. I have a notion it is the best way to legislate and appropriate—that is, to bring the membership of the House together frequently in groups, first one and then another; bringing in those who desire to be heard, those who are particularly interested in the matter before us, those who have a special responsibility with regard to the general policy of the party, and finally coming to an agreement as to what we shall do. The steering committee has never told any committee what it should do, what it could do, or what it could not do, and has no thought of doing anything of the sort. [Applause.] But I am thankful that out of this policy of cooperation and coordination and constant and frequent conferences we are able to secure an agreement on the Republican side as to what should be done; and, as I have said here, even the gentlemen on the other side are frequently very helpful. And I want to say now that I think the very great majority of the men on the Democratic as well as the Republican side of the House have an earnest desire to make a good record for this Congress, without regard to whether it is Republican or Democratic; a record that will commend the Congress as a Congress and every Member of it to the good opinion of the people of these United States. [Applause.]

Mr. Chairman, so much for that.

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. MONDELL. I thank my friend from North Carolina [Mr. KITCHIN] for the opportunity that he has given me. He said something about specific matters that perhaps I ought to refer to. I have never believed that I was a particularly hard-hearted individual. I have been sometimes accused of being oversympathetic and overtender-hearted. With my own funds, limited as they are, I have always tried to do what I could in my small and humble way to relieve suffering. I think that is characteristic of all the American people. Why, how they have poured out their money by the tens and hundreds and even thousands of millions—personal funds—contributing to every good cause that has appealed to them, particularly since the day we entered the European war. They are still contributing generously, beyond all example in the past, to the relief of the peoples of various portions of the devastated, war-torn areas of the world.

The question recently has arisen as to whether we, as representatives of the people, are justified in appropriating their money as a matter of charity for the relief of suffering in Europe. Of course, it is a very large question.

It is a question that a short time ago would have started all the constitutional lawyers talking as to whether we have in our commissions any warrant to expend large sums of the public money for charity. I am reminded of the fact that as long as we can remember there have been recurrent, frightful, and devastating scourges in the Far East, and particularly in India, in which millions of people have died and during which the most frightful suffering has occurred, far beyond anything now in Europe; and I can readily understand how we might have been called upon by humanitarian folks, sympathetic people, to have contributed of our money to the relief of those people. Our people did as individuals contribute largely, but we never felt that as Members of Congress we were justified in giving the money of the American people for these purposes.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. LONGWORTH. Do I understand that the gentleman from Wyoming gathered from the very touching remarks of my friend from North Carolina [Mr. KITCHIN] that he was in favor of that bill?

Mr. MONDELL. Well, I do not want to put the gentleman from North Carolina in any embarrassing position.

Mr. KITCHIN. If you will permit me, the gentleman from North Carolina is not in favor of the bill as drawn.

Mr. LONGWORTH. No; of course not.

Mr. KITCHIN. But I will tell you what I am in favor of.

Mr. LONGWORTH. The gentleman misled my friend from Wyoming.

Mr. MONDELL. The gentleman from North Carolina is not in favor of the $150,000,000 proposition which is before the committee. I knew that.

Mr. KITCHIN. If the gentleman will permit me——

Mr. MONDELL. The gentleman will have plenty of time in which to explain all of the good things and all of the questionable things that he is for. [Laughter.]

I have conflicting emotions about this matter. I do not want my view to settle it. It would not if I desired it to. I am only one Member of the House, and I am not going to make any special effort to have the House follow my views as to this thing; but I believe that we should think long and carefully before we take the money of the people of the United States to provide funds for the needy people of Europe. [Applause.]

No matter how trying conditions may be. And, gentlemen, do not be misled. I think conditions must be frightful over there in certain localities from all we have heard, but all the sob stories that you hear are not true. We gave France at an exceeding low figure several hundred million dollars worth of good foodstuffs we had there at the signing of the armistice. The condition of starvation in Austria, particularly Vienna, is in the main due to the fact that France and the Allies insisted that Austria should be dismembered to the last acre and that German Austria should not be allowed to join Germany. We are not responsible for that condition. If Austria, what is left of her, were to-day a part of Germany, I have no doubt that the German people, their neighbors, their kinsmen speaking the same language, would provide for them. But France said no, and the Allies agreed. Gentlemen, whatever the condition may be, the responsibility is not primarily ours, and France, war torn as she is, might spare at least a little of the Army foodstuffs we left with her in order to take care of these people just across the hills from her border, whose present condition is largely due to the fact that she insisted that they should remain as an independent government.

Mr. REAVIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. REAVIS. In speaking of the dire need of France for foodstuffs, I saw in the sporting column of the paper this morning that they raised 100,000,000 francs from a prize fight. Could they not have used some of that?

Mr. MONDELL. The other day when I said I doubted that we ought to spend $15,000,000 in addition to the $60,000,000 we had already spent for aeroplanes this year some one said, "Well, England has spent $350,000,000." I said, "My dear friend, if there was any rag of truth in that old gag, then we ought to pass a resolution through the House of Representatives insisting that England pay the interest on what she owes us." [Applause.] If England can afford to pay $350,000,000 or $150,000,000 or $100,000,000 for aeroplanes, then she ought to pay the interest on her debt to us. [Applause.] The fact is that there is nothing in the story. It is not true. It is not so, and no such sum or anything approaching it has been spent or is being spent by England for that purpose.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman is aware that we have loaned Europe over $2,000,000,000, a large portion of which has been used for the purchase of foodstuffs, since the armistice?

Mr. MONDELL. I think there can be no doubt that a large portion of our very great loans, amounting to almost $10,000,000,000, were used as a military necessity and in connection with military operations to keep civilians as well as the military population supplied with food. That is undoubtedly true.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. GARNER. I want to suggest to the gentleman, the chairman of the steering committee, that he permit the Ways and Means Committee to report a bill primarily for charity, and providing in that bill that they can use the profits of the Grain Corporation, profits made out of Europe, toward the relief of those who are really suffering in Europe.

That is what I want to do, and that is as far as I want to go. I want to take the profits of the Grain Corporation, which were made out of Europe, and give them to the people who are really suffering and dying in Europe. I do not want to give one penny of it toward the military proposition or in support of an economic condition in those countries.

Mr. MONDELL. The gentleman from Texas [Mr. GARNER] does me altogether too much honor—if honor it be—in the assumption that I personally control these things. I am but a Member of the House, and I have my opinion; but the Committee on Ways and Means is composed of strong, capable men. They will arrive at some conclusion in the matter. They will, of course, confer with their colleagues; but the conclusion will be theirs, not mine.

Mr. LONGWORTH rose.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I yield, first, to the gentleman from Ohio.

Mr. LONGWORTH. I merely wanted to state to my friend that the gentleman from Texas [Mr. GARNER] speaks advisedly, he being the chairman of the Democratic steering committee. [Laughter.]

Mr. MONDELL. Of course, the difference between men in organizations on the Democratic side and men in organizations on the Republican side is this, and it is quite important, that the duty of men in the organizations and at the head of the organizations on the Republican side is to find out what the Republicans desire to have done, and then help them do it, whereas the gentlemen on the other side frequently conceive it to be their duty to tell gentlemen what they should do. There is a vast difference.

Mr. LONGWORTH. The only error in the gentleman from Texas is that he is assuming that business is conducted on the Republican side of the House as it has been on the Democratic side during his incumbency and that of the gentleman from North Carolina [Mr. KITCHIN], ably assisted by Mr. Tumulty at the other end of the Avenue. [Laughter.]

Mr. MONDELL. I must say that if we have got to have bosses who decide things without regard to the views of their colleagues, we might have even worse than the gentlemen who have been referred to. [Laughter.]

Mr. KITCHIN. I would say to the gentleman that during my incumbency, as the gentleman from Ohio refers to it, I went a little further in bossing than the gentleman from Wyoming [Mr. MONDELL]. I bossed so well that every Republican voted for every measure that I brought out of the committee, and they voted unanimously for the measures that I reported out, the measures that I indorsed, so I had you all under my hand. [Laughter.]

Mr. MONDELL. To a certain extent that is true. In the days when we were fighting the great fight, in the days when we had but one thought, and that was to win and win gloriously, we had to take the word of men in position of responsibility. We could not do otherwise. We had to resolve every doubt on both sides in favor of the insistent statements of the gentlemen in command that certain sums were absolutely necessary, as patriots on both sides, gentlemen voted to support their Government. [Applause.] Now, we have come to the cold, gray dawn of the morning after, and we have discovered that large portions of those sums were wasted, were used uselessly and unnecessarily, and we are trying to take up the slack and get back to normal, sane, sound, and safe conditions. And gentlemen on the Democratic side are generally helping us, as we did them, and we thank them for it. It is just what we expected of them, because while their views and notions with regard to many things are as wrong as they can be, their hearts are all right. [Laughter.]

And now, Mr. Chairman, may I talk for a moment on this bill? This bill follows the policy that we have been trying to follow, with the aid of our friends on the other side, at least part of them, when the political exigencies of the occasion do not demand a temporary switch the other way, to keep down the appropriations within the sums necessary for the prosecution of the people's business in an economical way. There is not a service provided for in this bill that is not well provided for, and I think rather liberally provided for. Yet there is a reduction of $3,000,000 below the estimates, amounting in percentages to something over 25. This committee did not get any orders from the steering committee. This committee, like other committees of the House, did confer with the steering committee and with responsible Members as to the general policy, and said they desired to carry out the general policy of the party as it had been outlined. There is no great disagreement in regard to the measure. It is a good bill, and I congratulate the chairman on the splendid way in which the bill has been prepared and every member of the committee on the good work that has been done on the bill—and I mean the Members on both sides.

Mr. GARNER. The gentleman is now speaking about the Diplomatic bill?

Mr. MONDELL. Yes.

Mr. GARNER. I want to ask the gentleman if he thinks it necessary to continue $400,000 as a secret fund in the State

Department, not to be accounted for, under section 291? I ask him if he thinks that is economy, if he believes it to be economy in a time of peace to have $400,000 as a secret fund in the State Department, whereas before this war $90,000 was the highest amount ever appropriated for that purpose?

Mr. MONDELL. I would ask the chairman of the committee what the sum is that the department asked?

Mr. PORTER. The department asked for $700,000.

Mr. GARNER. Oh, yes; the department may have asked for $700,000 or $1,700,000; but I am asking the gentleman from Wyoming, whom I know to be an honest man—and I believe he will tell the House the truth—if he, as the leader of the majority, believes it necessary now, under the conditions that exist and the necessity for economy, to appropriate $400,000 when we had appropriated $90,000 only for that purpose theretofore?

Mr. MONDELL. I will be frank with the gentleman; I have very serious doubts about it. I was born in Missouri and I have the Missouri temperament in regard to that particular item, but my friend from Texas must remember this: The war is over, but Europe has not gotten down to normal conditions, and the State Department insisted that they were not extravagant in asking for $700,000. They pleaded earnestly for every dollar of the $700,000, and frankly I do not feel like taking the responsibility—I would not if I were a member of the committee—of saying that no part of that sum, no considerable part of it, should be appropriated, although I have grave doubts whether it is all needed. The gentleman from Texas knows that in economizing you can not use a broadax, we can not simply slash here and there. If we are to justify our economies before the country, they must be carefully considered and we must not run squarely in the face of and in opposition to the earnest, insistent demands of the administration.

Mr. GARNER. Mr. Chairman, will the gentleman yield further?

Mr. MONDELL. I yield.

Mr. GARNER. With reference to another section of this bill. There is a section in the bill where we authorize $600,000 to supplement salaries in the Consular Service. That is for the State Department to go out and increase salaries without Congress knowing anything about how much each person is to receive. Does the gentleman believe that is good public policy?

Mr. MONDELL. That is a case, as I understand it, where the Republican majority on the committee followed the views of the Democratic committee twice expressed, and twice brought before this House. I do know the State Department pleaded for that item and insisted upon it. I do know that your own committee asked it. Frankly, whether those increases are absolutely necessary, I do not know. I hoped that we could get along without any increases and I am, just at this time, constitutionally opposed to all increases.

Mr. FLOOD. Mr. Chairman, may I ask the gentleman a question?

Mr. MONDELL. But I want to be reasonable. I do not expect committees to take my judgment.

Mr. FLOOD. Does the gentleman think it is economy to continue in this bill that post-allowance fund which was put there for the purpose of supplementing the salaries of secretaries and clerks to embassies and legations to the amount necessary to make up the difference in the cost of living prior to the war and now, and at the same time and in the same bill increase the salaries of these secretaries by $1,000 each?

Mr. MONDELL. I understand the committee did not go anywhere near as far as the administration asked, and it did not go as far as the committee did last year, when it was presided over by the exceedingly able gentleman who has just spoken.

Mr. FLOOD. The gentleman is mistaken about that. They went further than the committee went last year in the increase of the secretaries' salaries.

Mr. MONDELL. And, furthermore, it does not follow that every item of this bill will commend itself to the judgment of the Committee of the Whole. That is for the committee to determine.

Mr. LONGWORTH rose.

Mr. MONDELL. Let me tell the gentleman one thing: Whatever the steering committee may or may not do, whatever the gentlemen in responsibility on our side may do, we do not want to get in the habit of spending our time picking up pins. We are trying to carry out a general policy, but in the nature of things we can not have an opinion except the same as any other Member of the House with regard to every item in all the bills. We must accept the judgment of the committees in regard to the items. Did the gentleman from Ohio desire to ask a question?

Mr. LONGWORTH. Merely in connection with the salaries. I was wondering whether or not the gentleman was aware that the Secretary of State himself personally appeared before the committee and asked for an increase in the ambassadors' salaries to $35,000 a year.

Mr. MONDELL. Oh, yes; and the Secretary of State was very insistent, too, about enormous increases not covered in this bill, and I shall not be disturbed if the Committee of the Whole and the House conclude to modify some of these items.

Mr. ROGERS. Mr. Chairman, if the gentleman will permit, it may be of interest to the committee to recall that although the war was over when this bill was under consideration a year ago, the gentleman from Virginia [Mr. FLOOD], in charge of the bill, reported a bill to the House which included an item of $700,000 for post allowance instead of the $600,000 carried in this bill.

And, furthermore, the department requested $800,000 this year, and said if they did not have it it would wreck the service, and Secretary Lansing laid more stress upon that item, as did his associates, than on any other item in the bill.

Mr. PORTER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PORTER. It may be of interest to the committee to know that the same bill also carried an increase of salaries of secretaries, about the same as the pending bill.

Mr. MONDELL. These are matters of detail that the committee will pass upon and discuss briefly.

Mr. SMITH of Idaho. Is it not true that this secret fund of $400,000 is expended under the direction of the President of the United States?

Mr. MONDELL. It is. And the President of the United States, while not of my political faith, is my President, and when, through the officer of the particular service charged with responsibility, he says the money is absolutely essential in the conduct of our foreign affairs, I can not well say that all of it can be dispensed with. [Applause.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Argentina, Belgium, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, and Spain, at $17,500 each, $210,000.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. LITTLE. To make a parliamentary inquiry. Is an amendment in order right there after line 5?

The CHAIRMAN. Yes. The bill is being read by paragraphs.

Mr. LITTLE. I will send this amendment up and ask that it be read. I do not care to discuss it.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 2, line 3, after the word "Belgium," insert "and Luxemburg"; and strike from lines 7 and 8 "and Luxemburg."

Mr. ROGERS. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order on the amendment.

Mr. LITTLE. What point of order?

Mr. ROGERS. That it is not authorized by existing law.

Mr. DYER. And, Mr. Chairman, I make the additional point of order that all the lines to which the gentleman refers in his amendment have not yet been read.

Mr. LITTLE. That might be true as to the latter part of my amendment, but, of course, it would be in order to insert in those lines. This is an appropriation bill to decide what money shall be expended for certain purposes, and this amendment simply provides that the territory of Luxemburg shall be transferred from Holland to that of Belgium.

Mr. FLOOD. I would like to ask the gentleman what law there is that places Luxemburg where it is now?

Mr. ROGERS. It is not necessary to answer the question to enable the Chairman of the Committee of the Whole to pass on the point of order. There can not be any existing law upon which we can predicate an amendment that will make Luxemburg a part of the same diplomatic entity with Belgium.

Mr. LITTLE. It does not say it is the same diplomatic entity. This says that the one gentleman shall be a representative to both of them.

Mr. FLOOD. I would like to say that if that point of order is sustained you could sustain a point of order to other items in the bill. Some of them are authorized by law and others are not, but those that are not authorized by law would go out.

Mr. LITTLE. If that is the case, we can make a point of order and let them go out of the bill.

The CHAIRMAN. The gentleman from Kansas offers an amendment to the existing law authorizing "ambassador ex-

traordinary and plenipotentiary to Luxemburg." And the Chair would say that if the point of order is made the point of order would be sustained.

Mr. FLOOD. This is an amendment to the law authorizing an embassy at Brussels.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. FLOOD. Mr. Chairman, I move to strike out the last word.

I think the State Department has rendered a splendid service to this country in the development of the Diplomatic and Consular Service and our foreign relations generally. Its Diplomatic Service has brought us in closer touch with the nations of the earth than we have ever been before, and has accomplished much good for this country. Its Consular Service, which I believe is considered the best consular service in the world, has extended our commercial relations and our commerce to the great advantage of the business men of this country. I am in thorough sympathy with the attitude of the State Department in the development of these great foreign services.

I am for this bill. I do not expect to undertake to defeat an item in it, but what I do object to is the attempt that is being made here to show that this is a measure of especial economy. It is no more so than the current appropriation act, which carried a larger amount than any Diplomatic and Consular appropriation bill ever enacted by Congress. But the attempt that is being made—that was made by the chairman of the committee yesterday in his address and by the chairman of the steering committee this morning—to show that this measure was framed along economical lines is without foundation. We are practically at peace with all the world now. We stand on a peace basis. This bill carries an aggregate appropriation of $8,843,000, which the chairman of this committee alleges is less than the existing appropriation. It is. But that appropriation bill was enacted when we had just emerged from the great World War, and when our diplomatic relations were in an unsettled and uncertain state.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. Does not the gentleman think necessarily that the estimates submitted by the State Department, for which the gentleman's administration were responsible, were at least 30 per cent high, and probably much higher than that?

Mr. FLOOD. I think the estimates of the State Department were like the estimates of every department of this Government since I have been in Congress, whether the administration has been Democratic or Republican—greater than they got from Congress and greater than they really expected to get.

Mr. ROGERS. Can the gentleman suggest where this bill can be reduced without crippling the service, and to what extent?

Mr. FLOOD. The gentleman has not been listening to what I said.

Mr. ROGERS. I have.

Mr. FLOOD. I said, on the contrary, I did not expect to vote to reduce any item in this bill.

Mr. ROGERS. Then why criticize the committee?

Mr. FLOOD. I am not criticizing the committee for bringing in the bill, but I am criticizing the attempt that is being made to show that it is a measure of greater economy than its predecessor, when it is not. If your purpose was to show whether the committee was more economical when it was Republican than before you should have compared the amount carried in this bill with that carried in the bill when we were appropriating on a peace basis. The appropriation made in this bill then was $3,000,000 less than the appropriations carried in the pending bill. Your claim of economy therefore is without merit. This claim constitutes the objection I have to the contention which is made here. It is not true to the fact.

Mr. DENISON. I would like to ask the gentleman from Virginia a question.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent for five minutes extension.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. I was going to ask the gentleman from Virginia if the Diplomatic and Consular appropriation bill last year was a measure of economy?

Mr. FLOOD. No. It was not paraded in this House as a measure of economy.

Mr. DENISON. I did not ask whether or not it was paraded to the House as a matter of economy.

Mr. FLOOD. It was for the purpose of extending and enlarging our Consular Service, and the largest appropriations were made for the Consular Service in that bill that were ever made, and for generally taking care of our foreign service on a broad basis.

Mr. DENISON. It was an economical measure?

Mr. FLOOD. It was economical considering the service that had to be supplied by it. There were no unnecessary items in it—no waste.

Mr. DENISON. If you can say that that was economical, can you not also say this is a measure of economy?

Mr. FLOOD. It is not a measure that can be claimed to be a measure of economy. [Applause on the Democratic side.] Some of the appropriations are cut below what they ought to be. Some are cut at the suggestions of the steering committee of the majority side of this House. I do not think the reductions were always wise, and some apparent reductions will not save any expenditures; that is, they are apparent and not real reductions.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. NEWTON of Minnesota. The gentleman will remember, I think, that we cut out several hundred thousand dollars for telegrams, cablegrams, and so on, that were quite an expense during the past year or two. Does not the gentleman think that was in the interest of economy and properly to be credited to that?

Mr. FLOOD. I do not know how much the committee cut out for cablegrams and telegrams. They reduced the secret fund of foreign missions, out of which these telegrams are paid for. I do not know whether it was all for telegrams or not, but I suppose that the gentlemen on the committee propose to allow the State Department to use the cables when the State Department deems it necessary to do so.

Now, I want to refer to one item to illustrate the economy which this committee claims it has practiced. Take the item that we are dealing with, "Salaries of ambassadors and ministers." They report a very considerable decrease in the item of ambassadors and ministers—from $240,000 in the current year to $210,000 in this bill. That will save not one dollar to the Treasury of the United States. They simply accomplish that apparent reduction by making no appropriation, and no suggestion of an appropriation, for an ambassador to Russia, Austro-Hungary, or Turkey.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. PORTER. Does the gentleman think we should have continued the appropriation for Austro-Hungary and Russia?

Mr. FLOOD. I see no reason for not appropriating for Russia. I am not criticizing you for not doing it, but I am showing that you are not saving any money by the bill. Last year Turkey and Austro-Hungary were exactly in the same position that they are this year, and the Acting Secretary of State asked us to keep those appropriations in the bill. We also kept Russia in, and I can see no reason why an appropriation for the Russian Embassy should not be made now. As soon as conditions are stabilized in that unhappy country we shall again have an ambassador there.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. PORTER. After the processes of disintegration have been completed in Austro-Hungary, Turkey, and Russia does the gentleman think we will be justified in creating embassies, or should we reduce those countries to legations?

Mr. FLOOD. Of course, Austria will be a legation and Hungary will be a legation and Turkey will be a legation. But I have heard no suggestion that Russia, or the conditions there, justified our not resuming our diplomatic relations with them. We have never formally broken them off. We will send another representative there. I have never heard a suggestion that we should not send an ambassador there.

Mr. PORTER. Why continue appropriations for Austro-Hungary and Turkey?

Mr. FLOOD. Why leave out Russia? You certainly ought to have made some provision for Austria and Hungary and Turkey, and Congress will have to appropriate for these four places in a deficiency, and instead of the appropriations for embassies and legations being less this year than last they will be more, and your claim is merely an attempt to fool yourselves, the House, and country.

I can see no reason why the appropriation for an ambassador to Russia should not be continued in this bill, just as it was last year. In this bill you carry an appropriation for an ambassador to Germany. Our relations are certainly not any more strained with Russia than they are with Germany.

I am simply pointing out that the reduction claimed by the chairman and the Republican leader are apparent and not real. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. LITTLE. Mr. Chairman, the offering of this amendment was somewhat formal, and I did not care to discuss it. My reason for suggesting the amendment was simply to put into the RECORD a statement of the desirability of attaching Luxemburg to Belgium instead of to the Netherlands, because Luxemburg is a country a considerable distance from Holland, whereas Belgium is adjacent. I supposed it would get into the RECORD, and in that case perhaps some one in the State Department would have sense enough to ask that the item be corrected.

Gentlemen on the committee now turn around and object to it on a point of order, which was good, as the Chair held. I simply sought to transfer Luxemburg from the next paragraph and have it linked up with Belgium in the preceding paragraph. If Luxemburg is not entitled by law to belong to this bill, it has no more business in the second paragraph than it has in the first paragraph. If my motion had been voted on, the whole thing would have been settled. I will have to make a point of order later, and Luxemburg will be struck out. I am sorry the gentleman from Massachusetts [Mr. ROGERS] will not withdraw his point of order, so as to allow Luxemburg to take its place along with Belgium. The matter is too obvious for further discussion.

Mr. LONGWORTH. Is the gentleman going to make a point of order on the paragraph?

Mr. LITTLE. Yes.

Mr. MOORES of Indiana. Mr. Chairman, I would like to be heard on the point of order.

Mr. ROGERS. Mr. Chairman, the second paragraph has not yet been read, and the point of order that the gentleman from Indiana [Mr. MOORES] has in mind can not be made at this time.

The reference of the Chairman, as I understand it, is to the point of order that I made to the first paragraph of the bill. The item that the gentleman from Indiana wishes to discuss is the prospective point of order which the gentleman from Kansas [Mr. LITTLE] plans to make on the two words in the second paragraph of the bill.

Mr. FLOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. FLOOD. If the gentleman will permit, I would like to be heard on the point of order made by the gentleman from Kansas.

Mr. ROGERS. The point of order was not made, because the paragraph has not been read yet.

Mr. FLOOD. I thought I heard it made.

Mr. ROGERS. There was a general announcement of a prophetic point of order, but the point of order could not have been made.

The CHAIRMAN. The Chair will state that the gentleman from Kansas [Mr. LITTLE] offered an amendment to the bill, inserting something in line 3 and striking out some language in line 7. The point of order was made by the gentleman from Massachusetts [Mr. ROGERS], as the Chair understood it, on the ground that there was no authorization by existing law for including the word "Luxemburg," in line 3, after the word "Belgium." The gentleman from Kansas did not direct the attention of the Chair to any authority or existing law for the appointment of an ambassador extraordinary or minister plenipotentiary to Luxemburg, and the Chair therefore sustains the point of order that the gentleman from Massachusetts made.

Mr. LITTLE. If the gentleman has in mind some provision of law which authorizes the insertion of "Luxemburg" anywhere in the bill, then, of course, the point of order would have to be overruled, because if there is that authorization for Luxemburg to be put in anywhere there is as much reason to put it in in one line as in another. Is there any law that authorizes "Luxemburg" to be put in?

The CHAIRMAN. This discussion is out of order. The point of order has been sustained.

Mr. LITTLE. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last three words.

Mr. LITTLE. I want to ask the committee if there is any authority of law for putting "Luxemburg" in the bill?

Mr. PORTER. I think the gentleman will find it in the act of March 1, 1893, Twenty-seventh Statutes.

Mr. LITTLE. Then I cite the Chair's attention to that act. It seems to be a law that authorizes "Luxemburg" to be provided for in this bill. If so, it has as much right to go in at one line as at another. I think that settles the question, and I will offer the amendment again.

Mr. ROGERS. Mr. Chairman, of course the obvious answer to the suggestion of the gentleman from Kansas is that he seeks to make Luxemburg a part of an embassy, whereas the authorization of law is to make it a part of a legation, as it is now.

Mr. LITTLE. That is splitting too many hairs altogether.

Mr. ROGERS. That is the statutes of the United States, whether it is splitting hairs or not.

Mr. LITTLE. If the statutes of the United States authorize the sending of an ambassador to Luxemburg, you can assign it to any other Government you want to attach it. This is not to send an ambassador to Luxemburg directly, but it simply says in effect that the representative to Belgium, no matter what he is, shall be the fellow to take care of Luxemburg. It is just attached to his duties; that is all. You can leave any embassy in the hands of a temporary personage of lower rank any time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to China, Cuba, Czechoslovakia, the Netherlands and Luxemburg, and Poland, at $12,000 each; $60,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I do so for the purpose of asking the chairman of the committee a question. Does that mean that there is one envoy or one minister to the Netherlands, Luxemburg, and Poland?

Mr. PORTER. No; Netherlands and Luxemburg, one, and one to Poland.

Mr. GREEN of Iowa. I do not mean one envoy for each. I notice there is a difference in the punctuation. China, Cuba, and Czechoslovakia are separated by commas, and then we have the "Netherlands and Luxemburg, and Poland."

Mr. LONGWORTH. There is a comma after "Luxemburg."

Mr. GREEN of Iowa. Does that mean one representative for the Netherlands and Luxemburg?

Mr. PORTER. Yes; and one for Poland.

Mr. DENISON. I move to strike out the last two words, for the purpose of getting the floor.

The CHAIRMAN. The Chair will recognize the gentleman in opposition to the pro forma amendment.

Mr. DENISON. I should like to ask the gentleman if there is any provision of law authorizing an ambassador or a minister plenipotentiary to Czechoslovakia?

Mr. PORTER. There is an authorization passed in January or February of last year.

Mr. LITTLE. Is that an act of Congress?

Mr. PORTER. Yes.

Mr. DENISON. While I am on my feet I will ask a further question. Did the Congress by legislation provide for the status of our representatives to the other new countries in Europe that have been formed—for instance, Jugo-Slavonia? Is there any provision of law for the appointment of a minister or ambassador to Jugo-Slavonia?

Mr. PORTER. No.

Mr. ROGERS. Will the gentleman allow me to answer that question?

Mr. PORTER. Certainly.

Mr. ROGERS. We have for many years sent a minister to Serbia, which is a part of Jugo-Slavonia. The committee considered changing the title of that minister so as to call him the minister to the Serbs, Croats, and Slovenes. The minister from that tripartite kingdom to this country is called the minister from the Serbs, Croats, and Slovenes. The Secretary of State and his representatives, who were questioned on that point, suggested that there was still something of a state of flux in that part of Europe, which might be modified by the ultimate peace adjustment, and that, therefore, for this year it was wise to leave the old title as it originally stood, although, of course, it conveys the idea of the Republic of Jugo-Slavonia.

Mr. DENISON. Has there been any change in the law as to the amount of salary to be paid to the minister to Serbia?

Mr. PORTER. No.

Mr. DENISON. The minister to Serbia will have a great many additional duties to perform over and above what the minister to Serbia formerly performed before the war, because

the Kingdom of Jugo-Slavonia is two or three times as large as it used to be, and it seems to me that the man who has charge of American affairs for that country certainly ought to have as much compensation as the man who has charge of the United States business at the capital of Poland or Jugo-Slavonia.

Mr. PORTER. Your committee, on account of the uncertainty in regard to the status of these countries, thought it better to follow last year's appropriation until matters become settled and we can determine the amount of the salary with accuracy and certainty.

Mr. TILSON. I should like to ask the chairman of the committee in regard to Finland. I note that it is inserted in the bill this year. What about these other new countries in that part of Europe, Esthonia, Lithuania, Latvia, and so on? Have they all been taken care of in the bill?

Mr. PORTER. Finland has been recognized, and therefore we have a right to appropriate for a minister to that country.

Mr. TILSON. I am not raising any point of order. I am simply questioning whether there has been authority given to send a minister to Finland and Lithuania and Esthonia and Latvia and some of these other countries?

Mr. PORTER. We are only appropriating for representatives that have been authorized by Congress.

Mr. TILSON. And there is no authorization and no request to provide a minister to any of these other countries?

Mr. PORTER. None whatever.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes on a matter in connection with the river and harbor bill, which I did not have an opportunity to discuss during the consideration of it.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for 10 minutes on a matter relating to the river and harbor bill. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, the last rivers and harbors bill contained provisions for two surveys of very marked interest, one so unusual as to fix the attention of the whole country. The provisions to which I refer are for surveys of two ocean waterways, both via the Great Lakes, the one from there to and by the Hudson River and the other by the St. Lawrence. The survey of the St. Lawrence route contemplates the improvement of the Canadian part of that waterway at the joint expense of Canada and the United States, and in this respect the proposed improvement would be a departure in principle from the long-settled policy of this country.

Let us see what has led up to this novel, startling, and amazing proposal that the United States should depart from its wise and conservative habit of expending the money raised by taxes on its citizens on its own waterways and use its funds instead to improve a foreign country.

Over a hundred years ago the Empire State, under the leadership of a far-seeing statesman, De Witt Clinton, dug the Erie Canal to carry the products of the West from Lake Erie, on its western boundary, to the Hudson River, a distance of over 300 miles, and thence down the Hudson to the port of New York.

This great undertaking was conceived and carried out by the State of New York, and from the time of its completion it was maintained by that State, at its own expense, and it proved for a very long period of incalculable benefit to the great producing West. Of late our transportation methods have changed, and it has been found economical and therefore necessary to employ ships and barges on our inland waterways of vastly increased carrying capacity. The State of New York, alive to the necessities of the day, has modernized its canal by the expenditure, again from its own treasury, of $200,000,000, straightening the channel of the canal, utilizing natural streams wherever available, and the providing throughout its length a channel 12 feet deep. Terminals have been provided at the cities along its route. Modern loading and unloading facilities will, in the near future, be installed. Railroad connections and exchanges will be provided. A fleet of boats to the carrying capacity of the canal will, it is believed, in the near future be built to receive traffic at the Lake Erie and Hudson River ends of the canal and transport it.

However, this great and expensive improvement has just been completed. Boats have not as yet been provided nor have the terminals and the facilities for loading and unloading and for exchange with railroads been as yet completed. So there has been an interregnum—a period when it has not been possible to transport trade over this great inland waterway.

And the West, forgetful of the fact that New York, at its own expense, provided for the transportation of its traffic for over a hundred years, unmindful of the circumstance that New York has asked no contribution from it in exchange for these great benefits, seeing only the interruption of traffic for the moment, has indulged the dream of a lake-to-ocean route through Canadian waterways. This way by the St. Lawrence, it is respectfully urged, is not practical. During a large period of the year the St. Lawrence is not navigable by reason of ice, and at all periods of the year its navigation is dangerous by reason of fogs which have always prevailed in the lower stretches of the river.

I quote from a communication to the International Waterways Commission, made by the attorneys representing the Ontario government, filed with the Committee on Rivers and Harbors in January, 1911, when the development of water power on the St. Lawrence River was being considered by the committee, as follows:

> The amount of ice delivered by the Long Sault before the breaking up of the Lakes is probably as much as that delivered by the Cedars and Lachine combined. This is on account of the much longer and wider stretch of agitated water where the fragile ice forms; the numerous bays for boderage ice; and the large tract of snow-swept lands and ice fields for slush ice. The swiftness of the current keeping the mass in constant motion alone prevents the accumulation from uniting, but when a narrow portion of the river has become bridged by some large field swinging out from one shore and striking the other side then the arrested mass soon cements and quickly creeps upstream. That its disastrous effects are to be dreaded is evidenced by the memorable seasons of 1879, 1887, and 1905. In the latter winter the bridge began toward the end of January and extended 10 miles upstream to Rapid Plat, raising the water 12 feet at Morrisburg and affecting the river level as far as Prescott. That the tendency for the jams to occur in the slackened current due to damming the river is self-evident. But, in addition, the problem of guiding the ice accumulation (consisting of cement-acting slush and cakes of ice ranging up to 12 and more feet in thickness) over any dams or through any sluices is something for which there is not any precedent for engineers to calculate upon. Past experience has shown that, with 12 hours' start, after a bridge has formed it would be impossible for ice breakers or dynamite to be effective, but that only the warm spring weather would prevent the upward march of the ice, carrying destruction beyond the imagination of anyone. * * * Everyone has heard of the strenuous but unsuccessful effort put forth by the Canadian Government to keep free the lower St. Lawrence of its ice and maintain an open channel. The damage incurred by the jamming of the channel below the lower rapids (Coteau, Cascades, and Lachine), and that often taking place in Montreal Harbor gives a faint idea of the responsibility entailed by arresting the flow of the river at the Long Sault. (P. 779, hearings.)
>
> Fog forms more frequently at night and disappears shortly after sunrise. Fog prevails more frequently in the United States, along the northern part of the Middle Atlantic and New England coasts and thence increases northward to the Banks of Newfoundland.
>
> Mr. E. B. Garriott, of the Weather Bureau, who made a careful study of the dense fogs of the North Atlantic States, says that they are caused by the warm, moist currents of air from the Gulf Stream 300 miles to the east, being carried over the cold water of the "Banks" by the southeasterly winds blowing into low pressure areas advancing from the west.
>
> The temperature over the North Atlantic in July is 45°, while that of the Gulf Stream is 78°. (The Weather, by E. B. Dunn, pp. 71–72.)
>
> On the other hand, the St. Lawrence is not open throughout the year; the average time between the arrival of the first vessel at Montreal from sea and the departure of the last ocean vessel is seven months. From Kingston to Quebec the river freezes over every winter, except at points where the current is rapid. * * * To pass through the field of ice that is always present in the gulf, in greater or lesser quantity, specially strengthened vessels are required. (Encyclopedia Britannica, vol. 24, p. 22.)

I am advised, too, that during the five months' ice period in the St. Lawrence some Canadian steamship lines are compelled to use the harbor at Portland, Me., and that the Grand Trunk Railway, a line owned and operated by the Canadian Government, has been extended to Portland to connect with these steamship lines.

Moreover, competent and distinterested engineers, all except those who are paid to construct ship canals, agree that the transportation of cargoes over the Great Lakes, through canals and a river, and across the ocean to Europe is utterly impracticable, because the overhead charges of a vessel built large enough and of sufficient strength to withstand ocean storms are so heavy that from the practical standpoint they can not be met. Engineers say that there are three classes of boats: First, the ocean-going vessels; second, ships fitted for commerce on the Lakes; and third, barges. They say that, in cost of construction and of operation, the ocean ship represents the factor 6, the lake vessel 4, and the barge 2. And the opinion is universal among experienced and competent engineers that you can not afford to use the ocean-going vessels on the Lakes, much less on a canal or river. They point, as illustrative of this, to the fact that ocean-going vessels do not use the Hudson River practically at all, although it is improved to a sufficient depth to enable them to navigate it for a hundred miles or more above New York.

Then, too, those who advocate this Canadian route forget that all of the trade of the communities of the United States is not with Europe; that, in fact, a very small percentage of it is with foreign countries, and that its market, and the most profitable market and the market where most of the trade is carried on and commodities exchanged, is right in our own country; and this Canadian waterway would therefore carry a very small part of the traffic of the West and all of the exchanging of products with the East would be by routes wholly within the United States.

At the National Rivers and Harbors Convention the argument was made that the St. Lawrence route should be improved because incidentally a water power would be developed of a million horsepower which would be enormously profitable, and those who gave this as a reason for improving the Canadian route seem to think that this water power would only be developed in case this Canadian route was improved at American expense. In this they are entirely mistaken. The power of the St. Lawrence has awaited simply the passage of the general water-power bill, and it will be developed utterly regardless of whether or not the Canadian ocean waterway is improved.

To show that those who advocate this measure on the ground that water power will be developed are themselves in doubt about the soundness of their argument it may be said that one of the advocates of this Canadian route, in a speech in the Senate a few days since, advocated the excluding of boundary streams from the general water-power bill on the ground that to include them would conflict with the provision for the survey of the Canadian route. In other words, his argument was that the State of New York should not be permitted to develop its own water power except in subordination to and in connection with the improvement of this Canadian waterway. Reasonable men would hardly concur in such an argument.

I have long realized the importance of keeping New York's waterways engaged in carrying the grain and other products of the West, and have, so far as I could, directed the attention of those in a position to hasten the utilization of our Barge Canal and the Hudson River to the importance of the duty which confronts them. In this effort I addressed the two following letters to the governor of the State of New York, the majority leader of the State senate, and the speaker of the assembly, namely:

JANUARY 14, 1920.

Hon. ALFRED E. SMITH,
Governor of the State of New York;
Hon. J. HENRY WALTERS,
Majority Leader of the Senate; and
Hon. THADDEUS C. SWEET,
Speaker of the Assembly, Albany, N. Y.

GENTLEMEN: A matter of vital interest to the commerce and prosperity of the State of New York has arisen in Congress, to which the attention of the chief executive and of the legislative body of the State should be directed for their action. The river and harbor act approved March 2, 1919, contained the following provision, viz:

"SEC. 9. That the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington January 11, 1909, under the provisions of article 9 of said treaty, is requested to investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, and report to the Government of the Dominion of Canada and to the Congress of the United States, with its recommendations for cooperation by the United States with the Dominion of Canada in the improvement of said river."

The plain purpose of this section is to have the United States unite with Canada in improving Canadian waterways so that ocean going vessels may transport the commerce of the Northwest, without break in bulk, from ports on the Great Lakes to Liverpool and other foreign destinations and bring back cargoes from these foreign ports to Lake ports from which they sail. If this plan is practicable it would result in New York, which pays a very great percentage of all Federal taxes, contributing her part of the very large expense necessary to improve Canadian waterways, in order that commerce of the Northwest may be diverted from its present channels through New York, Boston, Baltimore, Norfolk, and the other Atlantic ports to the improved Canadian waterways, robbing our own ports of a great part of their commerce and depriving them of the commanding position which they now occupy in world traffic and placing them in a relatively minor and secondary class. Of course students of traffic questions and leading engineers do not believe that it is economical or, from the transportation standpoint, feasible to run ocean vessels on the St. Lawrence, the Great Lakes, and the connecting canals, because the traffic on the Lakes and still more on the river and canals could not stand the heavy expense of steamers built of a size and strength to meet the necessities of ocean traffic and because this far northern route would not be practicable for a large part of the year on account of ice, storms, and the other difficulties incident to the winter, late fall, and early spring. However this may be, New York State, the New England States, and the Atlantic States face two really dangerous conditions in this agitation for the joint improvement of Canadian waterways: (1) The improvement of the proposed Canadian route will be exceedingly expensive and the money expended there can not be used for the much-needed improvement of our own waterways; and (2) during the long period of investigation of the Canadian water route, of its improvement and of its experimental use to demonstrate its impracticability, the attention of our country will be diverted to this route to the exclusion of our own waterways.

New York, New England, and the Atlantic States do not realize the extent to which this agitation in the Northwest has already progressed. To show the condition, I quote from a speech delivered yesterday in the Senate by Senator LENROOT, of Wisconsin, advocating an amendment to the general water-power bill to exclude boundary streams, particularly "the Niagara" and "the St. Lawrence," viz:

"Mr. President, I am in favor of the adoption of this amendment for two reasons: First, because the propositions upon the Niagara and St. Lawrence Rivers are of such magnitude that they ought to be dealt with separately by Congress; secondly, because the improvement of the St. Lawrence River is now under investigation by the International Joint Commission, consisting of three members of the United States Government and three members of the Government of the Dominion of Canada, with instructions from this Congress to report as early as practicable upon the improvement of the St. Lawrence River, and we all know that that report, if made and favorably recommended, will cover the water-power improvement upon that river; and if the St. Lawrence River is to be included in this bill and the authority vested in this commission to grant lisenses for dams upon the St. Lawrence River, it is absolutely in conflict with the legislation that this Senate enacted in the last river and harbor bill."

* * * * * * *

"* * * Why should we give to them this very, very great power whereby, if we retain it ourselves, we will have an ocean waterway making the interior Great Lakes admit ocean vessels and carrying the ocean to the heart of the continent? Why should we by any legislation of this character interfere or conflict in the least degree with a project of such great magnitude?"

* * * * * * *

"* * * The legislation provides that the International Joint Commission shall investigate the subject and make recommendations to their respective Governments regarding the improvement of the St. Lawrence River, the two Governments cooperating. Under the investigation there can be and is now being no improvement of the St. Lawrence River without the creation of water power."

* * * * * * *

"May I say to the Senator at that point that the joint commission is now engaged in the work of investigating the subject? There are 14 States now organized for the purpose of doing everything in their power to further the project. Appropriations have been made by the State legislatures and officials appointed to represent the States in that organization for most of those 14 States, as I recollect."

From these excerpts from Senator LENROOT'S speech, three things are apparent: (1) That the creation of an ocean waterway through Canada, at the joint expense of the Dominion and the United States, is being seriously and energetically pressed; (2) for this purpose, 14 of the Northwestern States have organized to further the project, made appropriations, and appointed officials to represent them; and (3) those who favor this Canadian route seek to subordinate the development of the waterways of the Niagara and the St. Lawrence to the interest of this route and to have such a development only as they believe in harmony with the route.

In the face of these facts New York, New England, and the Atlantic States should act promptly and energetically to protect their harbors and commerce from the agitation for the improvement of the Canadian waterways and the injuries to them certain to follow such agitation and the adoption of the scheme by Congress.

It is not enough, however, for New York, New England, and the Atlantic States to combine to combat the danger which threatens them from the agitation of this Canadian project. They must improve their own ports and waterways and demonstrate their capacity to carry the traffic of the country. On New York in particular rests the duty of devising means for the utilization to its capacity of the "barge canal." The State has been most generous in its expenditures to construct the canal. To stop with its completion, instead of seeing that it is used, would be to have expended $200,000,000 uselessly. The chambers of commerce and the business men of the State will be glad to cooperate with the governor and legislature in finding the best means possible to use the canal.

Mr. CLEARY, of New York City, and I, the New York members of the Rivers and Harbors Committee, and, indeed, the entire New York delegation in the Senate and in the House, will, I am sure, be glad to cooperate with you in your efforts in these matters.

Respectfully, yours,

S. WALLACE DEMPSEY, M. C.

JANUARY 17, 1920.

Hon. ALFRED E. SMITH,
Governor of the State of New York, Albany, N. Y.

MY DEAR GOVERNOR: I have your acknowledgment, through your counsel, Hon. James A. Parsons, of my letter of the 14th instant, relative to the proposed ocean waterway via the Great Lakes and the St. Lawrence, to be built at the joint expense of this Government and that of the Dominion of Canada. I read with much interest that portion of your message dealing with this subject, and one of the reasons for my addressing you was that I knew that you had already taken a keen interest in the subject. The reason for my writing at the time I did was that the combination of the 14 Northwestern States was first revealed through Senator LENROOT'S speech, delivered the day before my letter was written.

In further reply to your letter saying that you would be glad to have any concrete suggestions which I would care to make regarding this subject, I beg to say that two things should, it seems to me, be done at once:

1. The legislature should, by appropriate legislation, provide for the appointment of a nonpartisan commission to be named by the governor, its functions to be:

(a) To protect the waterways and commerce of the State of New York; and

(b) To suggest to the New England and the South Atlantic States the appointment of similar commissions in the interests of their respective States, all of the States to act together as an association.

The commission will no doubt have to be provided with funds to defray its necessary expenses, as has been done in the case of the 14 Northwestern States.

2. Either a second resolution should be passed by the legislature or the governor himself should appoint a commission of several of New York's leading transportation experts, having in mind that the larger cities along the canals, naturally most vitally interested, should have representation to evolve and present to the legislature a comprehensive plan for the utilization of the State's canals to their capacity.

With these two things done, a splendid start will have been made in opposition to the proposed Canadian water route.

In this connection, may I also call to your attention that I have today read a report from the Great Lakes-St. Lawrence Tidewater Association, without date, but received by the gentleman who furnished it to me the 12th of January, from which it appears that there has been an increase in membership so as to embrace 14 States, the new members being Wyoming, Nebraska, and Colorado. Utah is said to be still pending and Kansas and Missouri to be the only States eligible not yet approached. I quote from the report as follows:

"The opposition of New York" (at the National Rivers and Harbors Congress) "was promised. It materialized. It was routed—flooded out as the searchlight floods out the shadows.

* * * * * * *

"National interests having their seat in New York, centering in the American Manufacturing Export Association, have invited us to present this at a luncheon to their 1,500 members, and this body and others offer their friendship. They are distinctly with us. They will carry great weight in the city and in New England.

"Incidentally, through the chairman of the New Jersey commission which controls the State's port activities, we are assured of the friendly disposition of the interests there akin to ours.

GENERAL CONVENTION.

"With the approval of the President, Detroit proposes to be host to the anuual convention of the association to be held in May, and to make it the occasion for a great gathering. Not only the members of the council of State, including the governors of the several member States, will be invited, but a general assembly will be called of perhaps a thousand people interested in this movement."

I send these quotations from this report to show that this association is exceedingly active and that it is none too early for New York to bestir itself to see that its Barge Canal is used to capacity and that the other great ports on the Atlantic and the Gulf are united with it in the effort to retain the transportation of the commerce of the United States over its own waterways instead of having them diverted to those of another country.

While I can not believe what is stated in this report as to sympathy with the Canadian route on the part of any New York City or New Jersey interests, it is well to have these assertions in mind.

I beg to assure you that, if the suggestions made by me meet your approval, or if, on considering the matter, you have any similar plans which you prefer, and I can be of aid by coming to Albany to consult with you or to appear before the proper committees of the legislature, it will be a pleasure for me to be of service to you and to the State at any time.

Respectfully, yours, S. WALLACE DEMPSEY, M. C.

It will be noticed that the writer emphasizes the fact that it is far from sufficient for the citizens of New York to direct attention to the cost of the St. Lawrence route or to the fact that it is not feasible, or to the circumstance that it will divert the attention of Congress to foreign waterways and result in the neglect of our own transportation by water for a long period of time; that affirmative action is needed; that the State of New York must actually utilize the Barge Canal to its capacity; and that doing this is the most effective answer to the agitation for the improvement of Canadian waterways at our expense.

Underlying all this, overshadowing it all, is the great question of "nationalism." The citizens of this country have a just pride in its wonderful growth and development. They have boundless confidence in its future. They feel that it can afford to be self-reliant and to depend on itself and not on the aid of other countries. We court the friendship and the good will of all other nations, but we depend upon ourselves as much in this matter of the development of waterways as in any other practical matter. We should not surrender our independence and our self-reliance to any other country or to internationalism.

Aside from the question of commerce, there is another aspect to this matter which prudence requires us to take into consideration. It is unthinkable that the two great English-speaking nations of the world will ever become involved in armed conflict; that Great Britain and the United States will ever be at war. But suppose that we carry out the ideas of the advocates of the joint ocean waterway and improve the St. Lawrence and neglect our own routes to the sea, and that afterwards we become involved in deadly conflict not with Great Britain but with some other power. Can there be any question that Great Britain would be obliged, as a neutral, on the demand of our enemy, to refuse to permit us to use the St. Lawrence route for any war purpose? Certainly Great Britain could not under well-recognized principles of international law permit either us or our enemy to carry our war to the Thames River or to any of her great harbors, such as Liverpool, Plymouth, Southampton, or Queenstown. And how do the Thames and these harbors differ from the St. Lawrence? So if we devote our resources and our energy to the development in time of peace of the Canadian route, with the inevitable result of neglecting our own waterways, we will find ourselves in time of war able to raise men and to manufacture cannon and munitions of war but utterly unable to transport men or supplies to our seaboard by water.

We should depend upon our own flag and our own territory and strive to be as progressive and as self-reliant in the future as we have been in the past. Our country has improved its great harbors so that they have a greater navigable depth than those of any other nation. We have secured 40 feet, while the greatest depth in any other country is 35 feet. In the face of such a record we should not be asked to abandon our own waterways and to join in improving those of any foreign nation.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WELTY. What is the depth of the Erie Canal? Is it 9 feet now, or 12 feet?

Mr. DEMPSEY. Twelve feet, but I do not think we have at the present time 12 feet for its entire length.

Mr. WELTY. That would not be deep enough for an ocean-going vessel.

Mr. DEMPSEY. Oh, no.

Mr. WELTY. The gentleman referred to the difficulty of operating ocean-going vessels in canals. They are operating on the canal to Manchester, England, are they not?

Mr. DEMPSEY. The canal to Manchester, England, is an interior waterway. I do not know, and perhaps the gentleman can inform me; but I do not believe that that canal is navigated at all by ocean-going vessels.

Mr. WELTY. Oh, yes; it is.

Mr. DEMPSEY. The gentleman asked me about it, and I will tell him what knowledge I have. The Manchester Canal is less than 30 feet. I think its depth is only 25 or 26 feet.

Mr. WELTY. It is 31 feet, I understand.

Mr. DEMPSEY. I do not think so. The deepest harbor abroad—the very deepest harbor outside of the United States—is only 35 feet, and it is utterly impossible that the Manchester Canal is within 4 feet of that. I do not believe it is. I say this, that you find here right under your own eye, under your own observation, and where you know the fact, that ocean-going vessels will not navigate the Hudson River, although it is navigable for 100 miles above the city of New York, because of the overhead charges.

Mr. EMERSON. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. EMERSON. Does ice prevail in the St. Lawrence River during the summer?

Mr. DEMPSEY. The authorities say that there never is a time throughout the whole year when ice does not prevail to that extent in the St. Lawrence route that you have to have specially constructed vessels, with a special strength; and under those conditions that the ordinary ocean-going vessel could not safely navigate that route. There are seven months of the year when you can not navigate it at all; and the attorneys who represented the Province of Ontario when we had a hearing here in 1911 stated that the Dominion of Canada had made great, herculean, but unsuccessful, efforts to combat that condition, and that it was not possible to combat it successfully.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WELTY. The gentleman made a remark a little while ago that the ocean-going vessels do not navigate the Hudson River?

Mr. DEMPSEY. Yes.

Mr. WELTY. And that they could for 100 miles above New York City?

Mr. DEMPSEY. Yes.

Mr. WELTY. And that the reason they do not is because of the overhead expenses.

Mr. DEMPSEY. Yes.

Mr. WELTY. Is it not a fact that the reason they do not is because they have no terminals there—that the terminals are all in the city of New York?

Mr. DEMPSEY. Oh, no. There is not a State in the Union that has gone to the expense, has provided terminals in the bountiful way that New York has, and that to-day has the terminals which the State of New York has.

Mr. WELTY. But the terminals are in the city of New York, are they not?

Mr. DEMPSEY. Oh, there are terminals in the city of New York, but there are also terminals at every good port in the State of New York.

Mr. ROWE. Both Newburgh and Poughkeepsie have fine ports.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, I introduced a bill this morning to which I desire to direct the attention of the Members of Congress. Gen. Harbord testified before my Subcommittee on Expenditures in the War Department the other day on the subject of medals of honor and went into detail as to rules and regulations pertaining thereto. He stated that the distinguished-service medal under the law could be granted only to men and officers who had distinguished themselves while in positions of great responsibility; that the distinguished-service cross could be given only to men and officers who distinguished themselves in action against the enemy. This was interpreted to mean while on the firing line. He further stated that the medal of honor was rarely given, and could be awarded only to men and officers who had greatly distinguished themselves beyond "all call of duty." As I recall it, only about 78 men and officers have received the medal of honor and something like 5,000 have

received the distinguished-service cross, 20 per cent of whom are dead, the cross being given to the next of kin. I have not in my possession the number of persons to whom the distinguished-service medal was given, but I am informed that only one private received it.

For the reasons as stated previously, a man, to be entitled to it, must have occupied a place of great responsibility. Gen. Harbord stated before our subcommittee that "Gen. Pershing, thirty or forty times, perhaps, I would say, has set forth to the War Department the urgent advisability of establishing some decoration which could be given to soldiers who did meritorious service, but not necessarily people who were in a position of great responsibility. It has been done probably within a week—pointing out that we are absolutely unable to reward a lot of deserving people. It has practically made the distinguished service medal an officers' club affair, because it has kept out the enlisted man." Thus the young men whose hearts were aching to be in the front lines where their valor and patriotism would be recognized and where they would have an opportunity to distinguish themselves were kept in the rear. I have one in mind, who stayed 36 hours at a winch unloading a vessel until he fainted from exhaustion. Men have stayed with engines under the same trying circumstances. A petty officer on a ship at dock went into the hold of the vessel during a great fire in order to bring out imprisoned men and lost his life. Gen. Harbord recommended a hundred such men for service medals, but under existing laws nothing can be done for them. He can receive no recognition for extraordinary valor or fidelity; he must go home after long, faithful service with nothing on his coat to indicate that he has given the best that is in him in the service of his country. This is all wrong. It should be changed. I have here a number of different bills that have been offered on the subject of service medals. I have before me the bill recently reported out from the Military Affairs Committee, but none of them touch this phase of the case. The officers have been well attended to. But this war was not won by the officers alone. Pluck and grit of the American boy while in France has rarely been equaled, and where his services are exceptional he ought to be recognized.

It has come to my attention that in 1782 Gen. George Washington, during the War of the Revolution, issued an order establishing military merits, which, I believe, is still in full force and effect. At least, it could be reissued by the Secretary of War, and especially so if authorized and directed by Congress. This order was issued by Gen. Washington at Newburgh headquarters on August 7, and it provided that in order to "cherish a virtuous ambition in his soldiers, as well as to foster and encourage every species of military merit, wherever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart of purple cloth or silk, edged with narrow lace or binding; and not only instances of unusual gallantry, but also of extraordinary fidelity and essential service in any way, shall meet with a due reward." It provided that the names of those who receive this order of merit should be enrolled in the book of merit which was to be kept at the "orderly office." In those days men were honored for faithful service, regardless of whether they were officers or whether they were fortunate enough to serve on the front lines. I know that Gen. Pershing and Gen. Harbord are strongly in favor of the issuance of some badge of distinction which shall meet the need that I have outlined to you.

I believe the General Staff will favor it. I would like here to set out a copy of my bill, together with a copy of the order referred to and subsequent orders pertaining thereto which I think will be of interest to the Members who are interested in this question:

A bill authorizing badges of merit to be given soldiers, sailors, and marines and their next of kin.

Whereas under existing law and regulations the medal of honor can only be given to officers and soldiers and sailors and marines and persons who distinguished themselves in action above the call of all duty and the distinguished-service cross may be given to officers and soldiers who have greatly distinguished themselves in gallantry in action, and the distinguished-service medal can be given those who have rendered distinguished service in places of great responsibility; and

Whereas it has been held by the military authorities that there is no existing power or authority in the Secretary of War or President to decorate or confer military badges of honor for any character of service rendered by such soldier, sailor, marine, or other person, whose services did not bring him into actual combat action, since the soldier, sailor, and marine is not regarded as having occupied a place of great responsibility; and

Whereas it is entirely proper and desirable that this Nation give recognition to splendid and heroic services rendered by soldiers, sailors, and marines who were not permitted to come in actual physical contact with the enemy; and

Whereas Gen. George Washington, on August 7, 1782, by order executed at headquarters, Newburgh, authorized "honorary badges of distinction" to be conferred upon those who served with fidelity, bravery, and good conduct, which badge was known as the badge of merit, and was "the figure of a heart in purple cloth or silk edged with narrow lace or binding," which order is still in full force and effect when applicable to present conditions; and

Whereas the continuance of the spirit of this order and the making of it applicable to the soldier, sailor, and marine who can not be recognized under existing laws and regulations, would greatly increase the morale of such soldiers, sailors, and marines: Therefore

Be it enacted, etc., That the Secretary of War and Secretary of the Navy under such regulations as he may prescribe be, and they are hereby, authorized and directed to award, but not in the name of Congress, a military badge of merit, which consists of "the figure of a heart in purple cloth or silk edged with narrow lace or binding," and which shall be known as the order of merit, and which order shall be bestowed under such regulations and rules as the Secretary of War for the soldiers and the Secretary of the Navy for sailors and marines may prescribe upon soldiers, sailors, and marines only who have performed or may hereafter perform singularly meritorious action with fidelity or gallantry in a service of more than 90 days after April 6, 1917, and who by reason of the existing rulings or decisions are not permitted to have conferred upon them either the medal of honor, distinguished-service cross, or distinguished-service medal; that upon granting said order the name and regiment and service of the soldier shall be enrolled in the "books of merit," which will be kept in the War Department and Navy Department, respectively; but said badge of merit may be conferred upon the next of kin of such soldier, sailor, marine, or other persons.

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[Revolutionary orders of Gen. Washington, published by Wiley & Putnam, New York and London, 1844 (164).]

HEADQUARTERS, NEWBURGH, *August 7, 1782.*

Honorary badges of distinction are to be conferred on the veteran noncommissioned officers and soldiers of the Army who have served more than three years with bravery, fidelity, and good conduct; for this purpose a narrow piece of white cloth, of an angular form, is to be fixed to the left arm on the uniform coat.

Noncommissioned officers and soldiers who have served with equal reputation more than six years are to be distinguished by two pieces of cloth, set on parallel to each other, in a similar form.

Should any who are not entitled to the honors have the insolence to assume the badges of them, they shall be severely punished. On the other hand, it is expected these gallant men who are thus distinguished will, on all occasions, be treated with particular confidence and consideration.

The general, ever desirous to cherish a virtuous ambition in his soldiers, as well as to foster and encourage every species of military merit, directs that, wherever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart in purple cloth or silk, edged with narrow lace or binding. Not only instances of unusual gallantry but also of extraordinary fidelity and essential service in any way shall meet with a due reward. Before this favor can be conferred on any man the particular fact or facts on which it is to be grounded must be set forth to the Commander in Chief, accompanied with certificates from the commanding officers of the regiment and brigade to which the candidate for reward belonged, or other incontestable proof, and upon granting it the name and regiment of the person, with the action so certified, are to be enrolled in the book of merit, which will be kept at the orderly office. Men who have merited this last distinction to be suffered to pass all guards and sentinels which officers are permitted to do. The road to glory in a patriot Army and a free country is thus opened to all. This order is also to have retrospect to the earliest stages of the war and to be considered as a permanent one.

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[Revolutionary orders of Gen. Washington, published by Wiley & Putnam, New York and London, 1844 (165).]

HEADQUARTERS, NEWBURGH, *August 11, 1782.*

In order to prevent misapplication of the honorary badges of distinction to be conferred on the noncommissioned officers and soldiers in consequence of long and faithful service through any mistake or misapprehension of the orders of the 7th instant, the general thinks proper to inform the Army that they are only attainable by an uninterrupted series of faithful and honorable services. A soldier who has retired from the field of glory forfeits all pretension to precedence from former services, and a man who has deservedly met an ignominious punishment or degradation can not be admitted a candidate for any honorary distinction unless he shall have wiped away the stain his reputation has suffered by some very brilliant achievement or by serving with reputation after his disgrace the number of years which entitle other men to that indulgence.

The badges which noncommissioned officers and soldiers are permitted to wear on the left arm, as a mark of long and faithful services, are to be of the same color with the facings of the corps they belong to, and not white in every instance, as directed in the order of the 7th instant.

—

[The Commander in Chief's Guard, Revolutionary War. Carlos E. Godfrey, M. D. Published by Stevenson-Smith Co., Washington, D. C., 1904.]

The following order was given for creating a board to examine and report upon the applications of the candidates for the badge of merit:

"HEADQUARTERS,
"*Verplancks Point, September 9, 1782.*

"The Inspector General, or in his absence the inspector of the Northern Army, The Adjutant General, Brig. Gen. Huntington, Lieut. Col. Barber, or any three of them, are appointed a board to examine the pretensions of the noncommissioned officers and soldiers who are candidates for the badge of merit. The board will report their opinions to the Commander in Chief. All certificates and recommendations will be lodged with The Adjutant General, who will occasionally summon the board to assemble."

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After the close of the Revolutionary War a board of officers was convened by order of the Commander in Chief, "for the purpose of investigating the several pretensions of the candidates for the badge of military merit," the only badge or title ever bestowed in this country. In a recent examination of some old papers, in possession

of a friend, a part of the proceedings of this board has come to light and, even if it had already been published elsewhere, will afford interest to some of the readers of the magazine:

"Proceedings of the board of officers appointed in the general orders of the 17th instant for the purpose of investigating the several pretensions of the candidates for the badge of military merit.

"Brig. Gen. Greaton, president; Col. Stuart, Lieut. Col. Sprout, Maj. Fish, and Maj. Prescott, members.

"The board being met agreeable to order proceeded to an examination of the certificates and papers laid before them relating to the several facts on which the several pretensions are founded, and thereon report:

"1. That Sergt. Elijah Churchill, of the Second Regiment of Light Dragoons, in the several enterprises against Fort St. George and Fort Slongo, on Long Island, in their opinion, acted a very conspicuous and singularly meritorious part; that at the head of each body of attack he not only acquitted himself with great gallantry, firmness, and address but that the surprise in one instance and the success of the attack in the other proceeded in a considerable degree from his conduct and management.

"2. That Sergt. Brown, of the late Fifth Connecticut Regiment, in the assault of the enemy's left redoubt, at Yorktown, in Virginia, on the evening of the 14th of October, 1781, conducted a forlorn hope with great bravery, propriety, and deliberate firmness, and that his general character appears unexceptionable.

"The board are therefore of opinion that Sergt. Churchill, of the Second Regiment of Light Dragoons, and Sergt. Brown, of the late Fifth Connecticut Regiment, are severally entitled to the badge of military merit; and do, therefore, recommend them to his excellency the Commander in Chief as suitable characters for that honorary distinction.

"J. GREATON,
"*Brigadier General, President.*

"Cantonment, New Windsor, April 24, 1783.

"His Excellency Gen. WASHINGTON."

Certificate for the badge of military merit.

GEORGE WASHINGTON, ESQ.,
General and Commander in Chief of the Forces of the United States of America, etc.

To all to whom these presents shall come, sendeth greeting:

Whereas it hath ever been an established maxim in the American service that the road to glory was open to all, that honorary rewards and distinctions were the greatest stimuli to virtuous actions, and that distinguished merit should not pass unnoticed or unrewarded; and whereas a board of officers whereof Brig. Gen. Greaton is president, hath been constituted and appointed for the purpose of investigating the several pretensions of the candidates for the badge of military merit, and said board having reported in the words following, viz:

"That Sergt. Elijah Churchill, of the Second Regiment of Light Dragoons, in the several enterprises against Fort St. George and Fort Slongo, on Long Island, in their opinion acted a very conspicuous and singularly meritorious part; that at the head of each body of attack he not only acquitted himself with great gallantry, firmness, and address, but that the surprise in one instance, and the success of the attack in the other, proceeded in a considerable degree from his conduct and management."

Now, therefore, know ye that the aforesaid Sergt. Elijah Churchill hath fully and truly deserved, and hath been properly invested with the honorary badge of military merit, and is authorized and entitled to pass and repass all guards and military posts as fully and amply as any commissioned officer whatever, and is hereby further recommended to that favorable notice which a brave and faithful soldier deserves from his countrymen.

Given under my hand and seal, at the headquarters of the American Army, this 1st day of May, 1783.

By his excellency's command.

JOHN TRUMBULL,
Junior Secretary.

A badge was also awarded to Sergt. Bissel, of the Second Connecticut Regiment. The particular services he rendered, or the occasion on which he so distinguished himself, as to entitle him to this military honor is not mentioned in the foregoing proceedings of the board. Sergt. Bissel was sent into New York in August, 1781, for the purpose of obtaining information of the strength and state of the enemy's force at that place. "On his arrival in New York, there being a hot press to man the King's ships, and finding no other means to avoid it or escape but by entering into the land service, he enlisted in Arnold's corps, and never had an opportunity of getting off until the 27th of September, 1782," when he made his escape from Staten Island and returned to the American camp. Perhaps he received a badge for this dangerous service, in which he appears to have acquitted himself with much prudence and address. (Military and Naval Mazagine of the United States, September, 1833, to February, 1834, Washington, D. C. By Benjamin Homans. William Greer, printer. Vol. II, pp. 146 and 147.)

You will notice in the bill I have prepared that it orders and directs that the Secretary of War shall bestow the "Order of Merit" upon the class of soldiers, sailors, and marines that Gen. Pershing and Gen. Harbord have in mind.

Mr. KITCHIN. Mr. Chairman, I must have misunderstood the gentleman. Did the gentleman say that the officers who came back were entitled to a distinguished-service medal because they had done their duty?

Mr. BLAND of Indiana. Distinguished-service medal.

Mr. KITCHIN. Because they had done their duty and were officers in responsible positions?

Mr. BLAND of Indiana. Yes.

Mr. KITCHIN. I thought they must not only have done their duty, but that they must have done something that is meritorious which marked them out of the ordinary.

Mr. BLAND of Indiana. If they distinguished themselves while in places of responsibility, they obtained the distinguished-service medal.

Mr. KITCHIN. If they simply performed their duties and did not do anything extraordinary, under the law they would not be entitled to a medal, although I understand a great many of them have gotten it.

Mr. BLAND of Indiana. They rendered distinguished service in their various capacities, and they are entitled under the law to a distinguished-service medal. But why should an officer in the Judge Advocate General's office be entitled to one while a poor boy who rescued a comrade from a burning ship is not entitled to one?

Mr. KITCHIN. I agree with the gentleman. But my understanding of the law in respect to these awards both in the Army and in the Navy is not that they shall be given to one who simply performs his duty or who failed to do it——

Mr. BLAND of Indiana. I think we are agreed on that.

Mr. KITCHIN. But that is the scheme on which the medals have been awarded, and I would say that not one in a hundred under the law as it is is entitled to it; yes, not one in five hundred.

Mr. BLAND of Indiana. I think we are agreed on that, and I can not yield further.

Mr. KITCHIN. They ought not to get a medal for simply performing their duty.

Mr. BLAND of Indiana. The point I am trying to make plain is that the officer gets the medal because he is in a place of responsibility, while a private behind the lines can not get it because he is not, under the construction placed on the statute, in a place of responsibility or in action against the enemy.

Would it not be a splendid thing, my friends, if we could revive the custom of George Washington and bestow the "figure of a heart of purple cloth or silk, edged with narrow lace or binding" upon these deserving boys? There is a sentimental side to it that should not be overlooked. This terrible war that has just ended is the most tremendous struggle that civilization has known. The heroism and deeds of valor of our boys will be extolled in poetry and song in the centuries to come. We should do everything to reward these brave men who offered or gave their lives. There is a fine sentiment, to my way of thinking, attached to bestowing upon a deserving soldier an order established by the Father of his Country almost a century and a half ago.

Mr. WELTY. Does the gentleman mean to tell the House that, under the law, the officers have no right to recognize a private and order a medal given to him?

Mr. BLAND of Indiana. They could not reach a fellow behind the lines under existing law because he did not occupy a place of responsibility. Of course, you could give a distinguished-service cross to a private soldier who went "over the top" and performed some especially meritorious service.

Mr. WELTY. It seems that some of our officers have overlooked the privates who have been on the front lines.

Mr. BLAND of Indiana. I am inclined to think that is true; but I did not rise to offer any criticism at this time, although I expect to go into this matter more fully at another time. I feel that, under the construction the War Department has placed upon existing laws, there is no way to reach the deserving soldier who did not get up to the fighting line. There are officers in the Army and men well trained in the interpretation of military statutes who contend that under existing law none of the medals authorized could be given to the soldier behind the line; but the construction has been made and the recommendations for citation have been turned down because of the construction, and if Congress is interested in having these boys who rendered conspicuous service in the rear of the lines obtain any recognition they will have to pass a new law. I would like for you to consider this measure that I have introduced and give it your support if possible.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LITTLE. Mr. Chairman, I have an amendment that I would like to offer.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 2, line 8, after the word "Poland," insert "Lithuania, Letvia, and Esthonia."

Mr. LITTLE. Mr. Chairman, I do not care to discuss it.

Mr. ROGERS. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Bolivia, Bulgaria, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Greece and Montenegro, Guatemala, Haiti, Honduras, Nicaragua, Norway, Panama, Paraguay, Uruguay, Persia, Portugal, Roumania, Salvador, Serbia, Siam, Sweden, Switzerland, and Venezuela, at $10,000 each, $260,000.

Mr. LITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 2, line 14, after the word "Serbia," insert "and Montenegro," and strike "and Montenegro" out of line 11.

Mr. LITTLE. Mr. Chairman, I do not care to discuss it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. LITTLE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Kansas offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 7, line 13, after the word "Uruguay," insert "Armenia, Georgia, and."

Mr. ROGERS. Mr. Chairman, I reserve a point of order on that.

Mr. LITTLE. Mr. Chairman, I would like to ask the indulgence of the committee for 15 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

[Mr. LITTLE addressed the committee. See Appendix.]

Mr. ROGERS. Mr. Chairman, I have the greatest sympathy with the proposition insisted on so ably by the gentleman from Kansas [Mr. LITTLE]. I am sure every Member of this House has the greatest sympathy toward the cause for which he speaks. At the same time it has always been regarded as the function of the executive branch of the Government to recognize or to withhold recognition from new States. I think the gentleman's appeal, therefore, should be directed to the State Department and to the President, rather than to be suggested by the Congress through the medium of an item in an appropriation bill which is subject to a point of order; and for that reason, Mr. Chairman, and with very great regret personally, I feel obliged to insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. JUUL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. JUUL. Mr. Chairman and gentlemen, starting in on line 6 of this bill, on page 2, I find that in lines 6, 7, and 8 appropriations are carried at the rate of $12,000 apiece for envoys extraordinary and ministers plenipotentiary to China, Cuba, Czechoslovakia, the Netherlands and Luxemburg, and Poland.

Now, I will show you the grouping of the countries and call your attention to the size and importance of them. From lines 9 to 15 you are appropriating $10,000 for ministers to countries many of which are of far greater importance than the countries enumerated in the lines above. Here is Luxemburg, with practically no commerce that reaches the United States, and the appropriation is $12,000.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. JUUL. Yes.

Mr. PORTER. Is the gentleman aware of the fact that the Netherlands and Luxemburg are combined in one legation?

Mr. JUUL. Yes. I want to call attention to the fact that the Netherlands and Luxemburg are placed in class 1, and the ministers are granted a salary of $12,000. If the gentleman would count the ships from there that enter the harbors of the United States and then drop below and think of placing Sweden, Norway, and Denmark in a class inferior to the classes above, the thing would appear ridiculous diplomacy, to say the least.

Now, it seems to me that if we are to send ministers plenipotentiary to a number of countries, we should not offend that number of countries by dividing them into two classes and putting the countries with which we have the greater commerce in class 2 and the countries that have a lesser commerce in class 1. I venture to say that there are 25 ships entering American harbors with Scandinavian flags at the masthead where 1 ship enters from Cuba or Czechoslovakia, the Netherlands and Luxemburg, or Poland.

Why should we say to these other countries that we are sending an inferior class of representatives to them at a lesser salary, and that Cuba, Czechoslovakia, the Netherlands, and Luxemburg and Poland are higher-grade countries, and are considered to be in a better and higher class? I think it is offensive. I have no objection to increasing the salaries of the envoys extraordinary and ministers plenipotentiary of the second class up to those of the first class, or to reducing those of the first class down to the same figure as those of the second class, but I do object to the classification as an insult to the countries that are put in the second class, and I say it is mighty poor diplomacy and poor economy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JUUL. I ask five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PORTER. I am very much in sympathy with what the gentleman says in regard to Sweden, Norway, and possibly Switzerland, but your committee thought that until the treaty of peace is ratified and the affairs of the world have become more settled it is not prudent to disturb this classification which has been in existence for so many years. In all likelihood in the next bill reported from the committee you will see a different classification.

Mr. JUUL. With all due deference to the chairman, of course, I have not been here as long as some of the gentlemen, but every time we try to remedy what is a glaring evil we are told, "We will do it next time." Why should the United States of America put itself in the attitude of serving notice on a certain group of countries—telling countries like Norway, Portugal, Sweden, Denmark, Switzerland, and Venezuela that they are of an inferior grade to Cuba, Czechoslovakia, the Netherlands, and Luxemburg and Poland? If we can not afford to pay our envoys extraordinary and ministers plenipotentiary to the countries of the second group, having the same title as the envoys extraordinary and ministers plenipotentiary to the countries of the first group—if we can not afford to pay them all $12,000 apiece, we surely can afford to cut them all down to $10,000 apiece; and if an amandment increasing those in the second group to $12,000 is not adopted by this committee, I propose to reduce them all to $10,000. I think it is a downright insult to label the nations mentioned in lines 6 to 15 as an inferior lot of people with an inferior representation.

Mr. FLOOD. Does the gentleman propose to reduce the salaries of the representatives of the first class or to increase the salaries of the second class?

Mr. JUUL. I propose to make one class of them, so as to remove the difference between the first and second class.

Mr. FLOOD. What salary does the gentleman's amendment propose?

Mr. JUUL. I have no objection to the salary either going up to the first group or down to the lower group, but I do say that the Scandinavian countries, with their great commerce, having great commercial connections with this country, should not be put below Poland, Czechoslovakia, and Cuba. I do not think you gentlemen sitting here as the representatives of the United States can afford to do that, and I want to tell you that it has been commented on for years in diplomatic circles. It is a mistake and you ought to amend it.

I move to amend, in line 15, by striking out $10,000 and inserting $12,000, and to add to the sum of $260,000 an amount sufficient to pay the difference of $2,000 for each of the envoys extraordinary and ministers plenipotentiary mentioned in lines 6 to 15.

Mr. KITCHIN. Will the gentleman yield?

Mr. JUUL. I yield to the gentleman from North Carolina.

Mr. KITCHIN. Does the gentleman know that that will increase the appropriation?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JUUL. I ask for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five additional minutes. Is there objection?

Mr. PORTER. Reserving the right to object——

Mr. ROGERS. Mr. Chairman——

Mr. KITCHIN. Is the gentleman aware——

Mr. JUUL. If you gentlemen will question me one at a time, I will try to answer you.

Mr. ROGERS. I want to reserve a point of order so as not to lose that right.

Mr. BEGG. Reserving the right to object, I should like to ask if that was offered as an amendment?

Mr. JUUL. Yes.

Mr. BEGG. I want to make a point of order against it.

The CHAIRMAN. The Chair overrules the point of order. The question is, Is there objection to the request of the gentleman from Illinois [Mr. JUUL] to proceed for five minutes?

There was no objection.

Mr. KITCHIN. Will the gentleman permit an interruption?

Mr. JUUL. Yes.

Mr. KITCHIN. After hearing the speech of the leader [Mr. MONDELL], does the gentleman recognize that this amendment increases the appropriations in this bill in one item $52,000,

and does the gentleman really intend to increase the appropriation after what the chairman of the steering committee and the leader of the House says?

Mr. JUUL. Is the gentleman making a little speech in my time, or is he asking a question?

Mr. KITCHIN. I did not know whether the gentleman recognized the fact that his amendment really increased the appropriation to that extent.

Mr. JUUL. Yes.

Mr. KITCHIN. All right.

Mr. JUUL. Now I am going to answer the gentleman, and to be just as frank as he apparently is. I expected that somebody would make a point of order against the increase. The point of order was overruled. If I fail in getting this amendment adopted, I propose to offer another amendment placing all the countries mentioned in line 6 and line 8 at $10,000, instead of $12,000. I do not think there can be any point raised against that. In other words, I propose to reduce the appropriation to $10,000 for all of these countries. It seems clear to me, and it ought to be clear to you gentlemen, that a bill of this description may contain within its pages provisions which are offensive. We are sitting here and making a classification of nations. Let us take it home to ourselves. Suppose it was proposed in some other country to place the United States in group 2, among the nations to whom that particular nation was sending an ambassador. Every newspaper in the United States would rise up and protest against classifying this country as a second-class country. Now, we have in this bill a classification of envoy extraordinary and minister plenipotentiary, and then we name the countries to which they shall be sent. Does it seem right to pick out a series of countries and throw them into one group, and take others and put them into another group?

The CHAIRMAN. When the Chair stated that the gentleman's amendment was not subject to the point of order, the Chair thought it related to lines 6 to 8, inclusive. The Chair did not understand that the gentleman's amendment related to lines 9 to 15, inclusive. The Chair discovers that the law provides that ambassadors to certain countries shall be paid $17,500, to certain other countries $12,000, and to certain other countries enumerated $12,000. The Chair thought he was dealing with the $12,000 countries, and felt constrained to hold that the gentleman's amendment was in order, but he realizes now that it was not.

Mr. JUUL. Then I move that the salaries of envoys extraordinary and ministers plenipotentiary provided in lines 6 to 8, inclusive, be reduced to $10,000 each, which is a reduction of $2,000.

Mr. ROGERS. I make a point of order against that amendment.

The CHAIRMAN. The law specifies what the salary shall be, and any amendment which changes the salary would be subject to a point of order. The point of order of the gentleman from Massachusetts is sustained.

Mr. ROGERS. Let the amendment be reported first.

Mr. LITTLE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. Do I understand the Chair to hold that the Appropriations Committee can not recommend a less amount for anybody's salary than the law allows for it? I think the law says that he may be given that much, but it does not require that he shall be.

Mr. CRISP. If the Chair will allow me, the Holman Rule specially provides that it shall be in order to change existing law by reducing salaries. That is clause 2 of rule 21.

Mr. ROGERS. I ask that the amendment be reported before we debate this.

The CHAIRMAN. The Chair will read the law.

Mr. ROGERS. Let the amendment be reported.

The Clerk read as follows:

Mr. JUUL moves to amend page 2, lines 6 to 9, by reducing the salaries of the envoys extraordinary and ministers plenipotentiary from $12,000 to $10,000.

The CHAIRMAN. The law provides that ambassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following. It uses the word "shall" and it is mandatory.

Mr. TEMPLE. Mr. Chairman, may I submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TEMPLE. I should like to know where it is intended that the language of this amendment shall be inserted in the bill.

The CHAIRMAN. The Chair is unable to state, but since there is a point of order made, and the law is mandatory that the salaries shall obtain, the Chair sustains the point of order.

Mr. CRISP. Mr. Chairman, will the Chair hear me for a moment on that?

The CHAIRMAN. Certainly.

Mr. CRISP. I have no interest whatever in this amendment, but I do have an interest in the uniformity of proceedings in this House. I grant that existing law fixes the salary of the ambassadors and ministers at a certain sum. That law is amendable. Congress can repeal the law; Congress can change it. Under the rules of the House that we have adopted for our consideration we say that legislation changing existing law shall not be had on a general appropriation bill, except under the provisions of the Holman Rule. Legislation can be had on an appropriation bill, but how? Provided the legislation is germane; provided it reduces the amount of appropriation in the bill; provided it reduces the salary of anybody carried in the bill. Legislation to repeal existing law fixing the salary of a public official is in order under the Holman Rule on an appropriation bill if the salary is reduced, and I respectfully call the attention of the Chair to that rule. If the Chair will indulge me I will turn to the rule and read it. It is clause 2 of rule 21.

The CHAIRMAN. The Chair has the rule before him.

Mr. CRISP. Let me call the Chair's attention to the rule, for I think the Chair on reflection will not sustain the point of order on the ground he has stated. The rule is as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

The amendment of the gentleman from Illinois [Mr. JUUL] is to reduce the compensation of certain public officials paid out of the Treasury of the United States, and if the Holman Rule means anything at all it means that this amendment is bound to be in order.

Mr. PORTER. Mr. Chairman, I agree with the conclusions of the gentleman from Georgia, but the point of order can still be maintained, because of the fact that we have passed lines 6, 7, and 8.

Mr. ROGERS. We have passed that paragraph, and we can not return to it except by unanimous consent.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the Chair hear me for a moment?

The CHAIRMAN. Yes.

Mr. SAUNDERS of Virginia. I do not desire to pursue the argument of this point of order on the line taken by the gentleman from Georgia [Mr. CRISP], namely, the application of the Holman rule to the reduction of an item, but merely to supplement his argument with the following suggestion. Congress is not required to appropriate at all, even to an object authorized by law. The statute may fix a salary, but so far as this body is concerned, we are not compelled to appropriate for that salary. Hence, as we may absolutely decline to appropriate, it follows upon the principle that the greater includes the less, that we may appropriate a less sum than the statutory amount and still be within our powers. The House can not appropriate a larger amount than that fixed for the salary by the statute for the simple reason that if we do so we will run against the positive rule requiring the authority of law for an appropriation. But the House having authority to appropriate a lesser amount, it is clearly in order to move a reduction of the amount carried by the bill, even if that amount is the exact amount fixed by the statute. So that both from this point of view and the Holman rule the point of order is not well taken.

The CHAIRMAN. The Chair agrees that under clause 2 of Rule XXI, the gentleman from Georgia [Mr. CRISP] and the gentleman from Virginia [Mr. SAUNDERS] are correct, but he also agrees with the gentleman from Pennsylvania [Mr. PORTER] and the gentleman from Massachusetts [Mr. ROGERS] that the item in the bill having been passed to which the amendment is offered, the amendment is not in order, and the Chair sustains the point of order.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word to ask the chairman of this committee if they have not overlooked a bill of their colleague on the committee, Mr. MASON, with respect to making an appropriation for the salaries of a minister or ambassador to the republic of Ireland, and if we can not pass the paragraph now until the gentleman from Illinois [Mr. MASON] returns to the city [laughter] I will not make

the charge; but it seems to me that the Committee on Foreign Affairs is taking a snap judgment on him, or else they have gotten him to leave the city. [Laughter.] In any event, I would like to know, since the committee had extensive hearings on the Mason bill, what the attitude of the committee is. The committee called prominent men throughout the United States and throughout the world, advocates and nonadvocates of Irish freedom, and had them come to Washington and appear before the committee. I know I was very much interested in the hearings. I heard numbers of gentlemen, and I recall that it was one of the most imposing ceremonies I have ever witnessed, and that some of the greatest speeches I ever heard pro and con were delivered. Some months have elapsed since the bill was introduced and the hearings were had, and the committee has had sufficient time to consider the question. The bill was introduced May 27 last. I would like to know for my own information—and I presume the country would like to know—what has become of it, and why did not the committee put that in the bill, or why did they leave it out?

Mr. GALLAGHER. Mr. Chairman, I would like to ask the gentleman a question.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. KEARNS. Is the gentleman urging that this should go in the bill—that the republic of Ireland should be recognized?

Mr. KITCHIN. I am asking for information, and when I get that I will tell the gentleman.

Mr. KEARNS. Could not the gentleman tell the committee whether or not he is urging it?

Mr. KITCHIN. I see the House leader, the gentleman from Wyoming [Mr. MONDELL], has whispered to the gentleman from Ohio [Mr. KEARNS]. [Laughter.]

Mr. KEARNS. But I did not hear what he said.

Mr. KITCHIN. I would say to the gentleman from Wyoming that the gentleman from Ohio says he did not hear what the gentleman from Wyoming said. Will the gentleman from Wyoming tell him?

Mr. MONDELL. I suggested to the gentleman, if he will permit me, that inasmuch as the gentleman from North Carolina [Mr. KITCHIN] had evidenced great curiosity in regard to the matter, he ought to tell the House what he would have done.

Mr. KITCHIN. I will tell the gentleman. I just dare him and his steering committee and this Foreign Affairs Committee to bring in a bill and test me. [Applause.] I have the courage to take a stand upon it, and you gentlemen have not even the courage to bring it to the consideration of the House, after inviting all the friends of Ireland throughout the United States to come to the hearings. I have asked these questions simply to show that the Republicans of the committee and of the House were playing with the Irish for politics; that you do not intend doing anything except to fool them for this year's election.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more. I have not yet obtained my information.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes.

Mr. PORTER. Mr. Chairman, I would like to inquire of the gentleman whether he desires an answer?

Mr. KITCHIN. I do.

The CHAIRMAN. The gentleman will suspend. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KITCHIN. Now, I will tell the chairman. I do want information, but another gentleman of the committee "butted in" and asked me a question.

Mr. KEARNS. I would like the gentleman to withdraw that phrase, "butted in." As a Member of this House, addressing the Chair, I asked the gentleman if he would yield.

Mr. KITCHIN. And I did yield.

Mr. KEARNS. And the gentleman said that he would, and now the gentleman characterizes my action as "butting in."

Mr. KITCHIN. I will take all of that back. [Laughter.] The gentleman came forward—he forefronted in. [Laughter.]

Mr. KEARNS. After I have forefronted in, will the gentleman now explain to the committee his position relative to the so-called Irish republic?

Mr. KITCHIN. I will tell the gentleman my position. My position is that the committee having this bill before it, and having gone to the trouble and the expense on the part of this Government and the time of the committee to have public hearings, having summoned people, at the expense of thousands of dollars, throughout this country to come here, I think it is the duty of this committee to decide one way or the other and take the responsibility, and they should either vote it up or vote it down. If you bring it in here, I will take my responsibility. Bring something in and give me a chance to show where I stand.

Mr. KEARNS. Will the gentleman state it now?

Mr. KITCHIN. Oh, there is no use to tell it now, until you give me the opportunity to go on record by a vote. [Laughter.] It is not my responsibility; it is the committee's and the majority of the House.

Mr. KEARNS. But the gentleman has already said that he has listened to persuasive arguments, both pro and con. I would like to know which argument convinced him most, the one pro or the one con?

Mr. KITCHIN. The bill is before the gentleman's committee, not before me. How will the gentleman vote on the proposition?

Mr. KEARNS. I have not heard these arguments pro and con, and it is not my committee.

Mr. KITCHIN. Why did not the gentleman attend the meetings of his committee?

Mr. KEARNS. But I am not a member of the committee.

Mr. KITCHIN. Oh, I thought the gentleman was. So the committee has kept him in ignorance just as they have kept me? I am trying to get information.

Mr. KEARNS. But the gentleman is not in dense ignorance. He has said that he has listened to persuasive arguments on both sides of the question, and that is the reason I asked him which kind had convinced him.

Mr. KITCHIN. Now, the chairman is going to give us the information.

Mr. PORTER. There is a resolution appropriating $14,000 for a representative to the Irish republic pending before the committee. It is not a part of this bill, because the proponent of the measure, Mr. MASON, who introduced the bill, concluded that it was unfair to the Irish republic to place its rights in a position whereby they would be subject to a technical point of order by any one of the 435 Members of this House and thus prevent its consideration on the merits. There is no authorization of law for the appropriation, and it therefore would be subject to a point of order.

Mr. KITCHIN. Of course Mr. MONDELL could have had the Rules Committee bring in a bill in the jerk of a lamb's tail, making it in order.

The Clerk read as follows:

Agent and consul general at Tangier, $7,500;
Agent and consul general at Cairo, $6,500;
Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government;

Mr. JUUL. Mr. Chairman, I move to strike out enough words to get a chance to ask the chairman of the committee a question as to why the agent and consul general at Tangier should receive $7,500 a year when we have next to no commerce there, and why the agent and consul general at Cairo, which is one of the world's important points both for shipping and commerce, should receive $6,500 a year? And I want to ask him if we are not proceeding, in lines 17 to 18, the same as we proceeded from lines 6 to 16, and there go into classifications that are absolutely unjust and unfair. I would like the opinion of the chairman.

Mr. PORTER. For many years we had a minister to Morocco, but after it passed under French control he was reduced to an agent and consul general at Tangier, at $7,500. The salary may be a little high. It is one of the matters that the committee desired to investigate when we take up the matter of reorganization of the Department of State. I understand the man at Tangier now is a very efficient official, and I would regret very much to see his salary disturbed until we have time to take testimony and fix the status of our representation at that place. It may be also that the salary of the agent——

Mr. JUUL. Mr. Chairman, I believe I had five minutes on this pro forma amendment, did I not?

Mr. PORTER. The gentleman asked a question, and I was trying to answer it.

Mr. JUUL. Yes; but I have not finished yet. I want to know if it is not possible to give the agent and consul general at Cairo the same salary we are giving the agent and consul general at Tangier? I do not mean to embarrass this committee. I am not here for that purpose. I am going to vote for this bill, but with all due deference to any committee having any bill in charge, if a Member on the floor finds inequalities in the bill he ought to be permitted to call attention to them, and that should not arouse the hostility of any gentleman on the committee because they brought the bill in. This is not right, and gentlemen sit here with the power to straighten these things out, and the month of January, 1920, is as good a month

to straighten it out as any other month in any other year since creation.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

For salaries of secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916: *Provided*, That secretaries in the Diplomatic Service shall hereafter be graded and classified as follows: Secretaries of class 1, $4,000 per annum; secretaries of class 2, $3,625 per annum; secretaries of class 3, $3,000 per annum; secretaries of class 4, $2,500 per annum; in all, $418,375.

Mr. TILSON. Mr. Chairman, I reserve a point of order against the proviso.

The CHAIRMAN. The point of order comes too late. I think the Clerk has just read the next paragraph.

Mr. KITCHIN. Mr. Chairman, I reserve a point of order to that proviso, too.

Mr. TILSON. Mr. Chairman, I was on my feet trying to get recognition all the while, and the Clerk was proceeding in such a manner as not to hear me.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. TILSON. I simply wish to ask an explanation in regard to the reclassifications of the salaries of the secretaries in this department. I would like the chairman of the committee to explain what this really does.

Mr. PORTER. Under the act of 1915 the secretaries were placed in five classes, the salaries ranging from $1,200 to $3,000. This bill reduces them to four classes, and raises the salaries of those in each class $1,000 a year. This increase in salary was urged in the appropriation bill of 1919, and an increase of $500 a year was reported in the bill for the current year. The Department of State assures us that the integrity of the service is largely dependent upon increasing these salaries.

Mr. TILSON. The gentleman realizes that with that one proviso he has practically doubled the expense of this item. The amount carried last year in this item was $289,000, plus; this year it is $418,000, plus. It seems to be a pretty large increase of salaries for a rather small class of officials—a large increase to be made in a single year.

Mr. PORTER. Mr. Chairman, I have an analysis of the duties of the secretaries of the Diplomatic Service, prepared by the State Department, that I would like to have the Clerk read.

Mr. BLANTON. Mr. Chairman, this is all on the reservation of a point of order?

The CHAIRMAN. Yes. The Clerk will read.

The Clerk read as follows:

DUTIES OF SECRETARIES.

ANALYSIS OF DUTIES OF DIPLOMATIC SECRETARIES.

In submitting this analysis I should point out that the organization of all missions is not identical, and that during the last three years the political work and the observation conditions have been so overwhelming that all secretaries have had to participate in some measure. The duties outlined below are those which will be filled by the various officers under normal conditions. In addition to the work outlined below all secretaries must be able to perform duties of a purely clerical nature whenever the occasion demands. It should be observed that under normal conditions many missions are not staffed with as many secretaries as herein described.

COUNSELOR.

Inasmuch as the counselor acts as chargé d'affaires in the absence of the chief of mission, he must keep in the most intimate contact with the political events of the country in which he resides. During the presence of the chief of mission the counselor acts as his political adviser, and all matters of importance are, as a rule, discussed between the counselor and his chief before action is taken. The counselor does all routine work with the foreign office and all negotiations with members of the foreign office other than the secretary of state for foreign affairs and under secretary. He also has under his supervision relations with the members of the Diplomatic Corps, with whom he must keep in constant contact. The counselor receives a great many visitors and relieves the chief of mission from the burden of such business of this nature which it is unnecessary for him to pass on directly. The counselor receives and prepares the answers to communications of political importance, and directs the action of the entire staff in the protection of American interests. He maintains such organization as is necessary for him to keep accurately informed of political affairs in the United States and in the country in which he resides. He supervises questions of policy affecting the relations between the embassy and the consulate. He must also keep in touch with the representatives of the American press who may be in the capital as well as with the representatives of the local press.

FIRST SECRETARY.

The first secretary acts as executive head of the chancery. It is his duty to oversee the organization of the office, questions of personnel, of courier service, code room, file room, accounts, and other questions that pertain to the administration of the organization. He is also obliged to keep in touch with the political situation, as he must replace the counselor in the latter's absence from his office on duty or on leave. Incoming mail of a commercial or routine character is received by the first secretary, and answers are prepared by him for the signature of the chief of mission. It is his duty to keep in contact with the officers of the military, naval, and commercial attachés in order that there may be complete cooperation among the American officials in the country.

SECOND SECRETARY.

The second secretary is charged with all matters pertaining to passport control, including diplomatic passports, visés, questions of free entry, and the arrival and departure of those persons who enjoy frontier privileges. He also prepares under the direction of the counselor and first secretary, memoranda and dispatches for the guidance and signature of the chief of mission. The second secretary is in charge of the press analysis of the country in which he resides.

THIRD SECRETARY.

It is the duty of the third secretary to receive all visitors who do not ask for a particular person, to ascertain their business, to handle it if it is of a routine nature, and if not, to refer the visitor to the chief of mission or counselor, as the case may be. He often acts as private secretary in the official matters of his chief. His duties also include being at the disposal of American visitors and being of service to them in various matters in the capital. He assists in coding and the clerical work of the chancery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Most of my time was taken up in reading the analysis, and I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, in order to save time, I make a point of order against the proviso.

The CHAIRMAN. The Chair sustains the point of order. It is clearly subject to a point of order. The Clerk will read.

The Clerk read as follows:

Turkish secretary of embassy to Turkey, $3,600.

Mr. GALLAGHER. Mr. Chairman, I would like to ask unanimous consent to return to page 2, paragraph 3, for the purpose of offering an amendment to include the word "Ireland."

Mr. MOORES of Indiana. Mr. Chairman, I object.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 2, paragraph 3, to offer an amendment. Is there objection?

Mr. MOORES of Indiana. I object.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentleman of the committee, I want to take this opportunity to observe that as a member of the committee which reported this bill I believe that the committee has done in the main good work, and I approve practically all of the bill, with the exception that I believe two items—the secret fund and the post allowances—are perhaps larger than they should have been. But I want to take occasion to point out here the difficulties into which gentlemen fall when they undertake to pretend that they are doing something which, in fact, they are not doing.

Now, you have heard here to-day a good deal about this bill being a bill of economy, that they have reduced the estimates, and that it does not appropriate as much money as the bill of 1920. Now, of course, the estimates were reduced, because the departments always estimate more than they expect to get.

And especially at this time, when word is being scattered all over the land by the leaders on the Republican side that our economical and saving friends are going to reduce all of the estimates and to adopt economical processes in the departments. I approve any real economy and hope that they may adopt it. Now, of course, it is true, and of course it ought to be true, that this bill is a reduction under the appropriations of last year, because at that time, on account of the United States being engaged in gathering up the tangled ends of diplomatic affairs left by the war which had just come to a close, there were unusual burdens placed upon the State Department.

But I want to call the attention of the gentleman of the committee to the fact that in the first paragraph of this bill the committee pretends to reduce the appropriation by $52,500 in the matter of appropriations for ambassadors. As a matter of fact, the committee failed to provide for ambassadors to Russia, to Turkey, and to Austria-Hungary. By failing to make such provision we shall have no diplomatic representatives of appropriate grade either in Russia or Turkey or Austria-Hungary. The gentleman from Kansas [Mr. LITTLE] offered an amendment to provide a diplomatic representative to the Armenian countries. I would like to direct his attention to the fact that if this committee had provided for a minister or ambassador to Turkey he would have been so located, geographically, as to represent the interests of American citizens with reference to those countries which he mentioned.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. I shall be glad to yield to the gentleman from Pennsylvania.

Mr. TEMPLE. The gentleman spoke of having no diplomatic representative of proper rank for Austria-Hungary. Where is Austria-Hungary?

Mr. CONNALLY. Austria and Hungary. The gentleman's question accentuates the fact that instead of having one country there are two there.

Mr. TEMPLE. And we are not yet at peace with either of them, and we have no representative at either of them.

Mr. CONNALLY. I will say in reply to the gentleman from Pennsylvania that we are not at peace with Germany, either, but nevertheless you have provided in this bill for a diplomatic representative in Germany. And I may say, further, to the gentleman from Pennsylvania that if an appropriation is made for these diplomatic representatives they need not be appointed until such time as peace shall have been concluded. And if they are not appointed the money will remain in the Treasury, just as it did in the first six months in the fiscal year 1920, when, under a Democratic administration, we made the appropriations, but it remained in the Treasury.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. But we are at peace with Russia. We are at peace with Russia, and we are at peace with Turkey, because we have never had any declaration of war against Turkey. Gentlemen, it is done for the purpose of creating the impression that we are saving $52,500.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. If I have time, I shall.

Mr. ROGERS. Does the gentleman fear that it will embarrass this country in resuming diplomatic relations with the three countries in question if we have not the authorization at the moment for an ambassador or minister? In other words, does not the gentleman think that the complete fabric of the State Department machinery, both diplomatic and consular, with the exception of the more or less figurehead gentlemen at the top, is quite sufficient to protect the rights of this country when the moment comes for us to resume trade relations with those countries?

Mr. CONNALLY. May I ask what the gentleman means by "more or less figureheads at the top"?

Mr. ROGERS. Well, the ambassador to any country is quite apt to be more of a figurehead than is commonly supposed. The gentleman will realize that a very large part of the constructive work in the country's interest is necessarily done by the permanent, unseen, but fairly efficient corps of secretaries and consuls. Those men under this bill can be sent to these countries just as occasion requires, and we are not handicapping anybody, either our representatives in foreign countries or the State Department here, by not appropriating money for those ministers.

Mr. CONNALLY. Does the gentleman mean to intimate that those ambassadors extraordinary and plenipotentiary for whom the committee has provided a compensation of $17,500 are likely to be mere figureheads in the future, if they have not been in the past? And if so, why have you not recommended a reduction of those salaries, as was called for by the gentleman from Illinois [Mr. JUUL] a little while ago? I am surprised at the statement of the gentleman from Massachusetts, that the secretaries and clerks perform the duties of the ambassadors.

Mr. ROGERS. I said the "secretaries and consuls." They do, to a very large extent.

Mr. CONNALLY. I had thought that the gentleman from Massachusetts, the ranking majority member of this committee, who takes a great interest in diplomatic affairs, had certainly the conception that this Government, when it carried on intercourse with great powers, did so through our ambassadors and not by means of our secretaries and the underlings of those great functionaries. But I call attention to the fact that you pretend to save money by eliminating an appropriation for an ambassador to Turkey.

Mr. TEMPLE. Will the gentleman yield right there?

Mr. CONNALLY. In a moment. And yet, in line 21 of page 3, and line 24 of page 5, and line 11 of page 6, and line 22 of page 6, and line 7 on page 8, the following items are appropriated for the embassies at which we are going to have no ambassador. The first is "Turkish secretary of embassy to Turkey, $3,600," in line 14 of page 3. This is called Turkish secretary of embassy to Turkey, as though he were a Turk.

Mr. TEMPLE. Oh, no.

Mr. CONNALLY. Yes. Look at it.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. TEMPLE. The Turkish secretary is not a Turk.

Mr. CONNALLY. From the description he might be.

Mr. TEMPLE. The Japanese secretary to the Japanese embassy is not a Japanese.

Mr. CONNALLY. I was perhaps inaccurate in saying that the "Turkish secretary" implied that he could be a Turk.

Mr. TEMPLE. Quite so.

Mr. CONNALLY. He is required to speak Turkish, and a person to speak Turkish must remain in Turkey quite a long while. On page 5, line 24, $15,000 is appropriated for 10 student interpreters at the embassy to Turkey.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. LITTLE. Reserving the right to object, I want to ask the gentleman a question.

Mr. CONNALLY. I shall yield to the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. "Rent of quarters for Turkish student interpreters attached to the embassy to Turkey, $600." "For hire of steam launch for use of embassy at Constantinople, $1,800." For use of what? Supposedly for the use of the ambassador, and yet we shall have no ambassador there.

Mr. LITTLE. Mr. Chairman, will the gentleman yield now?

Mr. CONNALLY. "Rent for prisoners in Turkey, $1,000."

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I will have to yield first to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. LITTLE. I have a motion ready to strike most all that out.

Mr. BEGG. Does not the gentleman know that in the absence of the ambassador the secretary takes charge of the affairs and acts as the representative of the United States in these countries, and that it is necessary to maintain the diplomatic organization there until such a time as an established government comes out of the chaos in that particular country? Now, before you answer that question, I would like to ask another along the same line.

Mr. CONNALLY. Do not give me too many at once.

Mr. BEGG. I want to give you two because you have made much of the failure of the committee to provide for ambassadors in Turkey and Austria-Hungary and Russia. Is it not just as probable that there will be two or three countries in Russia as one, and would it not be foolhardy to make an appropriation for an ambassador to a country that is in such a state of revolution as Russia is?

Mr. CONNALLY. The gentleman's argument contradicts itself. He says it is not necessary to have an ambassador there, because the secretary performs the duty of an ambassador, and therefore we do not need an ambassador; and in the next breath he says it would be foolish to provide any diplomatic representative in Russia because it would be two or three countries instead of one.

Mr. BEGG. Will the gentleman yield right there?

Mr. CONNALLY. I should like to answer the gentleman's first question before he asks another. I do not object to the proposition that in the absence of the diplomats the secretaries shall perform their duties. They ought to do that; but what I am trying to draw to the attention of this committee and the House is the fact that the majority of the Committee on Foreign Affairs is undertaking to practice a deception when it pretends to be saving money by reducing the appropriations for ambassadors to Turkey, Russia, and Austria-Hungary. They admit that our citizens in those countries will need protection. They ought to admit that in a country that is torn and distressed, and with whom we have had difficulties, it is much more important that the men who represent our interests should be seasoned and experienced men with diplomatic dignity and powers, because those duties require more discretion than in a country with which we are at peace and with which our functions are purely normal and customary.

Mr. LITTLE. Will the gentleman yield?

Mr. PORTER. Will the gentleman yield?

Mr. CONNALLY. I yield to the chairman of the committee.

Mr. PORTER. Did the gentleman raise any objection in the committee to striking out the provision for the ambassadors to Turkey and Austria-Hungary?

Mr. CONNALLY. I am sorry the gentleman has asked me that question, because at the last meeting of the committee which I attended the bill had been completed and these items were in it.

Mr. FLOOD. Is it not a fact that after this bill had been practically agreed upon the chairman of this committee sent for Mr. Carr, the director of the Consular Service in the State Department, and asked him whether it would be all right to leave these matters out and did not consult other members of the committee about it?

Mr. PORTER. That is not the fact at all. Mr. Carr was consulted about other matters.

Mr. FLOOD. I was so informed by the gentleman from Massachusetts [Mr. ROGERS].

Mr. PORTER. Will the gentleman from Texas yield for another question?

Mr. CONNALLY. I yield to the gentleman.

Mr. PORTER. Our ambassador to Mexico, Mr. Fletcher, has not been there for months. Does the gentleman think we should fail to appropriate for the secretary and other officers who go to make up the diplomatic organization in Mexico——

Mr. CONNALLY. No; certainly, I do not believe we should fail to so provide.

Mr. PORTER. I have not finished my question—so that the rights of American citizens can be protected in so far as they are protected?

Mr. CONNALLY. In reply to the gentleman from Pennsylvania, I will say no. I do not complain at the appropriation for the secretaries, but I do think this committee ought to be frank and to make appropriations for ambassadors to those countries which were omitted, and not pretend a saving in that regard.

Mr. BLANTON, Mr. LITTLE, and Mr. TEMPLE rose.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. TEMPLE], a member of the committee.

Mr. TEMPLE. Mr. Chairman, I am very much surprised that a member of the committee charges the committee with an attempt to deceive the Congress and the people of the United States, and I resent that charge. The proposal was made in the committee, as the gentleman ought to know, that we omit the appropriations for the payment of salaries of ambassadors in the countries with which we were at war. That proposal was not accepted by the committee, because it was not deemed wise to fail to appropriate for an ambassador to Germany, where we expect again in due time to have an ambassador. But we do not expect ever to have an ambassador to Austria-Hungary. Austria-Hungary has been destroyed, and whatever diplomatic recognition the fragments may have, we shall not probably send a representative of ambassadorial rank. I hope that this particular appropriation is permanently discontinued.

Mr. FLOOD. May I ask the gentleman a question?

Mr. TEMPLE. Certainly.

Mr. FLOOD. Instead of having an ambassador to Austria-Hungary, will it not be necessary to have a minister to Austria and a minister to Hungary?

Mr. TEMPLE. Yes; it will.

Mr. FLOOD. Which will cost more.

Mr. TEMPLE. Perhaps it will.

Mr. LITTLE. They can have one representative to both countries.

Mr. TEMPLE. There is absolutely no pretense about this. We did not need these appropriations this year, and we did not make them. We make no claim as to whether it is an economy or not. It is a fact.

Mr. FLOOD. But in this report of the committee to which the gentleman from Texas [Mr. CONNALLY] takes exception, claims are made of great economy because it saves from $35,000 to $40,000, as against the bill of last year when it carried these items for ambassadors to Austria-Hungary and to Turkey.

Mr. TEMPLE. I think it is always an economy to refuse to make unnecessary appropriations.

Mr. FLOOD. Does the gentleman think there is any economy in this?

Mr. TEMPLE. It saves money always to refrain from making useless appropriations.

Mr. FLOOD. Does not the gentleman know that not one dollar appropriated in the current law for ambassadors to Turkey and to Austria-Hungary has been used?

Mr. TEMPLE. I know that not a dollar appropriated to pay the salary of an officer who has not been appointed will be used until he is appointed. That is true.

Mr. FLOOD. And if it were carried in this bill it would not be used if the officer was not appointed?

Mr. TEMPLE. Certainly not.

Mr. FLOOD. I ask if it actually saves $1 to the Treasury of the United States?

Mr. TEMPLE. This bill saves many a dollar. I think in some respects we have even gone beyond economy and have reduced the appropriations unwisely.

Mr. FLOOD. Does this item save $1 to the Treasury?

Mr. TEMPLE. I am explaining this item, and the gentleman thoroughly understands what I am explaining.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. TEMPLE. In just a moment. I would like to complete my explanation. With regard to Turkey, the same question arises. But before I finish as to Austria-Hungary let me say that we are not neglecting the interests of American citizens in those two countries. We can not appoint a minister to Hungary and a minister to Austria when the law creating such offices has not yet been passed. But we are maintaining an extraordinary diplomatic mission in Hungary—a commissioner of the United States with a secretary and attachés—who, I suppose, are paid out of the one fund which is never audited; that is, the emergency fund of the State Department. I said that fund is never audited. Payments of this nature, I believe, are audited. It is only certain payments which the President makes which ought to be of a confidential nature for which no auditing is ever called. I have no doubt payments of salaries to officers of these commissions will be paid for out of this fund and charged against it, so that everybody may know what they are for. Now I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. I understood the gentleman to say that we would never have a representative to Austria.

Mr. TEMPLE. No; I said Austria-Hungary, because that country has been destroyed.

Mr. SAUNDERS of Virginia. Oh, yes; of course.

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. TEMPLE. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. How do you explain the failure to appropriate for an ambassador to Turkey? We have never been at war with Turkey. Turkey is an entity. The papers stated the other day that the English are determined that Turkey shall not be driven out of Europe.

Mr. TEMPLE. I do not care to discuss international questions of that sort, involving the relations of other nations with one another, but I should like to answer the first part of the gentleman's question.

Mr. CLARK of Missouri. I should like to have it answered.

Mr. TEMPLE. We have never been at war with Turkey. We have fought Turks, I have no doubt, but we never declared war against Turkey. Nevertheless we have had no diplomatic relations with Turkey for several years. Our ambassador has been withdrawn, and the rank of Turkey among the powers of the earth has probably been so changed that when we do send a diplomatic representative to that country he may not be of ambassadorial rank. I state that as a probability, but not as a certainty.

Mr. CLARK of Missouri. Now, I understand that if this bill passes, which no doubt it will, the only way in which we can send diplomatic representatives to the fragments of the Austria-Hungarian Empire and to Russia—I do not know into how many pieces it may be divided—or into Turkey, will be to bring in a bill here and pass a law authorizing those appointments.

Mr. TEMPLE. That is the way—creating the offices.

Mr. CLARK of Missouri. Are they going to abolish the ambassador to Turkey?

Mr. TEMPLE. We have not done it.

Mr. CLARK of Missouri. Are you going to do it?

Mr. TEMPLE. Very likely when we find out what the rank of our diplomatic representative there will be, if he is not to be an ambassador, we will bring in a bill creating the new office and abolishing the old. That will also have to be done in the case of Austria-Hungary.

Mr. CLARK of Missouri. Is it not true that to appoint two ministers to Austria and Hungary would cost more than the old ambassadorship would?

Mr. TEMPLE. I have not the slightest doubt that our foreign relations will cost us more money from this time on than they have ever cost us. I believe that the Consular Service ought to be reorganized and improved, and every man in the service, the whole foreign service, whether diplomatic or consular, ought to be an attorney for the United States. I believe that this is an exceedingly good time to employ good attorneys for the United States, the consular officers to look for business opportunities for American business men and the diplomatic officers to look after our peculiarly tangled foreign relations. I believe that it is a mistake to cut as much as we have cut this bill. I have accepted the cuts because it was necessary for the sake of economy. I do not mean to say that every cut has been wise economy, but they have beeen made with the purpose of saving dollars.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. KITCHIN. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS] raised a very interesting question to me. Certainly I had never thought about it before. He said that our ambassadors were mere figureheads.

Mr. TEMPLE. I would rather the gentleman from North Carolina would discuss that with the gentleman from Massachusetts.

Mr. KITCHIN. I wanted to ask the gentleman from Pennsylvania if that is a fact?

Mr. TEMPLE. I would prefer that the gentleman from North Carolina would discuss matters of that sort with the gentleman who, he said, made the remarks.

Mr. KITCHIN. I see the gentleman from Massachusetts. I did not see him in his seat at the time I asked it.

Mr. TEMPLE. I have not any doubt that the gentleman from North Carolina [Mr. KITCHIN] knows how to get the floor when he wants it.

Mr. KITCHIN. I will ask the gentleman the next time he gets the floor, because I want to find out.

Mr. TEMPLE. I have heard of men in the Diplomatic Service of the United States to whom, I think, the term "figurehead" would apply, without any unfair criticism; but, on the other hand, I do not believe that any man in this House or out of it would make a statement of that sort in general about the heads of the diplomatic missions of the United States.

Mr. KITCHIN. But the gentleman from Massachusetts did make the statement, and that was the reason I was surprised. I suppose he did not intend it.

Mr. TEMPLE. I did not hear the gentleman make that statement. The gentleman from North Carolina may discuss it with him.

Mr. KITCHIN. He did not intend it.

Mr. LITTLE. Mr. Chairman, I move to strike out the last two words. The gentleman from Texas [Mr. CONNALLY] promised to answer my question.

Mr. CONNALLY. I would be very glad to answer it now. I did not have the time.

Mr. LITTLE. Why did the gentleman make the statement that I ought to know that the minister to Turkey could take care of the business in the Republic of Armenia and in the Republic of Georgia? Where did he get that information?

Mr. CONNALLY. I will say to the gentleman that he will remember I said, "On account of the geographical location of that minister, he would be in a better position to look after that than if we had no one there at all."

Mr. LITTLE. He would be a thousand miles from where his residence is, and he would have no railroad on which to go there—a great sea between.

Mr. CONNALLY. He would be several thousand miles closer than he would be in Washington.

Mr. LITTLE. Not so much closer as you might think.

Mr. Chairman, I want to call attention to an item at the bottom of the page—lines 21, 22, and 23—and I have an amendment to offer there to strike them out. The gentleman from Texas [Mr. CONNALLY] animadverted to a series of these things scattered through here, and, as I understand him, he very justly suggested that it was a waste of money. There is $1,800 here appropriated for a launch for the Turkish Embassy, and we have no ambassador there; $15,000 are allowed for 10 students. I do not know what they want with 10 students there.

Mr. Chairman, $2,000 is appropriated for a Turkish assistant secretary of the embassy, to be appointed from the corps of student interpreters. There is an appropriation for a launch for the embassy, and they could as well hire a taxicab.

Mr. KITCHIN. But a taxicab does not travel on water.

Mr. LITTLE. Oh, well, let him take a rickshaw or sampan, as they do in Japan. There are 10 student interpreters, and we are not going to need any. There is $22,000 just wasted money. The biggest graft in all of the diplomatic service is the Turkish Embassy. They have less to do, and are going to have less to do there from now on, than any of the rest of the embassies. The Turkish Embassy will be abolished; there is no question about that. When this war began Turkey was a great empire. Now it is a very minor State. When they get done with it in Europe it probably will not be in Europe at all, but will be across in Anatolia. There is no reason on earth for appropriating $3,600 for an assistant secretary to the Turkish Embassy, as they have one already in this bill who will take care of the business there. Nor is it necessary that they should proceed to take 10 or 12 or 15 men and teach them the Turkish language to assist him. There is no other embassy on earth that is kept up in the way this bill provides for Turkey. There is no place on earth where there is less reason for it than in Turkey.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. PORTER. I would like to state the purpose of the launch.

Mr. LITTLE. Very well.

Mr. PORTER. The appropriation of $1,800 includes launch, fuel, officers, hands, and so forth, and is considered to be more economical than owning a launch and hiring the men. The launch is necessary to convey the embassy staff from Pera across the Bosphorus Channel, connecting the business and the residence sections of Constantinople; $1,800 has been regularly expended from year to year.

Mr. LITTLE. The ambassador is not there, and he does not have to take these trips.

Mr. PORTER. The chargé d'affaires is there, and he acts as our representative in the absence of the ambassador.

Mr. LITTLE. Besides, this is a minor part of it. The fact that he attempts to explain that shows that he can not explain about the $15,000 to educate 10 students there. That is purely graft, worked in by somebody with a local pull, probably in connection with the American college there, to take care of some young men. There is no reason on earth for it. There is no other representative of our Government who has any such corps of interpreters and assistants. He could talk to all of the clerks in Constantinople through those 10 people. We are out for economy, and here is a place we ought to practice it and save $2,000.

Mr. KITCHIN. The gentleman can make a point of order against it.

Mr. LITTLE. I heard that it was in some kind of a law. I am going to make the point of order. I was told that it was in some law, and I am going to make them produce it. There is no sense in putting 10 or 12 assistant clerks in Turkey nor any other such country. Turkey is dead. There will be some kind of a minister there, but when he goes he will be over in Anatolia. I wish gentlemen to bear in mind that here is a chance to really save some money.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the pro forma amendment. I should like to remind the committee that our foreign intercourse is carried on, speaking very generally and broadly, by two great instrumentalities. On the one side there is the diplomatic instrumentality, which is primarily political, although necessarily closely related to the commercial; and on the other side there is the consular, which is primarily commercial, although very closely related in many cases, and especially at present, to questions of politics and international policies. In this bill we appropriate something like one-half the total amount carried for our consular intercourse, which is a business appropriation and which has not been discussed during the recent debate. About one-half of the remainder is appropriated for the diplomatic side, and the other fourth is appropriated for the odds and ends of international relationship.

The question has come up, sponsored largely by the gentleman from Texas [Mr. CONNALLY] and the gentleman from North Carolina [Mr. KITCHIN], as to the place of the minister and the ambassador in the general scheme of our foreign intercourse. It is a perfectly obvious and well-known fact, which I alluded to in the course of the debate, that a very large part and perhaps the major part of the solid, detailed, and scientific work of our intercourse is performed by the secretaries on the one side and by the consuls general and consuls on the other side. Then the question arises as to the usefulness of the ambassadors and ministers in the general fabric. They have their place. They have an extremely useful place in many cases. But I repeat that in the generality of cases their functions are quite largely those of a figurehead. In saying that I do not by any means intend to belittle the importance of their functions. When I say they are figureheads, I mean they are the official spokesmen abroad of the great Nation from which they come, and there can not be a more important function than that.

They must appear in days of war and in days of peace as the representatives of this great Nation. It is of the first importance that they should be truly representative, and representative in the best sense, of the United States of America. When I say they are figureheads, therefore, I mean no disrespect. It is inevitable that they must to a great extent perform duties which are difficult to describe in the terms of an appropriation bill. They are doing much larger things, much more important things, much more fundamental things in behalf of international comity, than if they were sitting at their desks doing merely routine work.

Mr. CONNALLY. The gentleman from Massachusetts, as I understood him to say a moment ago, said that the functions of our ambassadors were political; that is, involving the political relations of our country and other countries.

Mr. ROGERS. That is true.

Mr. CONNALLY. Does the gentleman think those relations are of less importance than the truly commercial business which the consuls transact?

Mr. ROGERS. I certainly do not.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY. Does the gentleman think that an ambassador can with any more propriety be a figurehead than a consul?

Mr. ROGERS. I do not see the particular pertinence of that question, and, after all, it is a matter of definition. The gentleman chooses to adopt one definition of "figurehead" and I to adopt another. I accept his definition for a moment, and I will say that time after time, especially in the Bryan régime in the State Department, there has gone forth to represent this country as ambassador or minister a man who was not fit to be a representative of this country. [Applause.] The scum of the earth has on occasion been sent out from the State Department in Mr. Bryan's day to represent the United States.

Mr. FLOOD. Mr. Chairman, will the gentleman name one whom he characterizes as "scum of the earth"?

Mr. ROGERS. I am not in that connection seeking to condemn or belittle the splendid men who also went forth; men like Walter Hines Page, in London, who laid down his life for his country just as truly as if he had laid down his life in Flanders; and his successor, John W. Davis, with whom many of us served on the floor of this House, and who is one of the truest and finest representatives of American manhood I have ever met [applause], and a man who has been a most distinguished success in London.

I can go on and name men of that sort. But, gentlemen, that is the bright side of the story. The other side is that some of the most unworthy specimens of American manhood have gone forth to represent this country, especially in Latin America, where perhaps the need was paramount for selecting men who would do us credit.

Mr. FLOOD. Can the gentleman name an ambassador or minister appointed during Mr. Bryan's régime in the State Department whom he is willing to characterize as "scum of the earth"?

Mr. ROGERS. Yes; I will—James M. Sullivan.

Mr. FLOOD. He is not ambassador or minister.

Mr. ROGERS. I beg pardon. He was retired on the recommendation of Senator PHELAN, of San Francisco, who was appointed by the President to investigate. [Applause.] I do not care to bring names into this discussion, but I can cite cases. I can cite the case of a minister who was notoriously pro-German in Latin-America, after we entered the war. I can cite the case of another Latin-America minister whose conduct was such during our actual fighting with Germany that after he died his body was exhumed, because it was thought he sought to escape the consequences of his wrongdoing and had caused the body of another to be put into his own coffin. I do not know what fact was developed, but I do know the case caused a scandal in Latin-America. I can cite the case of another man——

Mr. FLOOD. Name him.

Mr. ROGERS. I do not care to bring names into this discussion.

Mr. FLOOD. I do not think the gentleman ought to get up here and say that ambassadors and ministers are the scum of the earth without naming them. He has named one. That man was properly defended. The gentleman may think that of him, but many other people do not.

Mr. ROGERS. I do not yield further.

Mr. FLOOD. You ought to name these men.

Mr. ROGERS. I am seeking to point out that good men have gone forth and bad men have gone forth, and when a bad man goes forth he does worse than if no one at all was sent to the post. That is the point I am trying to make. I should like to have time to analyze for this committee, as I have done in the past, the character of the men who went forth to Latin America to represent us as ministers during the régime of Mr. Bryan. I have not time to do so, but if anybody is interested I can refer him to a speech that I made in the House four or five years ago. I can refer him also to a speech I made a year ago when I called attention to the case of a man who was still drawing his pay as minister to a Central American country when he had not set foot in that country for two years. Of that case the gentleman from Virginia [Mr. FLOOD] said on this floor, in reply to my speech, that the official responsible ought to be impeached. And in saying all this I am by no means reflecting on the splendid representatives we have in other places.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 7, after the figures "1916," insert "$289,458."

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. That paragraph has been passed.

Mr. BLANTON. Immediately after the reading of the amendment and it was rejected, I made a point of order against the proviso, which was sustained, and the gentleman from Texas [Mr. CONNALLY] was recognized, and nothing else has been read since.

The CHAIRMAN. The Chair is advised that the items below had been read down to and including line 14.

Mr. BLANTON. I did not so understand it, Mr. Chairman.

The CHAIRMAN. The Chair is so advised by the Clerk.

Mr. BLANTON. I ask unanimous consent to return to that section in order to provide the amount prescribed by law for the secretary.

Mr. ROGERS. Inasmuch as the matter is carried in the existing law, and therefore unnecessary, I object.

The CHAIRMAN. The gentleman objects. All time has expired. The question is on the amendment of the gentleman from Kansas [Mr. LITTLE] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chinese secretary of legation to China, $3,600.
Chinese assistant secretary of legation to China, to be appointed from the corps of student interpreters, $2,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the amount of $3,600, to the amount in addition to which it has been increased over the present law.

The CHAIRMAN. The gentleman from Texas makes the point of order on the paragraph.

Mr. PORTER. I think the gentleman is misinformed. It has not been increased.

Mr. BLANTON. I understand it has been increased to the extent of $1,000.

Mr. PORTER. No; that is not in the class of secretaries.

Mr. BLANTON. The Chinese secretary of legation, $3,600—has not that been increased over the last bill?

Mr. PORTER. No.

Mr. BLANTON. I understood it was. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Japanese assistant secretary of embassy to Japan, to be appointed from the corps of student interpreters, $2,000.
Turkish assistant secretary of embassy to Turkey, to be appointed from the corps of student interpreters, $2,000.

Mr. LITTLE. Mr. Chairman, I make the point of order that there is no law providing for this second assistant secretary.

The CHAIRMAN. The gentleman from Kansas makes the point of order against the paragraph.

Mr. LITTLE. I understand that there is no law authorizing it.

Mr. MOORES of Indiana. In Barnes' Federal Code, section 2714, there is a provision by law, "The interpreter to the legation to Turkey, not to exceed $2,000."

Mr. LITTLE. This is not an interpreter. This is an assistant secretary.

Mr. MOORES of Indiana. The secretary of legation is in the section preceding—Revised Statutes, 1677. It has been the law since 1872.

Mr. LITTLE. The secretary of embassy has been agreed to.

Mr. MOORES of Indiana. There is a statute for each of them.

Mr. LITTLE. The gentleman has not read any yet.

The CHAIRMAN. The Chair would ask the gentleman from Indiana to indicate what provision of law there is providing for the assistant secretary to be appointed from the corps of student interpreters.

Mr. MOORES of Indiana. Is that a Japanese or a Turkish?

Mr. LITTLE. A Turkish. The Japanese is a good place to have one, I think.

Mr. MOORES of Indiana. Sections 2713 and 2714, Mr. Chairman.

Mr. LITTLE. Will the gentleman read the law which includes an assistant secretary of embassy to be appointed from the corps of student interpreters?

The CHAIRMAN. The Chair will state that the sections referred to by the gentleman from Indiana [Mr. MOORES] do not seem to authorize the appointment of assistant secretaries to be appointed from the corps of student interpreters.

Mr. MOORES of Indiana. They provide for the secretary and for the interpreter. I am willing to let that go out—the students.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Total, $435,175.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the total. I ask that the Clerk be authorized to correct the totals and to deduct $128,907, which the Chair sustained on the point of order.

The CHAIRMAN. That is not a point of order.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the totals be corrected on page 3.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the Clerk be authorized to correct the totals on page 3. Is there objection?

There was no objection.

Mr. PORTER. May I add, Mr. Chairman, on lines 12 and 24 also?

The CHAIRMAN. The gentleman from Pennsylvania asks also that the totals be corrected on lines 12 and 24. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, $438,000; and so far as practicable shall be appointed under civil service rules and regulations.

Mr. BEGG. Mr. Chairman, I desire to reserve a point of order, if anybody cares to speak for it, on lines 13, 14, and 15, beginning with the last three words, "and so far as practicable shall be appointed under civil service rules and regulations."

Mr. KITCHIN. Mr. Chairman, I reserve a point of order on the whole paragraph.

The CHAIRMAN. The gentleman from Ohio reserves the point of order on the language, "and so far as practicable shall be appointed under civil service rules and regulations." And the gentleman from North Carolina [Mr. KITCHIN] reserves a point of order on the whole paragraph. The Chair will hear the chairman or some member of the committee and ask him to point out any authority of existing law for the language contained in the paragraph.

Mr. PORTER. Mr. Chairman, the law creating embassies and legations undoubtedly had in contemplation the fact that embassies and legations would need clerical help. It seems to me that the authority to employ such help is implied from the mere creation of the office. The authors of the law did not expect an ambassador or a minister to perform all of the duties of those great offices without clerical help; and under section 169 of the Revised Statutes authority is given to the executive department—or, rather, to the head of an executive department—to employ such clerks. I know that there is a ruling which holds that that does not apply to clerks outside of the city of Washington.

Mr. KITCHIN. Mr. Chairman, maybe we can come to an understanding or an agreement on this. I rather believe it is necessary to have some appropriation on that paragraph.

I am sorry that the gentleman from Wyoming [Mr. MONDELL] is not here. I do not think he is "toting his end" fairly with me here to-day. If he were here he would stand by me to save about $2,000,000 out of these items, which are subject to a point of order.

In 1917 we appropriated only $100,000 for these purposes. Can we not cut this down to $250,000? The gentleman will not lose anything by it. I hate to say it—you know this is not the committee's bill. The steering committee have told the committee to cut, as Brother TEMPLE, from Pennsylvania, said. He thought some of the cuts were too much.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. TEMPLE. This is one of the items that I thought had already been cut too much.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I will when I get through this.

The steering committee says to this committee, "Cut, cut." So they cut; so that it is simply a play to enable Mr. MONDELL to issue these little weekly bulletins about economy. Now, we know, and I know, and every man on the committee knows, that all of these items will be restored later. They will go right back in the Senate. If we put $200,000 here, the Senate will make it $400,000 or $450,000, and the conferees will accept it, and Mr. MONDELL will issue his little bulletin and say, "If it had not been for the doggone Senate, which is trying to be wasteful, we would have saved money; but the Senate says we should not have any bill at all unless we let them put these appropriations back, and rather than have the bill fail I would prefer to have them go in." Mr. MONDELL will say, "I would let them go in rather than to destroy the whole Diplomatic Service." [Laughter.]

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PORTER. Is the gentleman aware of the fact that the appropriation for 1918 was over $600,000?

Mr. KITCHIN. That was during the war.

Mr. PORTER. In 1900 it was $641,000.

Mr. GARNER. What was it in 1917?

Mr. KITCHIN. It was $100,000.

Mr. PORTER. And in 1919, three months after the armistice was signed, the Democratic majority appropriated $688,000 for this service.

Mr. KITCHIN. It was necessary, and the gentleman himself voted for it. That was during the war, and more clerks and expenses were required. Of course, during the war we had hundreds and hundreds of more clerks.

Mr. PORTER. Will the gentleman yield?

Mr. TEMPLE. The expenses of the peace conference at Paris were not paid out of that item.

Mr. KITCHIN. You had a separate item in a deficiency bill, did you not?

Mr. TEMPLE. No; I think that came out of the President's fund.

Mr. PORTER. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PORTER. The Secretary of State earnestly insisted upon the necessity of this appropriation. We cut it materially. He assured us that the integrity of the service depended upon maintaining these appropriations. We have tried to be fair with him. We agreed with him; but if the gentlemen on that side of the House desire to cripple that branch of the service, which they represent, we can not prevent it.

Mr. KITCHIN. The Secretary of State insisted on a good deal larger figure than this, did he not?

Mr. PORTER. Yes. We cut his estimate materially.

Mr. KITCHIN. You gentlemen did not have any confidence in the Secretary of State, because you cut him down two or three hundred thousand dollars.

Mr. PORTER. I have unlimited confidence in the Secretary of State.

Mr. BEGG. Why does not the gentleman from North Carolina make his point of order if he is going to?

Mr. KITCHIN. I am willing to play the game with you, so that you may have all the credit you can get out of your pretended economy. You know that the Senate is going to put this back, and you can say that you saved two or three hundred thousand dollars.

Mr. PORTER. If you want to make this sharply technical point of order and cripple this department of the Government, it is entirely up to you.

Mr. KITCHIN. We are not going to cripple it. The Senate will put it back.

Mr. PORTER. I am not willing to say to you that I will ask the Senate to put it back.

Mr. KITCHIN. I am going to make the point of order, so that you can say you saved this $438,000; so that the gentleman from Wyoming [Mr. MONDELL] can put that much more in his bulletin.

The CHAIRMAN. The gentleman from North Carolina makes the point of order. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. PORTER. I desire to be heard further, Mr. Chairman. I desire to call the attention of the Chair to Hinds' Precedents, section 3675. A point of order was raised by Mr. Charles L. Bartlett, of Georgia, that while a purchasing agent had been authorized by law there was no law authorizing the clerk. After debate, the Chairman said:

The Post Office appropriation bill for 1904 created the office of purchasing agent for the Post Office Department. It did not, however, provide for any office force for the performance of the duty of that department, but it prescribed that the purchasing agent should report direct to the Postmaster General, and that under such regulations not inconsistent with the existing law, as the Postmaster General should prescribe, and subject to his direction and control, he should have supervision over the purchase of all supplies of the post-office service. It then goes on and prescribes the purchasing agent's duties, and they are such that he can not perform by himself without assistance of a clerical force—

Which is true of the case before us.

It is not to be assumed for a moment that such an anomaly was intended by the authors of that law, and, indeed, we find that no such anomaly exists because, under section 169 of the Revised Statutes, Title IV, the head of the Post Office Department and the heads of all other executive departments named in the title are authorized to employ such a number of clerks of the several classes recognized by law, such messengers, assistant messengers, copyists, and other employees, at such rate of compensation, respectively, as may be appropriated for by Congress from year to year. So it seems to the Chair that the point of order is not well taken and must be overruled.

Mr. FLOOD. May I interrupt the gentleman?

Mr. PORTER. Certainly.

Mr. FLOOD. Is it not a fact that that would not apply to this case, for the reason that for a long time after we had

embassies and legations the clerks to those embassies and legations were paid by the State Department out of the contingent fund, and there was no contemplation that there should be an appropriation for the clerks and the law the gentleman read can not by construction be made to apply to these clerks?

Mr. PORTER. As I recall it, that was changed about 12 years ago, in 1907.

Mr. FLOOD. Yes; in 1907, but up to that time there was assigned, out of the contingent fund which Congress appropriated in this act, a sum of money to pay for the clerks and janitors at legations. In 1907 a separate item was carried in this bill, for clerk hire, amounting to $65,000,000.

Mr. PORTER. That item was improperly paid out of the contingent fund. It was not provided for in the act of 1856 authorizing the contingent fund. But that is no answer to my argument that when we create an embassy or a legation, by implication we authorize the employment of the clerical force necessary to make that embassy or legation function properly.

Mr. FLOOD. It occurs to me that it is a reply to the gentleman's argument that for a hundred years and more after we had created legations there was no contemplation of law that there should be an appropriation for clerk hire for these legations, and only in 1907, without any authority of law, the appropriation bill carried that item.

It is a wise appropriation, but it seems to me the item is clearly without any warrant of law for it. Of course, it could be paid out of the contingent fund still.

Mr. PORTER. Will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. PORTER. Is it not a fact that while the gentleman from Virginia was chairman of the Committee on Foreign Affairs this same item was carried in the bill for seven or eight years?

Mr. FLOOD. It has been carried in this appropriation bill since 1907. I was not chairman all the time. I think it was a wise provision. I think it is a wise provision in this bill, but that does not affect the question whether it is authorized by law.

The CHAIRMAN (Mr. WALSH). The Chair is ready to rule. The item under consideration, to which a point of order has been made, is the paragraph, beginning in line 11 and down to line 15, inclusive, providing for the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, and so far as practicable shall be appointed under civil-service rules and regulations.

The Chair will state that under section 169 of the Revised Statutes provision is made for the appointment of clerks in the various executive departments; and the precedent is cited by the gentleman from Pennsylvania [Mr. PORTER] to the effect that where a purchasing agent was authorized by the Post Office Department it necessarily included the appointment of clerks; but that would only permit the employment of clerks in the executive departments here in Washington. The rulings heretofore have been that where appropriations are asked for under the establishment of the departments, which do not specifically mention or include the employment of certain clerks or employees, it is restricted to the employment of those employees here at the seat of government in Washington.

Of course, the mere fact that this item has been carried in the appropriation bill for a number of years without any specific authorization of law does not now make it in order. In the view of the Chair the absence of any provision in the law creating embassies and providing for the appointment of ambassadors and other employees would not, and could not, be construed as authorizing the necessary clerks or other employees not specifically mentioned in the act, and as no authorization in the law has been called to the Chair's attention, and as he can not find any such authorization, inasmuch as it is the purpose of the proposed legislation to employ these clerks beyond the limits of the seat of government, the Chair believes that the language is subject to the point of order, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

For 10 student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legation and consulates in China, at $1,500 each, $15,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter at the legation or consulates in China so long as his services may be required within a period of five years.

Mr. KITCHIN. I reserve a point of order, and I should like to say to the gentleman from Kansas [Mr. LITTLE] that I would like to have the Republicans get the benefit of all the economy that can be saved out of this bill. This is the place to which the gentleman referred as grafting. I do not know what he is going to do, or if the gentleman will make a point of order against it. If he will do so, he will save that so-called expense of $15,000, and that side of the House will get the benefit of such saving.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. I make the point of order against the provision from line 22, on page 5, to and including line 10, on page 6, because there is no law authorizing any student interpreters.

Mr. LITTLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Kansas will state his point of order.

Mr. BLANTON. I rose before the gentleman from Kansas did.

Mr. LITTLE. I withdraw in favor of the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I make the point of order against that portion of the bill beginning on line 22, page 4, and ending on line 7, page 5, because there is no law authorizing any appropriation for 10 student interpreters at the legation in China, and so forth.

The CHAIRMAN. The gentleman from Texas makes the point of order on the paragraph. The Chair would ask the chairman of the committee to cite the authorization for the language in the bill.

Mr. PORTER. I do not care to reply to the point of order. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the payment of the cost of tuition of student interpreters in China, at the rate of $200 per annum, each, $2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no law authorizing this $2,000 appropriation.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. TEMPLE. Mr. Chairman, I should like to call attention to the fact, if the gentleman will withhold his point of order for a moment——

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. BLANTON. Mr. Chairman, I intend to make it; but if the gentleman wants to give us any light I will reserve it. I intend to make it.

Mr. TEMPLE. I do not know that I can give any light, but I can assure the gentleman that there is no particular fire here. I merely wish to say that it has been thought wise for a number of years to carry these provisions in the bill without legislation which would make the thing so rigid that it could not be changed from year to year. It has been left without legislation purposely, and the party in power—the Democratic Party—depended with confidence upon the patriotism of the Republicans not to interfere with the organization of the State Department. I am sorry that we can not put the same dependence upon the Democratic Party now. [Applause on the Republican side.]

Mr. BLANTON. Mr. Chairman, in reply to what has been said by the distinguished gentleman——

The CHAIRMAN. Does the gentleman desire to make the point of order?

Mr. BLANTON. Mr. Chairman, I desire to be heard for a moment on the reservation, if the Chair will kindly recognize me on the reservation.

Mr. BEGG. Mr. Chairman, I demand the regular order.

Mr. BLANTON. Mr. Chairman, I make the point of order, but I would like to be heard upon it for a moment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. Mr. Chairman, this provision in the bill is unauthorized, because there is no law for it. This matter of paying salaries to pet students, and paying all their tuition and expenses, has been carried on for years without law. I think we ought by this time to have some law before we make any further unauthorized appropriations to educate students in China, Japan, Turkey, and other foreign countries.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For six student interpreters at the embassy to Japan, who shall be citizens of the United States, and whose duty it shall be to study the Japanese language with a view to supplying interpreters to the embassy and consulates in Japan, at $1,500 each, $9,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan; *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter at the embassy or consulates in Japan so long as his services may be required within a period of five years.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph on the ground that there is no law authorizing student interpreters.

The CHAIRMAN. The Chair would like to ask the gentleman from Pennsylvania or some member of the Committee on Foreign Affairs to indicate the authorization for this.

Mr. PORTER. Mr. Chairman, will the Chair withhold that for a moment?

Mr. FLOOD. Mr. Chairman, I would like to ask the gentleman from Texas not to make the point of order against these items. It will disorganize the whole foreign service in these countries.

Mr. GARNER. They will put them back in the Senate, anyway.

Mr. FLOOD. I reckon they will put them back in the Senate, but there is no use of striking them out.

Mr. BLANTON. Mr. Chairman, I will state to the gentleman from Virginia that I have a real, bona fide, sure-enough case of economy on me that is more than lip and skin deep, regardless of what there is on the other side of the aisle, and I think the time has come to cut down these extravagant appropriations, and cut out every single employee of this Government that we can get along without.

Mr. FLOOD. I agree with the gentleman that we have to cut down on expenses.

Mr. BLANTON. And the idea of keeping men in school year after year over in China and Japan is ridiculous. By this time we ought to have educated enough interpreters to last us.

Mr. FLOOD. But the gentleman understands that they act as interpreters for a while and then go into the Consular and Diplomatic Service.

Mr. BLANTON. Yes; and then quit and come home, and commercialize the education paid for by Uncle Sam by hiring out to private concerns.

Mr. FLOOD. Sometimes they quit and come home, but the rule has been that they have stayed there abroad faithfully for years.

Mr. BLANTON. There are plenty of interpreters to be found who are not students. We can find a well-qualified interpreter right now for any of the countries without going into the business of raising them.

Mr. FLOOD. While they are students, they also act as interpreters.

Mr. BLANTON. Oh, yes; but I would rather have an interpreter and pay him than to have 10 fellows learning how to be interpreters.

Mr. FLOOD. The gentleman would find that the result would be that the service in this part of the world will be without interpreters at the time they need them most.

Mr. BLANTON. Oh, yes; it will cripple the educational institutions in China and Japan.

Mr. FLOOD. It will cripple the ability of our embassies and legations and consulates to get interpreters when they need them.

Mr. BLANTON. We ought to practice sure-enough economy, and there is no more propitious time than now to begin.

Mr. KITCHIN rose.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard upon the point of order?

Mr. KITCHIN. No; I do not, Mr. Chairman; but I want to say this, so far as the points of order I am making are concerned: Following the theory of the gentleman from Wyoming [Mr. MONDELL], and knowing his sympathy for economy and his determination to have it, I feel very sure, although he has never told me, that he would have made these points of order that I am making had he been here. Because of the fact that he is not here, of course it throws the whole burden on me, and although you fellows are cussing me out I feel that I am bound to insist on the economy program. [Laughter.]

Mr. PORTER. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. KITCHIN. Yes.

Mr. PORTER. Is it not a fact that the gentleman from Wyoming [Mr. MONDELL] has been present for the last 8 or 10 years while these bills have been pending and has never raised one of these technical points of order?

Mr. KITCHIN. But the spirit of economy had not seized him then.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas makes the point of order as to the language——

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to address the House for two minutes before the Chair rules.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for two minutes pending the ruling of the Chair. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman and gentlemen of the committee, this provision for these 10 Chinese interpreters is absolutely the best provision in this bill, and you will get more out of your money there than you will from any other item in it. There are 400,000,000 people in China. Their language is the most difficult in the world to learn, and we have less people who address themselves to learning it than any other language on earth. There is the greatest opportunity there for the extension of our business and the consular system. This is a judicious and wise provision, to educate young men for the Consular Service and keep them there, and most of them stay, and to secure business for our people by having somebody who can talk the Chinese language. If you fellows would go there and try to learn to talk with these people every one of you would vote for this provision of the bill.

I am sorry that the general hilarity that has arisen here has attached itself to this provision. I do hope the Members of the House will see their way clear to withdraw their objections. I can assure you that it means a great deal to the business of this country.

Mr. KITCHIN. Was the gentleman ever one of these students?

Mr. LITTLE. No; but I have been in China and at the consulates.

Mr. GARNER. How about the Turkish people?

Mr. LITTLE. I will be just as fair about that as I want you to be with the other. The situation in Turkey is entirely different. Turkey does not contain one-twentieth of the number of people that China does. There is no possibility of building up any such business there, and the money would not bring any such results. Now that the Turkish Empire has been dismembered, the time has gone by when these men could be useful. The Turkish provision ought to go out, but the Chinese provision is not on the same plane.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to address the committee for five minutes, pending the ruling of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes, pending the ruling of the Chair on the point of order. Is there objection? [After a pause.] The Chair hears none. The Chair will be ready to rule at the end of five minutes—and is ready to rule now.

Mr. BURKE. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] in the wind-up of his remarks yesterday afternoon asked the question if I was against laws to punish burglary and rape because burglars and rapists do not like the laws. I will not consume any time on this floor replying to such a question, because my life work and my character is sufficient answer thereto. Mr. BLANTON, however, made the assertion that I intimated that all union men are against sedition laws because same might incite trouble with anarchists.

I am not responsible for the queer workings of the mind of the gentleman from Texas [Mr. BLANTON] or the fact that, regardless of what I or anyone else might say, he has the happy faculty of deducting conclusions in accord with his own ideas. However, in defense of the union men he again misrepresents, I will say that I intimated no such thing, because organized labor never was and never will be fertile soil for anarchy, and the members of organized labor love their country and their Government. [Applause.] I repeat what I said on the floor of this House yesterday afternoon, that the four railroad brotherhoods and the American Federation of Labor denounce anti-Americanism and anarchy and are as loyal to their Government as any Member of this Congress. [Applause.]

If revolution and anarchy were rampant in this country, the very first to take the steps to crush it and preserve the Nation would be the sons of toil—the workers of the country, who shouldered arms and fought in the trenches of Europe to crush autocracy—who gave their life blood in defense of America and the allied cause. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] makes the point of order on the paragraph beginning at line 10 and ending at line 20. The Chair has had called to his attention the provisions of the Thirty-second Statutes at Large, chapter 272, Fifty-seventh Congress, making appropriations for the Diplomatic and Consular Service, which contained an item for 10 student interpreters at the legation in China. However, the Chair finds, upon examining that statute, which it will be noted is simply a paragraph of the appropriation bill, that it authorized that year the appointment of 10 student interpreters, and went on to deal with the manner of their appointment. The

language in that statute is very similar to that carried in the present paragraph relating to student interpreters at the embassy in Japan, providing they should be selected and on receiving the appointment should make certain agreements.

Mr. BLANTON. Right there, Mr. Chairman; it must be in the same identical language. I call the attention of the Chair to Rule——

The CHAIRMAN. The Chair does not care to hear the gentleman. The Chair is making his ruling, if the gentleman will permit.

The item in the appropriation bill, even though it is in the nature of legislation, unless the language is so drafted as to make it permanent law, is not permanent law; and in the view of the Chair the language called to his attention is in that class, although the item has been carried in the various appropriation bills from year to year, still, if any point had been made at any time, it would have been subject to a point of order. And this relating to Japan is clearly legislation on an appropriation bill for which no authorization has been shown, and the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the payment of the cost of tuition of student interpreters at the embassy to Japan, at the rate of $200 per annum each, $1,200.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no law authorizing the provision.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. PORTER. No; I do not desire to be heard.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Illinois. Mr. Chairman, I move to strike out the last word.

The Committee on Foreign Affairs gave to this bill careful and earnest consideration, and in its consideration we were not partisan. We had in the committee the cooperation of the Democrats. The people of this country are not so deeply interested in who saves the money as they are interested in having the money saved and having the service of this country preserved. I think it is high time that this farce of belittling the measure of the importance of this by striking out, because you can do so legally, that which should be maintained in the bill should cease. The people of this country are not interested in either the Democrat or the Republican claims as to who are saving the money. They are interested in the fact that the money is saved, and at the same time they are broad-minded enough to have the Congress of the United States vote a proper amount of money for the maintenance of this Government both here and abroad. [Applause.]

Mr. LITTLE. Mr. Chairman, I move to strike out the last 10 words.

Mr. SAUNDERS of Virginia. I was going to suggest to the gentleman that these propositions should really be submitted as unanimous-consent requests, because there are no last words.

Mr. LITTLE. I will withdraw the request and wait until we reach another paragraph.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman, on yesterday the gentleman from Nebraska [Mr. REAVIS] brought to the attention of the House a question involving what he alleges is an improper practice by agents of the Federal reserve banks in trying to coerce and intimidate State banks to become members of the voluntary clearance of checks at par arrangements which have been made by the Federal reserve banks. If the gentleman from Nebraska will introduce a resolution to investigate that I shall be glad to join him and investigate the facts. But I think it would be more practical if the gentleman from Nebraska would try to get the law amended, because the Federal reserve bank is not to blame for refusing to permit exchange charges on checks.

This matter, as the older Members will remember, was thrashed out in Congress, and Congress—not by a party vote—specifically gave the Federal Board the power to do the very thing they are doing now. I was one of those who opposed the law and predicted that this very situation would arise. But gentlemen on both sides of the aisle did not agree with me at that time. Now, instead of criticizing the Federal Reserve Board and the Federal reserve banks, what the gentleman from Nebraska should do is to introduce a bill to amend the law so that the Federal Reserve Board would be denied the right of doing the thing of which he complains.

Now, evidently the gentleman by calling attention to the matter and putting this unsigned letter in the RECORD sought to make political capital. I am sorry he has done that, because no politics has entered into that controversy heretofore. But if the gentleman does want to make it a question of politics, I suggest to him that his party is in power, and instead of standing before the House here he had best go to work on gentlemen who are responsible for legislation on that side, because on their shoulders must fall the blame for the defeat which I and others suffered in the Congress of 1917, when this subject was up, and when the law was put on the statute books which now works great hardship on the State banks.

We lost by only 11 votes on that occasion. You will find that the gentleman from North Carolina [Mr. KITCHIN], the Democratic leader, stood with us in our fight to permit the banks to charge a reasonable and fair charge for the services rendered; the gentleman from Georgia [Mr. CRISP]; the gentleman from Mississippi [Mr. COLLIER]; the gentleman from Virginia [Mr. FLOOD]; the gentleman from Tennessee [Mr. GARRETT]; and other leaders upon this side joined me in an effort to preserve the right of the banks to make a reasonable exchange charge for services actually rendered.

Now, where do we find those responsible on the Republican side? I will take your steering committee—the gentleman from Ohio [Mr. LONGWORTH]; the distinguished Speaker of this House [Mr. GILLETT]; the distinguished gentleman from Illinois [Mr. MADDEN], a member of the steering committee, now the very able and distinguished chairman of the Committee of the Whole; Mr. MILLER, who has now become the secretary of the Republican National Committee; Mr. PLATT, the distinguished chairman of the Committee on Banking and Currency; Mr. RODENBERG, a strong and influential Republican, a Member of the House; Mr. DARROW, a member of the steering committee; Mr. WINSLOW, another member of the steering committee—they are the men who by their influence, vote, and voice at that time denied justice to the banks of this country.

And now, when the natural effect of that law is beginning to operate on the banks, instead of standing up here and calling the attention of the country to it, what my friend from Nebraska [Mr. REAVIS] should do is to go to work on these gentlemen and get them to change their opinion and permit him to bring in a bill to amend that law. And I am authorized to say that if he will do that the Democrats on this side will give him a majority vote, and we will relieve this inequality and inequitable arrangement that is now oppressing the State banks of the country.

Mr. BROWNE. If the gentleman will yield, I heard the remarks of the gentleman from Nebraska, and I understand his complaint was that the Federal reserve banks, through their examiners, and so forth, went to the State banks and practically gathered up their checks and almost made a run on the State banks.

Mr. WINGO. Not through an examiner.

Mr. BROWNE. Now, is there any law or any ethics to justify the Federal reserve examiners in gathering up the checks of the small State banks and then coming there and presenting them and demanding payment and overwhelming the State banks? That is the main thing that the gentleman is complaining of, is it not?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask to proceed for one minute more in order to answer the gentleman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WINGO. That is exactly what I want to get rid of, I will say to my friend. That is what I fought for. That is the fight I made when the Federal reserve act was originally written. It was not a partisan question at that time, although if the great Republican leaders whom I mentioned had voted with me and with Mr. GARRETT and with Mr. CRISP and Mr. COLLIER and against Mr. Glass and Mr. PLATT, you would not have this condition. I predicted that you would have this very thing. It is the natural consequence of the authority we gave.

The gentleman from Wisconsin [Mr. BROWNE] asks me if it is fair for the Federal reserve banks to gather up the checks of the small State banks in large volume and go in and present them and demand payment and thus embarrass those State banks by presenting them? I say, no; it is not fair; it is an outrage, and I do not care whether it is done by a Democratic official or by a Republican official. But let us quit complaining, because the law is responsible for it, and let us amend the law. If you Republicans who are responsible will bring in a bill to relieve the situation, a majority of the Democrats will support it. Quit abusing the banks, but go to work on your Republican steering committee, a majority of whom voted against the country banks and are responsible for the conditions complained of by the gentleman from Nebraska. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired. The Clerk will read.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at $1,500 each, $15,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter to the embassy and consulates in Turkey so long as his services may be required within a period of five years.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no law authorizing this paragraph.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For the payment of the cost of tuition of student interpreters at the embassy to Turkey, at the rate of $200 per annum each, $2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against this paragraph, there being no law authorizing it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

No person drawing the salary of interpreter or student interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

Mr. BLANTON. Mr. Chairman, I make a point of order against that paragraph. There is nothing in the law authorizing it.

Mr. ROGERS. Mr. Chairman, that is a limitation, I submit, and therefore it is clearly in order.

Mr. BLANTON. There is no law authorizing any student interpreters to draw any salary whatever, Mr. Chairman.

Mr. ROGERS. The entire subsection beginning on line 16 of page 4 has not, I think, been stricken out, and therefore there is a portion of these paragraphs to which this limitation can properly attach.

The CHAIRMAN. The Chair is inclined to think that this is not in the form of a limitation.

Mr. ROGERS. But, Mr. Chairman, may I suggest that there can not be a more obvious limitation than one which prevents a single individual from drawing two salaries, which is what this language professes to do? If the Chair is in doubt, I think I can in a moment find the authority on it.

The CHAIRMAN. The Chair will be glad to have the citations from the gentleman.

Mr. TILSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] has been recognized.

Mr. ROGERS. I will yield to the gentleman from Connecticut.

Mr. TILSON. Mr. Chairman, it seems to me that this is clearly a limitation, as much so as if it followed the words "*Provided*, That." If it had in front of it those words, "*Provided*, That," it would be in the usual form of limitation. But it is just as clearly in the form of limitation as if it had those two introductory words.

Mr. LITTLE. Mr. Chairman, I would like to say a word on the point of order. This is very plain. I would like to have the attention of the Chair.

Suppose we cut out everything except this part, dropping out "no person," and say "no student interpreters shall be allowed any part of the salary appropriated for somebody else." The only argument here is that there is no such thing as a student interpreter. That is true. But there might be. We have the right to make a provision in anticipation of the fact. We can say that "no lawyer or no doctor employed by this Government shall receive more than $5,000 a year." It would not be an answer to come and say, "There is no doctor to be employed." Somebody might put through a law to make one. If we did not say a thing more than provide that "no student interpreter shall draw anybody else's salary," that would be a perfectly legal proposition, and the rest of it ought to stay in.

Mr. GREEN of Iowa. The Chair will notice that this provision applies not only to the student interpreters but also to the interpreters. I would like to have the Chair, through the Clerk, correct me if I am wrong in my understanding that the first two paragraphs of this section in reference to interpreters were not struck out, so that this would still apply to these two paragraphs.

Mr. LITTLE. Certainly. That is settled.

Mr. GREEN of Iowa. I think it is as clearly a limitation as if, as the gentleman from Connecticut [Mr. TILSON] said, the words "*Provided*, That" were inserted in front of it.

Mr. WALSH. Mr. Chairman, this, while it is peculiar language, is clearly a limitation upon the salary of the secretary of the legation or other officers. We have made appropriations for the salaries of secretaries, and while this language does not follow that paragraph making appropriations, yet it seems it would have been clearly in order when we made an appropriation "for the Japanese secretary of embassy to Japan, $3,600," to have said that "no part of this salary shall be paid to any interpreter or student interpreter." It is a limitation upon the salary of the secretary to provide that an interpreter or a student interpreter can not get double salary.

The CHAIRMAN. The Chair is ready to rule. The language in lines 14 to 17 is rather peculiar, as the gentleman from Massachusetts [Mr. WALSH] says. It is such language as is usually employed in the form of a limitation, but undoubtedly it is intended to prevent the use of the salary appropriated to any other person being drawn by an interpreter or student interpreter; and hence it can, the Chair thinks, be properly construed as a limitation on the appropriation made for the secretary, and the Chair therefore overrules the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order against the three words beginning on line 14, "or student interpreters," there being no law authorizing student interpreters.

The CHAIRMAN. The Chair thinks it is not proper to make the point of order on the language as suggested by the gentleman at this time, because the Chair has already ruled on the whole paragraph.

Mr. BLANTON. Well, a point of order might not be good for the whole paragraph, and yet it could be good to a certain part of the paragraph.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman covers all the language of paragraph 4, and the Chair having already ruled, he does not think the point of order is now well taken. The Clerk will read.

The Clerk read as follows:

Total, $48,200.

Mr. BLANTON. Mr. Chairman, I move that the Clerk be instructed to correct the totals.

The CHAIRMAN. That has already been done. The Clerk will read.

The Clerk read as follows:

QUARTERS FOR STUDENT INTERPRETERS AT EMBASSIES.

For rent of quarters for the student interpreters attached to the embassy to Japan, $600.

Mr. BLANTON. Mr. Chairman, I make the point of order on the paragraph, there being no law to authorize it.

The CHAIRMAN. The Chair sustains the point of order. There are no student interpreters provided for in the bill. The Clerk will read.

The Clerk read as follows:

For rent of quarters for the student interpreters attached to the embassy to Turkey, $600.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph, there being no law for it.

The CHAIRMAN. The point of order is sustained.

Mr. BLANTON. I ask that the Clerk be authorized to correct the total by striking it out.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Total, $1,200.

Mr. BLANTON. I understand the Clerk will correct that total by striking it out.

Mr. WALSH. The Clerk can not correct it by striking it out.

Mr. BLANTON. I move that the Clerk correct it by striking it out.

Mr. WALSH. It is not in order for the Clerk to do it. It is for the committee to strike it out.

Mr. BLANTON. I move to strike it out.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to strike out line 24, page 6.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 3, noes 14.

Mr. BLANTON. Tellers, Mr. Chairman. If they want to waste time foolishly, I will help them.

The CHAIRMAN. The gentleman from Texas demands tellers.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum present. If they want to kill time, I will help them.

Mr. PORTER. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R.

11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, had come to no resolution thereon.

DEFICIENCY APPROPRIATIONS.

Mr. GOOD, from the Committee on Appropriations, reported a bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BLANTON. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Texas reserves all points of order on the bill.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. In case the Chair is not able to be present to-morrow, he designates the gentleman from South Carolina [Mr. BYRNES] to preside in his absence.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. ROMJUE (at the request of Mr. RUBEY), for 10 days, on account of death in his family.

To Mr. TINCHER (at the request of Mr. HOCH), until further notice, on account of sickness.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until Sunday, January 25, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting draft of a proposed bill for the relief of Anthony Sulik (H. Doc. No. 633); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting amendment to draft of proposed legislation, so as to include Navy nurses in the proposed bill to grant six months' pay to dependents of officers and enlisted men of the Navy (H. Doc. No. 634); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting proposed draft of a bill prohibiting the use of naval aircraft insignia by or on aircraft privately owned or operated; to the Committee on the Judiciary.

4. A letter from the Secretary of the Navy, transmitting further information in connection with desired legislation for the relief of contractors on fixed-price contracts with the Navy Department; to the Committee on Naval Affairs.

5. A letter from the Secretary of the Navy, transmitting draft of proposed legislation to amend the provisions of the naval appropriation act of August 29, 1916, in connection with the leasing of real and personal Government property under control of the Secretary and the lending of instruments, etc., to educational institutions; to the Committee on Naval Affairs.

6. A letter from the Secretary of the Navy, transmitting proposed draft of a bill empowering the Secretary of the Navy to secure options on land to be purchased for naval purposes; to the Committee on Naval Affairs.

7. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to provide for payment of damages by civilian employees of the Naval Establishment to private property; to the Committee on Naval Affairs.

8. A letter from the Secretary of the Navy, transmitting proposed draft of a bill providing for the purchase of additional land adjoining the Naval Academy grounds; to the Committee on Naval Affairs.

9. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to provide for the disposition of certain lands commandeered for the Navy Department during the war but not now needed for naval purposes; to the Committee on Naval Affairs.

10. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to amend the act authorizing the Secretary of the Navy to settle claims for damage to private property arising from collision with naval vessels; to the Committee on Naval Affairs.

11. A letter from the Secretary of the Navy, transmitting draft of proposed legislation to prevent the exportation of helium, the noninflammable gas for inflatable aircraft; to the Committee on Interstate and Foreign Commerce.

12. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriations required by the War Department for the fiscal year 1921 (H. Doc. No. 635); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required for "Improvement and care of public grounds," fiscal year 1920 (H. Doc. No. 636); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting report as to the rents received from properties located on sites of proposed public buildings purchased by the United States Government in this city; to the Committee on Public Buildings and Grounds.

15. A letter from the Secretary of the Navy, transmitting draft of legislation to exchange portions of site occupied by naval radio station, South San Francisco, Calif.; to the Committee on Naval Affairs.

16. A letter from the Secretary of the Navy, transmitting proposed draft of a bill making available certain appropriations made in the naval act of July 1, 1918, for the purchase of lands for aviation purposes; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, reported the same without amendment, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12031) to amend section 1 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended by section 7 of the act entitled "An act to create a commerce court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 12032) to provide for the segregation and care of men in the United States Army afflicted with mental and nervous maladies; to the Committee on Military Affairs.

By Mr. RANDALL of Wisconsin (by request): A bill (H. R. 12033) providing that Indians of the United States may legally assemble in general council and providing for a general election among the Indian tribes; to the Committee on Indian Affairs.

By Mr. LUFKIN: A bill (H. R. 12034) to encourage stock raising and agriculture; to the Committee on Agriculture.

By Mr. LONGWORTH: A bill (H. R. 12035) to provide a means of reimbursement for owners of property appropriated by the United States under the provisions of section 6911a of the statutes; to the Committee on Military Affairs.

By Mr. LONERGAN: A bill (H. R. 12036) for the establishment of a probation system in the United States courts, except in the District of Columbia; to the Committee on the Judiciary.

By Mr. SIMS: A bill (H. R. 12037) to prevent the nullification of State antigambling laws by international or interstate transmission of bets and betting odds on horse races and other contests; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND of Indiana: A bill (H. R. 12038) authorizing badges of merit to be given soldiers, sailors, and marines and their next of kin; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 12039) to authorize the coinage of a Roosevelt 2½-cent coin; to the Committee on Coinage, Weights, and Measures.

By Mr. LUFKIN: A bill (H. R. 12040) to provide for the payment of six months' pay to widows, children, or other designated dependent relatives of any officer or enlisted man of the Navy or Marine Corps whose death results from wounds or disease not the result of his own misconduct; to the Committee on Naval Affairs.

By Mr. HUSTED: A bill (H. R. 12041) defining criminal anarchy, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. POU: A bill (H. R. 12042) to amend section 5334 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. BUTLER: A bill (H. R. 12043) to amend section 13 of article 8 of section 1624 of the Revised Statutes of the United States, relative to the receipt on board a vessel of the Navy of goods, merchandise, or treasure for freight or safe-keeping; to the Committee on Naval Affairs.

By Mr. RAKER: A bill (H. R. 12044) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes; to the Committee on the Public Lands.

By Mr. COADY: A bill (H. R. 12045) to provide for the conveyance of lots on the low grounds of Washington, D. C.; to the Committee on the Public Lands.

By Mr. GOOD: A bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. KING: Joint resolution (H. J. Res. 282) to reerect the statue of Abraham Lincoln on its original site; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12047) granting an increase of pension to Samuel E. Hagy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting an increase of pension to Susan E. Lime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12049) granting a pension to Henry Puder; to the Committee on Pensions.

By Mr. BANKHEAD: A bill (H. R. 12050) granting a pension to Rachel E. Edwards; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 12051) granting an increase of pension to Anna Eschbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12052) granting an increase of pension to Dianah Jacobs; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 12053) granting a pension to Thomas L. Harris; to the Committee on Invalid Pensions.

By Mr. HARDY of Texas: A bill (H. R. 12054) to reimburse H. A. Swink for loss of cattle sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

Also, a bill (H. R. 12055) to reimburse S. G. Ward for loss of cattle sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

By Mr. KELLER: A bill (H. R. 12056) granting an increase of pension to Rosalia Reiner; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12057) for the relief of J. C. Maxfield; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 12058) granting a pension to Ellen S. Vestile; to the Committee on Invalid Pensions.

By Mr. LUFKIN: A bill (H. R. 12059) granting an increase of pension to Archie M. Leighton; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 12060) granting a pension to George H. Spang; to the Committee on Pensions.

Also, a bill (H. R. 12061) granting a pension to Mary A. McClelland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12062) granting an increase of pension to Mary A. Shepherd; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12063) granting an increase of pension to William Gross; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12064) granting an increase of pension to Martha Wallace; to the Committee on Pensions.

Also, a bill (H. R. 12065) granting an increase of pension to William B. Cummins; to the Committee on Pensions.

Also, a bill (H. R. 12066) granting an increase of pension to William Allen; to the Committee on Pensions.

Also, a bill (H. R. 12067) granting an increase of pension to Thomas M. Woods; to the Committee on Pensions.

Also, a bill (H. R. 12068) granting a pension to Charles R. Burries; to the Committee on Pensions.

Also, a bill (H. R. 12069) granting a pension to James M. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 12070) granting a pension to David M. Bates; to the Committee on Pensions.

Also, a bill (H. R. 12071) granting a pension to Bose Cox; to the Committee on Pensions.

Also, a bill (H. R. 12072) granting a pension to Lafayette McFarland; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 12073) granting a pension to Susan Fackler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12074) granting a pension to Ella Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12075) granting a pension to Sarah Isabell Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting a pension to William Apgar; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1090. By Mr. CAREW: Petition of Herman M. Biggs, M. D., State commissioner of health of the State of New York, urging Congress to continue the appropriation for the control of venereal diseases throughout the United States; to the Committee on Military Affairs.

1091. By Mr. GOLDFOGLE: Petition of the United Restaurant Owners of Greater New York, protesting against the treatment of the Jews of the Ukraine; to the Committee on Foreign Affairs.

1092. By Mr. LINTHICUM: Petition of sundry presidents of life insurance companies of Maryland, urging speedy adoption of certain provisions in the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1093. Also, petition of the Associate Congregational Church, of Baltimore, Md., urging certain legislation; to the Committee on Foreign Affairs.

1094. Also, petition of Gertrude E. Tucker, of Baltimore, Md., protesting against Senate bill 3317 and House bill 11430; to the Committee on the Judiciary.

1095. Also, petition of the Hess Steel Corporation, of Baltimore, Md., relative to certain legislation now pending; to the Committee on Ways and Means.

1096. Also, petition of the Bernheimer Bros., merchants of Baltimore, Md., urging certain legislation now pending; to the Committee on Interstate and Foreign Commerce.

1097. Also, petition of member of Maryland National Guard of Baltimore, favoring a citizen soldiery; to the Committee on Military Affairs.

1098. Also, petition of H. R. Appel, of Baltimore, Md., urging retention of railroads under Government control for a period of two years; to the Committee on Interstate and Foreign Commerce.

1099. Also, petition of Board of Trade of Baltimore, Md., urging amendment of Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1100. Also, petition of H. F. Willkie, protesting against peacetime sedition legislation; to the Committee on the Judiciary.

1101. Also, petition of L. P. Dieterich, of Baltimore, Md., protesting against sedition legislation; to the Committee on the Judiciary.

1102. By Mr. MAHER: Petition of the Brooklyn Lodge, No. 22, Benevolent and Protective Order of Elks, of Brooklyn, N. Y., urging certain legislation in regard to radicals; to the Committee on the Judiciary.

1103. Also, petition of the United Restaurant Owners of Greater New York, protesting against the treatment of the Jews in the Ukraine; to the Committee on Foreign Affairs.

1104. By Mr. MINAHAN of New Jersey: Petition of the Orange (N. J.) Lodge of Elks, for the banishment and otherwise drastic punishment of members of the I. W. W. and kindred organizations, and for the publication of foreign newspapers in the United States only with English translation in parallel columns; to the Committee on the Judiciary.

1105. By Mr. O'CONNELL: Petition of the United Restaurant Owners Association of Greater New York, protesting against treatment of Jews in the Ukraine; to the Committee on Foreign Affairs.

1106. By Mr. RAKER: Petition of Haines, Jones & Cadbury Co., of San Francisco, Calif., and L. H. Lopes, of Watsonville, Calif., indorsing the Madden bill for 1-cent postage in cities, towns, and rural districts; to the Committee on the Post Office and Post Roads.

1107. Also, petition of Sidney McVan Wyck, attorney, of San Francisco, Calif., indorsing Senate bill 3002; to the Committee on Appropriations.

1108. By Mr. THOMPSON: Petition of J. W. Vandenbrock, secretary Auxiliary Branch Henry County, Ohio, protesting against the rivers and harbor bill (H. R. 11892); to the Committee on Rivers and Harbors.

1109. By Mr. TINKHAM: Petition of employees and personnel of the Boston Navy Yard, urging the assignment of more new construction authorized in the naval program for the Boston Navy Yard; to the Committee on Naval Affairs.

1110. Also, petition of General Court of the Commonwealth of Massachusetts, protesting against the passage of House bill 4871, regarding the importation of lobsters into the United States; to the Committee on Interstate and Foreign Commerce.

1111. By Mr. VARE: Petition of Philadelphia Board of Trade on railroad legislation; to the Committee on Interstate and Foreign Commerce.

1112. Also, petition of American Electrochemical Society of Philadelphia, asking adequate provision for Chemical Warfare Service in the Army program; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 25, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, look down from Thy throne of grace with kindly eyes and an approving heart upon us as we thus assemble within this historic Chamber to pay a tribute of love and respect to two men who by dint of their own efforts, inspired of Thee, left a deep impression upon the hearts of their countrymen and wrote in characters of gold a history upon their State and Nation. Long may their memories live in our hearts and on the pages of history, that they may be an example to us and to those who shall come after us; and we will ascribe all praise to Thee.

Comfort us, their colleagues and friends, their stricken families, with the truth that life is immortal, and sometime, somewhere, we and they shall meet again in a realm where love ties shall never again be severed.

When the mists have rolled in splendor
From the beauty of the hills,
And the sunshine warm and tender
Falls in kisses on the rills,
We may read love's shining letter
In the rainbow of the spray;
We shall know each other better
When the mists have cleared away.
We shall know as we are known,
Never more to walk alone,
In the dawning of the morning,
When the mists have cleared away.

Amen.

THE JOURNAL.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that the reading of the Journal be deferred until to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the reading of the Journal be deferred until to-morrow. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE RAGSDALE, OF SOUTH CAROLINA.

The SPEAKER. The Clerk will report the first special order of the day.

The Clerk read as follows:

On motion of Mr. BYRNES of South Carolina, by unanimous consent,
Ordered, That there shall be a session of the House on Sunday, January 25, 1920, for memorial services on the life, character, and public services of Hon. J. WILLARD RAGSDALE, deceased.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] will please take the chair.

Mr. BYRNES of South Carolina took the chair as Speaker pro tempore.

Mr. DOMINICK. Mr. Speaker, I offer the following resolution and move its adoption.

The SPEAKER pro tempore. The gentleman from South Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 446.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. J. WILLARD RAGSDALE, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. DOMINICK. Mr. Speaker, Messrs. WHALEY, NICHOLLS of South Carolina, and STOLL are detained and absent on account of illness. I therefore ask unanimous consent that they, as well as any other Members who are unavoidably detained, may have leave to extend their remarks.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that his colleagues, Messrs. WHALEY, NICHOLLS of South Carolina, and STOLL, be granted permission to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. DOMINICK. Mr. Speaker, from time to time we are called upon to pause in our work here and set aside a day to pay tribute and respect to a deceased colleague. It is a time-honored and beautiful custom and one that should be always observed. With each recurring service we are all reminded of the uncertainty of life and the certainty of death.

J. WILLARD RAGSDALE, of Florence, S. C., was serving his fourth term in Congress as the Representative from the sixth South Carolina district when he died in Washington on the 23d day of July, 1919. From his early manhood he always took a lively and active interest in public and political affairs, and soon after his admission to the bar of South Carolina, in 1898, he started his political career. He represented his county as State senator, and he soon gained a State-wide reputation by his work there. He was many times a delegate from his county to the State conventions, and one of the most dramatic incidents of his political carreer occurred at the South Carolina State convention of 1912 when the question of the indorsement of a candidate for President and instructing the delegates to the national convention came up. At that convention a resolution was offered instructing the delegates to the national convention to vote for Gov. Woodrow Wilson as the candidate for President.

Immediately a resolution was offered against instructing for any candidate, and there was a bitter fight. Before either of these resolutions could come to a vote a substitute was offered for instruction, and this substitute was defeated by a vote of 218 to 122. The resolution against instructing for any candidate was then adopted by a vote of 178 to 162. Notwithstanding this action on the part of the convention, WILLARD RAGSDALE obtained the floor, and after an eloquent and ringing speech pleading that some affirmative action be taken expressing the choice of the convention for a presidential candidate he presented another resolution indorsing the candidacy of Woodrow Wilson for the Democratic nomination and instructing the delegates to vote for him as a unit. The convention was held spellbound by the eloquent and forceful presentation of his views and the effect of his speech was electrical; but the resolution was ruled out on a point of order, and then, in the language of a newspaper report of the convention, "pandemonium reigned for a few minutes." RAGSDALE, with his energy and aggressiveness and sticktoitiveness would not give up his fight, but seeing his opportunity at once offered another resolution indorsing Gov. Wilson without instructions, shouting at the time, "They can't quibble over that." This resolution was carried and RAGSDALE had won his fight for Wilson—a fight that is memorable to those who were present at that convention.

He was elected to Congress in 1912 and served his people faithfully and well, and especially during the burdensome days of the Great War. So well did he serve them during those trying times that he was renominated and reelected without any opposition whatsoever. While he was a party man, he was not a partisan. He always wanted to be in accord with his party and party associates and vote with them, but at the same time, if his judgment was otherwise, he was independent enough and man enough to vote his own honest convictions, even if that vote was not in accord with his party associates. He was an able lawyer, a successful business man, a fearless fighter, big-hearted, whole-souled, sociable, companionable, and he would do anything in his power for his friends. The high esteem and affectionate regard in which he was held by his people could not have been better shown than upon the day of his funeral, when all business was suspended and a great throng congregated at the overflowing church and crowded cemetery to pay a last tribute of respect and to do honor to their able and distinguished citizen and their friend.

Mr. MANN of South Carolina. Mr. Speaker, it is with a feeling of regret, and also of pleasure, that I stand before you this morning and in my feeble way say a few words in memory of our friend whom the Grim Reaper cut down in the very prime of his life. I regret that it was not my honor to serve in your distinguished body with the late J. WILLARD RAGSDALE, but it was my pleasure to know him, and to know him well and intimately from the days of my boyhood to the day of his death, and it was my privilege to know that at all times he was my friend.

Mr. RAGSDALE was a man of great capacity, wonderful ability, indomitable energy and courage, and honorable ambition. He was close to the people, served well and faithfully his county, his district, his State, and his country while here as their representative in Congress. I do not attribute greatness to our departed friend, but usefulness and a common importance belonging to a useful life. He was one of the biggest-hearted men that I have ever known, and his kind deeds were manifold. It did not matter who it was that solicited his aid, it was always given and given gladly and freely. Many a young man in South Carolina who stands to-day as a living monument to his memory owes his start in life to the benefactions of J. WILLARD RAGSDALE, making true the old Latin proverb, "Who doeth a kindness to a good man doth a greater to himself." I might go on and extol his virtues, but lack of time will not permit. I have said that he was honest, faithful, brave, warm-hearted, true, and ever ready to serve. What more can be said of any man? His life was not lived in vain.

Mr. CLARK of Missouri. Mr. Speaker, death has reaped a large harvest among the Democrats of the House of the Sixty-sixth Congress—RAGSDALE of South Carolina, BURNETT of Alabama, VAN DYKE of Minnesota, THOMPSON of Oklahoma, WATSON of Virginia, HELM of Kentucky, and SULZER of Alaska—men all in their prime.

J. WILLARD RAGSDALE of South Carolina, one of the most robust men in the House, was taken in the twinkling of an eye. Anyone called upon to pick a dozen Members destined for long life would have placed Mr. RAGSDALE in the list. His sudden death in the very flower of his years teaches us once more what shadows we are and what shadows we pursue. He was not only robust physically but robust mentally. No man appeared to enjoy life more than Mr. RAGSDALE. He was intense in everything. His opinions on any subject with which his exceeedingly active mind concerned itself were positive.

There was in him no hesitancy in taking a position and in maintaining it when taken. Nobody ever had to go on a voyage of discovery to ascertain where he stood. He took orders from nobody. He did his own thinking, spoke out in meeting, and was unafraid. He was both a lawyer and a business man—successful beyond the average in two fields of human endeavor. He was a great practitioner of traditional southern hospitality and perhaps entertained more than any other Member of the House. No man enjoyed more than he to have his friends about his board.

I was fond of him and he was fond of me. While firm in his opinions, vehement in manner, bold in utterance, he was amenable to suggestions from men he deemed his friends. He conferred freely and frequently with me, and I am certain that he received suggestions from me in the kindliest feeling.

Sometimes he accepted them in whole or in part—sometimes he rejected them in toto. In turn he made many suggestions to me—some important and of great value.

He was not a frequent debater, but was always clear and forcible and honest in the expression of his views. At the time of his death he was one of the rising men in the House, apparently destined for a long and high career.

I was appointed by the Speaker to attend his burial at Florence, S. C. It was a lovely day in early summer. The little city was in mourning. A large concourse of people, old and young, high and humble, white and black, attended. I have never seen more evidences of love and sorrow exhibited at any time or place. He seemed to be universally beloved.

Mr. STEVENSON. Mr. Speaker, WILLARD RAGSDALE was my neighbor. He was born in the county adjoining the one in which I have lived all through my manhood. Subsequently the county in which he was born was divided, and he fell in that part which did not adjoin mine; but his people and the traditions of his ancestry, a long and honorable line, have been wrought into the very woof of the people of my territory and of the district which I have the honor to represent. His characteristics, which have been very accurately referred to by the speaker who preceded me [Mr. CLARK of Missouri], were those which descended to him from the Virginia cavaliers, who constituted his ancestry on both sides.

The Ragsdales of the cavaliers who settled Virginia came to South Carolina during the eighteenth century. They were always distinguished for business capacity; for interest in public affairs, though not often seeking public office; for a determination of character which had always made them a leading force in the community in which they lived. His mother, a member of the distinguished Byrd family, was of the same family as the noted Byrd of Virginia, the wit and poet who died about the middle of the eighteenth century, who was the founder of the city of Richmond and the author of the "Westover" manuscript. They were a type of people not of the dominating and aggressive character of the Ragsdales, but nevertheless Virginia cavaliers who knew how to lead and who did lead in all the history of the great section of the country in which they lived.

It was my pleasure to know and frequently to be associated with Mr. RAGSDALE's distinguished grandfather, who for 20 years was a State senator in South Carolina, and who, up until 1890, was possibly the most influential senator from the Pee Dee section of South Carolina. From that side of the house Mr. RAGSDALE acquired his political acumen, which was so noted for the 23 years of his public life. I was first intimately associated with him when he came to the legislature in 1898. I came to know him not only as a politician but as a friend whose friendship could not be severed except by injustice or by improper dealing with him.

Politically he was one of the most aggressive men in South Carolina, a State in which politics is rather aggressive, but at the same time he was not only aggressive, and was frequently called impetuous, but he was one of the most alert and keen-sighted of politicians. What was frequently termed impulsiveness on his part, and was sometimes considered imprudent impulsiveness, was not action without principle, without consideration. The distinguishing characteristic of WILLARD RAGSDALE was that he could see and analyze a situation more quickly than ninety men out of a hundred, and reach a conclusion, which in a large majority of cases would be a sound conclusion, while many men were still considering, but when a conclusion was reached there was absolutely no swerving him from retaining the position in which that conclusion placed him. Consequently he became a leader of the men of his generation.

He was younger than I. I had been in the legislature some time when he came there, but that characteristic was one which always attracted him to me, and our associations for twenty-odd years have been of the closest. I can say that as a politician he was as true to his friends in politics as their principles would allow him to be, and he never deserted a man unless he was given just cause to do so.

I have come in contact with him a great deal, practicing for 30 years, as I have, at the same bars with him, he having begun, however, 10 years after I did. I learned to know him there, and what better place is there to find out whether a man is a gentleman than in the hot contests in the courthouse where great stakes are being fought for? He was not a plodding lawyer. His whole temperament was action. He could not rely upon the technicalities of construction.

It was the law of common sense, upon which the common law was based, upon which he acted, and in a majority of instances that is the best basis upon which to act. While he did not deal with the technique of the law, he threw his personality and all of the wonderful magnetism of his enthusiasm into a case in a way that made him almost irresistible before a jury of his countrymen, with whom he was always in close touch, because he was eminently a man of the people. He knew them and he stood for their best interest as he saw it. Trained at a bar that was overshadowed until his advent by some of the most eminent lawyers in South Carolina—yea, in the South—he soon came to measure up with them when it came to the contests in court, and he has left an impress upon the bar and upon the legal history of the Peedee country of South Carolina which can not be eradicated. His conclusions on questions of law and justice were reached very quickly and were reached apparently, frequently, by inspiration, though it was not that, but was a process of quick thinking out of a situation, and those conclusions were in a large majority of instances justified by the decisions of the courts of the land.

As a business man, in addition to his characteristics as a lawyer, Mr. RAGSDALE became a banker of standing and a successful financier of the territory in which he lived. Coming into public life and beginning his career at a time when the country in which he lived was depressed beyond anything conceivable at this day, at a time when money was almost impossible of acquisition, he embarked upon the career of banking within a few years, with the desire to build up his community

by furnishing the capital so absolutely necessary to the development of the limitless resources of that country. He entered into competition with other bankers who had been for a lifetime in the business, and he left when he died an institution that stands as one of the assets of the community, and as one of the landmarks of the financial acumen of that country, one of the institutions which had enabled his city to become, as undoubtedly it is, the leading city of this eastern section of South Carolina.

I want to say just one word about Mr. RAGSDALE as a friend. Many of the members of this House knew his impulsive disposition, his affectionate disposition to those who enlisted his assistance, his demand for proper treatment by all, and yet his overflowing love for man as man, if that man were acting as the gentleman that he was brought up to consider himself. He could engage in any kind of a bout, in any kind of a controversy. He was a sportsman from the heart. He inherited it from his distinguished ancestry on both sides. He could give and take, but a mean thing done to him was something that would become ineradicable in his heart, because he would not tolerate a man who would do a mean thing to him or to anyone in whom he was interested. On the other hand, there is no man in this House or anywhere else with whom I have come in contact whose affection was more persistent, whose self-sacrifice was more readily given, whose aid was more readily extended for anyone whom he could call his friend, than Mr. RAGSDALE.

His taking away was one of the wrenches of my public life. I could hardly conceive that he was gone, and that leads me to close by saying that we are here to-day paying a last tribute to two of our comrades who went without warning, who went in the twinkling of an eye, who it seems to me just simply stepped through the invisible barrier that stands between us and an unknown eternity, leaving us remembering their virtues, their powers, their lovable qualities, and yet separated from them by this invisible barrier, wholly without knowing when it may come our time to step through the same barrier and be separated from our fellows and reunited with them.

Mr. DYER. Mr. Speaker, one of the sad duties devolving upon us as Members of Congress is to note the deaths of those whom we have learned to love and to respect here as our colleagues.

Our life is but a dream;
Our time, as a stream
Glides swiftly away,
And the fugitive moment
Refuses to stay.

The arrow is flown,
The moments are gone;
The millennial year
Rushes on to our view,
And eternity is here.

I have been particularly grieved, as I am sure the membership generally have been, at the departure of some of those whom we esteemed so highly. Mr. RAGSDALE had a strong physique, and he came here possessed of wonderful ability and of a geniality that soon won for him the friendship and admiration of his colleagues. I knew him quite well. I admired him in many respects, and when the sad news came of his taking off so suddenly it was to me a great shock as it was to the membership of this body. I join with you this morning, my colleagues of the great State of South Carolina and those of the other great States of our splendid Union, in paying tribute to his worth as a man and as a Representative of the people.

He was a true and genuine southerner. He believed in the great State that he in part represented. He believed also in the great Republic which he loved to serve here in Congress; and as we have become acquainted with men of that character and served here with them, their taking off is a great and irreparable loss. The greatest benefit that has come to me personally as a Member of the House in the more than eight years I have been here has been the acquaintance of the men with whom I have served. I believe that what little good I have been able to accomplish here has been achieved largely through the friendship of my associates, and I shall always esteem it a great honor and privilege to have served with men of the character and worth of our late colleague, Mr. RAGSDALE.

This morning we meet to pay tribute to the memory of another splendid, worthy Representative of the great South, Congressman BURNETT. I also knew him well. I had talked with him on many occasions. Our offices in the House Office Building were near each other.

Mr. BURNETT was a real gentleman and a real Representative, and to-day as we meet to pay tribute to his memory we deeply mourn his loss. This great Republic of ours is made up of men of different feelings, different aspects, different traits; but as we come together and meet here to work for the greatness and glory of our country I have found but little difference in our common desire to serve the Nation as well as the section from which we come. Those of us who have had the privilege of associating with men like Mr. BURNETT are proud that we have been able to serve with them. Their going is our loss. The American people lose greatly when such men as these go from public life, but their example encourages us who remain to renew our obligations and to be more faithful in the discharge of our public duties.

In former times the minds of the Members of this body were directed to questions that are no longer paramount and no longer of great interest. In former days men were bitter, but as the years have healed the wounds caused by the differences of the past we are all striving to be the better and the more worthy Representatives. I know that this Congress has not had in it abler or better or truer friends of this great Republic than the men whom we meet here to honor to-day, and I wish that I were able to express in words what I feel and what I am sure the Members of this House feel toward these two gallant souls whose lives have gone out forever.

Humbly I pay tribute to the memory of our colleagues who have gone, and I desire to record for the benefit of posterity and of the loved ones left behind by these two gallant men my appreciation of their personal worth and of the value of their services to their States and to the Republic.

And when earth's last picture is painted
And the tubes are twisted and dried;
And the oldest colors have faded,
And the youngest critics have died,
We shall rest, and faith we shall need it.
Lie down for an aeon or two,
'Till the Master of all good painters
Shall set us to work anew.
And those who were good shall be happy;
They shall sit in a golden chair,
They shall splash at a ten-league canvas
With brushes of camel's hair;
They shall have real saints to draw from,
Magdalene, Peter, and Paul,
They shall paint for an age at a sitting
And never get tired at all;
And only the Master shall praise us,
And only the Master shall blame,
And no one shall work for money,
And no one shall work for fame,
But each for the joy of the doing,
And each in his separate star,
Shall paint the thing as he sees it,
For the God of things as they are.

Mr. STOLL. Mr. Speaker, in the death of Hon. J. WILLARD RAGSDALE South Carolina lost a distinguished son and the Nation was deprived of the services of a conscientious and courageous public servant. He loved his native State devotedly, was proud of her achievements in the past, worked incessantly for her development, and hoped for her great things in the future. Likewise he loved the Nation, and his earnest desire was that our Government should indeed be a Government of the people, by the people, and for the people. From early manhood he was keenly interested in all public matters, and soon after being admitted to the bar he entered politics and served with distinguished ability his county in the State senate. As a lawyer he was very aggressive and as an advocate in the courts of South Carolina he had few equals and won many verdicts by his bold and eloquent pleas to the jury. His activities were not confined to his law practice or public affairs of the State and Nation, but he was also a progressive and successful business man, specializing in banking.

Mr. RAGSDALE represented the sixth congressional district of South Carolina for seven years, having just begun the service of his fourth term when the summons came that called him from his earthly labors. He was very popular in his district and his popularity grew with his service. He was an unusually forcible campaign debater and those who had the temerity to oppose him for his seat in Congress found in him an opponent of force.

One of Mr. RAGSDALE's most marked characteristics was his zeal for his friends. He never turned a deaf ear to those who sought his assistance and quite frequently he sought them and volunteered his services. Open and frank in manner, bighearted and courteous, he numbered his friends by the hundreds. He lived for his family, his friends, and his country, and when he died thousands mourned.

It was my privilege and pleasure to know Mr. RAGSDALE for about 15 years. Our relations were always pleasant and cordial. He was my friend, and I personally mourn his untimely death. His sudden and unexpected passing reminds us that death is but the gate between the lesser and greater life; that toward it all humanity travels, and through it we all must

pass, and as we think on his life and character we recall the closing lines of Thanatopsis:

So live that when thy summons comes to join
The innumerable caravan that moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him and lies down to pleasant dreams.

THE LATE REPRESENTATIVE JOHN L. BURNETT.

Mr. HEFLIN. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JOHN L. BURNETT, late a Member of this House from the State of Alabama.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. BLACKMON assumed the chair as Speaker pro tempore.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that all who speak or desire to print their remarks on the life, character, and public services of the late Representative BURNETT may have permission to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Speaker, my colleague, Mr. ALMON, is absent on important business, and I ask unanimous consent that he be allowed five days after his return within which to extend his remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, this hour has been set apart for the purpose of paying tribute to the services of JOHN LAWSON BURNETT of Alabama. He was truly a self-made man. He was one of the ablest and best members of Congress ever sent from our great State of Alabama.

Mr. Speaker, when the War between the States ended JOHN BURNETT was only 11 years old. He was a poor boy and the eldest son of a widowed mother. It fell mainly to his lot to support his mother and the younger children. In spite of the hardships and privations that the fortunes of war had placed in his way, this brave and determined youth succeeded. In the daytime he worked in the field and in coal mines in order to provide for those dependent upon him, and at night he studied that he might obtain an education. Mr. Speaker, he told me that it was a happy day in his young life when, by his industry and enterprise, he was enabled to attend the common schools of Cherokee County. He was educated in the common schools of his native county and in the Wesleyan Institute at Cave Springs, Ga. He studied law at Vanderbilt University, and when 22 years of age he was admitted to the practice of the law by the circuit court of his home county in Alabama. It was not long from that day until he was regarded as one of the very best young lawyers in his section, and at the time he was elected to Congress he had achieved the distinction of being one of the ablest and most successful lawyers in the State.

Mr. Speaker, the boy surrounded by hardships and privations can find inspiration and encouragement in the brilliant achievements told in the story of the life of JOHN BURNETT. The poor boy battling with the handicaps and hindrances of poverty will find help in the story of his successful and useful life.

When a very young lawyer he had developed into an attractive speaker, an able and convincing advocate. Through his open, frank, and friendly manner, he soon became exceedingly popular with the people. When 30 years old, he was elected a member of the lower House of the Alabama Legislature and two years later was elected to the State Senate. He made a splendid record in both branches of the Alabama Legislature.

He was remarkably well equipped with the attributes of mind and heart necessary to make him an effective and useful public servant. He was able and earnest in every cause that he espoused.

Mr. Speaker, he came here as a Representative in the Fifty-sixth Congress, and for a little more than 20 years he was the able and honored representative of the people of the seventh Alabama district. The good people of that district have in the past honored other distinguished sons with a seat in this body, but never in all its history has the district sent here a man more esteemed and loved by the rank and file of its people. He was democratic in his habits and manner. He believed in the doctrine of the Democratic Party and sincerely believed that the affairs of the Government could be more wisely administered by the great party to which he gave allegiance. He was an ardent Democrat, a strict and faithful party man. All during his life, in season and out, he championed the cause of the Democratic Party. He was a man of deep convictions and of strong personality, and he was truly a statesman in a high and useful sense. At times he was an aggressive, intense antagonist, but always as generous and forgiving in the aftermath of a bitter debate as he was brave and fearless in the conflict. He was a man of studious habits and of tremendous energy.

Throughout his long service here he was known as an active, hard-working member. He believed in the gospel of work as did Gen. Pettus, of Alabama. On one occasion some one asked Gen. Pettus, then 80 years of age, when he was going to quit work, and the grand old man replied, "A man should never quit work. A few years of idleness and he loses his health. A few years of idleness and his mind is gone. It takes activity to keep the mind alert and the body strong." JOHN BURNETT was an indefatigable worker. He was an enthusiastic disciple of the doctrine announced by Gen. Pettus. He ate no idle bread. From the time he entered Congress to his death he was truly a studious and hard-working Congressman.

Mr. Speaker, ours is a representative form of government, the wisest and best form of government ever devised by the genius of man, and when a man is elected to represent his people in this great lawmaking body it is his duty to study the questions that concern his district and the country and to strive to do that which will redound to the benefit of his people and the good of his country. And no higher expression of confidence and affectionate regard can come to a Member in his service here than that which the people themselves give through their votes of approval in each succeeding election. For 20 years the people of the seventh district of Alabama commissioned JOHN BURNETT to represent them in the Congress of the United States. They delighted to honor him. In 11 congressional elections they expressed with their votes their appreciation and love for him and at the time of his death he was strong in the esteem and affections of his people.

Mr. Speaker, it can be truly said of him that he loved and served his fellow man. He sprung from the ranks of a great common people and was himself a man of the people. He was the friend of the common man in the common walks of life. In his long service here he rendered distinct and signal service to his State and Nation.

He was one of the very first men in Congress to call attention to the evil and danger of allowing indiscriminate and unfit foreigners to be landed upon the shores of America, and as chairman of the Committee on Immigration he aroused the people of the Nation to the importance of keeping undesirable and dangerous foreigners out of our country. Year in and year out he stood here guarding, to the day of his death, American ideals and institutions against the influx of criminal hordes from foreign countries.

Mr. Speaker, he was a man of superb intellect and fluent speech, and whether in debate in this forum or out on the hustings he was a foeman worthy of any man's steel.

He had the courage of his convictions and was absolutely fearless in the advocacy of any cause that he espoused. He was a painstaking and conscientious public servant, and all who knew him know that he performed his duty as God gave him the light to see it.

JOHN BURNETT was blessed with a bright and cheerful disposition, pleasing and amiable to a remarkable degree. All in all, he was rich in the attributes of a noble character.

When 32 years of age he was married to Miss Bessie Reeder, of Cleveland, Tenn.

His home life was ideal. He was fortunate in marrying one of the noblest and best women of his day. She was indeed his inspiration and helpful companion.

She sympathized with him and assisted him in his great life's work. He was devoted to her and their married life was a beautiful and happy life. He had only one son, a splendid and manly young man, and he was the idol of his good father's heart.

Mr. Speaker, just a few months ago the distinguished man whose death we mourn to-day was an active and influential Member of this body. Just a little while ago he was participating in the debates, answering the roll calls, and serving

as we are now in the great Congress of the United States. But he has made his last speech, answered his last roll call, and ended his career of useful service here. He has gone the way that we must all one day go; but he is not dead. He has but entered into the joys of the higher life, the life that awaits the faithful at the end of the earthly road. I believe that all is well with his soul. He was a good citizen, an able and faithful public servant. He loved his State and contributed to its marvelous growth and development, and he served his country faithfully and well. His death was a sad blow to his loving wife and son and to his friends and people, and in his taking off the State and country have sustained a great loss.

Mr. McDUFFIE assumed the chair as Speaker pro tempore.

Mr. CLARK of Missouri. Mr. Speaker, JOHN L. BURNETT was my personal and political friend. As such I will cherish his memory so long as life lasts. He was a capable, clear-headed, industrious Member. He was a great chairman of two important committees. He wrought honestly, successfully, and patriotically for his country and his countrymen. He was one of the crack debaters in the House. He was exceedingly tenacious of his opinions. Above all, he was unafraid. His style of speaking was terse, luminous, nervous. His voice had a clarion quality and reached every nook and cranny of this great Hall. He injected just enough of wit, humor, and sarcasm into his speeches to render them pleasant to the ear.

He studied his subjects thoroughly and was master of the facts on any theme which he chose to discuss. He never had a sleepy audience.

Those who have practiced public speaking to any considerable extent know that it is more difficult to make an effective short speech than a long one. The correspondent of the London Times who wrote a note to that ancient paper that he was sending a long letter because he had not the time to write a short one was a great philosopher. Mr. BURNETT was particularly happy in short speeches, snappy, pointed, powerful. After listening for 25 years in this Hall to every sort of speech known among men I give it as my critical and solemn opinion that Brother BURNETT delivered the best short speech I ever heard at any time or place. Most people—including many Members—do not realize that the best debating in the House is under the five-minute rule, the study of which rule and practice under it I cheerfully and earnestly commend to the newer Members if they aspire to rank with the powerful debaters in the House. It is well worth their profoundest consideration. BURNETT was a master of this most difficult species of speech making.

In a five-minute speech you can not have an exordium and a peroration. You must grab the idea in the middle and ram into it as much language and thought as possible. I want now to relate a little experience which I had. The other night I concluded to hunt up John C. Calhoun's proposition to have two Presidents of the United States, one North and one South, nothing to be final as a law unless both of them signed it. So I got down Col. Benton's Thirty Years' View, one of the most valuable books ever published in America, and without which no gentleman's library is complete, to hunt up this Calhoun business. Benton talks about everything on the face of the earth in that book. I got to nibbling at it, and kept on until I ran into a chapter that I had forgotten he ever wrote—about the hour rule in the House. He denounced that as one of the most outrageous things ever committed in a free country. The majority of the Senate took the same view of it.

There is not a man in the House who would vote to repeal the hour rule. If we did we would never accomplish anything. Yet there was that great statesman, the greatest statesman the western country ever had, in conjunction with a majority of the Senate, denouncing it as a positive curb on free speech and free thought in this country. The history of that hour rule is very brief. When Henry Clay broke up with John Tyler he was not a political boss; he was a political czar. He would get a Whig bill through the Senate and they would send it here to the House, and Henry A. Wise, who had the most astounding vocabulary of all the children of men, with two or three others to help him, would kill Clay's bill—talk it to death. Clay was one of the most imperious of mortals, and he got very tired of that. He came over here to the House, where he did not belong at all, and got the House to adopt the hour rule, simply to put a bit in the mouth of Henry A. Wise, but when he went over to the Senate, where he did belong, and tried to get them to adopt the rule, they turned up their noses at him and they have been turning up their noses at such a thing ever since.

A few years ago there was a great uproar about cloture in the Senate. Finally they got a cloture rule in the Senate, and it is the most remarkable thing which was ever put into print. When two-thirds of the Senate petition the Vice President to put the question of cloture, he puts it, and then if they adopt it it is put in force, but each Senator, 96 of them, has an hour in which to discuss that same rule, and that amounts to 18 legislative days. I think the five-minute rule is the best rule on the subject of speech making that was ever devised by the wit of man, and there never was a man in this House in my time who knew better how to use it than Mr. BURNETT.

He rendered most valuable service as chairman of two great committees—Immigration and Public Buildings and Grounds—and was one of the most valuable Members of the House.

In private intercourse he was a delightful, cheerful, genial, entertaining companion. He is greatly missed and sincerely mourned by all who knew him.

Mr. DENT. Mr. Speaker, it is always more or less painful to reflect upon the life of a departed friend. Yet there is some satisfaction in recalling the memory of past associations when death, which is beyond our control, has taken that friend away. When I speak of JOHN L. BURNETT as a friend, I speak with a candor that emanates direct from the heart. Though somewhat separated in years, our association was always cordial, congenial, and companionable. I have missed his hearty and his whole-souled greeting, and to-day it is difficult for me to realize that JOHN BURNETT is not still one of and among us.

JOHN L. BURNETT was small of stature but big of heart and brain. He had a fondness for children that was genuine and spontaneous. For his fellowman he had the utmost, the kindest, consideration. It was these qualities of the heart that drew men to Mr. BURNETT, as he came in contact with them in the affairs of life. He had a clear, clean, and conscientious intellect. He was courageous, physically, mentally, and in politics.

He honorably served the State in which he was born as a legislator in both houses of that Commonwealth and in the halls of Congress. In the labors which he gave to his State and to the country he was always affable—a quality not to be scorned; he was always industrious—a quality never to be overlooked; and he was above all efficient—a quality always to be admired and respected. For 20 years he served the people of Alabama and the country in the halls of Congress with honor and distinction, gaining and retaining the respect and confidence of those with whom he was associated.

We mourn his loss, Mr. Speaker, but console ourselves with the reflection that his labors have not been in vain. I could say more—I could say much more. I could go into the details of his long and honorable career, but what is the use? His history is made, and he leaves behind him a record of which his family and his friends may well be proud.

Mr. CLARK of Florida. Mr. Speaker, when I came here as a Member of this House for the first time at the beginning of the Fifty-ninth Congress, among the men I found here who had already demonstrated exceptional ability stood JOHN L. BURNETT, of Alabama, whose passing we mourn to-day. I soon formed his acquaintance and I had not served long in this great body before it was my good fortune to be placed on the same committee with him, where we served together for eight years. This threw me into very close contact and association with Mr. BURNETT and I learned to know him intimately and well. A goodly portion of the time of our service here together we lived in the same hotel, and I was thus permitted to know him well both as legislator and as man. We became close friends, and when the sad news of his departure reached me my heart was saddened to the depths and I felt that I had lost more than a friend.

Mr. Speaker, JOHN BURNETT was as careful and as conscientious a legislator as it has ever been my pleasure to be associated with. He was constant in his attendance on committee meetings, and no question was too great for his alert and active mind to grapple with, nor was any question too small or insignificant for him to give it attention. He was as true and loyal a Democrat as ever graced this Hall, but in legislative matters he was first, last, and all the time an American patriot, who never allowed partisanship to swerve his sound judgment. He loved his country as a loyal son loves his mother, and probably his greatest work upon this floor was his magnificent effort to protect his beloved country from the flood of anarchistic aliens which threatened to engulf us. The greatest tribute we can pay to his memory will be to carry on the great work which he began and partly accomplished, until we shall reach the stage where no anarchist, Bolshevist, I. W. W., or other cattle of that stripe, by whatever name known, will feel at home in America. BURNETT was one hundred per cent American in his every thought, word, and deed, and had no patience with hyphenated Americanism, no matter from what quarter of the globe it hailed.

Mr. BURNETT was not only a hard working, conscientious legislator, but he was a safe counselor and a convincing advocate. He was not known in the House because of his speaking. In fact, he rarely addressed the House, and never did he do so unless he had something of importance to say. But, Mr. Speaker, I remember occasions when this House has been raised to its feet in approval by the convincing power of his logic. Great by virtue of his brain; great by virtue of his industry; great by virtue of his conscience; great by virtue of his patriotism; great by virtue of his honesty; great by virtue of his humanity, Alabama, rich in her numberless great sons, has sent to Congress no nobler soul than JOHN L. BURNETT.

A devoted, loving husband, a tender, affectionate father, an upright citizen, a faithful friend, a loyal patriot, an able legislator, an honest public servant, and "'the noblest work of God"—an honest man—with his head pillowed upon the bosom of his beloved Alabama, "he sleeps well."

Mr. OLIVER. Mr. Speaker, in the short time allotted to Members on these occasions it is not possible to attempt even a brief review of the useful life of our beloved colleague, the Hon. JOHN LAWSON BURNETT.

In Congress and elsewhere he filled many positions of great trust and responsibility, and his conspicuous service has embalmed his memory in the hearts of a grateful people, not only in his district and native State, but in the Nation at large. His memory is linked for all time with legislation of highest import and nation-wide in scope.

He was essentially a leader, one who accomplished results, and in the attainment of his objectives his record will disclose that he had no standard but honor, no watchword but duty, no purpose but the uplift and betterment of mankind. As citizen, lawyer, representative in both houses of the Alabama Legislature, in the halls of the National Congress, in the home, in the church, in the circle of friendships, he measured up to the ideal standard, and when he fell asleep just before the convening of this Congress in extraordinary session, there ended a physical life well spent and crowned with good works and noble deeds.

If you ask what phase of his life most impressed his friends, I answer—his great love, his keen interest, his warm sympathy for the poor and those in distress. He was proud of his humble birth among the hills of the good old county of Cherokee, and let me ask that some time you read again two remarkable speeches that he made early after he entered Congress. One of them will unfold to you his high devotion to his people—his broad humanity—qualities always present and so noticeable in his public and private life; the other will unfold his remarkable ability as a lawyer and his broad vision as a statesman. I quote the introductory of his first speech, made on December 14, 1899, just 10 days after he took the oath of office:

> I come fresh from the hands of the mountaineers of north Alabama, among whom I first saw God's sunlight, among whom I first breathed the pure mountain air, and with it inhaled the very inspiration of liberty itself. Among these people I first learned to hate tyranny and to despise the tyrant, whether it came in the form of some despot himself or that of despotic influence and interests, which step by step sap the lifeblood of freedom and bind her votaries hand and foot.
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> In the cabins and in the cottages upon the mountain tops and in the valleys of my native heath lives the yeoman, surrounded by his toil-worn wife and his little flock. God grant that no act or vote of mine may ever add to the burdens which they now bear, and that in every word I utter and every vote I cast, while I stand as their representative upon this floor, I may have no higher motive and no loftier aim than to promote their best interest and alleviate their condition. Then, when I return to my home, I can look them in the face and say of a truth "Thy people are my people, thy country is my country, thy God is my God."

He passed away with the blessed consciousness that he had lived up to this high concept of duty to his constituency. The loss of a friend like this can but serve to deepen the views of life of those of us who remain and make us feel that we will not always be here. It is the great argument for immortality. For we can not believe that the living, loving soul of JOHN BURNETT has ceased to be. We can not believe that all those treasures of mind and heart are squandered in empty air. We will not believe it, and when once we understand the meaning of the spiritual life we see the absolute certainty of eternal life. We need no argument for the persistence of being. To appear for a little time and then vanish away is the outward biography of all men—a circle of smoke that breaks, a bubble on the stream that bursts, a spark put out by a breath. But there is another biography, a deeper and a permanent one, the biography of a soul. Everything that *appears* vanishes away—that is its fate—the fate of the everlasting hills, as well as of the vapor that caps them.

But that which does not appear is the only reality; it is eternal and passeth not away. So beneath the life of JOHN BURNETT, which has vanished away, there is a vital thing, the spirit. We can not locate it and put a finger on it, and that is why it is permanent. So friendship does not lose by a death like his. It lays up treasures in heaven and leaves the very earth a sacred place, made happy by holy memories. "'The ruins of time build mansions in eternity."

We do not ask to forget; we do not want the so-called consolation which time brings; we would rather that the wound should ever be fresh than that the image of a friend like him should fade. He has simply joined the choir invisible.

> Of those immortal dead who live again
> In minds made better by their presence; live
> In pulses stirred to generosity,
> In deeds of daring rectitude, in scorn
> For miserable aims that end with self,
> In thoughts sublime that pierce the night like stars,
> And with their mild persistence urge man's search
> To vaster issues.

Mr. TAYLOR of Arkansas. Mr. Speaker, the honorable gentlemen from Alabama who have just spoken have told us of the life and career of Judge BURNETT in his State and here. I only knew him as a Member of this House. I first met Mr. BURNETT early in the year 1913. From the very beginning of our acquaintance a warm friendship sprung up between us. He had learned that my mother was born and reared in north Alabama, and this fact seemed to draw him closer to me. He was a devoted son of his State, loved her people, and was proud of her history. Judge BURNETT was a man of splendid ability, and without the trappings of wealth or aid of a great family name he plunged into the vortex of popular rights and made for himself a name which reached beyond the borders of his State. Among the great and learned he did not claim to be supreme, but among his people, I am told, he was a conquering power and was loved and admired. He rose, so to speak, from obscurity to the heights of renown and died on the crest of popular esteem. His rise was not meteoric, but steady and sure. He reached the sun-clad heights of his ambition and passed away with the illumination undimmed and left his countrymen the record of his splendid life work. He was devoted to his family, his country, his political party, and his district which had so often honored him. He loved his fellow man. For poise of mind, eloquence, and concentration of thought he had few equals in the House. He was always manly and kind in debate and spoke directly to the question at issue.

For two or three sessions Mr. BURNETT and myself boarded at the same hotel in Washington, and with him there I learned much of his inner soul. He was a great lover of children. When you find one, Mr. Speaker, who takes notice of and loves children you can mark him every time as being worthy of your friendship and admiration. One of the joys of Judge BURNETT on winter nights was to congregate the children at the hotel and tell them Alabama and other southern stories of the "Uncle Remus" sort, and teach them to sing old-time songs with him. At these gatherings I often looked on with delight at the gladsome and wondering eyes and faces of these little people as they stood encircled around the knee of Judge BURNETT, who to them was a big man, and they were right. I often thought while looking on how beautiful and loving it was to see a statesman in Congress forget for the time matters of national concern and legislation that he might contribute with his whole soul toward cheering and making happy children assembled about him from many sections of this country. He may be forgotten by some, but these little ones will lovingly remember him through life.

I never saw the Hon. Mr. BURNETT manifest gloominess or become morose, but, on the contrary, in greeting his friends and fellow Members he was always cheerful and buoyant. Oh, Mr. Speaker, if the world was filled with JOHN BURNETTS it would be a happier and grander world within which to live.

When a giant carrying easily the loads of life in the fullness of his strength falls dumb and prostrate on the earth, heart stricken by the darts of death, we, his surviving friends, gather in confused agony around his unbreathing form and unavailing tears spring unbidden to the surface and baptize with sorrow's sacred streams the pale countenances of those who loved him while he lived. How utterly powerless, Mr. Speaker, do we feel in death's mysterious presence.

While acting on the stage of life down in Alabama the grim messenger with the inverted torch appeared and beckoned Mr. BURNETT to depart, and when he passed from this life those who knew him hoped for him, that—

> Somewhere the sun is shining,
> Somewhere the angels wait.
> Somewhere the clouds are drifted
> Close to an open gate.

Mr. ASHBROOK. Mr. Speaker, I received no special invitation to speak to-day, but I would like to add just a word of tribute to the memory of my good friend, for whom these services are held to-day. When I first came to Congress, 13 years ago, I felt in as great need of friends and a kindly word of advice and encouragement as anyone who ever sat in this Chamber. There were a few of the older Members who manifested some interest in me, and I shall never cease to feel indebted to them. Among this limited number who won my lasting gratitude was our dead friend whose life and character we to-day eulogize. And may I say that I have since endeavored, as best I could, to pass on their good deeds by lending a helping hand to the new Member.

I recall that Congressman BURNETT was a member of the Committee on Public Buildings and Grounds and on the subcommittee which included my State in the Sixtieth Congress, my advent here. I was quite anxious to have an item in the omnibus bill for that Congress. Mr. BURNETT heard me patiently and sympathetically and reported favorably on my proposition to the full committee and it was accepted. When the bill was reported to the House, however, my item was not in it. I learned a political adversary from my district came down to Washington and overnight put the skids under my bill. I informed my friend. Then did the shortest man in stature in the House rise in height in my eyes and estimation until he seemed to tower above our old friend Cy Sulloway, of New Hampshire, who was the tallest man in the House, and who too has since passed on. He boldly called to the attention of the Chairman of the committee on this floor the mean trick served me and succeeded in getting my item back in the bill.

From that day on I was a fast friend of JOHN L. BURNETT. As our acquaintance aged my admiration for him grew until I looked upon him as one of my best friends here. I lived at the same hotel with our departed friend for a number of years. I knew him intimately and well. If he had any enemies here I did not know it, nor do I know why he should have, for he was one of the most lovable men I ever knew.

Congressman BURNETT'S activities in immigration legislation made his name almost a household word all over our country and the world. The Burnett Immigration Law is a lasting monument to his memory. He was a ready, forceful debater. Few men could acquit themselves on their feet as well. He was honest, conscientious, square, and fair, and commanded respect and admiration alike on both sides of the aisle. For over 20 years he served his district and country faithfully and well. Suddenly, and with little warning, in the midst of his usefulness, he fell like an autumn leaf, and I doubt not when his soul appeared, naked and alone, before the Great White Throne, that he heard the welcome words from the Just Judge, "Well done, good and faithful servant, enter thou into the joys of thy Lord."

Mr. STEPHENS of Mississippi. Mr. Speaker, JOHN LAWSON BURNETT and I were intimate friends. We spent many pleasant hours together and I desire to pay tribute to his memory.

He was a high type of American citizenship, believing in the principles which the fathers handed down in institutions in which are centered our happiness, security, and destiny.

His idea of good government was one moralized and spiritualized with the principles of liberty, equality, justice, and opportunity, regulated by righteous law and inspired by a righteous people.

He believed that private virtue and public morality are the essential foundations of good government; and that the future of the republic depends upon the personal and political ideals of the people. He had faith in private virtue, commercial honesty, the energy of law and political honor—faith in their strength to give vitality and length of days to the Nation.

He knew that history teaches that mental power and moral principle must journey forward side by side; that the glory of a nation's life is in its character and manhood; and that the only way to develop civilization on the outside is to develop it on the inside.

He traveled the highway of life a friend of education, an advocate of the higher virtues, an ardent lover of the institutions of his country, never following after false political gods and never turning aside to the eccentric, the abnormal, the low, the base.

Believing in these principles, being inspired by the highest patriotism, he was a leader in the fight to restrict foreign immigration; and he left, as an everlasting legislative and political monument to his memory, the Burnett immigration bill.

Those who heard him can never forget with what intensity and eloquence he pleaded for the passage of that bill, for the protection of the institutions of the Republic against the invasion of aliens whose presence would constitute such a menace to all that we have been taught to revere and hold sacred.

Courage is one of the lordly virtues. Great souls are brave souls. That JOHN BURNETT possessed courage of the highest order no one will deny. He never measured his duty by the applause of the hour. No threatened unpopularity of his views ever caused him to withhold their expression when it was his duty to speak. No "word well smoothen" ever fell from his lips in order that he might curry favor.

Some men can stand erect only when wedged in a crowd. It was not true with him. He was willing to stand alone, supported only by his own approving conscience.

His courage, his ability, his eloquence gave strength to any cause he advocated; and these qualities made him a dangerous antagonist. When he believed that chastisement was merited by an opponent he did not hesitate to administer it, and he knew how to use the lash and make it cut deep.

He was acquainted with the common sorrows of mankind, and so, in joy and grief, he was prepared to enter sympathetically into the conditions surrounding his fellowmen. He had all the primary affections, the noble passions, the sweet emotions that make the true man.

Knowing him as I did, I am confident that he had learned the "Great Lessons" so beautifully phrased by the poet:

> So did I learn
> The first great lessons: mark ye them, my sons,
> Obedience is nobility; and meek
> Humility is glory; self alone
> Is base, and pride is pain; patience is power;
> Beneficence is bliss.

Mr. TILLMAN. Mr. Speaker, for a time the BURNETT family and my own lived at the same hotel in Washington, and during this period I improved the opportunity to acquire an intimate knowledge of the softer side of the Congressman's nature. His heart was as gentle as a woman's. His hand was ever open and ready for generous deeds. He loved children and organized a club of little folks, and under his guidance this club had weekly meetings, at which its members sang songs, told stories, gave readings, and rendered programs consisting of a wide variety of literary exercises. These children loved Mr. BURNETT and he loved them. It is a delightful habit of a strong nature like his to unbend now and then, to forget the affairs of state, to revel unselfishly in the innocent pleasures of little people, to teach them, and to train them, as he did, for a useful future. Not one of these tots, now that this man is gone, but will remember the kindly touch of his vanished hand; not one will forget the cheerful sound of his pleasing voice now stilled by death.

The dead statesman was dwarfish in stature, but he had the soul of an eagle and the heart of a lion. He was active on the floor of the House, and instead of avoiding debate he rather courted controversy. In truth he was strong in argument, was a tireless worker and loved a fight. This David with sling and pebbles never shirked an encounter with any Goliath of Gath who challenged him to combat in the forum or on the hustings, and usually the fight terminated as did the one described in I Samuel xvii between the handsome shepherd lad, David, the son of Jesse, and the bulky Philistine measuring 6 cubits and a span in height.

Our friend told me that when he was first elected to Congress he expected to remain here but a short time, yet he was elected 11 times, served for 20 years, and died in harness. He stated also that he never failed to have opposition, and this fact accounted in a large measure for his long service. His combative disposition asserted itself here again. He often affirmed that if he could be elected one time without opposition that he would retire from the House to private life. He looked forward with keen pleasure to the time when he could retire and spend the evening of his days in peace and quietude. Like most of us he was beginning to tire of the lure of political life with its noisy phantoms, its paper crowns, and its tinsel gilt.

JOHN LAWSON BURNETT was born at Cedar Bluff, Cherokee County, Ala., January 20, 1854. He lived, died, and was buried in the great Commonwealth that gave him to the country. And he so lived that Alabama, his mother, thrilled with pride when sorrowing friends placed his sturdy little body to sleep forever in her brave and generous soil. Alabama, glittering jewel of the old South; rich, flashing, glorious gem of the new South! Alabama is the calla lily of the South, a land of orchard and grain, a land of cotton and corn, a land of mines and factories, a land of hazy Indian summers, a land of glorious sunsets—and the moon sails through the blue seas of her glorious nights like a ship of pearl. Alabama, a land of enchantment and variety, here a stately country home, there a big plantation with its broad fat acres laughing forth a harvest of good things. The mocking bird sings until midnight among her purple apple blossoms. Here the tall and fragrant pine, there the cedar, dusk and dim; here the virile oak, there the

branching elm; here the stately mountain range, there a lake of silver; here by the roadside a bubbling spring ever holding up its pouting lips to be kissed by the thirsty traveler, there the model farm where

> We hear tinkling in the clover dells,
> The twilight sound of cattle bells.

Alabama has given to the country a thousand patriots and a thousand great men, and she gave to this generation JOHN LAWSON BURNETT, clean, brave, manly, possessed of a chaste honor that felt a stain like a wound, possessed of the unpurchasable graces of life and character, such as sterling honesty, spotless purity of soul and conduct. We need more of the fine audacity of honest deed, more of the homely old integrity of soul such as he had and cultivated.

Mr. BURNETT died suddenly and without warning, but he was prepared for death and did not fear it. This was his creed:

> I do not fear to tread the path that those I love have long since trod,
> I do not fear to pass the gates and stand before the living God.
> In this world's fight I've done my part and God is God, He knows it well.

JOHN LAWSON BURNETT wore the white flower of a blameless life. His conscience was his king. A long good night to this rare spirit.

Mr. WILSON of Louisiana. Mr. Speaker, when I first came to Congress I was placed upon the Committee on Immigration, of which the late Judge JOHN L. BURNETT was chairman, and during my service on that committee became intimately acquainted with his fine qualities as a man and his marked abilities as a statesman. The passage of the Burnett immigration bill was the crowning achievement of his legislative career, and the most conspicuous accomplishment of his long public service.

The history of that legislation is somewhat unique in the proceedings of Congress. Beginning with the veto by President Cleveland in 1896, for more than 20 years one of the storm centers of congressional debate and action, in party platforms, and in national campaigns was the literacy test as applied to immigration, the principle of which was to make our immigration selective and as finally adopted in the Burnett bill. The final passage over the veto of the President, in 1916, of this bill, which had received the approval and indorsement of both branches of Congress on six separate occasions in a period of 20 years, and halted by the vetoes of three Presidents of the United States, is a striking instance of the triumph of public opinion in America as reflected in the Congress.

The brilliant and effective work of JOHN L. BURNETT in connection with this measure won for him a fame that was national and a reputation that was international. During the consideration of this and other problems assigned to us the committee was often astonished at the complete grasp of every phase of the immigration question shown by Chairman BURNETT, and the scope and exactness of his information relating thereto. In my opinion the final passage of this bill over the last presidential veto was due largely to his fine leadership and superb ability.

Judge BURNETT was a man who attracted in close attachment and esteem those who knew him intimately. He was always frank, open, and aboveboard about everything, courteous and kindly in speech and action. He was a man of courage and independence, and had the fortunate quality of being able to bring all his fine intellectual powers into action instantly upon every question which he chose to champion. This made him a ready and effective debater upon this floor. He enjoyed the respect, esteem, and confidence of the Members on both sides of this Chamber. In his death his State, the Congress, and the country sustained an immeasurable loss.

Shortly before he returned to his home the members of the Committee on Immigration, of which he had been the honored chairman, and upon his retirement from that position, presented him a token of their love and esteem, and in his parting words mingled with tears he left an impression which will never be forgotten by the members of that committee who admired and loved him.

As a friend who has been intimately associated with him I deem it a great privilege to add my humble tribute to his memory, which we all honor and revere.

Mr. BANKHEAD. Mr. Speaker, it is a mournful, but nevertheless a tender privilege to speak a few words of eulogy in memory of the admirable character and accomplishments of our late colleague and comrade in service, JOHN L. BURNETT. Knowing as I believe I did the absolute sincerity of the man—his abomination of sham and pretense—any attempt at fulsome praise of his talents or his services on this occasion would be repugnant to my conception of the words he would have us say.

Although Mr. BURNETT had been a conspicuous public man in Alabama for many years, it was not my good fortune to know him intimately until I began my service in the Sixty-fifth Congress. Two of the counties of his old district now are a part of mine, and being my geographical neighbor as well as the dean of the Alabama delegation, when I began my service here I naturally sought and always secured his counsel, advice, and unreserved admonition.

It was not a formal, perfunctory, superior kind of interest he took in me, but genuine, sincere, disinterested, helpful. It was characteristic of the man—a helping hand extended to another who needed it.

I shall not attempt any biographical reference to our departed friend. That duty has been admirably and fully accomplished by my colleagues who have already spoken.

If I should be asked to designate the outstanding characteristic of this man's makeup, the immediate response would be "courage of conviction." He did not rush to a conclusion upon grave public questions. He always wanted to know the facts, he desired to hear the argument, he sought a just and logical conclusion, and when he reached a conclusion convincing to himself he declared it, and fought for it to the end.

He was not only courageous in conviction, but he was preeminently combatative to sustain his conception of the right position. He did not believe in the soft and vacillating methods of attack or defense. He despised ambush warfare. For him the open field and the onslaught direct. He believed in giving hard blows. He knew equally well how to take them.

That was his method on the hustings and his method here. He seemed to glory in drawing the fire of an adversary because he had the consciousness that he could always return it "in full measure and running over."

I heard Speaker CHAMP CLARK once say that he regarded JOHN L. BURNETT as the best "rough and tumble" debator on either side of the House of Representatives.

While the people of his district and State loved and admired our lamented colleague, he did not belong to them alone. He was a servant of a larger constituency—the whole American Republic! He was recognized as the highest authority here on the great problems of immigration and naturalization in his lifetime and now of paramount importance. He stood for the doctrine "America for Americans," and his earnest and invaluable efforts for a decent restriction of undesirable immigration not only have been transcribed into our statutes, but go marching on in the quickened and awakened consciousness of millions of Americans of the menace of the unassimilated mob.

His death was not therefore a local or sectional loss alone, for this Nation suffered a blow when JOHN BURNETT died.

It is no small thing for any man to be elected once to the House of Representatives. It is a position of honor and high responsibility. But when a man comes here for 20 years in succession, despite the enemies he makes in politics, despite the disappointments of opposing ambitions, despite the errors of judgment he may make, and dies in harness still serving his people, that man has achieved a great career. And when coupled to that long tenure is the record of a high position with his colleagues, the unstinted respect and confidence of his political adversaries, and the knowledge of those who survive him that he rendered conspicuous and outstanding service to his country, and who passes away "surrounded by the proud and affectionate solicitude of a great constituency," has indeed left to his family and friends a career to be admired and cherished forever.

Friend, neighbor, comrade, rest well.

Mr. HUDDLESTON. Mr. Speaker, I can not refrain from adding my tribute to the memory of our departed friend.

When I first entered Congress Mr. BURNETT was the dean of the Alabama delegation, the senior in point of service among the Alabama members. As was proper, I showed him the respect and confidence due a senior by conferring with him frequently about matters touching our delegation and the interests of our section and State. He gave me his counsel patiently and kindly. I went into his office one morning and playfully hailed him as "Daddy," because of his seniority in service, and he in the same spirit replied by calling me "son." After that he was always to me "Daddy" and I was always to him "son."

I saluted him in that way the last time we met, which was only two days before his death. He had just come through a political campaign. He showed the marks of it. Though apparently in good health there was something about him upon second look that indicated that the strenuous contest through which he had just come had left its impression upon him, had wearied him more than the usual campaign. Two days later I heard of his death.

I went to his funeral. It was attended by thousands. People had come from all over his district, a large and rugged district, to pay him their final respect. Many of those who came were not men who ordinarily attend such occasions. They were chiefly of the people. Many of them were common men, who did not have fine clothes, men with hard hands and with the marks of toil upon them.

The friend of poor and humble men had gone. They stood about with tears in their eyes. It was a tribute such as is rarely paid to the memory of any man. It is such as I would like to have when my time comes to go.

JOHN L. BURNETT was born in Cherokee County, Ala., in the seventh congressional district, which he had the honor to represent in the House for over 20 years. He lived all his life in that district and died there. His district at the end was composed of the counties of Blount, Cherokee, Cullman, Dekalb, Etowah, Marshall, and St. Clair. There is a small city in the district, Gadsden, in which he lived in his later years. In that city there are a few who do not have their origin in that section, and there is occasionally one who was born overseas.

In the county of Cullman there is a small old-time colony of German settlers, of which there remains perhaps three or four hundred who were born overseas. Aside from these the seventh district is composed wholly of what might be called "old-fashioned Americans," that is, people of old British stock, whose ancestors came to this country so long ago that they have lost track of when they came, whose ancestors were the hardy pioneers who carved this Republic out of its original virgin wilderness.

No finer people live in America than those of the seventh congressional district of Alabama. If there are any real Americans, these are they. They are hospitable, intelligent, alert, patriotic, brave, but above all, liberty-loving. They are not strongly partisan in the political sense. Politically, the district may be said to be independent in a large respect. The elections are always close. The opposition is not so much partisan as it is independent. It is a division of opinion, a real opposition.

Representing this people, JOHN L. BURNETT came to Congress for over 20 years, worthily representing them, truly and accurately representing them—representing them at their best, at their noblest, at their highest. That they loved him, that they honored him, was mete. He was one of them, he loved them, he understood them, and no noble impulse they felt but he responded to; his heart beat in answer to their every aspiration.

We honor ourselves in honoring his memory.

Mr. FESS. Mr. Speaker, I want to add my tribute to the memory of Mr. BURNETT. With the rest of you I do not believe that any man can be more deeply stirred than by an appreciative sentiment in honor of a really good man. I have listened to the encomiums that have been paid, and I know that they are not formal—they are every one heartfelt and spontaneous. They are tributes that are gladly paid, and most certainly warranted by the type of life of the man to whom they are paid. Mr. BURNETT was one of the first men who attracted my attention when I came to the House. It was largely by his manner of presenting a case from the floor of the House, his character in debate, that my attention was attracted to him.

Some men, when they arise, will drive you from their position, but Mr. BURNETT was a man who was convincing. He compelled the reason, and although you might not agree with him, you always respected him. However much he was appreciated on the side of the aisle where he always sat, I do not think he was more greatly appreciated there than he was on this side of the aisle. I noticed him in the manner of the presentation of the immigration bill. I was in entire sympathy with his position. There were others on both sides of the aisle very pronounced against his position. At times in the running debate it would appear to me that the opposition was quite powerful and sometimes was winning the debate, but that fear always was allayed whenever Mr. BURNETT took the floor to clean up matters. He was more than an advocate. He was an expositor, and when he spoke he always added information. He was one of the men the House was always glad to see arise to address it.

I want to pay this brief tribute to him as a man who never was found fault with by the Republican side because he was a Democrat. He was always more than a party man. There are those who speak on political lines who always command respect from those who differ with them, because they are beyond mere partisan advocates. Mr. BURNETT was from the sunny South, and yet his impulses and passions were for the whole Nation.

I rise on the Republican side of the aisle to speak my tribute to the memory of this beloved colleague. Attention has been called to that quality of his which was so wonderfully displayed about the hotel where he resided with respect to children. That was the feature about him that seemed to impress me more than anything I have known in the life of this good man. I lived at the hotel with him for quite a while, and Saturday night was always a gala night with the children of the hotel. They were to be found in one room, and Mr. BURNETT was the center of attraction and was directing their activities. From Saturday night to the next Saturday night they were planning, and would go through the dining room and speak to individual members—"Come to our entertainment Saturday night." I want to indorse what one gentleman has said, that if a man, no matter how lofty his position, will always hold himself ready to sympathize with the interests of childhood he will write upon his career the word "great."

Mr. STEAGALL. Mr. Speaker, we have met to-day to acknowledge the universal and inevitable sway of death. Since the time sin entered the garden the shadow of death has darkened the pathway of man. It knows no class and favors no clime. It is a penalty that must be paid alike by prince and pauper. To-day the stern monarch invades the hut of the humble and poor to put an end to misery and want and woe; to-morrow he walks with dauntless tread up the stony pathway to the gilded mansion and hushes forever the revelry of the rich. By one stroke he removes the derelict, whose departure disturbs not nor hurts the welfare of humanity, by another he closes a great career at the hour of its highest honor and opportunity.

When JOHN LAWSON BURNETT passed away there came to its end on this earth a life which all the way from childhood to its close was spent in useful toil and noble service. We can not understand why he should be called from among us in the hour of his greatest usefulness when his rare ability and ripe experience are most needed by his fellows. Such a decree of Providence can not be fathomed by human wisdom.

When Mr. BURNETT was a child 4 years old his father died, leaving the widow and three small boys, poor and unaided, to take up the battle of life. In early boyhood Mr. BURNETT began to contribute to the support of the family. He worked on the farm, and as a miner, and studied at night under the instruction of his mother. She was a woman of education and culture, and began early the cultivation and training of the son, which in large part formed the foundation for his career. When he entered the common schools he divided his time between his work and his educational pursuits.

During this period of trial he was in constant contact with the stern realities of life, developing a common-sense understanding of affairs and an attachment to the plain people. When he had made sufficient progress to enable him to secure a position as teacher he taught and attended school, alternately. Finally, by his own efforts and at his own expense he took a course of law at Vanderbilt University. The habits of industry formed in boyhood characterized his course as a student of law, both before and after his admission to the bar. In the practice of his profession, as before, obstacles encountered were met with a determination and purpose that only brought development and progress. As a lawyer his growth was steady and continual. He achieved no sudden nor unsubstantial successes. Every step forward was reached by patient toil and earnest effort, to be followed always by further progress.

> The heights by some men reached and kept,
> Were not attained in single flight,
> But they while their companions slept
> Were toiling upward in the night.

From the time of his admission to the bar to his election to Congress his growth was without interruption. He was industrious, high-minded, conscientious, and held a high place in the front ranks of the lawyers of his State.

His first political activity was as a member of the House of Representatives of Alabama, in which position he served one term, taking high rank among the members of that body. Some years later he was nominated when not a candidate and elected State senator from his senatorial district. Again, he soon won an enviable place in the highest legislative body of his State, serving with marked credit to himself and to his constitutents. Mr. BURNETT was always modest and unpretentious. He never made the mistake, too common among men, of taking himself too seriously. He seemed never to think of the things he had accomplished, but was always seeking opportunity for some new service. He was ever ready to meet responsibilities that arose, never lacking the courage to follow

where duty and conviction pointed the way. He was a brave and stubborn fighter, yet always considerate of others, maintaining a moderation and modesty that commanded admiration.

An incident typical of his character occurred in the convention in which he was first nominated as the candidate of his party for Congress. Several names were before the convention, but he was not a candidate when first presented for the nomination. It was well understood that the nominee would have a stubborn contest that would be hard to win. Mr. BURNETT was a delegate in the convention, and when his name was offered arose immediately and insisted that a stronger man might be found to lead his party. But his protest only served to deepen the impression that he possessed the qualities and attainments essential to successful leadership. He was nominated, and accepted the mandate of his party and won a triumphant victory. He established himself in the confidence of his people in a way that for twenty years made him invincible in a district torn by partisan strife seldom surpassed in any congressional district in the Union. He was a man of strong convictions and without fear in following them. He was not the type of politician to follow the line of least resistance. His sense of duty constituted his guide. Such a man was, of course, bound to meet with opposition, but he soon established a reputation for courage and common honesty which many times commanded the support even of those who did not agree with him.

During all the changing issues and vicissitudes of his 20 years' service in Congress his hold upon the confidence of his constituents was unbroken and the people of the entire State of Alabama regarded him as one of their ablest and most valuable public servants. There had been for years before his death a desire throughout the State that he should become a candidate for governor, but his work in Congress was too important and the need for his service too unceasing for him ever to turn loose.

I have known no Member of the House more suited to service here, no one of deeper devotion to the interests of the masses, no one who possessed in higher degree the courage needed in this body. I shall never forget a conversation had with him when the war resolution was pending. No one knew better than he that the resolution would be adopted and that the feeling and excitement to follow would be productive of great resentment against those who saw fit to oppose the passage of the resolution. But he believed that the honor and welfare of the Nation could best be protected and promoted by declining to enter the horrible conflict, and, so believing, he voted against the passage of the resolution. I voted with the majority of the House, but I have always honored him for his courageous course.

No Member of this House was more loyal than he to the cause of the Allies in the struggle to beat back the invading hordes of the German military machine and save the civilization of the world. Mr. BURNETT measured up to the highest standard in this great body. He was an untiring worker and allowed nothing of importance to escape his painstaking attention. He was one of the ablest debaters who ever sat in this House. He was loyal always to the true principles of his party, but he never allowed partisanship to supplant his patriotism. Few men on either side have ever commanded deeper or more genuine respect among the members of the opposing party. He sought always to find the truth and to serve his country. He was a true representative of all that is best in our national life—the highest type of American patriot.

It was as a member and as chairman of the Committee on Immigration that he rendered his greatest service. For years and years he fought to arouse public opinion to an appreciation of the dangers involved in the admission of millions of foreigners unfitted for American citizenship. A deep student of this subject, he saw with clear vision the wisdom of protecting the Nation against the vast hordes of irresponsibles whose presence among us has proven so great a menace. The dastardly attempt to accomplish his death by a bomb sent him through the mails was in itself a tribute to his patriotic effort to protect the Nation against those who would destroy American institutions. Could he have had his way we should not now be confronted with the difficult task of dealing with the undesirables who have been admitted within our borders. He well foresaw and sought industriously to prevent the disease that others are now undertaking to cure. Real statesman that he was, he grasped the importance of correcting the evils inherent in our national life and preserving an electorate devoted to true Americanism.

He understood that the real danger to the perpetuity of this Republic lies not in the invading army of any possible foreign foe; that our safety depends upon our ability to preserve the sacred principles and ideals upon which our Government was founded, and he knew that these institutions can never be safe, except in the hands of men schooled in our scheme of government and devoted to the principles of liberty regulated by law.

His great work was unfinished, but he won high place in the Nation's history. He has left an impress on legislation and public thought that will last through succeeding years. He served well his party and his country. He devoted his life to the uplift of humanity and the betterment of the world. He was too reverential and unpretentious to parade before men any profession of piety, but if it be true, as I devoutly believe, that we reap as we sow, rich, indeed, must be his eternal reward! A good father, a devoted son, a faithful husband, an able, courageous statesman, a great Democrat, an unsullied patriot, a noble, knightly, unselfish soul, his death is a loss to his country and the world.

Mr. HEFLIN assumed the chair as Speaker pro tempore.

Mr. STEENERSON. Mr. Speaker, having served in the House with Mr. BURNETT for nearly 17 years, I necessarily became acquainted with him, and I deem it a high privilege to join now in paying tribute to his memory.

When we realize that nine-tenths of the legislation in Congress is really nonpartisan, it is easily explained that in the course of time men engaged in legislative duties, especially those who are active workers, must necessarily become pretty well acquainted. I had occasion to appear before the two committees of which Mr. BURNETT was chairman, the Committee on Public Buildings and Grounds and the Committee on Immigration. All Members, especially those from the country districts, like to appear before the Committee on Public Buildings and Grounds, and during his chairmanship we always received a courteous and considerate hearing.

I was present at several meetings of the Committee on Immigration and Naturalization during his chairmanship, and at hearings before the Committee on Rules on the immigration bill, which he championed; and on these and various other occasions I learned to admire him greatly.

As has been said here, few Members on the other side enjoyed more friendships on this side of the aisle than he did. He was admired for his splendid abilities, and especially for his brilliant oratory. It has been pointed out here that he was unexcelled in debate under the five-minute rule, and that was true. He commanded the art of oratory to a high degree, but he never employed it for a base purpose. When he played upon the emotions of his hearers it was to arouse them to a realization of the cause which he sought to further and explain.

There was one characteristic about the man, and I regard that as the chief distinction of his nature. That was his love for the genuine, for the real, and his hatred of sham and pretense everywhere. He believed in what he advocated, and he advocated it because he believed in it. He was not a slave to partisanship. It may be truly said of him that he carried his sovereignty under his own hat, but so far as it did not conflict with his view of right and wrong, of course he was loyal to the party to which he belonged.

Another distinguishing feature of his character was his intense love of his country and its institutions. He believed in representative government, and he believed that representative government implies confidence and faith in your fellow men. I often talked with him about this question of immigration. He believed that in order to preserve our free institutions it was necessary to exclude not only the illiterate and defective, but also those, however well educated, who professed hostility to all government, or to our form of government. Obviously, he was right. The principles of the Constitution of the United States, embodying as they do the best form of representative government, have gone forward until they have achieved the admiration of the world.

But that has been possible only because of the character of the people of the country. The people must have high ideals, must believe in progress and in justice and in law and order, and, above all, they must have faith in their fellow men before representative government can be a complete success; and because we have had faith, more love and fellowship among our people, our Government has produced the wonderful results which entitles it to the good opinion of the world. A man who professes and preaches the doctrine of hate and envy or whose life principle is selfishness and distrust can not become a part of such a government. The success of representative institutions is itself a refutation of the age-old slander that man was incapable of self-government. Mr. BURNETT, as has been so eloquently stated, rendered valuable services in the advocacy of a stringent immigration policy on the part of our Government.

There is no doubt but that if his views had been listened to and observed and earlier recognized we would not now have the difficulties that we are having as the result of a too liberal and indiscriminate policy on this subject.

Mr. BURNETT is dead. His friends shed tears of love at his bier. But his works live, and will continue to be a potent influence for good and the advancement of civilization and the welfare of mankind throughout the world forever.

There is no death—the thing that we call death
Is but another, sadder name for life,
Which is itself an insufficient name,
Faint recognition of that unknown Life—
That Power whose shadow is the Universe.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. STEPHENS], who is unavoidably called away to-day, may be permitted to extend his remarks in the RECORD.

The SPEAKER pro tempore. That permission has already been granted.

Mr. McDUFFIE. Mr. Speaker, I have always heard it said and I verily believe that "To live in the hearts of those we leave behind is not to die." And so, though his flesh and blood have passed from his scene of earthly usefulness, the spirit and memory of JOHN L. BURNETT will remain with us throughout our lives.

Unfortunately for me, and I have always deemed it unfortunate, I did not intimately know Mr. BURNETT. The first and only time I ever saw him was on this floor on the 3d of March, 1919, when he invited me to sit by him during the closing hours of the Sixty-fifth Congress, and the last hours he spent in this Hall. And, while my acquaintance was not intimate, yet I have always known him by that reputation he bore in Alabama and in these United States as a man, an affectionate father, a tender and loving husband, a splendid statesman, and the highest type of American citizen. And, believing so well all that has been said of him this day, I am sure that on the final day his spirit heard that voice which said: "Well done, thy good and faithful servant. Thou hast been faithful over a few things. I will make thee ruler over many things. Enter thou into the joys of thy Lord."

And, while we miss him and mourn his loss, we can but find some consolation in the thought of him, that the world was made better that he lived in it. I am reminded of him when I recall that "he has achieved success who has lived well, laughed often, and loved much; who gained the respect of intelligent men and the love of little children; who left the world better than he found it, whether by an improved poppy, a perfect poem, or a rescued soul, whose life was an inspiration, and whose memory a benediction."

A bright, brave memory, his the stainless shield,
No shame defaces, and no envy mars.
When our far future's records are unsealed
His name will shine among the morning stars.

Mr. RAINEY of Alabama. Mr. Speaker, it had been my purpose to dwell somewhat at length upon the life, character, and public service of my distinguished predecessor, Hon. JOHN L. BURNETT. I, along with the thousands of people in the seventh congressional district of Alabama that he served so faithfully and well, honored and esteemed him.

I recall the last conversation I had with him. It was shortly before he passed away. The next time I saw him he was in his casket.

It has been well said that in the midst of life we are in death. The moment we begin to live, that moment also we begin to die. A few short days ago upon this floor you heard the voice and felt the presence of him in whose honor and memory we have assembled here to-day. Though his lips are sealed in the eternal silence of the grave, and he sleeps the last long sleep, yet he still lives in the hearts of those who loved and honored him in life, and now in death pay tribute to his memory. I speak not for myself alone, but I voice the sentiment of the people of my district. Through me as their Representative they, too, pay tribute and homage to his memory and honor to his name.

I have known Hon. JOHN L. BURNETT from the days of my youth. Indeed, he was the first man for whom I ever cast a ballot upon attaining my majority. He was the invincible victor for more than twenty years in every political campaign in which he participated in the seventh district of Alabama. For more than twenty years he was the standard bearer of his party, and never did he permit that standard to trail in the dust. As his successor in Congress and as his political opponent in two campaigns, I can well say of him that in battle he was fearless and valiant, quick to repel an assault, strong and aggressive, and yet when the contest had concluded he was equally as prompt to forgive and forget. For him no scars remained and, like a brave warrior, when the battle was over he sheathed the sword.

It was this magnanimous spirit that contributed to his power and aided in maintaining his prestige throughout a long and useful career. Born in Alabama, he sleeps beneath the sod of his native State. His feet came to the end of life's toilsome journey. He laid down his burden by the wayside and, as befalls the common fate of man, succumbed to the universal dominion of death.

In his youth JOHN L. BURNETT lived in the days of the Civil War. He felt the pangs of poverty, beheld the sufferings of those he loved, and endured the hardships of those dark days. To his eternal credit be it said that he braved all these, and from a poor plowboy he went into the mines as a laborer, then into the schoolroom as a teacher, worked his way through the law department of Vanderbilt University, gained admission to the bar, and soon became recognized as a lawyer.

JOHN L. BURNETT not only rose from obscurity to State renown, but ultimately, through his vast work as chairman of the Committee on Immigration, his fame spread over the Nation. It is a striking and a tragic thing that in life his great ambition was to write upon the statute books of the Nation a perfect immigration law and that his fatal illness came upon him while he was delivering a speech on that subject. He fell in the line of his duty; he died bravely in the harness. His work on the great problems of immigration stands as a monument to his memory. The love and the loyalty enshrined in the hearts of his thousands of friends constitute yet another memorial. These shall endure during the years to come. His name thus engraved, the corrosive hand of time shall not soon efface.

Mr. ALMON. Mr. Speaker, it would be easy to write a long biography or make a lengthy eulogy on the life and character of our loved and lamented friend and colleague, Hon. JOHN L. BURNETT, of Alabama, but to tell the story of a life so full of love and loyalty, sacrifice and service, unselfishness and devotion to duty in a few words or a few lines even is a difficult thing to do.

There is so much of praise and appreciation that could be said that I am going to add just a few words to say that I, too, loved him and honored him. I regret exceedingly that it was not my privilege to be present at the memorial service which was held for him last Sunday in the House of Representatives, to mingle my voice with the voices of the men who stood there to pay tribute to the memory of this grand and good man, to recount with them his splendid attributes, attainments, and achievements, to express with them our sorrow, our deep sense of loss, and the shock we felt at his sudden death.

I have read with great interest and intense pride every word that was spoken in eulogy of him, and I rejoice in knowing that no meed of praise could be too great for him.

His passing seemed to some of us most untimely, but some very wise man has said, "He lives longest and best who has acquired and ministered to the greatest number of friends and loved ones." Measured by this standard, Mr. BURNETT had lived long and lived well, for wherever he went he gathered around him a host of friends and admirers. He was himself a true and faithful friend, a man of the highest type, for he was a Christian, a gentleman, a statesman, a devoted husband, and loving father.

Every day we miss his cordial greeting, his wise counsel, his manly courage, his influence for good in all things, and we shall miss him more and more as the days go by. We shall always cherish his memory. With bowed heads and heavy hearts we reverently say:

Father, in Thy gracious keeping
Leave we now Thy servant sleeping.

Mr. BLACKMON. Mr. Speaker, I presume there was no Member of this House who enjoyed a more cordial personal relation than that which existed between myself and the late lamented Hon. JOHN L. BURNETT, to whose memory we are to-day paying tribute. I knew Mr. BURNETT as a lawyer. He possessed all the qualities that go to make a good lawyer. I knew him as a Member of Congress, and all who served with him are glad to testify to his splendid ability as a legislator. In the death of Mr. BURNETT the United States of America suffered a distinct loss. Mr. BURNETT believed that in the admission of a certain class of foreigners the happiness and welfare of this country was seriously menaced. Those who took an opposite view to him on this subject and fought his untiring efforts and energy along this line all now agree that he was right. Mr. BURNETT paved the way for ridding this country of the anarchists, Bolsheviks, and the reds. That he could not have lived to see the fruits of his untiring labor and energy is to be lamented.

In his private life among his friends he was as gentle and lovable as a woman. I shall never forget the many kind things he did for me when I first came to Congress. It seemed to give him genuine pleasure to give me the benefit of his long experience here.. He carried me to a number of the places in the Capital where it was necessary for me to get my different assignments and otherwise familiarize myself with the different departments with whom I had to subsequently deal. It seemed to give him a great deal of pleasure to do this, and I was not the only beneficiary of the many acts of kindness which Mr. BURNETT extended to the new Member of Congress.

Mr. BURNETT was devoted to my children—not only to mine, but to all children, in fact. I lived with him for several years at the Congress Hall Hotel, and "Uncle Johnnie," as he was called by my children and the other children in the hotel, loved him with that devotion which was to me remarkable. On Saturday nights, even after he had gone through a strenuous week's work, he would give the children concerts, and in that way made hotel life to the youngsters worth while.

It is impossible for one in a short space of time to point out the many splendid traits of character which this truly great statesman possessed, and in his death I lost a real friend, his family lost a true and good husband and father, and the country lost a statesman of the highest order.

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. BLACKMON] be permitted to extend his remarks in the RECORD. Unfortunately, being ill, he had to leave the Hall. He suffered a good deal last night. I saw him this morning and he came here, but was unable to stay.

The SPEAKER pro tempore [Mr. HEFLIN]. I know that he came here from a sick bed to attend these services to-day. Without objection the request of the gentleman from Alabama will be granted.

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution already adopted, the House stands adjourned until to-morrow at 12 o'clock.

Accordingly (at 2 o'clock and 50 minutes p. m.) the House adjourned until Monday, January 26, 1920, at 12 o'clock noon.

SENATE.

MONDAY, *January 26, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee with the duties and responsibilities of this high and honorable Senate pressing upon us, and lift our hearts to God for His guidance and blessing, that we may be men of vision, that we may understand the course of divine providence, that we may interpret the questions of the day in the light of Thy law and Thy ancient dealing with Thy people, and with the present manifestation of Thyself to Thy children. Grant that we may so work out these problems that it may redound to the honor and glory of Thy name and the welfare of millions of Thy people. Bless us in the discharge of the duties of this day. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Friday, January 23, 1920, was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. On the 24th of January, 1901, the Senate entered an order—

That unless otherwise directed, on the 22d day of February in each year, or if that day shall be on Sunday, then on the day following immediately, after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the presiding officer, and that thereafter the Senate will proceed with its ordinary business.

In this year, 1920, the 22d day of February falls upon Sunday. For the purposes of carrying out the order of the Senate the Chair designates Hon. ATLEE POMERENE, a Senator of the United States from the sovereign State of Ohio, to discharge that duty on the 23d day of February of this year.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Smith, S. C.
Ball	Harding	New	Smoot
Brandegee	Harris	Norris	Spencer
Capper	Harrison	Nugent	Sterling
Chamberlain	Hitchcock	Overman	Sutherland
Colt	Johnson, S. Dak.	Phelan	Townsend
Culberson	Jones, Wash.	Phipps	Trammell
Cummins	Kenyon	Pittman	Wadsworth
Curtis	King	Poindexter	Walsh, Mass.
Dial	Kirby	Pomerene	Walsh, Mont.
Elkins	Lenroot	Robinson	Warren
Fernald	Lodge	Sheppard	Watson
France	McCormick	Sherman	Wolcott
Frelinghuysen	McKellar	Simmons	
Gerry	McNary	Smith, Ga.	
Gronna	Myers	Smith, Md.	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement may stand for the day.

Mr. GERRY. I desire to announce that the Senator from Virginia [Mr. SWANSON] is detained by illness in his family. I wish also to announce that the senior Senator from Kentucky [Mr. BECKHAM], the Senator from Florida [Mr. FLETCHER], the Senator from Nevada [Mr. HENDERSON], the Senator from Tennessee [Mr. SHIELDS], the Senator from Colorado [Mr. THOMAS], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Mississippi [Mr. WILLIAMS] are absent on account of illness.

The Senator from Arizona [Mr. SMITH], the Senator from Alabama [Mr. BANKHEAD], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], and the Senator from Missouri [Mr. REED] are detained on official business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The Chair lays before the Senate a certified copy of a joint resolution adopted by the General Assembly of the State of Kentucky, ratifying the Susan B. Anthony amendment to the Constitution of the United States, extending the right of suffrage to women, which will be filed.

FOREIGN COMMERCE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of October 3, 1919, certain information relative to the promotion of the foreign commerce of the United States, which, with the accompanying paper, was ordered to lie on the table.

PUBLIC BUILDINGS IN WASHINGTON, D. C.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the rents received from the properties located on sites of proposed public buildings purchased in Washington by the United States Government, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

DISTRIBUTION OF DOCUMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to the law, a report showing the number of documents received and distributed during the calendar year ended December 31, 1919, together with the number remaining on hand January 1, 1920, etc., which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3331) authorizing the Interstate Construction Corporation to construct a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. J. WILLARD RAGSDALE, late a Representative from the State of South Carolina.

The message further transmitted resolutions on the life, character, and public services of Hon. JOHN L. BURNETT, late a Representative from the State of Alabama.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition adopted at a meeting of the 50 commissioners representing the Methodist Episcopal Church and the Meth-

odist Episcopal Church South in the United States, relative to the ratification of the treaty of peace with Germany and the League of Nations, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Federal Council of the Churches of Christ in America, favoring the ratification of the League of Nations covenant, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Federal Council of the Churches of Christ in America, praying that relief be granted to needy European countries, especially Poland, Austria, Hungary, and Armenia, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Federal Council of the Churches of Christ in America, remonstrating against the official representation of any religious organization in the League of Nations, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation providing for the retirement of superannuated Federal employees, which was ordered to lie on the table.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a memorial of the Common Council of Detroit, Mich., remonstrating against the enactment of legislation providing for the suspension of the work of widening and deepening the River Rouge, which was referred to the Committee on Commerce.

He also (for Mr. NEWBERRY) presented a memorial of the Michigan Central System Federation of Railway Shop Employees, of Jackson, Mich., remonstrating against the passage of the so-called Cummins railroad bill, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of Fairbanks Post, No. 17, Grand Army of the Republic, Department of Michigan, of Detroit, Mich., praying for the enactment of legislation to further increase the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. CAPPER presented a petition of the American Legion, of Harper, Kans., praying for the enactment of legislation providing for the suppression of Bolshevism and punishment for disloyal utterances and acts, which was referred to the Committee on the Judiciary.

He also presented a petition of Post No. 81, Grand Army of the Republic, Department of Kansas, of Parsons, Kans., and a petition of sundry citizens of Coffey County, Kans., praying for the speedy enactment of pending pension legislation for the relief of Civil War veterans, which were referred to the Committee on Pensions.

Mr. MYERS presented a petition of the Chamber of Commerce of Jordan, Mont., praying for the enactment of legislation to provide seed grain for 1920 planting to drought-stricken farmers, which was referred to the Committee on Agriculture and Forestry.

Mr. DIAL. I present a resolution adopted at a meeting of the executive committee of the Federal Council of the Churches of Christ in America at its annual meeting in Baltimore, Md., which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
Washington, D. C., January 24, 1920.

UNITED STATES SENATE,
Senate Chamber, Washington, D. C.

HONORABLE SENATORS: I have the honor to convey to you the following action taken by the executive committee of the Federal Council of the Churches of Christ in America at its annual meeting in Baltimore, Md.:

"The Federal Council of the Churches of Christ in America, representing 31 evangelical denominations with more than 20,000,000 communicants and a constituency of not less than 35,000,000, earnestly protests against the official representation of any religious organization in the League of Nations."

Sincerely, yours,
CHARLES S. MACFARLAND,
General Secretary.

Presented by—
E. O. WATSON,
Secretary Washington Office.

Mr. DIAL. I also present resolutions adopted by the executive committee of the Federal Council of the Churches of Christ in America, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
Washington, D. C., January 24, 1920.

UNITED STATES SENATE,
Senate Chamber, Washington, D. C.

HONORABLE SENATORS: I have the honor to convey to you the following action taken by the executive committee of the Federal Council of the Churches of Christ in America at its annual meeting in Baltimore, Md.:

"Whereas when the United States entered into the Great War it did so with a solemn declaration that it took up arms to end war and establish a new world order, based upon justice, righteousness, and good will;

"Whereas as the war progressed the religious and moral leaders of all the allied and many neutral nations proclaimed the League of Nations as the one political expression of this new idealism and as the end for which the youth of the allied nations were laying down their lives;

"Whereas the heads of Government in both America and Great Britain have constantly held the league before their soldiers as the great consummation of their sacrifices;

"Whereas it is an earnest endeavor to establish the principles of the Kingdom of God among nations, and since its covenant demands the same high and honorable standards of conduct in their mutual relationships as those which pertain among high-minded, honorable men, and makes provision for those things for which the church has long contended, namely, the settlement of international disputes by friendly and judicial methods, the guaranteeing of rights and security to the smaller nations, and the gradual and simultaneous reduction of armaments;

"Whereas it has been unanimously accepted by the peace conference as the one hope of conserving the fruits of victory and creating a world order where the events of 1914 can never happen again and has been unanimously indorsed by both the Anglican and free churches of Great Britain;

"Whereas it has received the indorsement of the Federal Council of the Churches of Christ in America at its last meeting and by many denominational bodies during the last year:

"*Resolved*, That the executive committee of the Federal Council of the Churches of Christ in America, assembled at Baltimore, reaffirms its faith in the League of Nations and earnestly calls upon the ministers and churches of the Nation to exert every possible influence upon the President and Senate of the United States to secure the immediate ratification of the covenant of the League of Nations with such reservations only as are necessary to safeguard the Constitution of the United States and which shall not substantially alter the character of the covenant and shall not require its submission to the Allies and Germany and shall not in any way hinder the full and equal participation on the part of the United States in all the activities of the league."

Sincerely, yours,
CHARLES S. MACFARLAND,
General Secretary.

Presented by—
E. O. WATSON,
Secretary Washington Office.

Mr. JONES of Washington. Mr. President, I have here two resolutions adopted by the Washington State Horticulaural Association with reference to two matters of very great importance, which are now being considered by the conferees of the two Houses on the railroad bill. These resolutions, in my judgment, express the sentiment of the public generally as to what they would like to have done and what they think ought to be done upon the matters referred to in the resolutions. I ask that the resolutions may be read, and in this way I call them to the attention of the conferees on the railroad bill.

There being no objection, the resolutions were read, as follows:

Resolution 11.

SPOKANE, WASH., *December 3, 1919.*

The fruit industry of the Pacific Northwest, being far from its principal markets, is absolutely dependent for its existence on efficient and economical railroad transportation. Our experience with Government operation and our observation of other Government activities do not lead us to expect such efficiency and economy under Government ownership or operation. The Plumb plan for disposal of the roads seems particularly obnoxious, being an attempt by the railroad workers to exploit the general public.

The Washington State Horticultural Association therefore favors the return of the roads to private operation. We call upon our lawmakers to settle the matter in such a way as to give the best possible service to the public. We realize that this can not be done unless the railroad employees are given just and fair treatment. We realize that it can not be done unless the railroads are given an opportunity to make a sure and reasonable return on the investment. But we hope that the return may be made certain without Government guaranty of such a nature as to remove the incentive for the economy and efficiency in management which generally characterizes the operation of a business by its owners. We further urge that in the settlement of the railroad question provision be made for compulsory arbitration of all disputes between railroad employees and the roads. We wish to have entire justice done to the workers, and we believe this can be better accomplished in a judicial way. But we assert the supremacy of the interest of the general public in disputes involving public utilities.

Resolution 12.

The members of the Washington State Horticultural Association, as loyal American citizens, wish to raise their voices in warning against certain aspects of the social unrest which is menacing the country. We instinctively sympathize with labor in any fair and lawful attempt to secure justice. But we fear that organized labor is in numerous instances using the power of its organization to make unreasonable demands which could only be met at the expense of the general welfare. Unreasonably high wages and unreasonably short hours can only lead to

underproduction and to a further increase in the cost of living. The present coal strike and the ever-threatened strike of the railroad workers are instances of an attitude antagonistic to the general welfare. We call upon organized labor to join with the agricultural population and all other good citizens in increasing production, in making all demands reasonable, and in allaying the social unrest which is threatening our civilization.

A. G. CRAIG, *East Farms.*
JESSE C. CHILDS, *Wapato.*
FRED N. KEELER, *Route 8, Spokane.*
R. T. REID, *Bellevue.*
J. R. EVERTS, *Wenatchee.*

Mr. SMITH of Georgia. I present to the Senate resolutions passed by the Savannah Board of Trade, the Savannah Greater Commercial Club, the Savannah Cotton Exchange, and the Brunswick Board of Trade, all in the State of Georgia, urging the use of Government vessels in certain trade routes. I ask that they be referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. SMITH of Georgia. I present also a resolution passed by Georgia Division, Farmers' Educational and Cooperative Union of America, urging the President and the Senate to exempt all farmers in agricultural work from the effect of the international labor congress control provided by the proposed covenant of the League of Nations. I ask that the resolution be printed in the RECORD. It is short.

There being no objection, the resolution was refererd to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE FARMERS' EDUCATIONAL
AND COOPERATIVE UNION OF AMERICA,
GEORGIA DIVISION, ATLANTA, GA.

Senator HOKE SMITH,
Washington, D. C.

A resolution by Martin F. Amoreus, president the Cobb County Farmers' Union, Marietta, Ga.

"Whereas the treaty of peace with Germany contains a proposal to create an international labor congress, which, when ratified by the United States Senate, limits labor to '8 hours a day, 48 hours a week, and 24 hours' rest each week,' and also taxes landowners with old-age pensions, disability pensions, and unemployment wages; and

"Whereas the enforcement of these conditions will be ruinous to the farming industry of the country: Therefore be it

"*Resolved*, That the Georgia Division of the Farmers' Educational and Cooperative Union of America, in convention assembled in Atlanta, Ga., this 26th day of November, 1919, does hereby request the President of the United States and the United States Senate to exempt all farmers and agricultural workers from the international labor congress control. Be it further

"*Resolved*, That the president and secretary of this convention mail to the President of the United States and each Member of the United States Senate a certified copy of these resolutions."

The above resolution is a correct copy of the original resolution, which was read to the convention, discussed, and unanimously adopted.

J. H. MILLS, *President.*
ANDREW J. FLEMING,
Secretary and Treasurer.

TREATY OF PEACE WITH GERMANY.

Mr. PHELAN. Mr. President, I am charged with the very agreeable duty of presenting this morning a petition from a very large number of women of California—20,000—whose names are attached to this petition, requesting the Senate to ratify the treaty of peace with Germany and the covenant of the League of Nations. I do not know any better method of ascertaining the sense of the people between elections than by a resort to the constitutional right of petition, and whereas many petitions have been sent to this body urging action by the Senate, there is no petition more formidable than this one which I have the honor to present this morning. Mr. President, I ask that you receive it and lay it before the Senate.

I also ask unanimous consent to have printed at the same time the remarks of Dr. Aurelia Henry Reinhardt, president of the Mills College, California, a representative woman of my State, who, in tendering the petition to the California Senators for presentation here, urges the purpose and the sense of the petitioners in eloquent language.

The VICE PRESIDENT. There being no objection, it is so ordered.

The matter referred to is as follows:

REMARKS OF DR. REINHARDT.

On Saturday, January 24, Dr. Aurelia H. Reinhardt, president of Mills College, Oakland, Calif., representing the petitioners, women of California, made the following address in the presence of the Vice President and many Senators in the room of the Vice President:

"I thank the senior Senator from California [Mr. PHELAN] for his courteous introduction and the Vice President of the United States for his hospitality to the women of California in permitting them in this historic room to present to their Senators this memorial in behalf of the peace treaty and the League of Nations for presentation to the Senate.

"The great clock which I am facing reminds me that if America's ambassador to France had met with the allied statesmen in the clock room of the French foreign office on Friday of last week I would not be here using the time of Senate Members with my words of explanation and appeal.

"It was a Frenchman visiting our young Republic a hundred years ago who remarked upon the propensity of Americans to talk much and leave little time for thinking. Would his witty allegation bring condemnation on the head of one who has had five days of thinking, in crossing mountains and prairie, as a preface to these five minutes of speech to which I limit myself? However, it is not in my words, but in the silent suffrage of thousands of California citizens that this petition which I bring has value. These multitudes of signatures, bound together with the colors of our country, ask that action be taken for the immediate ratification of that agreement reached by delegates of 14 nations assembled last winter in Paris—that agreement which is called the treaty of peace, including the League of Nations covenant. These signatures speak for no party but for individual Americans who base their request not on policy but on principle, not on personal interest but on righteousness and justice. As individuals they ask that our Nation shall fittingly close the war by effecting an organization with our allies to make permanent the blessings of present peace.

"Individual and Nation! America's history has been the evolution of right and justice for the individual, in local government, and the federation of that individual and local right into national magnitude and potency.

"To the citizens of Western States more easily than to older Eastern States, perhaps, is visible this progress and hopeful possibility. Their vision of a nation has never been limited to one ocean. To workers in the field of education, who touch at all times the growing, expanding life of youth, is kept fresh this fundamental faith in individual merit and individual potentiality.

"As a westerner and a teacher, I rejoice in the belief of my fellow citizens that is silently voiced in this memorial, asking that the great privileges of American democracy—the privilege of individual responsibility, of local self-government, and of federation—be championed in peace by America as applicable to those allies with whom she joined in battle for triumph over democracy's enemies.

"Armistice day is a year and a quarter past. Yet the departments of our Government are not agreed as to America's relations to her late enemies and to her allies in war. Into half a dozen camps they are divided, questioning the motives of the treaty, the practicability of the covenant, the definition of words, the contradiction of articles, the spirit of allies abroad and citizens at home. Surely the world will be nearer the millennium when war becomes as hard to make as peace.

"The petitioners from California beg that action rather than discussion be now your part. The treaty and covenant make a point of departure for a new era, a working basis for 30 nations and uncounted millions who need American political examples as well as her materials and money. In human institutions nothing is complete or perfect.

"The last word of democratic definition will never be written, for self-government must ever be built up anew in changing conditions. The final democratic constitution can never be finished, for it will grow with the growing greatness of individuals and nations. But always will the keynote of democratic constitutions be intelligence and good will, cooperation and participation, not ignorance, malevolence, and suspicion.

"Gentlemen, exactness of wording is less important than rightness of spirit. American prosperity and liberty depend to-day, and will always depend, on you—the kind of men you are, the kind of beliefs you hold, the kind of governmental conduct to which your beliefs bring you.

"'We, the people of the United States, in order to form a more perfect Union.'

"That was a hundred and fifty years ago. And from that resolution the world learned much, as the nations at the peace conference proved, not only by their words but by their deeds. Lord Robert Cecil, Leon Bourgeois, Venizelos, Orlando speak in words we know, act in that cooperating and high-minded way we like to call American.

"And yet in America we have lost time, our greatest asset as former or reformer, as constructor or reconstructor. We have lost men's faith in democratic freedom, and our own internal distress marks this loss as does the increasing misery of nations across the sea. Are we not demonstrating that Americanism has little to do with democratic ideals? American patriots, living and dead alike, protest. Well, then, let us come to an understanding with ourselves, with our various branches of government.

"Participation in the World War by Americans was for ideals which are the breath of democracy. And now we ask for peace, and the peace is all we have out of our sacrifice in humanity's cause. Let us make it a great, a good, and enlightening peace. To be sure, our material interests demand it, but so do our moral interests; so does our Nation's past and our Nation's future. A nation—that group of human beings made one by a unified experience and unified faith. Faith, not fear. Democracy is government where duties are the foundations of rights, intelligence the basis of safe citizenship, participation the only earnest of stability. And internationalism, that federation of coordinate nationalities, is America's next proof of the virtues and practicability of democratic government.

"Let us have peace, an organized peace, a stable peace, for the sake of America, of the world.

"'With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.'"

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from California whether this is a petition for the ratification of the treaty of peace and the covenant of the League of Nations without change, without reservations?

Mr. PHELAN. It is for an unqualified ratification of the treaty of peace. In petitioning the Senate I understand that while the women of California favor unqualified and unconditional ratification, they are quite willing to leave it to the judgment of the Senate. It is more to direct their attention to the importance of action than any specific action at this time.

Mr. POINDEXTER. I wish to ask another question before disposing of the matter, in order to understand just what it is. It is quite voluminous evidently, and I have not had an opportunity to read it. Is there any expression in the petition as to favoring or disfavoring the attitude of a number of Senators on the Democratic side of the Chamber in voting against the ratification of the treaty of peace with certain reservations for the preservation of the independence of the United States?

Mr. PHELAN. The petition, Mr. President, is a simple memorial to Congress favoring the ratification of the treaty. The representative of the petitioners, Dr. Reinhardt, in addressing a group of Senators and the California delegation on this subject last Saturday, dwelt entirely upon the general principles of the Government of the United States, the individual independence, the local self-government, and the confederation of States in order to protect and guard the rights which pertain to every citizen; and by a logical process she showed that a union of the States of the world would subserve the interests of humanity and liberty, just as the confederation of the States has served those purposes within our dominion.

Mr. POINDEXTER. Then, as I understand the petition, so far as the Senator from California states it, it would approve the ratification of the treaty of peace and the covenant of the League of Nations with the reservations that have been denominated the Lodge reservations?

Mr. PHELAN. No; the petition has no reference to the Lodge reservations or any other reservations.

Mr. POINDEXTER. It does not oppose them, however.

Mr. PHELAN. There is no word of opposition in the memorial. It is simply a memorial to the Senate in behalf of the ratification. I am sure that the ladies will yield to the good judgment of three-fourths of this body, and I construe it to be more a petition in favor of early and prompt action.

Mr. HITCHCOCK. Mr. President, as far as I know, there have been no petitions delivered to the Senate of any moment asking for the ratification of the treaty with the Lodge reservations. All the petitions have been of another character.

PRINT-PAPER SHORTAGE.

Mr. JONES of Washington. Mr. President, I have a letter from the editor of a country newspaper who asks that the matter he refers to in the letter may be called to the attention of the Senate. It is in the nature of a petition. It suggests a way to take care of the print-paper shortage. I think it is a very valuable suggestion, and one which, if followed, will meet the situation.

Mr. NORRIS. Will the Senator give an idea as to how that end can be reached?

Mr. JONES of Washington. The writer of the letter suggests that if they cut down the extra editions of the great daily newspapers in the cities to not more than two anyhow a day it would meet the situation very largely.

Mr. NORRIS. Let me ask the Senator if he makes any suggestion as to what action is necessary on the part of Congress in order to bring that about.

Mr. JONES of Washington. I do not know what we could do in that respect yet, but I think we might be able to devise some way to take care of it.

I wish to add that it is the suggestion of the writer of the letter that if there is some way by which we can cut down the size of these Sunday editions of these papers it would also take care of the situation. I remember that the Senate, I think very wisely, a year or two ago voted viva voce to cut down the size of those newspapers, but when a roll call was had they beat a retreat in a way, and it was defeated. I think the newspaper people themselves, irrespective of legislation or what we can do, ought to take this situation into account. They could well afford, temporarily at least, to cut out a lot of these extra editions in the cities, and to cut out a lot of the printed matter in the daily papers, so as to increase the supply of print paper for entirely proper and legitimate ends.

Mr. POINDEXTER. Mr. President——

Mr. JONES of Washington. I yield to the Senator.

Mr. POINDEXTER. On the subject of which my colleague has just spoken I desire to say that there is a bill pending, which I introduced, and which was referred to the Committee on Agriculture and Forestry, providing for a survey of the pulpwood resources of the United States. There has been a report asked for from the Forestry Service on the matter; I am not sure whether that has yet been returned or not; but the bill was introduced upon the basis of the assumption that one way of meeting the shortage of print paper is to produce more print paper in the United States. At the present time the United States is dependent very largely upon pulp which is imported from Canada. We have in the United States vast resources of pulp wood, but the exact location and character of those resources are not known. It seems to be the consensus of opinion of many of those who are interested and informed on the subject that if more definite information were had as to the locality of the pulp-wood forests, their character, and the availability of water and water power in connection with the establishment of pulp mills, this industry could be more largely established in the United States.

I take advantage of this occasion to urge upon the chairman of the Committee on Agriculture and Forestry that some action be taken on the bill to which I have referred.

Mr. JONES of Washington. Mr. President, I entirely agree with what my colleague has said, and I join with him in his request; but his suggestion would not meet the present and immediate situation. The suggestion made in this letter, in the nature of a petition, is intended largely to meet the immediate situation. I ask that the letter may be printed in the RECORD. I shall not read it.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE MORTON MIRROR,
Morton, Wash., January 20, 1920.

Senator WESLEY L. JONES,
Washington, D. C.

MY DEAR SENATOR: With no expression of your own, if you so choose, will you kindly bring this letter before Congress, so that it may receive the widest publicity, in order to learn the sentiment of the country elsewhere, to the end that a fearful waste may be turned into productive channels?

I have just returned from attending the eighth annual meeting of the Washington State Press Association Institute at the University of Washington. While in the city I noted what I believe to be the principal reason for the shortage of news print. It is the many editions of the city dailies.

The people in the country get one edition a day. Why are the people in the city any better than those in the country, that they should receive from 2 to 10 editions a day?

But, you say—"you" not being personal—the reason for the several editions is to enable the publishers to reach certain districts according

to train schedule, along with meeting the requirements of the city readers.

My opinion is that one, and in no case more than two, extra editions are enough for any city daily newspaper under present conditions. I believe if this policy is followed by all the daily newspapers in the United States that we shall have no trouble in securing all the news print we need at a very reasonable figure.

Yours, very truly, V. H. HONEYWELL.

Mr. GRONNA. Mr. President——

Mr. JONES of Washington. I yield to the Senator from North Dakota.

Mr. GRONNA. If the Senator will permit me, I will say to the junior Senator from Washington [Mr. POINDEXTER] that at his request the bill to which he has referred has been submitted to the Bureau of Forestry of the Agricultural Department, but up to this hour we have had no report upon it. I assure the Senator that as soon as the report is received the matter to which he has referred will have immediate and due consideration.

Mr. POINDEXTER. I thank the Senator from North Dakota.

COMPENSATION OF GOVERNMENT EMPLOYEES.

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (H. R. 5726) to fix the compensation of certain employees of the United States, reported it with amendments and submitted a report (No. 383) thereon.

WABASH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11606) to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind., and I submit a report (No. 382) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the county of Fountain, State of Indiana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, from a point in the city of Attica, Fountain County, Ind., to a point in Warren County, in the State of Indiana, at a point suitable to the interests of navigation at a place near a bridge now in operation and heretofore constructed by said Fountain County at said point, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 3722) to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River, and I submit a report (No. 381) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out "the consent of Congress" and insert "authority"; in line 4, after the words "Bridge Co.," to strike out "a partnership, to be composed of the following members, namely: A. N. Alford, H. I. Alford, and H. B. Alford, of Hart County, Ga."; in line 9, after the words "Haileys Ferry," to strike out "which is about 1½ miles from Harpers old ferry above and about 1½ from Sadlers Ferry below, both of which ferries have been abandoned"; and on page 2, after line 3, to strike out section 2, in the following words:

SEC. 2. That the right to erect any other bridge or ferry between Harpers old ferry above and Sadlers Ferry below Haileys Ferry is hereby prohibited.

And insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That authority is hereby granted to the Alfords Bridge Co., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation, at or near Haileys Ferry, in the county of Hart, State of Georgia, on the west, and the county of Anderson, State of South Carolina, on the east, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Alfords Bridge Co. to construct a bridge across the Savannah River."

Mr. SMITH of Georgia subsequently said: Mr. President, there was a bill reported this morning from the Committee on Commerce to give authority to construct a bridge across the Savannah River, and it was passed. Two amendments were placed in the bill that are not material, but which it would be preferable not to have in the bill. One is striking out the designation of the names of the firm, upon the theory that it was a corporation. It is really a partnership, and the names of the firm ought to remain in the bill. I ask unanimous consent to reconsider the action of the Senate in passing the bill, and that these two amendments may also be reconsidered. The Senator from Texas [Mr. SHEPPARD] reported the bill, and it is entirely agreeable to the Committee on Commerce that these amendments should be disagreed to. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. SMITH of Georgia. The amendments I ask to have disagreed to are in the third line, striking out the words "the consent of Congress" and substituting therefor the word "authority," and in the fourth, fifth, and sixth lines, to strike out "a partnership, to be composed of the following members, namely, A. N. Alford, H. I. Alford, and H. B. Alford, of Hart County, Ga." I ask that those amendments be disagreed to.

The amendments were rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the title was rejected.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3797) to prevent the nullification of State anti-gambling laws by international or interstate transmission of bets and betting odds on horse races and other contests; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3798) for the reinstatement of Henry Cronan in the United States Army; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 3799) for the relief of N. Thomas; and

A bill (S. 3800) for the relief of Charles Hurst; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3801) to repeal such portion of the act approved April 21, 1904 (33 Stats., 211), as relates to the exchange of certain lands; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 3802) granting an increase of pension to William E. Cornwell; to the Committee on Pensions.

By Mr. BRANDEGEE:

A joint resolution (S. J. Res. 149) authorizing the erection in Potomac Park in the city of Washington, D. C., of a memorial to those from the District of Columbia who served their country in the armed services of the United States in the Great War; to the Committee on the Library.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $536,927.37 for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Claims and ordered to be printed.

ADMIRAL WILLIAM S. SIMS.

Mr. MCKELLAR. Mr. President, I ask unanimous consent that there be printed in the RECORD an article in yesterday's Washington Times, by James B. Connolly, on the naval controversy.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Mr. President, I am not going to object in this instance, but I simply wish to say that every day or two some Senator arises and calls attention to the fact that there is a scarcity of print paper, and suggests certain means of remedying that condition. I am having prepared now a statement showing the number of speeches that have been printed as public documents at the request of Senators. I wish to call the attention of the Senate to the fact that there was one request made, simple as it appeared upon its face, for the printing of a speech as a Senate document, but the result shows that there have been 48 tons of print paper used in the reprinting of that speech that was carried free of cost of postage to the sender.

As soon as I have the information in tabulated form as to the number of speeches and documents, I am going to present it to the Senate of the United States, and then I am going to find out whether or not the Senate wants to save paper. I think the saving ought to begin with the Senate and the House of Representatives, and if it will begin there, then we will have clean hands in asking the newspapers of this country and everybody else to save paper.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

There being no objection, the matter referred to was ordered printed in the RECORD, as follows:

SIMS, SPOTLIGHT LOVER, WAS BRITAIN'S CATSPAW, ASSERTS NOTED WRITER.

[By James B. Connolly, Boston's noted writer of sea tales, who spent eight months with American naval forces abroad during the Great War and whose comments on Admiral Sims are based on personal observations.]

"BOSTON, *January 25.*

"Our Navy, according to Admiral Sims, was something of a slacker during the war. Too bad, of course, and yet, as a British born, shouldn't Sims be more grateful? Only for that slacker Navy of ours there would be no British Empire to-day, and with no British Empire and its dire needs there would be no Sims.

SIMS IS COLONIAL BORN.

"Sims is a natural development. First, he is colonial born, and colonials of English descent will fight for empire and royalty long after such things have become a joke in the old country. Secondly, he is a politician; and thirdly, he is a publicity man—publicity for Sims. He is an admiral to-day, one of what they call the indoor admirals; yes; but it is the other three that are and have been the working influences with him.

"It was at a banquet in London in 1910 that Sims arose and said that he, a captain, in the United States Navy, could assure all present that in the event of that war which could not be much longer postponed England's great backer would be the United States.

"They need have no fear when the time came, America's last man, last dollar, last pound of steel would be at England's call.

"This started something. Sims was reprimanded—not too severely—by Washington. Other naval officers wished that somebody would get up a little manual on professional ethics and good taste for the shouters of the Sims type—either that or choke them before they got to the third class, and the laity wanted to know who was this new politician in their Navy, and so on.

"Sims got it right and left, but he knew what he was saying and why he said it. The English propaganda was going good then. There was a German propaganda, too, but as against the force of the British it was as a little brooklet to a great river.

"Students of history speak of England as old and senile, and military men rate the English Tommie a first-class specimen of a dub on the firing line, but they all must hand it to England for one thing: The finest job of propaganda in the world's history, and put out by England prior to and just after our entry into the war.

"Sims knew what he was doing. Men who could tell him better than anybody in the world just what effect England's propaganda would finally have in this country were right there at that dinner in London while Sims was talking, and Sims was making no mistake.

"All over the English world that speech was quoted, and the name of Sims established as the one American naval officer who could be depended upon to play England's game when the time came.

"And when the time came and English influence put him where he could play it, he played it. And he is playing it right now when he is depreciating the work of our Navy in the war, because to say we did the less is to prove that England did the more.

"Except as an instrument for somebody else's purpose we need not take Sims too seriously. He is a subtle politician and has always been crazy for publicity. We have in our Navy scores of officers who are constantly doing fine things to better the service. The public does not hear of this type, because it is against the ethics of the service for naval officers to tell the public about themselves.

"But the Sims type does not work that way. Some years ago he was one of a group of younger officers who were insistent on the adoption of certain British ideas in gunnery matters. Later the naval battles off Chile, Falkland, and Jutland tended to show that we should have paid more attention to what the German ideas were; however, every officer I spoke to at that time said the British ideas were good and they were for them.

WHISKERS AND PRESS AGENTS.

"Quite a few of our officers worked hard for better gunnery in our Navy at that time, but the only officer's name that I ever saw in print about it was that of Sims. Even in those days I saw Sims's name so often in print that I once asked two naval friends of mine who his press agent was.

"Later he did have press agents on his staff—I know one of them quite well—but at this time I doubt if he had one regularly with him. He wore a fine set of whiskers, which is all I can remember of his looks then—whiskers when every other naval man in the place was clean shaven—and behind the whiskers an expression as of a man who would wear a nose ring, if need be, to win notice.

"He wore the nose ring later; he is wearing one now.

"The next time I met Sims was in London after he went to war. There were officers who ranked him, and among them several who were better qualified than Sims for the billet for commander in chief of our naval forces in European waters; but the publicity for Sims had been framing up for just this crisis, and it was Sims that Washington sent over.

"Daniels has no use for Sims, nor Sims for Daniels, and naval officers generally are not in love with Sims; then how did he come to get that billet? Somebody could tell that.

GORGEOUS FLUNKY AT DOOR.

"When I first went into the American admiralty in London in 1917 and the door was opened to me, I stepped back on the porch and took a peek up, to make sure it was the American and not the British flag that was over the door.

"Sims's quarters were handy to Buckingham Palace, and I thought for a moment when I was faced by this gorgeous British flunky at the door that I must have gotten into the palace grounds somewhere. Sims heard so much about that gorgeous doorkeeper that later he put an American marine in his place.

"However, there Sims was in London, with a press agency working double tides for him. He was the greatest fellow over there; yes. He had once been in command of the combined British and American fleets, which turned out to be all bunk when I got over there; but it is interesting now, because Sims himself censored American naval news from London, and the bunk about his commanding the British great fleet must have passed through his own hands.

"However, I did think he held some naval authority over there. But the English may tell a man what a great reinsman he is, but they hold the reins themselves always.

"I came with all the needful credentials as a naval correspondent to cruise with the destroyers, but Sims had to tell me—he confessed this in the presence of a witness—that he had no power to put an American correspondent aboard an American destroyer for a cruise in war time. The British Admiral Bayly only could do that.

THE GREAT ADMIRAL BAYLY.

"This Admiral Bayly, who was then in charge of our naval forces, was certainly a fine specimen to put over anybody. It was of Bayly they told the story that early in the war he was called into conference on the U-boat threat. 'U-boats?' said Bayly. 'Gentlemen, it is foolish for anyone to say that the U-boats will ever amount to anything. Disregard them utterly.'

"Fine. It was because the U-boats had them all on the run that our destroyers had to hurry across. But there was old Bayly running our naval show and Sims subordinate to him.

"I have always discounted Sims's professional batting average about 100 points because of the press bureau behind him, but he surely had more brains than Bayly. When an American correspondent arrived at the naval base and Bayly's aid came around to look him over it was not of his professional qualifications that the aid inquired; what the aid wanted to know was how he stood on the Irish question. A fine old mossback, Bayly, but he was the boss.

"No American destroyer could so much as shift her moorings in Queenstown Harbor without first securing permission of Bayly. When Admiral Wilson took over the command of our naval forces in French waters our fellows took their orders from Wilson and nobody else. Why not from Sims, too? Is it that they did not trust us, or is it that they did not take Sims seriously as an admiral; they made him, yes; but not to be any commanding admiral. Then what?

THAT FAMOUS U-BOAT BATTLE.

"All naval press censorship was in the hands of the British Admiralty, of course, though naval matters from American sources over there were supposed to go through Sims. Early

in the Sims régime came the famous attack on Secretary Daniels's so-called Fourth of July story of the U-boat attack on one of our early convoys. That story was meant to bring Daniels into ridicule, and without stopping to ask where it came from and what was the motive behind it, most of our papers printed it. It is no use for Sims to say to-day that he never saw the dispatch.

"It came to the press in the regular way and no member of Sims's staff would dare to pass it without the boss seeing it. In letting that dispatch go through Sims was disloyal to Daniels, his chief, and disloyalty in wartime is bad business, but somebody over there must have wanted it to go through, so through it went.

"Sims put many a thing through for them over there. A naval officer is supposed to steer clear of political questions. Admiral Bayly devoutedly hated the Irish. He ordered an American correspondent to be held two weeks in London one time, because he bore an Irish name, and he did not think it safe to allow a man with such a name to be in Ireland while there was an Irish convention going on there.

"From Queenstown, where Bayly presided, came a fine lot of propaganda against the Irish. It was pure bunk that our gobs did not get along well with the Irish people. The trouble was that our gobs and the Irish got along altogether too well.

IRISH GIRLS LIKED OUR BOYS.

"Five months after our first destroyer steamed into Queenstown 48 American bluejackets had taken out licenses to marry Queenstown girls, which is pretty good going for a small force in a few weeks. Gobs on liberty could be seen waving Sinn Fein flags.

"I didn't know that they were all so strong for the Sinn Feiners. It may have been they wanted to show that they had no use for the 'Limie.' There was but little mixing it up in Queenstown between our gobs and the British sailors, the Limies not being in sufficient numbers there to give battles; but elsewhere, with the British predominating, there were constant mix-ups.

"Our gobs may have brought but they did not use knives in fist fights; and more than one of our fellows was found in the gutter with a knife in his back. The American gob loved the English 'Limie' about as well as the American doughboy loved the British Tommie—ask any doughboy how well that is—but according to Sims our fellows and their fellows were the lovingest ever.

"Propaganda always, and Sims always on that job. The British gang of politicians, who were running the British Empire, had every now and then to prove to the public that their selections for big jobs were great men.

SAYS JELLICOE WONDERFUL.

"Sims says Admiral Jellicoe was a wonderful man. Jellicoe was put in command of the British great fleet about the same time that the politicians put that other flivver, Gen. French, in command of the British Army in Flanders.

"Jellicoe replaced Admiral Callaghan. I do not know who Callaghan is or was, but his name sounds as if he might at least fight. Didn't Jellicoe fight?

"He has written a 600-page book of what he did in the war. It is a 600-page alibi for 'safety first.'

"He came within range of the enemy with a tremendous superiority of ships, men, and weight of metal over the Germans; and what did he do when he found himself within range? Did he close in and clean up? He did—not.

"What did he do? To put it in his own delicious phrase, he 'opened the range.' To put it in the language of the laity, he increased the distance between himself and the enemy. To put it in the language of the American gob, he beat it. Ran away? Well, what do you think?

"According to tradition, the British Navy is wonderful. Invincible; yes. But here was a mess. Well, they had educated up the public before, and could do it again. And they did. As a result of the propaganda which followed the Jutland fight, there are people over here who think that the British won that fight.

"Every naval man knows that the Germans gave the British an awful walloping at Jutland, and that Jellicoe's part in it was a disgrace, but our Admiral Sims boosts him, and why is that? Does he have to do things like that to hold his place, or what is it?

"'Let Jellicoe run away, let French have his joy parties in Flanders, but keep our own gang in power'; that seemed to be the war cry of that London gang. 'Let everything happen, we'll fool the public after it happens.' And they were fooling a lot of them, too.

THE BRITISH WERE LICKED.

"Six months before we were drawn into the war they were licked, and were hanging on by their toes till we got going, and yet when our fellows went over there they heard on all sides:

"'Now, that we've won the war the Yankees 'ave come.'

"Was it any wonder that wherever any of our fellows were camped in the British Isles they took to going around and beating up 'Limies' and Tommies?

"In England, while the armistice was pending, Sims gave out figures tinctured with that same spirit with which he is now depreciating the work of our Navy in the war. He gave out figures in London in October, 1918, to show how many millions of troops the British escorted safely to France. Great! Across the narrow British Channel, with a solid line both sides to protect them.

"We took our ships across 3,000 miles' stretch with U-boats working both sides without losing a man. Two hundred and odd of our soldiers were lost on the *Tuscania*, but she was under a British, not an American, escort.

ANOTHER BANQUET FOR BRITISH.

"Sims gave out figures to show that we were beholden to British ships for getting 66 per cent of our men across. (Incidentally they put in a bill for $160 per man for that service, which price we cut in two when we settled the bill.)

"But where is the 66 per cent when Washington has officially declared that our own ships took over 46 per cent and that French and Italian ships also took some?

"Why does he say such things? He told in print of the hundreds and hundreds of British—war craft he calls them—engaged in the war defense, and compares the magnificent total to the few scores we had over there—ours amounted to 3 per cent, or something like that, of theirs.

"But he does not say that every ship we sent over was a live unit, and that hundreds and hundreds of the British craft were ridiculous little things that could not leave the harbor in any kind of blow. Mounted with 1-pounder guns in the bows many of them were, and with a sea chop 3 feet high they could not fire a shell and say, half the time, would it hit the sky or be dumped in the swash alongside.

SIMS DISLOYAL TO DANIELS.

"He does not emphasize the fact that the great lines of sea traffic converging in the Bay of Biscay, the English Channel, and the south entrance to the Irish Sea were guarded by our fellows, and that that work, combined with the work of laying the great mine barrage in the North Sea—80 per cent of it laid by our Navy—was what broke the U-boat back.

"No; he does not say that, and why not?

"Sims was disloyal to Secretary Daniels in war time and he is disloyal to him now. His admiralty headquarters in London were rotten with the backcapping of Daniels.

"He says now that Daniels should have taken more destroyers from the guardiancy of our own coast and sent them over to help him. He says that notwithstanding that it was the London gang behind Sims who spread the propaganda early that if we did not go over there and help lick Germany, then Germany would be over here to lick us. But now he says there was never any danger to our shores.

"Perhaps there never was, and yet at this time when Daniels thought a few destroyers would do no harm along our own coast, the U-boats were working, had been working, and it was a fair judgment to say they might continue to work for another while on this side.

GRAVE PERIL IN ARMCHAIRS.

"Sims right now is telling the public that our seagoing Navy did not do so much. The great work was done by him in London. Of course, our men did fairly well at sea, but what is that? And they probably did that because they did not know any better; if they knew better, they would have got billets where their greatest danger would be of getting splinters in the seat of their trousers from revolving too carelessly in office chairs.

"Distinguished-service medals for the commander of a destroyer which was torpedoed with a loss of 60 of his 100 men in two minutes. Tut, tut; pooh, pooh!

"Such things are accidents. No matter how well he behaved afterwards? No matter; still an accident.

"But D. S. M.'s. Oh, yes! for the brave chaps who were dining with the King, running around to music halls in London, and posing, sometimes an hour at a stretch, for the movie cameras.

"Why does he say and do those things? Well, he is British born. Have you ever met the kind of British born who never becomes a good American? It is pretty hard to shift a real

Englishman. His sense of racial superiority is his religion. Our Army and Navy saved England from being a German Province, and she knows it and will never forgive us for it.

"But it is not the British born alone. We have with us right now some American born who are something else first and American second. And they are a real menace.

"I was over there when Sims brought to a big dinner in London one of our best-selling little novelists as his guest. Winston Churchill is his name, and at the proper moment Mr. Churchill arose and said:

"'Let me assure you gentlemen here to-night that there is not one American citizen but who stands ready to shed the last drop of his blood before he will see the British Empire go down.'

THE GLORY OF BRITAIN.

"How is that? Does it sound like an echo from Sims at a dinner in the same place in 1910? It was printed with acclaim in the London daily papers next day.

"It may be fine reading for the gob at the naval base, too. I was in Our Men's Club in Queenstown when some of them read it.

"'Great! We thought we came over here to make the world safe for democracy, but it is to save the British Empire, is it? Great!'

"The glory of Britain—that's the game. And every belittling of what we did in the war is a magnification of what Britain did. And Britain having done it all, why should she not by and by grab all she cares to grab? Why not? Hasn't she earned it? And planted away in nearly all our big dailies and many of our periodicals are advocates of that idea.

"And they are the one biggest menace to Americanism to-day. With them it is the knife—sometimes openly, sometimes from out of the dark—for whoever dares to advocate otherwise. But, hallelujah for those who talk right.

"And so to hell with the American Navy! To hell with American prestige! All up for the empire! Hallelujah for the Simses!"

ADDRESS BY JOHN J. MAHONEY.

Mr. WALSH of Massachusetts. Mr. President, I ask to have inserted in the RECORD a copy of the remarks of John J. Mahoney, supervisor of Americanization work under the department of education of the Commonwealth of Massachusetts, before a group of educational workers.

Massachusetts has already been undertaking this work very vigorously and has appointed an enthusiastic and able young man as State supervisor of this work and appropriated a substantial sum of money for the same. The views of Mr. Mahoney on this question are most interesting, and I deem them worthy of insertion in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Remarks of John J. Mahoney, supervisor of Americanization work under the department of education of the Commonwealth of Massachusetts, before a group of educational workers.]

PUTTING AMERICA INTO AMERICANIZATION.

"The teaching of English to immigrants is the first step in the Americanization of those immigrants. But what is Americanization? Stripped of all beclouding verbiage, it is simply the business of making Americans. It is the business of instilling into the heart of everyone who inhabits American soil those ideas and ideals, those attitudes, convictions, and points of view that the real American believes in and swears by and reveres. But what are they, these things of the American spirit? Americanization is the business of making good citizens. But who is the good citizen? Americanization is the business of making these United States safe for democracy. But what is democracy?

"Very, very hurriedly and with the most abject apologies for the doctrinaire tone that this haste compels me to assume I am going to answer these question for the purpose of pointing out things that teachers, in my experience, give little evidence of knowing, but which they must know if they are really to Americanize.

"Democracy is a state of human relationship which, generally speaking, does not exist in the world to-day. It is only approximated. For the purpose of clearness we make speak of it as having three aspects; three fields in which it operates:

"(1) Political democracy is best set forth in Lincoln's phrase—a government of the people, by the people, for the people. It carries with it the connotation of rights and opportunities, duties and obligations. We have a considerable measure of this type of democracy in the United States.

"(2) Social democracy—I use the term as the best that occurs to me—is an affirmation of Burns's stirring challenge, 'A man's a man for a' that.' It denies an aristocracy either of birth or wealth. It recognizes an aristocracy of worth and fineness of spirit only. We can stand in actual practice considerably more of this type of democracy in the United States to-day.

"(3) Industrial democracy is a demand that wealth, which is produced by the cooperation of capital, labor, and the skill of the 'entrepreneur,' be distributed more equitably among those several agents. Unrestrained capitalism is answered by unrestrained Bolshevism. Industrial democracy, the doctrine of the economic 'square deal,' is the safe middle-of-the-road policy which points the way to the economic uplift and the enduring happiness of society as a whole.

"And what are our American ideas, ideals, and points of view? Despite the fact that our America is yet an imperfect thing, despite the fact that thousands of American citizens give the lie in their lives and in their practices to the principles we profess in moments of exaltation, there are certain things that America stands for foursquare to the winds of the world. We know this country for the land of opportunity. We believe that citizenship means duties and obligations as well as rights and privileges. We believe that equality means not a leveling, but the right and the chance for every man to develop the utmost that is in him for the common good. We believe in a representative form of government and in a wise choice of capable leaders. We are committed to the principle of majority rule. We stand for voluntary obedience to lawful authority. And we hold to the conviction that while we keep God in our hearts America endures.

"Do our teachers teach these things? Hardly. In our advanced classes we teach history and citizenship, indeed. But practically every text in civics or citizenship is either a story of the functions of our Government or a dry-as-dust catechism on our Federal Constitution, which does not touch the immigrant's daily life by the margin of a 10-foot pole. And our history is taught as in the day schools, the concatenated story of past events, as if a knowledge of history or a knowledge of civics, either, ever made a good citizen.

"Do not misunderstand me. Knowledge of history and of civics is an important factor in the teaching of Americanism. But the inculcation of an enthusiasm for Americanism is better; and this enthusiasm is not engendered by the type of the texts now used. Better even than enthusiasm is the opportunity for participation. I liked what Mr. Goldberger said yesterday about the socialized evening school. A man learns to be a good citizen by being a good citizen. The socialized evening school gives him a chance to exercise those habits and traits and attitudes of citizenship which mark the citizen worth while; and I offer the suggestion that if history were taught in the evening schools in this same dynamic fashion it would approximate more closely the end it is supposed to serve. History is a subject that surely more than all others should be the medium for instruction in citizenship, but it can not fulfill this function until schools everywhere and evening schools in particular cease teaching history merely as the record of past events. History is valuable mainly for the light it throws on present-day problems. It should be taught not for its facts but for its values. If I were a director of evening schools, as I was for a good many years, I should begin a course of study in history for advanced classes not with the year 1492 or 1776 but with the year 1919. My classes would study, for instance, 'The meaning and worth of liberty.' Consider the investigation of this problem, beginning, if you please, in the year 1919 with an analysis of liberty, autocracy, license, Bolshevism as these concepts can be interpreted in the light of the student's reactions and opinions. The past is then called upon to tell the story of liberty—just that—how it was won for America and what it has cost us in blood and sacrifice and treasure. The lesson would be the incalculable value of it and the sacredness of the gift handed down to the citizens of a present-day generation. Similarly an investigation of 'Democracy and its problems,' illumined by the story of the slow advance that democracy records, would give students a background for understanding not only the ultimate inevitability of democracy but its perils as well. Such treatment, in my opinion, makes history a very purposive study indeed; and the purpose, the goal, is the teaching of citizenship. No other purpose is worth the time expended.

"I must stop. Have I made clear what I mean by putting Americanism into Americanization? Boiled down, it means that after the language barrier has been swept away the teacher must be able to interpret America to the immigrant in terms not of information alone but in terms of ideas and ideals, of convictions, attitudes, and points of view. To do this properly she must know her America, its lights and shadows, its successes and weaknesses, its groping yesterdays and its promising to-morrows. To do it properly she must know how to use her teaching materials in a dynamic way. Teacher trainers

for the problem of Americanization must look upon this as their most vital task. If you get this thought from what I have tried to say this morning, then my discussion has not failed too abjectly."

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

PREVENTION OF INFLUENZA.

Mr. FRANCE. Mr. President, I ask unanimous consent to take up for consideration Senate joint resolution 76, Order of Business No. 199. It is a joint resolution which I think it is imperative to have passed at once.

I ask that the joint resolution be read, together with a letter from the Secretary of the Treasury, relating thereto.

Mr. WADSWORTH. Mr. President, may I ask whether the joint resolution is on the calendar?

The VICE PRESIDENT. It is.

Mr. FRANCE. It is Order of Business No. 199.

Mr. KING. Let it be read, Mr. President.

Mr. SMOOT. Mr. President, I take it for granted that that is the joint resolution which appropriates a million dollars for the investigation and prevention of influenza.

Mr. FRANCE. Yes; it is.

Mr. KING. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. FRANCE. I hope the Senator will allow the letter of the Secretary of the Treasury to be read before he objects. The Public Health Service is entirely without funds for meeting a very serious situation, a threatened epidemic; and I feel that the Senator should at least hear the joint resolution and the letter of the Secretary of the Treasury read before objecting. Will the Senator kindly withdraw his objetcion?

Mr. KING. Mr. President, I will withhold the objection until I hear the letter to which the Senator refers; but I think we ought to proceed with the calendar before taking up this bill. This is Calendar Monday, and we should not displace the calendar. Upon the conclusion of the hour devoted to it, I shall not object to the Senator moving to take up his measure.

Mr. FRANCE. I appreciate the feeling of the Senator; but we may not reach this joint resolution to-day on the calendar, and I think it would be very unwise to let several days elapse before we take action upon it.

The VICE PRESIDENT. The letter will be read.

The reading clerk read as follows:

TREASURY DEPARTMENT,
Washington, January 24, 1920.

Hon. JOSEPH IRWIN FRANCE,
United States Senate, Washington, D. C.

MY DEAR SENATOR FRANCE: From all indications a recrudescence of last year's epidemic of influenza is now imminent. Influenza is already present in epidemic form in New York, Chicago, and other large centers of population. Its rapid spread from these centers to all parts of the country seems highly probable in view of the natural history of influenza epidemics.

Owing to the seriousness of the situation allow me to invite your attention to the urgent necessity for providing, at an early date, funds for the investigation of the cause, mode of transmission, and means of prevention of influenza and allied diseases, as provided by Senate joint resolution No. 76, now on the Senate Calendar. Some action is urgent at this time because up to the present time we are without specific knowledge as to preventive measures. The epidemic fund, in which influenza is included, is practically exhausted because of the expenditures made in controlling the outbreak of bubonic plague in New Orleans.

May I ask you, as chairman of the Committee on Public Health and National Quarantine of the Senate, to take such steps as you may deem expedient to meet the situation?

Cordially, yours,

CARTER GLASS,
Secretary.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. TOWNSEND. Mr. President, I do not understand the particular need for the appropriation that has been suggested, but I do know that this is a matter that has been under discussion for some time. Early in the summer I wrote to the Surgeon General, asking what steps had been taken or what means were being employed to prevent a recurrence of the epidemic of the "flu." I can conceive of nothing of more importance than the application of all proper means to the prevention of this disease. The Surgeon General informed me that they were working at it as far as the funds that were appropriated for that purpose would permit. I think it would be a crime to refuse this appropriation if in fact it would prevent the spread of this disease or mitigate its ravages.

I am not familiar with the particular needs of the Health Service. I know it asks for aid. I am not sure that good will come from the expenditure, but I hope it will. I must necessarily rely upon men who are familiar with this matter. We can not well afford to neglect a matter of this importance, because we all know the devastation which was wrought in this country last year and what now threatens. It would be wiser to err in expending money than in neglecting human life.

As I said, I am not prepared to speak with authority as to the necessity of an appropriation of $1,000,000. I think I am prepared to support any measure which may reasonably promise relief or safety in the present emergency, which is serious. The object, of course, is to benefit men and women instead of hogs or cotton, although I submit that ought to weaken its support.

Mr. KING. Mr. President, I shall not object to the consideration of this joint resolution. I have been one of the victims of the influenza myself, and just got out of a sick bed to come to the session to-day in order to vote against the so-called Americanization bill.

I do object to the constant encroachments of the Public Health Service organization. It has bureaus, not one dozen but several dozen, which are attempting to invade the States and usurp their powers and authority and discharge the responsibilities resting upon them. A mighty army of employees has been created, and a Nation-wide plan is being developed under which the lives and health of the people will be placed under Federal control. We will soon have the United States furnishing doctors and nurses and hospitals for all the people, with the consequent result of hundreds of millions of dollars being taken annually from the people.

I picked up on a Senator's desk a moment ago the Christian Science Monitor for January 23, and I read in the editorial—and let me say that I have found the statements of this paper to be reliable, and it is one of the best newspapers in the United States—these words:

> At the invitation of the State department of health, it seems, the United States Public Health Service is to make a State-wide survey. One of the first steps in the investigation is to be a house-to-house canvass. A physician and a public-health nurse are to call at each house where there are children who have not yet gone to school. School children will also be examined so thoroughly that a card index of their health histories can be made. The whole crusade is for the purpose of inducing each community, not only in Missouri but everywhere else in the country, to make this work permanent. In other words, this one State is to be made, for the present, a great experimental laboratory for the purpose of suggesting to the populace the latest theories. Truly, parents and children alike will need to keep wide awake in order to avoid being imposed on.
>
> This modern imposition and inquisition shows how all the seemingly slight and harmless encroachments of schemers for this sort of thing are now being coordinated and extended as people 10 years ago would hardly have dreamed would ever be possible.

And so on, through a very interesting editorial.

That merely illustrates what the Federal Government is doing. The so-called Americanization bill is simply one of the symptoms of this deadly and destructive disease which is taking possession of the country. The Federal Government must go into the States; if there is a little outbreak of so-called un-Americanism, the Federal Government must interfere; if there is a little illiteracy in some precinct, the Federal Government must interfere; if there is any ill to which flesh is heir or society is subject, the Federal Government must interfere; if some disease manifests itself which physicians are dealing with in a scientific and rational way, the Federal Government must interfere. You will always find cranks and faddists in the Federal Government service, and ambitious persons holding Federal positions, anxious to extend their authority and augment their prestige and power, who will seize upon these sporadic conditions as an excuse for demanding immense appropriations and creating additional Federal machinery.

Here we have in the editorial to which I have referred an exemplification of this powerful tendency. The Federal Government, through this health service, is to go into the States, take a card index of the children, ascertain their infantile complaints, find out whether they are teething or whether they have the croup, how the teeth may be best cut and the croup may be best avoided. It assumes the utter incapacity of the people to deal with their own affairs or the States and local communities and the doctors and hospitals and the people to meet the duties and responsibilities resting upon them. The people are to be treated as hothouse plants and a heavy-handed bureaucracy is to control and direct their lives and activities. Of course, the program calls for hundreds of thousands of additional Federal employees. Soon there will be but two classes—those working for the Government and those paying taxes to the Federal Government.

Mr. President, this joint resolution offered by the Senator from Maryland is in line with this theory that the Federal Government must put its hands into the States, control their health, control their schools, control their public welfare, and discharge the police functions of the States themselves. I do not know how many millions of dollars have been given to the Public Health Service. I do not know how many bureaus or agencies or divisions there are within it. I know that the senior Senator

from Utah [Mr. SMOOT] gave some attention to that matter some months ago and obtained figures as to the large appropriations made. Millions of dollars have been given to this organization, and it still wants more, and if you give it this million dollars it will want five million. Indeed, the joint resolution, as I see, called for $5,000,000, but the committee recommended an amendment reducing the amount to $1,000,000.

If we were to leave to executive agencies the question of the amount to be expended by them, they would tax the people to the point of destruction and provoke a revolution. There would be no limit to the inordinate demands and the ambitious schemes which they would make and project. The Public Health Service Bureau of the United States has become a huge organization and a powerful bureaucracy; it is crying for more power and larger appropriations; it is becoming an oppressive paternalism, and will soon be a meddlesome, offensive, and, indeed, dangerous force in the Nation.

I see no necessity for this measure. I shall not object to its consideration, but at the appropriate time I shall move to cut down the appropriation to $500,000, and unless further reason appears for its passage shall vote against it.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

Mr. HITCHCOCK. I should like to ask the Senator from Maryland what amount of money was appropriated last year?

Mr. FRANCE. I think it was about $1,500,000.

Mr. HITCHCOCK. Then, can the Senator state what good was done with that money, what advance in science was made by the use of it?

Mr. FRANCE. The officers of the Public Health Service feel that a considerable amount of information was gained with reference to the nature and spread of influenza. Unfortunately the causes have not been fully determined, nor has the nature of the disease been fully ascertained; but the study of the disease, I think, should go on. I feel that it is most important that at least some sum be placed at the disposal of the Public Health Service at this time to pursue the investigation.

Mr. HITCHCOCK. Mr. President, it seems to me that when we come to the matter of spending a million dollars, after having expended a million and one-half last year for the purpose, we ought not to vote until we know what was done with the million and a half and what was accomplished. It is too important a matter for us to expend another million dollars on without knowing what results were obtained from the expenditure of the first million and a half. Of course, this disease will be studied; it is being studied; but it is easy enough to waste a million or a million and a half dollars if it is not carefully looked after by Congress, and it is not being carefully looked after by Congress if it simply votes the money without knowing what has been done with what was appropriated last year.

Mr. NORRIS. Will my colleague yield?

Mr. HITCHCOCK. I yield.

Mr. NORRIS. I am not able to give the Senator the information directly that he has asked for, but I believe only a portion of the money that was appropriated last year was used for the study of the "flu." I understand it was under some such general term as "contagious diseases," and a great deal of it was used for the investigation of other diseases. However, I may be wrong about that.

Mr. FRANCE. A very large proportion of the fund was used for the prevention of the spread of the bubonic plague in New Orleans.

Mr. NORRIS. Yes; I so understand.

Mr. HITCHCOCK. I would like to ask the Senator if the joint resolution could not go over for a few days until he can procure from the Public Health Service a statement, for the benefit of the Senate, as to what they have done with the money and what they have accomplished by its use?

Mr. FRANCE. I must say, in answer to the Senator, that I sympathize very much with the position which he takes. If I had my way I would insist that every department to which an appropriation was made for investigation purposes should make a report upon the findings at the time of asking for an additional appropriation. I think that is sound public policy.

At the same time, I do feel that this is an emergency measure, and that some sum of money should be placed immediately at the disposal of the Public Health Service, even though the sum may be smaller than that provided in the joint resolution, in order that the work may go on; and then we could ascertain more fully as to the uses to which the fund was put last year before appropriating a larger sum. I hope the Senator will allow at least some appropriation to be made by the immediate passage of the joint resolution.

Mr. HITCHCOCK. The trouble is that the money is put at the disposal of this bureau to use practically in its own discretion. It has made no report as to what it did last year, as far as I can ascertain, and I think that is a very reckless way for Congress to legislate. We should at least first have a definite report as to what was done last year and what was accomplished by the use of the money.

Mr. SMOOT. The Committee on Appropriations appropriated $400,000, not only for an investigation into the causes of the "flu" but of other diseases of an epidemic nature.

During the meeting of the committee in which this request was made, Gen. Blue, of the Public Health Service, made a statement to the committee as to how the money had been spent. It was spent in the different States of the Union, and a portion of it went to Alaska. They sent experts, as they claimed, into the principal cities of the country in which the "flu" was raging. I think I am well within the bounds when I say that nothing particular has been discovered as to the cause of the disease by those investigations, but they have at least instructed the people that the patient must keep warm and must be properly fed.

Mr. OVERMAN. Mr. President, I want to say, for the benefit of those who are making this investigation, that I was told by a judge of a superior court that in the mountain country of North Carolina they have discovered a remedy for this disease. They say that common baking soda will cure the disease; that they have cured it with it; that they have no deaths up there at all; and they use common baking soda, which cures the disease.

Mr. SMOOT. I was going to say, Mr. President, that the joint resolutions originally introduced proposed to appropriate $5,000,000. The committee saw fit to cut the amount to $1,000,000, and I think perhaps the suggestion is a good one now made by the Senator from Maryland [Mr. FRANCE] that a smaller amount be made immediately available, so that they can begin the investigation of the causes and prevention of the disease in some of the large centers that are at present afflicted with the "flu." I believe that $250,000 is all that the Senate ought to appropriate at this time, and in the meantime perhaps we can find out something about what the result of the past investigation has been.

Mr. KING. Will my colleague yield?

Mr. SMOOT. I yield to my colleague.

Mr. KING. Is it not a fact, I would like to ask my colleague, that to-day in the medical laboratories of our country there is being made a study of influenza, as there is of cancer and of other diseases, and that the most far-reaching results are being obtained by the scientific study which is being made by the devoted men who are giving their lives to the study of these questions, and that without aid from the Federal Government?

Mr. SMOOT. There is no question about it, Mr. President. I can not see why the Public Health Service can not do this work and pay for same out of the original appropriation as well as to pay for the work referred to by my colleague. What Senator or what Representative thought that he was voting for an appropriation authorizing the Public Health Service to go into the State of Missouri, as was just referred to by my colleague, and referred to by me on the floor of the Senate over a month ago, to care for the teeth of every school child in Missouri and to see if their ears need attention and if their eyes are affected in any way? Mind you, it is not only to make an investigation, but they are to remain there, and the school children are to be treated by the officials of the Government of the United States.

Mr. KING. Mr. President——

Mr. SMOOT. Missouri is only to be an ensample. It is to spread from Missouri to every State in the Union, and nobody can tell what the appropriation will be if that is undertaken.

So if we are going to do this work at all, I hope that the Senator having the joint resolution in charge will not insist upon an appropriation of more than $250,000.

Mr. HITCHCOCK. Mr. President, the Senator from Maryland has indicated that he would assent to such a change in the joint resolution, and I suggest that we get it out of the way.

Mr. SMOOT. Then, I am willing.

Mr. TOWNSEND. Mr. President, I shall not object to whatever the Senator from Maryland, who has charge of the joint resolution, may consent to, but when I consider that here was an unknown disease which destroyed in a very few months more men and women in the United States than were lost in the Great War on the part of the United States during the time we were engaged in it, when I think of the appalling condition which threatens us to-day, and then consider that we are asking for a million dollars that the department of the Government

with which we have trusted at least the health condition of the country may make this investigation, I think that we are now haggling, as laymen, as to whether they can accomplish anything or not, or whether possibly they have proceeded as we, as laymen, would ask them to proceed. It seems to me that we are entirely technical. I shall not argue and spend the time of the Senate, if these wise gentlemen want to stop this appropriation, because we ourselves have neglected to provide the means for reports from the Public Health Service in the past. If you want to do it, I shall not object to it, but as far as I am concerned, sir, I think it is a duty we owe this country to take advantage of such means as can be employed to preserve the public health from this great scourge which, I repeat, has killed more people than were killed in the Great War so far as America is concerned.

I would like all the information that Senators desire. I took this matter up early, because I felt then it was the duty of the Public Health Service to investigate and see what could be done. I think they have been reasonably active. It may be that they have not accomplished direct results—that is, results which have ended the plague—but they have made some advance, and the Senator from Utah, I imagine, if he could preserve his own life or the life of one of his children by the Government spending a million dollars would not object to its being done. I do not know whether it can be prevented or not, but I think this is a sensible thing to do, when the Secretary of the Treasury and the Public Health Service ask that it be done.

Mr. KING. Mr. President, my experience is that the activities of the Federal Government are never very valuable, either along the line of public health or anything else. The fact that some Cabinet officer or some other official of the Government has made a recommendation for an appropriation never comes with any very appealing force to me. I know the incompetency and inefficiency of many of the men in high official position, and I know the grasping desire of officials of the Government in executive departments to extend their authority and their power. It is anything for appropriations, and they will talk about the old flag and an appropriation as long as they can get appropriations out of Congress.

Mr. President, on the 1st of October, 1918, we appropriated a million dollars for this particular purpose, "to enable the Public Health Service to combat and suppress Spanish influenza and other communicable diseases by aiding State and local boards of health, or otherwise, including pay and allowance of medical and sanitary personnel, medical and hospital supplies, printing, and clerical services and rent in the District of Columbia and elsewhere." Of course, you must take care of the new offices that will be created and the new rooms that must be furnished. We appropriated a million dollars. What became of the million dollars? What is there to show for it? What benefit has been derived? Where is the report?

Those questions, Mr. President, have not been answered, and I doubt whether they can be satisfactorily answered.

Mr. SMITH of South Carolina. Mr. President, in my own State during the prevalence of the influenza last year, when, on account of the conditions of the war, a great many of our physicians had been taken into the service, leaving almost an inadequate number, the influenza, when it struck our State, struck us unprepared, because of the fact that we did not have a sufficient number of men trained and of medical skill, and the doctors themselves, as the Senator knows, were among the first victims of the disease.

When it reached its acute stage in my State, I stand here to-day to testify that the Federal medical service was of incalculable benefit in providing the means of abating it. They cooperated with the local authorities in getting physicians, in providing nurses, in giving directions as to isolation, and in what little treatment was given, because the Senator knows none of them knew exactly what was the ætiology of the disease. The germ had never been isolated. The disease was of such national character and the scourge was so great and appalling that I think it justifies the Federal Government in taking cognizance of it and doing all that it can to stamp it out or even to ameliorate its ravages.

I do not know how much money is needed; I do not know whether or not the Public Health Service have been in a position where they could make a report as to what they did with the other million dollars, but I do know that in my State they were of great benefit to the people. This scourge, as was indicated by the Senator from Michigan [Mr. TOWNSEND], is so appalling in its nature that if it regains its virility it means that which is equivalent to the devastation of war.

I do not know whether a million dollars or two million are needed, but I do know that in the face of the suffering of the people throughout the country it can not be absorbed by local communities.

I agree with the Senator from Utah [Mr. KING] that where there occurs an unfortunate condition the local communities ought to be allowed to absorb it if possible. I deplore this tendency to run to Congress for relief from every little misfortune that may occur, but when it is as national in scope as this, and as terrible in its effects, if there is anything that justifies cooperation in the work of the whole United States in a governmental capacity to meet it, this is one. There is hardly a home that is not visited now by this miserable disease, and I do not think it is a time for us to question the experts who come and ask that we do something to help the public at large.

Some of those who are on the committee may have heard the evidence; I do not know what disposition was made of the other money, but I do know that it is our duty to meet this situation as we may. Whether the present joint resolution is the correct one or not, it is the best information we have. The committee has already cut the appropriation from $5,000,000 to $1,000,000, and it seems to me it is our duty to put the funds at the command of the Public Health Service, so that they can do the best they may in the appalling circumstances that confront us.

Mr. NORRIS. Mr. President, there is undoubtedly a great deal of wisdom and sound sense in what the Senator from Utah [Mr. KING] has said in regard to the control of appropriations and in regard to the method that is often pursued in coming to the Federal Government for assistance when States or localities could take care of the situation; but the "flu" does not pay any attention to a State line nor to the line of a municipality. You can not expect any State to accomplish the proper results by stamping it out within any particular locality. The Government ought to prevent its spread.

It is true that much money has already been spent and perhaps not very great results have been obtained. I think they have obtained some, but it is something that neither the medical fraternity nor anyone else understands; it is something new, and we are confronted with the condition and are helpless. If we want to do anything we must go somewhere and trust somebody with the power and authority and equip them with the money to carry out what men who have studied the question think is the proper method to pursue.

It is true, also, that the entire million dollars might be spent and no result come from it; but that is not any reason why we should remain idle when people are dying all over the country. Mr. President, when a child gets sick and you employ a physician, you do not expect him to guarantee a recovery before you employ him to go and see the sick child. We are more or less helpless; the doctors are more or less helpless. But because they have not found a definite and sure remedy or cure for this disease, is that any reason why we should remain idle and allow it to sweep the country with its death-dealing effect in every community and in almost every home? We can not say that anything definite is going to come out of it, but is there any other course that we can pursue that is better than the one proposed here? We have to rely, as we always do in case of sickness, upon somebody who is probably better able to understand conditions than we are.

It seems to me that in this case, where there is a national epidemic, where there is a great danger of an enormous death rate, we ought not to expect localities to handle it. They are doing all they can. The cities are doing all they can. It has been stated that a good many doctors worked hard and devoted a great deal of time without pay. They will do that again. They are doing that now. They are all studying the question. If we can help anywhere by Federal aid we ought to do it in a proposition that is not local but national; yes, Mr. President, it is world-wide. We know what happened in the past, and we are confronted again now, right at our doors to-day, with a proposition, it seems to me, which demands that immediately we shall do all we can in every way that we can, and I do not know of any other way that we can do our share except the way that is proposed by the joint resolution.

Mr. FRANCE. Mr. President, as chairman of the committee that considered the joint resolution, I desire to say that the committee did come to the conclusion that a million dollars was the minimum amount which should be appropriated for this purpose. Of course, rather than have no appropriation at all I would prefer to see the joint resolution amended so that only $250,000 might be made available, but I do feel that a million dollars is immediately needed for carrying on the work.

Mr. SMOOT. Mr. President, I wish to say to the Senator that the regular appropriation bill, which would naturally carry an

appropriation for this purpose, will be considered by the House of Representatives very shortly.

Mr. SMITH of South Carolina. The epidemic will be over by that time.

Mr. SMOOT. If that is the case, then they can not spend $1,000,000; $250,000 would be all that could be spent before the regular appropriation bill is under consideration. In the meantime there is no question but what an appropriation for this purpose will be included in the regular appropriation bill, while this $250,000 is an emergency matter. The Senator from Maryland [Mr. FRANCE] knows that the Public Health Service can not, within the next two months at least, get any kind of an organization together and spend more than $250,000. It was for that reason that I said I think, this being an emergency matter, there should not be any more appropriated than enough to carry out the emergency requirements. That is why I suggested $250,000 to the Senator. I think that will be all we ought to appropriate at this time under conditions as they exist to-day. If the Senator has no objection, I shall offer an amendment to strike out "$1,000,000" and insert "$250,000."

Mr. FRANCE. I think that at least half a million ought to be the minimum, but in view of what the Senator says I would rather have $250,000 appropriated than none at all.

Mr. OVERMAN. Mr. President, in justice to the Public Health Service, I desire to make a statement. It has been stated that the Senate would like to know how the former appropriation has been spent. I hold in my hand the annual report of the Surgeon General of the Public Health Service of the United States, which is very interesting and a very able report, showing how the money was spent and some of the great work that was done by this service. So it will not do to say that we have no report.

Mr. SMITH of South Carolina. Does the report show what work was done during the influenza epidemic?

Mr. OVERMAN. Certainly. It is a very interesting report, undoubtedly, although I have not had time to read it; but I say that it is here, filling a good many pages, showing how the money was spent. It is accessible to anyone who desires to read it. It has been said that there was no report, and I merely wished to correct that statement.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there any objection to the present consideration of the joint resolution?

Mr. PHELAN. I object.

Mr. FRANCE. I think the joint resolution was before the Senate. It is my understanding that the junior Senator from Utah [Mr. KING] withdrew his objection, and that the joint resolution has been before the Senate for consideration.

Mr. KING. I think the Senator from Maryland is right. My recollection is that the Chair submitted the matter, and upon assurance, as I understood it, from my friend the Senator from Maryland that an amendment reducing the amount would not be opposed, I withdrew the objection, and it has been considered by the Senate. It is my understanding that the joint resolution is before the Senate.

Mr. PHELAN. I move the reference of the joint resolution to the appropriate committee.

Mr. TOWNSEND. It has just been reported from the committee.

Mr. PHELAN. I think the Senate is without exact information that the money appropriated last year was not spent in a manner to accomplish any result, and that the epidemic was not stayed by any action on the part of Congress; that the hospitals of the country through their laboratories are seeking a remedy and have not found it, and I can not conceive how the epidemic may be stopped by the methods of the Public Health Service, which consisted, I am told, of sending physicians to different States. Of course, physicians are available without the aid of the Public Health Service.

I had some experience with the epidemic last year, and the only means of helping those who are suffering was by giving them nursing. How an appropriation can create a nursing corps adequate to meet the emrgency I am not aware. All the nurses available were employed during that epidemic, and I think that without reference to the appropriate committee, with some definite plan proposed by which the epidemic could be stayed and the Senate so advised, that it would be vain and purposeless to make this appropriation at this time.

Of course, there is no question of retrenchment if the service can be rendered; but I am much concerned in knowing how the appropriation of last year was expended. The committee could also report to us upon that subject.

Mr. CHAMBERLAIN. May I interrupt the Senator from California.

Mr. PHELAN. I ask the reference of the joint resolution to the appropriate committee.

Mr. CHAMBERLAIN. I was just about to ask the Senator what he considers the appropriate committee? This is the report of a committee. The joint resolution has been reported to the Senate.

Mr. PHELAN. I was not advised that it came from a committee. I thought it was a motion of the Senator from Maryland.

Mr. CHAMBERLAIN. It has been reported and is on the calendar now, having been reported by the Senator from Maryland [Mr. FRANCE] on the 1st of October, 1919.

Mr. NORRIS. And it has been upon the calendar ever since.

Mr. CHAMBERLAIN. It has been upon the calendar for a long time.

Mr. PHELAN. Then had the Senator anticipated the epidemic?

Mr. CHAMBERLAIN. I will say that if the Senate had anticipated it, as we ought to have anticipated it, the epidemic probably would not have come. We ought to have passed this joint resolution before the epidemic was on us. It is on us now; and it seems to me the appropriation ought to be made to assist the staying of it, if possible, and to find some remedy for it.

It has been charged here that the Federal authorities are incompetent to deal with this or any kindred subject. As a matter of fact, the Federal authorities discovered the origin of yellow fever; they found an antidote for it and a cure for it; and they have prevented a terrible disaster visiting the American people every year, because they have ascertained a way to stop it.

Mr. President, I have an idea that the influenza is due to some germ, just as the yellow fever is due to some germ, and when that germ is discovered that it will be possible to abate that terrible disease. I have seen Congress, without batting an eye, appropriate $500,000 for the eradication of hog cholera, but whenever it comes to the protection of human life there is always a fight and an assertion that we ought not to appropriate money for such purposes.

Mr. NUGENT. Mr. President, will the Senator from Oregon yield to me?

Mr. CHAMBERLAIN. I yield.

Mr. NUGENT. I desire to call the Senator's attention to the fact that a few days ago I read in the newspapers a statement given to the press by a Government doctor who is connected with the Great Lakes Training Station, in which he asserted without qualification that he had discovered the germ of influenza. That being true, I do not doubt that in a comparatively short time the remedy also will be discovered.

Mr. CHAMBERLAIN. I feel there is no question about it, Mr. President. It is true that the local physicians do their best to try to cure the influenza. I called on a physician this morning to go to see a young friend of mine who has the influenza, and he told me he was absolutely overwhelmed with calls and that it was impossible for him even to accept an invitation to see an additional patient.

The bureau, established for the purpose, can devote its entire time not to visiting patients but to the discovery of the cause of the disease, while the local physicians are compelled to treat the individual patients, without much regard to the source of the epidemic.

I think, Mr. President, the joint resolution ought to be passed, and, if possible, some antidote found for the disease which carried away so many hundreds of thousands of people during the last year and which was more disastrous to our troops in the United States who were in the cantonments than were the bullets of the Germans in Europe.

Mr. PHELAN. Mr. President, when I addressed the Senate I understood that the Senator from Maryland [Mr. FRANCE] had made a motion to appropriate $1,000,000 to be disbursed by the Public Health Service. I see now that the joint resolution which was introduced as long ago as July 24, 1919, by the Senator from Ohio [Mr. HARDING] was reported by the Senator from Maryland favorably providing for an appropriation of $1,000,000. The joint resolution provides that the several universities and hospitals of the country be encouraged by the distribution of the fund in their efforts to discover the germ of influenza and, possibly, to protect the country from future epidemics. I think that the great universities of the country and their laboratories have been at work, without any aid from Congress, because there are great endowed funds for this purpose.

This is an emergency measure. The best way of rendering immediate relief would be some method by which the fund could be made available for the employment of nurses. There is no way of meeting the emergency by doctors' prescriptions, and the doctors themselves admit that nursing is essential for the cure of the disease. I think the joint resolution should be so amended as to give some practical utility for such a large expenditure. I think a million dollars for the employment of

nurses, distributed throughout the States where the infection exists, would be too small. I should be in favor of a larger appropriation if its use is wisely planned. There was $5,000,000 appropriated in this joint resolution as originally introduced. If that money is used in research, I think it would be of no present value. If it shall be used for a practical purpose, it might be of very great service. I therefore move to recommit the joint resolution to the committee in order that they may report some adequate and proper plan for the expenditure of the appropriation.

The PRESIDING OFFICER. The question is on the motion of the Senator from California [Mr. PHELAN] to recommit the joint resolution to the Committee on Public Health and National Quarantine.

The motion was rejected.

The PRESIDING OFFICER. The amendments reported to the joint resolution by the committee will be stated.

The first amendment of the Committee on Public Health and Quarantine was, in section 1, page 2, line 18, after the words "sum of," to strike out "$5,000,000" and to insert "$1,000,000," so as to read:

That to enable the Public Health Service to investigate influenza and allied diseases in order to discover their causes and to prevent their spread, and for allotment of sums to universities, colleges, or other suitable research institutions, as in the judgment of the Secretary of the Treasury are qualified for scientific research, for the purpose of discovering their causes and methods of prevention, in accordance with the rules and regulations prescribed by the Secretary of the Treasury, and including pay and allowances of regular and reserve commissioned medical and sanitary personnel, and for medical and hospital supplies, printing, clerical services and rent in the District of Columbia and elsewhere, transportation, freight, and such other expenses as may be necessary, including the dissemination of such information to the public, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, available until expended.

Mr. KING. Mr. President, I understood the Senator from Maryland, when I withdrew my objection to the immediate consideration of the joint resolution, to consent to a reduction of the proposed appropriation to $500,000.

Mr. FRANCE. The Senator from Utah is correct. I did consent to that reduction. I consented to the reduction of the sum to $500,000 in order that that sum might be immediately available. I shall not oppose such an amendment.

Mr. KING. Then I move that the committee amendment be amended so that the sum appropriated shall be $500,000. I shall be very glad to vote for a small appropriation if some other Senator will move an amendment to my amendment. In not objecting to the consideration of the bill I did not commit myself to its support or to oppose a reduction of the $500,000 appropriation to a smaller sum.

Mr. SMOOT. Such an amendment would not be in order, because it would be an amendment in the third degree.

Mr. KING. I will withdraw my amendment if some other Senator will offer an amendment reducing the sum below what I have proposed.

Mr. NORRIS. Mr. President, I desire to ask the Senator from Utah a question. Personally, I agree with the Senator from Maryland that $1,000,000 is not too much for the proposed purpose; I am in favor of the appropriation of $1,000,000; but I am willing to carry out the understanding of the Senator from Utah that he withdrew his objection, when he had an opportunity to prevent the consideration of the joint resolution, on condition that the Senator from Maryland would agree to reduce the sum proposed to be appropriated to $500,000. However, it also seems to me that the Senator from Utah now should stand by his agreement, the same as the Senator from Maryland has done, and should assist us in retaining the appropriation of $500,000, and should oppose any amendment to reduce the appropriation below that sum.

Mr. SMITH of Georgia. And if he does not we can then make a fight for an appropriation of $1,000,000.

Mr. SMOOT. Mr. President, I understood the Senator from Maryland to say that he would prefer to have $250,000——

Mr. NORRIS. He would prefer that to nothing.

Mr. SMOOT. I intended to finish my sentence. Of course, I do not want to be understood as trying to misrepresent the Senator from Maryland, because I had no such thought in my mind. I was about to say that the Senator from Maryland said he would rather have an appropriation of $250,000 than not to have an appropriation at all, if by reducing it to that amount it would insure the passage of the joint resolution. I wish to move an amendment making the amount $250,000, for the reasons already stated by me. A greater amount can not be spent before the regular appropriation bill comes along. If the "flu" should cease within a short time, there would be no necessity for any further appropriation; but I will assure the Senate of the United States that if $5,000,000 were appropriated, even though the "flu" should subside and there should not remain a single case of it in the entire United States, the entire $5,000,000 would be expended.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Yes.

Mr. NORRIS. Even though the "flu" should cease at once, and even though there were no cases of it now, I should be in favor of this appropriation, although the necessity for immediate action would not be so great, because it is worth that amount if the cause of the disease can be discovered and a remedy provided, whether we have the "flu" at the particular time or not. We never will be able to find a remedy unless the work is carried on and the disease is studied and investigated.

Mr. SMOOT. Do not be deceived into thinking that this money is going to be spent simply for investigation into the cause of the disease and to ascertain a remedy for it. The appropriation will be used just as a similar appropriation was used heretofore, for employing doctors all over the United States, taking them away from their regular practice, and having them visit the different cities to which the Public Health Service may send them. Nine-tenths of all of it will be expended for that purpose.

Mr. NORRIS. If the Senator will permit me, that may not be the right way to proceed, but I confess I do not know as to that. I am going to be compelled to take the judgment of those who have authority in the Public Health Service. They know more about it than I do, I confess, and I think they even know more about it than the Senator from Utah or the Senator from California. We have got to trust somebody to do the work. If they decide that the way to proceed is to spend the money to send doctors from one city to another and to stop the ravages of the disease in that way, I am going to abide by their decision, because I do not know of any better way. It may be that that is the right way, and, if they think it is the right way, that is the way they ought to proceed.

Mr. SMOOT. Mr. President, the joint resolution provides two things, first, to discover the cause of the disease and then to prevent its spread. Those are the objects of the bill. They were also the objects of the original appropriation made by Congress, but I know that physicians were taken from different parts of the country and sent to Alaska and never spent one minute trying to discover the cause of the "flu." They did go to Alaska and other places, however, to assist the local people in trying to prevent its spread. I repeat that nine-tenths of this sum will be spent to prevent the spread of the "flu," and the $250,000 which I suggest as an appropriation will be all that can be spent before the regular appropriation bill comes along. In the meantime, if the "flu" subsides in the United States, then we will save the amount of money by which the appropriation is reduced, because I know as well as I know that I stand upon the floor of the Senate that if this appropriation were $5,000,000 and the "flu" should subside in the United States in 30 days and not a case should exist anywhere in all the country, every cent of the $5,000,000 would be spent before June 30, 1920. So I am trying to save some money to the Treasury of the United States and at the same time provide a sufficient appropriation until the regular appropriation bill comes to do just what the Senator from Maryland wants done.

Mr. PHELAN. May I interrupt the Senator?

Mr. SMOOT. I yield.

Mr. PHELAN. The Senator observes that the joint resolution was proposed last June and that its main purpose was to enable research work to be carried out in order to determine the cause of influenza. That was a very wise purpose; but now that the epidemic is here, does the Senator think that any of this money should be spent for research work? Should it not be spent to stay the epidemic by other means?

Mr. SMOOT. So far as I am personally concerned, I would rather have the money spent for research work, and such work can be carried on with a very small appropriation. It does not require a great expenditure of money to enable the scientist to go into his study and investigate this disease, try to ascertain what the germ is and how to destroy it, as has been done in the case of other diseases in the past. I do not think anybody would object to an appropriation for that purpose; but I say this money is not primarily for that purpose. It will be spent, no matter what amount we appropriate, largely for preventing the spread of the disease. That is why I am in favor of appropriating $250,000, which I think is all that this special measure ought to carry. I will say to the Senator from Maryland that he and no other Senator need be afraid, even though the "flu" is only slightly prevalent in the United States at that time, that when the regular appropriation bill comes along there will be an appropriation in that bill for this purpose; there is not a question

of doubt that there will be. All I am trying to do is to play safe and guard the Treasury of the United States and at the same time allow this work to proceed, and I know that it can proceed until the regular appropriation bill is passed by Congress with the $250,000 that I propose.

Mr. President, if my colleague has withdrawn his amendment, I first will offer an amendment striking out "$1,000,000" and inserting "$250,000."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to the amendment of the committee.

Mr. FRANCE. Mr. President, I hope this amendment will not prevail, and that the Senate will make at least $500,000 immediately available for this purpose—a sum which, I think, is very small, considering the seriousness of the situation.

Mr. HARRIS. Mr. President, this is a very important matter, and I do not think we ought to appropriate less than a million dollars for this purpose.

In order to get the judgment of the other Senators upon the matter, I suggest the absence of a quorum. I think it is very important.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gerry	McNary	Smith, Md.
Borah	Gronna	New	Smith, S. C.
Brandegee	Hale	Norris	Smoot
Calder	Harding	Nugent	Spencer
Capper	Harris	Overman	Sutherland
Chamberlain	Harrison	Phelan	Townsend
Colt	Hitchcock	Phipps	Trammell
Curtis	Johnson, S. Dak.	Pittman	Wadsworth
Dial	Kenyon	Pomerene	Walsh, Mass.
Fernald	King	Sheppard	Wolcott
France	McKellar	Smith, Ga.	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The names of the absentees will be called.

The reading clerk called the names of the absentees, and Mr. JONES of Washington and Mr. STERLING answered to their names when called.

Mr. MOSES, Mr. MCCORMICK, Mr. SHERMAN, Mr. FRELINGHUYSEN, Mr. CUMMINS, Mr. WATSON, Mr. NELSON, Mr. JONES of New Mexico, Mr. LODGE, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum is present. The question is upon the amendment of the Senator from Utah to the first amendment of the committee.

Mr. SMOOT. I ask for a division on the amendment.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the committee.

Mr. SMOOT. Mr. President, my colleague [Mr. KING] is out of the Chamber, and I understand there was an agreement——

Mr. SMITH of Georgia. I have agreed to pair with the Senator's colleague.

Mr. SMOOT. It is not a question of a pair; it is a question of the amount. In behalf of my colleague, I move to strike out "$1,000,000" and insert "$500,000," to which the Senator from Maryland has agreed.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out "$1,000,000," and to insert in lieu thereof "$500,000."

Mr. HARRIS. Mr. President, the acceptance of the amendment by the Senator from Maryland does not bind the other members of the committee. The appropriation asked for was $5,000,000, and as introduced the joint resolution called for an appropriation of $1,000,000, and that was the least possible amount that could be used for this purpose.

Influenza caused more deaths in 1918 in two months in the United States than all our soldiers who were killed and died in the war against Germany. It was the worst scourge we have had in this country in many years, and it is the duty of Congress to appropriate the necessary money to prevent its recurrence.

Mr. PITTMAN and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. PITTMAN. Mr. President, I understand that the Senator from Utah has stated that this appropriation is solely for the purpose of making laboratory investigations or investigations of that nature. I find that the joint resolution carries a great deal more than that. It provides, in the first place, for the pay of medical officers and military forces under the Public Health Service; it provides for hospital expenses; it provides for the purchase of medicine; and it goes even further than that, and says "any other expenses."

If the joint resolution went no further than the Senator from Utah has stated, I would thoroughly agree with his amendment; but a careful reading of the joint resolution will convince Senators that it does not stop there. If it did not go any further than he stated, I would be inclined to vote against the whole joint resolution.

Mr. SMOOT. Mr. President, does the Senator refer to the junior Senator or the senior Senator from Utah?

Mr. PITTMAN. I was referring to the senior Senator from Utah.

M. SMOOT. Then I think the Senator has certainly misstated my position, if I understood what he said.

Mr. PITTMAN. If I did, I am sorry.

Mr. SMOOT. There was so much confusion in the Chamber that I could hardly hear the Senator's statement. Did he say that I had stated that this appropriation was for the discovery of the causes of the "flu"?

Mr. PITTMAN. I stated that I understood the Senator to say that the reason why a large appropriation was not required was that the bill provided principally for some laboratory work, or work of that nature.

Mr. SMOOT. Oh, well, the Senator is entirely mistaken.

Mr. PITTMAN. I am very glad, then, to be corrected.

Mr. SMOOT. If the Senator had been in the Chamber, he would have heard me make the statement that nine-tenths of the money that was to be appropriated would be spent for preventing the spread of the disease. I stated that if the appropriation was only for laboratory work, then they would not want the $250,000, for nine-tenths, or more, in my opinion, of the appropriation that was made a year ago was used for the preventing of the spread of the disease, and very little of the appropriation that was made last year was used for laboratory work. I think the Senator will agree with me in that statement.

Mr. PITTMAN. There is no difference of opinion, then. I misunderstood the Senator, and the only reason why I rose was because of that misunderstanding. But I feel the seriousness of the necessity of fighting this disease, and I would feel that it would be absurd to appropriate $250,000 in a great campaign against a disease of this character. As far as I am concerned, it is either a useless appropriation or we should appropriate enough to combat the disease.

Mr. SMOOT. Mr. President, the trouble we find ourselves in in the Senate is that when a bill is under discussion there are but few Senators in the Chamber to listen to what is said for or against the bill. A quorum is suggested, and we can get 48 Senators, just a quorum, into the Chamber. Then the question of what we are going to vote upon comes up, and some Senator will get up and accuse another Senator of taking a certain position when it is contrary to all that he said and to his position.

To the few Senators in the Chamber now I want to say again—and I repeat it—that the regular appropriation bill which carries items of this character will be in the House of Representatives for consideration within the next two or three weeks. There is not any question but what if the "flu" is prevalent throughout the country at that time there will be more than $500,000 asked, and there will be more than $500,000 appropriated for the purpose of investigating it. This is an emergency measure, and I say that $250,000 appropriated at this time can not be expended between the day when it passes Congress and the day when the appropriation made in the regular appropriation bill will be available.

I said that if this joint resolution carried $5,000,000 and the "flu" should subside in the United States 30 days from now, and not a case appear from one end of the country to the other, every dollar of the $5,000,000 would be spent before the end of the fiscal year. All I am asking is an appropriation to do the very work that this joint resolution provides for, giving them all that they can possibly spend before the regular appropriation comes to the Senate, and then at that time, if the "flu" is prevalent in the United States, give them all that we feel is absolutely necessary toward not only the discovery of the causes of the "flu," but to prevent the spreading of the same. Nobody is fighting the appropriation if it is necessary, but this joint resolution is an emergency matter, and whenever we appropriate more than $250,000—I want to say that it will make no difference in the end as to the appropriation that will be made if the "flu" continues. But if the "flu" does not continue, then the Treasury of the United States will just save the difference between the $250,000 and the amount asked for originally, because I know just as well as I live, and every Senator here knows, that no matter what the appropriation made is, if the Public Health Service, or any other department of this Government, has an appropriation, it will spend every dollar of it.

That was my position, and that was why I made the motion to reduce the amount to $250,000, not that I thought that was all that would be necessary if the "flu" continues its ravages

throughout the country. I know that $500,000 will not be sufficient in such a case.

I am perfectly willing that the Senate shall vote on the appropriation of $500,000 in place of $1,000,000 at this time, and that was the understanding that was had between the junior Senator from Utah and the Senator having the bill in charge. I shall say no more until that vote is taken.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah.

Mr. KING. Mr. President, I would like to ask the Senator having the joint resolution in charge whether it is his purpose to ask for more than $500,000? When it came up for consideration I stated that I would object to its consideration. The Senator from Maryland approached me, and, as I understood him, stated that if the objection were withdrawn the amount would be reduced, as far as he was concerned, speaking for the committee, as I understood, to $500,000; and with that understanding—that is, that the demand by the committee would be reduced to $500,000—I withdrew my objection to immediate consideration, stating, however, that I was opposed to the joint resolution in any form. I felt that there was no necessity for the appropriation; that it would be utilized almost wholly to create new positions for hungry office seekers and that nothing of scientific value would result to the country. Moreover, I saw in the measure an opportunity for further Federal interference in the affairs of the States.

Mr. FRANCE. Mr. President, in view of the exigency of the situation and in view of what I consider to be the necessity for an immediate appropriation, I did agree that, as far as I myself was concerned—not, however, attempting to bind the committee—I would be willing to accept an amendment reducing the appropriation to $500,000; and I hope that the Senate will adopt that amendment and pass the joint resolution.

Mr. KING. Mr. President, if there is going to be any question about it, I shall take some time to give my views in extenso upon this bill and kindred measures proposed by executive agencies of the Government, and it will take longer than 2 o'clock for me to conclude.

Mr. NORRIS. Will the Senator yield?

Mr. KING. I will be very glad to yield.

Mr. NORRIS. I think the Senator is unduly alarmed about it. I think that all the Senators who voted against the $250,000, while most of us believe it ought to be a million, are willing to carry out the agreement and are willing to vote for $500,000.

Mr. KING. With that understanding, I shall pretermit any observations which I was ready to make.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. After the word "expended," on page 2, line 19, the committee report to insert a colon and the following:

Provided, however, That any allotment of funds to universities, colleges, or other suitable research institutions as hereinafter provided, shall not be limited to any one school of medicine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FORT BERTHOLD INDIANS.

Mr. GRONNA. Mr. President, last week a bill was reported by the senior Senator from Kansas [Mr. CURTIS] from the Committee on Indian Affairs, which had reference only to an Indian reservation in my State. It is agreed by the Senator from Nebraska [Mr. HITCHCOCK], who at that time thought it affected some of the Indians in his State, that the bill may be taken up. I have a letter from the department which will show that it does not affect the Indians in Nebraska, and I have submitted that letter to the Senator from Nebraska. It will lead to no discussion.

I ask unanimous consent that the bill (H. R. 4382), to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, be taken up.

Mr. WADSWORTH. Is the Senator quite sure that it will lead to no discussion?

Mr. GRONNA. I am quite sure of it.

Mr. WADSWORTH. This is Calendar Monday, and we have not yet reached the calendar.

Mr. GRONNA. I understand; but there are only a few minutes left of the morning hour. All the time has been taken up on the Senate joint resolution 76.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment.

Mr. SMOOT. I should like to have the letter of the department read.

Mr. GRONNA. I send to the desk the letter from the Secretary of the Interior and ask that it may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 26, 1920.

DEAR SENATOR: Referring to your informal inquiry of January 20, 1920, with respect to H. R. 4382, now receiving consideration in the Senate, I have the honor to advise you as follows:

The preamble of the bill clearly limits the tribes of Indians who are to take their claims against the Government to the Court of Claims, and names them as the Arickarees, the Gros Ventres, and the Mandans. The enacting clause embraces "all of the tribes of Indians of the Fort Berthold Reservation, N. Dak."; and section 2 of the bill specifically provides that the said tribes or band or bands thereof are to submit their claims; and that, inter alia, "any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order."

This proposed legislation, if enacted, would be inclusive and exclusive, and would not embrace the claims of any Indians of Nebraska, nor would it permit the court to join any other Indians in the suit.

Should any of the tribes of Indians in Nebraska have claims against the Government which have not been nor are being adjudicated, they, in my opinion, should be given ample opportunity to submit such claims to the Court of Claims for final determination, as in the case of the Indians of the Fort Berthold Reservation, N. Dak.

Sincerely, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. ASLE J. GRONNA,
United States Senate.

The PRESIDING OFFICER. The Secretary will report the committee amendment.

The READING CLERK. On page 2, line 23, strike out the word "units" and insert the word "suits," so as to make the bill read:

Whereas the Indians of the Fort Berthold Indian Reservation in the State of North Dakota, including the tribes known as the Arickarees, the Gros Ventres, and the Mandans, and the individual members of such tribes make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with, and on account of various encroachments upon the appropriation by said Government of territory of said tribes of Indians: Therefore

Be it enacted, etc., That all claims of whatsoever nature which any or all of the tribes of Indians of the Fort Berthold Reservation, N. Dak., may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the said tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff of plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by a petitioner or an attorney employed by said petitioner, tribes of any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition

shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The preamble was agreed to.

AMERICANIZATION OF ALIENS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate, pursuant to the unanimous-consent agreement, the unfinished business, which is Senate bill 3315.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Missouri [Mr. REED] to the amendment offered by the Senator from Utah [Mr. SMOOT] striking out the words "for stationery, printing, illustrative material, $75,000."

Mr. KENYON. Mr. President, I do not think it would be fair to proceed in the absence of the Senator from Missouri [Mr. REED]. He does not seem to be in the Chamber. Therefore I will have to call for a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The roll will be called.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Myers	Spencer
Calder	Gronna	Nelson	Sterling
Capper	Hale	New	Sutherland
Chamberlain	Harris	Norris	Townsend
Colt	Harrison	Nugent	Trammell
Culberson	Johnson, S. Dak.	Overman	Walsh, Mass.
Cummins	Jones, N. Mex.	Phipps	Walsh, Mont.
Curtis	Jones, Wash.	Sheppard	Watson
Dial	Kenyon	Sherman	Wolcott
Fernald	Lenroot	Smith, S. C.	
France	McKellar	Smoot	

The PRESIDING OFFICER (Mr. FERNALD in the chair). Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The names of the absent Senators were called, and Mr. PHELAN, Mr. POINDEXTER, Mr. POMERENE, and Mr. SMITH of Maryland answered to their names when called.

Mr. BORAH, Mr. MOSES, and Mr. PITTMAN entered the Chamber and answered to their names.

Mr. MOSES. I desire to announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Utah [Mr. SMOOT].

Mr. KENYON. Mr. President, I have sent for the Senator from Missouri [Mr. REED]. I called for a quorum in order to have him present, and I dislike to take up the matter without him. I am going to take my five minutes, or a portion of it, in the hope that he may get here within that time.

The amendment of the Senator from Missouri seeks to strike out of the amendment offered by the Senator from Utah the words "for printing, stationery, illustrative matter, $75,000." The Senator from Missouri made the point in his speech on Saturday that the Government should do nothing along the line of printing.

The proponents of the measure have raised no objection to the amendment of the Senator from Utah. It cuts the appropriation about $170,000. It cuts the officers for administration that the Department of the Interior thinks necessary to carry out the provisions of the bill, but we have recognized the necessity of economy, and I believe that we have gone as far as we ought to go in cutting on the administrative features of the bill. I do not myself believe that the country is going to applaud any effort to cut down the sums that may be needed in this Americanization proposition.

After we have done this and conceded cuts from $500,000 to $336,100 the proposition is made to cut it still another $75,000 by striking out the provision I have stated. The money is necessary to print charts and primers and devices for teaching, easy methods of teaching language to be sent to the teachers of the country, simple statements on the Constitution, simple stories of the lives of Americans who are dead—none of it to be used in anywise to boom any living Americans, as I understand it—descriptive pamphlets about the country, the issuance of a little paper, such as has been called the Americanization paper, being a means of communication between the different parts of the country. If something good has been done in this line in the East this carries it to the West, and if in the West this carries it to the Middle West and the Middle West carries it back to the East, and so forth. This is the general purpose of the article.

The Senator from Missouri intimates that it will be used to spread propaganda. We have got to have some faith in this Government in our public officials. I think one of the greatest troubles in the country to-day is the lack of confidence in the American Congress by the people of the United States. They seem willing to believe evil of their public men rather than good. They seem to think we are not doing our duty here no matter how hard we may work. If we are not willing to trust other branches of the Government, and if we insist that through the executive administration of the Government wrongs are to be purposely done by men in power in the executive branches of the Government, how can we hope to escape condemnation from the people as to our motives? To me it is a very bad thing and very unfortunate.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. Certainly.

Mr. WALSH of Massachusetts. I should like to ask the Senator if a document similar to the one I have in my hand would be prevented from being printed by the bureau here in case the amendment of the Senator from Missouri prevails? This document is entitled "Americanization Letter No. 2," gotten out by John J. Mahoney, State supervisor of Americanization, division of university extension, Massachusetts department of education. It is addressed to the superintendents of schools and directors of immigrant education, and consists of 15 points for workers in Americanization, being a "suggestive platform of principles, convictions, and points of view," a very instructive document.

Mr. KENYON. I have seen that document.

Mr. WALSH of Massachusetts. Would such a document be prevented from being printed and issued by the Bureau of Education?

Mr. KENYON. Yes; it could not be printed. There could not be any printing done, and further, let me say, these printing houses will not print unless there be a demand, and these new documents may have to be printed in different languages and have to be printed by the Government, because printing houses will not do it until there is a large demand.

My five minutes have expired, and I am sorry the Senator from Missouri [Mr. REED] is not yet here.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED] to the amendment of the Senator from Utah [Mr. SMOOT].

On a division, the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. HARRISON. Mr. President, I was under the impression that the amendment had been agreed to.

Mr. KENYON. The amendment offered by the Senator from Utah was agreed to, and then to accommodate the Senator from Missouri we reconsidered it. There is no objection to it.

Mr. HARRISON. Mr. President, I wish to call the attention of the Senator from Iowa to the fact that in the amendment offered by the Senator from Utah provision is made for the pay of one at $5,000 and four at $4,000 each, in lines 2 and 3 on page 3 of the reprint of the bill. I notice that in the law creating

the Bureau of Education and the offices under it, there is one commissioner at $5,000, and the highest paid official next to the commissioner receives $3,500. I recall that at past sessions of Congress there has been an effort made to increase the pay of those $3,500 men to $4,000.

They have been unable to procure that increase. In this amendment the work of the Commissioner of Education, as I understand, is duplicated. He is already getting $5,000 a year, and there is created by the amendment another place at $5,000, and four places are created carrying a salary of $4,000 each. Does not the Senator think we might reduce those appropriations somewhat?

Mr. KENYON. Mr. President, I called upon the Interior Department when the Senator from Utah made his suggestion as to lump-sum appropriations to furnish the list of the necessary officers to do this work and the amount of their salaries. The department furnished that list. I do not know whether the Senator from Mississippi has seen it or not. I then sat down with the Senator from Utah and we sliced that list almost to pieces. We cut down the number of officers that they wanted. This is much less than they asked for.

Mr. HARRISON. Is it the intention that the Commissioner of Education shall hold this $5,000 office?

Mr. KENYON. Oh, no; not at all.

Mr. HARRISON. It is a separate and distinct office?

Mr. KENYON. Yes. The department will have to secure experts; they will have to have men who could command much higher salaries than those provided in the bill. One man of whom I know who probably can be secured for the work, and who has been doing the work for practically nothing, has now taken a position at $10,000 a year. He might come back to that office; we should like to have him; but you can not secure men for this kind of work at such salaries unless they are stimulated by patriotic motives.

Mr. HARRISON. I merely wished to call attention to that matter.

Mr. KENYON. I will say to the Senator that we cut out about 15 of the positions the department asked for.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. KENYON. I yield the floor; but will not the Senator let us vote on the proposed substitute?

Mr. McKELLAR. Certainly.

Mr. KING. I should like to have the Secretary state the question which is now before the Senate.

The PRESIDING OFFICER. The Secretary will state the pending question.

The READING CLERK. Mr. SMOOT proposes to strike out section 3, as printed in the bill, and to insert in lieu thereof the following:

SEC. 3. That of the amount appropriated by section 2 above, $336,100 may be deducted and used for the following purposes:

Administrative officers, specialists, and field officers in Washington, D. C.: One at $5,000, four at $4,000 each, three at $3,500 each, five at $3,000 each, four at $2,750 each, five at $2,500 each; total, $70,000.

Clerks, stenographers, and messengers in Washington, D. C.: One at $2,000, 3 at $1,800 each, 6 at $1,600 each, 10 at $1,400 each; 5 at $1,200 each; total, $37,000.

Regional officers: Four at $3,500 each, eight at $3,000 each; total, $38,000.

Clerks and stenographers in regional offices: Four at $1,400 each, four at $1,200 each; total, $10,400.

For printing, stationery, illustrative material, $75,000.

For traveling and subsistence, $30,000.

Rent of regional offices, $5,000.

Part-time expert help in preparing material for teaching, $50,000.

Ten short-course training schools for supervisors and directors and those who will train teachers, $20,000.

Incidentals and contingencies, $7,000.

Mr. KING. Mr. President, I should like to ask the Senator from Iowa what is the necessity for making appropriations for regional directors or regional organizations? I am not sure that I caught the language accurately.

Mr. KENYON. The thought is that the country will be divided for this work into different regions; somewhat similar to the plan of the regional Federal banks.

Mr. KING. Does not the Senator think that that is unwise? With this organization which functions here in Washington, with the personnel which it will have, with the purpose to have a nation-wide plan in dealing with this matter, and in view of the fact that appropriations are to be made directly to the State where they themselves make corresponding appropriations, is there any necessity for any intermediary organization?

Mr. KENYON. I do not feel that way about it. This is a part of the national organization; it can not all be done here. I will state to the Senator that what I object to is cutting it down as it has been cut. I think that is a great mistake; I think the full amount of $300,000 was none too much to be used for all of the work of section 3; but I was persuaded to consent to that by the Senator's colleague.

Mr. KING. Mr. President, so far as I am concerned, I should like to see it cut still more. I think we are building up too much machinery for every appropriation which we make. There seems to be too much of a desire to look after the machinery and rather too little desire to look after the things to be accomplished by the machinery. The result is we too often have more sound and more noise than we have results. It is machinery and still more machinery; Federal organizations and still more Federal organizations; bureaus and still more bureaus; divisions and still more divisions; functionaries and still more functionaries; until the land is filled with representatives of the Government of the United States. It is not any longer a Government of the States, a Government of the people, by the people, and for the people; it is a Government of officeholders, for officeholders, and for the benefit of officeholders. When they can not get enough out of the municipalities and out of the States then they come to Congress and get it out of the Treasury of the United States. There is a vast amount of solicitude manifested by Senators and by Representatives for officials and for officialdom, for functionaries, and for a paternalistic, autocratic bureaucracy.

I am getting tired and disgusted with the whole system of Federal interposition in the affairs of the States which leads to the creation of an army of Federal employees which will fill Washington and take possession of the States and eat out the substance of the people. If we must appropriate for the States to aid them in performing the functions placed upon them, it would be far better to do so directly than to have the funds filter through the hands of a multitude of Federal officials. I do not know where the end is going to be, Mr. President.

A moment ago I called attention to something which I thought at first must be a mistake, but when I read it in a reputable paper, such as the Christian Science Monitor, and when my colleague stated that the matter had come to his attention as a member of the Appropriations Committee, I was convinced, of course, of the verity of the report. The effect of the report is that the Public Health Service of the Government is going into the States and going to make a survey of every home, examine every child, classify the children of the people, find out their infantile diseases and their ailments, and, of course, their physiological idiosyncracies. Then will come an examination of their mental status.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. KING. Are we operating now under the five-minute rule?

The PRESIDING OFFICER. The five-minute rule applies to the discussion of amendments.

Mr. KING. I can only appeal to the good sense of the American people to repudiate the wild, fantastic, and un-American policies which we are adopting and which in the end will culminate in the overthrow of this Republic.

The PRESIDING OFFICER. The question is on the amendment which has just been read.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to insert as an independent section the following:

In the administration of this act the laws of the several States providing for the separation of the races in the schools therein shall be conformed to and observed.

Mr. McKELLAR. I offer that amendment on behalf of the senior Senator from Tennessee [Mr. SHIELDS], who is ill at his home. The amendment as read is a modification of the amendment offered by the senior Senator from Tennessee on January 22, and in its modified form, as I understand, it is entirely satisfactory to the chairman of the committee. So I merely ask for a vote.

Mr. KENYON. Mr. President, the Senator showed me that amendment, and I see no objection to it, but I should like to have it again read.

The PRESIDING OFFICER. The amendment will again be stated.

The amendment was again stated.

Mr. KENYON. That amendment applies only to the separation of the races in the schools.

Mr. LENROOT. Suppose that the law providing for race separation also provided that a certain percentage of the appropriation so made should be allotted to one race and a larger percentage to the other race?

Mr. McKELLAR. That is in the hands of the Secretary of the Interior.

Mr. KENYON. That is in the hands of the Secretary of the Interior.

Mr. LENROOT. The amendment provides that the laws of the several States shall be conformed to.

Mr. KENYON. As to the separation of races. There may be some objection of the kind referred to by the Senator from Wisconsin, but I think the whole bill is broad enough to let the Secretary of the Interior govern that question, because the bill provides that if the fund is not used justly he may refuse to permit the apportionment to be made.

Mr. McKELLAR. Mr. President, I will say to the Senator from Wisconsin and to other Senators that my understanding of the amendment is that it is not intended in the slightest degree to cut out anybody in any State from the benefits of the bill. The only purpose of the amendment is to provide for observing the laws separating the races in some of the States, like California and a number of the Southern States.

Mr. KENYON. Personally, it seems to me it is not necessary now, because we are not going into the States under this proposed law and try in any way to interfere with education within the States. It is purely a stimulating proposition. I think that error has crept into this debate and has aroused a good deal of opposition to the bill that should not have been here. I can see no substantial difficulty in the amendment of the Senator from Tennessee.

Mr. NORRIS. Mr. President, I rise to ask a question, and the Senator can answer it in my time. I have not been able to understand why the amendment was offered, for it seems to me that it is entirely unnecessary; and I wish to ask the Senator if he does not think, even without the amendment, that the laws of those States providing for separate schools would be conformed to without interfering in any way with the carrying out of the bill?

Mr. McKELLAR. I can not say about that. They have the separation in a number of the States—the Southern States, and California, probably, and one or two other Western States—and my colleague, Mr. SHIELDS, after an examination of the law, thought it would be wisest and safest to put this kind of a statement in the bill. I can see no objection to it.

Mr. NORRIS. Of course, the Senator in offering the amendment, and his colleague in proposing it, have no such thing in mind as suggested by the Senator from Wisconsin, I suppose?

Mr. McKELLAR. None whatever. I have none, and I am sure my colleague had no such thing in mind. We merely wish to conform to the State laws.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. At the end of section 2 it is proposed to insert the following:

Provided, That such charge as prescribed by the Secretary of the Interior be exacted of each person attending any school maintained in whole or in part from any funds provided for under the provisions of this act as will reimburse the Treasury of the United States.

Mr. HARRISON. Mr. President, this bill as it was originally drafted would have cost the taxpayers of the country $85,000,000. It has been gradually brought down until upon its face it will take out of the Federal Treasury $6,500,000; but the law will be upon the statute books, and each year it will be up to Congress to say how much will be appropriated. There is no limit as to how much can be appropriated when the law is once upon the books.

In 1918 we passed legislation giving to the Bureau of Naturalization the right to educate people applying for naturalization in this country. They put on a great scheme of education. There are now practically 3,000 communities in the United States where aliens are being educated so that they can become naturalized, and all that work has cost the Government of the United States nothing, although they have performed a great service in educating the foreign population. Instead of costing the United States anything, that bureau has turned into the Treasury over $500,000. They charged a fee for naturalizing these people, and a part of the fee went toward the purchase of copies of a book called the Student's Textbook, that dealt with the subjects that are provided for in the Sterling amendment, adopted on last Saturday.

Here is what the report of the Commissioner of Naturalization says touching this matter:

FEDERAL FINANCIAL SUPPORT UNNECESSARY.

It is only by supporting this work that has been so successfully inaugurated and carried on, at no national expense but through the expenditure of millions of dollars annually by the various communities throughout the Nation, that their desires may be made possible. The Federal cost of administration is borne by the seekers after citizenship; all other costs are maintained by the communities in which the schools are organized. This seems to be the proper distribution of this financial burden; those who are to derive the benefits should bear the expense.

This can not be contradicted. This bill provides for the education of aliens in this country up to 50 years of age. Some of those men are making as high as $10 and $15 a day, perhaps. Why should the Federal Government, if the bill should pass, bear the expense of teaching those people how to read, write, and understand the English language? This work is now being carried on through the Department of Labor, and to pass this bill will be but a duplication of that work.

Whatever cost is involved in the present plan is paid by the beneficiaries who are seeking naturalization; and so, if the amendment I have proposed is adopted, it should not cost the taxpayers of this country this enormous amount. The cost ought to be paid by the men who are going to get the benefits of it. They are able to pay it, and why should they not?

I heard the distinguished Senator from Iowa [Mr. KENYON] say in his speech that up in the works of the United States Steel Corporation there were thousands of these foreigners who had been brought over, I believe, by the United States Steel Corporation. Ought the Treasury of the United States bear the expense of teaching those people how to read and write? They are making money; they are abundantly able to bear it; and so, if this amendment is adopted, this charge must be paid by them. It will be figured out by the Secretary of the Interior, and the Treasury of the United States will be reimbursed to that amount.

Mr. CALDER. Mr. President, I have a clipping from the New York Times of this morning, dealing with this subject, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the article will be read.

The Reading Clerk read as follows:

[From the New York Times of Monday, Jan. 26, 1919.]

TO EXTEND SCHOOLS FOR ALIENS.

Americanization work of the League of Foreign Born Citizens is to be greatly enlarged soon by the establishment of additional branch schools in The Bronx, Harlem, Brooklyn, and Richmond Hill, Long Island, according to announcement yesterday by its president, Nathaniel Phillips. The league now operates two branches, at 407 East Seventy-third Street and 95 Second Avenue, where foreigners are taught cardinal American principles and prepare for naturalization. To discuss present-day problems of naturalization and plans for widening the scope of the work of the league, Mrs. Vincent Astor, member of the executive committee, has issued invitations for a meeting to be held in her home, 840 Fifth Avenue, February 5.

Mr. CALDER. I simply want to add to the statement just read that this work is being done without any cost to the Federal Government. Part of the expense is paid by those seeking education in the English language and the rest by private subscription. I commend the article to the Senators interested in this subject.

Mr. STERLING. Mr. President, just a word with regard to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

It seems to me that by the charge provided for in his amendment we would defeat the very purposes of the bill. Of course our general system of common-school education is a free common-school system, where the student attends without the payment of any charge or any tuition fee whatsoever. If there is reason generally for a free public-school system, I think there is added reason why, considering the class of people that we are seeking to educate by this bill, it should be a free school system; I mean free from the standpoint of any charge or any tuition fee. It seems to me quite inconsistent that we should have a compulsory school system and charge the pupil for attending that school, which the law compels him to attend. From the very nature of things, it seems to me it must necessarily be free. We can not compel a man to go to school and then pay a tuition fee for his attendance.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. HARRISON. Does it not seem to the Senator from South Dakota rather inconsistent that certain States in this Union do not provide for compulsory education, and yet in this bill you do provide, for those States, compulsory education between the ages of 16 and 21? Is not that a rather inconsistent position?

Mr. STERLING. No; it is not an inconsistent position, Mr. President. This is for the special purpose of Americanizing

persons who are to be citizens of the United States. Of course, the education provided for will pertain for the most part—and that is the main object of the bill, I suppose—to the alien element in our population who are either illiterate or who can not read, write, or speak the English language. For the most part it will pertain to those persons. It is not a State matter alone. It is a governmental, a national, matter, quite as much, if not more, than it is a State matter.

Mr. HARRISON. The Senator is a member of the Committee on Education and Labor, I believe.

Mr. STERLING. Yes.

Mr. HARRISON. Did the committee ever have before it the head of this educational training bureau of the naturalization department of the Department of Labor?

Mr. STERLING. I am not sure; not at any time when I was present at a meeting of the committee, and I think not at all.

Mr. HARRISON. Did the committee give any consideration to the great work that that branch of the Government is doing?

Mr. STERLING. I am not sure as to that. The chairman of the committee can answer better than I can in that regard. I think there were two or three meetings of the committee at which I was not present. Whether or not there was any hearing of that kind I am not quite sure, but my belief is that there was not.

Mr. HARRISON. In forming his conclusions, did the Senator give any consideration to the work that that department was doing?

Mr. STERLING. Not particularly; no.

Mr. HARRISON. The Senator was not aware, then, that they had established these schools in 3,000 communities in the United States to educate these foreigners?

Mr. STERLING. Oh, well, I think that is aside from the question.

Mr. HARRISON. Why is it aside from the question? It is doing exactly the work that the Senator proposes in this bill to do.

Mr. STERLING. It is aside from the question involved in the Senator's proposed amendment, which is to impose a charge on all those who attend the school or who avail themselves of the school facilities provided in this bill. It would not do, I think, if I may say so.

Mr. HARRISON. Then the Senator thinks that in the case of one who is 45 or 50 years of age, a foreigner in this country, who is making good wages, five or ten dollars a day, it would be an undue burden upon him to pay the tuition required to go to school in order to help himself?

Mr. STERLING. No; I will say to the Senator from Mississippi that I do not think it would be an undue burden upon the foreigner who is earning his $8 to $10 a day; but there are thousands upon thousands of them who are not earning that. There are more who are not earning over $4.65 a day than there are who are earning more than that.

The VICE PRESIDENT. The Senator's time has expired.

Mr. KENYON. Mr. President, the amendment of the Senator from Mississippi [Mr. HARRISON], of course, destroys the purpose of the bill, and its adoption would be equivalent to defeating the bill. I do not know whether that is the intention of it or not.

I have noticed in the debate that those who are opposed to the whole proposition continually refer to the work being done by the Department of Labor as being exactly the same work, and this being a duplicate of that. Some of these gentlemen, I think, opposed that provision for the Department of Labor—a $200,000 appropriation for the Department of Labor for 2,000 schools, it is claimed. That would be $100 a school. What kind of a school are you going to have with a $100 appropriation for the payment of the teachers for a number of months? Of course, there is a general impression that you can employ teachers for about nothing. That work is confined solely to preparing men for naturalization. It has been attempted to take over this entire matter by the Department of Labor, but it is now being used solely as an argument, by those who are opposed to this bill, to destroy the bill. It is not a duplication of work. It is carried on there in a small way. There is no great, broad purpose as in the case of this bill, and it ought to be entirely in the hands of one department, and that ought to be the Bureau of Education.

It seems to me the mistake the Senator from Mississippi makes, in compelling these men to pay for their education and to pay for attending school in a land where we pride ourselves upon free schools, is that this work is not entirely for the benefit of the men who are learning the English language, or are being educated. This bill is on the theory that ignorance and illiteracy is a danger to this country, a danger to us, a danger to our institutions, the greatest danger that we have, a greater danger than any danger from the outside; and the purpose of this bill is to protect ourselves and our country, not to educate these men merely for their own gratification or their own advancement. That is the error, it seems to me, in the argument as made by the Senator from Mississippi.

It seems to me that if this is adopted we may as well abandon the whole proposition. It is contrary to the genius of our institutions; it is contrary to our great system of free schools; and while there are plenty of foreigners who can pay for this education, they can just as well pay for the education of their children, and we do not require that of them.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Harding	Lenroot	Smith, S. C.
Capper	Harris	McKellar	Smoot
Chamberlain	Harrison	Nelson	Sterling
Colt	Jones, N. Mex.	New	Sutherland
Culberson	Jones, Wash.	Norris	Trammell
Curtis	Kellogg	Nugent	Wadsworth
Dial	Kenyon	Phipps	Walsh, Mass.
France	King	Pittman	Watson
Frelinghuysen	Kirby	Sheppard	Wolcott

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. MCCORMICK, Mr. OVERMAN, Mr. RANSDELL, and Mr. SIMMONS answered to their names when called.

Mr. MCNARY, Mr. GRONNA, Mr. PHELAN, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. KENYON. I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SPENCER, Mr. WALSH of Montana, Mr. CALDER, Mr. BRANDEGEE, and Mr. LODGE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. HARRISON. Mr. President, I ask for the yeas and nays on my amendment.

Mr. JONES of New Mexico. Mr. President, I wanted to use a little time on this amendment for the purpose of explaining another feature of the bill. I may say, incidentally, regarding this particular amendment, that it seems to me if it were adopted it would practically nullify the purposes of the whole bill. Therefore I shall oppose the amendment offered by the Senator from Mississippi.

However, I desire, Mr. President, to call attention to some other provisions of the bill. I am a member of the committee which reported the bill. Previous to its being reported I called attention to certain conditions which might make it necessary to amend the bill, and it was understood at the time that some amendment would be necessary in regard to the matters which were then discussed.

I am very much in favor of the bill, but, in my judgment, unless the bill is amended there will not be one dollar of the money used under the bill in any State in the Union, if the provisions of the bill are enforced. In other words, in my judgment the bill will prove to be inoperative, and it is for the purpose of putting life into it and making it operative that I am going to suggest an amendment which I will offer when the bill comes into the Senate. The bill requires under section 7 that—

> The Secretary of the Interior shall (a) withhold the unpaid portion of an allotment to any State whenever he determines that any portion of the sums allotted are not being properly applied for the purposes of this act, or may (b) deduct—

And so on. Under section 9 it is provided that—

> The Secretary of the Interior shall annually ascertain whether the several States are using or are prepared to use the money allotted to or received by them under this act, and shall certify, on or before the 10th day of August of each year, to the Secretary of the Treasury (a) each State which has accepted the provisions of this act and complied therewith—

And so on.

Mr. President, let us turn to page 5, subdivision (e). Under that provision before any State can receive any money at all it shall "require all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21

years of age, who are not physically or mentally disqualified and who are illiterate," and so on, to attend school for a definite period of time. That makes that provision as inflexible as the laws of the Medes and Persians. There are two exceptions—where a person is suffering from a physical or mental disability. No others are provided for. I will venture to assert that there will not be a State in the Union which will require all its citizens who are not physically or mentally disqualified to attend and receive that amount of instruction.

Mr. KENYON. Of course, they must be illiterate or unable to speak, read, or write the English language.

Mr. JONES of New Mexico. I understand that, but I mean all those illiterates who are unable to read and speak, except those who are physically and mentally disqualified. The Senator knows that in many of the States of the Union there are laws to compel the attendance of all children of certain ages, and the Senator knows that those laws do not result in securing the actual attendance of all who come within their provisions. It is easy to imagine many circumstances which might temporarily or during the whole year prevent people who are illiterate and who are not physically or mentally disqualified from receiving instruction in the schools, and we can not frame a law in a State which would bring about that result. Moreover, we do not want to attempt anything here which is either impossible or impracticable, and therefore, when the bill comes into the Senate, I shall propose to amend by inserting after the word "require" the words "as far as possible and practicable." That would still leave it within the control of the Secretary of the Interior to say whether proper provisions had been made or not.

The VICE PRESIDENT. Is the Senator talking on the amendment or on the bill?

Mr. JONES of New Mexico. I am talking on the amendment at the present time.

The VICE PRESIDENT. Then the Senator's time has expired. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I called for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Kentucky [Mr. STANLEY], and vote "nay."

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. As he is not present I withhold my vote.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. RANSDELL. I have a general pair with the Senator from New Hampshire [Mr. KEYES]. In his absence I withhold my vote.

The roll call resulted—yeas 4, nays 37, as follows:

YEAS—4.

Dial	Harris	Harrison	King

NAYS—37.

Ball	Hale	New	Sterling
Capper	Hitchcock	Norris	Sutherland
Chamberlain	Jones, N. Mex.	Nugent	Townsend
Cummins	Kellogg	Phelan	Trammell
Curtis	Kenyon	Phipps	Walsh, Mass.
France	Kirby	Pomerene	Watson
Frelinghuysen	Lenroot	Sheppard	Wolcott
Gerry	Lodge	Sherman	
Gore	McKellar	Smoot	
Gronna	McNary	Spencer	

NOT VOTING—54.

Ashurst	Dillingham	Henderson	McCormick
Bankhead	Edge	Johnson, Calif.	McCumber
Beckham	Elkins	Johnson, S. Dak.	McLean
Borah	Fall	Jones, Wash.	Moses
Brandegee	Fernald	Kendrick	Myers
Calder	Fletcher	Keyes	Nelson
Colt	Gay	Knox	Newberry
Culberson	Harding	La Follette	Overman
Owen	Reed	Smith, Md.	Wadsworth
Page	Robinson	Smith, S. C.	Walsh, Mont.
Penrose	Shields	Stanley	Warren
Pittman	Simmons	Swanson	Williams
Poindexter	Smith, Ariz.	Thomas	
Ransdell	Smith, Ga.	Underwood	

The VICE PRESIDENT. On the call of the roll 4 Senators have voted "yea" and 37 have voted "nay," and there are 3 Senators present and not voting, disclosing that there is no quorum present. The Secretary will call the roll for a quorum.

The roll was called, and the following Senators answered to their names:

Calder	Harris	Lenroot	Poindexter
Capper	Harrison	McCormick	Sheppard
Chamberlain	Hitchcock	McNary	Smith, Ga.
Colt	Jones, N. Mex.	New	Smith, S. C.
Curtis	Jones, Wash.	Norris	Smoot
Dial	Kellogg	Nugent	Sterling
Frelinghuysen	Kenyon	Overman	Sutherland
Gronna	King	Phelan	Trammell
Hale	Kirby	Phipps	Wolcott

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. MCKELLAR, Mr. SPENCER, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WATSON answered to their names when called.

Mr. JONES of Washington. I desire to state that the Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness of his wife.

Mr. POMERENE, Mr. TOWNSEND, Mr. SHERMAN, Mr. BALL, Mr. COLT, Mr. FRELINGHUYSEN, Mr. HARDING, Mr. GERRY, Mr. CULBERSON, and Mr. MOSES entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on the amendment offered by the Senator from Mississippi [Mr. HARRISON], upon which the yeas and nays were once called and disclosed the absence of a quorum. The Secretary will again call the roll.

The Reading Clerk proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. I am paired with him during that absence. I find I can transfer that pair to the Senator from California [Mr. JOHNSON]. I do so, and vote "nay."

Mr. MOSES (when his name was called). Making the same announcement in reference to my pair as on the previous vote, I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement with reference to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. HARDING. I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "nay."

Mr. BALL. I transfer my general pair with the senior Senator from Florida [Mr. FLETCHER] to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. REED (after having voted in the negative). I understand that my pair, the Senator from Michigan [Mr. NEWBERRY], is absent. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. MCCORMICK. I am paired with the Senator from Nevada [Mr. HENDERSON], who is absent, I believe, on account of illness. I transfer that pair to my colleague [Mr. SHERMAN] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Jersey [Mr. EDGE] with the Senator from Colorado [Mr. THOMAS];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 4, nays 46, as follows:

YEAS—4.

Dial	Harris	Harrison	Williams

NAYS—46.

Ball	Harding	Myers	Spencer
Calder	Hitchcock	New	Sterling
Capper	Jones, N. Mex.	Norris	Sutherland
Chamberlain	Jones, Wash.	Nugent	Townsend
Colt	Kellogg	Phelan	Trammell
Cummins	Kenyon	Phipps	Wadsworth
Curtis	Kirby	Poindexter	Walsh, Mass.
France	Lenroot	Pomerene	Walsh, Mont.
Frelinghuysen	Lodge	Reed	Watson
Gerry	McCormick	Sheppard	Wolcott
Gronna	McKellar	Smith, Ga.	
Hale	McNary	Smoot	

NOT VOTING—45.

Ashurst	Gay	Moses	Simmons
Bankhead	Gore	Nelson	Smith, Ariz.
Beckham	Henderson	Newberry	Smith, Md.
Borah	Johnson, Calif.	Overman	Smith, S. C.
Brandegee	Johnson, S. Dak.	Owen	Stanley
Culberson	Kendrick	Page	Swanson
Dillingham	Keyes	Penrose	Thomas
Edge	King	Pittman	Underwood
Elkins	Knox	Ransdell	Warren
Fall	La Follette	Robinson	
Fernald	McCumber	Sherman	
Fletcher	McLean	Shields	

So Mr. HARRISON's amendment was rejected.

Mr. KENYON. Mr. President, there is an amendment on page 1. The language beginning in line 7, on that page, embracing the words "and with the Territories and possessions of the United States, except the Philippine Islands" should be stricken from the bill. I was under the impression that those words were out of the bill, but I move to strike them out now.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 1, lines 7 and 8, it is proposed to strike out "and with the Territories and possessions of the United States, except the Philippine Islands."

Mr. PHIPPS. Mr. President, I think the words at the end of line 8, and in line 9, should also go out of the bill. Otherwise there will be a repetition.

Mr. KENYON. The Senator is correct; the remainder of the section embracing the words "in the education of illiterates" should also be stricken out, and I make that motion.

The VICE PRESIDENT. The amendment will now be stated.

The ASSISTANT SECRETARY. In line 7, after the word "language," it is proposed to strike out "and with the Territories and possessions of the United States, except the Philippine Islands, in the education of illiterates."

The amendment was agreed to.

Mr. HARRISON. Mr. President, the Senator from Utah [Mr. KING] had some amendments that he wanted to propose. He has stepped out for a moment. I have an amendment which I wish to propose, to strike out everything after the enacting clause and insert the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause, and to insert in lieu thereof the following:

That the promotion of the public schools in the instruction of candidates for citizenship now being carried on by the Division of Citizenship Training of the Bureau of Naturalization is hereby extended to include all persons of the age of 16 years and upward who shall attend classes of instruction conducted or maintained by any civic, educational, community, racial, or other organization, under the supervision of the public-school authorities, and the provisions of the ninth subdivision of section 4 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), as amended by the act of May 9, 1908 (40 Stat. L., pt. 1, p. 542), are hereby made applicable to this added authority. In discharging this additional authority the director of citizenship is also authorized to disseminate information regarding the institutions of the United States Government in such manner as will best stimulate loyalty to those institutions, making use of the means heretofore provided and through use of pictures, slides, and motion pictures. The motion pictures and motion-picture negatives in the possession of the various branches of the Government shall also be available for these purposes. In this work the aid of civic, educational, community, racial, and other organizations may be secured by the director of citizenship, who shall compile statistical information as to aliens in their relation to citizenship. The foregoing shall apply to the residents of the Panama Canal Zone.

SEC. 2. There is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $300,000 to carry out the foregoing provisions and purposes of this act, including expenses incidental thereto, and for personal services in the District of Columbia, to be available to June 30, 1921, or until expended. The amounts hereby appropriated shall be in addition to all other allotments for positions in the work of the Division of Citizenship Training heretofore made from appropriations for the Bureau of Naturalization.

Mr. HARRISON. Mr. President, that amendment is designed to broaden the authority now exercised by the Citizenship Division of the Naturalization Bureau. That work has been efficiently done by these people. I have here some books that are issued by them on good citizenship, Americanism, and so forth. As stated before in my remarks, they have established in practically 3,000 communities these schools for the education of foreigners. If this amendment should be adopted, it would give them more money to operate on. It would allow them to place this literature in the hands of every person, irrespective of whether he wanted to be naturalized or not. It would give them the use of the motion pictures also.

If the Senators on the Republican side of this Chamber really want to practice some economy and really desire to Americanize somebody in this country, they have an opportunity here. I noticed in the morning's newspaper that the steering committee of the other House have lopped off a million dollars, I believe, from the appropriation for the enforcement of the prohibition law in the deficiency bill just reported by the Appropriations Committee of the other House.

Let me call the attention of the Senate, in discussing this proposition, to the fact that in the sundry civil bill at the first session since the other side came into control the department requested $2,900,000 to enforce the immigration laws, and in the following deficiency bill they requested $300,000, totaling $3,200,000. They were allowed $2,600,000, lopping off $600,000 from the important work of enforcing the immigration laws of this country. For the deportation of aliens $350,000 was requested, and to enforce the alien-enemy act $600,000 was requested by the department, and the committee and the Congress disallowed the whole amount and gave them nothing in the deficiency act. In the next deficiency bill $150,000 was requested for deportation and $100,000 was given.

Mr. SMOOT. Mr. President, the Senator made a statement that I think perhaps could be misconstrued. I know the Senator does not want to do that.

Mr. HARRISON. No; I do not want to give a wrong impression.

Mr. SMOOT. It is true that no appropriation was made for the deportation of aliens in the deficiency appropriation bill, and it is true that $350,000 was requested, as I remember, for that purpose; but in an appropriation bill, before a deficiency bill was presented, there was an appropriation for that purpose.

Mr. HARRISON. I will say to the Senator that the estimate was $3,200,000, and only $2,600,000 was allowed. Their estimate was $3,200,000. In other words, there was a cutting down of $600,000 at that time.

Mr. SMOOT. I do not believe we cut it quite enough.

Mr. HARRISON. Perhaps not.

Mr. SMOOT. I will say further that that estimate was cut after a most thorough investigation into the items to which the appropriation was to apply; and the Committee on Appropriations considered that there was no question, upon the statements made by the officials of the department themselves, that it was not necessary to appropriate the amount of the estimate.

Mr. HARRISON. I am not discussing that. I am discussing the proposition that the department estimated for so much money, and this economy Congress has cut it down so much money, to deport these alien enemies from this country and to enforce the immigration laws of this country. I go further. In this last bill the Department of Justice requested $1,000,000 to prosecute enemy aliens and they were granted only $750,000 of it. For naturalization, during the first session of this Congress, they requested $862,900 and were allowed only $450,000. In the last deficiency bill they requested $268,600 and were given nothing. So we have this situation before us——

The VICE PRESIDENT. The time of the Senator from Mississippi has expired.

Mr. HARRISON. I am speaking on the bill now, Mr. President. I believe under the rule I have 15 minutes on the bill.

The VICE PRESIDENT. Has the Senator from Mississippi spoken on the bill?

Mr. HARRISON. I have not.

Mr. KENYON. Mr. President, a parliamentary inquiry. Was the time the Senator has already taken part of the 15 minutes?

The VICE PRESIDENT. That was on his amendment, as the Chair understands.

Mr. HARRISON. Under the rule I can talk five minutes at a time on an amendment that is up. I have not talked on the bill the 15 minutes allowed under the rule.

Mr. KENYON. I raise the point that the 5 minutes already spoken should be taken out of the 15.

Mr. HARRISON. Well, give me 10 minutes more, then. I shall not utilize all the time.

I merely want to say that here are the departments requesting from Congress money to enforce the immigration law and to deport the alien enemies in this country and to put our hands upon part of the foreigners in this country. The Congress is doing nothing in that instance, but is trying to economize. Here they come with a bill that in its original state would have taxed the people of this country $85,000,000 to educate some foreigners in this country who perhaps need not have been admitted. As I have stated before, I should like to see the immigration laws more stringent. I should like to see immigrants kept out of this country for a definite length of time; but the Citizenship Division in the Bureau of Naturalization are doing exactly the work that is proposed to be done by this bill. They can do the work just as efficiencly on the outlay of $300,000 that is proposed in my amendment. If the Senators on the Republican side of the Chamber really want to economize, and do not desire to deceive the American people, let them help us on this side to adopt this amendment, appropriating only $300,000, getting the same results that it was proposed to get by the bill in its original form, which sought to appropriate $85,000,000.

Mr. KENYON, Mr. SMOOT, and Mr. DIAL addressed the Chair.

The VICE PRESIDENT. The Senator from Iowa.

Mr. KENYON. Mr. President, I wanted to take 15 minutes on the bill, but I do not believe it would be fair for me to do so if other Senators really want to take 5 minutes on any of these amendments in good faith. If they do, I will not presume to take 15 minutes at this late hour, but I will take 5 minutes.

Mr. SMOOT. Mr. President, I merely wanted to call attention to the amendment that has been tendered; but if the Senator wants to speak upon it, I will wait until he gets through.

Mr. KENYON. I want to make some remarks on the bill. The Senator from South Carolina [Mr. DIAL], I know, rose. If he wants to take five minutes, I will give way to him. I should like five minutes before the debate closes.

Mr. DIAL. Mr. President, I shall take only one minute.

I have been wondering during the last few weeks who is going to do the work of the world. I must say that I think the Senate is the most considerate body I ever saw. Here some time ago they passed a bill, I believe, that no one under 16, or perhaps 14, years of age could work. I think that law has been set aside by the Supreme Court. Now, I believe there is some talk of pensioning everybody over 50 years old. Then we come here to-day with this bill to force everybody from 16 to 21 years who can not read or write or understand the English language to go to school, and to allow anybody else in the same condition up to 50 years of age to go to school. I had been considerably disturbed about who would do the work of the world until I saw in the paper a day or two ago that in Russia the Bolsheviki are going to make people work 12 hours a day, and therefore I think the country will be safe when everybody goes to school.

Mr. KENYON. Mr. President, there have been some of the most remarkable arguments made on this bill that anyone has ever heard on this floor. They have shown a lack of knowledge of the purposes of this bill, and in many instances, apparently, those making the arguments have never read the bill. One of the great purposes of this bill at the commencement, given full consideration by the committee, was to start on the pathway of making this a one-language Nation.

The Vice President, in a speech in Florida a few days ago, with that good fund of common sense that he possesses, took that position, that we should become a one-language Nation.

The Senator from Mississippi, in speaking on this bill a few days ago, took the position that to become a good American you must learn to speak our language, or practically that.

That is one of the things we are trying to do. Now, we have a bill here, starting out on that plan, enlarged somewhat by the amendment of the Senator from South Dakota [Mr. STERLING], to teach in these schools the principles of the American Government, some American history, and the principles of civil government; and I am astounded, where we have this great wave of unrest sweeping over the world and in our country, this Bolshevism, that Senators who have been the strongest on this floor against Bolshevism have been strongly against this bill. I can not understand it. It is to be regretted.

Our purpose has been to help meet the arguments of the I. W. W.'s the arguments of the reds, the arguments of the Bolshevists, with arguments as to what the American Government is, what a land of equal opportunity and of exact justice this is. To hear some of these arguments one would think we were trying to interfere with the colored question in the South, that we were trying to waste the money of the people on this fantastic proposition, by which the Federal Government is trying to help lend a friendly hand to the States in this great work.

We are talked to by the junior Senator from Mississippi about the lack of economy of the Republican Party. I am sorry this thing gets into politics; it has no place there. I am sorry you ever dragged this question of races in here; it has no place in here. Politics has no place here.

The Republican Party has been extravagant, as you have been extravagant, and it does not lie in the mouths of either side to talk very much about the extravagance of the other side. When you talk to Republicans about economy, I say to you that there is no economy in withholding money to stamp out the blight of ignorance and illiteracy in this country. It is the worst enemy to the Republic; and I do not believe the people of the United States are going to view with any satisfaction the cheeseparing of this Congress in this great work of Americanizing the illiterates and the foreigners in this country.

Mr. WILLIAMS. Mr. President, will the Senator mind one question?

Mr. KENYON. Not at all.

Mr. WILLIAMS. Does not the Senator think that a dollar spent in preventing the admission of illiteracy and ignorance is better than a dollar spent in trying to cure it after it has been permitted to come in?

Mr. KENYON. Yes; but if you have not spent the dollar preventing their coming in, then you would better spend a dollar curing the disease, would you not?

Mr. WILLIAMS. I should say you had better deport them about as soon as you could.

Mr. KENYON. Deport them; yes. Does the Senator think that he is going to solve the difficulties of this country by deporting people?

Mr. WILLIAMS. No; I do not.

Mr. KENYON. You can deport your Berkmans and your Emma Goldmans but you do not deport their ideas. That is the trouble.

Mr. WILLIAMS. I agree thoroughly with the Senator about that. I was merely talking about deporting ignorance, and there is a way of doing that, and that is to refuse to allow ignorance to vote, and after a while ignorance will go on back home.

Mr. KENYON. Why does not the Senator do it? Our committee has tried to do something, and we meet nothing but criticism.

Mr. WILLIAMS. My State has done it.

Mr. KENYON. Show us something better.

Mr. WILLIAMS. My State does not allow illiterates to vote.

Mr. KENYON. No; I understand that, and so does everybody else.

Mr. WILLIAMS. Massachusetts does not allow it and Connecticut does not allow it.

Mr. KENYON. Let us discuss the economy question. You gentlemen from certain States, wherever you have a flood or a fire, come in here and ask help of the Federal Government. I have voted for appropriations to put seeds down in your States, where you had floods that wiped out large areas of your territory. You did not talk then, as the Senator from Mississippi did the other day, about "the miserable Federal Government keeping its hands off our shoulders and its hands out of our pockets."

You have had appropriations for the eradication of sheep scab and cattle diseases, appropriations to teach the people how to raise hogs, for experiments in dairy industry, and in preparing horses for breeding for military purposes; experiments in poultry feeding, hog cholera, teaching farmers' wives how to make cottage cheese, fighting every kind of a bug that ever came into your States, blights on pecan orchards, and fighting the boll weevil; and has not the Federal Government always been willing to help you? Is there any worse boll weevil than that of ignorance? Is there any worse blight than that of illiteracy?

Talk about economy! There were $150,000,000 asked for before a House committee by a Cabinet officer the other day for foreign nations, without the blink of an eye. This is for our own Nation and our own people.

A billion and a half dollars is asked for for the Army and Navy, and yet a little expense for the education of our people meets with opposition.

That is not the kind of economy the American people want. They are willing to spend every dollar that is necessary to give

every boy and girl in this country an education, and if a State will not do it, it is the duty of the Federal Government to do so.

The Senator from Mississippi can talk about it being no affair of the Federal Government. He loses track entirely of the dual relationship of our citizens. If your States are going to teach Bolshevism and I. W. W.ism, do you tell me it is no concern of the Federal Government? I tell you we could put schools right into the States and teach the contrary doctrine.

Out at Gary, where we found there were tons and tons of red literature, was it directed against the States? No; it was directed against the Federal Government. The Bolsheviks and I. W. W.'s are not trying to overturn States. They are trying to change the Federal Government, and when we educate and put up our ideals against theirs it is to save the Federal Government. You can not reach it by bludgeons, and you can not reach it in any way but by education. We are still spelling this Nation with a big "N," and will continue so to do.

When you get through taking all of these appropriations for all of these materialistic things it will be time then to talk to us about stopping helping the States.

Mr. President, we are met with the argument that there is duplication. The amendment of the Senator from Mississippi is, like his other amendments, to destroy this bill. We have had other Senators arguing that this work was being duplicated. Two or three hundred thousand dollars expended by the Department of Labor. What the States have done, what the Bureau of Naturalization has done, is answered by the figures on these charts, showing 8,500,000 people in this country who can not read or write the English language, and if that is the record of the Bureau of Naturalization, then we are in our proper sphere in asking that something be done by other branches of the Government.

The most important question of this hour is to Americanize the American Nation. You can not do it except by education. The school systems in this country are breaking down, and they need a national stimulant, not regulation; and no one wants to interfere with the educational facilities of the States. Millions of anarchistic magazines are going through the mails of this country, poisoning the souls of millions, preaching the doctrine of despair and hopelessness. It is said that America sleeps until the eleventh hour, and then she awakes. America has slept on this question until the eleventh hour, but now she is awake, and the people know that it is a question for the Nation to solve, and they are going to help solve it. They are going to meet the doctrine of despair by the doctrine of hope; they are going to meet the doctrine of untruth by the doctrine of truth; and these people are going to see the light and know the truth, and the truth will make them free.

We have heard a good deal about Thomas Jefferson in these discussions—Thomas Jefferson, the man who, when he came to prepare the epitaph for his tombstone, forgot that he had been governor, that he had been Secretary of State, that he had been minister to France, that he had twice been President of the United States; he forgot all that in his great life's work, but he remembered what he had done for freedom, and liberty, and education, and he prepared that epitaph:

Here was buried
Thomas Jefferson,
Author of the Declaration of
American Independence,
of
the statute of Virginia
for religious freedom, and
father of the University
of Virginia.

Thomas Jefferson was not afraid of education. Thomas Jefferson must have turned in his grave when he heard men on this floor argue that there was no need of education, and that really it was a bad thing.

Mr. HARRISON. Will the Senator yield?

Mr. KENYON. Certainly.

Mr. HARRISON. No Senator has said we needed no education. Senators who have opposed the bill have said it should come from the States; but no Senator has said there was no need for education.

Mr. KENYON. The Senator from Mississippi has not said it.

Mr. HARRISON. No; and I have not heard it said.

Mr. KENYON. But I still say it has been said by Senators on this floor during this debate.

Mr. President, I perhaps feel more deeply on this than I should. I do not intend to impugn the motives of any man. There is one town in the steel district of 23,000 inhabitants where only four or five thousand could speak the English language. I feel that we have to get away from this polyglot, boarding-house idea of this country; we have to face the issue and make this a one-language Nation, and that the English language; and if these aliens will not learn our language, they can not become good citizens, and they will have to go back to other lands for which they care more than for this. This bill will mean more returns to the Nation in better citizenship than any bill passed for many a day. I insert as part of my remarks a letter to Senator COLT from the National India Rubber Co., of Bristol, R. I. It is full of good thought on this subject.

The VICE PRESIDENT. Their being no objection, it is so ordered.

The letter is as follows:

NATIONAL INDIA RUBBER CO.,
Bristol, R. I., January 24, 1920.

Hon. LEBARON B. COLT,
Senate Office Building, Washington, D. C.

MY DEAR JUDGE: I noticed in the Tribune last night some remarks made by you in the debate on the Kenyon Americanization bill in the Senate, and as I am very much interested in this bill I would like to have a copy of the RECORD showing your remarks in full.

I know that I have spoken to you a good many times about the Americanization work we do here, and for your information I want to say that at the present time we have 160 pupils in our Americanization school. No compulsion whatever is used with regard to our employees attending this school. The school hours are from 8 in the morning to 5 at night, and two teachers act as instructors. Each class attends school five hours a week—that is, an hour each day.

During the month of December our attendance averaged 98 per cent, so that you can see the great interest that the employees take in this themselves. Some of the classes for two or three months back have had 100 per cent attendance, which is really remarkable.

Of course, instruction is held on company time, and the employees do not lose anything thereby, but it would be a treat to you if you could see these classes in operation and the interest and eagerness with which the pupils follow the work of the teachers.

We have just started in a new class of 16 men, who have not been in this country over two weeks, most of them Portuguese who arrived on the last boat in Providence from the Azores. They could not speak a word of English when they got here. In five days they have made remarkable strides, being able to talk quite a little, tell their own name, where they live, who they work for, and to pick out various objects around the class room and call them by name in English.

I agree heartily with your remarks on compulsion, and I think we have a great problem before us, which is really one for the general betterment of the whole community.

With best wishes, I am.

Sincerely, yours,

ANDREW W. ANTHONY,
Industrial Relations Manager.

Mr. JONES of New Mexico. Mr. President, I desire to call attention to the fact that the Senator from South Dakota [Mr. STERLING] has prepared an amendment to the bill which meets with my entire approval, covering the matter which I discussed this afternoon. I call the attention of the Senate to that fact, so that when the amendment is presented, after we begin voting, Senators will understand that it is entirely satisfactory all around.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senator from Mississippi to the omission of a word in his proposed amendment. The amendment, as I caught it, was:

The foregoing shall apply to the residents of the Panama Canal Zone.

It seems to me that the word "also" is left out; that it should read "shall also apply."

Mr. HARRISON. Yes; I should like to have that modification made.

The VICE PRESIDENT. The Secretary will state the proposed modification.

The ASSISTANT SECRETARY. After the word "shall," insert the word "also," so that it will read:

The foregoing shall also apply to the residents of the Panama Canal Zone.

The VICE PRESIDENT. The amendment will be so modified.

Mr. SMOOT. Mr. President, this amendment is a bill that has already been introduced in the House; it was referred to the committee, the committee reported it to the House, and it is now on the calendar of the House for consideration at a very early date.

I see that the hour of 4 o'clock has arrived, and I can take no more time.

The VICE PRESIDENT. The hour of 4 o'clock has arrived. The pending amendment is the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. NORRIS. May we have the amendment reported?

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The ASSISTANT SECRETARY. Strike out all after the enacting clause and insert:

That the promotion of the public schools in the instruction of candidates for citizenship now being carried on by the Division of Citizenship Training of the Bureau of Naturalization is hereby extended to include all persons of the age of 16 years and upward who shall attend classes of instruction conducted or maintained by any civic, educational, community, racial, or other organization, under the supervision of the public-school authorities, and the provisions of the ninth subdivision of section 4 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), as amended by the act of May 9, 1918 (40 Stat. L., pt. 1, p. 542), are hereby made applicable to this added authority. In dis-

charging this additional authority the director of citizenship is also authorized to disseminate information regarding the institutions of the United States Government in such manner as will best stimulate loyalty to those institutions, making use of the means heretofore provided and through use of pictures, slides, and motion pictures. The motion pictures and motion-picture negatives in the possession of the various branches of the Government of an educational nature may also be available for these purposes. In this work the aid of civic, educational, community, racial, and other organizations may be secured by the director of citizenship, who shall compile statistical information as to aliens in their relation to citizenship. The foregoing shall also apply to the residents of the Panama Canal Zone.

SEC. 2. There is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $300,000 to carry out the foregoing provisions and purposes of this act, including expenses incidental thereto, and for personal services in the District of Columbia, to be available to June 30, 1921, and until expended. The amounts hereby appropriated shall be in additional to all other allotments for positions in the work of the Division of Citizenship Training heretofore made from appropriations for the Bureau of Naturalization.

Mr. SMOOT. I desire to offer an amendment to the amendment. In section 1, in that part of the amendment which reads "the motion pictures and motion-picture negatives in the possession of the various branches of the Government shall also be available for these purposes," I move to strike out the word "shall" and insert in lieu thereof the word "may" and after the word "Government" and before the word "may" to insert the words "of an educational nature," so that the sentence will read:

The motion pictures and motion-picture negatives in the possession of the various branches of the Government of an educational nature may also be available for these purposes.

Mr. HARRISON. That amendment is thoroughly agreeable to me.

The VICE PRESIDENT. The question then is on the amendment as modified.

On a division the amendment as modified was rejected.

Mr. KING. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. In line 5, page 1, after the word "of" and before the word "illiterates," insert the word "alien," so as to read "cooperate with the Federal States in the education of alien illiterates."

The bill is ostensibly for the Americanization of aliens, but it is now sought to be used as an entering wedge for the United States to take charge of the educational work of the States.

Mr. KENYON. Mr. President, I rise to a parliamentary inquiry. I understand there is to be no debate on any amendment?

The VICE PRESIDENT. There is to be no debate. The question is on the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. KING. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. At the end of section 3 as amended add the following proviso:

Provided, That no part of said sum shall be used to increase the compensation now provided for any position or office or person or official in said Interior Department or Bureau of Education: *And provided further*, That no compensation or salaries paid out of said sum shall be in excess of such as may be paid to employees of the Government in other departments of the Government for like or similar services.

The amendment was agreed to.

Mr. KING. On page 1, in line 3, I move to strike out the word "Interior" and insert in lieu thereof the word "Labor" and to strike out the words "Bureau of Education" and insert in lieu thereof the words "division of citizenship training," so that as amended the section will read:

That the Secretary of Labor, through the Division of Citizenship Training, is hereby authorized and directed to cooperate with the several States in the education of alien illiterates—

And so forth. The amendment merely transfers the work from the Department of the Interior to the Citizenship Division of the Department of Labor.

The amendment was rejected.

Mr. HARRISON. Mr. President, I reserve the right to offer an amendment to subdivision (e), page 5, when we get into the Senate.

The VICE PRESIDENT. The Senator does not have to reserve any right; he has that right.

Mr. HARRISON. I desire to offer an amendment to an amendment that was adopted in Committee of the Whole. I understand I can not offer it now.

The VICE PRESIDENT. The Senator can reserve a separate vote on that.

Mr. HARRISON. I desire to do that.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Senator from Mississippi [Mr. HARRISON] has reserved for a separate vote the amendment to subdivision (e) of section 5, lines 13 and 14. The question is on concurring in all other amendments.

The amendments were concurred in.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Mississippi [Mr. HARRISON]. The amendment will be stated.

The ASSISTANT SECRETARY. In lines 13 and 14, page 5, strike out the words "and approved by the Secretary of the Interior."

Mr. NORRIS. I was interrupted when the Chair was stating something with regard to other amendments. I wanted to reserve a separate vote on one other committee amendment.

The VICE PRESIDENT. The Senator did not reserve it.

Mr. NORRIS. I was interrupted and did not hear the Chair, and do not know now whether the Chair has reserved it.

The VICE PRESIDENT. The Chair has stated that all amendments except this one were concurred in.

Mr. NORRIS. I intended to ask that the amendment of the Senator from South Dakota, on page 5, paragraph (e), be reserved for a separate vote, but I understand it is the same amendment reserved by the Senator from Mississippi.

Mr. HARRISON. Yes; it is the same amendment, but I desire to do differently from what the Senator from Nebraska wishes to do.

Mr. NORRIS. What is the amendment offered by the Senator from Mississippi?

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On lines 13 and 14, page 5 of the reprint, strike out the words "and approved by the Secretary of the Interior."

Mr. HARRISON. I think it was an inadvertence that that was left in the amendment. It is stricken out in other places.

Mr. NORRIS. Mr. President, a parliamentary inquiry. My amendment applies to the same amendment, although it is in the form of a substitute for it. I presume the vote would first come on the amendment of the Senator from Mississippi.

The VICE PRESIDENT. That is the opinion of the Chair. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment made as in Committee of the Whole.

On a division the amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I offer a substitute for paragraph (e), page 5 of the reprint, striking out all of paragraph (e) and inserting what I send to the desk.

The VICE PRESIDENT. The proposed substitute will be stated.

The ASSISTANT SECRETARY. As a substitute for subsection (e) of section 5 insert:

(e) Provide by law for free schools that can be attended by residents of a State of any age, who are unable to speak, read, or write the English language, where instruction in the English language can be received for not less than 200 hours per annum.

On a division the amendment to the amendment was rejected.

Mr. STERLING. Mr. President, I offer an amendment to the amendment.

The VICE PRESIDENT. It will be stated.

The ASSISTANT SECRETARY. On page 5, line 8, after the word "disqualified," it is proposed to insert "or whose attendance on the classes of instruction hereinafter mentioned is otherwise impossible or impracticable."

Mr. SMOOT. May we have paragraph (e) as amended read in full in order that we may really see what it means?

The VICE PRESIDENT. Including the amendment?

Mr. SMOOT. Including the amendment just read.

The VICE PRESIDENT. The Secretary will read the language as it will be if the amendment referred to by the Senator from Utah be adopted.

The Assistant Secretary read as follows:

(e) Require all resident persons, whether citizens of the United States or aliens, 16 years of age or over and under 21 years of age, who are not physically or mentally disqualified or whose attendance on the classes of instruction hereinafter mentioned is otherwise impossible or impracticable, and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than 200 hours per annum until they shall have completed a specified course prepared by the department of education or chief school officer of the State and approved by the Secretary of the Interior: *Provided*, That this shall not apply to those who are in this country temporarily for sojourn or business.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. STERLING] to the amendment made as in Committee of the Whole.

On a division the amendment to the amendment was rejected.

The amendment was concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment. Shall it be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. KENYON. On the passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement which I have heretofore made with regard to my pair, I withhold my vote.

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). The junior Senator from Michigan [Mr. NEWBERRY] is paired with the senior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. OVERMAN (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. WARREN]. As he is not present, I withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. NEWBERRY] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. KIRBY (when the name of Mr. ROBINSON was called). The senior Senator from Arkansas [Mr. ROBINSON] is unavoidably detained on account of illness. I understand if he were present he would vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who is detained from the Chamber on account of sickness. Therefore I withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. SMITH], I vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. McCORMICK (after having voted in the affirmative). I note that the Senator from Nevada [Mr. HENDERSON], with whom I am paired, is still absent from the Chamber. Therefore I withdraw my vote and answer "present."

Mr. KELLOGG (after having voted in the affirmative). Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The VICE PRESIDENT. He has not.

Mr. KELLOGG. I have a general pair with the senior Senator from North Carolina. In his absence I withdraw my vote.

Mr. JONES of Washington. I transfer my pair with the Senator from Virginia [Mr. SWANSON], which I have heretofore announced, to the Senator from California [Mr. JOHNSON] and vote. I vote "yea."

Mr. PITTMAN. I announce that the junior Senator from Nevada [Mr. HENDERSON] is confined to his residence by illness. As has already been announced, he is paired with the Senator from Illinois [Mr. McCORMICK]. The Senator from Wyoming [Mr. KENDRICK] is unavoidably absent. He is paired with the Senator from New Mexico [Mr. FALL]. If the Senator from Wyoming were here, I am informed that he would vote "yea."

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families.

The Senator from Kentucky [Mr. BECKHAM], the Senator from Florida [Mr. FLETCHER], the Senator from Nevada [Mr. HENDERSON], the Senator from Tennessee [Mr. SHIELDS], the Senator from Colorado [Mr. THOMAS], and the Senator from Alabama [Mr. UNDERWOOD] are detained from the Senate by illness.

The Senator from Arizona [Mr. ASHURST] and the Senator from Alabama [Mr. BANKHEAD] are absent on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Colorado [Mr. THOMAS];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. NELSON] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 36, nays 14, as follows:

YEAS—36.

Ball	Hitchcock	New	Smith, Ga.
Brandegee	Jones, N. Mex.	Norris	Spencer
Capper	Jones, Wash.	Nugent	Sterling
Colt	Kenyon	Phelan	Sutherland
Cummins	Kirby	Phipps	Townsend
Curtis	Lenroot	Pittman	Wadsworth
France	Lodge	Poindexter	Walsh, Mass.
Gerry	McKellar	Pomerene	Walsh, Mont.
Hale	McNary	Sheppard	Wolcott

NAYS—14.

Calder	Gronna	Reed	Trammell
Chamberlain	Harris	Sherman	Williams
Dial	Harrison	Smith, S. C.	
Frelinghuysen	King	Smoot	

NOT VOTING—45.

Ashurst	Gore	McLean	Simmons
Bankhead	Harding	Moses	Smith, Ariz.
Beckham	Henderson	Myers	Smith, Md.
Borah	Johnson, Calif.	Nelson	Stanley
Culberson	Johnson, S. Dak.	Newberry	Swanson
Dillingham	Kellogg	Overman	Thomas
Edge	Kendrick	Owen	Underwood
Elkins	Keyes	Page	Warren
Fall	Knox	Penrose	Watson
Fernald	La Follette	Ransdell	
Fletcher	McCormick	Robinson	
Gay	McCumber	Shields	

So the bill was passed.

AWARDS OF NAVAL DECORATIONS.

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of Senate resolution 285, being Order of Business 333 on the calendar.

Mr. PITTMAN. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. PITTMAN. Is the question debatable, Mr. President?

The VICE PRESIDENT. It is.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I yield to the Senator from Montana.

Mr. WALSH of Montana. I do not care, Mr. President, to discuss the question of the propriety of taking up this matter at this late hour in the afternoon, but I do desire to submit a few remarks upon the resolution itself. It contemplates the employment of an attorney by the subcommittee of the Committee on Naval Affairs of the Senate charged with the duty of inquiring into the matters set forth in the more or less famous letter of Admiral Sims, directed to the Secretary of the Navy, touching what he speaks of as the policy, tactics, strategy, and administration of the Navy Department.

I wish to make it perfectly clear, if I can, that no suggestion has been made of any corruption on the part of the Navy Department or anybody connected with it; there has been no charge, for instance, of extravagant expenditures upon the part of the Navy Department; no suggestion of any character concerning changes that are necessary in the laws in relation to the Navy Department or to the Navy. The whole matter turns, as stated in Admiral Sims's letter, upon the question of errors of policy, tactics, strategy, and administration that were committed by our Navy. I read from paragraph 3 of the letter, as follows:

> In this respect it is particularly important that a just estimate be made of the errors of policy, tactics, strategy, and administration that were committed by our Navy.

Mr. President, I am somewhat at a loss to understand just exactly what is to be accomplished by this investigation, just exactly what the Senate can do in the matter, or is expected to do in the matter. Investigations are often conducted with a view to determining whether corruption has existed in any department of the Government, or whether there has been extravagance in the expenditures of the public funds. Other investigations are conducted with a view, primarily, to informing the committees dealing with legislation, and, secondarily, to advise the Senate itself concerning matters, in order that it may be enabled wisely and with information to deal with some particular subject; but nothing of that kind is suggested here.

It will appear from the letter of Admiral Sims that in the early part of the year 1917—indeed, before we declared war—he was sent to London as a special representative of the Navy Department and was subsequently appointed to the position of chief command of our naval forces abroad. He complains in

this letter that he was not given the powers that were ordinarily attendant upon such a position as he held; that he was restricted in the exercise of authority which he felt was essential to the correct discharge of the duties of the place with which he was entrusted. In other words, as is perfectly well understood, the General Board of the Navy, which sat here in Washington, assumed to exercise certain authority over the operations of the Navy abroad and, through the Secretary of the Navy, it conferred certain powers upon the commander in chief there. He insists that the retention of so much authority practically by the General Board of the Navy and the refusal to give him the unlimited power which he thinks he ought to have exercised was an unwise thing to do from the standpoint of naval strategy and tactics.

Mr. President, the question as to whether the General Board acted wisely or unwisely—whether, judged from the standpoint of the correct conduct of naval warfare, they were right or Admiral Sims was right in the matter—is the issue that this committee is called upon to investigate. That, as a matter of course, is a thing that is largely a matter of opinion between contending naval experts. Undoubtedly the board will come forward and justify, as best it can, the policy which it announced and which it pursued limiting the powers of Admiral Sims. Admiral Sims and his friends will come forward and advance the other theory as the correct one to be observed in the conduct of naval operations.

What is there about this that calls for the employment of a lawyer? In the first place, as everyone knows, two-thirds of the members of the committee are lawyers. I think perhaps four out of five of the members of the committee are lawyers; and apparently, from the examination of Admiral Sims, so far as it has gone, he is quite able to take care of himself and to expatiate upon his peculiar views concerning what constitutes naval strategy without very much prompting from any lawyer.

Mr. WILLIAMS. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If there were anything in the case that called upon us to employ counsel for Admiral Sims's side of this controversy, would not exactly the same thing call upon us to employ counsel for the other side, to get the side of the board of strategy?

Mr. WALSH of Montana. I am not entirely advised about that. I presume probably the Judge Advocate General's department would be able to supply counsel; but I am not advised as to whether they would represent Admiral Sims's side of the controversy or the other side.

Mr. WILLIAMS. No; and if we are going to employ counsel outside of the committee and outside of the Navy and if we are not aware of the fact that the Judge Advocate General's office of the Navy Department would represent the other side, then we would be employing counsel for one side and no counsel for the other.

Mr. WALSH of Montana. It would seem so; but in any case, Mr. President, I am quite at a loss to understand what there is about this that calls for the employment of counsel. Nobody's reputation for integrity or for faithful administration of the duties of his office appears to be involved in any way, shape, or form. It is not even contended, it is not even intimated throughout the letter anywhere that the matter passed beyond a simple question as to which was the advisable way to conduct that part of the war. I suppose probably the Navy Board will testify about the matter, and if they were in any manner overruled in their conclusions concerning things by the Secretary of the Navy—a thing that seems quite inconceivable—they will be able to say so and throw the responsibility wherever it belongs. But more, Mr. President; I submit that it is questionable whether there is any proper jurisdictional basis for an inquiry of this kind at all. I do not know why we should conduct it. For the enlightenment of the general public concerning these two contending theories of naval strategy? In all reasonable probability, I suppose, the contestants upon both sides—those favoring Admiral Sims and those taking the other view about it—will exploit their views through the newspapers and magazines of the country, the same as has occurred in the past. For my part, I do not see why the public would not be just exactly as well advised about the matter in that way as they will be through a congressional investigation.

This, Mr. President, is not the first time in our history when a difference of opinion has existed concerning the wisdom of proceeding in one way or proceeding in another way in reference to either our naval or our military operations. If Admiral Sims claims that his theory concerning what ought to be done and what ought not to be done is correct, I can not understand why he should not be at entire liberty to use the ordinary avenues through which the public mind is reached. The magazine publishers no doubt would be very glad to get an article from him exploiting his theory; and in all reasonable probability Admiral Benson, who, of course, was immediately responsible for the orders put out to Admiral Sims, and the limitations upon his authority, would be accorded an opportunity through some other magazine to exploit his peculiar views concerning the correct way in which this question of naval strategy should be resolved. Why should not the public get their information about the matter in that way? In the first place, why should there be an investigation of that particular thing at all?

Of course, we all understand that these matters are usually tinged with a political coloring of one kind or another, and we all understand that from the beginning of his administration Secretary Daniels has been the subject of attack. His administration of the office has been undergoing criticism from the time he took hold until perhaps a year or two before the war commenced, when even so virulent an assailant as George Harvey apologized publicly through his paper for the assaults that he had theretofore made upon the Secretary. But now an opportunity is presented, in the estimation of some gentlemen, to renew that attack for political purposes and to subserve political ends. That is perfectly well understood.

Mr. President, why should the Government of the United States pay any money out of its Treasury for the purpose of assisting in exploiting either one or the other of these two contending theories? It will be observed, as I have suggested, that there is not an intimation that there is anything wrong with our naval code. It is not suggested that we must amend our legislation in some particular or other. It is a mere matter of this contention between naval experts as to just exactly how the Navy ought to be handled under the circumstances which confronted it at the outset of the war. I do not think this can be justified under any circumstances or conditions.

But, Mr. President, we are confronted in every effort to enlist Government activities in any direction whatever with a rigid program of economy by the dominant party in both branches of Congress. Some highly necessary appropriations for carrying on Government work in the State of Montana must be refused because it is asserted that the Treasury is in such a state that the most rigid economy must be exercised; and every time anything in the nature of an appropriation bill comes up we are told all about the desperate state of the Treasury, how we are running away behind, and how it will be necessary to impose new and heavier burdens of taxes upon the people; and yet we are here with a proposition of employing some high-priced lawyer, at some fee to be measured by his great reputation, to take care of this controversy that ordinarily would be solved and determined by the public, so far as it is necessary to determine it, as the matter is presented through the public press and through the magazines of the country.

I do not believe that this suggestion of the employment of an attorney to conduct this investigation can be justified upon any sound basis whatever, and I hope very sincerely that the resolution will not be adopted. Nobody who knows anything about the matter or who has given any consideration to it has the slightest fear that Admiral Sims is not able to tell his story, and to tell it with entire fullness and in complete detail. He will undoubtedly pick up every one of these charges that he has made, from beginning to end, and he will tell all the facts about them, so far as he knows about the facts; and when the other side is heard about the matter, I apprehend that the public will know pretty nearly all there is.

I submit, Mr. President, that a lawyer will not be able to bring out any facts that will elucidate this question or that will be of any substantial benefit to the public in making a just estimate of the controversy, if it is a proper subject for investigation by the committee.

Mr. HALE. Will the Senator yield for a question?

Mr. WALSH of Montana. I yield.

Mr. HALE. In view of the lateness of the hour, will the Senator not allow my motion to take up this resolution prevail? If he will do that, I shall be very glad to ask for an executive session, and the Senator can complete his remarks to-morrow.

Mr. WALSH of Montana. I have finished what I desired to say on the subject. I am advised, however, that another member of the committee desires to be heard on the subject before we vote on it.

Mr. HALE. I hope that the other member of the committee will agree to my suggestion.

Mr. PITTMAN. Mr. President, I will state that, as a member of the committee, I will not consent to the suggestion. Of course, if the Senator rose for the purpose of making a speech, or any-

thing of that kind, I should be very glad to yield the floor to him at the present time, but there will be objection to proceeding to vote on his motion before it is discussed sufficiently for those present at least to understand it.

Mr. HALE. Very well, Mr. President, I will withdraw my motion at the present time, but I now announce that to-morrow at the close of the routine morning business I shall again move that the Senate proceed to the consideration of the resolution.

RURAL HOMES.

Mr. SMOOT. Mr. President, I would like to ask unanimous consent to take from the calendar the bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes. I would like to have it passed this evening, if possible, so that we can get it over to the House.

Mr. WILLIAMS. What is the bill?

Mr. SMOOT. It is a bill that will not take one cent out of the Treasury of the United States.

Mr. WILLIAMS. I know, but what does it provide?

Mr. SMOOT. The title of the bill is, "To increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes."

Mr. WILLIAMS. Was it unanimously reported from the committee?

Mr. SMOOT. Yes; and it is recommended in the highest terms by the department. In fact, the Secretary of the Interior specifically refers to the legislation in his annual report.

Mr. KING. It has a formidable title. I would like to learn what the bill is about.

Mr. SMOOT. If there is any objection, I will not ask for its consideration. I would like to have the bill read. It will take just a few moments to read.

Mr. KING. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will report the bill.

The reading clerk read the bill as proposed to be amended by the Committee on Public Lands, as follows:

Be it enacted, etc., That the Secretary of the Interior, through the Reclamation Service, is authorized to investigate and determine the feasibility of developing tracts of land in private ownership within any State or Territory, by reclamation and otherwise, for the purpose of subdividing the land and disposing of the same in farms and parcels at reasonable prices.

SEC. 2. That after the Secretary of the Interior has determined the feasibility of a project, he is authorized, through the Reclamation Service, to develop the land to such extent, and dispose of the same in farms and parcels in such manner and upon such terms as to him shall be deemed most feasible and practicable.

SEC. 3. That no moneys of the United States shall be expended for any of the purposes of this act, nor shall either the investigation or development of any project be commenced or any obligation incurred therefor, until a contract shall have first been made by the Secretary of the Interior with the owner or owners of the land, providing for the payment in advance of sufficient moneys to meet the cost of such investigation or development. The moneys provided by every such contract shall be deposited with the Treasurer of the United States as a trust fund, and shall be disbursed by a duly authorized fiscal officer of the Government under the direction of the Secretary of the Interior and in accordance with the terms of such contract.

SEC. 4. That every contract for development of a project shall provide, among other things, that the developed farms and parcels shall be sold to persons who desire to occupy the same as homes at the actual cost of the land and the development thereof plus a definite reasonable profit to the owner or owners stated in advance therein. All contracts for the purchase of farms and parcels shall be made for, and the moneys due thereunder shall be payable to, the owner or owners of the land or their assigns.

Mr. KING. I hope my colleague will not ask for the consideration of the bill this evening.

Mr. SMOOT. Certainly, if there is any objection to it, I will not.

Mr. KING. It may be all right; it looks very innocent on its face; but I am afraid that back of it are lurking some dangers, and I would like to have an opportunity to examine it.

Mr. McCORMICK. Is the Senator speaking of the League of Nations?

Mr. KING. There are none lurking there that the Senator has not already discovered.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened.

TREATY WITH SALVADOR.

In executive session this day the following treaty was ratified, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom.

The SENATE:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Salvador, signed January 28, 1919, for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

WOODROW WILSON.

THE WHITE HOUSE,
Washington.

—

The PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to its transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of the Senate to its ratification, a convention signed January 28, 1919, between the United States and Salvador, for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

FRANK L. POLK.

DEPARTMENT OF STATE,
Washington, February 27, 1919.

—

The United States of America and the Republic of Salvador being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries:

The President of the United States of America, Frank L. Polk, Acting Secretary of the United States of America, and

The President of the Republic of Salvador, Rafael Zaldivar, envoy extraordinary and minister plenipotentiary for the Republic of Salvador in the United States of America,

Who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the High Contracting Parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other High Contracting Party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the High Contracting Parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced, in such manner that they can not be put to other uses, shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the despatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be consid-

ered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

No license shall be required of:

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

ARTICLE IX.

Any concessions affecting any of the provisions of the present treaty that may hereafter be granted by either High Contracting Party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

This convention shall be ratified; and the ratifications shall be exchanged at Washington or San Salvador within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that, on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned, this convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate, at Washington, this 28th day of January, 1919.

[SEAL.] FRANK L. POLK.
[SEAL.] R. ZALDIVAR.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 27, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1920.

JUDGE OF MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Robert E. Mattingly, of the District of Columbia, to be judge of the municipal court, District of Columbia, vice Milton Strasburger, resigned.

PROMOTIONS IN THE COAST AND GEODETIC SURVEY.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be hydrographic and geodetic engineer (by promotion from junior hydrographic and geodetic engineer):

Ray Longfellow Schoppe, of Vermont, vice Ferdinand Westdahl.

The following-named officers of the United States Coast and Geodetic Survey in the Department of Commerce to be junior hydrographic and geodetic engineers (by promotion from aid):

Lowrie Wilson Burdette, of South Carolina, vice L. M. Mower.

William McCaslan Scaife, of South Carolina, vice A. G. Katz.

Earl Oscar Heaton, of New York, vice H. W. Hemple.

The following-named officers of the United States Coast and Geodetic Survey in the Department of Commerce to be aids (by promotion from deck officers):

Robert Francis Anthony Studds, of the District of Columbia, vice L. W. Burdette.

Louis Morris Zeskind, of Maryland, vice L. M. Scaife.

Henry Caperton Warwick, of West Virginia, vice E. O. Heaton.

Jacob Stanley Rosenthal, of Maryland, vice A. P. Ratte.

Maurice Kagan, of Massachusetts, vice E. F. Lewis.

APPOINTMENT IN THE NAVY.

Col. Henry C. Haines, assistant adjutant and inspector, to be the adjutant and inspector of the Marine Corps, with the rank of brigadier general, for a period of four years from the 15th day of January, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1920.

ASSISTANT UNITED STATES TREASURERS.

Arthur Espy to be assistant treasurer, Cincinnati, Ohio.

Robert G. Hilton to be assistant treasurer, Baltimore, Md.

APPRAISER OF MERCHANDISE.

Morris Sabath to be appraiser of merchandise, customs collection district No. 39, Chicago.

UNITED STATES ATTORNEY.

E. F. Aydlett to be United States attorney, eastern district of North Carolina.

POSTMASTERS.

MICHIGAN.

Charles J. Kazilek, Alpha.
Thomas Hefferman, Baldwin.
Guy F. Hackman, Burr Oak.
Charles Myers, Clarkston.
Frank E. Richards, Clarksville.
Arthur W. Muir, Clinton.
James O. LaBerge, East Tawas.
Clara Woodruff, Freeland.
David H. Allen, Galien.
Floyd J. Gibbs, Ithaca.
Frank T. Swarthout, Laingsburg.
George S. Stout, Lake City.
Leo Paquette, L'Anse.
Roydon W. Cooper, Levering.
Harry W. Denham, Litchfield.
Frank H. Koebbe, Manchester.
Leslie D. Madill, Midland.
Joseph R. Gump, Milan.
Thomas H. Berryman, Mohawk.
Mark B. Hawes, Parma.
Wilda P. Hartingh, Pinconning.
Samuel B. Brant, Pittsford.
Milburn G. Hill, Plymouth.
Frank W. Thompson, Reese.
Edward M. Cosgrove, Saginaw.
Jens H. Wester, Sawyer.
Martin C. Musolf, Tawas City.
Wellington E. Reid, Ubly.
John C. Yeakey, Wayland.

NORTH CAROLINA.

Eugene T. Hooker, Aurora.
DeLambert P. Stowe, Belmont.
John L. Miller, Concord.
Edgar S. Woodley, Creswell.
Myron L. Moore, Granite Falls.
William C. Newborn, Grifton.
Samuel W. Finch, Lexington.
William C. Pope, Marshall.
William O. Connor, Mars Hill.
John H. Sanders, Middlesex.
Robert F. Crooks, Murphy.
Harvey E. Garrison, North Charlotte.
George R. Upchurch, Norwood.
George N. Taylor, Roanoke Rapids.
Cyril L. Walker, Roper.
Henry G. Early, Rosehill.
William Watson, Swanquarter.
William C. Graham, Tabor.
Jacob B. Brown, Vanceboro.
Nannie McI. Moore, Warrenton.
Lula E. Parker, West Raleigh.
Millard F. Bumgarner, Wilkesboro.

APPOINTMENTS AND PROMOTIONS IN THE ARMY.

INFANTRY.

To be colonel.

Lutz Wahl.

To be lieutenant colonels.

Edward T. Hartmann.
Frederick B. Shaw.

To be majors.

Frederic G. Kellond.
Herbert L. Evans.
Harry D. Mitchell.

To be captains.

Mark W. Clark.
David S. Rumbough.
Francis J. Heraty.
Donovan Swanton.
Francis A. Macon, jr.
Laurence B. Keiser.
Homer C. Brown.
Clare H. Armstrong.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 26, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, we thank Thee that this is Thy world, that Thou art in it, ever ready to inspire, uphold, and guide those who seek Thee in spirit and in truth, in every laudable enterprise.

The earth is the Lord's and the fulness thereof; the world, and they that dwell therein:
Who shall ascend into the hill of the Lord? or who shall stand in His holy place?
He that hath clean hands, and a pure heart; who hath not lifted up his soul unto vanity, nor sworn deceitfully.

The world is full of infidelity, atheism, materialism. All sorts of wild speculations are rife; and good men, strong men, wise and holy men, are called upon from the fountain of life to assert themselves and follow the precepts and example of the world's great Redeemer, to be purified, ennobled, sanctified, if they would save it from disaster. In His name. Amen.

The Journal of the proceedings of Saturday, January 24, and of Sunday, January 25, were read and approved.

WITHDRAWAL OF PAPERS.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to withdraw from the files the papers in the case of H. R. 9208, which I introduced in the Sixty-fourth Congress, no adverse action having been taken thereon by the Committee on Military Affairs, to which it was referred.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw from the files papers in the case to which he refers. Is there objection?

Mr. GARD. Reserving the right to object, where do they go?

Mr. WHEELER. There was no action taken by the Military Committee on the case, and I simply ask to withdraw the papers from the files.

The SPEAKER. Is there objection?

There was no objection.

ADMINISTRATION OF THE PENSION LAWS.

Mr. FULLER of Illinois, chairman of the Committee on Invalid Pensions, by direction of that committee, reported the bill H. R. 12012, concerning the administration of the pension laws in claims for pension of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War, and by the widows of such persons, which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BLANTON reserved all points of order on the bill.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. CAMPBELL of Kansas. Mr. Speaker, by direction of the Committee on Rules I present the following resolution:

The Clerk read as follows:

Resolved, That during the further consideration of the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, in Committee of the Whole House on the state of the Union it shall be in order to consider, without the intervention of a point of order, any section of the bill as reported; and, upon motion authorized by the Committee on Foreign Affairs, it shall be in order to insert in any part of the bill any provision reported as part of the bill and heretofore ruled out on a point of order.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. After a bill has been submitted to the House, the House has resolved itself into Committee of the Whole House on the state of the Union for the purpose of considering that bill, general debate has been had on the bill, the bill has been read for amendment under the five-minute rule, various provisions of the bill have been adopted, and there are still remaining portions of the bill left for consideration, I make the point of order, Mr. Speaker, that it is not in order and not the province of the Rules Committee to come in at this stage of the legislation and make in order provisions of the bill which have gone out on points of order in Committee of the Whole, which is sought to be done in this case by the Rules Committee.

The SPEAKER. The Chair thinks that the Committee on Rules has that privilege before the House acts on the bill.

Mr. BLANTON. Will the Chair permit me to make a parliamentary inquiry?

The SPEAKER. The Chair does not care to hear the parliamentary inquiry; the gentleman can make the point of order.

Mr. BLANTON. Then, Mr. Speaker, I make the point of order.

The SPEAKER. The point of order is overruled.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this rule is to enable the majority of the House to do what it wishes to do in the further consideration of the bill. It is a simple matter and follows the precedents of the House.

Mr. KITCHIN. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. KITCHIN. Has the steering committee decided that this is the best thing to do?

Mr. CAMPBELL of Kansas. The steering committee has not consulted with the members of the Rules Committee, so far as I know.

Mr. KITCHIN. The gentleman knows that the gentleman from Wyoming [Mr. MONDELL] said on Saturday that on all important questions they had finally reached an agreement. I wanted to know whether you were proceeding regularly or not, or whether you were proceeding without consulting the gentleman from Wyoming [Mr. MONDELL]?

Mr. CAMPBELL of Kansas. I think we are proceeding in the utmost harmony.

Mr. KITCHIN. I am afraid that you are acting too independently. Does the gentleman from Wyoming [Mr. MONDELL] know that this rule is to be brought in?

Mr. CAMPBELL of Kansas. He does.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. This rule was brought in for the reason that points of order have been made against a number of provisions carried in the bill for years by members of the minority side of the House.

Mr. CAMPBELL of Kansas. That is true; the sole purpose is to continue legislation that has been found necessary in years past.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. CLARK of Missouri. Does not the gentleman from Kansas think that the Rules Committee is taking on a legislative function?

Mr. CAMPBELL of Kansas. Not at all. This is a question of procedure, a question of permitting the House to do what it wants to do over the objection of any single Member of the House.

Mr. CLARK of Missouri. I know; but any single Member has a right to make a point of order against an item that is not properly in the bill.

Mr. CAMPBELL of Kansas. Yes; that is under the general rules of the House, but the Committee on Rules brings in a rule to change the general rules of the House for the specific purpose of enabling the House to do what it wants to do in this particular instance, notwithstanding the rules.

Mr. CLARK of Missouri. Why do not these gentlemen who are running this Foreign Affairs Committee get up a bill that is in order?

Mr. CAMPBELL of Kansas. The gentleman from Virginia [Mr. FLOOD] could give a better answer to that question than I. He brought in bills of similar import to this during the time that he was chairman of the committee.

Mr. CLARK of Missouri. That may be true, but that is no answer—that somebody, somewhere, in the long lapse of years has done something that you want to imitate.

Mr. CAMPBELL of Kansas. In any event, it is the purpose of this rule to let the House do what it wishes with respect to the bill.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. FESS. In reply to the gentleman from Missouri [Mr. CLARK], the Sixty-fourth Congress, which was Democratic, presented the same rule for the Post Office bill, the Agricultural bill, the District bill, and one other.

Mr. CLARK of Missouri. I will ask the gentleman from Ohio a question. If you rely constantly on what the Democrats did in Congress, does the gentleman not think he ought

to bring in a resolution saying that the Democrats were dead right about all these things? [Laughter.]

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. BLANTON. I just want to put the gentleman from Kansas [Mr. CAMPBELL], chairman of the Rules Committee, on notice with respect to all the other appropriation supply bills they are to bring in here. He would better get rules making all unlawful matters in order and keep the rules in his hip pocket, because I am going to make points of order against every single unlawful provision that appears in any and all of these appropriation bills.

Mr. CAMPBELL of Kansas. Oh, the gentleman from Kansas is always ready for the gentleman from Texas on matters of that kind.

Mr. FLOOD. Will the gentleman yield to me?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Virginia.

Mr. FLOOD. The gentleman from Missouri, the leader of the minority, asked a question of the gentleman from Kansas, and the gentleman from Kansas referred him to me to answer the question. The question was why this bill was not so framed as to make all the items it carries in order. I would say to the gentleman that the bill has carried items that are subject to a point of order for many years—all of these items, so far as I know—but I believe they are meritorious appropriations and ought to be carried in the bill. And while the gentleman is legislating for the Committee on Foreign Affairs I think his committee ought to legislate to make these items permanent law, so that in the future these very meritorious appropriations would not be subject to the whim of any single Member of this House.

Mr. CAMPBELL of Kansas. I think it is only fair to state that during the time the Republicans were in the minority they did not make the points of order.

Mr. FLOOD. Oh, I think the gentleman is entirely mistaken about that. We wrestled here for days with points of order raised by the Republicans.

Mr. MONDELL. I think not with this bill.

Mr. FLOOD. With this bill; yes—the Diplomatic and Consular bill. I am not mistaken about that, because I had charge of the bill. I had a great deal of trouble getting the bill through on account of these points of order.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. LITTLE. The gentleman suggests that this rule will give the Committee on Foreign Affairs an opportunity to permit the majority to vote upon such measures as they care to put in the bill. Would this include allowing a majority of the House, if they wish to do so, to attach Armenia and Georgia to the Persian legation and make the minister to Persia minister to Armenia and Georgia and Persia, so as to accord the same representation to Armenia and Georgia as they have given to Poland and Czechoslovakia?

Mr. CAMPBELL of Kansas. It would not be in order under this rule. We are making in order matters that have been considered by the Committee on Foreign Affairs.

Mr. KITCHIN. Under the rule, what is going to become of the items that we have already passed over?

Mr. CAMPBELL of Kansas. On motion of the gentleman from Pennsylvania [Mr. PORTER] these items will be reinserted in the bill.

Mr. KITCHIN. And reread?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. GARD. Has that process ever been attempted before, where we have proceeded under the general rules of the House and ruled out certain items and then gone back under a special rule making the things in order?

Mr. CAMPBELL of Kansas. Oh, yes. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am always anxious to please my genial friend from North Carolina [Mr. KITCHIN] when he makes inquiries as to my position in regard to matters. He asked whether the chairman of the steering committee had been consulted in regard to this rule.

Mr. KITCHIN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. No; I have very brief time and I am going to answer the gentleman's inquiry. The steering committee was consulted—at least the chairman of the steering committee was consulted, and while the chairman of the steering committee is entirely nonpartisan in his view of things, he is not averse to taking proper advantage of a situation thrust upon him by the opposition. He was of opinion that it was not wise to bring a rule in, and so suggested to the gentlemen of this committee, whose bill was being shot to pieces by gentlemen belonging to the party of the administration. His opinion was that from a political standpoint the thing to do was to let the administration side of this House shoot this administration bill to pieces by points of order, if they wanted to do it. There is no pork in this bill; there is no local benefit served by this bill; there is no special class or community benefited by this bill. This is a Government bill—the Government bill, the administration bill of the Congress—having to do wholly with foreign affairs. I doubt if there is a Republican who will be affected by any of these appropriations. The men and women who are to be paid under these appropriations are Democrats, practically all of them.

The committee brought this bill in as the Democratic side has been bringing it in year after year, subject to points of order that were never made by the Republican side, and gentlemen on the Democratic side, from what motive I do not know and can not fathom, knowing that the items are meritorious, knowing that they are essential, knowing they are urged by their administration, nevertheless strike them out, in my opinion, some of them, not because gentlemen have examined the matter themselves and are informed in respect to the items but because somebody has told them that they are subject to points of order. Anyone that is allowed to get near enough can throw monkey wrenches into machinery. It does not require knowledge or information or brain power to throw monkey wrenches into the legislative machinery, as certain gentlemen on the Democratic side have been doing. If my advice were followed, there might not be any rule here, and every time a point of order was made on the administration side of this House I would have the attention of the country challenged to the fact that gentlemen were so unfair to their own Government and their own administration that they would not even give the House an opportunity to pass upon the validity and the virtue and propriety of these items.

That is what I should have done. But the committee did not agree with my view of it. Perhaps they took a more statesmanlike view of it than I did. I did not object to the rule being brought in. In fact, when the Republican members of the Foreign Affairs Committee expressed a desire for a rule I helped them get it. I think my view may have been a trifle partisan, because I would have challenged the attention of the country to the utterly indefensible attitude of certain gentlemen on the Democratic side relative to this bill. [Applause on the Republican side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Speaker, I am certainly very much surprised and disappointed at the position which my colaborer and, I might say, partner in economy, the distinguished gentleman from Wyoming [Mr. MONDELL], has taken in his remarks. I never thought for one moment that when I went "in cahoots" with him some time ago to put through an economy program that he and myself would ever part company, and that he would ever get so indignant and excited and red faced over the matter. But I see that he has changed his views on economy. He is not going to have any "program of economy" from now on. But I was gratified to hear from him that there is one committee of this House—the Rules Committee—that is not going to tolerate any overlordism from the gentleman from Wyoming [Mr. MONDELL]. He says he told the Rules Committee not to report out this rule; to let these Democrats and everybody else make all the points of order they wanted. The gentleman from Kansas [Mr. CAMPBELL] and the other members of the Rules Committee, perhaps, said, "No; you can boss the Ways and Means Committee and humiliate Chairman FORDNEY and Mr. GREEN of Iowa; you can make the Naval Committee bend the knee; you can make the Rivers and Harbors Committee tremble with fear and do your bidding; but here is one committee, Mr. MONDELL," says Mr. CAMPBELL of Kansas, "here is one committee that you dare not and can not bulldoze; you shall not be their master. I know you do not want us to report this out, but we are going to do it in spite of you." Do you not imagine that Mr. CAMPBELL of Kansas talked that way to him?

I am glad we have one committee that is independent of Mr. MONDELL and the steering committee. Let me tell the gentleman from Wyoming that I was absolutely sincere, of course [laughter], on Saturday when I came down expecting to have the hearty cooperation of the gentleman. I never made but one point of order, and it was against an item, I think, of $400,000. I made a point of order but reserved it in order for the chairman to

enlighten the House; I made and reserved the point of order trying to get a reduction in the item down to $250,000. Mr. MONDELL was not in the House at the time, and I took it that he was absolutely sincere and conscientious on the economy program, and I said, "Here, before the war, even up to 1917, we only appropriated $150,000 for that item, and surely we ought to cut it down and appropriate not over $250,000, a year and a half after the armistice." Looking around and seeing the gentleman was not here, and knowing he would have made the point of order if he had been here and that we would have cooperated together, I made the point of order and I tried to reduce the item. I told the chairman if he would reduce it to $250,000 I would not make the point of order.

Mr. MONDELL. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. MONDELL. The gentleman might have made a motion to reduce the item, and I might have, but he will have an opportunity to make a motion to reduce the item now, and I want him to do it if he is here.

Mr. KITCHIN. I will take the gentleman's place and do it if he is not here. I know the gentleman was sincere in saying that he is opposed to this rule. If he will help fight it, he will defeat it. I want to ask him, since he is opposed to the rule, against it for politics and against it because of the injustice of the rule, is he going to help fight it? Is he going to make a speech against this rule and ask these Republicans to vote against it?

Mr. MONDELL. I did not say I was against it.

Mr. KITCHIN. You said you opposed it, as the notes will show, and if you had your way you would let the Democrats or anybody else make all the points of order they wanted. If you stand up to that, you will defeat this rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five additional minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I want to call attention to the fact that the Democratic members of the Committee on Foreign Affairs raised no point of order against this bill; that none of them reserved the right to raise points of order against it, and they did not do it. The only criticism made here by minority members of that committee was in the fact that an attempt was made to claim great economy on this bill. The gentleman from Texas [Mr. CONNALLY] and myself called attention to that fact. But we were for this bill and all the items in it.

Another thing I want to call attention to is the fact that gentlemen on the other side have said that no points of order were made or reserved against this bill by gentlemen on that side during the eight years when the bill was in charge of a committee the majority of whom were Democrats. That is not according to the record at all. Points of order were made or reserved against it, and we wrestled here with Republicans day after day in order to get this bill in such shape that it would satisfy the demands of the department and supply our foreign service with the means sufficient to run and develop in accordance with the best interests of this country.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. CAMPBELL of Kansas. Was it ever necessary to bring in a rule to make any of the provisions of the bill in order?

Mr. FLOOD. No; because we worked along with the bill in the House as best we could, and when it went to the Senate items were frequently reinserted, and the bill was made a law in a proper and orderly way, and not by rules brought in by the Rules Committee. But the Republicans during the consideration of this bill raised or made more points of order when I was chairman of the committee than have been raised against this bill at this time. There were more items against which points of order were raised or made each year of those eight years than have been raised or made during the consideration of this bill by this House.

Mr. POU. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for three minutes.

Mr. BLANTON. Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL], in reply to a question asked him, stated that all of these appropriations, eliminated on points of order, would be put back into the bill by the chairman moving to reconsider these sections that had been passed, indicating that it had already been determined by the few men on the Rules Committee what the whole House of Representatives had to do; and the gentleman from Wyoming [Mr. MONDELL] states that all these points of order were made by Members who were merely told that the sections were subject to points of order, indicating that they would not have known it if they had not been told.

The gentleman from Wyoming is so used to telling his colleagues on his side of the House what he wants done and what should be done, and having them do it without any question, that he imagines that everybody else on the other side of the House is so controlled. Now, the amounts that were cut out of this bill on points of order were the following: On page 3, the sum of $134,000; on page 4, the sum of $438,000; on page 5, the sum of $15,000, and the sums of $2,000, $9,000, and $1,200; and on page 6, $15,000 and $2,000. They are the items. One of these points of order was made by the gentleman from North Carolina [Mr. KITCHIN], and all of the other points of order were made by me, and by same over $630,000 was temporarily saved to the people of the United States.

I want to submit to my friend from Wyoming, the distinguished leader of the majority, that true economy is more than lip deep; it is more than skin deep. If he wants to save these sums, what must be done? What are these sums of money for? Why, to pay so-called student interpreters, 10 of them to China, a salary of $1,500 a year each, for what? To learn how to go to school over there and learn the Chinese language. Not only that, but $200 apiece is appropriated to pay for their tuition. Not only that, but $600 a year is appropriated for their quarters. And so it is with respect to Turkey. Ten students are paid $1,500 a year each, and $200 for tuition and $600 for quarters. And so it is with Japan. Those students are paid $1,500 a year each to go to school. You pay them to go to school over there, and pay for their quarters $600, and pay for their tuition $200 each; and these are the sums of money that are taken out of the people's Treasury in this crucial time. With a deficit of $3,000,000,000 staring us in the face, you are paying fellows to go to school in China and Japan and Turkey, and after you educate them over there they will come right back to the United States and commercialize the education we have paid for, and we will get no service whatever from them. There is absolutely nothing that binds them to the service. There is absolutely nothing that guarantees to the United States of America one single dollar of value for the money expended. I want to say that the so-called economy on the majority side of the House is lip deep only.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CANNON. Mr. Speaker, will the gentleman from Kansas yield to me to ask a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. CANNON. I just came in and was told that this rule was being considered. As I understand the rule, it does not pass anything but gives the House an opportunity to reject or approve. Is that correct?

Mr. CAMPBELL of Kansas. That is the purpose of the rule. The purpose of the rule is to give the House the opportunity to consider the items reported in this bill by the Committee on Foreign Affairs.

Mr. CANNON. And the strenuous effort of the gentleman from Texas is to seek to take from the House that privilege?

Mr. CAMPBELL of Kansas. I assume that is the purpose.

Mr. KITCHIN. Mr. Speaker, while the chairman of the Committee on Rules is on his feet I would like to ask him a question. Does this rule make in order the Irish resolution about freedom for Ireland?

Mr. CAMPBELL of Kansas. That was not referred to in the rule. [Laughter.]

Mr. POU. Mr. Speaker, I would like to be recognized for five minutes.

The SPEAKER. The Chair would state that the gentleman has six minutes.

Mr. POU. Mr. Speaker, I do not like to maintain a fight on this floor which can not be sustained. The situation before the Committee on Rules was this: The information we received was that this bill came with a unanimous report from the Committee on Foreign Affairs; that there was no division of opinion as to the legislation this bill embodies.

For my part I could not imagine just how I could oppose a rule for the consideration of the bill under those circumstances. I must say the rule itself is not drawn as I would have drawn it. Nevertheless, it does bring this legislation before the House. It leaves the bill open for amendment. If the House wishes to reduce any of the items, it can do so by a majority vote. But when one of the great committees of the House asks for a resolution providing for the consideration of a measure, and the information is the bill has a unanimous report, and, moreover, that the bill is a practical redraft of legislation which

was passed by a Democratic Congress, I could not see just how to inaugurate a fight against the rule. Therefore I do not see how I can oppose this rule, and I shall vote for it. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. BEGG. Mr. Speaker and gentlemen of the House, having been on this committee and having attended the hearings for the purpose of determining the amounts that should be incorporated for the various items in this bill, and being most obstreperous on the point of appropriating vast sums of money, I feel that I would like to say a word on this question.

I want to call the attention of the minority side of the House to this fact—and it was the argument that brought me to agree to some of the items in the bill, else I most certainly would have been the obstreperous one on the floor of the House to cut them down. That argument, urged by the Secretary of State and his assistants who appeared before the committee, was this: In order that the Secretary of State and the foreign relations department might function adequately and efficiently at this time, it was necessary to maintain at least a semblance of flexibility in the law, and it would be impossible for the State Department to meet the varying conditions in the European countries at this time, with their unstable governments or unestablished governments in many of the States; it would be impossible for them to meet the conditions arising if the law were drafted with rigid and stringent provisions and held to a certain line. On that plea, and that plea alone, I agreed to many of these items in this bill. As to the question of economy, it has been bandied back and forth about whether we are saving money or not. I want to say to the minority that if I had it my way there would not be any question of doubt about whether we were saving money. I think we are appropriating money in this bill in certain places for which it is questionable whether we will ever get value received. Most certainly, in the light of the way that past appropriations for similar items have been expended, the United States Government has been caused some embarrassment because of mistakes made in our secret diplomacy. I am not in favor of that kind of legislation. I am not in favor of lump sums; but when the Secretary of State at this time, with the affairs of the world as critical as they are, comes before me and says that it is more necessary that this bill carry these items, and in the amounts in which they are carried, than it was during the war, it is not up to me to say that I know more about conditions in Russia or Germany or France or any other country than the men whom your minority party have selected to act in that capacity. I want to appeal to the Democratic side, to ask you, Have you not the same confidence in the men selected by your chief in permitting them to expend this money that we on this side have? I agree with the gentleman in toto that when we get back to normal conditions we ought to establish a law that would not require the President of the United States to have more than $1,000,000 to spend as he sees fit, to parcel out where he will, to confer favors on whom he will. I am opposed to that kind of legislation, and I want to go on record as saying so.

There is another thing to which I wish to call attention in this particular proposition. The Secretary of State, Mr. Lansing, testified before our committee that even with this appropriation, as big as it is, it is not big enough to permit him and the Chief Executive to go out into the highways and byways of life and select men because of their particular qualifications to fill these offices. On the other hand, he testified that before he could select a man to represent this Government in a foreign court, because of the inadequate pay and the enormous expenditures to which these men are put, it is necessary for him to go only into the class of the idle rich to make his selections.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield another minute to the gentleman from Ohio.

Mr. BEGG. I want to appeal not only to the minority side but to the majority side. I have no quarrel with a man because he is rich. I wish I were. But I want to ask you if you believe the Government of the United States, a Republic, as it is, can best function when the selection of its representatives for foreign diplomacy is confined to a class of individuals who have already amassed their fortunes? I believe that this Congress, or if not this Congress then the next one, could make no better move than to reorganize our foreign-affairs department in such a way that we can select men to represent us in foreign countries not because of the dollar mark that they may wear but because of their individual and particular fitness for that position. [Applause.]

Mr. FLOOD. Will the gentleman yield?

Mr. BEGG. I am glad to yield to the distinguished gentleman from Virginia.

Mr. FLOOD. Does this bill make any provision for increasing the salaries of our diplomatic and consular representatives?

Mr. BEGG. It does not, because it was thought, both by the Secretary of State and by the committee, to be unwise to undertake to do that at this time; and my reason for introducing that thought is to make clear that I am one man who believes that we are appropriating not too much money in some of these amounts, but appropriating it in the wrong way.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, I think it is an unfortunate thing for our brethren of the majority that they have returned to the practice of running the House by special rules, rather than under the general rules provided in the manual. When I first came to Congress some years ago, the practice of special rules was in vogue, and it is a matter of history that that policy was exceedingly disastrous to the Republican Party. Apparently that policy is to be revived.

Some weeks ago the conferees on the agricultural bill brought in a report which, like this bill, represented an excess of authority, so that the House conferees had to appeal to the Rules Committee for a rule to make in order the illegal matter in their report. The gentleman from Kansas [Mr. CAMPBELL] in presenting the report of the Rules Committee very clearly indicated that he did not approve of the rule, and intimated in substance that in the future the committees which brought in bills containing matter in excess of their authority need not appeal to the Rules Committee over which he presided, for authority to make this illegal matter in order. The situation to-day duplicates the plight in which the conferees on the agricultural bill found themselves. When the conferees on that bill undertook to include matter that was subject to a point of order, such an undertaking was an illegal assumption of authority. When the Committee on Foreign Affairs, or any other committee, undertakes to make appropriations not justified by law, that undertaking is an illegal assumption of authority on their part. There is no difference whatever in principle between the grounds on which a rule has been asked for this bill, and the grounds on which the rule was asked in the case of the agricultural bill. The Members of this body will recall very distincty the attitude assumed by our friend from Kansas [Mr. CAMPBELL], the chairman of the Rules Committee, on the occasion referred to. I have his remarks before me and if time permitted I would cite them in full.

Mr. Speaker, just as I was coming into the Hall of the House I heard the leader on the Republican side [Mr. MONDELL] say that anybody could throw monkey wrenches into the machinery. Does he think that points of order that are so clear that they are sustained by the Presiding Officer without argument are monkey wrenches thrown into orderly legislative procedure? What is the purpose of our rules save to provide the paths in which the committees of the House must walk? Any committee which exceeds its authority is subject to a point of order when it does so.

Mr. TILSON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. A little later. May I call the attention of this body to the fact that a few days ago, when the Post Office bill was under consideration and an item was reached which was in the interests of the farmers residing on rural routes, and which carried an appropriation of $300,000 for the development of local business, in the interest of the producer and the consumer, it was a Republican—Mr. TINCHER, of Kansas—who threw a monkey wrench into the machinery by making a point of order to that item, and thereby causing it to be stricken from the bill. I have not as yet been advised that the Committee on Rules have been willing to report a rule to give the House an opportunity to vote on that particular proposition. [Applause.]

That is not all in this connection, Mr. Speaker. Not only does this rule undertake to make in order everything remaining in the bill—and there is no more reason why this should be done as to this appropriation bill than in the case of any other bill of like character—but it is actually retroactive, and makes it in order for all the matter that was stricken out on Saturday, on points of order, to be replaced in the bill on motion.

Mr. Speaker, I undertake to say that every committee of this House should conform to the rules of this House. When the Democrats were in power they did not report rules of this sweeping character providing that the contents of an entire bill should be in order. Certainly none of these rules were

retroactive. In a few cases when it was exceedingly desirable that certain legislation should be attached to an appropriation bill, rules were adopted making their provisions in order. [Applause.]

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. GARD. I desire to know whether the rule goes so far as to abrogate the call of the Calendar of the District of Columbia without the intervention of a motion?

Mr. CAMPBELL of Kansas. No; that question will arise on the motion of the gentleman from Pennsylvania for the House to resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular bill. Now, Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, in relation to the question raised by the gentleman from Virginia [Mr. SAUNDERS], the identical provision to which he objects was reported from the Rules Committee by Mr. Dalzell, and is found in Hinds' Precedents, volume 4, section 3262.

Mr. SAUNDERS of Virginia. If the gentleman will permit, I will say that there were a great many rules in this House reported by the gentleman from Pennsylvania, Mr. Dalzell.

Mr. FESS. In reference to the practice of legislating by the Rules Committee, I have just looked over the RECORD and find that in the first session of the Sixty-fourth Congress, which was a Democratic Congress, we had this rule in the Post Office bill, in the naval bill, in the District bill, in the Agricultural bill, and in the fortification bill. That was a Democratic Congress.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. FESS. I will.

Mr. SAUNDERS of Virginia. I understand there were special items in the bills which the rules referred to, but does the gentleman mean to say that the rules were as sweeping as this and retroactive?

Mr. FESS. Not retroactive, but as sweeping in making the whole bill in order. Now, in reference to the matter referred to by the ex-chairman of the committee, Mr. FLOOD, I want to say that I was a member of the Foreign Affairs Committee for one Congress, during which time there were appropriation bills reported. I remember that Mr. Stafford, of Wisconsin, offered some objection. I have looked over the RECORD of the first session of the Sixty-fifth Congress, and I find that he reserved points of order in five different instances, and in all but one withdrew the point of order. The point of order was not made in any case except one. That is found on page 1887 of the RECORD of the Sixty-fifth Congress, third session. The point of order went to the proviso which referred to the payment of certain employees here in the District of Columbia. It did not have anything to do with appropriations, but rather to the administration of them. That point of order was made and sustained, and that was the only item of the bill, so far as I can find, which was disturbed on a point of order. Consequently, while I do not care to enter into this part of the controversy, it does seem to me that it is a rather far-fetched statement that this bill has been obstructed in years before by the intervention of points of order which were made when the fact is they were rather merely reserved and were later withdrawn. I simply want to make that statement for the RECORD.

Now, Mr. Speaker, I have some citations which I wish to put in the RECORD, and I ask unanimous consent that I may extend my remarks by inserting the points in controversy in the Sixty-fifth Congress.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the matter referred to. Is there objection?

There was no objection.

Mr. FESS. The only points of order raised on this bill will be found on page 1846, by Stafford; 1847, Connelly; 1886, to the proviso, by Stafford; 1887, by Stafford. All save the proviso were withdrawn.

Mr. FLOOD. Mr. Speaker, I would like to put in points of order made against the bill in the Sixty-second, Sixty-third, and Sixty-fourth Congresses.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. I desire to say, Mr. Speaker, that in the Sixty-third Congress there was a rule brought in on the Diplomatic bill, but it was not pressed, and later on was withdrawn.

Mr. FLOOD. That was about a particular item, and did not cover the whole bill. It referred to the building of embassies and legations.

Mr. WALSH. Does the gentleman recall that in the last Congress the Post Office appropriation bill was brought in with a lot of legislation in it, and that the gentleman from Tennessee [Mr. MOON] got unanimous consent of the House that all of the provisions should be considered in order?

Mr. FESS. I remember that very distinctly. The only reason I rose to make this statement was to clarify the matter, and the statement that the Republicans attemped to obstruct the bill on the matter of specific appropriations, which I did not remember was the case, and which the RECORD clearly shows was not the case.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CAMPBELL of Kansas. I yield the gentleman two minutes more.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. FESS. Yes.

Mr. CLARK of Missouri. I would like to inquire of the gentleman if he is undertaking to make it appear that a Member of the House is acting in a disorderly sort of a way in raising points of order against an item in the bill that would go out by the decision of anybody in the chair?

Mr. FESS. I do not, for the simple reason that salaries for certain lines in the Diplomatic and Consular Service under the jurisdiction of this committee have not been permanent, and anyone could get up and make a point of order to item after item. I do not think that displays any particular prescient genius or any special patriotism.

Mr. CLARK of Missouri. Nobody said that it did, but what I want to know is if it is to be considered bad form for anybody to raise a point of order against an item that is not authorized by law?

Mr. FESS. Certainly it is not bad form.

Mr. CLARK of Missouri. I am going to vote for this rule, but I do not like this insinuation that Members are acting in bad form if they exercise their undoubted rights.

Mr. FESS. I think my friend, the ex-Speaker, will vindicate the action of the Rules Committee in bringing in a rule making these items in order.

Mr. CLARK of Missouri. I am going to vote for the rule.

Mr. GARNER. Ought not the gentleman from Ohio [Mr. FESS] to say to the Foreign Affairs Committee and to the various committees of the House when they come in with appropriation bills and find them slaughtered, and more than one-half or a third of them stricken out on points of order, that they ought to take cognizance of that and go back to their committee room and draft legislation that will make these things in order in the future?

Mr. FESS. I would say to my friend that I am willing to report a rule to make this permanent, provided the Rules Committee cares to do that.

Mr. GARNER. I do not think that that would be good legislation.

Mr. FESS. We have done it before.

Mr. CLARK of Missouri. If I have any objection to this procedure, it is that the Committee on Rules appears to be reaching out and absorbing and usurping the authority of other committees in this House.

Mr. FESS. The Rules Committee simply reports to the House for its final decision. If its reports are not proper or objectionable, the House can reject the report. The purpose is to insure such legislation as is demanded to continue the operations of the Government. This particular rule is to continue the work of the State Department, and it was made necessary by the tactics employed to defeat the proposed legislation.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have no apology to make for bringing in this rule or any other rule that has been brought in by the committee during this Congress. I have been a member of the Committee on Rules for a number of years, and my recollection is very distinct that for eight years prior to the beginning of this session of Congress we brought in rules here every few days to make items in order on appropriation bills. It is not necessary to recite them. The RECORD is full of them.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARNER. I agree with the gentleman that in a number of instances under Democratic administration rules have been brought in for the purpose of making items in order, but now the gentleman with his long experience on that committee ought to call the attention of those various committees to the fact,

when they ask for these rules, that they had a rule a year ago and have so far neglected to submit to the House legislation that would make the particular items in order.

Mr. CAMPBELL of Kansas. Clearly then it is not the fault of the Committee on Rules that they are appealed to to enable the House to do what it wishes to do with respect to certain matters in appropriation bills.

Mr. GARNER. But the Committee on Rules has it within its power to give these various statutes consideration, and if you continue to give these committees the rules there will be no occasion for them to report a law to make these appropriations in order.

Mr. CAMPBELL of Kansas. What I have said refers to items in appropriation bills, that in a way properly belong in such bills.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CANNON. It seems to me that all this is leather and prunella, especially when the leader of the minority says that he is going to vote for the rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Virginia [Mr. SAUNDERS] refers to some remarks that I made on a special rule making in order some legislation on the Agricultural appropriation bill. I would repeat every word that I said then, if it were necessary to do so. I am opposed to riders on appropriation bills, and I think the warning given at that time has been heeded. We have had few requests recently to make riders in order on appropriation bills. I adhere to every word that I said on that occasion, but when it is necessary to make in order items in an appropriation bill that would enable the particular branch of the Government to function that is being appropriated for, that raises an entirely different question.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SAUNDERS of Virginia. The gentleman stated it was a rider in the case to which I referred, but that was the case of a conference committee that exceeded its authority.

Mr. CAMPBELL of Kansas. In putting a matter on an appropriation bill that had not been considered by either House.

Mr. SAUNDERS of Virginia. They exceeded their authority.

Mr. CAMPBELL of Kansas. That was legislation.

Mr. SAUNDERS of Virginia. When committees exceed their authority with respect to appropriating money for things, for which there is no law, is not that an excess of authority and is not that a rider?

Mr. CAMPBELL of Kansas. Oh, no; it is not so regarded.

Mr. JOHN W. RAINEY. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. JOHN W. RAINEY. The gentleman from Kansas was interrogated by the gentleman from North Carolina [Mr. KITCHIN] as to whether or not this rule takes into consideration the Irish question. I presume he referred to the Mason resolution. I want to know if the chairman will permit an amendment to this rule now to take into consideration the Mason resolution, so that it may be brought before the membership of the House.

Mr. CAMPBELL of Kansas. The matter was not incorporated in the bill by the Committee on Foreign Affairs, and the Committee on Rules does not take jurisdiction of legislation.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 311, nays 9, answered "present" 2, not voting 106, as follows:

YEAS—311.

Ackerman	Barkley	Box	Burdick
Almon	Bee	Brand	Burke
Anderson	Begg	Briggs	Burroughs
Andrews, Nebr.	Bell	Brinson	Butler
Anthony	Benson	Britten	Byrnes, S. C.
Ashbrook	Black	Brooks, Ill.	Byrns, Tenn.
Aswell	Blackmon	Brooks, Pa.	Campbell, Kans.
Ayres	Bland, Ind.	Browne	Campbell, Pa.
Baer	Bland, Mo.	Browning	Cannon
Bankhead	Bland, Va.	Brumbaugh	Cantrill
Barbour	Bowers	Buchanan	Carss
Carter	Harrison	MacCrate	Schall
Chindblom	Hastings	MacGregor	Shreve
Clark, Fla.	Hawley	Madden	Siegel
Clark, Mo.	Hays	Magee	Sims
Classon	Heflin	Maher	Sinclair
Coady	Hernandez	Major	Sinnott
Cole	Hersey	Mansfield	Sisson
Collier	Hersman	Mapes	Slemp
Connally	Hickey	Mays	Small
Crago	Hicks	Mead	Smith, Idaho
Crisp	Hill	Merritt	Smith, Ill.
Crowther	Hoch	Michener	Smith, Mich.
Cullen	Hoey	Miller	Smithwick
Currie, Mich.	Holland	Minahan, N. J.	Stedman
Curry, Calif.	Huddleston	Monahan, Wis.	Steenerson
Dale	Hudspeth	Mondell	Stephens, Ohio
Dallinger	Hulings	Montague	Stevenson
Darrow	Hull, Iowa	Mooney	Stiness
Davis, Minn.	Hull, Tenn.	Moore, Va.	Strong, Kans.
Davis, Tenn.	Humphreys	Moores, Ind.	Strong, Pa.
Dempsey	Husted	Morgan	Summers, Wash.
Denison	Igoe	Mott	Sumners, Tex.
Dent	Ireland	Murphy	Sweet
Dickinson, Mo.	Jacoway	Nelson, Mo.	Swope
Dickinson, Iowa	James	Nelson, Wis.	Taylor, Ark.
Dominick	Johnson, Ky.	Newton, Mo.	Taylor, Colo.
Doremus	Johnson, Miss.	Nichols, Mich.	Taylor, Tenn.
Doughton	Johnson, S. Dak.	O'Connor	Temple
Dowell	Johnson, Wash.	Ogden	Thompson
Drane	Jones, Pa.	Oldfield	Tillman
Dunbar	Juul	Oliver	Tilson
Dupré	Kearns	Overstreet	Timberlake
Eagan	Keller	Padgett	Tincher
Echols	Kelly, Pa.	Paige	Tinkham
Elston	Kendall	Park	Towner
Emerson	Kiess	Parker	Treadway
Esch	King	Parrish	Upshaw
Evans, Mont.	Kinkaid	Pell	Vaile
Evans, Nebr.	Kitchin	Peters	Vare
Evans, Nev.	Kleczka	Platt	Venable
Fairfield	Kraus	Porter	Vestal
Fess	Lampert	Pou	Vinson
Fisher	Langley	Purnell	Voigt
Flood	Lanham	Quin	Walsh
Focht	Lankford	Radcliffe	Walters
Fordney	Layton	Rainey, Ala.	Ward
Frear	Lazaro	Rainey, H. T.	Weaver
Freeman	Lea, Calif.	Raker	Webster
French	Lee, Ga.	Ramsey	Welling
Fuller, Ill.	Lehlbach	Ramseyer	Welty
Fuller, Mass.	Little	Randall, Calif.	Wheeler
Gallagher	Lonergan	Randall, Wis.	White, Kans.
Gallivan	Longworth	Rayburn	White, Me.
Ganly	Luce	Reavis	Williams
Garland	Lufkin	Reber	Wilson, Ill.
Garner	McAndrews	Reed, N. Y.	Wilson, La.
Glynn	McArthur	Rhodes	Wilson, Pa.
Good	McClintic	Ricketts	Wingo
Goodwin, Ark.	McDuffie	Riddick	Winslow
Goodykoontz	McFadden	Robinson, N. C.	Wise
Green, Iowa	McGlennon	Robsion, Ky.	Woods, Va.
Greene, Mass.	McKenzie	Rodenberg	Wright
Griest	McKeown	Rogers	Yates
Hadley	McKinley	Rose	Young, N. Dak.
Hardy, Colo.	McLane	Rubey	Young, Tex.
Hardy, Tex.	McLaughlin, Mich.	Rucker	Zihlman
Harreld	McLaughlin, Nebr.	Sanders, Ind.	

NAYS—9.

Babka	Kincheloe	Saunders, Va.	Steagall
Blanton	Rainey, J. W.	Sherwood	Thomas
Gard			

ANSWERED "PRESENT"—2.

Griffin	Rouse

NOT VOTING—106.

Andrews, Md.	Fields	Kreider	Rowan
Bacharach	Foster	Larsen	Rowe
Benham	Gandy	Lesher	Sabath
Boies	Garrett	Linthicum	Sanders, La.
Booher	Godwin, N. C.	Luhring	Sanders, N. Y.
Caldwell	Goldfogle	McCulloch	Sanford
Candler	Goodall	McKinley	Scott
Caraway	Gould	McPherson	Scully
Carew	Graham, Pa.	Mann, Ill.	Sears
Casey	Graham, Ill.	Mann, S. C.	Sells
Christopherson	Greene, Vt.	Martin	Smith, N. Y.
Cleary	Hamill	Mason	Snell
Cooper	Hamilton	Moon	Snyder
Copley	Haugen	Moore, Ohio	Steele
Costello	Hayden	Morin	Stephens, Miss.
Cramton	Houghton	Mudd	Stoll
Davey	Howard	Neely	Sullivan
Dewalt	Hutchinson	Newton, Minn.	Tague
Donovan	Jefferis	Nicholls, S. C.	Volstead
Dooling	Johnston, N. Y.	Nolan	Wason
Dunn	Jones, Tex.	O'Connell	Watkins
Dyer	Kahn	Olney	Watson
Eagle	Kelley, Mich.	Osborne	Whaley
Edmonds	Kennedy, Iowa	Phelan	Wood, Ind.
Elliott	Kennedy, R. I.	Reed, W. Va.	Woodyard
Ellsworth	Kettner	Riordan	
Ferris	Knutson	Romjue	

So the rule was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. FERRIS.

Mr. WOODYARD with Mr. CALDWELL.

Mr. SELLS with Mr. BOOHER.

Mr. ANDREWS of Maryland with Mr. WHALEY.

Mr. GRAHAM of Illinois with Mr. RIORDAN.

Mr. OSBORNE with Mr. CARAWAY.

Mr. COPLEY with Mr. SEARS.
Mr. HAMILTON with Mr. O'CONNELL.
Mr. BACHARACH with Mr. TAGUE.
Mr. GOULD with Mr. MANN of South Carolina.
Mr. GREENE of Vermont with Mr. STEPHENS of Mississippi.
Mr. HUTCHINSON with Mr. DEWALT.
Mr. KAHN with Mr. FIELDS.
Mr. ELLSWORTH with Mr. SABATH.
Mr. CHRISTOPHERSON with Mr. GOODWIN of Arkansas.
Mr. ROWE with Mr. KETTNER.
Mr. MANN of Illinois with Mr. SMITH of New York.
Mr. GRAHAM of Pennsylvania with Mr. OLNEY.
Mr. DUNN with Mr. MOON.
Mr. KELLEY of Michigan with Mr. PHELAN.
Mr. MUDD with Mr. HAMILL.
Mr. WATSON with Mr. MARTIN.
Mr. LUHRING with Mr. DOOLING.
Mr. GOODALL with Mr. CASEY.
Mr. SNYDER with Mr. HAYDEN.
Mr. MCCULLOCH with Mr. GANDY.
Mr. EDMUNDS with Mr. SANDERS of Louisiana.
Mr. MASON with Mr. JONES of Texas.
Mr. NOLAN with Mr. GARRETT.
Mr. WOODS of Indiana with Mr. CANDLER.
Mr. HOUGHTON with Mr. ROMJUE.
Mr. REED of West Virginia with Mr. DONOVAN.
Mr. KENNEDY of Iowa with Mr. CLEARY.
Mr. FOSTER with Mr. STOLL.
Mr. MOORE of Ohio with Mr. JOHNSTON of New York.
Mr. KREIDER with Mr. EAGLE.
Mr. COOPER with Mr. STEELE.
Mr. MCKINLEY with Mr. LARSEN.
Mr. WASON with Mr. HOWARD.
Mr. KENNEDY of Rhode Island with Mr. GOLDFOGLE.
Mr. COSTELLO with Mr. NICHOLLS of South Carolina.
Mr. SANFORD with Mr. DAVEY.
Mr. MORIN with Mr. CAREW.
Mr. CRAMTON with Mr. LINTHICUM.
Mr. SCOTT with Mr. SULLIVAN.
Mr. HAUGEN with Mr. LESHER.
Mr. VOLSTEAD with Mr. NEELY.
Mr. SNELL with Mr. ROWAN.
Mr. MCPHERSON with Mr. SCULLY.
Mr. ELLIOTT with Mr. WATKINS.

The result of the vote was announced as above recorded.

DIPLOMATIC AND CONSULAR SERVICE APPROPRIATIONS.

Mr. PORTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular bill, H. R. 11960.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11960, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The CHAIRMAN. When the committee adjourned on Saturday night the committee was dividing on the item on line 24, page 6.

Mr. PORTER. Mr. Chairman, I move that we return to page 3, line 7, in order to insert the following.

The CHAIRMAN. The motion of the gentleman from Pennsylvania to return is not necessary. The rule provides that it is in order to amend the bill at any place; so the thing to do would be to offer an amendment. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. PORTER].

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Under the rule adopted by the House, did it not make merely in order any provision in the bill?

The CHAIRMAN. The Chair will read the rule to the gentleman. It says:

Resolved, That during the further consideration of the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, in Committee of the Whole House on the state of the Union, it shall be in order to consider, without the intervention of a point of order, any sectoin of the bill as reported, and, upon motion authorized by the Committee on Foreign Affairs, it shall be in order to insert in any part of the bill any provision reported as part of the bill and heretofore ruled out on a point of order.

Mr. BLANTON. In the first part, where it says "upon motion authorized by the Committee on Foreign Affairs," does not that require a motion to return to a particular section to insert? I submit a point of order that it does require a motion to return to any particular section, and then the committee has a right to offer to insert.

Mr. PORTER. Mr. Chairman——

The CHAIRMAN. The Chair thinks the gentleman is wrong and that his point of order is not well taken. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 3, line 7, after the figures "1916," insert: "*Provided*, That secretaries in the Diplomatic Service shall hereafter be graded and classified as follows: Secretaries of class 1, $4,000 per annum; secretaries of class 2, $3,625 per annum; secretaries of class 3, $3,000 per annum; secretaries of class 4, $2,500 per annum."

Mr. BLANTON. Mr. Chairman, I will ask my colleagues not to let us deceive ourselves about the status of the present situation before the House. Under the point of order which was held good by the Chair the amount of $134,000 of annual increases for the employees mentioned in this paragraph, not authorized by any law in the world, was eliminated from the bill. Why, if this amendment offered by the chairman of this committee is passed, it just simply means this, that each and every year until changed there will be taken out of the Treasury of the United States this $134,000 of increases annually in salaries.

Mr. ROGERS. Will the gentleman permit a question?

Mr. BLANTON. I will.

Mr. ROGERS. The point the gentleman makes will not be changed by my suggestion, but the fact is that there are 135 secretaries contemplated——

Mr. BLANTON. I do not yield for that. I do not yield at all for that kind of stuff, because it means this, and the gentleman knows it, that it is an increase of salaries of $134,000 a year that is not authorized by any law on the statute books.

You talk about economy in one breath, the economy policy of the dominant party in this House, and then your dominant party in another breath wastes and unlawfully appropriates hundreds of thousands of dollars, a policy that means economy that is only lip deep. There was nearly $650,000 stricken out of this bill on last Saturday on points of order, made by the gentleman from North Carolina [Mr. KITCHIN] and myself, because there was no law sustaining them. Now, my friends on this side of the aisle have brought in a gag rule here to make each and every one of these items in order. You can not fool the people at all. You can not fool the chairman of the great Appropriations Committee [Mr. GOOD], because he really has a sure enough case of economy on him, like I have.

And he is sincere in wanting to save the people money. But you will not stand by him. You are going to put back into this bill $650,000 which is to be taken out of the Treasury each year.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. I could not refuse to yield to the gentleman from Illinois.

Mr. CANNON. What was the vote on the adoption of the rule? I was out of the Chamber at the time.

Mr. BLANTON. Oh, there were just a few that would stand by their own judgment and vote against that rule. I admit it. But I can tell the gentleman that there was one who voted against it, because I voted against it.

Mr. CANNON. Somebody tells me that were nine who did not want the rule, but the House was unanimous outside of that.

Mr. BLANTON. Oh, yes; under the party whip on that side and under the party whip on this side they were almost unanimous. But I am one of those who, as the gentleman knows, does not respond to the party whip unless it is on a question of party policy decided by caucus. When it is on a question of needlessly taking money out of the Treasury and wasting it, there is no party whip in the world that will whip me into line.

SEVERAL MEMBERS. Hooray!

Mr. BLANTON. Yes; you can "hooray," and when the people find out that you voted to take $650,000 out of the Treasury for the next year and needlessly waste it, a part of which is to educate young fellows in China and Turkey and Japan and let them come back here and sell the education they received from the Treasury of the United States to commercial institutions, your people will say "hooray," too, when you ask them to send you back to office. [Applause.]

Mr. Chairman, I am with the chairman of the Committee on Appropriations in a sincere desire to economize. I am one of the Democrats who will stand shoulder to shoulder with him and help him keep people's fingers out of the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. PORTER].

Mr. KITCHIN. Mr. Chairman, I know that there are three economists in this House—one the gentleman from Wyoming [Mr. MONDELL], and one the gentleman from Texas [Mr. BLANTON], and myself. [Laughter.] I want to suggest to the gentleman from Wyoming that here is one of the items where he can help me and Mr. BLANTON save some money to the Government. I am really opposed to these increased salaries for the secretaries, and I am sincere in it——

Mr. GOOD. Mostly [laughter]——

Mr. KITCHIN. And am opposed to this amendment. If you defeat this amendment of the gentleman from Pennsylvania, then the salaries of the secretaries remain just as they have been since 1915, according to the present law. During the war we did not increase these salaries. In 1916 we did not increase their salaries, and in 1917, 1918, and 1919 we did not increase the salaries. Even for this current fiscal year we did not increase the salaries of the secretaries. But now this amendment of the gentleman from Pennsylvania increases the secretaries' salaries $1,000 each, or a total increase of $130,000. This is a new increase, never carried before in any act.

Now, we ought not to do that. I want you, gentlemen of the House, every one of you here who is going to vote on this question, to know that this increase of a thousand dollars to each secretary is not because the cost of living has increased. It is not to take care of the advancing cost of living. It has never been intimated by the Secretary of State that that is the reason why he wanted these salaries increased, because in the post-allowance fund of $600,000 in the bill the increased cost of living is met. That fund has been used to increase the salaries, in addition to the bonus, to these secretaries, to meet the increasing cost of living. That is one of the purposes of this post-allowance fund of $600,000 which is in the bill.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I will.

Mr. WALSH. May not the increase be provided for in anticipation of the raising of the standard of living on account of the League of Nations going into effect?

Mr. KITCHIN. No; it may be, but I should not think so. But if so, you provide for that. You provide this $600,000 post fund for that, and the chairman will tell you that that is true. So that, gentlemen, this increase now at this late date is not to enable the salaries of these secretaries to keep pace with the high cost of living.

The only reason in the world which the Secretary of State gives is to enable these secretaries of the ambassadors to go into good society, into "tango" and "kow-tow" society. [Laughter.] He says here in the report:

> As the lieutenants of the ambassadors and ministers, the secretaries must be able to mingle with all classes of people and associate upon a plane of equality with the members of the highest social and official circles of the capitals in which they are located.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes; I will yield.

Mr. JOHNSON of South Dakota. Is not that caused by the fact that the social standard was set so high by the members of the peace commission and the social dignitaries that went to Paris? [Laughter.]

Mr. KITCHIN. That is possible; it is very possible that the committee has anticipated that, and taken care of it. But Mr. Lansing does not ask for it, except to permit these secretaries to meet and mingle socially with the kings and queens and monarchs, the princes and princesses, and the lords and ladies of Europe and have them tango and kow-tow around with royalty; not to perform their duties in the office. [Laughter.] It may be that that is where the gentleman from Massachusetts [Mr. ROGERS] gets the idea in his head, which he expressed on Saturday, that the American ambassadors are really figureheads; that they do not do anything except do the society act, and the secretaries have been doing the work. Now, the Secretary of State wants the secretaries to do the "society act" and let the ambassadors do the work. [Laughter.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. KITCHIN. You can call this increase of salaries for secretaries a tango increase. You can vote for it if you want to. But you can save $130,000 in that item, that has not been carried before, and the gentleman from Wyoming [Mr. MONDELL] ought, in good conscience, to help defeat the amendment of the gentleman from Pennsylvania. If it were to keep pace with the increased cost of living we would all vote for it. But they not only get the bonus, but this $600,000 fund enables the Secretary of State to increase salaries, so as to provide for the increased cost of living. That is put in there for that purpose.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. NEWTON of Minnesota. Does the gentleman think the secretary of a legation or an embassy should receive a salary of only $1,500 a year?

Mr. KITCHIN. I do not know about that. If it was all that he needed in 1915, when we increased the salary to that figure, then it is enough now. You all voted for $1,500 then. That is what is paid to the little fellows—the little secretaries. Some of them get $3,000. If it was enough in 1915, when Congress considered the question of increase of their salaries, it is all they need now. If it was all they needed in 1916, it is all they need now. If it was all they needed in 1917 and 1918 and 1919, while the war was going on, it is all they need now. What got this tango-society idea into the head of the Secretary of State?

Mr. NEWTON of Minnesota. The Secretary of State belongs to the gentleman's party. He is closer to the Secretary of State than I am.

Mr. KITCHIN. That is the reason the committee gives. Does the gentleman really believe a $1,500 clerk increased up to $2,500 will be enabled to circle on an equality with kings and queens and lords and ladies—to make a social hit in the royal society?

Mr. NEWTON of Minnesota. Does the gentleman want an answer to that question?

Mr. KITCHIN. Yes. Will it enable him to do it?

Mr. NEWTON of Minnesota. I want to say to the gentleman that I think a man who is competent to hold a position as secretary of legation or secretary of embassy can not fulfill any of the functions of the position on a salary of $1,500 a year.

Mr. KITCHIN. Is that one of the functions of this $1,500 clerk or secretary, to go in this high diplomatic and royal society?

Mr. NEWTON of Minnesota. I am not saying anything about his going into society. An American secretary of legation ought to receive more than $1,500 a year.

Mr. KITCHIN. The Secretary of State puts it on that ground, and that alone. Most of the secretaries receive in salary, bonuses, and so forth, two or three and in some instances nearly four times as much.

Mr. NEWTON of Minnesota. But he ought to be entitled to live like an American citizen.

Mr. KITCHIN. We give them that bonus, and in the $600,000 fund all the increased cost of living is provided for. Now, I want the gentleman from Wyoming [Mr. MONDELL] to help me save this $130,000. It is one of the items on which he can well afford to join hands with me, and I hope he will.

Mr. FLOOD. May I interrupt the gentleman for a moment?

Mr. KITCHIN. Yes.

Mr. FLOOD. I want to say to the gentleman who has just been questioning you that when the State Department asked for the enactment of a law in 1915 he fixed this salary at $1,500.

Mr. PORTER. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. PORTER. In the diplomatic and consular appropriation bill for 1918 did not the gentleman from Virginia recommend an increase in these salaries?

Mr. FLOOD. We did.

Mr. KITCHIN. And Congress refused to grant it; and that is what Congress ought to do right now.

Mr. PORTER. Did not the gentleman from Virginia also ask an increase of these salaries for the current year?

Mr. KITCHIN. And Congress refused to grant it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PORTER].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 42, noes 19.

Accordingly the amendment was agreed to.

Mr. PORTER. Mr. Chairman, I move to return to page 3, line 16, and insert the following.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 16, insert the following paragraphs:

"Chinese assistant secretary of legation to China, to be appointed from the corps of student interpreters, $2,000.

"Japanese assistant secretary of embassy to Japan, to be appointed from the corps of student interpreters, $2,000.

"Turkish assistant secretary of embassy to Turkey, to be appointed from the corps of student interpreters, $2,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 40, noes 2.

Accordingly the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, for the sake of the RECORD, I call attention of the Chair to the fact that on page 3, line 12, the words and figures "in all, $418,375," did not go out on the point of order Saturday, although the RECORD indicates that they did. Therefore the enrolling clerk should make sure that those words and figures appear in the bill when enrolled.

The CHAIRMAN. The Chair wishes to call the attention of the gentleman from Pennsylvania to the fact that lines 16 to 20, on page 3 of the bill, were not stricken out on the point of order, and the offering of the first part of the amendment appears to be superfluous. No point of order was made against those lines so far as the Chair knows. Lines 21, 22, and 23, on page 3, went out on a point of order, but lines 16 to 20, inclusive, did not.

Mr. ROGERS. If the Chair will turn to page 2016 of the RECORD of Saturday, he will find the following:

The Clerk read as follows:
"Japanese assistant secretary of embassy to Japan, to be appointed from the corps of student interpreters, $2,000.
"Turkish assistant secretary of embassy to Turkey, to be appointed from the corps of student interpreters, $2,000."
Mr. LITTLE. Mr. Chairman, I make the point of order that there is no law providing for this assistant secretary.

There are three paragraphs, beginning with line 16 and ending with line 23, each of which deals with the appropriations for assistant secretaries. And while it is not entirely clear that the point of order of the gentleman from Kansas [Mr. LITTLE] relates to the first or even to the second, it seemed to the chairman of the committee [Mr. PORTER] and myself when we went over it this morning that it was sufficiently in doubt so that the safest way was to offer the amendment which the gentleman did offer.

The CHAIRMAN. For the information of the gentleman from Massachusetts the Chair will state that the point of order was raised against the last paragraph, lines 21 to 23, inclusive, and did not include the paragraphs in line 16 to 20. Those two paragraphs remain in the bill. The only ones that were stricken out were the ones embraced in lines 21 to 23; so that it will be in order for the gentleman to ask to vacate the action taken on his amendment.

Mr. PORTER. I ask unanimous consent that the action of the committee be corrected so as to leave the bill as it stood when introduced.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to restore lines 21 to 23, inclusive, on page 3 instead of covering the lines from 16 to 23 on that page. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PORTER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

CLERKS AT EMBASSIES AND LEGATIONS.

For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, $438,000; and so far as practicable shall be appointed under civil service rules and regulations.

Mr. BLANTON. Mr. Chairman, I want to keep the RECORD straight as we go along. This item of $438,000 was eliminated from the bill last Saturday on a point of order, sustained by a Chairman from the majority side of this House, who held that there was absolutely no law whatever authorizing the appropriation; that the proposal of the committee to take $438,000 out of the Treasury was a proposal not authorized by law. It was against the law of the land, and wholly unauthorized. The Republican Chairman of the committee, on a Democratic point of order, held that this $438,000 was unauthorized, and it went out of the bill. Now the committee, under this steam-roller gag rule, has brought it back and put it into the bill. And this $438,000 of the people's money will be spent and wasted.

Let me get into the RECORD where it leads us. Under the amendment recently offered by the chairman and adopted by a few Members here—about thirty-odd to 19—it has already provided for secretaries at $4,000 per annum, assistant secretaries at $3,625 per annum, second assistant secretaries at $3,000 per annum, third assistant secretaries at $2,500 per annum, making a total appropriation of $418,375; and in addition to all these secretaries, assistant secretaries, and second and third assistant secretaries, amounting to $418,375, the committee comes in now and wants to appropriate this sum of $438,000 for extra clerks for the various embassies in foreign countries. Can you, under such circumstances as this, with this kind of a record facing you, put down in black and white, from which you can not escape—can you go to your constituencies on the hustings in the next few months and tell them that you tried to economize and save money for the Government of the United States? Will they not laugh at you when you make such a claim as that? You will have a devilish hard time in making them believe it.

Mr. NEWTON of Minnesota. Our constituencies are not from Texas.

Mr. BLANTON. Oh, well, so far as the constituencies are concerned, ours in Texas can see right through any camouflage. The people of Texas can look through the camouflage of the facts in any case; and when you employ a big bunch of secretaries at $4,000, assistant secretaries at $3,625, second assistant secretaries at $3,000, and third assistant secretaries at $2,500, and so on down, making a total of $418,375, you can not make them believe that it is necessary to appropriate an additional sum of $438,000 annually for additional clerks.

Now, I am not going to take up any more time, because I can not change the action of the committee, operating under Republican bull-whip, steam-roller rule, but I leave the question right there, having gotten the RECORD straight.

Mr. KITCHIN. Mr. Chairman, I offer the following amendment to the amendment in the interest of the economy program of the gentleman from Wyoming.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. KITCHIN: Strike out the figures "$438,000" and insert in lieu thereof "$300,000."

Mr. KITCHIN. Mr. Chairman, the gentleman from Wyoming is not here again. I understood him to say in his speech this morning that there were some items in here that he thought ought to be cut down, and I give him notice right here and now that if he does not stay here and help me cut down these items which are absolutely useless, pure extravagances and nothing else, I am going home and let the committee revel in its extravagance. [Laughter.]

I want to say to the gentleman from Wyoming, who is not here and will not stay here when these outrageous items of extravagance are considered, that in 1917 the appropriation for that item amounted to only $100,000.

Mr. PORTER. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. PORTER. Is the gentleman aware that the appropriation for 1918 was $677,000?

Mr. KITCHIN. Yes; but that was while we were in the war. We are out of the war, and we ought to get back to the prewar appropriations as nearly as possible. Now, I have offered an amendment which will allow $300,000 and enable the gentleman from Wyoming [Mr. MONDELL] to save $138,000 for "his economy program."

Mr. PORTER. Will the gentleman yield again?

Mr. KITCHIN. Yes.

Mr. PORTER. Is the gentleman aware that the appropriation for the fiscal year ending 1920, passed three months after the signing of the armistice, amounted to $688,000?

Mr. KITCHIN. Yes; I tell the gentleman I am aware of that, but that was just after the armistice, when we were winding up affairs and did not know what was going to be done. We know now what is to be done—what has been done. The treaty of peace has been made and the League of Nations established, and why we should appropriate more than we appropriated in 1916 and 1917—during the war—I can not understand. If my amendment is adopted it will still leave an appropriation three times as much as they had in 1917 and enable us to save $138,000.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PORTER. Is the gentleman aware that the present Secretary of State recommended that this amount be fixed at $688,000?

Mr. KITCHIN. Yes.

Mr. PORTER. And that we cut it to $438,000?

Mr. KITCHIN. Yes; and I tell the gentleman that the Secretary of State is a very fine, able, distinguished gentleman, a fine diplomat and all that, and makes a fine Secretary of State—no better; but he has this "tango," "royal" society idea about the clerks and secretaries. He wants to put these American clerks in society, and he asks this thing for that purpose, and no other. In my judgment, it is better to keep our secretaries and clerks out of that kowtowing society and let them sit in their offices

and do business. You know that $2,000 or $2,500 or $3,000 is not going to enable one of our clerks to go into that "hifalutin' society." Why, what would one of the $2,000 clerks do when the king and queen gave one of their functions—where are they going to be seated at the table?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I want to know about this now. Take these $2,500 clerks, that you want to get into society over there. When the king and queen have one of their big international functions what is going to be the precedent of these clerks? Do they come in on an equality with the ambassadors and the ministers; come in arm and arm with them? [Laughter.] Will they take the queen in and sit by her side, or to the right or to the left of the queen or the king? [Laughter.] Will the secretaries come in after the ambassadors and sit by their side? Where do the clerks come—after the secretaries or before the secretaries? When the lords and ladies give these functions, are the clerks going to sit by them? I do not think that you have it large enough, if you want to get them into "society."

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PORTER. Is the gentleman aware that a large number of these clerks are stenographers and typists?

Mr. KITCHIN. Yes; but just think about a stenographer going into "royal society"! Think of the insult that this committee and the Secretary of State and the Congress is going to offer to the queens and kings and the princes and the princesses and the lords and the ladies of Europe by shoving a stenographer into their society! [Laughter.] Why, gentlemen, I just can not stand for it, and why Mr. MONDELL is going to stand for it I do not know. Do you suppose that he is going to stand for this tango foolishness? I do not see, to save my life, when I am giving him an opportunity to have somebody stand with him why he is not here. Mr. BLANTON and myself will certainly stand with him on this matter. [Laughter.] We will stand by him and save $138,000, and the appropriation will still be three times as large as it was in 1917.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes; I yield to both the gentlemen.

Mr. TEMPLE. The speech of the gentleman from South Carolina——

Mr. BLANTON. North Carolina.

Mr. TEMPLE. The gentleman from North Carolina. The speech of the gentleman from North Carolina is a very good Primrose and West speech, and it reminds me very much of the famous inquiry of Huckleberry Finn—"How much do a king git?"

Mr. KITCHIN. Let the gentleman just tell me now. Are you really voting for this thing in order to give a stenographer a higher standing in royal society? That is what the Secretary of State is asking. Is that why the gentleman from Pennsylvania votes for this?

Mr. TEMPLE. That is absolutely not what the Secretary of State asks for, and that is not why I am going to vote for it. This is a matter of sober business, not a minstrel end-man affair.

Mr. KITCHIN. Does the gentleman vote for it on the ground put by the Secretary of State?

Mr. TEMPLE. Not on the ground put by the Secretary of State as stated by the gentleman from North Carolina.

Mr. KITCHIN. Well, as stated by him—

As lieutenants of the ambassadors and ministers, the secretaries must be able to mingle with all classes of people and associate upon a plane of equality——

Mr. TEMPLE. Does the gentleman know the difference between a secretary and a clerk?

Mr. KITCHIN. Oh, yes—

with the members of the highest social and official circles of the capitals at which they are stationed.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. The Secretary of State put it on the ground that I stated and I want to say——

Mr. TEMPLE. I want to call the gentleman's attention to the fact that what the gentleman read refers to secretaries.

Mr. KITCHIN. I am talking about secretaries' clerks.

Mr. TEMPLE. The gentleman has been talking about clerks.

Mr. KITCHIN. I asked the gentleman if he voted for the increase in the secretaries' salaries a while ago upon the ground stated by the Secretary of State.

Mr. TEMPLE. The point under discussion now is the appropriation for the salaries of clerks to embassies, and not for secretaries.

Mr. KITCHIN. I know, and I am saving you $138,000. I do not blame the gentleman from Pennsylvania [Mr. TEMPLE] for being in favor of these clerks going into this high society, because he has been one of them—I mean that he has gone into this "society" in his visits to London and Paris and other parts of Europe, and he knows what it is—and of course he wants all Americans in office over there, whether they are stenographers or clerks or janitors, to get into it and experience its emotions and sensations.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. BEGG. I want to say that I have a very high regard for the gentleman's opinion at most times, and it seems to me that the Secretary of State's department is a department that should not be disposed of in the spirit of levity.

Mr. KITCHIN. Not a bit. I am trying to show you gentlemen how ridiculous this is.

Mr. BEGG. Is the Secretary's word any good? The Secretary of State said——

Mr. KITCHIN. The committee evidently did not think his word was very good, because in two dozen places they have cut him down in the aggregate $3,000,000.

Mr. BEGG. The Secretary of State testified before this committee that if he did not get increases for his clerks he would lose the clerks; that they were going into other avenues of business.

Mr. KITCHIN. But my amendment will still give three times as much as they had in 1917.

Mr. BEGG. He testified that even with what we are allowing him it would be questionable whether he would hold these people, but, as far as I am concerned, I will go with the gentleman as far as he wishes in crippling the Secretary of State.

Mr. KITCHIN. Oh, I do not want to cripple him.

Mr. BEGG. But I do think, in a spirit of fairness to our country and fairness to our Nation's business and reputation and honor, that we either ought to fire the Secretary of State or take his word when he soberly and honestly comes before the committee and gives it.

Mr. KITCHIN. You have repudiated his word to the extent of $3,700,000.

Mr. BEGG. I beg to differ with the gentleman. The Secretary of State's department admitted they could possibly get along without that.

Mr. KITCHIN. Then, the economy in this bill is because of the Secretary and not because of the committee.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. PORTER].

The question was taken, and the amendment was agreed to.

Mr. PORTER. Mr. Chairman, I move to return to page 4, line 22, to insert the following.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 4, line 22, to page 6, line 24, inclusive, insert the following.

The Clerk proceeded to read the balance of the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Inasmuch as the rule makes any section of the bill in order, I submit to the Chair, on a point of order, that it is improper for the committee, by amendment, to offer more than one section at a time, because the House has a right to vote on these sections separately.

The CHAIRMAN. The Chair is inclined to agree with the gentleman from Texas. The Chair assumes that while one paragraph is considered at a time, it would not be in order to offer an amendment to the whole bill. If the gentleman will offer——

Mr. BLANTON. I want to beg the pardon of the Rules Committee if I am guilty of committing lese majeste in making a point of order now.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Page 4, line 22, insert:

"For 10 student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legation

and consulates in China, at $1,500 each, $15,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter at the legation or consulates in China so long as his services may be required within a period of five years."

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment. On page 4, line 22, after the word "For," strike out "ten" and insert "six."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by the committee: Page 4, line 22, after the word "For," strike out the word "ten" and insert in lieu thereof the word "six."

Mr. BLANTON. Mr. Chairman, I call the attention of my colleagues—the few who happen to be present in the House at this time—to the fact that a little later on we are going to provide, according to the Republican program, for 6 student interpreters to Japan. Why should we have 10 student interpreters to China, drawing $1,500 a year, for whom we pay $200 apiece tuition, and for whom we pay $600 for quarters, and have only 6 to Japan? If 6 student interpreters to Japan are sufficient, why should not 6 student interpreters to China be sufficient? I merely call it to the attention of my colleagues, who are sensible men and business men—at least some of them are; most of them are, I presume; all of them should be business men—why we should put in 10 for China and 6 only for Japan. If it is necessary for us to have American student interpreters going to school in China, drawing a salary of $1,500, drawing $200 apiece for tuition, and $600 for quarters, why should we not have 10 for Japan? If the committee has been consistent in providing only 6 for Japan, then I am sure my amendment is good, seeking to reduce the number to China from 10 to 6.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PORTER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 8, insert:
"For the payment of the cost of tuition of student interpreters in China, at the rate of $200 per annum each, $2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 10, insert:
"For six student interpreters at the embassy to Japan, who shall be citizens of the United States, and whose duty it shall be to study the Japanese language with a view to supplying interpreters to the embassy and consulates in Japan, at $1,500 each, $9,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter at the embassy or consulates in Japan so long as his services may be required within a period of five years."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided, and there were—ayes 36, noes 1.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 21, insert:
"For the payment of the cost of tuition of student interpreters at the embassy to Japan, at the rate of $200 per annum each, $1,200."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 24, insert:
"For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at $1,500 each, $15,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as an interpreter to the embassy and consulates in Turkey so long as his services may be required within a period of five years."

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] is recognized.

Mr. LITTLE. I would like to ask the chairman of the committee how many of these students they have in Turkey now actually studying?

Mr. PORTER. What was the question?

Mr. LITTLE. How many of these 10 student interpreters have they actually?

Mr. PORTER. I think they have the full number, although I am not sure.

Mr. LITTLE. How many consulates have they in Turkey?

Mr. PORTER. I do not have the number handy, but I will give it to the gentleman in a moment.

Mr. LITTLE. Mr. Chairman, Turkey is a defunct empire. If there was a time when there was reason for having 10 students to learn its language and customs and familiarize themselves with its business, it has gone by. Turkey is divided into other countries de facto and soon will be de jure. There is no reason why we should involve ourselves in these useless expenses. The country should save this money, for the simple reason that Turkey is no longer Turkey, and there is no longer any demand like there was for these students. There never was any, anyway. There never was at any time any necessity for it.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Not just now. I will yield in a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. LITTLE. At the very least, you ought to cut this down. I am going to ask the chairman if he would not agree to a motion to reduce this from 10 to 4?

Mr. PORTER. I would not care to do so except upon the recommendation of the Department of State. It is only a question of time when we will resume our relations with Turkey. These students in Turkey are absolutely necessary to the service.

Mr. LITTLE. Let me say right here that they are not. There is no business in Turkey to justify any such selection, and if the department is coming to the committee and telling us that we are going to resume relations with Turkey in the very near future there is hardly anybody here who would believe it. There is not any more Turkey, but we will resume relations with some part of Turkey at some time. The 10 student interpreters in China are very useful, but these in Turkey are of no value. Let us save a little money here. What is the use in making this appropriation? We are allowing the Department of State, which, it has developed, does not know much about it, to mislead us here.

The other day I made some suggestions as to certain idiosyncrasies which had been recommended by the department which were found to be mistakes, and it turned out that the thing was in worse shape than I thought, because when the discussion was over and the storm wound up it was ascertained that you did not have enough law to found practically any appropriation upon it at all, and you had to go and frame a rule and have it brought in here to support it. This committee is not to blame for that, however. The other side has done it for years, brought in such a bill, and it is not unnatural that both committees should follow the lead of the State Department. The committees are not to blame; but you are to be blamed if, having these mistakes pointed out to you, you still continue them. There is no one in the State Department who is competent to inform you about this. It is a fact that the reports of the State Department are often incorrect and inaccurate, so that you can not found items in a bill upon such reports. You should get what data you can together, and then do the best you can. Here is an admirable instance where a saving can be made. Here is a country that has gone out of business, where we formerly had 10 students, and we have the same number in China, a country of 400,000,000 people, almost, with 10 student interpreters. Can you not see at a glance that there is a mistake here?

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. KING. Does not the gentleman from Kansas understand that these student interpreters are being educated in order to be of assistance to certain financial interests in this country in establishing industries in Turkey to compete with American factories?

Mr. LITTLE. I did not so understand it.

Mr. KING. We might as well understand what the purpose of this bill is.

Mr. LITTLE. Mr. Chairman, I move to strike out "ten" and insert "four," on page 5, line 24.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. LITTLE to the amendment offered by the committee: Page 5, line 24, after the word "For," strike out the word "ten" and insert in lieu thereof the word "four."

Mr. LITTLE. Mr. Chairman, I would like to be heard on my amendment.

The CHAIRMAN. The gentleman has already taken his time on the amendment.

Mr. LITTLE. I can wait for another amendment, then.

The CHAIRMAN. I think we had better proceed with the consideration of the bill, if the gentleman will permit.

Mr. LITTLE. That is what I am here for, to proceed with the consideration of the bill. I make the point of order, Mr. Chairman, that I am entitled to be heard on my motion.

The CHAIRMAN. The Chair does not think the gentleman would have the right, under the rules of the House, to make a speech in advance, and then to make another speech after offering the motion. It could only be done under unanimous consent.

Mr. FLOOD. Mr. Chairman, I would like to be heard on the amendment.

Mr. LITTLE. I would like to be heard in advance.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. LITTLE. Oh, well, I will get time later on.

Mr. BLANTON. Mr. Chairman, I offer an amendment. I move to strike out "ten" and insert "six," to provide for 6 student interpreters instead of 10.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] has moved to strike out "ten" and insert "four."

Mr. BLANTON. I move to strike out "ten" and insert "six."

The CHAIRMAN. The gentleman from Texas moves to strike out "ten" and insert "six."

Mr. BLANTON. Mr. Chairman, a while ago the distinguished gentleman from Kansas [Mr. LITTLE], who has had wide experience in consular work and is the only man in the House who has had such personal experience, asked the chairman of this committee how many of these students we now have in Turkey. The chairman of the Foreign Affairs Committee could not tell him. He did not know anything about it. He brings in a measure before the House to have a provision made law when he does not even know and he can not answer a pertinent question. The gentleman from Kansas [Mr. LITTLE] asked another question. He asked the chairman of this committee whether or not it was going to be necessary to keep these students there, and how many interpreters we had at this time in Turkey.

The chairman said he could not tell it. He did not know. Now, the committee has brought in a bill here providing only 6 student interpreters to Japan, a great big country like Japan, a country whose language is hard to learn, and yet they have provided for a country like Turkey 10 student interpreters when we have only allowed 6 for Japan. Ah, the gentleman from Kansas touched the keynote Saturday when in discussing this matter he said the item in this bill was pure graft, and in a large measure it is. It is for the purpose of putting a bunch of pet favorites over there who want to take a trip to Japan, a trip to Turkey, or a trip to China, go to school, get $1,500 a year, get $200 for tuition and $600 for quarters, and after getting the education come back here and sell it to the merchants of this country.

Mr. PORTER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PORTER. Is the gentleman aware that these students have to sign an agreement to remain in the service for five years?

Mr. BLANTON. Oh, yes; but what does that amount to, and what is the agreement worth? I have seen lady schoolteachers in my State sign an agreement when entering a State normal school to learn how to teach, that after graduation they would teach so many years in the State, and then when they came out they would marry as soon as they graduated and not a day did they teach. How are you going to reach them? They merely say they will do it, but they do not do it. What comes after that? Nothing. The gentleman from Kansas was right when he said it was monkey business, but we can not expect anything else with the Republican steam-roller power that is in the saddle ready to bleed the Treasury to death.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. SMALL. Mr. Chairman, I move to strike out the last two words.

Mr. MOORES of Indiana. I make the point of order that that is an amendment in the third degree.

Mr. SMALL. Then, Mr. Chairman, I desire to speak in opposition to the amendment of the gentleman from Texas.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. SMALL. Mr. Chairman, this discussion about economy in this appropriation bill, making appropriations for the Diplomatic and Consular Service, induces me to make an observation. I notice the bill takes up the various activities of the Department of State, which has to do with the foreign relations of the Government of the United States. It takes up separately each activity and makes an appropriation therefor. I understood the distinguished chairman of the committee to say that the committee in formulating the bill heard evidence from the Secretary of State and other sources, and then exercised such judgment as the committee was permitted to exercise in agreeing upon the items of the appropriation for these different activities.

I have observed also that in the discussion so far it has been taken up by paragraphs, each appropriation discussed, and amendments offered or otherwise. I am curious to know why that course was pursued with reference to this appropriation bill for the Diplomatic and Consular Service and not pursued with reference to the river and harbor bill. Why, if the steering committee desired to economize, did they not pursue the same policy in this bill that they did with the river and harbor bill? Why did not they adopt the same plan that they did with the river and harbor bill?

Mr. MOORES of Indiana. Mr. Chairman, I make the point of order that the gentleman is not speaking in opposition to the amendment.

Mr. SMALL. The gentleman will not make any progress by that method.

Mr. MOORES of Indiana. All I want is to save time.

Mr. SMALL. The gentleman will not save time in this way.

The CHAIRMAN. The gentleman from North Carolina will proceed.

Mr. SMALL. I am discussing this bill, Mr. Chairman. The committee has brought in items aggregating upwards of $8,000,000. I assume that that was the aggregate of these several appropriations for the various activities of the Diplomatic and Consular Service. Why did not the steering committee say that $8,000,000 is too much and direct the Committee on Foreign Affairs to make it, say, $6,000,000? They could have saved $2,000,000 in that way.

Why not make it $4,000,000? Would the steering committee reply that $4,000,000, when divided up among the activities of the Diplomatic and Consular Service, would not meet the needs of the service or that it could not be intelligently and wisely allocated? I might answer that the suggestion of $12,000,000 for the river and harbor bill was made without rhyme or reason; it had no application to any of the estimates considered by the committee. It had no reference to the various activities for the improvement and maintenance of the rivers and harbors of the country as set forth in the annual report of the Chief of Engineers. Why did not you make this appropriation $6,000,000, and save over $2,000,000, just like you saved it in the river and harbor bill?

Now, gentlemen, I am going to continue to ask this question about the various appropriation bills until Members of the House shall understand the flagrant injustice that has been done to that great activity of the Government, the maintenance and improvement of our rivers and harbors, so closely associated with the prosperity of the country.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more. I want to keep him straight.

The CHAIRMAN. The gentleman from North Carolina asks that the time of his colleague be extended two minutes. Is there objection?

There was no objection.

Mr. KITCHIN. As I understand, the steering committee intended to make this a lump sum and let the Secretary of State spend it as he saw fit.

Mr. SMALL. In this bill?

Mr. KITCHIN. Yes; I understand that was the program.

Mr. SMALL. I am shocked.

Mr. KITCHIN. The gentleman need not be shocked; that might be the wise thing to do. But they found that the Secretary of State was liable to spend all of it on these secretaries, janitors, and stenographers in getting them into real society.

Mr. SMALL. Could not the Secretary of State allot the appropriations under existing law as wisely as the Chief of Engineers could allot it under the river and harbor bill?

Mr. KITCHIN. The committee did not object so much to that, but they did not want the Secretary of State to pay it all to the secretaries and stenographers and janitors in order to get them into society. [Laughter.]

Mr. SMALL. I thank the gentleman for his explanation. [Laughter.]

I have received a copy of resolutions adopted by the Commercial Club of Madison, Ind., on January 23, 1920, which, by leave of the House, I append to my remarks:

Whereas the action of the House of Representatives this week in curtailing 70 per cent the usual annual appropriations for river and harbor improvements must inevitably delay the completion of projects important in our national transportation system: Therefore be it

Resolved by the Commercial Club of Madison, Ind., That we view with profound regret what we must consider a backward and most unfortunate step;

That we cite the many years which have elapsed since the construction of the Davis Island Dam, the first upon the Ohio River, an average man's lifetime, and the system still so incomplete as to be comparatively useless.

We cite the fact that 10 years ago, in 1910, Congress passed a resolution affirming its purpose to complete the Ohio River project by 1920. Under the present policy and appropriations it will require at least six more years, and 1920 is here.

We regard as deceptive and illusory the plausible proposition that the unexpended balances in the Treasury are sufficient for all Ohio River work possible this fiscal year.

We contend the customary appropriation of $5,000,000 for new work upon the Ohio River should have been made in order that advantage might be taken of low water, if we have it, or other favorable conditions; that the construction of many locks and dams might be carried on simultaneously; and we urge that this annual appropriation for new locks and dams upon the Ohio River be yet made and be subject to the call of the Chief of Engineers, United States Army.

We protest against the new theory advanced by the honorable chairman of the Rivers and Harbors Committee that appropriations should only be made to take care of existing commerce. We assert a vast commerce has been driven from the Ohio River by lack of a channel of sufficient depth and the piratical rate cutting and other hostile and illegal practices of railroad corporations; that this commerce will be immediately restored by the completion of the system of locks and dams and the enactment of proper protective legislation; that to propose to wait until the commerce restores itself unaided is fallacious and bears the appearance of being suggested in bad faith or by want of thought.

We, therefore, as representatives of the commercial and manufacturing interests of the city of Madison, and the agricultural interests of this section of the Ohio Valley, respectfully petition and urge upon the House of Representatives the reconsideration of their action in respect to the river and harbor appropriation bill, H. R. 11892, and do hereby earnestly request that it be amended and passed in the form recommended by the Chief of Engineers, United States Army, for the benefit and advantage of the entire country.

Resolved, That we especially call upon our representative in Congress, Hon. JOHN S. BENHAM, to actively and vigorously sustain the views we have presented, and also urge the same effectiveness upon the part of our United States Senators from Indiana, Hon. HARRY S. NEW and Hon. JAMES E. WATSON.

Resolved, That our secretary is hereby instructed to send copies of these resolutions to Hon. CHARLES A. KENNEDY, chairman of the Rivers and Harbors Committee, House of Representatives; Hon. JOHN S. BENHAM, Member of Congress; and Senators HARRY S. NEW and JAMES E. WATSON.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. LITTLE. Mr. Chairman, I move to strike out the last half of the section. On Saturday I made a motion to change Luxemburg over to Belgium, where it ought to be and was promptly met with a point of order that it was not within the law. It gradually developed that most of the rest of the bill was in the same situation, so that no time was made in that way. Just now I have made a motion to reduce 10 interpreter students to 6, and because the State Department so recommended and without any knowledge of the facts the committee insists upon putting in 10. I have just heard an inquiry from one of the committee in respect to the language spoken over there. In the first place, most of the people in the old Turkish Empire speak Arabic. All of the people who live in Egypt and about Damascus and Jerusalem, and in Mesopotamia, and that country over there, speak Arabic. In Kurdistan, they speak Kurdish. In Armenia, they speak Armenian. The only place where many of the people of the old empire speak Turkish is in Anatolia, a northwestern Province of Asia Minor, and in Turkey in Europe. A very small percentage of this territory was occupied by people who spoke Turkish. Practically all of the trade was done with people who speak Arabic.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. In a moment. If you will turn to the bill itself, you will see that it says to teach the people to speak Turkish and the other language in the Empire. That is because the man who originally drew that item knew that Turkish was a very minor language in that country. I yield to the gentleman from Pennsylvania.

Mr. TEMPLE. I was merely going to call the gentleman's attention to the fact that these student interpreters are to speak not only Turkish but any other language that may be necessary to qualify them for service at the embassies and consulates in Turkey.

Mr. LITTLE. But I beat you to it. Just now I gave that information.

Mr. TEMPLE. The gentleman is assuming that the committee did not know when that language was incorporated in the bill.

Mr. LITTLE. Evidently some of the committee did not know it, because one of them was trying to tell us why they should be taught Turkish. A very small part of those interpreters would be taught Turkish, as I have suggested to the gentleman. Arabic would be the most useful language. They do not teach Arabic in Constantinople, but it is taught at Cairo and at the American colleges at Beirut and Assiut. Those people should be educated at Assiut and Beirut. There is no excuse in the world for educating 10 interpreters at Constantinople. There is no business through the country that warrants it or makes it necessary. At Roberts College are hundreds of young men, Turks, learning English.

There are scores on scores of American missionaries and students in American colleges there who speak English and Arabic and Turkish. There is, as I said, a college at Constantinople where they teach young Turks English. There are no such high-class institutions in Japan and China, maintained for the purpose of doing that. You do not any more need 10 student interpreters or 1 in Turkey than you need an extra thumb on one of your hands. The committee has just done what the State Department has told them, and has slapped it in. I want to support the committee. They have evidently saved a great deal of money. You can tell that is so by the fuss that is made by the Democrats on the other side of the aisle. You men have been doing very good work from the way they act. A man never groans unless he is hurt, and they would not be howling around here about saving money if you had not done so. But that has nothing to do with the hiring of 10 interpreters for Turkey. Roberts College and the college at Beirut and at Assiut teach men both Arabic and Turkish. There are thousands of young men who are seeking to go to these colleges to learn English, and the committee should not permit the department to waste this $15,000 when so many young men are studying these languages there in the mission schools. Let us be reasonable.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TOWNER. Mr. Chairman, I have not any special knowledge to warrant me in giving an opinion on the proposition which has been discussed by the gentleman from Kansas [Mr. LITTLE]. I know that he has special knowledge of that proposition. However, Mr. Chairman, I want to give expression before this committee rises to my great satisfaction on the bill which has been presented by the committee. I think they have had in mind the main idea. It consists of two propositions. In the first place, a condition that requires the strengthening of our Diplomatic Service, and a condition that requires that more than ever before, in order that we may be intelligently and adequately represented in the countries to which we will be required to send our representatives, we must enlarge and strengthen the present service. There never was a time in the history of the country when we needed to strengthen our Diplomatic and Consular Service more than at the present. It seems to me that there can not be a man on the floor of this House but must recognize that fact. I think the committee has done well under the circumstances, and within the limits existing, to see to it that the present shall not be a period of retrogression, and that we should generally strengthen the service for the time when we will have to very materially enlarge it. Within a very short time, in order to decently, not to say adequately, represent this country, we will be compelled to enlarge our Diplomatic and Consular Service. I am very glad, indeed, that the committee has done what it could under the conditions that exist with regard to our financial situation and the condition of the Treasury in presenting a bill here which, in my

judgment, ought to receive the support of every member of the committee and of the House.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 11, insert:
"For the payment of the cost of tuition of student interpreters at the embassy to Turkey, at the rate of $200 per annum each, $2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, after line 19, insert:
"For rent of quarters for the student interpreters attached to the embassy to Japan, $600."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 22, insert:
"For rent of quarters for the student interpreters attached to the embassy to Turkey, $600."

Mr. LITTLE. Mr. Chairman, I rise in opposition to the amendment.

The gentleman animadverted to the necessity of interpreters for the future, which I recognize as much as anybody. I want to call attention to an incident which may illustrate to you the absolute fallacy of the idea of expending taxpayers' money to learn Arabic and Turkish. We have a school at Assiut to teach young men the Arabic and the English languages. At Beirut we have a similar school. In the two there have been thousands of young men. They go to those schools and they learn the English language, and there are hundreds of people in that Empire who speak the English language just as well as you and I do. This section is for the purpose of educating somebody and giving him a lift. The opportunity is admirably given at Assiut, Beirut, and elsewhere.

The thing I had in mind, which may illustrate to you the absurdity of it, is a little incident that occurred to me in Montreal a few years ago when I was going down to the depot. I saw a young man who had a book in his hand, with a paper cover on it, that was printed in Arabic. It made me think of the old times. Of course, I know not so many words of Arabic, but I slipped my arm about him as I went along and I said, "Nahar ac zied, effendi." He was pleased to hear somebody speak his mother tongue. I do not know enough Arabic to talk very long, and I exhausted all the little that I had, and then I went to talking the English language, when I found that he had been at Beirut and spoke as good English as I did. And I found that the book he was reading was one of Shakespeare's plays that had been translated into Arabic.

I feel that we are being worked by somebody down in the department who does not know anything about it. This House ought to have more respect for itself. You do not say a word when your President talks about Poland and Czechoslavakia and recognizes them. Why do not you say something about these things? Where is the law that says you can not send a minister to Armenia or to Georgia, when he is sending commissioners to Budapest and Riga? I think the commissioner there gets 75 per cent of a minister's pay. The President does not ask you to do it; he goes ahead and does it. Why do you not take upon yourselves a little responsibility and do what is right about such a little thing as this?

Mr. PORTER. Will the gentleman yield?

Mr. LITTLE. I will.

Mr. PORTER. If the gentleman thinks that we should have embassies and legations in these nations, why does he not introduce a bill to that effect?

Mr. LITTLE. If I thought I would get any more consideration for it than I got for the resolution, or amendment, which I introduced here yesterday, I would do it.

Mr. PORTER. Will the gentleman introduce a bill?

Mr. LITTLE. I will if you advise it.

Mr. PORTER. The gentleman seems to be convinced of the wisdom of doing it.

Mr. LITTLE. As I said, if I do not get any higher welcome than I have so far with my suggestions, it would not be a wise thing to do it. But if the gentleman advises me to do it, I will be very glad to do so.

Mr. TEMPLE. Mr. Chairman, the gentleman from Kansas has spoken of the institutions to be found within the Turkish Empire and in Egypt, a former dependency of the Turkish Empire. The committee knows, of course, of the institutions mentioned by the gentleman from Kansas. I am personally acquainted with a good many of the professors in the college at Assiut. In spite of the gentleman's acquaintance with conditions in the Turkish Empire he entirely misunderstands the purpose of this paragraph of the bill. He speaks of institutions where natives can learn to speak the English language. It is the purpose of this appropriation to make provision for the reverse of that. It is the purpose to teach the various languages used in Turkey to Americans who are to be employed in the embassies.

Mr. LITTLE. The gentleman knows that it is one of the requirements of those schools that they shall know Arabic before they begin teaching. You have a splendid array of missionaries in Turkey——

Mr. TEMPLE. You could never get one of them to leave the missionary work and accept the salary of interpreter.

Mr. LITTLE. I had one at Alexandria while I was there.

Mr. TEMPLE. But he continued his missionary work at the same time.

Mr. LONGWORTH. Will the gentleman from Pennsylvania yield? In what language are the publications of the Turkish Empire printed?

Mr. TEMPLE. They are printed in more than one.

Mr. LONGWORTH. Are they printed in Turkish?

Mr. TEMPLE. In Turkish and other languages.

I want to call the gentleman's attention to the provision which says:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States.

They are not Arabs and Turks who may be taught English but Americans who are to be employed in the embassies and consulates, and who must be American citizens, loyal to this country, worthy of being trusted with confidential business, and must be made familiar with the languages that are spoken in Turkey, including the Turkish, Arabic, and others.

Mr. LITTLE. Can the gentleman tell me how many Americans there are acting as students?

Mr. TEMPLE. I looked in the directory a moment ago and found, in spite of the disorganization of the service which necessarily followed the breaking off relations, there are still persons who are drawing salaries as provided in this paragraph of the bill.

Mr. CONNALLY. If the gentleman from Pennsylvania will permit, I would like to say that if the gentleman from Kansas in all of the years he spent in Turkey, and with his distinguished ability, was unable to learn the Turkish language, does it not only emphasize the necessity for providing some method for teaching American citizens the Turkish language in order that they may perform the necessary service?

Mr. TEMPLE. It seems to me it is necessary, if the diplomatic and consular work is to be carried on by Americans who are loyal to this country, to teach our own people these languages, and to begin when they are young enough to learn them.

Mr. LITTLE. That emphasizes the point I am making. There was not anyone in Egypt talking Turkish.

Mr. TEMPLE. But they teach some of the other languages used in that country and referred to in line 2, page 6.

Mr. LITTLE. They teach Arabic out there. The point is made clear by the question of the gentleman from Texas [Mr. CONNALLY]. The gentleman from Pennsylvania [Mr. TEMPLE] did not say how many of those students there are on the record.

Mr. TEMPLE. The gentleman knows very well that we have broken off diplomatic relations with Turkey, and that all of the diplomatic and consular officers were removed, and we are now looking after American interests under an informal arrangement by means of an American commission as distinguished from an embassy or legation, and are making only partial progress. I call the gentleman's attention to testimony which appears in the committee hearings, as follows:

The situation all over Europe is anomalous; and the action is not to be determined by any prewar principle of international law. In Turkey we have a high commissioner who is an admiral; we have a commissioner who was formerly American consul general, and we have several consular officers who do not function as consular officers, but are unofficial assistants to the high commissioner and the commissioner. It is very necessary that those officials be there as observers and workers in cooperation with the representatives of the allied Governments at those places, for the protection of legitimate American interests.

Outside of the State Department nobody knows, I presume, whether additional adjustments have been made within the last week or in the last 24 hours.

Mr. LITTLE. How many do you find in the record?

Mr. TEMPLE. The record is available to the gentleman. Now, these interpreters, American citizens, who learn the languages of the various parts of the Turkish Empire——

Mr. FLOOD. If the gentleman will pardon me, I did not catch the question that the gentleman from Kansas asked and what the gentleman's answer was.

Mr. TEMPLE. His question was how many student interpreters there are now. I say our whole Diplomatic and Consular Service has been withdrawn from Turkey and has not been restored. It is impossible to tell how much progress has been made from day to day in the reestablishment of this work through the American mission in the Turkish Empire.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. NEWTON of Minnesota. There are no student interpreters needed in Turkey at the present time?

Mr. MOORES of Indiana. There is one in Egypt and there are two in Japan and there are five in China and one in Siam.

Mr. SMITH of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. SMITH of Illinois. Have we not passed upon the question as to whether or not we are to have these 10 interpreters?

Mr. TEMPLE. There is an amendment still pending. That is what is under discussion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. LITTLE. Mr. Chairman, did I not have an amendment pending before that was to be voted upon?

The CHAIRMAN. No. It was a motion in opposition to the amendment. The Chair will state that when the committee adjourned on Saturday the committee was dividing on the paragraph on line 24 of page 6. The question is on agreeing to that item.

The item was agreed to.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. FLOOD. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, including such loss on bills of exchange to officers of the United States courts for China, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $810,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. Mr. Chairman, the total sum appropriated by this paragraph, $810,000, for the expenses of embassies, seems like a very large sum, but I have no doubt the committee went over it carefully, as they have done with respect to all the items in this bill, the framing of which I very much commend, and it is probably justified.

I listened with much interest to the remarks of the gentleman from Ohio [Mr. BEGG], made when the rule was offered to-day, and with most of what he said I entirely agree. He seemed, however, to be somewhat concerned with reference to a matter that never has caused me any worry of late years. If I understood correctly the subject to which he was referring, I take it that he had in mind the salaries which are paid to our ambassadors and ministers. Complaint has been constantly made that they were not sufficient, and that by reason of that fact they had to be filled, as is sometimes stated—and I think the gentleman from Ohio himself so said—from the ranks of the idle rich.

Now, there was a time when it was highly important as to who should fill these ambassadorial posts. Years ago, before the Atlantic cables were established, communication took sometimes a month, and in the early days of the Republic sometimes two months. The ambassador had to conduct the international affairs of our country entirely without any advice from Washington. At the present day, however, the cable is at his instant command, and he gets his directions every day, and sometimes every hour, from here. The principal thing that he does is to make speeches which are noncommittal in nature. He ought to be a very affable man, a very attractive man in personality, one who will get along with everybody, give no offense, and do but little that will commit his Government to anything whatever, except as he is instructed from Washington. For that reason I see no reason why these posts should not be filled by wealthy men. It is altogether different from the situation that would be presented if we undertook to fill the ranks of this Assembly or of the Senate solely with wealthy men, in which event the greater portion of our citizens would not be represented at all.

Mr. BAER. Does not the gentleman think that would be dangerous, in view of the advantages that these men would have in trade relations, which is very important? These men might be connected with large corporations, which would make it inexpedient for us to confine it simply to wealthy men. If you confine these appointments, with all the information that they obtain with regard to foreign trade, to men of wealth, it would be dangerous. I think we ought to pay our ambassadors enough to secure the services of efficient men. I think we should pay them even double, if necessary, so that they would have plenty on which to live in decency and would be respected by the people of foreign nations. I do not think this is the place to economize.

Mr. GREEN of Iowa. The consuls have more to do with trade relations than the ambassadors themselves. The positions of consuls ought not to be filled solely with the ranks of wealthy men. But the principal qualification of an ambassador is to appear well in high society, to handle himself in a creditable manner in the midst of the society in which he is presented. He should be, as I said, agreeable and affable to all, and very often a poor man might not be so well qualified in that respect. Moreover, he often is compelled to entertain in a very expensive manner.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, may I proceed for two minutes more?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. A poor man, I say, might not be so well qualified to shine in that class of society as one who has spent all his life in their midst. Our ambassadors have distinguished themselves of late years, not so much by what they have done as by what they have not done. They have not got our Nation into any trouble. They have always expressed themselves in an agreeable way toward the nations to which they were accredited. They often distinguish themselves as after-dinner speakers. They promote friendly social relations and create mutual good feeling, and use their money in lavish entertainment. That is what they are principally for, at the present time. They control nothing of the important matters, and for that reason I think we might well use their wealth in this manner.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BEGG. Do these foreign ambassadors have anything to do with the determining of the policy of this Government in foreign countries, such as the policy in Mexico?

Mr. GREEN of Iowa. They do not and ought not to, in my opinion.

Mr. SMITH of Illinois. Is there anything in the bill that compels a man to be rich or poor in order to be an ambassador?

Mr. ROGERS. It is what is not in the bill that has that effect.

Mr. BAER. If the ambassador does not get enough salary, unless he is rich, he can not live over there.

Mr. GREEN of Iowa. It is said that our ambassadors can not live in proper style on the sums that are appropriated for that purpose. Probably they can not if they make the display and go through the pomp and ceremony that for ages has attached to their position. Many of us, like myself, consider all this as a legacy of folly inherited from the days when kings were considered divine and their representatives were expected by their gilded trappings and retinues of servants to exemplify the greatness and wealth of their sovereign lords. If some wealthy man wants to spend his money in this idle show, which, to my mind, is as senseless as a peacock's strut with his tail feathers extended, let him do it; but I am opposed to using the people's money for that purpose.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to amend this paragraph by inserting a comma after the word "expenses," in line 2, which the context clearly requires.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to insert a comma after the word "expenses," in line 2. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 11606) for a bridge over the Wabash River.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3451. An act authorizing and directing the United States Shipping Board to adjust and pay the claims of wooden-ship builders arising out of the prosecution of the war, and for other purposes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. CONNALLY. The gentleman from Iowa [Mr. GREEN], in a much milder and more genteel fashion than that employed by the gentleman from Massachusetts [Mr. ROGERS] on last Saturday, seems to have sought to minimize the dignity and functions of our foreign ambassadors and ministers. Gentlemen who were in the Chamber on last Saturday will recall that the gentleman from Massachusetts, while the question of the appropriation for ambassadors to Russia, Turkey, and Austria-Hungary was under discussion, sought to characterize these gentlemen, not by name but by a sweeping charge, as mere figureheads, and later on in his discussion he referred to some of the United States ministers serving in recent years at least as having been "scum of the earth." Now, I take it that since we were then discussing the ambassadors at Petrograd, Turkey, and Austria-Hungary, the gentleman in employing the language "figureheads" must have referred to some of the gentlemen representing this country at those courts in the recent past.

I repudiate and denounce the proposition that an ambassador representing this country in a foreign capital should not possess large ability, and I also deny that those who have represented this country within the last few years have been lacking in those qualities. I wonder if the gentleman from Massachusetts [Mr. ROGERS] in using the word "figurehead" could have referred to Mr. Francis, of Missouri, who rose from a newsboy on the streets of St. Louis to be the governor of a great State, and who so acceptably and capably performed the duties of ambassador to Russia? I wonder if the gentleman from Massachusetts could have referred to Mr. Morgenthau, the distinguished gentleman who, though I understand he was born in a foreign land, rendered such patriotic service during the war? I wonder if he could have referred to Mr. Penfield, who served at Vienna? I wonder, if he had no reference to those gentlemen, if he included within his description Mr. Sharp, a former Member of this House, who at Paris during the troublous times of the war represented the interests of this Government so efficiently and so admirably as to meet the approval of the whole Nation? Or, if he did not refer to any of these gentlemen, perhaps he had in his mind that other representative of this Government, Mr. Brand Whitlock, who at Brussels during the time of the German invasion succored the needy and interceded for the helpless and held the one lone outpost of justice and of right amidst that savage storm?

I repudiate the doctrine as suggested by the gentleman from Iowa [Mr. GREEN] that because of the cable it is not necessary for our representatives to be men of large ability and wide vision. It is very easy for one who has not the proper qualifications to involve this country in troubles with foreign powers. It is very easy to do that which he should not do or to fail to do that which he should do and thereby bring about a very critical state of affairs. Of course he should be in communication with Washington by cable, because all our ambassadors are representatives of the President of the United States, who under the Constitution is given the power to carry on the foreign affairs of this Government, and who is responsible for their discharge; but that fact does not necessarily imply that his agents or servants should not be men of large ability and wide experience, and I utterly denounce such a proposition.

Mr. LITTLE. Mr. Chairman, I desire to be recognized in opposition to the pro forma amendment, to reply to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. Can not the gentleman address his remarks to the next paragraph?

Mr. LITTLE. I want to speak right now in answer to the gentleman from Texas.

The gentleman from Texas [Mr. CONNALLY] wisely suggested that the American ambassadors ought to be men of ability. That is true. It is singularly unfortunate that more talent is not called into that service. The reason is this: It has been heralded abroad for a long time that nobody except a rich man can afford to take one of these positions. That is done with the direct purpose of preventing men of ability from going after them. Both parties select for these positions men who have contributed to their campaign funds and who, as the gentleman from Iowa [Mr. GREEN] suggested, have pleasing address and can get along without breaking the window panes, and who are sent over there in the hope that they will get through without getting us into trouble. For that reason there is no demand for these positions by men of real ability who have not independent means.

In the old days an ambassador was the personal representative of his king, and when he went to another capital he represented his king and was entitled to the same courtesy and attention and ceremonies that his king would be because he was the king's personal representative. So, it was a great thing to be an ambassador. All that remains of that now is the old custom of being ceremonious. It is the one place on earth where fine clothes are the principal distinguishing characteristic of the function. As has been suggested here, the business is largely done from the capitals of the respective countries, and not through the ambassador. The wiser and better he is, the better it is for his country, but if we could get rid of the idea that nobody except a rich man can go, we would have some ability in these positions, and we would not be told that they were such figureheads. There is not much to it. Of course, the consular office is the place where the principal business is done. Practically all of any importance is done through the consul, and the committee can not go too far in backing up the Consular Service, and in sending American citizens with strong arms and strong minds to extend our business relations abroad, and they can not go too far. I wish we could get away from the ideas of these ceremonies and fancy clothes, and these idle men. I said to an ambassador once, "What do you do at home?" He said, "I try as hard as I can to do nothing." He had so much money that he did not have to work, and he did not want to work. The idea apparently is to select an ambassador who has got so much money that he does not have to work at home, and send him abroad. That ought to be stopped.

Mr. LAZARO. The gentleman understands that when we send an ambassador to a foreign country he must follow their customs. Is not that true?

Mr. LITTLE. No. Why should he?

Mr. LAZARO. He must attend the functions to which he is invited. He must become friendly.

Mr. LITTLE. Yes. He has got to have a set of evening clothes and a white shirt.

Mr. LAZARO. The gentleman must know that it costs money to do that.

Mr. LITTLE. Benjamin Franklin did not have money, and I have never heard that he made a failure. Who are the representatives of France, England, and Italy here? What difference does it make whether they go to parties or not? How does that assist them in doing the business of their countries? An ambassador is sent to attend to certain duties, and it does not make any difference whether he has a dress suit or not. That does not assist him to carry out the business of his Government. If it does we have a mighty cheap set of skates down there, and the same everywhere else. It is not the man who is successful in society that makes the best ambassador; it is the man of ability and good sense, whether he goes to a party or not.

Mr. LAZARO. I do not mean that it is the man who does society the best, but at the same time if an ambassador is invited to functions he must be courteous and accept.

Mr. LITTLE. A college professor as poor as skim milk may be courteous and a man of good sense. There are several Members of Congress who have not enough money to sustain them through life, but who would make good ministers. Wealth is not necessary to an ambassadorship.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

STEAM LAUNCH FOR EMBASSY AT CONSTANTINOPLE.

Hiring of steam launch for use of embassy at Constantinople, $1,800.

Mr. KITCHIN. Mr. Chairman, I would like to ask a question for information. I move to strike out the last word. Here is $1,800 for a steam launch over in Constantinople. Why do you want to have a launch when you have nobody to ride in it?

Mr. PORTER. The money will not be used unless there is somebody there to use it. It might be more correct to say that

the American Government has a representative in Constantinople who may have use for the launch.

Mr. KITCHIN. I would like to say, while I have the five minutes, that I overlooked these items on page 7, and thought that the gentleman from Wyoming [Mr. MONDELL] was going to take care of that proposition, and he would cut down the estimates about $200,000, and possibly have offered an amendment himself, but he has left me, and I have no encouragement, and stand no show in getting a reduction of the bill unless the chairman of the steering committee helps me. Therefore I did not call the attention of the House to that item, which is about twice as large as it was in 1917. Possibly we could have saved $200,000 to the program of the gentleman from Wyoming. But I want to say that I am gratified that my friend from Ohio has set me straight on this economy program of this committee. In the report it says that the committee has saved $3,070,000 from the estimates of the department. I thought that was the work of the gentleman from Wyoming [Mr. MONDELL] and the steering committee and the Foreign Affairs Committee. I thought we ought to congratulate them, but my friend from Ohio [Mr. BEGG], a member of the committee, informs the House that this economy was not effected by the steering committee or by Mr. MONDELL or by the Committee on Foreign Relations, but it really was effected by the Secretary of State. He says that the Secretary of State told him that they could cut it out.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LONGWORTH. I do not recall in any period of the last two Congresses that the gentleman from North Carolina, chairman of the steering committee, endeavored to cut down the appropriations.

Mr. KITCHIN. Oh, we never had any steering committee. We believed in and had confidence in the committees and their qualifications, and that they would do the right and proper thing. We did not have any steering committee where one man is worth 25 votes. The gentleman from Philadelphia, Mr. Moore, and now Mr. DARROW, is considered by your plan of organization to be worth 25 times as much, with 25 times more sense and 25 times more judgment, with 25 times more influence, than your distinguished leader Mr. MONDELL. We did not have committees appointed in that way.

Mr. LONGWORTH. The gentleman is talking at cross purposes. I was not speaking of the committee on committees.

Mr. KITCHIN. We did not have one.

Mr. LONGWORTH. I was talking of the steering committee.

Mr. KITCHIN. We did not have a steering committee.

Mr. BAER. The gentleman from North Carolina is talking about the committee on committees.

Mr. LONGWORTH. The gentleman from North Carolina always refuses to discuss that.

Mr. KITCHIN. The gentleman from North Dakota does not understand his own organization and none of the other Republicans understand it.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask for five minutes more.

Mr. LONGWORTH. I hope the gentleman from North Carolina can have his time extended so as to answer my question. I think it is important that the gentleman explain the work of his steering committee. [Cries of "Regular order!"]

Mr. BLANTON. The regular order is, Is there objection? If the leader on this side of the House can not have five minutes I object and I make the point of order that no quorum is present.

Mr. KITCHIN. If the Republicans do not want me to tell them about their own organization——

Mr. LONGWORTH. I would like to have the gentleman tell us about his steering committee.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The question was being taken, when Mr. ROGERS asked for tellers.

Mr. BLANTON. Mr. Chairman, I submit that it is out of order when the Chair has found that there is no quorum present.

Mr. ROGERS. The Chair has not announced that there was no quorum present.

Mr. BLANTON. No; but he knows that a quorum is not present.

The CHAIRMAN. The question is on ordering tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ROGERS and Mr. BLANTON.

The committee divided.

Mr. BLANTON. If the gentleman from North Carolina can have five minutes, I will withdraw the point of no quorum before the announcement is made.

The CHAIRMAN. The gentleman from North Carolina is recognized. The gentleman from Texas withdraws his point of no quorum.

Mr. BLANTON. No, Mr. Chairman; I do not withdraw the point of no quorum.

The tellers reported that there were 2 ayes and 55 noes.

The CHAIRMAN. The tellers report on this vote that the ayes are 2 and the noes are 55, so the committee refuses to rise. The gentleman from North Carolina is recognized.

Mr. WALSH. Mr. Chairman, I rise to a point of order. The gentleman from Texas has made a point of order that there is no quorum present. That is pending. Pending the point of order that there is no quorum present the motion was made that the committee rise. That has been voted down. The point of order that no quorum is present is still pending unless the gentleman withdraws it.

Mr. BLANTON. If the gentleman from North Carolina is recognized, I will withdraw it.

The CHAIRMAN. The Chair understood the gentleman from Texas to withdraw his point of order, and the Chair has recognized the gentleman from North Carolina.

Mr. BLANTON. I withdraw the point of order.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. KITCHIN. Mr. Chairman, I congratulate the Chair on his arithmetic, although I counted more than the Chairman did. I really do not want to appear discourteous to the gentleman from Ohio [Mr. LONGWORTH]. I really had nothing to say, but he asked me a question, and I was cut off, so that it made it appear that I was very discourteous.

Mr. LONGWORTH. The gentleman will pardon me, but he took five minutes a few moments ago in evading an answer to my question. Now, will he take these five minutes in answering it? I am referring to the steering committee, and the gentleman was speaking about the committee on committees.

Mr. KITCHIN. Oh, since I have been in Congress the Democrats have never had a steering committee, for the reason that the chairman of the various legislative committees were selected only with reference to their superior qualifications for the position. We had no such method as now prevails in the Republican organization at all. We appointed all committees with reference to the qualification of the men appointed upon them, and it was never necessary for them to have an overlord or boss. We never jacked them up and said, "Here is what we want you to do or not to do." They reported out the various bills, and they were accepted as such because we had confidence in their judgment, wisdom, and patriotism. While I was the majority leader I never had to call anyone down, because they always did the proper thing; and to show you that they did the proper thing, my friend LONGWORTH voted for everything that was reported out, except one bill—yes; he voted for the revenue bill—in 1916; so you see our committees had sense enough to legislate and recommend legislation themselves. It was legislation that appealed not only to our approval and judgment but to that of Mr. LONGWORTH and the judgment of many others on the Republican side.

Mr. LONGWORTH. The gentleman is speaking of the Committee on Ways and Means.

Mr. WALSH. Mr. Chairman, I rise to a point of order. The discussion that is now proceeding has nothing to do with the measure under consideration and the motion to strike out the last word.

The CHAIRMAN. The point of order is sustained.

Mr. KITCHIN. I am going to get to the point of how this bill comes in here——

Mr. WALSH. Oh, the gentleman told us about that this morning. I insist upon the point of order.

Mr. KITCHIN. I am not going to insist on violating the rules. Of course, if the gentleman from Massachusetts does not want all of the Republicans present to know the manner of their organization and what unheard-of methods they have adopted, such as were never before adopted in a legislative body in the world——

Mr. WALSH. Mr. Chairman, I insist upon the point of order.

Mr. KITCHIN. Then, of course, I shall have to wait. Only about half a dozen of you know how it is done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALLOWANCE TO WIDOWS OR HEIRS OF DIPLOMATIC OFFICERS WHO DIE ABROAD.

Payment under the provisions of section 1749 of the Revised Statutes of the United States to the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, $5,000.

Mr. ROGERS. Mr. Chairman, I offer to amend by inserting the words "or consular" after the word "diplomatic," in line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 13, after the word "diplomatic" insert the words "and consular."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, rental of offices at Washington, D. C., expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $55,000, together with the unexpended balances of previous appropriations for these objects: *Provided*, That hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties: *Provided*, That when the commissioner is absent from Washington on official business he shall be allowed actual and necessary expenses of subsistence, not in excess of $8 per day.

Mr. CONNALLY. Mr. Chairman, on page 12, line 8, after the word "Washington," I move to insert the words "and from his regular place of residence."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 8, after the word "Washington" insert the words "and from his regular place of residence."

Mr. WALSH. Mr. Chairman, on that I reserve the point of order.

Mr. CONNALLY. Mr. Chairman, I do not aim this amendment at this particular individual, but I expect to offer a similar amendment at other places in the bill in respect to other commissions of this kind. My understanding is—and I do not know that this has been true recently, but my attention has been called to at least one case in which a commissioner of this kind had spent a good deal of time at his regular residence away from Washington, and while at home was claiming to have been performing part of his duties, and since he was away from Washington had been collecting his $8 per day expense account. I do not make the charge against the man performing this particular service, but it does seem to me it is a very fair provision to insert in respect to all of these commissions that if the commissioner is at home where his regular residence is, he shall not be allowed to collect $8 a day expenses because he happens to be away from Washington and may be performing some of his duties, such as the preparing of reports and things of that kind. If he chooses to go to his regular residence it does not seem to me that he ought to be allowed to collect per diem expenses. I take it that as far as the point of order is concerned it is a limitation on the appropriation and under the Holman rule it would be in order.

Mr. PORTER. Mr. Chairman, the committee accepts the amendment.

Mr. FLOOD. Mr. Chairman, right there I would like to ask the gentleman from Pennsylvania a question.

Mr. WALSH. Mr. Chairman, the committee can not accept an amendment with a point of order reserved against it.

Mr. FLOOD. I would like to ask the chairman a question while he is on his feet.

The CHAIRMAN. The Chair suggests that we dispose now first of the point of order.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman state his point of order.

Mr. WALSH. It is legislation and it does not reduce expenses. It rather increases them.

Mr. GREEN of Iowa. This is right along with that particular proviso. It is no more legislation than the proviso itself. It seems to me that it would be in order. On the other hand, it does not seem to me to be anything more than a qualification and limitation on the language of the second proviso.

Mr. WALSH. Mr. Chairman, still further reserving the point of order, do I understand the gentleman's amendment is to insert after the word "Washington," in line 8, "from his official place of residence"?

Mr. CONNALLY. From his regular place of residence. A further limitation that I would suggest to the gentleman from Massachusetts——

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

I rise to ask of the chairman of the committee what the unexpended balance in this section amounts to, and also, if it would not be out of order, I would like to know what the unexpended balance appropriated in section 9 refers to? I am absolutely opposed to the reappropriation of those unexpended balances, because I do not think the House knows just what it is appropriating when that matter is not gone into more fully. And I would like to ask the chairman——

Mr. PORTER. So far as the boundary commission is concerned, the balance will all be used before the end of the fiscal year. There is an unexpended balance in the emergency fund. Mr. Carr, who appeared before the committee, stated that it would be impossible for him to say how much the unexpended balance would be on account of the nature of the fund. They might have use for $100,000 or $200,000 in the next three or four months, and they might not have to use $100.

Mr. LINTHICUM. Mr. Chairman, as I said the other day, I think it is very bad practice for this House to appropriate lump sums and also to reappropriate these unexpended balances, because the House is not informed as to what an unexpended balance is going to amount to. And it seems to me if the department asks for a certain amount of money for the next fiscal year we ought to appropriate the definite sum of money that they ask for, or that we think they ought to have, and there ought not to be any doubt in carrying these old accounts from one year after another. For years, since I have been on this Foreign Affairs Committee, these unexpended balances have been carried right along on the books of the department. I do not suppose they have ever been closed at the end of the year, because the reappropriation carries it over to the next year and to the next year after that; and so we go on appropriating unexpended balances in these bills year after year. I think it is very bad practice, and I think we should consider it, and we certainly ought to get out of the habit of appropriating these sums without the knowledge of the House and not knowing just what they amount to.

I felt that I ought to say something about this, and I do hope the committee in its next bill will try to get away from that and try to appropriate, as I have said, definite sums for the various fiscal years in accordance with what the gentlemen think is right.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. CONNALLY].

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words.

I would like to ask the chairman of the committee how long this commission has been in existence? I think it is beyond my memory entirely, and I would like to know how long it is.

Mr. PORTER. I want to say it was provided by a convention in 1903.

Mr. GREEN of Iowa. Some 16 or 17 years ago, then?

Mr. PORTER. Yes.

Mr. GREEN of Iowa. Are they ever going to get through?

Mr. PORTER. If the gentleman will pardon me, I will answer him.

The commissioner has done a splendid piece of work. He has completed all of the field work. The line has all been monumented, with the exception of possibly two or three months of work. All of the data are now in Washington, and they are assembling it so as to make the necessary maps. The commissioner impressed the members of the committee with the fact that he was extremely efficient and extremely diligent.

Mr. GREEN of Iowa. Is there but one commissioner now?

Mr. PORTER. Just one; yes, sir.

Mr. GREEN of Iowa. The gentleman has not, as I understand, fully answered my question as to when they would be through?

Mr. PORTER. I asked the commissioner that question, and he said he thought it would take three or four years to complete the office work and assemble all of this data and put it in the form of maps so that the official report could be made.

Mr. GREEN of Iowa. What is the salary of the commissioner?

Mr. PORTER. Five thousand dollars.

Mr. GREEN of Iowa. Well, I am not surprised that it will be continued for three or four years.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU AT BRUSSELS FOR THE REPRESSION OF THE AFRICAN SLAVE TRADE.

To meet the share of the United States in the expense of the special bureau created by article 82 of the general act concluded at Brussels July 2, 1890, for the repression of the African slave trade and the restriction of the importation into and sale in a certain defined zone of the African Continent of firearms, ammunition, and spirituous liquors for the year 1921, $125.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. KITCHIN. I want to say to the gentleman from Pennsylvania [Mr. PORTER] and to the House, and especially to the gentleman on my right here, that I made some very honest and hearty efforts, unavailing though they were, to help in the economy program, reducing items when I was sure they ought not to be in here, or could be cut out or reduced. I want to make one more effort, and if the committee does not feel that it should respond to these appeals for economy, I shall give up, the same as Mr. MONDELL, and let the gentleman take charge himself.

I am in sympathy with this bill, and I think that the committee has done fine work, and I hope that the committee will receive some credit for it and that the Secretary of State will not get all the credit for this economy. I realize that we must have far more appropriations for the Diplomatic and Consular Service now than in prewar times, and the committee has given a very strong and convincing argument in its report as to why we should. I greatly sympathize with them in their statement, and I am speaking sincerely now. [Laughter.]

The reasons for the large increase of appropriations over prewar times are threefold, as contained in the report. First, in the prewar period we were frequently a debtor nation. Now we are the biggest creditor nation in the world, holding the obligations of other nations in the sum of $11,000,000,000 and upward—all under a Democratic administration. For the 40 or 50 years of the Republican administrations we were unfortunately a debtor nation. Now, under Woodrow Wilson, a Democratic administration—and this committee in its report is absolutely right about that—we are the largest creditor nation in the world. I want our Democratic friends to put a peg there. That is one great change in our international relations.

Mr. BAER. Can the gentleman assure us that we will get our money back?

Mr. KITCHIN. I can not yield. The second reason that is given for these increased appropriations is that in the prewar period we were without a merchant marine. To-day we have over 6,000,000 tons of shipping flying the American flag and carrying the products of the industries and farms of America to all the markets of the world. For 40 or 50 years of Republican rule less than 10 per cent of our American products were sent abroad in American bottoms. More than 90 per cent of American products were sent out to the markets of the world in foreign bottoms, foreign ships flying the foreign flag. But to-day, under a Democratic administration, this committee in its report solemnly assures us that our merchant marine has grown from nothing to 6,000,000 tons, a larger tonnage than any nation except Great Britain. Every man ought to be proud of this wonderful accomplishment of the Democratic administration. [Applause on the Democratic side.]

The third reason the committee give for these increased appropriations is that we practically now control the gold supply of the world. For 40 or 50 years, under Republican rule, we were borrowing money from abroad to get enough gold to run our own domestic industries and enterprises; but now, to-day, under Democratic control, we own and control the gold supply of the world, and every Nation on earth must come to this great United States and ask us to lend them gold—a great accomplishment of the Democratic administration. I know that if the committee had thought about it one minute they never would have put that in the report. [Laughter.]

Mr. BROWNE. How does the national debt compare now with our debt under a Republican administration?

Mr. KITCHIN. Well, on account of Republican votes during this Democratic administration our debt, incurred to win the war, has risen considerably; not as much as the Republicans wanted it to rise, because they voted for greater appropriations.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask for five minutes more to get on to my amendment. [Laughter.]

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman is recognized for five minutes to speak on his amendment. [Laughter.] Does the gentleman offer an amendment?

Mr. KITCHIN. Yes; I have an amendment here. I now see the gentleman from Wyoming [Mr. MONDELL] present. I was going to send for him. Here is another item where we can economize.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. KITCHIN. Yes, sir. Here is an item that we can reduce to some extent.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 12, line 19, strike out "$125" and insert in lieu thereof "$120."

[Laughter.]

Mr. KITCHIN. Now, gentlemen, I have been fighting here for economy for four hours to help out the gentleman from Wyoming [Mr. MONDELL]. I have tried to save $200,000 in one item, and $150,000 in another item, and $138,000 in still another, and I have made up my mind that if I can not save $5 out of this bill I should give up and let the gentleman from Wyoming take charge of the whole thing and economize as well as he can. [Laughter.]

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PORTER. Is the gentleman aware of the fact that that is a treaty obligation?

Mr. KITCHIN. Oh, well, I will not violate any treaty in the world. If it is a treaty obligation, I am evidently mistaken in my amendment. If not, I appeal to you let us save $5, at least. [Laughter.] If this is a treaty obligation and we have solemnly bound ourselves to the countries of the world, as it were, in a league of nations to pay $125 a year to repress the African slave trade and keep liquor from going into a certain zone in Africa, I will not ask this House and my Democratic friends to help me violate a solemn treaty obligation. No, sir; I am more afraid the Republicans would vote to cut it down anyway. Maybe they would, with the gentleman from Wyoming overlording this committee completely. [Laughter.]

I want to say to the gentleman from Wyoming, if I may be permitted to say so in my five minutes, that during his absence this committee has violated every tenet of economy in the gentleman's program. They have failed to vote for a single amendment cutting down a single appropriation.

Now, I shall have to leave. I hope the gentleman from Wyoming will take this job and keep up with it, and wherever amendments ought to be offered to reduce items in the bill I hope he will offer. I suggest one place where he can offer an amendment that will result in economy. The appropriation provided for this post allowance is $600,000. That was put in there in order to enable the department to increase secretaries' salaries so as to keep pace with the rise in the cost of living, but that was done before we increased the salaries of the secretaries. Now that we have increased the secretaries' salaries a thousand dollars each, which amounts to $130,000, the gentleman from Wyoming can, and in good conscience no doubt he will, offer an amendment when we reach that page, page 22, to reduce the appropriation of $600,000 to $470,000, which would save $130,000. That is perfectly just, perfectly right, and perfectly in accordance with the program of economy. Now, gentlemen, I am not going to try to help you any more in your economy program. You threw me down the very first thing, and I am not going to have anything more to do with you.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. KITCHIN] to strike out "$125" and insert "$120."

Mr. KITCHIN. Since somebody has reminded me that this $125 is in conformity with a solemn treaty obligation, I do not want to put myself in the light of trying to violate a treaty, because I am going to help to keep it in good faith, and I respectfully withdraw the amendment. [Laughter.]

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MONDELL. Reserving the right to object, I am very much disappointed in the gentleman from North Carolina [Mr. KITCHIN]. I just came into the House to aid him in his worthy effort to reduce this bill.

Mr. KITCHIN. We lost the opportunity to reduce it that many thousands while the gentleman was absent.

Mr. MONDELL. I have just come in, only to find the gentleman occupying the time of the House in an effort to reduce the bill $125.

SEVERAL MEMBERS. Five dollars.

Mr. MONDELL. Five dollars. He now asks unanimous consent to withdraw his motion.

Mr. KITCHIN. To keep the treaty.

Mr. MONDELL. I am very painfully disappointed, but under the circumstances I will not object.

The CHAIRMAN. Is there objection to the withdrawal of the amendment of the gentleman from North Carolina?

Mr. KREIDER. Reserving the right to object, I think it is unreasonable and unfair to the representatives of the Democratic Party on the floor of the House to stop their agitation for economy in the usual Democratic way. Whenever there is a chance to cut off $5 we see them on the job, but when there is a chance to save $5,000,000——

Mr. KITCHIN. We are still on the job.

Mr. KREIDER. They forget that they are present. If the $5,000,000 is to be saved, it is up to the Republicans to save it.

Mr. KITCHIN. Mr. Chairman, reserving the right to object—— [Laughter.]

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

Mr. KREIDER. I think we should have a vote on this amendment, and I object.

The CHAIRMAN. Objection is made to withdrawing the amendment. The question is on the amendment of the gentleman from North Carolina [Mr. KITCHIN].

The question being taken, the amendment was rejected.

Mr. BEGG. Mr. Chairman, I move to strike out the last two words. I do this because the gentleman from North Carolina [Mr. KITCHIN] in his last speech called attention to the fact that in the report of the chairman of this committee it was pointed out that we had long been a debtor nation and that now we are a creditor nation to the extent of about $11,000,000,000. The gentleman from North Carolina [Mr. KITCHIN] seemed to think the credit for that ought to belong to the Democratic Party. He further pointed to the item in the report which refers to the increased shipping that is flying the American flag on the seas, and again he wanted to lay claim for the credit for that to the Democratic Party.

I want sincerely to ask the gentleman from North Carolina, Does he also claim credit for the Democratic Party for the 70,000 graves of American manhood, the cleanest, purest, and brightest that ever lived under the Stars and Stripes? Does the Democratic Party want credit for those 70,000 graves, those 70,000 boys, in each of whose homes there is a vacant chair? Does the gentleman from North Carolina want to claim credit for the Democratic Party for the fact that there are over 100,000 boys in this country compelled to go through life without an arm or without a leg or with their faces disfigured beyond recognition? It seems to me that the gentleman from North Carolina has been in Congress too long and occupies too high a place in the esteem of the public, not only among the Democrats but, may I advise him, among the Republicans as well, to make light of a bill of this kind and to treat with ridicule and burlesque a thing that ought to be sacred to every American. As far as giving the Democratic Party credit for our being a creditor nation, there were many millions of Americans who were not Democrats who gave just as loyally of their sons and just as generously of their dollars in order that the Great War might be won with the minimum of sacrifice. The immediate and unusual prosperity that has come to America is not due to any act passed by the Democratic Party while in power. It is due to a disaster, to a calamity that struck the human race, and I deplore the fact, as a member of the opposite party, that the gentleman should allow his words to go out to this country in a spirit of jest, because many a mother will say, "I wonder if I owe to the Democratic Party the sacrifice of my son?"

Mr. KITCHIN. I move to strike out the last two words.

Mr. PORTER. I ask unanimous consent that the debate on this item close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate on this paragraph close in five minutes. Is there objection?

There was no objection.

Mr. KITCHIN. I will say to the distinguished gentleman from Ohio that I only claimed credit for what the report gives us credit for. I do not claim credit for the Democratic Party for the 100,000 Americans who were killed over there or for the nearly 200,000 who were wounded. Who ever heard me claiming any credit for the Democratic Party for that? If I had had my way, not one of them would have been killed or wounded. I so voted, but practically every Republican in the House, as well as every Democrat in the House voted for the war. It was not a Democratic war. It was not a Republican war. It was an American war, and of course I will not give credit for it to either party. I think the Republican Party is entitled to as much credit for the 100,000 men who were killed or died and for the 200,000 men who were wounded as the Democratic Party, and I have not tried to take any credit from the Republican Party on that. But I will tell you what we Democrats do claim credit for. When those 200,000 boys came back—boys with arms and legs shot off or with eyes shot out—and the question before this House was how to rehabilitate those boys, your party almost to a man voted against a $4,000,000 appropriation, while we Democrats voted for $4,000,000 to help make life worth living for those boys. [Applause.] We do claim that we have done and will continue to do all in our power to help these maimed, crippled boys. We sent them abroad to risk their lives and limbs, and when they were brought back here wounded and maimed I do want to resent and protest against the action of the Republicans in Congress in refusing to give them the little pittance of $4,000,000 to help rehabilitate them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $8 per day each, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1921, is hereby appropriated, $30,400: *Provided*, That in probate and administration proceedings there shall be collected by said clerk, before entering the order of final distribution, to be paid into the Treasury of the United States, the same inheritance taxes from time to time collected under the laws enacted by the Congress of the United States from the estates of decedents residing within the territorial jurisdiction of the United States.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 16, line 17, after the colon strike out balance of paragraph and insert:

"*Provided*, That hereafter in each private and administration proceeding in said courts there shall be, and is hereby, levied on each respective estate and there shall be assessed and collected by the clerk of the court before entering the order of final distribution, to be paid into the Treasury of the United States, as fees of court, an amount of money equal to the amount of inheritance taxes that would be due and collectible under the laws of the United States in the case of the estate of a decedent who resided within the territorial jurisdiction of the United States of an equal value."

Mr. LONGWORTH. Mr. Chairman, to that I reserve a point of order.

Mr. CONNALLY. Mr. Chairman, I will state to the gentleman from Ohio that the language already contained in the bill has been made in order by a special rule. The amendment which I offer does not change the effect.

Mr. LONGWORTH. Oh, yes; the amendment uses the word "hereafter," which makes it not in order. I am simply reserving the point of order. I do not know that I will make it.

Mr. GARNER. The word "hereafter" makes it permanent law.

Mr. CONNALLY. I realize that, and that is one reason why I offer the amendment.

Mr. LONGWORTH. That makes it subject to a point of order.

Mr. CONNALLY. The gentleman may be correct about that. I am not a parliamentary expert. My object in offering the amendment is to make clear what I think was the intention of the committee in drafting this provision. It seems to me that, although we call these amounts fees of courts, in a sense it is really the levy of inheritance taxes prevailing in the United States on the estates of decedents whose estates are administered by the United States Court for China. It seems to me that we ought to make it clear that Congress is levying it and collecting it according to the same standards that prevail in the United States. The language used in the bill is:

Provided, That in probate and administration proceedings there shall be collected by said clerk, before entering the order of final distribution, to be paid into the Treasury of the United States, the same inheritance

taxes from time to time collected under the laws enacted by the Congress of the United States from the estates of decedents residing within the territorial jurisdiction of the United States.

I believe that if the chairman of the committee will consider the language of my amendment he will have no objection to it. I can see no reason why these citizens who reside in China and whose estates pay no inheritance tax by reason of the residence of the decedents in China should not contribute to the expenses of maintaining the court in China. I can see no reason why they should not be forced to pay their share of the administration of the United States court in China.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. GREEN of Iowa. I do not understand this provision. The probate administration proceedings are upon the estates of whom?

Mr. CONNALLY. American citizens residing in China.

Mr. GREEN of Iowa. They would not be citizens of the United States unless they were residents of the United States.

Mr. CONNALLY. They might be; there are a great many people, I will say to the gentleman from Iowa, who have property in China and are American citizens. I will say that the United States court for China was established through treaty relations with China which expressly confer upon that court jurisdiction not only over the estates but over persons of American citizens, residents in China. The Chinese laws have no jurisdiction over American citizens in China.

Mr. GREEN of Iowa. That is true; but the jurisdiction of the court will depend upon the settled principles that apply to citizens of this country. I should suppose that a man's citizenship in this country would depend somewhat on his intention as to coming back here.

Mr. CONNALLY. I would like to ask the gentleman from Iowa—he is a member of the Committee on Ways and Means—if the Federal inheritance tax now in force could be collected from an estate of an American citizen residing in China. And I would like to observe that if it does not, this amendment ought to be adopted, because they ought to pay an inheritance tax—I mean a Federal inheritance tax, the same as the estate of an American citizen residing in the United States would pay.

Mr. GREEN of Iowa. I agree with the gentleman on that; but the point I raised, and which I am not absolutely sure about, is one upon which I would like information. At first blush it seems to me as if the whole proviso was not necessary. However, it may be necessary.

Mr. CONNALLY. We had the judge of the United States court for China before us, and he gave it as his opinion that the Federal inheritance-tax law did not apply to American citizens residing in China. It was on his approval and at his suggestion that the committee inserted this language in the bill, in order that the inheritance tax from the estates of American citizens might be paid and help to defray the expenses of that court and maintain the court.

Mr. GREEN of Iowa. I have not examined personally into the subject, and I will yield to the judgment of the judge of the court for China and the gentleman from Texas.

Mr. LONGWORTH. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair wishes to say that the rules of the House provide that the paragraph be permitted to remain in the bill, and it may be perfected by a germane amendment; but that does not permit an amendment which would add additional legislation. It has been held that an amendment on all fours with this was out of order. The Chair sustains the point of order.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent to offer the amendment with the word "hereafter" stricken out.

The CHAIRMAN. The Chair does not make the ruling on the word "hereafter," but on the general proposition that it adds new legislation to the existing legislation in the bill.

Mr. CONNALLY. Has the attention of the Chair been called to the language of the bill as it stands on page 16? That is new legislation, if the Chair please, and that was made in order this morning by the special rule.

The CHAIRMAN. That is the only reason the gentleman's amendment would be in order, if it is germane.

Mr. CONNALLY. I would like to know wherein it is not germane.

The CHAIRMAN. The Chair does not hold that it is not germane. The Chair simply holds that while it is germane, it adds new legislation to the legislation carried on page 16 of the bill.

Mr. CONNALLY. Mr. Chairman, if the Chair will examine that language he will see that the intended effect of the language is identical. It simply changes the language in order to make it clearer how the clerk will arrive at the amount which he shall be required to collect in each case. The effect of it is identically the same, and if the language on page 16, as contained in the printed bill, is in order, there can be no question on earth that my amendment is in order. Since the Chair holds that the word "hereafter" does not render it out of order, I insist that my original amendment is in order.

The CHAIRMAN. The Chair regrets very much to be obliged to differ with the gentleman. If this were on a legislative bill, the Chair thinks that he would hold the amendment to be in order, but this is an appropriation bill, and what applies to a legislative bill does not apply to an appropriation bill. Anything that adds new legislation to the pending section under the rules of the House can not be in order. The Chair sustains the point of order.

Mr. ROGERS. I move to amend, in line 17, by striking out the figures "$30,400" and inserting as a new paragraph at the bottom of the page the words and figures "Total, $30,400." That is simply an oral change, so as to have the item showing the total carried at the end of the provision.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 17, strike out the figures "$30,400" and at the bottom of the page insert a new paragraph, as follows:
"Total, $30,400."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

To defray the actual and necessary expenses on the part of the United States section of the International High Commission arising in such work and investigations as may be approved by the Secretary of the Treasury, $25,000, to be expended under the direction of the Secretary of State.

Mr. TILSON. Mr. Chairman, I move to strike out the last word in order to ask the gentleman in charge of the bill why this has been changed from the Secretary of the Treasury to the Secretary of State. In the current law, if I read it correctly, it says that this expenditure shall be made under the direction of the Secretary of the Treasury.

Mr. PORTER. Mr. Chairman, the committee considered that matter very carefully and concluded it would be better to make the expenditure under the direction of the Secretary of State on account of its diplomatic character. It was formerly under the direction of the Secretary of the Treasury.

Mr. TILSON. The bill provides—

arising in such work and investigation as may be approved by the Secretary of the Treasury, $25,000, to be expended under the direction of the Secretary of State.

It was formerly under the direction of the Secretary of the Treasury.

Mr. PORTER. Yes.

Mr. TILSON. I withdraw the pro forma amendment.

The Clerk read as follows:

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada and for other purposes, signed January 11, 1909, $25,000, to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except for actual and necessary expenses, not in excess of $8 per day each, when absent from Washington on official business: *And provided further*, That no part of this appropriation shall be expended for salaries of commissioners in excess of $3,500 each per annum.

Mr. CONNALLY. Mr. Chairman, I move to amend on page 19, line 12, by inserting after the word "Washington" the words "and from his regular place of residence." It is the same amendment that I offered to the other commission.

Mr. PORTER. Mr. Chairman, we will accept that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 12, after the word "Washington," insert "and from his regular place of residence."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Salaries and expenses of interpreters to consulates and guards.

Mr. PORTER. Mr. Chairman, I move to amend in line 3, page 23, by inserting the words "and guards" after the word "interpreters," and by striking out in line 4 the words "and guards."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 23, line 3, after the word "interpreters," insert the words "and guards," and in line 4, strike out the words "and guards."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Interpreters and guards to be employed at consulates, to be expended under the direction of the Secretary of State, $103,700.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. What is the reason for this expenditure and for the employment of interpreters to courts and consulates? Is that to China, Japan, and Siberia?

Mr. PORTER. Yes.

Mr. TILSON. And in the Turkish dominions?

Mr. PORTER. Yes. We lumped the two items.

Mr. TILSON. Last year there were two items, and the result is different.

Mr. MOORES of Indiana. We were requested to increase it by $15,000 by the Secretary of State, for very good reasons, which he stated. It is an increase of only $15,000.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. ROGERS. Mr. Chairman, there are a good many places outside of the oriental countries where expert linguistic assistance is required. For example, take the new Republic of Jugoslavia. That is made up of several different peoples, who are linguistically different. A man to be an efficient and useful officer at that legation is expected to speak six different languages. It is exceedingly difficult to get a man who can fulfill those requirements anywhere. We have insisted from year to year in this bill that Americanizing of the service shall go forward just as fast as possible. But in some places, such as the one I have cited, and in the Orient, it has been practically impossible to get the right sort of Americans who could speak several languages. In order to overcome that situation the State Department asked this year for a new item for salary of alien employees, amounting to $50,000, so that here and there throughout the capitals of the world it might be able to procure competent alien subordinates. The committee was not inclined to broaden the capacity of the State Department to go afield and hire alien employees to any great extent. But the representations of the State Department were so urgent as to certain places which are to be raised to legation or embassy rank, as a result of the war, or at which consulates have been or may be established, that we concluded that we could help out the State Department without deviating from our principle by increasing this interpreter item by $15,000.

So the actual effect of the committee action was to cut down by $35,000 net the estimate of the State Department.

Mr. TILSON. The gentleman has not explained why in the current law it is specified that the expenditure is to be made at certain places, naming some 8 or 10 of them. Now, it is combined into one item, and no place whatever is named, so it might be expended anywhere over the whole world.

Mr. ROGERS. The fund is not a very large one, and of course the need of interpreters is limited to a relatively few portions of the world. It seemed to us that a certain degree of fluidity or elasticity could not do any harm to the service and might make more effective operation possible. Therefore we simply grouped the three items into one, so far as the amount asked for was concerned, and then cut $35,000 from the total.

Mr. FLOOD. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman a question in reference to an item we passed and a claim that is made by the chairman. I notice in the report the chairman filed that he stated the post-allowances estimate by the State Department was $1,800,000.

Mr. PORTER. That is a mistake of the printer. He made a mistake of a million dollars.

Mr. FLOOD. Then the difference in the estimates of the State Department and the amount carried by this bill is less by one million——

Mr. PORTER. No; the totals are correct. The original manuscript which I sent to the printer shows $800,000, but the printer made it $1,800,000, and it was too late to change it.

Mr. FLOOD. The total of $11,913,000 is correct?

Mr. PORTER. It is not included in the total. The $800,000 is included in the total.

Mr. FLOOD. Then the amount stated in the total is correct?

Mr. PORTER. Yes.

The Clerk read as follows:

EXPENSES, PASSPORT-CONTROL ACT.

For expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918, and Public Act No. 79 of the Sixty-sixth Congress, when the latter act shall have become effective, $250,000, in addition to the remaining $150,000 of the sum appropriated by section 4 of said Public Act No. 79.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY: Page 25, line 23, at the end of the paragraph insert:

"*Provided*, That a fee of $5 shall be collected for each citizen's passport issued from the Department of State, and a similar fee for each visé by United States diplomatic or consular officers on each foreign passport, to be applied by the Secretary of State to create a fund for the carrying into effect of the purposes of this paragraph and the reduction of the sum therein appropriated."

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CONNALLY. Mr. Chairman, I am very much in sympathy with the announced intention of the committee to adopt measures to reduce expenditures and to adopt a policy of economy. All of us ought to exercise the most strict economy of which we are capable. As Representatives it is our solemn duty to do so. While this item appropriates $250,000 in addition to an unexpended balance of $150,000 already appropriated for carrying into effect the passport control act, if the House will adopt the amendment which I propose and which I really believe a goodly number of gentlemen on the committee favor, every dollar of this $400,000 appropriation will remain in the United States Treasury and not one cent will have to be expended.

Mr. LITTLE. Will the gentleman yield for a question there?

Mr. CONNALLY. I will be glad to do so.

Mr. LITTLE. Is there not a fee now of $2?

Mr. CONNALLY. One dollar. The present fee, Mr. Chairman, is only $1 for each passport, and a dollar for the viséing of a foreign passport when presented to our consuls and diplomatic officers in foreign lands.

Mr. ROGERS. The fee is $2 in each case, if the gentleman will permit.

Mr. CONNALLY. I beg the gentleman's pardon. Here is the statute on the subject. I have it before me. The gentleman from Massachusetts is no doubt confused by the fact that when a person makes an application for a passport away from Washington he is required to pay 50 cents for an affidavit and the clerk of the court 50 cents. But that does not go to the State Department at all.

Mr. ROGERS. One dollar for the department and another dollar either to the State court or the Federal court where the application is made.

Mr. CONNALLY. That is true.

Mr. ROGERS. The application is made before the Federal court and goes into the Federal Treasury, but in the case of the visé, which is covered under this paragraph, the unvarying fee is $2, according to the testimony before the committee.

Mr. CONNALLY. Now, I will say to the gentleman from Massachusetts that only $1 goes into the Federal Treasury for the issuance of a passport. The other goes to a notary public or clerk, or somebody. The testimony before our committee discloses, Mr. Chairman and gentlemen, that the Secretary favors an increase of the passport fee, and Mr. Carr, of the consular department, suggested that by increasing these fees the expenses of the department could be materially reduced. In the hearings on page 24, Part I, Mr. Carr testified:

Mr. ROGERS. In the earlier hearings before the committee.

Mr. CARR. The passport bureau itself is collecting fees at the rate of—for instance, it issued passports at the rate of 150,000 a year here in Washington.

Secretary LANSING. I think you could make a considerable increase.

Mr. CARR. It used to be $5 and it was reduced to $1.

Now, Mr. Chairman and gentlemen of the committee, if you really want to economize, if you will adopt this amendment it will bring into the Treasury of the United States more, I believe, than $1,000,000. The bill appropriates in this one item $400,000. To do what? To compensate clerks and employees in foreign countries. To do what? To visé passports for foreigners who are desirous of coming to the United States. Now, I believe that the Congress of the United States is justified in assuming an attitude with reference to such foreigners that will require them to contribute at least a part of the expense of maintaining that service, and it will not be contended that it is not worth $5 to secure the visé of a passport in a foreign country. In the case of our own citizens who travel in foreign lands, most of them either go there for business purposes or on

pleasure trips; and in their case, I submit to this committee, they are more than able to pay the small sum of $5 for a passport. The Government of the United States is now expending stupendous sums in maintaining the passport bureau and in maintaining its agencies in foreign countries. I believe if the members of the majority in this House are sincere in their desire for economy, if they really believe we ought to reduce expenses, if they believe that all the money ought not to go out of the Treasury, but at least a little ought to be brought into the Treasury, this amendment should be adopted. I want to say to the gentleman——

Mr. ROGERS. Mr. Chairman, will the gentleman yield there?

Mr. CONNALLY. I yield.

Mr. ROGERS. I understood the gentleman to say that the Secretary of State had testified before the committee that he believed in this increase. My recollection is otherwise. I wondered if the gentleman could refer to the page of the testimony.

Mr. CONNALLY. I think I could if the gentleman would give me a little more time.

Mr. ROGERS. The testimony on this point appears on pages 23 and 24 of part 1 of the hearings, and, so far as I know, that is the only place where this subject has been discussed by the Secretary.

Mr. CONNALLY. It is in the hearings. I looked it up last night. I remember it distinctly. If the gentleman will refer to the hearings, part 1, page 24, I think he will find the statement.

Now, Mr. Chairman, I want to submit some remarks on the point of order. I assume that the gentleman from Massachusetts [Mr. ROGERS], who I believe it was reserved the point of order, will urge the Chair to hold the amendment not in order, because it is legislation; but I want to call the attention of the Chair to the fact that under the Holman rule anything that reduces an appropriation, even though it be in its nature legislative, is in order on a general appropriation bill.

By the exact language of the amendment itself it directs that these sums be applied by the Secretary of State to create a fund—to do what? To carry out the purpose of this section and reduce this appropriation. What else do we find? We find in the hearings the testimony that here in Washington at least 150,000 passports are issued each year. An increase from $1 to $5 would make quite an increase in revenue. Four dollars per head for 150,000 passports would amount to $600,000, a sum more than sufficient to wipe out the entire sums appropriated in this particular section. This is without taking into account the great number in foreign countries.

I want to call the attention of the Chair to a fact that will not be disputed. Under existing law the fee for issuing passports is only $1. Under the Holman rule it seems to me obvious that this amendment is in order, because its effect is to reduce the appropriation and to reduce the expenditures by reason of this particular provision.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. I will be glad to yield.

Mr. REED of West Virginia. The gentleman says the only charge now is $1?

Mr. CONNALLY. Yes.

Mr. REED of West Virginia. I was at the Department of State on day before yesterday with some friends, and I saw them pay for a passport. The bill presented was $2.

Mr. CONNALLY. The gentleman from West Virginia was not in the Hall a moment ago when I explained that only $1 goes to the Federal Government. The other 50 cents is for a notary fee and 50 cents for other expenses.

Mr. REED of West Virginia. I am glad to be informed.

Mr. CONNALLY. It seems to me this would not impose a burden on the person applying for a passport. I am not urging this as a partisan, but I am urging it here as a Representative, believing that when we have an opportunity to thus easily bring into the Treasury of the United States more than a million dollars, which will materially assist in defraying the expenses of maintaining this service, we ought not to hesitate to do so. I very much hope that the gentleman from Massachusetts [Mr. ROGERS] will not make the point of order.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I will be glad to yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. I am wondering, in view of the discussion by the gentleman, and in view of the fact that this whole question was discussed in the committee, why it is that the gentleman did not present some sort of provision of this kind when the bill was up for consideration before the committee?

Mr. CONNALLY. I will suggest to the gentleman from Minnesota that the gentleman from Illinois [Mr. SABATH] did bring the matter up.

Mr. NEWTON of Minnesota. My recollection is that the whole matter was to be left pending, for time to include this, as well as other matters, in the way of new legislation.

Mr. CONNALLY. As I said a moment ago, I am not urging this as a partisan matter. I thought the gentleman had in mind some permanent legislation.

If objection is to be made to the amendment on the ground that its effect will be to make permanent the raise in passport fees from $1 to $5, I shall be content that the amendment be so modified as to make it operative for the life of the present appropriation bill.

I shall within the next few days introduce a bill providing by permanent law that passport and visé fees shall be $5 instead of $1.

The records of the Department of State disclose that passports are being now issued at Washington at the average rate of 156,000 per year. Before the war immigrants were arriving in the United States on an average of about 1,000,000 annually. At the present time the average is 540,000 per year.

Fees on the present average issuance of passports and inspection of passports of aliens will bring into the Treasury nearly three and one-half millions of dollars annually.

When conditions of foreign travel become more settled hundreds of thousands more tourists will leave the United States to visit foreign countries within the next year or two. An increasing number of other citizens will go abroad in connection with foreign trade. Each of them will spend hundreds of dollars on each trip, and a passport fee of $5 will be a mere bagatelle as compared with the expense of such trip and will in no case deter a single individual from embarking on such a journey. Foreigners will apply to our consulates and embassies in foreign countries to have their passports examined and approved for entry into the United States. The passport fee of $5 will be to them, as compared with the expenses of their voyage, a mere trifle.

However, in the aggregate the fees if increased will bring into the Treasury of the United States annually about two and a quarter million dollars more than now received, to assist in defraying the expenses of maintaining the passport control system.

American consulates, legations, and embassies are maintained in foreign lands for purposes of maintaining international relations and for the convenience of American citizens and for the protection of their rights as they relate to foreign countries.

This service in its larger aspect is national in its character. It pertains to the welfare of the whole people and the prestige of our country. It involves the possibilities of peace and war and trade and commerce as they may be affected by our relations to the other nations of the earth.

But as to that portion of the foreign service that deals with the issuance of passports it may be said that this is a service particularly enjoyed by those of our citizens who journey abroad. Is it not fair and equitable that they should make at least a slight contribution to its maintenance in the payment of a small fee for a service which to them is of great value and usefulness? Is it not just that foreigners intending to journey to the United States should be required to pay a reasonable fee for a service which facilitates their entry into the United States?

It has been urged that the raising of the passport fee constitutes the levy of a tax. That is only partially true, and yet if it were wholly true is not a valid or persuasive argument against the amendment. A passport fee is a tax only in a sense that it is a tax upon those individuals who derive a particular and peculiar benefit or privilege not enjoyed by the public at large. It is only a requirement that the enjoyment of a special service shall entail on those so enjoying it the duty to at least partially compensate the Government for the expenses incurred in rendering the service.

The fees collected through an increase in the raise will make it possible for the tax laws to bear a little more lightly in some other form or feature. The fees collected by the Department of State for passports will operate to very materially reduce the expenses of that department and to reduce the amounts which otherwise would have to be appropriated out of the General Treasury.

If the Congress really desires to lighten the tax burden, if gentlemen of the majority party in truth desire to be economical in the financial affairs of the United States, they now have an opportunity to put into practice their pretentions by the adoption of this amendment. A little later they will have another opportunity of justifying their widely heralded profession by passing the bill which I propose to introduce raising the passport fees from $1 to $5.

At this time when the national expenditures are so stupendous in their proportions, when unprecedented sums in the form of taxes must be laid upon the people of the United States to maintain the various agencies of government established for the protection of the rights of the people of the United States and the convenience of its citizens, the Congress should exercise the most careful and painstaking economy in the fiscal affairs of the Government.

Gentlemen, will you refuse or decline to accept this concrete, tangible proposal to bring money into the Federal Treasury from a source that can contribute it without inconvenience. Here is an opportunity to bring money into the Treasury and not to take it out of the Treasury.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. ROGERS. I propose to make it, and if the Chair is in doubt I would like to be heard on it. I want to say one word, however, before the point of order is made. There may be a great deal of merit in the fundamental proposal of the gentleman from Texas [Mr. CONNALLY]. On the other hand, I was present during the entire discussion, when the Secretary of State and his assistants were before the committee, on these matters and allied matters. I listened very carefully, and I have no recollection whatever that the Secretary of State advocated larger fees. I do not know what the plan of the chairman of the committee may be, but I assume that he would say in a matter of this importance, where the policy of the country has been otherwise for a good many years, that we should go into this specifically and carefully and take testimony from all sides, and then, if so decided, bring a substantive proposal before the House. For that reason and for that reason only, and without seeking to prejudge the matter adversely, I make the point of order.

Mr. SAUNDERS of Virginia. Mr. Chairman, I would like to be heard a moment solely on the point of order. I submit to the Chair that the amendment offered by the gentleman from Texas is clearly in order under our rules. It is legislation, it is true, and apart from the Holman rule it would be out of order. Further it will not be in order under the Holman rule, unless this particular provision of law proposed by the gentleman from Texas, will operate to bring about a reduction in the amount carried in the bill. If it brings about a reduction in the amount carried in the bill, then it comes clearly and absolutely within the Holman rule. It is not necessary for an amendment to be in order, that it shall be directed to the reduction of some particular item in the bill. It is enough if the proposition that is proposed, in the judgment of the Chair, will in its operation fairly operate by its own force to bring about a reduction of expenditures. Speaker Kerr and Chairman W. L. Wilson both ruled that the purpose of the Holman rule is most beneficent and proper, and the rule should have a liberal construction. (Hinds', vol. 4, p. 594.)

I call the attention of the Chair to the fact that this legislation will operate to furnish an additional fund, and thereby reduce the present amount required from the Treasury.

This amendment will provide a fund from new sources, that will render unnecessary the full amount of the appropriation of $250,000 which the bill now carries. The fund to be provided by the legislation contained in the amendment is set aside for application to the very objects provided for in the specific appropriation of $250,000.

Permit me to call the attention of the Chair to the following citation from Fourth Hinds' (RECORD, 1st sess., 52d Cong., p. 1792) from a ruling made on an amendment offered by the gentleman from Missouri, Judge De Armond. I desire specifically to call attention to the fact that the effect of this amendment was nothing like so apparent on its face as the amendment offered by the gentleman from Texas [Mr. CONNALLY]. The amendment of Judge De Armond was to a pension appropriation bill and consisted merely of these words, "was, or other." The effect of the amendment was to increase the number of persons prohibited from receiving the benefits of a clause in the pension law, thereby as a necessary sequence reducing the number of pensioners. The point was made that the amendment did not show on its face that it reduced expenditures. But it was easy to see that a reduction in the number of pensioners, necessarily reduced the amount that would be required for the payment of pensions, though the amendment was not directed to the amount of money actually appropriated by the bill. The amendment was held to be in order under the Holman rule.

While it was not specifically directed to reducing the amount of money carried in the bill for the payment of pensions, the Chair was justified in concluding—and in order to make his ruling he had to so conclude—that in the execution of the pension laws the amount required for the payment of pensions would be reduced by the effect of the amendment.

I thoroughly agree that it is not in order to propose legislation on an appropriation bill, and at the same time reduce the amount carried in the bill, when the legislation is not related to and does not effect the reduction. In such a case the legislation is not in order. The legislation itself must effect a reduction. It must appear to the Chair that it will effect a reduction. If the Chair is satisfied from the law of the land, the evidence in the hearings, and his knowledge of public affairs that in consequence of the legislation proposed a reduction will be effected, then the amendment will come within the Holman rule. This principle can not be gainsaid.

This is an appropriation for $250,000 for definite purposes. The gentleman from Texas proposes legislation which will raise a fund that will be applied to the same purposes, and to the extent of the new fund raised by the taxation provided by this amendment, the amount of the present appropriation may be reduced. It will therefore effect, so far as the bill is concerned, a reduction in the amount carried in this bill, because the amendment is directly applied to the very purpose of creating a new fund by new taxation for the payment of the expenses provided for by the present appropriation. Hence, the legislation being related to the reduction, and the chairman knowing the public business of the country, knowing the laws of the land, and knowing the very large number of persons that will be chargeable by the increased taxation proposed is in a position to say that in his judgment a reduction will be effected by the legislation proposed and that therefore the amendment is in order.

The CHAIRMAN. The Chair is ready to rule.

Mr. LONGWORTH. Mr. Chairman, just a word on the matter.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LONGWORTH. Much as I respect the opinion of the gentleman from Virginia [Mr. SAUNDERS] upon all parliamentary questions I can not agree that the Chair is permitted to exercise such broad discretion as he now contends as to the probable effect of legislation upon the reduction of expenses. For instance, where in this bill an appropriation is provided to pay our share of the expenses of the Palace of Peace at The Hague, it occurs to me that under the gentleman's contention it would be germane under the Holman rule to offer a provision that a certain admission fee should be charged to the Peace Palace at The Hague, on the theory that the expenses of the United States in keeping up its share of the expense would be reduced. That is a far cry. It seems to me the Holman rule never contemplated to go so far as that, but that the rule in its essence must be construed strictly.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. SAUNDERS of Virginia. Upon what earthly principle, except the principle I have undertaken to state, was the De Armond amendment held to be in order, simply the addition of the words "was or other"?

Mr. LONGWORTH. I concede that the gentleman has a precedent there which is very much in point.

Mr. SAUNDERS of Virginia. I can cite many more.

Mr. LONGWORTH. But I also say to the gentleman that I have studied pretty thoroughly the precedents on the Holman rule, and I think the gentleman can find under that rule a precedent for almost anything he desires.

Mr. SAUNDERS of Virginia. No; not at all.

Mr. LONGWORTH. Because, after all, it is left to the discretion of the Chair, and I do not think too much should be left to the discretion of the Chair. I do not think the Chair should be left to do too much guessing.

Mr. SAUNDERS of Virginia. I agree to that. Unless the Chair is reasonably satisfied as an intelligent man, from his knowledge of public affairs and the application of this amendment to the business of the country, that it is going to produce this fund and thereby bring about a reduction in the expense, then the amendment is not in order. But he has only to apply the principle of the De Armond amendment.

Mr. LONGWORTH. In such a case as that, the Chair might believe that if an additional amount were charged for the issuance of a passport there might be as many passports issued at $5 apiece as at $1 apiece, but the gentleman can not say for a certainty that fewer applications might not be made for passports at $5 apiece than at $1. It is a guess on the part of the Chairman, and is bound to be—and I am one of those who believe it is the duty of the Chair to construe the Holman rule strictly—that he must not engage in any speculation whatever. It must be apparent to him as a man of common sense that an actual saving will be made by virtue of the legislation proposed, or the amendment is not in order, and I do not think it necessarily follows here.

The CHAIRMAN. The Chair is ready to rule. The law now provides that a fee of $1 shall be charged and collected for each passport issued from the State Department. We have before us the paragraph of the bill providing for the expenses of regulating entry into the United States in accordance with the provisions of an act passed on the 22d of May, 1918, and to carry that act into effect. That act provides that the power shall be given to the Secretary of State to regulate the issuance of passports and, as the Chair understands it, in a measure to limit the number of people who enter the United States. The gentleman from Texas proposes an amendment now to the appropriation which is made to carry out the provisions of that act, which amendment provides that a fee of $5 shall be collected for each passport issued by the Department of State, and he contends that if the amendment is adopted it will reduce the amount of the appropriation on its face.

Clause 2 of Rule XXI of the House provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The law further provides that no such amendment shall be in order unless reported by a committee of the House having jurisdiction over the subject.

It must be apparent to the members of the committee that there is nothing on the face of this amendment to indicate a reduction in the amount of the appropriation. Of course, it is true that if the amendment should be adopted it would raise revenue, but the revenue would go into the Treasury to the credit of the general fund, and there is nobody here wise enough to say what that revenue would be appropriated for. It might not be appropriated for the payment of the expenses of the State Department at all; and on the face of the facts as the Chair sees them, he can not see any possibility of the reduction of the amount of the appropriation on its face resulting from the amendment of the gentleman from Texas nor can it be said that it will even increase the amount covered into the Treasury. The Chair therefore sustains the point of order.

Mr. PORTER. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania.

The question being taken, the motion was agreed to.

Mr. CONNALLY. Mr. Chairman, prior to rising, I want to offer an amendment.

The CHAIRMAN. The motion has been carried.

Mr. CONNALLY. I want to keep my status.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. PORTER. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. CONNALLY. Mr. Speaker, I have a motion to recommit, which I desire to offer.

The SPEAKER. The Clerk will report the motion to recommit.

Mr. LONGWORTH. Mr. Speaker, I doubt the right of the gentleman to offer a motion to recommit, unless he is opposed to the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. There is no point of order pending. Is the gentleman from Texas opposed to the bill?

Mr. BLANTON. I make a point of order against the position taken by the gentleman from Ohio.

Mr. CONNALLY. Mr. Speaker, I will state that I think as a member of the committee I ought to make the motion, unless somebody claims a prior right.

The SPEAKER. That is correct, but the Chair has asked the gentleman if he is opposed to the bill?

Mr. CONNALLY. I am not opposed to the bill.

The SPEAKER. Does anyone who is opposed to the bill desire to offer a motion to recommit? If not, the Chair will recognize the gentleman from Texas.

Mr. CONNALLY. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. CONNALLY moves to recommit the bill to the Committee on Foreign Affairs with instructions to that committee to report the same back forthwith with the following amendments: Page 25, line 22, strike out "$250,000" and insert "$200,000"; and after line 23, page 25, add the following:

"*Provided*, That a fee of $5 shall be collected for each citizen's passport issued from the Department of State, and a similar fee for each visé by the United States Diplomatic and Consular officer on each foreign passport, to be applied by the Secretary of State to create a fund for carrying into effect of the purposes of this paragraph and the reduction of the same therein appropriated."

Mr. LONGWORTH. Mr. Speaker, I make the point of order against the amendment.

Mr. PORTER. Mr. Speaker, on the motion to recommit I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the motion to recommit, and the gentleman from Ohio makes the point of order. What is the point of order?

Mr. LONGWORTH. Mr. Speaker, the point of order is that it is legislation on an appropriation bill, no existing law authorizing the collection of $5 for passports, the law now providing for $1.

Mr. SAUNDERS of Virginia. Mr. Speaker, although I have recently taken the floor in connection with this point of order, the principle involved is so fundamental that I will ask the indulgence of the Chair for recognition. His ruling in this matter will set a new precedent, with respect to amendments under the Holman rule.

Mr. LONGWORTH. Mr. Speaker, perhaps I ought to state to the Chair that the same amendment was ruled out of order in Committee of the Whole.

Mr. SAUNDERS of Virginia. Mr. Speaker, the gentleman from Ohio is slightly in error. This is not exactly the same amendment. The gentleman from Texas has modified his amendment to meet, in part, the ruling of the Chairman of the Committee of the Whole.

Mr. LONGWORTH. I did not catch what the modifications were.

Mr. SAUNDERS of Virginia. He reduces the amount appropriated from $250,000 to $200,000. I do not think that is necessary, but if it is necessary, then the necessary correction has been afforded. It was also stated in the ruling of the Chairman of the Committee of the Whole, that the amendment should come from the Committee on Foreign Affairs, but I submit that this is not necessary. Rule XXI provides in part as follows: "Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of amounts of money covered by the bill."

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, but the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

This is an amendment that I submit comes within the benefit of this citation.

The SPEAKER. Is that the only ground on which it is supported by the Holman rule?

Mr. SAUNDERS of Virginia. Yes. I submit, as I said, that this amendment comes within the protection of the rule, because it is an amendment that reduces the amount of money covered by the bill. It is not necessary for an amendment to show upon its face that it effects a reduction. Yet this amendment does make that showing on its face. It is sufficient to make the amendment in order, if it is apparent to the Chair, having in mind the law of the land, his knowledge of the public business, and the reasonably likely effect of the law proposed, that the amendment proposed will fairly operate by its own force to reduce the amount of money covered by the bill.

I call the attention of the Chair to a ruling on an amendment offered by the gentleman from Missouri, Mr. De Armond, to a pension appropriation bill. There was nothing in his amendment except the words "was, or other." The amendment did not show a reduction upon its face. But it was evident upon consideration of the effect of this language, as applied to existing conditions, that it would operate of its own vigor to reduce the number of pensioners. The fewer the number of pensioners, the less the amount to be appropriated under existing law on pension account. In other words the Chair reasoned the matter out, and drew a conclusion as to the effect of the amendment before ruling. It was not necessary for this conclusion of reduction to be established with the vigor and severity of a mathematical demonstration. It was only necessary for the Chair to conclude that the amendment would fairly operate by its own force to retrench expenditures in one of the ways contemplated by the rule. Unless the chairman had devised this conclusion of reduction from the insertion of the words, "was, or other" in the bill under consideration he could not have held the amendment in order. See CONGRESSIONAL RECORD (52d Cong., p. 1792). The gentleman from Ohio [Mr. LONGWORTH] contends that this rule ought to be strictly construed. The precedents do not so hold. See ruling of Speaker Kerr and Chairman W. L. Wilson, IV Hinds, 594, that the Holman rule is a beneficent and proper rule, and should have a liberal construction. See also ruling of Chairman Crisp, Manual, p. 507. There are many other precedents to the same effect.

The rule should be both reasonably and liberally construed as stated by Speaker Kerr, and others, because it is in the interest of retrenchment, and in the language of Chairman CRISP, "it is intended to have a beneficial effect upon the Treasury of the United States."

Now, what is the amendment of the gentleman from Texas? He offers an amendment in the way of legislation to create a new fund by increasing the tax upon certain people. While the number of persons to be affected by this tax can not be stated with precise accuracy, yet it is known that it will be very large. It is perfectly competent for the Chair to take knowledge of that fact; it is perfectly competent for the Chair to take knowledge of the fact that an increase in the way of 400 per cent in the tax to be imposed upon these persons will create a very large fund. This fund is to be utilized for the very purposes for which the specific appropriation of $250,000 is made.

The gentleman from Texas by his amendment sequestrates this fund for these very purposes. The chairman of the committee was in error in holding that this result of reduction would not follow from the amendment, that it did not show on its face that this result would follow. The fund to be raised is directed, as stated, to be used in lieu of the $250,000 appropriation. And if only a single dollar should be raised by the new taxation in excess of the amount now raised, it would make possible to that extent a reduction in the $250,000 appropriation. But as a part of the amendment of the gentleman from Texas this appropriation is reduced to $200,000. The gentleman from Ohio [Mr. LONGWORTH] insists that the Speaker should not guess about this reduction. I agree with him. If it is altogether problematical and uncertain whether any reduction will be effected, the amendment is not in order. But for an amendment to be in order under the Holman principle it is not necessary that the fact of reduction be established beyond a reasonable doubt or with the rigor of a mathematical demonstration. The likelihood of reduction under the legislation proposed is left to the Chairman. If the Chairman, after looking to the whole situation, concludes that reasonably speaking the legislation will operate of its own force to effect a reduction, then that will be sufficient ground upon which to hold that the amendment is in order.

I call the attention of the Chair to rulings under the Holman rule that were made in connection with the Army appropriation bill, rulings which I think were approved by the judgment of the House at that time. In one case an amendment was offered reducing the number of Cavalry regiments from 15 to 10. The Chair held that having reference to known facts, the maintenance of 10 regiments would not require so large a sum as the maintenance of 15 regiments. The Chair could not determine how much reduction would be effected by this cutting down of the number of these regiments, but it was perfectly clear that a reduction would be effected, and this conclusion was neither problematical nor conjectural. It was a reasonable conclusion, fairly certain from the entire body of facts submitted to the Chair, and considered in the light of reason and common sense.

May I call the attention of the Chair to further citations from this particular case?

The precedents say in this connection that the amendment, being in itself a complete piece of legislation, must operate ex proprio vigore to effect a reduction of expenditures. The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction. (Manual and Digest, p. 409; Hinds, vol. 4, p. 595.) But is it not necessary for this conclusion of reduction to be established with the rigor and severity of a mathematical demonstration. It is enough if the amendment, in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in one of the three ways indicated. This result must be a necessary result, not a conjectural result or a problematical result. It is true that having reference to the difference of minds, one Chairman might hold that retrenchment would be the necessary result of an amendment, while another Chairman or the committee on appeal might be of a different opinion. But this is inevitable. The law is clear, for instance, that at times a court upon the facts can hold as a matter of law that there was no negligence. Still upon the same facts one court will derive this conclusion, while another court on appeal will reach a different conclusion. (See Manual, p. 509.)

If the Chairman, looking to this amendment which provides for a new fund to be raised by new taxation, and which is set aside to be used for the purposes for which $250,000 is created, is satisfied that the amount so raised will reduce the amount necessary to be appropriated under this head out of the General Treasury; if he reaches that conclusion, then, under the rulings—and I can cite many of them, but none stronger than those already cited—he should hold that this amendment is in order. Of course, if it is contended that this increase of tax on the vast number of persons that will be affected by the increase will not bring into the Treasury a larger sum than the present rate, and that contention is sustained by the Chair, then the amendment is not in order. But if that suggested contention is sound, then the Ways and Means Committee, which has been raising many rates to raise more funds, has been sadly at fault in that action. But that contention can not be sustained. There is not a man on this floor that is not satisfied that this increase in rate will bring a large additional sum into the Treasury. If so, then the legislation proposed will effect a retrenchment in expenditures and a reduction in the amount of money covered by the bill in this item, to wit, the sum of $250,000. This being so, and the legislation being responsible for this reduction, it is not necessary to determine the exact amount of the reduction. Any reduction that is appreciable in the amount of money covered by the bill and that is effected by the legislation proposed in the amendment will make that amendment in order.

Mr. LONGWORTH. Mr. Speaker, it is true that this amendment is not precisely in the same form as offered and ruled out by the Chair on a point of order in the committee. But the difference is a matter of form rather than of substance. I agree, however, with the gentleman from Virginia [Mr. SAUNDERS] in his contention that that makes no difference under his construction of the Holman rule. If under the Holman rule any sort of legislation can be offered to an appropriation bill the result of which may, in the opinion of the Chair, be eventually to decrease that appropriation, he opens up a field so wide that the Holman rule, I think, might be construed to cover any sort of legislation under any circumstances. Now, I believe the Holman rule ought to be construed strictly. I concede, as the gentleman from Virginia says, that its use may be beneficent where it actually curtails expenses. So far, so good, but I see also great danger in a construction of the Holman rule which, under the guise of reducing expenditures, permits legislation on appropriation bills. I am opposed to legislation on appropriation bills, and I think it ought to be guarded most carefully.

Now, take this case. It is contended that the raising of the fee on passports from $1 to $5 would increase the revenue and thereby tend to diminish the expense eventually. That may be true. But does anyone contend that it would be in order on the Post Office appropriation bill, for instance, to increase the rate on first-class postage from 2 cents to 5 cents, or from 2 cents to 10 cents—the proportion of increase in this case—on the ground that that increase of itself would eventually result in a decrease of expenditures?

I can not see very much difference between the two. You are raising the fee five times, increasing it by 400 per cent, as my friend the gentleman from Virginia [Mr. SAUNDERS] says, and the Chair has got to take the view of it that that is going to necessarily decrease expenses, if his view is to be sustained.

I do not believe, Mr. Speaker—conceding that you can find almost any precedent for any proposition under the Holman rule if you search the precedents carefully enough—that the Chair is justified in this case in assuming that as a matter of necessity the amendment of the gentleman from Texas [Mr. CONNALLY] is going to result in a decrease of appropriations.

The SPEAKER. The Chair is ready to rule.

Mr. SAUNDERS of Virginia. Mr. Speaker, I do not ask for recognition to submit any further remarks on my account, but wish to conclude what I have to say with a citation from a ruling by a gentleman who is regarded by this House as an eminent parliamentarian, Mr. CRISP, of Georgia. It will be found on page 507 of the manual, under the head of Important Decisions. I read:

Now, the Chair, as before stated, believes the Holman rule is intended to have a beneficial effect upon the Treasury of the United States. If the Chair is in doubt about whether or not an amendment is in order, he believes it his duty to resolve that doubt against the point of order, for by so doing the Chair works no hardship upon anyone, but submits to the committee itself the privilege of passing upon the amendment. If the committee favor it, a majority can adopt it. If they are opposed to it, a majority can reject it.

The Chair believes the amendment in question comes clearly within the spirit of the Holman rule.

A number of citations from Hinds' Precedents supporting this ruling will be found on the page of the manual cited above.

The SPEAKER. It is argued that this amendment, which is clearly legislation and therefore out of order, is in order by the terms of the Holman rule. That rule provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

This amendment certainly does not do that. Again—

By the reduction of the compensation of any person paid out of the Treasury of the United States.

This certainly does not do that. Then again—

Or by the reduction of amounts of money covered by the bill.

It must be then under that third clause of the rule that this must be sustained, if sustained at all. It is well settled that the amendment must clearly and certainly and necessarily cause a reduction. But it seems to the Chair that it is impossible for the Chair to be sure that this amendment really and finally reduces the amount of money appropriated in this bill.

To be sure the appropriation is reduced from $250,000 to $200,000 on its face; that brings it within the Holman rule. But while the face of the appropriation is thus reduced on the one hand, on the other hand an indefinite increase of the appropriation is made. By the terms of the amendment it is provided that an additional fee—in other words, additional revenue—shall be provided, which shall be put into the same fund from which this appropriation is drawn and which increases that fund by the amount derived from the tax. How much money that tax will produce no one has estimated. Therefore, whether that fund will be larger or smaller than it is now, after this money is collected, it is impossible for the Chair to tell. It may be $200,000; it may be $400,000.

It does not seem to the Chair that it is a fair interpretation of the Holman rule to say that by creating a new source of revenue and making a specific appropriation of that revenue, and at the same time reducing the amount which was before appropriated, a real reduction of appropriation is effected. Certainly you are not sure that any economy is secured. The expenses of the United States are not necessarily reduced in any way. On the contrary, it may very well increase them, because if the sum is larger than the original appropriation, then the department has so much more to spend and the outlay of the department would be so much larger. It seems to the Chair that this is not an economy, but on the other hand it might, under the guise of economy, be a very large increase in the expense. It is a novel suggestion that new taxes are economy or lead necessarily to a reduction of expenses. The Chair thinks the amendment does not necessarily reduce the appropriation of this bill and sustains the point of order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PORTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3451. An act authorizing and directing the United States Shipping Board to adjust and pay the claims of wooden-ship builders arising out of the prosecution of the war, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

ELECTION OF A MEMBER TO A COMMITTEE.

Mr. GARNER. Mr. Speaker, the gentleman from North Carolina [Mr. KITCHIN] was necessarily called from the Chamber on account of sickness in his family, and he requested me to nominate, to fill a Democratic vacancy on the Committee on Elections No. 1, Mr. BLAND of Virginia. I move that the gentleman nominated be elected.

The SPEAKER. The gentleman from Texas nominates the gentleman from Virginia [Mr. BLAND] as a member of the Committee on Elections No. 1, to fill a Democratic vacancy, and moves his election. The question is on agreeing to the motion.

The motion was agreed to.

LEAVE TO PRINT.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. FLOOD] may have five days within which to extend his remarks in connection with the memorial exercises for Mr. RAGSDALE. He was unavoidably absent yesterday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the gentleman from Virginia [Mr. FLOOD] be given five days in which to extend his remarks in connection with the memorial exercises concerning Mr. RAGSDALE. Is there objection?

There was no objection.

Mr. DOMINICK. Mr. Speaker, I would like to have it stated in the RECORD that my colleague, Mr. WHALEY, who is confined to his apartment with the "flu," could not for that reason vote on the bill relating to the increase in the pay of men in the Navy last Friday. If he had been here, he would have voted aye.

EXTENSION OF REMARKS.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks by enumerating still further citations from the opinions of Judge CRISP, which I cited, and other citations.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by inserting the citations referred to. Is there objection?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks on the Diplomatic and Consular appropriation bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 27, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting request for change in the wording of estimates for "Repairs and preservation of public buildings," so as to include buildings controlled by the Public Health Service (H. Doc. No. 637); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting report showing the number of documents received and distributed by the Treasury Department in the past calendar year; to the Committee on Printing.

3. A letter from the president of the Washington & Old Dominion Railway, transmitting report of the Washington & Old Dominion Railway for the 12 months ending December 31, 1919; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 12012) concerning the administration of the pension laws in claims for pension of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War, and by the widows of such persons, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 2259) for the relief of Edward S. Farrow, reported the same without amendment, accompanied by a report (No. 587), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HERNANDEZ: A bill (H. R. 12077) to amend section 6 of the Federal-aid road act; to the Committee on Roads.

By Mr. FESS: A bill (H. R. 12078) to amend an act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917; to the Committee on Education.

By Mr. BRITTEN: Resolution (H. Res. 449) directing the Secretary of War to furnish the House of Representatives certain information regarding the mutiny on board the U. S. S. *America;* to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12079) granting an increase of pension to Adelia Doersh; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 12080) to advance Capt. Benjamin S. Berry to the permanent rank of major; to the Committee on Naval Affairs.

By Mr. FORDNEY: A bill (H. R. 12081) granting an increase of pension to Dwight F. Cummins; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12082) granting an increase of pension to Samuel A. Holt; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 12083) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 12084) granting an increase of pension to James F. Hughes; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12085) granting a pension to John L. Sullivan; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12086) granting a pension to Mary Wessel; to the Committee on Invalid Pensions.

By Mr. RADCLIFFE: A bill (H. R. 12087) granting a pension to Richard Oddy; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 12088) granting a pension to Ella E. Carbonell; to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 12089) granting a pension to Anna Redding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12090) granting a pension to Flora A. Nelson; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 12091) granting a pension to Kesiah Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12092) granting a pension to John Van Dyne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12093) granting a pension to Lloyd Newell; to the Committee on Pensions.

Also, a bill (H. R. 12094) granting an increase of pension to William L. Snider; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 12095) granting a pension to Joseph Stocker; to the Committee on Pensions.

Also, a bill (H. R. 12096) granting a pension to Elizabeth Schliemann; to the Committee on Pensions.

Also, a bill (H. R. 12097) granting an increase of pension to Henry Brown; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 12098) for the relief of Annie M. Eopolucci; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1113. By the SPEAKER: Petition of City Council of Cincinnati, Ohio, urging Congress to make sufficient appropriation for the early completion of the improvement of the Ohio River; to the Committee on Rivers and Harbors.

1114. By Mr. BRIGGS: Petition of Texas City Post, No. 89, American Legion, indorsing the Davey sedition bill, etc.; to the Committee on the Judiciary.

1115. Also, petition of the National Association of Commissioners and Departments of Agriculture, opposing the repeal of certain features of Federal farm and joint-stock land banks; to the Committee on Ways and Means.

1116. Also, petition of the Federal Council of Churches of Christ in America, relative to better understanding between the United States and Mexico; to the Committee on Foreign Affairs.

1117. By Mr. CARSS: Petition of sundry citizens from the State of Ohio, regarding railroad legislation now before Congress; to the Committee on Interstate and Foreign Commerce.

1118. By Mr. CULLEN: Petition of the National Association of Chewing Gum Manufacturers and Allied Trades of New York City, relative to certain legislation; to the Committee on the Judiciary.

1119. Also, petition of W. C. Whish, John E. Gray, Thomas E. Ryan, and John Fitzgibbons, representatives of the four great railroad organizations, opposing the Cummins and Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

1120. Also, petition of the United Restaurant Owners of Greater New York, relative to the treatment of Jews of the Ukraine; to the Committee on Foreign Affairs.

1121. Also, petition of the Brooklyn Chamber of Commerce, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1122. By Mr. GREENE of Massachusetts: Petition of the Robert Emmet Literary Association, of Fall River, Mass., relative to certain legislation; to the Committee on Foreign Affairs.

1123. By Mr. JAMES: Petition of the Women's Welfare Club of Marquette, Mich., relative to certain legislation in regard to the cold storage of food products; to the Committee on Agriculture.

1124. By Mr. McCLINTIC: Petition of Oklahoma Employees' Associations, favoring legislation that will prevent the production and exhibition of any picture purporting to show the impersonation of any desperado, bandit, train robber, or alleged outlaw; to the Committee on the Judiciary.

1125. By Mr. McLAUGHLIN of Michigan: Petition of Muskegon National Farm Loan Association at its annual meeting held January 13, 1920, protesting against the increase of maximum loans under Federal farm-loan act, also protesting against the taxing of Government farm-loan bonds; to the Committee on Banking and Currency.

1126. By Mr. MAHER: Petition of W. C. Whish, John E. Gray, Thomas E. Ryan, and John Fitzgibbons, representatives of the four great railroad organizations, opposing the Esch and Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

1127. Also, petition of the Brooklyn Chamber of Commerce, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1128. By Mr. NOLAN: Petition of the Carpenters' Union, No. 483, of San Francisco, Calif., against the unseating of Victor Berger; to the Committee on Elections No. 1.

1129. By Mr. O'CONNELL: Petition of the Brooklyn Chamber of Commerce, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1130. Also, petition of the National Association of Chewing Gum Manufacturers of New York, relative to certain legislation; to the Committee on the Judiciary.

1131. Also, petition of W. C. Whish, Brotherhood of Locomotive Engineers; Thomas E. Ryan, Brotherhood of Locomotive Firemen and Enginemen; John E. Gray, Order of Railway Conductors; and John Fitzgibbons, Brotherhood of Railway Trainmen, opposing the Esch and Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

1132. By Mr. ROWAN: Petition of J. B. Murray and D. H. Gould, of Yonkers, N. Y., regarding the peace treaty and the League of Nations; to the Committee on Foreign Affairs.

1133. Also, petition of Association of State Farmers' Union Presidents, regarding the interest of farmers and the demands of organized labor; to the Committee on Agriculture.

1134. Also, petition of the Merchants' Association of New York, regarding proposed relief to manufacturers and importers from results of demoralization in customs service; to the Committee on Interstate and Foreign Commerce.

1135. Also, petition of the National Association of Chewing Gum Manufacturers of New York relative to certain legislation; to the Committee on the Judiciary.

1136. Also, petition of the United Restaurant Owners of Greater New York, relative to the treatment of the Jews of the Ukraine; to the Committee on the Judiciary.

1137. Also, petition of H. A. Paterson, of New York, favoring all provisions in the Esch-Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

1138. Also, petition of W. S. Price, of New York City, opposing certain legislation; to the Committee on the Judiciary.

1139. By Mr. VAILE: Petition of the Canon City (Colo.) Lodge, No. 610, Benevolent and Protective Order of Elks, relative to certain legislation; to the Committee on the Judiciary.

1140. By Mr. WOODYARD: Petition of the Rotary Club of Parkersburg, W. Va., relative to the "red" menace; to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 27, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the abundant life that Thou hast ministered to us and for all the institutions of this great land that minister to the abundant life. We thank Thee for the presentation of ideals that constantly lure us to the better and the higher life, for the influence of Thy providence that is always stimulating us to endeavor to reach the highest and the best. Grant us to-day the constant ministry of Thy spirit, that we may strive after the things that are pleasing in Thy sight and attain to the end for which Thou hast created us. We ask it for Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Hale	New	Smith, Md.
Brandegee	Harris	Norris	Smith, S. C.
Calder	Harrison	Overman	Smoot
Capper	Jones, N. Mex.	Page	Sterling
Chamberlain	Jones, Wash.	Phelan	Trammell
Colt	Kenyon	Pittman	Wadsworth
Culberson	King	Robinson	Walsh, Mass.
Dial	McCormick	Sheppard	Warren
Gerry	Moses	Sherman	

Mr. MOSES. I announce the absence of my colleague [Mr. KEYES] on account of illness in his family. I will let this announcement stand for the day.

Mr. GERRY. I have been requested to announce that the Senator from Alabama [Mr. BANKHEAD] and the Senator from Nevada [Mr. HENDERSON] are absent on official business.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Florida [Mr. FLETCHER], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Kentucky [Mr. BECKHAM] are detained by illness.

I wish to announce that the Senator from Wyoming [Mr. KENDRICK] is absent on public business. He is paired with the Senator from New Mexico [Mr. FALL].

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. Call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. FRELINGHUYSEN, Mr. HITCHCOCK, Mr. KELLOGG, Mr. KIRBY, Mr. LODGE, Mr. MCKELLAR, Mr. POINDEXTER, Mr. RANSDELL, Mr. SIMMONS, Mr. SMITH of Georgia, Mr. SPENCER, and Mr. WOLCOTT answered to their names when called.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. JOHNSON of South Dakota, Mr. NUGENT, and Mr. SUTHERLAND entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I present a memorial from the Legislature of the State of Georgia calling attention to Point Peter, in that State, an abandoned military reservation, and requesting authority that it may be transferred to the State of Georgia. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

The memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

An act to be entitled "An act to memorialize Congress to cede the military reservation known as Point Peter to the State of Georgia, to be used as the site of a State-owned warehouse, and calling the attention of Congress to the value of same for said purpose."

Whereas the United States of America owns 720 acres of high land in the county of Camden, in the State of Georgia, known as Point Peter, which lies adjacent to land owned by the State, and which is only 2 miles from the Atlantic Ocean and near water of a depth of 40 feet and also near the port of St. Marys; and

Whereas with the completion of the proposed St. Marys-St. Marks Canal the said water-front property owned by the State will be of untold value for wharfage purposes, and with the property known as Point Peter could be utilized by the State for the purpose of erecting a State-owned warehouse, which would give the farmers of Georgia adequate warehousing facilities on a direct waterway from New York to all the South American nations; and

Whereas the United States Government is not utilizing the Point Peter land, and has never done so, though it has owned same for more than a hundred years: Therefore be it

Enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, (1) That the General Assembly of Georgia does request the Congress of the United States of America to cede the Point Peter Military Reservation to the State to be utilized for the purpose of erecting thereon a warehouse for the use of the farmers of the State, at a rate of storage which will be fixed for the purpose of paying operating expenses only.

(2) That the Senators and Representatives of the said State in the Congress of the United States are hereby requested to have a bill for the purpose of carrying this resolution into effect introduced in Congress without delay.

(3) That the governor of the State is hereby instructed to forward a copy of this act to each of the Senators and Representatives in Congress from this State.

(4) Be it further enacted that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

JNO. N. HOLDER,
Speaker of House.
SAM L. OLIVE,
President of Senate.
E. B. MOORE,
Clerk of House.
DEVEREAUX F. MCCLATCHEY,
Secretary of Senate.

Approved August 18, 1919.

HUGH M. DORSEY, *Governor.*

Mr. TOWNSEND presented petitions of Oscar Bartlett Post, No. 233, Grand Army of the Republic, Department of Michigan, of Lamb; of Fairbanks Post, No. 17, Grand Army of the Republic, Department of Michigan, of Detroit; of E. R. Stiles Post, No. 174, Grand Army of the Republic, Department of Michigan, of Hancock; of A. Colvin Post, No. 59, Grand Army of the Republic, Department of Michigan, of Gobleville; and of sundry inmates of the Soldiers' Home of Grand Rapids, all in the State of Michigan, praying for the passage of the so-called Fuller pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of the Common Council of Detroit, Mich., and a memorial of the board of directors of the American State Bank, of Oakwood, Mich., remonstrating against the enactment of legislation providing for the suspension of the work of widening and deepening the River Rouge, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Jackson, Mich., praying for the enactment of legislation providing for the retirement of superannuated Government employees, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 680, Benevolent and Protective Order of Elks, of Cadillac, Mich., praying for the enactment of legislation providing for the suppression of anarchy and the deportation of undesirable aliens, which was referred to the Committee on Immigration.

He also presented a memorial of the Michigan Central System Federation of Railway Shop Employees, of Jackson, Mich., remonstrating against the passage of the so-called Cummins-Esch railroad bill, which was ordered to lie on the table.

He also presented a petition of the Charles A. Learned Post, No. 1, American Legion, of Detroit, Mich., praying that the present hospital located at Fort Wayne, Mich., be turned over immediately for use of the Public Health Service, which was referred to the Committee on Public Health and National Quarantine.

Mr. CAPPER presented petitions of James Shields Post, No. 57, Grand Army of the Republic, Department of Kansas, of Wellington; of Dick Yates Post, No. 50, Grand Army of the Republic, Department of Kansas, of Eureka; of Antietam Post, No. 60, Grand Army of the Republic, Department of Kansas, of Parsons; of Reno Post, No. 83, Grand Army of the Republic, Department of Kansas, of Hutchinson; of Mulvane Post, No. 203, Grand Army of the Republic, Department of Kansas, of Mulvane; of John Brown Post, No. 44, Grand Army of the Republic, Department of Kansas, of Belleville; of Joe Hooker Post, No. 17, Grand Army of the Republic, Department of Kansas, of Hutchinson; of Victor Post, No. 293, Grand Army of the Republic, Department of Kansas, of Fort Dodge; and of John A. Dix Post, No. 59, Grand Army of the Republic, Department of Kansas, of Columbus, all in the State of Kansas, praying for the early passage of the so-called Fuller pension bill, which were referred to the Committee on Pensions.

INDIAN APPROPRIATIONS.

Mr. CURTIS. From the Committee on Indian Affairs I report back favorably with amendments the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, and I submit a report (No. 395) thereon. I give notice that to-morrow morning after the conclusion of the routine morning business I shall ask the Senate to take up and consider the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 3472) for the relief of the owner of a drill boat known as drill boat *No. 3* and a dredge known as dredge *No. 9*, reported it with an amendment and submitted a report (No. 384) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2274) for the relief of the owners of the schooner *Charlotte W. Miller* (Rept. No. 385);

A bill (S. 2452) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. (Rept. No. 386);

A bill (S. 3293) for the relief of the owner of the derrick *Capitol* (Rept. No. 387);

A bill (S. 3294) for the relief of the owner of the derrick *Concord* (Rept. No. 388);

A bill (S. 3518) for the relief of the owner of the steamship *Urubambra* (Rept. No. 389);

A bill (H. R. 909) for the relief of Ellen Agnes Monogue (Rept. No. 390);

A bill (H. R. 946) for the relief of James A. Showen (Rept. No. 391);

A bill (H. R. 1317) for the relief of Robert T. Legge (Rept. No. 392);

A bill (H. R. 1865) for the relief of the Baltimore Dry Docks & Ship Building Co., owner of a dry dock at Baltimore, Md. (Rept. No. 393); and

A bill (H. R. 5346) for the relief of the Eastern Transportation Co. (Rept. No. 394).

ASSISTANT CLERK TO THE COMMITTEE ON COMMERCE.

Mr. CALDER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably with amendments Senate resolution 288. The resolution authorizes the Committee on Commerce to employ an additional clerk during the present session of Congress, at an annual salary not exceeding $1,680 per annum. The committee recommends that the sum of $1,680 be reduced to $1,500. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KING. I ask the Senator from New York whether or not, with the clerks which the committee now has, there is a necessity for additional help?

Mr. CALDER. The Senator from Washington can reply as to the necessity.

Mr. JONES of Washington. I will say to the Senator from Utah that I delayed presenting this resolution just as long as I could, because I am in hearty sympathy with keeping the number of the employees of the Senate as low as possible; but the Committee on Commerce is now holding meetings with reference to the shipping problem, the river and harbor appropriation bill has come from the House, and the work of the committee is such that the present force is absolutely unable to take care of it.

I did not present the resolution until I was practically forced to do so. I ask for the appointment of this additional clerk only for the present session. I will say to the Senator from Utah that I consulted the Sergeant at Arms several days ago to see if it were not possible for him to detail some of his force to take care of the matter until the expiration of the session, but I found that that could not be done. So, by force of necessity, I presented the resolution.

Mr. KING. I make no objection to the consideration of the resolution in view of the statement of the Senator from Washington.

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, in line 2, after the word "rate," to insert "of"; and in line 3 to strike out "$1,680" and insert "$1,500," so as to make the resolution read:

Resolved, That the Committee on Commerce be, and is hereby, authorized to employ an assistant clerk at the rate of $1,500 per annum, to be paid out of the contingent fund of the Senate during the present session of the Sixty-sixth Congress.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3803) for the relief of certain landowners of New Castle County, in the State of Delaware; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 3804) authorizing the Secretary of the Interior to purchase a tract of land with sufficient water right attached for the use and occupancy of the Temoak Band of homeless Indians located at Ruby Valley, Nev.; to the Committee on Indian Affairs.

By Mr. JONES of Washington:

A bill (S. 3805) to provide and adjust penalties for violation of various navigation laws, and for other purposes; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 3806) for the relief of Jonathan D. Long; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3807) granting an increase of pension to Lilla May Pavy; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3808) for the relief of Constance Davies Lathrop; to the Committee on Naval Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SHERMAN submitted an amendment proposing to enable the Secretary of the Treasury to carry out at once the provisions of paragraphs A and B of section 7 of the act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," approved March 3, 1919, etc., intended to be proposed by him to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

JAPANESE-AMERICAN RELATIONS.

Mr. PHELAN. Mr. President, I ask to have printed in the RECORD a series of questions and answers on the subject of the American-Japanese relations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE JAPANESE TIMES,
New York, N. Y., January 15, 1920.

Hon. JAMES DUVAL PHELAN,
United States Senate, Washington, D. C.

SIR: It is reported by several newspapers to the effect that you are to introduce in American Senate a bill which prohibits children born in this country of Japanese or Chinese parents from becoming citizens of United States of America, and, further, constitutional amendment to prevent Asiatic immigrations.

I will very much appreciate your kindness if you will answer following questions, as it will give us great help in securing a better understanding among our people:

1. Do you or do you not satisfy the recent announcement by Japanese Government that the picture bride be prohibited strictly from February of this year?

2. How far, in your opinion, Californians will continue their anti-Japanese movement?

3. Is Japanese people in California or elsewhere in United States destruct American living standard and their safety than those bolshevik, communist, or some other movement?

4. Do you favor that Japan to keep Shantung or Siberia or elsewhere in Asia in order to settle her immigration problem?

5. Will you state me what would be a best policy for Japan to keep her good relations with America?

6. Do you believe war between Japan and America? If it is possible, will you state your reason?

I will dispatch your answer briefly by cable, and full translation will follow by mail. Your frank advice and an earliest possibly reply will be greatly appreciated.

Respectfully, yours,

Y. FUWA,

New York Correspondent to the Taisho Daily News, of Osaka, Japan, Care the Japanese Times, 35 Sixth Avenue, New York City.

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UNITED STATES SENATE,
January 17, 1920.

Mr. YASUO FUWA,
Care the Japanese Times,
35 Sixth Avenue, New York City.

DEAR SIR: I am in receipt of your letter of January 15, submitting to me six questions to which you politely request an answer.

1. Question. Do you or do you not satisfy the recent announcement by Japanese Government that the picture bride be prohibited strictly from February of this year?

Answer. I am well pleased with the decision of the Japanese Government to refuse passports to "picture brides," but that is not sufficient to meet the objections of California. Other remedies must be found.

2. Question. How far, in your opinion, Californians will continue their anti-Japanese movement?

Answer. California desires very properly to preserve her white population, which is being driven off the soil by the influx of Japanese who have bought or leased land. The law forbids them to purchase land and still they are doing it by taking the land in the name of their children or in the names of corporations, both of which practices are clear evasions of the law. California will, I believe, continue to carry on this movement until the soil is in possession of the white race.

3. Question. Is Japanese people in California or elsewhere in United States destruct American living standards and their safety than those bolshevik, communist, or some other movement?

Answer. There is no comparison between the Japanese and the bolshevik movement. The Japanese dispossess the American people of the land and other means whereby to live, on account of destructive competition, while the Bolsheviks are corrupting their political opinions. The Government has taken action against the criminal Bolsheviks and is deporting them from the country. It would be a solution of California's economic troubles if the Japanese there would return to Japan or concentrate in other countries.

4. Question. Do you favor that Japan to keep Shantung or Siberia or elsewhere in Asia in order to settle her immigration problem?

Answer. I am in favor of giving Japan an outlet in Asia for her surplus population in order to protect my own country.

5. Question. Will you state me what would be a best policy for Japan to keep her good relations with America?

Answer. Japan could best keep her good international relations with America by keeping her people out of America and encouraging those in this country to go to other lands. As long as they are concentrated on the Pacific coast, the Japanese will be a source of irritation. The situation is acute in California, Washington, and Oregon. Australia has been able to protect itself. American public opinion has condemned Japan for her course toward both Korea and China, and good relations could also be improved by changing her policies in these respects.

6. Question. Do you believe war between Japan and America? If it is possible, will you state your reason?

Answer. America will never go to war with Japan or any other country unless under the greatest provocation, and I believe that no such provocation has arisen. All warfare is misunderstanding, and I trust your questions and my answers will serve a good purpose. If the Japanese would put themselves in our place, they would understand the situation. If Americans spread over Japan, and with improved and patented machinery cultivated the soil, and acquired it in large tracts, displacing the native population, what would Japan do? She would be obliged to stop it to preserve her people. Japanese travelers, students, scholars, and diplomats will always be welcome in America, but not the inexhaustible supply of laborers who can not assimilate with the white race and who destroy the character of the population. Our Government is a Republic and has to preserve the standard of its population in order to exist.

Very truly, yours,

JAMES D. PHELAN.

HOUSE BILL REFERRED.

H. R. 11960. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, was read twice by its title and referred to the Committee on Foreign Relations.

AWARDS OF NAVAL DECORATIONS.

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of Senate resolution 285, being Order of Business 333 on the calendar.

Mr. PITTMAN. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Nevada will state it.

Mr. PITTMAN. The motion of the Senator from Maine is not debatable.

The VICE PRESIDENT. It is not debatable before 2 o'clock.

Mr. HITCHCOCK. I ask for the yeas and nays on the motion of the Senator from Maine.

Mr. LODGE. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harrison	Nugent	Smoot
Borah	Hitchcock	Overman	Spencer
Brandegee	Johnson, S. Dak.	Page	Stanley
Calder	Jones, N. Mex.	Phelan	Sterling
Capper	Jones, Wash.	Pittman	Sutherland
Chamberlain	Kellogg	Poindexter	Townsend
Colt	Kenyon	Pomerene	Trammell
Culberson	King	Ransdell	Wadsworth
Cummins	Kirby	Reed	Walsh, Mass.
Curtis	Lodge	Robinson	Walsh, Mont.
Dial	McCormick	Sheppard	Warren
Frelinghuysen	McKellar	Sherman	Williams
Gerry	Moses	Simmons	Wolcott
Gore	Myers	Smith, Ga.	
Hale	New	Smith, Md.	
Harris	Norris	Smith, S. C.	

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present. The Senator from Maine [Mr. HALE] has moved that the Senate proceed to the consideration of Senate resolution 285. On that motion the Senator from Nebraska [Mr. HITCHCOCK] has requested the yeas and nays. Is the request seconded?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. I am paired with him during his absence, and therefore withhold my vote.

Mr. McCORMICK (when his name was called). I have a pair with the Senator from Nevada [Mr. HENDERSON], which I transfer to the Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I transfer that pair to the junior Senator from California [Mr. JOHNSON] and vote "yea."

Mr. RANSDELL (when his name was called). I am paired with the Senator from New Hampshire [Mr. KEYES] and therefore refrain from voting.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I am unable to secure a transfer of that pair, and therefore can not vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. REED. The Senator from Michigan [Mr. NEWBERRY], with whom I am paired, is absent. Under the circumstances I am compelled to withhold my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut and in his absence I withhold my vote.

Mr. DIAL. I have a pair with the Senator from Colorado [Mr. PHIPPS] and therefore withhold my vote.

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD]. I have been unable to secure a transfer and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CURTIS. I wish to announce the absence of the Senator from Maryland [Mr. FRANCE] on account of illness.

I wish also to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

Mr. GERRY. I have been requested to announce that the Senator from Alabama [Mr. BANKHEAD] and the Senator from Nevada [Mr. HENDERSON] are absent on official business.

I wish also to announce that the Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Florida [Mr. FLETCHER], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Kentucky [Mr. BECKHAM] are detained by illness.

The result was announced—yeas 25, nays 30, as follows:

YEAS—25.

Ball	Frelinghuysen	New	Sutherland
Brandegee	Gronna	Norris	Townsend
Calder	Hale	Page	Wadsworth
Capper	Kellogg	Poindexter	Warren
Colt	Lodge	Smoot	
Cummins	McCormick	Spencer	
Curtis	Moses	Sterling	

NAYS—30.

Ashurst	Hitchcock	Pittman	Smith, S. C.
Borah	Jones, N. Mex.	Pomerene	Stanley
Chamberlain	King	Robinson	Trammell
Culberson	Kirby	Sheppard	Walsh, Mass.
Gerry	McKellar	Sherman	Walsh, Mont.
Gore	Nugent	Simmons	Williams
Harris	Overman	Smith, Ga.	
Harrison	Phelan	Smith, Md.	

NOT VOTING—40.

Bankhead	Gay	La Follette	Phipps
Beckham	Harding	Lenroot	Ransdell
Dial	Henderson	McCumber	Reed
Dillingham	Johnson, Calif.	McLean	Shields
Edge	Johnson, S. Dak.	McNary	Smith, Ariz.
Elkins	Jones, Wash.	Myers	Swanson
Fall	Kendrick	Nelson	Thomas
Fernald	Kenyon	Newberry	Underwood
Fletcher	Keyes	Owen	Watson
France	Knox	Penrose	Wolcott

So Mr. HALE's motion was rejected.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. CALDER. I move that the Senate take up for consideration House bill 6863. It is the bill to regulate the height, area, and use of buildings in the District of Columbia, known as the zoning bill.

Mr. WILLIAMS. I ask that the bill may be read.

The VICE PRESIDENT. The title of the bill will be read.

The ASSISTANT SECRETARY. A bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of the bill the title of which has just been read.

On a division, the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. CALDER. Mr. President, this bill has been read through once, and was amended upon motion of the Senator from Utah [Mr. SMOOT]. I ask that the committee amendments be considered at this time.

Mr. OVERMAN. I should like to hear the bill read. I was not here when it was read before.

The VICE PRESIDENT. The bill has been read.

Mr. OVERMAN. I understand; but I did not hear it, and I should like to know its provisions. If some Senator will explain it, that is all right.

Mr. CALDER. Mr. President, I will explain the bill, as the Senator requests.

This bill provides facilities for subdividing the city of Washington into certain zones in which the erection of different characters of buildings may be prohibited. The real purpose of the measure is to safeguard the city from the construction of all sorts of objectionable buildings. About five years ago a law was passed in the city of New York providing a system similar to this. Recently in Baltimore and in St. Louis and in Philadelphia a measure accomplishing the same object has been put into effect. The commission is to consist of the Commissioners of the District of Columbia, the Superintendent of Public Buildings and Grounds, and the Superintendent of the United States Capitol Buildings and Grounds. Under the bill this commission will determine the different areas in which, for instance, business houses, factories, garages, or apartment houses may be constructed, and may fix the maximum height of buildings. It seems to me, from its operation in other large cities of the country, that it is a meritorious measure.

I shall be glad to answer any questions the Senator from North Carolina may wish to propound.

Mr. OVERMAN. Mr. President, I simply wanted to know what the provisions of the bill were. I am rather inclined to support the bill. What is the commission to which the Senator refers?

Mr. CALDER. As I have just stated, the bill provides for the appointment of a commission consisting of the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds in the District, and the Superintendent of the United States Capitol Buildings and Grounds, who will divide the city into certain zones. In some of these zones no business building may be constructed, in some no factories, in others no apartment houses. Of course, these different zones can be changed at any time at the request of 75 per cent of the residents in a given district. As I explained a moment ago, a similar scheme has been adopted in the city of New York, and it has done a wonderful lot of good in preventing the erection of objectionable buildings.

Mr. OVERMAN. Does it affect the height of buildings?

Mr. CALDER. Yes; the height and the area to be covered.

Mr. OVERMAN. I think that ought to have been done long ago.

Mr. WARREN. Mr. President, may I ask what will be the status of improvements that are already standing?

Mr. CALDER. The bill does not in any way affect improvements already standing, nor buildings for which permits have been granted.

Mr. WARREN. In a given zone, if factories are already there they remain there?

Mr. CALDER. They will not be disturbed.

Mr. WARREN. And the same with residences, and as to height, and so forth? It corrects none of the evils now existing?

Mr. CALDER. It does not. Of course, you can not take away a man's property and destroy it by law.

Mr. WARREN. Nor does the bill attempt it?

Mr. CALDER. Nor does the bill attempt it.

Mr. WILLIAMS. Mr. President, if I understand this bill, there is a feature of it to which I have no objection. That is the feature which regulates the height of buildings. That is a thing to be done in the general interest, and does not and could not sacrifice any proper private interest. But it always struck me that while it was very good policy for a city like Paris—a show city to a large extent—to say to a man, "You shall not build a residence upon a piece of property you have"—maybe the only piece he has, and maybe he can not sell it very well—"but you shall build, if anything, a factory upon it," it is going a little bit outside of what ought to be the right of the public, and is infringing upon private rights, to do the same thing in other cities.

If I understand this bill, there would be a right under it, if I owned a lot in some particular part of Washington and wanted

to build a residence upon it for my family, either to deprive me of the use of the lot, or to force me to build a factory upon it, or to build something else which perhaps I would not have the money to build, or else to sell it.

Mr. CALDER. Mr. President, if the Senator will permit me, that is not quite correct. If the bill should pass, under its terms one would be permitted to build a residence in any part of the city, but it would prohibit objectionable buildings in purely residential sections.

Mr. WILLIAMS. What does the Senator mean by objectionable buildings?

Mr. CALDER. The Senator might own a very nice home in some residential section of this city and a man might come along with a building permit to construct a public garage adjoining it, it being a residential section, and a building of this character would be a good investment. This bill would prevent such a situation.

Mr. WILLIAMS. I have very little sympathy with the idea that my home must be protected from somebody building a garage if he wants to do it. But, leaving that aside, as I understand the bill, if you establish a factory zone you can not have a residence in it.

Mr. CALDER. The Senator is mistaken. There is nothing in the bill to prevent the owner of a lot from constructing a more desirable building than is prohibited in the particular zone.

Mr. WILLIAMS. What is distinctly prohibited?

Mr. CALDER. Wherever a similar law has been in effect—and I speak with knowledge, because it has been in effect for five years in New York and has worked splendidly—residences are permitted in any part of the city; but a building like a great laundry or a factory or a garage, or a high office building, is prohibited in the purely residential sections of the city.

My reason for presenting the bill, I will say to the Senator, was to protect the beauty of this city and not permit it to be destroyed by all sorts of objectionable buildings. Suppose some one wanted to build a factory in one of the fine residential sections of the city like Massachusetts Avenue or Sixteenth Street; that certainly would not only be objectionable to the people in the neighborhood but it would destroy the value of the adjoining property, and it is not fair to the people who own homes there.

Mr. WILLIAMS. The Senator has instanced Sixteenth Street. I owned for quite a while a residence upon Sixteenth Street. I would have disliked very much, of course, to have seen a garage go up next door. I would have disliked very much to have seen a factory built on the street near me. But that is another matter. If people are to portion out parts of cities to be used for fine residences and get to dictating what sort of houses are to be built, it will finally culminate in their saying to a man of very moderate means that he shall not build a $3,000 house in the neighborhood where houses cost $20,000.

I think it threatens to trench very much upon the rights of private property. I do not believe in the system at all. I think if a darky wants to build a house somewhere, and can not afford to pay over a thousand dollars for it, and happens to own the lot, he ought to be allowed to build it. If somebody wants to build a garage next door to me, and owns the property and I do not, he ought to be allowed to build the garage. If anybody is fool enough to build a factory in a residential part of a city—generally they do not do that, because they want to build close to the railroads or close to the water, one or the other, for shipment purposes—I think he has a right to do it. I very much doubt the right of the public to say to him that he shall not do it.

The VICE PRESIDENT. The Secretary will report the pending amendment.

The ASSISTANT SECRETARY. The first amendment of the committee will be found on page 1, line 8, where, after the words "District of Columbia," it is proposed to insert "the chairman of the Fine Arts Commission."

Mr. CALDER. The committee ask the Senate to disagree to this amendment. When it was inserted in the committee it was not known that the officer in charge of public buildings and grounds of the District was himself a member of the Fine Arts Commission. The amendment would provide for two members of the Fine Arts Commission on the board, and it is thought that one is enough. I ask that the amendment be disagreed to.

The amendment was rejected.

The VICE PRESIDENT. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. The next amendment is on page 2, after line 5, where it is proposed to insert a new paragraph, reading as follows:

There is hereby authorized for the expenses of said commission, including the employment of expert services and all incidental and contingent expenses, the sum of $5,000, payable one half out of any money in the United States Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia.

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 2, line 19, after the word "used," insert a colon and the following words: "*Provided*, That such regulations may differ in the various districts."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 2, line 20, after the word "*Provided*," strike out the comma and the word "*however*" and insert the word "*further*," so that it will read "*Provided further*."

The amendment was agreed to.

The VICE PRESIDENT. This completes the amendments of the committee.

Mr. SHEPPARD. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. At the end of section 2, after the amendment already agreed to, insert the following additional proviso:

And provided further, That the height of the apartment house now in construction, adjoining and immediately in front of Meridian Hill Park, on Florida Avenue, be limited to 67 feet.

Mr. JONES of Washington. Mr. President, if that amendment is urged, the bill will not get through before 2 o'clock.

Mr. SHEPPARD. What is the basis of the Senator's objection?

Mr. JONES of Washington. The amendment affects a building that has been under way for quite a while and upon which a great deal of money has been expended; I think nearly $2,000,000 of bonds have been issued and sold and are now held by innocent parties, and the amendment proposes to cut the building in two.

Mr. SHEPPARD. Not at all.

Mr. JONES of Washington. Oh, yes; it does. I am pretty familiar with the proposition. It was before the District Committee formerly, and the committee did not report it, but refused to report it.

Mr. SHEPPARD. As I understand the matter, the committee reported the proposition favorably.

Mr. JONES of Washington. Yes; it came out, and then it was referred back to the committee, and the committee refused to make a favorable report on the proposition.

Mr. SHEPPARD. I was not advised as to that development.

Mr. JONES of Washington. That is the situation.

Mr. SHEPPARD. My only object in offering the amendment was to prevent the destruction of the view from Meridian Hill Park, one of the most superb views in the city. In fact, that is the only park in the city which now has a commanding view of the Capitol and the vistas around for a great distance, and to have such a view obstructed and destroyed by the unsightly top of an apartment house is, it seems to me, to impair most seriously the value of the park to present and coming generations.

Mr. JONES of Washington. The Senator should press it as a separate measure and not try to put it on this bill. It will involve the United States in lawsuits and suits for damages, and will involve it in a great deal of cost. It will cost probably several hundred thousand dollars. I hope the Senator will not press the amendment upon this bill. It is all right if he wants to press it as a separate measure, and then, if the Senate sees fit to adopt it, very well.

Mr. SHEPPARD. Let me add this statement in justification of my action. I am advised that the rough framework of the building is now at the fourth story, and that to limit the height on the part of Congress would simply take off some of the top of the structure, which is not yet permanently built.

Mr. OVERMAN. How many floors are there to be?

Mr. SHEPPARD. The building was to be about 80 or 90 feet high, if I remember accurately.

Mr. OVERMAN. About 8 or 10 stories?

Mr. SHEPPARD. Something like that. I do not recall the exact number.

Mr. OVERMAN. I will ask the Senator if Congress did not appropriate about $400,000 to buy that park property in order that it might be a place of beauty, and that there might be a great park looking over the city?

Mr. SHEPPARD. Certainly it did, and mainly because it was about the only site left affording such a magnificent view.

Mr. OVERMAN. What authority did these people have for letting a contract to build a 10-story apartment house? Did

they get permission from the Commissioners of the District of Columbia?

Mr. SHEPPARD. They did get that permission.

Mr. OVERMAN. It seems to me the officials have been very derelict in their duty.

Mr. SHEPPARD. Immediately afterwards a petition was presented to the commissioners, signed by the engineer commissioner, by the Fine Arts Commission, by the Commissioner of Public Buildings and Grounds, Col. Ridley, asking that the permit be revoked. In view of the attitude of the Senator from Washington, of his statement that the Senate committee passed unfavorably on this measure finally, and of his statement that the pending bill will not be permitted to pass if this amendment is insisted upon, I shall not press it. I want to protest, however, against the destruction of one of the most superb views in this city, the destruction of an artistic value that would have grown with the years. Does the Senator from Washington say that he will oppose the amendment to such an extent that the bill can not pass before 2 o'clock if the amendment is insisted upon?

Mr. JONES of Washington. I will.

Mr. SHEPPARD. Very well. Then I withdraw the amendment. I do not desire to imperil the passage of the bill. I realize that if debate continues until 2 o'clock the bill will fail.

The VICE PRESIDENT. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington. Mr. President, I desire to say just a word now on the bill that has just been passed. I did not desire to delay its passage, but I wish to say that, in my judgment, the construction of the apartment building will not do what the Senator from Texas fears.

When this matter came up, I went to Meridian Hill Park and to the highest point on it, and took in, as far as my inartistic eye could, the artistic beauties of that place, and how it might be affected by the construction of the building. While it would probably be better not to have the building there, yet it is not going to interfere very much with the outlook. It is not going to affect very seriously the scenic beauty as observed from Meridian Hill Park, in my judgment. The Government of the United States could not afford, for what little interference there might be, to stop the building at this time. It could better afford, after the building is constructed, if it thinks that it should be lowered, to condemn it and pay the damages.

We would enhance the view from Meridian Hill by far by condemning a building across Sixteenth Street to the west of it, which does cut out a very great part of the view from Meridian Hill; but I judge that if Congress were to attempt to do that, those who are opposing the construction of this building would object very strenuously, indeed. The scenic beauty from Meridian Hill Park will not be very seriously damaged by the construction of this building.

Mr. SMITH of Georgia. Meridian Hill Park is the place where they have been building walls out there on Sixteenth Street?

Mr. JONES of Washington. Yes; that is Meridian Hill Park.

Mr. SMITH of Georgia. Should they not tear down those walls? Would not that afford a better view?

Mr. JONES of Washington. I do not pretend to be an artistic man, but I think that is really an outrage, and we had better take down that wall rather than cut off the top of apartment houses that have been authorized under the law, under a permit in the regular and ordinary way, and which will not, as a matter of fact, affect the view from Meridian Hill.

PAY OF ARMY, NAVY, MARINE CORPS, ETC.

Mr. WADSWORTH. Mr. President, I move that the Senate proceed to the consideration of Senate bill 3383, to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, and so forth.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 4, after the words "Public Health Service," to insert the words "contract surgeons, warrant officers, Army field clerks, and field clerks Quartermaster Corps.

The amendment was agreed to.

The next amendment was, on page 1, line 9, to strike out "50 per cent" and insert "20 per cent" and the following proviso, so as to read:

That the base pay of all officers of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service, contract surgeons, warrant officers, Army field clerks, and field clerks Quartermaster Corps be, and the same is hereby, increased 10 per cent per annum; and the pay of all enlisted men and of members of the Female Nurse Corps of the Army and Navy is hereby increased 20 per cent: *Provided*, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month.

Mr. SMOOT. Mr. President, it seems to me this is an important bill——

Mr. WADSWORTH. It is.

Mr. SMOOT. It involves the expenditure of a good deal of money. I think it would be well for the Senator from New York, before the amendments are acted upon, to make an explanation of the bill in general, so that at least the few Senators who are now in the Chamber may know something about the legislation, the extent of the increases provided for, what the bill is for, and what it will cost to meet the requirements of the bill if it becomes a law.

Mr. WADSWORTH. Mr. President, at this hour of the day I hesitate very much to suggest the absence of a quorum, and I shall not do so unless the discussion proceeds in such way as to show its necessity. Nevertheless it is unfortunate that for the moment really so few Senators are present, for the bill as drawn and reported by the Committee on Military Affairs of the Senate provides for an increase in pay of the officers and enlisted men of the Army, the Navy, the Marine Corps, the Coast Guard, and the Public Health Service, all in one bill.

I might say that in the preparation of the bill I and other members of the Committee on Military Affairs consulted with the chairman and several members of the Committee on Naval Affairs to ascertain whether or not they would have definite objection to the Committee on Military Affairs presuming to legislate on the question of naval pay.

Mr. PHELAN. Mr. President, at a meeting of the Committee on Naval Affairs this morning this very question came up, but on the request of the Senator from Massachusetts [Mr. LODGE], who could not be present, the meeting adjourned to reconvene later. The Committee on Naval Affairs is interested in the provisions of the bill so far as they affect the Navy.

Mr. WADSWORTH. Certainly.

Mr. PHELAN. I should like to hear from the Committee on Naval Affairs, however, before saying that opposition will be offered to the bill and its passage at this time. I think the Committee on Naval Affairs will offer an amendment.

Mr. WADSWORTH. As far as I have discussed the matter with the Senator from Vermont [Mr. PAGE] on many occasions, and with several other members of the Committee on Naval Affairs, I understand there will be no objection from him as to the terms of the pending bill.

Mr. SMOOT. If the Senator from New York will yield at this moment, I think this is of sufficient importance to require the presence of the chairman of the Committee on Naval Affairs and others, and I therefore suggest the absence of a quorum to see if we can not get some Senators here to listen to the discussion that will take place.

The VICE PRESIDENT. Call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Norris	Spencer
Ball	Harrison	Nugent	Sterling
Borah	Hitchcock	Overman	Sutherland
Brandegee	Jones, N. Mex.	Page	Townsend
Calder	Jones, Wash.	Phelan	Trammell
Capper	Kenyon	Pittman	Wadsworth
Chamberlain	King	Pomerene	Walsh, Mass.
Colt	Lodge	Robinson	Warren
Cummins	McCormick	Sheppard	Watson
Dial	McKellar	Smith, Ga.	Williams
Frelinghuysen	Moses	Smith, Md.	Wolcott
Gerry	Myers	Smith, S. C.	
Gronna	New	Smoot	

Mr. SMOOT. I wish to announce that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, owing to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty Senators have answered to their names. There is a quorum present.

Mr. WADSWORTH. Mr. President, when the absence of a quorum was suggested I was commencing to explain the terms of the bill. As I said at that time, the bill provides for an increase in the pay of the officers and enlisted men of the Army, the Navy, the Marine Corps, the Coast Guard, and the Public Health Service. The Committee on Military Affairs has been presumptious enough to attempt the legislation in one bill. As

I said, I and other members of the Committee on Military Affairs have consulted members of the Committee on Naval Affairs of the Senate in order to have their ideas as to the needs of the Navy.

The reason for our presumption in attempting to legislate on the pay of the Army, the Navy, the Marine Corps, the Coast Guard, and the Public Health Service all in one bill is just this: All of these services, in greater or less degree, are requesting increases of pay, and to those of us who have looked into the matter it is entirely apparent that great distress exists in all of the services, varying in degree as we regard the grades and the commissioned ranks of the enlisted men and the officers of the several services.

The Committee on Military Affairs feared if the matter of the increase of pay for these different services was dealt with by several different bills emanating from several different committees of the Senate and of the House, that when the legislation was finally completed in that fragmentary form it would inevitably be found that some service would have received a greater increase in pay than some other service. So our hope has been that, whatever shall be done in the matter of increasing pay for these services, the increase shall be exactly the same in all of the services, in order that, after the legislation is finished, neither the Army nor the Navy will have any complaint against its sister services, nor the Coast Guard or the Public Health Service have any complaint against any of the others. I submit that, Mr. President, as a wise legislative policy in the matter of increasing the pay of these services, which, to a greater or less degree, can be classed in the same category, in that they are at all times a part or are potentially a part of the national defense.

Mr. President, it must be well known by all Senators that if we once increase the pay of the Army or the Navy by adding on a certain percentage in cash to the present pay it will never be reduced, for though the cost of living, which has increased so tremendously in the last few years, may, after a period of years, go down, it will be found in the Congress of that time, I apprehend, to be almost impossible to pass a bill reducing the pay of the officers and enlisted men of the Army and Navy. I submit that as almost amounting to a legislative axiom.

The Military Affairs Committee has endeavored to find and to insert into a pay bill an element of elasticity in the matter of pay; an element in the matter of pay which will respond to the rising or the lowering of the cost of living as the years proceed in the future; and we have hit upon this scheme, which I desire to explain to the Senate.

It is well known, of course, that the enlisted men of the Army and the Navy receive a ration from the Government free of charge. The Quartermaster General of the Army estimates the cost of that ration, and the appropriations are made each year for the rationing of the Army based upon the estimated cost of the ration for the next ensuing fiscal year. The same is true of the Navy, and the same is true, to a greater or less extent, in the other services, among the enlisted men of the Marine Corps, the Coast Guard, and the Public Health Service.

The cost of the ration varies from year to year. It may interest the Senate to know that the ration used in the Army about six or seven years ago cost the Government about 23 cents; at the time of the Mexican border mobilization it had risen to about 32 cents; and to-day it stands at 55 cents. In other words, the Government has been compelled to pay more and more money for the food which it issues to the soldiers, as a result of the increase in the cost of living, and it will be found by examining statistics and tables that the cost of the ration to the Government has very closely followed the rise in the general cost of living to the public; in other words, the cost of the ration in the last four or five years has approximately doubled, and it is fair to say that if the cost of living in the years to come goes down the cost of the ration to the Government will go down. So the committee has provided in this bill that, so far as the commissioned officers of the Army and the Navy and the other services are concerned, the bulk of their increased pay shall not be given them in cash in the first instance, but shall be given to them in the form of a commuted ration, and the several grades of the commissioned strength of the Army and the Navy are to get their proportionate increase in pay, under the terms of the bill, by means of the payment to them of commuted rations in proportion to their rank.

The machinery which we have devised to bring that about is very simple and is just this: Every officer in the Army and every officer in the Navy is entitled to so many rooms as quarters. For example, a second lieutenant in the Army is entitled to two rooms, which he receives in kind or else the rent value of those rooms, fixed at $12 a room, is commuted and paid to him in cash. A first lieutenant in the Army is entitled to three rooms; a captain in the Army is entitled to four rooms; a major in the Army is entitled to five rooms; a lieutenant colonel in the Army is entitled to six rooms; a colonel is entitled to seven rooms; and so up the scale through the ranks of brigadier general, major general, lieutenant general, and general. The same thing is true in the Navy, that wherever rooms are necessary for the housing of a naval officer on shore, where he can not get his quarters in kind, he also is entitled to rooms. An ensign in the Navy is entitled to two rooms, just as is a second lieutenant in the Army; a junior lieutenant in the Navy is entitled to three rooms, just as is a first lieutenant in the Army; and so on up the grades of naval rank, by exactly the same degree of progression, are naval officers entitled to quarters.

The bill provides that the officers of the Army and the Navy shall receive one ration per day for each room they are entitled to under quarters; in other words, the second lieutenant in the Army will receive his base pay, and, under the terms of the bill, that base pay will be increased only 10 per cent in cash, as an original cash payment; but as he is entitled to two rooms under quarters, he will receive the value of two rations per day; and, as the ration is now worth 55 cents, a second lieutenant will get $1.10 a day added pay. The first lieutenant will get the value of three rations per day, the captain will get the value of four rations per day, the major will get the value of five rations per day, the lieutenant colonel will get the value of six rations per day, and the colonel will get the value of seven rations per day added pay.

Mr. WILLIAMS. It is hardly a net increase, because the old ration cost something.

Mr. WADSWORTH. The Senator from Mississippi interrupts me to say that it is not a net addition, because the old ration used to cost something, but under existing law the officers of the Army and the Navy do not receive any rations at all. I have no doubt that Senators understand that perfectly well, but a large portion of the public fails to realize that the officers of the Army and Navy have to feed and clothe themselves, whereas the enlisted men are fed and clothed by the Government.

It will be seen, Mr. President, that by injecting this element of increase of pay, brought about by the payment of a commuted ration, we have put in the legislation an elastic element, which in the future, as the years go by, will respond, up or down, to the cost of living.

In other words, the bill provides that for the first ensuing fiscal year after the passage of the act the value of the ration shall be regarded as 55 cents, and that annually thereafter the value of the ration shall be restated and reestablished in conformity with the actual cost of the ration to the Government; so that if the cost of living goes down, we will say, two years from now, and it only costs the Government 45 cents per ration, the pay of the second lieutenant, who is drawing commuted rations at the rate of two a day, will go down proportionately; if the cost of living goes up two years hence, and it is necessary for the Government to pay 60 cents for a ration, the pay of the officer will go up just that amount; in other words, this whole scheme of pay for the Army, Navy, Marine Corps, Coast Guard, and Public Health Service is put upon such a basis as not only are the officers protected in the matter of their ability to live within their pay, but also the Government and the taxpayers are protected, so that the Government will get the benefit which should accrue to the Government in the event that the cost of living goes down in the years to come.

Mr. GRONNA. Mr. President——

Mr. WADSWORTH. I yield to the Senator from North Dakota.

Mr. GRONNA. Perhaps I ought not to ask the question, but I know very little about military affairs. The Senator has made the bill very clear, even to me, as to pay of the commissioned officers; but what happens to the noncommissioned officers and enlisted men who happen to be married?

Mr. WADSWORTH. I was going to cover that.

Mr. GRONNA. Of course, I fully understand that a noncommissioned officer or an enlisted man gets his board from the Government; but in the case, we will say, of sergeants—and there are a great many of them who have served for 30 years; I know several of them—they get a base pay of $38 or $44, the highest that any of them gets, I believe, being $60 per month. Now, what happens to them?

Mr. WADSWORTH. I was about to explain to the Senate what the bill proposes to do for the noncommissioned officers and the enlisted men.

Mr. LODGE. Mr. President, before the Senator leaves the matter of the officers I wish he would be kind enough to explain to me section 2, which begins:

SEC. 2. That the provisions of the act of May 11, 1908, the act of May 13, 1908, the act of May 12, 1902, and the act of August 14, 1912, as respectively specifically limit to $5,000, $4,500, and $4,000 the pay of colonel, lieutenant colonel, and major in the Army and Marine Corps—

Then comes—

and captain, commander, and lieutenant commander in the Navy; and captain commandant, senior captain, and captain in the Coast Guard; and assistant surgeon general, senior surgeon, and surgeon in the Public Health Service are hereby repealed.

Does that apply to all of the acts mentioned?

Mr. WADSWORTH. Yes; it applies to all those acts. I can explain what that means.

Mr. LODGE. Down to the words "Marine Corps," in line 7, it reads like a preamble, and I had supposed substantive provision began at line 8.

Mr. WADSWORTH. No, Mr. President; it reads:

SEC. 2. That the provisions of the act of May 11, 1908, the act of May 13, 1908, the act of May 12, 1902, and the act of August 14, 1912, as respectively specifically limit to $5,000, $4,500, and $4,000 the pay of colonel, lieutenant colonel, and major in the Army and Marine Corps; and captain, commander, and lieutenant commander in the Navy; and captain commandant, senior captain, and captain in the Coast Guard; and assistant surgeon general, senior surgeon, and surgeon in the Public Health Service are hereby repealed.

Mr. LODGE. The words "as respectively specifically limit" seem to me to constitute a somewhat awkward phrase.

Mr. WADSWORTH. It expresses, however, exactly what is desired to be done. I do not object to changing the wording so long as the meaning is not changed.

Mr. LODGE. Why is the pay of colonel, lieutenant colonel, and other officers mentioned there?

Mr. WADSWORTH. The acts which are recited in the first four lines of section 2 of the bill are a series of enactments which limit the progressive increase of the pay of officers of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service to a certain figure. The Senator will remember, for example, that in the Army officers receive a 10 per cent increase in pay for each five years of service.

Mr. WARREN. Up to 40 per cent, not including the limits which the Senator——

Mr. WADSWORTH. Up to but not exceeding an aggregate increase of 40 per cent; but in no event, under existing law, must the pay of a colonel go above $5,000, the pay of a lieutenant colonel above $4,500, or the pay of a major above $4,000. The same law applies to the corresponding grades in the Navy. In other words, the "fogy," or 10 per cent increase which accrues every so often in the pay of an officer in the Army or the Navy after so many years of service under existing law, must stop at these figures in those three respective grades. This bill repeals those provisions of law and permits the officer to continue to receive the increase, ordinarily called, as I remember, the "fogy."

Mr. WARREN. But the 40 per cent maximum remains?

Mr. WADSWORTH. The 40 per cent maximum still remains.

Mr. LODGE. I understand what the first clause means. Now, what happens to the lower grades—captain, commander, and lieutenant commander of the Navy; captain commandant, senior captain, and captain of the Coast Guard; assistant surgeon general, senior surgeon, and surgeon of the Public Health Service, and so on?

Mr. WADSWORTH. The captain in the Navy is one of the officers who are now limited to the figure fixed in the law—$5,000. The commander in the Navy is limited to $4,500, and the lieutenant commander in the Navy is limited to $4,000. We repeal that limitation for the Navy, just as we do for the corresponding ranks in the Army.

Mr. LODGE. I understand what the Senator says it means.

Mr. WADSWORTH. That is what it does mean.

Mr. LODGE. I do not want to criticize the language, but I think it is one of the blindest sections I ever saw. I am only trying to find out the facts. I am thoroughly in favor of the bill. I am interested in the Coast Guard, however, because they were not legislated for or placed in the Navy until the war came on, and none of the acts dealt with here affected them.

Mr. WADSWORTH. Yes; but, Mr. President, I think the Senator forgets that the war-time legislation gives the Coast Guard officers assimilated rank with the Navy. The Senate has passed a joint resolution continuing that in time of peace. Therefore, they should be included here with their corresponding officers in the Navy, as well as the Navy officers included with their corresponding officers in the Army.

Mr. LODGE. They were put in in that way, and a joint resolution, I know, passed continuing it. Now, what is it that is repealed in their case?

Mr. WADSWORTH. There is no specific law on the statute books which prevents a captain commandant of the Coast Guard receiving a salary of more than $5,000; but now that he has been given assimilated rank, pay, and allowances with a naval officer, you do not want that naval statute to apply against him.

Mr. LODGE. I see. None of the statutes that the bill repeals do apply against him?

Mr. WADSWORTH. They do apply against him, now that he has become a potential part of the Navy. He is brought under the pay and allowances provisions of the Navy by the action of the Senate just the other day. Therefore, we must protect him as well as we do the Navy.

Mr. LODGE. I see. Now, where does it leave him? Does it affect his rank?

Mr. WADSWORTH. Not at all.

Mr. LODGE. It leaves the rank that was granted him under the war provisions of the Navy?

Mr. WADSWORTH. Exactly so.

Mr. GERRY. Mr. President, as I understand, that joint resolution has only passed the Senate. It has not passed the House; and, if I remember correctly, I think the resolution does not touch any of the district superintendents of the Coast Guard.

Mr. WADSWORTH. That is true.

Mr. GERRY. So that, as I understand, under the act of 1915, when the Coast Guard was created, no provision was made for the rank of the superintendents.

Mr. WADSWORTH. That is true.

Mr. GERRY. Then the Coast Guard went under the Navy under the act of 1918, in which case they received rank and pay as naval officers. Now I understand that they have gone back to the Treasury Department, and that as soon as peace is declared they will lose the rank that they held under the Navy. In any event the joint resolution that was passed by the Senate does not cover the superintendents.

Mr. WADSWORTH. That is true.

Mr. GERRY. So that those men will really be in worse position than the keepers.

Mr. WADSWORTH. Yes; that is true. This bill, however, does not bring that about. That is due to other things.

Mr. GERRY. Therefore, I will say to the Senator, I shall at the proper time suggest an amendment to cover that situation.

Mr. WADSWORTH. Very well.

The VICE PRESIDENT. Would it disturb the Senator from New York if, as a matter of information to the Chair, the Chair could ascertain what the 40 per cent increase would bring this pay up to?

Mr. WADSWORTH. The 40 per cent?

The VICE PRESIDENT. Yes. The Chair understands that with this repeal they are permitted to increase the pay 40 per cent.

Mr. WADSWORTH. I think I can give that information, Mr. President, in a moment.

The VICE PRESIDENT. Also, the time that a man has to serve to get the 40 per cent. The Chair ought to know that, but he does not.

Mr. WADSWORTH. For example, Mr. President, a major in the Army to-day receives a base pay of $3,000. If he has had 20 years of service in the Army, however, his fogies bring the total amount up to $4,000. Under this bill he will get $4,620 as annual pay, and his commutation of rations adds another $1,003.75; so that his total pay, exclusive of the $12 a room for quarters allowance when it can not be furnished in kind, and exclusive of heat and light when it can not be furnished in kind, will be $5,623 after 20 years of service.

Mr. HITCHCOCK. Mr. President, can the Senator say what those additional items would amount to?

Mr. WADSWORTH. Those additional items are as follows: For annual commutation of quarters, he gets a total of $720 to pay his room rent for a year——

Mr. HITCHCOCK. And then rations?

Mr. WADSWORTH. The rations become a part of the pay under the terms of this bill, and that is the large body of the increase—the ration commutation, amounting to $1,003 in increase in pay.

Mr. HITCHCOCK. The rations are included in the 10 per cent?

Mr. WADSWORTH. Oh, no. The officers of the Army and Navy under this bill receive a 10 per cent increase in pay, plus the payment of the commuted ration, as I have explained.

The Senator from North Dakota asked me about the enlisted men. Very much the same problem is found among the enlisted

men, but it is found to a very large degree among the noncommissioned officers.

Mr. HITCHCOCK. The Senator has not quite made it clear whether the $5,620.75 includes the item for rations.

Mr. WADSWORTH. It does.

Mr. HITCHCOCK. Then to that should be added $720 for rooms?

Mr. WADSWORTH. If the officer, a major, is living away from an Army post.

Mr. HITCHCOCK. Yes; I am taking such a case.

Mr. WADSWORTH. Yes; then he would be given $720 a year to pay his room rent.

Mr. HITCHCOCK. What besides that?

Mr. WADSWORTH. The heat and light, which I have read, I think.

Mr. HITCHCOCK. What would that amount to?

Mr. WADSWORTH. Two hundred and fifty-nine dollars and two cents to pay for his heat and his light for a year. Those are the present allowances. The heat and light allowance and the quarters allowance are the present ones, and we do not disturb them at all. He would receive the total which I gave in cash after 20 years of service, and had reached the rank of major.

Mr. HITCHCOCK. What would that total come to, then, including rooms and heat and light and increase in pay?

Mr. WADSWORTH. The whole thing would be $6,602.

Mr. HITCHCOCK. As against what total now?

Mr. WADSWORTH. Four thousand nine hundred and seventy-nine dollars.

Mr. HITCHCOCK. That is nearly a 50 per cent increase.

Mr. WADSWORTH. No, Mr. President; it is a 31 per cent increase. That has all been figured out, Mr. President. Let me say, for the information of the Senate, that the 10 per cent increase given to officers under this bill, plus the payment of the commuted ration, amounts to a fraction underneath 31 per cent net increase in pay.

Mr. President, the Senator from North Dakota asked me about the enlisted men, and I should like to proceed in an attempt to say what the bill does for them.

As I said a moment ago, the same condition is found among the enlisted men of the Army and the Navy, but it is found mostly among the noncommissioned officers. I do not need to tell the Senate that the noncommissioned officers in the Army, and the corresponding grades of the enlisted personnel of the Navy—I think they are called the petty officers, and have other designations—are the backbone of the services. Your Army is no good at all unless its sergeants are good men. You may have the best officers on earth, but if your noncommissioned officers, who are the natural and proper "go-betweens" between the officers and the enlisted men, are not first-class men, you have neither morale nor efficiency. Therefore it is to the interest of the Government so to treat the noncommissioned officers that they will reenlist after each term of enlistment expires, that they will make a life career of the Army; and the same is true of the Navy. They are the ones who exert the influence upon the young private soldiers and the young apprentice seamen. Without their influence, without their power, without their steadying effect in the matter of morale and discipline, you have nothing.

Now, you can not expect men to go into the Army and rise up through the grades of corporal, sergeant, first sergeant, quartermaster sergeant, and other noncommissioned grades and pay them at such a low rate that they can not afford to marry. You can not ask a man to live that kind of a life. It turns out that the pay of the noncommissioned officers of the Army—and the same is true about the Navy—is so low to-day, as compared with the cost of living, that they can not support their families. Furthermore, they can not get out of the Army in very many instances; they have been in it so long that it has become their life work. It would be mighty difficult for them to go out into civil life, after 20 or 25 years' service in the Army, and start all over again to make a living and support a wife and three or four children. Nevertheless, that wife and those three or four children must be supported by the noncommissioned officer while he is in the Army, because the Government gives nothing to the support of a noncommissioned officer's family.

The noncommissioned officer himself is fed and clothed by the Government. But his wife is not fed and his children are not fed, nor is his wife clothed or the children clothed or the children educated by the Government. He must still support his family very much as a civilian does, except that he does not have to pay for what he actually eats or what he actually wears.

The noncommissioned officers of the Army in the upper grades are entitled to quarters under certain regulations wherever quarters are available. For example, the quartermaster sergeant stationed over here at Fort Myer, if there are quarters suitable for a noncommissioned officer and his wife at that post, is entitled to them, and he is entitled to so many rooms under the regulations of the Army.

This bill gives him a commuted ration for each room that he is entitled to under the regulations and raises his pay 20 per cent besides.

Mr. GRONNA. How much would that amount to?

Mr. WADSWORTH. It amounts to different sums in different grades, and I will give the Senator the figures. This, to my mind, is just as important as the provision for officers; and yet I will say to Senators that the distress now being experienced not only among the noncommissioned officers and their families but among the commissioned officers is very great, indeed. I have been told on the most reliable authority that there are wives of Army officers who to-day are selling their household linen and ornaments out of their houses in order to try to get together enough money to make both ends meet. Two thousand two hundred officers, one-fifth of all the officers, have resigned from the Regular Army in the last six months. The poor noncommissioned officer can not resign. He would if he could. He is enlisted for a term of years, and he must serve out his enlistment unless the Government, for some reason or other, is willing to let him go; and the Government can not let him go. It has to have his services.

Mr. WILLIAMS. Let me ask the Senator a question. These noncommissioned officers are given an increase of 20 per cent under the bill, and then they are given the rations. If you calculate a ration upon a percentage basis, what would it amount to for a first sergeant, let us say?

Mr. WADSWORTH. A noncommissioned officer, Mr. President, who is entitled to quarters under present regulations will, of course, get a ration for each room of his quarters plus 20 per cent of his present pay. The payment of rations at the present value of 55 cents per ration amounts to a fraction over 20 per cent actual increase in pay.

Mr. WILLIAMS. Then, at the present cost of living and at the present price of rations, he would get a real increase of 40 per cent?

Mr. WADSWORTH. Yes, in the cases where they are entitled to rooms; and he gets, in any event, an increase of 20 per cent.

The Senator has asked me how it would work out.

Mr. LODGE. Mr. President, before the Senator begins on that, because I do not want to interrupt him in it, I wish to call his attention to a matter which I think ought to be corrected by a proviso in section 2. When the Coast Guard was amalgamated with the Navy for war purposes, under the act of 1918, at that time very properly under the naval bill they made provision for the district superintendents and the senior superintendents, and assimilated them in rank, so that they had naval rank, and they have it now. But under that provision of the appropriation act it was to terminate at the conclusion of peace, and those men, who are the finest officers in the Coast Guard Service, will lose thereby their assimilation; they will be thrown out practically altogether. They will not get the pay of a keeper of a life-saving station.

Mr. WADSWORTH. That is true.

Mr. LODGE. They ought to be covered. A very simple amendment will do it. There are only 14 of them altogether. The Senator from Rhode Island [Mr. GERRY] has an amendment which covers it. It is very simple.

Mr. WADSWORTH. The Senator will present it after the committee completes its statement on the bill?

Mr. GERRY. That is my purpose.

Mr. LODGE. I shall have to leave the Senate in a moment, and I thought the Senator would forgive me for calling his attention to it now.

Mr. WADSWORTH. Now, Mr. President, we will take the case of a first sergeant. His present pay is $51 a month. He will get a 20 per cent increase of that, which will make his pay $61.20. If there are quarters available at the post at which he is stationed, his family can occupy those quarters, and he saves room rent. That is the case to-day.

Mr. SMITH of Maryland. Suppose there are no quarters available. Then what happens?

Mr. WADSWORTH. The Government under present law does not pay room rent for the families of noncommissioned officers.

Mr. SMITH of Maryland. Is there any reason why he should not have compensation equal to the cost of the room rent?

Mr. WADSWORTH. It might be arranged by a regulation.

Mr. SMITH of Maryland. If a room could not be found, it seems to me he ought to be entitled to compensation equal to the cost of a room.

Mr. WADSWORTH. The Government, of course, would have to put on a flat rate per room.

Mr. SMITH of Maryland. It applies to commissioned officers, and it seems to me that if a noncommissioned officer is entitled to rooms, if they can be had, he ought to be entitled to the cost of the rooms when they can not be had.

Mr. WADSWORTH. Yes. Take the case of a master electrician. His present pay is $81 a month. He will get $97.20 per month as the result of this bill.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. WADSWORTH. I yield.

Mr. GRONNA. Would the Senator object to an amendment providing that in cases where noncommissioned officers can not occupy quarters, an allowance shall be made? I agree with the Senator in his statement of a moment ago, that the noncommissioned officers are really the important part of the Army, so far as its morale is concerned, and why should not a noncommissioned officer have the same opportunity to get an allowance for quarters as a commissioned officer?

Mr. WADSWORTH. Mr. President, I would have no objection at all, provided it were confined to the upper grades of the noncommissioned officers. I think when a man has reached the upper grades, it ordinarily means he has had 12 to 15 or 20 years' service. I think it is good policy on the part of the Government, and money well spent, to make that man's life and his family's life a comfortable one, rather. It will never be too easy for him.

Mr. GRONNA. I suggest to the Senator that he prepare an amendment which will provide for that.

Mr. WADSWORTH. I will say frankly to the Senator that this bill did not attempt to change any existing law as to those who should have quarters and who should not. It merely took existing law as we found it in that respect and built upon it to get our increases.

Mr. GRONNA. But we do change existing law so far as it will apply to commissioned officers. We repeal two or three statutes, and I can see no good reason why we should not undertake to provide for these men, who have been faithful in their service for 15 or 20 years, and some of them for nearly 30. I know some of these men who have been in the service since the Spanish-American War, and who are in the service at this time. Of course, they were promoted for a short time, but they will have to go back. Some of those who are now lieutenants will have to go back to the rank of sergeant. They will get in the neighborhood of $60 a month. How are they to live on $60 a month? It seems to me it would be impossible.

Mr. WADSWORTH. I have already stated that to be the fact.

Mr. GRONNA. As I understand it, the Senator will have no objection to an amendment to provide for quarters for these men or making an allowance when there are no quarters?

Mr. WADSWORTH. I have no objection at all, Mr. President, to the principle involved in that suggestion. But I warn the Senator it must be very carefully drawn; we will have to give a great deal of consideration to it. But I think it is applicable to a bill of this sort; I do not mean to discourage the Senator, but we have to work out what grades it shall apply to.

Mr. GRONNA. I am perfectly willing to leave that to the chairman of the committee, because he knows a great deal more about it than I do.

Mr. WADSWORTH. I am not sure I do. My mind, Mr. President, has been puzzling about these things. I am not sure I know which is right and which is wrong.

Again speaking of the enlisted man, if you will examine the bill you will find that the bill does not bring any increase of pay to the privates in the Army or the apprenticed seamen in the Navy. Their pay was increased 100 per cent only two and a half years ago. The private in the Army gets $30 a month the instant he enlists. He is almost invariably a bachelor. Of course, almost invariably he is a young man. The Government feeds him, clothes him, gives him medical care, transports him when he is on duty, pays practically all his expenses, except what might be termed pocket expenses for tobacco and for entertainment. He gets $30 a month as it is.

It may be said that $30 a month is too low to attract men into the Army. The answer to that is that you will never be able to make it high enough to compete with private employment, anyway. The only thing that will attract men into the Army in time of peace is the prospect for advancement and better pay after a comparatively short period of efficient and faithful service. In other words, a young man would be willing to go into the Army at the base pay of $30 if he felt sure that after a year or two or three years of faithful, efficient service he could become a private, first class, and get an increase, as this bill would provide, of $9 per month in his pay. And if he made good there he would become a corporal and get another increase. If he made good there, he would become a sergeant and get another increase. So that after 6, 8, or 10 years' service in the Army he would really be on an excellent basis. It is the inducement held before them by a properly balanced pay schedule of that kind which will recruit your Army. You never can go out into the market and outbid industrial wages to-day in getting men in the Army in the first instance. If you attempt it you will bankrupt the Treasury of the United States.

Mr. SMITH of Maryland. I think the Senator's argument is most excellent; but it only goes to show that the more you remunerate the noncommissioned officers the more attractive it makes the service to the enlisted man. Therefore I think it shows the importance of taking care of the noncommissioned officer as soon as possible and giving him something to look forward to.

Mr. WADSWORTH. Mr. President, I will just show what this bill does in that respect.

Mr. SMITH of Maryland. It is not that he shall be a commissioned officer, but he has something to look forward to as a noncommissioned officer.

Mr. NORRIS. I should like to ask the Senator from New York a question. The Senator speaks of the inducement in getting the private soldier in, that he has a chance to be promoted and become a corporal. As compared with the number of privates in the Army, there are, of course, only a small number of corporals. They can not all be corporals. Is that really much of an inducement when it must be confined to so few?

Mr. WADSWORTH. There are more than the Senator supposes.

Mr. NORRIS. I have known of regiments where they had only one private and all the rest were officers.

Mr. WADSWORTH. The Senator is speaking about Central America. The privates of the Army comprise about 49 per cent of the enlisted strength; the first-class privates, about 24 per cent of the enlisted strength; and the other 26 per cent, approximately, of the Army is made up of corporals, sergeants, and the higher grades in the noncommissioned ranks. This bill leaves the pay of the private at $30, just where it is to-day. The pay of a first-class private, instead of being $33, as it is to-day, is made $39.60, quite a big increase. The pay of a corporal, instead of being left at $36, as it is to-day, is made $43.20. Fourteen per cent of the Army are corporals.

Mr. NORRIS. How does the private become a first-class private?

Mr. WADSWORTH. By good service.

Mr. NORRIS. Is that open to all privates?

Mr. WADSWORTH. Absolutely.

Mr. NORRIS. So that if they all performed good service we would have an Army composed entirely of that class?

Mr. WADSWORTH. No; the law limits to about 25 per cent the number of the men who can be made first-class privates.

A sergeant, instead of getting $38 as he gets to-day, would get $45.60—that is, the line sergeant. The staff sergeant would be raised from $44 to $52.80. Then when we get above the line and staff sergeants we begin to get into the noncommissioned class, where men have had quite extensive service and are apt to be married, and there the same increase in proportion extends. These are the ones whom the Senator from North Dakota [Mr. GRONNA] thinks might well be given quarters as a matter of right whereever they are stationed. They are now given quarters only when the quarters are available at the Army post.

Mr. NORRIS. I should like to ask the Senator what proportion of Army posts will have such available quarters?

Mr. WADSWORTH. I could not answer that accurately. Before we went into the war with Germany a good many Army posts did have them, because the Army was largely stationed at old Army posts, such as Fort Myer, for example, but since the war the Army has been moved into these big cantonments and is largely stationed at the big cantonments, which consist, as the Senator knows, almost entirely of barracks for the men alone, and there are no officers' quarters or noncommissioned officers' quarters worthy of the name at these cantonments. If it is intended to build them, it can be done, but we must remember all the time that we are spending the people's money.

Mr. President, the bill as drawn will increase the maintenance cost of the Army to the extent of $28,738,000 per year, of the

Navy $26,685,000 per year, the Marine Corps $2,657,000 per year, the Coast Guard $806,000 per year, and of the Public Health Service $642,000 per year. I have left off the hundreds and fractions of hundreds.

The total increase which the bill would carry and impose upon the Treasury for the horizontal raising of the pay of officers and enlisted men of all five services would be $59,530,000. I know full well that is somewhat discouraging. It means another increase in appropriations. I do not like it, and I assume that no other Senator likes the prospect of spending approximately $60,000,000 more. But the alternative is a very serious one. If we do not spend that amount of money, or approximately that amount of money, or unless there is a most marked change in the conditions of life within one or two years, we will not have any army and we will not have any navy. When these noncommissioned officers' terms of enlistment expire, they will not reenlist. They can not reenlist at the present rate of pay. The commissioned officers of the Army are getting out of it just as fast as they can.

Mr. WILLIAMS. How many have gotten out?

Mr. WADSWORTH. Twenty-two hundred have resigned from the Regular Army during the last six months.

Mr. WILLIAMS. Does the Senator know how many naval officers have resigned?

Mr. WADSWORTH. I do not know, but I know a large number of them want to resign. Their families are in distress; they can not educate and clothe their children decently. It is no fault of theirs, and, as a matter of fact, it is no fault of the Government in the first instance. It is the fault of the famous "H. C. L."—high cost of living.

Mr. STANLEY. Mr. President——

Mr. WADSWORTH. In just a moment. Let us remember that in the case of the Army, for example, the pay of the officers has not been increased one iota since 1908. The cost of living has a little more than doubled in that interval.

The pay of the enlisted men of the Army was very largely increased shortly after the outbreak of the war, so the bill does not provide as large an increase in pay for the enlisted men clear through all the grades of enlisted men as it does for the officers; but if you take the increase given to the enlisted men in May, 1917, and add to it the increase provided for in this bill you will find that since 1908 the enlisted men will have been increased by a much larger percentage than the officers will have been increased as a result of this bill alone.

Mr. STERLING. Mr. President——

Mr. WADSWORTH. I yield to the Senator from South Dakota.

Mr. STERLING. Does the Senator know how the resignations of officers from the Army are distributed as to rank, or has the Senator data showing that?

Mr. WADSWORTH. I have it in my office and will get it here in just a moment; but I will say that they have occurred in every rank from colonel down. Of course, the greater number are in the grades of captain, first lieutenant, and second lieutenant. I will tell the Senate why. These men have not been in the Army too long; they can get out and take their chance in civil life in making their living; but when a man has been in the Army 20 or 25 or 30 years and has reached the upper grades and has a family of half-grown or almost fully grown children he takes a terrible chance when he leaves the Army, and he feels that he has to stay on until he reaches the age of 64 and can be retired on three-quarters pay. So the majority of the resignations occur in the grades of second lieutenant, first lieutenant, and captain. Those are the young men, and, incidentally, those young men who are resigning from the Army to-day in the lower commissioned grades are the most valuable men if they could be kept in the Army. They are men with initiative, with gumption, with enterprise, who are not afraid to leave the Army and go out and make their own living. We are losing the best. The tendency is for the lethargic young man, the slow-minded, slow-thinking young man, the young man without much enterprise, to stay in the Army.

Mr. WILLIAMS. The timid one, too.

Mr. WADSWORTH. I yield now to the Senator from Kentucky.

Mr. STANLEY. I have not had an opportunity to hear the entire argument of the chairman of the committee. Perhaps I am asking him to repeat, but I am anxious to know if he has any data connected with the raise to show the relation of the increase of salary to the increase in the cost of living since the last appropriation fixing the existing rate some 10 years ago.

Mr. WADSWORTH. I can tell the Senator in a word. The pay of officers of the Army was fixed last in 1908. They have had no increase since of any kind whatsoever. The pending bill gives them a net increase of a fraction under 31 per cent. The cost of living has gone up more than 100 per cent. The bill does not bring them up to the increased cost of living. It only goes one-third of the way.

The enlisted men, particularly the privates, in 1917 were increased 100 per cent. The base pay of the private was raised from $15 a month to $30 a month. The base pay of other grades of enlisted men was increased but not quite in the same ratio, but the private got 100 per cent in 1917. This bill does not raise the pay of the private, but it raises the pay of all the other enlisted men, up through the noncommissioned grades, 20 per cent.

The Senator from South Dakota asked me about resignations.

Mr. STERLING. Yes. Has the Senator the data now?

Mr. WADSWORTH. I have it. Four lieutenant colonels resigned, 25 majors, 199 captains, 816 second lieutenants, and 1,106 first lieutenants. These resignations are distributed as follows: Eight hundred and thirty-five officers have resigned from the Infantry, 409 from the Coast Artillery, 344 from the Cavalry, 284 from the Field Artillery, 149 from the Medical Corps—and that is a very serious loss, which actually threatened the proper care of the sick in our hospitals—96 from the Engineers, 33 from the chaplains, 25 from the Dental Corps, 19 from the Veterinary Corps, 10 officers from the Philippine Scouts, 4 from the Quartermaster Corps, and 2 from the Judge Advocate General's Department. That is one-fifth of all the officers in the Army.

Mr. STERLING. I understood the Senator to say that the officers' increase amounted to 31 per cent.

Mr. WADSWORTH. Counting the commuted rations.

Mr. STERLING. That is what I wanted to understand.

Mr. WADSWORTH. The bill gives officers a 10 per cent flat increase in pay plus the payment of a ration per day for each room they are entitled to under quarters, and that means a uniform increase of 31 per cent clear up the line. That applies to the Navy, the Marine Corps, the Coast Guard, and the Public Health Service. They are all treated exactly alike.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from New York yield to the Senator from Kentucky?

Mr. WADSWORTH. Certainly.

Mr. STANLEY. When I was in the House four or five years ago my attention was called to the fact that at that time there was practically a standing offer from various fields of engineering, steel plants, and the like, for capable young officers of the Army at very much larger pay than the Government provided. Does that condition still exist?

Mr. WADSWORTH. Yes; more so than ever. A bright young officer who has had the education which the Government has given him can get twice as much pay on the outside as he can in the Army. He likes to stay in the Army because he likes the Army life. That is the only thing that keeps him.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. WADSWORTH. Certainly.

Mr. CALDER. Can my colleague inform me what is the pay received to-day by a second lieutenant in the Army?

Mr. WADSWORTH. Yes; I can give my colleague the figures exactly. A second lieutenant gets $1,700 a year base pay. If he can not get quarters in kind and has to rent rooms at the place where he is ordered to serve, he will get $288 allowed to him to pay his room rent for a whole year, which would not pay it for four months here in Washington.

Mr. CALDER. I thought I might contrast that with the fact that I am employing to-day in New York several alien laborers who can not speak the English language, and I am paying them $7 a day, which for 300 days in the year would make $2,100 a year.

Mr. WADSWORTH. Our hearings disclosed the fact that bricklayers in Washington receive $9 a day wages——

Mr. CALDER. Ten dollars a day now.

Mr. WADSWORTH. We are all glad they get that amount, but a first lieutenant in the Medical Corps operating in the operating room of Walter Reed Hospital every day, with the lives of men dependent upon his skill, only gets $6.50 a day. How can they stay in the service? The young man who testified to that effect told us he had put in his resignation four times. They can not let him go because he must continue to operate at the Walter Reed Hospital. In the last fiscal year that man has run into debt $1,200 living here in the city of Washington with his wife. They have no children. They live in two rooms. They cook their breakfast in one room and eat it in the other—in the bedroom. They never can invite anybody to come to see them, and by the same token they can not accept

invitations for entertainment elsewhere. They are crowded out of all entertainment and all the joys of social life. That was a specific instance given to us. As soon as that man can do so, he is going to leave the Army. He is running into debt at the rate of $1,200 a year, and he was brave enough and frank enough to submit to us his expenses and those of his wife, item by item and day by day, to show just how they struggled to keep within his salary.

Mr. WILLIAMS. Would he not be not only a fool, but dishonest, if he did not leave the Army?

Mr. WADSWORTH. Of course, he must leave the Army.

Mr. WILLIAMS. He would be dishonest if he did not do so.

Mr. WADSWORTH. He owes something like $2,000 for his medical education, which has not yet been paid for.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. I may have been absent when the subject has been up, but I desire to inquire does this bill make any provision for an increase in the pay of privates?

Mr. WADSWORTH. Not of the lowest-class privates, but it does increase the pay of privates of the first class and of the other enlisted men.

Mr. BORAH. What would it leave the pay of privates?

Mr. WADSWORTH. At $30 a month.

Mr. WILLIAMS. But they got an increase of 100 per cent.

Mr. BORAH. When?

Mr. WADSWORTH. Two years ago.

Mr. BORAH. An increase from $15 to $30 a month. Is it the purpose of those Senators having charge of legislation with reference to these matters to leave the pay of privates at $30 a month?

Mr. WADSWORTH. Yes, sir.

Mr. BORAH. Then, I am against the bill.

Mr. WADSWORTH. Of course, I regret that the Senator is against the bill on that account. I do not know that I am justified in retracing my steps in explaining to the Senator why the committee took that action.

Mr. BORAH. It may be possible that the committee has a good reason for having done so, but I can not imagine what it could be. It is, perhaps, no argument that the pay of the other men should not be raised, but it is a discrimination which, in my judgment, can not be maintained upon any ground of equity or justice.

Mr. WADSWORTH. I deny that it is a discrimination or that there is anything unjust or inequitable about it. If the Senator from Idaho will listen a moment, I shall try to convince him of that fact. It is very easy to say that things are discriminations and inequitable, but let us see what this case is.

A man enlists in the Army and receives the pay of $30 a month. He is invariably a bachelor, a young man. He is fed and clothed by the Government; he is housed and sheltered by the Government; he is transported whenever he moves according to the orders of the Government; and all his medical care is given to him by the Government. The $30 is pocket money. It is perfectly true that $30 of and by themselves do not attract men into the Army, because the man could probably make twice that amount in civil life.

Mr. BORAH. At least twice that amount.

Mr. WADSWORTH. He could get at least twice that amount in civil life in cash. He gets at least $60 in civil life, we will say, in cash; but he would have to clothe himself, feed himself, transport himself, pay his own doctor's bill in civil life, which he does not have to do in the Army.

It is utterly impossible for the Government to bid against industrial wages in the matter of the payment of privates upon first enlistment in the Army; it can not be done.

Mr. BORAH. It is equally impossible for the Government to bid against private corporations in the matter of the employment of the men who occupy positions in official life. The Government can not pay the man who works for it what the private corporation will pay men who perform similar work. That is out of the question. Senators who are capable of making $60,000 or $100,000 a year at their professions come here and work for $7,500 a year. The Government can not bid against that situation; there is no use to undertake it.

Mr. WADSWORTH. That is just what I am saying.

Mr. BORAH. And it ought to apply to one class just as much as to the other.

Mr. WADSWORTH. It does.

Mr. BORAH. I will wait until the Senator concludes his statement.

Mr. WADSWORTH. How does the Government get men to go into the Army?

Mr. BORAH. That is a long story.

Mr. WADSWORTH. Perhaps the Senator from Idaho desires to answer my question.

Mr. BORAH. There are numerous ways in which the Government gets men to go into the Army, but it certainly does not get them to go into the Army by paying them $30 a month.

Mr. WADSWORTH. Certainly not; and I was about to explain why. The Government could not get them for even $50 or $60 a month.

Mr. BORAH. Does the Government get men to accept the positions in which the salary has been increased for the salary?

Mr. WADSWORTH. No, sir; not for the salary alone. A man goes into the Army, in the first place, because that kind of life attracts him; it is a healthy and largely an out-of-door life. He regards it as a manly kind of occupation; it appeals to him. He has what might be called the soldierly instinct; perhaps he has the spirit of adventure. He feels that, perhaps, at some time or other during his enlistment he will encounter some adventure in connection with service in the Army, which will be attractive to him. That accounts very largely for the fact that the Marine Corps is always at war strength. Why? Not because the Marines are paid more than are the soldiers in the Army, for they are paid exactly the same, but the men who enlist in the Marines are of an adventurous nature, who seem to figure out that there is a chance that they may get into a little scrap somewhere, whether it be a little revolution in Central America, or a Boxer rebellion in China, or whatever it is, or may see something of the world. That is what brings them into the service. It is not the money.

Now, what is going to keep a proper percentage of them in the Army? It is the prospect for advancement; the prospect for greater power and influence among their fellows; promotion to first-class private, paying $9 per month more pay under this bill; promotion to corporal, bringing an even larger increase in pay; promotion to sergeant; and then a settled, secure, honorable status in the Army until they are 64 years old. That is what brings men into the Army and keeps them in the Army.

The trouble has been, I will say to the Senator from Idaho, not that the pay of the private has been too low, but that the pay of the noncommissioned officer has been too low. That pay being too low, there is no inducement or but little inducement for a man to enlist in the Army as a private, because there is no outlook, no prospect for his reaching a good scale of pay and a good status in the service.

It would not make any appreciable difference in our recruiting figures if we should raise the $30 pay for the private by 20 per cent, as is done for corporals and sergeants and sergeants major; it will not bring any more men into the service. Twenty per cent of $30 is $6. If we make the pay of the private $36 instead of $30 a month, I venture to say it would not bring in a total of 500 men in addition to what we now get under the $30 pay. It is what he is going to get after he has been in the service, so that if he gets a square deal and likes the life and reaches the grade of noncommissioned officer, where he can afford to marry and support a family in decency and comfort, then he is happy in the Army. Those are the kind of men we must keep in the Army, for they are the backbone of the Army. So there is nothing unjust about the matter.

Mr. STANLEY. As I understand the provisions of the bill, the increases are not for the purpose of inducing officers to come into the Army. Ordinarily the commissioned officer enters the Army as a cadet, and the object of the bill is to prevent the exodus of officers from the Army after we have educated and prepared them for the service.

Mr. WADSWORTH. That is one of the principal reasons.

Mr. POMERENE. Mr. President, I am going to support this bill. I would be better satisfied with it if it provided for some increase in the pay of the privates. In that respect I sympathize largely with the position taken by the Senator from Idaho [Mr. BORAH]. I hope that subject may be taken up later; but if such an increase is not to be granted now, that is no reason why we should be unjust to the officers of the Army.

I rose for the purpose of reading into the RECORD a portion of a letter which was written to one of the Representatives in Congress from my State. I know the young man who wrote the letter; he is one of the young officers of whom Ohio is very proud. What he says corroborates the splendid statement made by the chairman of the committee in support of the bill. The letter is a very interesting one and in part is as follows:

I am a Regular soldier and very proud of it, a graduate of West Point; served overseas considerably more than two years; won the distinguished-service medal at the age of 24; but I am also a farm owner and taxpayer from your district. * * * I request your favorable consideration of an increase in pay for Army officers. As you know, the pay has not been increased since 1907, but we are required by law to live as we did then, in a manner "becoming an officer and a gentleman"; required to be well dressed, yet a poorer uniform than I bought in 1916 for $48

cost me $126.30 a few months ago. I have not purchased any new shoes or boots since October, 1917, and do not see how I can before February, at the earliest. I have lived in camps or in the field since my graduation. * * * I am a captain and a bachelor, because I can not afford to get married. Were I to get married it would simply mean bringing myself and the girl to downright poverty. How junior married officers live is more than I can see. Many can not and are being driven out of the service, for which they spent the beginning years in training, believing that the Government would at least give them a fair chance to serve it. I would resign myself were it not for the fact that I love the service, ask only a chance to go on serving, and can not believe that the rich and generous United States, that extends charity to all the world, even its late enemies, is going to abandon its faithful service.

The returned soldier is rewarded when he is discharged, but the Regular that sticks is punished. My pay overseas was $302.50 a month; my reward upon my return was demotion and a loss of $82.50 a month. I do not care about the rank—I serve where I am placed—and I would not care about the pay were it not a downright hardship.

Over 2,000 Regular Army officers have resigned since the armistice—a fourth of us forced to go out in the world and start anew, with the handicap of years lost in service. That means, too, that they are the bravest and youngest of us. What is the Army going to do when they should have been our leaders? The reason that more of us have not gone is, the situation is unbelievable to the rest of us; but every day more and more are becoming discouraged, losing faith, and leaving behind them our sacred old motto, "Duty, honor, country."

Help to hurry this thing up before more say—to themselves—"Country will not care for me; why should I serve country?"

I know that is shocking, but so is seeing the demoralization of your true and loyal friends, and the terrible lowering of efficiency of the whole Army, our loyal old Army, that has obeyed your commands without asking the why of it since the time of Washington. Is it possible that men can be so selfish that Members of Congress play politics for self-advancement while they ruin what little protection the whole Nation has? Is it keeping their trust with the people? Why has Congress never tried to really understand the Army? Why are we applauded in time of war and damned again before we have returned from it? Why are we heroes when the enemy is in front of us, and scheming plotters, seeking self-advantage, when we try to improve ourselves so that the enemy will not come so near beating us the next time, and so that the next time you will be safer and have fewer sacrifices? Why accuse the Army of everything mean under the sun, when it is well known that your own order is behind us not to speak even in our own defense, and you know we will obey you?

Mr. President, I will not read any more of the letter. I have been long persuaded from the information that I have had that it was necessary for Congress to do something for the Army, and I would extend the scope of this relief to the private.

I realize that I am not in a position to speak authoritatively on that subject, because I am not a member of that committee, and have not had an opportunity to study the subject; but we love to think that every branch of the service, whether it is the military, the naval, the marine, or the civil service, attracts to it the best of the young men of the country, and, in the case of the civil service, the best of the young women of the country; but we can not attract this kind of talent if we are always going to be niggardly and pay to them less compensation than they can go out into private life and get in private employment. I do not think it is anything to the credit of the country to realize that many of these men have to go about almost threadbare in their apparel; and this applies to the civil service as well. I am sure the public does not expect the Congress to deal in a niggardly manner with its servants.

Mr. GERRY. Mr. President, I offer the amendment which I send to the desk.

Mr. WADSWORTH. Mr. President, may we complete the committee amendments first?

The PRESIDING OFFICER. The question is on the pending amendment of the committee, which will be stated.

The READING CLERK. On page 1, line 9, after the word "increases," it is proposed to strike out "50 per cent" and insert "20 per cent: *Provided*, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month."

Mr. BORAH. Mr. President, I am not going to take any time to discuss this matter, because I am considerably in the position of the Senator from Ohio [Mr. POMERENE]. Not being a member of the committee, and not having had an opportunity to go into the details, it would be useless for me to undertake to discuss it. I only rise to say that the letter that the Senator from Ohio has read is a much better argument for the position which I assume in regard to this matter than anything I could say. There is not a line nor a phrase in it of argumentative force that does not apply to doing justice to the privates equally with the officers. I suspect that one of the reasons why the matter is not taken up is because necessarily we have to stop somewhere and consider the Treasury, and it is thought that we can do this by piecemeal, and perhaps later take care of the privates. My only fear is that it will not be done at all; that after the bill as it is now proposed is passed, interest in the privates will cease.

I repeat, of course, without any imputation upon the sense of equity and justice of the committee, that to my mind the bill is unfair and discriminatory in undertaking to take care of the official life, as it were, of the Army, without giving any consideration at all to the interests of the privates.

Mr. TRAMMELL. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 1, line 9, it is proposed to strike out "twenty" and to insert in lieu thereof "thirty," so that, if amended, it will read:

Thirty per cent: *Provided*, That such increase—

And so forth.

Mr. TRAMMELL. Mr. President, I am only going to make a few remarks in regard to this amendment.

It developed in the address made to the Senate in regard to this bill by the distinguished chairman that the bill carries an increase of 31 per cent to the officers. It is also very apparent upon the face of the bill that it carries an increase of only 20 per cent to a certain part of the body of the privates, not even to all the privates. Unless a private is in class 1 he does not participate in any increase whatever under the provisions of this bill.

I submit, Mr. President, that if the conditions in this country justify any increase of the officers' salaries upon a basis of 31 per cent—and that is what it amounts to when you figure the 10 per cent flat increase and the ration allowance which is also provided—the same conditions that surround the officers and the same elements of justice that surround them also surround the private soldiers, and for my life I can not draw any distinction between the merits of the two cases.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Idaho?

Mr. TRAMMELL. I do.

Mr. BORAH. What is the effect of the amendment? I did not catch it as it was read. What does it do?

Mr. TRAMMELL. The effect of the amendment is to allow the privates an increase based upon 30 per cent instead of 20, as provided in the bill.

Mr. WADSWORTH. Mr. President, may I interrupt the Senator?

Mr. TRAMMELL. Certainly.

Mr. WADSWORTH. I think the amendment does nothing of the sort, if the Senator will permit me. It amends the bill by striking out the words "20 per cent" and inserting the words "30 per cent." The privates of the Army are not affected by this bill at all. The privates of the first class are, and all other enlisted men. The Senator's amendment would not apply to privates as drawn and presented.

Mr. TRAMMELL. I stated in my argument in regard to the matter that there was no increase provided for a certain class of the privates; that they had to be in the first class before they were even entitled to the benefits of the increase.

Mr. WADSWORTH. That is true; but does the Senator's amendment affect that?

Mr. TRAMMELL. My amendment would effect an increase of 30 per cent, rather than 20 per cent, as provided by the bill, to the class of privates that are within the purview of the bill at present. Then I think the other privates ought also to be put in a class where they would receive a certain increase of compensation.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. POMERENE. I notice that after the amendment which the Senator has proposed there is a Senate amendment which reads as follows:

Provided, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month.

Suppose that Senate amendment were eliminated. Then the text would read in the particular we are now discussing:

And the pay of all enlisted men and of members of the Female Nurse Corps of the Army and Navy is hereby increased 30 per cent.

If that were the final text, would not that increase apply to all privates under the phraseology of the bill?

Mr. TRAMMELL. That is true; and of course if I succeeded in getting my amendment adopted, I would then offer a further amendment to strike out the proviso, and that would entitle all of the privates, both of the first class and those below the first class, to the increase.

Mr. POMERENE. That was the thought I had in mind when I rose to make the suggestion.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Idaho?

Mr. TRAMMELL. I do.

Mr. BORAH. Permit me to understand: If the amendment of the Senator from Florida is adopted, and then the clause which the Senator from Ohio has read is stricken out, the bill will cover all privates?

Mr. TRAMMELL. That is my understanding of it, Mr. President.

Mr. BORAH. Is that the understanding of the Senator from Ohio?

Mr. POMERENE. That was my understanding.

Mr. TRAMMELL. And that would put the privates on an equality with the officers as far as the percentage of increase of salary is concerned, and in all fairness and justice I am unable to see why we should not give them the same percentage of increase that we give the officers.

I have a great deal of appreciation and esteem for the officers who command our Army and who command our Navy, but on account of that esteem and appreciation for them I have no less esteem for the privates who constitute the Navy and constitute the Army. The officers are essential and the privates or enlisted personnel are essential. Take the condition during the recent war: What would have happened if we had had a war carried on only by officers? Instead of our having had a great and glorious victory, our Nation and our allied nations would have gone down in hopeless defeat. So I submit that in justice you must consider the enlisted personnel as well as you consider the officers when you come to dealing with the question of maintaining your Army and when you come to consider the question of morale.

Senators talk about some officers having resigned from the Army. They will keep on doing that, regardless of the salary. There are doubtless some officers who could make more in private industry, and there are a good many more who are enjoying better salaries than they could secure if they went out into the fields of private endeavor. I know quite a good many officers personally. I know of some of them who made some sacrifice in serving their country at the salaries they were getting during the recent war; but, on the other hand, I know of quite a few of them who enjoyed emoluments to the extent of $500 or $1,000, or maybe $1,500, per annum more than they were getting in the private employment in which they were engaged prior to connecting themselves with the Army.

If you are going to argue that they might command greater emoluments in the private walks of life, can you not with equal merit and with equal justice and logic also argue that a great many of the privates can command more in private industries?

It is true that the demands and the necessities of the officers are greater, and I recognize that fact; but when you make an increase based upon a stated percentage of the salary of the officer and the private you necessarily, as far as the number of dollars is concerned, give a great deal more and a much larger sum to the officer. Therefore you are contributing more, even upon the same percentage of increase, to meet the necessities and the requirements of the officer.

Take a major, for instance: At the present time, with his commutation and his salary, he draws from the Government, we will say, approximately $3,800 or $3,900, does he not? I will ask the chairman of the committee whether I am correct in that?

Mr. WADSWORTH. It depends upon how long he has been in the service. His base pay is $3,000.

Mr. TRAMMELL. His base pay is $3,000. I will say that a major under the present law draws in compensation and for his commutation, lights, and so forth, approximately $3,800. Now, I am not arguing that he should not have some increase; but what does the average man over this country, who is paying the fiddler, think when you tell him that in the case of an officer who is drawing $3,800 or $4,000 per annum you have to increase his salary to the extent of 31 per cent in order that he may meet the necessities of his situation, which would be approximately $1,200 increase, and in the next breath you tell him that the private who is drawing $30 a month is getting sufficient because he happens to get a place to sleep and his meals, and that he should not have an increase of $9 per month; that you would give him no increase whatever?

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. POMERENE. I am in sympathy with the proposition that the pay of the private should be increased; but, at the same time, we must be entirely fair about this. The private has his keep, whether it is at a high cost or at a low cost. This only applies to cash pay.

Mr. TRAMMELL. Mr. President, I realize that. I said they would say that he should not have an increase because he was getting a place to sleep, getting shelter, and was being provided with food and raiment, and offered that as an excuse why a private should not have an increase of $6 per month; and yet an officer, who was already drawing his salary of $4,000 per annum, should have an increase of $100 per month, speaking in round figures.

Mr. President, I can not quite discern between the two, why officers should enjoy a 31 per cent increase and the others should enjoy no increase, or that a certain class of the privates should enjoy an increase of only 20 per cent and about half of all of them should not be given any increase whatever. Those omitted are those who receive the smallest salary at present.

Mr. President, I do not feel that we have been dealing quite fairly with the rank and file of the American Army and Navy. Ever since the termination of the war we have been called upon to legislate, and there has been a disposition to legislate, in favor of increasing the salaries of officers, in favor of providing certain special recognition to certain officers on account of the service that they rendered during the war, and a deaf ear, almost, has been turned to the rank and file of the American Army and Navy in the matter of paying a Nation's tribute to them for their valor, for their courage, and for their sacrifices during that terrible conflict which tested the manhood of the Nation.

I submit, Mr. President, that our officers performed a commendable service, that they reflected credit upon themselves, upon the American Army, upon the American Navy, and upon their Nation, and that they are entitled to some recognition. But I also assert, Mr. President, that the private soldier and the officers of lower rank, such as lieutenants and captains, and occasionally a major, who led the charges from the trenches and won victory against a foe which had seemed almost unconquerable and invincible until the time America entered the war, are, too, entitled to a meed of praise and a token of the Nation's gratitude greater than we have given to them.

The average officer does not undergo the hardships that the private undergoes. He lives under more congenial and pleasant surroundings. He has more comfortable quarters. He enjoys a far greater salary, and yet the great rank and file of the Army, who endured the greater hardships, who met the enemy face to face, many of whom sacrificed their lives in defense of their country, are to be passed along until some more convenient season. We say to them, "At some more convenient season we will consider your case." That is no reflection upon the officers. I have no reflection to make upon the officers.

I was astounded and I was chagrined and made to feel ashamed for my country when it developed in a hearing before a meeting of a subcommittee of the Naval Affairs Committee recently that the different commanding officers, in selecting men to be recommended for the Navy cross and the distinguished service medal, overlooked the fact that out of the great number of men in the Navy who were so unfortunate as to not be officers only a very few had been recommended for any kind of special decorations. The excuse was that when the request came for recommending men for special decorations they did not have the records of the enlisted men. I then developed information that they did not have the records of the officers. But those commanding officers, with a great deal of diligence, soon procured the records of the officers, and as a result a very large majority of them were recommended for some special decoration in one form or another. But I say, Mr. President, that the poor enlisted man, who endured the hardships, who served his country for the pittance of $30 or $33 a month, was passed over, was forgotten, and he had no friend at court.

I can not bring myself to such a frame of mind, Mr. President, as to feel that it is quite just that we shall keep on and keep on enacting legislation in favor of the more fortunate of our Army, neglecting the interests and the proper consideration, as I see it, of the less fortunate.

Therefore I offer this amendment, and I feel, Mr. President, that justice, the interests of our country, and fair play demand that the amendment be adopted, and that it can not be said, and again said, that the United States Senate practically ignored the great rank and file of the American Army and Navy, and that the Senators wear glasses that could only see the officers. I want all of them to be justly dealt with.

Mr. WALSH of Massachusetts. Will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. WALSH of Massachusetts. Can the Senator, or some member of the Military Affairs Committee, inform us just what class of enlisted men in the Army and Navy, if any, are given any increase under this bill?

Mr. TRAMMELL. Mr. President, I am not sure that, with the peculiar wording, any of them get an increase. If a person reads the bill and does not do a little thinking, he is rather impressed that the enlisted man has been given a 20 per cent increase. But if he reads it closely and dissects it he finds that that is what you would call a little "moonshine," or a little shadow, and that it means nothing so far as doing anything in behalf of the great majority of the enlisted men of the Army and the Navy.

Mr. WALSH of Massachusetts. I should like to ask the Senator if, in his experience in business houses and manufacturing establishments, when they undertake to raise salaries it is not a fact that they usually do not confine the raises to the officials, but raise the individual employees as well as the officers?

Mr. TRAMMELL. That is true, Mr. President; and the Congress of the United States has gone on record in that matter in dealing with clerks' salaries. Congress passed a measure providing for a bonus of $240 per annum to the clerical forces of the Government in various departments, but the limitation placed upon it was that the $240 should not be paid to persons receiving a salary of more than $2,500 per annum. Congress has gone on record as considering that those who are not so fortunate as to draw the larger salaries are more entitled to an increase of pay than those who occupy the more fortunate positions and draw the larger salaries.

Of course, some officers might leave the service, as has been stated. But, Mr. President, they are having great difficulty in building up the Army, as far as enlisted men are concerned. I have noticed in my own State within the last few days that they were having meetings for the purpose of trying to encourage the boys of those communities to join the Army. The mayor of Tampa, Fla., one of the large cities of my State, made an address at a meeting held especially for the purpose of encouraging the boys to join the Army. Mr. President, do you think or does any other Senator think that when the report goes out through the press of this Nation that the United States has provided an increase of 31 per cent for all of the officers and has not provided an increase for a very large part of the enlisted personnel of the Army, and this is only 20 per cent, that will be very encouraging news toward getting enlisted men into the Army of this country?

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Massachusetts?

Mr. TRAMMELL. Certainly.

Mr. WALSH of Massachusetts. I believe the Senator from Florida is a member of the Naval Affairs Committee of the Senate. Am I correct?

Mr. TRAMMELL. Yes; that is correct.

Mr. WALSH of Massachusetts. I would like to know whether he or any members of his committee had anything to do with the drafting of this bill, which purports to increase the salaries of naval officers as well as Army officers?

Mr. TRAMMELL. Mr. President, I can speak for myself only, as one member of the committee. I knew nothing whatever of it, as far as I myself am concerned, and I know that it was not before the committee for consideration. Whether the individual membership of the committee, different ones, had any knowledge of it I do not know; but it was not given any consideration before the Naval Affairs Committee; and as far as I myself am concerned I will state to the Senator from Massachusetts that if it had been before the committee I would have recorded at least one vote against it in its present form.

Mr. WALSH of Massachusetts. So we have before us a bill to increase the pay of Navy and Army officers which has never been referred to, deliberated upon, nor considered by the committee in this Chamber having charge of our naval affairs.

Mr. TRAMMELL. Mr. President, that statement is correct. I have attended the meetings, and no longer ago than this morning this question was up; but it has not been officially considered by the Senate Committee on Naval Affairs.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TRAMMELL. I yield.

Mr. GERRY. As a matter of fact, the Senator knows that the Senate Naval Affairs Committee was considering this morning the House bill on this subject, which was introduced in the House by Mr. KELLEY of Michigan.

Mr. TRAMMELL. Mr. President, that is correct; and a further consideration of it was deferred only for the reason that Senator LODGE, of Massachusetts, was absent and asked that it be carried over until he could attend the committee meeting. He was detained on other business this morning.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. I yield.

Mr. KING. I am a member of the Naval Affairs Committee, as is the Senator from Florida. I heard the explanation offered by the Senator from New York [Mr. WADSWORTH] as to why this bill is rather an omnibus measure, and it seemed to me that it was a very appealing and a very strong reason.

I can readily understand that if the Military Affairs Committee, the Naval Affairs Committee, the committee that has charge of the public health, and some other committee were considering increases in salary and compensation of persons where there is a sort of relation in the character of the service rendered there might be disparities and discrepancies that would lead to heartburnings and to discriminations that would be unfair. It seems to me, therefore, that one committee ought to originate this legislation. But if I had had my way, it would have been a joint committee, representing each of the committees of the Senate that have to deal with those subjects. But the matter having been considered by the Military Affairs Committee, and a bill having been produced which, upon its face at least, seems to be fair, does the Senator think there ought to be a recommitment, or that this bill ought to be defeated because the Naval Affairs Committee did not have anything to do with it?

Mr. TRAMMELL. Mr. President, I made no suggestion of that kind; I had made no reference to that fact and I had not made a motion that it be recommitted. We are guilty of what I consider discrimination in the bill in providing an increase of 31 per cent to officers and only an increase of 20 per cent to a small part of the privates of the Army and Navy, and leaving entirely aloof without any increase whatever a large number of privates of the Army and Navy.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. TRAMMELL. Certainly.

Mr. WALSH of Massachusetts. I understood the Senator from Florida to say that this very morning the Committee on Naval Affairs was considering legislation to increase the pay of naval officers, and yet this afternoon in the Senate Chamber we are discussing a bill which was reported by the Committee on Military Affairs actually increasing the pay of naval officers. Am I correct?

Mr. TRAMMELL. The Senator is correct.

Mr. WALSH of Massachusetts. The Senator will agree that there is enough business here for Senators to do without wasting their time at cross purposes on legislation which different committees have under consideration and which one committee has handled.

Mr. TRAMMELL. I think it would have been better for it to have been considered by a joint committee composed of the membership of the two committees, the Committee on Military Affairs and the Committee on Naval Affairs. I think that would have been better, but of course I did not rise to launch any fight upon that particular feature.

I rose to call to the attention of the Senate what I consider to be a discrimination against the privates, or you might say the rank and file, of the Army and Navy, and to appeal for justice not only for the officers, many of whom enjoy splendid salaries at the present time and live in more or less comfort and affluence, but also for the rank and file of the American Army and Navy.

Mr. SPENCER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Gronna	McKellar	Smoot
Brandegee	Harris	Moses	Stanley
Calder	Harrison	New	Sterling
Capper	Kellogg	Norris	Sutherland
Chamberlain	Kenyon	Overman	Townsend
Colt	King	Page	Trammell
Dial	Kirby	Phelan	Wadsworth
Fernald	Lodge	Poindexter	Walsh, Mass.
Gerry	McCormick	Sheppard	Warren

Mr. SMOOT. I desire to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is not a quorum present. The roll of absentees will be called.

The Assistant Secretary called the names of the absent Senators, and Mr. FRELINGHUYSEN, Mr. HALE, Mr. JONES of New Mexico, Mr. PITTMAN, Mr. POMERENE, and Mr. SPENCER answered to their names when called.

Mr. CHAMBERLAIN. I desire to announce that my colleague [Mr. MCNARY] is absent on business of the Senate.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. FRELINGHUYSEN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. Without objection, it is so ordered. The Sergeant at Arms will carry out the order of the Senate.

Mr. ROBINSON, Mr. CURTIS, Mr. NUGENT, Mr. SMITH of Georgia, Mr. BALL, and Mr. SMITH of South Carolina entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL] to the amendment of the committee.

Mr. TRAMMELL. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). I am paired with the Senator from Virginia [Mr. SWANSON], who is necessarily absent on account of the illness of his wife. During that absence I have agreed to take care of him by pair, and therefore I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the senior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. RANSDELL. I transfer my pair with the Senator from New Hampshire [Mr. KEYES] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. BALL (after having voted in the negative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I find he has not voted. I transfer my pair with that Senator to the junior Senator from West Virginia [Mr. ELKINS], and will let my vote stand.

Mr. SUTHERLAND. I have a pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the junior Senator from California [Mr. JOHNSON] and vote "nay."

Mr. KELLOGG. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], which I transfer to the Senator from Wisconsin [Mr. LENROOT] and vote "nay."

Mr. DIAL (after having voted in the affirmative). I have a pair with the Senator from Colorado [Mr. PHIPPS], which I transfer to the Senator from Tennessee [Mr. SHIELDS], and I will let my vote stand.

Mr. MCCORMICK (after having voted in the negative). I have a pair with the junior Senator from Nevada [Mr. HENDERSON]. I note that he is not in the Chamber, therefore I withdraw my vote.

Mr. WATSON. I have a general pair with the Senator from Delaware [Mr. WOLCOTT], who is absent. I transfer that pair to the Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Michigan [Mr. NEWBERRY] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 24, nays 26, as follows:

YEAS—24.

Borah	McKellar	Pittman	Smith, S. C.
Dial	McNary	Poindexter	Stanley
Gerry	Norris	Pomerene	Sterling
Gronna	Nugent	Ransdell	Townsend
Harrison	Overman	Robinson	Trammell
Kenyon	Phelan	Sheppard	Walsh, Mass.

NAYS—26.

Ball	Frelinghuysen	Nelson	Wadsworth
Brandegee	Hale	New	Walsh, Mont.
Calder	Harris	Page	Warren
Capper	Jones, N. Mex.	Sherman	Watson
Chamberlain	Kellogg	Smith, Ga.	Williams
Colt	Kirby	Spencer	
Curtis	Lodge	Sutherland	

NOT VOTING—45.

Ashurst	Gay	La Follette	Shields
Bankhead	Gore	Lenroot	Simmons
Beckham	Harding	McCormick	Smith, Ariz.
Culberson	Henderson	McCumber	Smith, Md.
Cummins	Hitchcock	McLean	Smoot
Dillingham	Johnson, Calif.	Moses	Swanson
Edge	Johnson, S. Dak.	Myers	Thomas
Elkins	Jones, Wash.	Newberry	Underwood
Fall	Kendrick	Owen	Wolcott
Fernald	Keyes	Penrose	
Fletcher	King	Phipps	
France	Knox	Reed	

So Mr. TRAMMELL's amendment to the amendment of the committee was rejected.

Mr. TRAMMELL. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The READING CLERK. On page 1, line 7, it is proposed to strike out "10" and to insert "2."

Mr. TRAMMELL. Mr. President, the effect of this amendment is to cut down the increase contemplated for the officers to where they will be drawing an increase of about 23 per cent as against the 20 per cent that is allowed to the enlisted men. The Senate has gone on record in opposition to raising the percentage of increase to privates and enlisted personnel to the percentage provided in the bill for officers. Therefore I desire to test the sentiment of the Senate on the question whether it is desired to cut the officers' increase down to where it will be at least close to the percentage allowed to the enlisted men.

The enlisted men—that is, those that come within the purview of the bill at all—are only allowed 20 per cent. The chairman of the committee stated that the flat increase of 10 per cent and the extra-ration allowance provided in this bill for officers made a total percentage of increase of a fraction less than 31 per cent for the officers. Even those enlisted men who will enjoy the benefits of this bill—and I submit that the proviso is so worded that a great many of them will be excluded from its benefits—will only be allowed a 20 per cent increase.

I first sought to equalize the matter by raising the percentage of the increase of the enlisted men to the percentage of the increase given to the officers; but the Senate, by a vote of 26 to 24, in its wisdom has decided that it does not want to increase the percentage of the salary increase to the enlisted men to a point where it will be equal to that provided for the officers. Therefore I desire now to offer this amendment, and to ascertain whether the Senate is willing, as I see it, to do justice by the enlisted men by bringing the increase proposed for the officers down to a point where it will be only 3 per cent more than that provided for the enlisted men, instead of leaving it approximately 11 per cent more than that given to the enlisted men.

Mr. WARREN. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. TRAMMELL. I do.

Mr. WARREN. Of course, the Senator in his argument does not give us the information that the private soldier has had his pay doubled since there has been any increase made for the officers.

Mr. TRAMMELL. Mr. President, I do not think the fact that the private soldier might have had his pay increased and the officer did not has any bearing upon the merits of the case. The reason given for increasing the salary of the officer at the present time is that in justice he is entitled to it; that he needs it in order that he may provide the necessities of life. I submit that the private and the enlisted man of this country is living under the same conditions, in the same atmosphere, as far as the value of a dollar is concerned, and has the same proportionate increased demands that the officer has. I think that is an answer to that statement.

Mr. WARREN. But the Senator must, in comparison, admit first that the private soldier's pay has been doubled during the war, and, furthermore, that he has received, if on the other side, 20 per cent in addition to that, where the officer has not had any increase whatever, and gets only 10 per cent increase when he is abroad. Again, so far as the living of the private soldier is concerned, it is all furnished by the Government, except his

tobacco; so that the rise in the cost of living has been on the part of the Government and has not operated against the men.

Mr. TRAMMELL. Mr. President, it is the same old story of penalizing the man who has been penalized heretofore, and continuing to deprive him of justice and his rights, as I see it. The mere fact that the private soldiers and the men of the Navy in years gone by were only given a little pittance of $13 and something per month and have had that increased, I say, has no bearing upon the merits of the question at this time. The same logic, the same reasons that you use as to why an officer's salary should be increased, apply with like effect to the private.

If it is a financial problem, if it is a problem of justice, if it is a problem of equalizing the remuneration of a man who is in the Government service with that of people in private industries, then, I say, with like effect and with equal justice you may apply to the enlisted men the same reasons and the same logic that you base your contention upon in behalf of the officers.

I want to reiterate that I appreciate the officers, I appreciate their loyalty and their patriotism and the great work that they did during the recent war. That is not the question. The question is that we are dealing with the American Army and the American Navy; and I submit that this great force of men comprising the Army and the Navy, who, in my opinion—and I do not mean any reflection by the statement—had no representative at court when this bill was prepared, should now be considered and given justice. I would not take from the officer his honor, his credit, nor justice for him; but I think we should deal with equal justice toward the privates, and I reassert that I can not recognize this line of demarcation that is, you might say, the twilight zone, that enables members of the committee to say that an officer should have his salary increased approximately 31 per cent, but that only a small part of the ranks of the Army and of the Navy should have an increase of just 20 per cent. That is the reason why I have offered these amendments, and hope that this amendment will be adopted.

Mr. WADSWORTH. Mr. President, just a few sentences.

In view of what the Senator from Wyoming [Mr. WARREN] remarked a moment ago, I thought it might be of interest to the Senate for me to say that in drafting this pay bill the committee, of course, had not the slightest intention of discriminating against the enlisted men, whether they be of the grade of private, or private first class, or any of the other enlisted grades, nor of extending to commissioned officers any help over and above that which they need. We simply knew that the pay of the Army as a whole had been last fixed in 1908, that the pay of a portion of the Army had been changed since that period, and in drafting this bill we thought we would make an effort to make the percentage of increases given to all the different grades of the Army, from private up to general, conform somewhat to a definite scheme of progress.

As illustrating that, let me say that if you take the last Army pay schedules which were made for the Army as a whole in 1908, and then take this bill and figure out the percentages of increase given to the officers and men in the several grades, you will find, particularly in relation to the enlisted grades, the following results: That, as compared with the pay of 1908, the pay of the private soldier under this bill will be increased 100 per cent; the pay of the private first class will be increased 120 per cent; the pay of the corporal will be increased 105 per cent; the pay of the staff corporal will be increased 80 per cent; the pay of the line sergeant will be increased 52 per cent; the pay of the staff sergeant will be increased 46 per cent plus; the pay of the battalion sergeant major will be increased 44 per cent. All of these increases are far above the increases received by the officers in the same period of time, which in the aggregate can not exceed 31 per cent.

That is all I have to say.

Mr. KIRBY. Mr. President, I should like to ask the chairman of the committee a question. How do these increases compare with the salaries fixed in the bill providing for the permanent Military Establishment? Do they provide the same rate of pay for these officers that is provided in that bill?

Mr. WADSWORTH. Not quite.

Mr. KIRBY. I was just trying to find out what the necessity was for two bills.

Mr. WADSWORTH. The Army reorganization bill, as will be developed later on, groups several grades into one group, and reduces the number of noncommissioned and enlisted grades of the Army from 49 to 9, but makes no considerable change in the pay of the men who will occupy those new grades; so the discrimination against the enlisted men is not apparent.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL].

The amendment was rejected.

Mr. TRAMMELL. Mr. President, I have another amendment which I desire to offer.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to amend, page 1, in line 10, by striking out the words:

Provided, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month.

Mr. TRAMMELL. Mr. President, the effect of this amendment will be to allow the enlisted men to draw the 20 per cent which is provided by the committee without having a very large number of them excluded by the proviso. Unless we adopt this amendment striking out the proviso, a very large percentage of them will be excluded from participating in the increase even of 20 per cent.

The PRESIDING OFFICER. Let the Chair advise the Senator from Florida that the same conclusion would be reached by voting down the committee amendment in lines 9 and 10.

Mr. TRAMMELL. I do not think so, Mr. President, because the committee amendment strikes out the "50 per cent" that was in the bill as introduced and inserts "20 per cent," so I think we had better have a vote on the amendment as I have offered it.

The PRESIDING OFFICER. Very well.

Mr. HARRISON. Mr. President, is the amendment on lines 9 and 10 of the first page and the first and second lines of the second page divisible, so as to vote first on the 20 per cent?

Mr. TRAMMELL. Mr. President, if the Senator will yield, my amendment only applies to the proviso. It provides that that shall be stricken from the bill.

The PRESIDING OFFICER. Yes; the amendment could be divided.

Mr. TRAMMELL. There is no reason to divide it, I think. The Senator, I think, was laboring under a misapprehension. He thought it also referred to the percentage, but it does not refer to the percentage.

Mr. HARRISON. Yes; that is true.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York inform us what percentage of the enlisted men will receive a 20 per cent increase in case the amendment offered by the Senator from Florida is adopted?

Mr. WADSWORTH. All of them.

Mr. WALSH of Massachusetts. Will the Senator tell us what percentage of the enlisted men are given an increase under the language of the bill as reported by the committee?

Mr. WADSWORTH. I can tell the Senator the percentage, so far as it affects the Army. I can not so far as it affects the Navy. The privates in the Army comprise approximately 48 to 49 per cent of the enlisted strength. They would not receive an increase under this bill. The privates, first class, would receive an increase, and all the other grades from that up

Mr. WALSH of Massachusetts. So that, to put it in another way, the increase would affect 51 per cent of the Army?

Mr. WADSWORTH. About 52 per cent.

Mr. WALSH of Massachusetts. And that includes all commissioned officers and privates of the first class?

Mr. WADSWORTH. All noncommissioned officers and privates of the first class.

Mr. HARRISON. Mr. President, I should like to ask the Senator from New York a question. I notice that the Senator from New York introduced this bill on November 3, and it was reported out on December 8. When the Senator introduced it the bill provided that the increase in the pay of the enlisted man should be 50 per cent. That is stricken out by the committee and 20 per cent inserted. May I ask the Senator whether there was quite a division of the committee on that proposition?

Mr. WADSWORTH. No, Mr. President, I do not recollect that there was any marked division. The committee was moved by two considerations, as I recollect it, in reducing the 50 per cent increase to a 20 per cent increase. One of the considerations was that the pay of the privates, privates of the first class, and corporals in the Army had been increased since the last Army readjustment and pay bill had been passed by over 100 per cent, and that it would not be necessary to increase them another 50 per cent in addition.

The second consideration was that the Treasury of the United States has a limit in its resources, and that we could not afford to raise the pay of all the enlisted men of the Army by 50 per cent.

Mr. HARRISON. Some of us on this side have a very high respect for the Senator's judgment in this matter, and seeing that he was of the opinion on November 3 that it should be increased 50 per cent and that this change was made by the committee on December 8, may I ask the Senator whether the committee convinced him that he was wrong in thinking that it should be 50 per cent?

Mr. WADSWORTH. Very frankly, yes; I think I was wrong, after having seen what the increase would amount to and the recruiting figures. The Senator must remember that the amendment applies to the Navy, the Marine Corps, the Coast Guard, and the Public Health Service.

Mr. HARRISON. I understand. I was just curious to know whether the Senator was convinced that he was wrong.

Mr. WADSWORTH. We went into the matter at great length with a number of officers and enlisted men. We had enlisted men before us, very interesting men, who had served for a long time in the Army and Navy, and asked them about it. They talked to us in a very straight and very manly, square way. The emphasis was placed on the necessity of helping those persons in the Army who are married, not the persons in the Army who are bachelors.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL] to the amendment of the committee.

Mr. TRAMMELL. I ask for the yeas and nays.

Mr. GRONNA. May the amendment to the amendment be stated?

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. In section 1, page 1, strike out the proviso beginning on line 10, after the words "per centum," in the proposed amendment of the committee. The proviso reads:

Provided, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Making the same transfer as heretofore, I vote "nay."

Mr. DIAL (when his name was called). I have a pair with the junior Senator from Colorado [Mr. PHIPPS], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "yea."

Mr. McCORMICK (when his name was called). I have a pair with the Senator from Nevada [Mr. HENDERSON], which I transfer to the Senator from Maryland [Mr. FRANCE], and vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement previously made with reference to my pair, I withhold my vote.

Mr. REED (when his name was called). I transfer my pair from the Senator from Michigan [Mr. NEWBERRY] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. JONES of Washington. The Senator from Virginia [Mr. SWANSON] is absent on account of the illness of his wife and I promised to take care of him during his absence. I transfer my pair with that Senator to the Senator from Wisconsin [Mr. LENROOT] and vote "yea."

Mr. RANSDELL. I transfer my pair with the Senator from New Hampshire [Mr. KEYES] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

The result was announced—yeas 25, nays 25, as follows:

YEAS—25.

Dial	Kenyon	Ransdell	Sterling
Gerry	McKellar	Reed	Townsend
Gronna	McNary	Robinson	Trammell
Harris	Nugent	Sheppard	Walsh, Mass.
Harrison	Overman	Simmons	
Hitchcock	Poindexter	Smith, Ga.	
Jones, Wash.	Pomerene	Smith, S. C.	

NAYS—25.

Brandegee	Hale	Nelson	Walsh, Mont.
Calder	Jones, N. Mex.	New	Warren
Capper	Kellogg	Page	Watson
Chamberlain	King	Phelan	Wolcott
Cummins	Kirby	Spencer	
Curtis	Lodge	Sutherland	
Frelinghuysen	McCormick	Wadsworth	

NOT VOTING—45.

Ashurst	Fletcher	Lenroot	Shields
Ball	France	McCumber	Smith, Ariz.
Bankhead	Gay	McLean	Smith, Md.
Beckham	Gore	Moses	Smoot
Borah	Harding	Myers	Stanley
Colt	Henderson	Newberry	Swanson
Culberson	Johnson, Calif.	Norris	Thomas
Dillingham	Johnson, S. Dak.	Owen	Underwood
Edge	Kendrick	Penrose	Williams
Elkins	Keyes	Phipps	
Fall	Knox	Pittman	
Fernald	La Follette	Sherman	

So Mr. TRAMMELL's amendment to the amendment of the committee was rejected.

Mr. TRAMMELL. I desire to reserve the right when the bill gets into the Senate to have a vote on the first amendment which I offered, and also on the amendment just voted upon.

The PRESIDING OFFICER. The amendments may be offered then. It is not necessary to reserve the right to offer the amendments in the Senate.

Mr. TRAMMELL. The vote just taken having been a tie, I desire to have a recapitulation of the vote.

The PRESIDING OFFICER. It will be recapitulated.

The Assistant Secretary recapitulated the vote.

Mr. PITTMAN. I vote "yea."

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. The Senator from Nevada was not in the Chamber at the time the result of the vote was announced. Can we open up the roll call again?

The PRESIDING OFFICER. No; the Senator has no right now to vote.

Mr. GRONNA. Mr. President, I ask unanimous consent that we may proceed to a new roll call on the amendment to the amendment. I think that is only fair. I think the Senate of the United States ought to have a right to say how it wants to vote.

Mr. PITTMAN. I should like very much to know what my privileges are. I understood that the Secretary was tabulating the vote.

The PRESIDING OFFICER. It was a recapitulation. The vote had already been announced.

Mr. GRONNA. I renew my request for unanimous consent.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that there be a new roll call.

Mr. KING. I object.

Mr. WARREN. I understand objection has been made?

The PRESIDING OFFICER. There is objection.

Mr. GRONNA. May I ask the Senator from New York if he intends to finish the bill to-day?

Mr. WADSWORTH. That is up to the Senate. I should like——

Mr. GRONNA. The Senator knows whether he has it in his mind to finish it to-day. As he knows, there is some injustice in the bill with reference to the noncommissioned officers, and I am quite sure the Senator will agree with me that it ought to be remedied. I am not in a position now to draw the proper amendment, because, as the Senator has suggested, it must be very carefully drawn. In all justice to those men, it seems to me the amendments ought to be prepared and at least we ought to have an opportunity to vote on them.

Mr. WADSWORTH. I am in sympathy with what the Senator from North Dakota desires to bring about with respect to quarters for noncommissioned officers. It is very difficult at this moment to say whether I can support such an amendment until I know the final action of the Senate on the amendments which will be offered again in the Senate by the Senator from Florida [Mr. TRAMMELL].

Mr. GRONNA. I understand that.

Mr. WADSWORTH. If the Senator from Florida succeeds to-morrow in increasing the pay of all the enlisted men 30 per cent, I think then the amendment suggested by the Senator from North Dakota is not necessary. If the Senator from Florida does not succeed in that, I will join with the Senator from North Dakota in endeavoring to provide quarters under the bill for the men whom he and I have discussed.

Mr. GRONNA. I was quite sure the Senator from New York was in sympathy with my suggestion. It is after 4 o'clock now——

Mr. WADSWORTH. Let us finish the committee amendments.

Mr. GRONNA. I shall be very glad to finish the committee amendments, but I suggest to the Senator from New York that after they have been disposed of we should adjourn until to-morrow.

Mr. WADSWORTH. That is entirely agreeable to me.

Mr. LODGE. There is one other amendment with regard to the district superintendents of the Coast Guard, which I think can be disposed of in a few minutes.

Mr. WADSWORTH. May we proceed with the committee amendments first? They will only take a moment, I believe.

The PRESIDING OFFICER. The pending amendment will be stated.

The ASSISTANT SECRETARY. The committee amendment pending is on page 1, line 9, where it is proposed to strike out "50 per cent" and insert:

Twenty per cent: *Provided*, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is that question divisible?

The PRESIDING OFFICER. It is not divisible.

Mr. HARRISON. Can we not vote first on the question of striking out "50 per cent" and inserting "20 per cent" and then vote on the proviso?

The PRESIDING OFFICER. It is not divisible under Rule XVIII. The question is on the amendment proposed by the committee.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARRISON. What is the ruling of the Chair?

The PRESIDING OFFICER. There was not a sufficient number.

Mr. HARRISON. I ask that the other side be counted.

Mr. PITTMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nugent	Spencer
Brandegee	Harrison	Overman	Stanley
Capper	Hitchcock	Page	Sutherland
Chamberlain	Kellogg	Phelan	Trammell
Cummins	Kenyon	Pittman	Wadsworth
Curtis	King	Pomerene	Walsh, Mass.
Dial	Kirby	Robinson	Warren
Fernald	Lodge	Sheppard	Williams
Gerry	McCormick	Smith, Ga.	
Gronna	McKellar	Smith, S. C.	
Hale	New	Smoot	

Mr. CURTIS. I desire to announce the absence of the Senator from Washington [Mr. JONES], the Senator from Minnesota [Mr. NELSON], the Senator from New York [Mr. CALDER], the Senator from Oregon [Mr. MCNARY], and the Senator from Louisiana [Mr. RANSDELL] on business of the Senate.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. TRAMMELL. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 28, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 27, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we seek Thy holy influence that we may be guided in the duties of the hour. If haply we may feel after Thee, and find Thee, though Thou be not far from every one of us: for in Thee we live, and move, and have our being.

In the midst of peace we are in war, since we are a twofold being, physical and spiritual. We need the incarnation of Thy spirit that we may beat down the animal and rise to the spiritual and thus meet the obligations of life; and so rise to the better part, living for the things that are eternal and thus gain an eternal crown. After the similitude of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. ASHBROOK, for one day, on account of important business.

To Mr. SEARS, for 10 days, on account of serious illness in his family.

To Mr. ELLIOTT, indefinitely, on account of illness.

To Mr. KENNEDY of Iowa, indefinitely, on account of sickness.

To Mr. THOMPSON (at the request of Mr. RICKETTS), indefinitely, on account of serious illness in his family.

SECOND DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12046, the second deficiency appropriation bill. And pending that motion I desire to see if we can not agree on time for general debate.

Mr. BYRNES of South Carolina. What time does the gentleman suggest?

Mr. GOOD. I have urgent requests for time on this side aggregating two hours and a half. I think it will take 30 minutes to explain the bill, which will make three hours' time asked for on this side.

Mr. BYRNES of South Carolina. Then I suppose the same time will be taken for this side. I would be perfectly willing to agree on a less time.

Mr. GOOD. I have tried hard to hold down the requests to less time than that, but I do not think we can get along with much less.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. CLARK of Missouri. Are these three hours to be devoted to the bill or will we have a political harangue?

Mr. GOOD. Thirty minutes will be devoted to the bill. I think the gentleman from South Carolina [Mr. BYRNES] has prepared a speech on another subject, and I think there are one or two speeches on other subjects on that side. I think the gentleman from South Dakota [Mr. JOHNSON] desires to speak on the general subject of hospitals, which is more or less connected with the bill. I have not tried to regulate the matter as to what Members shall speak about.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. GARNER. Of course the gentleman and that side of the House are responsible for facilitating the business and getting through this measure. I want to inquire whether the gentleman shares the views of the majority leader in his declaration that he hopes to get away from here on the 1st of June?

Mr. GOOD. I have not given any consideration to when we shall get away. I think it is more important that we should do the work necessary to be done. If we can do the work and get away by the 1st of June, I shall be glad of it; but I do not believe we can do it. I do not know what the plans are.

Mr. GARNER. I asked the question in view of the fact that the gentleman is asking for six hours' general debate on this bill, 10 per cent of which will be devoted to the bill and 90 per cent to general debate. That does not look much like facilitating business.

Mr. GOOD. Here is a bill that carries $88,000,000. The estimates were for $134,000,000. I do not believe that six hours is an unreasonable length of time.

Mr. LITTLE. Will the gentleman yield?

Mr. GOOD. I will.

Mr. LITTLE. I notice the bill says "appropriations for deficiencies for the year ending 1920 and prior fiscal years." How many fiscal years are we appropriating for?

Mr. GOOD. There are one or two items where there was a deficit running back to the years 1915, 1916, and 1917.

Mr. LITTLE. If we are going that far back we may need more than six hours' general debate. [Laughter.]

Mr. GOOD. Those matters will be discussed under the five-minute rule.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. I will yield to the gentleman.

Mr. BLANTON. May I ask whether there will be any rule brought in making in order any possible sums or amounts that may be in this bill that are now unauthorized by law?

Mr. GOOD. I hope no such contingency will arise.

Mr. BANKHEAD. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Alabama makes the point that no quorum is present, and evidently there is no quorum present.

Mr. GOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees. The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Davey	Graham, Pa.	Madden
Andrews, Md.	Dooling	Graham, Ill.	Mansfield
Ashbrook	Doughton	Hamill	Martin
Bacharach	Dunbar	Hamilton	Mason
Benham	Dunn	Haugen	Moon
Booher	Eagan	Hayden	Moore, Ohio
Britten	Eagle	Houghton	Morin
Burke	Edmonds	Howard	Mudd
Candler	Elliott	Jefferis	Neely
Caraway	Elston	Johnson, S. Dak.	Nicholls, S. C.
Carew	Emerson	Johnston, N. Y.	Nolan
Carss	Ferris	Kahn	O'Connell
Casey	Fields	Kelley, Mich.	Osborne
Christopherson	Focht	Kennedy, Iowa	Parker
Clark, Fla.	Fordney	Kennedy, R. I.	Porter
Cooper	Foster	Knutson	Reavis
Copley	Fuller, Mass.	Larsen	Reed, N. Y.
Costello	Godwin, N. C.	Longworth	Reed, W. Va.
Cramton	Goldfogle	McCulloch	Rowan
Crowther	Goodall	McKinley	Rowe
Curry, Calif.	Gould	McPherson	Sabath

Sanders, La.	Sells	Stoll	Watkins
Sanders, N. Y.	Sinclair	Sullivan	Whaley
Sanford	Small	Temple	Winslow
Schall	Smith, N. Y.	Thompson	Woodyard
Scott	Snell	Volstead	
Scully	Snyder	Ward	
Sears	Stephens, Miss.	Wason	

The SPEAKER. Three hundred and nineteen Members have answered to their names. A quorum is present.

Mr. GOOD. I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Iowa asks unanimous consent to dispense with further proceedings under the call. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, pending consideration of the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the second deficiency bill, I ask unanimous consent that the general debate be limited to six hours, one-half to be controlled by the gentleman from South Carolina [Mr. BYRNES] and the remainder by myself.

The SPEAKER. The gentleman asks unanimous consent that the general debate on the bill be limited to six hours, half to be controlled by himself and half by the gentleman from South Carolina. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. GOOD. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. GOOD. Will the gentleman from South Carolina proceed? [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I hold in my hand a copy of the speech made by Admiral William S. Sims on the south steps of the Treasury April 21, 1919. This copy is marked "Released for morning papers April 22, 1919."

Admiral Sims is a modest man. He knew, however, that his appearance upon the steps of the Treasury would excite the applause of the audience, and, therefore, in preparing his speech he wrote:

> I should like first to be sure that you understand that the tribute of your applause to me is not taken by me to be personal.

The admiral having thus applauded himself, proceeded to write a very good speech. Among other things, he said:

> Now, usually after a great war the leaders on the different sides spend their declining years in writing books to explain that the other fellow was at fault. There will be nothing of that following this war.

Shortly after making this promise he violated it. He wrote a book. Read that book and you will clearly see that the admiral has convinced himself that he, and he alone, won the war. But, while this book was gratifying to his vanity and the remuneration was satisfying to his pocketbook, still it was not sensational enough to win the publicity for which he ever yearns. He therefore determined to spend his declining years writing letters explaining that his superior officers were all at fault, and that he had to win the war in spite of them. Now, in April, 1919, he greatly deplored criticisms made by returning soldiers. In his Treasury speech he said:

> They may have been charged 5 cents too much in a canteen, or they may have run across a Britisher or an Italian or a Frenchman that they had a row with. They come back with all sorts of small criticisms. For the Lord's sake, don't pay any attention to that, and don't pay any attention to the people in this country that are yapping at John Pershing's heels.

And all right-thinking Americans applauded his statement, because the people of America had reached the conclusion that the Army of the United States, entering the greatest war in the history of the world, had won the admiration of the people of every allied country and the respect of the people of the enemy countries.

For the Navy there was naught but praise. Out of the war it had come with flying colors. The Navy had done a good job, and Americans were proud of it. They knew, of course, that in an undertaking of such magnitude mistakes were made, but they believed them to be minor mistakes, and for the success of the Navy they gave credit to the entire Naval Establishment, from the Secretary of the Navy down to the rawest recruit.

From the enlisted men as they returned to civil life there was no criticism. They were proud of their service. But while these boys, many of whom had braved the perils of the seas and the deadly submarine, were praising the Navy and the manner in which its operations were conducted, Admiral Sims, who faced nothing more deadly than the dining tables of London, began on December 17 the greatest battle of his career—the Battle of the Medals. Protesting to the Secretary of the Navy because certain officers of his staff on shore duty were not awarded medals as recommended by him, he wrote:

> All individual duties afloat are necessarily of secondary importance in comparison with the vital importance of directing all operations, both ashore and afloat, in such manner as to insure the success of the whole.

Again, referring to the failure of the Secretary to award medals to staff officers whose duties were ashore, while awarding medals to officers who served at sea, he says:

> This seems to be due to an erroneous opinion as to the relative value of services at sea and in certain vitally important positions ashore—an opinion that duty in the latter positions must necessarily be the least distinguished.

Well, it may be an erroneous opinion, but it certainly was the opinion expressed by this same Admiral Sims in April, 1919, when he declared in his speech on the Treasury steps:

> For such success as I and my staff have had on the other side, in this guidance, I am willing to accept your gratitude, but I want to make this point very distinct, that the operations on the other side were not my operations; they were, generally speaking, the fighting of individual ships against an elusive enemy, so that our success depended upon the efficiency of those ships in the material sense and upon the efficiency and the initiative of their personnel.

Then he declared that the success of our naval expedition abroad was due not to the operation of his staff ashore, but to the initiative and efficiency of the officers at sea. Now he declares that the duties of the men at sea must always be secondary in importance to the service of those ashore who direct the operations. You know, as I read that Treasury speech, I began to doubt whether he ever wrote it. There is in it too much common sense and too much real Americanism. [Applause.]

This remarkable epistle to the Secretary of the Navy concludes with the declaration that, inasmuch as the officers recommended by him for medals were not to receive them, he declined to accept the decoration offered him. This was not surprising to me. Having had conferred upon him by the British Government the title of Grand Commander of St. Michael and St. George, no decoration of the United States Government could have any attraction for this distinguished admiral, who long since justly won the title of the "best British admiral in the American Navy." [Applause.]

Now, I know not what has inspired Admiral Sims to embark upon the policy of criticism he so greatly deplored back in April, 1919. Whether he is inspired by personal resentment against the Secretary of the Navy because the Secretary would not permit him to dictate the policies and the appointments of the Navy, or whether, since his assignment to Newport, the inhabitants of that fashionable resort who have never loved the Secretary of the Navy, by playing upon the inordinate vanity of this drawing-room admiral, have inspired his attacks, I do not know. But I do know that every right-thinking American who reads his last letter, wherein he sets forth what he styles "Lessons of the war," will agree with me that in addition to the lessons submitted by him there is another lesson to be learned by us, namely, that while the fact that a man is born under a foreign flag should not necessarily debar him from being placed in command of American naval forces, it should at least cause us to make certain that such a man is able to forget the place of his birth and give wholehearted, undivided allegiance to the Government of the United States. [Applause.]

Admiral Sims was born under the British flag, and he seems unable to get over it. A newspaper correspondent has stated that the reason why Sims was selected for the service as naval representative in London was because it was believed he could "get along" with the English. Well, that certainly was a reasonable assumption. Sims can not "get along" without the English. By the fortunes of war the cause of Great Britain in this war became the cause of America, and by his appointment no great harm was done. But even as between allies there come times when our Government may want from its representative abroad the viewpoint, not of Great Britain, but of America, and there is no man familiar with Sims's record who believes he is capable of entertaining a purely American view.

The naval history of this Government will fail to disclose anything comparable with the contemptible insubordination shown by Admiral Sims in his recent letter to the Secretary of the Navy. [Applause.] Declaring that he was writing for the purpose of setting forth errors which would serve as a guide in the future, he says at the outset that he received only brief instructions as he left for Europe, but did receive the specific admonition, "Do not let the British pull the wool over your eyes. It is none of our business pulling their chestnuts out of the fire. We would as soon fight the British as the Germans." Is it not remarkable that while he does not set forth any other instruction given to him that he should publish to the world the admonition he alleges that he received at the department, knowing, as he did, that its publication was liable to disrupt the friendly relations now existing between this country and Great Britain? [Applause.] What lesson does it teach other than that he can not be trusted? [Applause]

The careful reader noted that while he endeavored to create the impression that this statement was made to him by Secretary Daniels, Sims, as a matter of fact, did not say who admonished him. Secretary Daniels, in order to prevent any misunderstanding on the part of Great Britain, immediately denied emphatically that he had made to Sims any such statement. [Applause.] Admiral Sims must be made to say who gave him the admonition he alleges he received. If no one gave him such an admonition, then his statement is deliberately false. If some superior officer did so admonish him, it was a confidential instruction to a man leaving upon an official mission, and his violation of the confidence of his superior officer is an act of insubordination which will merit the condemnation of every patriotic American citizen and should cause his dishonorable discharge from the Navy. [Applause.]

Even if what he says is true, and some superior officer having in mind the fact that we were at that time not at war with Germany did admonish him as he alleges, the admonition was justified by his previous conduct. In 1910, speaking in the Guildhall, London, the love of his mother country inspired him to pledge that if she ever engaged in war she "could rely upon the last ship, the last dollar, the last man, and the last drop of blood of her kindred over the sea." He was promptly reprimanded by President Taft. His undertaking to speak for the Government of the United States and to pledge the blood of our people would be funny if it were not for the position he then held and still occupies. At the time he claims he was admonished not to let the British pull the wool over his eyes we were at peace with the world, but any admonition that carried the intimation that this country would not do what he pledged it to do in 1910 necessarily aroused his resentment.

If he now cares so little about violating the confidential instructions of his superior officers, does any man believe that he has not long since told officials of the Government of Great Britain that he received this admonition when he left for Europe? If he will tell it now, what sense of duty would prevent him from telling it during his service abroad? Is his example to be followed by officers of the Army and Navy and diplomatic representatives of this Government? Have we reached the time that while we are at peace the officers of this Government, charged with the direction of its policy, can not admonish an officer about to leave on a quasi secret mission without having their confidence thereafter published to the world? I confidently believe that in all the Army and in all the Navy there is no other officer who cares so little for the country that has honored him that he would endanger the peace of the Nation in order to gratify his personal spite.

I know that some who would like to defend this man will say that his letter was written to the Secretary of the Navy and was published only because a United States Senator called upon him to read it. But who believes this? Senator PITTMAN stated on the floor of the Senate that while he was cross-examining Admiral Sims, Senator HALE, seemingly hostile to the Secretary of the Navy, asked Senator PITTMAN to desist in order that Admiral Sims might read a letter he had. Thereupon, Senator PITTMAN says, Admiral Sims pulled out of his pocket the letter addressed to Secretary Daniels and proceeded to read it. How did he happen to have in his pocket this letter which was in no way relevant to the question of medals about which he was testifying? And how did Senator HALE know that he had it in his pocket? It bears all the earmarks of a frame-up. Did Admiral Sims say, in response to the request that he read it, that the letter contained references to confidential orders given him, the publication of which might endanger the continued peace of this Nation? No.

Outside of this indefensible effort to disturb the peace of this Nation, what is in his letter? Only a series of complaints that the Navy Department failed to conduct the war in accordance with his advice. He alleges that the Navy Department did not send him as many ships as he requested, which, of course, means as many as the British Admiralty requested, to assist in the protection of allied shipping; that the department assigned to the convoying of American troops and the protection of the coasts of this country ships that should have been sent to Great Britain, and as a result, his opinion is that victory was delayed and thousands of lives lost.

Well, I presume it is but natural for every man to believe that the service in which he was engaged was most essential to victory and to conclude that his suggestions, if adopted, would have hastened the defeat of the enemy. We recall that daily we were told that "Food will win the war," "Ships will win the war," and "Only by mastery of the air will we win the war." But while the British Admiralty and Sims were asking that all of our vessels be sent to the submarine zone to protect allied shipping, the English Army, sorely pressed in France, was urging that we send troops to them to assist in holding the onrushing Germans. And whatever Sims may think about it, Americans will rejoice that the Secretary of the Navy, while sending him as many ships as possible, retained sufficient of our war vessels to safely transport across the sea the 2,000,000 sons of America who, with their allies, smashed the Hindenburg line and brought the war to a victorious end. [Applause.] The Secretary of the Navy had to decide between protecting allied shipping and protecting American transports. Sims wanted him to protect the supplies. Daniels preferred to protect the boys.

Mr. HUSTED. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. HUSTED. The gentleman has stated that if Admiral Sims received a communication from an officer of the Navy Department as alleged by him, that for revealing that communication he should be dishonorably discharged from the naval service of the United States. I should like to ask the gentleman, if as a matter of fact a communication was made to him on the eve of his departure that we would just as soon fight Great Britain as fight Germany, whether in his opinion the officer of the Navy Department who made that statement should not be immediately removed from the service of the United States?

Mr. BYRNES of South Carolina. In the first place, in answer to the gentleman, Secretary Daniels has denied that he made that statement. In the second place, I said before and say now, that in view of Sims's record, in view of the statement made by him in London pledging the last dollar and the last drop of blood of our people in case Great Britain ever became engaged in war, it behooved any officer who sent him on any mission to warn him against his evident pro-British tendencies that might involve this country in war when we wished to avoid war if it was possible to do so. [Applause.]

Mr. HICKS. Will the gentleman yield further for a question?

Mr. BYRNES of South Carolina. I can not. At the conclusion of my remarks I will yield for any question asked me, but I wish to go on.

The CHAIRMAN. The gentleman declines to yield.

Mr. BYRNES of South Carolina. Sims now alleges that our failure to cooperate as he suggested embarrassed our allies, and yet in his Treasury speech he made this statement:

> Now, we are willing to admit, we Navy men who are not particularly modest, that our Navy has done a stunt on the other side to the satisfaction of the Allies with whom we cooperated.

Then we cooperated and we did a stunt to the satisfaction of our allies. Now he says that by reason of the inefficient administration of Secretary Daniels the whole job was bungled and our allies embarrassed.

In connection with that I will divert for a few moments to refer to what he said on this subject. After detailing wherein the department failed to grant him the support he asked for, especially in personnel, he produced a letter, dated December 23, 1917, reading as follows:

DECEMBER 23, 1917.

From: Vice Admiral Sims.
To: The Secretary of the Navy.

2366. Your 1732. I strongly deprecate any effort to create an impression that our naval forces in European waters have been avoidably hampered by failure of the Navy Department to comply with my recommendations for various things, particularly personnel.

It is, of course, well known that the antisubmarine campaign and the protection of allied shipping have been and still are hampered to a considerable extent by insufficient numbers of certain types of vessels, especially destroyers, and by certain classes of personnel, and I have repeatedly made recommendations in accordance with the requirements on this situation. To these recommendations the department has always responded with the assurance that reinforcements of both vessels and personnel were being sent to the maximum extent consistent with the many other requirements of the department in these respects.

The decision as to the relative importance of the employment of our naval vessels and personnel in the theater of actual war operations in European waters and at home must necessarily rest with the department, and I consider it the first duty of those at the front loyally

to accept such decisions and to make the best of conditions which are at present admittedly unsatisfactory and must so remain until the energetic measures now being taken to increase our antisubmarine forces produce the necessary reinforcements.

SIMS.

Mr. WELTY. What is the date of that statement?

Mr. BYRNES of South Carolina. December 23, 1917. That letter was written to the department, and it was written with a view of having it sent to the Congress of the United States, stating that the department was cooperating with him to the fullest extent possible at that time. [Applause.]

Since his return, when he concluded to enter upon this campaign of criticism against the Secretary of the Navy, there was nothing he could criticize the department about except its alleged failure to support him as he requested. Now, he knew that this letter rested in the files of the department and that whenever he entered upon this campaign of criticism the Secretary would produce it and thereby brand as untrue every complaint that he made.

Therefore Sims determined to anticipate its production by Daniels and produce it himself, even though it demanded that he make the humiliating confession that every statement he then wrote was untrue. Now he asks us to believe that he is telling the truth when he says that what he then said was untrue. Can you beat it? [Applause.]

Now, what explanation does Sims give of his sending this cable of alleged untruths? Whenever a man voluntarily admits that he has told an untruth, he must necessarily offer an explanation. Therefore he says he concluded from the cables of Daniels and Benson that they wanted him to state what was untrue. Let me read Secretary Daniels's cable to him. He produced it:

DECEMBER 22, 1917.

From the Secretary of the Navy to Vice Admiral Sims, London.

1732. At House committee hearing of conduct of Navy, Representative BRITTEN said: "I would like to have copy of complaints which have come from Admiral Sims on the other side." If you desire to make statement of action of department in reference to sending and supplying force under your command since war began, please send in code.

DANIELS.

Would any honorable man, reading that letter, regard it as a plea to willfully misstate the facts? Neither did the cable of Admiral Benson say or intimate that the department desired him to make an untrue statement. It reads as follows:

DECEMBER 22, 1917.

From the Chief of Naval Operations to Vice Admiral Sims, London.

Effort being made to create impression you have been hampered by failure of Navy Department to meet your request for various things, particularly personnel. I feel that a strong, positive statement on this subject from you is highly desirable.

BENSON.

Did Benson tell him to make a strong, positive statement that was untrue? Oh, no! But granting that Sims was honestly mistaken in construing these cables as inviting him to misrepresent the facts, I think we can agree that such invitations are not generally accepted. Sims therefore offers two reasons for his conduct in misrepresenting the facts, first, that he had to reach a decision, not common to a military commander, to tell what was untrue in order to support his superior officer. Think of Sims being so loyal to a superior officer that he was willing to tell for him that which was untrue! And, second, that if he cabled the truth the facts would be debated on the floor of the House by the Members of Congress, and valuable information would thereby reach the enemy. This admiral who does not now hesitate to publish to the world confidential instructions from the Navy Department was then so awfully careful about what he said, that he feared that if he sent a cable message in code to the Secretary of the Navy, the Secretary, in whom all of the secrets of the department were reposed, would have so little sense and so little patriotism as to make the message public, so that it would reach the ears of the enemy! Or he believed what is not very complimentary to this House, that if Daniels sent his message to the Naval Committee—the committee that at all times had the secrets of the Navy—they would take his cablegram and debate it on the floor and thus make available to the enemy facts that would give him aid and comfort. Do you believe it? You must judge whether he told the truth on December 23, 1917, or whether he is telling the truth now when he says that his former statement was willfully false. To me the conclusion is irresistible that Sims, knowing that letter would completely refute his charges, produced it simply to anticipate its production by the Secretary of the Navy.

I am no naval expert. I know not the reasons actuating the department in having Admiral Benson or Admiral Mayo direct the operations of the American fleet, but, from the bottom of my heart, I rejoice that absolute power was not placed in Admiral William S. Sims. I am satisfied that the force under his command succeeded not because of him, but in spite of him. If left to him I know there would have been no independent activity on the part of the American Navy. While Pershing was fighting for an American Army, independent of other armies, but cooperating with them, Sims was trying to place all activities of our Navy under the British Admiralty. Admiral Wilson, in charge of the naval forces in French waters, maintained his force separate and apart from the French Navy and did a good job. I have no doubt that his pure and unadulterated Americanism was exceedingly distasteful to Admiral Sims. Wilson was of equal rank with Sims. Technically he was serving under Sims abroad, but in actual operation he was acting under the directions of the Chief of Operations here. Naval men abroad knew that Sims' insane jealousy of Wilson made it difficult for Wilson at times, but he never complained. Wilson carries no press agents upon his staff. He fights his battles upon the sea, not in the press. Sims did not like Wilson's conduct. It was stated abroad that he could not get along with Admiral Strauss. He says that Benson, Mayo, and the General Board of the Navy were all wrong. They were all out of step but Sims.

But it was not my purpose to comment in detail upon Sims' letter. I have no doubt that when given an opportunity Secretary Daniels and the General Board of the Navy will give to the American people a satisfactory explanation of why they did not adopt the recommendations of Sims as to how the Navy should be conducted during the war.

My purpose in referring to the matter at all is to advise this House and the American people that Sims not only belittled the achievements of the Navy of the United States but slandered the Army of the United States. I charge that he made false statements as to both the Army and the Navy. My colleagues know that during my nine years of service I have not been given to making reckless statements. In October, 1918, with two of my colleagues, Representative Glass, of Virginia, and Representative WHALEY, of South Carolina, I went to France, and, among other places, visited Tours, the headquarters of the Services of Supply of our Army, and was thrilled with pride at the marvels worked by this branch of the service. On October 30, with my colleagues, I saw Admiral Sims, who was then in Paris. I shall never forget that interview. The armistice had been requested by the enemy. Sims told us of the magnificent progress made by the British on the English front, and as we listened he proceeded to tell us that the armistice would have to be granted because Pershing had been unable to break through the German lines, owing to the absolute breakdown of transportation behind the American lines. With pathos in his voice he told us how unfortunate it was that this breakdown occurred at so critical a moment. In amazement we listened, and in the monologue he delivered he proceeded to tell us that while Americans believed their Navy was working wonders, that as a matter of fact we had but 3 per cent of the antisubmarine craft in English waters; that Great Britain had brought over two-thirds of our troops and had escorted one-half of them. I left him not only depressed at the failure of the American Army but humiliated at the small part played by the American Navy.

Believing that this disaster to the American Army, which, according to Sims, made necessary our granting the armistice asked by the enemy, was destined to become a national scandal, Mr. WHALEY and I determined to again visit the headquarters of the Services of Supply in order to ascertain the details of this disaster. Because of Sims' statement we traveled 150 miles or more to Tours. When we informed the commanding officer and the Chief of Staff of our desire to secure information with reference to this matter they were amazed. They advised us that it was the first they had heard of it. They showed us records where Gen. Pershing, after the St. Mihiel drive, had thanked the Services of Supply for its wonderful service, and again, just a few days prior to our visit, had written congratulating the Services of Supply upon its continued success in supplying our forces in the field. Wishing to avoid friction between our officers, we refrained from disclosing the source of our information. When told that our statement must be mere gossip in Paris, we advised the commanding officer that our information came from an officer of high rank in the service of our Government, and in response to that statement an officer present said:

That is nothing but British propaganda, and the only American officer who could have told you gentlemen this story is Admiral W. S. Sims.

[Laughter and applause.]

I regret that I do not now remember which one of the officers made the statement, but the significance of the statement greatly impressed me.

While in Paris I read in the Paris edition of a London newspaper an account of a speech made by Sims in London, in which he misrepresented the part played by our Navy, just as he had in his statement to us in Paris. Belittling the achievements of America was his hobby in those days. From the London Times of October 11, 1918, I took the following, which also appears in the London Times's History of the World War. It is an account of a speech made by Sims the day previous at a luncheon at the Criterion Restaurant:

Another idea was sometimes in the American mind, that the American Navy had been doing the bulk of the business over here—at least a half. That was not correct. There were about 5,000 antisubmarine craft operating day and night, and the American craft numbered 160, or 3 per cent. The figures were about the same in the Mediterranean. Again, Americans seemed to regard it as a miracle of their Navy that they had got a million and a half troops here in a few months and had protected them on the way. "We didn't do that," said Admiral Sims. "Great Britain did. She brought over two-thirds of them and escorted one-half. We escort only one-third of the merchant vessels that come here."

This statement, untrue as it is, was made by him not once, but on every occasion that he had an opportunity to speak. Only this morning a Member of this House told me that Admiral Sims made the same statement to him, and left him humiliated at the part the American Navy was playing in European waters. An American editor told me that in a period of two weeks he had heard him make three or four speeches in London, and on each occasion, speaking for an hour, Sims had devoted 20 minutes to a futile effort to tell negro stories and the other 40 minutes to depreciating the achievements of the American Navy. On each occasion these Americans were forced to listen to him repeat the statements made in the article quoted above from the London Times, and which, from his own reports, I will prove to be false.

He says first that there were 5,000 antisubmarine craft operating day and night and the American craft numbered 160, or 3 per cent. The statement as to the number of craft operating is deceptive and the statement as to the number of American craft is false. Records of the Navy Department show that of the 5,000 antisubmarine craft to which he refers 1,520 were trawlers, 1,365 drifters, 507 motor launches. This accounts for more than 3,000 of the total of 5,000. In his efforts to make the world believe that Great Britain was doing all of the work, he counted as antisubmarine craft everything afloat, in order to increase the percentage of Great Britain and decrease the percentage of American craft engaged. That was deception. But his statement as to the number of American vessels employed is false. His own report of April 4, 1919, contained in Monthly Bulletin No. 5, published at London, shows, on page 11, that on October 11, 1918, Sims had under his command 323 vessels. And on November 11, 1918, there were 373 United States naval vessels in European waters, including 70 destroyers, 5 gunboats, 5 coast-guard cutters, 120 submarine chasers, 27 Army yachts, 12 submarines, 13 mine sweepers, and 10 mine planters, making in all 262 vessels engaged in operation against the submarines instead of 160 as stated by him in his various speeches.

Either one of two things is certain: Sims was so busy fighting the war over the dining tables of London that he did not know how many ships he had under his command, or else, knowing the facts, he willfully misrepresented them in order to pay tribute to the British Navy and belittle the work of the American Navy. [Applause.]

As to the other statement he so constantly made as to the transportation of troops, that "Great Britain brought over two-thirds and escorted one-half," I wish to prove by his own reports that this statement is untrue. In Bulletin No. 5, published May 15, 1919, on page 7, Admiral Sims, under the heading, "A Brief Résumé of the Accomplishments of the United States Navy in European Waters," says: "First, escorted 62 per cent or about 1,250,000 troops of the United States Expeditionary Forces to Europe without loss from enemy action." So that after making, to everybody who would listen to him, the statement I have quoted from his speech as it appears in the London Times, that we had escorted but one-half of the troops taken abroad, in May, 1919, he was willing to concede that his former statement was untrue, and that we had escorted 62 per cent instead of 50 per cent. But what is the fact? The records of the United States Cruiser and Transport Force, prepared by Americans and published as an appendix to the report of the Secretary of the Navy for 1919, shows that of the 2,079,680 American troops transported to Europe 1,720,360, or 82.75 per cent, were under United States escort. Having slandered the Navy during the war, six months after the war he was willing to tell half the truth and concede that we escorted 62 per cent, but he never could bring himself to tell the whole truth and admit that the United States Navy had escorted 82 per cent of the boys who went abroad.

Now as to his other statement, made to his London audience, and made to us, that Great Britain had transported two-thirds of our troops to Europe. The report of the Secretary of the Navy shows that 46.25 per cent of our troops were carried abroad in United States vessels, and Sims' statement that we carried only 33 per cent is as untrue as every other statement he has made with reference to the transportation of our troops in the war.

His final statement that "We escort only one-third of the merchant vessels that come here" is also untrue. His report to which I have heretofore referred, on page 15, states that we provided 45 per cent of the ocean escort vessels for protecting allied shipping in the Atlantic. If Sims is willing to credit us with 45 per cent, it is safe to assume that we provided at least one-half of the escort for allied shipping.

While in London, in visiting the naval headquarters to secure information as to the departure of ships, we again met Admiral Sims. He courteously invited us to his office, and, evidently forgetting that he had delivered his lecture to us in Paris, he again proceeded to impress upon us the small part that our Navy played in the war, reciting the figures stated above, and which I have proved to be false. Not satisfied with telling us how small a part we played upon the sea in time of war, he proceeded to tell us that in time of peace we should seek to play no part at all. He expressed the hope that we would not be led astray by the agitation for a merchant marine. He declared that England, because of her geographical location, must necessarily control the seas, and that we could rely upon her at all times providing a merchant marine to transport our goods to foreign markets. When I took issue with him, he stated that, even if we entertained the view that it would be desirable for the United States to possess a merchant marine, it was impossible because we could not compete with Great Britain; that it would be necessary to pay subsidies, for which our people would never stand; and that it was the part of wisdom for us to develop the great West and leave the sea to Great Britain. With that Government, he said, we would never have any trouble, and Great Britain could be depended upon at all times to care for our business upon the seas. Though I believed at the time it was a waste of energy, I, nevertheless, told him that he was mistaken in his estimate of the American people. That our people had reached the conclusion that it was essential to the prosperity of America that we should possess a merchant marine; that if it was necessary to pay subsidies in order to have it, we were willing to do it. I think I was right. I believe the American people have made up their minds that the time will never again come when we will be dependent upon Great Britain or any nation for the transportation of our commodities to market. The American flag has reappeared upon the seas, and never with the consent of the American people will it leave the seas. [Applause.]

So impressed was I with the fact that this man is an incurable anglophile that upon my return I felt it my duty to report to one in authority the substance of what I have now stated. I felt it my duty to advise my Government that I would just as soon apply to the British Admiralty for an American view as I would to Sims. [Applause.]

In criticizing Sims for magnifying the achievements of the British Navy at the expense of the American Navy I do not criticize the Government of Great Britain. While abroad I met many officers of the English Army and Navy, and no one of them would have been guilty of slandering the United States Army and Navy as did Sims. No man could visit the battle field of Ypres and the Grand Fleet as I did, without being impressed with the magnificent part played by the army and navy of Great Britain in the war; and nothing that a hyphenated politician like Sims can say will either add to or detract from the glorious record of the sons of Great Britain. [Applause.] His efforts to flatter them by slandering the Army and Navy of America will meet with the contempt of every true Englishman as it does of every true American. [Applause.]

Our Navy needs no defense at my hands. The Secretary of the Navy needs no defense at my hands. Mr. Daniels is human and had mistakes been made by him in this great naval undertaking it would not have been surprising. However, the only mistake he made that I know of was his appointment of Sims. [Applause.] But the judgment of Daniels can not rest upon a single appointment. Let us not forget his other appointments: Benson, as Chief of Operations; Mayo, next in rank, as commander in chief of the United States Fleet; Wilson, in France; Gleaves, convoying our troops; Hugh Rodman, with the Grand Fleet; Niblack, in the Mediterranean; Strauss, Dunn, Andrews, and the others who served abroad. And then in the department: Palmer, Earle, Griffin, McGowan, Taylor, Parks, and Braisted. Unlike Sims, these men have no press agents. They ask only the opportunity to serve their country. But they

made the Navy a fighting force of which every American is proud. Josephus Daniels organized that force, and when the tocsin of war sounded it found the Navy under Daniels prepared for action. The breath of scandal has not touched his department, either in organization or demobilization. [Applause.] He sent into the war an efficient Navy; he sent into the war a sober Navy; and when peace came he returned to the mothers of America the boys they so freely gave to their country, as clean and as pure as when they left their homes. And while Sims is fighting the battle of the medals let me say to him that, under the direction of Josephus Daniels, the Navy in this war so conducted itself that the uniform of the American sailor is to-day the emblem of bravery and efficiency, in itself, a decoration of which every sailor boy is justly proud. [Prolonged applause.]

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, as many Members know, I have given some thought to the general subject of a proper and adequate plan of national defense. I have dwelt with considerable emphasis upon the question of the importance of matériel. In many respects it is more difficult to produce than trained personnel.

Neither personnel, matériel, nor both together will avail a nation anything when the crisis comes if that fine, indescribable, intangible thing called the spirit of an army or of a nation be lacking or proves to be of inferior quality. It is of this I would speak to-day, of what threatens to destroy it in our Army and Navy and what may be done to prevent it.

My subject is humanizing the Army. I would not have it inferred that the Army is inhuman. It is not, although there are doubtless exceptions even to this rule. As a rule, Army officers are humane and kind-hearted. Even when this is not the case, where one is not kind-hearted and gentle, even he, in most cases, is careful of the comfort of his men, for if not so he is not an efficient officer.

I wish to speak, however, of the strictly human side of officers and men in their relations to each other in the service. Having been an officer myself, it will not be claimed that I speak in hostility to the officers. There can be no doubt that there has come out of the recent war, more than from any other war, a feeling of antipathy on the part of the enlisted men, amounting in many cases to resentment, against Army officers as a class, and in my judgment it is one of the most unfortunate and disturbing outgrowths of the war. The fact that it is in most cases undeserved and without foundation in reason does not make it any the less true or any the less unfortunate.

What is the cause? How much foundation is there for such a feeling? What will the consequences be if permitted to go unchecked? What can be done to counteract it? These are some of the questions which suggest themselves.

What has caused the growth of such a feeling in the recent war? Some have thought it to be an unconscious contagion from soldier and soviet government in far-off Russia. Some have thought it the result of Bolshevik propaganda. Some have thought it a revulsion against militarism, sometimes called Prussianism.

In my judgment none of these have exercised more than a very remote and indirect effect. If I have estimated the situation correctly, we need not go very far outside of the Army itself to account for the presence of such a sentiment during the war or its growth and spread since actual fighting ceased.

What I am now going to say does not apply to the better grade of Army officers, or to Army officers as a rule, but there are so many exceptions to the rule that I shall pass over the rule entirely and for the benefit of all devote myself for a while to the exceptions.

Caste in the Army has much to do with the problem of which I am speaking. Caste may be described as a thin veneer of dignity spread over a medium or soft piece of officer material to prevent a too easy detection of the true quality of the timber. [Applause.] Its true place is where there is a strictly militaristic governing class, as in Germany before the war. It was convenient in the small army of Great Britain, where long before the present war commissions were bought, in many instances, by the younger sons of titled families.

It was never entitled to a place or even consideration in America. Unfortunately it was taken up somewhat early by a few of the small circle of officers in our small Army. It even took root in the soil of West Point and has never ceased to grow in the rare and rarified atmosphere of that great institution. It is copied by many of those coming into the Army from civil life, for why should they permit the West Pointer to excel in a lesson so easily mastered? Result: They often "out-Point the Pointers." For those coming up from the ranks it is next to impossible to escape the contagion, and as a rule they do not try.

The raison d'etre usually given for this anomalous exotic which I have labeled caste in our Army is discipline. The theory is that if an enlisted man should once discover that an officer is just an ordinary human man like himself all discipline would cease. Therefore there must be nothing but official relationship between officers and men. I deny this theory. [Applause.] The trouble with the theory is that the enlisted man knows all the while just what the officer is. He knows that he is just the same kind of man as himself and that the assumed superiority is not real.

It has been contended seriously that in order to maintain discipline in our Army it is necessary that there be a hard and fast line of demarcation, socially and otherwise, drawn and maintained between officers and men. Speaking from such experience as I have had and much observation, I deny the proposition. On the contrary, in my judgment any attempt to do so is subversive of real discipline, the only kind that counts in a crisis. [Applause.]

Do not misunderstand me. The officer who attempts to play demagogue to his men by playing the weak-kneed good fellow or hail fellow well met and hopes thereby to retain their respect will utterly fail. He thereby proves himself not a leader of men but one fit only to be led. Even the hard-boiled upstart and would-be martinet is no worse than he. My own conception of an officer is best expressed by that affectionate Army pet name, "the old man." He should be a "daddy" to his men. True, he must be a just, firm, and somewhat Spartanlike father, but if he has not a heart large enough to go out to and include every man in his outfit, be it a company, a regiment, a division, or an army, then he is not a good officer. [Applause.]

The human element can not be eliminated. It ought not to be attempted. American soldiers can not be molded into inanimate cogs in a machine, though they can be developed into highly trained units of a great organization. The German military machine exemplified the former, while the latter describes my ideal of an American Army.

I have referred to the spirit of caste in the Army. I shall give only two instances, perhaps somewhat extreme, to illustrate what I have in mind.

When my own regiment was at the Mexican border in 1916 we marched overland a considerable distance to an Army post in order to use the rifle range. The regiment of colored Cavalry regularly stationed there was with Pershing in Mexico. Only a small number of enlisted men, as caretakers of the post, and a few white officers had been left. At the post exchange was a well-kept restaurant with two dining rooms, one for colored enlisted men and the other for white officers. A half dozen officers and as many enlisted men from my regiment went into the restaurant for dinner the day we arrived. All were seated in the dining room usually occupied by white officers. A few negro soldiers were eating in the other dining room. A first lieutenant of Regulars entered the officers' dining room, and seeing half a dozen enlisted men eating there immediately demanded that they be removed to the other dining room before he, the lieutenant, would condescend to take his seat. It happened that the enlisted men in question were from the company in which I had served as a private, and I knew them all very well. They happened to be Yale graduates and sons of some of our best families, although that is not important in this connection. I might add, incidentally, that five of the six became officers in the war against Germany and made fine records. This shows the type of enlisted men they were, but this made no difference to the snobbish lieutenant. He would not eat in the same dining room where a small group of enlisted men were quietly eating the first square meal they had encountered for a week. They might have joined their more gentlemanly colored comrades across the hall, and I am quite sure that it was no false caste spirit which prevented them from doing so; but, in fact, they left the exchange and returned to the more congenial beans and sowbelly of the company kitchen.

Mr. SAUNDERS of Virginia. Will the gentleman yield in that connection?

Mr. TILSON. I will.

Mr. SAUNDERS of Virginia. I was curious to know if the lieutenant had authority to do that?

Mr. TILSON. It was not a matter of authority. It was a private dining room conducted at the post exchange by a private individual.

Mr. SAUNDERS of Virginia. What I am asking is, did he have the right to cause those privates to retire?

Mr. TILSON. He had a right to ask the proprietor to do so; and if the proprietor did not comply, I can imagine what would

have happened to the post-exchange restaurant if that officer had anything to do with it thereafter.

Mr. GALLIVAN. But the lieutenant could not issue an order?

Mr. TILSON. No.

Mr. SAUNDERS of Virginia. That is what I was getting at—as to whether he had authority. He simply could make it unpleasant for the people who operated the restaurant?

Mr. TILSON. Yes; but that would be sufficient.

The other case that I shall take the time to instance is one that shows that this pseudo-discipline is not only practiced but that it is boasted of and taught to others as worthy of emulation. This instance, I am informed by a reserve officer, was told by the hero himself, who was a Regular Army officer instructing in discipline at one of the training camps established at the start of the war for the instruction of new officers. This officer-instructor dilated at considerable length upon the necessity for drawing a strict caste line between officers and men, and told this story as an example of the extent to which this should be carried. He told the class of new officers that for nearly a year at one time in his military career he was stationed at a lonely post in the Philippines with but a single other white man, his sergeant, to keep him company, except at long intervals when he received or was able to pay visits to other posts in the vicinity. He stated that during that entire period he strictly maintained his dignity in all his dealings with the white sergeant, and that during all the time they were at the post together he did not exchange a single word with the sergeant except in the line of official business.

The officer who told this story is undoubtedly an exception to the general run of Regular Army officers, but in this particular case he was in a position to do much harm if the new officers under his instruction accepted his Prussian idea of what should be the relations between officers and men.

In the recent war many officers coming in from Plattsburg and other training camps came imbued with the same strange notion of what is necessary for discipline, and what they lacked in knowledge of the profession of arms many of them tried to make up by out-Heroding Herod in applying what they falsely supposed to be the real West Point idea.

Mr. POU. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TILSON. I yield for a question.

Mr. POU. Does not the gentleman think that a good deal of this unfortunate feeling on the part of the enlisted men toward the officers arises from what I understand to be the modern method, namely, that instead of the important officers leading their men in action they send them forward while they themselves stay in a perfectly safe place? As I understand it, it is the modern method, in a major action, for all down to about the first lieutenant to remain in a comparatively safe situation while the enlisted men are sent forward.

Mr. TILSON. I do not think it can be explained so easily, and, besides, I do not understand that what the gentleman describes is in fact the modern method. Of course, in modern warfare, with the magnitude of the operations that are carried on, the higher officers who command much larger units than was formerly the case, are necessarily at the positions where they can most effectively command their organizations, which is often some distance from the front line. The officer whose duty it is to accompany a particular unit is with this unit, whether it is a platoon in the front trench or a company, a battalion, or a regiment a little farther back. In a modern battle it is impracticable for a general officer, for instance, to take up his post of command in the front-line trench. It would be well-nigh impossible for him to reach or communicate with the rest of his organization, and it would be next to impossible for him to direct the battle from such a position.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I would like to ask that the gentleman have half a minute more in order to answer a question.

Mr. TILSON. Can I have one minute more?

Mr. GOOD. I yield to the gentleman one minute more.

Mr. LAZARO. Will the gentleman please make it two minutes?

Mr. GOOD. I will.

Mr. TILSON. I yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. I am very much in sympathy with what the gentleman says, and I have a complete contempt for the snobbishness he has referred to, and I know he has studied the subject.

Mr. TILSON. It has been a matter of some concern to me, I will say to the gentleman.

Mr. HARDY of Texas. Will not the gentleman in some way indicate what Congress might do to relieve this unbearable, undemocratic, and indecent condition?

Mr. TILSON. I do not know just what Congress can do about it. It would be extremely difficult to frame any law that could reach such a matter. As an individual Member of Congress, I was talking the other night with a dozen or 15 thoughtful Army officers at a small dinner, and I took that occasion to tell them that, in my judgment, it was necessary for such officers as they and others, who have the highest interests of the Army at heart, to take this matter in hand. I told them that, if necessary, they must lean over backwards in order to convince the fathers and mothers of this country that when these young men, their sons, go into the Army they will receive human treatment and recognition that men who are serving their country deserve.

Mr. HARDY of Texas. Just one more question. We have pursued that policy of leaving it to the Army officers themselves for a century, and it has resulted in the condition the gentleman has described. Is it not time we looked somewhere else for a remedy?

Mr. TILSON. If we are to depend upon a professional army to fight future wars—a paid army of enlisted men—possibly the people of the country can afford to neglect this matter and let it go on as it has been going. If, however, we are to rely in case of war in the future upon a democratic army, an army where the individual soldiers are to come from all the families of the land and be truly representative of the people, I think it important that there should be a change in this regard. If we are to have universal military training or any other plan founded upon the universal obligation of the citizen to fight his country's battles in time of war, then it is essential that the human element be recognized. The fathers and mothers of the land must understand that difference in rank in the Army is only the measure of responsibility, and that, whether their sons serve as high-ranking officers or as private soldiers, they equally fulfill the duty of citizenship. Class distinctions have no place in a democratic Republic like ours, whether it be in military or civil life. Difference in rank and pay is necessary in the Army and the Navy for the proper distribution of duties and responsibilities. Leaders must be placed in the proper position from which to lead effectively, and they must have power, authority, and compensation accordingly. In civil life the same adjustment is made in a slightly different way, and with the same general result; but whether generals or privates, captains of industry or common laborers, all are equal before the law, all are equal before God, and there is not, and must not be, any place in America for classes, for class distinctions, or class spirit. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. LAZARO. Will the gentleman from Iowa yield to the gentleman from Connecticut a minute more?

Mr. GOOD. All of the time has been assigned.

Mr. TILSON. The time is all apportioned. I thank you, gentlemen.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

The CHAIRMAN. The gentleman from Louisiana is recognized for 20 minutes.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, H. R. 5918 was reported favorably by the Committee on Military Affairs and is now pending in this House, and I trust that in due time it will receive your favorable consideration. It is a bill directing the Secretary of War to inquire into the feasibility of creating a national park down on the Plains of Chalmette, a little below the city of New Orleans, the plains on which was fought the memorable, the unforgettable, the celebrated Battle of New Orleans. The cost of making such a survey will be so small as to be almost negligible. But if the cost were a hundred thousand times greater than the small amount that will have to be expended in making this survey, in my judgment the sentiment of the American people and of history would justify such an outlay.

I do not intend, my friends, in the few remarks I shall endeavor to make as rapidly and felicitously and entertainingly as possible in the short time allowed me, to refer to the past with any bitterness, because I am not "anti" anything, but I shall refer to and dilate upon the great events that led up to this splendid battle, and particularly the battle itself, and the important results which flowed from it, with the pride of an American proud of the achievements of his countrymen on land and on sea and in the diplomatic councils of the world's affairs.

The Battle of New Orleans, in my judgment, will some day take its place among the important struggles in the world's history. When the celebrated work known as the Fifteen De-

cisive Battles of the World shall be revised in order to include the tremendous epoch-making engagements that have been fought in recent years, I feel confident, from the observations of competent military authorities, that the Battle of New Orleans will be included among the achievements that brought lasting results, results that practically changed the destiny of the race in our quarter of the globe.

The Battle of New Orleans was one of the greatest victories ever gained upon the Western Continent; and in order that we might thoroughly understand its importance to the history of the United States of America, in order that we might grasp the fullness of this magnificent achievement of American arms, let us reflect for a moment, Mr. Chairman, on what would have been the result had Gen. Jackson been defeated on the plains of Chalmette and as a consequence of that defeat the occupation of the Louisiana Territory by British armies, which was the purpose of the invasion. The United States of America would have been confined territorially to that space now lying between the Mississippi River and the Atlantic Ocean.

The Mexican War would never have been fought. The Civil War in all probability would not have been fought, and if it had been fought it would have terminated differently from the way it did terminate, and for the obvious historical reasons which will occur to you at once when you consider the fact that the country west of the Mississippi River would have been under the British flag. Texas would not be a part of this Union, nor would the Gadsden Purchase, nor Oregon. In fact, that vast territory which runs from the western bank of the Mississippi River clear over to the Pacific littoral would be another Canada. The war of 1898 with Spain would never have come to pass. As a consequence we would have had no territorial possessions in the Caribbean Sea and no insular possessions in the Pacific Ocean.

When one cogitates, when one thinks of the tremendous results which flowed from that battle, it is easy to be seen by any American that it takes its place among the great victories achieved by our arms, and in all probability it should rank with the great battles of the world's history which are regarded as decisive in settling some great current in human affairs—that established great republics or empires.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Louisiana yield to the gentleman from New York?

Mr. O'CONNOR. Will the gentleman let me finish? Then I will yield to any question.

Mr. PLATT. Very well.

The CHAIRMAN. The gentleman declines to yield.

Mr. O'CONNOR. It is necessary, gentlemen, in order to thoroughly understand the tremendous events that led up to this battle, to turn back the hand of time and roll up the curtain upon the romantic past, under whose shadow we are still living.

Guided by history's pages, we see Narvaez going from Mexico to Florida and touching at the mouth of the Mississippi River. He was a Spanish conquistador, a nobleman and explorer. That was in 1528. Fourteen years later we see Hernando De Soto viewing the Mississippi River at some place near where the Arkansas joins her. He was a splendid Spanish conquistador, a striking figure in that romantic period, and was buried darkly at night, as was said of Sir John More, and left alone with his glory. But he had a magnificent tomb, and the tide of the Father of Waters rolling all the way to the Gulf of Mexico and on to the Atlantic Ocean probably furnished to him a funeral train such as was never the lot of any other man in history or romance. Out in the rotunda of the Capitol, under the dome, you will see eight great pictures portraying the life of America from the romantic and historical standpoint; one picture by William H. Powell portrays the wonder and amazement of De Soto and his followers when they beheld the Father of Waters gliding southward in its solemn, majestic sweep to the Mexican Sea. Years and years elapsed, and in 1673 we find Joliet and Marquette descending the Mississippi River, under the direction of the French governor of Canada, in search of the mighty river that was supposed to run from east to west and connect the two great oceans. Then they returned, having gone as far south as the Arkansas River.

Strange as it may appear, my fellow Members, the idea that a great river ran from east to west and connected the eastern and western oceans remained even among educated people for over a century after these great explorers had gone to that undiscovered country from whose bourne no traveler has ever returned, and I understand that in South America there is still a disposition to believe that there is such a waterway.

Only lately down in Panama it was thought that the Chagres River at one time did make a connection between the two great bodies of water. It is said that Balboa, when he viewed from the hill that bears his name the mighty Pacific, looked for the river that he thought joined it to the Atlantic.

In 1682 La Salle completed the discovery of the Mississippi River and claimed the whole country for France, naming it Louisiana, in honor of Louis XIV.

It is clear to you gentlemen of the Committee of the Whole House from this recital that there must have been an issue between France and Spain in regard to the immense territory involved and flowing from the right of discovery. This is made clear by the fact that in 1762 France, by treaty of Fontainbleau, ceded to Spain all that part of the Louisiana territory lying west of the Mississippi River and the island of Orleans, which is to-day New Orleans, and in the following year, 1763, by the treaty of Paris, surrendered all of that part of the territory lying on the right bank, and Florida, to England. The desire of Napoleon to create a colonial empire in America led to the secret treaty of St. Ildefonse, in 1800, by which France acquired that part of Louisiana formerly ceded to Spain. This acquisition by the great Corsican and the treaty by which France secured it was denounced as fraudulent by Spain and England, and Napoleon transferred it to the United States for $15,000,000, as he feared an invasion of the Louisiana territory by England and wished to make us its defenders. Matters drifted, as Napoleon was then at the zenith of his power and the terror of Europe. Then came that terrible day for him and joy for Europe whence he had to abdicate and fled to Elba, in the early summer of 1814.

England was now in control of the world. Up to this time she was successful in the War of 1812, her chief triumph being the capture and burning of our Capitol. London newspapers teemed with accounts of her easy victory and triumphs and ridiculed a people that could not offer a soldier's resistance to the invaders of their country. Our President and Army—in fact, the population—were mercilessly lampooned upon the stage and derided and sneered and scoffed at in the English journals of the time. Flushed with success on the Continent, England now determined to settle with the infant Republic and give her a military lesson that would break her spirit completely. Therefore one of the conditions to be imposed upon France was the return of Louisiana to Spain and which England would take from us if her ally should not be strong enough to do so for herself.

It was indeed a day of appalling danger for our country. The entire valley was to be trampled under military heel. An immensely large force for that time was to embark from Plymouth for the conquest of the Gulf States, the control of the Mississippi Valley, and the occupancy of the Louisiana Purchase. This army was composed of men who had been under Wellington in the Peninsular wars. Gen. Ross was to have commanded this invading army after Wellington declined its command; but Ross was killed on the banks of the Patapsco, and Sir Edward Pakenham was placed in charge, the Duke of Wellington having again declined the command.

It was a dark period for our country. The old martial spirit of the Revolution seemed to be dead. The war was far from arousing any patriotic enthusiasm. Even the school children of America were depressed, downhearted, and saddened at the overwhelming calamities that had befallen their country.

It is clear that if another disaster had befallen our arms instead of the triumph that we won, if another defeat had been our fate, we would have been crushed and overwhelmed by such a catastrophe, England would have occupied New Orleans and taken possession of the Louisiana Territory without another blow, as we would have been at her mercy.

We had sent James Bayard, John Quincy Adams, Henry Clay, Jonathan Russell, and Albert Gallatin to secure a treaty of peace.

Lord Castlereagh about this time said: "Every port and city in America is in our hands and the Americans are little better than prisoners in their own land." The London Sun, as well as the Canadian newspapers, looked forward to and predicted the annihilation of what they scornfully refused to recognize as a military force.

Our peace commissioners were subject to mortification. Michigan, Wisconsin, Ohio, and Indiana were demanded as an evidence of our defeat. This was on September 8, 1814. It is needless to say that these demands were promptly refused by our commissioners.

Keep this fact in mind, my countrymen, for the seeming friend of to-day may be the enemy of to-morrow, and eternal vigilance and watchfulness are necessary to safeguard the interest and unity of the Nation. For on October 24, six weeks later, Lord Bathurst gave Pakenham his commission and orders to proceed to Plymouth and embark there for Louisiana to assume command of the forces operating for the reduction of that Province. All of these warlike preparations were being made while the peace conference was in session at Ghent.

Yes, my countrymen, eternal vigilance is the price, or a part of the price, we must pay to preserve our liberties, our freedom, our institutions. Self-reliance, preparedness, training, resolution, and fortitude should be the cloud by day and the pillar of fire by night to guide us along the road to the goal of our country. Alliances, except for the purpose of trade, do not appeal to a bold and militant people. Courage and that discipline which comes as a result of training from the cradle until the patriot steps on the battle field or the deck of his country's war vessel are what make for a nation's perpetuation and its glory.

It is true a treaty of peace was signed, but let us not forget that it was not a spirit of generosity on the part of England that led to the abandonment of her extraordinary claims and proposed indemnities as an evidence of our humiliation, but because she was assured just at this time and believed that we were so torn and worn by dissension, so near exhaustion that dissolution was inevitable, and that the dismembered States would seek a new and closer alliance with her as separate and distinct dependencies. In other words, she hoped to secure more by what she considered the inevitable process of dissolution, that her informants thought they saw in operation, than by force of arms or a too exacting treaty and the harsh terms she had intended to impose. She had not relinquished her rights in the Louisiana Purchase on behalf of Spain, nor had she abandoned her plans to control the Mississippi, for the Pakenham expedition had been hurried across the Atlantic and assembled at Negril, Jamaica, with a full civil government for the Crown Province of Louisiana, as it was referred to by England; and no effort was made to recall it.

As a matter of fact all plans for the invasion and occupancy of the Louisiana Territory were being actively pushed while the peace conference was in session. Do not ever forget this, my countrymen; keep it in mind, lest on some tremendous day we have to pay for our carelessness in blood and tears.

Just at this critical time in the history of our country there loomed on its horizon one who became a great figure in the affairs of this world, one who came out of the woods, like Hosea of old. Tried by obscurity, poverty, pain, danger, and the malevolence that always assails merit, he had overcome disappointment, surmounted every obstacle, subdued and triumphed over every disaster. The perils of the wilderness, the hostility of the savage, the silent antagonism of the trackless swamps and the unbroken forest, melted into thin air before the dauntless courage and martial fire of this hero, warrior, statesman, patriot, and American, Andrew Jackson, whose fiery heart never quailed before any foe, whose crest was never lowered to any enemy.

His fame as an Indian fighter, his wonderful march against Pensacola, his defense of Fort Bower had reached Europe, and Wellington saw flashing across the military skies, not a meteor dazzling in its brightness for a moment, only to plunge into everlasting gloom and darkness, but a rising star of the first magnitude.

I will not dwell upon Pakenham's advance up the Gulf of Mexico and through Lake Borgne, nor upon the skirmish by lake and land, by river and bayou, that preceded the memorable conflict on the 8th of January, 1815. Expede Herculem. From the foot of Hercules build his statue. From this Spartan message vision the glory of our victory—the tragedy of their defeat.

American loss: 7 killed and 6 wounded.

English loss: 700 killed, 1,400 wounded, and 500 prisoners.

Among the slain was Pakenham, the gallant leader of the invading force. As are Leonidas and Thermopylae Pass to Greece are Jackson and New Orleans to Americans.

When shall the glory of our Army fade? Shall we of this great country ever forget the Kentuckians, Tennesseans, Mississipians, and Louisianians, some of whom marched 1,200 to 1,500 miles to be with Jackson and his immortal aids, Coffee and Carroll? Let the Jackson Highway of to-day, over which they marched when it was an unbroken wilderness from end to end, convey in eloquent silence the greatness, the glory, the grandeur of these splendid souls who are now in the great beyond, near the throne of God.

They are buried all over the South and West. After playing out in a magnificent way their parts as American citizens and soldiers, they joined the glorious souls who fought, struggled, bled, and died for the land since the first white man placed his heel upon it. Each of Jackson's soldiers was a York, born with a rifle near his hand, trained to meet danger from his infancy, and with lion-hearted courage had subdued his savage foes. The glory of the English Army went as chaff before the wind when they met our backwoodsmen rifle experts and dead shots. No enemy could hope to struggle successfully with such American invincibles. They are no more. They have passed away, but their blood is still here. They themselves are in the great country of all men's hopes, on the blue-tented field above.

The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and daring few.
On fame's eternal camping ground
Their silent tents are spread
And glory guards with solemn 'round
The bivouac of the dead.

Their shivered swords are red with rust,
Their plumed heads are bowed,
Their haughty banner, trailed in dust,
Is now their martial shroud;
And plenteous funeral tears have washed
The red stains from each brow,
And their proud forms, in battle gashed,
Are free from anguish now.

Rest on, embalmed and sainted dead,
Dear as the blood you gave,
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

[Applause.]

May I, my countrymen, now that as a Louisianian I have placed metaphorically a wreath of my great State upon the last resting place on earth of the brave Kentuckians, never-to-be-forgotten Tennesseans, and immortal Mississippians, who won for themselves and their country on Chalmette Plains on January 8, 1815, fadeless crowns of glory—may I say a few words of our own Louisiana, the Niobe of States, and her beautiful and romantic daughter, New Orleans?

If you would feel glory's thrill, if you would feel the throb of an unwritten epic, read the story of Jean Lafitte, the pirate, who would not sell his country for all the bright gold England could offer; read the story of Dominick You, whose epitaph from Voltaire's "La Henriade"—

Intrépide guerrier, sur la terre et sur l'onde,
Il sut, dans cent combats, signaler sa valeur,
Et ce nouveau Bayard, sans reproche et sans peur,
Aurait pu sans trembler, voir s'écrouler le monde.

The intrepid hero of a hundred battles on land and on sea, and who, like another Bayard, without fear and without reproach, will one day, unmoved, view the destruction of the world, claims the attention of all who visit his tomb—the attention of all passers-by in the old St. Louis cemetery, where are buried You, and by some it is said Lafitte, the kinsmen of Hernando De Soto, and these grand old Creole dames and gentlemen who loved the beautiful Queen City of the South—where lie the Louisianians who stood shoulder to shoulder and heel to heel and heart to heart and soul to soul with their brethren from Kentucky, Tennessee, and Mississippi—if you would catch the atmosphere of this epic in our history, read the wonderful work issued by the Louisiana Historical Society in commemoration of the centenary of the Battle of New Orleans, on January 8, 1915, and which has an honored place in the great Congressional Library.

And never forget a tradition which our people boast of as an evidence of the heroism of their great men and women. If Jackson had lost the conflict on the plains of Chalmette, he had planned to retreat up the river with his army and the entire population of New Orleans, then set fire to the city, and when it was destroyed cut the banks of the river and inundate its smoking ruins, obliterate it, so that the enemy would have no resting place for the winter. My countrymen, even that thought conveys to our minds the man more clearly than any poem or oration the dauntless Americanism of this hero, Jackson, champion of liberty, son of freedom, and hero of New Orleans and his country's idol.

It is said that William of Orange was willing to take the people of Holland to the Asian islands in the Pacific below the Equator, and there under the Southern Cross, where the nutmeg and sugar cane grow, begin a new republic, but only after he would cut its dikes and flood the lowlands, in order that his country might not become the spoil of the invader and conqueror. Moscow stands out as another sublime story of resistance, and New Orleans is the great American epic, though unwritten, as to what the American people would do at all times to fight the invader. "Millions for defense, but not a cent for tribute" in its larger sense expresses our willingness to make any sacrifice the war god demands rather than prostrate ourselves before any foe. [Applause.]

Mr. Chairman, my song hath ended; my voice is about to join the echoes. Would that my address were worthier of the great event in our history.

But to other men and other times I leave the chapters that will in a measure reflect the glory that transcends in the minds of Americans—

The glory that was of Greece,
The grandeur that was of Rome.

Down on those immortal plains, down on that glorious battle field, down where the bearded oak and the magnolia and pomegranate and orange and fig and the night jessamine grow, and the waters of the Mississippi sing on their way to the sea a mighty refrain under the moonlight to the brave spirits that fought the good fight and won, there rises a great shaft in memory of our gallant souls who repelled the invaders. It stands out under the sky of Chalmette, so that travelers to all parts of the world as they pass down the river to the Gulf may see it, and carry it in their hearts and affections—a monument to our sainted dead.

There on that holy ground, in the years to come as in those that have joined eternity, will be heard orations on the glory of their fall and their wonderful victory. Kentucky, Tennessee, Mississippi—Louisiana shall never forget your noble sons.

Our speakers shall always refer to them affectionately as the brave defenders of the valley.

And, in eulogizing your departed soldier, sons will point to that marble column that rises to the sky and declare:

Yon marble minstrel's voiceless tone
In deathless songs shall tell,
When many a vanquished age hath flown,
The story how ye fell.
Nor wrecks, nor change, nor winter's blight,
Nor time's remorseless doom,
Shall dim one ray of holy light
That gilds your glorious tomb.

[Great applause.]

Mr. GOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I am sorry to have to take the attention of the committee from the splendid eloquence to which we have just been listening to sordid matters of business, but I want to call the attention of Members of this Congress and this committee to a fact that I have here. The department of unused and renovated war material from time to time, as well as other departments—and there seems to be several of them—sell material that is on hand. Sometimes in the sheets which they give out they attach the prices of the material that they are going to sell, and it is stated that they are the original prices of the articles. Most of the time no price is attached on these sheets. I call attention here to several hundred articles, but I wish to use the few minutes alloted to me to call the attention of Members to an official price list of articles for sale in the Army Quartermaster's retail stores, the list being No. 1, which was issued with prices of the materials attached thereto, as being the original price of the article. There are several hundred of them on this list, among which are some stocks and dies for iron pipe cutting and threading. Almost everyone knows what those articles are. This list shows stocks and dies, from a quarter of an inch to an inch, new, at $23.50 a set; and offers to sell to the waiting public for that amount. Newspaper articles from time to time say that these sales are to be made for the purpose of permitting the returned soldiers to get the articles at reasonable prices—tools with which they may start in business, or through which they may secure employment and use the tools. I saw this price list, and saw upon it some stocks and dies, and I went to the stores and bought one set of new stocks and dies made by Armstrong Co., at Bridgeport, Conn.

The price listed is $23.50, which is the price the Government paid, according to the package markings. This is the set of dies which I have here in this box. I then went down to Espey's hardware store on Pennsylvania Avenue, at No. 1010, and purchased identically the same set of stocks and dies, made by the same people, for $7.25. Either the Government has been robbed to the extent of more than 200 per cent on all of its hardware articles, because this is a fair sample, or else the Government is profiteering to that extent. One or the other is true. Mr. Espey gave me a receipt for my purchase, and on the receipt he stated that he had never sold these articles before in the history of his business, and that is a good many years, for more than $7.25. The Government purchased hundreds of different sets and of different sizes of stocks and dies, as well as all other kinds of hardware material, and I have here in my hand a great list of various articles that are offered for sale. I heard strong talk yesterday from the Democratic side, ridiculing the cry of economy and of economizing, but this shows that some one appointed by the Democratic administration sold to the Government at 200 per cent above ordinary price these articles, or else the Government, as I said before, is profiteering to that extent in selling them now to the public.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. I yield to the gentleman.

Mr. CONNALLY. I want to inquire of the gentleman whether or not the sizes of these dies were different?

Mr. GARLAND. They are identically the same, and here they are in these two boxes. This box is a little different outside, because they have not been painting the boxes since the war, as they did before.

Mr. CONNALLY. Are they all of the same size?

Mr. GARLAND. The sizes are from one-quarter of an inch to an inch.

Mr. CONNALLY. And all the same size?

Mr. GARLAND. They are the same identically. Here is a piece of quarter-inch pipe where one end was thread cut with one set of dies and the other end with the other set of dies. They are identically the same; they are of the same make; there is not an iota of difference between them. The same company made them, and they are known as Armstrong No. 2 two-piece steel dies.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. DENISON. I think it would be very enlightening to the House and to the country if my friend from Pennsylvania [Mr. GARLAND] would make inquiry to ascertain whether or not the Government did allow itself to be robbed in that way by paying that high price or is in turn really profiteering on the public.

Mr. GARLAND. I would say to the gentleman from Illinois that it is my intention to introduce to-day a resolution to have this matter referred to the committee on war-expenditures cost, the committee presided over by the gentleman from Illinois [Mr. GRAHAM]. I intend to have all this data for the use of the committee, and I hope that the committee will make a thorough examination. I believe from the evidence that I have here that all of the hardware sold to the United States Government was sold at exorbitant prices, practically on the same ratio as this, of probably 200 per cent above retail prices. You can go into any town in the United States and buy that set of stocks and dies for $7.25.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. CHINDBLOM. One of these boxes contains the exact dies purchased by the Government?

Mr. GARLAND. One of them I purchased from the Government, and the other I purchased from Mr. Espey.

Mr. CHINDBLOM. The Government originally had purchased the set, of course, which the gentleman purchased from it?

Mr. GARLAND. Yes.

Mr. CHINDBLOM. So that the gentleman has the corpus delecti?

Mr. GARLAND. Yes.

Mr. CONNALLY. The gentleman says that he purchased one from the Government and paid $23.50 for the set?

Mr. GARLAND. Yes; the Government price.

Mr. CONNALLY. And the other from a retail dealer here, and paid $7.25 for the set?

Mr. GARLAND. Yes.

Mr. CONNALLY. What object did the gentleman have in paying $23.50 for one set, when he could have gotten it from a retailer at $7.25?

Mr. GARLAND. The object is to show that somebody appointed by this Democratic administration apparently has been in the habit of selling to the Government hardware material at about 200 per cent above the retail cost price. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

By unanimous consent, Mr. GARLAND was granted leave to revise and extend his remarks in the RECORD.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, when the Secretary of the Treasury suggested to us some time ago that the deficit at the end of the current fiscal year would be something over two and a half billions of dollars I think he did not have in mind that the deficiency estimates were going to pour in the way they have been coming. We have before us a bill carrying $88,000,000, I believe, reduced by $29,000,000 below the amount of the estimates, for expenditures that I doubt if the Secretary had in mind when he estimated the probable deficit at the end of the fiscal year. I think that to-day we will have to chalk down another sum of nearly $90,000,000 as an increase of the war overhang at the end of the present fiscal year. It is facts like these that compel the continued discussion of economy.

Why, I understand that certain gentlemen are insistent that this bill, large as it is, shall be increased by about $10,000,000

for the purpose, as I understand it—and a laudable purpose in a way and from one standpoint—of keeping certain people employed on Government work. In other words, locally and in administration circles generally there is a plan and purpose to continue public expenditures indefinitely along the same lines and in the same volume that they were carried on during the war. In these days, when we are hearing from innumerable sources of the alleged inadequate salaries and wages that the Federal Government is paying, there is nothing so painful, apparently, as the separation of one of these inadequately compensated people from the public crib.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. Last year it was thought that four and a half billions would take care of the expenditures of this year because of an overhang from the war. Now we have the suggestion that next year it will be four and a half billions, and that means we are to have a permanent outlay of four and a half times what we had before the war?

Mr. MONDELL. It means we are to have that much of an outlay and a billion or two more unless this Congress takes the position that the American people will not stand it. [Applause.]

I am not privileged to mention what was said at a conference held this morning in the Speaker's room with the Assistant Secretary of the Treasury—the Secretary being unable to be present, as he was in attendance on his last Cabinet meeting—and the chairman of the Federal Reserve Board, there being present besides the Speaker, the majority and minority leaders, the chairman, and the ranking member of the minority, of the Committee on Ways and Means, the chairman of the Committee on Appropriations, and the members of the steering committee—I am not privileged to say what those gentlemen said to us. They emphasized certain facts, patent to all, who study the financial condition of the country in a way to make them very clear. The problem of financing the war did not end with the signing of the armistice nor were all our problems met during the war, when in the spirit of patriotic enthusiasm anything could be accomplished. We have had trying problems since the close of the war. We are still confronted with them when, with the outside world, the European part of it, on the verge of bankruptcy, we are trying to take up the war overhang, reduce the tremendous war expenditures, and save the financiers of the country in these days of peace from the financial disaster that, thanks to the patriotism of the country, did not seriously threaten during the period of the war.

Mr. GARD. Will the gentleman yield?

Mr. MONDELL. It is the easiest thing in the world——

Mr. MILLER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Washington?

Mr. MONDELL. In just a moment.

It will be the easiest thing in the world for this Congress to respond to demands made upon it here and there and elsewhere for appropriations and bond issues that would bring the Treasury of the country perilously near a condition of insolvency, and in doing that to send into political oblivion the men and the party responsible for it.

Mr. GARD. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. GARD. Does the gentleman intend to enlighten us as to the additional item to be added to this bill costing $10,000,000?

Mr. MONDELL. I think it has to do with navy yards and repairs to ships in navy yards. But the gentleman will be fully enlightened; at least, he will hear much in regard to it, I presume, when the item is reached.

Mr. BLANTON. If the gentleman will not permit a rule to come in making it in order, I will save him any trouble about it, because I am going to make a point of order against it.

Mr. MILLER. The gentleman is referring to the construction and repair in 1920 of the war vessels of the United States in the $10,000,000 item?

Mr. MONDELL. I understand it has to do with the repair of naval vessels. I am not discussing it. I do not pretend to be informed in detail in regard to it. I simply referred to it as one of the additional demands.

Mr. MILLER. I wish to say to the gentleman——

Mr. MONDELL. I have no time to discuss the merits of the item, and I am not doing it. It will be discussed. It doubtless has some merit, or otherwise no one, I trust, would be for it. The question is whether it is essential and whether the welfare of the people demands that we shall do it now.

He who preaches economy has the approval of everyone, but he who attempts to put economy into effect is likely to be very unpopular. In my reiterated insistence upon the practice of economy in Government expenditures I find that I have the support, in principle, of almost everybody, but in endeavoring to apply the principles of economy to the specific propositions presented to Congress I have the unpleasant experience of encountering one after another the opposition of those who are favorable to the particular expenditure on which we are attempting to economize.

Notwithstanding all this, our duty is perfectly plain. With nine billions of estimated obligation and expenditure and six billions of estimated revenue, and with the probability that the obligations and expenditures have been underestimated and the income overestimated, whatever else we would like to do, there is only one thing that we can do, and that is economize.

May I be allowed to again emphasize the fact that in reporting our appropriation bills we must reduce the estimates as they appear in the Book of Estimates at least a billion or a billion and a quarter dollars. With this reduction we shall not escape serious consequences if, over and above and beyond the estimates totaling nine billions, we shall make vast expenditures.

A special effort is being made to pledge the country to a system of universal compulsory military training. I am not proposing at this time to discuss the merits of such a system. It is my duty to subject it to the analysis of cost. If the American people now, or at any time in the future, want such a system, that is for them to determine; but no man in a position of responsibility at this time is performing his duty to his country who does not frankly acknowledge the cost of any program he proposes, and no man responsible in any way for expenditures is performing his duty who does not correct misstatements which are made as to the cost of programs proposed.

I have been very much surprised to hear, from sources that ought to be well informed, the very extraordinary statement that a system of universal, compulsory, military training can be put in operation in the United States for $125,000,000. The man or the organization that makes such a statement as that is either lamentably ignorant or willfully misstates the fact, and the computation of the cost of such a system is so simple that there is no excuse for a misstatement of the facts.

The fact is that a system of universal, compulsory military training could not be inaugurated in America and operated for the first year for less than $1,000,000,000, and could not be carried on thereafter for less than $700,000,000 per annum, and these figures are conservative and based upon facts so well known that the least-informed citizen may readily grasp them.

A system that would call for the training of all of the able-bodied, physically fit youth of the country of a given age—be it 18, 19, or 20, or whatever age selected—would apply to at least 800,000 men. That would be about the number after all the physically unfit had been excused. If 25 per cent, or 1 man in 4, of these physically fit youths were excused for one reason or another, it would still leave 600,000 men for training.

Under most of the plans proposed the actual training period would be four months. Adding to this 30 days in which to call, assemble, and transport the men to be trained to the training camps, and another 30 days as the least time in which they could be disbanded and transported to their homes, we have a period of six months during which upward of 600,000 men would be clothed, fed, cared for, transported, and trained at the expense of the Federal Government.

Mr. OLNEY. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Very briefly.

Mr. OLNEY. You do not really believe that it would take 30 days before and after training to organize and to dismember these camps?

Mr. MONDELL. I do. The gentleman lives in a very small State. You can travel across it in a very brief time. But this is a very large country. [Applause.] By the time you took a man from a mountain village in Wyoming, or even a village in northern Maine, or from a seacoast town on the western or southern coast and assembled him with his neighbors at some central point, and transported them to the proper place of training, and organized them for training, all of 30 days would have been consumed. But let us not spend time over trifling details. It is the question of what it will cost that I am talking about. [Applause.] It might be only 29 days, but the difference in the cost would be infinitesimal.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield, just for a question?

Mr. MONDELL. Yes.

Mr. LINTHICUM. The gentleman said it was a question of what it will cost. Am I to understand that everything from now on is to be measured in this House from the standpoint of what it will cost, or will it be measured from the standpoint of

what will be the merit and advantage to the American people? [Applause.]

Mr. MONDELL. The gentleman can argue this universal military training proposition as long as he wants to from the standpoint of advantage, but my purpose just now is to challenge attention to what it will cost. Evidently the gentleman does not want the people to know what it will cost, for fear if they knew what it would cost they might not want to embark on it at this time.

Mr. LINTHICUM. Mr. Chairman——

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. No; I can not yield further. I am discussing what it will cost just now, and I shall be glad to discuss other phases of it with the gentleman from Maryland at some other time. Let us count the cost, because there have been more misstatements made about the cost of this thing than about anything that I know of, men who ought to know better, members of organizations that ought to be informed, have been trying to hoodwink the American people into believing that for a mere pittance, for a few million dollars, you can transport the able-bodied young men of this country, 600,000 or 700,000 or 800,000 of them, and put them into camp and train them for several months for a measly sum of money.

If it is a good thing—and I am not arguing that point—if it is a good thing, let us have it, but let us know what it is going to cost. [Applause.] Let us know about it in these days when we are warned as to the condition of the Treasury. If the deficit is to be increased, let us know how much and inquire where the money is to come from? If gentlemen in advocating these plans will propose a tax on the American people that will meet the cost, whatever it is, then they will at least be making their plea from a sound financial basis. But when gentlemen proceed on the theory that it is not going to cost much of anything and that what little it does cost you can pick off the bushes, why, men who have a sense of responsibility have reason to protest.

The present cost per man of the Military Establishment of the United States averages approximately $2,000 per annum. Assuming, for the sake of argument, that it would cost no more per man for the men in training than for the men in the Regular Military Establishment and the minimum cost for the minimum number of men which a universal training system would involve, with the exceedingly liberal provision of 25 per cent of the able-bodied men excused, would be, for 600,000 men, $600,000,000. If fewer men were excused, the cost would be more. Every item of the cost of men in training, with the possible exception of the item of pay, would be higher than the corresponding cost of a man in the Regular Establishment. That would be due to the fact that, in the first instance, there would be the cost of assembling, a cost that does not occur in the Regular Establishment; the cost of transportation to and from the training grounds and from one training ground to another as the men were given a variety of training, greatly in excess of the average cost of transportation in the Regular Establishment.

The clothing cost would exceed an average six months' cost for the Regular Establishment, because the men would have to be fully equipped at the outset, furnished with a variety of training uniforms, and unquestionably they would be given a practically new outfit on their return home. The troops in training would have to be at least as well fed and housed and cared for as the men of the Regular Establishment. As a matter of fact, these items would all of them be higher than the average cost for the same purposes in the Regular Establishment.

In order to prevent epidemics among large bodies of young men suddenly brought together from homes all over the country it would be necessary to have extraordinary medical and hospital facilities. This and the cost of the maintenance of barracks and quarters, instead of being spread over a period of a year, would be concentrated in the training period of six months.

In the matter of officers it would take quite as many, and in all probability many more, in proportion to the number of men than would be required for regular troops, for the entire period would be one of travel, organization, intensive training—physical, military, educational; a period of intense activity. There would be the cost of recreation facilities and instruction, an item larger than for the same number of men in the Regular Establishment.

Army officers have testified that it would cost at least $300,000,000 to put the camps of the country in condition for a system of universal military training, and that it would cost at least $60,000,000 per annum to keep these camps in condition. The items, therefore, of a system of universal compulsory military training, with 25 per cent of the able-bodied men excused, would be for the first year as follows:

Enlargement, improvement, and extension of camps	$300,000,000
Assembling, transportation, equipment, and training of 600,000 men	600,000,000
Maintenance camps, one year	60,000,000
Incidental costs, training, equipment, and material	40,000,000
Total	1,000,000,000

This sum might be reduced after the first year by the $300,000,000 used for enlargment of camps, though the probability is that other unanticipated costs would take it up.

It is true that the proponents of this plan do not anticipate putting it in operation until the year 1921, but if put in operation in the spring of 1921 more than half of the cost for the first year would have to be borne out of the revenues of the year for which we are now appropriating. If such a system was to be put in operation in 1921 the work on the camps should begin at once, and at least $600,000,000 of the first year's cost of $1,000,000,000 would have to be met out of the revenues for the fiscal year for which we are now making our calculations.

Let it be remembered that the nine billions of estimated expenditures, to which I have referred, does not contain a penny for any of this class of expenditure; that it would be in addition to all the estimates heretofore made; and that therefore it would increase by the amount of its cost the deficit for the next fiscal year, now estimated at $3,000,000,000. That estimated deficit, even as things now stand, is a real menace. It would be disastrous to increase it. If we are to have any more large expenditures, gentlemen proposing them should bring along with their proposal a plan of additional taxes to pay the cost. That is the only safe way, and if this system must be put into effect additional taxes should be levied to provide for it.

The fact is that this whole question of training should be left for settlement next year. We have over 4,000,000 trained men now. We are passing through the most trying financial period of the war, though the armistice was signed considerably more than a year ago. We are entering upon the financial period that is going to determine whether or no, having piled up a national debt of $26,000,000,000, having an unbonded overhang of $3,000,000,000, we are to pursue a policy which will bring us safely through the period of war financing, or a policy under which, a year and a half after the war is over, we are to be engulfed in financial difficulties which we happily escaped during the period of conflict.

I have discussed this from the standpoint of economy. Gentlemen may argue it from other standpoints as they desire. The first essential fact is how much is it going to cost; for if we have not the money we can not undertake it, be it ever so desirable. We can console ourselves with the fact that we have 4,000,000 splendidly trained young men in the country, and, thank God, there is no present menace to the Republic. [Applause.] And furthermore, camps and cantonments can be built or enlarged another year as well or better than they can this. Let us take plenty of time to think about this matter, to talk about it, and determine upon it. We can not well begin to do that until we have corrected the errors of the professional liars who go about the country trying to make the American people believe that you can have an enormous institution of this kind for the sum of money that would buy a child's box of toy tin soldiers. [Applause.]

There are many plans of training, some of which might meet the approval of all the American people. I am talking of the universal compulsory plan that is now proposed, and it is my duty to call attention to what it will cost. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. I yield 45 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, because of the ignorance or negligence, or because of the willful disregard of the laws of the United States by Carter Glass, the Secretary of the Treasury, or Rupert Blue, Surgeon General of the United States, sick and wounded American soldiers of the war with Germany are to-day not receiving treatment guaranteed them by the law, or are receiving treatment that can not be justified by anyone who has any regard for the well-being of the men who fought to maintain the country.

In Chicago, on January 15 last, American soldiers who had been seriously wounded, who had been and ought to be receiving treatment for their wounds, were requested to leave the hospital and discontinue treatment, in order that other men in more serious conditions might take their beds in the hospital.

In other words, after having volunteered to fight the war against Germany and having been seriously wounded, they were again, on January 15 last, at the Marine Hospital and the South Side Hospital in Chicago, asked to volunteer to leave those

hospitals and discontinue the treatments which are necessary for them.

In the hospitals in Chicago at the same time—and I believe in other hospitals in the United States—men who were wounded and ill by reason of their hardships in France are placed in crowded quarters, with insufficient air capacity. Wounded and sick men in these same hospitals are compelled to do what little vocational work they are able to do in bathrooms.

In these same hospitals men who have been gassed are quartered in dark hallways where no ray of sunlight has been or ever will be permitted to enter, and this in spite of the fact that since March 3, 1919, $9,500,000 of money have been available and could and should have been used.

If this condition is permitted to exist for a few months more there will be thousands of wounded and sick American soldiers who need treatment and will be unable to secure it. In my opinion thousands of them will die, and the persons responsible for those deaths will be the men I have mentioned, or some of them, because Congress has performed its duty in appropriating the necessary funds, while they have not performed theirs in expending them.

All this in spite of the direct promise of this Government when, in section 302, paragraph 3, chapter 105, Fortieth Statutes at Large, page 406, in the war-risk act, it was stated:

In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary.

This solemn promise was made by the American Government at the time these boys volunteered for service, and the fact that the promise has been broken and violated is the darkest blot upon this administration and the men responsible for the execution of the laws of the United States.

There can not be any valid reason for this neglect of the soldiers of our Army, and if the conditions continue to exist in spite of the laws of the country, of the publicity given to the facts, it will be necessary for some Member of Congress to try to secure action through the one remedy that is left, which is impeachment.

I doubt if there is a Member of Congress who could have believed, up to the present time, that public officials, charged with the duty of taking care of these wounded soldiers, would be so negligent of their duties as the facts show that they are and have been. I know that I would not have deemed it possible, and in the beginning learned of the facts largely through accident.

Mr. GARNER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARNER. The gentleman speaks of their having sufficient money. I was of that opinion also until I read this bill and saw a deficiency appropriation of half a million dollars carried for this particular work. I was wondering why it was necessary to carry a deficiency appropriation if they have the money already.

Mr. JOHNSON of South Dakota. It is because of the fact that we appropriated for the Speedway Hospital in Chicago and instructed the Secretary of the Treasury to take it over, which would give 2,500 beds. Instead of complying with that mandatory act of Congress they maneuvered around with the plans month after month and then requested, as I remember it, about 26 additional buildings for which they desired an appropriation before they spend the money that we have already appropriated. I trust I have made it clear. If not, I will make it clear later.

Mr. GARNER. Then the gentleman's criticism is based upon the so-called Chicago hospital transaction?

Mr. JOHNSON of South Dakota. Absolutely not. We appropriated $9,500,000 on March 3, 1919, for additional beds for wounded soldiers, and not one additional bed has ever been put in since that date, and that money has not been expended and is lying there and could be expended.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. If the condition is such as the gentleman describes, can the gentleman state why his party, constituting as they do a majority of the Committee on Appropriations, have actually cut the estimates in this deficiency bill of $1,000,000 for hospital construction down to $500,000.

Mr. JOHNSON of South Dakota. I can not answer that question, because I am not familiar with this bill; but it may be because of the fact that the Surgeon General has asked for an appropriation of $85,000,000 for additional hospital facilities which he said were not necessary on June 24 last, and because of the fact that the Secretary of the Treasury in submitting the request of the Surgeon General said he could not tell whether the money was necessary or not. In other words, the Surgeon General under the Treasury Department asked for a certain sum of money. Then the Secretary of the Treasury says he has no method of determining whether or not the Surgeon General states the fact correctly.

On December 7, 1919, at the request of Hon. Peter W. Dougherty, former Assistant Attorney General, and railroad commissioner of the State of South Dakota, I went to an Army hospital at Fort Sheridan to see his son, expecting to find happy, contented, and well-treated men, with the small proportion of malcontented and objectors that are found in every unit of every army, regardless of the treatment the men receive. But on that trip to Fort Sheridan on that day I saw 60 men who were not fed and many others who could not secure sufficient food, and at that time I wired the Secretary of War as follows:

At General Hospital 28, Fort Sheridan, to-day I personally saw many men who could not secure any dinner and number of patients who had very short rations. At least 60 men were not fed. These are all wounded men who have seen active service in France and need the best of food and must receive it. I request that the inspector general conduct an investigation to determine who is responsible for this condition and see that whoever is responsible be punished. Any of the enlisted men there can furnish the testimony.

The Secretary of War did send an inspector general to this hospital to investigate from December 11 to December 16, 1919, and that Army officer made a report from which I shall quote, and I quote from it not only to prove my statements but to prove them by the department itself.

Personally, I have been extremely careful in making charges against men connected with the departments, because it is extremely easy to take the floor of the House and to make extravagant charges against men who can not reply. And in making a complaint I have tried to submit names, dates, and facts, so that verification would be easy.

In reference to this complaint, Col. R. G. Peck, of the Inspector General's Department, reported, in part, as follows:

The dinner service commenced at 11.30 a. m. About 12 o'clock some 30 to 50 patients in the north mess hall were unable to get any meat, as the supply had become exhausted. There is no evidence to indicate that more than six of these men reported the matter to the mess officer or noncommissioned officer in charge of the mess hall. The latter, when he observed some disturbance among the patients and found that it was due to the fact that there was no more meat available, failed to assure the soldiers that if they remained quiet and seated he would see to it that they were provided with ample meat. Instead of giving them this assurance, he went to the kitchen for the purpose of ascertaining the cause for the exhaustion of the meat supply. During this time some of the patients left the mess hall. Eight of them returned to their wards and reported the incident to Lieut. Col. C. W. Havercamp, Medical Corps, who immediately got into communication with the mess officer, who arranged for these men to return to the mess hall and have a substitute meat served to them. This was done, and the men reported to Lieut. Col. Havercamp that they had been satisfied. All men who waited in the mess hall or who returned to the mess hall were served from one to three steaks each in about 15 minutes after the mess officer and mess sergeant had been informed that the pork chops had run out.

Mr. KREIDER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield to the gentleman.

Mr. KREIDER. I wish to suggest that there is no lack of hospitals in the Army; there never has been a time when one-half of the Army hospitals have been filled or the beds occupied. The trouble is a fight between the War Department and the Treasury Department, under whose auspices the Public Health Service is supposed to operate. It refuses to accept hospitals and materials offered by the War Department.

In spite of the millions that have been spent, there are Army hospitals where the sun does not shine, and it is due to the antagonistic feeling that exists between the departments in the present administration. A better hospital, a more sanitary one, never has been built, a hospital that has been passed upon by the War Department, by the architects, and by the physicians; and yet the soldiers are obliged to go without treatment because some bulletheaded official refuses to accept the idea of a common, ordinary, sensible being to equip the hospital.

Mr. JOHNSON of South Dakota. That matter I will come to a little later.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield to the gentleman from Texas.

Mr. BLANTON. Surely the gentleman from South Dakota has not forgotten the fact that the President of the United States was forced to veto a bill and send it back to this House because he said that we had not given sufficient money to do the very thing which the gentleman from South Dakota now complains of. The gentleman will remember that this side of the House tried to add $4,000,000 to the bill, and the gentleman's

side of the House defeated us each time, as the record will show.

Mr. JOHNSON of South Dakota. If I remember correctly, the gentleman is mistaken; that was for vocational training.

Mr. BLANTON. It was for the rehabilitation of the soldiers of the land.

Mr. JOHNSON of South Dakota. It was not for hospitals.

The officer of the day, Capt. Charles O. Latham, Medical Corps, while making his prescribed inspection of the mess, discovered that the meat component had become exhausted, and took no action other than to bring the matter to the attention of the commanding officer the following morning in a written report covering his tour of duty. He made no inquiries as to whether more meat was to be served and did not report the incident to the mess authorities. Capt. Latham heard the men pound on the table with their dishes and call for more meat, but he did not consider it of sufficient importance to take any action other than that above mentioned. He stated that there was plenty of other food, and that is was unnecessary for anyone to leave the mess hall hungry. The mess sergeant stated that as soon as he was informed of the shortage he ordered 100 pounds of beefsteak to be prepared. He then went to the mess hall and informed the men who had not received meat to remain quiet and seated and assured them they would receive all the meat they wished. He also went through the corridors and announced to the men whom he found there that if any of them failed to receive meat they should go to the mess hall where ample would be served.

In addition to this report the colonel arrived at the following conclusions and submitted them to the Secretary of War:

The inspector found a number of unsatisfactory conditions at General Hospital No. 28, with particular reference to the condition of enamel ware in use in the mess and to the uncleanly and untidy condition of the kitchens and mess halls. He also received complaints bearing upon unsatisfactory food conditions at the hospital. Not only were such complaints received from enlisted men but from nurses as well. In fact, the complaints of the latter were the strongest, the principal one being that the food is cold when served. A list of all of these irregularities and deficiencies was furnished by the inspector to the commanding officer of the hospital.

And from those conclusions he made the following recommendations:

It also appears that, while the officer of the day is required to inspect all meals and eat at least one each day with the patients, this duty has been, in many instances, but perfunctorily performed, if at all. The inspector found that the temporary officers assigned to General Hospital No. 28 are practically worthless, as far as administration is concerned. They are not interested in their work and have been disciplined from time to time. The failure of the officer of the day to take immediate and proper corrective measures on Sunday, December 7, is typical of a lack of judgment, intelligence, and initiative in the matter of insuring proper conditions in the mess.

I shall not attempt to dispute any part of the Inspector General's report, because he admits the truth of the complaint, and has, in my opinion, attempted to remedy the situation. But when I can find, on a casual visit, that a condition of this kind could exist in an Army hospital, and men who testify it was of common occurrence, there is something wrong.

Since that time I have gone through other Army hospitals with a photographer, and I make the statements made at the beginning of these remarks, with the photographs and evidence to prove them.

The photograph, which I have marked No. 1, is a photograph of a little 10-foot square bathroom at a Marine hospital at 4133 Clarendon Avenue, Chicago, which is the only place that the patients there can have to make baskets or lamps or do the other work that men want to do to keep time from hanging too heavily on their hands. In that bathroom 10 men are supposed to work, and it would be crowded if 3 men were there at one time. The men in this picture are James E. Blackstone, of the *Black Watch*, British, sent there by the British consul, and Charles Haas, who saw service at Camp Gordon, and who resides at 153 Institute Place, Chicago.

It is an outrage that the 150 men in this hospital are, because of the neglect of the high officials of this Government, not given a place and opportunity to do what little work they can and want to do.

Picture No. 2 is a dark hallway in the officers' quarters in the Marine Hospital, and in the bed is Harry Flemming, Company D, One hundred and twenty-ninth Infantry, of the Thirtieth Division, who resides at No. 30 South Lincoln Street, Aurora, Ill., in the district of Representative COPLEY. Harry Flemming, this soldier, was gassed in the Argonne, and so badly gassed that he needs treatment to-day, more than a year after the armistice. The presumption is always raised in the minds of every doctor and of every man who saw gas or its effects that a man's lungs are affected, and it is an outrage that, because of the negligence or hard-heartedness of the high officials of the Government service that I have named, that this boy is compelled to lie there day after day and hour after hour in this hallway, where no ray of sunlight ever has or ever will be permitted to enter, with the continual hurly-burly of a hospital hall to keep him awake or disturb him.

And I think Harry Flemming was taking his medicine like a good soldier, without complaint, perhaps not realizing that he was entitled to better treatment than that which he was receiving, and perhaps believing that the treatment meted out to him in France as an enlisted man is a criterion of what would be given him in this country as a civilian.

I wish that Newton D. Baker or Carter Glass or Rupert Blue, or the one of them that is responsible for the fact that not one dollar of the appropriation that we have made has been expended since March 3, 1919, for new hospital buildings, or who is responsible for the fact that not one single bed has been added to our hospital facilities since that appropriation has been made, would justify the placing of this gassed boy in this hallway or would justify the fact that the money we have appropriated has not been expended.

I should like to have one of them, or whichever one is responsible, say that the deaths that will come from this treatment will not be directly chargeable to the men who do not expend the money.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BYRNES of South Carolina. The gentleman does not mean to say that a dollar has not been spent on these hospitals?

Mr. JOHNSON of South Dakota. Not for new hospitals.

Mr. BYRNES of South Carolina. The gentleman is mistaken. The records of the Public Health Service will show that the gentleman is not correct.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. ANDREWS of Nebraska. The hearings before the Committee on Public Buildings and Grounds show that the Speedway Hospital could have been completed in 60 days, furnishing 2,000 beds, but not a single thing has been done to forward the work for over six months, and a special statute had to be enacted in order to stir them up.

Mr. BYRNES of South Carolina. So far as the special statute declared, $3,000,000 should be spent on the condition that the contractor would accept the contract and specifications, but to-day the contractor is refusing to sign the agreement to complete the contract for $3,000,000.

Mr. JOHNSON of South Dakota. Mr. Chairman, I can not yield further.

Mr. ANDREWS of Nebraska. I challenge that statement.

Mr. JOHNSON of South Dakota. In picture No. 3 is Frank Hoppe, of 1003 North Lincoln Street, Chicago. This picture shows four beds in another dark hallway in the Marine Hospital in Chicago. Every patient, every doctor, every nurse that walks back and forth from one part of this hospital to the other must pass directly by the four beds. The other three men are able to walk around and get a little fresh air, but although I was there in the middle of the day I know that the only light that Frank Hoppe receives he gets from the electric light, which is directly over his head. And if that is any way to take care of a patient in any hospital in the world I do not know it.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. In regard to this picture of the dark hallway, it does not show that it was taken by any flashlight, so it seems that the dark hallway was light enough to have the photograph taken.

Mr. JOHNSON of South Dakota. The gentleman is mistaken; it was taken by a flashlight. I was standing there when the picture was taken. [Laughter.]

Mr. BLANTON. It does not show in the picture.

Mr. JOHNSON of South Dakota. I will tell the gentleman and that will settle it.

Mr. CHINDBLOM. Does the gentleman from Texas expect that the picture would show the flashlight itself?

Mr. BLANTON. Usually they do. [Laughter.]

Mr. JOHNSON of South Dakota. Picture No. 4 shows ward C of the Marine Hospital aforesaid, and is a good ward as wards go, except for the fact that it is overcrowded and the men there do not receive the air they need; but taking picture No. 5 in connection with No. 4, you will find a situation that every red-blooded man in the United States would resent, because No. 5 shows a small alcove running out of No. 4, where venereal men suffering from loathsome diseases are kept in immediate proximity to men who have been wounded and are ill.

Again, this little alcove with only three beds in it was, at the time I was in Chicago, the only place in that hospital that

had been set aside for influenza patients—a flood of which were expected—and it was taken away from them and turned over to these men suffering from infectious diseases.

The hospital numbers of the men to whom I refer are 10009, 11040, and 12165. I do not care to state their names.

Since the day I was there they have had 70 influenza cases in this hospital with three deaths, and there is absolutely no way to segregate those patients who were suffering from influenza.

The mixing of these two classes of patients may be justified by Cabinet officers, but I think they would resent it if one of their sons were compelled to live in the same ward with anyone suffering from any disease of this kind.

Picture No. 6 shows ward No. 505 at Public Health Hospital No. 2, at 4659 Drexel Boulevard, Chicago. This ward has a capacity of 9 beds, but at the present time there are 20 beds with 20 patients in this small space. At the present time in that hospital there are over 100 beds more than regulations provide for, and unless some provision is made at once there will be thousands of boys in that section of the United States who can not receive any treatment.

No. 7 is a typical ward at this hospital. It has a capacity of 70 patients and 80 or 85 beds. The men with wheel chairs, who are living in that ward, can hardly make their way up and down the corridors between the beds. None of them are objecting to the treatment, because they happen to be in a hospital that is as well conducted, I think, as any hospital in the United States, and by as good a man as there is in the United States. And they know that fact and do not make complaint.

When I found these terrible conditions existing I commenced to make inquiry as to why the money Congress appropriated on March 3, 1919, was not expended, and there seems to be no valid reason.

In Public, No. 326, of the Sixty-fifth Congress, on page 2, I find that the Secretary of the Treasury was instructed to take over a hospital which was being built in Chicago, known as the Broad View Hospital; that the Secretary failed to comply with this law; and that in July, 1919, he was instructed to acquire it; and on December 24, 1919, again instructed to acquire it. I find that the Surgeon General a few months ago—to be exact, the 24th of June, 1919—stated that the Broad View Hospital was too large for hospital purposes. And yet on December 17 of last year he comes before the Public Buildings and Grounds Committee and asks for $85,000,000. Personally I should be in favor of giving him twice $85,000,000 if it was necessary, but when you find that on March 3, 1919, we gave him $9,500,000, none of which has apparently been expended, it seems it is useless to appropriate money.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. CHINDBLOM. With reference to this Broad View Hospital, does the gentleman know that right now the Bureau of Public Health Service is refusing to go ahead with this proposition in Chicago, and that the Secretary of the Treasury is refusing to go ahead with the proposition, and that they are dillydallying for the purpose of getting rooms for attendants and nurses and doctors, instead of getting rooms for soldiers?

Mr. JOHNSON of South Dakota. I will say to the gentleman that not only am I familiar with that, but at the present time the commandant of the two hospitals in Chicago has been requested to make a report upon the advisability of expending $800,000 for an old hotel building, which is shown in this picture, with the idea of making that a hospital—the most absurd thing that has ever been conceived by any public official.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BYRNES of South Carolina. I know that the gentleman would not want to misstate the facts. The gentleman from Illinois [Mr. CHINDBLOM] who just spoke, when the Speedway Hospital matter was up, told me in reply to my question that he would never ask for an appropriation of an additional dollar for that hospital.

Mr. CHINDBLOM. And he is not asking for it, but simply asking that——

Mr. BYRNES of South Carolina. I refuse to be interrupted by the gentleman—and the fact is that the Secretary of the Treasury is writing a letter to Congress advising the Congress that while that law directed him to sign the contract with the Shank Co. for an expenditure for the construction of this hospital not to exceed $3,000,000—and he stated he is ready to do it—the contractor refuses to sign the contract unless he is given permission to charge an amount over and above $3,000,000, and that the Secretary under the law possibly can not do that.

Mr. JOHNSON of South Dakota. I must disagree very radically with the gentleman. The facts are that they are ready to sign, and the Secretary refuses.

Mr. BYRNES of South Carolina. Will the gentleman say that I am not correct in saying that the act provides that he shall do it, provided the amount does not exceed $3,000,000?

Mr. JOHNSON of South Dakota. I think the gentleman is correct in that statement, but why does he not do it?

Mr. BYRNES of South Carolina. Because the contractor refuses to sign that contract, and the Secretary of the Treasury has put it up to him time and again.

Mr. JOHNSON of South Dakota. I must disagree with the gentleman, and state that the contractors, Shank & Co., have gone to the Secretary of the Treasury day after day and urged him to sign that contract, and instead of doing that he writes notes to Congress.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. ANDREWS of Nebraska. And I want to reaffirm the statement just made by the gentleman from South Dakota, that the contractor has again and again expressed his readiness to sign for the $3,000,000, and that the department refuses to act.

Mr. JOHNSON of South Dakota. I believe that the figures will show that we will need 30,000 beds within the next two years for men who suffered by reason of this war.

In the office of the Surgeon General they tell me that there will be 7,448 mental and nervous cases in Illinois, Michigan, and Wisconsin, and 3,540 tubercular cases, and I believe the figures are correct. But they could come in with cleaner hands if they would give the reason for the direct refusal to comply with the mandatory acts of Congress ordering them to take over this great Broad View Hospital, which would have given 2,500 more beds months ago.

I know very little concerning the facts of the Broad View Hospital except as I have discovered them from official documents. But from reading the hearings before the Committee on Public Buildings and Grounds of the Senate of the third session of the Sixty-fifth Congress, from reading hearing No. 13 of the hearings before the Committee on Public Buildings and Grounds of the House of this session, I can not escape the conclusion that men highly connected with the present administration have refused to build and accept this hospital because of some personal feeling toward Mr. Edward Hines, who lives in Chicago, or some one connected with him.

The Inspector General of the Army says affirmatively that the building of this hospital will cost Mr. Hines or his associates $750,000, and when I find that they will not accept that contribution there must be something radically wrong. That statement is found on page 1088 of the hearings before the Senate committee and is as follows:

> That the carrying out of the Speedway project as proposed by the Shank Co. and backed by Mr. Edward Hines involved a loss or contribution by these interests of an amount approximately $750,000. That the purpose of Mr. Hines in furthering the project was the patriotic and commendable one of providing a permanent, modern, fireproof hospital in place of the temporary, nonfireproof structures utilized in various localities for that purpose, generously inspired by the loss of his son, Lieut. Edward Hines, who died in the service after three months in a hospital in France. That Mr. George H. Shank, president of the Shank Co., is entitled to share with Mr. Hines in the credit of the undertaking, for the proposal included no remuneration in any form to him, either as profit, commission, or other personal compensation, and he had voluntarily proposed to Mr. Hines to share in proportion to his interest in the property the loss on the investment by reason of the undertaking.

I happen to have no personal interest in Chicago and no interest in anyone connected with Chicago, except as I would have the same interest in anyone in the United States, but when I read this record and find that Edward Hines, because of the fact that he lost a son in the service, has been willing to suffer a loss of three-quarters of a million dollars of his own money to insure that the comrades of his son, who saw service in France, may have hospital treatment, and that he is prevented from doing so by the Secretary of War and the Secretary of the Treasury, it shakes my faith in human nature.

That is a statement of a representative of the administration. I find that Mr. Hines is the only millionaire in the United States who lost a son in this war, and he is willing to build a memorial for the comrades of that son. Not only do they refuse to build hospitals but they will not accept a hospital that a man wants to build as a memorial to his son.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. ANDREWS of Nebraska. I want to add just there that the Surgeon General of the Public Health Service has expressed a willingness to accept this contract on condition that Congress would add two millions and a half more for other buildings.

Mr. JOHNSON of South Dakota. That statement is borne out by the record and by the documents that I have quoted.

I can not understand how any man, by reason of political or personal dislike of any individual, would prohibit the soldiers of the United States Army from securing the hospital facilities that they need. The record is clear that these men have refused such hospital facilities, although it does not disclose their reasons.

In conclusion, I can only say that the responsibility for the deaths that come on account of lack of hospital facilities—and such deaths are now coming—will be directly chargeable to the men who did not proceed to spend the money we have appropriated in the way it was ordered to be expended, and to do it at once. It is more cruel to cause the death of a man by depriving him of hospital facilities, which his condition demands, than it is to shoot him.

I can only say that it is the duty of every Member of Congress to investigate the hospital facilities in his own section of the country. If these conditions which I found personally there and which I have proved in these remarks can exist in the vicinity of Chicago, it ought to put every American citizen on notice to look at the hospital facilities in every other section of the United States. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to use three minutes in explanation of my statement with reference to the Shank contract. There certainly is no reason for any difference as to the facts. My information came from the Secretary of the Treasury, Mr. Glass. He told me that when he attempted to comply with the act of Congress directing him to sign the contract with Shank & Co., based on the specifications of September and October of last year, Shank & Co. refused to sign the contract unless he would agree that in addition to the $3,000,000 he would agree to pay to Shank & Co. a sum representing the increase in the cost of labor and material over and above what it was last September and October; and that he felt that under the provisions of the act he had no authority to do this; that he was limited to the $3,000,000; that he was, therefore, going to write a letter to the Congress setting forth these facts. Personally, I have no knowledge of the facts.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. JOHNSON of South Dakota. Is it not true that the Secretary of the Treasury or the Secretary of War could have closed that contract as soon as that act became a law in March, 1919, without the expenditure of an additional dollar?

Mr. BYRNES of South Carolina. Not at all; because when the gentleman and I aided in passing that law, we provided that he should close the contract provided that for the amount of money appropriated he could build a hospital suited to the needs of the Public Health Service. That required that the Secretary of the Treasury first ascertain the needs of the Public Health Service. The statement as to their needs was sent to the Supervising Architect to determine whether or not such a building as would answer the needs of the Public Health Service could be constructed within the limit of cost.

Now, the gentleman knows, too, that in June last, as the gentleman from Iowa [Mr. GOOD] showed on this floor—and I assisted him in showing it—we had more beds than we needed. Since that time the demand for beds has increased more than they ever anticipated, and, of course, the gentleman is entirely wrong in his statement that under that act they have not spent a dollar, because in the hearings, if he will turn to page 704, if he wants information on the subject, he will find a detailed list of the hospitals taken over and the number of beds in each. It will be enlightening.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I am going to use two minutes more of my time.

Now, on page 704, the gentleman will find in the statement of Dr. Stimpson, in response to a question of Mr. GOOD as to whether or not he had taken over the seven hospitals involved in the act of March 13, to which the gentleman from South Dakota referred, the following:

Did you take over those seven hospitals?
Dr. STIMPSON. Yes; we took over 20 hospitals altogether from the Army, of which 17 are now being operated.
The CHAIRMAN. Have you a list of those hospitals for the record?
Dr. STIMPSON. Yes; I will put a list in the record.

(The list referred to is as follows:)

Hospital.	Location.	Bed capacity.	Number of patients on Dec. 20.
Now in operation:			
Alexandria	Alexandria, La	500	233
Biltmore	Biltmore, N. C	400	114
Boston (general, No. 10)	Boston, Mass	300	258
Chicago, No. 2	Chicago, Ill	530	517
Dansville, N. Y	Dansville, N. Y	250	[1] 256
Camp Cody	Deming, N. Mex	850	[2]
East Norfolk	East Norfolk, Mass	230	64
Greenville	Greenville, S. C	800	766
New Haven	New Haven, Conn	470	435
Polyclinic	New York City, N. Y	310	252
Norfolk	Norfolk, Va	265	227
Palo Alto	Palo Alto, Calif	389	389
Parkview	Hoboken, Pa	500	248
Perryville	Perryville, Md	100	38
St. Louis, No. 4	St. Louis, Mo	605	325
West Roxbury	West Roxbury, Mass	300	[3] 8
Markleton	Markleton, Pa	250	[3]
Closed:			
Camp Logan	Houston, Tex	850	.....
Camp Hancock	Augusta, Ga	850	.....
Camp Johnston	Jacksonville, Fla	830	.....

[1] Above capacity. [2] Just being opened. [3] Just opened.

Mr. JOHNSON of South Dakota. Will the gentleman yield right there?

Mr. BYRNES of South Carolina. I can not until I give you these lists. I can not add rapidly enough to tell you the total number of beds offhand.

Then, in addition to that, the chairman asked whether or not he had a statement showing the amount expended on each of these hospitals. He replied that he had. Then he went on to show the status of the money spent. Of the appropriation for $750,000, the expenditures authorized were $471,186, and the amounts allotted for expenditures were $200,987, leaving a balance of $77,826. That list follows:

Status of appropriation, $750,000, as authorized under public act 326, for construction work to be undertaken at projects transferred from Army, Navy, or other departments, and for items estimated for the continuation of activities mentioned in section 2 of the above-mentioned act, as of Dec. 26, 1919.

Project.	Allotted.	Authorized.	Unexpended allotment.	Estimated future requirements.
Technical services	$18,500.00	$18,500.00	.....	.....
Alexandria, La	75,000.00	32,563.49	$42,436.51	$25,000.00
Deming, N. Mex	.....	320.00	.....	20,000.00
Jacksonville, Fla	.....	1,148.50	.....	[1]
Houston, Tex	.....	125.25	.....	10,000.00
Palo Alto, Calif	80,000.00	18,314.22	61,685.78	.....
Perryville, Md	110,000.00	40,767.56	69,232.54	75,000.00
Greenville, S. C	87,000.00	280,094.84	.....	75,000.00
Cape May, N. J	.....	16,299.80	.....	10,000.00
Hoboken, Pa	24,000.00	13,045.00	10,955.00	10,000.00
Chicago, Ill	5,000.00	3,479.14	1,520.00	.....
Corpus Christi, Tex	5,000.00	62.95	4,937.05	.....
Dansville, N. Y	5,000.00	6,070.00	.....	10,000.00
St. Louis, Mo. (2)	5,000.00	758.38	4,241.62	5,000.00
New Haven, Conn	8,000.00	2,021.22	5,978.78	25,000.00
West Roxbury, Mass	.....	1,952.80	.....	50,000.00
Augusta, Ga	.....	.....	.....	[1]
Helena, Mont	.....	.....	.....	100,000.00
Boise, Idaho	.....	.....	.....	75,000.00
East Norfolk, Mass	.....	.....	.....	10,000.00
Norfolk, Va	.....	35,582.49	.....	.....
Markleton, Pa	.....	90.00	.....	.....
New projects to be taken over (1920)	.....	.....	.....	[2] 500,000.00
Total	432,500.00	471,186.64	200,987.18	1,000,000.00

[1] Salvaged. [2] Estimated.

Appropriation		$750,000.00
Expenditures authorized	$471,186.64	
Amounts allotted for expenditure	200,987.18	
		672,173.82
Balance		77,826.18

You will find on the next page—706—of the hearings a list of properties leased by or transferred to the Public Health Service, for which funds were spent for alterations—a detailed list, showing every place and exactly what was spent on each building. The hearing was replete with information, so complete, I am satisfied, that if the gentleman had seen it he would not have made the criticism he has.

Mr. JOHNSON of South Dakota. It is true, the gentleman will admit, the Secretary of the Treasury has not complied

with the act of Congress ordering him to take over the Speedway Hospital.

Mr. BYRNES of South Carolina. Because I have told you, and will tell you again, that the act says he can not spend over $3,000,000, and the contractor refuses to sign unless he receives, in addition to the $3,000,000, a sum representing the increase in the cost of labor and material over what it was last October. If the gentleman is authorized to speak for the contractor, I guarantee he can sign that contract in an hour if he will sign it without that provision.

Mr. JOHNSON of South Dakota. It would be a wonderful thing to do.

Mr. KITCHIN. If the gentleman from South Carolina is convinced that the Secretary's refusal to sign, the failure to sign, is because the contractor refused to sign the contract authorized by the law, but puts additional conditions upon him, making additional costs, then has not the gentleman from South Dakota very much wronged the Secretary of the Treasury?

Mr. JOHNSON of South Dakota. I will say that the contractor has been ready and willing and anxious to sign. He has had his representative before the Secretary of the Treasury and the Secretary of War, day after day, since March, 1918.

Mr. KITCHIN. If the contractor in speaking, not to you, but in discussing the matter with the Secretary of the Treasury, did refuse to sign for the $3,000,000 provided by law—the only contract the Secretary can sign—if that be a fact, then you have done the Secretary of the Treasury an injustice.

Mr. JOHNSON of South Dakota. No; I have not. The gentleman is proceeding along the wrong theory.

Mr. KITCHIN. The Secretary will sign if the contractor will sign the contract for the amount provided in the act.

Mr. JOHNSON of South Dakota. He could have done that any time since 1917.

Mr. BYRNES of South Carolina. If the gentleman will put his hand on the contractor, and he will sign a contract without the provisions such as I have stated, requiring the payment of money outside the limit of cost, the contract can be signed in an hour.

Mr. JOHNSON of South Dakota. I think the contractor is in Chicago.

Mr. BYRNES of South Carolina. How do you know that the Secretary of the Treasury says what you have alleged?

Mr. JOHNSON of South Dakota. According to the reports.

Mr. BYRNES of South Carolina. The Secretary of the Treasury has explained this thing to me as I have stated, and I know he tells the truth.

Mr. JOHNSON of South Dakota. I do not think he does.

Mr. BYRNES of South Carolina. The letter of the Secretary of the Treasury, permission for the printing of which was granted, is as follows:

THE SECRETARY OF THE TREASURY,
Washington, January 27, 1920.

MY DEAR CONGRESSMAN: Responding a little more definitely to your inquiry made a while ago over the phone, I desire to state that with reasonable promptness after the approval of the act of December 24, 1919, directing the Secretary of the Treasury to acquire and complete the Speedway Hospital main building, with five auxiliary buildings, within the appropriation of $3,000,000 and in accordance with plans and specifications designated by the act, I directed the offices of the Supervising Architect of the Treasury, in conjunction with the authorities of the Public Health Service, immediately to prepare for my signature a contract in literal compliance with the law. The owners of the Speedway property and the contractors, whose tentative proposals indicated a willingness to complete the main hospital building and the five auxiliary buildings within the limits of the $3,000,000 appropriation, were invited to a conference at the Treasury on January 8 to agree upon a form and the terms of a contract. No agreement was reached at the first conference, and negotiations were resumed next day. At these conferences it clearly appeared that the owners of the Speedway Hospital property and the contractors insisted upon relating any contract which should be drawn to the old contract of the Shank Co. proposed to be made with the War Department to meet a war emergency, but rejected by that department, and which contract the Supervising Architect's office insisted was neither essential nor adaptable to a contract such as was contemplated by the act of December 24, 1919.

The owners of the Speedway property and the contractors, themselves and through their attorneys, insisted that a provision should be embodied in the contract fixing some date from which increased costs should be computed for all materials and labor required in the work, and giving the contractors a status in the Court of Claims, apparently with the approval of the Treasury, to recover from the Government any and all costs in excess of the $3,000,000 appropriated by Congress. The owners of the property, the contractor, and their attorney, according to a written report of the conference furnished me, were asked the specific question if they would sell the property, complete the main building, and construct the five auxiliary buildings according to the plans and specifications and within the $3,000,000 limitation provided by law. They answered decisively in the negative.

When the result of these various negotiations was reported to me I instantly gave instructions to the law department and the Supervising Architect's office of the Treasury to immediately have prepared a contract in strict compliance with the statute for the acquirement and completion of the Speedway Hospital project, to be promptly submitted to the owners of the property and the proposed contractors for the work. The contract thus directed to be drawn was prepared by the architect's office, approved by the law officer of the department, signed by the Secretary of the Treasury, and submitted to the owners of the Speedway Hospital property and the Shank Co., contractors, on January 22, and there the matter rests. There has not been a minute since Congress directed the purchase and completion of this enterprise under designated plans and specifications within a limit of $3,000,000 that the Secretary of the Treasury has not been willing and anxious to execute with the owners and contractors a contract for the proposition in literal compliance with the statute; and of this fact the owners and contractor, as well as their attorney, are perfectly well aware.

Replying to your inquiry as to what has been done under the act authorizing the appropriation of $9,000,000 for hospital purposes, as indicated above, a $3,000,000 contract has been prepared and sent to the owners and proposed contractors for the Speedway Hospital at Chicago.

(2) At Dawsonsprings, Ky., plans and specifications for a sanatorium with a capacity of 500 beds were submitted and bids obtained which exceeded the limit of the authorized appropriation. These plans were revised and other bids obtained, which, I am advised, are being to-day considered in the architect's office. A contract has been awarded at the Dawsonsprings project for a road on a yardage basis, estimated to cost $120,000, and is 66 per cent completed.

(3) In the matter of the hospital at Norfolk, Va., a portion of the site has been transferred by the War Department to the Treasury Department. The remaining portion is to be acquired by condemnation, and working drawings for the hospital are well under way.

(4) At the New York Marine Hospital a contract has been awarded for a kitchen and mess hall amounting to $159,902.87, leaving a balance of about $40,000 for alteration and remodeling of existing and authorized buildings.

(5) Of the appropriation of $150,000 for a general hospital at Corpus Christi, Tex., $120,000 has been expended in its purchase.

(6) Of the sum of $1,500,000 authorized to be expended for the purchase of land and buildings suitable for hospitals $450,000 has been expended for the purchase and remodeling of the buildings at Waukesha, Wis.; $350,000 has been expended for the purchase and remodeling of a receiving hospital at Hudson and Jay Streets, New York City; $175,000 has been expended for the purchase and alteration of a small hospital at Atlanta, Ga.; $150,000 has been expended for the purchase and remodeling of a general hospital at Lake City, Fla.; $36,885 has been set aside for technical services, making a total of $1,161,885 of this appropriation allotted, leaving a balance of $338,115. Of the $750,000 authorized to be expended in the remodeling of hospitals transferred by the other departments of the Government, principally the Army and Navy, all has been expended except $77,826.18. Of the $550,000 appropriated for a hospital plant within the District of Columbia none has been spent, for the reason that the department has been unable to secure a satisfactory site on Government property, as required by law; but I have asked authority from Congress to use the fund to purchase a site not on Government land. Meanwhile the department has been compelled to rent hospital facilities out of the general fund.

Very truly, yours,
CARTER GLASS.

Hon. JAMES F. BYRNES,
House of Representatives, Washington, D. C.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCKENZIE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 76. Joint resolution which appropriates $1,000,000 for the investigation and prevention of influenza; and

S. 3722. An act to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River.

The message also announced that the Senate had passed with amendment the bill H. R. 4382, entitled "An act to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, in which the concurrence of the House of Representatives was requested.

SECOND DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. GOOD. Mr. Chairman, I yield five minutes to myself on this question.

When this matter was before the committee, we attempted to find out what the situation was with regard to the Speedway Hospital, but the Public Health Service could only tell us that the question of the Speedway Hospital was then under consideration by the Shank Co. and the Secretary of the Treasury. Since this debate started one of the clerks from the Committee on Appropriations has brought me the copy of a letter signed by the Shank Co., under date of January 7, 1920, addressed to the Secretary of the Treasury. Now, I do not personally know anything about the controversy, but Mr. Bennet, formerly a Member of this House, called to see me day before yesterday. He represents the Shank Co. He said after this matter was taken up here a week or two ago the question was as to whether or not the Public Health Service was going to get two large elevators for this hospital, and the trouble was that those elevators were not specified in the contract. Mr. Shank spoke up and said, "How much do you estimate they will cost?" My recollection is that it was represented they would cost $40,000 or $50,000. Mr. Shank said, "We will put them in and give them to you." The question then was as to electric-light fixtures. The Shank Co. had held that it was not a part of the construc-

tion to give a part of the fixtures; that they were to cost about $26,000; and Mr. Shank said, "If you will allow me to substitute, where you have specified solid brass and solid bronze, the kind of hardware the ordinary business man or hospital would put in, I will put in the light fixtures without cost, although it is not specified in the contract. And he further agreed, so Mr. Bennet told me, to sign the contract and let the Secretary rearrange the interior in any way he wanted, and he would complete it within $3,000,000. I do not know anything about it, but here is a letter from the Shank Co. to the Secretary that is altogether different from what I understand the Secretary's attitude is.

It is addressed to the Hon. Carter Glass, Secretary of the Treasury, and reads as follows:

WASHINGTON, *January 7, 1920.*

HON. CARTER GLASS,
Secretary of the Treasury, Washington.

DEAR SIR: Referring to our letter of October 16, 1919, in which we propose to complete the Broadview Hospital, at Chicago, in accordance with the plans of July 15, August 16, and September 23, 1919—

While I do not have these dates in mind, yet my recollection is that those are the dates of the plans referred to in the legislation. I read further from the letter:

for the sum authorized therefor by statute, and having been informed that because of the recent legislation it is desired to substitute for the plans of three of the sections plans constructing those sections for personnel, we take pleasure in stating that we will construct those sections according to the plans which will later be submitted to us by your department under our bid. In order to save any question, we state that we are making this offer before any detailed plans whatever have been drawn and agreeing in advance to accept such detailed plans when drawn.

We trust that this concession on our part will permit the immediate signing of the contract.

If the contract is signed, we can then be proceeding with the auxiliary buildings and the four sections which are unchanged, while the detailed changes of the three remaining sections are being completed.

Yours, very truly,

SHANK CO.,
By GEO. H. SHANK, *President.*

Now, I repeat, I know nothing about this personally.

Mr. BYRNES of South Carolina. What is the date of that letter?

Mr. GOOD. The 7th of January.

Mr. BYRNES of South Carolina. I will state to the gentleman from Iowa that the statement of the Secretary of the Treasury to me was that he believed the contract was to be signed, and my recollection is that it was prepared for signature, and when it was prepared and presented to him this statement was made about the inclusion of an agreement to cover any increase in the cost of labor over and above the specifications of the contract of October 1.

Mr. GOOD. I know nothing about it except what Mr. Bennet himself told me.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. I will yield one minute more to myself, Mr. Chairman.

Mr. Bennet further stated to me that after everything was agreed upon, after the conference with Mr. Moyle, that Mr. Moyle was willing to sign the contract, but told Mr. Bennet he would come back in the morning, as he would have to see Mr. Glass. When he returned the next day Mr. Moyle told him that the Secretary would not sign the contract, because the Secretary wanted a new contract drawn and would not sign the old contract. Now, as I said, I do not know anything personally about this controversy, but I am unable to harmonize the letter just read with the Secretary's claim.

Mr. KITCHIN. I submit that the letter itself, of January 7, shows that the contractors were demanding a contract in excess of the former arrangement.

Mr. GOOD. No. They say right in the letter "within the authorized limit of cost."

Mr. KITCHIN. That is, provided they would take some reductions that they wanted.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Tennessee is recognized for 10 minutes.

Mr. GARRETT. Mr. Chairman, I am not familiar with the present status of the Chicago hospital, although I have had occasion, as a member of the Committee on Rules, to learn a good deal about its history in the past. I also have some other hospital history, and I think that in order to keep the record straight, in view of the charges and intimations of the gentleman from South Dakota [Mr. JOHNSON], it would be well for gentlemen here to refresh their memories concerning it.

The war-risk insurance bill, as it originally passed, provided that honorably discharged soldiers and sailors should be assured of proper hospital treatment, and that duty was imposed by the terms of the law, which was passed unanimously, upon the Public Health Service, which is under the Treasury Department of the United States. In pursuance of that policy the Public Health Service of the Treasury Department began to seek for sites quite early, some of them before the armistice was signed, and among other places one was definitely settled upon, and that was a point in the State of Kentucky called Dawsonsprings.

A bill was introduced and reported favorably as an independent bill, I think unanimously, from the committee having it in charge, to appropriate for and to construct a hospital for those discharged soldiers and sailors, to be under the direction of the Public Health Service of the Treasury Department, at Dawsonsprings, Ky.

That bill went to its place on the calendar. Effort after effort was made to get it up for consideration in the House by unanimous consent. It was objected to by the then minority leader of the House, the present honorable Speaker of this House of Representatives, until finally it became necessary for the Committee on Rules to bring in a special rule making that in order, either as an independent measure or as an amendment upon an appropriation bill—I have forgotten which for the moment. That was brought in unanimously from the Committee on Rules, but when it reached the floor of the House it met objection and opposition here. Gentlemen upon that side of the Chamber opposed that bill upon its original passage, principally, so far as I could determine, simply because the hospital was to be located in the State of Kentucky, and it passed by an almost strict party vote, as I recall.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Of course, it was expected that other hospitals would be located in other sections of the country.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes; I yield.

Mr. GREEN of Iowa. Does the gentleman remember what kind of a hospital that was?

Mr. GARRETT. I do.

Mr. GREEN of Iowa. It was for tubercular patients, and the opposition was based on the ground that that was not a proper place for it.

Mr. GARRETT. The gentleman from Iowa got that idea in his head at the time, and he never has gotten it out.

Mr. GREEN of Iowa. The gentleman is correct.

Mr. GARRETT. Tubercular cases were referred to, and that site was recommended by the Public Health Service for that reason. But the gentleman from Iowa was always in error and, apparently, he is still in error in the belief that it was to be exclusively for tubercular cases.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WALSH. Has the gentleman read the hearings before the Committee on Appropriations on the Dawsonsprings project?

Mr. GARRETT. I have not read the recent hearings. But I am recounting the facts of that transaction now, in view of the statement made here by the gentleman from South Dakota [Mr. JOHNSON]. This is the site which the experts of the Public Health Service selected.

Now, what happened? We passed that bill, and it passed the Senate and it became a law, and during this Congress, after the political complexion of the House had changed, just before the end of the last fiscal year, on that very day that the fiscal year closed, gentlemen from the Committee on Appropriations came before this House with a proposition to repeal this legislation establishing this hospital at Dawsonsprings, along with other legislation, and I am justified from what occurred then in stating that it was only because of the fact that certain gentlemen upon that side, members of the Committee on Rules, were out of the city, and it was requisite for the Democrats on that committee to furnish a quorum, that that hospital was not destroyed.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. If the gentleman desires, I will yield him five minutes more time.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. GOOD. I know the gentleman wants to be accurate in his statement. The proposition before the Committee on Rules was to submit the whole question to the House before final action was taken. The proposition was not to repeal the legislation.

Mr. GARRETT. It was designed to stop the work, just as a provision put into the bill and voted for, I think, thoughtlessly by many to stop the payment for purchases of land taken for Army purposes. Had it not been for the facts which I have recited, that would have been stopped.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman.

Mr. CHINDBLOM. I was not in the last House. Was it contemplated that the hospital at Dawsonsprings, Ky., would care for tubercular patients and for other classes of patients also?

Mr. GARRETT. It was.

Mr. CHINDBLOM. Does the gentleman believe it is wise and in accordance with modern practice to mix tubercular patients with other patients in the same hospital?

Mr. GARRETT. Oh, the hospital was to be arranged and, according to the authorities, that could be done—I am not an expert upon the question—but, according to the authorities of the Public Health Service, who are charged with this responsibility, and who, I take it, would not wish to do any wrong to any honorably discharged soldier or sailor of the United States, it could be properly arranged so that they could be taken care of there.

I have recited these facts, Mr. Chairman, simply in order that the record may be kept straight. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. GOOD. I yield 15 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I simply wish to say that I have no quarrel with anybody anywhere about where the hospital facilities are located. I have no quarrel with those who wanted Dawsonsprings, or with those who wanted Broadview, or with those who wanted hospitals in any other place; but I have been deeply interested in having sufficient facilities afforded wherever they might be needed to accommodate the men who contracted either wounds or disease in the military service.

I was interested in reading the hearings, covering several hundred pages, on the pending bill, and to notice that the hospital which was authorized at Dawsonsprings is not yet under construction, but that some time early last May an engineer named Graff was sent to Dawsonsprings to make a topographical survey of the grounds donated to the Government upon which this hospital for tubercular patients is to be located. And in connection with the service which Mr. Graff was sent to perform I notice that the hearings disclose the fact that he was directed to get into communication with a man named Troendle. It seems that Mr. Troendle is the "Pooh-Bah" of Dawsonsprings; that he is somewhat identified with the proposed hotel which is to be located there as a summer resort; that he is also the president or controlling owner and chief managing director of the Brandenberg Construction Co. and the Dawsonsprings Construction Co. as well.

Before Mr. Graff went to Dawsonsprings he was told that he would find Mr. Troendle a very accommodating gentleman, and that if he was unable to find office facilities in Dawsonsprings he might feel sure that he would be accommodated in Mr. Troendle's office; and I believe Mr. Graff finally accepted the tender of office space in the office of Mr. Troendle. He was directed to make a topographical survey of the land which had been given to the Government. He was told that Mr. Troendle had been very kind in the matter of donating part of the money contributed by the citizens of that neighborhood to those who originally owned the land before the donation was made to the Government, and Mr. Graff after having made some attempt to get men to make the survey that he went there to make, and being unable to get men, called on Mr. Troendle, or the Brandenberg Construction Co., and finally recommended the award of a contract to them to make the survey on the basis of about 55 cents per acre. Later on it developed that it was necessary to construct a highway over which the supplies and materials that might be needed in the construction of the buildings later to be erected would have to be hauled.

It was disclosed also that the Brandenberg Co., through Mr. Troendle, said to Mr. Graff that Mr. Moyle, Assistant Secretary of the Treasury, and Mr. Perry, the directing engineer of the Public Health Service, and somebody else connected with the Public Health Service as assistant to the Surgeon General, were his friends and that he was to be given any contract that might be let, regardless of what the contract price should be; and while Mr. Graff did recommend that a contract be let for the topographical survey and did make an estimate of what it would cost to build the highway, which runs for a distance of about 2 miles through hilly ground, some of which has to have cuts and some fills, he did not recommend that any contract be let to the Brandenberg or the Dawsonsprings Construction Co.; but he discovered that in connection with and supplemental to the contract for the topographical survey, which really amounted to very little in dollars, the Public Health Service here made a contract for the construction of the highway over a totally different line of survey than that recommended by Mr. Graff, to the Brandenberg or to the Dawsonsprings Co., either one of which is the same as the other, and both controlled and operated and directed by Mr. Troendle, and that the price at which the contract was let amounted to about $31,500 a mile more than the estimated cost to the Government, as suggested by the Government representative. And the Government representative in his testimony before the Committee on Appropriations says that he was not consulted about letting contracts to these people, but was directed that they should be permitted to proceed with the work. And that is not all; but the Brandenberg Construction Co., through Mr. Troendle, are not only permitted to do the contract work at double the cost estimated by the Government representatives, but they are also permitted to do their own surveying, their own engineering work, to make their own estimates of the quantities of material taken from the cuts and placed in the fills; and that whereas the Illinois Central Railroad Co. are paying $1.20 a cubic yard for taking out rock in that neighborhood along the cuts for the extension of their own railway, the Government of the United States is paying $4.50 a yard for that same kind of rock work.

Mr. Graff, who is the Government engineer, says that he estimated the cost of this rock work at $2.50 a yard, and yet the Public Health Service, charged with the responsibility of spending the people's money for facilitating the care of the sick, wounded, and dying men who served in the war, goes about squandering the people's money in this reckless and unjustifiable manner.

Now, I do not know of what use it is to appropriate money for the care of soldiers and place the disposition of that money in charge of men who have no regard for its proper expenditure.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. I just want to advise the gentleman from Illinois that this gentleman at Dawsonsprings about whom he has been talking so much is one of the biggest political leaders that the Republican Party has in the State of Kentucky.

Mr. MADDEN. I would not care what he was or where he was or who he was if his action was not in conformity with strict justice and integrity.

I do not care whether he is a Republican, a Democrat, or a Socialist. I do not care who he is or who his friends are. He could not spend this money out of the Public Treasury unless somebody in charge of the money authorized him to do it. How can Troendle be blamed? He is a private citizen.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ANDREWS of Nebraska. When the Surgeon General and the representative of the Shank Co. were before the Committee on Public Buildings and Grounds of the House he offered to sign the contract for the $3,000,000, but the Surgeon General refused unless $2,500,000 more should be appropriated by Congress for additional buildings that they were demanding.

Mr. MADDEN. I am making no charge against Mr. Troendle or any other man. What I am doing is criticizing the reckless, useless waste of public money by public officials who are sworn to an honest discharge of their duties.

Of course, if they are so little interested in the conservation of the health of those who gave everything they had to their country in the hour of its direst need as to squander the money set apart for their care in such a way as this, they are unfit to occupy the high places which they occupy.

There is not a large amount of money involved in this; it amounts to $65,000 for 2 miles of road construction—more than it should amount to. But on the same principle that it is wrong to squander millions, it is equally wrong to squander thousands. If this policy has been pursued—and the evidence shows it to be the fact—in respect to the expenditure of this small preliminary sum, what do you suppose will happen when they begin the construction and before they complete the buildings? I have no doubt whatever but that Dawsonsprings is an ideal spot for a tuberculosis hospital. It is in the hills, surrounded by all the attractions of nature—pure air, good water, and everything to be desired—and we are in the position of having not begun the work for which the money has long since been appropriated; but that particular work in road construction has been begun badly, for here the money of the people, intended for the care of

the sick and the wounded American soldier, has been squandered and wasted without any consideration as to what effect its waste would have on the care of these men. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks the privilege of extending his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman and gentlemen, I am very much impressed with the seriousness with which the gentleman from Illinois [Mr. MADDEN] has addressed you, showing his anxiety at this late day for the care and comfort of the disabled, discharged soldiers, sailors, and marines. The gentleman from South Dakota [Mr. JOHNSON] has also addressed you today and in his address criticized the Bureau of Public Health Service and the Secretary of the Treasury for not furnishing sufficient hospital facilities for these soldiers. It comes with bad grace for the Republican members of this House to criticize the Secretary of the Treasury, the Bureau of Public Health Service; or anyone else, for the insufficient hospital facilities for these boys, because when this legislation was before Congress from time to time during the period of October, 1918, to March, 1919, practically every Republican member of Congress did all he could to prevent this legislation. Now, when the situation presents itself as serious, as predicted at that time by the Bureau of Public Health Service and the Secretary of the Treasury, these gentlemen become very solicitous about the welfare of these unfortunate boys.

On the 11th of September, 1918, I introduced a bill to establish a sanatorium for disabled, discharged soldiers, sailors, and marines at Dawsonsprings, Ky., and at that time the patriotic people in and around Dawsonsprings pledged themselves to give to the Government 5,000 acres of land in fee simple if the Government would erect this hospital there.

This bill received the unanimous report of the Committee on Public Buildings and Grounds and went on the calendar. We then went before the Rules Committee of the House, and this committee reported a rule which gave it a privileged status. This was in the fall of 1918, just before the closing day of Congress; and when this rule was called up by the gentleman from Tennessee [Mr. GARRETT], who had the matter in charge, the then minority leader and present Speaker of this House, the gentleman from Massachusetts [Mr. GILLETT], raised the point of no quorum, and the result was that by the concerted efforts of the Republican side of the House the bill was delayed until after the November election. When Congress convened in December, 1918, the bill was brought up for consideration, and there was a concerted effort of the Republicans of the House then to defeat this bill, and the only Republican Member of the House who was friendly to it, who was present during the consideration of this bill, was the gentleman from Tennessee, the late Hon. Dick Austin. This bill became a law in spite of the concerted efforts of the Republican side of the House; and now the gentleman from Illinois [Mr. MADDEN] comes ready to shed crocodile tears in behalf of the disabled, discharged soldiers, sailors, and marines, and criticizes every effort of the Bureau of Public Health Service to expedite the building of this sanatorium at Dawsonsprings. He makes broad charges of extravagance, if not fraud; and on what ground does he make the charge?

Mr. MADDEN. On the ground of evidence before the committee.

Mr. KINCHELOE. On the sole testimony of Maj. Graff, who was at that time representing the Bureau of Public Health Service there, but who is no longer in the service.

The ground for this sanatorium is situated 2½ miles from the city of Dawsonsprings, Ky. First and foremost, we tried to get the Illinois Central Railroad to run a switch to the site. I went before the Railroad Administration and others went before the Illinois Central Railroad Co., but they refused to build it.

Mr. MADDEN. Will the gentleman yield?

Mr. KINCHELOE. I can not yield now. We then thought we might get the Army people at Camp Knox to come down and build the road for the Government. I am not here in the interest of any contractor. I have no pecuniary interest in this matter whatever, but I am anxious to see this hospital built at once, for it should have been built long ago and would have been if it had not been for the filibuster on the part of the Republican side of this House.

The Dawsonsprings Construction Co. has been the lowest bidder on every bid submitted. There has never been anything to conceal in the whole transaction, and in view of the fact that this company has been the lowest bidder on all bids it is entitled to these contracts. The Bureau of Public Health Service sent this man Graff to Dawsonsprings, and unfortunately his name is spelled G-r-a-f-f, without the "t." He went there to have the surveying done in order that the plans and specifications could be drawn as quickly as possible. He was unable to get any surveyors to do the work, even after trying the Government surveyors at Camp Knox. The Dawsonsprings Construction Co., of which Mr. T. R. Troendle is the head, did not want to build the road and cared nothing about the surveying contract, except to expedite the work as much as possible. Finally the Bureau of Public Health Service submitted plans for bids for this survey, and the Dawsonsprings Construction Co. was the lowest bidder, and this man Graff himself recommended the acceptance of its bid, as the hearings will show and as he admits on cross-examination by the gentleman from South Carolina [Mr. BYRNES].

Mr. MADDEN. That was for the survey.

Mr. KINCHELOE. I decline to yield and do not want these interruptions to be taken out of my time.

The CHAIRMAN. The gentleman from Kentucky declines to yield.

Mr. KINCHELOE. Then the Dawsonsprings Construction Co. made the survey. The question of road building then came up, after failing to get the railroad company or the Railroad Administration to build the spur track. Bids were submitted, and the Dawsonsprings Construction Co. got the contract to build over 2 miles of the road—that is, the grubbing, removing of dirt and rock—and up to December 31 the Dawsonsprings Construction Co. lost over $23,000 on that job. I will say to the gentleman from Illinois [Mr. MADDEN], if he will get some one to finish this we will not only turn it over, but will stand half the expense.

Mr. MADDEN. Does the gentleman mean that he is interested in it?

Mr. KINCHELOE. No; I am speaking for the people down there who gave these 5,000 acres. No; I am not nearly as much interested in it as the gentleman is in some other propositions where much larger expenditures are to be made.

Mr. MADDEN. I would like to have the gentleman specify something I am interested in.

Mr. KINCHELOE. I am no more interested in it than the gentleman is in the Speedway Hospital at Chicago.

Mr. MADDEN. I am not interested in anything at all.

Mr. KINCHELOE. Neither am I, so we are even on this proposition. The patriotic people in and around Dawsonsprings, Ky., gave 5,000 acres of land to the Government upon which to erect this hospital, of which 400 acres was owned by the Simmons Hardware Co., and the Bureau of Public Health Service will tell you that they will get enough coal from this land not only to coal the hospital at Dawsonsprings but to coal the hospital in Chicago and every other hospital in the Public Health Service of the United States and save at least $1.50 per ton. Where are there any other people in the United States that have made as generous an offer as this to the Government?

This man Graff, on whose testimony you rely for the charges you make in criticizing the Bureau of Public Health Service and the Treasury Department, went to Mr. Troendle at Dawsonsprings for the purpose of making a proposition to him, which is thoroughly explained in an affidavit of Mr. Troendle, which is as follows:

UNITED STATES OF AMERICA,
District of Columbia, ss:

The affiant, Theodore R. Troendle, states that he is president of the Dawsonsprings Construction Co.; and states that immediately after his company was given the contract for the grading of a part of the Government road extending from the Illinois Central tracks at Dawsonsprings, Ky., to the hospital site that Maj. Graff, engineer of the Bureau of Public Health, in charge of the work at Dawsonsprings, came to his office and said that he wanted to talk to him privately; that he said in this conversation that he thought this work should be done through him and not through the Washington office, and that if he, the said Troendle, would use his influence to have the executive part of this work done at Dawsonsprings, Ky., with him, the said Graff, in charge, that he, the said Graff, would "do business" with him. The affiant says that immediately upon the making of this statement by said Graff he declined to entertain this or any other proposition with the said Graff. The affiant further states that thereafter the said Graff became personally antagonistic to him and his company and held up vouchers for pay for the work being done there by his company for four months; that his company began the work on this road in May and did not receive the first payment on same until October, because the said Graff failed and refused to send the vouchers for same to the department here. The affiant further states that he was compelled to, and did, come to Washington in order to get the matter adjusted, so that his company could begin to draw pay for this work.

THEODORE R. TROENDLE.

Subscribed and sworn to before me by Theodore R. Troendle this the 20th day of January, 1920.

[SEAL.] J. C. HAMMACK,
Notary Public, District of Columbia.

My commission expires January 10, 1921.

Mr. Troendle, of course, refused to entertain this or any other proposition, and after the Dawsonsprings Construction

Co. began work there in May on the survey it never received a voucher for pay from this man Graff, and not a cent of money for this work was paid until the latter part of October, and not then until Mr. Troendle, at his own expense, came to Washington and explained the situation to the Bureau of Public Health Service and the Treasury Department. This same man Graff sent another man to a Mr. Gary, who is secretary of the Forbes Manufacturing Co., of Hopkinsville, Ky., and who was one of the bidders on some of these buildings, and said that if he would "do business" with him that he, Graff, would be with him, which proposition was, of course, refused by Mr. Gary, because there is no more reputable business concern in the United States than the Forbes Manufacturing Co. and no man of higher integrity than Mr. Gary.

The question I want you to consider is, Was this contract for the road work reasonable? After these hearings Mr. Perry, the chief architect of the Bureau of Public Health Service, went to the Bureau of Public Roads of the Agricultural Department here and asked them to send a special representative to Dawsonsprings to examine this road work and see whether this contract price was excessive. The department sent a man out of its office at Chicago, and on January 20, 1920, the Chicago office telegraphed the Agricultural Department here as follows:

SOUTH CHICAGO, ILL., *January 20, 1920.*

ROADS, AGRICULTURE, *Washington:*

Re tel Dawsonsprings, Toms reports contract prices reasonable, considering time of year work must be done, except that prices for clearing, grubbing, and solid rock may be rather hard (high). Clearing and grubbing practically completed. Solid rock 55 per cent completed. If present contract cancelled sure better prices could not be secured. Labor prices high. Teams $1 and labor 67 cents per hour. Report probably be mailed Thursday. Road not included in Federal aid program.

VOSHELL.

You will bear in mind that the contract let to the Dawsonsprings Construction Co. for this work was as follows:

Earth excavation, 95 cents per cubic yard.

Loose rock, $1.20 per cubic yard.

Solid rock, $4.50 per cubic yard.

As you will see from the hearings, Mr. Perry was asked on examination if he would not submit to the committee similar contract prices for work done at other places, which he did, as shown beginning on page 8 of the hearings, and some of which are as follows:

For the three lowest bids for sewers at Barberton, Ohio, June 15, 1919: Earth excavation, per cubic yard, (a) $2.10; (b) $1.25; (c) $1.30. Rock excavation, per cubic yard, (a) $4; (b) $5; (c) $3.50.

For the three lowest bids received at West Hartford, Conn., by the commissioner for constructing eight covered masonry filters, and so forth: Earth excavation, per cubic yard, (a) $1; (b) $1.10; (c) $1.35. Rock excavation, per cubic yard, (a) $5; (b) $4.25; (c) $3.42.

Roads at Providence, R. I.: Earth excavation, per cubic yard, (a) $0.95; (b) $1.35; (c) $1.40. Rock excavation, per cubic yard, (a) $3; (b) $4; (c) $4.30.

Three lowest bids for dam work for Gilboa, N. Y.: Earth excavation, per cubic yard, (a) $1.75; (b) $1.25; (c) $2.50. Rock excavation, per cubic yard, (a) $4; (b) $5; (c) $5.75. So we see from these bids submitted in other parts of the country that practically every one of them is higher than the bids accepted for this road work at Dawsonsprings by the Dawsonsprings Construction Co.

Mr. MADDEN. Mr. Chairman, will the gentleman yield so I can describe the difference between the different kinds of rock?

Mr. KINCHELOE. No; the gentleman has never been to Dawsonsprings and does not know what character of work is there. He is undertaking to prejudice Congress and the country against these activities simply because they are at Dawsonsprings, Ky.

Mr. MADDEN. Oh, I know the kind of rock at both places.

Mr. KINCHELOE. My own opinion is that the gentleman would not know sandrock from limestone rock.

I bear no brief for the Secretary of the Treasury, Carter Glass, or any official of the Bureau of Public Health Service, because neither of them need it, and what I might say could not add to or detract from the splendid record they have made. Secretary Glass served the country with great distinction in this House for many years and has made one of the ablest and most efficient Secretaries of the Treasury this country has ever had, and in a short time will take his seat as United States Senator from the State of Virginia in the Federal Senate, where, in my judgment, still greater things are in store for him. I have had an opportunity to associate with and know Mr. Perry, chief architect of the Bureau of Public Health Service, intimately for the last 18 months. I have never known a more industrious, faithful, and conscientious official than he, and I would gladly trust him anywhere, and if the membership of this House will take the trouble to investigate his record since he has been the architect of the Bureau of Public Health Service, I am sure they will agree with me. Gen. Rupert Blue, Surgeon General of the Bureau of Public Health Service, has prepared a statement which explains the action of his department, not only in this but in other matters, which I gladly insert here:

STATEMENTS RELATIVE TO PUBLIC ACT NO. 326.

JANUARY 21, 1920.

Public act No. 326, approved March 3, 1919, authorized additional hospital facilities for the care and treatment of war-risk insurance and Public Health Service beneficiaries and appropriated $9,050,000 for specified projects, as follows:

For lease or contract with existing hospitals	$300,000
For the purchase of Army General Hospital No. 15 at Corpus Christi, Tex	150,000
For the purchase of land and buildings	1,500,000
Repair and remodeling of hospitals taken over from the War Department	750,000
For the purchase and completion of Broadview Hospital at Chicago, Cook County, Ill	3,000,000
For construction (on land donated to the Government) of a sanatorium at Dawsonsprings, Ky	1,500,000
For hospital at Norfolk, Va	900,000
For hospital (on Government land) at Washington, D. C	550,000
For additions to Marine Hospital, Stapleton, N. Y	190,000
For miscellaneous funds and equipment	210,000
	9,050,000

The need for additional hospital accommodations arose in connection with legislation known as the war-risk insurance act, which provides, among other things, hospital and other medical care and treatment for discharged sick and disabled soldiers, sailors, and marines, etc., and in addition the tremendously increased merchant marine, with which the Treasury Department is charged with the supply and administration of the above benefits, the hospitalization being delegated to the United States Public Health Service in conjunction with the War Risk Insurance Bureau.

The original bill presented to Congress provided a stipulated amount of money to build or otherwise acquire additional hospital accommodations wherever, in the judgment of the Secretary of the Treasury, they would best meet the public exigency.

The bill approved March 3 specified specific projects, at the discretion of the Secretary.

Among those approved by the Secretary was the taking over of hospitals from the Army under section 2 of the act; the acquisition of General Hospital No. 15 at Corpus Crispi, Tex.; the purchase of Rest Haven Sanatorium at Waukesha, Wis.; the purchase of the House of Refuge, Hudson and Jay Streets, New York City, under section 6; construction at Stapleton, Staten Island, N. Y.; and numerous leasing projects under section 11; the acquisition of land at Dawsonsprings, Ky.; the effort to enter into contract for the acquisition and completion of the Speedway property at Chicago, Ill., under section 7.

In carrying out the provisions of the act of March 3, 1919, especially in connection with section 2, which appropriated $750,000 for remodeling hospitals taken over from the War Department and later the Navy Department, etc., it became necessary to request an additional sum of $1,000,000, in connection with which hearings were given by the Appropriations Committee of the House of Representatives, at which inquiry was made as to the status of each item mentioned in the bill, particularly in regard to Dawsonsprings, Ky.

On March 7, 1919, the Surgeon General in a letter to the Secretary of the Treasury recommended that Dawsonsprings be approved as a location for a sanatorium, in line with the legislation, and stated, "This recommendation is founded on reports of inspection made by the medical adviser of the War Risk Insurance Bureau and representatives of the Public Health Service," and stated "that for the needs of the service there should be transferred to the Government two parcels of land comprising approximately 5,000 acres, consisting of 200 acres of coal land, situated on the north side of Dawsonsprings, and approximately 4,800 acres of land on the south side of Dawsonsprings." This recommendation was approved by the Secretary, the land actually donated consisting of 447 acres of coal land and 4,553 acres of other land suitable for a sanatorium, both located as above indicated.

In connection with the above legislation the Secretary, in a memorandum approved March 10, 1919, directed that the Public Health Service would be charged with the responsibility of selecting sites, the location of buildings thereon, the determination of the nature and extent of facilities desired for all new projects; that a hospital section be created in the Office of the Supervising Architect, whose duties it would be to prepare estimates, working drawings, and specifications for these projects, handling of contracts, and the supervision of construction in relation thereto.

In connection with the preliminary work on the Dawsonsprings project it was necessary to secure surveys of the land and arrange approaches to the building site, which is approximately 2½ miles south of the city of Dawsonsprings, and for this purpose a field engineer of the service, Mr. B. H. Graff, was, on April 24, 1919, detailed to take charge of the work in the field, and in a letter dated May 3, 1919, was instructed, among other things, to confer with the donor of the land, secure competitive proposals for making surveys, etc. As an incident to arranging approaches to the building site it became necessary to construct a roadway leading therefrom to the depot at Dawsonsprings and thence to the city, with access to the coal fields on the north of Dawsonsprings, and for which purpose the field engineer, in addition to his duties of directing the activities of the contractor's surveys, was, in a letter dated June 5, 1919, directed to devote especial attention to prospecting out a logical route of approach to the hospital for the new road work and to bring to the bureau's attention such other matters of importance as in his judgment should be given consideration; in connection with which, in an effort to expedite progress, the field engineer on July 4 was verbally directed to secure competitive proposals for certain subgrading, as a result of which a contract was entered into with the Brandenberg Construction Co. on September 23, 1919, for the work so advertised.

Besides the committee, there were present at the hearings Asst. Surg. Gen. W. G. Stimpson, in charge of the hospital division; Mr. N. V. Perry, constructing engineer; Mr. C. H. Stratton, assistant constructing engineer; and Mr. B. H. Graff, formerly employed as field engineer in charge of the construction work at Dawsonsprings.

Among other things, Mr. Graff stated:

First, that he was directed to cooperate with Mr. Troendle in every possible way and to be guided by his recommendations and to accept of him office quarters and other accommodations; second, that the method of giving publicity to advertisements for the proposed work was such as to make it difficult for outside bidders to obtain information; third, that the prices paid under a contract resulting from such advertisement were twice as high as conditions justified; and fourth, that there was collusion between the officials of the Public Health Service and the contractor.

In reply to these statements the records show, first, that Mr. Graff was, on April 24, 1919, directed to proceed to Dawsonsprings for the purpose of making surveys in connection with Government buildings to be erected, in accordance with detailed instructions to be issued in regard thereto; that his instructions dated May 3, 1919, directed him, among other things, that the bureau desired certain contour surveys for every 10 feet of elevation, also directed him to advertise for proposals for making these surveys, and further stated "That the bureau understands that Mr. Troendle will cooperate with you in every possible way and accommodate you with temporary office quarters without expense to the service"; "if you find it impracticable to make use of the accommodations offered, you should secure competitive proposals for a vacant room, affording light, heat, and janitor service, and to rental of such furniture as is needed. These proposals should be transmitted to the bureau with your definite recommendation as to acceptance." "You are also directed to take proposals for a survey"; "after making arrangements for the surveys, to make further explorations of the land between the site above indicated and the proposed depot for the purpose of making recommendations for a more direct wagon-road approach." He also was advised that no obligation must be incurred for the expenditure of money without first securing authority therefor; that all proposals secured for the supply of work should state definitely the terms and conditions and should be transmitted with his definite recommendation for acceptance, it being the practice of the department to accept the lowest bid for any given work, provided the contractor is thoroughly reliable and responsible.

In regard to the second statement the constructing engineer did, on July 4, 1919, while on a visit of inspection to Dawsonsprings, in an effort to expedite construction of the road for which surveys were in a backward condition, directed the field engineer to prepare specifications for subgrading and to post notice that bids would be received for work in accordance therewith in the post office and in his own office, and also to advise any local bidders he might know that bids for such work would be received.

In connection with the above the field engineer stated at the hearings that he had only been directed to post a notice in the post office, and that he did not know of any local bidders who would be interested in road work, and therefore made no effort to secure wider competition than of the two firms represented in the bids received. Yet the records show that on July 1, 1919, four days before, the field engineer wrote to a Mr. R. C. Griffin, county road engineer, of Hopkins County, Ky., as follows:

"From your letter understand that bids for road work will be opened on the same date and would appreciate it if you would send me copies of the advertised proposal for this work, as there are a number of contractors who have expressed their desire to bid on the same. The writer will transmit these specifications as soon as received."

The field engineer wrote the specifications for the subgrading and handed copies to the Brandenberg Construction Co., whom he had previously recommended for making surveys, and to Mr. T. R. Troendle, representing the Dawsonsprings Construction Co., which at that time, so far as the constructing engineer knew, had no relation to the Brandenberg Construction Co.; he apparently made no effort to get in touch with these contractors of whom he wrote to Mr. Griffin as being desirous of bidding on county road work.

A tentative draft of the Brandenberg Construction Co.'s bid was shown to the field engineer and the constructing engineer before being submitted and were transmitted to the bureau just prior to the latter's departure from Dawsonsprings; while the Dawsonsprings Construction Co.'s bids were mailed direct to Washington.

The bids for the various grades of work as submitted by the Brandenberg Construction Co., the lower of the two bids received, which was accepted August 22 and approved September 24, were for specified items, as follows:

For clearing 100 linear feet of road	$30.00
For grubbing 100 linear feet of road	44.00
For earth excavation, per cubic yard	.95
For excavation, loose rock, per cubic yard	1.20
For excavation, solid rock, per cubic yard	4.50

The office engineer commented on these bids as follows:

"MEMORANDUM FOR MR. PERRY.

"JANUARY 3, 1920.

"Re: Cost data.

"I have worked over a great amount of cost data on road work compiled from roads actually built in Kentucky, Ohio, and West Virginia in the files of the Federal aid road division of the Agricultural Department, and from this data it seems that the unit prices for subgrading by the Brandenberg Construction Co. at Dawsonsprings is not excessive. It is a little above the average cost for this work in some respects and lower in others, but in no respect is it unreasonable.

"The same source shows that the general average for hard-surfacing, including shoulders, should be for—

"Concrete, $3.10 per square yard. (There is no data for reinforced concrete.)

"Macadam, $1.39 per square yard.

"Bituminous macadam, $2.30 per square yard.

"These hard-road averages are based on contract for from 5 to 10 miles of road, and it is reasonable to expect the small amount of work at Dawsonsprings will run somewhat higher.

"(Signed) HERBERT HUNTINGTON."

Particular criticism was aimed at the price being paid for solid-rock excavation, statement being made that the Illinois Central Railroad Co. had made rock excavations in large volumes at Dawsonsprings for $1.25 per cubic yard; in answer to which there is a memorandum in the bureau to the effect that the president of the Illinois Central Railroad Co. will make an affidavit to the effect that the rock excavation at that point cost more than three times the $1.25 per cubic yard stated by Mr. Graff.

To show that the bids for this work were not entitled to be considered excessive the following comparisons are made with advertised bids published in the Engineering News Record, May 22, 1919, page 304, published bids received for solid-rock excavation for highways at $4, $5, and $5.75 per cubic yard, while the same Record published in its January 15, 1919, edition quotes from $3 to $5. The bids published in the Engineering News Record from January, 1919, to January, 1920, of a large number of bids received for rock excavation, which show the prices running from $2.75 a cubic yard to $5.75 per cubic yard, the average being $3.79 per cubic yard.

This bureau on January 2, 1920, requested the Bureau of Public Roads and Rural Engineering of the United States Department of Agriculture to make a special investigation of the road work at Dawsonsprings, and for this purpose they sent one of their road engineers to Dawsonsprings. As a result of this investigation, the bureau is in receipt of a telegram from that department's representative which, in substance, is, "That the contract price is reasonable, considering the time of year work must be done;" "that if the present contract is cancelled he is sure that better prices could not be secured."

It will be seen from the above statements and figures that the price being paid the Brandenberg Construction Co. is not out of line with the average prices quoted by bidders for similar work from New York to California during the past year. It may be stated that this contract was for subgrading only and was let at this time in order to expedite work pending the completion of final surveys for the finished roadway in order that competitive proposals might be based on actual working drawings for the final completion of all the road work in time for the transportation of construction materials for buildings which were soon to be placed on the market.

Plans and specifications for the entire roadway were not completed until early in December and advertisements posted in the bureau and the field engineer's office at Dawsonsprings; notices were also sent to numerous bidders of bids to be opened on December 20, 1919. In response to this advertisement three proposals were received—one from the Dawsonsprings Construction Co., Dawsonsprings, Ky.; one from Frank G. Breslin, Louisville, Ky.; and one from Speed-Parker, Louisville, Ky. Of these bids the lowest was that of Frank G. Breslin, but all bids were rejected for the reason that the low bid had underlined marks indicating that certain of the materials were for delivery f. o. b. Dawsonsprings instead of being wrought in place as indicated by the specifications, and the further fact that attached thereto was a letter stating that he would do this work within 90 days from April 1, 1920, which was not in line with the specification requirements and the acceptance of which would have so delayed construction work as to make the bid unacceptable at any price.

These bids were rejected and the bidders requested to resubmit their bids on an addendum specification which would definitely quote for all work in place and completion within 90 days from the date of acceptance of the bid, and in response to this request for resubmission only one bid was received—that of the Dawsonsprings Construction Co. This bid has not been accepted.

The records show that the Dawsonsprings Construction Co. was the lowest of three bids received for three buildings first advertised by $1,568, and on specifications revised to cheapen the cost of construction their proposal was some $30,000 lower than any of the other bids received; notwithstanding this, their bid is still held in abeyance unaccepted.

In regard to the statement that there was collusion between the Public Health Service and the contractor it should be stated unequivocally that preference was not given to the donor of the land nor any of his agents, nor has the field engineer in any communication ever addressed to the bureau, so far as the records show, stated or intimated that the contractor was being favored to the detriment of the public interest; neither has he stated so verbally to the constructing engineer; nor, so far as he, the constructing engineer, knows, to any member of the force under his direction. Furthermore, the records show numerous instances where the field engineer recommended the acceptance of the proposals by the Brandenberg Construction Co., which the bureau deemed unreasonably high and rejected, with direction for the field engineer to secure better prices than those he recommended for acceptance.

Respectfully,

(Signed) RUPERT BLUE,
Surgeon General.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. GREEN of Iowa. Perhaps the gentleman will insert the figures given on page 823 of the hearings.

Mr. KINCHELOE. I do not know what the gentleman has reference to.

Mr. GREEN of Iowa. Where it appears bids for the same kind had been let for Kentucky road construction.

Mr. KINCHELOE. This estimate does show that road work has been done for lower prices in Kentucky, but it is not parallel with this work at all, because this is a rough country over which this road is being built, very inaccessible and hard to get to, and being such a small contract no reputable construction company would take this work as cheaply as they would on a public road where the work is easier to get to and larger contracts. I will say, further, that the Illinois Central Railroad Co. built a cut-off through the city of Dawsonsprings, and I am reliably informed that the contract cost it practically a million dollars in excess of its expectations when the work began.

Gentlemen, it was a great and a patriotic effort on the part of the good people in and around the city of Dawsonsprings to raise enough money to pay for this 5,000 acres of land. I attended a public meeting there last spring, and at this meeting I saw colored porters and waiters at the hotels giving from $15 to $25 each to pay for this land. When representatives of the Dawsonsprings Commercial Club went to Mr. Simmons, of the Simmons Hardware Co., and offered to buy the coal lands which I have hereinbefore mentioned, Mr. Simmons told them, in substance, that his company was receiving a 6 per cent dividend in the way of royalties on a $300,000 investment in this land and that same was not for sale. When these representatives told

him the purpose for which it was to be used, that it was for the United States Government, Mr. Simmons replied, "If it is for my country, if it is for the erection of a hospital for discharged disabled soldiers, sailors, and marines, I will not only let the Government have it, but you gentlemen can go and assess the value of it and I will take it."

These representatives assessed it at $15 per acre, and the Simmons Hardware Co. not only accepted this amount but sent their abstractors there and made an abstract of the title and turned it over to the Government for this price from the people. Yet, in view of these facts, the gentleman from Illinois [Mr. MADDEN] comes and criticizes the Treasury Department and the Bureau of Public Health Service and charges upon the statements of this man Graff that money is being wasted there. Has his patriotic constituency in Chicago ever offered anything free to the Government, and especially in this large proportion? It is a very late day for the gentleman to come now and be solicitous about the care and comfort of these poor, disabled, discharged soldiers, sailors, and marines, and it comes in bad grace for the gentleman from South Dakota [Mr. JOHNSON] to come at this late day and undertake to criticize the Treasury and Bureau of Public Health Service in the face of the fact that had it not been for the consolidated opposition of the Republican side of the House when this legislation was pending the hospital at Dawsonsprings would have long since been completed and full of these discharged, disabled soldiers, sailors, and marines receiving the care and attention they should.

The gentleman from Illinois would have you believe that Mr. Troendle, one of the public-spirited men of Dawsonsprings, is undertaking to "hold up" the Government in these contracts. Mr. Troendle is only one of the many patriotic people there who have devoted their time and money to pay for this land, and the Dawsonsprings Construction Co., of which he is President, has come in the open and made competitive bids on all these contracts and has been the lowest bidder every time and is entitled to these contracts because of this fact.

It comes in bad faith for the gentleman from Illinois, who knows nothing about this transaction, to come on the floor of Congress and undertake to criticize Mr. Troendle and the rest of these patriotic citizens of Dawsonsprings, Ky.

There is no more suitable place in the United States than at Dawsonsprings for the erection of a sanatorium. It has a splendid climate and, in my judgment, the finest mineral water in the world. It is my sincere hope that the building operations may proceed as rapidly as possible, in order that this splendid sanatorium may be completed so that these disabled, discharged soldiers, sailors, and marines may have the advantage of this institution. [Applause.]

Mr. Chairman, I ask the privilege of extending my remarks.

Mr. GOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman, I want to speak briefly on the railroad question, dealing particularly with the "Bryan plan" for solving the railroad problem. The "Plumb plan" has had its day in court, but the "Bryan plan" has been sorely neglected. It has escaped the notice of the country generally that on August 29, 1919, William Jennings Bryan, appearing before the Interstate and Foreign Commerce Committee, announced his platform. His recent expressed wish to have the League of Nations issue out of the way and his still more recent reprimand directed toward the titular head of the national Democratic committee for attempting to resurrect John Barleycorn from his newly made grave was to be expected in view of the Nebraskan's propensity for a paramount issue.

Now, when the man speaks who said "Coo" to one Democratic national convention and thereby defeated all other aspirants and nominated himself for the presidency and who said "Boo" to another Democratic national convention and thereby defeated one of the greatest Democratic statesmen of the last quarter of a century and nominated a man who almost fastened international socialism upon his country, it is high time the country knew about his paramount issue.

To those who believe that young men dream dreams and old men see visions I respectfully recommend a careful reading of Bryan's remarkably visionary testimony before our committee. But first, to prove that the presentation was meant to be in the nature of a platform, I read from his testimony at the hearings before the Interstate and Foreign Commerce Committee. Said Mr. Bryan:

> My plan is only presented for consideration that it may be kept in mind when the people decide these questions. (Hearings, vol. 2, p. 1695.)

When we consider this frank statement that his real forum was to be the political campaign the essentials of his plan become an interesting study, for they are so formed as to make a bid for votes in every direction and are as refreshingly impracticable and charmingly visionary as any of his previous paramount issues. But let us see the plan in his own words:

> I beg to propose as alternative what may be described as a dual plan, which contemplates the ownership and operation of a Federal trunk-line system, sufficient to reach into every State and make each State independent by giving it an outlet for all it has to sell and an inlet for all it has to purchase, and the ownership and operation of all the other lines by the States in which the lines are situated. * * * (Hearings, p. 1684, vol. 2.)
>
> * * * Now, the dual plan adapts itself not only to our form of government but to our conditions in this country. A trunk line, only sufficient to reach into every State and furnish each State an outlet, and thus make it independent, instead of costing eighteen or twenty billions of dollars, would not cost, I should say, over four or five billions. The plan does not contemplate the nationalization of every railroad that runs through two or more States. It contemplates a bare, skeleton Government trunk line that will give to every State a position of independence, and thus enable it to treat without coercion or compulsion with the States adjoining. Because a railroad runs through a number of States is no reason why it should be regarded as a trunk line and owned by the Federal Government. The fact that it runs through several States would not interfere at all with operation by each State on the part of the line that is within the State. * * * (Hearings, vol. 2, pp. 1688–1689.)
>
> * * * This plan not only lessens the amount that will be necessary to inaugurate, so far as the national part is concerned, but it has another advantage, namely, that it distributes the question over time as well as over space. It divides a great problem now confronting the people into 49 problems—1 for Federal Government and 1 for each of the 48 States—and it permits the settlement of the question as the people of each State are ready to settle it. If a State does not desire to take over and operate the lines within its borders immediately, it can, if it wishes, leave them in private hands until the sentiment of the people of the State is ready for Government ownership. (Hearings, vol. 2, p. 1689.)

[Laughter.]

He candidly admits that it is experimental and that it may take years to get it to working. Witness this:

> If a State does not desire to immediately enter upon the State ownership and operation of the railroads within its borders, it can leave these railroads in private hands until the sentiment of the State is ready.
>
> Not only that, but the plan gives us an opportunity to test out the system. A great many people might hesitate to try a new policy on so large a scale; they would say, "If it does not succeed, we will have spent an enormous amount of money, and we will find it difficult to return to the old system," but if you distribute this question over a number of years the States that wait will have the benefit of the experience of the States that try, and if the theory upon which the change is made proves to be unsound in practice it can be stopped, and a return can be made with less loss and with less derangement of business. (Hearings, vol. 2, p. 1690.)

[Laughter.]

This quoted testimony also shows that he intends to take the railroad companies by the nape of the neck and make them take back the roads in case State ownership does not prove a success. Besides, he coddled himself into the sublimest calm by pondering in his dreams over the happy thought that the States that wait could watch the floundering of the States that just jumped right in and possibly keep out of the whirlpool. Let me repeat his language:

> If you distribute this question over a number of years, the States that wait will have the benefit of the experience of the States that try, and if the theory upon which the change is made proves to be unsound in practice it can be stopped and a return can be made with less loss and with less derangement of business. (Hearings, vol. 2, p. 1690.)

[Laughter.]

Experiments seem to be his particular delight, and the multiplicity of experiments possible under his plan seems to have about the same effect upon him as the needle did on the famous character of Sherlock Holmes. I read further from his testimony:

> A trunk line only sufficient to reach into every State * * * would not cost, I should say, over four or five billion dollars. (Hearings, p. 1188.) But, gentlemen of the committee, the plan that I suggest to you has this advantage, namely, that if there is any doubt in the minds of those who are willing to try Government ownership, it gives a chance to try it without investing as much as would be necessary to buy all the railroads. Further, I beg to suggest that if you have 48 States, each one with its system of transportation owned and operated by the State government, you have 48 experimental stations. (Hearings, pp. 1690–1691.)

He admits on examination that what we really need is a practical solution. But the mere fact that we would first have to pass the bill by the House and Senate, then amend a few State constitutions, educate the people in favor of it, get 48 State legislatures to act favorably thereon, and have endless and hopeless confusion during the interim does not disturb the sweetness of his dreams. [Laughter.]

Listen to the following:

> Mr. SANDERS of Indiana. Of course, with the railroad problem before us now, what we want is a practical solution.
>
> Mr. BRYAN. Yes.
>
> Mr. SANDERS of Indiana. Your proposed solution would require, first, the adoption of it by Congress. We could, of course, issue no edict to the States. It would require the adoption by each of the States of the same plan?
>
> Mr. BRYAN. Yes, sir.
>
> Mr. SANDERS of Indiana. A great many of the States would have to change their constitutions. Some of the States might not adopt the plan at all. This is quite conceivable, is it not?

Mr. BRYAN. No; it is not conceivable, if you will pardon me. That is, when a plan is tried it is either demonstrated to be a success or a failure. If it is demonstrated to be a success, it is only fair to assume it will be adopted.

Mr. SANDERS of Indiana. Of course, the plan will not be in its entirety until it is adopted by all the States. So the plan, as a plan, can not be tested until it is adopted by all the States, and hence its success or failure could not influence any of the States to come in.

Mr. BRYAN. Oh, I beg your pardon. The failure of one State to adopt it will not interfere with the other States adopting it at all.

Mr. SANDERS of Indiana. Well, suppose Illinois does adopt the plan and suppose Indiana and Wisconsin do not. Now, would Illinois have the right to condemn the Pennsylvania Railroad at the State line, coming across there, and take it over?

Mr. BRYAN. No; not the interstate line.

Mr. SANDERS of Indiana. Well, you already have the national——

Mr. BRYAN (interposing). I thought you meant the Government line. It could condemn any part of any other line; it can to-day. If the Pennsylvania can condemn the individual's property, do you doubt the State that gave it that right can go out and condemn the railroad?

Mr. SANDERS of Indiana. It is your opinion that the State of Illinois could condemn a part of an interstate railroad and control it? Well, that would dismember the road for interstate purposes.

Mr. BRYAN. Not at all.

Mr. SANDERS of Indiana. How would it operate?

Mr. BRYAN. The board that had control of the roads in Illinois would act in conjunction with the board that had control in Indiana, if it was a Government road, or, if a privately owned road, with the manager, and they would arrange for their joint operations. You would have to assume that a road would not look out for its own interests in order to take any other position.

Mr. SANDERS of Indiana. Would you prevent any railroad company from engaging in interstate commerce?

Mr. BRYAN. No; and I think you can safely leave that matter to the United States. The Federal Government will really set the price and terms of interstate commerce.

Mr. SANDERS of Indiana. What would be your estimate of the number of years that it would take to put that plan into effect?

Mr. BRYAN. I would not attempt to guess, because it would be merely a guess, and my experience has led me to be a little cautious about fixing a time. It is easier to tell the direction of the wind than to measure its velocity; it is easier to tell the trend of events than it is to tell how soon a thing will be accomplished.

Mr. SANDERS of Indiana. Would you release any of the Federal control after that plan had been adopted, or would you continue Federal control until it had been completely adopted?

Mr. BRYAN. I think that would have to be determined by the conditions as they arose. There is this general proposition that I have always gone on, namely, that the people will have as much sense to-morrow as they have to-day, and probably more light. Therefore you can safely leave until to-morrow the decision of questions that can not be decided to-day.

Mr. SANDERS of Indiana. But in formulating a plan we have to decide on something, and I was wondering whether in your plan it was your purpose to continue Federal control until all the States had adopted your plan, or whether it was your purpose that when Illinois, say, had adopted the plan Federal control would be withdrawn.

Mr. BRYAN. If the Federal Government's trunk line reached out into every State its control over interstate commerce would, I think, be more effective than under any commission or board.

Mr. SANDERS of Indiana. Then, would you release Federal control?

Mr. BRYAN. It might be possible to release it; but I do not think it is necessary to decide that question until we reach it. (Hearings, vol. 2, pp. 1706–1707.)

Mr. MADDEN. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield.

Mr. MADDEN. I was curious to know why the gentleman was jumping on Bryan. I notice that Bryan and Sims have no friends on the Democratic side, and I was wondering why they were attacked on the Republican side.

Mr. SANDERS of Indiana. I understood that Bryan and Plumb were going to join hands, and I wanted the country to know the Bryan plan so the people would know the result of the combination.

Mr. LONGWORTH. Does Mr. Bryan suggest a method of financing this scheme?

Mr. SANDERS of Indiana. That does not bother him in the least.

Mr. LONGWORTH. That is negligible, is it not?

Mr. SANDERS of Indiana. Yes.

Mr. LONGWORTH. The furnishing of this $5,000,000,000 is a negligible proposition?

Mr. SANDERS of Indiana. Yes. That is a feature the people can decide.

On second thought he brings in the traction lines. I quote:

Mr. SANDERS of Indiana. How about the State owning the traction lines?

Mr. BRYAN. My preference would be to have the States own the interurban lines that were not in the city, and I see no objection to putting this whole thing together, because, you see, if the State owned the railroad lines it would simply be adding the intercity traction lines to them. They would hardly be embraced in the Federal trunk-line system. (Hearings, vol. 2, p. 1708.)

Notice that he gives national control of some trunk lines. That, he thinks, will catch those favoring nationalization. He proposes State control of many lines to please those who favor States rights. He permits private control if they do not like the experiment, thus appealing to those believing in private control. He uses great care not to offend the Plumb Plan League, and gives the following clear-cut statement on that plan:

Mr. DENISON. You may have expressed your views before I came into the room in reference to the question that I am going to ask, and if you did you need not repeat them. I wanted to ask you whether or not you think that the so-called Sims plan, or the Plumb plan, as embodied in the Sims bill, would be a good thing for this country?

Mr. BRYAN. I have not felt that one could safely answer that question "yes" or "no," because if one makes an answer "yes" or "no" to that the statement is apt to go out without qualification, and he is put in a position that is not his true position. I would not want to answer whether the plan is good or bad, because it might seem like an indorsement of it or a condemnation of it. I have pointed out two or three things that I thought were good, and I have pointed out some things that I thought were bad, simply in conjunction with the discussion. (Hearings, vol. 2, p. 1704.)

I hope no Member here but entertains a high personal opinion of the great commoner, and to be sure that I shall leave you all feeling kindly toward him I will read you the following tribute he paid you:

But while we could reduce the rates in the State we could not do it in Congress as well as we could in the State. I do not think we ever can, on the theory that the farther a Congressman gets away from home the more difficult it is to watch him, and therefore the more difficult it is to make him serve the public. (Hearings, vol. 2, p. 1697.)

[Laughter.]

With the greatest domestic problem of a century before this great legislative body, upon the proper solution of which depends the happiness of all our people, we ought all to have a prayer of thanks upon our lips that the country has been spared the disaster of the "Bryan plan." [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. Mr. Chairman, on the 21st of January I introduced House joint resolution 279, for the speedy return of the bodies of American military dead buried in France to the United States, which reads as follows:

Resolved, etc., That the bodies of American soldiers, sailors, and marines buried in France should be speedily removed and returned to the United States in all cases where requests for such return are made by the nearest of kin of such soldiers, sailors, and marines, for burial in the United States; and that all appropriate and necessary steps be taken to induce the French Republic to repeal, modify, or suspend, in so far as the same may apply to the bodies of all American soldiers, sailors, and marines, all laws and regulations of the French Republic preventing the immediate disinterment and speedy removal to the United States of the bodies of such soldiers, sailors, and marines.

SEC. 2. That the Secretary of State transmit to the Government of the French Republic a certified copy of this resolution.

SEC. 3. That the Secretary of War be, and he is hereby, directed, upon the French Republic consenting to such disinterment and removal, to take appropriate and necessary action to exhume and remove to the United States, at the earliest possible date and with all reasonable speed, the bodies of all soldiers, sailors, and marines of the American Expeditionary Forces who are buried in France and the return of whose bodies to the United States is desired and expressed by the nearest of kin. The Secretary of War is further directed, upon arrival of such bodies in the United States, to make such delivery or disposition of such bodies as may be or may have been heretofore requested, respectively, by the nearest of kin.

I am not forgetful of what has been done through the State Department in this matter and I desire to give full credit to the Foreign Relations Committee of the House and to the Secretaries of the State and War Departments for all affirmative action in this behalf. Besides personal visits on earlier dates, on November 13, 1919, I addressed letters to the Secretaries of War and State, asking to be advised of the then present status of the question regarding the return of the soldier dead buried in France. I have been told that the bringing back of the bodies of the soldiers must of necessity wait the transportation back of the Army in France. On November 19 a letter from the War Department came in response to my letter, reading in part as follows:

The Secretary of War has received your letter of November 13 and directs me to say that the State Department is making the most urgent representations to the French Government with regard to the wishes of the American people concerning the return of our military dead to this country. We trust that these negotiations will soon terminate successfully.

On November 28 the Secretary of State addressed to me a letter, with inclosures, which letter reads in part as follows:

The receipt is acknowledged of your letter of November 13 asking that you be advised of the present status of the question regarding the return of the soldier dead buried in France.

In reply, it gives me pleasure to inclose a paraphrase copy of the recent instructions sent at the request of the War Department to the American Embassy in Paris and also of the embassy's replies. These indicate definitely the present status of the question.

The copy of the instructions sent and the replies received I do not feel authorized to insert herein, not having been given out for publication, but doubtless the same was furnished to the Committee on Foreign Affairs. I will say, however, that the representations to the French Government made by the Secretary of State were strong and urgent and well expressed the wishes and views of the relatives seeking to have returned our military dead to this country.

On November 24 the following was published by the Associated Press:

PARIS, *November 24.*

The 65,000 American dead in France must be left in the graves they now occupy until the French are ready to exhume their own dead, which, it is hoped, will be before January 1, 1922.

The foreign office has promised to consider the latest request of the American Government for the return of the fallen soldiers, but later the following announcement was made:

"It has been definitely decided that allies who fell together for the same cause should remain together in death until circumstances permit of the returning of the bodies to the families for whom they sacrificed themselves."

The proposed law forbidding the exhumation of the soldier dead for three years did not pass at the last session of the Chamber of Deputies, but the foreign office expects it will be adopted soon. This bill specifies a delay in exhumation for three years from the promulgation of the law, but it expected that this period will be shortened.

At the foreign office it is said that the exhumation will commence considerably before January, 1922.

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WASHINGTON, *November 24.*

Instructions that American soldier dead interred in France outside of the so-called "zone of armies" be brought home as soon as arrangements are completed have been issued by Secretary Baker. About 18,000 bodies lie outside of the zone. Return of those within it depends on action by the French Government, which has been asked to withdraw its restrictions.

Lieut. Col. Charles C. Pierce has been placed in charge of the graves registration service.

On January 3 the press carried a cablegram from France, dated Paris, January 3, reading as follows:

The French Government has granted permission for the removal of the bodies of 20,000 American soldiers buried in France to the United States. The bodies to be removed are those buried in cemeteries outside the zone of the armies and do not include those gathered into big American cemeteries in the army zones.

The above publications appeared in the press of this country and attracted instant and wide attention.

The ban has been lifted as to those not within the military zone or outside of the so-called "zone of the armies."

I hope it is not too early to speak now and to ask Congress to speak in behalf of lifting the ban as to all American soldiers buried in France, and thus supplement the representations to the French Government, made by the Secretary of State, asking that the restrictions now in force may be rescinded or modified in order to enable the War Department to undertake the removal of all the bodies of the soldier dead in as well as outside of the so-called zone of the armies, where desired by next of kin, as speedily as possible.

I speak now so that Congress may evidence some interest in behalf of the thousands of relatives who are interested in the early return of the bodies of those who fell within the battle lines.

If they can bring back those that died from sickness and disease to this country, without disturbing the morale of the French Government, with equal propriety they can bring back those who in the prime of health fell and died on the battle field and are now buried in the so-called zone of the armies.

It has been more than a year since the armistice was signed. To wait three years and more from that date is too long.

I am aware of the propaganda that is going on in this country to influence the public mind and to impress upon the relatives the idea that the remains of their soldier dead should be permitted to stay in the so-called American cemeteries; and largely because of that propaganda I have seen fit to speak to-day. If Congress evidences no interest in it, if Congress does not speak, if there is no response from this body, representing as it does the people of the country, to the various resolutions that have been offered and referred to the Committee on Foreign Affairs, if there is no activity or desire for action expressed by the legislative body in aid of the expressed wish of the Secretary of State, the French Government may conclude that the American dead shall not be removed from within the military zone until they have removed their own dead or may refuse to rescind or modify its order. I do not believe the French Government should be left in any doubt as to how the American people feel with reference to this matter. There ought not to be a delay of three years, nor any further delay, and I speak because I think that there ought to be some speed, some hastening of the day when these bodies can be returned. It can not be said that we have not now the ships. The promise is well remembered that the War Department said, "You must wait until the soldiers are returned," which was reasonable, and then it was expected that the remains of the soldier dead would be returned.

Mr. Chairman, there should be no necessity for an appeal to Congress for action in behalf of the early return to this country of all our soldier dead buried on foreign soil, nor should it be necessary to appeal to the executive branch of the Government or any department thereof for speedy action in this behalf, nor should it be necessary to appeal to any foreign government to remove restrictions that forbid or hinder the removal and early return to the United States of the bodies of those who gave their lives that France might live, nor should the relatives of these soldier boys be required to longer plead that the promise made by this Government, through its Secretary of War, be kept without further delay.

With some hesitation I speak, but I am reluctant to longer delay my appeal here, as I have made it elsewhere, when so many relatives have appealed to me to help hasten the return of the bodies of their soldier boys. I had hoped that it would not be necessary for resolutions to be introduced in Congress in this behalf, but there has been active and pronounced opposition to their return. Some in high military authority have not approved of the return of the soldier dead and have sought to hush the appeal for the return of their bodies to their relatives, and have urged that their remains be kept where buried on foreign soil; but the appeal grows stronger and the demand is that the faith of this Government be kept and the pledged word be not broken. I hope and believe that no foreign order will prevent its being kept, and I trust there is no real, substantial obstacle in the way. The French Government will not refuse to do what this Government asks and urges to be done; to refuse would be an unfriendly or hostile act. Let it not be further suggested that the morale of the French people might be disturbed. Two million American soldiers crossed the seas to save the life and soil of France.

Billions of dollars were given that France might not be wholly destroyed. They will not deny the relatives of those soldier boys who could not return the privilege of having the bodies of their loved ones brought back to rest in their own cemeteries, where they can visit and place flowers with their own hands upon the graves of their loved ones. They can not go to France, not one in a thousand, and their remains should not be held longer for any alleged reasons in graves on foreign soil against the expressed wishes of their relatives, who have been given the solemn promise for their early return. Let no further excuses be made. Let no barriers be raised abroad by consent or delay of our representatives or agents in any department of the Government.

Much time has already run; more speed should be evidenced. The ships that carried the soldiers across and back can bring the bodies back. The same Treasury that poured out its golden stream that saved France can give the small pittance necessary to bring back their remains. Let no profiteer who has fattened while our country bled and our mothers wept offer any suggestion about the expense of this promise being kept. Those of large means can go across and see the cemeteries where our soldiers lie, but the mothers, wives, and sisters who can not go ask the simple privilege of caring for their soldier boys, whose graves they can not visit on foreign soil.

Measure not the dollars to be given now against the dollars that you would annually appropriate to care for their graves on foreign soil for many years to come until forgotten. Let the morale of this country and of those who have lost be cared for, and let the grateful hearts of those who appeal to you be the object of your first concern.

These bodies should not be longer held for any ulterior purpose. Let no propaganda of those whose hearts have been untouched by sorrow nor sordid commercialism obscure the judgment of those whose duty it is to think first of the morale of those entitled to be heard. Shake not their confidence in the representatives and officials of their own Government. Let not the broken word of a great Republic be the gift to the appealing relative who asks for a promise kept and for the remains of him who in the flower of youth gave his all that the honor of this Republic might live. Gratitude should be evidenced by early action and not the neglect by further delay. I hope the efforts of the executive department will avail to remove all barriers at an early date, and let Congress supplement that effort.

You can not abandon to foreign care the bodies of your soldier dead and be forgiven. No country can afford to forget its dead. No nation can live without gratitude in its heart. Commercialism will not perpetuate its life. Cold philosophy from those in high places will not satisfy the yearnings nor answer the prayers of those who ask for promises to be kept. No cold philosophy will satisfy the hearts of the bereaved nor warm the love for country.

The lives given at your call to save the freedom of the seas, to protect your commerce, should be more highly regarded than sunken cargoes, measured by dollars, the lives given that liberty and love and gratitude might endure. Do not forget the heartstrings while you guard the purse strings. The life of a nation is not in its gold, but it is in the heartbeat of a grateful and loving people, willing to do and die, where right and justice is placed above sordid gold. While a world revolution is going on you can not perpetuate its civilization upon dollars or on commerce or on force, but it must rest upon the more sacred things, which you must preserve or your civilization will die.

Let relatives be allowed the privilege of erecting monuments of love over the graves of loved ones, upon which the tender hands of mothers, wives, and sisters can place flowers of affection and moisten with tears of sorrow. They ask not for the Government care, but only their return, so they can care for them with their own hands.

I have seen and heard from these stricken men, mothers, wives, and sisters and have told them of the promised word. Their letters have come and are still coming. The inquiry is, When? The answer rests with the agents and representatives of this Government. Those in high authority can hasten the day, and Congress can aid if it will. France will not stand in the way; if it does, I ask the question, Is there still the lingering fear of German aggression resting in the Frenchmen's hearts that desires assurance in case of another war that they will more readily have American support by keeping the bodies of American dead buried on French soil, as hostages from the United States to inspire or compel her to protect the soil of France, where our soldiers lie? Let not this country surrender its right for their return for any such military reason, for the fear that the friendship of our country will wane if the dead are returned. We want them on no foreign soil but to rest on American soil near the homes that reared them.

Does France fear that this country may not always manifest its friendship and that it needs the cemeteries of our dead on her soil to protect France in future years?

If we love our dead and hold them in tender memory, we will bring them back and let them be cared for by loving hands that gave them in trust for our country's sake, to be returned when the work was done on the battle line. Let France refuse and then that friendship may wane.

We can not forget with safety those who defended the flag on foreign soil to vindicate the honor and integrity of our Government. You owe a duty to the living soldiers, maimed and unmaimed, whom you sent 3,000 miles across the seas to mingle in the hell of battle, and you dare not forget the relatives of those who gave their life's blood that this country might endure. Most of those that fell and died were mere youths, who had answered their country's call, who loved their native land and believed in the gratitude of their country, and that they would be returned to be buried among their kin, and not left forgotten for all time on foreign soil.

It has been suggested that they can not be brought back for three years. That is too long. If you sent across 2,000,000 in a few months, you can return a few thousand in a short time. The press states that the last of the A. E. F. soldiers have returned. It was promised that the bodies would be brought back shortly after the soldiers were returned.

Will you make it impossible to enter any cemetery in this United States and to point to a monument erected over the grave of a single soldier who died in battle in France? The propaganda against bringing the bodies back will doubtless be used to influence the action of the French Government. Let Congress speak, so France may know that the legislative and executive departments ask alike for early action. Speak now before it is too late.

The CHAIRMAN. The gentleman from Missouri yields back two minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting the figures from the hearings concerning the number of dead, the number in the hospitals, and the amount of money expended, and also the letter of the Secretary of the Treasury as to the Shank contract.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12046, the urgent deficiency bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11606. An act to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind.

LEAVE OF ABSENCE.

Mr. TOWNER, by unanimous consent, was granted leave of absence, until further notice, on account of public business.

ADJOURNMENT.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to ask the gentleman from Iowa [Mr. GOOD] a question.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. BLANTON. I just wanted to ask the gentleman if it would not be a wise idea, inasmuch as we have only 14 men here, to quit business for the afternoon?

Mr. GOOD. I propose to. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 28, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting draft of proposed legislation permitting the acquisition of a site for distant-control radio station in Porto Rico; to the Committee on Naval Affairs.

2. A letter from the Secretary of the Interior, transmitting report on the investigation of the claim of Charles S. Hood for payment for services in connection with the removal of the Modoc Indians to Oregon; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XII,

Mr. DALE, from the Committee on Expenditures in the Treasury Department, to which was referred the bill (S. 3202) granting leave of absence to officers of the Coast Guard, and for other purposes, reported the same without amendment, accompanied by a report (No. 588), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9996) granting an increase of pension to Emil A. Akerman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11765) granting a pension to Mary T. Tupper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11872) granting a pension to William Francis Sheridan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12030) granting a pension to James C. Overbee; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 12099) to establish additional fish-cultural subsidiary stations in the State of Michigan; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAINEY of Alabama: A bill (H. R. 12100) to amend section 70 of "An act to codify, revise, and amend the laws relating to the judiciary," approved February 28, 1913; to the Committee on the Judiciary.

By Mr. NICHOLS of Michigan: A bill (H. R. 12101) providing for the appointment of an additional district judge in and for the eastern district of Michigan; to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: A bill (H. R. 12102) to provide and adjust penalties for violation of various navigation laws, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ELLSWORTH: A bill (H. R. 12103) to aid in winding up the affairs of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. MOONEY: A bill (H. R. 12104) granting privilege of the floor and right to participate in debate to heads of executive departments; to the Committee on the Judiciary.

By Mr. GARLAND: Resolution (H. Res. 450) directing the Committee on War Expenditures of the House of Representatives to make full investigation of all purchases of hardware and other articles and sales of the same made by the Government during the war and up to the present time; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON of Iowa: A bill (H. R. 12105) granting a pension to Carl L. Setchell; to the Committee on Pensions.

By Mr. GOODALL: A bill (H. R. 12106) granting an increase of pension to Susanna A. Johnson; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12107) granting a pension to Robert H. Foote; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12108) granting a pension to Lucile D. Murphey; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 12109) for the relief of Leslie E. Drake; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 12110) granting an increase of pension to Elexious H. Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12111) granting an increase of pension to Frank P. Collins; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 12112) granting a pension to Francis P. Crane; to the Committee on Pensions.

Also, a bill (H. R. 12113) granting a pension to Julia Gallagher; to the Committee on Pensions.

Also, a bill (H. R. 12114) granting a pension to Rose M. Cherbonnier; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 12115) granting a pension to Agnes E. Smith; to the Committee on Pensions.

By Mr. O'CONNELL: A bill (H. R. 12116) granting a pension to J. H. Clark; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 12117) granting a pension to Elizabeth Purviance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12118) granting a pension to Bert Rich; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 12119) granting an increase of pension to Martha J. Hopkins; to the Committee on Invalid Pensions.

By Mr. RIDDICK: A bill (H. R. 12120) granting a pension to Mary Plum; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12121) granting an increase of pension to Jacob H. Wisher; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 12122) granting an increase of pension to Eva Whittlebery; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1141. By Mr. BROWNING: Petition of citizens of Haddonfield, Camden County, N. J., favoring House bill 262; to the Committee on Interstate and Foreign Commerce.

1142. By Mr. DALLINGER: Petition of General Court of the Commonwealth of Massachusetts, protesting against the passage of House bill 4871; to the Committee on Interstate and Foreign Commerce.

1143. By Mr. FULLER of Illinois: Petition of St. Charles (Ill.) Post No. 342, American Legion, favoring universal military training; to the Committee on Military Affairs.

1144. By Mr. GRIEST: Petition of Thomas Post. No. 84, Grand Army of the Republic, of Lancaster, Pa., urging Congress to pass an act to exile anarchists; to the Committee on the Judiciary.

1145. Also, petition of Paul Revere Leber Post, No. 372, American Legion, of Columbia, Pa., urging drastic legislation against such organizations that are responsible for the Centralia outrage, etc.; to the Committee on the Judiciary.

1146. By Mr. KELLEY of Michigan: Resolutions of the board of directors of the American State Bank, Oakwood, Mich., protesting against discontinuance of the work of widening and deepening the River Rouge; to the Committee on Rivers and Harbors.

1147. Also, resolutions of the Michigan League of Home Dailies, favoring retention of the present zone postal law; to the Committee on the Post Office and Post Roads.

1148. By Mr. LINTHICUM: Petition of president of the Maryland State College, urging legislation to strengthen the farm-loan bank system; to the Committee on Banking and Currency.

1149. Also, petition of the North Carolina Pine Box and Shook Manufacturers' Association, of Baltimore, urging an increase in the appropriation for the forest products laboratory of the Department of Agriculture; to the Committee on Agriculture.

1150. Also, petition of Merchants' and Manufacturers' Association, of Baltimore, Md., voicing its approval of the antistrike clause in the railroad legislation; to the Committee on Interstate and Foreign Commerce.

1151. Also, petitions of W. E. Beveridge and J. C. Knowles, of Baltimore, Md., protesting against the enactment of the peacetime sedition legislation; to the Committee on the Judiciary.

1152. Also, petition of 11 citizens of Baltimore, Md., urging retention of railroads under Government control for a period of two years; to the Committee on Interstate and Foreign Commerce.

1153. By Mr. MACGREGOR: Petition of the American Federation of Railroad Workers, of Lackawanna, N. Y., opposing the Esch-Cummins railroad bills now pending; to the Committee on Interstate and Foreign Commerce.

1154. Also, petition of the Sixty-fifth Regiment Veterans' Association, relative to certain legislation; to the Committee on the Judiciary.

1155. Also, petition of the Board of Trade of Akron, N. Y., indorsing House bill 10650; to the Committee on the Judiciary.

1156. By Mr. TAYLOR of Tennessee: Petition of citizens of Caryville, Tenn., relative to the high cost of living; to the Committee on Agriculture.

1157. By Mr. ROWAN: Petition of William M. Haradon, of New York City, opposing the reduction of postage; to the Committee on the Post Office and Post Roads.

1158. Also, petition of citizens of New York City, relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1159. Also, petition of the joint legislative board of the State of New York, of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, relative to certain railroad legislation; to the Committee on Interstate and Foreign Commerce.

1160. Also, petition of Mrs. Charles Neisel, a gold-star mother, against the return of the dead from the battle fields of France; to the Committee on Military Affairs.

1161. Also, petition of John J. O'Keefe, of New York City, opposing the League of Nations covenant and favoring submitting it to the vote of the people; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *January 28, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost call us to Thy service. Thou hast not separated Thyself from us. Thou hast sent messages to us from the skies and they have been recorded in the high and ennobling impulses that arise out of our hearts and in our striving after the best and highest and truest. We pray Thee to guide us by Thine own counsel in the affairs of life that we may do Thy will and accomplish Thy purpose. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Prof. Philip Marshall Brown, professor of international law at Princeton University, in relation to the treaty and the Senate. It is taken from the New York Sun of yesterday.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE ATTEMPT TO COERCE THE UNITED STATES SENATE—A PROTEST FROM THE PROFESSOR OF INTERNATIONAL LAW AT PRINCETON.

To the EDITOR OF THE SUN:

SIR: I desire to register a vigorous protest against the organized moral coercion now being exerted on the Senate at a time when it should be most respected in the exercise of one of its most important functions, namely, the treaty-making power. The pressure which has been artificially stimulated and brought

to bear on the Senate by petitions, telegrams, delegations, and by the savage attacks of the press is most insidious and dangerous.

There are times of strong popular feeling when the Senate owes a duty to the American people to reserve its judgment and action in order to safeguard national interests. The kind of moral coercion now being exerted in favor of a daring international experiment may be exerted again in a different situation. What may be done by popular clamor in behalf of a League of Nations may also be done in behalf of industrial, socialistic, or bolshevistic projects. Do our people desire to see the Senate abdicate its high duties and obey the vox populi in times of unreasoning sentiment and excitement? Is representative government to degenerate to a popular referendum at any moment in the market place or on the steps of the Capitol at Washington?

The present organized effort to sway public feeling and to bring it to bear on the Senate is particularly reprehensible, because it savors of propaganda rather than of education. The war, among other things, has demonstrated what great results may be achieved in Liberty loans, Red Cross, Young Men's Christian Association drives, and the like by propaganda through advertising and by scientific coercion. The method is simple: A few men of influence decide that the public should support a certain cause. They organize most thoroughly; they secure immense funds for propaganda purposes; they advertise extensively; they induce others to follow rather unthinkingly; they arouse the churches and various other organizations to help; they circulate petitions; feelings are stirred and the great idea is "put over." We are then told that the people "demand" it. As a matter of fact, the American people, particularly in the field of international affairs, which they little understand, only demand what they have cleverly been induced to demand.

I have had occasion of late to observe how some of the petitions for the League of Nations have been circulated. People have often signed merely to oblige some earnest friend whose judgment and character they may highly regard. A general moral coercion has been brought to bear in certain communities where one has been exposed to the unpleasant charge of lacking in idealism and sense if he has not been ready to sign.

To assert that the American people have any adequate understanding of the precise nature of the obligations involved in the League of Nations is obviously untrue. Their feelings and imagination may have been stirred; not their common sense. There are a considerable number, of course, who are moved by their generous idealism to gamble with the Nation's destiny. I have talked with some who favor the league without reservations who hold that if we later incur some obligation we did not forsee, we may then refuse to fulfill it! There are others, like Mr. Taft, who hold that if we can only "get our foot in the door," we can later amend the covenant; this in the face of the fact that amendment is only possible through unanimous consent!

A most significant commentary on the situation lies in the fact that a much larger number of people favor reservations to-day than a few months ago—among these some of the very leaders, such as Mr. Taft and Mr. Lowell, who have helped largely in creating public sentiment for the league. This fact alone should justify the prolonged delay in the ratification of the treaty.

This artificial stimulus and direction of public sentiment on the Senate at this time is particularly reprehensible when one considers the exact nature of the treaty-making power of that body as a responsible agent together with the President. It was a wise provision of the Constitution that placed the power to negotiate and the power to ratify in different hands. Many a time has the Senate performed a great patriotic service as well as a constitutional one in submitting treaties to a merciless examination, and in some cases to revision. An excellent example of this was the first Hay-Pauncefote treaty, which failed to reserve the right of the United States to fortify the Panama Canal. Its revision by the Senate was plainly imperative.

This obligation to safeguard the interests of the United States through searching discussion and the revision of treaties is one that the Senate owes to the people of to-morrow as well as to the people of to-day. It is a function which the people themselves can not properly exercise. It is a duty imposed on the Senators by reason of their high position somewhat apart from popular clamor and by their special opportunities for a wide comprehension of the international interests and responsibilities of the United States. It is a duty especially incumbent when the generous emotions of the American people have been aroused, and when their sober second thought may not be ascertained until after some trying event or disaster they could not have foreseen even though the Senate may have sought to adopt necessary precautions against just such a contingency.

Finally, could anything be more reprehensible than that attitude of mind which could compromise on principles in order to facilitate the speedy ratification of the treaty?

Compromise as to form obviously should not be difficult; but the Senate is now being coerced into a sacrifice of principle. On the one side are those who believe in the principle of world cooperation to such an extent that they are willing to pledge the United States without any reservation whatever, written or mental. On the other side are those who believe in the principle that the United States must never become enmeshed in the European system of politics and must preserve a large measure of freedom of action on behalf of vital American interests as well as in behalf of world peace.

The issue is so fundamental that, irrespective of personal and partisan prejudices, the Senate should never be dragooned into an unwilling and unwarranted surrender of principle, whether by one side or the other. Let either side win; but let there be no shameful compromise of principles.

If the real object of popular sentiment is merely the speedy attainment of peace and the clarification of an ambiguous situation, then let us restore a legal state of peace and reserve the discussion of principles for a time when reason can assert itself and the people of the United States can fully understand the exact nature of the obligations they are asked to assume. Honor as well as prudence demands that they pledge no more than they are willing to fulfill.

PHILIP MARSHALL BROWN.

PRINCETON, N. J., *January 26.*

SOUTHERN PORTS.

Mr. MCKELLAR. Mr. President, just now there is considerable agitation about the use of southern ports. This has been brought about by the fact that during the war this country was unable to do its foreign import and export business through the ports of New York and Boston. The result is that after our experience in the war it is absolutely necessary, as it seems to me, that we should utilize our southern ports as well as the eastern ports. Not only is the South interested in this proposition, but the people of the Middle West are interested in it. Under these circumstances I was greatly delighted to-day to read in the Washington Post an editorial on southern ports, and I ask that it may be inserted in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOUTHERN PORTS.

"There are strong reasons back of the preferential railroad rates to southern ports in an effort to divert traffic from New York and Boston. These rates have been attacked by the trunk lines which run to the East from the interior of the country, but they are to be defended by a large delegation of business men from the Middle West, who realize that it is quite necessary to develop new ports if the United States is to become the leading shipping Nation of the world in accordance with a national ambition.

"Among the lessons taught by the war was the necessity of developing port facilities. The congestion at New York and Boston was so great as to seriously interfere with the shipment of troops and supplies to Europe, and as a result the ports of Newport News and Charleston were improved and facilities provided which will make them very useful in accommodating the commerce of the United States in the future.

"Concentrated use of New York and Boston not only places a great strain upon those ports but it also congests the railroad lines which feed them. If Mobile, New Orleans, and Port Arthur, as well as other excellent harbors, are provided with adequate port facilities they will relieve the eastern ports and at the same time relieve the railroads leading to them.

"It is well recognized that the most promising field for American foreign trade is in South America and the Orient. This trade can best be served through South Atlantic and Gulf ports which are the natural outlets for those destinations. There is no cause for alarm upon the part of New York and Boston, for they will have all the traffic they can accommodate if the hopes of this country are half realized. Clearly it is the duty of the Railroad Administration to make a preferential rate which will divert trade to southern ports, and it also is the duty of Congress to make adequate provision for terminals which will accommodate the traffic that is certain to result from such rates. This is not a question of favoring one section over another or of favoring certain railroads over others. It is a prudent move to take care of the foreign commerce that is to accrue to the United States."

VISITORS AT NAVAL ACADEMY.

The VICE PRESIDENT. A statute of the United States requires the Presiding Officer in the month of January of each year to appoint on the part of the Senate four members of the visiting committee to the Naval Academy at Annapolis. In the discharge of that duty the Chair appoints the Senator from Vermont [Mr. PAGE], the Senator from Illinois [Mr. MCCORMICK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Rhode Island [Mr. GERRY].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3331. An act authorizing the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States; and

H. R. 11606. An act to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River at the city of Attica, Fountain County, Ind.

CLAIM OF CHARLES S. HOOD (S. DOC. NO. 183).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of an investigation of the claim of Charles S. Hood, a half-blood Modoc Indian, for payment for alleged services performed by him, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

STATE BANKS IN FEDERAL RESERVE SYSTEM (S. DOC. NO. 184).

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, in response to a resolution of the 19th instant, certain information relative to whether any method of coercion has been resorted to to compel State banks to join the Federal reserve system, which, with the accompanying paper, was referred to the Committee on Banking and Currency and ordered to be printed.

WASHINGTON & OLD DOMINION RAILWAY.

The VICE PRESIDENT laid before the Senate the annual report of the Washington & Old Dominion Railway for the year ended December 31, 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of San Francisco County Committee, American Legion, of San Francisco, Calif., praying for the enactment of legislation providing for increased pay for officers and enlisted men now serving in the Army, Navy, and Marine Corps, which was ordered to lie on the table.

He also presented a petition of Theodore Roosevelt Post, No. 26, American Legion, of Santa Rosa, Calif., praying for the enactment of legislation to increase the productive agricultural area of the Imperial and Coachella Valleys, Calif., which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MYERS presented a petition of the Commercial Club, of Culbertson, Mont., praying for the enactment of legislation to provide seed grain for 1920 planting to drouth-stricken farmers, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 1003) for the relief of Jesse L. Clay, reported it with an amendment and submitted a report (No. 396) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 175) for the relief of Kny-Scheerer Corporation (Rept. No. 397);

A bill (S. 2292) for the relief of the William Gordon Corporation (Rept. No. 398); and

A bill (S. 3381) for the relief of Gertrude Lustig (Rept. No. 399).

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, reported it with amendments and submitted a report (No. 400) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 80) to correct an error in the wording of the appropriation of $71,000 made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto, reported it without amendment and submitted a report (No. 401) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KELLOGG:

A bill (S. 3809) to provide for the purchase of a site for and the construction of a public building at South St. Paul, Minn.; and

A bill (S. 3810) to provide for the purchase of a site for and the construction of a public building at Montevideo, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. POINDEXTER:

A bill (S. 3811) granting an increase of pension to Francis M. Williams; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3812) granting an increase of pension to John B. Du Roy (with accompanying paper); to the Committee on Pensions.

DEPARTMENT OF AIR.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 3348) to create a department of air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States air force, creating the United States air reserve force, and providing for the development of civil and commercial aviation, which was ordered to lie on the table and be printed.

REVENUE FROM CUSTOMS.

Mr. CALDER submitted an amendment proposing to appropriate $1,000,000 for collecting the revenue from customs, etc., intended to be proposed by him to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 11368, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11368) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the amendments of the committee to be first acted upon.

Mr. HARRISON. I object.

The VICE PRESIDENT. The bill will have to be formally read then.

Mr. CURTIS. I hope the Senator from Mississippi will withdraw his objection. I think we will have no trouble with the item in which he is interested when we reach it. The course I propose is the usual one and will save time.

Mr. HARRISON. Very well; I will withdraw the objection.

The VICE PRESIDENT. Without objection, the formal reading of the bill will be dispensed with, and the bill will be read for action upon the amendments of the committee.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	Nelson	Smith, Md.
Ball	Harrison	New	Smith, S. C.
Bankhead	Hitchcock	Nugent	Smoot
Brandegee	Johnson, S. Dak.	Overman	Spencer
Calder	Jones, Wash.	Page	Sterling
Capper	Kellogg	Phelan	Sutherland
Chamberlain	Kenyon	Phipps	Townsend
Culberson	King	Pittman	Wadsworth
Curtis	Kirby	Poindexter	Walsh, Mass.
Dial	Lodge	Robinson	Walsh, Mont.
Edge	McCormick	Sheppard	Warren
Fernald	McKellar	Sherman	Watson
Gerry	McLean	Simmons	Wolcott
Hale	McNary	Smith, Ga.	

Mr. CURTIS. I was requested to announce the absence of the Senator from Nebraska [Mr. NORRIS] on official business.

He is attending a meeting of the subcommittee of the Committee on the Judiciary.

Mr. McKELLAR. I desire to state on behalf of the junior Senator from Florida [Mr. TRAMMELL] that he is confined to his bed by illness, and is therefore unavoidably detained at his home.

Mr. BANKHEAD. I wish to announce the absence of my colleague [Mr. UNDERWOOD] on official business.

Mr. GERRY. I wish to announce that the Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Kentucky [Mr. BECKHAM], the Senator from Nevada [Mr. HENDERSON], the Senator from Colorado [Mr. THOMAS], and the Senator from Florida [Mr. FLETCHER] are detained from the Senate by illness.

The Senator from New Mexico [Mr. JONES], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Montana [Mr. MYERS] are absent on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the head of "Irrigation on Indian reservations (reimbursable)," on page 3, line 1, after the word "one," to strike out "Sand Creek, agency and miscellaneous projects: Klamath Reservation, $6,100"; and in line 3, after "$1,000," to strike out "Colville Reservation, $6,000; total, $13,000," so as to make the clause read:

Irrigation district 1: Round Valley Reservation, Calif., $1,000.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "five," to strike out "Southern Ute Reservation, Pine River project, $8,000"; and in line 22, after the word "total," to strike out "$67,000" and insert "$59,000," so as to make the clause read:

Irrigation district 5: San Juan Reservation, $20,000; New Mexico Pueblos, $11,000; Zuni Reservation, $9,800; Navajo and Hopi, miscellaneous projects, including Tes-nos-pos, Moencopi Wash, Capt. Tom Wash, and Red Lake, $18,200; total, $59,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, after the words "Geological Survey," to strike out "$4,000" and insert "$2,000," so as to make the clause read:

For cooperative stream gauging with the United States Geological Survey, $2,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to insert:

Irrigation district 1: Sand Creek, agency and miscellaneous projects, Klamath Reservation, $6,100; Colville Reservation, $6,000; irrigation district 5: Southern Ute Reservation, Pine River project, $8,000; the above amounts to be paid out of tribal funds; reimbursable under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "reservations," to strike out "$224,185" and insert "$222,185," so as to read:

In all, for irrigation on Indian reservations, $222,185, reimbursable as provided in the act of August 1, 1914 (38 Stat. L., p. 582): *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available.

The amendment was agreed to.

The next amendment was, under the head of "Suppressing liquor traffic," on page 6, line 20, after the word "Indians," to strike out "$75,000" and insert "$65,000," so as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, $65,000.

The amendment was agreed to.

The next amendment was, under the head of "Relieving distress, etc.," on page 7, line 1, after the word "sanatoria," to strike out "$330,000" and insert "$365,000"; in line 15, after the word "Oklahoma," to strike out "$35,000" and insert "$30,000"; and in line 23, after the words "South Dakota," to strike out "$10,000" and insert "$8,000," so as to make the clause read:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, $365,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet Hospital, Montana, $12,500; Carson Hospital, Nevada, $10,000; Cheyenne and Arapahoe Hospital, Oklahoma, $10,000; Choctaw and Chickasaw Hospital, Oklahoma, $30,000; Fort Lapwai Sanatorium, Idaho, $40,000; Laguna Sanatorium, New Mexico, $17,000; Mescalero Hospital, New Mexico, $10,000; Navajo Sanatorium, Arizona, $10,000; Pima Hospital, Arizona, $10,000; Phoenix Sanatorium, Arizona, $40,000; Spokane Hospital, Washington, $10,000; Sac and Fox Sanatorium, Iowa, $25,000; Turtle Mountain Hospital, North Dakota, $10,000; Winnebago Hospital, Nebraska, $15,000; Crow Creek Hospital, South Dakota, $8,000; Hoopa Valley Hospital, California, $10,000; Jicarilla Hospital, New Mexico, $10,000; Truxton Canyon camp hospital, Arizona, $10,000; Indian Oasis Hospital, Arizona, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Support of Indian schools," on page 8, line 10, after the word "than," to strike out "fifty" and insert "forty"; in line 11, before the word "pupils," to strike out "one hundred" and insert "seventy-five"; and in line 18, after the word "than," to strike out "ten" and insert "eight," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, $1,600,000: *Provided*, That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided*, That all reservation and nonreservation boarding schools, with an average attendance of less than 40 and 75 pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1921. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further*, That all day schools with an average attendance of less than eight be, and are hereby, discontinued on or before the beginning of the fiscal year 1921: *And provided further*, That all moneys appropriated for any school discontinued pursuant to this act or for other cause, shall be returned immediately to the Treasury of the United States: *Provided further*, That hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools: *Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

The amendment was agreed to.

The next amendment was, under the head of "Indian school transportation," on page 10, line 9, after the word "training," to strike out "$70,000" and insert "$68,000," so as to make the clause read:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $68,000: *Provided*, That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That where practicable the transportation and expenses of pupils shall be refunded and shall be returned to the appropriation from which paid. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

The amendment was agreed to.

The next amendment was, under the head of "Industrial work and care of timber," on page 11, line 10, after the word "Indians," to strike out "$465,000" and insert "$460,000," so as to read:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $460,000, of which sum not less than $75,000 shall be used for the employment of field matrons.

The amendment was agreed to.

The next amendment was, under the head of "Telegraphing and telephoning," on page 12, line 17, after the word "Washington," to strike out "$8,000" and insert "$7,500," so as to make the clause read:

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, $7,500.

The amendment was agreed to.

The next amendment was, under the head of "Court costs," on page 12, line 24, after the words "public lands," to strike out "$1,000" and insert "$800," so as to make the clause read:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, $800: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

The amendment was agreed to.

The next amendment was, under the head "Pay of judges of Indian courts," on page 13, line 12, after the word "exist," to strike out "$8,000" and insert "$7,000," so as to make the clause read:

For pay of judges of Indian courts where tribal relations now exist, $7,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 3, to strike out:

COMPETENCY COMMISSIONS.

That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than $25,000 out of applicable funds in the work of determining the competency of Indians by competency commissions on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

The amendment was agreed to.

The next amendment was, under the head of "Determining heirs," on page 15, line 22, after the word "provided," to strike out:

Provided further, That in the absence of any good faith contest on a question of fact material and relevant to the determination of the heirs of an Indian decedent, no fee shall be charged against the estate of such Indian decedent under the provisions of this paragraph unless the final order determining the heirs of such decedent shall have been made within one year after the death of such decedent, if such decedent died subsequent to June 1, 1920; if such decedent died prior to June 1, 1920, then such final order must be made prior to May 1, 1921, or no fee shall be chargeable against the estate of such decedent.

So as to make the clause read:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, $100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed $30,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the $100,000 appropriated herein: *And provided further*, That hereafter upon a determination of the heirs of any trust or restricted Indian property of the value of $250 or more, or to any allotment, or, after approval by the Secretary of the Interior of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $15 where the appraised value of the estate of the decedent does not exceed the sum of $1,000. Where the appraised value of the estate of decedent is more than $1,000 and less than $3,000, $20; where the appraised value of the estate of the decedent is $3,000 but not more than $5,000, the sum of $25, and where the appraised value of the estate of the decedent is $5,000 or over, the sum of $50, which amount shall be accounted for and paid in the Treasury of the United States; and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma.

The amendment was agreed to.

The next amendment was, under the head of "Suppressing contagious diseases among live stock of Indians," on page 17, line 22, after the word "prescribe," to strike out "$50,000" and insert "$40,000," so as to make the clause read:

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Advertisement for sale of Indian lands (reimbursable)," on page 18, after line 16, to insert:

That hereafter the Commissioner of Indian Affairs may authorize the printing and issuing by Indian schools of such journals, magazines, periodicals, and other publications as, in his judgment, will aid in the education and civilization of the Indians: *Provided*, That no new publications shall be printed or issued at any Indian school.

Mr. SMOOT. I make the point of order against that amendment as being general legislation upon an appropriation bill.

Mr. CURTIS. The amendment is subject to the point of order, Mr. President.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 22, to insert:

That any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.

The amendment was agreed to.

The next amendment was, on page 19, line 23, after the words "to be," to strike out "covered into the Treasury as miscellaneous receipts" and insert "used for defraying, in whole or in part, the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned," so as to make the clause read:

That hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business or other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized and directed, under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests, to be paid by vendees, lessees, or assignees, or from the proceeds of sales, the amounts collected to be used for defraying, in whole or in part, the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned.

The amendment was agreed to.

The next amendment was, under the head of "Arizona," on page 20, line 14, after the word "improvements," to strike out "$15,000" and insert "$12,500"; and in line 16, after the words "in all," to strike out "$162,500" and insert "$160,000," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $142,500; for general repairs and improvements, $12,500; for remodeling ice plant, $5,000; in all, $160,000.

The amendment was agreed to.

The next amendment was, on page 21, line 9, after "page 273," to strike out "$53,400" and insert "$50,000"; and in line 11, after the words "in all," to strike out "$89,400" and insert "$86,000," so as to make the clause read:

For continuing the construction of the necessary canals and laterals for the utilization of water from the pumping plant on the Colorado River Indian Reservation, as provided in the act of April 4, 1910 (36 Stat. L., p. 273), $50,000; and for maintaining and operating the pumping plant, canals, and structures, $36,000; in all, $86,000, reimbursable as provided in the aforesaid act.

The amendment was agreed to.

The next amendment was, on page 22, line 6, after the word "reservations," to strike out "$40,000" and insert "$35,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Navajo, Moqui, Pueblo, Bonito, San Juan, and Western Navajo Reservations, $35,000, reimbursable out of any funds of said Indians now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 24, line 2, after "$150,000," to insert "to be immediately available," so as to make the clause read:

For completing the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $150,000, to be immediately available, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522): *Provided*, That the limit of cost of the said dam and bridge fixed by the act of May 25, 1918 (40 Stat. L., p. 569), is hereby changed from $250,000 to $400,000.

The amendment was agreed to.

The next amendment was, on page 24, line 13, after "$75,000," to insert "to be immediately available," so as to make the clause read:

For completing the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as provided by the act of May 18, 1916 (39 Stat. L., p. 130), $75,000, to be immediately available: *Provided*, That the total cost is hereby changed from $175,000 to $250,000, to remain available until expended, reimbursable as provided by the aforesaid act of May 18, 1916.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the word "Indians," to insert "what part by the county, and what part by the State of Arizona," so as to make the clause read:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Papago Indian Reservation in Arizona, with respect to the necessity of constructing a road between Ajo and Tucson, across said reservation, and to submit his report thereon to Congress on the first Monday in December, 1920, which report shall include a recommendation by the said Secretary as to what proportionate part of the construction of said road should be paid by the United States on behalf of the Papago Indians, what part by the county, and what part by the State of Arizona.

Mr. ASHURST. Mr. President, on page 25, line 1, after the word "county," I move to insert the words "of Pima."

Mr. CURTIS. There is no objection to that amendment.

The VICE PRESIDENT. There being no objection, the amendment of the Senator from Arizona to the amendment of the committee is agreed to. In the absence of objection, the amendment as amended is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 25, after line 2, to insert:

For construction of approaches to two bridges over the Little Colorado and Canon Diablo Rivers, near the Leupp Indian Agency, Ariz., appropriations for which were made by the act of June 30, 1919,

$3,500, or so much thereof as may be necessary to be immediately available, reimbursable from the tribal funds of the Navajo Indians, in addition to the unexpended balance of the appropriations for the construction of said bridges, which is hereby made available for the approaches.

The amendment was agreed to.

The next amendment was, on page 25, after line 11, to insert:

For payment of not to exceed one-fourth the cost of the construction of a steel bridge and approaches thereto across the Salt River on the Salt River Indian Reservation, near Lehi, Maricopa County, Ariz., $15,000, or so much thereof as may be necessary, to be available only upon completion of the said bridge and its approaches by the State of Arizona, the county of Maricopa, or the city of Phoenix, to the satisfaction of the Secretary of the Interior and in conformity with plans approved by him, at the location mentioned in the said Secretary's report to Congress dated December 4, 1919 (H. Doc. No. 474, 66th Cong., 2d sess.), pursuant to the act of June 30, 1919 (41 Stat. L., p. 11), and upon payment by the said State of Arizona, county of Maricopa, and city of Phoenix, in equal proportions of not less than three-fourths the total cost of said bridge and its approaches: *Provided*, That should the total cost of said bridge exceed the sum of $60,000, the total liability of the United States shall be limited to the $15,000 hereby appropriated: *And provided further*, That the said county of Maricopa shall agree to defray all expenses of the maintenance and repair of said bridge and its approaches and to keep same in good condition at all times.

The amendment was agreed to.

The next amendment was, in section 3, under the head of California," on page 27, line 14, after "$10,500," to insert "to be immediately available and," so as to make the clause read:

For continuing the construction of a road from Hoopa to Weitchpec, on the Hoopa Valley Reservation, in Humboldt County, Calif., in conformity with plans approved by the Secretary of the Interior, $10,500, to be immediately available and to be reimbursed out of any funds of the Indians of said reservation now or hereafter placed to their credit in the Treasury of the United States, in accordance with the Indian appropriation act of May 25, 1918 (40 Stat. L., pp. 570, 571.).

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert:

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, $10,000, including the construction and equipment of necessary buildings.

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the Secretary will be authorized to renumber the sections of the bill.

The reading of the bill was resumed.

The next amendment was, under the head of "Idaho," on page 28, in line 18, after the word "employees," to strike out "$30,000" and insert "$29,000," so as to make the clause read:

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, $29,000.

The amendment was agreed to.

The next amendment was, on page 28, line 21, after the word "system," to strike out "$55,700" and insert "$50,000," so as to read:

For improvement, maintenance, and operation of the Fort Hall irrigation system, $50,000.

The amendment was agreed to.

The next amendment was, on page 28, line 21, after $50,000, to strike out:

Provided, That expenditures hereunder for improvements shall be reimbursable to the United States in accordance with the provisions of the act of March 1, 1907: *Provided*, That the provisions of the act of March 1, 1907 (34 Stat., p. 1024), and the act of April 4, 1910 (36 Stat., p. 274), requiring the sale of water rights in this system for lands in private ownership at $6 per acre are hereby repealed and that hereafter water rights in this system shall be sold at the actual per acre cost of the construction of such system: *Provided further*, That the Secretary of the Interior is hereby authorized to collect from the white landowners under the said system the sum of $10 per acre for each acre of land owned by such white persons for which water for irrigation purposes can now be delivered through such system and to expend the money so collected for continuing the construction, enlargement, and improvement of the said system, in accordance with the report heretofore made by a board consisting of the chief engineer of the United States Indian Service, the State engineer of the State of Idaho, and an engineer representing the Fort Hall Water Users' Association: *Provided, however*, That no such money shall be so expended unless and until the holders of private lands which have heretofore acquired a water right in the said system, under the aforesaid acts, at $6 per acre, shall have entered into agreement with the Secretary of the Interior to pay in addition to such $6 per acre an amount which shall equal the actual per acre cost of the construction of such system: *Provided further*, That the provision of the aforesaid act of March 1, 1907, requiring the payment of the water-right charges to be made in five equal annual installments is hereby repealed: *Provided further*, That the $10 per acre to be collected as herein provided for shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined: *And provided further*, That further payments to be applied on the construction charges of such system shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That the Secretary of the Interior is hereby authorized to collect from the white landowners under the said system the sum of $10 per acre for each acre of land to which water for irrigation purposes can be delivered from the said system, which sum shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined, and the total amount so collected, including any moneys collected from Indian allottees, shall be available for expenditure, under the direction of the Secretary of the Interior, for continuing the construction work on the said system.

And insert:

Provided, That the provisions of the act of March 1, 1907 (34 Stat., p. 1024), and the act of April 4, 1910 (36 Stat., p. 274), requiring the sale of water rights in this system for land in private ownership at $6 per acre, are hereby repealed with respect to future sales of water rights, and that hereafter water rights in this system shall be sold at the actual per acre cost of the construction of such system: *Provided further*, That the Secretary of the Interior is hereby authorized to collect from the white landowners under the said system the sum of not exceeding $10 per acre for each acre of land owned by such white persons for which water for irrigation purposes can now be delivered through such system and to expend the money so collected for continuing the construction, enlargement, and improvement of the said system in accordance with the report heretofore made by a board consisting of the chief engineer of the United States Indian Service, the State engineer of the State of Idaho, and an engineer representing the Fort Hall Water Users' Association: *Provided, however*, That no such money shall be so expended unless and until the holders of private lands which have heretofore acquired a water right in the said system, under the aforesaid acts, at $6 per acre, and who require or take additional water, shall have entered into agreement with the Secretary of the Interior to pay their pro rata share of the cost of the enlargement and the improvement of the said system as hereinbefore provided for: *Provided further*, That the amounts to be collected from the water users as herein provided for shall be credited on a per acre basis in favor of the land on behalf of which it shall have been paid and be deducted from the total per acre charge assessable against such land when the amount of such total charge can be determined: *And provided further*, That further payments to be applied on the construction charges of such system shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. NUGENT. I move to amend the committee amendment by striking out the word "the," the third word in line 11, on page 30, and inserting the words "such new."

Mr. CURTIS. I think that amendment should be made.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. In the amendment of the committee, on page 30, line 11, before the word "white," it is proposed to strike out "the" and insert "such new."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. NUGENT. I move a further amendment, namely, to strike out the word "now" on line 14, page 30.

Mr. WALSH of Montana. Mr. President, if I understand the matter aright, that amendment will be inconsistent with what precedes it. I understand that it is intended by the first part of the amendment to exact in the future the actual cost of the system, whatever it may be, which, as I understand from such information as has come to me, is somewhere about $25 an acre. Now, if it is intended to exact of the new water-right owners but $10 an acre, it will be quite inconsistent with the provisions that go before.

Mr. CURTIS. Mr. President——

Mr. NUGENT. I yield to the Senator from Kansas.

Mr. CURTIS. I did not hear the Senator from Montana.

Mr. WALSH of Montana. I am adverting to the change suggested by the Senator from Idaho, namely, to strike out the word "the" in line 11 and to substitute therefor the words "such new," so that it will read:

That the Secretary of the Interior is hereby authorized to collect from such new white landowners under the said system the sum of not exceeding $10 per acre.

But in the initial paragraph it is provided that future sales of water rights shall be at the actual cost of construction.

Mr. CURTIS. Mr. President, I think that will be covered by an amendment which the Senator will offer a little later on, whereby the present water users—that is, the old claimants—will be required to pay for whatever additional water they take under the extended or enlarged project.

Mr. WALSH of Montana. Yes; but the amendment now proposed by the Senator will give to the new owners their water at $10 an acre, though it will cost the Government presumably $25 or more for the purpose of establishing it.

Mr. CURTIS. No; the Senator is mistaken about that. They must pay the actual per acre cost.

Mr. WALSH of Montana. Then what is the significance of this?

Mr. CURTIS. They take the $10 payment and use it for extending and enlarging the project. That is the intention.

Mr. WALSH of Montana. If that is the idea, then the amendment should not be adopted, because it is not "such new landowners" at all; it is the old landowners who are called upon to contribute this $10 per acre. That is to say, that is a partial payment upon the amount to be paid by them; and yet I do not understand that, because the old landowners were to get their water at $6 an acre.

Mr. CURTIS. The old landowners were to get their water at $6 an acre. This amendment was drawn so as not to disturb the old contracts, but to make the old landowners pay for whatever additional water they take at the per acre cost. The new landowners were to take the water at the per acre cost, but to pay $10 down, where the other people had only paid $6, to be used as a fund to enlarge the system. The Senator will notice in lines 7 and 8:

That hereafter water rights in this system shall be sold at the actual per acre cost of the construction of such system.

Mr. WALSH of Montana. Yes.

Mr. CURTIS. Now, as I have stated to the committee a good many times, I knew nothing about irrigation, so I requested the department to prepare this item, and they prepared it with that object in view. The Senator from Idaho [Mr. NUGENT] was of the idea that if this change was not made and the word "new" inserted in the first place and then the other amendment made further down, there would have to be an agreement reached with the old water users, which could not be had.

Mr. WALSH of Montana. Of course, Mr. President, the payment of $10 per acre can not possibly apply to the old owners, because they are to get the thing at $6 per acre.

Mr. CURTIS. They already have it.

Mr. WALSH of Montana. Exactly; but it must apply to the new ones.

Mr. CURTIS. Yes.

Mr. WALSH of Montana. But if the Senator from Kansas will give me his attention, it will be observed that this $10 per acre is to be paid by such white persons as can now secure water through such system. If they can now secure water through such system, you do not need to extend the thing in order to accommodate them. That obviously applies to those who can get the water now; and those who can get the water now are entitled to get it at $6 an acre.

Mr. CURTIS. That is, they are entitled to what they can get under the system as it is, but for whatever additional water is given them they must pay the additional cost.

Mr. WALSH of Montana. But it does not say so.

Mr. CURTIS. That was the intention of the amendment.

Mr. WALSH of Montana. I do not think the language conveys that idea at all.

Mr. NUGENT. Mr. President, in order to provide for that matter I have, and will suggest, another amendment which probably will cover the objection raised by the Senator from Montana. Let me say, Mr. President, that the committee amendment was drafted, according to my understanding, by the department, and it was concurred in, in part, by the Idaho delegation in the House, as well as by a number of persons who are settlers upon the Fort Hall reclamation project, and who are vitally interested in it, and if it is agreeable to them, they being the interested parties, as a matter of course, I have no objection to raise to it. I have suggested these amendments, however, solely for the purpose of making it plain that there shall be no further charge than $6 an acre against the settlers who located on that project in accordance with the act of Congress of 1907 and the act of Congress of 1910, under which they were to secure their water rights at $6 per acre. I doubt, of course, whether any action could be taken by this Congress that would deprive those people of their vested rights under the enactments to which I have referred; but in order to make it certain that the Secretary of the Interior shall be authorized to dispose of further water rights on that project, and that such further disposition would refer to new settlers, I have offered the amendment which specifically provides that as to such new landowners the price to be paid by them for water shall be $10 per acre for such water as can be delivered through the system as at present constructed; and, further, I have prepared an amendment by which I ask to strike out, on line 24, page 30, the words "and who require or take additional water" and insert the words "and who may apply for additional water," so that those who apply for additional water shall be obliged to pay the pro rata cost of construction necessary to furnish said water.

Mr. WALSH of Montana. Mr. President, I simply want to express the view that the language of this bill does not in any wise whatever accomplish what evidently is in the minds of those who are responsible for it. I understand the idea is that the old settlers are to have their water at $6 an acre, that the new owners are to have their water at $25 an acre, and that they are to pay $10 down, whenever water is delivered to them, on the actual cost price, whatever it may be; but that is not expressed in this bill.

Mr. CURTIS. And that the present holders shall pay the actual per acre cost of all additional water furnished them.

Mr. WALSH of Montana. Exactly.

Mr. CURTIS. That is the intention.

Mr. WALSH of Montana. But that idea is not expressed by this language, and it is perfectly plain that it is not. Let me read it, and ask the attention of the Senators to it:

That the provisions of the act of March 1, 1907, * * * requiring the sale of water rights in this system for land in private ownership at $6 per acre, are hereby repealed with respect to future sales of water rights, and that hereafter water rights in this system shall be sold at the actual per acre cost of the construction of such system.

That is to say, that all those to whom water is now available, without any additional expenditure or expense whatever, get their water at $6 an acre. The remainder, however—those who get their water by reason of future expenditures—will be obliged to pay the actual cost of the water, whatever it may be.

The bill continues:

Provided further, That the Secretary of the Interior is hereby authorized to collect from—

According to the amendment—

such new landowners—

That is to say, those landowners who hereafter will be required to pay the $25 an acre—

under the said system the sum of not exceeding $10 per acre for each acre of land owned by such white persons for which water for irrigation purposes can now be delivered.

You can not deliver any water now except to those who are entitled to their water at $6 an acre; and it is only those to whom water can be delivered in the future, by reason of the new and additional expenditures, that will be called upon to pay the $10 per acre.

Mr. CURTIS. I catch the Senator's point. I will suggest to the Senator from Idaho that that could be covered by making an addition to his amendment, reading "and the present holders who require or take additional water."

Mr. NUGENT. I doubt very much whether that is necessary, and for this reason: The system is already completed to a certain point, and this committee amendment, as prepared by the department, provides, in the first instance, that no more water rights shall be sold for $6 per acre, and that the Secretary may sell new water rights at the rate of $10 per acre for water for irrigation purposes which can now be delivered. "Now be delivered" necessarily means "can be delivered through the system as it is at present constructed"; and, further, the amendment provides that that money shall not be expended in the further completion of the project until such time as the settlers who are now in there, and who desire to have additional water for irrigation purposes, enter into such contract with the Secretary of the Interior, as the amendment provides for the payment of their pro rata share of the cost of construction. I will ask the chairman of the committee whether that is not correct.

Mr. CURTIS. I think it is. As I say, I know nothing about irrigation, but I think the matter is covered in line 24—

and who require or take additional water, shall have entered into agreement with the Secretary of the Interior to pay their pro rata share of the cost of the enlargement and the improvement of the said system as hereinbefore provided for.

But by repeating the words above, it seems to me, it could be very easily covered.

Mr. NUGENT. It is a matter of no consequence to me in what language this amendment is couched, so long as the purpose is attained; and if the Senator has any suggestions to make with respect to a change of language, I shall be glad to have him do so.

Mr. WALSH of Montana. I am simply trying to call attention to the fact that you are not accomplishing what you evidently have in mind. I do not care about the matter at all, but I refer to the language suggested by the Senator from Idaho. He wants to have it read "such new landowners." That is evidently inappropriate, because no new landowners have been referred to theretofore.

Mr. CURTIS. I suggest to the Senator that he change the amendment and add, after the words suggested by him, "and the present landowners who require or take additional water." Then there will be no question about it. If they do not take it they are not obligated to pay. If they do take it they simply pay for what they get.

Mr. WALSH of Montana. I wish to make another suggestion in that connection, if I may be permitted to do so. The original bill provides that it is only the white landowners who are to be called upon to pay the $10. The Indians will not be called upon to pay anything under the original bill. But if we make it read "such new landowners," then the Indians, as well as the whites, will be obliged to pay. I take it that all the land is owned either by Indians or by whites, and there are no new white owners any more than there are any new Indian owners.

Mr. CURTIS. There are white settlers who have bought outside the project. I think the Senator will agree with me that all those taking additional land or additional water should pay for it. I think the act of 1907 was a very serious mistake, as was

the act of 1910. I believe that the people who take the water and use the water should pay for it. Therefore I was opposed to permitting the old settlers to get any additional rights unless they paid what those rights cost the Government. As it is you are imposing this additional burden upon the Indians, really.

Mr. NUGENT. I apprehend, Mr. President, and from what I have heard I am inclined to the opinion, that the department will recommend legislation by Congress to take care of the cost of this construction so far as the Indian lands are concerned.

The VICE PRESIDENT. The Chair suggests that we pass over the amendment that it may be perfected.

Mr. WALSH of Montana. Mr. President, I have a suggestion to make which I submit for the consideration of the chairman and the Senator from Idaho [Mr. NUGENT], which to my mind would convey the idea which they seek to express. It is to rewrite lines 9, 10, and 11 so that they shall read:

But the Secretary of the Interior is hereby authorized to collect from new white applicants for water under the said system, or from applicants for additional water, the sum of not exceeding $10 per acre for each acre of land owned by such white person.

Mr. CURTIS. That amendment will be perfectly satisfactory to the chairman, if it is to the Senator from Idaho.

Mr. NUGENT. I suggest that the matter be passed over temporarily.

Mr. CURTIS. I ask unanimous consent that it be passed over.

The VICE PRESIDENT. Without objection, the amendment will be passed over temporarily.

The next amendment was, on page 31, line 16, after the parentheses, to strike out "$5,000" and insert "$4,500," so as to make the clause read:

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), $4,500.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 31, line 21, to change the number of the section from 5 to 6.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 32, line 11, to change the number of the section from 6 to 7.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 32, line 17, to change the number of the section from 7 to 8.

The amendment was agreed to.

The next amendment was, on page 32, beginning in line 23, to strike out the proviso in the following words:

Provided, That all of said appropriation, together with one-third of the funds arising under section 7 of the act of January 14, 1889 (25 Stat. L., 642), and set aside by said act of 1889 exclusively for the "establishment and maintenance of a system of free schools among said Indians," shall be expended under the direction of the Secretary of the Interior in aiding in the establishment and maintenance of public schools in connection with, and under the control of, the public-school system of the State of Minnesota at places where such schools are needed for the proper education of Chippewa children.

So as to make the clause read:

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (art. 3, treaty of Mar. 19, 1867), $4,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $85,000, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That not to exceed $5,000 of the above amount shall be used to aid the public schools in the Chippewa country: *Provided further*, That Indian children shall at all times be admitted to said schools on the same terms and conditions as white children.

The amendment was agreed to.

The next amendment was, under the head of "Mississippi," on page 35, line 22, to change the number of the section from "8" to "9"; and in line 23, after the word "Mississippi," to insert "and for their education and civilization, including pay of employees and purchase of land for school purposes, $30,000," so as to make the clause read:

SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, and for their education and civilization, including pay of employees and purchase of land for school purposes, $30,000.

Mr. CURTIS. I ask unanimous consent that that item may be passed over, as the Senator from Mississippi [Mr. HARRISON] wants to offer an amendment.

The VICE PRESIDENT. It will be passed over.

The next amendment was, under the head of "Montana," on page 36, line 2, to change the number of the section from "9" to "10."

The amendment was agreed to.

The next amendment was, on page 36, line 18, after "1868," to strike out "$3,100" and insert "$2,580"; in line 19, after the word "treaty," to strike out "$1,200" and insert "$720"; and in the same line, after the words "in all," to strike out "$5,500" and insert "$4,500," so as to make the clause read:

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of May 7, 1868), $2,580; for pay of second blacksmith (art. 8, same treaty), $720; in all, $4,500.

The amendment was agreed to.

The next amendment was, on page 37, line 2, after "1868," to strike out "$80,000" and insert "$75,000," so as to make the clause read:

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (art. 7, treaty of May 10, 1868), $75,000.

The amendment was agreed to.

The next amendment was, on page 37, line 8, after the word "employees," to strike out "$10,000" and insert "$9,000," so as to make the clause read:

For the support and civilization of the Rocky Boy Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, $9,000.

The amendment was agreed to.

The next amendment was, on page 37, line 12, after the word "Montana," to strike out "$100,000" and insert "$200,000," so as to make the clause read:

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, $200,000 (reimbursable), to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 38, line 5, after the words "sum of," to strike out "$150,000" and insert "$100,000," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of $100,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana, and to expend the same for improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Mont., including maintenance assessments payable to the Two Leggins Water Users' Association, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 40, after line 3, to insert:

For the construction of a bridge across Two Medicine Creek, on the Blackfeet Indian Reservation, in Montana, being a link in the highway connecting Yellowstone National Park with Glacier National Park, reimbursable out of any funds now or which may hereafter be in the Treasury of the United States to the credit of the said Blackfeet Indians, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," on page 40, line 12, to change the number of the section from "10" to "11."

The amendment was agreed to.

The next amendment was, under the head of "Nevada," on page 40, line 18, to change the number of the section from "11" to "12."

The amendment was agreed to.

The next amendment was, on page 40, line 25, after the word "Nevada," to strike out "$3,500" and insert "$3,000," so as to make the clause read:

For maintenance and operation of the irrigation system on the Pyramid Lake Reservation, Nev., $3,000, reimbursable from any funds of the Indians of this reservation now or hereafter available.

Mr. PITTMAN. Mr. President, I ask the chairman of the committee the cause of the change in that provision?

Mr. CURTIS. The Assistant Commissioner of Indian Affairs stated that that would give them all the money they could possibly use next year.

Mr. PITTMAN. The estimate of the department was $3,500, was it not?

Mr. CURTIS. Yes; but they had last year $2,500, and the commissioner stated to the subcommittee that they could get along with $3,000 instead of $3,500. We asked the commissioner to get along with just as small an amount as he could without doing an injustice to the service or injury to the work, and he reported to the subcommittee that $3,000 would be plenty in that item.

Mr. PITTMAN. It was changed, then, by reason of the action of the Commissioner of Indian Affairs?

Mr. CURTIS. It was.

Mr. PITTMAN. I have nothing further to say about it.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," on page 41, line 4, to change the number of the section from "12" to "13."

The amendment was agreed to.

The next amendment was, on page 42, line 21, after the word "necessary," to strike out "$25,000, and" and insert "$15,000," so as to make the clause read:

For road and bridge construction on the Mescalero Indian Reservation, in New Mexico, including the purchase of material, equipment, and supplies; the employment of labor; and the cost of surveys, plans, and estimates, if necessary, $15,000, to be reimbursed from any funds of the Indians of said reservation now or hereafter on deposit in the Treasury of the United States: *Provided*, That Indian labor shall be employed as far as practicable.

The amendment was agreed to.

The next amendment was, on page 43, after line 15, to insert:

For the purchase of land for the Navajo Tribes, $100,000, to remain available until used and to be expended under the direction of the Secretary of the Interior, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians, and to remain a charge and lien upon the lands and funds of said tribe of Indians until paid: *Provided*, That not exceeding $10,000 of the appropriation may be used in the discretion of the Secretary of the Interior in leasing grazing lands for the benefit of the said Indians.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 44, line 2, to change the number of the section from "13" to "14."

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 44, line 9, to change the number of the section from "14" to "15."

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 44, line 16, to change the number of the section from "15" to "16."

The amendment was agreed to.

The next amendment was, on page 44, line 20, after the word "employees," to strike out "$15,000" and insert "14,500," so as to make the clause read:

For the support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $14,500.

The amendment was agreed to.

The next amendment was, on page 46, after line 11, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse the Indians of the Fort Berthold Reservation, N. Dak., for 253.04 acres of land embraced within the boundaries of the Verendrye National Monument, established by presidential proclamation of June 29, 1917, the sum of $1,265.20, representing the appraised value of said land at $5 per acre: *Provided*, That the sum appropriated shall be subject to expenditure upon the order of the Secretary of the Interior for the benefit of the Indians of the Fort Berthold Reservation.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 46, line 24, to change the number of the section from "16" to "17"; and on page 47, line 2, after the word "employees," to strike out "$5,000" and insert "$4,800," so as to make the clause read:

SEC. 17. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $4,800.

The amendment was agreed to.

The next amendment was, on page 47, after line 22, to strike out:

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $35,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 2, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $35,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Cheyennes and Arapahoes, who have been collected on the reservations set apart for their use and occupation in Oklahoma, for the support of said Indians and pay of employees maintained for their benefit.

The amendment was agreed to.

The next amendment was, on page 48, in line 14, after the word "employees," to strike out "$2,000" and insert "$1,800," so as to make the clause read:

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, $1,800.

The amendment was agreed to.

The next amendment was, on page 49, line 3, after "1892," to strike out "$30,000" and insert "$22,900"; and in line 10, after the words "in all," to strike out "$47,100" and insert "$40,000," so as to make the clause read:

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (art. 3, agreement of Nov. 23, 1892), $22,900; for support of two manual-labor schools (art. 3, treaty of Sept. 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (art. 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (art. 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $40,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 20, to insert:

That the provision in the Indian appropriation act for the fiscal year ending June 30, 1920, authorizing the expenditure of not exceeding $35,000 from unexpended Osage tribal funds heretofore appropriated for construction of a fireproof office building for Osage Agency is hereby amended to provide that not exceeding $50,000 of such unexpended Osage tribal funds may be used in the construction of such fireproof building, including the removal of the present office building and rearrangement of the interior of same for employees' quarters, said amount to be immediately available.

The use of the sum of $10,000 or so much thereof as may be necessary, the same to be immediately available, is hereby authorized from funds belonging to the Osage Tribe to defray expenses heretofore or hereafter incurred in connection with visits to Washington, D. C., by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the subhead "Five Civilized Tribes," on page 51, line 16, to change the number of the section from 17 to 18; and in line 18, after the word "employees," to strike out "$200,000" and insert "$185,000," so as to make the clause read:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That hereafter no undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees or their heirs shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) heretofore required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

The amendment was agreed to.

The next amendment was, on page 53, line 10, after the word "payments," to strike out:

Provided further, That the Secretary of the Interior, under rules and regulations to be prescribed by him, is authorized to make per capita payments annually hereafter to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, entitled under existing law to share in the funds of said tribes, or to their lawful heirs, of all the available money held by the Government of the United States for the benefit of said tribes in excess of that required for expenditures authorized by annual appropriations made therefrom or by existing law.

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

The amendment was agreed to.

The next amendment was, on page 56, line 6, before the word "statutes," to strike out "United States," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $7,500 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof, as provided for in the act approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes" (37 Stat. L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 57, line 2, to change the number of the section from 18 to 19, and in line 4, after the word "employees," to strike out "$6,000" and insert "$5,750," so as to make the clause read:

SEC. 19. For support and civilization of Indians of the Klamath Agency, Oreg., including pay of employees, $5,750.

Mr. CHAMBERLAIN. I should like to ask the Senator who has the bill in charge why those small cuts were made in the items affecting Oregon? The amounts were very small in the first instance, and it seems to me that if anything is appropriated at all there ought to be enough at least to pay the operating expenses of the agencies already established.

Mr. CURTIS. Mr. President, the subcommittee asked the representatives of the department to come before it and show to the subcommittee in each of these cases just what money they needed, and the Senator will notice in the Oregon item, where we give them $5,750, they only have 20 rationed Indians; that is, 20 Indians who really need assistance—I mean in the way of aid, in the way of rations. The others are helped only partly, but get no aid of any kind or character, and the department said they could easily get along with the $5,750. I think last year they spent only a little over $5,000.

Mr. CHAMBERLAIN. That pays as well for the employees?

Mr. CURTIS. Yes; it pays the employees. But there are 1,154 Indians there, with only 20 rationed Indians, as I said.

Mr. CHAMBERLAIN. They would have to have the employees whether they had rationed Indians or not.

Mr. CURTIS. This pays the employees.

Mr. CHAMBERLAIN. If the department said they were satisfied with those amounts, I have no question about it.

Mr. CURTIS. There is not a reduction made in the bill that was not approved by the department, and they said they could get along with the amounts the committee recommends.

The amendment was agreed to.

The next amendment was, on page 57, line 18, after the word "employees," to strike out "$3,000" and insert "$2,500," so as to make the clause read:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, $2,500.

The amendment was agreed to.

The next amendment was, on page 57, line 21, after the word "Oregon," to strike out "$5,000" and insert "$4,000," so as to make the clause read:

For maintenance and operation of the Modoc Point irrigation system within the Klamath Indian Reservation, in the State of Oregon, $4,000, reimbursable in accordance with the provisions of the act of March 3, 1911.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," on page 57, line 24, to change the number of the section from "19" to "20."

The amendment was agreed to.

The next amendment was, on page 58, line 23, after "1877," to strike out "$200,000" and insert "$193,000"; and on page 59, line 1, after the words "in all," to strike out "$307,000" and insert "$300,000," so as to make the clause read:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (art. 13, treaty of Apr. 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (art. 8 of same treaty), $1,600; for pay of additional employees of the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $95,000; for subsistence of the Sioux and for purposes of their civilization (act of Feb. 28, 1877), $193,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, $300,000.

The amendment was agreed to.

The next amendment was, on page 59, line 16, after the word "asylum," to strike out "$45,000" and insert "$40,000," so as to make the clause read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, $40,000.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the words "sum of," to strike out "$185,000" and insert "$175,000," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to withdraw from the Treasury of the United States the sum of $175,000, or so much thereof as may be necessary, of the tribal funds on deposit to the credit of the Sioux Indians of Rosebud Agency, S. Dak., accruing under the act of May 30, 1910 (36 Stat. L., 448), and to expend the same for the support, civilization, and education of said Indians.

The amendment was agreed to.

The next amendment was, at the top of page 60, to strike out:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $25,000 of any funds to the credit of the Indians on the Pine Ridge Reservation, and to expend the same for the construction of roads and bridges within said reservation.

The amendment was agreed to.

The next amendment was, on page 60, after line 5, to strike out:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000 of any funds to the credit of the Indians on the Cheyenne River Indian Reservation, and to expend the same for the construction of roads and bridges within said reservation.

The amendment was agreed to.

The next amendment was, on page 60, after line 11, to strike out:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $40,000, or so much thereof as may be necessary, of any of the funds to the credit of the Indians on the Cheyenne River Indian Reservation and to apply the same to the construction of a bridge and abutments and approaches thereto across the Cheyenne River in the State of South Dakota. This appropriation shall be available only on the condition that the interested counties or the South Dakota Highway Commission contribute to the cost of said bridge in the ratio of $2 for every dollar of Indian funds so expended.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 60, line 24, to change the number of the section from "20" to "21"; on page 61, line 7, after the word "treaty," to strike out "$30,000" and insert "$26,260"; and in line 9, after the words "in all," to strike out "$53,740" and insert "$50,000," so as to make the clause read:

SEC. 21. For support and civilization of Confederated Bands of Utes: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (art. 15, treaty of Mar. 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (art. 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat flour, beans, and potatoes, or other necessary articles of food, and clothing, and farming equipment (art. 12, same treaty), $26,260; for pay of employees at the several Ute agencies, $15,000; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 61, line 11, after the word "employees," to strike out "$10,000" and insert "$8,000," so as to make the clause read:

For the support and civilization of Indians in Utah, not otherwise provided for, including pay of employees, $8,000.

The amendment was agreed to.

The next amendment was, on page 61, line 15, after the words "sum of," to strike out "$350,000" and insert "$300,000"; in line 20, after the words "sum of," to strike out "$200,000" and insert "$175,000"; and in line 23, after the words "sum of," to strike out "$100,000" and insert "$75,000," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $300,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of $50,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of $175,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $75,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1920, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stat. L., p. 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1921, a detailed statement as to all moneys expended as provided for herein.

The amendment was agreed to.

The next amendment was, on page 63, line 3, after "$12,000," to strike out "of the principal funds to the credit of the Confederated Bands of Ute Indians," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $12,000, and expend the same, under rules and regulations to be prescribed by him, in aid of the public schools of Uintah and Duchesne County school districts, Utah: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 64, line 15, to change the number of the section from 21 to 22, and, in line 17, after the word "employees," to strike out "$7,000" and insert "$6,500," so as to make the clause read:

SEC. 22. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $6,500.

The amendment was agreed to.

The next amendment was, on page 66, line 4, after the word "reservation," to strike out "$300,000" and insert "$250,000"; in line 14, after the word "authorized," to insert "and directed"; in the same line, after the word "collect," to insert "on or before December 31 of each calendar year hereafter, including 1920"; and, in line 16, after the words "sum of," to strike out "$10," so as to make the clause read:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38 Stat. L., p. 604), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 20,000 acres of allotted Indian lands on said reservation, $250,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1920, from the white landowners under the said system the sum of —— per acre for each acre of land to which water for irrigation purposes can be delivered from the said system, which sum shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined, and the total amount so collected, including any money collected from Indian allottees, shall be available for expenditure under the direction of the Secretary of the Interior for continuing the construction work on the said system.

Mr. CURTIS. Mr. President, the figures "$10" were stricken out and "$2" was to be substituted, but the printer made a mistake and left out the "$2," so I ask that "$2" be inserted in the blank in place of the "$10."

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 66, line 16, strike out "$10" and insert "$2."

The amendment to the amendment was agreed to.

Mr. JONES of Washington. Mr. President, my attention was diverted when we reached this page. I want to ask the Senator in charge of the bill why the committee cut the $300,000, in line 5, to $250,000?

Mr. CURTIS. Mr. President, in order to keep the bill down as low as possible and to do as near justice as we could to the various parties interested, the committee, after inquiry, found that the $250,000 would run the Yakima project until July 1 of next year; or, rather, that it would take the $300,000, but that $250,000 would run it past the next session of Congress. The idea was that by taking $50,000 off of this item we could add it to another item where the money was needed to carry it on until that time, and we could make $50,000 of the amount appropriated next year immediately available, which would carry it from March until July.

Mr. JONES of Washington. As I understand, the Senator, as far as he can, is willing to say that that will be the policy pursued in the next bill.

Mr. CURTIS. As far as I can influence the committee it will be.

Mr. JONES of Washington. The Senator, I think, appreciates the fact that this is one of the best irrigation projects in the United States, and one of the projects that ought to be carried to completion just as soon as it is possible to do so, because the Indians will get the benefit of every dollar of the appropriation that is made here.

I am in sympathy with the Senator's desire to keep the appropriations down. I feel, however, that a project like this can not be completed too soon, and if money sufficient to carry on the work as rapidly as possible is not appropriated there is in the end a loss or waste. I sympathize with the situation of the Senator, and upon the assurance that he gives with reference to taking care of the matter in the next bill, which I know will pass before the 4th of March of next year, I am confident that it will be taken care of.

Mr. CURTIS. It will be the intention of the present chairman of the committee to do everything he can to bring that about.

The amendment as amended was agreed to.

Mr. CURTIS. Mr. President, there was a committee amendment, on page 67, line 5, which was left out by the printer. The $125,000 should be reduced to $75,000. I ask that that be agreed to.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 67, line 5, strike out "$125,000" and insert "$75,000," so as to read:

For completing the construction of diversion dams and canal systems for irrigating 12,000 acres of Indian land adjacent to Toppenish and Simcoe Creeks, Yakima Indian Reservation, as provided for in the act of June 30, 1919 (41 Stat. L., p. 28), $75,000.

Mr. JONES of Washington. I understand the Senator makes substantially the same statement with reference to this item that he made with reference to the $300,000 item just preceding?

Mr. CURTIS. Yes; and the additional statement that I understand it will be some little time before that amount of money will be required.

The amendment was agreed to.

The next amendment was, on page 67, line 16, after the word "act," to insert "to be immediately available," so as to make the clause read:

That the unexpended balance of approximately $17,025 of the $22,500 appropriated by the Indian appropriation act for the fiscal year 1919 (40 Stat. L., p. 588), for the construction of a road on the Quiniault Reservation, Wash., to be reimbursed from any tribal funds of said Indians on deposit in the Treasury of the United States, is hereby reappropriated for the same purposes and upon the same terms and conditions as provided in said act, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 67, line 19, to change the number of the section from "22" to "23."

The amendment was agreed to.

The next amendment was, on page 68, line 8, after the word "employees," to strike out "$7,000" and insert "$6,000," so as to make the clause read:

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, $6,000.

The amendment was agreed to.

The next amendment was, on page 68, line 25, before the word "unexpended," to strike out "For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, $6,899, or so much thereof as may be necessary, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in House Document No. 830 (60th Cong., 1st sess.), and the Secretary of the Interior is hereby authorized to expend the said sum in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting: *Provided*, That the" and insert "The"; on page 69, line 1, before the word "hereby," to strike out "are" and insert "is"; in line 2, after the word "expended," to insert "for the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan"; and in line 6, after the word "above-mentioned," to strike out "sums" and insert "sum," so as to make the clause read:

The unexpended balance of the appropriation for the fiscal year 1918, approximating $55,057.37, is hereby reappropriated and made available until expended for the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan: *Provided, however*, That the above-mentioned sum shall be used only for the purposes set forth in section 25 of the act approved May 18, 1916 (39 Stat. L., pp. 156, 157), and section 24 of the act approved March 2, 1917 (39 Stat. L., p. 991).

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to insert:

That to carry out the provisions of the Chippewa treaty of September 30, 1854 (10 Stat. L., p. 1109), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, in part settlement of the amount, $141,000, found due and heretofore approved for the St. Croix Chippewa Indians of Wisconsin, whose names appear on the final roll prepared by the Secretary of the Interior pursuant to act of August 1, 1914 (38 Stat. L., pp. 582–605), and contained in House Document No. 1663, said sum of $10,000 to be expended in the purchase of land or for the benefit of said Indians by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 70, line 9, to change the number of the section from "23" to "24."

The amendment was agreed to.

The next amendment was, on page 70, line 17, after "1868," to strike out "$5,000" and insert "$4,000"; and in line 20, after the words "in all," to strike out "$6,000" and insert "$5,000," so as to make the clause read:

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), $4,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 2, to strike out:

For continuation of investigations, construction, operation, and maintenance of the Riverton project, Wyoming, $50,000, reimbursable in accordance with the provisions of the act of March, 1905.

Mr. WARREN. Mr. President, as to the amendment last read, in lines 3 to 6, inclusive, on page 71, I desire to call the attention of the chairman of the committee to the item and to say that I am entirely in sympathy with the chairman in his general undertaking to cut down expenses of the Government, and especially in the Indian bill generally. I have no comment to make

upon the cuts in Wyoming other than this one, which is to cut out all of what is intended to continue the reclamation project at Riverton or near there, which at the present time is being worked to good advantage. I feel that to cut out this amount at this time is really not in the line of economy.

We have now two large drag excavating machines there working with caterpillar tractors, doing the work rapidly, and they have money enough to last not later than the 1st of July, and from then until we can meet in the next session the project will be going back and downhill rather than forward.

I am going to ask the chairman to consider that further when he comes to the conference. I do not want to attack the committee in its move here now, because I know the troubles that one has in charge of an appropriation bill.

The unexpended balance under existing law is estimated at something like $60,000. Out of this amount the pro rata expense of the Denver reclamation headquarters must be met as well as the overhead expenses of the Riverton office, which is approximated at about $12,000, leaving an unexpended balance of about $38,000 to carry on the actual construction work.

The Reclamation Service explains that a balance has accumulated because they have not had sufficient funds to go ahead in a comprehensive and economic manner. They have been holding back, doing only preliminary work, until such time as they could get sufficient funds with which to go at the project with a real organization. They explain that it requires just about the same overhead in spending $50,000 as it does in spending $1,000,000. In the interest of economy they have delayed to avoid driblet expenditures.

All of the preliminary work has been done and now they are ready to commence the actual construction work.

I know that the Riverton project is one of the most desirable projects that is under way in the United States. It covers an immense amount of land and an immense amount of water, and if we can get the work proceeded with as fast as it is now being accomplished we can have those lands where they will be open to the returning soldiers and others who want to get the cheapest good lands they can. They will be taken as rapidly as they are brought into the market, as all the irrigated lands of Wyoming are being brought now into the market.

If the chairman does not feel like now striking out the amendment and disagreeing to it, I am going to ask him to consider it further when it comes to conference, and I now submit for the RECORD and consideration of the conferees a letter from the Director of the United States Reclamation Service, Hon. A. P. Davis:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., January 8, 1920.

Hon. F. E. WARREN,
United States Senate.

MY DEAR SENATOR: Replying to your inquiry through Mr. Spencer concerning the status of work and appropriations for the Riverton project, the following statement is made:

Under the appropriation for surveys on the Wind River Reservation the Indian Service made available a small amount for reconnoissance by the Reclamation Service of the so-called Riverton project in 1917. This reconnoissance was made by Mr. Whistler, who reported on the subject.

For 1918 Congress made an appropriation of $5,000 for surveys and the preparation of appropriation estimates. This money was expended in the fiscal year 1918 by Mr. C. T. Pease, whose report is printed in the Seventeenth Annual Report of the Reclamation Service, pages 307 to 406. For the fiscal year 1919, for continued investigation and commencement of construction Congress appropriated the sum of $100,000. For the fiscal year 1920 Congress appropriated the sum of $200,000, which amount is now being used. The expenditures are shown in the following table:

	Fiscal year.		
	1918	1919	1920
Appropriations	$5,000.00	$100,000.00	$200,000.00
Expenditures	4,580.85	78,357.81	43,781.97
Balance unexpended Nov. 30, 1919	419.15	21,642.19	156,218.03
Liabilities incurred		648.83	97,964.00
Balance unencumbered	419.15	20,993.36	58,254.03

With the funds expended the Reclamation Service has made detailed surveys, including a thorough topographic map of the project, now nearly completed, upon which to classify the lands and determine both the area and water duty of the same. This is a necessary preliminary to a proper layout of the canal system and computation of capacities. Project buildings have been constructed or material ordered therefor. Two large excavating machines have been secured, shipped to the project, and put to work.

The amount of appropriation remaining available for the present year is just about sufficient to keep the excavating machines at work, make the necessary surveys, and complete the buildings in process of erection. The surveys and excavating work could be kept going at an economical rate during the fiscal year 1921 with an appropriation of $150,000. If a larger sum were made available, work could be carried on in the construction of a diversion dam, which is desirable for the early completion of the project.

Very truly, yours, A. P. DAVIS, *Director.*

Mr. CURTIS. Of course, the item will be considered in conference, but I do not feel that the amendment should be defeated. I think the amendment should be agreed to. The committee was induced to cut out the appropriation for several reasons. First, it was not estimated for by the department, but was put in by the Indian Affairs Committee without any estimate from the department at all. In the second place, the department advies me by letter of last Monday that they still have nearly $62,000 on hand.

In the third place, I might add that the Indian Bureau does not feel that the item belongs in the Indian bill. They claim that only about 10 per cent of the land is Indian land and the balance is the white man's land, and therefore the matter should be handled, if at all, through the Reclamation Service. They claim that they have all the information they need with reference to the cost of the project, which will be about $6,000,000, and they do not feel that the Indian funds should be used to the extent of $6,000,000 on a project of this kind, but that if it is to be handled at all it should be through the Reclamation Service.

I hope the committee amendment will be agreed to.

Mr. WARREN. The matter of $5,000,000 or $6,000,000 will not be asked of the Indian Department, and that department knows it very well. The proposition that only 10 per cent is Indian land does not tell the whole story, because there is not only 10 per cent or more actually under cultivation under this water, but there is all the land lying along the line that has increased, in fact doubled and trebled, in value. A matter of five or six million dollars means that if it is carried to the ultimate limitation to which it might be carried there would be land enough brought under the project, and advantageously so, to amount to the expenditure of that sum; but, on the other hand, it is one of those projects that as it proceeds every dollar that is invested in it brings under irrigation a certain percentage of land. It is "pay as you go" in that way.

This money is reimbursable from the Indian funds, because they are getting the benefit. Eventually, of course, there will be money from another source, from the regular irrigation and reclamation; but it would be more unjust, in addition to paying these Indians for their land, to appropriate out of the general fund to reclaim and irrigate the Indian lands than it would even if the Indian funds were used to build all of this project. From a reliable source we are informed that approximately $70,000 is collected annually by the Indian Department from the stockmen for grazing privileges on the ceded portion of the Shoshone Indian Reservation. Large oil deposits have been discovered on this tract of land. A portion of these were recently sold and the Indians obtained a total bonus of $185,000 besides an eighth royalty in every lease which was made. Coal mines are being developed upon these lands, and it is expected that they will be a rich source of revenue to the Indians. We ask the Indian Bureau to do its share, and its share has not yet been done. As I said, I leave the matter with the committee.

The amendment was agreed to.

The next amendment was, on page 71, line 21, to change the number of the section from "24" to "25"; and on page 72, line 5, after the word "exceeding," to strike out "$1,436,604" and insert "$1,367,177," so as to make the clause read:

SEC. 25. That in addition to the Indian tribal and treaty funds, the expenditure of which is specifically authorized elsewhere in this act, and such sums as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians, reimbursement to the United States of the expenditures from reimbursable appropriations, and expenditures for the Five Civilized Tribes, in accordance with existing laws, the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding $1,367,177 from the funds held by the United States in trust for the respective tribes, for support and civilization of the Indians under the jurisdiction of the following agencies, to wit.

The amendment was agreed to.

The next amendment was, on page 72, line 25, after the words "Red Lake," to strike out "$27,500" and insert "$15,000," so as to make the clause read:

Minnesota: Fond du Lac, $250; Leech Lake, $850; Red Lake, $15,000; White Earth, $1,400.

The amendment was agreed to.

The next amendment was, on page 73, line 7, after "$50,000," to insert "and the unexpended balance of the amount appropriated for these Indians in the Indian appropriation act approved June 30, 1919, is hereby made available until expended," so as to make the clause read:

New Mexico: Jicarilla, $50,000, and the unexpended balance of the amount appropriated for these Indians in the Indian appropriation act approved June 30, 1919, is hereby made available until expended; Mescalero, $10,000; Navajo, $922; Pueblo Bonito, $1,118; San Juan, $5,600.

The amendment was agreed to.

The next amendment was, on page 73, line 12, after the words "Eastern Cherokee," to strike out "$15,464" and insert "$5,000," so as to make the clause read:

North Carolina: Eastern Cherokee, $5,000.

Mr. OVERMAN. I should like to inquire why that great cut is made in the House appropriation from $15,464 to $5,000?

Mr. CURTIS. I will state to the Senator that the Commissioner of Indian Affairs or his assistant who appeared before the committee said that they could get along with that amount of money very easily this year; that they had spent that much last year, and that it was all that was required.

Mr. OVERMAN. If that is so, I have nothing to say. All I want is what is absolutely necessary.

Mr. CURTIS. I desire to state to the Senator that we did not make a reduction in any item for the support, civilization, or health of the Indians that was not recommended by the department, and we gave them the money they said they could get along with. The subcommittee went over every item very carefully.

Mr. OVERMAN. Fifteen thousand dollars was given by the House, which they said was necessary, and then they come here and say they can get along with $5,000.

Mr. CURTIS. That is the trouble. We get a great many estimates in that way. I remember one that came over for $200,000, and they said they could get along with $67,000 when they got before our committee.

Mr. OVERMAN. That is usual with every department that sends estimates down here. They send down estimates for about three times more than they need, and that is a good thing for us to remember in connection with further appropriation bills, that when a department sends down an estimate for $75,000 they can get along with $25,000. That is worthy of consideration.

Mr. CURTIS. We asked the representatives of the department to come before the committee and show the committee what they had expended the year before, giving an itemized statement, and then what they actually needed for the coming year, and we gave them a few dollars more than they said they really needed.

Mr. OVERMAN. I commend the committee for their action in this matter.

Mr. CURTIS. I will state to the Senator from North Carolina and to the Senate that after a careful investigation and after restoring four or five items which had been stricken out on the floor of the other House which the committee thought were actually needed, we made a net reduction in the bill of $127,000 below the House bill.

Mr. OVERMAN. That is very commendable. I am a member of the Committee on Appropriations and shall remember this incident. I always have contended that the departments, in sending their estimates to Congress, invariably ask for more than they really need. I never could prove it before, but now it has been conclusively shown, for they have asked for three times as much money for this purpose as they actually need. The committee, in my opinion, have done wisely in cutting their estimate down, although in so doing they have reduced an appropriation for my State.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 73, line 16, after the word "Arapahoes," to strike out "$6,689" and insert "$5,000"; and in line 18, after the word "Fox," to strike out "$8,000" and insert "$5,000," so as to make the clause read:

Oklahoma: Kiowa, $26,700; Wichita, $300; Cheyennes and Arapahoes, $5,000; Cantonment, $1,350; Seger, $150; Pawnee, $300; Ponca, $1,700; Otoe, $1,900; Seneca, $600; Sac and Fox, $5,000.

The amendment was agreed to.

The next amendment was, on page 73, line 22, after the words "Lower Brule," to strike out "$15,824" and insert "$10,000"; in line 23, after the word "Rosebud," to strike out "$11,950" and insert "$10,000"; and in the same line, after the word "Sisseton," to strike out "$15,000" and insert "$10,000," so as to make the clause read:

South Dakota: Cheyenne River, $100,000; Crow Creek, $1,000; Lower Brule, $10,000; Pine Ridge, $2,800; Rosebud, $10,000; Sisseton, $10,000; Yankton, $5,000; Santee, $2,084.

The amendment was agreed to.

The next amendment was, on page 74, line 2, after the word "Colville," to strike out "$74,000" and insert "$50,000"; and in line 3, after the word "Tulalip," to strike out "$8,000" and insert "$5,000," so as to make the clause read:

Washington: Colville, $50,000; Puyallup, $160; Quiniault, $1,000; Spokane, $4,800; Tulalip, $5,000; Yakima, $22,000.

The amendment was agreed to.

The next amendment was, on page 74, line 5, after the words "Lac du Flambeau," to strike out "$20,000" and insert "$15,000, to be immediately available," so as to make the clause read:

Wisconsin: Lac du Flambeau, $15,000, to be immediately available; La Pointe, $500; Keshena (Menominee), $37,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CURTIS. Mr. President, I desire that we may now return to the consideration of the items in the bill which were passed over.

The VICE PRESIDENT. The Secretary will state the first amendment passed over.

The ASSISTANT SECRETARY. The first amendment passed over is on page 28, under the heading "Idaho," in line 21, after "$50,000," to strike out:

Provided, That expenditures hereunder for improvements shall be reimbursable to the United States in accordance with the provisions of the act of March 1, 1907: *Provided*, That the provisions of the act of March 1, 1907 (34 Stat., p. 1024), and the act of April 4, 1910 (36 Stat., p. 274), requiring the sale of water rights in this system for lands in private ownership at $6 per acre are hereby repealed and that hereafter water rights in this system shall be sold at the actual per acre cost of the construction of such system: *Provided further*, That the Secretary of the Interior is hereby authorized to collect from the white landowners under the said system the sum of $10 per acre for each acre of land owned by such white persons for which water for irrigation purposes can now be delivered through such system and to expend the money so collected for continuing the construction, enlargement, and improvement of the said system, in accordance with the report heretofore made by a board consisting of the chief engineer of the United States Indian Service, the State engineer of the State of Idaho, and an engineer representing the Fort Hall Water Users' Association: *Provided, however*, That no such money shall be so expended unless and until the holders of private lands which have heretofore acquired a water right in the said system, under the aforesaid acts, at $6 per acre shall have entered into agreement with the Secretary of the Interior to pay in addition to such $6 per acre an amount which shall equal the actual per acre cost of the construction of such system: *Provided further*, That the provision of the aforesaid act of March 1, 1907, requiring the payment of the water-right charges to be made in five equal annual installments is hereby repealed.

And to insert:

Provided, That the provisions of the act of March 1, 1907 (34 Stat., p. 1024), and the act of April 4, 1910 (36 Stat., p. 274), requiring the sale of water rights in this system for land in private ownership at $6 per acre, are hereby repealed with respect to future sales of water rights, and that hereafter water rights in this system shall be sold at the actual per-acre cost of the construction of such system: *Provided further*, That the Secretary of the Interior is hereby authorized to collect from the white landowners under the said system the sum of not exceeding $10 per acre for each acre of land owned by such white persons for which water for irrigation purposes can now be delivered through such system and to expend the money so collected for continuing the construction, enlargement, and improvement of the said system in accordance with the report heretofore made by a board consisting of the chief engineer of the United States Indian Service, the State engineer of the State of Idaho, and an engineer representing the Fort Hall Water Users' Association: *Provided, however*, That no such money shall be so expended unless and until the holders of private lands which have heretofore acquired a water right in the said system, under the aforesaid acts, at $6 per acre, and who require or take additional water, shall have entered into agreement with the Secretary of the Interior to pay their pro rata share of the cost of the enlargement and the improvement of the said system as hereinbefore provided for: *Provided further*, That the amounts to be collected from the water users as herein provided for shall be credited on a per acre basis in favor of the land on behalf of which it shall have been paid and be deducted from the total per acre charge assessable against such land when the amount of such total charge can be determined: *And provided further*, That further payments to be applied on the construction charges of such system shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. NUGENT. I desire to call the attention of the chairman of the committee, the Senator from Kansas [Mr. CURTIS], and also of the Senator from Montana [Mr. WALSH], to the amendment to the committee amendment, which I desire now to offer. On page 30, line 9, I move to strike out the words "*Provided further*," and also the word "That," in line 10, and to insert a comma and the word "but"; before the word "white," in line 11, to insert the word "new"; and in line 11, after the word "white," to strike out the word "landowners" and to insert "applicants for water"; and before the word "the," at the end of the same line, to insert the words "and from white applicants for additional water," so that it will read:

But the Secretary of the Interior is hereby authorized to collect from the new white applicants for water under the said system and from white applicants for additional water the sum of not exceeding $10 an acre.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to.

Mr. NUGENT. I move the following additional amendment to the committee amendment. On page 30, line 24, after the word "acre," I move to strike out the words "and who require or take additional water" and to insert "and who may apply for additional water," so that it will read:

That no such money shall be so expended unless and until the holders of private lands which have heretofore acquired a water right in the said system, under the aforesaid acts, at $6 per acre, and who may apply for additional water shall have entered into agreement with the Secretary of the Interior—

And so forth.

Mr. CURTIS. That amendment is satisfactory.

The VICE PRESIDENT. The amendment is agreed to, without objection. The amendment as amended is agreed to, without objection. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is, on page 35, under the head of "Mississippi," in section 9, line 23, after the word "Mississippi," where the Committee on Indian Affairs propose to insert "and for their education and civilization, including pay of employees and purchase of land for school purposes, $30,000," so as to make the clause read:

SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, and for their education and civilization, including pay of employees and purchase of land for school purposes, $30,000.

Mr. HARRISON. I offer a substitute for the item embraced in lines 22, 23, 24, and 25, including the committee amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 35, beginning in line 22, it is proposed to strike out section 9 and in lieu thereof to insert:

SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, and other necessary administration expenses, $10,000; for their education by establishing, equipping, and maintaining day schools, including the purchase of land and the construction of necessary buildings, and their equipment, $30,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior, for its repayment to the United States under such rules and regulations as he may direct, $15,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $10,000; which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, $65,000.

Mr. CURTIS. Mr. President, I have not had the time to read over and compare the amendment with the estimate. I ask the Senator if he has copied the estimate of the department in the amendment which he has submitted?

Mr. HARRISON. The amendment conforms exactly to the estimate. I took it from the hearings before the House committee.

Mr. CURTIS. Then, Mr. President, so far as the chairman of the committee is concerned, he is willing that the amendment shall be accepted?

The VICE PRESIDENT. In the absence of objection, the committee amendment is rejected, and the amendment of the Senator from Mississippi is agreed to.

Mr. JONES of Washington. On page 65, I move to strike out from line 13 to line 20, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 65, after line 12, it is proposed to strike out:

That the Secretary of the Interior be, and he is hereby, authorized to sell at public sale the land and buildings constituting the Cushman Indian School at Tacoma, Wash., at not less than their appraised value and on such terms and conditions as he may prescribe. The proceeds of such sale shall be deposited in the Treasury to the credit of the Puyallup Tribe of Indians and to the credit of the United States as their respective interests appear.

Mr. JONES of Washington. Mr. President, the item relates to the Cushman School in the State of Washington, which is the only school of its kind in the State providing instruction in certain subjects to which Indians from Alaska and various sections of the State can go.

I am in sympathy with the general policy of the Indian Office in having Indian pupils educated as much as possible in the public schools of the country; I believe that is the best and wisest system; but the conditions are a little different in the case of the Cushman School from what they may be generally. This school can serve the purpose to a certain extent of a sort of central high school to which the Indians may go and secure special training.

In a letter from the secretary of the Commercial Club and Chamber of Commerce of Tacoma he makes this statement with reference to this school:

The Cushman School is the only one of its kind in the State at the present time and is offering a course of study to Indian boys and girls which they would not receive in the public schools. This course of study includes farm blacksmithing, farm engineering, farm carpentry, farm masonry, shoe and harness repairing, gardening, and poultry raising for boys, and cooking, sewing, laundering, nursing, home training, poultry raising, and gardening for girls. Statistics at the school show that a large percentage of the students who graduate from the school follow this work.

The commissioner, in a letter which I have, states that the pupils that need to be served by a school of this kind can be taken care of at Tulalip and at Chewawa, which are near Salem, Oreg. That may be true, but I do not believe that the Indian boys and girls attending the Cushman School should be taken away off to Salem, Oreg. The Cushman School is so centrally located that the pupils can visit their homes and they can be visited by their parents at very little expense and very little trouble and inconvenience in point of time. I hope, at any rate, that the provision will be stricken from the bill so that the matter may be looked into very fully and very thoroughly before this school is closed.

Mr. CURTIS. Mr. President, as I understand the amendment, it is intended merely to strike out the lines which provide for the sale of the school?

Mr. JONES of Washington. Yes.

Mr. CURTIS. So far as I am able I am perfectly willing to accept the amendment, for I think, by reason of certain information which has been received since the item was put in, it is perhaps best not to order the sale of the school at once. So far as the chairman of the committee can do so he accepts the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. On page 67, after line 17, I offer an amendment about which I have conferred with the chairman of the committee and to which I think he will have no objection.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 67, after line 17, in the Washington items, it is proposed to insert:

The Secretary of the Interior is authorized and directed to investigate and report to Congress on or before the first Monday in December, 1920, as to the right of Stevens and Ferry Counties, in the State of Washington, to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled.

Mr. CURTIS. Mr. President, I think the Secretary of the Interior has authority under existing law to do what is contemplated by the amendment, and therefore I shall offer no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. STERLING. Mr. President, I want to call the attention of the chairman of the committee to the three items stricken out on page 60 of the bill. I was not present, and could not be, when those items were read. They are under the head of South Dakota.

Mr. CURTIS. I will state that those items were stricken out for the reason that they had not been estimated for by the department. My recollection is that they were put in on the floor of the House, and when we had the assistant commissioner before us he was unable to give us any information in regard to them; and so the members of the committee preferred that some investigation be made, and some report, so that we would have something to base such an appropriation upon. Of course, the money is taken from the funds of the Indians, but it is the duty of Congress to protect their funds just as much as it is its duty to protect the funds of the Government; and the committee did not feel, with the information we had, that we would be justified in agreeing to those three items.

Mr. STERLING. I should like to ask the chairman of the committee if the matter will then be considered in conference?

Mr. CURTIS. It will be considered in conference; and if the Commissioner of Indian Affairs has secured the information then, the committee will take such action as it deems advisable under all the circumstances.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 35, after line 20, it is proposed to insert, as a separate item, the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the treasurer of the general council of the Chippewa Indians of Minnesota, or upon his order, out of the funds of said tribe held in the Treasury of the United States, the sum of $12,500 to defray the expenses of all litigation and proceedings instituted by direction of said general council up to and including July 1, 1919, and to settle in full all such accounts so authorized and contracted for: *Provided*, That before said payment is made receipts in full shall be duly executed for all such claims or demands of whatsoever nature for services rendered and expenses incurred in connection with all said litigation and proceedings and duly filed with the Treasurer of the United States.

Mr. GRONNA. Mr. President, I am offering this amendment at the request of the members of the legislative committee of the general council of the Chippewa Indians in Minnesota. So far as I know, there is no objection to it from any source.

Mr. CURTIS. As I understand, the money is to be taken out of the tribal funds that are now in the Treasury and its payment is requested by the council. Will the Senator have the letter of the council printed in the RECORD?

Mr. GRONNA. I shall either have it read or printed.

Mr. CURTIS. If it is printed in the RECORD, that will be sufficient.

Mr. GRONNA. Then I ask that it may be printed in the RECORD in connection with the amendment.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The letter is as follows:

WASHINGTON, D. C., *January 26, 1920.*

HON. ASLE J. GRONNA,
United States Senate, Washington, D. C.

DEAR SENATOR GRONNA: Inclosed please find amendment to the Indian appropriation bill, which we will very greatly appreciate your offering on the floor of the Senate. The Senate committee has concluded its consideration of the bill and it is therefore impossible to secure the inclusion of this amendment in the bill by the committee.

We are making this request pursuant to the following resolution adopted by the general council at its regular annual meeting last July:

"Resolution 5.

"Be it resolved by the Chippewa Indians of Minnesota in general council assembled, That the legislative committee of the general council be, and it is hereby, instructed to secure an appropriation of $12,500 out of the trust funds of the Chippewa Indians to defray the expenses of all litigation and proceedings instituted by direction of the general council prior to July 1, 1919, and to settle in full all such accounts contracted prior thereto."

This appropriation is out of our trust funds and not out of the Public Treasury. The appropriation is to pay expenses which the general council found it necessary to incur in connection with our tribal affairs. The litigation referred to consists of two suits, one of which was prosecuted to and finally decided by the Supreme Court of the United States, proceedings before the departments of the Government, and a multitude of matters pertaining to our affairs. As a result of the litigation and proceedings the following, among other, results have been obtained:

A saving of $100,000 annually has been effected in the appropriations from our trust funds.

The property rights of about 1,000 minor children, which had been denied them by the department, have been established, of the value of between $1,000,000 and $3,000,000.

Applications for the issuance of patents to the State of Minnesota covering approximately 700,000 acres of Indian land have been suspended, and proceedings are now pending for the recovery back from the State of about 700,000 additional acres of Indian land erroneously patented to the State.

A saving to the Chippewa people within the last year of more than $100,000 in the redemption of Liberty bonds, bought with their individual funds and which money was needed for their individual use, has been effected.

The distribution of about $500,000 of individual funds improperly withheld from the Indians and the administration of which was costing the Chippewa tribe approximately $30,000 per annum in governmental supervision, bookkeeping, etc.

Improved educational facilities for the Chippewa children by the abolishment of the Government schools and the substitution therefor of the free school system of the State of Minnesota, resulting in improved school facilities and a saving to the Chippewa Tribe of more than $50,000 per annum.

The protection of the individual property of a large number of the members of the tribe of great value.

Investigations resulting in the preparation of drafts of proposed legislation, much of which has been acquiesced in by the department, which will wind up the affairs of the Chippewa Tribe, conserve the property of the Indians, and save millions of dollars in claims against the United States.

Considering the results obtained, the amount asked is inconsequential. It has been impossible for the general council to meet these expenses, which cover a period of more than four years, out of the limited appropriations made annually for its support.

It is necessary that these accounts should be paid in order that the work may continue, and we earnestly request your assistance in securing the inclusion of the item we inclose in the Indian appropriation bill.

Very sincerely, yours,

J. G. MORRISON, *President,*
B. L. FAIRBANKS,
JOHN ARTEN,
FRANK D. BEAULIEU,
Members of the Legislative Committee of the General Council of the Chippewa Indians in Minnesota.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was agreed to.

Mr. MYERS. Mr. President, I call the attention of the chairman of the committee to the item on page 37 for the reclamation project on the Flathead Indian Reservation. It has been the custom to provide in express terms that that appropriation shall be immediately available, as well as to remain available until expended. I ask the chairman of the committee if there would be any objection to inserting between the word "to" and the word "remain," in line 13 of page 37, the words "be immediately available, and"?

Mr. CURTIS. Mr. President, that amendment is unnecessary, because the item applies to an appropriation already in existence, that the department is now expending. The words "to be immediately available" apply only to appropriations to take effect in the future; for instance, items in the bill taking effect July 1 next. If that were the case, then the words "to be immediately available" would be necessary, but as it is an existing appropriation they are absolutely unnecessary, because the money is available now.

Mr. MYERS. The object of it would be to make any part of this $200,000, herein appropriated, available before the 1st of July next, if needed.

Mr. CURTIS. It is available now. I have no objection to putting in the amendment, but it would be surplusage.

Mr. MYERS. If the chairman of the committee thinks it unnecessary, I will not offer such an amendment. I am deeply interested in that appropriation, and greatly regret that it can not be larger. I want to see it protected against any possible misinterpretation or danger of any kind. However, in this particular I yield to the judgment of the Senator from Kansas [Mr. CURTIS], chairman of the committee and in charge of the bill.

The VICE PRESIDENT. Are there any further amendments to be proposed? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CURTIS. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. GRONNA, and Mr. ASHURST conferees on the part of the Senate.

PAY OF ARMY, NAVY, MARINE CORPS, ETC.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3383.

The VICE PRESIDENT. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. WADSWORTH. Mr. President, will the Senator withhold that suggestion for just a moment?

Mr. HARRISON. Certainly.

Mr. WADSWORTH. In view of the fact that several Senators are very much interested in the committee amendment, which is found at the bottom of page 1 of the bill, and particularly because the Senator from Florida [Mr. TRAMMELL] is compelled to be absent to-day, I was going to suggest that for the time being we lay aside that particular committee amendment and proceed to the consideration of other committee amendments which are printed in the bill, and at least two amendments which will be offered from the floor and which have no relation to the committee amendment in which the Senator from Florida is interested. When those are completed, I suggest to the Senator from Mississippi that it might be well either to call a quorum of the Senate or to decide whether to lay the bill over.

Mr. HARRISON. I was just going to suggest that the Senator from Florida is very much interested in the amendments, especially the one that comes up now, and on which, I think, the yeas and nays have been ordered. The Senator from Florida is sick, and I do not know when he will be here; and I was wondering if the Senator has had any understanding to allow the bill to go over, and not to take it up for consideration to-day?

Mr. WADSWORTH. No, Mr. President; I have had no understanding. The news of the illness of the Senator from Florida reached me just a short time ago. I feel somewhat torn with conflicting emotions. Of course, the committee is exceedingly anxious to proceed with the program of this bill, but I think I am safe in saying that the committee would be willing to lay it over for a reasonable period. Of course, we can not very well delay the orderly progress of legislation in the Senate for an indefinite period.

Mr. HARRISON. I shall not insist upon it at all. The other suggestion is entirely satisfactory to me.

The VICE PRESIDENT. Without objection, then, this amendment will be passed over for the present. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 2, in section 3, the committee proposes the following amendment:

The first words read:

That all officers and enlisted men—

At that point, after the word "men," the committee proposes to insert—

contract surgeons serving full time, warrant officers, Army field clerks, and field clerks, Quartermaster Corps, and members of the Female Nurse Corps of the Army and Navy.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 23, after the word "men," it is proposed to insert a comma and the words "or other persons above specified."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 3, after line 9, the committee proposes to insert a new section, as follows:

SEC. 5. That hereafter when any officer, enlisted man, or other person named in this act is ordered to make a permanent change of station, the United States shall furnish transportation in kind from funds appropriated for the transportation of the Army, the Navy, the Coast Guard, and the Public Health Service to his new station for the wife, children, and dependent parents of such officer, enlisted man, or other person: *Provided*, That if the cost of such transportation exceeds that for transportation from the old to the new station the excess cost shall be paid to the United States by the officer, enlisted man, or other person concerned.

The amendment was agreed to.

The ASSISTANT SECRETARY. It is proposed to change the numbering of section 5 to read "Sec. 6."

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. GERRY. Mr. President, I offer the amendment which I send to the desk, and ask that it be inserted in line 15, page 2, after the word "month."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. After the words "$126 per month," on page 2, line 15, it is proposed to insert the following proviso:

Provided further, That commissioned officers, warrant officers, and petty officers and other enlisted men of the Coast Guard shall receive the same pay and allowances and bonuses as are now or may hereafter be prescribed for corresponding grades or ratings and length of service in the Navy, and the grades and ratings of warrant officers, chief petty officers, petty officers, and other enlisted persons in the Coast Guard shall be the same as in the Navy in so far as the duties of the Coast Guard may require, with the continuance in the Coast Guard of the grade of surfman, whose base pay shall be $70 per month: *And provided further*, That the senior district superintendent, the three district superintendents next in order by seniority, the four district superintendents next below these three in order of seniority, and the junior five district superintendents, shall have the rank, pay, and allowances of captain, first lieutenant, second lieutenant, and third lieutenant in the Coast Guard, respectively.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, upon yesterday the Senator from North Dakota [Mr. GRONNA] and I indulged in a colloquy, during the debate on this bill, in connection with the quarters provided for certain noncommissioned officers of the Army; and I agreed with him at that time to perfect, if I could, or have perfected by men who knew how to do it, an amendment which would take care of the people whom both he and I have in mind.

The bill, it will be noted, provides that all officers and enlisted men of the Army and Navy, and so forth, "shall at all times be entitled to the number of rations per diem, or commutation thereof, that equal the number of rooms now authorized by law as quarters." There is some question as to whether the phrase "now authorized by law" would cover quarters which are to-day authorized by regulations which have in turn been issued as a result of the enactment of law. I have had a little statement prepared which explains that situation.

There are no statutory provisions of law which authorize quarters for enlisted men. The only provisions of law that exist on this subject will be found in the act of March 14, 1915, whereby the Secretary of War is authorized to grant $15 per month as rent for quarters for enlisted men, or in lieu thereof he may rent quarters for the use of said enlisted men when on detached duty where there are no public quarters available. By regulations, the Secretary of War has fixed the maximum number of rooms for which commutation is payable at one room for all noncommissioned officers above the grade of color sergeant, for color sergeants and firemen, Coast Artillery Corps, and for all other noncommissioned officers and privates on nondetached service or assigned to special duty of such a nature as to necessitate the hiring or leasing of quarters. The Revised Statutes also give the Marine Corps the same pay as the corresponding grades of the Infantry. That is another matter. So I have prepared an amendment to propose to this bill which will make that perfectly explicit, which I present and ask to have read, and to which I ask the attention of the Senator from North Dakota, following the copy of the bill on his desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 16, it is proposed to strike out the words "and enlisted men," so that it will read:

That all officers, contract surgeons serving full time—

And so forth.

On page 2, line 22, after the words "by law," insert "or existing regulations," so as to read:

Now authorized by law or existing regulations as quarters for the rank or rating of such officers or enlisted men.

On page 2, line 23, strike out the words "or enlisted men."

On page 2, line 23, after the words "above specified," or at the end of the committee amendment already agreed to, strike out the comma and insert a period and the following:

All noncommissioned officers of the Army and Marine Corps of grade of color sergeant and above, as fixed by existing Army regulations, and all chief petty officers of the Navy and Coast Guard, shall be entitled to one ration or commutation therefor in addition to that to which they are now entitled, and the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may by regulations authorize the issuance of a further additional ration or payment of commutation therefor to such noncommissioned officers and chief petty officers above mentioned of the forces under their respective departments as they may deem proper.

On page 2, line 23, begin the word "the" with a capital "T," and in line 24 strike out the word "to" and insert in lieu thereof the word "shall," so as to read:

The commutation value shall be determined by the President on July 1 of each fiscal year, and for the current fiscal year the value shall be computed on the basis of 55 cents per ration.

Mr. GRONNA. Mr. President, as I understand it this makes it permissive for the Secretary of War or the Secretary of the Navy to grant an allowance for more than one room for quarters. Of course it does not make it compulsory. But I appreciate what the Senator has done. I can not conceive that any Secretary, whether Secretary of War or of the Navy or any other officer, would deny these advantages to the men, who are now really suffering under our present law, as they are being paid an inadequate sum. So far as I am concerned I am satisfied with the amendment offered by the Senator from New York, because as I understand the amendment it will enable the department chiefs to do justice to the men who are now underpaid.

The amendment was agreed to.

Mr. WADSWORTH. I have another amendment to offer.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, after line 20, insert a new section, as follows:

SEC. —. That the rights and benefits prescribed under the act of April 16, 1918, granting commutation of quarters, heat, and light during the present emergency to officers of the Army on duty in the field are hereby continued and made effective after the termination of the present emergency and shall hereafter apply equally to officers of the Navy, Marine Corps, Coast Guard, and Public Health Service: *Provided*, That such rights and benefits as are prescribed for officers shall apply equally for enlisted men now entitled by regulations to quarters or to commutation therefor.

Mr. WADSWORTH. Mr. President, just a word. The provisions of the amendment which has been suggested by the Secretary have already been adopted by the Senate in the form of a separate bill.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, that finishes the committee amendments, and I think the amendments which were to be offered from the floor. It leaves, however, the one committee amendment which was temporarily passed over. I have contemplated asking unanimous consent that the bill be taken up at 2 o'clock on Friday afternoon, and that a final vote shall be had at 4 o'clock on all pending amendments and the bill itself.

Mr. ROBINSON. May I inquire why the Senator does not have the bill disposed of now?

Mr. WADSWORTH. I may say to the Senator from Arkansas that the Senator from Florida [Mr. TRAMMELL], who is very much interested in the second committee amendment, found on the bottom of page 1, has unfortunately been taken ill. It is hoped that he may be back by Friday. I have had some hesitancy in putting off the consideration of the bill, but in view of the intense interest of the Senator from Florida in it I think I ought to make the suggestion.

Mr. ROBINSON. That will necessitate the calling of the roll for a quorum.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The rule requires that under such circumstances the roll must be called.

Mr. ROBINSON. May I suggest to the Senator a way to avert that? I suggest to the Senator that further consideration of the bill be postponed until the time he has in mind. There will be no difficulty about securing a prompt decision on the matter, and that will avert the necessity for calling the roll, if he desires to do that.

Mr. WADSWORTH. Mr. President, it may be best, in order to accomplish what we want, to agree to the suggestion of the Senator from Arkansas. Perhaps the Senator from Indiana and myself and the other Senators present may reach a gentleman's agreement that at the conclusion of the consideration of this bill to-day the Senator from Indiana will ask that the Senate proceed to the consideration of a bill to provide for a separate department of aeronautics. He is ready to make a motion to that effect. Perhaps the Senator from Indiana will at the same time agree that at 2 o'clock on Friday he will temporarily lay aside his bill, if it shall in the meantime become the unfinished business, which I anticipate it will.

Mr. SMOOT. Mr. President, I do not think the Senator from Indiana can promise now what will be done at 2 o'clock on Friday. That is out of order. I think it can be arranged in this manner: Let the Senator ask unanimous consent to lay the unfinished business temporarily aside, and let the Senator from Indiana then proceed with his bill. There will not be any trouble. Then this bill will remain as the unfinished business. It can be done to-morrow as well as to-day. Then the bill can go over until Friday and can be taken up in its order.

Mr. WADSWORTH. The Senator from New York would be very glad to have the suggestion of the Vice President as an accommodator.

Mr. ROBINSON. The bill can be made the special order.

The VICE PRESIDENT. That is just what the Chair was looking up.

Mr. ROBINSON. I think there is no question of the right of the Senate to make the bill a special order without ascertaining the presence of a quorum.

Mr. SMOOT. That can be done.

Mr. ROBINSON. I do not think there could be any objection to it; and as a further reason, if I may point it out to the Senator from New York, if unanimous consent should be entered into now to vote upon the bill at a given time, it might preclude a final determination on the bill in the event that the Senator from Florida [Mr. TRAMMELL] should not be able to be here. The Senator from New York would not want to insist upon a vote notwithstanding the fact that the Senator from Florida was not present.

The VICE PRESIDENT. The Senator from New York can, by a two-thirds vote of the Senators present, or by unanimous consent, make this bill a special order for a day and time that may be agreed upon, with the understanding, of course, that if it interferes with the unfinished business the unfinished business has precedence. It should be made, therefore, the special order for 12 o'clock on some day.

Mr. WADSWORTH. Mr. President, I think I shall be satisfied to lay this bill aside temporarily.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

DEPARTMENT OF AIR.

Mr. NEW. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3348) to create a department of air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States air force, creating the United States air reserve force, and providing for the development of civil and commercial aviation.

The VICE PRESIDENT. Is there any objection?

Mr. KING. Mr. President, reserving the right to object, I would like to ask the Senator if he expects to have the bill passed to-day?

Mr. NEW. I hope so.

Mr. KING. There are some Senators, I think, who would like to be present when final disposition is made of the bill. I have no objection to the Senator having it taken up for consideration and discussion, but I hope the Senator will not ask for a vote upon it to-day. It was not anticipated that it would be called up to-day. I do not want to object to its consideration.

Mr. NEW. It was not anticipated by many of us, at least, and so far as I know most of us, that the bill would be considered to-day. I have understood for several days that it has been agreed that the consideration of Senate bill 3348 should follow the consideration of what is known as the Army pay bill.

Mr. KING. I do not want to object to it; but in view of the fact that so many Senators are ill, some of whom, I understand, desire, if not to express themselves upon the bill at least to vote against it, I do hope the Senator will not press for a vote to-day.

Mr. NEW. I shall not press for a vote to-day, Mr. President, since there is objection to it. I have no objection to a call for a quorum at any time to bring into the Chamber gentlemen who wish to be heard. I shall not seek to take any advantage of the absence of any Senator who has any objection to offer to the bill. I can at least make an explanation of the bill, and I think we can make very decided progress, even if we do not reach a vote. I shall not press for a vote to-day if there is objection to doing so.

Mr. KING. With that understanding, I have no objection at all. I think we can make progress, and perhaps get all the amendments out of the way, if there should be any, and have general discussion and then the vote can be taken to-morrow.

AMENDMENT OF FEDERAL FARM LOAN ACT.

Mr. McLEAN. Mr. President, I gave notice two weeks ago that I should ask the Senate to consider the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, as soon as the Americanization bill was disposed of. I shall not object to making the bill presented by the Senator from Indiana the unfinished business, if the Senator is willing that it shall be temporarily postponed until this bill can be disposed of, because I do not think the consideration of this bill will take five minutes. But it ought to be acted upon. It has been on the calendar for three months. It does not change any substantive provision of the Federal farm loan act, but is aimed to improve the administrative machinery in a way that ought to be done. I will say to the Senator that if this bill arouses any opposition whatever, I will not insist upon its consideration to-day. I do not believe it will; and it ought to be given precedence.

Mr. GRONNA. It is a House bill?

Mr. McLEAN. The bill passed the House three months ago. It has been unanimously reported by the committee, and it merely provides for the appointment of an acting registrar who can perform the duties of the office when the registrar is disabled; it raises the minimum bond from $25 to $40, and provides machinery for raising money to pay the expenses of the secretary-treasurer. That is all there is to the bill. The amendments proposed by the committee have been recommended by the Federal Farm Loan Board.

Mr. NEW. Mr. President, I have no objection to doing almost anything to oblige the Senator from Connecticut. However, we are in this situation: There is already another bill which is regarded as the unfinished business, and we are proceeding with the consideration of Senate bill 3348 only by unanimous consent, which I understand has been obtained.

The VICE PRESIDENT. No; it has not been obtained. If it had, the Senate would be going ahead. The Senator from Connecticut has not yet indicated what he is going to do.

Mr. NEW. I understood that unanimous consent had been obtained.

The VICE PRESIDENT. Oh, no.

Mr. McLEAN. Unless the Senator from Indiana is willing to allow this bill to be considered for 10 or 15 minutes I shall object to the consideration of his bill, because I gave notice two weeks ago that I would ask for consideration of it when the Americanization bill was disposed of. I will say to the Senator that if this bill arouses any opposition, or if it takes any considerable time, I will not press its consideration.

Mr. NEW. With that assurance, Mr. President, I very cheerfully yield.

The VICE PRESIDENT. The Senator from Connecticut asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act. Is there objection?

Mr. ROBINSON. I shall reserve the right to object to the present consideration of the bill at least until a statement has been made of the purpose of it.

Mr. McLEAN. I will say, Mr. President, as I have stated several times in the Senate, that while the bill appears to be somewhat formidable and contains many amendments, it does not in any way affect any substantive provision of the act. It is recommended by the Federal Farm Loan Board for the purpose of remedying the administrative machinery of the act. It creates an acting registrar, who can perform the duties of registrar when the registrar is absent. It provides for raising enough money to pay the secretary-treasurer his salary. It provides for a loan committee, and it raises the minimum loan from $25 to $40 for bookkeeping accommodations. That is all there is to the act. There are many changes in phraseology necessitated that are all minor. The bill passed the House three months ago and is unanimously reported from the Committee on Banking and Currency of the Senate. I believe if the Senator will read the bill and the report that he will not object to its consideration.

Mr. ROBINSON. I have no objection to the present consideration of the bill.

Mr. CHAMBERLAIN. May I ask the Senator a question?

Mr. McLEAN. Certainly.

Mr. CHAMBERLAIN. I have been receiving quite a number of protests fundamentally on the theory of changes in the farm loan act. There seems to be an impression, in the West at least, that one of the purposes of the bill is to increase the rate of interest to the farmers.

Mr. McLEAN. I think the Senator has mistaken the bill. I think he refers to another bill, which removes the tax exemption from the joint-stock and land-bank bonds.

Mr. CHAMBERLAIN. This is administrative merely?

Mr. McLEAN. It affects only the administrative features of the act.

The PRESIDING OFFICER (Mr. KIRBY in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments.

The first amendment was, on page 1, lines 4, 5, 6, 7, and 8, to strike out the words:

Such registrars may, with the approval of the Federal Farm Loan Board, each appoint a deputy registrar who, in case of the absence or disability of the registrar, shall perform the duties and exercise the authority of that office.

And to insert in lieu thereof the following:

If, by reason of absence or disability, the registrar shall be unable to discharge the duties of his office, the Federal Farm Loan Board may appoint an acting registrar who shall perform the duties of said office during the absence or disability of said registrar.

And on page 2, lines 6, 7, 8, 9, and 10, to strike out the words:

Such registrars may, with the approval of the Federal Farm Loan Board, each appoint a deputy registrar, who, in case of the absence or disability of the registrar, shall perform the duties and exercise the authority of that office.

And to insert in lieu thereof the following:

If, by reason of absence or disability, the registrar shall be unable to discharge the duties of his office, the Federal Farm Loan Board may appoint an acting registrar who shall perform the duties of said office during the absence or disability of said registrar.

The amendment was agreed to.

The next amendment was, on page 2, line 17, before the word "registrars," to strike out the word "deputy" and insert in lieu thereof the word "acting."

The amendment was agreed to.

The next amendment was, on page 3, to strike out the following words:

SEC. 2. That the third paragraph of section 8 be amended by striking out the words "if the application for membership is accepted and the loan is granted" and inserting in lieu thereof the words "the approval of the loan of any applicant for membership in a national farm-loan association in accordance with the terms of this law and amendments thereto shall constitute the acceptance of his application for membership, and," so that the paragraph as amended will read:

"No persons except borrowers on farm land mortgages shall be members or shareholders of national farm-loan associations. Any person desiring to borrow on farm land mortgages through a national farm-loan association shall make application for membership and shall subscribe for shares of stock in such farm-loan association to an amount equal to 5 per cent of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. The approval of the loan of any applicant for membership in a national farm-loan association, in accordance with the terms of this law and amendments thereto, shall constitute the acceptance of his application for membership, and the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, or any major fractional part thereof. Said capital stock shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding."

SEC. 3. That the first paragraph of section 10 be amended by striking out everything after the word "association," in line 2, and inserting in lieu thereof the words: "The loan committee provided for in section 7 of this act shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant and the sufficiency of the security offered and cause written report to be made of the result of such investigation." And that the first line of the second paragraph of said section be amended by striking out, after the word "report," the words "of said loan committee" and inserting the words "required in the preceding paragraph," so that the two paragraphs as amended will read:

"That whenever an application for a mortgage loan is made through a national farm-loan association the loan committee provided for in section 7 of this act shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant and sufficiency of the security offered and cause written report to be made of the result of each investigation.

The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal.

And to insert the following:

SEC. 2. That the fifth paragraph of section 7 be amended by adding after the word "association," in the fourth line thereof, the words "such funds, under rules and regulations of the Farm Loan Board to be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers," so that said paragraph as amended will read:

"The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm loan associations and the salary of the secretary-treasurer shall be paid from the general funds of the association, such funds, under rules and regulations of the Farm Loan Board to be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to insert the following as an additional section:

SEC. 3. That the third paragraph of section 11 be amended by adding after the word "Third" the words: "To fix, under rules and regulations of the Farm Loan Board, reasonable charges to applicants for loans, and to borrowers, in order to meet the necessary expenses of the association, and," so that said paragraph as amended will read:

"Third. To fix, under rules and regulations of the Farm Loan Board, reasonable charges to applicants for loans and to borrowers, in order to meet the necessary expenses of the association and to acquire and dispose of such property, real and personal, as may be necessary or convenient for the transaction of its business."

The amendment was agreed to.

The next amendment was, on page 8, lines 6, 7, and 8, to strike out the words "and inserting in lieu thereof the words 'contracted for any of the purposes enumerated in one of the subdivisions (a), (b), and (c), above.'"

The amendment was agreed to.

The next amendment was, on page 8, beginning in line 22, to strike out the following:

Contracted for any of the purposes enumerated in one of the subdivisions (a), (b), and (c), above.

"(c) To liquidate mortgage indebtedness existing at the time of the organization of the first Farm Loan Association established in and for the county in which the land is situated."

The amendment was agreed to.

The next amendment was, on page 9, line 5, before the words "and also," to insert "and inserting in lieu thereof the numeral $40."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DEPARTMENT OF AIR.

Mr. NEW. Mr. President, with the understanding reached a few moments ago I should like to proceed with an explanation of the purposes of Senate bill 3348.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that Senate bill 3348 shall be laid before the Senate. Is there any objection?

Mr. BORAH. I do not wish to object, but I understand it is not to be voted on to-day and is simply to be taken up for discussion.

Mr. NEW. I shall not press for a vote this afternoon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3348) to create a department of air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States air force, creating the United States air reserve force, and providing for the development of civil and commercial aviation, which had been reported from the Committee on Military Affairs with amendments.

Mr. NEW. Mr. President, I think that in order to conserve time I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	McNary	Robinson
Ball	Gronna	Moses	Sheppard
Bankhead	Hale	Nelson	Smith, Md.
Borah	Harris	New	Smith, S. C.
Capper	Jones, Wash.	Nugent	Smoot
Chamberlain	Kellogg	Overman	Spencer
Colt	King	Page	Stanley
Culberson	Kirby	Phipps	Townsend
Curtis	McCormick	Pittman	Walsh, Mass.
Dial	McKellar	Poindexter	Wolcott

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. CALDER, Mr. NORRIS, Mr. PHELAN, Mr. SIMMONS,

Mr. STERLING, Mr. WADSWORTH, and Mr. WALSH of Montana answered to their names when called.

Mr. SUTHERLAND, Mr. FERNALD, Mr. HITCHCOCK, Mr. SHERMAN, and Mr. RANSDELL entered the Chamber and answered to their names.

Mr. GERRY. I wish to announce that the Senator from Florida [Mr. TRAMMELL], the Senator from Kentucky [Mr. BECKHAM], the Senator from Colorado [Mr. THOMAS], and the Senator from Nevada [Mr. HENDERSON] are detained from the Senate by illness.

I wish also to announce that the Senator from Ohio [Mr. POMERENE] and the Senator from Mississippi [Mr. HARRISON] are absent on official business.

The PRESIDING OFFICER. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. NEW. Mr. President, I suggested the absence of a quorum because the pending bill proposes to create a new department of the Government, and I thought it of sufficient interest to justify that request.

In presenting the bill I do not propose to be diverted into a discussion of the mistakes of the Government during the recent war. We all know those mistakes were made. There was excuse for some of them, and I am not going to refer to them at all except as an occasional reference is absolutely necessary in order to point out what I conceive the necessity for the change in policy which is proposed to be brought about by the adoption of the pending measure, if it shall be passed.

Mr. President, the whole course of the United States with reference to the subject of aeronautics has been little short of absurd; it has not reflected any credit on us as a Government or as a people. I say that with regret, but I believe the statement is justified by the facts. It is just 100 years ago now that the first substantial step in the direction of a real aeronautical development was made. It was made by an American, Rufus Porter. He took out a patent in the Patent Office in the city of Washington for an airship—a dirigible. He made a model of his machine and demonstrated by that model that aerial navigation by that means was a possibility. Nothing ever came of it, for the simple reason that he could not get money enough from any possible source to enable him to proceed with the construction of a real ship, and so the matter lapsed. It remained in that inactive condition for 70 years or thereabouts, until Count Zeppelin, in Germany, again made it apparent that navigation by that means was possible.

America undoubtedly produced the heavier-than-air machine. We are all familiar with the experiments of the late Prof. Langley, and while real success never crowned his efforts it is certainly true that he had no substantial encouragement from this Government; right here in both Houses of Congress he was derided as a crank and no substantial support was given to him; his efforts were allowed to pass for nothing. After his death it was demonstrated that the Langley machine, which is now in the Smithsonian Institution, could actually fly, and, indeed, it was made to fly.

Then came the Wright brothers. They went a long step forward, and actually made a success of the heavier-than-air machine; but this Government did not even get behind the Wright brothers, as it should have done, and they were actually compelled to go to France, where they established themselves at Le Mans in order to get sufficient capital and encouragement for the practical development of their very great discovery.

America as a Government never has done what it should have done to avail itself of the fruits of American genius; it has allowed the opportunity to lapse, so that the situation when we entered the war on April 6, 1917, was that the country which had conceived those great inventions was absolutely without one thing to show for it.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. NEW. Certainly.

Mr. SHERMAN. The Wright machine was being actually manufactured by private enterprise in Cleveland and was a going concern, both in the air and financially. It was brought here by its manufacturers and inventors and tendered to the Government when we entered the war, but was declined because they were then engaged in experimenting with various devices and schemes to produce an airplane of a new type. The Wright-Martin machine at the time it was offered the Government was a flying machine weighing from three to four thousand pounds and able to carry nearly double, or at least one and a half times, that much weight. It was brought here and offered to the Government, but the exceedingly wise gentleman who represented the department of the Government having to do with the matter declined.

Matters continued in that condition, notwithstanding the expenditure of nearly a billion dollars, without any adequate results or any fighting planes or machines being delivered at the front for the benefit of our Army. Private enterprise had done what the Government apparently was unable to do, and if there had been some means by which private enterprise could have been availed of we would not have been in the deplorable condition which the reports of committees show existed at that time.

Mr. NEW. Mr. President, that is all true, but I promised at the outset that I would not go into details as to the various happenings suggested by the remarks of the Senator from Illinois. It is true, as I have stated, that the Wright brothers had eventually to go to Europe before they got the encouragement that it was necessary for them to have in order to make a success of their enterprise.

I stated that our whole attitude, our whole course, toward aeronautics has been absurd. I meant just that. Nothing was more absurd than what happened here at the outbreak of the war when there was brought forward a program of aeronautical development that contemplated the production here of, I think, 10 different types—at any rate, about that number—of heavier-than-air machines. No manufacturer could look at that program and not realize at a glance that its accomplishment was an utter impossibility. It was absurd because it was brought forward by men who knew absolutely nothing of manufacturing difficulties and problems, and not only that but they knew nothing about aircraft; there was nobody here who was qualified to pass judgment on such questions.

Mr. President, without going further into this sort of thing, it is true that during the war, at enormous expense, we did develop an aircraft industry. It cost a world of money. Our first appropriation was for $640,000,000, and eventually we spent very much more than a billion dollars in trying to get aircraft production; and we made, all told, about 11,000 different machines, of various types, by the 11th of November, 1918. We then had in the country an aircraft capacity of about eleven or twelve thousand machines a year, if we had kept it up. We had 22 factories, large and small, employing over 300,000 men. The Army had trained 15,000 aviators.

Since that time what has happened? Almost every single bit of that has gone. The departments of the Government which have had charge of our air service since that time—Army, Navy, Post Office, coast defense—have allowed this enterprise to lapse, so that to-day about 5 per cent of that productive capacity remains in existence. The Army has kept about 900 of those trained fliers, and the rest of them have been scattered to the four winds, heaven only knows where.

I have here a complete statement of every machine in the possession of the Army, of the Navy, and of the Post Office Department, and if it is necessary to go into complete details I can do that, but I do not think it is necessary. The Army has practically nothing left on hand but the De Haviland 4 machines. They are not getting any new machines. The machines that they have are very nearly obsolete; and I say, and the statement will not be successfully contradicted, either, that if we were to have trouble to-day with a foreign Government—say, Mexico, using that just as an example—we have not a single fast pursuit plane with which we could go across the border. We would have to go to foreign Governments to get planes of that type, even for an expedition such as would be necessary in such an event as I have described. That is the condition of the military air forces to-day.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Certainly.

Mr. KING. We appropriated at one time $640,000,000, which was the first appropriation after we entered the war with respect to the construction of aircraft.

Mr. NEW. Yes.

Mr. KING. We made, after that, a number of very large appropriations. Is it possible, with more than a billion dollars spent for aircraft, that one year after the armistice was signed we are in such a hopeless situation, so far as aircraft are concerned, as is depicted by the Senator? If so, somebody is censurable. The War Department certainly has been derelict not only in the use of the money which we appropriated, but in failing to make available aircraft for military purposes at the present time. Can the Senator enlighten us and give us an excuse, if there is an excuse, for the failure to have aircraft now available for use with that enormous appropriation?

Mr. NEW. Mr. President, there are some reasons which hardly pass for excuses. I have no desire to visit criticism here upon anybody in particular, but the Senator asks if I have stated the facts, and I certainly have. That is the condition of

the military air service to-day—I mean particularly as to the types of machine. The military air force that we have, the personnel, is efficient, but it is small, and it is absolutely running out of machines of any kind, and those that it has, as I have already said, are of a more or less obsolete type.

No thought whatever has ever been given by the Government of the United States to the development of commercial aviation. Admiral Taylor, of the Navy, said in the course of a House hearing not very long ago that there was no such thing as commercial aviation.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. NEW. I do.

Mr. McKELLAR. Before the Senator goes to that other subject, may I ask if the Senator is not mistaken in saying that all of the aerial service has been a failure? Is it not a fact that the aerial service that we have in the Post Office Department has been not only a success but a very marked success? The lines that have been established have not only paid, but they have been successful in every way, and have saved an immense amount of time in distributing the mails in those sections of the country where they have been established.

Mr. NEW. Mr. President, in answer to the Senator's question, I will say that I do not think the aerial mail service has been such a conspicuous success up to this time. I was not referring, however, to the post-office service in saying what I did, and I think I made it clear that I was talking about Army equipment especially.

As I say, Admiral Taylor said a short time ago, in a hearing before a House committee, that there was no such thing as commercial aviation. Mr. President, there never will be such a thing as commercial aviation if its development is to be left to the hands of men who say in advance that there is no such thing, who have predetermined in their own minds that commercial aviation is a myth.

As an offset to that, I have here an official report made to the United States Government since that statement was made. It was made by Col. William C. Hensley, of the Army. Col. Hensley has long been connected with the Air Service of the Army. He crossed the ocean in the *R-34* on her homeward-bound trip, and he has made a report to the Government, which I shall not read in full because it is somewhat lengthy, but I will read an excerpt from it, if I may. He says:

> Airships are now possible in any kind or condition of weather. No weather conditions, except a strong cross-hangar wind, prevent the *Bodensee*, the commercial air liner built since the armistice by the Zeppelin Airship Corporation at Frederickshafen, on Lake Constance, from making its daily flight (390 miles) to Staaken, 13 miles from Berlin.

Then he goes on to speak of other routes that have been established over there, and to state most positively that there is such a thing as commercial aviation in Europe and elsewhere.

I also have something that I clipped from a newspaper which came to my hand last night—I think the Washington Star—a report made by Mr. Augustus Post to one of the American aeronautical societies, in which he speaks of a giant Caproni plane now being constructed near Milan, Italy, which will carry 100 passengers. Those machines are being constructed elsewhere, and they will continue to be constructed; there is no question about it.

I am not going into much detail about this matter, because I think the Senate already understands, probably, a good part of what I might say; but England for this year made an appropriation of $330,000,000 for aeronautical development.

Mr. McCORMICK. Mr. President, may I interrupt the Senator at that point?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. NEW. Certainly.

Mr. McCORMICK. While admiring the enterprise of the British Government, if that be true, and if it be no less true that there is a governmental deficit in Great Britain, I merely want to submit to the Senator that perhaps we ought not to be called upon to waive the interest on our loans to Great Britain, which is about equivalent to the sum of that appropriation.

Mr. NEW. Well, Mr. President, that is another story.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Certainly.

Mr. KING. The Senator has just referred to the original so-called initial appropriation made by Great Britain for the current year for aeronautical purposes. My information is—and I obtained it only quite recently—that while that is true, they have modified that materially, and that the amount which really will be available for aeronautical purposes will be considerably less than $100,000,000. Indeed, one account which I saw a few days ago indicated that perhaps not more than $50,000,000 would be available for air purposes.

Mr. NEW. Mr. President, there have been all sorts of reports floating around as to what Great Britain is doing. The figures that I gave I got from British officials—not newspaper statements, but British officials—who gave them to me as facts. I am not going to stand here and say that there has been no modification of that appropriation, because there may have been; but if there has been, I am not informed of it. France made an appropriation of $220,000,000. Great Britain is making projects for aeronautical lines all over the world. I think the Senator knows that. They are doing it systematically, Mr. President, in the interest of British commercial aviation and the concerns which make British air machines.

Great Britain has to-day an air attaché at every single one of the British Embassies. There is one in Washington, and there is one at every other embassy, just exactly as she has a military attaché and a naval attaché. She attaches that much importance to the subject.

I am informed from sources which I think are absolutely authentic that within the very recent past Great Britain has sold aircraft in every one of the South American countries, with one possible exception. She has agents down there pushing the sale of machines to supply a demand for British aircraft manufactories, in order that they may be kept up and their capacity left available for Great Britain in case Great Britain wants to divert that capacity to the manufacture of military machines. That shows the contrast between their policy and ours. We have allowed our factories to pass out of existence, and if to-day we had occasion to call for another large number of machines, we are without the productive capacity to supply them. We just have not got it. We have allowed it to pass clear out of existence.

France pays a thousand francs a year on the salary of every commercial aviator employed by a French private concern. France pays one-fourth of the price of every airplane that is bought by a French commercial concern for commercial purposes. The object of that is perfectly plain, and I think it is a very wise policy. By that means she keeps up her flying personnel, a new crop coming on all the time, and she keeps a large number of machines in the air. When that is true, Mr. President, it is true that every airplane of whatever type may be put to some military use; perhaps not a very good one; perhaps it may be available only as a carrier of supplies, or something of that sort; still, it is of some military use.

If you ask what the future of commercial aeronautics is, I say that I do not know, and nobody knows. As I said before, commercial aeronautics in this country is going to be largely what this country makes it. If we are going to allow it to lapse, pay no attention whatever to its development, we are not going to have any commercial aeronautics here; but they are going to have it somewhere else, in other countries, where they are paying attention to it; and the United States will find itself as far behind in a military sense in a short time as it found itself behind in 1917 when we entered the war.

We look upon men to-day who are predicting great things for the future of aeronautics as dreamers. Perhaps they are. But within the lifetime of men who are now not only living, but Members of this Congress, Gov. Wallace, of Indiana, was defeated for reelection to membership in the House of Representatives because he voted $30,000 of the people's money to the establishment of a telegraph line between Washington and Baltimore, classed as a crazy project, a visionary scheme; and because he did that, Wallace was actually defeated. Mr. CANNON told the story on the floor of the House not long ago of having heard Wallace's opponent, William J. Brown, attack him in a speech for having voted for the appropriation; and that was the one thing that brought about his defeat at the hands of Brown.

It is true that a citizen of Washington, as long ago as 1866, not only practically invented wireless telegraphy, but he succeeded in transmitting a message a distance of 18 miles within sight of the dome of this Capitol, and nothing ever came of it, because he could not get financial backing. Charles Sumner made a speech on this floor in which he told of what that man had done, but he did it in an apologetic sort of way, and showed that Mr. Sumner himself had no faith in any future for wireless communication.

The Government made no appropriation. That man's name was Loomis. He lived here in Washington, and he took out a patent on his invention. But it was not until 1897, I believe, 30 years later, that Marconi succeeded in sending a radiogram half that distance in England. The moment was ripe for it, he got backing, the thing went ahead, and to-day you have the wireless.

That has been true of any number of other things. But, Mr. President, things have to be done for the development of a service here that are entirely outside the province of either the War or Navy Departments. This matter of development can not be left to them and be made a success. It is necessary to provide a system for the issuance of licenses, for cooperation between the cities, municipalities, States, commercial bodies, and all that sort of thing. The laying out of routes, while it may sound simple enough, is, after all, not at all simple. It means the establishment of airdromes, landing fields, and the other things that are absolutely necessary to the machine that has to fly through the air between points.

I have here on my desk an inquiry made by William V. Rooker, of Indianapolis, who is the chairman of a committee appointed by the American Bar Association whose duty it shall be to recommend changes in the admiralty and other laws as they apply to the navigation of machines—something that the Army never will take care of, and in the very nature of things can not. It is entirely outside of its province.

Mr. President, having said these things, I ought to refer to the condition before Congress. I think it is apparent to every Senator and every Member of the House who will give this matter consideration that we are proceeding in the most unbusinesslike way in our treatment of the subject. We have here at least four different committees that pass upon appropriations made for aeronautics. There is the Committee on Military Affairs, which passes on the requests that are made by the Army; there is the Committee on Naval Affairs, which passes on the requests that are made by the Navy; and there is the Committee on Post Offices and Post Roads, which passes on requests that come from the Post Office Department; and the Appropriations Committee, I think, has direct and first-hand control of requests that are made for machines for the coast defense.

The Committee on Military Affairs has not the first idea of what is asked for before the Committee on Naval Affairs. The Committee on Naval Affairs is quite as ignorant of what is asked for at the hands of the Committee on Military Affairs. The Committee on Post Offices and Post Roads does not know the slightest thing about what is being done by either of the other two, and at the end of it all we have in the most unbusinesslike way passed upon three or four different requests for aircraft appropriations, acting absolutely in the dark. No private business could be conducted on that principle and last 60 days. It would go into the hands of a receiver, or ought to, anyhow, for prudential reasons if for no other.

Now, as to what all this means. Mr. President, I am perfectly certain that this is in the interest of economy. What are the facts? You have here duplicate stations, duplicate fields at very many different places. They can be consolidated, and ought to be, and under private management would be, so that one station may take the place of two. For instance, right here in the city of Washington we have three. The Army has one at Bolling Field, the Navy has one next to it, and the Post Office Department has another out at College Park. There is no reason in the world why those three services should not be furnished from one field and with one set of overhead expenses.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from California?

Mr. NEW. Certainly.

Mr. PHELAN. I am very much interested in what the Senator has said.

Has it occurred to the Senator that he could create in the Senate a committee on aeronautics, which would take jurisdiction of the entire subject, and that the Navy, Army, Agricultural, and Post Office Departments would coordinate? Would not that be an excellent plan in the interest of the course which he advocates of bringing about an immediate solution of the question, so far as the Senate is concerned?

Mr. NEW. Mr. President, I would say to the Senator from California that I thought that several months ago, and I thought it so strongly that I went to the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Mississippi [Mr. HARRISON] and talked with them and other Senators. We three together went over to the House of Representatives to see if we could not get the House to agree to pursue the same course, and thus have committees on aeronautics in each body, so that these things might be considered collectively. We never got anywhere with the proposition.

I had a resolution in the Senate, which was referred to the Committee on Rules, calling for the creation of that kind of a committee. It reads as follows:

May 20, 1919. Mr. NEW submitted the following resolution, which was ordered to lie over under the rule:

Resolved, That the Committee on Rules is hereby authorized and directed to report a committee of the Senate to be known as the Committee on Aeronautics, the general purpose and functions of which shall be to consider all matters appertaining to aircraft and aviation.

That was the 20th of May, last.

Mr. PHELAN. The committee has never made a report?

Mr. NEW. No. I agree absolutely with the Senator from California that it would have been a good thing. My faith is evidenced by my works in that one instance, anyhow.

Mr. PHELAN. If I will not interrupt the Senator——

Mr. NEW. Not at all.

Mr. PHELAN. I should like to add to the fund of information with which the Senator has regaled the Senate a statement from the Chamber of Commerce of Sacramento, Calif., where there is an aviation field, and where the subject is one of very great interest, from which it appears that the service of the airplanes in patroling the forests is of very great value. I do not know that the Senator has touched upon that point.

Mr. NEW. I shall do so later.

Mr. PHELAN. I desire to read these resolutions:

Whereas the attention of the Chamber of Commerce of Sacramento, Calif., has been directed to the plan for airplane patrol of the forests of California, Oregon, Washington, Idaho, Montana, and western Wyoming, as outlined for 1920 by Col. H. H. Arnold, director of air service training and observations group for the Western Department, and to resolutions favoring the plan which have been adopted by the Western Forestry and Conservation Association; and

Whereas we believe every precautionary measure against fires in these forest areas should be taken; and

Whereas we believe the United States should take a leading place among the nations of the world in aeronautics, and, further, that the use of airplanes in forest patrol affords the best possible training for pilots and Signal Service men, while at the same time it serves a purpose which in itself fully justifies the expense involved; and

Whereas more than half of the standing merchantable timber in the United States, 80,000,000 acres of which are Government owned, is in the area mentioned, and since the value of the airplane in detecting incipient forest fires was fully demonstrated in California and Oregon during 1919:

Now, therefore, we heartily indorse the recommendations of Col. H. H. Arnold, under date of November 5, 1919, and urge the War Department to approve these recommendations at an early date. We also urge that Congress by special appropriation give the United States Forest Service $60,000 to cooperate with the Air Service and Signal Corps patrol during 1920, and that this appropriation become immediately available.

The secretary of this organization is instructed to see that a copy of this resolution is sent to the Secretary of War. He is also instructed to send copies to our representatives in Congress, and we urge them to use their influence with the War Department and in Congress to the end that the United States may take a leading part in aeronautics while at the same time protecting the lives and property of citizens from the increasing dangers of forest fires.

CHAS. E. VIRDEN, *President.*
H. S. MADDOX, *General Secretary.*

JANUARY 7, 1920.

The statement that 80,000,000 acres of Government-owned timberland in the States of California, Oregon, Washington, Idaho, Montana, and western Wyoming are involved makes it very interesting, I am sure, to the Senate, because the Air Service, by observing incipient forest fires and reporting them, has saved from destruction vast areas. That is a use in the time of peace which would serve, in common with the delivery of mails, a great purpose, not only in saving the forests and facilitating the distribution of mails but in keeping the service in a fit condition for taking up the work of war when the emergency comes.

Mr. NEW. Undoubtedly. Has the Senator from California concluded?

Mr. PHELAN. I have one other matter which I think would interest the Senator very much. He enumerated what England and other countries were doing. Yesterday I received this letter from a prominent machine and foundry man in San Francisco, Mr. William Ashton Doble, dated January 14, 1920, addressed to me and reading as follows:

In line with my recent letter to you, I have been advised by one of the officials of the Hall-Scott Motor Car Co.—

That is at Berkeley, Calif., where they made the Liberty motors—

that they have just completed the shipment of an order of airplane engines which they had received from the Government of Japan, and which order amounted to over $1,000,000 for engines only.

From this same source I learn that the Government of Japan has appropriated over $100,000,000 for their aviation work.

I think information of this kind, such as the Senator has given us and such as I have disclosed, shows that as a measure for the protection of our country in time of war we should provide fully for the airplane service in time of peace.

Mr. NEW. Yes, Mr. President; and in that connection I have heard a report that I believe to be true, but in the absence of positive information I do not state it as a fact, that Great Britain sold to Japan one order of $40,000,000 worth of airplanes not a very great while ago. I believe that to be true.

The Senator from Utah [Mr. KING], I think it was, asked the question a while ago as to why we have been permitted to lose or sacrifice so much of what we have and why we have not kept up since the armistice was signed. It is in part because Congress itself has lost faith, and I do not know why it should not lose faith, in the capacity of the War Department to handle the matter. Some time ago I know the War Department came before the Senate Committee on Military Affairs and asked for an appropriation of $15,000,000 for emergency purposes, and made a showing that our committee believed absolutely called for the expenditure of that amount of money. We gave them what they asked. They went over to the House with it, and the House absolutely declined to give them a penny, and asserted as a reason for it that they had absolutely no faith in their capacity up there to handle things, that the War Department had absolutely destroyed whatever confidence the House had had in them originally. I am not even going to say that the House was not at fault in that. I am simply describing conditions that are lamentable, whoever is responsible for them, and wherever the fault lies.

Mr. President, I have said that a large number of these fields could be consolidated. I have here two maps, on which are marked the places where there is duplication. There is a very large number of them, up and down the coast particularly, where there are stations now maintained by the Army and stations maintained by the Navy either at the same place or so very near at hand that one or the other could easily be dispensed with without loss to the service as a whole and at a very considerable saving of money.

I have some figures which bear that out. The estimates which were made for a combined or united air service, comprising 4,000 officers and 40,000 men, plus 800 officers and 7,200 men for the Army and plus 400 officers and 3,600 enlisted men for the Navy, approximated $98,000,000, and that includes $54,000,000 for the purchase of new equipment.

The combined Army and Navy estimates run about $153,000,000 and include only some training planes and very little new equipment. There would be a saving on those figures of about $66,000,000. It is only fair to say that that does not include the pay in either case. It does not include the pay in the Army estimate or the Navy estimate, or in the united Air Service estimate, so that those are wholly beside the question. That is what can be done with the Air Service by business men if put under business management and run in a businesslike way. That is just the plain truth of it.

I should like to proceed to an analysis of the bill, if I may do so.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Certainly.

Mr. KING. This is a very important measure, and I am sure Senators desire to be fully advised before they cast their votes in regard to it. Does the plan which the Senator's committee has submitted contemplate the complete divorcement of the aircraft organization from the Army and Navy, and does it contemplate that it shall be manned by civilians and civilians alone?

Mr. NEW. It contemplates the creation of a new department, authorizing a reciprocal arrangement between that department and the Army and the Navy. It provides that in certain cases the department of air may detail to the Army or to the Navy such contingents as may be agreed upon; that Army officers are eligible to commissions in it, of course, and the personnel is to be taken largely from the Army, and that civilians are eligible to commissions in it, too.

Mr. KING. It does not call for a new Cabinet officer?

Mr. NEW. It does not call for a Cabinet officer. It provides for a separate department, which shall be under the charge of a director, who shall report direct to the President, but he is not to be a Cabinet officer.

Mr. KING. Could not the same result have been accomplished by utilizing either the Army or the Navy, preferably the former, for the purpose of obtaining the machinery and the personnel to carry out the plan which the bill seems to have in view? It seems to me that some officer of the Army might have been selected as the director; or at least if not an Army officer, that some civilian might have been appointed, and that he would utilize certain agencies or instrumentalities and certain of the personnel of the Army in order to carry out the terms of the bill.

Mr. NEW. I would answer by saying that if that Army officer is to be left still in the War Department and subject to the authority of the War Department, most decidedly and emphatically it would not do as a substitute for this bill. You are not going to get anywhere so long as the matter is left under the control of either the War Department or the Navy Department or divided between them. You may disguise it as you please, but there are jealousies between those departments which can not be reconciled. Officers of both come to us and say they do not entertain them; that there is no such thing; but everybody knows that there is.

Mr. POMERENE. Mr. President——

Mr. NEW. I yield to the Senator from Ohio.

Mr. POMERENE. If a man were put in a position of responsibility where it was equally his duty to look after the aerial service connected with the Army and the Navy, why would not he feel the same sense of duty that would characterize the men now in either branch of the service or a Cabinet officer, if one should be chosen, who had special charge of the subject?

Mr. NEW. If I understand the Senator, he has asked pretty much the same question as that asked by the Senator from Utah [Mr. KING], and I would answer it by saying that if an officer is amenable to the authority of the Secretary of War or the Secretary of the Navy, if he has somebody over him, he is not in authority. I am not referring to anyone who occupies those offices now; I am speaking, of course, in the abstract. The officer must himself be in authority. If he fails to have that, the whole business fails.

I should say one thing further, Mr. President, which is very important and which I had almost overlooked; that is that last summer, after realizing, perhaps, the conditions into which our aeronautical system was lapsing, and realizing further what was being done by foreign governments, a commission was organized under the authority of the War and Navy Departments. That commission was headed by the Assistant Secretary of War, Mr. Crowell. It had among its membership a number of men who had been prominent in the manufacturing branch of aeronautics during the war. It had an Army representative in the person of Col. Dunwoody; it had a Navy representative in the person of Capt. Mustin. That commission went abroad and remained several weeks. It visited England; it visited France; it visited Italy. Perhaps all of the commission did not visit those different countries, but it was divided into subcommittees, who went everyhwere and interviewed practically everybody who was prominently identified with aeronautics in Europe. That commission went over there without any preconceived convictions as to what ought to be done; they all stated that they went with open minds; but they came back here and made a unanimous report in favor of the establishment of a department of air.

They said, practically, that we should never get anywhere in this country until we had such a department. Capt. Mustin, of the Navy, did make some qualifications in his report, and the bill which is now under consideration has adopted the qualifications recommended by him; so it is drawn in complete accordance with the report of that commission.

Mr. KING. Mr. President, will the Senator from Indiana permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Certainly.

Mr. KING. I have been advised by a number of persons—and no two seem to agree—as to the attitude which England has taken with respect to the unification of the air service. It has been alleged by some that England has found it advantageous to place the control of aeronautics—in the army, the navy, and commercial—in the hands of one agency, divorced entirely from the military or naval departments. Others, who claim to speak authoritatively, have reported to me that England had found that it was a mistake to separate the air service from the army and from the navy and to establish an independent aircraft service. Will the Senator from Indiana advise us what is the last conclusion reached by Great Britain and what her experience has demonstrated?

Mr. NEW. Mr. President, Great Britain at this moment maintains a separate air department, and has never deviated from that policy from the time it was adopted, along in the spring of 1918, now nearly two years ago. There have been reports, of course, to the contrary, but Great Britain has maintained a separate air department for the last two years. I very recently saw a statement made by Winston Churchill on the floor of the British Parliament, in which he said that under no circumstances would Great Britain depart from that policy. The British air attaché here, Commodore Charlton, tells me the same thing, and all of my information is in accordance with what I have just stated.

Mr. President, of course, I shall be very glad to answer any questions that any Senator desires to ask as we go along. I think this is a very important matter and one that ought not to be acted upon without very full information. I am going to pass over the first two sections of the bill, as they are simply declaratory. They create a department of air and provide for a

director and an assistant director of air, and amend the Revised Statutes so that the department of air may be included in the governmental departments.

However, section 3 is an important section. In the first place it fixes responsibility for the aerial defense. That is one of the greatest reasons for the establishment of this department, namely, the desirability of one central department having full responsibility for having the Nation adequately prepared to meet aerial attack. It gives this department the right to concentrate every available force which, under the present scheme of things, is divided amongst the Army and the Navy and the Post Office Department. Under this bill that force can all be concentrated into one compact force; so that when we have warning that another nation is about to bomb any of our cities, like New York, or that their air fleets are being transported by means of carrier ships, this one department would have the authority to use the entire trained personnel as the emergency might demand. It could order the concentration of all air forces at one particular point.

The bill provides for the granting of aviators' and aeronauts' licenses to civilian pilots and all other pilots, and the promulgation of rules and regulations to govern such aviators and aeronauts. At the present time there is no restriction on flying in this country. Anybody who thinks he can take a plane off the ground may advertise for passengers, overload his plane, and undertake to fly it at great risk to himself and to the passengers. A regulation providing for the granting of license is necessary for the common welfare; it is an absolute necessity.

The bill provides for the issuance of licenses for airships, airplanes, and so forth. In order to control the operation of airships it is necessary to have a system of licenses. A pilot ought not to be permitted to take a machine up unless he has passed an examination and is found qualified to navigate the air. It may be possible that in the course of time that may be found to be a source of revenue, just as automobile licenses are now, but I am not counting on anything of that kind; it is merely a precautionary measure.

The bill also provides for the promulgation of rules and regulations. Senators may talk about dividing this service between the Army and the Navy and the Post Office Department, and all that; but, so long as that is done, there will be conflicts in rules and regulations, each department making rules or regulations to suit itself. All such matters should be and must necessarily be in the hands of one central body if we are to have uniformity. The State Department may ask for cooperation in the enforcement of passport regulations; the Treasury Department may ask for cooperation in the enforcement of customs laws; the Post Office Department may ask for cooperation in regard to postal regulations, international and domestic. All of these services can be more efficiently performed with less duplication under a united department.

The supervision and establishment of landing fields is provided for, including the supervision of those used for private and commercial purposes. At the very beginning of aeronautical development we will have to assume, both in a military and a commercial way, that it is wise at the start that the most careful regulation and supervision of landing fields be made, under Federal control so as to avoid the unwise development of commercial projects.

One of the greatest points where unbalanced, unregulated, and ill-advised development is likely to take place is in the establishment of aerial fields. It would appear that the work of regulation can be done better by a unified department of aeronautics having charge of the whole subject and which can formulate and enforce a proper set of rules and regulations, carefully thought out, and which would have the power to modify the same for the benefit of all rather than by a number of different regulation-making authorities whose uncoordinated regulations would be apt to be at variance.

The furnishing of personnel and equipment for coast and border patrols. In that service is found one of the striking instances of the need of a unified air service. The Army Air Service acts over the land and the Navy acts over the sea. In the very nature of things there will always be a division of authority between the Army and Navy on points where the lines of authority are not definitely predetermined. How far Army planes should go to sea and how far Navy planes should fly over the land are questions that are entirely unnecessary if a unified service has control.

When the long coast lines of the United States are considered, it is easy to understand the enormous duplication of work that is bound to exist in having two or three effective coast patrols, one by the Army, one by the Navy, and one by the Coast Guard, all of which we have. The duplication of fields, of personnel and equipment is everywhere found, and yet the results, on account of the want of coordination, are apt to be not nearly so complete as if one unified service were doing the patrolling. The same arguments in favor of a unified service exist as to the border and forest reserve patrols, to which the Senator from California referred a little while ago. In the forest patrol the tendency of a unified service would be to have a greater number of small stations working toward a better patrol service, although in the aggregate neither the personnel, equipment, nor expense would be as great as where duplication of service under the present form exists.

One of the provisions in this bill is to establish and maintain an aeronautical academy or academies and such aircraft factories as may be hereafter authorized by law. The science of military aeronautics has developed to such an extent that it is just as necessary to build up and train its commissioned personnel to hold positions of any nature in matters relating to aeronautics as it is for the Army and the Navy to maintain their personnel for intensive service. The same qualities of leadership, physical perfection, rapid mental adaptation, and versatility apply to this force as apply to any other forces which are permanently to represent the Government in times of national necessity, and complete responsibility is placed upon them. Under the Army and the Navy plan there is no course given which looks to specialization in military aeronautics. In this air academy it is contemplated that the science of aeronautical engineering, including airplane design and construction, will be one of the most important provisions of the curricula. It is contemplated that air strategy and aviation tactics, looking toward the proper utilization of both heavier-than-air and lighter-than-air craft, will be given full and complete consideration. Necessarily, the air academy will not be as large nor as extensive as the Naval Academy or the Military Academy, but it is contemplated that the course will be along corresponding lines. In addition, it will be necessary to establish, perhaps, air academies for staff purposes or air academies for line purposes. This is analogous to that now used by the Army so far as the aircraft factories are concerned. Should it become necessary for the air department to build their own airplanes, it is contemplated that the work would necessarily and properly be under the operation of the air department. However, it should be distinctly understood that the passage of this bill does not give authority for the present establishment of an aeronautical academy nor an aircraft factory. It only contemplates that when these are authorized by law, they will be operated by the air department. The matter of establishing them, and all that, is left entirely to Congress.

Other sections of this bill transfer the property, planes, and their appurtenances to the department of air from the departments now having them.

Now, Mr. President, I should like to talk a little about section 4; and I will hurry along through with the bill.

I call special attention to section 4:

That at the direction of the President the director of air—

At the direction of the President, now—

Shall, in time of peace and war, assign to the War and Navy Departments for duty with the Army and Navy, in addition to such permanent air units of the Army and Navy as may be authorized by this act, such aeronautical units as, computed upon the basis of the prevailing size and disposition of the Military and Naval Establishments, the President shall deem necessary. The tactical employment of all such units while so assigned shall be under the exclusive control of appropriate military or naval commanders, and the personnel of all such units while so assigned shall be subject to the disciplinary laws and regulations governing the branch of the service to which said units shall have been assigned.

It is in no sense contemplated, by the establishment of a department of aeronautics or department of air, to take away from the Naval or Military Establishments any arm which is necessary for unity of command. Indeed, it is the very object of this legislation to foster and promote and further insure unity of command. Those units which are indispensably auxiliary to the Military and Naval Establishments are, by the express provisions of this bill, left under the absolute control of the Army and Navy, including the selection of personnel. However, the purpose of this provision is to permit the temporary assignment of units as supplemental to the control of their own auxiliary units. In order that there may be no misunderstanding as to the element of command, there is a definite expression by Congress that those units of the air force, when so assigned to Army and Navy, shall be under the exclusive control of the appropriate military and naval commanders, and even subject to the disciplinary laws and regulations governing the branch to which they are assigned. It is a complete answer to any objection and every objection that has ever been made by the Army or the Navy to taking the management of the air force away from them. Senators will see by this that there is complete authority to assign to them anything that the President may at any time see fit.

I am passing over hurriedly what I have here, because I shall not now read a number of the sections which go into more or less minor details. I do, however, want to give a little attention to section 11.

Section 11 provides:

That the air forces of the United States, under the technical control of the department of air, shall be known as the United States air force, and shall consist of the regular air force and the reserve air force, and such other air forces as may hereafter be authorized by law, which shall consist of all commissioned officers and enlisted men serving in or assigned to the department of air, all reserves of said forces, volunteers, or any other air forces acting as a part of or attached to the department of air.

This provision combines the air forces which are combatant, or capable of combatancy, which are under the control of the air department. As there is at present no National Guard force authorized by the law, this is a subject which will be left open, for the reason that in the end it is quite probable that the units of aviation developed by the National Guard will be observation units. It seems that the National Guard should be allowed to develop observation units only, and that these should be under the Army Air Service and the Navy Air Service, with the same arrangement as to equipment, training, and the like that apply to the regular Air Service of the Army and the Navy. This section contemplates that a strong reserve force shall be established throughout the United States, including all the 15,000 flyers trained by the United States during the war with Germany. It is planned in this manner to have a definite control over this experienced navigating personnel in the way of reserve centers near large cities, where this force may have an opportunity to practice flying occasionally, in order that in case of a national emergency their services could be immediately utilized. While this force is not yet authorized, this section contemplates that when authorized it shall be under the air department.

Mr. President, I am not going to ask for a vote on this bill this afternoon, and I do not know that I care to say anything more about it in detail until we get closer to the hour when we can vote upon it. I shall be very glad to answer any questions.

Mr. KING. Mr. President, has the Senator made any computations with a view of ascertaining the approximate cost that will be entailed in the administration of this act?

I am not now, of course, inquiring with respect to the cost that will be incurred from year to year, because that is impossible to determine. The appropriations will vary. I can appreciate that one year the appropriation for aircraft might be very great, and the succeeding year there might be a substantial diminution in the amount of the appropriation; but I fancy that the administration charge—the overhead expenses, to use the common expression—will be substantially the same from year to year, unless some emergency arises so that the machinery would be very largely increased.

Mr. NEW. Yes.

Mr. KING. What does that amount to?

Mr. NEW. Here is an estimate, going somewhat into detail, for the united air forces: Estimate for aviation schools, and special equipment for them, $1,097,050; maintenance and repair of buildings, $3,000,000; new construction at stations, $11,837,000; purchase of new equipment, $54,080,250; maintenance and repair of equipment, including miscellaneous stock and hire of civilian personnel, $14,960,000; experimental, $13,000,000; or a total of $97,974,877, from which should be taken $4,350,000, which is now asked for by the Post Office Department, and which can be supplied out of this.

Mr. President, that, of course, does not mean absolutely that the expense of this service shall be $97,000,000. As I have shown here, $54,000,000 of it is an estimate for equipment. Congress may buy just as much or as little of that equipment as Congress, in its wisdom, sees fit, and the matter of establishing the schools spoken of is left entirely to Congress.

That is, in general, an answer to the Senator's question, I think.

Mr. KING. Mr. President, I am very glad that the Senator does not fix that as a limit, or as a minimum or maximum, because, in my humble opinion, neither the Senate nor the House is ready to appropriate any such sum as that for aircraft production for the next year or two. I think that the amount allowed for overhead expense is entirely too great. Unfortunately, whatever the Government undertakes it mars, and it is accompanied with extravagance and waste. That is particularly true in the War Department. The War Department during the past year or two has not given us a record of which it or anybody else ought to be very proud in the matter of efficiency and economy, and one objection I have to this bill—and I do not know that it can be avoided—is the creation of more machinery.

It seems to me that we spend the greater part of our time in creating more administrative machinery, more executive machinery. We create more bureaus, more departments, and offices, and provide for more officeholders and functionaries, and in that way pile up the expenses of the Government and increase the already staggering taxes under which the American people labor. If this scheme calls for $100,000,000 annual appropriation for aircraft, I shall vote against it, and I believe others will vote against it. We are not ready to embark upon a policy that calls for $100,000,000 for aircraft production for the next few years.

Mr. NEW. Mr. President, if the Senator from Utah will permit me, I think he misapprehends just a little. I am in entire sympathy with his objection to the creation of new bureaus, new agencies, and all that sort of thing. This, while it apparently creates one, as a matter of fact provides for a consolidation of three or four; it very much lessens the personnel that will be required to administer the Air Service of the United States. The total that I read to the Senator of approximately $98,000,000 I admit is large, but it is a competent estimate of what that service can be provided for in contrast to the estimates that are now made for the supplying of what is really a smaller service for the Army, the Navy, and the Post Office Departments. They aggregate nearly $160,000,000.

Mr. KING. Mr. President, the Senator means those are the estimates which have been submitted?

Mr. NEW. I do.

Mr. KING. But, of course, Congress would not appropriate any such sum as that.

Mr. NEW. I do not think a Senator can say "of course" Congress is going to do any particular thing. I have been a Member of the Senate long enough now to realize that you can not always tell.

Mr. KING. Mr. President, I really think that the Republicans in the House and the Republicans in the Senate, if it is not unparliamentary to refer to our brethren at the other end of the Capitol, and if it is not unparliamentary to refer to our brethren upon the other side of the aisle, realize the fact that the American people are indignant at the high taxes and resent this idea that we are going to appropriate six or nine billions of dollars in a day of peace; and we have to begin cutting, and cutting to the bone, and hewing, and I propose, as far as my vote is concerned, to begin hewing with the War Department, where there has been such indefensible waste, waste that ought to bring before a court-martial some officials, and into other courts some who have been connected with extravagance and waste in the War Department.

Mr. NEW. Mr. President, just how indignant does the Senator think the public will be, and what form will its manifestation take, at a showing of a saving of something like $60,000,000 in one estimate as against other estimates?

Mr. KING. Mr. President, that is an inquiry. Permit me to say that the people do not care what the estimates of the departments are, and I have gotten so that I do not care. I do not pay any attention any more to the estimates of the executive departments. They are made regardless of the needs of the public or proper and economical administration. They are made too often to satisfy the whims and the capricious and ambitious designs of men who want to extend their authority and their jurisdiction.

Mr. NEW. I have no quarrel with the Senator over that proposition.

Mr. President, I think I have said all I care to say on this subject this afternoon, inasmuch as it is understood that there is to be no roll call. But I would suggest the reading of the bill for action on the committee amendments.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. NEW. I do.

Mr. McKELLAR. I hope the Senator from Indiana will pardon me. I want to talk for about two minutes before the reading of the bill is begun.

Mr. NEW. That is satisfactory.

Mr. McKELLAR. Mr. President, I merely desire to call the attention of the Senate to an amendment which I shall offer, which excludes from the provisions of the bill the Post Office Department. My reason for doing this may be briefly stated in this way:

About three years ago we appropriated $100,000 for a trial air-mail service between this city and New York. It was started under the joint auspices of the War Department and the Post Office Department. It had not been operated long before differences arose between the two departments, with a result that was

very destructive to the aerial mail service. My recollection is that Army officers said to their flyers, "The weather is such to-day that you can not fly," and therefore the mail from here to New York did not go. Of course, a mail service in order to be efficient must be regular, and it was soon found that the two departments could not run the aerial mail service. Therefore the War Department turned it over to the Post Office Department, and since that time this service has been a most conspicuous success.

We have increased the routes to three. We now have a route from here to New York, we have one from New York to Cleveland, and we have one from Cleveland to Chicago. All three are regular routes. The flyers make the trips with amazing regularity, regardless of weather. They have learned to fly in all kinds of weather. They have had very few casualties. The service pays for itself at the usual rate of postage, as has been demonstrated by the department, and it has been a most marked success.

It is the only successful aerial postal service in the world to-day. No other country has such a service, and the people want it. It saves a great deal of time between here and New York in the distribution of the mail, and between New York and the far West. The two routes to the West save now something like 24 hours, and the people of that great western country out there are not only demanding its retention but they are demanding it very vigorously.

In addition to that, new routes to the West and to the South have been proposed, and they ought to be established. But if you are going to take it out of the hands of the Post Office Department, which has made it a great success, and put it into the hands of this new department, in part, you are going to destroy that service. It will be just exactly as it was when it was in the hands partly of the Post Office Department and partly of the War Department. A divided authority can not be effective. It must be under one control, and to put it into the hands of this new department would be destructive of it, and I wish to secure the exclusion of the Post Office Department from such a bill as may be passed.

Of course, it may be all right to consolidate the aerial service in the Navy and the aerial service in the Army. There are reasons why they should be consolidated. I am not expert enough to say as to that. Certainly our aerial services in both of those departments have not been conspicuous successes, and something ought to be done. I judge from the remarks of the Senator from Indiana that there is good reason for consolidating these two services into one to make our war air service under one management and control. But do not let us take this service away from the only department that has made aerial service a success, whose activities are wholly separated from those of the War Department and the Navy Department, and wholly separated from the air department, and put it in an untried field.

I say that every American citizen ought to be intensely proud of the fact that we have the most valuable Air Service in all the world, and the only one that really amounts to anything. I take a great deal of pride in it, because, as the Senator from Utah will remember, he and I had a debate on this subject three years ago, when I first came into the Senate. He was opposed at that time to the institution of any such service, did not believe it would be a success, and a great many people believed with him, because it was an untried field. But the Post Office Department has made it a success and Congress has appropriated larger sums each year. It is self-sustaining. It does not cost the country anything; it pays for itself, and we ought to keep it in that department where the success has been met.

I merely make these remarks in passing so that the Senator from Indiana may understand the amendment which I shall offer when it comes up to be voted on.

Mr. NEW. Mr. President, to the Senator from Tennessee I may just say this, that the Post Office Department, of course, is averse to giving up its control over the air mail. The War Department is just as averse to giving up its control over Army aviation. The Navy Department is averse, the Treasury Department will be, and every other department of the Government will be.

Mr. President, I never knew a time or an instance where any single department of the Government was willing to give up control of anything it had. If you found the mumps in any department of the United States Government, and somebody came along and tried to transfer it somewhere else, there would be an objection raised on the part of that department that it was being required to give up something that it had under its jurisdiction.

As to the objection that the Senator makes, I would like to read what the Postmaster General said at the time this transfer was not thought of, and he was simply writing a report about what had happened. He said:

The Aerial Mail Service was inaugurated with the cooperation of the War Department, which furnished the machines and aviators and conducted the flying and maintenance operations. This cooperation, which was of inestimable value, was maintained until August 12, when the entire operation was taken over by the Post Office Department and the work performed by this department with its own equipment and personnel. The task which the Army had undertaken was new and full of unsolved problems. A few flights in the beginning were defaulted, partially abandoned, or interrupted by stormy weather, but gradually the service settled down to an absolutely dependable one. It gives pleasure to report that the high standard of daily perfect flights which the Army succeeded gradually in establishing is being maintained by the Post Office Department regardless of weather conditions.

Mr. President, as I said, one object of the bill is economy, the consolidation of flying fields. As one instance, we have, as I may have stated earlier in my remarks, three fields here in the city of Washington, of which one, at College Park, belongs to the Post Office Department. The other two are across the river, one under the Army and one under the Navy. There are three sets of overhead charges on those three fields, and so it is at other points. One of the objects of the bill is to consolidate such places.

I desire to say further to the Senator from Tennessee [Mr. McKELLAR] that it is to be left entirely to the Post Office Department to say where they want routes established. It will be left to the department of air to furnish the equipment and the personnel for working those routes.

Mr. McKELLAR. The Senator has referred to a communication from the Postmaster General. I wish to call his attention to a later statement, dated January 6, 1920. Here is what the Postmaster General has to say about it at this time:

WHY DO THEY WANT THE AIR MAIL?

What is the purpose, then, of attempting to take out of the hands of a civil department the efficient and economic operation of a commercial function? It is not necessary to the conduct of an efficient fighting force. In fact, it would be a mere side-line activity of a military air department. It can not seriously be contended that a military air department can conduct the postal air service more economically and more efficiently than it is being conducted by the Post Office Department, as demonstrated by more than a year and a half of operation and as compared with the cost of air operations for military purposes here and abroad.

There is some other reason for this persistent desire to tie up the air mail service with a military air service. Whether it is the reason or not, it is easy to see that the proposed department of air would be likely to get larger appropriations if it transported mail from city to city than if it devoted itself to purely military work. It can not be in the interest of either economy or postal efficiency to take the air mail out of the hands of the Post Office Department and put it under a militarized air service, and certainly it can contribute nothing to military efficiency to carry mail sacks back and forth daily between certain cities; then, if it is not the hope of getting larger appropriations from Congress each year, what is behind this powerful and persistent campaign to turn over to the proposed separate military air force this mail-transporting function of the Post Office Department?

The idea that it would be a great thing if the military fliers in their air maneuvers could be put to work carrying mails instead of flying their planes empty appeals to some men.

Would those men vote to put the Infantry to work on the letter carriers' rounds, the Cavalry to patrolling the cities, and the Artillery and transports to hauling street litter to the city dumps just to keep them busy at some civic function?

And what would happen if you turned the air mail over to a military department of air? Remember always that the pending bills would make it an Army and Navy consolidated separate fighting force for the expected purpose of greater military efficiency in the air.

WOULD SPEEDILY KILL AIR MAIL.

The first thing that would happen would be that while you might put the military fliers to work on some civic occupation, it would cost the Government more per mile and per pound to carry the air mail than under an efficient postal administration.

The next thing that would happen would be an immediate loss of efficiency in postal service, not that the military operatives would not be capable men, but because, first, it would be an operation incidental to the main purposes of the proposed department of the air, which is sought to be created, not to jitney sacks of mail on strict daily schedules between given points but to develop and increase our military proficiency in the air; and, secondly and chiefly, because the Post Office Department could not compel a coordinate branch of the Government to render that degree of service which it could compel its own employees to render or which it could compel a bonded contractor to perform. This is not a groundless fear or imaginary eventuality. It is bitter experience in the Postal Service. The maintaining of schedules and the unfailing performance of service is the very soul of the mail transportation. Fines under the law and recovery on bonds have proven the only means of forcing that dependability of service which postal efficiency requires where the Post Office Department itself does not operate the service.

Long years of experience have taught the Post Office Department that it can not obtain the same efficient service from a coordinate branch of the Government over which it can not exercise direct authority as it can over its bonded contractors or its own employees, and in the light of that experience the Post Office Department serves notice now that Congress will kill the American air mail speedily and with certainty if it transfers its operations from the Post Office Department to the proposed department of air.

I can not add anything to what has been so well said by the Postmaster General so recently. It is apparent to all that if we want to kill the air mail service, we could not do it more effectively than by turning it over to this new and untried department of air.

Let us turn over to the air service the functions that properly belong to it. I am willing to turn them over to it. I have no objection to the Senator's bill, though I have my doubts whether it will cure all the defects which he thinks it will cure. I think they are going to be very slow to build it up, even under an independent air service, as separate from the Army and as separate from the Navy. We have not had any success in either one, so I am willing to join with the Senator in trying something else than the Army and the Navy, but I am not willing to join the Senator in putting into that untried department this splendid service that has been made such a success.

Mr. NEW. Mr. President, I do not know that there is much profit in controversial statements between the Senator and myself on the subject at this time. As a matter of fact, however, the air service of the Post Office Department is so very limited, there is so little of it, that it is hardly worth while talking about it as an established service. One of the purposes of the bill is to extend it very greatly and to establish routes generally; not merely to have one between Washington and New York City and one between New York City and Chicago, but to very greatly extend the aerial Postal Service.

The Senator says let us turn over to the air department what the Army has and what the Navy has, but let us preserve the Post Office service. Yes; let us turn over to the other fellow everything that we have not got. Each department makes just exactly that objection for itself.

You will hear just as much from the Army and just as much from the Navy, and I have no doubt the coast defense will come with a plea for its continuance and a statement of what will happen if its service is taken out of its organization. That is one trouble with Government affairs, as we know. They get into a certain department and into a certain rut, and all the powers of man at least can not serve to get them out.

The report of the Postmaster General which I read a while ago was one that was written at a time when there was no thought in the mind of the Postmaster General or anybody else that his beloved postal air service was about to be taken from him. There was not any threat of it at all. Then he was generous enough in what he had to say about the Army service. It is true that the whole business was in its infancy, and in the service that the Army rendered to the Post Office Department at that time I have no doubt that there were some deficiencies, as there will be, no matter who conducts it.

I do not think that I have anything further that I care to urge at this time. I believe there is a desire to have an executive session.

Mr. TOWNSEND. Mr. President, I desired to say just a word before adjournment. There seems to be a very small attendance here, however, and I shall not talk simply for the RECORD. I would like to say something in reference to the airplane service as connected with the Post Office Department. I think, however, in view of the fact that the Senate is ready to go into executive session, I will say nothing on the subject to-day.

Mr. HITCHCOCK. Mr. President, does the Senator from Indiana lay aside his bill temporarily?

Mr. NEW. I will do so in order that the Senate may go into executive session. That is the Senator's suggestion?

Mr. HITCHCOCK. I think there ought to be an executive session.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 29, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1920.

SECRETARY OF THE TREASURY.

David F. Houston, of Missouri, to be Secretary of the Treasury, vice Carter Glass, resigned.

SECRETARY OF AGRICULTURE.

Edwin T. Meredith, of Iowa, to be Secretary of Agriculture, vice David F. Houston, nominated to be Secretary of the Treasury.

ASSISTANT TREASURER OF THE UNITED STATES.

John Brooke Evans, of Pottstown, Pa., to be Assistant Treasurer of the United States at Philadelphia, Pa. (Reappointment.)

SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE.

Hugh S. Cumming, of Hampton, Va., to be Surgeon General of the Public Health Service in place of Rupert Blue, whose term of office has expired.

UNITED STATES ATTORNEY.

J. William Thurmond, of Greenville, S. C., to be United States attorney for the western district of South Carolina. (A reappointment.)

REGISTER OF THE LAND OFFICE.

Hayden M. White, of Buffalo, Wyo., to be register of the land office at Buffalo, Wyo., vice Ralph R. Read, resigned.

SOLICITOR OF THE DEPARTMENT OF COMMERCE.

Frederick McCarthy, of Ansonia, Conn., to be Solicitor of the Department of Commerce, vice Albert Lee Thurman, resigned.

ASSISTANT SOLICITOR OF THE DEPARTMENT OF COMMERCE.

James J. O'Hara, of Massachusetts, to be Assistant Solicitor of the Department of Commerce, vice Edward T. Quigley, resigned.

PROMOTIONS IN THE ARMY.

INFANTRY.

To be colonels.

Lieut. Col. William P. Jackson, Infantry (Inspector General's Department), from January 13, 1920.
Lieut. Col. Matthias Crowley, Infantry, from January 13, 1920.
Lieut. Col. John J. Bradley, Infantry, from January 13, 1920.
Lieut. Col. Douglas Settle, Infantry, from January 18, 1920.

To be lieutenant colonels.

Maj. William B. Cochran, Infantry, from January 7, 1920.
Maj. Harry F. Rethers, Infantry (Quartermaster Corps), from January 13, 1920.
Maj. Herschel Tupes, Infantry, from January 13, 1920.

To be majors.

Capt. Ode C. Nichols, Infantry, from January 7, 1920.
Capt. Kirwin T. Smith, Infantry, from January 9, 1920.
Capt. William W. Bessell, Infantry, from January 13, 1920.

To be captains.

First Lieut. Harris M. Melasky, Infantry, from November 19, 1919.
First Lieut. Sidney H. Young, Infantry, from November 20, 1919.
First Lieut. John C. Whitcomb, Infantry, from November 21, 1919.
First Lieut. Charles D. Lewis, Infantry, from November 22, 1919.
First Lieut. Paul H. Brown, Infantry, from November 22, 1919.
First Lieut. William S. Eley, Infantry, from November 22, 1919.
First Lieut. Paul W. York, Infantry, from November 24, 1919.
First Lieut. Ferdinand G. von Kummer, jr., Infantry, from November 25, 1919.
First Lieut. Joseph P. Sullivan, Infantry, from November 25, 1919.
First Lieut. Asa P. Pope, Infantry, from December 1, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1920.

POSTMASTERS.

MISSISSIPPI.

Clara B. Lee, Arcola.
James J. Hiller, Calhoun City.
Lawrence V. Stribling, Carthage.
Mary E. Luster, Edwards.
Gertrude Martin, Fernwood.
Sarah L. Townsend, Holcomb.
Margaret S. Walker, Houlka.
William J. James, Lyman.
Carson Hughes, Oakland.
William T. Sparkman, Pascagoula.
Emile J. Adam, Pass Christian.
Myrtle A. Tanner, Pelahatchee.
Sue V. Clements, Pickens.
Marvin B. Holloway, Poplarville.

Janie H. Wiygul, Shannon.
James F. Jones, Shubuta.
Lillie B. Carr, Sumner.
Susan R. T. Perry, Tchula.
Tom H. Tabor, Weir.

NEW JERSEY.

Helen G. Miller, Andover.
Harry C. Wheaton, Anglesea.
Laura B. Van Slyke, Avenel.
Alfred B. Gibb, Bernardsville.
George W. Roe, Branchville.
Francis A. Banville, Cliffside.
Charlotte S. Hurd, Dover.
William F. Barry, Elizabeth.
Jacob W. Binder, Hackensack.
Adolph Lankering, Hoboken.
Thomas Post, Midland Park.
Lewis R. Hogan, Millville.
William J. Cowgill, Paulsboro.
Thomas E. Hunt, Penns Grove.
William K. Blodgett, Point Pleasant.
James J. Conor, Ridgefield.
Frank M. Stevens, Ridgewood.
Arthur F. Stecher, Riverside.
Abram A. Reger, Somerville.
Albert A. Sickley, Springfield.
James V. Ludlow, Tuckerton.
Emil Groth, Weehawken.
Louis Ponsiglione, West Fort Lee.
Edward C. Francois, West Hoboken.

OKLAHOMA.

David S. Cumming, Adair.
John E. Reasonover, Bixby.
James E. Smith, Bluejacket.
Harry F. Wolfe, Bristow.
Grover C. Fulton, Cardin (late Tar River).
Joseph H. Blythe, Cherokee.
Rolland R. Morris, Coweta.
Leslie Hurlock, Dewey.
William T. Hughes, Fort Cobb.
Charles R. Stiver, Grove.
Frank Olsmith, Guthrie.
James D. Rives, Holdenville.
George P. Morton, Hollis.
Oscar R. Blassingame, Howe.
M. Louise D. Bruce, Lookeba.
Ralph P. Witt, Maud.
Nelson L. Eggleston, Minco.
David W. Wells, Mountain View.
William B. Williamson, Okmulgee.
John A. Burch, Paden.
Theordore E. Futrell, Porum.
Claude C. Taylor, Sapulpa.
Stanley Shepherd, Seiling.
Joe W. Van Deventer, Skiatook.
John W. Fuller, Stonewall.
Dora V. Burton, Stroud.
Frank Emanuel, Sulphur.
Henry F. Turner, Vian.
Faye F. Mitchell, Wanette.
Cora S. Brown, Waukomis.
John C. Puryear, Wetumka.
John L. Rogers, Wilson (late New Wilson).

PROMOTIONS IN THE ARMY.

INFANTRY.

To be lieutenant colonels.

Maj. Dwight W. Ryther.
Maj. William F. Creary.

To be majors.

Capt. Gideon H. Williams.
Capt. Fred W. Bugbee.
Capt. William M. Goodale.
Capt. Leonard T. Baker.
Capt. Charles S. Frank.
Capt. Franklin S. Leisenring.
Capt. Charles F. Andrews.
Capt. James M. Petty.
Capt. John B. Shuman.
Capt. Charles G. Lawrence.
Capt. Allan L. Briggs.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 28, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, ever mindful of Thy children, we thank Thee for that spirit which Thou didst send into the world in the life, character, and precepts of Thy son, Jesus Christ—a spirit which is manifesting itself in a more practical sense and bringing men of all nations closer together.

The World War through which we have just passed, with its widespread desolation, in the destruction of life and limb, homes, and through sorrowing hearts, are moving great men and women to deeds of love and kindness in our own country. Sickness, disease, and death are moving the churches and all philanthropic organizations with that spirit which is marching on, not only in our own country but throughout the world, to alleviate sorrow and suffering.

> In the beauty of the lilies Christ was born across the sea,
> With a glory in his bosom that transfigures you and me:
> As he died to make men holy, let us die to make men free,
> While God is marching on.

Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON RAILWAYS AND CANALS—LEAVE TO SIT.

Mr. WHEELER. I ask unanimous consent that the Committee on Railways and Canals be permitted to sit during the sessions of the House on Thursday, Friday, and Saturday of this week.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Railways and Canals be permitted to sit during the sessions of the House on Thursday, Friday, and Saturday of this week.

Mr. GARD. I think that is a very desirable thing to do.

The SPEAKER. Is there objection?

There was no objection.

REQUEST TO ADDRESS THE HOUSE.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that I may address the House for 15 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for 15 minutes. Is there objection?

Mr. GARNER. Reserving the right to object, what is the subject matter about which the gentleman wishes to speak?

Mr. DALLINGER. It is in reply to an extension of remarks on the Berger matter by the gentleman from New York [Mr. GRIFFIN].

Mr. MONDELL. Will the gentleman withhold that request and make it after the House begins business this morning?

Mr. KITCHIN. I suggest that the gentleman ought not to take the time unless the gentleman from New York [Mr. GRIFFIN] is present. He is not present this morning.

Mr. DALLINGER. I will state that the gentleman from New York [Mr. GRIFFIN] did not speak on the day the Berger matter came up, but he extended remarks in the RECORD containing, to my mind, not only very serious reflections on the committee, but on the Members of the House who voted to sustain the committee.

Mr. KITCHIN. I have no objection to the gentleman making his speech; but does not the gentleman think it is fair to Mr. GRIFFIN to wait until he is here? He is here every morning, but does not happen to be here now.

Mr. DALLINGER. I told the gentleman from New York [Mr. GRIFFIN] that at the first opportunity I should do this. I have been sick and unable to do it before.

Mr. KITCHIN. The gentleman from New York [Mr. GRIFFIN] is generally here when we meet, but he is not in the Chamber this morning, and therefore I object.

The SPEAKER. Objection is made.

PRIMER ON THE INCOME TAX

Mr. HAWLEY. I ask unanimous consent to extend my remarks in the RECORD by printing a revision of my Primer on the Income Tax of the War Revenue Act.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the war-revenue act. Is there objection?

Mr. GARD. Reserving the right to object, what is it that the gentleman desires to print?

Mr. HAWLEY. A revision of a pamphlet explaining the manner in which internal-revenue taxes are selected, similar to the one I printed last year. This revision brings it up to date.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk proceeded to call the committees.

CERTAIN LABORERS IN THE CUSTOMS SERVICE.

Mr. FORDNEY (when the Committee on Ways and Means was called). Mr. Speaker, I call up the bill (H. R. 11309) to authorize the Secretary of the Treasury to fix compensation of certain laborers in the Customs Service.

The SPEAKER. The gentleman calls up from the Committee on Ways and Means a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. CLARK of Missouri. I should like to ask the Speaker or the gentleman from Michigan if this is a privileged bill? If it is, the gentleman can not call it up on Calendar Wednesday.

Mr. GARNER. It is not privileged. We tried to make it that way some time ago, but somebody objected, I think the gentleman from Massachusetts [Mr. WALSH].

Mr. FORDNEY. This is to authorize the Secretary of the Treasury to pay going wages to men loading and unloading vessels.

Mr. CLARK of Missouri. I thought we passed that bill last week.

Mr. FORDNEY. No. It was objected to then, and so I ask to take it up now.

The SPEAKER. The gentleman calls up the bill. It is on the Union Calendar, and under the rule——

Mr. GARNER. I suggest to the gentleman that he ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. WALSH. I shall object to that.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Ohio [Mr. FESS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11309, with Mr. FESS in the chair.

The CHAIRMAN. Under the rule two hours' general debate are allowed. The gentleman from Michigan is recognized for one hour.

Mr. FORDNEY. Mr. Chairman, I will take only a very few minutes. I should like to have one amendment to the bill. I will explain the amendment to the House.

This bill is requested by the Treasury Department. Under the law the Treasury Department is limited in the payment of wages to men loading and unloading vessels to 31¼ cents per hour. Prior to December 2 the Government had paid the going wages in the various ports, especially in the South, but the Comptroller of the Treasury on the 2d of December ruled that the law prohibited the payment of a greater sum than 31¼ cents per hour. The going wages paid for that class of labor throughout the whole country are far above that amount, and now the Government wants authority to pay additional wages in proportion to what are paid by other people.

Mr. WALSH. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Massachusetts.

Mr. WALSH. I should like to ask the gentleman if this is skilled labor? Does it require any particular skill to perform this work?

Mr. FORDNEY. No; these men are largely longshoremen, but the wages paid for this class of labor in New Orleans, as stated by one of the Assistant Secretaries of the Treasury, are from 80 cents to $1.20 an hour, and the Government can not get men there at 31¼ cents an hour when other people are paying from 80 cents to $1.20.

In Galveston the wages range from 60 cents to 85 cents per hour for that class of work; at Norfolk from 50 cents to 55 cents an hour; at Tampa from 40 to 55 cents per hour; at Providence, 75 cents per hour, while the Government, under the ruling of the Comptroller of the Treasury, is limited to 31¼ cents an hour.

Now, that is all there is to this bill. It authorizes the Government to pay the going wages, such wages as others pay for that class of work.

Mr. WALSH. Will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. WALSH. Does this class of labor employed for this particular work enjoy the benefits of the 30 days' leave of absence, the same as other employees of the Government?

Mr. FORDNEY. These people are not employed by the Government except at times when the Government has vessels to unload. They are not in the general employ of the Government.

Mr. WALSH. They are not on the permanent roll?

Mr. FORDNEY. No; they are daily laborers and only employed at times when the Government has vessels to unload.

Mr. WALSH. How many will this affect?

Mr. FORDNEY. On an average 176 men, and it will never reach above 200 men. Now, in line 4, after the word "of," I would like to insert the word "temporary," so as to make it positive that it means temporary laborers only. The bill is limited in time to December 31, 1920.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman from Illinois.

Mr. MANN of Illinois. Of course this bill is designed to reach an exigency.

Mr. FORDNEY. Yes.

Mr. MANN of Illinois. Is there any likelihood that the exigency will have ceased to operate on December 31 next?

Mr. FORDNEY. I will say to the gentleman from Illinois that the committee did not feel that it would like to extend the authority for an indefinite time, because it gives quite wide authority, and we had hoped that at the end of one year's time conditions might be so settled throughout the country that there would be a material change from conditions to-day.

Mr. MANN of Illinois. Does the gentleman know what is being done now?

Mr. FORDNEY. Since the ruling of the Comptroller of the Currency I do not know what the Government is doing, but the Secretary of the Treasury told me this morning that they were greatly embarrassed because of the failure to pass this bill. I did not ask him what they were doing, but he said that they were greatly embarrassed and wished this legislation to be passed just as quickly as possible to enable them to meet the situation.

Mr. MANN of Illinois. That embarrassment is likely to be duplicated a year from now, it seems to me.

Mr. FORDNEY. I will say to the gentleman from Illinois, with all due respect, that I am opposed to increasing the cost of production as far as possible in the country, because on the cost of production depends the cost of living. I have said before, and I wish to repeat, that in the cost of production, no matter what is produced, articles manufactured or otherwise produced, the labor cost is at least 90 per cent of the total cost of production. While the high cost of production goes on it is not becoming to any man who wishes to be reasonable to say that we can lower the cost of living by legislation.

We need more production in the country in order to lower the cost of living. It may be that some of our laws can be so changed that we could increase production, but so long as there is a scarcity of each and every article in the market, just that long the price for that article is going to be high. While the cost of production is high there is no question but that there is going to be a scarcity of that product in the country, and the price of the product is going to be high to the consumer.

Let me give you an illustration. In many lines of industry men are getting fabulous wages and the cost of that labor is added to the cost of production. There came a young man into my office the other day, from my home town, an unskilled laborer, a farmer's boy, who had found employment in a factory in my home town, where there are many plants in operation. He was working in a room where there are four men working in a group. The stint per day was 250 pieces of whatever machinery they were making, and for all they produced above 250 pieces they received extra pay. That boy's pay was $78 a week for five and a half days' labor.

So long as that high cost of product goes on, so long the high cost of living is going to continue. Therefore, I say I am opposed to increase in the cost production where it is possible to prevent it. But in this particular case the situation that exists is unavoidable. We are bringing from Cuba and South America and the West India Islands at the present time large quantities of sugar so badly needed by the people and one of our most valuable food products. These men are very largely used in unloading sugar, so the Secretary of the Treasury tells me. Now, we have to pay just such wages as the going wages as prevail in the port of entry.

Gentlemen, I feel that it is absolutely necessary to pass this bill in order to give the Government the opportunity to succeed in getting labor to do the work that must be done and pay the going wages.

Mr. ANDREWS of Nebraska. Will the gentleman yield?
Mr. FORDNEY. I will yield to the gentleman.
Mr. ANDREWS of Nebraska. Has the department paid anything in excess of 31¼ cents per hour, as indicated here, in any cases heretofore?
Mr. FORDNEY. Yes. They have paid the going wages prior to the ruling of the Auditor of the Treasury Department, but since that time they are limited to the 31¼ cents an hour; but let me say to the gentleman that this money paid by the Government is charged to and paid by the owners of the ships.
Mr. ANDREWS of Nebraska. This is a reimbursement proposition?
Mr. FORDNEY. Yes. The Government pays and collects it from the owners of the ships.
Mr. ANDREWS of Nebraska. If such payments were made in excess of the legal rate, what has been done toward the recovery of illegal payment beyond that rule—anything?
Mr. FORDNEY. Not at all. The Secretary of the Treasury has asked me to add an amendment that would relate back to a certain date, at which time they began to make those payments contrary to law, in order to relieve the man who engaged those laborers from liability under his bond. I do not believe it is wise to attempt to have a provision of that kind put in the bill, because we would then justify something that was not lawful, but if an attempt is made to enforce payment from that man because of the obligation of his bond, it will be time enough for Congress then to take it up and relieve him.
Mr. ANDREWS of Nebraska. That is the point I wish to bring out in response to my inquiry. Under the law there is a liability resting against the officer who made these payments, the collector of customs, for instance, who is disbursing officer for purposes of that sort, and also the executive officer. A liability rests against him, and in order to make that question clear and to relieve that officer from such a liability, some action should be taken in relation to that point, because the question can be raised against that officer at any future time, and he may be embarrassed thereby.
Mr. FORDNEY. My reason for not pressing that was this, that although that officer under his bond is liable, yet he employed the men and collected the money from the owner of the vessel, and the only liability that rests upon that man that I can see would be for the owner of the vessel to begin suit to recover. He was perfectly willing that those wages be paid by the Government for the work, and the owner gave his consent, and I do not think that any man under those circumstances would get very far in court in collecting damages from the Government official under bond.
Mr. ANDREWS of Nebraska. It is that phase of the question I have in mind—that the owner of the ship at some particular time might bring suit, which would embarrass the man who was a former Federal official.
Mr. FORDNEY. That is true, and that is why the Assistant Secretary asked that such an amendment be made in this bill. But I believe there would be greater success for the bill if we did not offer such an amendment, but met that situation if it arises at any time, and I will vote at any time to relieve the Government official under his bond from liability.
Mr. BEGG. Mr. Chairman, will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. BEGG. Why is it necessary for the Government to collect the money to pay the longshoremen and then turn around and pay that same money to the men who do the work? In other words, why is it necessary for the Government to act as an agent for the shipowners in furnishing labor?
Mr. FORDNEY. We have a Government merchant marine; that vessel is owned by the Government. There is no one else to appeal to but the Government in that particular case. If it is a private ship, then the private owners look to the Government to furnish the employees and will pay whatever is necessary. This is to relieve the Government in employing men on Government ships, and where it is found necessary to relieve the individual to also relieve him at his suggestion and agreement.
Mr. ANDREWS of Nebraska. This matter of unloading vessels must be conducted under the customs laws.
Mr. FORDNEY. Yes.
Mr. ANDREWS of Nebraska. The department itself has jurisdiction and oversight, in order to prevent fraud on the customs, and for that reason the Secretary of the Treasury has jurisdiction of these men who do that work, whether it be for a Government-owned vessel or a vessel owned by private individuals. The Government itself must supervise this, otherwise fraud might enter against the customs.
Mr. FORDNEY. That is true. I thank the gentleman for making that statement. I do not wish to discuss the matter further unless somebody wants to ask a question.
Mr. WALSH. Mr. Chairman, I would like to ask the gentleman a question.
Mr. FORDNEY. I yield.
Mr. WALSH. The gentleman has reported out from his committee a Senate bill providing for the loading and unloading of vessels at night, preliminary entry of vessels. Is it the gentleman's intention to call that measure up after this measure is disposed of?
Mr. FORDNEY. I will say to the gentleman that it is the purpose of the gentleman's colleague, Mr. TREADWAY, who was requested to make a report on that bill, to call that bill up at the very first opportunity.
Mr. TREADWAY. I am under instructions from the committee to call it up at the first opportunity, and I understood the chairman to say this morning that he desired it called up following this bill.
Mr. FORDNEY. Yes. Mr. Chairman, I reserve the remainder of my time.
Mr. WALSH. Mr. Chairman, I ask recognition in opposition to the measure.
The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.
Mr. WALSH. Mr. Chairman, I doubt the wisdom of enacting such legislation as this to accommodate some 175 or 200 laborers in the Government service and attempt by the language of the bill to hold out the hope that we are passing temporary legislation. It is rather singular that there should be a great difference in the wages paid this class of work between New Orleans and other ports where the Government undertakes to pay for the unloading of these vessels. These are temporary positions and the result would be that we would establish a standard for paying temporary laborers higher wages than some of the officers of the Government get as salaries at the same ports. For instance, in New Orleans they get 80 cents an hour up to 4 p. m., and $1.20 an hour thereafter. It would be pretty easy for a half dozen temporary laborers to see to it that a particular vessel is not unloaded or disposed of by 4 o'clock, so that it would be necessary to work several hours after 4 o'clock at $1.20 per hour in order to complete the work. In Providence 50 cents per hour is the lowest price at which laborers can be obtained, and many demand as high as 75 cents and a dollar per hour. Extremely high prices are paid to laborers in that city, and we are told that some of the laborers on the regular rolls of the Government are resigning to work outside. That is the custom with respect to temporary labor.
Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?
Mr. WALSH. Yes.
Mr. ANDREWS of Nebraska. Would the collector of the port have authority to decide the hours during which men should work and when they should quit?
Mr. WALSH. I suppose he would.
Mr. ANDREWS of Nebraska. Does he have authority under the law to determine the time for the clearance of the vessel, whether he keeps it one day or half a dozen days?
Mr. WALSH. I imagine he has.
Mr. ANDREWS of Nebraska. Under those circumstances the collector can say, "We will stop at 4 o'clock," and $1.20 an hour thereafter could be avoided.
Mr. WALSH. Oh, yes; he could say that, but the first thing that collector would know he would get a wire from Washington to the effect that that vessel must be cleared the next morning at 9 o'clock, and he would have to go around and get his temporary group of men to complete the work on the vessel that night.
Mr. FORDNEY. Will the gentleman yield?
Mr. WALSH. Yes.
Mr. FORDNEY. If it were not a Government ship it would be entirely in the option of the owner of the ship to say whether they went on after 4 o'clock, but if it was a Government ship it would be up to the Government to say what should take place.
Mr. WALSH. Yes; but this applies to both. Now, why adopt the wisdom of establishing a policy for temporary laborers to the effect that they shall get the prevailing rate of wages in that particular community?
Mr. LONGWORTH. Will the gentleman yield?
Mr. WALSH. I will.
Mr. LONGWORTH. I merely wish to ask the gentleman whether his main objection to this bill would be relieved by the placing into it of a maximum rate per hour?

Mr. WALSH. Yes; I would have no objection to this measure if we put a maximum into the bill.

Mr. MADDEN. If the gentleman will permit.

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. MADDEN. For the information of the gentleman from Massachusetts, when the bill reaches the amending stage I propose to move to strike out, on line 6, page 1, the following words: "The local rates prevailing" and substitute in lieu of these words "75 cents per hour," which would make the section read "not exceeding 75 cents per hour."

Mr. WALSH. I would favor such an amendment. I do not know whether the gentleman from Michigan [Mr. FORDNEY] would be willing to accept that amendment or not.

Mr. TILSON. Will the gentleman from Massachusetts yield?

Mr. WALSH. I yield.

Mr. TILSON. Will not that mean that if 75 cents is placed in the bill as a maximum, 75 cents will be the minimum at all the ports, and we shall have practically fixed the price of 75 cents an hour?

Mr. WALSH. Yes.

Mr. TILSON. Is this the intention of the gentleman or does the gentleman believe that it would be wise to do it?

Mr. WALSH. I believe it is much more preferable for us to fix a standard which shall be uniform in all the ports, rather than to say that at one port a man can get a dollar an hour, because that is the prevailing rate, and at another port they can get only 75 cents, because that is the prevailing rate. But if you do it that way, it means that men at these ports will immediately raise their scale by saying, "Why, they are getting $1.20 at New Orleans, and we must get $1.20 in Boston or in Tampa." These men, while they may not enjoy individual acquaintanceship, have means whereby they make this information available from one port to another.

Mr. FORDNEY. Will the gentleman from Massachusetts yield?

Mr. WALSH. I yield.

Mr. TILSON. I would like to ask the gentleman one more question.

Mr. FORDNEY. Very well.

Mr. TILSON. Will not that mean that at ports where labor is obtainable at 75 cents per hour labor will be obtained for the unlading of the vessel, and in ports where wages are higher than 75 cents it will be entirely impossible to get anybody to unload a vessel?

Mr. WALSH. Oh, no. If wages are at 75 cents an hour in Tampa, and they require a dollar an hour at New Orleans, how long do you think the men at Tampa are going to work for 75 cents an hour when they know that over in New Orleans they are paying them a dollar for the same class of work?

Mr. CARSS. Will the gentleman yield?

Mr. WALSH. I first yield to the chairman, and then I will yield to the gentleman.

Mr. FORDNEY. If that is true, why does not the same condition prevail now? Why is it now that in Tampa the wages are 40 cents an hour and in New Orleans 80 cents? It should apply now as well as later on if we put this language in the bill.

Mr. WALSH. The rate now, both at Tampa and at New Orleans, is higher than the Government can pay, but when the Government places the standard of approval on the higher rate, of course the places where the lower rate prevails are going to come in and demand it.

Mr. FORDNEY. These are the rates prevailing both in Tampa and New Orleans.

Mr. WALSH. You are attempting to fix the standard for the same class of service, no matter where it is done. For the Government they will receive the same rate of pay. We ought not to permit the fluctuation of wages in the different parts of the country to enter into the fixing of the Government wage. If that is so, we might say that certain officials who come from certain sections of the country should get a certain salary because similar work in that section of the country receives that rate of salary, while in another section of the country they should be paid a higher salary because similar work in that section paid a higher rate.

Mr. FORDNEY. If the gentleman will yield, please?

Mr. WALSH. I yield.

Mr. FORDNEY. The work in Tampa, Fla., is identical with the work going on in New Orleans, when the wages in New Orleans are double the wages paid in Tampa, because of the condition of labor. The inability of the Government to find laborers in New Orleans, where wages are from 80 cents to $1.20 an hour, is because of the inability to get men. There are plenty of employees at Tampa, but there is a shortage in New Orleans.

Mr. WALSH. Certainly. But the reason for that is that the Government can not pay those wages now.

Mr. FORDNEY. No. Those are the wages paid by individuals.

Mr. WALSH. Yes; those are the wages paid by individuals, but the Government can not pay them. I submit to the gentleman that by virtue of this legislation we are establishing a very dangerous precedent for work performed by the United States Government in attempting to fix a standard which shall be based upon local demands, and it will result in the local demand rising in accordance with the demands made in the places where the highest rate is paid, and we are thereby going to disrupt the Government service not only in this line but in all other lines of employment if we are going to fix the rates of temporary labor on any such basis as that.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. TREADWAY. Why should not laborers employed by the United States Government receive the prevailing local rate? Is there a good reason why they should not?

Mr. WALSH. Of course there is a good reason. If you follow the recommendations of the classification commission when it shall have reported you will find that you will be asked to pay more for Government work done under Government auspices than you will when it is done under private auspices. This is simply yielding to the demand of a few laborers gathered throughout this country, 176 in number, and it is an attempt to establish a policy that will be sought to be put into force in every class of Government service hereafter. The worth or value of the service performed for the Government can not be any greater in New Orleans and elsewhere than in Providence, even though they do not use the same class of labor.

Mr. CARSS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. CARSS. Does the gentleman object to the Government paying as good wages as private individuals?

Mr. WALSH. Not in most lines. In some I do, because you should take into consideration certain advantages which Government employment gives which private individuals do not enjoy.

Mr. CARSS. I think the language of this bill will cover the situation. I think it is all right.

Mr. WALSH. Now, I would like to ask the distinguished gentleman from Minnesota, who is familiar with matters relating to the employment of labor, if he does not think that if we attempt to fix the rate of wage at New Orleans at $1 an hour, or $1.20, and the prevailing rate now at Galveston is only 85 cents an hour, immediately these men at Galveston, when they hear that the Government is paying a dollar an hour in New Orleans, will demand a dollar an hour at Galveston?

Mr. CARSS. I do not see any reason why they should, because the men in New Orleans are already getting a dollar an hour.

Mr. WALSH. But they are not. The Government is not paying that.

Mr. CARSS. A good many of these men are stevedores and longshoremen and are working for the Government only when they have not anything else to do, and the customs officials find that in order to get the work done they must pay the standard rate of wages.

Mr. WALSH. We will establish a policy whereby we will pay temporary laborers more than we will be paying permanent employees of the Government, some of them who will probably be supervising this very same work, because there is nothing here to stop this demand or keep it within reasonable limits, and if they know that in a certain locality they can receive the prevailing rate of wages there is nothing to prevent this little group of men from making demands for $2 an hour and saying that they will not work for less; and there will be nothing left for the Government to do but to employ them at that rate.

Mr. BEGG. Mr. Chairman, will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. BEGG. If there is no limit put on as to what can be paid per hour, is it not probable, in the light of our past experience, that the Government will become the medium through which they will bid against each other, and the Government will be the highest bidder and pay the maximum price, as it did during the war when the Government went out and bid up wages and increased the price?

Mr. WALSH. That had not occurred to me, but I think that would be so.

Mr. Chairman, I would be willing here and now to fix the highest rate of wage paid in any of these ports, and to say that

the Government can pay that, because that is the standard we are going to pay. But to say they shall pay the prevailing rate—nobody knows what that rate is going to be, and we are offering thereby an inducement to these men to raise the prevailing rate and thus increase their compensation by indirection.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield with pleasure to the distinguished chairman of the Committee on Labor.

Mr. SMITH of Michigan. I would like to inquire, if the wages are fixed in this particular service for the Government, why not fix them in all the different employments that the Government is engaged in?

Mr. WALSH. That is just what I intended to convey in more clumsy language, I will say to the gentleman. If you start with this you might just as well go on all down the line.

Mr. SMITH of Michigan. It would appear that way. I notice another thing about this bill. I do not know but that it is perfectly proper for all the committees of the House to engage in labor legislation, but this is absolutely a labor provision. Still it has never been referred to the Committee on Labor, and it seems to me that a due consideration of the matter might properly have been had by that committee.

Mr. WALSH. It might very well have been.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 17 minutes.

Mr. WALSH. Well, in view of the widespread opposition and the general demand for time to oppose this measure, I just want to take two or three minutes more.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] states that he intends to offer an amendment fixing the rate at not exceeding 75 cents per hour. That would make the rate of pay 5 cents less than they now get at New Orleans, 15 cents more than they get at Galveston, 25 cents more than they get at Norfolk, from 20 to 35 cents more than they get at Tampa, 25 cents more than they get at Providence, R. I., and probably a little less than what they now get at New York, Boston, and Philadelphia. It seems to me that if we fix the maximum, even though it becomes the minimum, it will be a more equitable adjustment of this measure, and I should sincerely trust that the gentleman from Michigan [Mr. FORDNEY] will accept the amendment to fix the rate at 75 cents per hour, because, as I say, there is only one of the ports the gentleman has mentioned in his report on the bill that now pays more than that, and that is only 5 cents more. They get 80 cents at New Orleans.

In the large ports like New York, Philadelphia, and Boston I think they will be able to get labor at that rate. There is no great scarcity. Now, we all know that the shipping operations of the Government were seriously interfered with here awhile ago by a strike, but as I understand it this particular legislation has no bearing upon that controversy, because this is simply for temporary laborers, and I want to repeat again that the result of this bill will be to encourage the demand for a higher rate of wages, more than they are now getting, and to keep increasing the rate and lifting it up and up, and it will permit the department to pay $2 an hour. If this little group of laborers come down some morning and find a ship that has got to get out in a hurry, they will say, "Oh, we will not work on this ship. The prevailing wages for this class of work now have gone up to $1.50 an hour, and the officials in charge will have to pay $1.50 an hour." I submit it is an extremely dangerous precedent and a bad policy for this Government, because there are certain advantages accruing from Government employment that do not accrue in private enterprise.

Mr. CARSS. The gentleman says that under certain circumstances he would be willing to pay these men the prevailing rates. Then he compares them with regularly employed Government employees. Now, gentlemen will understand that these men are itinerant workers. They work a few days at a time. They receive no bonus and no benefits such as are paid to other regularly employed Government servants. They expect to get the prevailing rate when they do work. I can not see any danger in this bill. I believe the Government should pay as great wages as anybody else pays, if not a little better.

Mr. WALSH. Yes; that is fine. Open up the Treasury.

Mr. CARSS. If you fix the rate at 75 cents an hour, if other employees get from 80 cents to $1 an hour, then you will have the same trouble you are having now.

Mr. WALSH. This money comes out of the Public Treasury. It is for only 176 men; but although it is confined to a small class of temporary laborers, you can by establishing this precedent and saying that this will be the policy of the Government set in motion forces that will tend to disrupt the entire Government service of employees, temporary and permanent. If these laborers are entitled to an increase, let us give them an increase. If they have been getting 35 cents an hour, let us say that we are willing to pay 75 cents an hour and that that is the standard, and if they will not take that and will not seek agreeable Government service the Government will get along as best it may. It will get along as it has been getting along during the last several months since they found that they could not pay the higher rates of wages which the comptroller ruled they could not, but which the officials had thought they could.

Now, I should like to propound a question to the distinguished chairman of the Committee on Ways and Means [Mr. FORDNEY] as to his personal views and inclinations toward the amendment submitted by the gentleman from Illinois fixing a maximum, which will probably become the minimum at 75 cents per hour.

Mr. FORDNEY. I would be perfectly willing to accept an amendment of that kind, except for this reason: I believe that if you fix a maximum it will immediately become the minimum, and I believe that if we do not fix a maximum in the bill at some ports around the country laborers can be employed at a rate far below 75 cents an hour. But as an illustration let me say to the gentleman that the men in the Customs Service in the various ports of entry all over the country receive very widely differing compensation for the same service. For instance, in New York, Boston, Philadelphia, and New Orleans the salary of a customs official is more than double the amount paid by the Government for that same class of work in other ports of entry.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. WALSH. I yield to the distinguished gentleman from Virginia.

Mr. MOORE of Virginia. As I understand, there never has been any uniformity in the payment of either laborers or officials at these various customhouses, and what the gentleman from Massachusetts [Mr. WALSH] is proposing now is a reversal of the former policy.

Mr. FORDNEY. Yes.

Mr. MOORE of Virginia. And his idea is to put labor on a uniform basis, and, as the gentleman anticipates, to bring about the payment of a minimum everywhere without any regard to the varying conditions at the numerous customhouses of the country?

Mr. FORDNEY. Yes. I will say to the gentleman that in the various customhouses of the country the salaries paid range from $1,500 to $3,500 a year for men doing exactly the same class of work. If that be true, why should we fix the minimum in all the ports of entry for other classes of labor for the same kind of work?

Mr. WALSH. Oh, well, the gentleman is now mixing up annual salaries with compensation for temporary labor. There is no analogy between the two. Certainly at a port where the collector of customs has three vessels a year he can not expect to get the same salary as the collector at a port where they have 300 vessels a year. That has nothing to do with this problem, but if you are going to fix the wages of temporary laborers according to what is paid in the various localities, why not fix the wages of permanent laborers who are on the pay roll in the same way? That is not done in the various departments. We fix a standard and say they shall receive so much, whether they are in San Francisco or Tampa or New York or on the Great Lakes.

Mr. FORDNEY. Will the gentleman yield?

Mr. WALSH. Yes; gladly.

Mr. FORDNEY. It is perhaps hard for any man to explain just why this condition prevails throughout the country, but for the same class of labor on the Pacific coast to-day the wages are more than double what they are in the South.

Mr. MADDEN. Not the wages paid by the Government.

Mr. FORDNEY. Yes; paid by the Government and by individuals. I know that in the South the wages paid in the lumber woods are from $3 to $5 a day, and wages on the Pacific coast are from $5 to $10 a day for the same class of work. Unskilled laborers in great numbers are receiving from $9 to $10 a day on the Pacific coast, while the same kind of laborers receive less than $5 a day in the South.

Now, why that should exist I am not able to say, except that in different parts of the country different conditions prevail.

Mr. WALSH. Is the gentleman referring to conditions in the lumber industry?

Mr. FORDNEY. Yes; because I am more familiar with that.

Mr. WALSH. I will yield to the gentleman from Illinois [Mr. MADDEN] to ask a question.

Mr. MADDEN. I was going to ask the gentleman from Michigan whether he knows a case in which the Government of the

United States fixes two standards of compensation for men doing like work?

Mr. FORDNEY. Right here in the report it states that labor in New Orleans is 80 cents per hour up to 4 p. m. and $1.20 per hour thereafter, while in Tampa the prevailing rates are 40 cents per hour.

Mr. MADDEN. The gentleman has not answered my question.

Mr. FORDNEY. If that does not answer the gentleman's question, I do not know how to answer it.

Mr. WALSH. I will yield further to the gentleman from Illinois.

Mr. MADDEN. I wish simply to ask the gentleman to maintain his equilibrium long enough to answer me this question: Does he know of any case where the Government of the United States, by any law passed by the Congress of the United States, has fixed varying compensation to be paid to men doing the same class of work?

Mr. TILSON. Will the gentleman from Massachusetts yield to me to answer that question?

Mr. WALSH. I will yield to the gentleman from Michigan to answer it.

Mr. FORDNEY. The only case I can give right here is the reply of the Secretary of the Treasury, where the law fixes the wages at 31½ cents per hour all over the country that the Government will pay for this class of work. They thought they had the power to pay additional wages so long as it was collectible from the owner of the ship as wages for the same class of labor, as the wages varied at each port, from one port to another, 100 per cent or more for the same class of work.

Mr. SMITH of Michigan. Will the gentleman from Massachusetts allow me to answer that question?

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 37 minutes left.

Mr. WALSH. I yield to the gentleman from Connecticut to answer it.

Mr. TILSON. The gentleman from Illinois has asked if there is any place in the Government service where wages are fixed in this way?

Mr. MADDEN. Oh, no; I did not ask that at all.

Mr. TILSON. Then, let the gentleman state his question again.

Mr. MADDEN. I asked the gentleman from Michigan if he could point to any place in the United States where the Government was authorized by law to pay two classes of compensation for one class of work?

Mr. TILSON. Very well, I will answer the gentleman's question. Take the arsenals of the country where there is required a great deal of both skilled labor and unskilled labor. It has been the universal practice under the law that the prevailing rate of wages in the vicinity for work of like character and quality shall govern the rate of wages. This is the rule at all the arsenals. A different wage is therefore paid for the same kind of work in different arsenals in the country. The same rule applies in case of the navy yards, as I am informed.

Mr. MADDEN. That is not fixed by law, but is paid under a lump sum.

Mr. TILSON. It is fixed in accordance with law and has been followed in practice for 50 years at least.

Mr. MADDEN. Will the gentleman from Massachusetts yield to me to ask a further question?

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. MADDEN. I would like to ask the gentleman from Connecticut if the cases to which he refers are not fixed by the wage board and paid out of lump-sum appropriations, where discretionary power is left to the head of the department, and that it is not fixed by law at all?

Mr. TILSON. I can not point the gentleman to the law because, for one reason, of its antiquity, for, as I said, it has been the practice for 50 years. I can not, however, believe that it has been going on for that length of time without there being some law for it. It would not have passed the auditor or controller during all the years if it were not in accordance with the law.

Mr. WALSH. Now, Mr. Chairman, I can not yield to this supplemental discussion any longer, but I want to pay my respects to the distinguished chairman of the Ways and Means Committee, who cites as a parallel case—the lumber industry—in fixing the wages of labor in the Customs Service. Great heavens, if you fix that as a standard, the gentleman from Michigan will be working days, nights, and Sundays in an attempt to provide revenue for the Government to meet its obligations in the matter of pay roll of temporary and permanent laborers. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3315. An act to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 6863) entitled "An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes"; in which the concurrence of the House of Representatives was requested.

COMPENSATION OF LABORERS—CUSTOMS SERVICE.

The committee resumed its session.

Mr. GREEN of Iowa. Mr. Chairman, I will ask the gentleman from Michigan to yield me 10 minutes.

Mr. FORDNEY. I yield the gentleman from Iowa 10 minutes.

Mr. GREEN of Iowa. Mr. Chairman, this bill has raised a great commotion over a very small matter, as I shall undertake to show, in every respect that has been discussed. It affects about 176 laborers; it does not cost the Government a cent, no matter which way we pay it, because the expense is all reimbursable.

Mr. WALSH. Is that the case with Government-owned ships?

Mr. GREEN of Iowa. I do not think these men are used on Government-owned ships, and if they are, it is to so small an extent that that can be disregarded. The amount paid by the Government is insignificant. It is said that in no other case did the Government fix a different rate for labor in different localities. In one sense that is true, but in another it is not. The fact of the matter is, that the Government, with the approval of the law, and in accordance with the law, is, all over the country, paying different prices for exactly the same kind of work, and yet gentlemen stand up here and profess to be greatly alarmed because this bill will have that effect. They are paying different prices in the arsenal at Watervliet than they are at Rock Island. They are paying different prices at one navy yard from what they are at another. They are paying under the Chief of Engineers a different price for common labor in one harbor or river or port from what they are paying for common labor in another. That is going on and has been going on for years—ever since the foundation of the Government, so far as I know. Yet gentlemen express great fear that we are entering upon a dangerous plan, because we have adopted a rule in this bill that will permit that thing to be carried out.

I can not see where the danger is going to result. It has been going on and nobody has ever complained of it before. It is true there has been no express provision of law, and if the gentleman from Illinois [Mr. MADDEN] should ask me where I would find such an express provision for it, I would have to tell him I did not know of any. But it has been done. It has been ratified by various auditors of the Treasury; it has been approved. But as the matter is being done now, with laborers in the Treasury Department, it can not be approved.

Mr. MADDEN. It has been done under lump-sum appropriations.

Mr. GREEN of Iowa. Under lump-sum appropriations as a rule, and under general provisions, and I think in some cases with reference to river and harbor work for maintenance, it has been carried on in that manner.

Mr. MADDEN. But the only objection there is to this, if the gentleman will permit, is to make it a matter of law. It is not a matter of law now, and there is no objection to their doing it if it is not a matter of law. If it is left to the discretion of a department head to use a lump-sum appropriation, then without any special authority of law he has a right to fix the compensation.

Mr. GREEN of Iowa. I think the other situation is the worse of the two. Under a lump-sum appropriation they are permitted to use the money to pay any wage they see fit. They are not limited to the going price, and in some cases I think they do exceed the going price of labor. In this bill we provide they shall not exceed it. How they can get the work done on these ships without paying the going price, I can not imagine. I can see from certain standpoints objections to this, but the gentleman from Illinois [Mr. MADDEN] and some others think we ought to have a fixed maximum price. As soon as you do that it will become the minimum price and be paid everywhere, and you will get the work done where that is high enough to

obtain the labor, and where it is not high enough you will not get the work done any better than you do now. That is the plain situation which will result if you undertake to fix a maximum price.

I will say, while on this little matter, that we spent a great deal of time in the committee, and some of us are not entirely satisfied with the situation that will result. I think myself it would have been better to have had a provision whereby the owners of the vessels, who have got to pay this in the long run, should furnish the laborers, and that the work should be done under the direction of the customs officials. But the Treasury does not want that done, as they think it will not work out well. I can not see the objections to it myself, and I think at the end of the year, maybe, we may be able to persuade them that a different method should be adopted, which I think will be preferable to the plan in this bill. But, at all events, they have not seen fit to accept it at this time.

Mr. HUSTED. Does the gentleman think that the prevailing wages in any particular locality furnishes a very sure guide? Where that phrase is used, could not an administrative official, as a matter of fact, pay any rate of wages necessary to get the work done?

Mr. GREEN of Iowa. I do not think they are likely to do so, although they might as they do under the lump-sum appropriations for these different classes of work. Yet I think there is some force in what the gentleman from New York states, but it was the best thing we seemed to be able to fix up to satisfy the Treasury, and we have made it apply only to the balance of this year. So the gentleman can see it was not entirely satisfactory to the committee. And yet all these other plans were heard and were rejected by the committee for the reasons I have stated.

Mr. SMITH of Michigan. Will the gentleman please yield for a question?

Mr. GREEN of Iowa. I yield.

Mr. SMITH of Michigan. Why was it limited to just this year if we are fixing the wage?

Mr. GREEN of Iowa. For this reason: We thought, in the first place, we might be able to work out a better plan. I think myself it would be much better to have the owners of the vessels, who have got to pay this labor anyway, to furnish the labor and let it be done under the direction of the customs officials. But the Treasury officials do not like that plan. And it was further thought that possibly at the end of this year this might not be necessary. At all events, we did not want to make this a permanent policy of the Government.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GREEN of Iowa. I yield.

Mr. BANKHEAD. I assume, from the letter of the Secretary of the Treasury accompanying the report of the committee, that this work is very necessary to be done in order to protect the interests of the department. Otherwise it would not be requested.

Mr. GREEN of Iowa. Yes; it is very necessary. They have to handle heavy merchandise at times in order to compute the duty.

Mr. BANKHEAD. It seems to me the situation is covered by these two sentences:

> It is absolutely impossible to secure labor at the present time for 31½ cents per hour, especially for short periods of time.

And the further statement:

> Unless relief is obtained through legislation it will be impossible to carry on the customs business at many of the ports.

Mr. GREEN of Iowa. I think that is correct. It is unquestionable if this work has got to be done you have got to pay enough so that the laborers will accept the wage.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I will ask for one more minute.

Mr. FORDNEY. I yield one more minute to the gentleman.

Mr. HERSEY. I want to ask the gentleman if this class of work, of unloading vessels, does not require experience and skill, and most strenuous labor on the part of the employees?

Mr. GREEN of Iowa. I think the gentleman himself is better informed on that than I am, and I would like him in my time to state his judgment briefly in reference to that.

Mr. HERSEY. It is my understanding that you can not pick a man from the street anywhere that can do that work and do it satisfactorily.

Mr. GREEN of Iowa. I think that is the case. I think they must be men of experience.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CLEARY].

Mr. CLEARY. Mr. Chairman and gentlemen, I am quite familiar with the whole subject, but I will not go into details, because they have all been gone over and it is unnecessary to waste the time.

I wish to say that in the port of New York I have seen much of this condition, of great cargoes of material that were to be shipped to Canada or shipped up into eastern Pennsylvania, and so on, consisting of ore and various items, and a lot of laborers were necessary in order to load it. Alongside of the vessel, we will say, there are three scows, worth $15 to $20 a day, which were employed by the company to take away this stuff, and the ship's time was worth, perhaps, from $100 to $200 or $300 a day, and the whole business was tied up because you could not get labor. And the reason they could not get labor was because the laborers could get more by working for some stevedore on the next dock. So it was a ridiculous proposition.

Gentlemen talk about laborers going down to the docks. A gang of them will go down there every morning. Their labor is for sale, the same as any other product is for sale, and they sell it to the highest bidder, and if the Government does not pay what they want for it their ships can lay there and lose all this money. The time of the ships is lost and the time of the labor is lost, because the Government is not permitted to meet the competition.

Mr. WALSH. Will the gentleman yield?

Mr. CLEARY. Yes.

Mr. WALSH. What is the prevailing rate for labor of this kind in New York?

Mr. CLEARY. Well, I am not in the business now. Since coming to Congress I have dropped it, and therefore I am not familiar with it. But I do know this, that you have to pay the same that everybody else pays. We have barges. We used to get labor to work in repairing those barges at $3 a day. To-day we pay $9 a day. Why, if we did not pay it we could send the boats over to the dock and let them lie there and lose $20 a day by it because we did not pay $9 a day for labor.

It is foolish. You have got to do what the bill provides. You have got to meet the prevailing rate of wages, just as you have got to meet it in anything else if you want the work done. This labor has to be done in connection with appraisers' stores on public docks, with ships coming in loaded with stuff going to Canada and all over the country, and you can not handle it, because you are not allowed to pay the prevailing rate of wages. What a ridiculous position it is to put the Government and the people in and the business in.

The wisdom of the bill, too, is shown in the caution displayed in the provision making it expire on the 31st of December. That shows that the framers of this bill did not want to go into this any longer than was necessary, but they had to meet the present situation. Every sensible man knows that. You do not need to talk a lot of philosophy as to what should be done here and there. Here is a simple matter. You must not tie up your ships, you must not tie up your commerce and create demurrage on cars and ships and boats because the man in charge has not the power to pay the rate of wages necessary to get the men. You, on the other side of the dock, are working your ship, because you are paying the prevailing rate of wages. There is no demurrage there, because you are able to do it in a business way. But the poor Government is tied up because it can not meet the requirements. That is the situation.

Mr. Chairman, I yield back the remainder of my time.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I simply desire to call the attention of the committee to this state of facts. To-day in the navy yards, about which so much has been said, and in many other Government activities—in the Postal Service, for example—certain lump-sum appropriations are set apart, out of which certain mechanics and laborers of certain classes are paid, and under these appropriations it is within the power of the head of the department to fix the hourly compensation for the men. It may be one rate of compensation to-day and quite another rate of compensation to-morrow. But I undertake to say that whatever the compensation is it is uniform for the same class of work.

Now, it may be higher than what is proposed in the amendment that I intend to offer or it may be lower. Take it in the case of the substitute letter carriers and clerks. Every one of them is required to pass a civil-service examination before he can enter, and is required to have an education before he can pass. Their compensation is now fixed by the hour under the law at 60 cents an hour. Nobody will undertake to deny that they are not as well qualified to earn 75 cents an hour, or a dollar an hour, as the men who are being legislated for in this bill. Nobody would undertake to say that the law should provide that the man in New York working as a substitute should

get 80 cents an hour, while the man in Chicago working at the same class of employment should be paid 60 cents an hour.

That is what this bill does. While we may be able to do it, and while it might be very proper that we should differentiate where the discretion is left to the head of the department out of lump-sum appropriations, there can be no justification whatever for providing by law that we shall fix one rate of compensation here and another rate of compensation there for the same class of work. It has never been done. It ought not to be done. If you embark upon that policy, then you will have broken down the uniformity that has always prevailed in connection with Government employment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. SMITH of Michigan. The gentleman said that we are fixing rates of wages by this bill. I would like to know if the bill fixes any particular price at any place?

Mr. MADDEN. No. This bill by its terms leaves the field wide open. My contention is that that is unwise. When we pass a law it ought to be specific and uniform and not wide open, without any knowledge on the part of any man living as to what the compensation is going to be for that work. I maintain that the gentleman from Michigan, with all his wisdom as chairman of the Committee on Labor, would not dare to report a bill like this with the hope of getting it passed.

Mr. SMITH of Michigan. Maybe that is the reason why it was not referred to the Committee on Labor.

Mr. MADDEN. Now, I maintain further that if we embark upon the policy provided in this bill we shall have broken down every vestige of policy heretofore existing in relation to uniform compensation for similar work.

I propose to offer an amendment making the maximum pay 80 cents an hour for these men in every port of the United States; not in one port, not in another, but in all ports; and I will undertake to say that the Government of the United States will be able to employ all the men it needs at that rate. These men are laborers. Six dollars and forty cents a day for an eight-hour day for a common laborer nobody can deny is fairly good compensation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FORDNEY. Mr. Chairman, how much time have I?

The CHAIRMAN. Twenty-six minutes.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. ANDREWS of Nebraska. Mr. Chairman, the number of persons to be affected by the terms of this bill has been indicated at 176.

Mr. MADDEN. That has nothing to do with the case. It is the merits that count.

Mr. ANDREWS of Nebraska. Some have suggested 160. Whether the number be greater or less is perhaps not so material as the conditions under which the payments are made.

What portion of this money will be paid out of the National Treasury? It is perhaps difficult to determine to-day with the degree of accuracy which normal conditions would readily suggest. For a long period of time prior to the war not more than 20 per cent of the amount involved in these payments would go out of the National Treasury. The remainder would be paid by the owners of the vessels as a reimbursable proposition.

Of course, under the practice and the law you would turn to the accounts and find that the entire amount was paid out of the Treasury, but the owners of the vessels would reimburse the total amount of the payment at a particular port for a particular service, and that money would be covered into the National Treasury, so that the net amount actually paid by the Government would be very small. It has been suggested that in most instances it would be unimportant.

But let it stand at 20 per cent as an estimate. With 176 persons to be paid out of this total fund, and perhaps not more than 20 to 25 per cent of that amount to go out of the National Treasury, you can readily see that no large amount of money is involved.

More than that, I am inclined to the opinion that you will pay out more from the actual revenues of the Treasury with a maximum of 75 cents per hour than you will under the operation of the wording of the bill as it stands. So, upon that basis, I would figure to pay the smaller amount, and for the period indicated, December 31, 1920, as the limit beyond which this provision can not go. Then we may be able to understand the normal conditions more clearly and find out just exactly what provision can be wisely and safely made as a permanent policy.

But, mark you, gentlemen, the Treasury Department insists upon the control of these men, because it believes that they should be selected by the Secretary of the Treasury through his subordinates. And why? If the owner of the vessel should make the selections, it would be a much easier matter for him to slip a number of men into the service who could cleverly practice fraud upon the customs. For that reason the department holds to the practice of making its own selections and paying the men. If the owner of the vessel employs the men, what right has the Treasury Department to pay anything out of the National Treasury? Why not let him pay the men outright and have no accounting beyond that point?

The gentleman from Illinois [Mr. MADDEN] a few moments ago emphasized quite strongly the idea of uniformity in the salaries for like service. I can turn to the records of the department for a period of five years preceding 1903 and show that many officials at customs ports that did practically nothing received salaries larger than those received by customs officials at ports which were collecting $50,000 to $500,000 of revenue a year. For that 5-year period there were more than 30 ports in the United States that were collecting less money than it cost to run them by from $40,000 to $50,000 a year. That is an illustration. I will not enlarge upon it. I simply emphasize again the fact that the department should select the men and hold them as Government employees for the temporary period during which they serve.

I believe that we will pay out less money up to the 31st of next December under the terms of the bill than we would under the amendment proposed. Therefore I stand for the bill.

Mr. FORDNEY. I yield five minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman, I have listened to all the speeches that have been made upon this bill, and I have wondered if some of the gentlemen who have spoken have ever been around the port districts of the large cities and have seen the laborers as they congregate at the docks. I represent, in part, the city of Boston, and in my district are the large docks that do business around the port of Boston, so that I know the labor situation pretty well.

It is all very well to stand here and say that these men are getting $6 and $8 a day. That is not so. Their earnings are regulated entirely by the amount of work that comes into the port, and some weeks they do not make many dollars. The greatest injury that has befallen the Government in its management of the vessels which it is operating has been the inability to compete with the private shipowners in the employment of men. It is impossible to get men to work for the Government for 35, 40, or 50 cents an hour when on the other side of the ship men are getting $1 or $1.50 an hour. They will tell you that the men stand around the docks, and that we are establishing a precedent that is going to be bad if we give this raise of pay. My contention is that you are obliged to meet conditions where they prevail. It is impossible to get men under such conditions, and unless we meet prevailing conditions we are putting the Government under a severe handicap. I believe that the Government should lead in the matter of wages. My observation of conditions is that if the Government is going to have workmen in this employment it should pay what is considered fair compensation by meeting the prevailing wage.

Mr. HUSTED. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. HUSTED. This is emergency legislation, as I understand it?

Mr. TAGUE. Yes.

Mr. HUSTED. And I think we all concede that the work has got to be done. Now, in these unsettled times, what assurance is there that 75 cents an hour would secure men to do this work at any particular port in the United States?

Mr. TAGUE. There is no assurance, and it can not be done. You can not get men to work for 75 cents an hour and be satisfied with their employment when on the other side of the ship men are getting $1 or $1.50 an hour.

Mr. MADDEN. I deny that that condition exists.

Mr. GREEN of Iowa. From the gentleman's knowledge of the situation in his own port, would it insure the work being done?

Mr. TAGUE. That is the trouble now. The ships of the Government are neglected and the private ships are being loaded and unloaded, and the delay of Government ships results in great loss not only on account of the delay of the freight but on account of the demurrage which must be paid by ships as they lie in port. The gentleman from Illinois [Mr. MADDEN] says that the wages in the Post Office Department are regulated by law, and that is true. As one illustration of that standardization of wages I want to bring to the minds of Members the

speech of the gentleman from Texas [Mr. PARRISH], who told us that it was impossible to get men in Texas to handle the mails because the prevailing rate of wages is so far in excess of that paid by the Government. The same condition prevails in the city of Akron, Ohio, where it has been found to be impossible to get men to handle mails, and the Post Office Department have been sending all over the country asking men to come to Akron and handle the mails at 40 or 60 cents an hour, and unable to get men to do the work. These are the conditions that we are facing, and are the conditions that we must meet, no matter what criticism may come. How are we going to establish any precedent that is going to injure the Government in any way, shape, or manner by doing what is absolutely necessary to do in order to get the business of the Government done? I trust this bill will pass.

Mr. FORDNEY. Mr. Chairman and gentlemen, I would be perfectly willing to accept the limitation suggested by the gentleman from Massachusetts [Mr. WALSH], but I believe it would be bad law. I believe it would fix the minimum immediately for the Government to pay. Men engage in employment at such wages as they are satisfied with and willing to take, and if this Government can employ men in Tampa, Fla., at 40 or 50 cents an hour and can not employ men in New Orleans for less than 80 cents an hour, the Government ought to be permitted to pay such wages as are going in the port where they employ that labor. I believe if you fix the wages at 75 cents an hour as a maximum for the Government to pay, then you will embarrass both the Government and the private owner in the ports where they have been employing labor for less than 75 cents an hour.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. BLAND of Missouri. Is it not a fact also that in different ports different wages are paid?

Mr. FORDNEY. Yes.

Mr. BLAND of Missouri. And that you can secure this labor at a lower figure at one port than you may possibly be compelled to pay at another port?

Mr. FORDNEY. That is my argument exactly.

Mr. BLAND of Missouri. If the amendment proposed by the gentleman from Massachusetts should pass, you would be compelled to pay the maximum at all the ports?

Mr. FORDNEY. Yes. The remarks of the gentleman from Massachusetts [Mr. WALSH] might be misconstrued, and I may have misunderstood him when he asked me if the wages I spoke of now paid in the South and on the Pacific coast were in the lumber industry. The remark may have indicated that the lumber business is an insignificant and unimportant industry. Let me say to the gentleman that there are employed in the sawmills of the United States to-day 800,000 men, and more than 800,000 men are employed in the lumber camps getting out logs for those sawmills. These people support a population of 8,000,000 people. Eight per cent of our population is no insignificant portion of the laborers in this country who are employed, and whose wives and children depend upon them for their bread and butter.

Wages do vary all over the land, not only in the lumber industry, but in every other industry located in various parts of the country. In the South, generally, the wages are lower than are paid for the same class of work on the Pacific coast and the Northwestern States.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SMITH of Michigan. Something was said about temporary employees. Can the gentleman state how many people are engaged in unloading these vessels?

Mr. FORDNEY. Yes; the Secretary of the Treasury says on an average about 176 all over the country employed by the Government. This law will affect 176 men.

Mr. SMITH of Michigan. Are they engaged in work all the time?

Mr. FORDNEY. No; they are only engaged such portions of the time as the Government needs them to unload ships.

Mr. SMITH of Michigan. What does the Government have on those ships?

Mr. FORDNEY. Every conceivable kind of a product in the world, but that which comes largely from the South is sugar from Cuba and southern markets. We have a merchant marine to-day carrying goods from every port in the world except in the Orient—every port on the Atlantic and South America.

Mr. SMITH of Michigan. One hundred and seventy-six men could not unload $2,000,000 worth of merchandise.

Mr. FORDNEY. An average of 176 men per day will unload a great deal of freight, let me say to the gentleman.

Mr. SMITH of Michigan. A short time ago I noticed in the press that there was a cargo of sugar in New Orleans that could not be unloaded and had to be taken to Galveston.

Mr. FORDNEY. Yes; because they could not find laborers at 31¼ cents an hour.

Mr. SMITH of Michigan. They would not pay the going wages?

Mr. FORDNEY. No; they could not; and they had to transfer her to another port in order to find labor to unload her. Now, gentlemen, I do not wish to discuss this matter any further, and I do not think it is necessary.

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. WALSH. Mr. Chairman, I have listened to what the gentleman from Michigan stated with reference to the proposed amendment by the gentleman from Illinois. I understand his objection to it is that it would fix not only a maximum but it would fix a minimum. The bill as it is drawn fixes a minimum but does not fix any maximum. If it is $1 an hour now at Tampa, Fla., next week it may be $1.50 an hour, because it is $1.50 an hour at New Orleans. There is no maximum to it, no limit to which these men may go in their demands.

My colleague from Massachusetts, the gentleman from the hub of the universe, states that on the docks in Boston the laborers congregate and wait for employment. This is an emergency measure and there is no collective service or regulation involved, and men do not have to work if they do not want to. My opposition to it is that it established a precedent for these multiple standards for Government employment. I have expressed my opposition to it in as many ways as I am capable of in my limited control of the English language, and I think perhaps I had better yield and permit the reading of the bill.

Mr. FORDNEY. I want to yield three minutes to the gentleman from Arkansas.

Mr. WALSH. Then, Mr. Chairman, I reserve the balance of my time.

Mr. FORDNEY. I yield three minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I did not intend to say anything at this time, and would not except for the fact that the gentleman from Michigan some time ago asked unanimous consent to consider the bill, and I objected to it as it was then framed. The amendment that the gentleman from Michigan has proposed making it temporary I think meets the situation as far as we can. I was impressed with the idea at that time that we should fix a maximum, but I think any man ought to be frank when he finds himself in error, and I think on reflection that I am in error. I think if we fix a maximum it would become a minimum at every port, and I think it would be a matter of economy to take the language we have in the bill and permit the payment of the prevailing price and let the collector do the best he can to see that the Government does not have to pay an unreasonable wage. It is a business proposition and we have to meet it, and it looks like the gentleman from Michigan has framed an amendment and safeguarded the Treasury as best he can and at the same time do justice.

Mr. WALSH. Will the gentleman yield?

Mr. WINGO. I will.

Mr. WALSH. Does the gentleman believe that it is safeguarding the Treasury of the United States when you are encouraging men to raise the standard of wages, and where a man may be getting $1 now to encourage him to demand $2 tomorrow?

Mr. WINGO. No; and if I had time I would discuss that question, which is different from the one that I was discussing. We have got to meet the situation that exists. The situation is this, that with the present authorized rate he can not get any labor at all. You have got to have them, and the practical way to do it is to say to the administrative officer, "Go out and pay what you find necessary," because if we fix a maximum it will immediately become a minimum. That is what I am afraid of. I share the fears of the gentleman from Massachusetts, and I felt that way the other day, but on reflection I think it is the best way to meet a bad situation that has to be met.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I would not ask for this time if it were not that the gentlemen seem to have some extra time at their disposal. I already have expressed my opinion of the bill, and it is well known from what I have said that I am in favor of it as the gentleman from Michigan [Mr. FORDNEY] has presented it to the House from the Committee on Ways and Means. I support it because I think in private busi-

ness a person who is engaged in unloading vessels all over the United States would not want a fixed or upset price that he should pay in every port in the United States. That would not be a business proposition. If he employed men in the different ports he would have to pay the scale of wages paid in each particular port or he would not get the men.

In the moment or two remaining I wish to congratulate the Committee on Ways and Means upon bringing in a bill that is purely and absolutely an unalloyed labor measure. I may expect some time when a bill is filed for consideration of the duty on some article that is bothering and perplexing the Ways and Means Committee that it will be referred to the great Committee on Labor in the House, and in that way reciprocate this favor which the Committee on Ways and Means has done for them.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes. But my time is very limited and please make it brief.

Mr. GARD. What sort of alloy did the gentleman say was contained in this bill?

Mr. SMITH of Michigan. That is a proposition a little hard to analyze at this time. I was just considering a jurisdictional question. Down before the Labor Committee there are three bills now for old-age pensions, and when they get through with the intricate analysis of these bills, and they are found to be a proper subject of jurisdiction of the Ways and Means Committee, we might transfer some of these pension bills to that great committee, which seems to have so much time for business properly relating to other committees.

The CHAIRMAN. The time of the gentleman from Michigan has expired. [Applause.]

Mr. FORDNEY. Mr. Chairman, I want to say that this bill received the unanimous report of the committee, both Democratic and Republican. I want to trust the Democrats once in a while, and this is one thing that I want to trust them in. They need the employment now to load and unload the food supplies coming to and going from this country. They say that they can not get laborers unless we give them this authority. I want to give it to them. I want to trust them, and I believe we can trust them once in a while. There is no politics in this measure. I yield five minutes now to the gentleman from California [Mr. HERSMAN].

Mr. HERSMAN. Mr. Chairman, it has been the practice of the department to fix the compensation of labor which is employed for short periods of time at such rates per hour as was found to be prevailing in the different ports. That has been the custom heretofore. However, under a decision of the comptroller of November 19, 1919, and one of December 2, 1919, it was ruled that such practice is contrary to the law which limits the pay of customs laborers. It has been the practice in the past to liberally construe this statute and the Government has been able to secure laborers only by so doing. To fix a maximum rate would be unwise. If it was too high, it would be unwise, and if it was too low, it would be equally unjust. The only fair way to do it is to pay the rate that prevails under the conditions where labor is secured. Everyone who is familiar with the labor market knows that the prices vary in every port in the United States and every city in the United States. Everyone employing labor, every contractor, knows that they have to pay different rates for labor in different cities and in different ports. If the Government is the employer of labor, then it must pay the local rates wherever it may find itself in need of labor. If we were to fix the rate at $6 a day to-day as being fair, do we know that that would be fair to-morrow, with the uncertain conditions that exist in the United States? It may not be at all fair or just to-morrow; it might be entirely too high or it might be so low that the labor could not be secured. If $6 a day were fixed and were too high to-morrow, what would be the result? Everyone would want to be employed by the Federal Government, and a political situation would soon develop where the Congressman, for instance, might be asked to use his influence to see that the fortunate employee be secure as to his position. If it were too small, it would be unjust to ask labor to work for the Government for less than the going local rates, and in addition the Federal Government would be handicapped in not being able to secure good and efficient workmen. The only way we can do is to pay the prevailing rate. If the Government is in the market for labor, it must do this. We would think very little of a contractor's ability who would say, "I am going to pay the same rate to all my laborers wherever I may secure a contract in any part of the United States during this year." In order to secure the desired number of men to work for him he finds himself in the position where he is forced to pay the rate that prevails in the particular locality where his contract work is located, and so it has been and will continue to be the experience of our Government.

I think this bill reported out by the committee is the only way in which we can meet this situation.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to fix the compensation of laborers in the Customs Service as he may think advisable, at a rate not exceeding the local rates prevailing in the various ports and districts for the same classes of labor.

Mr. FORDNEY. Mr. Chairman, I move that in line 4, after the word "of," the word "temporary" be inserted.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FORDNEY: Page 1, line 4, after the word "of," insert the word "temporary."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment, at the end of the word "labor," line 7, on page 1, to add a proviso.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 1, line 7, after the word "labor," insert: "*Provided*, That it shall not exceed in any event 80 cents per hour."

Mr. FORDNEY. Mr. Chairman, in order to make this unanimous, we will accept that amendment.

Mr. GREEN of Iowa. I do not know whether we want to do that or not.

Mr. CARSS. You have provided in any case that it shall not exceed 80 cents an hour. In case men work overtime, no provision is made.

Mr. MADDEN. We can not provide for overtime in this bill.

Mr. CARSS. They have to work overtime, and if you do not provide for it, you should provide for it. But you limit the men to 80 cents an hour. I oppose the amendment on that ground.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GREEN of Iowa and Mr. CARSS demanded a division.

The committee divided; and there were—ayes 33, noes 28.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That this act shall expire December 31, 1920.

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby suspended while this act remains in force.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House as amended, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Mr. CARSS. Mr. Chairman, I move to return to the section that has just been amended—section 1.

Mr. WALSH. It is too late.

The CHAIRMAN. Objection has been heard. The Chair thinks it is too late, anyway, to submit the request. The question is on the motion of the gentleman from Michigan that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11309) to authorize the Secretary of the Treasury to fix compensation of certain laborers in the Customs Service, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on either of the amendments? If not, the Chair will put them en grosse.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LADING OR UNLADING OF VESSELS AT NIGHT.

Mr. TREADWAY. Mr. Speaker, by direction of the Committee on Ways and Means I call up the bill S. 3418.

The SPEAKER. The gentleman from Massachusetts, by direction of the Committee on Ways and Means, calls up a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911.

The SPEAKER. Under the rule, as this is on the Union Calendar, the House will resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Ohio [Mr. FESS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3418, with Mr. FESS in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911.

Mr. TREADWAY. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection. [After a pause.] The Chair hears none.

The gentleman from Massachusetts [Mr. TREADWAY] is recognized for one hour.

Mr. TREADWAY. Mr. Chairman, the bill before the committee, S. 3418, has to do with the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes. It is an amendment of the original act of February 13, 1911. There has been ever since that act went into effect and I think previously to that for the inspectors of customs at customhouses and inspectors of vessels, who have to do with the unlading, a uniform day of 10 hours. This, as you know, is two hours longer than the accepted working day at the present time, and there can be no good reason why the same length of day's work should not be accorded to the men having to do with the customs work as in any other line of governmental employment. Therefore this amendment will reduce the hours of labor from 10 to 8. It also puts into effect as law the method of payment for overtime, rather than having that payment for overtime regulated by customs regulations. It establishes as law, in other words, the system for payment for overtime. It also permits all men who are ordered to report for lading or unlading of vessels to be paid, when ordered to report, for overtime. It seems that through a regulation of the customs department if these inspectors have been ordered to appear for work and for any reason a vessel was not there for them to go to work on they did not receive pay for that time. That seems entirely unfair. It is not the fault of the inspectors that the vessels are not there. It is not a fault of theirs that they are not working rather than waiting to work. Therefore there is this further provision whereby payment will be made to the men if ordered to report for overtime work.

The bill does one other thing. It seems there has been a distinction between payment to men who were employed in unlading cargoes on vessels and those unlading or examining baggage of passengers. There can be no good excuse for that condition other than the fact that no provision of law covered the point, and through a Treasury decision at some time these men who are liable for overtime work in unlading vessels consisting of passengers' baggage and examination of that baggage receive no pay for that work, whereas their colleagues in the same line of work happening to be employed on the freight of the same boat would be paid. I might add that phrases appear in the bill showing that this payment is made by the steamship company reimbursing the Government for the amount paid. The pay of these inspectors has been very low. The rates of pay are $4, $5, and $6 per day for a 10-hour day. I think the members of the committee will agree with me that while we retain that same rate of pay we ought to be willing to pay these men for overtime on a basis of an 8-hour day rather than on the basis of a 10-hour day.

Mr. BEE. Will the gentleman yield for a question?

Mr. TREADWAY. Certainly.

Mr. BEE. I agree with the gentleman's viewpoint, but I wanted to ask for information as to why the necessity of having these men work overtime? Is there not enough work to justify the employment of other men?

Mr. TREADWAY. If a vessel arrives in port at sunset, naturally the people on board do not want to remain there overnight if they can avoid it.

Mr. BEE. I understand.

Mr. TREADWAY. Then, again, if it is a matter of unloading freight, very frequently it is of a perishable character, as the gentleman from Texas well knows, and therefore it is important that the men should proceed to unload as rapidly as possible.

Mr. BEE. I wanted to ask if there was enough of this to justify the employment of additional men, instead of the employment of these men overtime?

Mr. TREADWAY. I should judge that there are ample men for the service, for if additional men were employed there would be the rush hours just the same. If two boats, for instance, are being unloaded at one of our minor ports at the same time, it can be seen that the need for overtime work will be just as likely to occur as though there were additional men for a few particular hours; so that it is better not to raise the number of employees, but pay a living wage to the men who for many years have given faithful service in this line of work.

Mr. BEE. Under existing law, they are not permitted to work over eight hours, as I understand it. That is, an eight-hour day is fixed?

Mr. TREADWAY. No, sir. That is what we are endeavoring to change in this act. The present law provides for a 10-hour day, and here we fix it at 8 hours, with a provision for overtime beyond that.

Mr. BEE. So as to conform to the standard fixed elsewhere in the country?

Mr. TREADWAY. Yes. There is no reason why men in the Customs Service should not be as much entitled to an eight-hour day as those in any other line of governmental employment.

Now, this bill, Mr. Chairman, has the support of the Treasury Department, as evidenced by their approval of this draft and some previous drafts, which were really more beneficial to the men than the bill now before us. This is practically the bill as it passed the Senate.

The committee desires to offer one amendment. On line 9, page 2, we have inserted the word "major." In other words, as the bill reads, the overtime might be paid if a man only reported for a very few minutes at a time, whereas if the word "major" were inserted, it would then be necessary, on the basis of two hours' overtime, for the man to be employed at least one hour. I shall take the liberty of changing the phraseology of that amendment in a very slight degree, meaning just the same as the word "major." From the information I gather there is likelihood that the word "major" would cause confusion and require no payment until the men had actually worked two hours, so that instead of the word "major," it is suggested that after the words "fraction thereof" there should be inserted the words "at least one hour," which is practically the same.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. HUSTED. I understood that the customs inspectors were very much underpaid.

Mr. TREADWAY. I think there is no question about that.

Mr. HUSTED. I would like to ask the gentleman if he thinks there would be sufficient overtime work to give these men adequate compensation under the provision for overtime in this bill?

Mr. TREADWAY. I will state to the gentleman that the department, as I am informed, is taking up the rescheduling of all customs employees, and pending that official report to the Secretary of the Treasury, or whoever may be making the investigation, this method is agreeable both to the department and to the men; and I might add, there is sure to be much more overtime on the basis of 8 hours than if the men were working 10 hours.

Mr. HUSTED. There is, then, a reasonable prospect that by some future legislation the compensation of these men will be increased?

Mr. TREADWAY. We are informed by the Chief of the Customs Division that the entire schedule for the payment of the customs employees is under consideration for revision.

Mr. HUSTED. With a view to increasing it?

Mr. TREADWAY. With a view to increasing it.

There has been submitted to a Member of the other branch, who was particularly interested in this bill, an opinion from the collector of the port of New York, where of course the larger number of these men are employed. I wish to read, Mr. Chairman, just a short extract from that letter. I read:

On behalf of the underpaid customs employees of this port I want to express grateful appreciation of your successful efforts in putting through the Senate Senate bill 3418, which provides, among other things, for compensation for the customs inspectors employed on baggage duty for their services at night and on holidays. This will place them on an equal footing with inspectors who are employed on cargo and who now receive from the steamship companies compensation for night work.

Then the collector goes on to say that fundamentally he does not believe in the Government being reimbursed for Government work by steamship companies, but that has not directly to do with this case. He says further:

I am sure if you knew as definitely as I know the distressing conditions among the Government's employees in this port, you would realize more fully perhaps why we are grateful to you for this effort in our behalf. When you realize that with the exception of a bonus of $240 per annum to all Federal employees receiving up to and including $2,500, these men are getting practically the same scale of wages given them a quarter of a century ago, you will understand, I am sure, why I have profound admiration for their patience and their patriotism in sticking to their jobs.

As a matter of fact, we are rapidly losing our most efficient men. Resignations are coming to me daily, and the force is now materially reduced beyond where it was prior to the war. The merchants' association and other civic organizations in New York have interested themselves in the situation, and will soon make an appeal to Congress to take some steps in the direction of safeguarding the interests of importers and exporters in this port by way of strengthening the customs machinery here.

At all angles our Federal employees see a most prodigal display of unprecedented wealth. Meanwhile they are harassed with the consciousness that in many instances at home their children are suffering for the want of proper food and clothing. They know that ours is the richest Government in the history of the world, and they are wondering why they, the servants of this most wealthy Government, must go on in poverty.

The letter is signed by Byron R. Newton, collector. I think that is very strong evidence in behalf of the legislation called for by this bill from a man of experience in the very line of coming in contact with these men who are working for a very meager stipend, needing to be men of good appearance, gentlemen in their conduct toward the passengers with whom they come in contact, and recognizing that the service must become impaired unless a means can be found, as is furnished by this bill, to increase the pay of the men.

Mr. BENSON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BENSON. I wanted to ask a question about this amendment that the gentleman proposes to offer. Would not the effect of that amendment which the gentleman proposes be that the men would have to work nearly nine hours a day?

Mr. TREADWAY. It would.

Mr. BENSON. Well, in view of the tremendous cost of unloading a boat and the relative small cost of carrying a few extra men on half pay, would it not be better to leave it as the Senate fixed it in the first place?

Mr. TREADWAY. No; I do not think so. There has always been some discrepancy in that question of how the overtime is to be paid. I understand the department does not now pay the man who stays one minute overtime. He must stay at least 31 minutes overtime. Therefore, if you are putting this matter of pay into law rather than into a Treasury regulation, it seems to our committee that unless you specify a certain definite length of time; if a man stayed one minute overtime, he would be entitled to half a day's pay. That is considered unfair by the steamship companies whom we must in a sense stand next to in getting up the form of regulation under which their boats should be handled at ports. But I might say again, as I did in answer to the gentleman from Texas, that the phrase, changed as I submitted it rather than in the committee print, will be entirely acceptable to the men, so that we are legislating for them, and if the legislation is acceptable to them I think it is proper that the phraseology should remain.

I yield 15 minutes to my colleague from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN (Mr. BURROUGHS). The gentleman from Massachusetts asks unanimous consent to proceed out of order. Is there objection?

Mr. GARD. Reserving the right to object, is this the matter the gentleman spoke of this morning?

Mr. DALLINGER. Yes.

Mr. GARD. There seemed to be some desire that the gentleman from New York [Mr. GRIFFIN] should be present.

Mr. DALLINGER. I will say that the Speaker felt that it would be better to get my time on one of these bills instead of asking unanimous consent that perhaps might not be granted.

Mr. GARD. Does not the gentleman think it would be much better to have the gentleman from New York [Mr. GRIFFIN] here if he intends to make a reply to him?

Mr. DALLINGER. This is a reply to Mr. GRIFFIN. He has already had his say.

Mr. GARD. Mr. GRIFFIN's remarks were inserted in the RECORD without being spoken on the floor?

Mr. DALLINGER. Yes; and there was no chance to answer them at the time.

Mr. GARD. I do not want to object to the gentleman proceeding, but I really think Mr. GRIFFIN should be here.

Mr. TREADWAY. I will suggest to the gentleman from Ohio that I would be glad to yield to some other gentleman while Mr. GRIFFIN is being notified that my colleague is about to speak. Will that be agreeable to the gentleman?

Mr. GARD. Yes.

Mr. TREADWAY. If that is agreeable, I will withdraw the time allotted to my colleague [Mr. DALLINGER] temporarily and yield five minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, I intend to offer the following amendment, and I might as well discuss it now. I will ask the Clerk to read the amendment.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: Page 3, line 10, strike out the quotation marks, insert a colon and the following:

"*Provided further*, That in those ports where customary working hours are other than those hereinabove mentioned the collector of customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed."

Mr. DUPRÉ. Mr. Chairman, as those who have caught the purport of the amendment will discover, no hostility to the bill is intended by it. On the contrary, I am heartily in favor of the measure, both in its fixing an eight-hour day and in its overtime provisions. The amendment is offered simply to meet the situation that exists in my home city of New Orleans and possibly in other ports of the country. The bill as drawn provides for overtime pay between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian, proceeding on the theory that working hours begin in all ports at 8 o'clock in the morning and end at 5, with an hour for lunch. It happens that in the city of New Orleans conditions are different, as was set forth in a telegram received by me from the agent of the New Orleans Steamship Association, which will explain exactly what the situation is there. I will ask the Clerk to read the telegram.

The CHAIRMAN. Without objection, the Clerk will read the telegram in the time of the gentleman.

The Clerk read as follows:

NEW ORLEANS, LA., *January 27, 1920.*

Hon. H. GARLAND DUPRÉ,
House of Representatives, Washington, D. C.:

We understand that Senate bill 3418 passed the Senate December 16, has been reported favorably, and this bill fixes rate of overtime compensation and hours in reference to customhouse officers and employees, etc. The regular day hours of longshoremen at New Orleans are from 7 in the morning to 4 in the afternoon, with meal hour from 12 to 1, while bill in question provides hours of customs employees from 8 in the morning to 5 in the afternoon, so that there will result much confusion and unnecessary expense. Therefore the New Orleans Steamship Association request that you will use your influence toward having inserted in this bill a clause providing that in those ports or in those industries where the customary hours are from 7 in the morning to 4 in the afternoon authority be vested in the collector of customs to regulate the hours of customs employees to agree with prevailing customary hours in those ports or industries. We would appreciate your giving this matter your earnest attention.

S. T. DEMILT.

Mr. DUPRÉ. In accordance with that request and in accordance with the condition that exists in New Orleans, I have offered the amendment, which is entirely permissive. It leaves with the collector of customs the authority to regulate the hours of customs employees so as to agree with the prevailing working hours in those ports; but I have safeguarded the eight-hour day which this bill provides for, and I have safeguarded the provision for overtime by adding the words—

But nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed.

I have submitted that amendment to the two majority members of the subcommittee of the Ways and Means Committee who considered the bill, the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON], and they think the amendment is entirely unobjectionable, saying that the conditions referred to had not been drawn to the attention of the committee.

Gentlemen here will realize what would happen if longshoremen, who have a way of their own about many things, decided to go to work at 7 o'clock and work until 4, and under the law the customhouse employees, who should work concomitantly

with the longshoremen, could not get any overtime pay until between the hours of 5 p. m. and 8 the next morning. There would be a hiatus between 4 o'clock when the longshoremen stopped work and 5 o'clock when the customhouse employees would begin to get their overtime, and naturally the latter would not want to work in the interim. The result would be very unfortunate, and this merely allows the collector of customs to say that those two bodies of men, both of whom are essential to unloading and loading the ship, may be allowed to work at the same time. It is not mandatory in any way, but merely discretionary with the collector. A similar telegram has been received by my colleague Mr. O'CONNOR, of Louisiana, who is here in the Chamber, and who shares with me the views expressed by me both as to this bill and to the amendment proposed. I send to the Clerk's desk a telegram from the United States Customs Inspectors' Association at New Orleans, which has just this moment been handed to me, and which I will ask to have read.

The CHAIRMAN. Without objection, the Clerk will read it.

The Clerk read as follows:

NEW ORLEANS, LA., *January 28, 1920.*

Hon. H. GARLAND DUPRÉ and
Hon. JAMES O'CONNOR,
House of Representatives, Washington:

House bill 10532 will come to a vote within next two days. Stop. Will appreciate your further assistance so badly needed at this time.

UNITED STATES CUSTOMS INSPECTORS' ASSOCIATION,
PORT OF NEW ORLEANS,
By AUGUSTUS B. HARRIS, *Chairman Legislative Committee.*

Mr. DUPRÉ. I will say that the bill referred to in that telegram is a bill that was introduced in the House, and is similar in all respects to Senate 3418, which we are now considering.

Mr. TREADWAY. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. BENSON].

Mr. BENSON. Mr. Chairman, the purport of the bill has been called to my attention by a number of men working in Baltimore. I happen to be familiar with the work these men are doing, and this bill meets a much-needed reform. At one time these men were allowed to collect extra pay from the shipper, but now under some regulation that is prevented.

They are really the most underpaid for men of their ability and fidelity of any men in the Government service. There is only one objection in spite of the fact that the men seem to be satisfied with it. I think the one hour extra time, practically nine hours a day, should be changed to half an hour, as the shippers are willing to pay for the extra time, because it facilitates the loading and unloading of the vessel, and the shippers can get their ships that much sooner. I think an amendment might be made to reduce it to half an hour, which was the old practice, and allow them to be paid overtime above the half hour.

The shippers are anxious to pay them, and it is a small matter to the shippers but a big thing to the men. I trust the chairman will see his way clear to offer an amendment such as I suggest.

Mr. TREADWAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MACCRATE].

Mr. MACCRATE. Mr. Chairman, in New York City we have a great many of these men employed in the Customs Service, and during the war an attempt was made to get them to leave the service. You can understand that men familiar with the shipping business during the war could receive much larger remuneration outside of the service than inside; and yet, notwithstanding the temptation, the greater portion of the customs employees and inspectors stayed and maintained their relationship with the Government.

I know many men, working there nights and Sundays and then having to report early Monday morning, stayed there and performed their duties notwithstanding these tempting offers from outside.

Yesterday something was said by a gentleman in the House that it seemed strange, in view of the complaints as to the low salaries of employees, that they should want to hang on to the Federal pay roll. As a matter of fact, I always give advice to young men and women who seek service on the Federal pay roll not to do it. The best thing they can do is to seek employment outside; but once they get attached to the Federal service it then becomes a question, after leaving that service, where they will get similar employment. I believe the Federal Government is not helped by suggestions that young men and women should leave its service, but we should attempt to give them adequate compensation for the services they render to the Government.

In our own city of New York I know that the letter carriers and postal clerks and other Government employees are receiving much less than the wages paid to unskilled labor. The temptation for men and women in the Federal employ to quit the service is much greater than most people realize, and I am certain that Members of Congress do not desire to encourage them to do that, but desire rather to hold efficient employees by adequate compensation. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Massachusetts if he is going to discuss this bill.

Mr. DALLINGER. No.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from New York [Mr. GRIFFIN] if he intends to reply to the gentleman from Massachusetts.

Mr. GRIFFIN. Yes; I would like very much to reply.

Mr. WALSH. I doubt, Mr. Chairman, the propriety of jumping in a controversy like this on Calendar Wednesday.

The CHAIRMAN. Does the gentleman from Massachusetts intend to proceed out of order?

Mr. DALLINGER. Yes.

Mr. SAUNDERS of Virginia. This is a deferred situation.

Mr. GRIFFIN. How much time does the gentleman from Massachusetts wish?

Mr. DALLINGER. I have been yielded 15 minutes.

Mr. GRIFFIN. Will the gentleman couple with that unanimous consent for me to reply for not more than 10 minutes?

Mr. TREADWAY. That is hardly in order. I control the time.

Mr. WALSH. Yes; but the gentleman can not yield the time to gentlemen to speak out of order.

Mr. TREADWAY. That is true.

The CHAIRMAN. Is there objection to the gentleman from Massachusetts [Mr. DALLINGER] proceeding out of order?

Mr. WALSH. Reserving the right to object, I doubt whether we should stop here on Calendar Wednesday and jump in a controversy which would not be in order under the rule. The gentleman from New York says that he wants 10 minutes to reply, and I imagine that it would be expected that my colleague [Mr. DALLINGER] might want five minutes more in surrebuttal. I do not like to object, but if the gentleman from New York is going to ask for this time I think I shall object.

The CHAIRMAN. The Chair will state that the time is under the control of the gentleman from Massachusetts, and the gentleman from New York can not get the floor without the gentleman from Massachusetts yields.

Mr. WALSH. No; but the gentleman from New York would ask unanimous consent to proceed, and it would not be very gracious to refuse after the gentleman from Massachusetts had proceeded.

The CHAIRMAN. Is there objection?

Mr. HUSTED. Mr. Chairman, reserving the right to object, is it the intention of the gentleman from Massachusetts, in the course of his remarks, to discuss the situation in the New York Legislature?

Mr. DALLINGER. It is not.

Mr. WALSH. What is it the gentleman from Massachusetts desires to discuss?

Mr. DALLINGER. It is a reply to an extension of remarks placed in the RECORD by the gentleman from New York [Mr. GRIFFIN], to which I had no opportunity to reply, nor did anyone else. Those remarks were placed in the RECORD on January 10.

Mr. WALSH. I do not object.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to proceed out of order.

Mr. GRIFFIN. Mr. Chairman, reserving the right to object, is it not possible to have 10 minutes assigned to me by the gentleman who has charge of the time?

Mr. LONGWORTH. Mr. Chairman, I suggest to the gentleman from New York that he can obtain the floor by taking the other hour in this debate if he is opposed to this bill.

Mr. GRIFFIN. I could obtain the floor to discuss this bill.

Mr. LONGWORTH. If the gentleman will announce his opposition to the bill, he can control the hour in his own right.

Mr. GRIFFIN. But I might not be permitted, under those circumstances, to proceed out of order.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. How much more time is there remaining of the hour which the gentleman from Massachusetts controls?

The CHAIRMAN. Twenty-six minutes.

Mr. TREADWAY. Mr. Chairman, could the gentleman from New York get along with eight minutes?

Mr. GRIFFIN. Yes.

Mr. TREADWAY. Then I agree to yield eight minutes to the gentleman from New York.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that he may proceed out of order?

There was no objection.

Mr. DALLINGER. Mr. Chairman, my attention has been called to the extension of remarks of the gentleman from New York [Mr. GRIFFIN] on the Berger resolution, to be found in the Appendix to the CONGRESSIONAL RECORD for January 10, which in my opinion constitutes a reflection upon the members of the special committee which reported the original resolution of exclusion and upon every Member of the House who voted for the same.

I am confident that if the gentleman had been here on November 10, 1919, when the whole matter was discussed at length, and if he had read the Constitution of the United States, which he took a solemn oath to support, he would not have taken the indefensible position which he has.

He says in his opening statement that "it is not becoming to this House, said to be the greatest deliberative body in the world, to deny to any man, whatever his opinions, his day in court. It is unfair to a large constituency of American voters in one of the sovereign States to say offhand, without deliberation, that their constitutional right of representation in the American Congress shall be denied simply because the individual of their choice is not personally acceptable to the present membership of this body." He then goes on to say that such a course would "establish a vicious and dangerous precedent." Further on he makes the statement that "this precipitancy smacks too much of lynch law." Since I can not believe that the gentleman from New York would intentionally misstate the facts, I am forced to the conclusion that he made the statements referred to simply because he was entirely ignorant of the precedents of the House and of the facts in this particular case.

At the opening of the special session of the Sixty-sixth Congress, on May 19, 1919, objection was made to the swearing in of Victor L. Berger, a Representative elect from the fifth congressional district of Wisconsin, on the ground that he was at that time under conviction and sentence for the violation of a law of the United States, involving disloyalty to the country during the war, and a resolution was offered by me, which was unanimously adopted by the House, referring the whole matter of his eligibility to membership to a special committee of nine Members appointed by the Speaker. The committee was appointed on May 21, 1919, and I had the honor to be named as chairman of the same.

Two courses were open to the committee. We could have reported to the House the next day after our appointment, simply stating the record of the conviction and sentence, and recommending Mr. Berger's exclusion as an unfit man for membership in the House until such time as he should be acquitted of the crime for which he had been convicted. Such a course, in our opinion, would have been not only unfair to Mr. Berger, who contended that he did not have a fair trial in the United States district court at Chicago, but would also have been an unjustifiable surrender by the House of the exclusive power given to it by the Constitution of the United States to be the judge of the qualifications of its own Members.

In the Tennessee contested-election case of Patterson against Carmack, in the Fifty-fifth Congress, the majority of the Committee on Elections in its report well says:

> But in "judging of the elections, returns, and qualifications" of its own Members, under the Constitution, this House exercises judicial power and is a court of competent and exclusive jurisdiction. In passing upon these returns and elections, even if no Federal statute is in existence regulating the elections of its Members, it interprets and construes the State election laws which, for the purposes of such election, are to be regarded as having the quality of Federal legislation, and the opinions of State judges are only to be adopted so far as they commend themselves by the intrinsic force of their reasoning; and where such decisions are in conflict with its own determination the precedents established by Congress are the expression of the law and must control that court with the same force and effect that its own prior deliberate rulings guide and control any other court. (Hinds' Precedents, vol. 2, p. 661.)

Moreover, as a matter of precedent, the House has always insisted upon this right. During and after the Civil War it repeatedly excluded Members elect for disloyalty without any action of the courts having been taken. In the Utah cases of Cannon and Roberts it excluded Members for violation of the law against polygamy, although no court proceedings had ever been instituted, and in the Whittemore case it excluded a Member elect for selling his appointments to West Point and Annapolis on the ground that it was a violation of the Federal statute against bribery. In the present case the fact that Mr. Berger, after a long trial, had been convicted for a violation of a law of the United States by a Federal jury at Chicago and sentenced to 20 years' imprisonment by a Federal judge, simply made the prima facie evidence against him very much stronger than in any of the preceding cases in the history of Congress.

The other course open to the committee and the one which was followed was to examine into all the facts bearing upon the conduct of Victor L. Berger during the war with Germany, disregarding entirely the fact of his conviction by a United States court. In order, however, to obviate the necessity of summoning all the witnesses who testified at the trial at Chicago, both for the Government and for the defendant, which would have necessitated a very large expense to both sides, the committee decided to consider all the evidence introduced at the Chicago trial as before the committee, just as if all the witnesses had appeared before our committee and had been examined and cross-examined. We then permitted Mr. Berger to put in any additional evidence which he desired and to make any statement or explanation in regard to his conduct. The hearings before the committee commenced on June 11, 1919, and the case was not concluded until September 15, 1919. After long and careful deliberation the committee submitted its report to the House on October 24, 1919, and on November 10, 1919, after a thorough discussion, in which Mr. Berger himself was, by unanimous consent, given all the time he asked for to speak in his own behalf, and actually occupied three times as much time as the chairman of the committee, the House, by a vote of 311 to 1, followed the recommendation of the committee and adopted a resolution excluding him from membership.

At a special election on December 22, 1919, a majority of the voters of the fifth congressional district of Wisconsin saw fit to give a majority of their votes to a man who had been found by this same Congress to be disqualified to hold the office under the Constitution, to fill a vacancy caused by his own ineligibility. There had been no change whatever in the status of the case. Victor L. Berger was just as much disqualified on January 10, 1920, as he was on November 10, 1919, and the resolution which I offered setting forth the facts and again excluding him from membership was adopted by the House by a vote of 330 to 6.

Under these circumstances, to state that Victor L. Berger has not had his "day in court," and that "the House of Representatives has acted without deliberation," and that "their action smacks too much of lynch law," is so far from the truth as to be positively ridiculous.

No man ever had a fairer hearing by a legislative body than Victor L. Berger. He was permitted to put in any evidence that he saw fit and to make any statement to the committee and to the House regardless of the rules of legal evidence. If the committee had found that he had not had a fair trial at Chicago and that he did not violate any law and that he had been a loyal citizen during the war, the committee would have reported to the House of Representatives that he was entitled to his seat. As a matter of fact, however, the committee found that he did violate the espionage act. It also found that, disregarding entirely the passage of the espionage act, both before and after the act was passed, Victor L. Berger was the prime mover and leader of an organized conspiracy to hinder, embarrass, and obstruct the Government of the United States in carrying on its military operations and to prevent, if possible, the United States from winning the war with Germany. The committee found that from the beginning of the war and down to the time of his indictment by the Federal grand jury, Victor L. Berger did give aid and comfort to the enemies of the United States, and this finding was approved by the House of Representatives on November 10, 1919, by a vote of 311 to 1. Under the Constitution the House is the sole judge of the qualifications of its Members, and the fact being found that Victor L. Berger did give aid and comfort to the enemies of the United States, he is as ineligible to membership in the House of Representatives as if he were still an Austrian subject, and will remain ineligible until such time as both Houses of Congress shall see fit by a two-thirds vote to remove his disability.

The same state of affairs would exist and the same ineligibility would continue even if the United States circuit court of appeals should see fit on some technicality to reverse the decision of the United States district court in the Berger case without any "muddle" resulting therefrom. Such a reversal might take place if two out of the three judges of the circuit court of appeals should differ with the district judge on any one of hundreds of objections to the admission of evidence. I understand that counsel for the defense in the case of United States against Berger and others are very hopeful of obtaining such a reversal, because of a recent decision of the United States circuit court of appeals for the seventh district in another case, to the effect that the Government was not justified in introducing evidence of acts and expressions of the defendant previous to the passage of the espionage act. As a matter of fact, five of the seven circuit courts of appeal which have decided espionage cases have held that the Government was justified in introducing acts and expressions of the defendants previous to the passage of the act for the purpose of proving criminal in-

tent, and these decisions have been uniformly upheld by the Supreme Court of the United States on writs of certiorari.

Inasmuch, however, as the Government has no appeal in criminal cases, the verdict might be set aside and the Government be compelled to try the case over again. All of the evidence, however, introduced by the Government of acts and expressions of Berger and his associates between the entry of the United States into the war and the passage of the espionage act would be perfectly competent as proving beyond the shadow of a doubt that Mr. Berger and his associates did give aid and comfort to the enemies of the United States within the meaning of section 3 of the fourteenth amendment of the Constitution and would amply justify the House of Representatives in its action, irrespective of what took place after the passage of the espionage law.

If the same facts had been found in regard to any Republican or Democratic Member elect, the House would have taken precisely the same action. The record of the House of Representatives in the past shows that in these matters of exclusion it has never been actuated by partisan considerations. If Victor L. Berger, who took a solemn oath as a Member of Congress in 1911 to support the Constitution of the United States and to defend it against all enemies, foreign and domestic, had been loyal to his adopted country during the war with Germany, no objection whatever would have been made to his taking his seat in this House in 1919, any more than there was any in 1911. If the people of the fifth congressional district of Wisconsin had seen fit to elect any one of a dozen prominent members of the Socialist Party in Milwaukee, among whom may be mentioned the Socialist mayor and the Socialist county attorney, who were loyal to the country during the war, no objection whatever would have been made to their being seated. That they should insist upon sending here a man who was disloyal to the country during the war is a reflection upon their loyalty and a defiance of Congress and of the Constitution of the United States. It is the same as if after the American Revolution a Tory constituency in Boston or New York, after the adoption of the Constitution, had elected as their Member of Congress Benedict Arnold and had demanded that Congress seat him.

Mr. Speaker, there is no man who is more jealous of the right of free speech than I am. There is no man who is more regardful of the precedents of Congress. I believe that no Member elect chosen by any constituency should be deprived of the immediate right to take the oath of office as a Member of this House unless there is strong prima facie evidence against that right, and that no Member elect should be permanently deprived of a right to his seat unless after a full, fair, and impartial hearing he has been shown to be disqualified under the Constitution of the United States, which is binding upon the people of every district as well as upon all the Members of the House itself. The House of Representatives has always insisted upon its power to exclude Members elect who have been found to be thus disqualified, but it has never abused that power and never will.

Mr. Speaker, in spite of the gentleman from New York, Congress will continue under the Constitution to be the sole judge of the qualifications of its own Members, and, regardless of all partisan considerations, will continue to exclude from its membership any man who has been found to be disloyal to his country and who may be chosen by a misguided constituency in defiance of the Constitution of the United States. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield eight minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I desire, first of all, to assure the gentleman from Massachusetts [Mr. DALLINGER] and the Members of this House that I hold both for him and for them the highest opinion of their judgment, discretion, and patriotism, and at the same time I beg of you to believe that I am not behind anyone in loyalty or love of country. I have no sympathy whatever with Mr. Berger, nor with the principles for which he stands. My attitude with regard to him was simply one of large, magnanimous toleration. I did not plead to have him seated. I know that the newspapers, reporting the result of our action, stated that those of us who voted in the negative voted to seat Mr. Berger. We did nothing of the kind. We voted against unseating him precipitately. Our attitude was one of deliberation. We desired to have the House wait. We desired to keep Mr. Berger standing at the door to await the determination of his trial, which is still under way and undetermined. There is no adjudication of the Chicago trial as yet, except the verdict of the jury, which may be set aside by the highest court in our land.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. No. I beg to be excused just at this time. Suppose the highest court in the land should decide that Mr. Berger was improperly convicted under the law and the facts, what a situation that would present to the House; what a situation it would constitute in the committee itself, after having taken the record and the minutes of that trial and embodied them in its hearings, and presumably having given them consideration! But the gentleman from Massachusetts [Mr. DALLINGER] says, aware of the difficulty that confronted him and of the awkward situation, "Oh, if our committee had come to the conclusion that Mr. Berger was improperly tried, improperly convicted upon the law and the facts, we would have so reported to the House." I believe that they would have so reported, but therein lies the danger. Where, in our Constitution, is there any authority for the House of Representatives, even exercising its plenary authority of control over its own membership and their qualifications, to undertake to review the determination of a court while pending? The framers of our Constitution very wisely divided our Government into its three coordinate branches—the executive, the judicial, and the legislative.

It is the function of the judiciary to pass upon guilt or innocence, and not that of legislative bodies. If it was ever so intended that they should have that power it would have been given specifically in the Constitution.

The gentleman says that he doubts whether the gentleman from New York, referring to myself, has read the Constitution. I beg to say that I have given it considerable study. There is no difficulty in the fourteenth amendment except such as we deliberately make for ourselves. If a man gives aid to the enemy or engages in sedition, his act is treason, and treason is a crime. Where is the tribunal where men are tried for crime? It is in our courts, not in our legislatures. We can very well forego the plenary authority we have to pass on the qualifications of Members and say, particularly where they have been charged with this offense and subjected to a trial, that we will await the final adjudication of the court. Nothing would be lost by that policy. I think it would have been becoming of this great deliberative body to have gone slowly and deliberately, and not undertaken to wrest from the courts their right to review the evidence. We should not have meddled with it; the gentleman's committee should not have meddled with the court record while it was in the sanctuary of our courts. That is my attitude—no intention whatever to impeach the judgment and patriotism of the gentlemen of the committee or of the gentleman from Massachusetts, no intention whatever to hurt the feelings or the sentiments of anybody in this House, but taking the ground wholly and solely that the United States of America is big enough, grand enough, noble enough to be calm, deliberate, judicial to the last. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, I am very much in favor of the bill pending before the committee. It seems to me that the Government has been waiting rather a long time to grant some relief to these men who have been so patient and faithful for so long without such relief. A great number of these customs employees and other employees covered by this bill are employed along the dock fronts in the customs service in the great ports throughout this country, and many of them at the ports in my district—the ports of Galveston and of Texas City. Those men work at all times and in all weathers, and they do not complain. They can not stand the burden and pressing costs of the high increase in living without some relief, however. This bill undertakes to put into force and effect by law regulations that the Government, through the Treasury Department, has already sought to establish almost to the same degree. The bill carries a little greater compensation, as I understand it, than now obtained, compensation that is absolutely needed.

The measure provides, however, that this cost does not fall upon the Government, but falls upon the owner, agent, master, or consignee of such vessel or conveyance who wants the services of these inspectors, weighers, and other employees to discharge their vessels at a time when these men ordinarily would not be required to perform that duty. If those gentlemen want that convenience and that service and are willing to pay for it, I do not see why Congress should hesitate to grant that privilege to these men who are as faithful a body as any that the Government employs. And this recognition of the eight-hour day in this Government service, and which obtains in other branches

of the service, is such also as is due them, and I am glad to see recognition accorded them by the committee which reported this bill and by the Senate that passed it, and I hope it will be passed by this committee and the House.

I thank you, gentlemen. [Applause.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

An act (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911.

Be it enacted, etc., That section 5 of an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, be, and is hereby, amended to read as follows:

"SEC. 5. That the Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of inspectors, storekeepers, weighers, and other customs officers and employees who may be required to remain on duty between the hours of 5 o'clock p. m. and 8 o'clock a. m., or on Sundays or holidays, to perform services in connection with the lading or unlading of cargo, or the lading of cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo on or from the wharf, or in connection with the unlading, receiving, or examination of passengers' baggage, such rates to be fixed on the basis of one-half day's additional pay for each two hours or fraction thereof that the overtime extends beyond 5 o'clock p. m. (but not to exceed two and one-half days' pay for the full period from 5 o'clock p. m. to 8 o'clock a. m.), and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance whenever such special license or permit for immediate lading or unlading of or for lading or unlading at night or on Sundays or holidays shall be granted to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed therefor by the Secretary of the Treasury: *Provided*, That such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual lading, unlading, receiving, delivery, or examination takes place or not. Customs officers acting as boarding officers and any customs officer who may be designated for that purpose by the collector of customs are hereby authorized to administer the oath or affirmation herein provided for, and such boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays at the rates prescribed by the Secretary of the Treasury as herein provided, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessel."

Also the following committee amendment was read:

Page 2, line 10, after the word "or," insert the word "major."

Mr. TREADWAY. Mr. Chairman, I desire to offer a substitute for the committee amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. TREADWAY. I offer an amendment to strike out the word "major," and after the word "thereof," in the same line, line 10, insert "of at least one hour."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. TREADWAY: Page 2, line 9, strike out the word "major," and after the word "thereof" insert the words "of at least one hour," so that as amended the lines will read:

"Such rates to be fixed on the basis of one-half day's additional pay or each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock p. m."

Mr. TILSON. Mr. Chairman, when this bill was first presented to the subcommittee of which I was a member I confess it gave me something of a shock. When I read the bill and saw that it gave a day's overtime for any time beyond the prescribed day, it somewhat disturbed me. For instance, it provided in the original bill that after the first eight hours any service rendered, even one minute, should entitle the inspector to an extra full day's pay. The bill as passed by the Senate was somewhat different, and this in turn has been somewhat changed by our committee, until it is now in its present shape. Upon a first reading even yet it would seem that we are rather liberal with other people's money. You will note that for a little overtime we allow an additional day's pay, and for a little more overtime still another day, so that within the compass of one 24-hour period an inspector can make three and one-half days' pay. A somewhat closer examination, however, will reveal this fact, that these men are paid a very low salary—$4, $5, or $6 per day—and that the hours which they have to work are not at all such as the average man would arrange for himself as an ideal schedule.

Mr. PARRISH. Will it interrupt the gentleman to ask him a question?

Mr. TILSON. I yield.

Mr. PARRISH. I would like to know, for the benefit of the RECORD and myself, personally, how much they get per day?

Mr. TILSON. They get $4, $5, or $6 as their basic salary. There are three different grades. If they work only a day, without overtime, that is what they get. The old schedule, under which they now work, is a 10-hour day, beginning at 7 o'clock in the morning and running until 6 o'clock at night, with one hour off for luncheon. The rule provides that after 6 o'clock any time over entitles them to an extra day. They gain something on this arrangement, because they often have to work overtime, and so they undoubtedly gain many overtime days in that way.

What this bill seeks to do is to enact into law what has been a Treasury regulation, with this change, that instead of a 10-hour day it makes an eight-hour day, which the subcommittee thought proper. Instead of providing that for any time after an eight-hour day the inspector shall receive an extra day's compensation, we provide in the bill that for any time beyond two hours or a major fraction of two hours—that is, for any time beyond an hour—he shall receive an additional half-day's pay. Even this would seem liberal were it not for the very low salary and the very bad hours which these men have to work. It seemed to the subcommittee that, taking the regulations which have prevailed for many years, and taking the very low compensation which these men receive per day, the schedule as fixed in this bill is not more than fair for them.

Mr. JUUL. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Illinois.

Mr. JUUL. I would like to ask the gentleman if it is not a fact that if the bill stands as it is now written there will be three days' pay for overwork. I am reading now in line 9:

Such rates to be fixed on the basis of one-half day's additional pay for each two hours or major fraction thereof.

That you have changed to one full hour?

Mr. TILSON. Yes.

Mr. JUUL. Now, if the overtime extends beyond 5 o'clock post meridian, it would not exceed full two and one-half days' pay?

Mr. TILSON. It can not exceed the two days and a half additional.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUUL. I would like to ask unanimous consent that the gentleman have a couple of minutes in order to clear this up.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Connecticut have two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. In lines 13 and 14 you do not speak of two days' pay for Sunday work, but you speak of two days' additional pay. Two days' additional pay would mean three days of pay. I have not any fear in connection with this. I am willing these men should be paid, but there is such a thing as putting the services so high that were will not be any pay. In other words, you will put the price for their services so high that nobody will use them.

Mr. TILSON. No; the owners of the vessels which have to be unloaded are very glad to get the service of these men, and they do not make any protest whatever at the amount they have to pay for it.

Mr. JUUL. Of course, the American people, being the ultimate consumer of what is unloaded, pay the bill in the end.

Mr. TILSON. Yes. The committee was looking at the fairness of the proposition and looking to the interests of the shipowners themselves. The committee tried to be fair to everybody, to the inspectors, to the shipowners, and to the general public, which, as the gentleman from Illinois says, ultimately pays the bill.

Mr. JUUL. Then I am correct in supposing that this means three days' additional pay for Sundays?

Mr. TILSON. Two additional days for holidays.

Mr. JUUL. That makes three days.

Mr. TILSON. If they use the entire overtime that is possible under this bill it would amount to two extra days.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. PELL. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is. Does the gentleman from New York want to offer an amendment?

Mr. PELL. No.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. GARD. Mr. Chairman, I desire to be heard for a moment.

I wish to call the attention of the gentleman from Massachusetts [Mr. TREADWAY], in charge of the bill, to the fact that it seems to me the language originally contained in the committee amendment, "major fraction thereof," referring to the overtime of two hours, is better than the language he offers as a substitute, since the language "major fraction" preserves the continuity of expression, whereas the language of the gentleman's substitute uses the word "fraction" and strikes out the word "major," and then uses the language "of at least one hour," so that it would read, "half day additional pay for each

two hours and a fraction thereof of at least one hour." Does not the gentleman think that the present language is better?

Mr. TREADWAY. I would say to the gentleman from Ohio that I believe that the language in which the committee phrased the amendment is much better language, so far as English goes, than the substitute, but the change is made at the request of the inspectors themselves. Two of them called on me yesterday and called my attention to the fact that if a man worked more than one hour it would mean that he would continue on two hours. In other words, they would not set him to work an additional hour and then stop, but would continue him on for two hours, so that they wished to have it appear that even if a man worked the even hour rather than an hour and one minute he would get paid for this overtime.

Mr. GARD. It is the desire on the part of these gentlemen to see that they get pay if they work an hour overtime?

Mr. TREADWAY. If they work one hour overtime they will get the pay provided, as we intended they should. I will say that formerly the Treasury Department ruled that 30 minutes constituted the beginning of overtime, whereas we have raised that to one hour; and the phrase, as the inspectors themselves designated they would prefer to have it, would take care of the situation better than the word "major," and therefore it was offered in their behalf rather than as a piece of good English.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. ROGERS. I should like to ask the gentleman in charge of the bill a question concerning the word "of," in line 18 of page 2. The point is an exceedingly small one, but I can not make that word "of" mean anything. It does not seem to have any object or any purpose there at all. I wondered if by chance it was a misprint.

Mr. TREADWAY. In response to the inquiry of my colleague from Massachusetts I may say that any man who can add a "k" to the name of a river can find occasions for very small amendments if he will hunt for them, and I ask unanimous consent to adopt the amendment suggested by the gentleman from Massachusetts.

I move to strike out the word "of" in line 18. It is evidently a misprint.

Mr. WALSH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. The gentleman from Massachusetts [Mr. TREADWAY] moves to strike out the word "of" in line 18, on page 2. In the print of the bill I have, Senate bill 3418, there is no word "of" in that line.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The Clerk read as follows:

Page 2, line 18: Strike out the word "of," after the word "unlading."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. GARD. Mr. Chairman, it seems to me, with all due deference to both gentlemen from Massachusetts, this word "of" is in line 18 because it should be there. It reads as follows: "Whenever such special license or permit for the immediate lading or unlading of or for lading or unlading at night or on Sundays." There are two subdivisions.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. TREADWAY. If the gentleman was correct, would he not insert the word again after "unlading"? It ought to be uniform. It either ought to be there in both places or in neither.

Mr. ROGERS. What is the object of the preposition "of"?

Mr. GARD. To limit it to the designation of two things. One is for the immediate lading or unlading, and the other the unlading at night. I do not think it amounts to a great deal one way or the other.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GOLDFOGLE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. GOLDFOGLE. Mr. Chairman, I rise to express my hearty approval of this measure. The force of customs inspectors and other customs officers covered by this bill have been and are, in my opinion, much underpaid. They render faithful and arduous service. During the winter months their work is particularly exacting and hard. They are an intelligent set of officials, and were they to turn to other avenues of employment outside of Government work and do it with the same zeal, earnestness, fidelity, and efficiency as they do in the Customs Service, a private employer with due regard to his own interest would give them a large increase over what their official salaries are. They are necessarily required in wind and weather, and in storm and often amid great difficulties, to perform their service, and they have performed it well, and I am glad that at least something has been done toward helping this very deserving class of Government employees. In the light of living conditions, the ever-increasing cost of living, the inability of these men, especially in the large cities, to get along with the meager pay they are receiving, and so that they may properly and decently provide for themselves and their families, it is but meet and proper that the Government should properly provide suitable compensation. Even this bill fails to give these men what they in justice and fairness ought to get. This, however, is a step in the right direction, and I am glad to support the bill.

Mr. PELL. Mr. Chairman, no one who has ever returned to the United States can have failed to notice the courteous and efficient treatment that he has received from the customs officials. I have come through several American customhouses myself and have been impressed every time with the thoroughness, the politeness, and the sense of duty displayed by these men. Of course, there have been complaints, but my own observation is that in every case the complainant is a would-be smuggler.

These men belong to a particularly hard-used class. They must have a certain education and must keep up a certain amount of appearances. They are like all people on small, fixed incomes, being crushed between the devil and the deep sea. We should, I think, do what we can to relieve their case and the case of post office and other Government people, but we must not forget that their condition is only a symptom of the serious dislocation of our social and economic structure. They represent the majority of the brain workers of the country, and it will seriously menace our institutions if this class is to be left discontented and its legitimate grievances only treated with local palliations. Big, general, constructive laws will do far more even for special cases than the mere treatment of symptoms. The immediate suffering must be alleviated, but we must not be blind to the real demand of the country that we should frame the laws under which the people can start up that production which alone can be the answer to our economic difficulties.

Mr. DUPRÉ. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: Page 3, line 10, strike out the quotation marks, insert a semicolon, and the following:

"*Provided further*, That in those ports where customary working hours are other than those herein above mentioned the collector of customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports; but nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed."

Mr. LONGWORTH. I reserve a point of order against the amendment for the purpose of hearing an explanation of it.

Mr. DUPRÉ. Mr. Chairman, this is the identical amendment which I discussed during the general debate at the request of the gentleman from Massachusetts [Mr. TREADWAY]. I would have preferred to wait until this time, because it requires a renewal of the discussion.

Mr. LONGWORTH. I have looked forward with intense interest to the pleasure of listening to the gentleman.

Mr. DUPRÉ. I am delighted that I have so interested an auditor as the gentleman from Ohio. This amendment has the approval of the two gentlemen on the subcommittee of the Committee on Ways and Means, the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON], who have considered this measure. The bill in ques-

tion, in providing for overtime pay, fixes the same between 5 o'clock p. m. and 8 o'clock a. m. It happens that in the city of New Orleans the working hours of the longshoremen are from 7 a. m. to 4 p. m., and in order that there shall be no conflict between this bill and the working hours of the laboring men of that city, and possibly in other ports, this proviso simply authorizes the collector of customs to adjust the hours of the customhouse employees with those of the prevailing working hours in that city. In other words, if the men begin their work at 7 o'clock and work until 4, the collector of customs can provide that the overtime shall be from 4 p. m. until 7 the next morning instead of from 5 p. m. until 8 o'clock the next morning. It is entirely permissive. If the collector of customs sees any reason why it should not be done, it is within his authority not to do it, and I have safeguarded absolutely any possibility of lengthening the working day to more than the eight hours provided by the bill or of interfering with the overtime charge in any way.

Mr. TREADWAY. As I understand it, it is simply to conform the hours in the lading and unlading of vessels and the customhouse hours at that port.

Mr. DUPRÉ. Entirely; and at other ports, for aught I know. I trust the gentleman from Ohio has enjoyed my explanation of the matter.

Mr. LONGWORTH. Mr. Chairman, it would indeed be a hard-hearted man who would press the point of order in the face of so intelligent and lucid an explanation.

The CHAIRMAN. The gentleman from Ohio withdraws the point of order. The question is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

The amendment was agreed to.

Mr. TREADWAY. I ask unanimous consent to return to the amendment offered by my colleague [Mr. ROGERS] to strike out the word "of" in line 18. My attention has been called to the act which this bill amends, and the word "of" is not in the original act, so there is no question that the word "of" is a misprint and should be stricken out.

The CHAIRMAN. The gentleman asks unanimous consent to reoffer his amendment. Is there objection?

Mr. LONGWORTH. I think the request should be to vacate the proceedings by which the amendment was not agreed to. It is not a question of returning to the paragraph, as we are now considering the same paragraph.

Mr. TREADWAY. We are on the same paragraph. I ask unanimous consent to vacate the proceedings by which the amendment offered by Mr. ROGERS was disagreed to.

The CHAIRMAN. Since the amendment was rejected there is no such amendment in the bill. Therefore all that is necessary is to ask unanimous consent to reoffer the amendment.

Mr. TREADWAY. I put the request in that form.

Mr. PLATT. Why does not the gentleman move to reconsider the vote by which the amendment was rejected?

The CHAIRMAN. That can not be done in Committee of the Whole. Is there objection to the gentleman reoffering his amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 2, line 18, after the word "unlading," strike out the word "of."

The amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to call the attention of the gentleman from Massachusetts to the sentence beginning with line 15: The extra compensation referred to, is to be paid to the collector of customs, is it not?

Mr. TREADWAY. Yes.

Mr. SAUNDERS of Virginia. The sentence is so awkwardly framed that apparently it means that something is to be granted to the collector. The words "extra compensation," are so remote from the words "collector of customs," that apparently the word "granted" relates to the collector.

Mr. TREADWAY. I will say that has been the law since the Sixty-first Congress, and this is the identical language in the law. There is nothing here that amends the original law.

Mr. SAUNDERS of Virginia. I am speaking of what is in the bill under consideration. "The extra compensation" is "to be paid by the master, owner, agent, or consignee of such vessel." To whom? You have to look a long ways further on to ascertain to whom it shall be paid. The bill reads that "whenever such special license or permit for immediate lading or unlading at night or on Sundays or holidays shall be granted to the collector of customs," and so forth. But nothing is intended to be granted to the collector.

I suggest, and I think the change of phrasing will make a much better sentence, that the language of the bill should be recast so as to read as follows:

"Whenever such special license or permit for immediate lading or unlading, or for lading or unlading at night, or on Sundays, or holidays, shall be granted, the master, owner, agent or consignee of such vessel shall pay said extra compensation to the collector of customs, who shall pay"—and so on.

Mr. TREADWAY. I think the gentleman's language is clearer, but the bill as prepared follows the identical language now in the law.

Mr. SAUNDERS of Virginia. This is very involved language, even if it is the language of the original law.

Mr. TREADWAY. The only drawback that I can see is that there is practically nothing to send the bill to conference.

Mr. SAUNDERS of Virginia. This is a House bill, is it not?

Mr. TREADWAY. No; this is the Senate bill, and I think the Senate would agree to the two amendments we have already adopted.

Mr. Chairman, I move that the committee do now rise, report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. TREADWAY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TREADWAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Ways and Means any further business?

Mr. TREADWAY. Nothing further.

The Clerk called the committees.

Mr. WALSH (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill H. R. 7629.

Mr. IGOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. IGOE. If the Judiciary Committee is called now and takes up any time of the House, does that count as a full day?

The SPEAKER. The Chair thinks it does.

Mr. GARD. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count.

Mr. GARD. Mr. Speaker, I withdraw that point temporarily.

MOTION-PICTURE FILMS.

Mr. WALSH. Mr. Speaker, I call up the bill H. R. 7629.

Mr. GARD. Does the gentleman from Massachusetts intend to ask unanimous consent that the Judiciary Committee may have two full days for the consideration of its calendar?

Mr. WALSH. Mr. Speaker, in reply to the gentleman I will say that I do, and for this reason: The hour is late, and it will not take five minutes to pass this measure. After the measure is passed I shall move that the House adjourn, but before doing so I shall ask that the Judiciary Committee may have the call on next Wednesday and have two full days.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that he may bring up the bill referred to from the Judiciary Committee and that thereafter the committee shall have two days, notwithstanding the consideration of this measure this afternoon. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7629) to amend the penal laws of the United States.

Be it enacted, etc., That section 245 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, is hereby amended to read as follows:

"SEC. 245. Whoever shall bring or cause to be brought into the United States, or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through any foreign country, to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made; or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Mr. WALSH. Mr. Speaker, the only amendment to the penal law which this bill makes is to insert the words "motion-picture film" in section 245. Section 245 places a penalty upon persons who bring or cause to be brought into the United States, and so forth, or deposit or cause to be deposited with an express company for transportation certain inhibited objects, obscene books, pamphlets, pictures, papers, letter writing, prints, or other matter of an indecent character, and this includes within that classification motion-picture films of an obscene or filthy character.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I do.

Mr. GARD. Is the gentleman's technical knowledge sufficient for him to advise me whether the correct expression is film or reel?

Mr. WALSH. The proper expression as I understand it, the one that has been carried in the revenue law, is film. The reel is the mechanism, the object on which the film is wound or rolled.

Mr. GARD. The films are wound around the reel and that is the way they are shipped.

Mr. WALSH. Yes; but I am reminded by the distinguished gentleman from Ohio [Mr. LONGWORTH] that the film is the real thing. Mr. Speaker, I move the previous question on the bill.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3331. An act authorizing the Interstate Construction Corporation to construct a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States.

LEAVES OF ABSENCE.

Leave of absence was granted as follows:

To Mr. CANDLER (at the request of Mr. VENABLE), for an indefinite period from Thursday last, on account of illness.

To Mr. KIESS, for the balance of the week, on account of important business.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication:

JANUARY 28, 1920.

MY DEAR MR. SPEAKER GILLETT: On account of the pressure of other assumed public duties I can not give that attendance necessary to a full performance of duty as a member of the Committee on Elections No. 1, and must, therefore, respectfully tender, and do so hereby, my resignation as a member of that committee.

With highest considerations,

Very truly, yours, JOE H. EAGLE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

EXTENSION OF REMARKS.

Mr. BENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an interview had with Mr. Clark, of the Interstate Commerce Commission, which appeared in the Baltimore Sun of this morning.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, January 29, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to enable the Navy Department to transfer to any other branch of the Government desirous of same any vessel which has been or may hereafter be stricken from the Navy list under law; to the Committee on Naval Affairs.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation for increase of certain salaries under the Navy Department for the fiscal year 1921 (H. Doc. No. 638); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 11307) to amend section 5146 of the Revised Statutes of the United States, in relation to the qualifications of directors of the National Banking Association, reported the same with amendment, accompanied by a report (No. 589), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11268) granting a pension to Alexander Emory; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5356) granting an increase of pension to George W. Mason; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7845) granting a pension to John M. Williams; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DALLINGER: A bill (H. R. 12123) fixing the compensation of the United States customs guards and night inspectors; to the Committee on Ways and Means.

By Mr. EVANS of Montana: A bill (H. R. 12124) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. BURROUGHS (by request): A bill (H. R. 12125) to define and punish vagrancy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: A bill (H. R. 12126) to grant additional pay to officers, enlisted men, and others who served in the armed forces of the United States in the war with Germany, to provide revenue for the payment of the same, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHALL: A bill (H. R. 12127) to amend the act of September 8, 1916, and for other purposes; to the Committee on Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 12128) granting an increase of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, and to the widows of such soldiers, sailors, and marines; to the Committee on Invalid Pensions.

By Mr. CARSS: A bill (H. R. 12129) to provide for the erection of a public building at Eveleth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. BENSON: Joint resolution (H. J. Res. 283) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STINESS: Memorial from the General Assembly of the State of Rhode Island, recommending to Congress the passage of legislation providing for a quarantine station in the port of Providence; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 12130) granting an increase of pension to Edward H. Bennett; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 12131) for the relief of the heirs at law of Jacques Clamorgan; to the Committee on Claims.

By Mr. SANFORD: A bill (H. R. 12132) granting a pension to Michael F. Fisher; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1162. By the SPEAKER: Petition of the National Retail Lumber Dealers' Association, of Detroit, Mich., relative to the famine in European countries; to the Committee on Foreign Affairs.

1163. Also, petition of the National Retail Lumber Dealers' Association, of Detroit, Mich., urging that the treaty of peace be ratified immediately; to the Committee on Foreign Affairs.

1164. Also, petition of the City Council of Chicago, relative to the building of a new post-office building in the city of Chicago; to the Committee on Public Buildings and Grounds.

1165. By Mr. ANTHONY: Memorial of the Senate of the State of Kansas, opposing further continuance of Government control of the railroads, etc.; also the House of Representatives of the State of Kansas, adopting the same resolution; to the Committee on Interstate and Foreign Commerce.

1166. By Mr. BRAND: Petition of representatives of 18 short-line railroads operating in the States of North Carolina, South Carolina, Georgia, Florida, and Alabama, favoring the passage of the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1167. By Mr. BURROUGHS: Resolutions of General Phil Sheridan Branch, Friends of Irish Freedom, by Hannah R. Wallace, Somersworth, N. H., corresponding secretary, protesting against deferring payment of interest due on foreign loans made by the United States, and also in opposition to military, financial, or commercial assistance by the United States to any State seeking to reduce an alien people to subjection, etc.; to the Committee on Ways and Means.

1168. By Mr. CRAGO: Petition of City Council of Pittsburgh, Pa., favoring aerial mail service for Pittsburgh; to the Committee on the Post Office and Post Roads.

1169. By Mr. CURRY of California: Petition of the Sacramento Aerie, No. 9, Fraternal Order of Eagles, of Sacramento, Calif., protesting against immigration of orientals into the United States; to the Committee on Immigration and Naturalization.

1170. By Mr. DARROW: Petition of the Philadelphia Board of Trade, opposing the Federal urban mortgage bank bill (H. R. 10518); to the Committee on Banking and Currency.

1171. By Mr. DYER: Petition of sundry citizens of Kansas City, Mo., relative to certain legislation now pending; to the Committee on Interstate and Foreign Commerce.

1172. By Mr. FULLER of Illinois: Petition of the City Council of the city of Chicago, relative to a new post-office building; to the Committee on Public Buildings and Grounds.

1173. By Mr. HILL: Petition of 20 residents of Chattanooga, Tenn., for the enactment of House bill 10518, to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

1174. Also, petition of 292 residents of New York City for the enactment of House bill 10518, to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

1175. By Mr. KELLEY of Michigan: Resolutions of the Flint (Mich.) Board of Commerce, in favor of legislation to make illegal the publication or circulation of radical or seditious literature; to the Committee on the Judiciary.

1176. By Mr. KIESS: Petition of Octagon Post, No. 291, American Legion, of Galeton, Pa., favoring the passage of House bill 10650; to the Committee on the Judiciary.

1177. By Mr. O'CONNELL: Petition of the Hooker Electrochemical Co., of New York City, relative to car shortage; to the Committee on Interstate and Foreign Commerce.

1178. Also, petition of John F. Davidson, of Kingman, Ariz., relative to water-power legislation; to the Committee on Water Power.

1179. By Mr. SCHALL: Petition of the Lincoln Club, of St. Paul, Minn., urging the passage of the espionage bill now pending; to the Committee on the Judiciary.

1180. By Mr. WATSON: Petition of the Willet C. Sanford Post, No. 433, American Legion, Morrisville, Pa., in favor of House bill 10650; to the Committee on the Judiciary.

1181. Also, petition of Bucks County Historical Society, Doylestown, Pa., protesting against the proposed acquisition by condemnation by the Government of lands extending from Tullytown to the Delaware River for the construction of a United States arsenal or other military objects; to the Committee on Military Affairs.